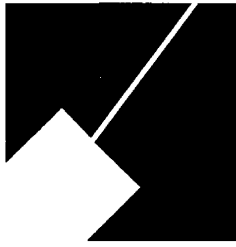


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
6/15/06
Item #3

MEMORANDUM – Local Map Amendment

DATE: June 2, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RK*

FROM: Carlton Gilbert, Zoning Supervisor, Development Review Division
(301) 495-4576 *CG*

SUBJECT: **Local Map Amendment No. G-819: Hampden Lane, LLC,** applicant, - Findings of the Alternative Review Committee required by Section 59-D-1.61 of the zoning ordinance in association with a rezoning request from the R-10 and R-60 zones to the TS-R zone to permit development of a residential building at the northwest quadrant of the intersection of Woodmont Avenue and Hampden Lane.

PUBLIC HEARING: April 25, 2006 (Record kept open until June 30, 2006)

RECOMMENDATION:

APPROVAL – Agree to revise recommendation to the Hearing Examiner to reflect Alternative Review Committee recommendation of approval of additional height and density for MPDUs.

Background/Summary

The Local Map Amendment was filed February 3, 2004. The application was reviewed by technical staff and presented to the Planning Board and heard by the Hearing Examiner through 2004 and early 2005, resulting in a Planning Board and Hearing Examiner recommendation of approval of the Development Plan which proposed a 100-foot tall residential building. On January 31, 2006 after a denial of the original Development Plan by the District Council, the matter was remanded to the Hearing Examiner to take the necessary actions to allow the applicant to amend the Development Plan to conform to the terms of an agreement reached with the

neighboring property owners, which included a reduction in the height of the proposed building from 100 feet to 70 feet. The Hearing Examiner heard this case on April 25, 2006, but, was unable to complete the public hearing because there were no findings in the record by the Alternative Review Committee (ARC) regarding the applicant's request to exceed the Sector Plan's 65-foot height limit in order to provide the MPDUs on site. The record of the Hearing Examiner was kept open until June 30, 2006 to allow time for an ARC meeting and finding, and for a recommendation to the Council from the Planning Board, based on the findings of the ARC. The ARC met on May 15, 2006 and voted 3-0 that the project would not be economically feasible without such additional height. The committee recommended approval of the additional height and density requested by the applicant. (See attached ARC Memorandum)

Analysis

The proposed building is approximately 70 feet tall, a deviation of 5 feet from the 65-foot height recommendation of the Bethesda CBD Sector Plan. In addition, the residential building will provide 15% of the units as MPDUs, thereby allowing the density "bonus" provided by Chapter 25A of the Montgomery County Code. As a result, Section 59-D-1.61 requires that the Planning Board, after the ARC reaches its conclusion with respect to the economic feasibility of the project, make a recommendation to the District Council regarding measures authorized by Chapter 59 or Chapter 50 which should be approved to assure the construction of all required MPDUs on site. Section 59-D-1.61 lists several options including (1) exceeding an applicable height limit, such as a Sector Plan recommendation, but not the height limits established by the zone and (2) exceeding and applicable residential density limit, though not more than that allowed in the underlying zone.

In this case, the proposed 70-foot building exceeds the recommendation of the Sector Plan, but not the zone, as the TS-R zone does not limit the height of structures. The proposed density is consistent with that permitted under the Sector Plan and the Zoning Ordinance. The Sector Plan recommends a density in the range of 45-100 units per acre. This project is just under 100 units per acre, and the TS-R zone permits the proposed 3.05 FAR, provided the project includes 15% MPDUs because it represents a 22 percent density increase over the allowable density of 2.5 FAR.

Conclusion

Staff recommends that the Board agree to revise their recommendation to the Hearing Examiner to reflect the Alternative Review Committee's recommendation of approval of additional height and density for on-site MPDUs. Staff concurs with the committee's recommendation and opinion that the proposal would not otherwise be financially feasible within the constraints of the applicable density limits of the requested TS-R zone.



**Moderately Priced Dwelling Unit
ALTERNATIVE REVIEW COMMITTEE**

MEMORANDUM

May 30, 2006

TO: Montgomery County Planning Board

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

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

RECOMMENDATION

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

BACKGROUND

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

PROJECT DETAILS

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

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

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

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

CONCLUSION

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

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

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

[SIGNATURE APPEAR ON THE FOLLOWING PAGE]

FROM : DHCA DIRECTORS OFFICE

FAX NO. : 240 777 3791

May. 30 2006 03:26PM P4

RECEIVED: 5/30/06 11:11AM

FROM : DHCA DIRECTORS OFFICE

FAX NO. : 240 777 3791

May 30 2006 11:11AM P4

Signatures of the Alternatives Review Committee Members

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

5/27/06
Date

D. Scott Minton
D. Scott Minton, Executive Director
Housing Opportunities Commission

5/30/06
Date

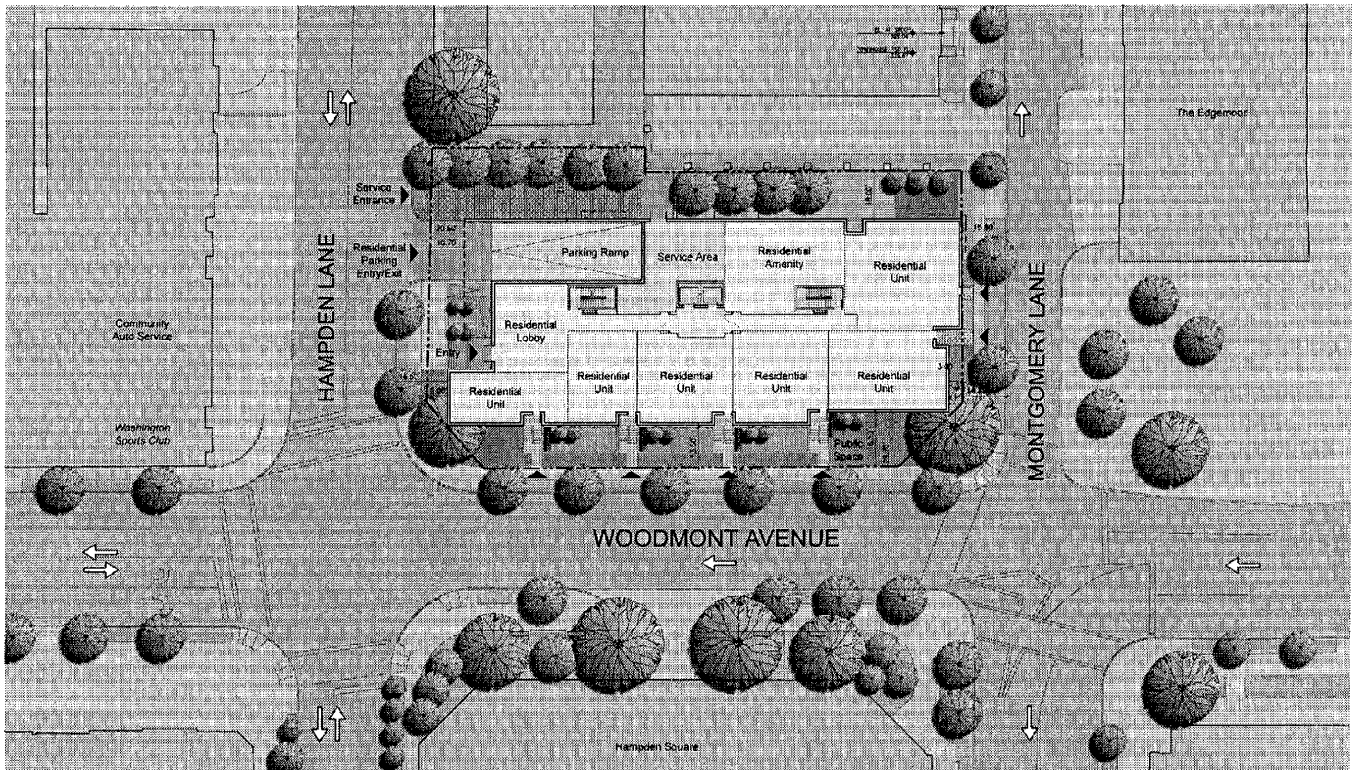
Farrell Hamer
Farrell Hamer, Acting Director
Department of Park and Planning, M-NCPPC

5/30/06
Date

EBD:cjacs

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

5571MAY30200611:11AM DHCA DIRECTORS OFFICE FAX NO. 240 777 3791



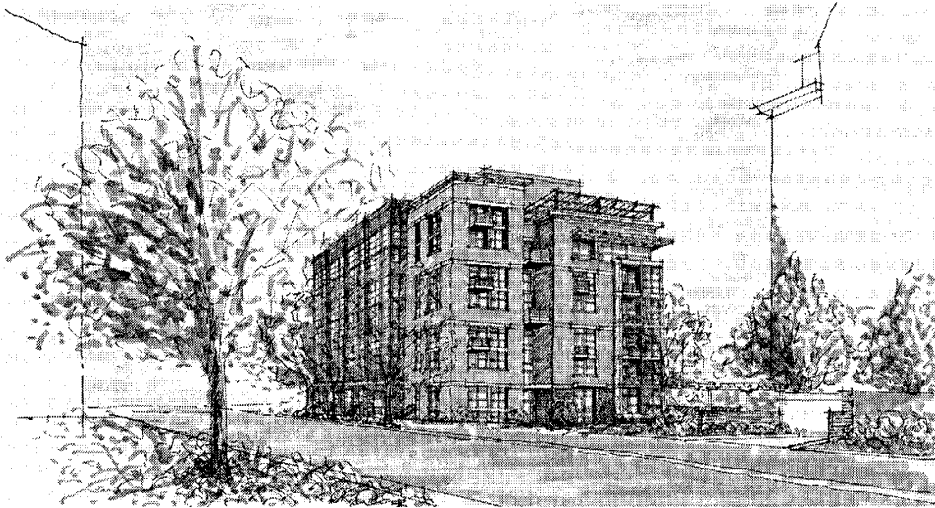
4901 HAMPDEN LANE
 BETHESDA, MARYLAND
 AUGUST 1, 2005

SITE PLAN

SCALE: 1/16"=1'-0"

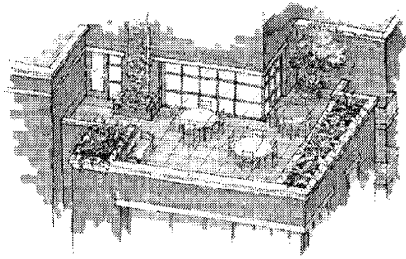


SHALOM BARANES ASSOCIATES 10/2005

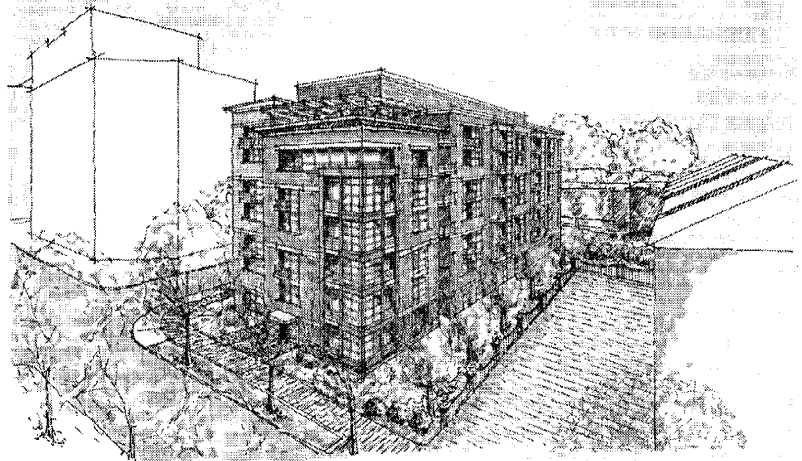


VIEW FROM WOODMONT AVENUE

VIEW FROM MONTGOMERY LANE



VIEW OF THE ROOF TERRACE



4901 HAMPDEN LANE
BETHESDA, MARYLAND
AUGUST 1, 2005

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