**MEMORANDUM**

DATE: July 7, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RLA*
 Michael Ma, Supervisor *Ma*
 Development Review Division
FROM: Robert A. Kronenberg, RLA *RAL*
 Planning Department Staff
 (301) 495-2187



PROJECT NAME: Cameron House
CASE #: 92006003A
REVIEW TYPE: Project Plan Amendment

ZONE: CBD-2
APPLYING FOR: Approval of an amendment to Project Plan 920060030 to increase the number of residential units 312, of which 39 will be MPDUs, to a maximum of 325 residential multi-family condominium units, of which 12.5% will be MPDUs. The 7,330 square feet of retail space remains the same.

LOCATION: 8710 Cameron Street, located approximately 100 feet southwest of the intersection of Cameron Street and Spring Street in Silver Spring

MASTER PLAN: Silver Spring Central Business District

REVIEW BASIS: Division 59-D-2.11 of the Zoning Ordinance requires submission of a Project Plan as part of the application for the use of optional method of development for a CBD zoned property.

APPLICANT: FF Realty LLC
FILING DATE: April 4, 2006
HEARING DATE: July 20, 2006

Attached is the staff report for the proposed Cameron House Project Plan amendment. The Planning Board public hearing for this application is scheduled for July 20, 2006. The staff recommends **Approval** with conditions as delineated in the staff report.

TABLE OF CONTENTS

Summary and Development Issues.....	3
Staff Recommendations.....	4
Project Description	
• Surrounding Vicinity.....	5
• Site Description.....	6
• Project Description-Proposal.....	7
• Regulatory Framework.....	9
Basis for Consideration of Issues.....	10
Required Findings	
• Compliance with the intent and requirements of the zone.....	11
• Compliance with the Sector Plan.....	16
• Compatibility with the general neighborhood.....	17
• Adequacy of the existing or programmed public services.....	18
• More desirable than the standard method of development.....	18
• Provision of moderately priced dwellings units (MPDUs).....	19
• Development involved in more than one lot or one CBD zone.....	19
• Requirements for forest conservation.....	19
• Requirements for water quality resource protection.....	19
Appendix	20

Summary

Proposal

The Project Plan amendment increases the total number of multi-family units from 312 to 325, without increasing the total gross square footage of 380,057 square feet. The building remains a 15-story (143 feet) building with 7,330 square feet of retail space on the ground floor near Cameron Street. The amount of parking has also been increased, consistent with the increase in units. In addition to the unit and parking increase, the total number of moderately priced dwelling units has increased from 39 to 41.

Public Amenity

Part of the site, approximately 23 percent, is to be used as public use area. Amenities, such as a plaza, landscaping, public art, benches, and special lighting, are proposed within the public use area to accommodate public activities and to enhance the streetscape in the downtown area. The development will also provide off-site amenities including streetscape improvements along the Cameron Street frontage and a section of Fenton Street.

Community Outreach

The Applicant had previously met with representatives and members of the design team from United Therapeutics (adjacent property owner) and presented the project to the Silver Spring Citizens Advisory Board (9/21/05) and Silver Spring Urban District Advisory Board (10/20/05). Staff also requested that the Applicant send letters to affected owners regarding off-site improvements, copies of which were provided to staff. Staff has not received any written comments from any of the organizations.

Public Art Review

The Applicant presented their art program to the Art Review Panel on May 26, 2006. The proposed art element will be located within the public use space at the forefront of the building.

Concurrent Review

The Applicant has filed an amendment to the Preliminary Plan application #12006018A and a new site plan #820060370, which is being processed concurrently with the Project Plan amendment, and will be heard by the Planning Board on the same day.

Staff Recommendation

Staff recommends approval of the Project Plan amendment with the conditions listed in the Recommendation section on the following page.

STAFF RECOMMENDATION FOR PROJECT PLAN AMENDMENT 92006003A:
Approval of a maximum of 380,057 gross square feet of development, including a maximum of 325 residential multi-family condominium units, of which 12.5% shall be MPDUs, and 7,330 square feet of retail on approximately 1.63 acres, with the following conditions:

1. Prior Approvals

The Applicant shall comply with the previous conditions of approval for Project Plan 920060030 dated March 2, 2006 [Appendix A], except as modified by the subject amendment.

2. Development Ceiling

The proposed development shall be limited to a maximum of 380,057 gross square feet of development, including a maximum of 325 multiple-family units and 7,330 square feet of retail space.

3. Building Height/Mass

The height of the proposed building shall not exceed 143 feet as measured from Cameron Street.

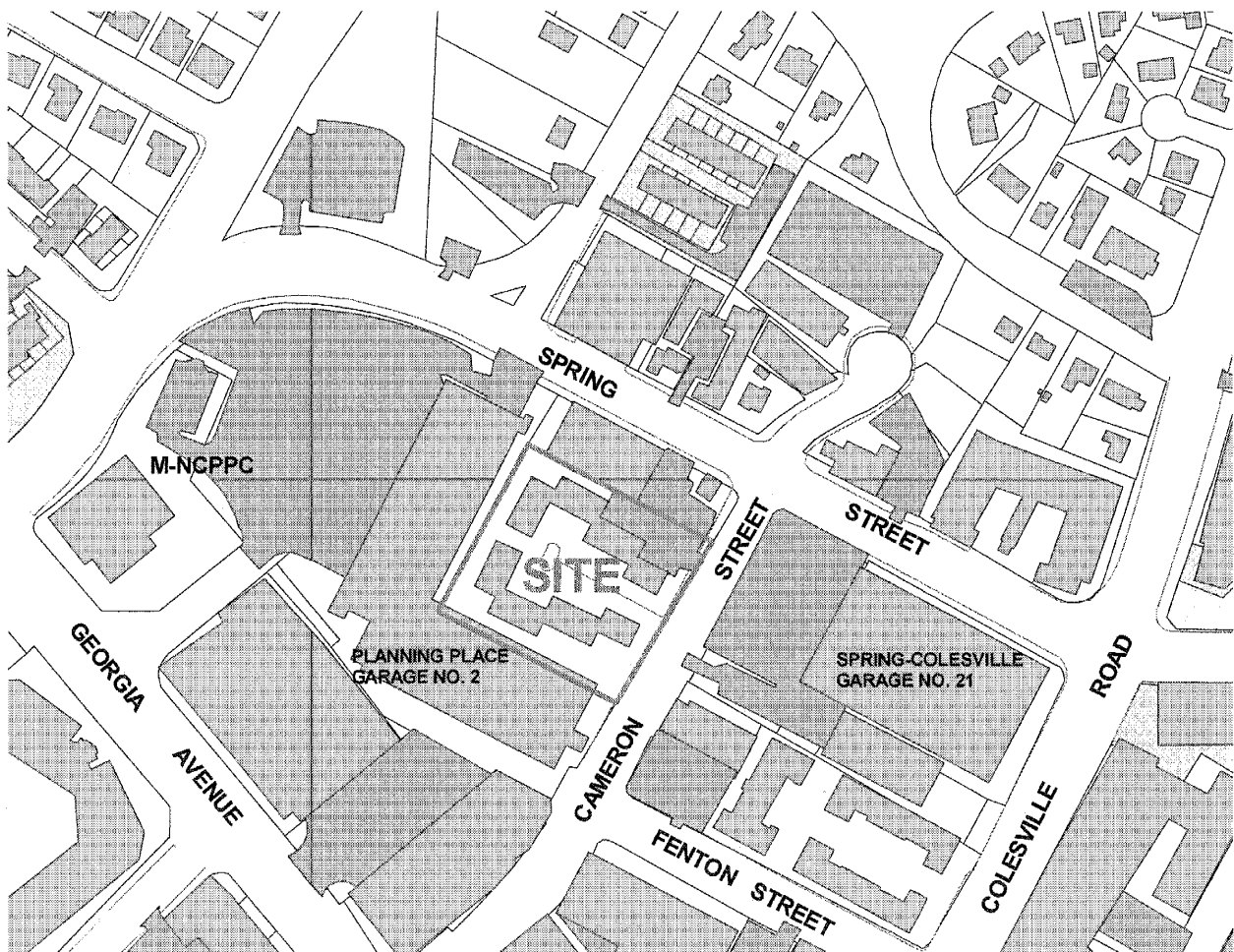
4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 12.5% or 41 MPDUs on-site, consistent with the requirements of Chapter 25A.

PROJECT DESCRIPTION: Surrounding Vicinity

The Cameron House development is within the CBD-2 Zone near the northern edge of the Central Business District boundary for Silver Spring. The adjacent property at the southwestern intersection of Cameron and Spring Street is zoned CBD-2, while the opposite side of Cameron Street is zoned CBD-1. The adjacent property at this intersection (United Therapeutics, 920040070) is currently under construction for the laboratory while the remainder of the site contains construction trailers and the original United Therapeutics offices.

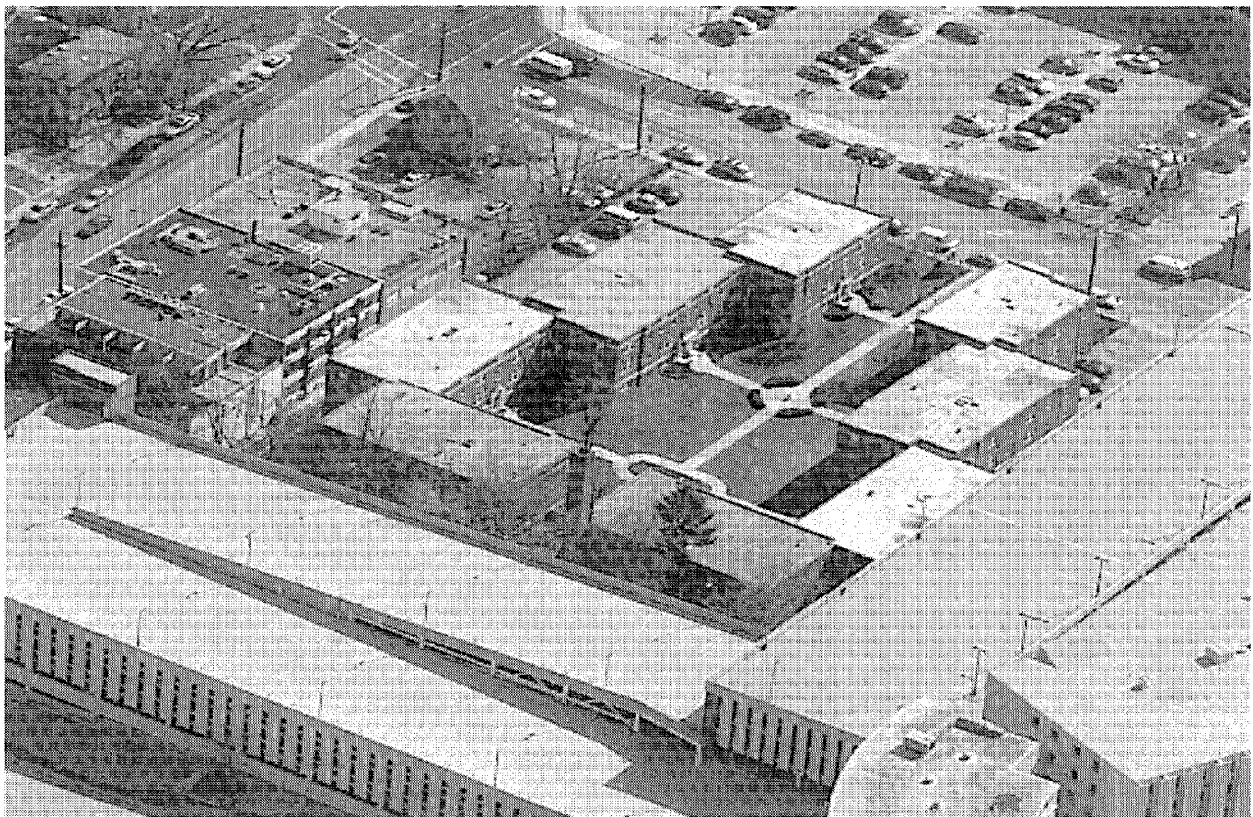
The properties directly across Spring Street are zoned CO (Commercial Office) and consist of 2- and 3-story residential houses that have been converted into medical and commercial offices and an 8-story commercial and retail office building. A larger mid-rise building is directly east of the medical center. The 8-story building houses M-NCPPC Park Planning and Development Division, as well as our Historic Preservation Department. The public parking garage No. 2 (Planning Place Garage) is a 4-story structure located on the south and east side of the subject property with access points on Cameron and Spring Streets. Public parking garage No. 21 (Spring-Colesville Garage) is located to the south and west with access from Spring and Cameron Streets as well.



PROJECT DESCRIPTION: Site Description

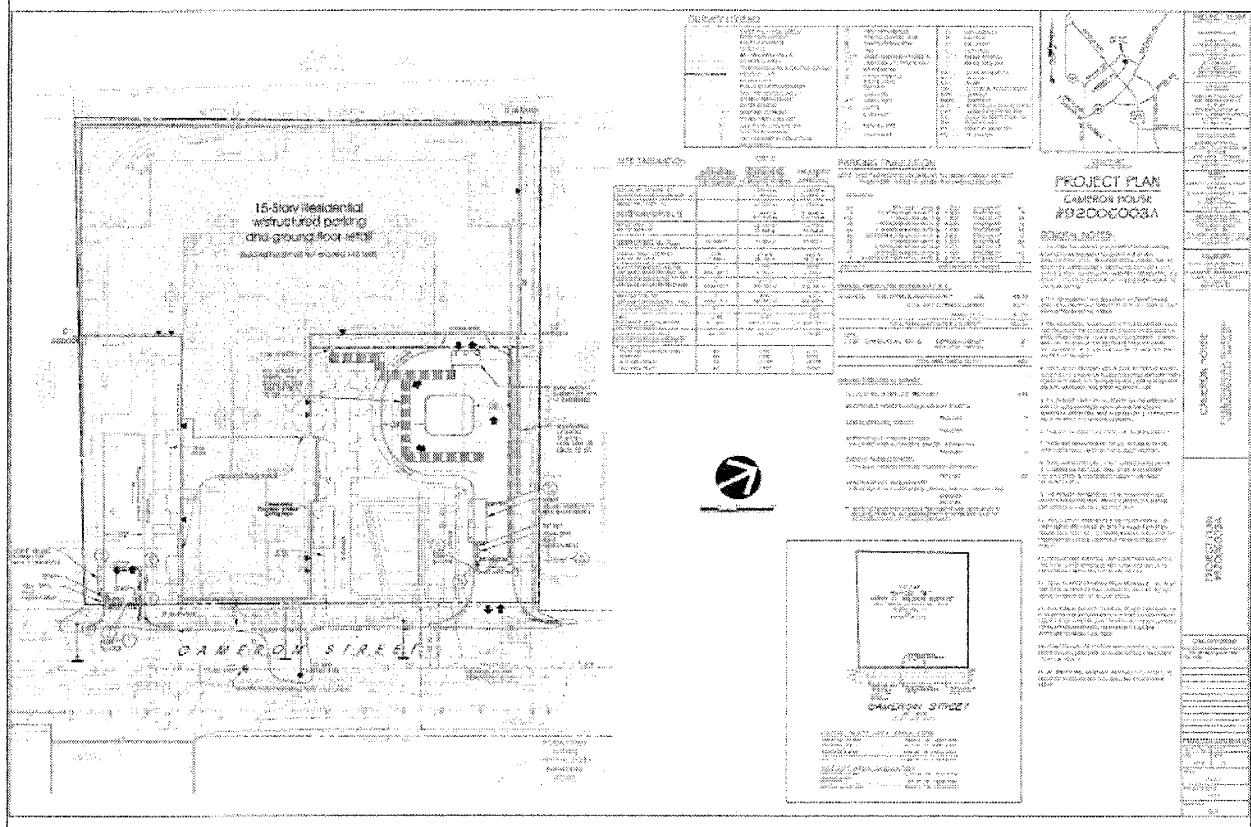
The site consists of part of Parcel A of the J.C. Wilson Estate, recorded in Plat Book S, Page 64, on January 20, 1942. The parcel fronts onto Cameron Street and is surrounded by the United Therapeutics property (9-04007) directly to the north and the Montgomery County Parking Garage (no. 2) to the south and west. The subject site, also known as St. Charles apartments, is a 3-story brick building that is somewhat U-shaped connected by a 6-foot masonry wall at the western boundary. The interior courtyard is primarily lawn area with interconnected walkways to the center that lead to the main entrance on Cameron Street. The perimeter of the building to the north and south contains surface parking for the tenants. The building and parking on the south side is separated by a wood retaining wall and lawn area. The entrance to the property contains a split-rail fence and ornamental plantings around the foundation. A 3-foot wood fence separates the existing apartment complex from a portion of the adjacent United Therapeutics property. Metered parking exists all along Cameron Street and on both sides of Spring Street west of the intersection with Spring Street.

The topography on the property slopes from north to south by approximately 5 feet. The high point of the site is at the entrance to the apartment complex on Cameron Street. There is no significant vegetation on the property with the exception of some mature shade and evergreen trees at the southern and western boundaries adjacent to the parking structure. Overhead utilities are located along the frontage of the property on Cameron Street.



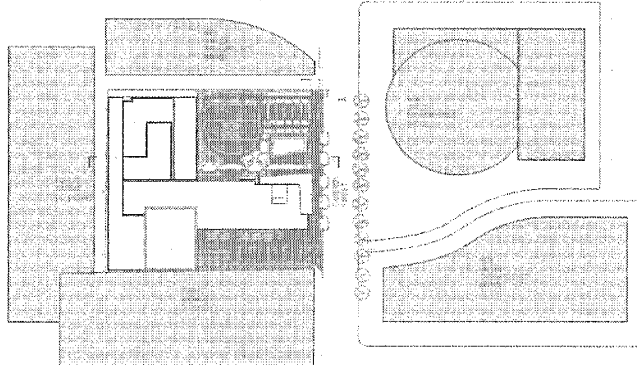
PROJECT DESCRIPTION: Proposal

The Cameron House development proposes to amend the approved project plan to increase the total number of units from 312 to 325 multiple-family dwelling units. The increase in units does not have a reciprocal effect on amount of parking and the number of MPDUs being provided.



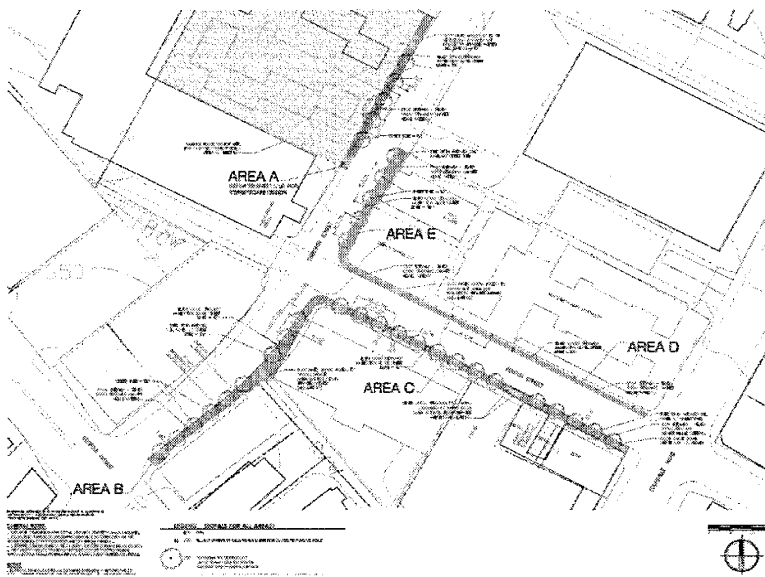
Project Plan Amendment

The overall building design has not changed. The T-shaped building remains a 15-story (143 feet) structure including retail on the ground floor and residential units on floors 3 through 15. The parking garage remains a one level below grade and 4-level above grade structure accommodating the full compliment of parking spaces. The total parking requirement is being met through 434 spaces, of which 37 spaces will be dedicated to the retail patrons. This is an increase of 48 parking spaces. The residential lobby entrance into the building is located on the Cameron Street frontage, recessed approximately 95 feet from the building edge. The retail entrance is located directly along the Cameron Street frontage. Vehicular



access has changed from a 22-foot-wide entry to a 24-foot-wide entry, with a 24-foot-wide drop off at the lobby entrance.

The majority of the on-site public use space consists of a plaza, comprised of pavers, 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 the 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 will also include benches that emphasize and compliment 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% of the net lot area. Overhead utilities will be relocated underground, consistent with the procedures for Optional Method Projects within the CBD.



Off-site improvements 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 is proposing to improve the streetscape on both sides of Fenton Street from Cameron Street to

Colesville Road, as shown in the referenced plan with shaded areas A through E. The total off-site improvement being provided is 17,239 square feet or 24.5% of the net lot area. The combined totals for on and off-site improvements equal 47.7%, which exceeds the requirement of 20% in the CBD for optional method developments and complements the combined totals for other projects in the CBD with similar requirements. The Applicant has coordinated with various agencies during the concurrent site plan process to further develop the off-site streetscape improvements.

PLANNING AND REGULATORY FRAMEWORK:

Master Plan

The Project Plan is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan (February 2000). A description of the themes and goals for Silver Spring are outlined within the Sector Plan Conformance standards on page 16 of this report.

Prior Approvals

The proposed development is zoned CBD-2 (Central Business District-2). This property consists of part of Parcel 'A' (Plat Book S, Page 64) of the John C. Wilson Estate, recorded in the land records on January 20, 1942.

Project Plan

A Project Plan (920060030) was approved concurrently with the preliminary plan, by the Planning Board on December 8, 2005 (Opinion mailed March 2, 2006) for 312 multiple-family dwelling units and 7,330 square feet of retail space.

Preliminary Plan

A Preliminary Plan of subdivision (120060180) was approved concurrently with the project plan, by the Planning Board on December 8, 2005 (Opinion mailed February 8, 2006) for 312 multiple-family dwelling units and 7,330 square feet of retail space.

BASIS FOR CONSIDERATION OF ISSUES

Per Sec. 59-D-2.43, in making its decision on an application for an optional method development in making the required findings, the Planning Board must consider the following:

- (a) *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.*
- (b) *Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) *Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) *Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- (e) *The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- (f) *The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.*
- (g) *The staging program and schedule of development.*
- (h) *The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- (i) *The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the staff makes the following findings:

- (a) *It would comply with all of the intents and requirements of the zone.*

Purpose Clause Section 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project Plan amendment continues to utilize the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. The proposed development is a high-rise condominium. High-density residential and commercial retail uses are permitted in the CBD-2 Zone.

The maximum building height of 143 feet (15 floors) has not changed with this amendment, and remains in conformance with the Montgomery County Zoning Ordinance under the Optional Method of development. The project is proposing 325 dwelling units, including 41 or 12.5% Moderately Priced Dwelling Units (MPDUs) provided within the building. This is an increase of 13 multi-family units including 2 more MPDUs. The proposal reflects a residential floor area ratio (FAR) of 4.817, and a non-residential FAR of 0.02. The maximum density permitted in the CBD-2 Zone for mixed-use projects on this site is 5.0 FAR. The FAR has not increased with the proposed amendment.

The Project Plan amendment will further accomplish important Sector Plan objectives by providing a residential component, including additional Moderately Priced Dwelling Units due to the increased number of units, protecting nearby residential development, upgrading the physical environment and providing a pedestrian environment with local retail opportunities. The proposal improves the area by replacing an underutilized 3-story apartment complex with a modern mixed-use residential and commercial high-rise building, and complementing adjacent residential, retail and office uses at the northern end of the CBD.

- (2) *"permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central*

business districts to meet the needs and requirements of workers, shoppers and residents.”

The increase in the number of market-rate and moderately priced units with this project plan amendment continues to respond to the need for housing and retail in Silver Spring and addresses the need for smart growth policies where existing infrastructure and community facilities exist. Housing and retail are important components to the revitalization efforts in Silver Spring.

Under the optional method, this project encourages and supports the development of active urban streets, public spaces, and improves the quality of the pedestrian environment and supports the economic base in the downtown.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed project amendment continues to strengthen the northern boundary of the CBD by complementing the scale and mix of existing design elements along Cameron Street while respecting the height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. The building design provides 7,330 square feet of retail space along Cameron Street that will blend in with the existing and planned retail and office uses. This provides the pedestrian friendly environment envisioned in the Sector Plan. The 143-foot-tall building and footprint has not changed and continues to provide the necessary and applicable transition from the adjacent residential neighborhood north of Spring Street to the higher density uses and buildings fronting Georgia Avenue and Colesville Road.

The proposed building has not changed in terms of number of floors, maximum building height (143 feet) and massing. The design creates an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is located approximately 2000 feet from the Silver Spring Metro Station. The proximity to transit facilities, as well as the downtown employment core, will reduce the dependency on vehicles for the residents of the development. The original application proposed 312 one and two-bedroom units and parking spaces within the structured garage. The Applicant has increased the number of overall units to 325 and provides additional parking spaces. The streetscape improvements along Fenton Street and Cameron Street are still proposed for the amendment and will facilitate the desire for pedestrian connectivity to the metro station and the core areas of development within Silver Spring. The improvements

will provide vital connections to Georgia Avenue and Colesville Road form the northern boundary of the CBD

The applicant will also 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, monitoring of the program and commuter display information.

(5) *"To improve pedestrian and vehicular circulation."*

This project plan amendment continues to encourage the development of active urban streets and improve the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the Silver Spring Streetscape Plan (April 1992) Technical Manual, as amended.

Vehicular circulation remains the same with an improved right-of-way along the west side of Cameron Street, directly along the frontage of the subject property. The appropriate dedication on the applicant's property line was done with the preliminary plan of subdivision. The parking garage is a 5-level structure, with 1-level below grade, planned to accommodate 434 parking spaces, of which 397 will be dedicated for use by the residents. The remaining 37 spaces are dedicated to the retail patrons. The aforementioned number of spaces is inclusive of the increased number of units associated with the amendment.

The streetscape improvements along Cameron Street and Fenton Street facilitate the desire for pedestrian connectivity to the bus and metro station. The streetscape improvements are being expanded along both sides of Fenton Street to Colesville Road and 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 site, in context with the streetscape improvements proposed for the United Therapeutics project.

(6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

The objective of Montgomery County for moderately priced housing is to provide Moderately Priced Dwelling Units (MPDUs) in the CBD zones where public facilities, services and transit options are readily available. Consistent with Chapter 25A, the applicant is committed to providing 41 MPDUs within the building, representing 12.5% of the total number of dwelling units. This is an increase of two MPDUs from the original application based upon the increase in total number of units associated with the amendment.

(7) *"To encourage land assembly and most desirable use of land in accordance with a sector plan."*

The project plan responds to the need for housing in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Sector Plan encourages housing as an important component to the revitalization efforts for downtown Silver Spring and does recommend a zone where residential and commercial uses are permitted. The project plan introduces market-rate multi-family units and retail into an existing framework of commercial and retail use in downtown Silver Spring, further encouraging revitalization in the downtown corridor.

Requirements of the CBD-2 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development for the CBD-2 Zone.

PROJECT DATA TABLE FOR CBD-2 ZONE

	Zoning Ord. Development Standards	Approved with Project Plan 920060030	Proposed for for Approval Project Plan Amendment 92006003A
Gross Tract Area (sf.):	22,000	77,383*	77,383*
Net Site Area (after dedication)	N/A	70,462	70,462
Max. Density:			
Max. Non-Residential Density			
FAR:	3.0	0.095	0.095
(SF)	(232,149)	(7,330)	(7,330)
Residential Density (FAR):	5.0	4.817	4.817
(s.f.)	(386,915)	(372,727)	(372,727)
(d.u.)	Not specified	312	325
Total Density (FAR):	<u>5.0</u>	<u>4.911</u>	<u>4.911</u>
(s.f.)	(386,915)	(380,057)	(380,057)
MPDUs (%):	12.5	12.5	12.5
(number of units)	39	39	41
Max. Building Height (ft.):	143	143 (as measured From Cameron Street)	143 (as measured From Cameron Street)
Number of Floors	Not specified	15	15
Min. Building Setbacks (ft.):			
Front Yard (Cameron Street)	--	2	2
Rear yard	--	0	0
Side Yard (north)	--	10	10

Side Yard (south)	--	0	0
-------------------	----	---	---

Parking (number of space)**:

Original Project Plan

Residential Uses (Mkt. Rate)	
1 BR @ 1.25 sp./unit (139 x 1.25)	174
1 BR + Den @ 1.25 sp./unit (19 x 1.25)	24
2 BR @ 1.50 sp./unit (114 x 1.50)	171
Residential Uses (MPDUs)	
1 BR @ 0.625 sp./unit (20 x 0.625)	13
1 BR + Den @ 0.625 sp./unit (2 x 0.625)	2
2 BR @ 0.75 sp./unit (17 x 0.75)	<u>13</u>
Residential subtotal:	397
10% credit for residential in CBD	<u>(39.7)</u>
Required residential parking	358

Retail Uses:	
(7,330 gsf @ 5 sp./1000)	<u>37</u>

Total Parking Required	395
Total Parking Provided	

396

Project Plan Amendment

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 (MPDUs)	
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)	<u>3</u>

Residential subtotal:	407
10% credit for residential in CBD	<u>(41)</u>
Required residential parking	366

Retail Uses:	
(7,330 gsf @ 5 sp./1000)	<u>37</u>

Total Parking Required	403
Total Parking Provided	

434

Public Use Space (% of net lot area):

On-Site	20%	23.2%	23.2%
---------	-----	-------	-------

	14,092 sf	16,334 sf	16,334 sf
Off-Site	Not Specified	24.5%	24.5%
		17,239 sf	17,239 sf
Total On and Off-Site Public Use Space		47.7%	47.7%
		33,573 sf	33,573 sf

* Includes previous street dedication 12,417 sf and 800 sf for the proposed Fenton Street right-of-way dedication.

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

(b) ***The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.***

Zoning and Land Use:

The approved CBD Sector Plan recommended CBD-2 (Central Business District, 2.0) zoning for this site. This zoning was enacted through the Sectional Map Amendment (SMA) adopted July 18, 2000, per County Council Resolution 14-600.

The proposed residential and retail components in the project plan conform to the land uses permitted in the existing CBD-2 Zone. The amendment proposes approximately 380,057 gross square feet of development, including 325 residential multi-family dwelling units, of which 41 will be MPDUs and 7,330 square feet of retail on approximately 1.6 acres.

The proposed development is utilizing the optional method of development in the CBD-2 Zone. The minimum required public use space for this project is 14,092 sf (20% of the net lot area). The project proposes 16,334 sf (23.2% of net lot area) of on-site public use space and 17,239 sf (24.5% of the net lot area) for off-site streetscape improvements within the right-of-way of Fenton Street and Cameron Street. The total public use and amenity space provided by the applicant for this development is 33,573 sf or 47.7% of the net lot area. The proposed public use space has not changed from the original plan approval.

Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Four of these six themes (*i.e. a Residential Downtown, a Green Downtown, a Commercial Downtown and a Pedestrian-friendly Downtown*) directly apply to this development. The Sector Plan encourages housing and retail as important components of the revitalization efforts in downtown Silver Spring.

The project plan will include new public open spaces and an art amenity. This project encourages the development of active urban streets by providing a street-facing building

entrance and easily accessible and highly visible public spaces as activity generators. This proposal improves the quality of the pedestrian environment by providing the Silver Spring streetscape treatment required for optional method projects.

The development of the Project will significantly further the objective of stabilizing the Core's residential component, while expanding the commercial base and providing an appropriate transition between the mix of commercial uses north and east of the project at the Spring Street/Cameron Street intersection to the predominately residential neighborhoods to the north.

- A. Sector Plan Street Rights-of-Way:** The Sector Plan recommends a 75-foot right-of-way for Cameron Street. Staff recommends that the Applicant provide an additional 2.5 feet of street right-of-way dedication for Cameron Street to achieve 37.5 feet as measured from the centerline of the existing street. The additional 2.5 feet is also consistent with the adjacent property to the north that required the same amount of dedication.
 - B. Streetscape:** The applicant proposes to improve the west side of Cameron Street directly along the property frontage, using the Type B treatment recommended in the *Silver Spring Streetscape* (April 1992) technical manual. In addition to their property frontage, the Applicant is proposing streetscape improvements to the east side of Cameron Street from the alley entrance adjacent to United Therapeutics to the Georgia Avenue right-of-way and on both sides of Fenton Street from Cameron Street to Colesville Road.
 - C. Sector Plan Bikeways:** The Sector Plan recommends a Class II or III (on-street) bikeway for Cameron Street. Staff recommends a Class III (signed, shared with motorized vehicles) bikeway.
- (c) ***Because of its location size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.***

The project is complementary to the range of 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 configuration and placement reflects the sensitivity to the adjacent United Therapeutics building and architecture, in terms 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 2-story to 8-story with various building and architectural types that are integral to the vitality of an urban downtown area, including the proposed United Therapeutics at the intersection of Cameron and Spring Streets, as well as the existing 2-story C&P building directly across

the street. In addition to the commercial buildings, there is the 4-6-story public parking structure that wraps around the southern and western end of the subject site. The buildings on the north side of Spring Street also vary in height from 2-8 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 to the uses that buffer the adjacent residential neighborhood to the mix of low to high-rise buildings closer toward the core.

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

- (d) ***As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.***

The project proposes multi-family residential units and ground floor retail space amid a number of nearby housing projects and commercial businesses within the downtown Silver Spring area. Parking for the proposed residential units will occur on-site within a 5-level parking garage. Four of the proposed parking levels will be above grade in the western rear of the site. The parking for the proposed uses equals 403 spaces in concert with the unit mix and amount of retail proposed. A total of 434 parking spaces are being provided for the 325 units and 7,330 square feet of retail, of which 37 spaces are being designated for the retail component of the project. Sites within the Parking District are permitted to minimize the number of spaces provided on-site and take advantage of the County's facilities; however, the project is proposing to meet the entire demand on site. The closest County parking facilities are Parking Lot No. 2 directly adjacent to the site, and the Spring-Colesville public parking garage (garage no. 21) at the intersection of Colesville Road and Spring Street.

The proposed project will not overburden existing public services because the Applicant is meeting their obligation of parking on site.

In addition, the improvements that are being made to the streetscape further facilitate and encourage pedestrian accessibility to the metro and encourage the future residents and retail patrons to take advantage of existing vehicular traffic conditions.

- (e) ***The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.***

The Optional Method of Development permits a more efficient and desirable product than by using the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of

the Silver Spring Sector Plan. The proposed development does not maximize its gross floor area (386,915 sf permitted) on site; however, the 380,057 square feet proposed is well above the permitted gross floor area for a standard method project on a site that is currently underutilized in terms of density. The permitted floor area ratio (FAR) for this site is 5.0 and 4.91 FAR is proposed. The proposal includes 12.5 percent or 41 Moderately Priced Dwelling Units on-site, which far exceeds the number that would have been required in a standard method project.

In addition to the provision of MPDUs, the project will include a significant new public open space and art amenity on the site. The project is providing over 47% of new on and off-site public use space, which would not have been possible through the standard method of development. Additionally, the streetscape improvements associated with this proposal greatly enhance the pedestrian connections from Spring Street to Colesville Road and Georgia Avenue.

- (f) ***The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.***

The original proposal required 39 Moderately Priced Dwelling Units (MPDUs) or 12.5% of the proposed residential dwelling units within the development. The amendment requires forty-one (41) Moderately Priced Dwelling Units (MPDUs) or 12.5% of the additional thirteen residential dwelling units proposed with this amendment.

- (g) ***When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:***

This section is not applicable.

- (h) ***As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.***

The property is satisfying the forest conservation requirements through street tree planting credits. The amendment does not change this condition.

- (i) ***As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.***

The applicant has been granted conditional approval from the Montgomery County Department of Permitting Services (DPS) for Stormwater Management by letter dated October 14, 2005. The concept consists of on-site water quality control via stormfilters and water quality units for pretreatment. On-site recharge is not required since the

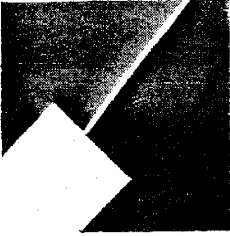
project is classified as redevelopment. The conditional approval granted by DPS remains valid for this amendment.

APPENDICES

- A-Project Plan opinion for 920060030
- B-Preliminary Plan opinion for 120060180
- C-Memoranda from agencies
- D-Site Plan Checklist

G:\PP_STAFFRPT\9-06003A.doc

APPENDIX A

Date of Mailing: MAR 02 2006**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Project Plan No.: 920060030
Project: Cameron House
Date of Hearing: December 8, 2005

*Action: **APPROVAL SUBJECT TO CONDITIONS.** (Motion to approve was made by Commissioner Wellington; duly seconded by Commissioner Bryant; with a vote of 4-0, Chairman Berlage and Commissioners Bryant, Wellington and Robinson voting in favor. Commissioner Perdue was necessarily absent.)*

The date of this written opinion is MAR 02 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, as provided in the Maryland Rules of Procedure, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

I. INTRODUCTION

On December 8, 2005, Project Plan Review #920060030 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

II. THE SUBJECT PROPERTY AND PROPOSED DEVELOPMENT

The Cameron House development is within the CBD-2 Zone near the northern edge of the Central Business District boundary for Silver Spring. The subject property is zoned CBD-2 (Central Business District-2), and consists of part of Parcel 'A' (Plat Book S, Page 64) of the John C. Wilson Estate, recorded in the land records on January 20, 1942.

A. Building Design

The T-shaped building is comprised of 15 stories (143 feet) including retail on the ground floor and 312 multi-family units on floors 3 through 15. The parking garage is one level below grade and 4 levels above grade, primarily in the rear of the site adjacent to the public garage. The residential lobby entrance into the building is located on the Cameron Street frontage, recessed approximately 95 feet from the building edge. The retail entrance is located directly along the Cameron Street frontage.

A landscaped terrace for the residents will be provided on the top of the 5-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 and to screen the adjacent parking structure and vehicles.

B. Vehicular and Pedestrian Access/Parking

Vehicular access for the residents will be comprised of a one-level below-grade and four-level above grade parking structure accommodating approximately 396 parking spaces, of which 359 spaces will serve the future residents. The remaining 37 spaces will be dedicated to the retail patrons. The below-grade parking is accessed at the northeastern corner of the building from an entry drive on Cameron Street. The vehicular access is 22-feet-wide with a 24-foot-wide drop off at the lobby entrance. The 22-foot-wide loading space is located in the southeast boundary of the building with direct access from Cameron Street. The site is located within the Silver Spring Parking Lot District, allowing the Applicant to provide less parking in the CBD and encouraging the use of the local public parking facilities; however, the Applicant is providing all necessary spaces within the garage.

C. Public Use Space

The majority of the on-site public use space consists of a plaza, comprised of pavers, 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 the 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 will also include benches that emphasize and compliment 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% of the net lot area. Overhead utilities will be relocated underground, consistent with the procedures for Optional Method Projects within the CBD.

explore tax credits and density rights to restore the historic integrity of the site. Mr. Goldstein also noted, however, that while Montgomery County's Historic Preservation found the existing building to merit historic status, the Planning Board in an earlier, unrelated hearing, did not. He also requested that the property be documented and surveyed for archives of sites within the county. The Applicant responded by stating that the Applicant had explored restoration of the building, but deemed restoration too costly, given the condition of the building, and noted that the current owner has over 3,000 rental properties in Silver Spring that may provide alternative rental units to the current residents.

IV. FINDINGS

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board makes the following findings under Section 59-D-2.42 of the Zoning Ordinance, based upon the uncontested evidence of record:

- (a) *It would comply with all of the intents and requirements of the zone.*

Purpose Clause Section 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes for which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project Plan proposes to use the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. The proposed development is a high-rise condominium. High-density residential and commercial retail uses are permitted in the CBD-2 Zone.

The building will be a maximum of 143 feet in height (15 floors), which is in conformance with the Montgomery County Zoning Ordinance under the Optional Method of development. The project includes 312 dwelling units, including 39 or 12.5% Moderately Priced Dwelling Units (MPDUs) provided within the building. The proposal reflects a residential floor area ratio (FAR) of 4.89, and a non-

desirable relationship with adjacent and surrounding uses. The proposed design provides a retail component along Cameron Street that will blend in with the existing and planned retail and office uses. This provides the pedestrian friendly environment envisioned in the Sector Plan. The 143-foot building provides the necessary and applicable transition from the adjacent residential neighborhood north of Spring Street to the higher density uses and buildings fronting Georgia Avenue and Colesville Road.

The design creates an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern.

- (4) *"To promote the effective use of transit facilities in the central business district and pedestrian access thereto."*

The proposed development is located approximately 2000 feet from the Silver Spring Metro Station. The proximity to transit facilities, as well as the downtown employment core, will reduce the dependency on vehicles for the residents of the development; however, the Applicant has chosen to provide the required number of parking spaces on the site. The streetscape improvements along Fenton Street and Cameron Street facilitate the desire for pedestrian connectivity to the metro station and the core areas of development within Silver Spring, and provide the vital connections to Georgia Avenue and Colesville Road.

The Applicant will also 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, monitoring of the program and commuter display information. A draft agreement has been submitted for review by our transportation planning staff and will be finalized during the record plat phase.

- (5) *"To improve pedestrian and vehicular circulation."*

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the Silver Spring Streetscape Plan (April 1992) Technical Manual, as amended.

Vehicular circulation is enhanced with improved right-of-way along the west side of Cameron Street, directly along the frontage of the subject property. An additional 2.5 feet is being dedicated on the Applicant's property line to expand the total right-of-way dedication to 37.5 feet from the centerline. The full width