



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

Staff Report: **Preliminary Plan 120070500 Parcel A and Outlot A, Block 24D**
 Site Plan 820070100 Hampden Lane

ITEM #: _____

MCPB HEARING

DATE: May 22, 2008

REPORT DATE: May 9, 2008

TO: Montgomery County Planning Board,

VIA: Rose Krasnow, Chief
Cathy Conlon, Supervisor
Robert Kronenberg, Supervisor
Development Review Division

FROM: Richard Weaver, Coordinator
Development Review Division
301.495.4544
Richard.Weaver@montgomeryplanning.org

Joshua Sloan, Coordinator
Development Review Division
301.495.4597
Joshua.Sloan@mncppc.org



**APPLICATION
DESCRIPTION:**

Creation of one lot and one outlot for the construction of a 60-unit multi-family residential building with 15% MPDUs in the TS-R Zone and a waiver of truncation; located in the northeast quadrant of the intersection of Hampden Lane and Arlington Road within the Bethesda CBD Sector Plan.

APPLICANT: Hampden Lane Associates, LLC

FILING DATE: December 12, 2006

RECOMMENDATION: Approval with conditions

**EXECUTIVE
SUMMARY:**

The proposed development would consolidate five lots to create one free-standing multi-family residential building. The Applicant is providing 15% MPDUs on-site and is receiving a density bonus up to a 3.05 FAR. The project was submitted in conjunction with the Housing Opportunities Commission via a land-swap for one of the internal lots in exchange for an adjacent lot that will be developed as a transitional housing facility. Vehicular loading and ingress/egress for the site are via Hampden Lane to an underground parking facility, and the adjacent streets will be upgraded to meet the Sector Plan streetscape standards. The project is subject to the Binding Elements of the Development Plan G-842.

TABLE OF CONTENTS

SECTION 1: CONTEXT & PROPOSAL	3
SITE DESCRIPTION	3
Vicinity	3
Site Analysis	4
PROJECT DESCRIPTION	5
Previous Zoning/Development Plan Approvals	5
Proposal	5
COMMUNITY OUTREACH	8
SECTION 2: PRELIMINARY PLAN REVIEW	8
Master Plan	8
Development Plan Conformance	8
Compliance with the Zoning Ordinance and Subdivision Regulations	9
Adequate Public Facilities	11
Environment	12
Recommendation and Conditions	12
SECTION 3: SITE PLAN REVIEW	13
Master Plan	13
Development Standards	14
MPDU & Recreation Calculations	16
Findings	16
Recommendation and Conditions	19
APPENDICES	21

ILLUSTRATIONS & TABLES

<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Architectural Elevation</i>	5
<i>Shade Studies</i>	6
<i>Illustrative Plan</i>	7
<i>Subdivision Data Table</i>	9
<i>Project Data Table</i>	15

SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject property is located in the northeast quadrant of the intersection of Arlington Road and Hampden Lane. This area is at the southern end of the Transit Station Residential District as delineated by the Sector Plan and the proposed development is approximately 1,300 feet from the Bethesda Metro Station.



Vicinity Map

The subject property is adjacent to the City Homes townhouse development and the Edgemoor at Arlington, a multi-family residential building, to the north. The Edgemoor is a roughly square, 46-foot tall brick building, while the townhouses are 55 feet to the roof peak and oriented perpendicular to the proposed development. There are no windows on the townhouse façades that face the subject property.

To the east is Lot 5, which will be swapped to the County along with a 5-foot sliver of Lot 4 in exchange for Lot 3. This will provide a contiguous property for the proposed development of the subject preliminary and site plans. Lot 5 contains a one-family detached residential building, currently being used as a non-residential professional office. The Housing Opportunities Commission (HOC) will develop Lot 5 (and the portion of Lot 4) as their new location for the transitional housing project that was originally slated for construction on Lot 3. This building will retain its existing proposed height of 38 feet.

Across Hampden Lane is a small shopping center, the Shoppes of Bethesda. It is a simple "L"-shaped building with a small parking lot between the building and Hampden Lane. Another commercial building with a first-floor parking structure is located on the southeast corner of Arlington Road and Hampden Lane. This C-2-zoned area is within the Arlington Road District of the Sector Plan. The southern side of Hampden Lane has parallel parking. Across Arlington Road is the Bethesda Public Library, a low-rise brick building.

Site Analysis

The existing site, Lots 1-4, is a rectangular-shaped area of 32,107 square feet gross tract area with approximately 68 feet of frontage along Arlington Road and 288 feet along Hampden Lane. After total dedication of rights-of-way, the net lot area is 20,897 square feet. The site is flat across its Arlington Road frontage and slopes up at a 4% grade (12 feet) from the corner of Arlington Road and Hampden Lane to the eastern end of the project boundary.



Aerial Photo Looking North

Each of the existing four lots contains a one- family detached residential building, currently being used as non-residential professional offices. There are no historic structures or sites located on any of the properties. A Tree Save Plan was required for this proposal, but was determined to be unnecessary as there are no significant specimen trees or forest stands on site. The newly created parcel will be completely cleared and graded.

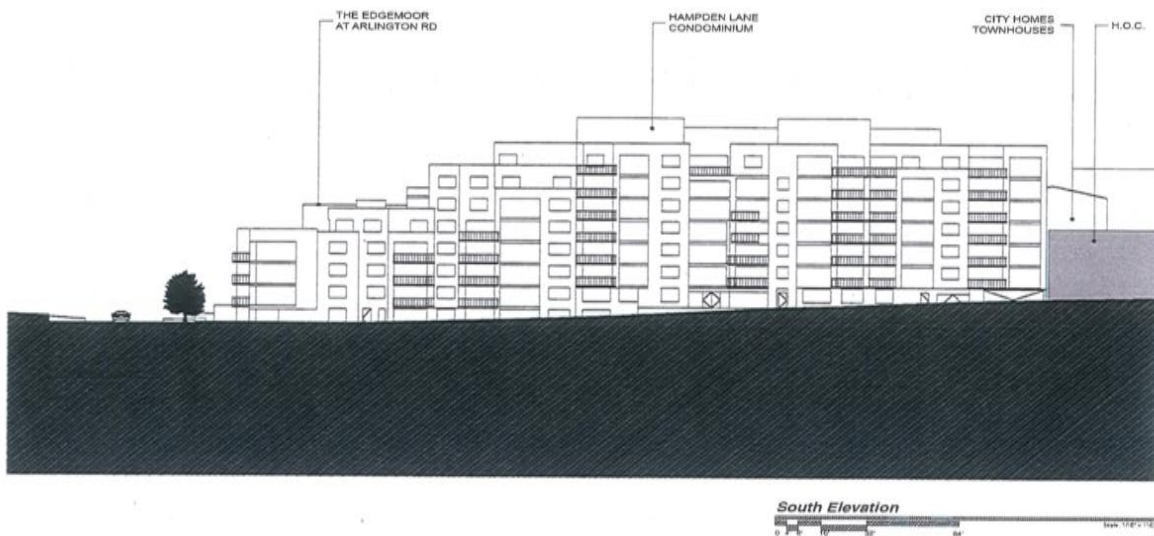
PROJECT DESCRIPTION

Previous Zoning/Development Plan Approvals

The subject property was rezoned from the R-60 Zone to the TS-R zone by Local Map Amendment and Development Plan G-842. The binding elements for this plan are listed in the conditions of approval under the Site Plan Recommendation section. The Opinion issued by the County Council is appended to this Staff Report.

Proposal

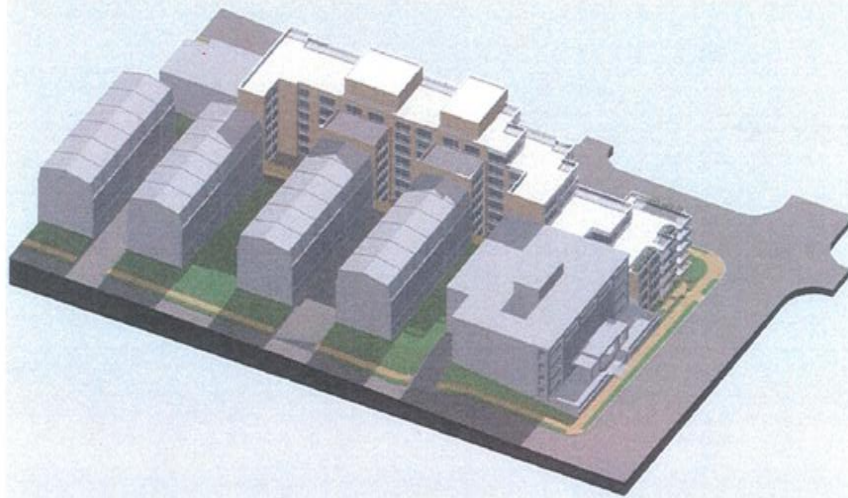
The proposed development is a seven-story multi-family residential building rising from the mid-point of its Hampden Lane frontage to 71 feet. This height is reduced as it steps down towards Arlington Road, where it is 35 feet in height. The façade is masonry and glass and is recessed away from the street at portions to provide seat walls, plantings, and ramps to the on-street entrances. Some of the residential units have direct access to either Arlington Road or Hampden Lane, while most are accessed through the interior of the building. The stepping of the rooflines allows for numerous public and private terraces that provide open space for the residents. In addition, the northern façade is recessed to provide public courtyards that align with the open spaces between the adjacent townhouse sticks.



Elevation along Hampden Road.

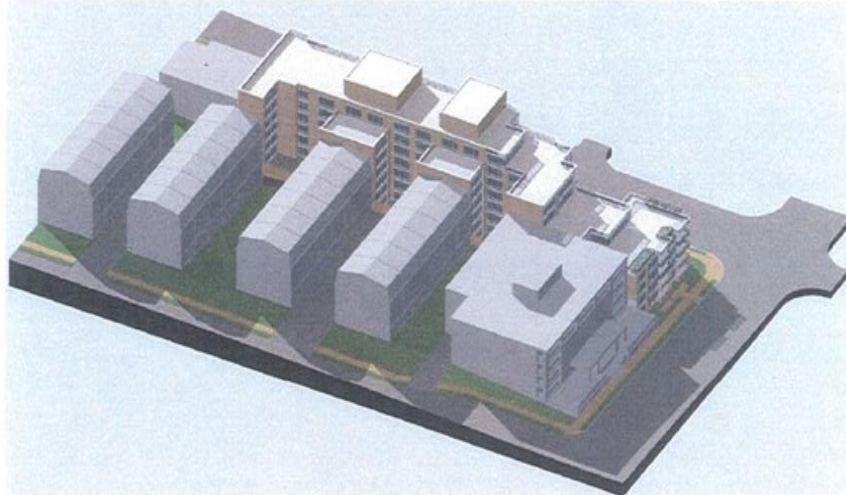
DEC 21st 12:00 PM

WASHINGTON, DC
38° 58' N, 77° 5' W



MARCH/SEPT 21st 9:00 AM

WASHINGTON, DC
38° 58' N, 77° 5' W



Shade Studies

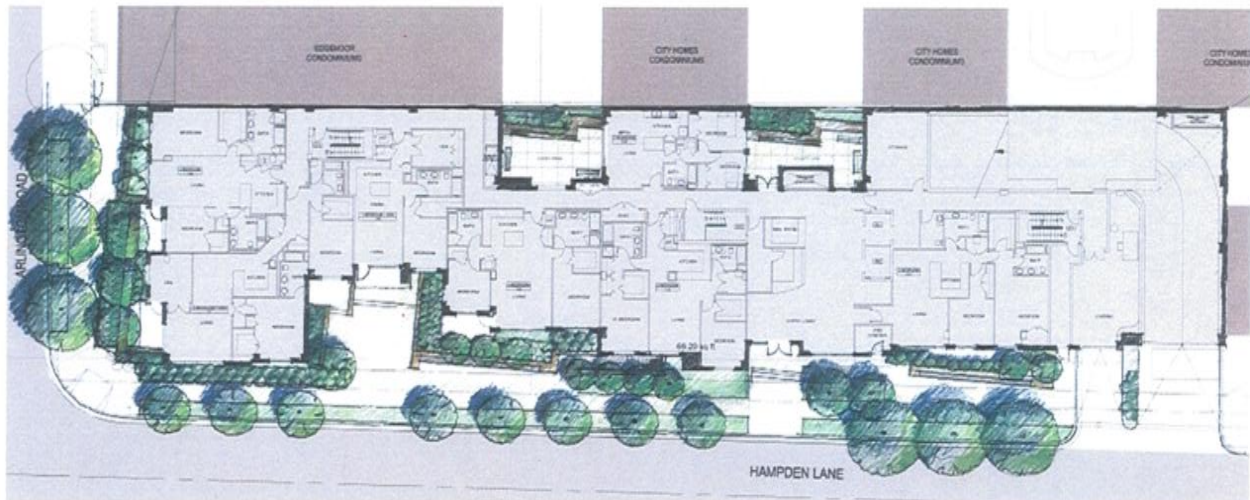
With regard to shade, the north-south orientation of the existing City Homes townhouses causes them to shade their open spaces in the morning and evening during all seasons. But in the winter, they do get direct solar exposure, which will be reduced by the proposed development. The articulated courtyard spaces of the proposed building do minimize this impact and there is virtually no loss of summer sun during mid-day. Given the context and zoning, Staff feels that the Applicant has proposed an appropriate use for the site and has minimized the shade impacts and that the heights will have minimal impact on air flow.

The landscaping, seat walls, and ramps are set at an angle to the architecture to provide a more dynamic feeling for the public realm and contrast these areas from the private realm of the interior building. The sidewalks along Arlington Road and Hampden Lane will be a minimum of six feet and are detailed according to the Bethesda Streetscape Plan. Littleleaf Lindens line the Hampden Lane frontage in a continuous lawn panel and Red Oaks line the Arlington Road frontage in a similar panel of grass. The foundation plantings are a mixture of flowering ground covers and shrubs as well as evergreens and ornamental trees in the more open areas. The

contrasting textures, forms, interesting colored bark, and variable flowering times will provide interest throughout the year.

The seat walls are constructed of gabions (basically stone rubble contained in metal mesh boxes) with wood benches. This rough, industrial look contrasts nicely with the lush plantings and brings an element of the rectilinear architecture into the public spaces. There are several concrete retaining walls with white-painted finishes and steps - both with recessed lighting. The ramps also house in-ground lighting along their edges. The streetscape-specified Washington Globe Luminaires provide most of the light along Arlington Road and Hampden Lane and will be installed per the guidelines.

Proposed recreation facilities and amenity space are provided throughout the project. There are seven seating areas including benches along the sidewalks, courtyards nestled within the architecture, and terraces on various rooftops that look out to the community. This variety of atmosphere provides various opportunities for gatherings of different numbers of people. There is also a proposed indoor fitness room and an indoor community space. Altogether, the proposed recreation supply is more than triple the required demand for tots, children, and teens and more than adequate for adults and seniors.



Plan view of proposed development.

Although the subject site is within the Bethesda Parking Lot District, the proposed development is providing 88 parking spaces in an underground garage, which is a little more than a 1:1 ratio. In addition, facilities for five bicycles are proposed. Vehicular access to the garage is provided along Hampden Lane. This access point is almost 300 feet from Arlington Road to minimize vehicular conflicts and take advantage of the natural grade that allows the driveway ramp to wrap down and around street-fronting residential units. Directly to the west of this garage access is a loading bay for the development. This also houses a centralized trash storage area. By placing both vehicular access points together, the proposed circulation pattern minimizes points of conflict between pedestrians and vehicles. Although the driveway directly across Hampden Lane is not aligned with this access point, that ingress is right-in only and has restricted access.

COMMUNITY OUTREACH

Staff has met with local residents and received correspondence from homeowners within the City Homes development; all written correspondence is appended to this staff report. The primary concern raised by these residents is the impact of the building height on sunlight to both their windows and to their roofs, in the event they choose to install solar panels. As the discussion above indicates, the primary impact of sunlight will be to the open spaces during winter and Staff feels this has been mitigated to an appropriate extent and is typical of such an urban environment. The question of impacts to solar panels on the roofs has been shown by the required shade studies to be minimal and will not create a significant deterrent to the installation of such panels nor cause detriment to their efficacy.

SECTION 2: PRELIMINARY PLAN REVIEW

Master Plan

This plan complies with the recommendations of the Bethesda CBD Sector Plan. The purpose of the Transit Station Zones and the standards for public facilities and amenities clearly state that development within these zones is provided a large degree of flexibility regarding development standards but any development “must comply substantially to the facilities and amenities recommended by the approved and adopted master or sector plan...provide safe and efficient circulation, adequate public open space and recreation, and insure [sic] compatibility of the development with the surrounding area”.

The Bethesda CBD Sector Plan delineates this site as part of the larger Transit Station Residential (TS-R) District and the Metro Core, thus it advocates that development within this area be bike rider-friendly and designates the roads as local pedestrian routes. The proposed development provides sidewalks and adequate vehicular lane widths to safely accommodate bicycles as well as pedestrians. Both of the required dedications of rights-of-way, along Arlington Road and Hampden Lane, are delineated on the Preliminary and Site Plans.

The Sector Plan recommendations for development along Arlington Road and Hampden Lane designate the TSR District as a place for mixed-use and office uses, in addition to high-density housing. The scale of development is recommended to remain “residential” along Arlington Road. To this end, the proposed development steps the building down towards this frontage to three stories in line with the Sector Plan recommendation and the adjacent Edgemoor at Arlington building. Although not what one would usually consider an “urban village”, the treatment of the façades along both Arlington Road and Hampden Lane provide enough interest and detailing to maintain a comfortable scale for pedestrians. Further, the interesting response to the open spaces between the adjacent townhouses and the setbacks of the taller building sections ensure adequate compatibility with the surrounding buildings.

Development Plan Conformance

The proposed preliminary plan must comply with the binding elements listed in the Zoning Map Amendment and Development Plan G-842.

- a. The building will have a maximum height of 71 feet.

- b. The development will have a maximum density of 3.05 FAR, including the MPDU bonus density.
- c. The development will provide 15% MPDUs (9 units) on site.
- d. The development will provide a minimum of 10% public use space.
- e. The development will provide a minimum of 20% active and passive recreational space.

Staff's review of the preliminary plan and the site plan reveals that the development will comply with these binding conditions.

Compliance with the Zoning Ordinance and Subdivision Regulations

The lots were reviewed for compliance with the dimensional requirements for the CBD zone as specified in Chapter 59, the Montgomery County Zoning Ordinance, and found to comply with all applicable provision. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the TS-R Zone and complies with Chapter 50 of the Montgomery County Subdivision Regulations. Details of this review are found in the Subdivision Data Table.

Subdivision Data Table

Plan Name: Hampden Lane (Parcel A, Outlot A, Block 24D)				
Plan Number: 120070500				
Zoning: TS-R				
# of Lots: 1				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Tract Area	18,000 sq. ft. ¹	32,140 sq. ft.	<i>RW</i>	5/8/08
Lot Width	n/a	290 ft. is minimum proposed	<i>RW</i>	5/8/08
Lot Frontage	n/a	290 ft. is minimum proposed	<i>RW</i>	5/8/08
Setbacks			<i>RW</i>	
Front	n/a	0 ft.	<i>RW</i>	5/8/08
Side	n/a	0 ft.	<i>RW</i>	5/8/08
Rear	n/a	0 ft.	<i>RW</i>	5/8/08
Height	Determined at Site Plan	71 ft. along Hampden lane	<i>RW</i>	5/8/08

¹ Or less subject to Section 59-C-8.41.

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Max Resid'l d.u. per acre	110 d.u. per acre	60 d.u. per acre	<i>RW</i>	5/8/08
MPDUs	Yes	15%	<i>RW</i>	5/8/08
FAR	2.5	3.03 (22% MPDU bonus)	<i>RW</i>	5/8/08
Site Plan Req'd?	Yes		<i>RW</i>	5/8/08
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes	<i>RW</i>	5/8/08	
Road dedication and frontage improvements	Yes	Agency Letter	4/8/08	
Environmental Guidelines	N/a	Staff memo	4/16/06	
Forest Conservation	N/a	Staff memo	4/16/06	
Master Plan Compliance	Yes	<i>RW</i>	5/8/08	
Stormwater Management	Yes	Agency letter	11/27/06	
Water and Sewer (WSSC)	Yes	Agency Comments	4/16/06	
10-yr Water and Sewer Plan Compliance	Yes	Agency comments	4/16/06	
Local Area Traffic Review	N/a	Staff memo	4/10/08	
Policy Area Mobility Review	N/a	Staff memo	4/10/08	
Transportation Management Agreement	No	Staff memo	4/10/08	
School Cluster in Moratorium?	No	<i>RW</i>	5/8/08	
School Facilities Payment	Yes	<i>RW</i>	5/8/08	
Fire and Rescue	Yes	<i>RW</i>	4/17/07	

Adequate Public Facilities

Roads and Transportation Facilities

Vehicular and/Pedestrian Access

Despite providing additional dedication, the proposed development will reduce the total pavement width of Hampden Lane but maintain the number of lanes to preserve the existing traffic pattern. Improvements to the curb and crosswalks will be required. The Applicant will provide the necessary handicapped ramps and pedestrian crosswalks at the intersection and provide two bike racks. These facilities will be finalized with the certified site plan. With the improvements required by the Transportation Planning Section and the Montgomery County Department of Public Works and Transportation, vehicular and pedestrian access will be safe and adequate.

Local Area Transportation Review

The proposed lot does not generate 30 or more vehicle trips during the morning or evening peak-hours and is, therefore, not subject to Local Area Transportation Review. The site is located in the Bethesda Transportation Management District but because this project is a multi-family development with fewer than 25 employees, it will not be required to enter into a Traffic Mitigation Agreement to participate in the Bethesda Transportation Management Organization.

Policy Area Mobility Review (PAMR)

The application for this subdivision was submitted prior to January 1, 2007; therefore, the development proposal is not subject to the PAMR.

Waiver of Truncation Finding

The preliminary plan does not show required dedication for truncation at the corners of Hampden Lane and Arlington Road. Pursuant to Section 50-26(c)(3) of the Subdivision Regulations, a 25 foot truncation at the corners must be shown as part of the dedication for right-of-ways to accommodate safe sight distance and, if necessary, traffic channelization. The Board may specify a greater or lesser amount of truncation if a determination can be made that both sight distance and traffic channelization will remain adequate. The Applicant is requesting a waiver of the standard truncation requirement at this intersection. Staff has reviewed the applicable site distance evaluation and determined that site distance without the truncation will be adequate at this intersection. The Montgomery County Department of Public Works and Transportation has also reviewed this request and supports the truncation waiver finding that no traffic channelization or traffic signalization is anticipated at this corner. Staff also believes that to maintain an urban street wall and the appropriate architectural response to a signalized intersection, a reduced truncation can be supported.

Other Public Facilities

The application was reviewed for adequacy of public facilities and was found to comply with all requirements for access, water and sewer, stormwater management, schools and fire and rescue. Police and health care services. The development can be adequately served by all of these services. The Applicant will be required to dedicate additional right-of-way and to construct

certain improvements within that right-of-way for pedestrian and vehicular access. Water and sewer was found to be existing at the site boundaries and adequate to serve the project. MCPDS approved a stormwater management concept on November 27, 2006 that will control runoff from the site. Montgomery County Schools and the Montgomery Fire and Rescue Services both find that the project can be adequately served by their respective agencies. The schools are operating within acceptable levels as determined in the 2007-2009 Annual growth Policy and will not be subject to a school facilities payment.

Environment

According to the approved Natural Resources Inventory/Forest Stand Delineation Plan there are no forest stands, floodplains, or specimen trees on the existing site. As noted previously, a Tree Save Plan was created for the subject property but deemed unnecessary by M-NCPPC Environmental Planning Staff. This project is exempt from Forest Conservation Law.

Depending on the timing of the building permits, however, this building may be subject to the Montgomery County Green Buildings Law, Bill 17-06. Staff has recommended to the Applicant that they take several steps to develop a comprehensive plan in order to meet LEED certification by, for example, incorporating design features such as waste reduction plans, green building materials, energy saving measures, green roofs, and other measures.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Approval, pursuant to Chapter 50 of the Montgomery County Code, including intersection truncation at Arlington Road and Hampden Lane of less than 25 feet, and subject to the following conditions:

1. Approval under this preliminary plan is limited to one lot for 60 multi-family residential dwelling units, including a minimum of 15% Moderately Priced Dwelling Units (MPDUs) and one outlot.
2. The Applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
3. The Applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
4. The record plat must provide for dedication of 60 feet of right-of-way for Hampden Lane (30 feet from center line) and 80 feet of right-of way for Arlington Road (40 feet from center line).
5. The record plat must reflect a public use and access easement over all areas indicated as "Public Use Space" on the preliminary, site and landscape plans as approved by the Planning Board.

6. The record plat must reflect all areas to be under Homeowners Association ownership and specifically identify stormwater management easements.
7. No clearing or grading or recordation of plat(s) prior to Certified Site Plan approval.
8. Final location of buildings, sidewalks, and amenities to be determined at Site Plan.
9. Compliance with the conditions of the Montgomery County Department of Public Works and Transportation (DPWT) approval letter dated July 5, 2007 and an email from Greg Leck dated April 8, 2008 unless otherwise amended.
10. Compliance with conditions of the Montgomery County Department of Permitting Services (DPS) stormwater management approval letter dated November 27, 2006.
11. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
12. The record plat must show all necessary easements.

SECTION 3: SITE PLAN REVIEW

Master Plan

The Sector Plan enumerates eight Urban Form Principles that detail how new development should maintain and enhance the existing framework. The following outline briefly describes the applicant's response to each of these principles.

1. Focus the highest densities within the Metro Core District to achieve a tightly configured center, while improving transitions to the residential edges.

The site is at the western edge of the Transit Station Residential District and, in response, the proposed density of units/acre is almost less than one-half of the allowable density for the site.

2. Step down building heights from the Bethesda Metro Center properties to achieve desirable and compatible transitions to adjacent areas.

The building steps from a high point of 71 feet – similar to the recently approved multi-family development at the east end of the block to 35 feet along Arlington Road – as recommended by the Sector Plan.

3. Achieve an infill character for new development by dividing large projects into several buildings, which will achieve an urban form with a “fine grain” versus “coarse grain” created by larger, single structures.

The building is not large enough to require such division and, as the principles addressed below will attest, the “fine grain” can be created through other architectural means.

4. Design new buildings that respond to views and vistas within the CBD to create focal points and landmarks that improve the orientation and strengthen the perception of existing centers.

This development is not within the CBD-zoned area of the Sector Plan, but does provide better views along Arlington Road and Hampden Lane than currently exists.

5. Treat rooftops as sculptural elements that contribute to the visual interest of the skyline. Where appropriate, consider rooftops as usable outdoor space for recreational or commercial purposes.

The proposed building has rooftops that are broken into several interesting terraced levels, which will provide both public and private garden and patio space.

6. Allow a diversity of architectural styles that achieve good building proportions, reduce the sense of bulk, and maintain human scale. Clearly identify the building entrance in the façade design and locate it at street level.

The proposed building has a more contemporary style than many adjacent buildings but incorporates glass and masonry details that will help it fit into the surrounding urban context. The street level treatment, entrances, and landscaping create the necessary pedestrian scale.

7. Achieve compatibility with nearby residential areas through techniques such as stepped down heights, articulated building walls and façade treatments, and the architectural means designed to minimize building bulk and shadow impacts and create a gradual transition.

The stepping of the height as well as the complex and articulated building footprint integrates the building into the surrounding fabric of multi-family townhouse and apartment buildings. The recessed courtyards ensure that sunlight will not be blocked out of the adjacent townhouse open spaces.

8. Achieve energy efficiency in the form and design of the building by such means as recessed windows or awnings to shade interiors from direct sunlight.

Each of the southern-facing units has windows recessed behind small outdoor balcony spaces.

Development Standards

The proposed development is designated Transit Station – Residential (TS-R), which was created to identify locations adjacent to existing multiple-family residential development or where such development is recommended by an approved and adopted master plan. The development

standards are minimal within the TS-R Zone because these projects are subject to the provisions of a development plan approved by the District Council.

The purpose of the TS-R Zone includes a several goals: to promote effective use of transit stations; to provide residential and uses compatible with residential neighborhoods within walking distance of transit stations; to provide a range of residential densities and price ranges; and to provide freedom in building design and site layout that will be harmonious with the context. The proposed development provides market rate units and 15% MPDUs within two blocks of the Bethesda Metro Station. The building has been designed to work with the massing of adjacent buildings and with the height recommendations of the Sector Plan. And the site has been arranged to create a comfortable, pedestrian-oriented environment. The data table below indicates the proposed development's compliance with the Zoning Ordinance.

Project Data Table for the TS-R Zone

Development Standard	Permitted/ Required	Approved w/the Binding Elements	Proposed for Approval
Min. Gross Tract Area (square feet)²	18,000	n/a	32,140
Max. Building Height (feet)	n/a	71 ³	71
Max. Floor Area Ratio (FAR)	2.5	3.05 ⁴	3.05
Max. Dwelling Units per Acre	111	n/a	60
Building Setbacks (feet)			
Right-of-Way	n/a	n/a	0
Rear (north property line)	n/a	n/a	0
Side (east property line)	n/a	n/a	0
Open Space (% of net lot)			
Public Use Space	10	10	10.36
Active/Passive Recreation Space	20	20	36.52
Total	30	30	46.88
Parking Spaces	80	n/a	88 ⁵
Bicycle Facilities	5	n/a	5

² Net lot area is 20,895 square feet after dedication.

³ Measured from the building height measurement point (elevation 321.0') on Hampden Lane. The height does not include a 15-foot tall penthouse for mechanical equipment.

⁴ Maximum density allowed is increased by 22% by providing 15% MPDUs on site.

⁵ Including 4 handicapped spaces and 2 motorcycle spaces.

MPDU Calculations

Unit Distribution	One-Bedroom	Two-Bedroom	Total
Total Units:	22	38	60
15% MPDUs Required: ⁶	4	5	9
Total MPDUs Provided:	4	5	9

Recreation Calculations

Demand Points

	Tots	Children	Teens	Adults	Seniors
Total	2.4	2.4	2.4	46.2	27.6

Supply Points

	Tots	Children	Teens	Adults	Seniors
Picnic/sitting (7)	7.0	7.0	10.5	35.0	14.0
Indoor Community Space	0.2	0.3	0.7	13.8	11.0
Indoor Fitness Facility	0.0	0.2	0.2	9.2	4.1
Total	7.2	7.6	11.5	58.0	29.2

% of demand met on-site	300.0	312.5	479.1	125.5	105.7
-------------------------	-------	-------	-------	-------	-------

FINDINGS

1. *The site plan conforms to all non-illustrative elements of the development plan certified by the Hearing Examiner under Section 59-D-1.64 and all binding elements of the approved Zoning Application.*

The proposed development is consistent with the approved Development Plan G-842 regarding land use, density, location, building height, and development guidelines. In addition, the proposed development conforms to the following binding elements from the Approved Zoning Application G-842.

- a. The proposed building will have a maximum height of 71 feet.
- b. The proposed development will have a maximum density of 3.05 FAR, including the MPDU bonus.
- c. The proposed development will provide 15% MPDUs (9 units) on site.
- d. The proposed development will provide a minimum of 10% public use space.
- e. The proposed development will provide a minimum of 20% active and passive recreational space.

⁶ The binding elements of the Council Opinion state that, "The development will provide 15% MPDUs (9 units) on site".

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

The Site Plan meets all of the requirements of the Transit Station – Residential (TS-R) zone as demonstrated in the project Data Table on page 15. In particular, the proposed development has more than the minimum required area; the permitted density of development (given the 22% density bonus allowed through provision of 15% MPDUs); less than the permitted density of dwelling units per acre; and more than the required amount of public use space and recreational open space. There are no height restrictions or setbacks in the TS-R Zone; however the development plan amendment established a maximum height of 71 feet, which is consistent with the site plan application.

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 proposed building provides a high-density residential use on an optimal site for accessibility to mass transit and neighborhood facilities. The design and layout of the building is compatible with the surrounding buildings in terms of massing, detailing, and height. The minimal visual and circulation impact of the parking structure is in keeping with the recommendations of the zone and the Sector Plan. The street entrances and public use space provided in and around the building will help create an active and interesting pedestrian experience. Both the use and the design elements of the architecture provide an adequate, safe, and efficient building on the subject site.

b. Open Spaces

The plan proposes 10.36 percent on-site Public Use Space along the frontages of Arlington Road and Hampden Lane. This area provides visual interest with plantings and lighting and benches integrated into retaining walls and landscape beds. The public open space is complemented by an additional 36.52% on-site recreational space provided for residents. This space includes fitness and meeting rooms, terraces, and courtyards. Each of these spaces has a distinct atmosphere and provides the variety necessary for many different types of activities and groups.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering shrubs and trees along the streetscape and the foundation of the building. Bark color, foliage texture, and flowers will provide interest and beauty throughout the year. The street trees along Arlington Road and Hampden Lane will be installed per the Bethesda Streetscape Plan details for trees within a lawn panel. The shade provided by these trees and the lush plantings all along the pedestrian paths provides an adequate, safe, and efficient environment for residents and passers-by.

The lighting plan consists of the streetscape-specified Washington Globe Luminaires along Arlington Road and Hampden Lane. There are other lights proposed throughout the project area recessed into steps, retaining walls, and access ramps.

This unobtrusive lighting technique will provide appeal and character that will help set this project apart, while maintaining a safe pedestrian environment.

d. Recreation Facilities

Recreation demand is satisfied as shown in the recreation calculations table on page 11. The proposed recreation facilities, including seven sitting areas, the indoor community room, and the indoor fitness facility will provide residents with ample opportunities to stay active and interact with their neighbors. Adults and senior citizens have numerous spaces to spend time with family and get their children or grandchildren outside on the terraces, in the courtyards, or into the fitness room. Older children and teenagers will also benefit from these “passive” recreation areas to congregate with their friends and families. The community room is a much needed resource for getting neighbors together and creating a sense of community. These recreation facilities comply with the M-NCPPC Recreation Guidelines and are adequate in supply and safe and efficient in layout and design.

e. Pedestrian and Vehicular Circulation Systems

Sidewalks along Arlington Road and Hampden Lane will be improved to conform to the Bethesda Streetscape Plan. These sidewalks will integrate the development into the existing community and provide safe and efficient pedestrian access to the neighborhood circulation system. The proposed ramps, seat walls, and paved areas within the right-of-way are well landscaped and lit such that they will provide a pleasant atmosphere for both residents and passers-by. The pedestrian environment, as a whole, is adequate, safe, and efficient.

Access to an underground garage is provided from Hampden Lane approximately 280 feet from Arlington Road. Although garages, specifically “Automobile garage[s], group”, are not allowed by the land use table (59-C-8.3), the project has been reviewed by the Planning Board and approved by the District Council. Further, given the intents, purposes, and development standards of the Transit Station Zones, staff regards this use as appropriate and allowed for this project in this Zone. Directly west of this entrance is the loading and trash removal area for the development. The location of these two uses at one point (and at a point furthest away from Arlington Road as possible) decreases the chance of conflicts with pedestrians and other vehicles. This vehicular circulation layout is the most safe and efficient possible to provide adequate access.

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

As mentioned above, the building is compatible with the other residential buildings to the north and east regarding massing, scale, detailing, and layout. There are no current proposed site plans under review on adjacent properties, although there is a proposed development further to the east on Hampden Lane. The proposed uses and structures on that plan will be compatible with the subject proposal.

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

The subject site plan is exempt from forest conservation law.

The proposed storm water management concept consists of on-site water quality control via a volume based storm filter. A partial waiver of water quality control is granted for the area that does not drain to the structure. On-site recharge is waived due to site constraints. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

SITE PLAN RECOMMENDATION AND CONDITIONS

Approval of 60 multi-family residential dwelling units, including 9 Moderately Priced Dwelling Units (MPDUs), on one 0.74-acre lot and one outlot. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on March 12, 2008 are required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for preliminary plan 120070500.

2. Development Plan Conformance

The proposed development must comply with the binding elements listed in the Zoning Map Amendment G-842 and associated Development Plan DPA 06-2.

- a. The building will have a maximum height of 71 feet.
- b. The development will have a maximum density of 3.05 FAR, including the MPDU bonus density.
- c. The development will provide 15% MPDUs (9 units) on site.
- d. The development will provide a minimum of 10% public use space.
- e. The development will provide a minimum of 20% active and passive recreational space.

3. Lighting

The Applicant must ensure that each of the following conditions is met and is reflected on the site plan:

- a. Lighting distribution must conform to IESNA standards for residential development.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

- d. The height of any on-site light poles shall not exceed 16 feet including the mounting base.
4. Streetscape

The Applicant must construct the Arlington Road and Hampden Lane streetscape in conformance with the Bethesda Streetscape Plan. This includes, but is not limited to, providing Littleleaf Linden trees 30 feet on center along Hampden Lane; Red Oak trees approximately 30 feet on center along Arlington Road; a minimum 5-foot wide lawn panel with amended soil along Hampden Lane and Arlington Road for all street trees; Washington Globe Decorative Luminaires 60 feet on center along Hampden Lane and Arlington Road; a minimum 6-foot wide brick sidewalk with the appropriate brick edging detail; and running bond brick paving across driveway entrances. These dimensions are subject to minimal changes due to on-site constraints and underground obstructions.
5. Recreation Facilities
 - a. The Applicant must ensure that the proposed recreation facilities are constructed in conformance with the approved M-NCPPC Recreation Guidelines.
 - b. The Applicant must provide, at a minimum, seven picnic/seating areas, one indoor community space, and one indoor fitness facility.
6. Moderately Priced Dwelling Units (MPDUs)
 - a. The proposed development must provide 9 MPDUs (15%) on-site in accordance with Chapter 25A of the Montgomery County Code. The Applicant is receiving a 22% density bonus for providing 15% MPDUs on-site.
 - b. The Applicant must obtain an agreement pertaining to the construction and staging of MPDUs from the Department of Housing and Community Affairs (DHCA) prior to the issuance of any building permits.
 - c. Based on the unit distribution as proposed, the proposed development must provide a minimum of four one-bedroom MPDU units and five two-bedroom MPDU units. Final unit distribution must be approved by DHCA.
7. Transportation

The Applicant must comply with the following conditions of approval from M-NCPPC Transportation Planning in the memorandum dated May 25, 2007.

 - a. Total development under the subject site plan is limited to 60 multi-family residential dwelling units.
 - b. The Applicant must provide dual handicapped ramps at the southeast corner of the intersection of Arlington Road and Hampden Lane and provide pedestrian crosswalks across each intersection.
 - c. The Applicant must provide two inverted-U bike racks in front of the main entrance and three bike lockers in the underground garage within 50 feet of the elevator. The Applicant must coordinate with Transportation Planning staff to determine the ultimate location of the bike racks and lockers prior to approval of the certified site plan.

8. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated November 27, 2006 unless amended and approved by the Montgomery County Department of Permitting Services.
9. Development Program
The Applicant must 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 Certified Site Plan. The Development Program shall include a phasing schedule as follows:
 - a. Street tree planting must be completed within six months of the issuance of any use and occupancy permits.
 - b. Recreation facilities, including the picnic/seating areas, the indoor community room, and the indoor exercise room, must be completed within six months of the issuance of any use and occupancy permits.
 - c. All landscaping and lighting must be completed within six months of the issuance of the first use and occupancy permit.
 - d. Phasing of pre-construction meetings, dedications, stormwater management, sediment/erosion control, trip mitigation or other features.
10. Clearing and Grading
Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan.
11. Certified Site Plan
Prior to the Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:
 - a. Minor corrections and clarifications to site details and labeling.
 - b. Development Program, Inspection Schedule, Forest Conservation Exemption Letter, and Site Plan Resolution.

APPENDICES

- A. Preliminary Plan
- B. Zoning Map Amendment G-842
- C. Development Plan G-842
- D. Transportation Planning Memorandum
- E. DPS Stormwater Management Concept Approval
- F. DPWT Email
- G. Citizen Correspondence

Resolution No.: 15-1617
 Introduced: September 26, 2006
 Adopted: September 26, 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 Nos. G-842 and DPA 06-2 FOR AMENDMENT TO THE ZONING
ORDINANCE MAP, Pat Harris, Esquire, Attorney for Applicant, Hampden Lane
Associates, LLC, OPINION AND RESOLUTION ON APPLICATION Tax Account
 Nos. 07-00486167, 07-00491005, 07-00990353, 07-00490978, 07-00485733

OPINION

Application No. G-842, filed on November 1, 2005 by Applicant, Hampden Lane Associates, LLC (HLA), requests reclassification of approximately half an acre of land on Hampden Lane in Bethesda (Lots 5, 4, 2 and Part of 1, of Edgemoor Subdivision, Block 24D, located at 4913, 4915, 4919 and 4921 Hampden Lane) from the R-60 Zone to the TS-R Zone in order to construct a 60-unit multi-family dwelling.¹ DPA 06-2, also filed on November 1, 2005, by Applicant seeks to amend the development plans in LMA's G-721, G-755 and G-769 and DPA's 98-1, 98-2 and 00-2, to allow relocation of the planned Housing Opportunity Commission (HOC) transitional housing from its currently approved location at 4917 Hampden Lane (Lot 3 of Block 24D, Edgemoor) to 4913 Hampden Lane (Lot 5 of Block 24D, Edgemoor). This relocation is made possible by a land swap agreed to by the County and the Applicant in a "Development Agreement" entered into on June 9, 2005. This land swap consists of Applicant trading its Lot 5 to the County in exchange for Lot 3.

The land exchange would allow Applicant to assemble contiguous Lots 1 through 4 of Block 24D (4921, 4919, 4917 and 4915 Hampden Lane) into a single development tract large enough to satisfy the

¹ Lot 3 (4917 Hampden Lane) is included in the Development Plan, but not the rezoning request because it is already in the TS-R Zone.

TS-R Zone's minimum area requirements. Lot 3, which is in the middle of the tract, had already been rezoned to TS-R in 1998, by LMA G-769, as part of a different development plan by another developer (24 West, Inc.). Lot 3 (also known as "Edgemoor IV")² was conveyed by a successor to 24 West, Inc. (HSNK, LLC) to the County in April of 2004 to provide a location for HOC's transitional housing, purportedly in satisfaction of HSNK's MPDU requirements for Edgemoor I, II and III. Lot 5, which would be the new location for the transitional housing under the current plan, is still in the R-60 Zone (as are Lots 4, 2 and 1), so the re-zoning sought in LMA G-842 must occur in order for the development plan amendment sought in DPA 06-2 to proceed.

The building planned by Applicant for Lots 1 through 4 would step up from a height of 33 feet along Arlington Road to 71 feet (not including a 15 foot mechanical penthouse), in the middle of Hampden Lane, and it would include 9 moderately priced dwelling units (MPDUs) in its total of 60 units. As stated above, the HOC building now planned for Lot 5 had been slated to be located on Lot 3. Its design was modified in February of 2000 by DPA 00-2 (DPA Exhibit 45), which changed the proposed use from three townhouses to twelve transitional housing units and modified the proposed structure to a 38 foot tall, brick building. The design plans would remain substantially unchanged.

Both the Technical Staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Montgomery County Planning Board ("Planning Board") recommended approval of LMA G-842 and DPA 06-2. The Planning Board also recommended amending DPA 00-2 by modifying note # 2 on that amended development plan "to indicate that recreation for the 12-unit transitional housing will not be provided in the Edgemoor high-rise building" and by "removing note #3 regarding off-site parking." The Planning Board made these recommendations with the express understanding that it would consider parking and recreation needs for the transitional housing development at site plan review.

² Edgemoor I, II and III are located on Montgomery Lane. Edgemoor I and II (on the south side of Montgomery Lane) became the "CityHomes of Edgemoor" townhouse development, and Edgemoor III (on the north side of Montgomery Lane) became the "Edgemoor Condominium" high-rise.

A public hearing was noticed for March 17, 2006, and it proceeded as scheduled. When Applicant put on its case, the Hearing Examiner noted that the proposed development plan had not been reviewed by the "Alternative Review Committee" (ARC), as is required by Zoning Ordinance §59-D-1.61(a) where, as here, a developer seeks approval of a height or density exceeding that recommended in an applicable Master Plan, to accommodate the inclusion of MPDUs. Therefore, after Applicant's witnesses testified, the hearing was suspended until April 18, 2006, to give the ARC an opportunity to make its findings and the Planning Board the opportunity to submit a revised recommendation based on those findings.

On April 18, 2006, a number of neighbors testified in opposition to the proposed development based on their assertion that Applicant had failed to follow the Bethesda CBD Sector Plan's recommendations and their concern that the new structure would block their air and sunlight. On April 27, 2006, Technical Staff filed a Supplemental Report (LMA Exhibit 52), advising the Planning Board that the ARC had made a finding that the bonus density and additional height were needed "to make the project profitable." Attached to the Technical Staff's Supplemental Report was a copy of the ARC's memorandum of April 12, 2006, recommending that the Planning Board approve the project with the additional height and density requested by Applicant. On May 11, 2006, the Planning Board reviewed the ARC's findings and voted unanimously to recommend approval of G-842 with a maximum height of 71 feet and a density of 3.05 FAR (*i.e.*, the additional height and density sought by the Applicant).

A revised Development Plan Amendment, DPA 06-2 (DPA Exhibit 57(c)), was submitted on May 16, 2006, in response to suggestions made by the Hearing Examiner. No objections to the revised form of the amended development plan in DPA 06-2 have been raised. The hearing in this case concluded on May 22, 2006, and the record closed on that date as required by Zoning Ordinance §59-D-1.7(d)(2).

The Hearing Examiner filed his report on June 12, 2006. He recommended remand of the application for further proceedings because of his conclusion that the proposed development would produce a building inconsistent with the vision of the Sector Plan and incompatible with its immediate neighbors.

The Hearing Examiner did not recommend outright denial because he concluded that the subject site would be appropriate for the TS-R Zone. The Applicant challenged the Hearing Examiner's conclusions regarding the proposed development plan and requested oral argument before the Council, which was granted. Oral argument was held on September 19, 2006, at which time the District Council heard argument by both Applicant and the opposition. Based on the entire record, the District Council thereafter voted, six to three, to approve the rezoning to TS-R, as well as the Development Plan in G-842 and the Development Plan Amendment in DPA 06-2.

The subject site (*i.e.*, the combined HLA Property and HOC Property) consists of five lots located on the north side of Hampden Lane, bordered by Arlington Road to the west, garden apartments and Woodmont Avenue to the east and developments on Montgomery Lane (the Edgemoor at Arlington and the CityHomes of Edgemoor) to the north. Combined, the lots have 66 feet of frontage along Arlington Road and about 350 ft. along Hampden Lane. All are within the Transit Station Residential District described in the Bethesda CBD Sector Plan (p. 81).

The HLA Property is comprised of four lots – Part of Lot 1 located at the northeast corner of Hampden Lane and Arlington Road, and moving in an easterly direction, Lot 2, Part of Lot 3 and Lot 4, except for a five-foot wide portion of Lot 4 (running along the entire easterly property line), which will be included in the HOC Property. The HLA Property is essentially a long, narrow rectangle, with a gross tract area of 32,107 square feet. The HOC Property consists of Lot 5 and the five-foot wide portion of Lot 4, for a gross tract area of 5,694 square feet. Lot 5 has 65 feet of frontage along Hampden Lane. The HLA Property slopes gradually upward 12 feet from Arlington Road toward the east, while the HOC Property is generally flat. There are no historic structures or sites located on any of the properties, and each of the five lots is improved with a single family detached residential building, currently being used as non-residential professional offices. The subject site is located about 1,300 feet from the Bethesda Metro Station.

The surrounding area must be identified in a floating zone case so that compatibility can be evaluated properly. It is that area bounded by Edgemoor Lane on the north; Woodmont Avenue, including the properties fronting thereon, on the east; Elm Street on the south; and Arlington Road, including properties fronting thereon, on the west.

The HLA Property and the HOC Property are located in the southern portion of the Transit Station Residential District as delineated by the Sector Plan. In general, the Transit Station Residential District is composed of either multi-family or townhouse structures developed after the adoption of the Sector Plan, garden apartments or preexisting single-family homes, many of which are used for commercial purposes.

Immediately to the north of the HOC Property and most of the HLA Property is the CityHomes townhouse development (LMA G-721 and G-755 and DPA 98-1 and 98-2), consisting of a total of 29 townhouses, developed in five rows of brick structures, facing perpendicular to Montgomery Lane. The townhouses are approximately 55 feet in height (to roof peak) and are built on the common HLA property line and HOC property line. The distance between each row of townhouses is approximately 30 to 40 feet.

The western end of the HLA Property is also bounded to the north, along Arlington Road, by the Edgemoor at Arlington (LMA G-778). The Edgemoor project is a brick structure and is 46 feet high (as measured from the top of the terrace, which varies in height from zero feet up to seven feet). It is a 36,700 square-foot building and it provides 12 dwelling units. Arlington Road borders the Property directly to the west, with the low-rise Bethesda Public Library located directly on the other side of Arlington Road.

Across Hampden Lane to the south of the HLA Property and the HOC Property is the low-rise Shoppes of Bethesda shopping center. The shopping center employs a traditional shopping center style, with the front portion of the site devoted to surface parking and the "L" shaped row of shops located back beyond the parking lot. The shopping center is zoned C-2 and located within the Arlington Road District, as designated by the Sector Plan.

Directly to the east of the HOC Property are two, three-story, brick, garden apartment buildings. Adjacent to these apartment buildings, and located at the northwest corner of Hampden Lane and Woodmont Avenue, is another similarly styled apartment building, with ground floor retail. The garden apartments are currently located on property zoned R-10, but are recommended for the TS-R Zone in the Sector Plan.

The subject site was classified in the R-60 Zone by the 1954 Regional District Zoning and confirmed in the 1958 County-wide Comprehensive Zoning. The R-60 Zone was confirmed again in SMA G-20 (adopted 10/10/1978) and SMA G-711 (adopted 10/11/1994). Lot 3 was rezoned to TS-R in LMA G-769 (adopted October 20, 1998). The development plan associated with that rezoning was amended in DPA 00-2, on February 1, 2000. At that time, the development plan covering Lot 3 of the subject site was amended to allow the 38-foot tall, 12-unit, transitional HOC housing still envisioned today. The present applications seek to move the proposed location of that same building to the east, from Lot 3 to Lot 5 on Hampden Lane. They also seek to rezone the remainder of the subject site on Hampden Lane from R-60 to TS-R.

Applicant HLA wishes to construct a multi-family condominium building on the north side of Hampden Lane, in the Transit Station Residential District delineated by the Bethesda CBD Sector Plan. The Gross Tract Area of the HLA property is 32,107 square feet. The building planned by Applicant would be 97,853 square feet and would occupy Lots 1 through 4 of Block 24D (4915, 4917, 4919 and 4921 Hampden Lane), in the Edgemoor Subdivision. Applicant's conceptual plans call for a glass and masonry structure, approximately 282 feet long, stepped up from a height of 33 feet along Arlington Road to a height of 71 feet (not including a 15 foot-tall mechanical penthouse) at the midpoint of the building on Hampton Lane. The proposed building would include 9 moderately priced dwelling units (MPDUs) in its total of 60 units (*i.e.*, 15% MPDUs), and it would have a floor area ratio (FAR) of 3.05.

According to Applicant's Project Description for the LMA , the HLA development would include ten percent public use space to be provided along a portion of Arlington Road and Hampden Lane. The

development would provide the required 20 percent passive and active recreational space, through a series of outdoor spaces, roof top terraces and inside recreational facilities. The proposed development would include 10 percent public use space to be interspersed along both the Hampden Lane frontage and the Arlington Road frontage of the HLA Property. On the north side of the project, the conceptual design extends the existing courtyard spaces of the CityHomes of Edgemoor townhouses into courtyards between sections of the proposed building, in an effort to avoid blocking the light and air into those spaces. The Applicant also proposes sidewalks along the entire frontage of both Arlington Road and Hampden Lane, in addition to the open space and active and passive recreation space promised by the Applicant. The proposed building would be constructed in a single phase and would not be dependent on any Capital Improvement Program.

According to Applicant's conceptual plans, the building would include a total of 89 parking spaces, to be located on two and one-half levels of below-grade parking. Vehicular access to the parking garage would be located on Hampden Lane along the eastern property line of the HLA Property. A 24-foot wide driveway would provide access to the parking garage, and a service entrance is in the same location with a 12-foot wide driveway, to be accessed directly from Hampden Lane. The building would have one centralized lobby located on Hampden Lane.

In addition to HLA's planned structure, the HOC transitional housing building, which had been planned for Lot 3 of Block 24D, would be moved to Lot 5 (4913 Hampden Lane). It's design would not be modified, and if approved, would consist of a 10,622 square foot, 38 foot tall, brick building, containing twelve transitional housing units (seven one-bedroom units, five studio apartments and a counselor's office on the ground floor). The Development Plan proposed for Lot 5 includes a 3-story building, with an amount of public use open space and active and passive recreational space comparable to the previous plan for its development on Lot 3. Consistent with the previously approved Site Plan for the transitional housing, the active and passive recreational space would be provided in the rear of the building and would include a

nicely landscaped outdoor area. Once all of the land use approvals are obtained, the development of the HOC building at 4913 Hampden Lane would proceed independently of the development of the remaining Hampden Lane properties. The development at 4913 Hampden Lane would occur in a single phase and will not be dependent on any Capital Improvement Program.

Pursuant to Code § 59-D-1.1, development in the TS-R Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the TS-R Zone. The Development Plan and the Land Use Plan that constitutes one of its primary parts are binding on the Applicant except where particular elements are identified as illustrative or conceptual. Illustrative elements may be changed during site plan review by the Planning Board, but the binding elements cannot be changed without a separate application to the District Council for a development plan amendment.

The binding elements in this case are as follows:

1. The building will have a maximum height of 71 feet.
2. The development will have a maximum density of 3.05 FAR, including the MPDU bonus density.
3. The development will provide 15% MPDUs (9 units) on site.
4. The development will provide a minimum of 10% public use space.
5. The development will provide a minimum of 20% active and passive recreational space.

The binding elements are printed on the development plan's "Land Use Plan," LMA Exhibit 25(d). As specified in the "Site Area Analysis" on the Land Use Plan, Applicant has committed to dedicating 1,141 square feet to the public right-of-way along Arlington Road and Hampden Lane. Previously, 10,071 square feet of land had been dedicated to Arlington Road and Hampden Lane.

DPA 06-2 would amend DPA 00-2 and earlier development plans for Edgemoor I, II, III and IV, by showing the relocation of the proposed HOC transitional housing from Lot 3 (4917 Hampden Lane) to Lot 5 (4913 Hampden Lane). Another change had to be made to the Development Plan Amendment to reflect an

agreement by the developer of Edgemoor I, II and III on Montgomery Lane (HSNK, LLC) to transfer Lot 3 on Hampden Lane to the County (DPA Exhibit 39), purportedly in satisfaction of that developer's MPDU obligations. The District Council agrees with the Hearing Examiner's determination that this zoning review of LMA G-842/DPA 06-2 is not the appropriate forum for interpreting the contractual agreement between HSNK, LLC and the County regarding the development of Edgemoor I, II and III. As stated by the Hearing Examiner, accuracy of the development plan for this project can be restored by removing both notes 2 and 3 found in DPA 00-2, and replacing them with the following note in DPA 06-2: "Recreation and Parking for the HOC transitional housing to be located on Lot 5, Block 24D will be considered by the Planning Board at Site Plan Review." These changes are reflected in the revised DPA 06-2 (DPA Exhibit 57(c)).

Section 59-D-1.61 of the Zoning Ordinance requires the District Council, before it approves any application for re-zoning, to consider whether the application, including the development plan, fulfils the "purposes and requirements" set forth in Code Section 59-C for the new zone. In making this determination, Zoning Ordinance §59-D-1.61 expressly requires the District Council to make five specific findings, and Maryland law requires that zoning power be exercised in the public interest. *Regional District Act, Maryland-National Capital Park and Planning Commission Article (Art. 28), Md. Code Ann., § 7-110.*

§59-D-1.61(a): Consistency with Master Plan and other County Policies.

The first required finding is consistency with County plans and policies. The subject site is located within the area analyzed by the *Bethesda Central Business District (CBD) Sector Plan*, approved and adopted in July, 1994. More specifically, it is within the southern end of the Transit Station Residential District, as shown in Figure 4.13 from the Sector Plan (p. 81). The Sector Plan recommends (page 5) "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 up to about 100 dwelling units per acre. . . ." The Hearing Examiner concluded that the Applicant's concept of the proposed HLA building (LMA Exhibit 37) does not have the appearance of the "low-rise urban village" called for in the

Sector Plan. The District Council notes that strict compliance with the Sector Plan is not mandatory in this Zone, and finds that the proposed HLA building substantially complies with the use and density indicated by the Sector Plan, as required by Zoning Ordinance §59-D-1.61(a). However, the District Council expects the Planning Board, at Site Plan review, to carefully consider the appearance of the proposed HLA building in conjunction with the Sector Plan's Objectives, Recommendations and Urban Design Guidelines (Sector Plan, pp. 80-85) and with the appearance of the surrounding buildings.

Another County policy which must be considered is the Adequate Public Facilities Ordinance ("APFO," Code §50-35(k)). While the ultimate test under the APFO is carried out at subdivision review, evidence concerning adequacy of public facilities is also relevant to the District Council's determination in a rezoning case. Under the 2003-05 AGP Policy Element (p.14), which remained unchanged in FY 2006, "[t]he Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated." There is no such evidence in this case. We therefore turn to the remaining three public facilities, transportation, schools and water and sewer service.

1. Transportation

Under the 2003-05 AGP Policy Element, subdivision applications are subject to Local Area Transportation Review ("LATR") requirements. LATR generally involves a traffic study intended to evaluate whether a proposed development would result in unacceptable congestion during the peak hour of the morning and evening peak periods. In this case, the total number of projected trips (for both the HLA building and the HOC facility) is below the threshold (30 peak hour trips) necessary to require a full traffic study under local area transportation review (LATR) guidelines. Technical Staff concluded that "The hourly contribution to the peak hour traffic volumes is not considered significant or likely to cause additional congestion." Technical Staff also found that "Primary site access and service access is adequate and will not pose a threat to public safety." The District Council finds that Applicant's proposal complies

with the LATR standards and other transportation requirements.

2. School Capacity:

This property is located within the Bethesda Elementary School, Westland Middle School and Bethesda-Chevy Chase High School service areas. The Director of the Division of Long-range Planning, Montgomery County Public Schools, estimated that the impact of this project would be approximately five (5) elementary, three (3) middle and three (3) high school students. Since the current Growth Policy schools test finds capacity adequate in the Bethesda/Chevy Chase cluster, the District Council concludes that the public schools can meet the increased demand projected from the subject development.

3. Water and Sewer Service:

Under the FY 2003-05 AGP Policy Element, p.14, “applications must be considered adequately served by water and sewerage if the subdivision is located in an area in which water and sewer service is presently available, is under construction, is designated by the County Council for extension of service within the first two years of a current approved Comprehensive Water Supply and Sewerage Systems Plan (i.e., categories I, II, and III).” Sewer service and water lines rated as S-1 and W-1 are provided adjacent to the site, and based on the evidence, the District Council finds the facilities to be adequate.

In sum, based on this record, the District Council finds that the requested rezoning does not conflict with County plans and policies.

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

The second required finding is:

That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

The requirements for the TS-R Zone are found in Code §59-C-8. The TS-R Zone is a “floating zone,” intended to be used in transit station development areas and in areas adjacent to central business districts, within 1,500 feet of a Metro transit station. Section 59-C-8.21(b) also specifies that TS-R Zones are intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted Master Plan. That is the case here.

The purposes of the TS-R Zone are set forth in Code §59-C-8.22. The evidence amply demonstrates that the proposed development would satisfy the purposes of the TS-R Zone. It would put 72 residential units within easy walking distance of a Metro station and would provide for much higher densities than presently exist on the site, but within the range approved by the ARC and the Planning Board. Moreover, the combination of nine moderately priced dwelling units in the HLA building and 12 transitional units the HOC building insure that housing will be provided for persons of different economic levels.

Zoning Code §59-C-8.25 requires that a proposed development in the TS-R Zone conform to “the facilities and amenities” of the Sector Plan, include any required easements, provide for safe and efficient circulation and adequate open and recreation space, and insure compatibility with the surrounding area, as well as the ability of the area to accommodate the intended use. The proposed development would provide a sidewalk along Hampden Lane, a minimum of 10% public use space and 20% active and passive recreational space, well landscaped seating areas, and a small pocket park on Hampden Lane. The Development Plan includes dedication along Hampden Lane, which will establish a public right of way of 60 feet, and 40 feet of dedication along Arlington Road, both of which will allow the establishment of new public facilities and sidewalks to promote safe and efficient circulation.

Applicant’s plans meet the development standards spelled out in Zoning Ordinance §59-C-8.4, after their adjustment to allow for MPDUs, as approved by the ARC and the Planning Board in accordance with County law.

Code §59-C-8.51 provides standards for the Planning Board to use in setting the maximum building height at site plan review. In approving height limits, the Planning Board is required “to take into consideration the size of the lot or parcel, the relationship of the building or buildings to surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties and any other factors relevant to height of the building.” The binding elements in this case limit height to a maximum of 71 feet. The Council approves that height as a maximum, but recognizes the Planning Board’s responsibility to consider the impact of the current plan for a 71 foot building, with a 15 foot penthouse, upon the adjacent buildings to the north, which are considerably shorter than the proposed building. This compatibility issue must, however, be considered in conjunction with the County’s policy of encouraging construction of moderately priced housing.

Code §59-C-8.52 specifies that parking shall be located so as to have “a minimal impact” on any adjoining residential properties. All HLA Development Plan parking (89 spaces planned, including 4 handicapped accessible) will be located under the building, within the parking garage, and will not impact adjoining properties. Access for parking is located along Hampden Lane and will have a minimal impact on the area. The Development Plan Amendment for the HOC transitional housing (DPA 06-2) leaves the question of parking to the Planning Board, which stated in its March 9, 2006, memorandum that it would consider parking and recreation needs for the transitional housing development at site plan review.

Code §59-C-8.53 is inapplicable because no private streets are called for either in the HLA Development Plan or in DPA 06-2. Section §59-C-8.54 is also inapplicable because there is no plan to include ancillary commercial uses in the development.

In sum, the District Council finds that Applicant’s plans are in accordance with all of the purposes, standards and regulations of the TS-R Zone, as set forth in Article 59-C of the Code.

The next part of “Finding (b)” required by Section 59-D-1.61 is a determination that the proposed development would provide for the “maximum safety, convenience, and amenity of the residents.” The proposed development would provide, as binding elements, a minimum of 10% public use space and 20% active and passive recreational space. Moreover, the conceptual plans call for well landscaped seating areas and a small pocket park on Hampden Lane. Based on the record, the District Council finds that Applicant has provided the maximum in safety, convenience and amenities for the future residents of this development.

The final required determination under “Finding (b)” is that the proposed development be compatible with adjacent development. To the north of the subject site are the 55 foot tall, CityHomes of Edgemoor development and the 46-foot high, Edgemoor at Arlington development; to the east will be the 38 foot tall, transitional housing and a couple of existing, three-story, garden apartments; to the west, across Arlington Road, is the low-rise, County library, and across Hampden Lane are low-rise commercial properties in the Shoppes of Bethesda shopping center. The District Council finds that, although the building proposed by HLA would be taller than the adjacent developments, it would be generally compatible with uses and structures in the surrounding area. Moreover, its height can be adjusted by the Planning Board at Site Plan review, if the Planning Board finds that the building, as presently planned, would unduly block the neighbors’ air and sunlight. The District Council expects the Planning Board to look carefully at this issue in the manner discussed above in connection with Code §59-C-8.51.

Compatibility of the proposed HOC transitional housing has already been established by the Council’s approval of DPA 00-2, which authorized the same development on Lot 3 that is now planned for Lot 5.

§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems.

The third required finding is “[t]hat the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.” Primary and service vehicular

access to the property is shown conceptually from Hampden Lane. According to Technical Staff, the pedestrian and vehicular entrances, as shown on the plans, are located in such a way that they will provide for the safe and adequate movement of pedestrians and vehicular traffic. Applicant will provide a sidewalk along the north side of Hampden Lane, and that provides connection to the area sidewalks and the Bethesda Metro Station. Technical Staff noted that the pedestrian facilities that are proposed as part of the HLA Development Plan will enhance the existing sidewalk network, and concluded that primary site access and service access is adequate and will not pose a threat to public safety. Applicant's transportation expert testified that the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient. The District Council so finds.

§59-D-1.61(d): preservation of natural features

The fourth required finding is:

That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.

No environmental issues were raised in this case. Applicant's engineer testified that the property contains no flood plains, protected soils, rock outcroppings, or other natural features that would impact development of the proposed project, and the subject site is not located in a special protection area. Technical Staff exempted the site from forest conservation plan requirements.

The current surface of the subject site is mostly impervious, and this project would be considered as a redevelopment. As such, the storm water management requirements for recharging the water runoff do not apply. Moreover, because the stormwater discharge from the proposed property is less than two cubic feet per second, the site is exempted from channel protection volume controls (*i.e.*, quantity control).

Quality control will be provided on site through an underground filtration system. Applicant will be required to submit a Stormwater Management Concept Plan at the time of Preliminary Plan of Subdivision.

During construction, Applicant will employ temporary sediment erosion control measures as required by Montgomery County and Maryland Department of the Environment. In addition, Applicant will stabilize construction entrances and silt beds protecting the perimeter of the property.

In sum, the District Council finds that Applicant has demonstrated the environmental controls required by "Finding (d)."

§59-D-1.61(e): common area maintenance.

The fifth required finding is "[t]hat any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient." The ownership of the subject properties is set forth in the Development Agreement signed by the DHCA, HOC, HLA and all property owners. LMA Exhibit 32; DPA Exhibit 46. The HLA Property will ultimately be controlled by a homeowner's association (HOA), and Applicant provided a statement certifying that the HOA documents to be recorded in connection with the HLA property "shall provide for the private perpetual maintenance of all active and passive recreational spaces and public use spaces." LMA Exhibit 44(a). The HOC will be responsible for the ongoing maintenance of the HOC Property.

The District Council finds that Applicant has sufficiently demonstrated both ownership of the property and its commitment to perpetual maintenance of all recreational and other common or quasi-public areas.

The Public Interest

The applicant must show that the proposed reclassification 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 has traditionally considered master plan conformity, the recommendations of the Planning Board and Technical Staff, and any adverse impact on public facilities. The District Council finds that compliance with its policy of encouraging the availability of moderately priced housing is also a significant factor in determining the public interest. In this case, the proposed development of the HLA building will make available nine moderately priced dwelling units (MPDUs), in addition to the twelve transitional housing units that are slated for the HOC structure.

Zoning Ordinance §59-D-1.61(a) permits a project to exceed the height and density recommendations of a sector plan if an Alternative Review Committee finds that it is not "financially feasible" to meet those recommendations because of the inclusion of MPDUs in the project. In such a case, the Planning Board may recommend permitting a height and density greater than recommended in the sector plan. This public policy consideration weighed heavily in the District Council's determination that a remand, as recommended by the Hearing Examiner, was not in the public interest because it would significantly delay the availability of affordable housing and transitional housing.

The impact on public facilities was discussed above. The evidence indicates that transportation, schools, and water and sewer services would not be adversely affected by the proposed development.

The Sector Plan expressly recommends the zoning change (to the TS-R Zone) sought by Applicant, and the District Council has found that the proposed HLA building substantially complies with the use and density indicated by the Sector Plan, as required by Zoning Ordinance §59-D-1.61(a). The District Council also finds that the HOC development plan amendment, DPA 06-2, is consistent with the Sector Plan and compatible with its surroundings.

The Hearing Examiner's report is incorporated herein by reference, and the District Council adopts the report's findings, except with regard to compatibility with adjacent development and consistency with the Sector Plan. As indicated above, the District Council finds that the proposed development is compatible with adjacent development and is not inconsistent with the Bethesda CBD Sector Plan.

Based on the foregoing analysis, and because approval of the instant rezoning application would aid in accomplishing a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the District Council concludes that the requested rezoning, the development plan in G-842 and the development plan amendment in DPA-06-2 should be approved.

ACTION

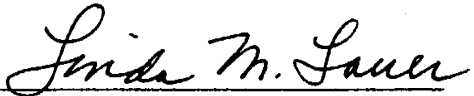
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-842, requesting reclassification from the R-60 Zone to the TS-R Zone of approximately half an acre of land on Hampden Lane in Bethesda (Lots 5, 4, 2 and Part of 1, of Edgemoor Subdivision, Block 24D, located at 4913, 4915, 4919 and 4921 Hampden Lane), in the 7th Election District, is hereby approved in the amount requested and subject to the specifications and requirements of the revised Development Plan, LMA Exhibit 25(d), 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, as required under Code §59-D-1.64.

DPA 06-2, seeking to amend the development plans in LMA's G-721, G-755, and G-769 and DPA's 98-1, 98-2 and 00-2, to allow relocation of the planned Housing Opportunity Commission (HOC) transitional housing from its currently approved location at 4917 Hampden Lane (Lot 3 of Block 24D, Edgemoor) to 4913 Hampden Lane (Lot 5 of Block 24D, Edgemoor), is hereby approved in the amount

requested and subject to the specifications and requirements of the revised Development Plan Amendment, DPA Exhibit 57(c), provided that the Applicant submits to the Hearing Examiner for certification a reproducible original and three copies of the Development Plan Amendment approved by the District Council within 10 days of approval, as required under Code §59-D-1.64.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council



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

May 25, 2007

MEMORANDUM

TO: Richard Weaver, Planner/Coordinator
Joshua Sloan, Site Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning *[Signature]*

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Parcel A & Outlot A, Block 24D
Preliminary Plan No. 120070500 and
Site Plan No. 820070100
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 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 proposed development to a maximum of 60 high-rise apartments.
2. The applicant must obtain a waiver from the Montgomery County Department of Public Works and Transportation (DPWT) for deviating from the standard truncation at the corner of intersection of Arlington Road and Hampden Lane.
3. The applicant must provide dual handicapped ramps at the southeast corner of the intersection of Arlington Road and Hampden Lane and show the pedestrian crosswalks across each intersection.
4. The applicant must provide two inverted-U bike racks in front of the main entrance and three bike lockers in the underground garage within 50 feet of the elevator. The

applicant will coordinate with Transportation Planning staff to determine the ultimate location of the bike racks and lockers prior to approval of certified site plan.

DISCUSSION

Site Location and Access

The subject site is located in the southeast corner of the intersection of Arlington Road and Hampden Lane. Vehicular access for the residents and service vehicles is proposed from Hampden Lane.

Available Transit Service

Bethesda Metrorail Station is located 1,600 feet to the north of the subject site. Although no transit operates along Hampden Lane, Ride-On routes 36 and 92 operate along Arlington Road.

Pedestrian Facilities

Sidewalks exist along Arlington Road and Hampden Lane.

Master-Planned Roadways

In accordance with the *Bethesda CBD Sector Plan*, Arlington Road is designated as an arterial, A-82, with a recommended 80-foot-wide right-of-way and Hampden Lane is designated as a business district street with a 60-foot-wide right-of-way.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District. As a multi-family development with fewer than 25 employees, 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 multi-family development would generate 22 peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) peak period and evening (4:00 to 7:00 p.m.) peak period. A traffic study is not required to satisfy LATR because the proposed multi-family development generates less than 30 total peak-hour trips during the weekday morning and evening peak hours.

EA:tc

cc: Chris Kabatt
Judy Daniel
Pat Harris

Barbara Kearney
Chuck Kines
Fiona Thomas

mno to Weaver Sloan re Parcel A Outlot A Block 24D 120070500 820070100.doc

Dec 20 2006 1:55PM HP ISERJET 3330

APPENDIX E



RECEIVED

NOV 30 06
11:04A

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

November 27, 2006

Robert C. Hubbard
DirectorMr. Sonell Charles
Vika, Inc.
20251 Century Boulevard, Suite 400
Germantown, MD 20874Re: Stormwater Management **CONCEPT** Request
for Edgemoor/Hampden Lane
Preliminary Plan #: Pending
SM File #: 229175
Tract Size/Zone: 0.48 Ac./TS-R
Total Concept Area: 0.48 Ac.
Lots/Block: 6, 4, part 3, 2 and part 1/24D
Watershed: Little Falls Branch

Dear Mr. Charles:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is acceptable. The stormwater management concept consists of on-site water quality control via a volume based StormFilter. A partial waiver of water quality control is granted for the area that does not drain to the structure. Onsite recharge is waived due to site constraints. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Provide access to each chamber. Provide an additional access to the filter chamber in the opposite corner.
6. Please consider using green roof as an alternate to or in combination with the proposed water quality BMP.
7. Provide a set of mechanical drawings to verify that the roof and court yards drain to the water quality structures and that the garage drains drain to WSSC.

This list may not be all-inclusive and may change based on available information at the time.



Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN229175 Hampden Lane.DWK

cc: C. Conlon
S. Federline
SM File # 229175

QN - Onsite; Acres: 0.48
QL - Onsite/Waived; Acres: 0.4/0.08
Recharge is not provided

Sloan, Joshua

From: Bill Landfair [landfair@vika.com]
Sent: Wednesday, April 09, 2008 5:37 PM
To: Sloan, Joshua; Daniel, Judy; Axler, Ed
Subject: FW: 1-20070500 (Parcel A & Outlot D, Block 24D) - northeast corner of Hampden Lane and Arlington Road - request to waive right-of-way truncation and accept conceptual coordinated north curblane plan

FYI

Bill

William R. Landfair, AICP
 Associate

VIKA, Inc.
 20251 Century Boulevard
 Suite 400
 Germantown, MD 20874
 301.916.4100
 301.916.2262 fax
landfair@vika.com

From: Leck, Gregory [mailto:Greg.Leck@montgomerycountymd.gov]
Sent: Wednesday, April 09, 2008 4:47 PM
To: william.kominers@hklaw.com; Bill Landfair
Cc: eschnitzer@polingerco.com; apolinger@polingerco.com; CLKabatt@mjwells.com; Weaver, Richard; Etemadi, Shahriar; Navid, Sarah; Wolanin, Emil; Farhadi, Sam; Liang, Kyle
Subject: 1-20070500 (Parcel A & Outlot D, Block 24D) - northeast corner of Hampden Lane and Arlington Road - request to waive right-of-way truncation and accept conceptual coordinated north curblane plan

Gentlemen:

We have completed our review of your February 29, 2008 package which transmitted the exhibits to request DPWT support of a waiver of right-of-way truncations (on the northeast corner of Hampden Lane and Arlington Road), reduce the pavement width on Hampden Lane to provide additional sidewalk and public open space area, and establish a coordinated north curblane for Hampden Lane between Arlington Road and Woodmont Avenue.

This reply is to advise you that we conditionally accept and support your requests as follows:

- After reviewing your exhibits, visiting the site, and considering anticipated future activity at this intersection, we have agreed to support your request for a waiver of the truncation – subject to approval by the Planning Board.
- Regarding the pavement width, as discussed previously, we want to retain a minimum of thirty six (36) feet of pavement (curb-to-curb) to maintain the existing vehicle movements at Arlington Road – by providing room for one eastbound and two westbound lanes at that intersection. Your “Hampden Lane Preliminary Pavement Marking Plan” provides one fourteen (14) foot wide eastbound lane and two eleven (11) foot wide westbound lanes at this intersection; that proposal is acceptable. The curb return should be no less than a twenty five (25) foot radius.



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

July 3, 2007

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070500
Parcel A and Outlot A, Block 24D

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 06/01/07. This plan was reviewed by the Development Review Committee at its meeting on 04/16/07. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for Hampden Lane and Arlington Road in accordance with the Master Plan.
2. We are in receipt of the applicant's traffic report about transportation impacts of the proposed improvements to the Hampden Lane approach at Arlington Road. Upon reviewing the provided data we remain concerned about narrowing the pavement at this intersection. Prior to issuance of building permit by the Department of Permitting Services, the applicant should submit traffic simulation study to MCDPWT for our review and comment (our position on narrowing the pavement will depend upon reviewing this supplemental information). All items below should be addressed once this study is done, accepted and necessary revisions have been made.
3. We have also received applicant's request about truncation waiver at the intersection of Hampden Lane and Arlington Road. This will be determined once item 2 above has been addressed.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
6. Record plat to reflect denial of access along Arlington Road.
7. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage according to associated DPWT standard street section and CBD standards unless the applicant is able to obtain a waiver from the appropriate government agency.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20070500
Date July 5, 2007
Page 2

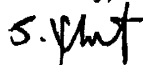
8. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However Driveways curb returns should not cross the property lines. Also provide proper spacing between the driveways curb returns and public utilities features.
9. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
10. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
11. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
16. If the applicant is required to install Bethesda CBD streetscaping amenities along the site frontages -- prior to approval of the record plat by DPS, execute and record a Declaration of Covenants (for Maintenance and Liability) or enter into an agreement with the Bethesda Urban District for the maintenance of those items.
17. Please coordinate with DPWT division of Transit Services about their requirements and project impacts on their network.
18. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
19. Provide driveway access for the stormwater management facilities per associated DPS guidelines.
20. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances and street trees along Hampden Lane as per commercial/industrial roadway standards, i.e., STD MC-214.02 from the existing road center line (except for the amount of pavement which will be determined once item 2 above is addressed) and CBD requirements with amended soil panels and underground watering system for Tree Pits.

Ms. Catherine Conlon
Preliminary Plan No. 1-20070500
Date July 5, 2007
Page 3

- B. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Arlington Road per arterial roadway standards (STD MC 213.01) from the existing pavement centerline and also CBD requirements (with amended soil panels and underground watering system for Tree Pits).
- C. Additional road improvements may be required as a result of a review of a traffic study if such study is required by the Planning Board staff.
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20070500, Parcel A and Outlot A, Block 24D.doc

Enclosures (1)

cc: Jim Alexander, Hampden Lane Associates, LLC
Bill Landfair, VIK A Inc.
Pat Harris, Holland & Knight
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Multi Family Residential Preliminary Plan Number: 1-20070500
Hampden Lane

Street Name: Hampden Lane

Master Plan Road
Classification: **Business**

Posted Speed Limit: 30 mph

Street/Driveway #1 (SE side of site)

Street/Driveway #2 (_____)

Sight Distance (feet)	OK?
Right <u>296</u>	<u>X</u>
Left <u>206</u>	<u>X</u>

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: _____

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

*Source: AASHTO

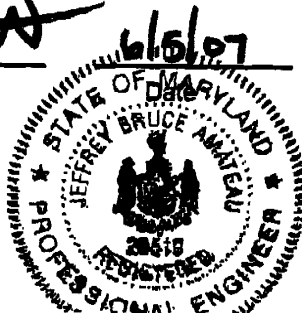
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature _____

20510
PLS/P.E. MD Reg. No.



Montgomery County Review:

☒ Approved

☐ Disapproved:

By:

Date:

Form Reformatted:
March, 2000

- Although the "Hampden Lane Preliminary Pavement Marking Plan" proposes two ten-point-five (10.5) foot wide eastbound and one fifteen (15) foot wide westbound lane at the intersection of Hampden Lane and Woodmont Avenue, we believe your concept plan provides the overall direction that we requested. We reserve the right to modify that concept as necessary. We thank you and your client for preparing that concept plan.

This e-mail response is being provided in lieu of a formal reply letter or memorandum.

Thank you for your cooperation and assistance in this matter. If you need additional discussion or have any questions/comments regarding this response, please contact me at your earliest convenience.

Sincerely,

Greg Leck, Manager
Development Review Group
Traffic Engineering and Operations Section
DPWT Division of Operations

101 Orchard Ridge Drive, 2nd floor
Gaithersburg, Maryland 20878

greg.leck@montgomerycountymd.gov

office: 240-777-2197

fax: 240-777-2080

E-MAIL TRANSMITTAL: This message is a private communication and is intended only for the named addressee. It may contain information which is confidential, proprietary and/or privileged under applicable law. If you are not the designated recipient, you may not review, copy or distribute this message. The delivery to or receipt by any unintended recipient does not constitute a waiver of confidentiality or privilege. If you receive this message in error, please notify the sender by reply e-mail and delete this message from your system.

The drawing information and CAD files contained in this e-mail or any attachment hereto is VIKAs internal property and has been prepared by VIKAs solely for use by its staff and VIKAs clients based on the terms of the contract between the client and VIKAs. It is provided herewith for information only and is not to be relied upon by any parties other than VIKAs staff, employees and clients. Any reliance thereupon by any party other than VIKAs staff, employees and clients shall be at that user's sole risk, and said user by choosing to rely upon this information agrees that it accepts full responsibility for all work related thereto and agrees to indemnify and hold VIKAs harmless from any and all liability arising from or relating to its use of, or reliance upon said information. The party, including VIKAs client, receiving this information is responsible for requesting any updated or future information about or versions of this information prior to considering it final. No update notification will be sent by VIKAs without a written request. Any comments or questions are to be directed in writing to the creator at VIKAs, Inc. By using the enclosed information, the addressee hereby agrees to the terms and conditions listed in this e-mail transmittal.

CITIZEN CORRESPONDENCE

To: Josh Sloan
From: J. Bruce Mackey
Subject: Hampden Lane /Polinger Project



My wife, Patti, and I live at 4838 Montgomery Lane – an end unit (southern side) of our Town House complex. It is my understanding that you have been assigned the Hampden Lane/Polinger project. Therefore, I am writing to you to express concerns we have in regard to the proposed project.

The project height of 85 feet is far too high when compared to our height of 53 ft. If the project is built to proposed height our light and air will be adversely affected; our southern exposure (particularly with our unit) will be taken away. This would be totally incompatible with City Homes and not in keeping with the Bethesda sector plan. To go forward with the proposed project would demonstrate utter disregard for the sector plan and contempt for all residences in City Homes.

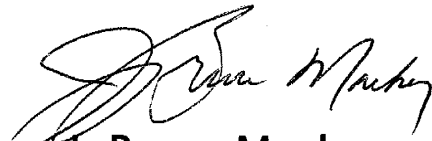
A little background about my feelings on this matter – Patti and I raised a family of 4 children in Potomac, MD. When we became “empty nesters” we decided to move into the City (Bethesda or DC). We had numerous residential options but chose City Homes because of its location and charm. We were also keenly aware of the Bethesda sector plan and felt comfortable that. While new residential projects were inevitable, they would be compatible with our community.

I am an extremely patriotic individual who believes deeply in our democratic way of government. However, like most Americans, I am losing faith in those in government. My skepticism started in Viet Nam where I served in 1968 as a medical platoon leader attached to the 11th Infantry Division. I arrived in that country full of idealism - we were at war for the right reasons and I would be saving lives not killing them. After losing 8 brave young men and having many others wounded and scarred for life, I acutely realized the human cost of War. And when it became clear, as the years past, how our elected officials had lied and had profoundly mismanaged the war, I started to lose faith in the people we elected and entrusted with power.

Since the war, Watergate, and now Iraq, elected government officials have done little to restore the faith that the majority of Americans, myself included, once had in them. Therefore, I implore you to be honorable and to do what is right.

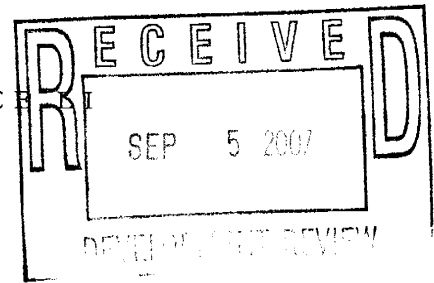
Thank you for taking the time to read this memo. I hope it will help you in your decision making process.

Sincerely,



J. Bruce Mackey

cc Royce Hanson, Chair of the Park and Planning



August 31, 2007

Mr. Josh Sloan
Montgomery County Department of Parks and Planning
8787 Georgia Ave.
Silver Spring, MD 20810

RE: Concerns about the "Polinger Project" on the 4800 block of Hampden Lane, Bethesda

Dear Mr. Sloan:

I am writing to express the concerns of two families in the City Homes of Edgemoor Townhouse development on Montgomery Lane, adjacent to the proposed Polinger Project on Hampden Lane. For the past seven years my husband and I have lived with our three children at #4814. My husband's parents and sister live next door, at #4812. Since they do not speak English well, they asked me to represent their views to you in addition to our own.

The massive size and height of the Polinger project as proposed are of great concern to us. A building almost half again as tall as our houses looming to the south will truly cut off light and air from our properties. Because of the nature of townhouses, our only direct light comes through east and west windows; with available light cut back further, our houses will be much darker all day. In addition, our row of houses faces the prospect of another tall building being built directly east right behind our driveway, which will cut off all morning light.

At the time we considered buying these townhouses, we purchased a copy of the Bethesda Master Plan from your office (I still have my copy). It clearly shows that our block will move from the single family homes then existing to a denser, low-rise residential development. The Edgemoor townhomes as planned seemed to fit that model, and we bought the townhouses believing that future development would be along the lines portrayed in the Master Plan. We do not believe that the Polinger project as proposed is consistent with the Master Plan vision, and we feel very disappointed, and, in a sense betrayed. Based on the information provided in the Master Plan, we invested in a brand new home that seemed to represent a new idea for Bethesda. The townhomes' design has been admired by friends and visitors. Only seven years later, we feel that our homes will look and feel out of place on this block, and will be distinctly less pleasant to live in.

Our experience over the years with gardening on the balcony (east-facing) has clearly showed how much difference small changes in light will make. My young daughter (now 13) has grown up here, and she and my husband are avid gardeners. Even though they have only a second-floor balcony to work with, they have created beautiful gardens that are remarked on by passersby, with tubs of miniature lotus, a blueberry bush, tomatoes and peppers as well as lots of blooming perennials and herbs. Our balcony, with its sources of water, food and natural shade, has become a haven for local birds, including hummingbirds, and even serves as a stop for migratory birds in the fall! The plants are dependent on a certain number of hours of light each day. Last year a new neighbor moved in next door, one house further south. Our neighbor has the distinction of being a Montgomery County Master Gardener, and she has created gorgeous plantings both on her balcony and in pots at the end of the driveway. But when she tried tomatoes on her balcony, just a few feet from ours, they did not thrive as our tomatoes did. She realized that a tall tree on the Hampden Lane side was shading her balcony just enough that the plants could not get enough light.

A looming 85 foot building as proposed, placed just yards to our south, would block so much light that none of the plants we love would survive. I know a few plants on a balcony seem like a small thing, but it contributes a great deal to the quality of life of all our families.

August 31, 2007

In the seven years I have been a Bethesda resident, I have noted with respect and admiration many of the planning decisions that have allowed Bethesda to grow while remaining pleasant and livable. A hallmark of this planning, I think, has been a consistent vision with respect to different sections of the town. Building height and the scale of buildings make a great difference. The high rise commercial buildings toward Wisconsin Ave. are grouped together and do not look out of place, and the lower-scale buildings in the residential and retail areas make the place more livable and friendly. Putting tall and massive buildings on our block that was so recently redeveloped will violate principles that I think have made Bethesda's redevelopment so successful.

Thank you for your time and attention.

Sincerely,

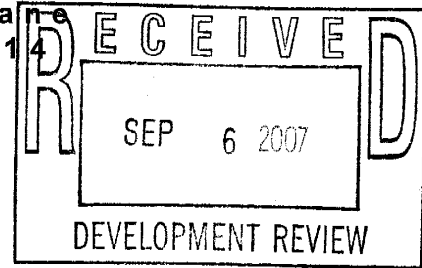
A handwritten signature in black ink, appearing to read 'Felice Li', with a long horizontal flourish extending to the right.

Felice S. Li

Home number: 240-497-0156

Cell number (used at work) 301-467-9616

MARK J. SCHOENFELD
4822 Montgomery Lane
Bethesda, MD 20814



September 4, 2007

Mr. Josh Sloan
Montgomery County Department of Parks & Planning
8787 Georgia Avenue
Silver Spring, MD 20810

RE: Polinger Hampden Lane Project Concerns (4800 block of Hampden Lane, Bethesda)

Dear Mr. Sloan:

Approximately one year ago, I purchased a townhome at the City Homes of Edgemoor in downtown Bethesda that is adjacent to the proposed Polinger project on Hampden Lane. I am writing to express my strong objections and concerns to the Polinger Project as it is presently planned.

The current design of the Polinger Project is a towering 85 feet, which makes it incompatible and inconsistent with its surrounding properties, including my home and all of the homes at the City Homes of Edgemoor. The Polinger Project abuts our homes to the south and it is approximately twice the height from the rooftops of our homes. A project of this height and magnitude will irreparably harm and cut off much of our access to sunlight. Further, it will cast shadows on our homes for most of the day and perhaps the entire day in the winter.

I am not a NIMBY and I do not oppose the Polinger Project per se. In fact, I welcome responsible commercial and residential development in the core areas of downtown Bethesda. But I am opposed and I think unfair and inconsistent with responsible planning is to approve a project that so blatantly impairs and interferes with the property rights of pre-existing owners in an abutting and relatively recent project (the City Homes at Edgemoor are only 7 years old).

I have been a proud Montgomery County citizen for almost 20 years. I have always admired that all of the various different agencies seriously take into consideration the impact of new projects on pre-existing uses and resulting quality of life issues. I applaud when Montgomery County takes positions that advocate for its citizenry. The Polinger Project can and will be successful even if its height is reduced. That would be the best of all worlds: An economically successful project that respects the rights and uses of its surrounding areas, in particular adjacent property owners. Please do not approve the Polinger Project as presently planned because it will cause us to live in a narrow, shadow-filled canyon and chip away at the charm and livability of downtown.

Thank you for your time and attention.

Sincerely,

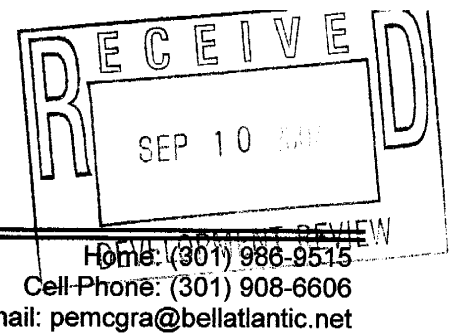
A handwritten signature in black ink, appearing to read "Mark J. Schoenfeld".

Mark J. Schoenfeld

cc: Royce Hanson, Chair of the Park and Planning

Sandra Fucigna
Peter E. McGrath

4842 Montgomery Lane
Bethesda, Maryland 20814-5302



September 2, 2007

Mr. Josh Sloan
Montgomery County Department of Parks and Planning
8787 Georgia Ave.
Silver Spring, MD 20810

RE: Concerns about the "Polinger Project" on the 4800 block of Hampden Lane, Bethesda

Dear Mr. Sloan:

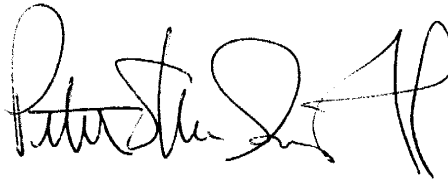
We are writing to express our concerns as residents of City Homes of Edgemoor on Montgomery Lane, about the proposed Polinger Project to be located on Hampden Lane immediately adjacent to our townhouses.

The massive size and height of the proposed Polinger project are of significant concern to us. A building over 30 feet taller than our homes to the immediate south will cut off light and air from our properties. Because of the nature of the townhouses, our direct light comes through only east and west facing windows. The proposed Polinger project, being adjacent and to the south will significantly reduce the amount of natural light reaching the interiors of our houses. In addition, another tall building being erected on Woodmont Ave. between Montgomery Lane and Hampden Lane, which is directly to the east of us, will significantly reduce our morning light.

In 1997, before any construction had started on the City Homes of Edgemoor, we were seriously considering purchasing one of the townhouses. Since most of the surrounding areas were populated with single family two story homes, a few single story retail establishments, and two story apartment buildings, all of which had been there for over 30 years, we were concerned as to what might be permitted to be built adjacent to the townhouses. Therefore, before making our purchase decision we drove to the Department of Parks and Planning in Silver Spring to see the Bethesda Master Plan. It clearly showed that our block will move from the single family homes then existing to a denser, low-rise residential development, with the height of the buildings decreasing in the direction from Woodmont Ave. to Arlington Road.. The City Homes of Edgemoor townhouses as planned seemed to fit that model, and that what we were considering purchasing would be preserved as a place we would enjoy well into the future. Hence, we signed a sales contract, and a year later settled on the purchase of our present home fully believing that future development in the immediate area would be in compliance with the Master Plan.

We do not believe that the proposed Polinger project is consistent with the overall objectives and vision of the Master Plan. If the Polinger project, as presently proposed, is approved, we feel that the Department of Parks and Planning will have been disingenuous to the present residents. In fact, why have a Master Plan at all? If you have a Master Plan, people will use it, as has been the case for many of us, in making purchasing decisions in the area. In fact, there are many residents who are disillusioned and angry because all of the new construction projects impacting us have had significant deviations for the Master Plan. Why is this happening?

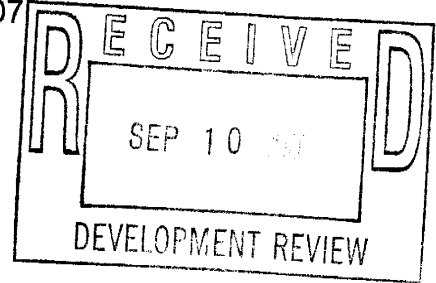
Sincerely,



Sandra Fucigna & Peter E. McGrath

cc Royce Hanson, Chair of Park and Planning

4846 Montgomery Lane
Bethesda, MD 20814
September 3, 2007



Mr. Josh Sloan
Montgomery County Department of Parks and Planning
8787 Georgia Ave.
Silver Spring, MD 20810

RE: "Polinger Project" on the 4800 block of Hampden Lane, Bethesda

Dear Mr. Sloan:

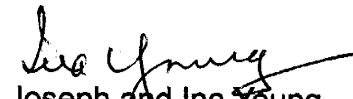
We have lived in the City Homes of Edgemoor Townhouse development on Montgomery Lane since its inception nine years ago, and are extremely concerned about the proposed Polinger project on Hampden Lane and Arlington Road, to be located adjacent to our development.

The inordinate size and height of the proposed Polinger project would cause serious negative consequences to our townhouse properties. The building, proposed to stand one and a half times as tall as our homes, threatens to cut off light and air from our properties.

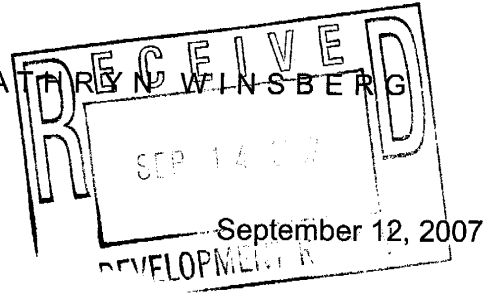
The Bethesda Master Plan clearly showed that our block would move from the single family homes then existing to a denser, low-rise residential development. We purchased our home believing that future development would conform to the Master Plan. The Polinger project as proposed is not consistent with the Master Plan, and we oppose the project as currently presented.

We are confident that you and your committee understand that the height of a building impinges greatly on neighboring structures. We strongly urge you to consider the impact the Polinger project will have on our beautiful neighborhood. Thank you for your attention to this important matter.

Sincerely,


Joseph and Ina Young
inajoe@earthlink.net
301-907-7706

NEWTON STABLEIN AND KATHRYN WINSBERG



Mr. Josh Sloan
Montgomery County Department of Parks and Planning
8787 Georgia Ave.
Silver Spring, MD 20810

RE: Concerns regarding "Pollinger Project" 4800 block of Hampden Lane, Bethesda

Dear Mr. Sloan:

We are writing to express our concerns as homeowner/residents of the City Homes of Edgemoor Townhouse development on Montgomery Lane, adjacent to the proposed Pollinger Project on Hampden Lane. We purchased our home at 4900 Montgomery Lane in 1998 when our development was newly constructed, and have enjoyed living there since then.

The size and height of the Pollinger project as proposed are of tremendous concern to us in terms of their impact on our quality of life. An 83-feet high building directly abutting the property line of our 53-feet high townhouse community will clearly cut off light and air from our properties. In parts of the day we will be living in a dark, virtually airless canyon. Therefore we consider the height of the Pollinger project to pose a significant threat to the living experience that we have enjoyed for nine years in our existing community.

At the time we considered buying this townhouse, we were familiar with the Bethesda Master Plan from your office. It clearly showed that our block would transition from the single family homes then existing to a denser, low-rise residential development. The model was described as a "tent" starting on Arlington Road with a lower height limitation, rising gradually to higher height limitations to meet the heights of existing development east of Woodmont Avenue. We bought our townhouse relying on the representation that future development would be consistent with that portrayed in the Master Plan. The Pollinger project as proposed is in violent contradiction to the goals and specifications of the Bethesda Plan.

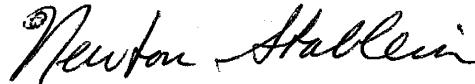
We are not opposed to development, per se. We recognize that we ourselves have been the beneficiaries of new development in the area. We have experienced the construction of the Edgemoor at Arlington immediately adjacent to our townhouse, and we observed that this project did conform to the sector plan. We are asking that the

September 12, 2007

Pollinger project be held to the same standards to maintain the harmony of the scale of the buildings in our neighborhood that was previously planned.

Thank you for your time and attention to a matter we and our neighbors take very seriously.

Sincerely,

A handwritten signature in cursive script that reads "Newton Stablein".

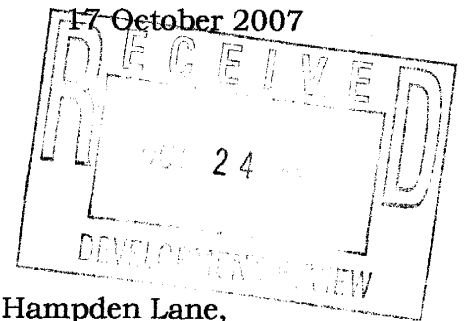
Newton Stablein

A handwritten signature in cursive script that reads "Kathryn Winsberg".

Kathryn Winsberg

cc: Royce Hanson

Mr Josh Sloan
Montgomery County Department of Parks and Planning
8787 Georgia Avenue
Silver Spring, MD 20810



Re: Concerns about the "Polinger project" in the 4800 block of Hampden Lane,
Bethesda

Dear Mr Sloan,

We are homeowners and residents at 4840 Montgomery Lane, Bethesda, a part of the City Homes of Edgemoor Townhouse development. Our unit is an inside end unit that will abut the Polinger project.

Our main concern is the height of the Polinger project. We are requesting that the Polinger project building adhere to the sector plan. This sector plan states that buildings may be a maximum height of 35 feet at Arlington Boulevard and 65 feet at Woodmont Avenue that has a "tenting" impact that has the highest point of the tent running along Wisconsin Avenue.

Our understanding is that the Polinger project is proposed to be 85 feet at its highest point in the middle of the Hampden Lane block, whereas our building is 53 feet. With the "tenting" impact we would expect the highest point to be half way between 35 and 65 feet, approximately 50 feet. This is approximately 35 feet over that stated in the sector plan. We would like the Polinger project to be approximately the same height as our units, no higher than 50 to 55 feet.

Although we are concerned about the impact on sunlight that an 85 foot building would have on our southern exposure as we enjoy growing plants in our home and on our balcony, we are most concerned about the impact it would have if we were to install solar panels on our roof. Allowing an 85 foot building next to ours may mean that solar energy will no longer be an option for us or our neighbors. Solar energy is important to us not only from an environmentally responsible standpoint, but also as a source of income, since PEPCO will buy unused electricity through its Green Power Connection™ program.

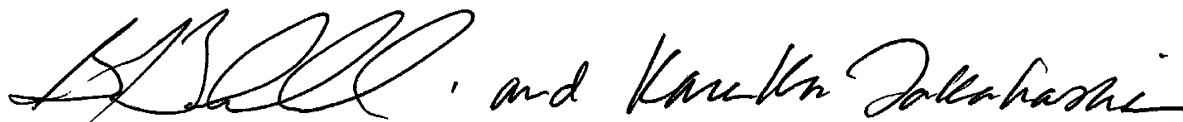
We applaud the Polinger project's initiative to have a greater density of moderately priced dwelling units (MPDUs). However, they could accomplish this in ways that do not interfere with the sunlight from our southern exposure. For example, they could change the current size of units to be able to have an extra MPDU on each floor, or convert a non-MPDU to an MPDU unit, or they could commit more MPDUs to another

property. With these options, we don't feel that their roofline should rise above that identified in the sector plan.

The sector plan is public information. Our development has adhered to the sector plan and we believe that all developments should be held to the same standard. We should not have to sacrifice our resources if the Polinger project is not willing to implement other options to increase their number of MPDUs while remaining in the confines of the sector plan.

Thank you very much for considering our concerns.

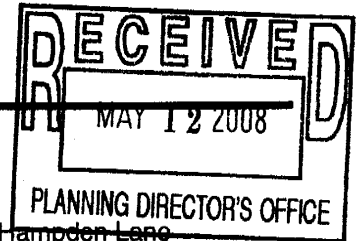
Respectfully,

Handwritten signatures of Grant and Karen Takahashi. The signature on the left is 'Grant' and the signature on the right is 'Karen Takahashi'. They are connected by the word 'and'.

Grant and Karen Takahashi

MCP-Chairman

From: obryonco@aol.com
Sent: Monday, May 12, 2008 11:45 AM
To: MCP-Chairman; Sloan, Joshua; Rollin.stanley@mcppc-mc.org
Subject: Request for Schedule Change re: Parcel A & Outlook A, Block 24D, Hampden Lane



This is a request that the public comment, discussion and vote on the above referenced plan be deferred to June 5, 2008. We have just received notice that the public hearing was scheduled for May 22nd. At this time we do not even have the staff report to prepare fully as it has not been published yet.

I represent 29 adjoining properties in downtown Bethesda and will be in Europe attending the World Health Organization meeting in Geneva on the date.

I recognize that this decision is at your discretion to move the public hearing date but the discourse on this property and the public will be better served by the deferral. There are a number of controversial issues surrounding this project and they should be fully vetted during this public process.

David S. O'Bryon
CityHomes of Edgemoor
301-652-5066



Plan your next roadtrip with MapQuest.com: America's #1 Mapping Site.

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION