



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

Item #
MCPB 06-07-07

MEMORANDUM

DATE: May 28, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Acting Supervisor *RK*
Development Review Division
FROM: Elza Hisel-McCoy, Senior Planner *EH*
Development Review Division
(301) 495-2115



REVIEW TYPE: **Site Plan Review**
CASE #: **820070060**
PROJECT NAME: **4901 Hampden Lane**

APPLYING FOR: Approval of up to 64 multi-family residential units, including a minimum of 15% (up to 10) moderately priced dwelling units (MPDUs), on 0.52 acres

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: TS-R
LOCATION: On the west side of Woodmont Avenue, between Montgomery Lane on the north and Hampden Lane on the south
MASTER PLAN: Bethesda CBD

APPLICANT: Triumph Development, LLC
FILING DATE: October 20, 2006
HEARING DATE: June 7, 2007

STAFF RECOMMENDATION: Approval of the Site Plan for up to 64 multi-family residential units, including 15% (up to 10) moderately priced dwelling units (MPDUs), on 0.52 acres. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on May 21, 2007, shall be required except as modified by the following conditions:

1) Development Plan Conformance

The proposed development shall comply with the Binding Elements of the approved Development Plan for Local Map Amendment G-819, approved by the District Council on July 25, 2006, and certified by the Hearing Examiner on August 7, 2006.

2) Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 120070280, to be heard by the Planning Board on June 7, 2007.

3) Moderately Priced Dwelling Units (MPDUs)

- a) The proposed development shall provide on site 15 percent of the total number of units as MPDUs (up to 10) in accordance with Chapter 25A.
- b) Match the unit type distribution of MPDUs to that of market-rate units (i.e., if 55 percent of the market-rate units are two-bedroom units, 55 percent of the MPDUs shall be two-bedroom units).

4) Lighting

- a) Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b) All private light fixtures shall be full cut-off fixtures.
- c) The public lighting fixtures and poles shall match the Bethesda Streetscape Standard specifications.

5) Forest Conservation

As stated in the memorandum from M-NCPPC-Environmental Planning dated May 22, 2007, the applicant shall comply with the conditions of approval of the final forest conservation plan. The applicant shall satisfy all conditions of approval before recording of the record plat or MCDPS issuance of erosion and sediment control permits. Conditions include but are not limited to:

- a) The proposed development shall comply with the conditions of the approved tree save plan prior to any demolition, clearing, or grading on the subject property.
- b) Final sediment control plan must be consistent with limits of disturbance as shown on Tree Save Plan, dated 5/22/2007.

6) Noise

- a) Prior to issue of the building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 DBA L_{dn} .
- b) The builder must construct the buildings in accordance with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to MNCPPC staff.
- c) The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are issued.

7) Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated August 21, 2006, unless amended by the Montgomery County Department of Permitting Services.

8) Development Program

- a) Applicant shall construct the proposed development in accordance with Development Program. A 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:
 - i) Street tree and on-site landscape planting shall progress as street improvements and building construction are completed, but no later than six months after completion of those improvements.
 - ii) Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - iii) Phasing of construction, dedications, stormwater management, sediment/erosion control, public use and amenities, or other features.

9) Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the Certified Site Plan.

10) Certified Site Plan

Prior to Certified Site Plan approval, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a) Development program, inspection schedule, revised data table, and Site Plan Resolution;
- b) Limits of disturbance;
- c) Show the location of MPDUs on the Site Plan;
- d) Revise the parking counts to reflect the correct MPDU distribution described in condition 3(b) above.

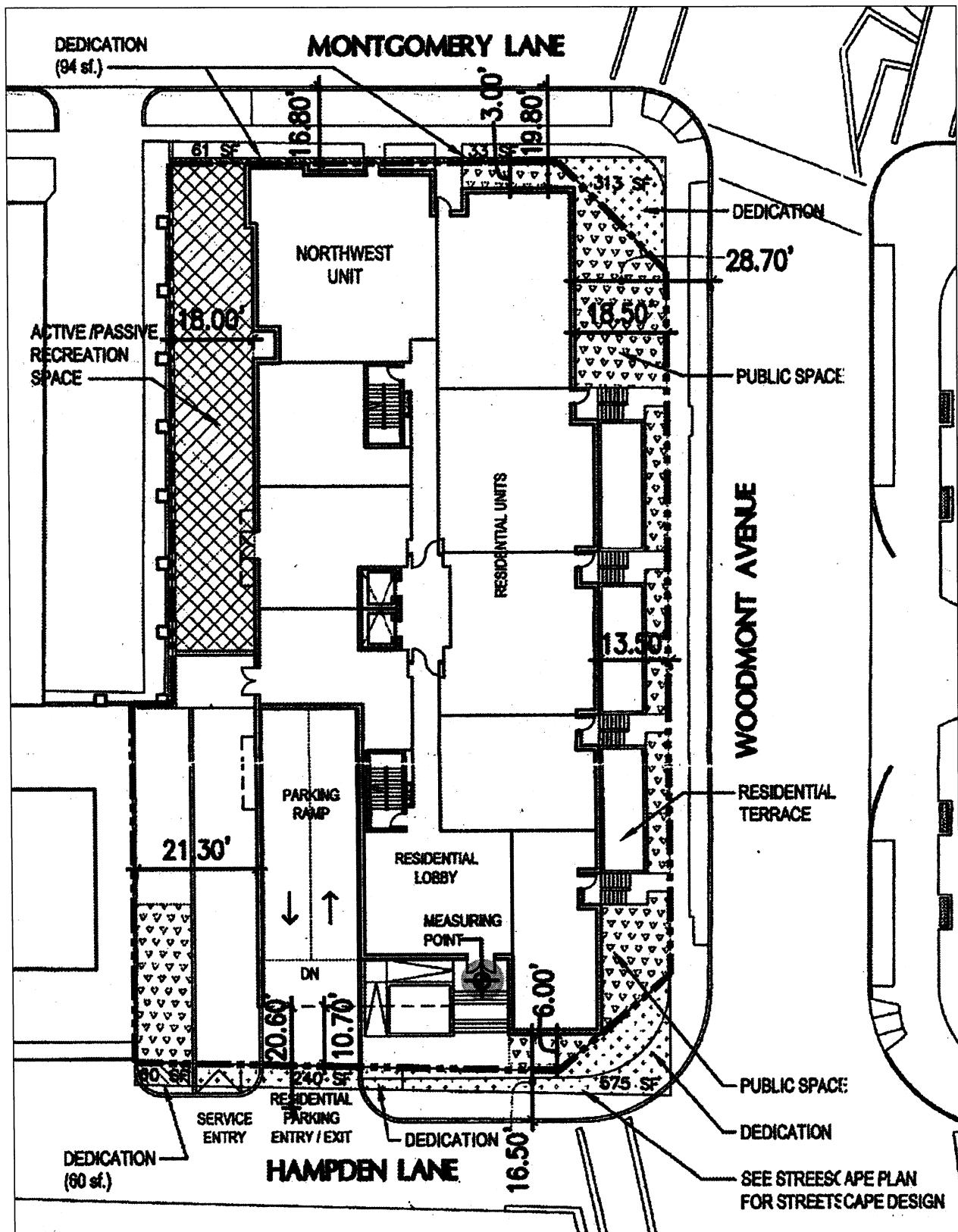
SITE PLAN REVIEW ISSUES

I. Maximum Building Height

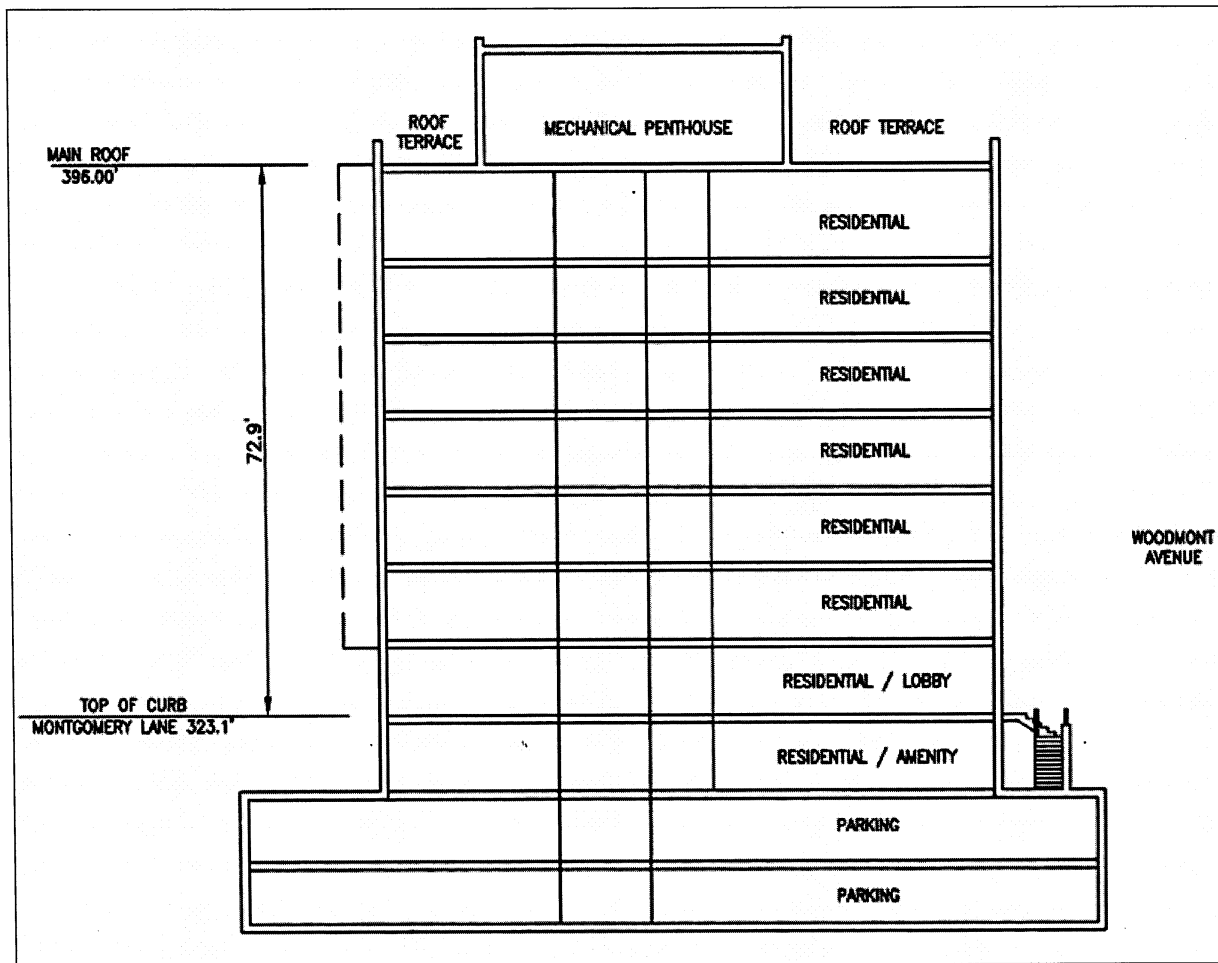
In February 2004, the Applicant submitted an application for a Local Map Amendment (#G-819) to re-zone the subject property from R-10/R-60 to TS-R. The Development Plan included with that proposal featured a 100-foot tall building. The proposed zone, TS-R, does not limit building height, deferring the decision to the Planning Board at Site Plan. The Bethesda CBD Sector Plan, approved and adopted in July 1994, however, recommends a maximum height of 65 feet. During the zoning case, staff reviewed the proposal and encouraged the Planning Board not to recommend the proposal to the District Council, on the grounds that the proposed building was incompatible with the “urban village” character recommended in the Bethesda CBD Sector Plan, specifically because it exceeded the recommended building height. Both the Hearing Examiner and the Planning Board recommended approval of the measure to the District Council. The Council, however, denied the request on April 12, 2005, citing non-conformance with the Sector Plan building height.

During a subsequent Circuit Court review of the District Council’s decision, the Court remanded the case back to the District Council so that the parties might revise the proposal to conform better with the Sector Plan. The Applicant’s revised proposal reduced the building’s height from 100 feet to 70 feet. In May of 2006 the Alternative Review Committee (ARC) supported the additional five feet, finding that without the additional height it would not be financially feasible to provide the required MPDUs on site. On June 20, 2006, the Planning Board concurred with this finding and again recommended approval of the Local Map Amendment, as revised, which the District Council did on July 25, 2006, with a height of 70 feet.

The approved building height, as documented in the Development Plan Binding Elements, is to be measured from elevation 326, the elevation of the northwest and southwest corners of the site. This also happens to be the elevation of the top landing of the entry stair at the main entry to the building, as indicated on the Development Plan (see exhibit on following page). From this point, a 70-foot tall building has a roof elevation of 396 feet. Height above sea level is not the method used by zoning, and thus by the Montgomery County Department of Permitting Services (DPS), to measure building height. For a through-block site on an end condition, such as exists at the subject site, the zoning allows the building height to be measured from the highest of the three curb heights surrounding the project. For this site, the Applicant has selected the curb height along Montgomery Lane, which happens to be located at 323.1 feet above sea level. Measuring from this point, as DPS will when they inspect the building for compliance with the approved Site Plan, the building is 72.9 feet, or 72 feet 11 inches, tall.



Development Plan indicating Building Height Measuring Point



Building Height as Measured per Zoning & DPS

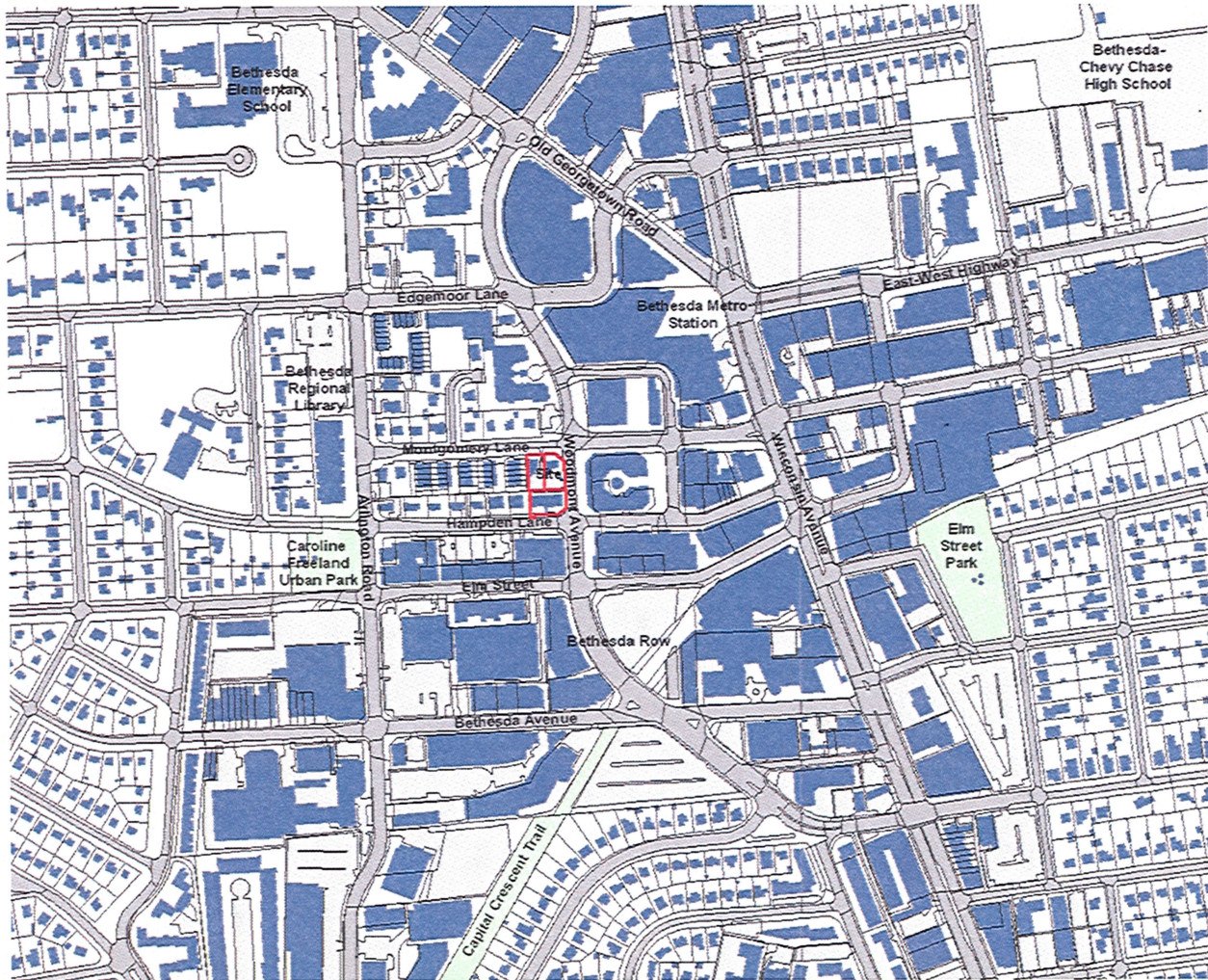
Resident associations of the developments to the west and north of the site have reviewed the proposal and have taken opposing positions on the issue of height. The Bethesda Civic Coalition (BCC) reiterates its support for the 70-foot building height in a letter dated April 23, 2007. Two other civic organizations, City Homes of Edgemoor and Concerned Families of City Homes, both representing residents of the City Homes development located immediately north of the proposed site on Montgomery Lane, expressed opposition to the proposed height. In their letter of March 2, 2007, in addition to other concerns (discussed later), the organizations explain that they prefer the building height not to exceed the 65 feet recommended by the Sector Plan.

Development Review and Community-Based Planning staff have reviewed the proposal and deem the 70-foot height to be in substantial compliance with the Bethesda CBD Sector Plan and compatible with the heights of the adjacent buildings. In order to account for any discrepancy in measurement method, staff recommends approval of a building up to 72.9 feet in height.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located on the west side of Woodmont Avenue in Bethesda, between Montgomery Lane to the north and Hampden Lane to the south. The site proposes one access point, for both loading and garage, from Hampden Lane. The site is within a five-minute walk of the Bethesda Metro Station, the Bethesda Row retail district, the Capital Crescent Trail, the Caroline Freeland Urban Park, and the Bethesda Regional Library.

To the north and east of the site, across Montgomery Lane and Woodmont Avenue, are taller buildings, ranging in height from ten to seventeen stories, with both multi-family residential and commercial uses in the CBD-2, CBD-3, and TS-R zones. Further south on Woodmont and to the south across Hampden Lane are shorter two- to five-story buildings, with primarily commercial and retail uses in the CBD-2 and C-2 zones. Along the remainder of the block to the west of the site are two- to four-story residential buildings, including City Homes rowhouses on Montgomery Lane, in the R-60 and TS-R zones



Site Vicinity Map

PROJECT DESCRIPTION: Site Description

The 0.52-acre site is currently occupied by a three-story brick walk-up garden apartment building on Hampden Lane and two single-family homes being used as offices on Montgomery Lane. The site is zoned TS-R and is located just outside the Bethesda CBD. There is no forest onsite but three large or specimen trees are present. There are no streams, wetlands, or any associated buffers onsite. A Forest Conservation exemption (4-07279E) was approved by Environmental Planning staff on 5/22/2007. The property is within the Little Falls watershed; a Use I/I-P watershed.



Aerial View of Project Site and Surrounding Areas



Aerial Perspective of the Site from the South

PROJECT DESCRIPTION: Proposal

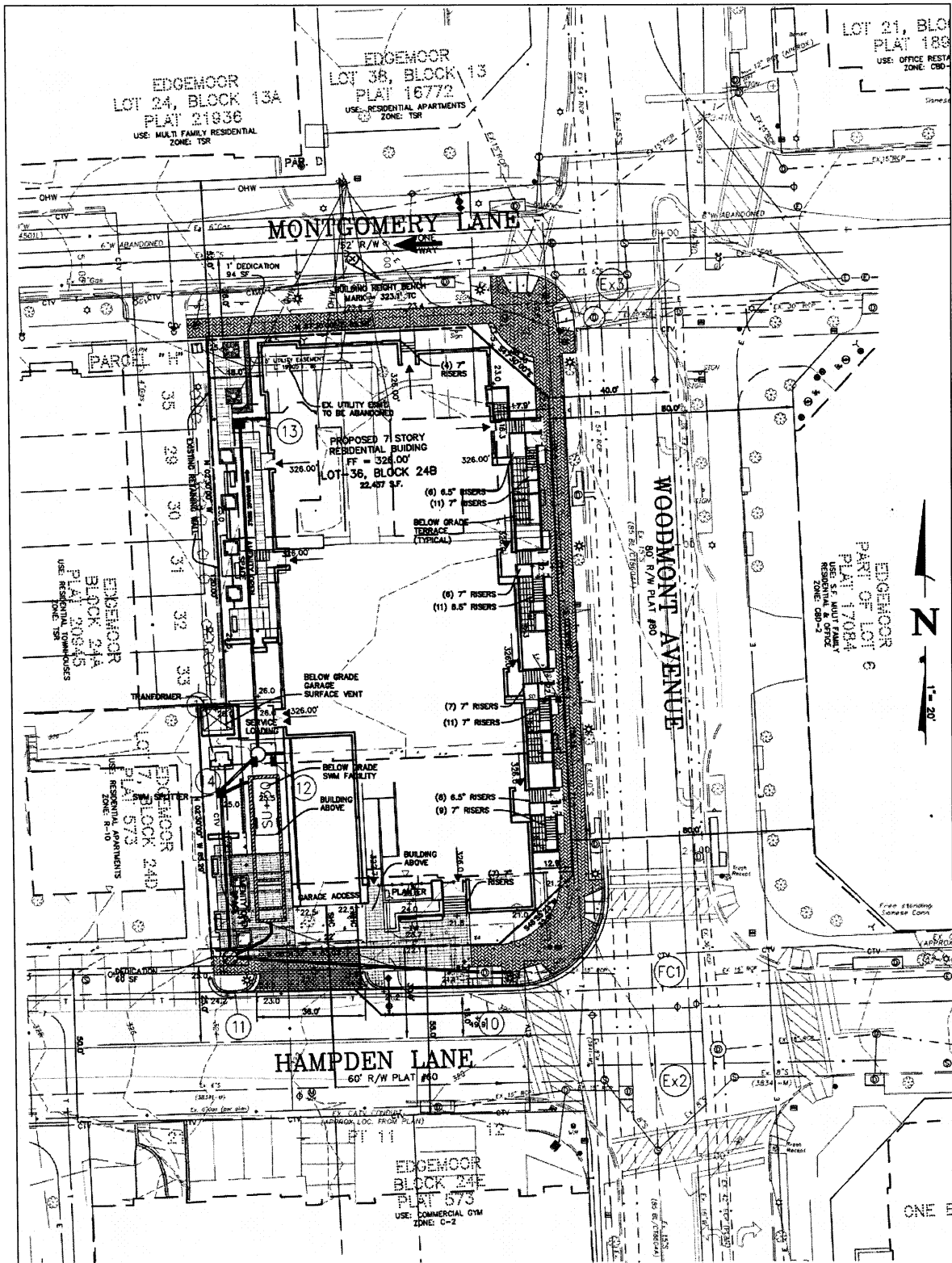
The applicant is proposing a seven-story, 72.9-foot high, multi-family residential building with up to 64 dwelling units including 15 percent MPDUs, up to 10 units, on 0.52 acres. Parking will be underground in a 2 to 3 level garage that will accommodate up to 90 parking spaces. Vehicular access will be provided from Hampden Lane. The primary pedestrian entrance is also off Hampden Lane, though each of the ground-floor units facing Woodmont Avenue or Montgomery Lane have individual entrances off the street, including light court entrances for half-buried “English basement” units.



Corner of Woodmont Avenue and Hampden Lane

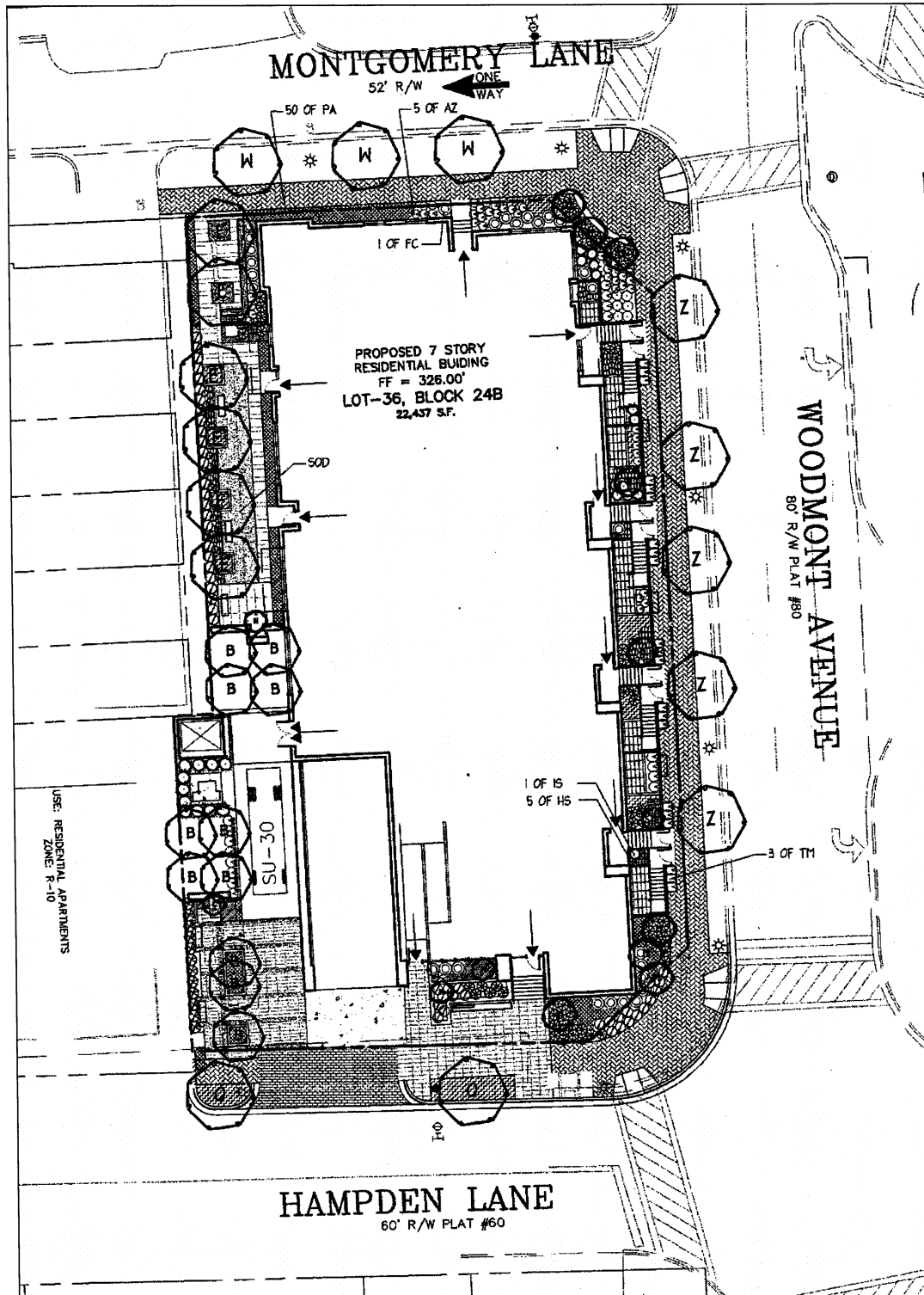


Corner of Woodmont Avenue and Montgomery Lane

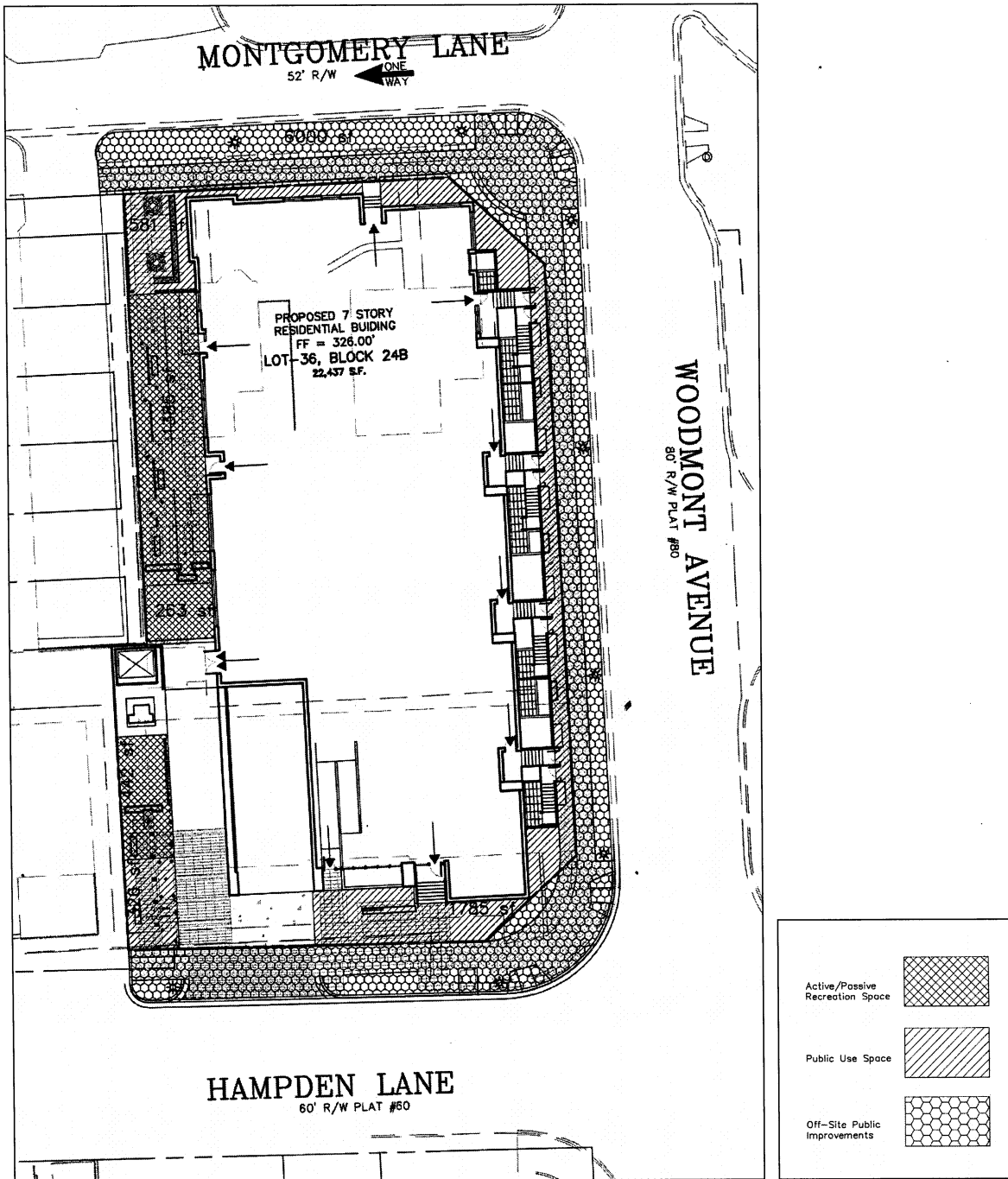


Site Plan

The project proposes a variety of public use areas, including an expanded and improved streetscape along each of the three bounding streets and three “pocket” spaces off the Montgomery and Hampden Lane sidewalks. Each of these spaces has been designed to integrate the site with the public realm, offering reasonable and desirable places for the public to stroll, sit, and rest.



Landscape Plan



Public Use and Amenities Space

PROJECT DESCRIPTION: Prior Approvals

Development Plan

A Development Plan was approved by the District Council on July 25, 2006, and certified on August 7, 2006, as part of the Local Map Amendment (#G-819) that rezoned the site from R-10/R-60 to TS-R.

Preliminary Plan

Preliminary Plan 120070280 will be heard by the Planning Board concurrently with the Site Plan on June 7, 2007.

ANALYSIS:

Conformance to the Development Standards for the TS-R zone & the Binding Elements of the Approved Development Plan

PROJECT DATA TABLE (TS-R Zone)

Development Standard (Optional Method) Per Section 59-C-8.4	Permitted/ Required	Per Approved Development Plan	Proposed for Approval
Lot Area, Minimum (sf.)			
Gross Tract Area (sf.)	18,000	30,891	30,891
Gross Tract Area (ac.)			0.71
Previous Dedication (sf.)		8,191	8,191
Proposed Dedication (sf.)		154	154
Net Tract Area (sf.)		22,546	22,546
Net Tract Area (ac.)			0.52
Density of Development, Maximum			
FAR , w/o MPDU Bonus	2.5	2.5	
Square Feet , w/o MPDU Bonus	77,228	77,228	
FAR , w/ 22% Bonus for Providing 15% MPDUs on site	3.05	3.05	3.05
Square Feet , w/ 22% Bonus for Providing 15% MPDUs on site	94,218	94,218	94,218
Dwelling Units per Acre, w/o MPDU Bonus	150	Up to 135	Up to 90
Maximum No. of Units @ 0.71 Acres	106	Up to 70	Up to 64
Dwelling Units per Acre, w/ 22% Bonus for Providing 15% MPDUs on site	183		
Maximum No. of Units @ 0.71 Acres	129		
MPDUs provided on site			
Minimum Percentage	12.5	15	15
Minimum Number of Units	8	Up to 11	Up to 10

Development Standard (Optional Method) Per Section 59-C-8.4	Permitted/ Required	Per Approved Development Plan	Proposed for Approval
Open Space, Minimum			
Public Use Space (%)	10	10	11.9
Public Use Space (sf.)	2,255	2,255	2,692
Active and Passive Recreation (%)	20	20	26
Active and Passive Recreation (sf.)	4,510	4,510	5,990
Total Open Space (%)	30	30	37.9
Total Open Space (sf.)	6,765	6,765	8,682
Building Height, Maximum (ft.)	Not Specified		
Recommended by Sector Plan (ft.)	65		
Approved by Development Plan and ARC		70/72.9*	72.9
* The Development Plan height of 70 feet is expressed as 396 feet above sea level. Neither the zoning language nor DPS enforcement measures the height in this fashion. Using the measurement method in the zoning, for this site expressed as the highest curb height on the three surrounding streets, the equivalent of 396 feet is 72.9 feet.			
Number of Stories (not including the cellar or underground parking)	Not Specified	7	7
Building Lot Coverage, Maximum (%)	Not Specified	65	65
Building Setbacks, Minimum (ft.)	Not Specified		
Woodmont Avenue		13	13
Hampden Lane		13	13
Montgomery Lane		2	2
Adjacent Lot, Townhouses		18	18
Adjacent Lot, Apartments		28	28
Off-Street Parking, Minimum (No. of Spaces)			
NOTE: These counts are based on 64 units. If fewer are provided, the required parking spaces will be reduced accordingly.			
One-bedroom Units			
3 Market-Rate Units	1.25 per unit		3.75
1 MPDU	0.625 per unit		0.625
Two-bedroom Units			
30 Market-Rate Units	1.5 spaces/unit		45
5 MPDU	0.75 spaces/unit		3.75
Three-bedroom Units			
21 Market-Rate Units	2 spaces/unit		42
4 MPDU	1 space/unit		4
Sub-Total			99.125
Reduction if within 1,600 feet of Metro			9.9125
Total Off-Street Parking		Up to 90	Up to 90

Conformance to the Sector Plan

The 4901 Hampden Lane project has a 2.5 FAR (before the MPDU bonus), as allowed in the TS-R Zone – which becomes a 3.05 FAR with the MPDU Bonus. This zone yields as high as 183 dwelling units per acre, but this site plan proposes up to 90. While the Plan states a preference for proposals with a range of 53-64 dwelling units per acre, and a preference for smaller structures – the Plan also clearly indicates that some projects would have higher densities up to the full 2.5 FAR.

Regarding other pertinent elements of Sector Plan guidance:

1. *Encourage low-rise buildings that fill out the parcels, rather than taller buildings that have deep setbacks.*

The original proposal for this structure was taller (100 feet and nine stories), with a deep setback/public use space in the rear. That configuration was supported by the residents of the adjoining City Homes development and the Planning Board, but was rejected by the Hearing Examiner and the County Council.

The current proposal is lower (72 feet and seven stories), with wider sidewalks, which more closely achieves the goal of the Sector Plan.

2. *Allow heights of up to six floors near Woodmont Avenue to achieve the desired urban form.*

The previous building had nine floors, while the proposed building has seven floors. While this still exceeds the preferred height limit of 65 feet in the Sector Plan, it is the height set in the Development Plan. An Alternative Review Committee recommendation found that it was not financially feasible to provide 15 percent MPDUs on site and adhere to the Sector Plan height limit. The rezoning was approved by the County Council with a height of 70 feet.

3. *Roofs should reflect a residential image.*

The proposed structure is a contemporary design, and will have a landscaped rooftop terrace that will soften its appearance to nearby taller buildings.

The proposed structure more closely achieves the stated goals of the Sector Plan in terms of height and bulk than previous iterations. The Sector Plan recognizes that density will be higher closer to Woodmont Avenue and that densities to the maximum allowed in the TS-R Zone would be permitted.

As now designed, the structure will provide a “bridge” height between the townhomes of City Homes, and the taller area condominiums. While the City Homes residents object to the height on the basis of the Sector Plan language, the approved development plan permits that height.

The Sector Plan does not provide clear guidance on setbacks, only stating that they should be set on a case-by-case basis, depending on the specific property issues. In this instance, proposed setbacks are designed to create the desired “urban village” character along the frontages of Hampden Lane, Woodmont Avenue, and Montgomery Lane. The rear setback of 18 feet provides an adequate separation from the City Homes property driveway retaining wall.

Transportation

Local Area Transportation Review

As stated in the Transportation Planning memorandum dated May 17, 2007, an LATR is not required, as the project does not generate the 30 total peak-hour. See the Preliminary Plan staff report for further discussion.

Community Participation

Staff received two letters from Community Groups with respect to the Site Plan, one in favor and one opposed.

The first letter, dated March 2, 2007, is from two organizations representing residents of the City Homes development immediately west of the site on Montgomery Lane. The two organizations, City Homes of Edgemoor HOA and Concerned Families of City Homes, the latter representing the residents whose townhomes back directly onto the subject site, enumerate five concerns with the proposed Site Plan:

1. The proposed building height should not exceed the 65 feet recommended in the Sector Plan;
2. The building setback on Montgomery Lane should match that of the existing City Homes rowhouses;
3. The service areas for trash removal and/or deliveries should be covered, screened and buffered from City Homes to minimize the impact of service vehicles;
4. A lobby entrance from Montgomery Lane should be considered;
5. The final architectural design should incorporate "additional contemporary features" (unspecified).

Staff has reviewed and considered each of the points and provides the following response:

1. The proposed building height of 72.9 feet, though greater than the height recommended in the Sector Plan, makes it possible to provide 15 percent MPDUs and was approved as part of the Development Plan. The ARC, in their May 30, 2006, memorandum clearly state that the project would not be able to provide the necessary MPDUs on site with a building limited to 65 feet in height. Development Review and Community-Based Planning staff find the increased height compatible with the surrounding community, allowing a transition from the lower buildings to the west and the much taller buildings across Woodmont Avenue to the east.
2. The rejection of the initial 100-foot building height required the Applicant to provide the same maximum allowable density in a shorter building, resulting in a larger footprint. This footprint and attendant building setbacks were approved as Binding Elements of the Development Plan approved by the District Council. While setting the building further back from Montgomery Lane is feasible from the viewpoint of the Development Plan, the Applicant is averse to doing so because of the project's already limited flexibility. Setting the building further back would cause the project to lose density and units allowed them by the code and is therefore not preferred by the Applicant. From an urban design perspective, the "end-cap" nature of the building as it relates to the City Homes rowhouses provides a desirable transition between the less intensive character of that development and other development along that block of Montgomery Lane and the more

intensive development along Woodmont Avenue, providing a horizontal, as well as vertical, buffer between the two.

3. As required by the Development Plan, all service areas are located off of Hampden Lane, with only tangential proximity to City Homes. The City Homes property, at the corner closest to the loading area, is elevated approximately 5-6 feet by a retaining wall that has on top of it a 5-6-foot privacy wall with brick piers and wooden board-on-board fencing. Beyond this 10-foot grade change, the Applicant proposes to enhance the screening with evergreen and ornamental trees. Staff feels this relatively seldom-used area will be properly screened from adjacent sites, including City Homes.
4. One of the Binding Elements of the approved Development Plan requires that residential access be from Hampden Lane. As a result, the primary building access is located on Hampden Lane, but the Site Plan does provide a secondary entrance from the active/passive recreation space in the northwest corner of the site, accessible from Montgomery Lane. While this does not provide a "front door" for the building on Montgomery Lane, the ground floor unit fronting onto Montgomery Lane has its front door there.
5. The final architectural design is not within staff purview.

The second letter, dated April 23, 2007, is from the Bethesda Civic Coalition, representing residents of the Edgemoor Condominium across Montgomery Lane from the site, and registers support of the project as reflected in the approved Development Plan and this Site Plan. Their letter emphasizes four points:

1. The northwest corner of the building should not exceed 60 feet;
2. The pedestrian and vehicular access points should be from Hampden Lane;
3. The sidewalks on Montgomery Lane, Woodmont Avenue, and Hampden Lane should be as wide as possible and paved with compatible materials;
4. The visual impact of the building penthouse should be limited.

The Site Plan already proposes vehicular access from Hampden Lane and the building height in the northwest corner will not exceed 60 feet (as measured from elevation 326). The Applicant is expanding the sidewalks to the greatest extent possible to reach the preferred 15-foot width recommended by the Sector Plan. The proposed sidewalk widths are: Woodmont Avenue, 14 feet; Montgomery Lane, 15 feet; and Hampden Lane, about 14 feet. All sidewalk improvements will meet the Bethesda CBD Streetscape Standard. The Development Plan limits the height of the building penthouse to 15 feet.

FINDINGS: For Site Plan Review

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 Section 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 modifies any element of the project plan;.*

The Site Plan conforms to all non-illustrative and binding elements of the approved Development Plan, as demonstrated in the Project Data Table on pages 13-14. Beyond the elements included in that table, the proposed building also meets the remaining binding elements of the Development Plan within the purview of the Planning Board:

- a. The streetscape improvements conform to the Bethesda Streetscape Standard;
- b. All residential parking is located underground;
- c. No ancillary commercial or restaurant uses are included in the plan;
- d. The building height in the northwest corner of the site does not exceed 60 feet, approximately in the area over the northwest unit as shown on the Development Plan;
- e. Both primary residential and vehicular access are from Hampden Lane.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the TS-R zone as demonstrated in the Project Data Table on page 13-14.

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

- a. Locations of buildings and structures

The plan proposes a seven-story multi-family residential building with up to 64 residential units. In an area of much re-building, this plan provides a strong building frontage for each of the surrounding streets. On the primary street, Woodmont Avenue, the design features first floor and English basement units that enter directly from the street, which, in combination with sensitive landscaping, helps to activate the street while mediating between the public and private realms. On the secondary streets, Hampden and Montgomery Lanes, the building provides a book-end effect, holding the corner and providing a transition between the lower intensity uses to the west and the higher intensity uses to the east. The location of the building is adequate, safe, and efficient.

b. Open Spaces

The plan proposes over 10,000 square feet of public use and amenity space on and off site, approximately 47 percent of the Net Lot Area. On-site public use spaces include three street-access landscaped seating areas, an expanded sidewalk with benches along Woodmont Avenue, and attractive landscaping. Off-site amenities include streetscape improvements along Woodmont Avenue and Hampden and Montgomery Lanes. In each category of public use and recreation space, the plan provides greater than the minimum amount. The open space provided on site is adequate, safe, and efficient.

c. Landscaping and Lighting

The public use spaces on the site are well designed and located close to the street so as to be inviting to the public for casual everyday use and access. Along the Woodmont Avenue frontage, landscaping along the sidewalk helps to define the public seating areas and transition between public and private space. The landscaping and lighting provide for adequate, safe, and efficient use by residents.

d. Recreation Facilities

The plan provides residents with recreational opportunities on and off site. On site the plan provides several indoor and outdoor seating areas, an indoor fitness center, and a roof terrace. Nearby are urban parks and an extensive pedestrian system. Per the 1992 Recreation Guidelines, the on- and off-site recreational facilities are each greater than the minimum amount suggested. The recreation facilities provided on site are adequate, safe, and efficient.

e. Pedestrian and Vehicular Circulation Systems

Vehicular Circulation

The plan provides one vehicular access point, from Hampden Lane. This grants access to both the underground parking and the loading and service area. All required parking will be located underneath the building.

Pedestrian Circulation

Pedestrian access to the site is from the sidewalks located on three sides of the site. The primary access to the building is from Hampden Lane, though each of the ground floor and most of the English basement units will have an individual access point ("front door") directly from the sidewalk on Woodmont Avenue and Montgomery Lane. A secondary access to the ground floor lobby is also provided from the recreation space in the northwest corner of the site.

Vehicular and pedestrian circulation is safe, adequate, and efficient.

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

The proposed building features seven stories and a cellar with up to 64 residential units. The site is located on the border of the Bethesda CBD, located between lower intensity residential, commercial, and civic uses to the west and the more intensive commercial and residential uses to the north and east. The structure will provide a “bridge” height between the four-story townhomes of City Homes, and the taller area condominiums and office buildings, including adjacent buildings along Woodmont Avenue that range from ten to 17 stories. The proposed setbacks are designed to create the desired “urban village” character along the frontages of Hampden Lane, Woodmont Avenue, and Montgomery Lane. The rear setback of 18 feet provides an adequate separation from the City Homes property driveway retaining wall. The setback from Montgomery Lane, though less than that of City Homes, provides an “end-cap” to the block. This is a desirable transition between the less intensive character of City Homes and the more intensive development along Woodmont Avenue, providing a lateral, as well as vertical, buffer between the two. The building height, size, location, and residential use and the site landscaping and lighting are commodious and compatible with adjacent residential and commercial uses.

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.*

Forest Conservation

A Forest Conservation exemption (4-07279E) was approved by Environmental Planning staff on 5/22/2007.

Water Quality

The site does not include any streams, wetlands, or floodplains.

Noise

A noise analysis was performed and detailed in a report by Polysonics, dated 1/11/2007. This analysis demonstrates that current and projected noise levels slightly exceed the 65 dBA L_{dn} guideline applied to external activity spaces in urban areas. The Woodmont Avenue façade and associated units will be affected the most. This project does not propose any exterior recreation areas and noise mitigation for balconies is impractical. Therefore only architectural methods will be used to mitigate for noise, with a building shell analysis provided at time of building permit to certify that interior noise levels will not exceed the 45 dBA L_{dn} standard.

Tree Save

There are three large or specimen trees onsite and this plan does not propose to retain any of these trees, due to the intensity of development proposed. There are two offsite trees (26” Bitternut Hickory, 12” Red Maple) that will be protected and retained through the use of root pruning and tree protection fence.

ATTACHMENTS

- A. ARC Recommendation Letter
- B. District Council Opinion
- C. Citizen Letters
- D. Reviewing Agency Approvals

ATTACHMENT A: ARC Recommendation Letter



**Moderately Priced Dwelling Unit
ALTERNATIVE REVIEW COMMITTEE**

MEMORANDUM

May 30, 2006

TO: Montgomery County Planning Board

FROM: MPDU Alternative Review Committee (ARC)
Elizabeth Davison, Director, DHCA
Scott Minton, Executive Director, HOC
Farroll Hamer, Acting Director, M-NCPPC

SUBJECT: Decision Memorandum – Local Map Amendment No. G-819 Economic Feasibility, Hampden Lane, LLC, located at 4901 Hampden Lane, Bethesda

RECOMMENDATION

The Alternative Review Committee recommends **APPROVAL** of the additional height and density requested by Hampden Lane, LLC (the "Applicant") as part of the Local Map Amendment application for the above referenced project.

BACKGROUND

Section 59.D.1.6(a) of the Zoning Ordinance allows a development plan to exceed, in proportion to the MPDUs to be built on site, including any bonus density units, any applicable residential density or building height limit established in a master plan or sector plan if a majority of an Alternative Review Committee composed of the Director of the Department of Housing and Community Affairs (DHCA), the Executive Director of the Housing Opportunities Commission (HOC), and the Director of Park and Planning, or their respective designees, find that a development that includes all required MPDUs on site, including any bonus density units, would not be financially feasible within the constraints of any applicable density or height limit.

PROJECT DETAILS

Based on the requirement of 59.D.1.6(a), Local Map Amendment No. G-819, Hampden Lane, LLC, was considered by the Alternative Review Committee (ARC) at a meeting held at HOC on May 15, 2006. Members of the ARC who participated in the meeting were Elizabeth Davison, Director, DHCA; Scott Minton, Director, HOC; and Farroll Hamer, Acting Director, Montgomery County Planning Board. The ARC was

assisted in its review of the financial information submitted by the applicant by Eric Smart, independent economic advisor employed by Bolan Smart Associates and under contract for professional services to DHCA. The representatives of the Applicant who were present at the meeting were Michael O' Connor, Triumph Development, and the Applicant's Attorney, Erica A. Leatham, of Stark, Meyers & Eisler, LLC.

As presented, the maximum height for the project would be 70 feet. A maximum height of 65 feet is recommended in the Sector Plan for the Transit Station Residential (TSR) district, within which this property is located. Therefore, the proposed development exceeds the height recommended in the Plan by five feet at the 70 foot height.

The applicant submitted to the consultant a Bonus MPDU Density Analysis for the project, comparing the feasibility of a project developed at the base FAR of 77,225 feet with no bonus density to a project with a maximum FAR of 94,215 feet with a 22% bonus density for provision of 15% MPDUs on-site.

CONCLUSION

In evaluating the submission of the Applicant, the economic consultant and the ARC made the following findings of fact:

1. The development cost assumptions submitted by the applicant are consistent with market norms and all mathematical calculations appear to be accurate.
2. The economic analysis submitted by the applicant provides reasonable information and level of detail to permit basic understanding of the anticipated development costs.
3. The indicated sales prices for the MPDU units were derived based on the cost basis for establishing the permissible MPDU pricing.
4. The feasibility of the 22% bonus case is based on assumptions of relatively modest margins and profits by current standards.
5. Based on the analysis, the project, without any bonus density would have a gross loss.
6. The bonus density, which requires the additional height for its inclusion, is required in order for the project to make a modest gross profit.

This conclusion is related solely to the financial conditions associated with the property's development. The limit of the ARC's review is the economic feasibility of locating the MPDU's on the site of the project and whether that economic feasibility requires that additional bonus density and height be provided to the project. The members of the ARC have not reviewed or formed any opinion about the compatibility of the project if the height and/or density is increased.

[SIGNATURE APPEAR ON THE FOLLOWING PAGE]

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PAGE 4/4

FROM : DHCA DIRECTORS OFFICE

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FROM : DHCA DIRECTORS OFFICE

FAX NO. : 240 777 3791

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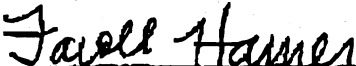
Signatures of the Alternative Review Committee Members


Elizabeth B. Devison, Director
Department of Housing and Community Affairs

5/27/06
Date


D. Scott Minton, Executive Director
Housing Opportunities Commission

5/30/06
Date


Farroll Hunter, Acting Director
Department of Park and Planning, M-NCPPC

5/30/06
Date

EBD:ejc:ms

cc: Eric A. Leatham, Esquire, Stark, Moyers & Esler, LLC
Michael O' Connor, Triumph Development

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ATTACHMENT B: District Council Opinion

Resolution No.: 15-1559

Introduced: July 25, 2006

Adopted: July 25, 2006

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By: County Council

SUBJECT: APPLICATION NO. G-819 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,
Erica Leatham, Esquire, Attorney for Applicant Hampden Lane, LLC, OPINION AND
RESOLUTION ON APPLICATION

Tax Account Nos. 07-00490078, 07-00489822, 07-00486726 and 07-00486726

OPINION

Local Map Amendment Application No. G-819, filed on February 3, 2004 by Applicant Hampden Lane, LLC, requests reclassification from the R-10 (Residential, multi-family) and R-60 (Residential, single-family) Zones to the TS-R Zone (Transit Station-Residential) of 30,891 square feet of land in the Edgemoor subdivision (7th Election District) comprised of part of Lots 5 and 6, Block 24B; part of Lots 8 and 9, Block 24D; 313 square feet of right-of-way owned by Montgomery County that was formerly part of Lot 6, Block 24B; and 815 square feet of right-of-way owned by Montgomery County that was formerly part of Lots 8 and 9, Block 24D.¹ The site is located at 4802 and 4804 Montgomery Lane and 4901 and 4905 Hampden Lane, Bethesda.

¹ The Applicant owns approximately 29,763 square feet of the area proposed for rezoning. This includes 7,217 square feet of land that is already dedicated for roadway use. Based on past practice, the Planning Board can be expected to include the past dedication in the tract area used to calculate permitted density. As noted in the text above, the area proposed for rezoning also includes 1,128 square feet of land that is owned by Montgomery County, having been acquired by eminent domain in the past. This property was previously part of the lots and blocks at issue here. The Applicant hopes to buy this property back from the County, then immediately re-dedicate it for public use in connection with its development of the site. The Applicant and Montgomery County entered into a Memorandum of Understanding Agency Authorization (Exhibit 26(a)) on April 6, 2004, which authorizes the Applicant to seek rezoning for the County-owned land included in this application, and at least impliedly authorizes the Applicant to seek rezoning for the dedication parcels, to the extent such authorization may be necessary. The Memorandum of Understanding states explicitly that it "shall not affect, in any manner whatsoever, any public action, review or approval process involving the County. . . ." Ex. 26(a) at 3.

The Hearing Examiner recommended approval of the original application, as did the Montgomery County Planning Board (the "Planning Board"). The Planning Board's Technical Staff recommended denial of the application on grounds that it would not be consistent with the recommendations of the 1994 Bethesda CBD Sector Plan (the "Sector Plan").

The District Council first considered this matter on February 8, 2005, and granted a request for oral argument. Following oral argument on March 1, 2005, the District Council remanded the case to the Hearing Examiner to reopen the record, for the limited purpose of giving the Applicant the opportunity to amend its development plan to specify, as a binding element, that all moderately priced dwelling units ("MPDUs") would be provided on site. The Hearing Examiner submitted a Supplemental Report and Recommendation following the remand, which referenced the revised Development Plan and reiterated the conclusions and recommendation stated in the original Report and Recommendation in this matter.

~~On April 12, 2005 the District Council voted 9 to 0 to deny the application, finding that~~
~~the application was inconsistent with the recommendations of the Sector Plan due to the 100-foot~~
~~height proposed for the building, and would not be compatible with surrounding development.~~ The Applicant then filed a request for reconsideration, which the Council denied. The Applicant petitioned the Circuit Court to review the District Council's denial of the application. During court proceedings, the applicant and representatives of the surrounding community agreed to revise the proposed development plan to conform the project to the Sector Plan recommendations. With the consent of the parties, the Circuit Court granted a motion by the applicant to remand the case to the District Council. The District Council remanded the case to the Hearing Examiner, finding that further proceedings, including consideration of any revised development plan that the Applicant might submit, would serve the public interest.

~~Following the Council's remand to the Hearing Examiner, the Applicant submitted~~
~~revised plans that propose a maximum building height of 70 feet.~~ Technical Staff recommended approval of the revised application, finding that it was much closer to the Sector Plan recommendations

and, in light of the Planning Board's earlier recommendation of approval, would be appropriate for the site. The Alternative Review Committee (the "ARC Committee") made a finding that with moderately priced dwelling units on site, the proposed development would not be financially feasible within the constraints of the 65-foot height limit recommended in the Sector Plan. ~~The Planning Board concurred with this finding and recommended that the proposed Development Plan be approved with a maximum height of 70 feet.~~ Following a public hearing, the Hearing Examiner recommended approval of the application on grounds that it satisfies the requirements of the zone, it would be compatible with land uses in the surrounding area, and it would serve the public interest.

~~The District Council agrees with the Hearing Examiner's conclusions, and incorporates herein by reference the Findings of Fact, Summary of Hearing, Zoning Issues and Conclusions portions of her report and recommendation dated July 14, 2006.~~

A. Subject Property

The subject property is located in downtown Bethesda, on the west side of Woodmont Avenue. It occupies the entire block between Hampden Lane and Montgomery Lane. ~~The property is currently developed with two single-family detached residential buildings facing Montgomery Lane in the R-60 Zone, which are used for offices; a three-story multi-family building facing Hampden Lane in the R-10 Zone, which contains apartments, an upholsterer and offices; and a gravel parking area filling the middle portion of the site.~~

The subject property has street frontage on three sides. To the east it fronts on Woodmont Avenue, an arterial road with four to five lanes providing access for north-south traffic in the CBD. Sections of Woodmont Avenue operate in a one-way direction, southbound, adjacent to the subject property. To the south, the subject property fronts on Hampden Lane, a business district street with two travel lanes providing for east-west travel between Arlington Road and Woodmont Avenue. ~~The right-of-way on Hampden Lane varies, but is recommended in the Sector Plan to be 60 feet.~~ To the north, the subject property fronts on ~~Montgomery Lane, a narrow business district street that is recommended in the Sector Plan for a 52-foot right-of-way.~~ Travel on Montgomery Lane is primarily

two-way east-west, except for a stretch between Woodmont Avenue and a small side street called West Lane, adjacent to the subject property, where travel is permitted only in a westbound direction.

B. Surrounding Area and Zoning History

The surrounding area for this application consists of the area bounded roughly by East Lane on the east, Moorland Lane on the north, Elm Street on the south and properties fronting on Arlington Road on the west. ~~This area includes the Transit Station Residential District ("TS-R District") defined in the Sector Plan and a portion of the Metro Core District defined in the Sector Plan.~~

The surrounding area contains a wide mix of uses and zones, as described in detail on pages 7 through 11 of the Hearing Examiner's July 14, 2006 report and recommendation. Confronting to the east is a high-rise building with a 143-foot-tall office component and a 100-foot-tall residential component. Confronting to the south, across Hampden Lane, is a two-story commercial building. Abutting to the west is a luxury townhouse development, the City Homes Townhouses, with five rows of four-story townhouses reaching 55 to 60 feet in height. Confronting directly to the north, across Montgomery Lane, is a small open area. Adjacent to that open area and partially confronting the subject property is the 100-foot-high Edgemoor Condominiums building. Other uses in the surrounding area include additional residential and office high-rises, low-rise residential, office and institutional uses, and additional townhouses.

The subject property was classified under the R-10 and R-60 Zones in the 1954 Regional District Zoning. This zoning was reaffirmed in the 1958 Countywide Comprehensive Zoning, and by Sectional Map Amendment in 1977 (SMA G-20) and 1994 (SMA G-711).

C. Proposed Development

The Applicant proposes to construct a high-rise, multi-family residential building, and has offered binding elements that establish a number of key parameters for the building, including architectural elements. These are summarized below. ~~The TS-R Zone specifies that building height must be established by the Planning Board during site plan review, taking into consideration factors such as parcel size, relationship to surrounding uses, and the need to preserve light and air for~~

~~surrounding~~ properties. The Applicant has placed an upper limit on the height of the building in the textual binding elements, but the Planning Board retains the discretion to require a lower height.

~~Binding Elements, per Development Plan, Exhibit 116(b)~~

Area to be rezoned	30,819 square feet
Net lot area	22,546 sq. ft.
Floor area ratio (FAR)	up to 2.5, plus up to 0.55 FAR for MPDU bonus
Number of dwelling units	50 – 70
Gross floor area	no more than 94,218 sq. ft.
Public use space	not less than 10% of net lot area, 2,255 sq. ft.
Active/Passive Recreation Space	Not less than 20% of net lot area or 4,510 sq. ft., percentage on the ground determined by Planning Board
Building coverage	Maximum 65%
Building height	Not greater than 70 feet (7 stories plus English basement), with at least 1,300 sq. ft. in northwest corner limited to 60 feet
	Rooftop structures no more than 15 feet high, set back from Montgomery Lane building edge no less than 25 feet, and covering no more than 50% of rooftop
Streetscape	Substantial compliance with Sector Plan guidelines
Parking	Resident parking will be underground, with possible small number of surface parking spaces for drop-off and visitor parking adjacent to Hampden Lane
Ancillary commercial uses or restaurants	None
MPDUs	Up to 15%, all on site

Binding Elements, per Development Plan, Exhibit 116(b), cont.

Setbacks	Minimum of 18 feet on western property line. Other setbacks to be in substantial compliance with setbacks shown on Development Plan.
Access	All vehicular access from Hampden Lane
Materials/Design	Construction materials and architectural design to be consistent with images on Development Plan page A0.03. Northeast and northwest corners to be constructed from brick, metal floor spandrels, and windows, without large expanses of glass curtain wall or other reflective surfaces.
Construction agreement	Applicant to work with Edgemoor Condominium Association to devise construction agreement to mitigate construction impacts.
Condominium fees	Applicant to work with County on funding mechanism to protect MPDU owners from rapid escalations in condominium fees.

The area proposed for rezoning in this case (which is the tract area the Applicant proposes to use to calculate permitted density) is 30,891 square feet, or .71 acres. With this acreage, a 50-unit building would represent about 70 dwelling units per acre, and 70 units would be about 99 units per acre. **The project will include at least the minimum number of moderately priced dwelling units ("MPDUs") required under county law (12.5 percent), all of which would be on site.**

The proposed development will satisfy the zoning ordinance requirements to designate 10 percent of the site to public use space and 20 percent to active and passive recreation space. The latter will likely be provided in part on the ground outside the building, and in part on the rooftop and in interior spaces including a fitness center and a lobby/community room. The Applicant has committed, by binding element, to locate all vehicular access on Hampden Lane.

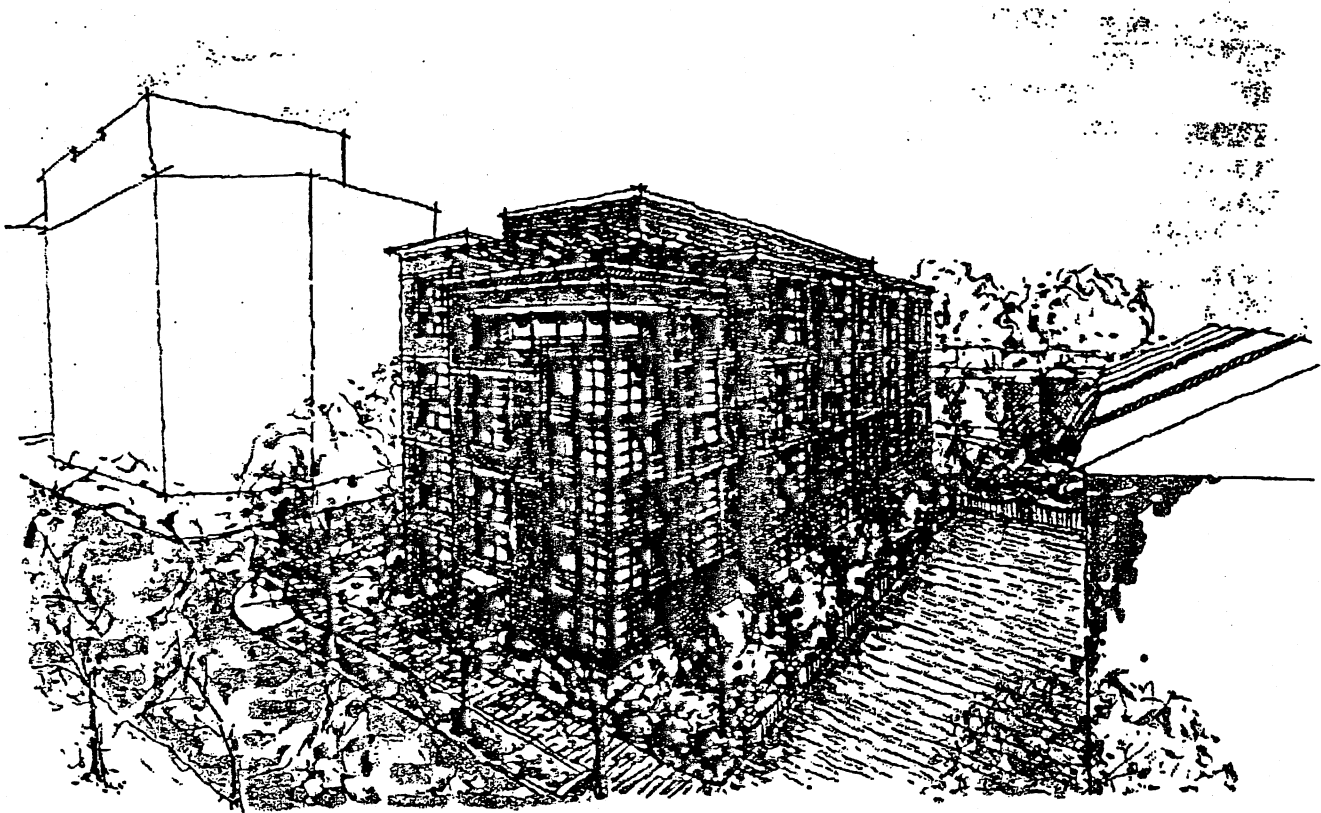
A Development Plan in the TS-R Zone must include the elements required under Code § 59-D-1.3, including a land use plan showing site access, proposed buildings and structures, a preliminary classification of dwelling units by type and number of bedrooms, parking areas, land to be dedicated to public use, and land intended for common or quasi-public use but not intended to be in public ownership. ~~The principal component of the development plan in this case is a three-page document entitled "Development Plan," Exhibits 116(a) – (c), which contains a conceptual site plan drawing, as well as notes, written binding elements and a conceptual parking layout.~~ Additional items required for a development plan have been submitted in the form of vicinity maps (e.g. Exs. 5 and 45(i)).

The textual binding elements require substantial compliance with the images depicted on Page A0.03 of the Development Plan, which are shown below and on the next page.

Artist's Rendering of Woodmont Avenue and Montgomery Lane Facades, from Ex. 116(c)

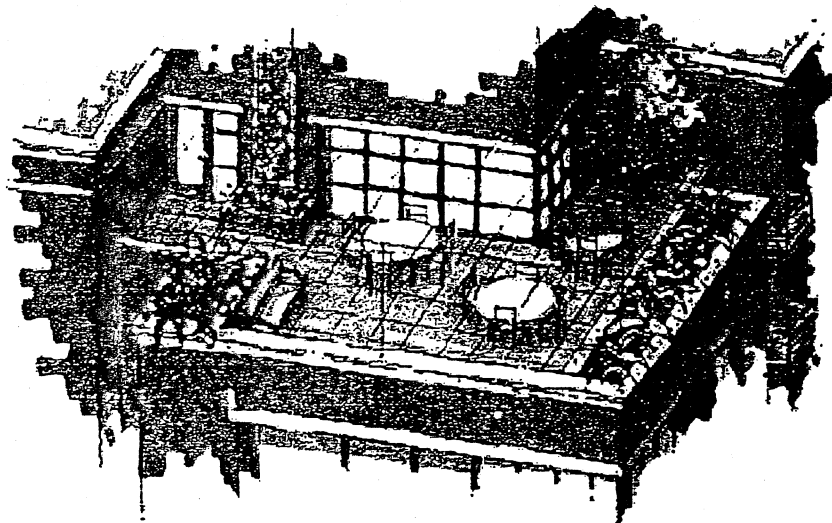


Artist's Rendering of Facades Facing Montgomery Lane and City Homes Driveway, from Ex. 116(c)



Artist's Rendering of Terrace on Roof of 60-foot Portion of Building in Northwest Corner, from Ex. 116(c)

Terrace Area to be at least 1,300 square feet in size, per textual binding element.



D. Master Plan

The subject property is located in an area identified in the Sector Plan as the TS-R District. The Sector Plan's basic vision for the TS-R District is set forth below (Sector Plan at 5):

The Plan recommends creation of a high-density, low-rise 'urban village' that steps down in height from 6 floors along Woodmont Avenue to 3 floors along Arlington Road, and provides from 45 to up to about 100 dwelling units per acre. The Plan retains and revises the TS-R (Transit Station-Residential) Zone to achieve this vision.

The urban village concept was described in detail, with written objectives, extensive written recommendations, urban design guidelines and several maps and drawings. These elements, taken together, are clearly designed to carry out the high-density, low-rise "urban village" concept. The District Council agrees with the Hearing Examiner and Technical Staff that the Sector Plan recommends development of the subject property for multi-family residential use under the TS-R Zone. Thus, the development proposed here is consistent with the use recommended in the Sector Plan.

With regard to residential density, the Sector Plan recommends a minimum of 45 dwelling units per acre everywhere in the TS-R District except on lots facing Arlington Road, and states that higher densities with 2.5 FAR and "about 100 dwelling units per acre" would be allowed elsewhere in the district. See Sector Plan at 82. The range of 50 to 70 units proposed in this application would not necessarily produce a unit density approaching 100 units per acre. However, the proposed development would produce between 70 and 99 units per acre, in the top half of the range the Sector Plan recommends. Moreover, the present proposal would provide for the maximum floor area ratio ("FAR") recommended in the Sector Plan, which is another important measure of density. For all of these reasons, the District Council finds that the proposed rezoning substantially complies with the density recommended in the Sector Plan.

Turning to the Sector Plan's goal of achieving a "low-rise, high-density, urban village" form of development in the area of the subject site, the District Council agrees with the Hearing Examiner that the proposed development would support this goal. The building is proposed with seven stories rather than the six recommended in the Sector Plan, but the maximum height of the building

would be 70 feet, just five feet (less than ten percent) above the height limit recommended in the Sector Plan. In other respects, such as streetscape and the preference for shallow setbacks, the proposed development is fully consistent with the Sector Plan's vision. In addition, one corner of the building would drop down to 60 feet, reducing the overall mass of the building and its impact on adjacent properties. Moreover, the 70-foot height requested is consistent with the Sector Plan's scheme of greater heights along Woodmont Avenue, and would provide a significant step-down in height from adjacent high-rises to the north and east, as called for in the Sector Plan.

For all of the above reasons, the District Council concludes that the proposed development would substantially comply with the Sector Plan.

E. Public Facilities

A traffic study is not required for the proposed development under the Planning Board's guidelines for Local Area Transportation Review ("LATR") because the development is expected to generate only 13 new vehicular trips during the weekday morning and evening peak hours. Below the threshold level of 30 peak hour trips, the LATR Guidelines consider a development too small to have a measurable traffic impact on a specific local area. Accordingly, the Applicant did not submit an LATR study in this case. The Applicant did, however, submit two studies prepared by Technical Staff indicating that there were no intersections in downtown Bethesda that failed the County's test for unacceptable levels of congestion.

No evidence was presented to suggest that there is significant congestion in the area of the subject property or the Bethesda CBD in general, or that the proposed development would have adverse impacts on traffic. The District Council agrees with the Hearing Examiner that efforts by opposition parties to discredit the two Technical Staff studies were unavailing. Based on the preponderance of the evidence, the District Council finds the Applicant has adequately demonstrated that the proposed development would not have adverse impacts on traffic.

The proposed development is expected to generate approximately three elementary school students, two middle school students and one high school student. According to school capacity

calculations prepared by Montgomery County Public Schools, enrollment is expected to exceed capacity for the entire six-year forecast period in the relevant elementary school. Excess enrollment projected in the applicable middle and high schools is expected to be resolved by expansions identified in the FY 2005-2010 Capital Improvements Program. Based on the school capacity methodology adopted under the County's Growth Policy, capacity has been found to be adequate to support additional development throughout the relevant school cluster, the Bethesda-Chevy Chase cluster. Under these circumstances, and particularly in light of the very small number of potential students involved, the District Council concludes that the possible impact on the public schools is not sufficient to justify denial of the present application.

F. Development Plan Findings

The District Council finds that the Development Plan submitted with this application satisfies all the requirements for a development plan under Code §59-D-1.61(a)-(e). Each of the required findings is addressed below:

§59-D-1.61(a): substantial consistency with use and density indicated in master plan, no conflict with other county plans and policies. As discussed in Part D above, the District Council concludes, based on the preponderance of the evidence, that the proposed rezoning and development will substantially comply with the use and density recommended in the Sector Plan. No evidence of record suggests that the proposed development will conflict with any established county plan or policy. Moreover, the evidence indicates that the proposed rezoning will be consistent with the Growth Policy and the Capital Improvement Program.

§59-D-1.61(b): purposes of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development.

1. Intent and Purpose of the Zone

Section 59-C-8.21 of the Zoning Ordinance states that the TS-R Zone is intended to be used in transit station development areas and in locations where multiple-family residential development already exists or is recommended by the master plan. The District Council finds that the

proposed rezoning will satisfy this intent because the subject property is located less than 750 feet from the TS-R District, in an area that already has multiple-family residential development and was designated in the Sector Plan as the Transit Station-Residential District.

The purposes of the TS-R Zone are to promote the effective use of transit station development areas; to provide residential uses within walking distance of transit stations; to provide a range of densities to match the diverse characteristics of the County's several transit station areas; and to stimulate coordinated, harmonious development, prevent detrimental effects on the use or development of adjacent properties or the surrounding neighborhood; provide housing for persons of all economic levels; and promote health, safety and welfare. The District Council finds that the proposed rezoning will be consistent with these purposes because the site is located within walking distance of the Bethesda Metro Station; the improved sidewalks and streetscape will enhance pedestrian connections to the Metro; the range of densities proposed will add to the high density intended for the TS-R District and will be compatible with the characteristics of the transit station area; the form of development proposed will be compatible with the surrounding area and therefore will contribute to coordinated, harmonious development and avoid detrimental effects on the use or development of adjacent properties or the surrounding neighborhood; on-site MPDUs will ensure that the proposed development provides housing for persons of different income levels; and the development will promote health, safety and welfare by providing needed housing in downtown Bethesda, in a form that is compatible with the surrounding area.

The District Council's finding of compatibility rests on a number of factors. The use proposed here – multi-family residential – is clearly compatible with the residential uses in adjoining buildings. The use is also compatible with non-residential uses, which will benefit from a larger pool of residents to provide customers, employees, etc. Under the current configuration, compatibility of the proposed structure is equally clear. The shape of the subject property dictates that any building of significant size must face Woodmont Avenue, perpendicular to the Edgemoor Condominiums. With this orientation, the proposed building would extend the line of high rises down Woodmont Avenue in a

fashion quite harmonious with the Edgemoor Condominiums, while continuing the step-down in heights typically found in downtown Bethesda as one moves away from the Metro. The proposed building would inevitably interfere with views from the middle floors of the Edgemoor Condominiums, but the same would be true of any building on the site that is consistent with the Sector Plan.

The District Council agrees with the Hearing Examiner that the proposed building, with the setbacks, site configuration and height limitations shown on the Development Plan, would be compatible with the adjacent City Homes Townhouses to the west. The new building would be 10 to 15 feet taller than the townhouses, which is appropriate for a structure facing Woodmont Avenue, and would be separated from the townhouses by a grassy strip 18 feet wide, plus the 30-foot width of the townhouse driveway. The new building might extend closer to the street than the townhouses, but would be roughly even with the townhouses' side stoops, which face Montgomery Lane. Moreover, the townhouses' bulk would keep them from being visually overwhelmed by the proposed building.

~~The application's binding element of substantial compliance with the streetscape~~
~~guidelines contained in the Sector Plan is a very important element of compatibility.~~ Streetscape improvements would continue the attractive streetscape on Montgomery Lane and provided a much improved pedestrian environment on Woodmont Avenue. ~~The textual binding elements further assure compatibility with the prevailing brick architecture of surrounding buildings, and prohibit the use of large expanses of glass on the corners closest to adjacent residences.~~

In sum, the District Council concludes that a building with the parameters presented here would fit compatibly into its surroundings.

2. Standards and Regulations of the Zone

The TS-R Zone includes requirements regarding location, which echo the intent of the zone as discussed above. The zone also includes a requirement that development conform to the facilities and amenities recommended by the Sector Plan, including providing any necessary easements or dedications. The textual binding elements specify that the development would substantially comply with the Sector Plan's streetscape recommendations. However, property to be

dedicated for roadway right-of-way is not clearly indicated on the Development Plan site layout (Exhibit 116(b)). In view of other evidence in the record of the Applicant's intention to provide necessary roadway dedications, the District Council does not consider this grounds for denial, but stipulates that this omission must be rectified on the Development Plan that is submitted for certification.

The proposed multi-family dwellings are a permitted use in the TS-R Zone. In addition, the proposed development will be consistent with applicable development standards, as shown in the table on page 65 of the Hearing Examiner's July 14, 2006 Report and Recommendation. The TS-R Zone further requires off-street parking to be located so as to have a minimal impact on adjoining residential properties. This requirement will be satisfied by providing residential parking underground, eliminating the sights and sounds of surface parking.

3. Maximum Safety, Convenience and Amenity of the Residents

The binding element concerning streetscape ensures improved pedestrian connections between Arlington Road and Woodmont Avenue. Moreover, the building will be extremely accessible to Metro, shopping, entertainment and outdoor recreation. Based on these elements, the District Council concludes that the proposed development will provide for the maximum safety, convenience and amenity of the residents of the development.

4. Compatibility

For the reasons discussed in Part F.1 above, the District Council concludes that the proposed development will be compatible with the land uses in the surrounding area.

§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems. The evidence supports a finding that the proposed internal vehicular and pedestrian circulation systems and points of external access will be safe, adequate, and efficient.

§59-D-1.61(d): preservation of natural features. The subject property is located in a highly urbanized area and has few natural features. Technical Staff reports that two existing trees on the site will be removed, but efforts will be made to preserve trees in the public right-of-way. The application is exempt from forest conservation requirements because of the site's small size and lack of

existing forest cover. The developer will be required to conform to county requirements for stormwater management. Based on these factors, the District Council concludes that this requirement is satisfied.

§59-D-1.61(e): common area maintenance. Condominium association documents that have been submitted in draft form adequately and sufficiently demonstrate the intended ownership and perpetual maintenance of common areas.

G. Public Interest

The District Council concludes that the proposed zoning bears sufficient relationship to the public interest to justify its approval. The State Zoning Enabling Act applicable to Montgomery County requires that all zoning power must be exercised:

“ . . . with the purposes of guiding and accomplishing a coordinated, comprehensive, adjusted, and systematic development of the regional district, . . . and [for] the protection and promotion of the health, safety, morals, comfort, and welfare of the inhabitants of the regional district.”
[*Regional District Act*, Maryland-National Capital Park and Planning Commission Article (Art. 28), Md. Code Ann., § 7-110].

When evaluating the public interest, the District Council normally considers master plan conformity, the recommendations of the Planning Board and Technical Staff, and any adverse impact on public facilities. As discussed in Part D above, the District Council finds that the subject application is in substantial compliance with the use and density recommended in the *Bethesda CBD Sector Plan*. Moreover, the evidence amply supports a finding that the proposed development would support the achievement of the “low-rise, high-density, urban village” form of development recommended in the Sector Plan, despite a minor deviation from the height recommendation.

The evidence demonstrates that the proposed development will not have any adverse impact on existing roadways in the area. The evidence suggests that the proposed development is expected to add three students to an elementary school that has adequate capacity under the Growth Policy, but is considered over capacity by Montgomery County Public Schools. The relevant middle and high schools are expected to have adequate capacity by the time the building proposed here is built. The District Council finds that under these circumstances, the minor potential impact on public schools is not sufficient to justify denial of the application.

Accordingly, having carefully weighed the totality of the evidence, the District Council concludes that approval of the requested zoning reclassification is in the public interest.

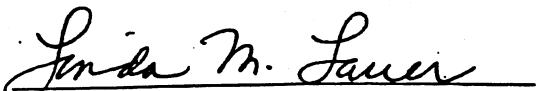
For these reasons and because to approve the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-819, requesting reclassification from the R-10 and R-60 Zones to the TS-R Zone of 22,546 square feet of land located at 4802 Montgomery Lane, 4804 Montgomery Lane, 4905 Hampden Lane and 4901 Hampden Lane, Bethesda, all in the 7th Election District, is hereby approved in the amount requested and subject to the specifications and requirements of the final Development Plan, Ex. 116(a) – (c), provided that the Applicant submits to the Hearing Examiner for certification a reproducible original and three copies of the Development Plan approved by the District Council within 10 days of approval, in accordance with § 59-D-1.64 of the Zoning Ordinance, with all land proposed for dedication as public right-of-way clearly indicated.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council

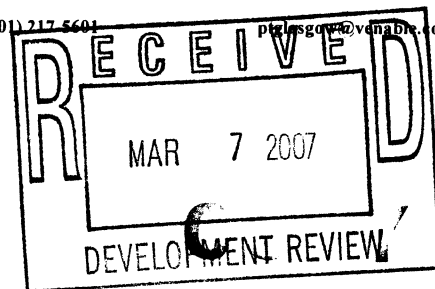
ATTACHMENT C: Citizen Letters

Paul T. Glasgow

(301) 217-5601

ptglasgow@venable.com

March 2, 2007



VIA EMAIL AND
U.S. MAIL

Mr. Elza Hisel-McCoy
Senior Planner
Development Review Division
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 4901 Hampden Lane Site Plan 82000-70060

Dear Mr. Hisel-McCoy:

Thank you for meeting with me and representatives of both the homeowner's association of City Homes of Edgemoor ("City Homes"), and Concerned Families of City Homes ("CFCH"), an organization representing the homeowners directly abutting the above-referenced project, on February 20, 2007. As requested by Robert Kronenberg at our meeting, this letter will enumerate the current concerns that have been identified by both City Homes and CFCH in connection with the above-referenced site plan:

1. The height of the building should be in conformity with the Sector Plan, which indicates the height should not exceed 65 feet.
2. The building setback on Montgomery Lane should be consistent with, and match, the existing building line for City Homes.
3. The service entry and service area for trash removal and/or deliveries should be covered, screened and buffered from City Homes to minimize, to the greatest extent possible, the impact of vehicles servicing the development.
4. A lobby entrance with drop off area for residents should be considered on Montgomery Lane, rather than Hampden Lane.
5. When the final architectural design of the building is completed, the modifications should incorporate additional contemporary features.

Mr. Elza Hisel-McCoy
March 2, 2007
Page 2

Thank you for the opportunity to present our current concerns for the proposed site plan. As this review continues, City Homes and CFCH reserve the right to raise additional concerns or issues that they believe should be addressed.

Sincerely yours,

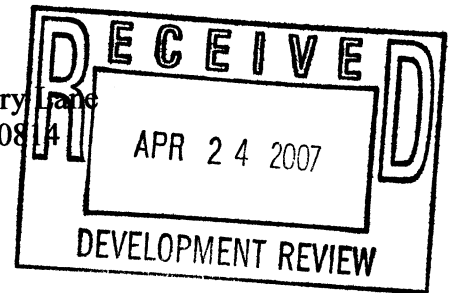
A handwritten signature in black ink, appearing to read "Paul T. Glasgow". The signature is fluid and cursive, with the first name "Paul" and last name "Glasgow" clearly distinguishable.

Paul T. Glasgow

PTG/bap

cc: Mr. David O'Bryon
Mr. Brent Polkes
Mr. Larry Ponsford
Mr. Richard Hauser
Ms. Marilyn Clemens
Mr. Robert Kronenberg ✓

4821 Montgomery Lane
Bethesda, MD 20814
April 23, 2007



Mr. Elza Hisel-McCoy
Senior Planner
Development Review Division
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: 4901 Hampden Lane Site Plan 82000-70060

Dear Mr. Hisel-McCoy:

Thank you for meeting us on April 18, 2007, regarding the site plan for 4901 Hampden Lane. We represent the Bethesda Civic Coalition [BCC] which includes a large majority of the owners and residents of the condominiums and townhouses in the immediate neighborhood of 4901 Hampden Lane. We continue our support for low-rise/high density development for the TS-R District shown in the Bethesda Sector Plan. We believed that Triumph's original proposal of a 100 foot tower of glass was totally incompatible with this concept and our neighborhood. We opposed this proposal before the Planning Board in May 2004 and felt vindicated when the county council rejected it by a vote of 9-0.

After that vote, we were able to work with Triumph Corporation to develop the proposal before you today. We compromised so that the maximum height of the building would be 70 feet with a maximum 60 foot height at the NW corner of the building. We also worked with Triumph to achieve the use of far more compatible brick and non-glare glass and metal materials. We are also delighted to report that the Council of Unit Owners of the Edgemoor Condominiums successfully negotiated a construction agreement with the Triumph Corporation.


We support the compromise before you today and want to ensure that:


- 1] The NW corner of the building does not exceed 60 feet in height at any point of measurement.
- 2] The lobby entrance, owner parking, drop off, and service area for trash removal and deliveries remain on the wider, two-way Hampden Lane.
- 3] The sidewalks on Montgomery Lane, Woodmont Avenue, and Hampden Lane are made as wide as possible using compatible brick materials.

4] Every attempt is made to minimize the impact of the penthouse containing the elevator and boilers by: a) reducing its height as much as possible; b) minimizing the penthouse footprint; and, c) locating it on the least obtrusive portion of the roof. Aesthetically, we have received assurances from Triumph Development that penthouse exterior will be "greened" to accommodate community interests.

Thank you for the opportunity to present our current concerns for the proposed site plan. We request the opportunity to testify at the hearing for this development.

Sincerely,


Steve Skalet


Jon Weintraub

ATTACHMENT D: Reviewing Agency Approvals

May 16, 2007

MEMORANDUM

TO: Elza Hisel-McCoy, Development Review Division

FROM: Judy Daniel, Team Leader, Bethesda-Chevy Chase, North Bethesda Team, Community-Based Planning Division (301-495-2172)

VIA: John Carter, Chief, Community Based Planning

SUBJECT: Comments for 4901 Hampden Lane Site Plan

The Community-Based Planning staff has reviewed the above referenced Site Plan for conformance with the *Bethesda CBD Sector Plan* (1994). The property is located on a site fronting on Woodmont Avenue, between Hampden Lane and Montgomery Lane.

MASTER PLAN GUIDANCE

Bethesda CBD Sector Plan places this site in the Transit Station Residential District. It recommends high-rise or garden apartments for this area, with TS-R zoning. The pertinent objectives for this area are to:

1. Provide incentives for and remove barriers to achieving high-density housing in the TS-R District.
2. Increase flexibility in the TS-R Zone to allow the district to achieve a low-rise, high-density "urban village" pattern.

The recommended modifications in the Plan include flexibility on setbacks and a reduced green space requirement to allow lower building heights. The vision is for housing that could appear to be townhouses but is actually three to six floor buildings. The Plan recommends a *minimum* of 45 dwelling units per acre (except for sites facing Arlington Road); and anticipates that some projects would have significantly higher densities. Proposals reflecting the full 2.5 FAR density allowed in the TS-R zone (about 100 dwelling units per acres) are allowed.

The pertinent elements of the Urban Design Guidelines for the Transit Station Residential District include:

1. Permit projects with minimum lots sizes as small as 18,000 square feet.
2. Encourage low-rise buildings that fill out the parcels, rather than taller buildings that have deep setbacks.
3. Allow heights of up to six floors near Woodmont Avenue to achieve the desired urban form.
4. Setbacks to be decided on a case-by-case basis in the approval process.

5. Roofs should reflect a residential image.
6. Design to provide front unit entrances along the street when residences are provided on the first floor.
7. Locate required parking underground on in rear decks, so it is not seen from surrounding streets.

MASTER PLAN COMPLIANCE

The 4901 Hampden Lane project has a 2.5 FAR (before the MPDU bonus), as allowed in the TS-R Zone – which becomes a 3.05 FAR with the MPDU Bonus.

This density yields 124 dwelling units per acre. While the Plan states a preference for proposals with a range of 53-64 dwelling units per acre, and a preference for smaller structures – the Plan also clearly indicates that some projects would have higher densities up to the full 2.5 FAR.

The project meets the area requirements for public use space and recreational spaces. These spaces include interior, exterior, and roof top amenity spaces.

Regarding other pertinent elements of Master Plan guidance:

1. Encourage low-rise buildings that fill out the parcels, rather than taller buildings that have deep setbacks.

The original proposal for this structure was taller (100 feet and nine stories), with a deep setback/public use space in the rear. That configuration was supported by the residents of the adjoining City Homes development and the Planning Board, but was rejected by the Hearing Examiner and the County Council.

The current proposal is lower (72 feet and seven stories), with wider sidewalks, which more closely achieves the goal of the Sector Plan.

2. Allow heights of up to six floors near Woodmont Avenue to achieve the desired urban form.

The previous building had nine floors, while the proposed building has seven floors. While this still exceeds the preferred height limit of 65 feet in the Sector Plan, it is the height set in the Development Plan. This height is the result of an Alternative Review Committee recommendation and the rezoning approved by the County Council.

3. Roofs should reflect a residential image.

The proposed structure is a contemporary design, and will have a landscaped rooftop terrace that will soften its appearance to nearby taller buildings.

COMMUNITY REACTION

The residents of the adjoining "City Homes of Edgemoor" have numerous objections to the submitted plan. These, stated in a letter dated March 2, include:

1. The height, which does not conform to the Sector Plan limit.
2. The building setback on Montgomery Lane, which they believe should match the building line for City Homes.
3. The service area for trash removal/delivers is not sufficiently screened/buffered from City Homes.
4. They would prefer that the lobby entrance with drop off area for residents be on Montgomery Lane, rather than Hampden Lane.
5. They do not like the architectural details of the building.

RECOMMENDATION

The proposed structure more closely achieves the stated goals of the Sector Plan in terms of height and bulk. The Sector Plan recognizes that density will be higher closer to Woodmont Avenue and that densities to the maximum allowed in the TS-R Zone would be permitted.

As now designed, the structure will provide a "bridge" height between the townhomes of City Homes, and the taller area condominiums. While the City Homes residents object to the height on the basis of the Sector Plan language, the approved development plan permits that height.

The Sector Plan does not provide clear guidance on setbacks, only stating that they should be set on a case-by-case basis, depending on the specific property issues. In this instance, proposed setbacks are designed to create the desired "urban village" character along the frontages of Hampden Lane, Woodmont Avenue, and Montgomery Lane. The rear setback of 18 feet provides an adequate separation from the City Homes property driveway retaining wall.

The Community Based Planning staff supports the application for 4901 Hampden Lane.



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

MEMORANDUM

TO: Dolores Kinney, Development Review
Elza Hisel-McCoy

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Amy Lindsey, Environmental Planning

DATE: May 22, 2007

SUBJECT: Preliminary Plan 120070280
Site Plan 820070060
4901 Hampden Lane

RECOMMENDATION: Approval subject to the following conditions:

1. The proposed development shall comply with the conditions of the approved tree save plan prior to any demolition, clearing, or grading on the subject property.
2. Final sediment control plan must be consistent with limits of disturbance as shown on Tree Save Plan, dated 5/22/2007.
3. A) At time of building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 DBA L_{dn} .
B) The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to MNCPPC staff.
C) The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are approved.

BACKGROUND

The 0.71-acre property is located in Montgomery County on Hampden Lane in the Bethesda area. This plan proposes to remove the existing apartments and offices and develop a seven story multi-family residential building with subterranean parking. There is no forest onsite but three large or specimen trees present. There are no streams, wetlands, or any associated buffers onsite. A Forest Conservation exemption (4-07279E) was approved by Environmental Planning staff on 5/22/2007. The property is within the Little Falls watershed; a Use I/I-P watershed.

Noise

A noise analysis was performed and detailed in a report by Polysonics, dated 1/11/2007. This analysis demonstrates that current and projected noise levels slightly exceed the 65

dBa L_{dn} guideline applied to external activity spaces in urban areas. The Woodmont Avenue façade and associated units will be affected the most. This project does not propose any exterior recreation areas and noise mitigation for balconies is impractical. Therefore only architectural methods will be used to mitigate for noise, with a building shell analysis provided at time of building permit to certify that interior noise levels will not exceed the 45 dBA L_{dn} standard.

Tree Save

There are three large or specimen trees onsite and this plan does not propose to retain any of these trees, due to the intensity of development proposed. There are two offsite trees (26" Bitternut Hickory, 12" Red Maple) that will be protected and retained through the use of root pruning and tree protection fence.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains. The property is within the Little Falls watershed; a Use I/I-P watershed.





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

May 17, 2007

MEMORANDUM

TO: Dolores Kinney, Planner
Elza Hisel McCoy, Site Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning 

FROM: Ed Axler, Planner/Coordinator 
Transportation Planning

SUBJECT: 4901 Hampden Lane
Preliminary Plan No. 120070280
Site Plan No. 8200700060
Bethesda Central Business District

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review and approval of the subject preliminary and site plans to redevelop the existing residential site for a high-rise apartment in downtown Bethesda.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the subject preliminary and site plans:

1. The applicant must limit the subject site's redevelopment to a maximum of 64 high-rise apartments.
2. Modify the ADA-compliant pedestrian accommodations shown on the submitted plans as follows:
 - a. The crosswalk must be perpendicular to the curb across Hampden Lane's western leg at the intersection with Woodmont Avenue.
 - b. Show on the plan the receiving handicapped ramps on the east side of Hampden Lane and the north side of Montgomery Lane. If they do not exist, provide them.

3. The applicant must provide five bicycle lockers in the parking garage within 50 feet of the elevators. The applicant will coordinate with Transportation Planning staff to determine the ultimate location of the bicycle facilities prior to approval of certified site plan.

DISCUSSION

Site Location, Access, and Parking

The subject site is located on the west side of Woodmont Avenue between Montgomery Lane and Hampden Lane. Vehicular access for the residents and service vehicles is proposed from Hampden Lane.

Available Transit Service

Bethesda Metrorail Station is located 1,500 feet to the north of the subject site. Although no transit service is available along Montgomery Lane and Hampden Lane, Ride-On routes 49 and 92 and Metrobus routes J-2, J-3, and J-4 operate along nearby Woodmont Avenue.

Pedestrian Facilities

Sidewalks exist along Montgomery Lane, Hampden Lane, and Woodmont Avenue. The existing intersections have marked crosswalks and pedestrian signal heads at the signalized intersections.

Master-Planned Roadways and Bikeway

In accordance with the *Bethesda CBD Sector Plan*, Montgomery Lane and Hampden Lane are designated as business district streets with recommended right-of-ways of 52 and 60 feet respectively. Woodmont Avenue is designated as an arterial, A-68, with a recommended 80-foot right-of-way. In accordance with the *County Functional Master Plan of Bikeways*, a shared use path, SP-62, is designated along Woodmont Avenue.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District. As a residential only land use, the applicant is not required to enter into a Traffic Mitigation Agreement to participate in the Bethesda Transportation Management Organization.

Local Area Transportation Review (LATR)

The proposed 64-apartment development would generate 29 peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) peak period and within the evening (4:00 to 7:00 p.m.) peak period. A traffic study is not required to satisfy LATR because the proposed residential development generates less than 30 total peak-hour trips during the weekday morning and evening peak hours

EA:tc

cc: Judy Daniel
Chuck Kines
Erica Leatham
Steve Petersen
Fiona Thomas

mmo to Kinney Hisel-McCoy re 4901 Hampden Lane 120070280 820070060.doc

DHCA Comments for 3/12/07 DRC
4901 Hampden Lane - 120070280; 820070060

- The number and location of the MPDUs needs to be shown on the site plan (see Site Plan Guidelines, below).
- The number of one- and two/three-bedroom MPDUs must be shown on the plan and must comply with Chapter 25A-5(b)(3) (below – see chart also).

Site Plan Guidelines for MPDU Projects:

- (15) Clearly identify MPDUs on all site plan applications and signature set drawings.
- (16) Clearly state on the record plat that the site provides MPDUs, the location of which are shown on the site plan.

Chapter 25A-5:

(b) Any applicant, in order to obtain a building permit, must submit to the Department of Permitting Services, with the application for a permit, a written MPDU agreement approved by the Director and the County Attorney. Each agreement must require that:

- (1) a specific number of MPDUs must be constructed on an approved time schedule;
- (2) in single-family dwelling unit subdivisions, each MPDU must have 3 or more bedrooms; and
- (3) *in multi-family dwelling unit subdivisions, the number of efficiency and one- bedroom MPDUs each must not exceed the ratio that market-rate efficiency and one-bedroom units respectively bear to the total number of market-rate units in the subdivision. (see below:)*

4901 Hampden Lane

Total units	70
Market Rate Units	59
MPDUs	11

Bedroom Sizes

	<u>Market</u>	<u>%</u>	<u>MPDUs</u>	<u>Total</u>	<u>%</u>
0	0	n/a			
1	18	30%	3	21	30%
2+	41	70%	8	49	70%
				70	100%



FIRE MARSHAL COMMENTS

DATE: APRIL 17, 2007
TO: MATT POHLHAUS, MHG
FROM: MARIE LABAW
RE: 4901 HAMPDEN LANE 1-20070280.DOC

PLAN APPROVED.

1. Review based only upon information contained on the plan submitted 04-17-07. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

MNCPPC-MC

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: March 1, 2007

MEMO TO: Catherine Conlon, Supervisor for
Development Review Committee, MNCPPC

FROM: William Campbell, Senior Permitting Services Specialist
Division of Land Development Services, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review
Preliminary Plan 120070280; 4901 Hampden Lane
Subdivision Review Meeting March 5, 2007 SWM File # 225168

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for Floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- ☒ On-site: ☐ CPv ☒ WQv ☐ Both
- ☒ CPv < 2cfs, not required
- ☐ Waiver: ☐ CPv ☐ WQv ☐ Both
- ☐ On-site/Joint Use ☐ Central (Regional): waived to
☐ Existing Concept: ☒ Approved Date, August 21, 2007
- ☐ Other

Type Proposed:

- ☐ Infiltration ☐ Retention ☐ Surface Detention ☐ Wetland ☐ Sand Filter
- ☐ Separator Sand Filter ☐ Underground Detention ☐ Non Structural Practices ☒ Other

FLOODPLAIN STATUS: 100-Year Floodplain On-Site ☐ Yes ☒ No ☐ Possibly

- ☐ Provide the source of the 100-Year Floodplain Delineation for approval:
- ☐ Source of the 100-Year Floodplain is acceptable.
- ☐ Submit drainage area map to determine if a floodplain study (>or equal to 30 acres) is required.
- ☐ Dam Breach Analysis ☐ Approved ☐ Under Review
- ☐ 100 yr. floodplain study ☐ Approved ☐ Under Review

SUBMISSION ADEQUACY COMMENTS:

- ☐ Downstream notification is required.
- ☐ The following additional information is required for review: _____

RECOMMENDATIONS:

- ☐ Approve ☐ as submitted ☐ with conditions (see approval letter).
- ☒ Incomplete; recommend not scheduling for Planning Board at this time.
- ☐ Hold for outcome of the SWM Concept review.
- ☒ Comments/Recommendations: Both the Preliminary plan and the Site plan are significantly different than the approved Storm water concept. The SM concept must be revised. Access to the Stormfilter is a problem in the new plans. Manholes for the Stormfilter and splitter structure must be within twenty feet of the road or a standard driveway apron and acceptable access must be provided to the SM structures.

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll:DRC.3/03