**MEMORANDUM:**

DATE: Thursday, February 16, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Carlton Gilbert, Zoning Supervisor, Development Review Division *CG*

FROM: Dan Janousek, Development Review Division *DJ*
(301) 495-4564

SUBJECT: **Local Map Amendment No. G-842:** *Hampden Lane Associates*, request reclassification of 22,611 square feet of land from the R-60 Zone to the TS-R Zone for 97,853 square feet of residential space and 60 total residential units; located at 4913, 4915, 4919 and 4921 Hampden Lane, Bethesda – *Approval*

Development Plan Amendment No. 06-2: *Hampden Lane Associates*, request an amendment that moves the development plan for transitional housing from 4917 Hampden Lane to 4913 Hampden Lane, Bethesda – *Approval*

FILING DATE: November 1, 2005
PUBLIC HEARING: March 17, 2006

RECOMMENDATION

1. APPROVAL, of Local Map Amendment No. G-842 and the associated “Hampden Lane” Development Plan for the following reasons:

1. The request for reclassification to the TS-R Zone is in compliance with the land use, zoning and transportation recommendations of the Bethesda CBD Sector Plan.
2. The reclassification will comply with the intent purpose clauses of the TS-R Zone (59-C-8.21 & 59-C-8.22) and all other requirements of the zone.

3. The reclassification is in the public interest.
4. The reclassification will be compatible with the surrounding uses.

2. APPROVAL, of the Development Plan Amendment DPA-06-02 to provide 12 MPDUs on site and to facilitate the re-location of the County's transitional housing development.

SUMMARY STATEMENT

The applicant, Hampden Lane Associates (HLA), proposes a local map amendment to rezone approximately .51 acres of land from the R-60 to the TS-R Zone to construct a residential building. The applicant requests a 22% residential bonus density for the provision of MPDUs pursuant to Chapter 25A. The HLA Development Plan will provide 60 total residential units. Nine (9) units, or 15% of the total units, will be MPDUs located on-site. In addition to the residential units, 2,188 square feet of public use space and 5,341 square feet of recreational space will be provided. The maximum height will be 71 feet with a three and one-half (3.5) to seven (7) story height range. The building steps up from 33 feet at Arlington Road to a maximum height of 71 feet at its approximate midpoint on Hampden Lane.

Approval of this local map amendment request will facilitate the previously approved Edgemoor IV development. In conjunction with the current rezoning request, the Montgomery County Department of Housing and Community Affairs (DHCA) worked with the applicant, Hampden Lane Associates, to prepare a development plan amendment (subject of DPA-06-02). The proposal is for 12 transitional housing units at 4913 Hampden Lane in a mid-rise building. Part of Lot 3 and Lot 5 are the subject properties of the amendment, and the previously approved amendments DPA-98-1 and 98-2. DHCA wishes to construct 12 transitional housing units to satisfy MPDU requirement for the Edgemoor high rise on the north side of Montgomery Avenue and the City Homes townhouses on the south side of Montgomery Lane, which are adjacent to the subject property to the north.

The amendment essentially substitutes 4913 Hampden Lane for 4917 Hampden Lane to accommodate the previously approved Edgemoor IV development (8-00023A opinion attached). In other words, the amendment moves the 12 transitional housing units on Block 24 D, Edgemoor from Part of Lot 3 to Lot 5, (subsequent to the District Council granting approval for the subject local map amendment). After the amendment, the applicant will apply for preliminary plan and site plan approval with all of the conditions of the previous site plan in place. The new preliminary plan and site plan will include the amenities and services for the proposed mid-rise building for transitional housing, including parking and exercise facilities that will be provided in the approved high rise building proposed for Montgomery Lane

DESCRIPTION

Subject Properties and Zoning

The subject properties are located at the northeast corner of Arlington Road and Hampden Lane downtown Bethesda. Part of Lot 1, Lot 2, Lot 4 and Lot 5 are the subject of the zoning change request from the R-60 Zone to the TS-R Zone, while Part of Lot 3 is already zoned TS-R and owned by the County. Lots 1-4 are the subjects of the HLA Development Plan (Attachment 2). Combined, the lots have 66 feet of frontage along Arlington Road and 282 ft. along Hampden Lane. Combining the lots satisfies the 18,000 square foot minimum area requirement for the TS-R Zone. Part of Lot 3 and Lot 5 are the subjects of the Development Plan Amendment (Attachment 3). Lot 5 has 65 feet of frontage along Hampden Lane.

Figure 1 – Subject Properties Location

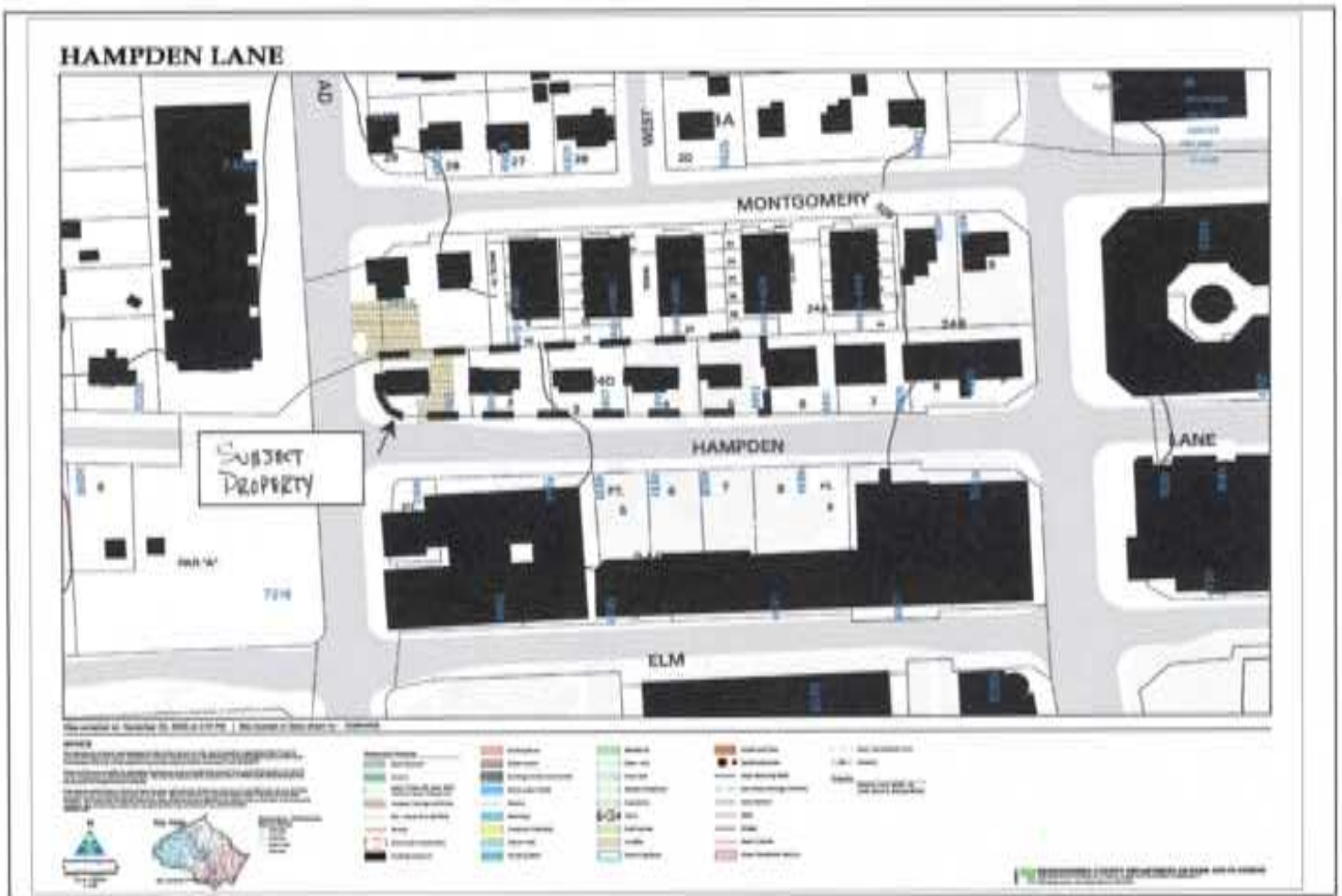


Table 1. Property Descriptions (HLA Development Plan and DHCA Development Plan Amendment)

Block 22 D, Edgemoor Subdivision.	Address	Current Zoning	Request	
			Zone	Development
Part of Lot 1	4921	R-60	TS-R	<i>G-842 Hampden Lane Development Plan</i>
Lot 2,	4919	R-60	TS-R	
Part of Lot 3	4917	TS-R	N/A	
Lot 4	4915	R-60	TS-R	
Lot 5	4913	R-60	TS-R	<i>DPA-06-02 DHCA Development Plan Amendment</i>

The property is within the Transit Station Residential District as described in the *Bethesda CBD Sector Plan, Approved and Adopted July 1994* (The "Sector Plan") and within 1500 feet of the Bethesda Metro station. Hampden Lane borders the subject property to the south and Arlington Road to the west. Block 24 A is directly to the north and includes an existing brick condominium building and townhouses (City Homes) in the TS-R Zone. The City Homes townhouses are approximately 50 feet in height (to roof peak) and confront the property line of the subject property with brick walls. An existing brick condominium building along Arlington Road (Edgemoor at Arlington) north of the property is approximately 46 feet high. The Edgemoor at Arlington also confronts the property line with a brick façade, and it is in the TS-R zone. Across Hampden Lane is the Shoppes of Bethesda Shopping Center and other commercial uses in the C-2 Zone.

Figure 2 – Zoning



The property slopes gradually upward 12 feet from Arlington Road toward the east. There are no historic structures or sites located on any of the properties (source: M-NCPPC Historic Preservation Division Technical Staff). The properties each have a single family detached residential building on them (5 buildings) containing a mixture of green lawns, a few trees and landscaping, asphalt and concrete driveways. The houses are approved for non-residential professional offices.

Surrounding Area

The surrounding area takes into account areas that will be most directly affected by the proposed development and any special study areas that may be defined by the applicable sector or master plan. Accordingly, this area includes the Transit Station Residential District and a portion of the Metro Core District defined in the Sector Plan. Technical staff defines the surrounding area as roughly between East Lane to the east and Moreland Lane to the north, and Elm Street to the south, including properties fronting along Arlington Road to the West. This area is the same one that is described by the Hearing Examiner and Technical Staff in another case for Lot 3, the parcel already zoned TS-R.

Figure 3. Adjacent Properties



Note: Lot 5 is the proposed new location for the transitional housing and is the subject of DPA-06-02, which is being reviewed in conjunction with this request for a new zone designation.

Figure 4. Aerial Photo



INTENDED USE AND APPROVAL PROCEDURES

Development Program

The applicant requests approval for the TS-R Zone to allow a transit-oriented development for the property with a proposed HLA Development Plan and a proposed Development Plan Amendment for the DHCA transitional housing units.

The HLA Development Plan will combine four small single-family size lots (Lots 1-4) into one lot for a residential building. Existing improvements that will be demolished to make way for the HLA proposal on Lots 1-4 include four of the five single-family detached houses and associated surface parking. The applicant states that the development plan is consistent with the Sector Plan because it provides transit-oriented residential development that adds to the diversity of housing the area. The subject HLA Development Plan and the Development Plan Amendment for the DHCA transitional housing units is the culmination of work between adjacent property owners along Hampden Lane who were affected by Lot 3, the TSR zoned property recently approved for transitional housing units. Since Lot 3 is already zoned TSR and has an approved development plan for transitional housing, the applicant proposes to trade Lot 3 for Lot 5 with the Housing Opportunities Commission so the transitional housing units can still be constructed. Part of Lot 3 and Lot 5 are the subject of DPA-06-02, which is associated with the local map amendment request.

Building Location and Access for the HLA Development Plan

The HLA Development Plan shows one residential building. The building will range from 3.5 stories, or 33 feet, to 7 stories, or a maximum height of 71 feet, with associated underground parking. The project will be developed in one phase. The development plan proposes 97,853 square feet of residential development. The density will be approximately 81.5 units per acre with a total floor area ratio of 3.05 for the property. The Bethesda CBD Sector Plan recommends a maximum 2.5 FAR for the subject properties and the area's TS-R Zone properties. The additional .55 FAR is a result of the 22% bonus density afforded to the applicant pursuant to Section 59-D-1.6. The residential building will include 60 dwelling units. Fifteen percent (15%) of the total residential units, or nine (9) residential units, will be MPDUs based on the 22% bonus density bonus achieved by the applicant pursuant to Chapter 25A. Moderately priced dwelling units will be located on site. Vehicular access to underground parking will be from Hampden Lane.

Table 1. Development Site Area and Density

Gross Tract Area	32,107 sq. ft.
<i>Less Previous Arlington Road and Hampden Lane Dedications</i>	11,212 sq. ft.
Net Lot Area	20,895 sq. ft.
FAR	3.05
Standard Residential Units	51
MPDUs	9
Total Units	60

Service access will be primarily from the same location as the garage access at street grade. The main entrance lobby for the residential building will be located on Hampden Lane. The close proximity to Metro (within 1500 feet) will offer pedestrians easy access to the property. Parking is provided with access from Hampden Lane to a 2.5 level underground parking garage with 89 parking spaces. A 24-foot wide driveway provides access to the parking garage. A service entrance is in the same location with a 12-foot wide driveway to be accessed directly from Hampden Lane.

The building does not provide truncation at the corner of Arlington Road and Hampden Lane, and the applicant will seek a waiver for this from DPW&T, or modify the development plan at the time of preliminary plan approval to meet the truncation requirement. The applicant

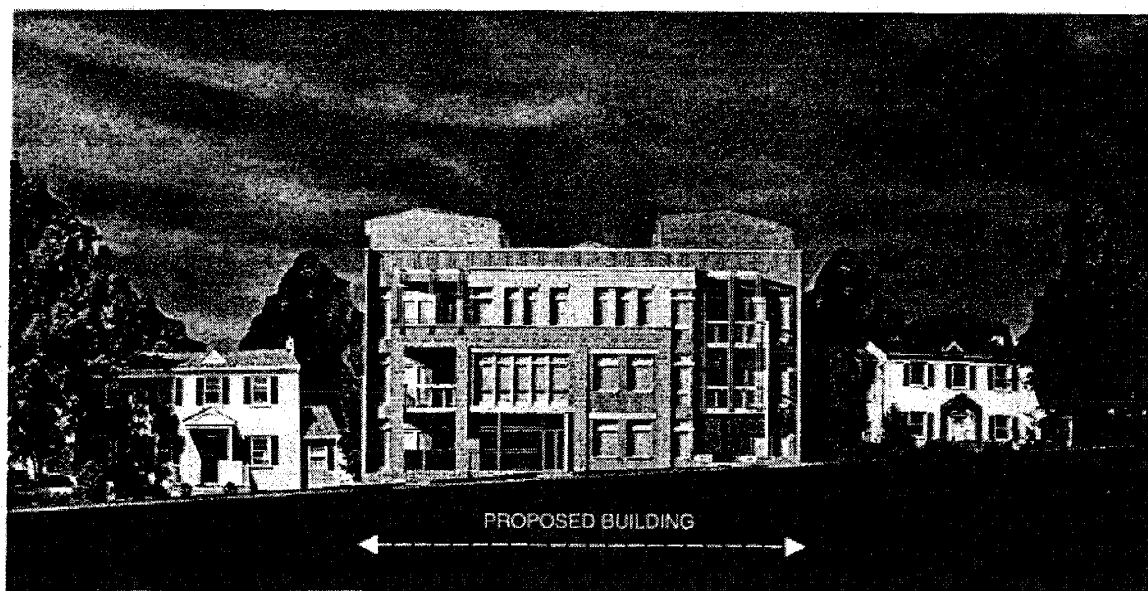
proposes sidewalks along the entire frontage of both Arlington Road and Hampden Lane. These sidewalks are in addition to the required open space and active and passive recreation space that the applicant is proposing separately.

The building proposed is 71 feet high at its maximum height. It ranges from 33 feet along Arlington Road, stepping up with a series of roof terraces at varying heights, eventually rising to 71 feet along Hampden Lane.

Building Location and Access for the Development Plan Amendment for the DHCA transitional housing units

In terms of the building size, location, and access, the Development Plan Amendment for the DHCA transitional housing units (Edgemoor IV) is the same plan approved by the Planning Board in case number 80023A (staff report and opinion attached). The building will be 38 feet tall. Sidewalks, street trees and sidewalk lighting will be constructed. Parking is provided off-site in the underground parking garage of Edgemoor III. A waiver was granted through the previous site plan approval. For more information about the proposed Development Plan Amendment, see the attached staff report and opinion.

Figure 5: Proposed DHCA Transitional Housing Building (Lot 5)



VIEW FROM HAMPDEN LANE

Public Use and Active and Passive Recreation Space

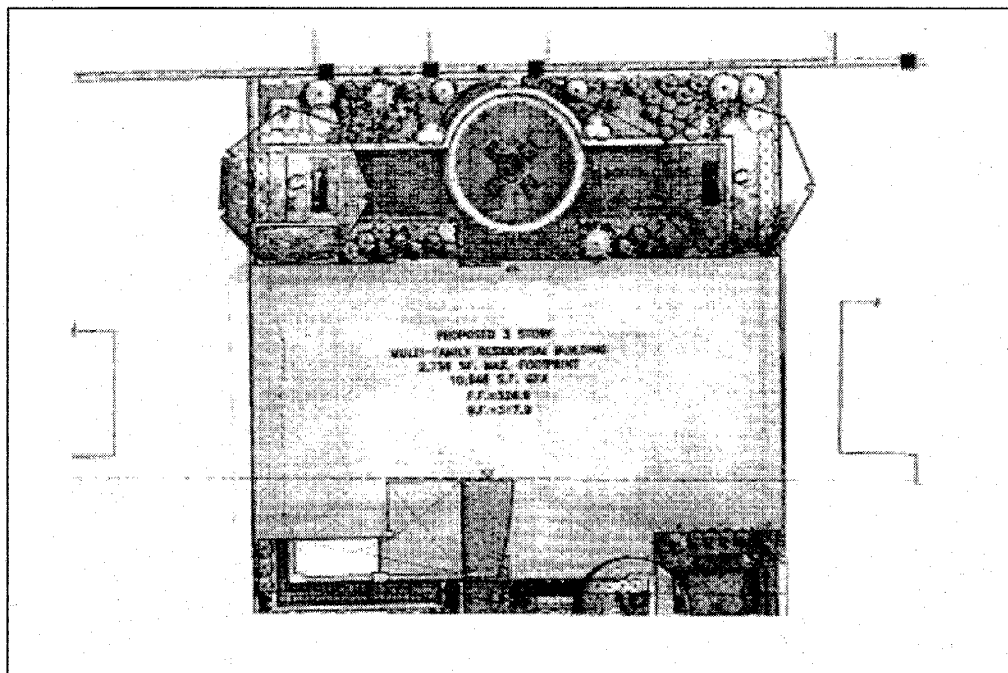
The HLA Development Plan project includes the required percentage of net lot area for public use space. Public use space will be provided at ground level with sidewalks and landings. The intent is to improve the pedestrian environment around the building by adding more space

with landscaping, benches and special paving for public and private pedestrian-oriented activities that would spill over into the sidewalk areas along Hampden Lane and Arlington Road.

Passive and active recreation space is proposed. Much of this space is indoors, beginning on the basement floor with a fitness room. Two ground floor courtyards are proposed, and there will be other recreation spaces located on the roof terraces within the building envelope on multiple levels of the building.

The Development Plan Amendment for the DHCA transitional housing units provides the same amount of open space as provided in the previous approval. The public use space is located along Hampden Lane and will be comprised of brick paving, seating, and landscaping. Passive and active recreations will be located behind the building and will also include landscaping, lighting, fencing, seating and sculpture.

Figure 6: Proposed Transitional Housing Building



Zoning History

Comprehensive Zoning

- a. SMA G-711: R-60 Zone Confirmed; Adopted 10/11/1994
- b. SMA G-20: R-60 Zone Confirmed; Adopted 10/10/1978
- c. 1958 County-wide Comprehensive Zoning: R-60 Confirmed
- d. 1954 Regional District Zoning: R-60 enacted and mapped.

Special Exceptions and Zoning Cases

- a. BAS 727A: Non-Residential Professional Office; 10/11/1984
- b. BAS 1578: Non-Residential Professional Office; 1988

- c. BAS 2171 Non-Residential Professional Office; 08/07/1995
- d. G-769: TS-R Zone; Adopted 10/20/1998

Public Facilities

Water and Sewer Service

The subject properties are served by public water and sewer systems, and are currently in Water Service Category W-1 and Sewer Service Category S-1.

Roads (see attached Transportation Planning Division Memorandum regarding the HLA Development Plan)

Arlington Road (A-82) is an arterial road with a planned ROW of 80 feet, requiring enough dedication for a total 40 feet from the road centerline.

Hampden Lane is a business district street with a planned right of way of 60 feet, requiring enough dedication for a total 30 feet from the road centerline. This business street consists of two through lanes providing parking along the south side of the road for the commercial uses on Hampden Lane.

Schools

For the HLA Development Plan, the Montgomery County Public Schools finds capacity adequate in the Bethesda, Chevy Chase cluster (see attached). The development is expected to generate five (5) elementary, three (3) middle school and three (3) high school students.

Stormwater Management

A Stormwater Management Concept Plan has not been approved by DPS for the mid rise residential development plan. Part of Lot 3 has an approved erosion and sediment control plan. The applicant will be required to submit a Stormwater Management Concept Plan at the time of Preliminary Plan, which is required to consolidate the properties. The applicant has indicated that they will attempt to achieve air and water quality improvements through the use of green technology.

Public Participation

The applicant has included adjacent property owners in discussions and revised the development to reflect some of the comments provided by the community.

ANALYSIS

The subject application will be compatible with the surrounding uses, and satisfies the purpose, standards and regulations of the requested zone. It will meet the requirements for development plans specified in the Zoning Ordinance, and it will be in the public interest. The proposed HLA Development Plan and the Development Plan Amendment conform to the Sector

Plan's land use, zoning and urban design objectives and recommendations, and it will introduce a residential component consistent with the general land use recommendations of the Sector Plan.

Conformance with the Sector Plan

Redevelopment Potential

The *Bethesda CBD Sector Plan, Approved and Adopted July 1994* recommends and encourages a wide variety of housing types and neighborhoods with an adequate supply of affordable housing units (page 3). The subject properties are specifically referenced in the Sector Plan as having "redevelopment potential" (see graphic on page 24). The Sector Plan encourages housing on the properties, and both the HLA Development Plan and the Development Plan Amendment provide housing with an affordable component.

Density and Housing

The HLA Development Plan is consistent with the Sector Plan considering the combined effect of the zoning and Sector Plan density recommendation. The preferred development for the area, as specified in the Sector Plan (Page 82), is a "low-rise, high-density "Urban Village"." The Sector Plan recommends minimum residential density of 45 units per acre for residential development in the recommended TS-R zone residential district. The applicant proposes a density of 81.5 units per acre. The maximum permitted in the TS-R Zone is 150 dwelling units per acre. In terms of floor area ratio, the maximum residential density proposed is 3.05 FAR. The TS-R Zone allows residential density up to 2.5 FAR with additional density allowed exclusively for the provision of MPDUs. The subject HLA Development Plan provides 15% MPDUs on site by utilizing the 22% density bonus afforded to it.

Building Height and Compatibility of Uses

The proposed height of the building proposed on the HLA Development Plan is higher than that of the adjacent townhouses to the north and higher than the proposed transitional housing to the east, but it is lower than existing buildings along Woodmont Avenue to the east and at the Bethesda Metro. The proposal is consistent with the specific guidelines in terms of streetscape development, building setback and building height along Arlington Road. The development plan will be compatible with adjacent development and will integrate mutually compatible uses as envisioned in the Sector Plan.

The HLA Development Plan proposal will be compatible with the existing and proposed uses and buildings in the immediate vicinity. The main compatibility consideration is with the townhouses to the north of the subject property. The HLA building will be compatible with the adjacent City Homes townhouses that are approximately 50 feet high. It should be noted that the City Homes townhouses (27 dwelling units per acre) were approved at a density lower than the density recommended in the Sector Plan (minimum 45 dwelling units per acre). The townhouses present blank sidewalls, an open courtyard and an access driveway towards the subject property. The subject development plan will be constructed along these walls, courtyard and driveway. The proposed building is 71 feet in height, which is 6 feet higher than the 65 feet maximum height recommendation in the Sector Plan for the transit station residential district. The additional height is allowed by the zoning ordinance per Sec. 59-D-1.61. Specifically, the height

is allowable because the applicant is providing 15% MPDUs on site. The building height is consistent with the Sector plan in terms of stepping up from Arlington Road. The TS-R Zone contains no specific guidelines for building height, but the Sector Plan does. These guidelines encourage “low-rise building heights which step down to three floors along Arlington Road.” The applicant described the building height transition as follows: The proposal will step up from a 3.5-story, 33 foot high building façade along Arlington Road, to 43 feet for a depth of 39 feet, then to 62 feet for a depth of 44 feet and then to its maximum height of 71 feet for the remaining approximately two-thirds of the building.

The HLA Development Plan creates two outdoor courtyards that will abut the City Homes townhouses to the north. These courtyards will be landscaped and provide benches and other amenities for the residents of the proposed building. The courtyard areas will be compatible with the adjacent development and allow light and air between the buildings.

The Development Plan Amendment for the DHCA transitional housing shows a three-story building located parallel with Hampden Lane constructed to each side property line and approximately 23 feet from the proposed rear property line and 17 feet behind the proposed street curb. It conforms to the existing pattern of development in the neighborhood, and it will be compatible with the HLA mid-rise residential building.

Transportation

The HLA Development Plan and the Development Plan Amendment for the DHCA transitional housing units both conform to the Sector Plan’s objective to ensure a pedestrian-friendly environment. All roads provide sufficient right of way for sidewalks, street trees and other streetscape amenities. The development plan shows an extensive pedestrian circulation network and sidewalk along Hampden Lane where none currently exists.

Requirements of the TS-R Zone

The zoning requirements of the transit station zones are found in Division 59-C-8 of the Zoning Ordinance. The relevant provisions are evaluated in the following paragraphs. Most of the following analysis concerns the HLA Development Plan.

Section 59-C-8.2. Intent, Purposes and General Requirements

59-C-8.21. Intent. *The TS-R and TS-M zones are intended to be used as follows:*

- a. Both the TS-R and TS-M zones are intended to be used in transit station development areas as defined in section 59-A-2.1, and the TS-R zone may also be used in areas adjacent to central business districts, within 1,500 feet of a metro transit station.*
- b. The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.*
- c. The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.*

- d. *In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.*

The proposed zone and the HLA Development Plan and the Development Plan Amendment proposal meet the intent of the TS-R zone. The subject properties are specifically recommended for the TS-R Zone in the Sector Plan (Page 81). The property is within 1,500 feet of the Bethesda Metro rail station and is near a substantial amount of existing residential development that includes a mix of townhouses and apartments. Commercial and office development exists across Hampden Lane from the property, and adjacent to the surrounding area in the Central Business District.

The development standards for the zone allow flexibility in accommodating a building program to meet the goals creating a "compatible and desirable pattern of land uses." The public use space courtyards are small. They are placed to line up as much as possible with the previously approved building program to the north of the subject property where large residential buildings (City Homes townhouses) are built to the property line.

Section 59-C-8.22 Purpose of the TS-R Zone

- a) *To promote the effective use of the transit station development areas and access thereto;*
- b) *To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;*
- c) *To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the county; and*
- d) *To provide the maximum amount of freedom possible in the design of buildings and their grouping and layout within the areas classified in this zone; to stimulate the coordinated, harmonious and systematic development of the area within the zone, the area surrounding the zone and the regional district as a whole; to prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels; and to promote the health, safety, morals and welfare of the present and future inhabitants of the regional district and the county as a whole.*

The density and residential land use in the HLA Development Plan and the revised location of the Development Plan Amendment for the DHCA transitional housing units are consistent with the recommendations of the Sector Plan and will stimulate the coordinated, harmonious and systematic development of the area within the proposed zone, the area surrounding the proposed zone and the regional district as a whole. The development is transit-oriented and it will promote walking and general health for future area residents and the County as a whole. The HLA mid-rise residential building will be integrated into the surrounding developments and adjacent properties by using building techniques that create open spaces and rooftops of varied height so as to not cause detrimental effects to the surrounding residential developments.

Section 59-C-8.24. Location - *These zones are permitted only in the transit station development areas described in section 59-A-2.1 and in accordance with an approved and adopted master plan or sector plan, except in areas adjacent to central business districts as set forth in section 59-C-8.21(a).*

The proposed HLA Development is located within 1500 feet from the nearest Metro station. The Sector Plan specifically recommends the TS-R Zone for this property and for adjacent properties.

Section 59-C-8.25. Public Facilities and Amenities - *A development must conform substantially to the facilities and amenities recommended by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or are deemed necessary by the Planning Board to provide for safe and efficient circulation, adequate public open space and recreation, and insure compatibility of the development with the surrounding area, and assure the ability of the area to accommodate the uses proposed by the application*

The HLA Development is in the public interest because it conforms to the recommendations in the Sector Plan for dedications for public streets, bikeways and public open spaces. The dedication along Hampden Lane will be 5 feet for lots 2 and 4 to achieve 30 feet of right of way dedication from the centerline of the road. This is needed to establish a full public right of way of 60 feet. There is 15 feet of property dedication for Arlington Road to achieve 40 feet from the centerline of the road. This is needed to establish a full public right of way of 80 feet. The dedications will facilitate the establishment of new public facilities and sidewalks to promote safe and efficient circulation. The dedications will allow streetscape sidewalks recommended in the Sector Plan to be developed (Page 187) in order to provide for the “greening” of Bethesda and encourage walking and assure the ability of the area to accommodate the uses proposed in the application.

Section 59-C-8.3. Land Uses - *No use is allowed except as indicated in the use table:*

The proposed residential dwellings are permitted in the TS-R Zone.

Section 59-C-8.4. Development Standards - *The proposal will satisfy the development standards and regulations of the TS-R Zone as outlined in the table below and on the subject development plan. Public use space and active and passive recreational space requirements may be met by providing the required space as a percentage of the net area included within the development plan.*

The development plans include the required percentage of open space provided on multiple terraces, courtyards, sidewalks and small open spaces.

Table 1. TS-R Zone Development Standards

	Required/ Allowed	Requested HLA Property	Requested DHCA Property
59-C-8.41. Minimum Area Minimum area required for any development	18,000 sq. ft.	20,895 sq. ft.	5,694 sq. ft.
59-C-8.42. Density of Development			
a) Floor Area Ratio (Residential)	2.5	3.05*	1.4
b) Dwelling units per acre (gross tract area)	150	81.5	93
59-C-8.43. Open Space			
(a) Minimum percentage of net area devoted to public use space:	10% (2,089 sq. ft.)	10.47% (2,188 sq. ft.)	10% (569 sq. ft.)
(b) Minimum percentage of net area devoted to active and passive recreational purposes:	20% (4,179 sq. ft.)	25.56% (5,341 sq. ft.)	25% (1423 sq. ft.)
Total minimum open space requirement (percent):	30% (6,268 sq. ft.)	36.03% (7,529 sq. ft.)	35% (1,993 sq. ft.)

*Pursuant to 59-D-1.6.

59-C-5.82. Off-Street Parking - Parking shall be located as to have a minimal impact

All HLA Development Plan parking is located under the buildings and within the parking garage on the property and will not impact adjoining properties. Access for parking is located along Hampden Lane and will have a minimal impact on the area. A 24-foot wide driveway will provide safe and adequate access to the parking garage. A service entrance is in the same location with a 12-foot wide driveway to be accessed directly from Hampden Lane. The Development Plan Amendment for the DHCA transitional housing units will provide seven off-site parking spaces within a below grade parking structure.

Adequacy of the Development Plans

Section 59-D-1.61. Approval by the District Council - Before approving an application for classification in any of these zones, the district council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In so doing, the district council must make the following specific findings, in addition to any other findings that may be necessary and appropriate to the evaluation of the proposed reclassification:

- a. *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.*

The HLA Development Plan application conforms to the use and density recommendation in the Sector Plan while utilizing the bonus density provisions of Chapters 22A and 59-D-1.61. The application includes the provision of moderately priced dwelling units on site and conforms to the County Council's policy of providing a range of housing opportunities in Metro station areas as described in the document Housing Montgomery. The relocation of the transitional housing from Lot 3 to Lot 5 ensures that affordable housing will be achieved. The plans provide essential capital improvements desired by the County.

- b. *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.*

As described in the previous paragraphs, the proposed HLA Development Plan and application complies with the purposes and standards of the TS-R Zone as set forth in Section 59-C of the Zoning Ordinance. The right of way and proposed setbacks for Hampden Lane and Arlington Road will improve vehicular circulation and pedestrian connections in the area of the development. The location of the buildings, public use space and streets will provide new pedestrian connections and circulation for maximum convenience and compatibility.

- c. *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.*

On the HLA Development Plan, all parking is to be located within the building. Primary and service vehicular access to the property is from Hampden Lane. All entrances are located along the street in such a way that they will provide for the safe and adequate movement of pedestrians and vehicular traffic. The applicant will provide sidewalks and crosswalks for pedestrian safety.

- d. *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.*

Buildings and surface parking currently cover the existing properties. The properties are mostly impervious. The topography is such that it slopes upward from west to east. Proposed stormwater management is to be located in an underground structural filtering device and will be reviewed during preliminary plan approval.

- e. *That 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.*

Draft association documents for the HLA Development Plan have not been included in the application to provide for the future maintenance of all areas of the project. These documents will be provided by the future homeowner's association as described by the applicant in their draft Land Use Report, dated February 14, 2006, to assure that the perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes is adequate and sufficient.

Transportation

1. Land Use

At the time of preliminary plan review of the adequate public facilities for the future subdivision the HLA Development Plan is recommended to be limited to 60 mid-rise residential units. The developer must enter into a Traffic Mitigation Agreement to participate in the Bethesda Transportation Management District.

2. Master Plan of Roadways and Dedication of Public Right of Way

The HLA Development Plan includes dedication along Hampden Lane at thirty feet from the centerline of the road, which will be provided to establish a public right of way of 60 feet. The 40 feet of property dedication for Arlington Road will facilitate the establishment of new public facilities and sidewalks to promote safe and efficient circulation. The applicant has not provided 25 feet of standard truncation for the corner of Arlington Road and Hampden Lane. Staff recommends that at the time of preliminary plan, the applicant be required to dedicate the required right of way for standard truncation at the corner of Arlington Road and Hampden Lane or obtain a waiver from DPS.

4. Bikeways

The HLA Development Plan applicant will be required to provide one inverted U-Turn bike rack and four bike lockers in the parking garage at the time of preliminary plan.

6. Local Area Transportation Review

The HLA Development Plan will generate 19 a.m. and 18 p.m. peak hour trips. This is considered to be insignificant and will not have a measurable impact on the surrounding roads.

8. Circulation

The pedestrian facilities that are proposed as part of the HLA Development Plan will enhance the existing sidewalk network. Primary site access and service access is adequate and will not pose a threat to public safety.

Environment

1. Forest Conservation

The HLA Development Plan applicant has an exemption from the requirements of Chapter 22A of the County Code. The applicant has agreed to consult with Park and Planning Staff on implementing “green” building elements into the proposal at the time of preliminary plan.

2. Stormwater

A Stormwater Management Concept Plan has not been approved by DPS for the HLA Development Plan. Part of Lot 3 has an approved erosion and sediment control plan. The applicant will be required to submit a Stormwater Management Concept Plan at the time of Preliminary Plan, which is required to consolidate the properties. The applicant has indicated that they will attempt to achieve air and water quality improvements through the use of green technology.

CONCLUSION

Staff finds that the proposed local map amendment and HLA Development Plan (G-842) and the Development Plan Amendment for the DHCA transitional housing units (DPA-06-02); are in compliance with the Bethesda CBD Sector Plan; are in compliance with the purposes, standards and regulations of the TS-R Zone; and will be compatible with the surrounding uses.

Attachments:

- A.** Transportation Division Technical Staff Memo dated February 6, 2005
Environmental Division Technical Staff Memo dated February 13, 2006
- B.** Information
 - 1. HLA Forest Conservation Plan
 - 2. HLA Interior Circulation Plan
 - 3. HLA Elevation
 - 4. HLA Rooftop Plan
 - 5. HLA Development Plan
 - 6. Hampden Lane Building Height Comparisons
 - 7. Development Plan Amendment
 - 8. 80023A Staff Report
 - 9. 80023A Planning Board Opinion