

December 6, 2004

Charles R. Loehr
Park and Planning Director
Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Peter Engel
Director, Real Estate Division
Housing Opportunities Commission
Of Montgomery County, Maryland
Real Estate Development Division
3930 Knowles Avenue, 1st Floor
Kensington, Maryland 20895

To whom it may concern,

We are in receipt of your notice regarding a community meeting on December 14, 2004, to discuss the moderate income housing units that are planned for the property at 4917 Hampden Lane in Bethesda.

We are collectively the adjacent and surrounding property owners on Hampden Lane and are strongly in favor of the MPDU program. However, we also believe that moving ahead with this project without attempting to collaborate with the adjacent property owners specifically flies in the face of the intent of the TSR Zoning.

There is a fantastic opportunity for the County to work with a motivated group of property owners to achieve multiple positive goals all at the same time. This block is one of the most underdeveloped and desirable parcels of ground that is immediately accessible to the Metro. The owners have always been willing to cooperate and look into a consolidated plan for the site.

The County building 12 MPDU's in the exact middle of the block will only serve to make it impossible for the County to achieve the goal of providing for higher density/consolidated projects within the TSR Zone. This project will specifically:

- Block the ability of adjacent owners to assemble 18000 SF (Required for TSR Projects)
- Ensure that no consolidated project, which could include the MPDU's, will be built
- Create what is guaranteed to be a dysfunctional streetscape, by erecting a building in the middle of the block higher than that which would be possible on either side because of the lack of a coordinated effort
- Create serious parking and traffic issues which could be resolved in a coordinated TSR Project.

As a note on the history of this project, it is important that the following be discussed:

- The house at 4917 Hampden Lane was purchased by the previous developer for approximately \$75,000 below market value in 1997 from an elderly owner who never marketed the property
- The house was held for three years and at the last minute, as part of the negotiations for the Edgemoor Building at the corner of Montgomery and Woodmont, was offered to the County in lieu of the developer including the required MPDU's with the Edgemoor project, which is one of the goals of the MPDU program.
- The County has never approached any of the adjacent or surrounding property owners regarding a TSR project for the property.

We are supportive of the County's goal of building the MPDU's in this location; however, we respectfully oppose moving forward with this project until some discussion is had with the adjacent and surrounding property owners, in the hope that it may lead to a significantly better thought out project.

Sincerely,
4919 Hampden Lane LLC

Hampden Lane Veterinary Clinic
4921 Hampden Lane

Members,
 Saul I. Stern
 Samson B. Stern
 David Kolakowski
 Stephen Carpenter-Israel, Manager

Robert Mueller

Michael Kane, Accountant
4915 Hampden Lane

Michael Kane

Maurice, Inc.
4913 Hampden Lane

Al Policicchio

cc via fax: Douglas M. Duncan, Michael L. Subin



**HOUSING
OPPORTUNITIES
COMMISSION**
OF MONTGOMERY COUNTY, MD

10400 Detrick Avenue
Kensington, Maryland 20895-2484
(301) 929-6700

January 3, 2005

Saul Stern
Samson B. Stern
David Kolakowski
Stephen Carpenter-Israel, Manager
4919 Hampden Lane LLC
4919 Hampden Lane
Bethesda, MD 20814

Michael Kane, Accountant
4915 Hampden Lane
Bethesda, MD 20814

Robert Mueller
Hampden Lane Veterinary Clinic
4921 Hampden Lane
Bethesda, MD 20814

~~Al~~ Policicchio
Maurice, Inc.
4913 Hampden Lane
Bethesda, MD 20814

Re: 4917 Hampden Lane
Bethesda, MD

Gentlemen:

We have given careful consideration to the issues raised in your letter of December 5, 2004 addressed to Charles R. Loehr of Maryland-National Capital Park and Planning Commission and to Peter Engel of the Real Estate Division of the Housing Opportunities Commission (HOC). These same issues were strongly and capably stated at the community meeting at the Bethesda Elementary School on December 14.

While we can understand your interest in preserving future development opportunities for your properties, we have nonetheless decided to continue to pursue our application to the Planning Board for approval of the modified site plan. We intend also to pursue



Saul I. Stern et al
January 3, 2005
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the other steps necessary for the timely development of the Hampden Lane site to fulfill the plan that has been in place for several years.

As we understand it, you do not object to the proposed site plan as presented at the meeting; in fact, you complimented the architects on their design. We also understand that you did not object to the proposed tenancy. Rather, the gist of your position, as we understand it, is that by moving forward with the intended plan, HOC is preventing you from proceeding with what you consider to be a more advantageous development of that land.

Your concept of a unified development at this point is only a concept. As far as we know, there is as yet no plan in existence, no developer to build it, no financing in place, and no plans ready to be presented to the Planning Board and other government agencies for approval. It would be difficult to predict when it might be built.

Given that uncertainty, we have a duty to proceed quickly to secure the necessary approvals, get the building built and occupied for its intended use. Both the Montgomery County Council and the Department of Housing and Community Affairs have been intensely interested in the timely completion of this project. HOC intends to continue its efforts to complete the project as quickly as feasible.

In taking these steps, we do not intend in any way to foreclose cooperation with you. It is important that we keep the dialogue alive. We look forward to being a good neighbor and responsive to your concerns. As prospective neighbors, there will be many matters of mutual concern that we will have to work through together. We will do our part to keep the doors open.

Sincerely yours,



Peter Engel
Real Estate Division

cc: Douglas M. Duncan, County Executive
Charles R. Loehr, M-NCPPC
Cedric Brown, DHCA
Michael L. Subin, Councilmember

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: May 9, 2000

SITE PLAN REVIEW: #8-00023

PROJECT: Edgemoor IV

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue, with a vote of 4-0, Commissioners Bryant, Holmes, Perdue and Wellington voting for. Commissioner Hussmann was absent.

The date of this written opinion is May 9, 2000, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before June 8, 2000, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On April 27, 2000, Site Plan Review #8-00023 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;
3. The locations of the buildings and structures, the open spaces, the landscaping, and the

pedestrian and vehicular circulation systems are adequate, safe, and efficient;

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-00023 which consists of approval of 12 multi-family dwelling units and a waiver of Section 59-E-1.3 of the Zoning Ordinance (500 feet walking distance from required parking to building) subject to the following conditions:

1. Prior to signature set approval the following revisions shall be made and/or information provided:
 - a. The plans shall reflect that seven parking spaces are required.
 - b. The benches in the public use space shall be the Bethesda Bench. A detail for the Bethesda Bench shall be added to the plans.
 - c. The recreation requirement calculations shall be corrected in accordance with the calculations contained herein and shall be added to the plans.
2. Pursuant to Section 25A-5(I), Housing, Moderately Priced Section of the Montgomery County Code, prior to release of any building permit for Edgemoor III, an MPDU Agreement shall be executed with the Department of Housing and Community Affairs which establishes the final number of market-rate units in Phases I, II, and III of Edgemoor and the number, type and staging of construction and occupancy of the MPDUs to be built in Phase IV.
3. Prior to release of any building permit, the applicant shall submit verification that a deed of conveyance has been recorded and accepted by Montgomery County for Hampden Lane consistent with the Adopted and Approved Bethesda Central Business District Sector Plan.
4. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.

- 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Coordination of each section of the development and roads;
 - 6) Phasing of dedications, sediment/erosion control, recreation, or other features.
 - b. Site Plan Enforcement Agreement to delineate conditions of approval
5. Signature set of site, landscape/lighting, and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
- a. Limits of disturbance
 - b. Conditions of DPS Stormwater Management Concept waiver letter dated February 15, 2000.
 - c. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - d. The development program inspection schedule.
 - e. Street trees per Bethesda Streetscape Plan along all public streets;
6. No clearing or grading prior to M-NCPPC approval of signature set of plans.