

Resolution No.: 15-1559  
Introduced: July 25, 2006  
Adopted: July 25, 2006

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

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By: County Council

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

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

**OPINION**

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

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

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

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

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

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

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

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

#### **A. Subject Property**

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

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

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

### **B. Surrounding Area and Zoning History**

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

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

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

### **C. Proposed Development**

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

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

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

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

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

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

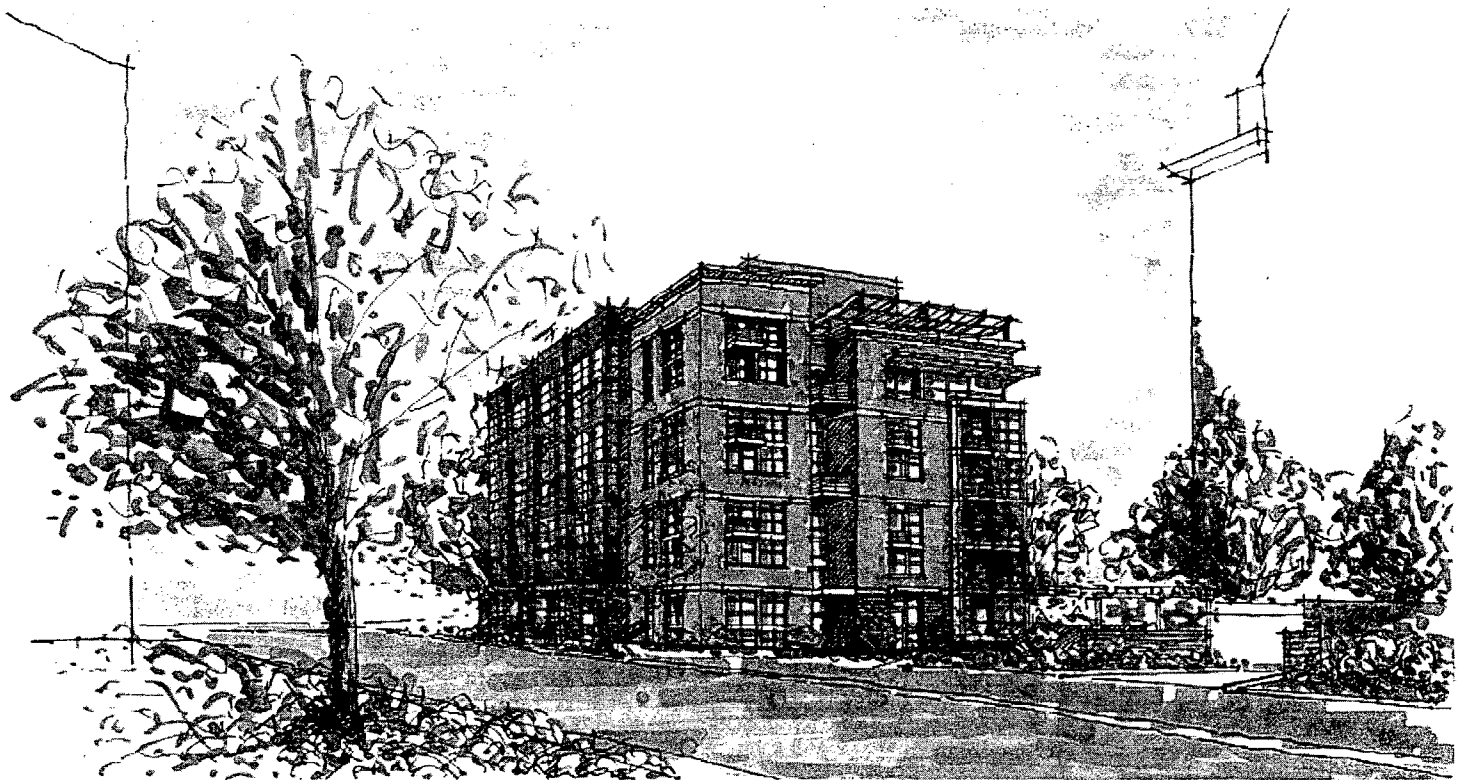
The area proposed for rezoning in this case (which is the tract area the Applicant proposes to use to calculate permitted density) is 30,891 square feet, or .71 acres. With this acreage, a 50-unit building would represent about 70 dwelling units per acre, and 70 units would be about 99 units per acre.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

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

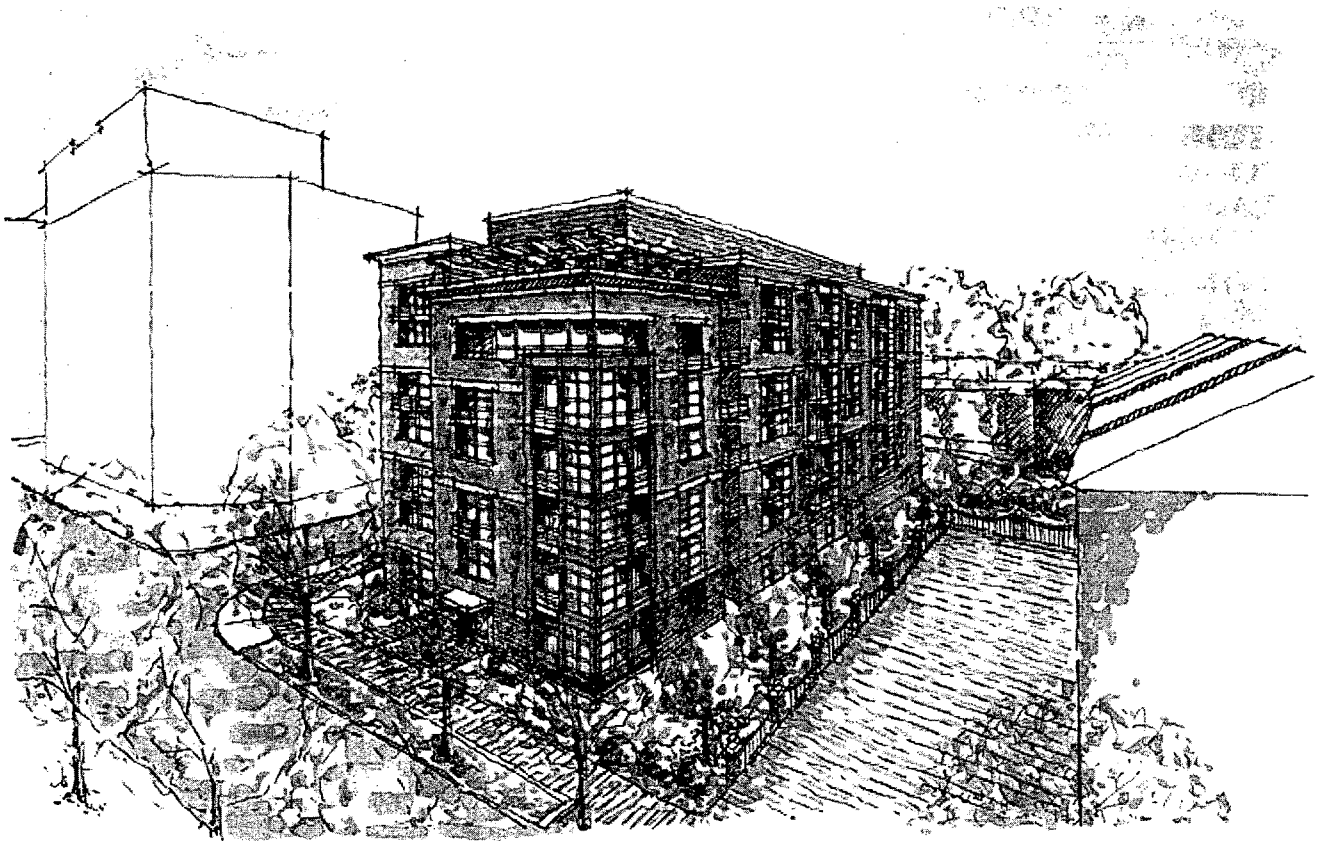
A Development Plan in the TS-R Zone must include the elements required under Code § 59-D-1.3, including a land use plan showing site access, proposed buildings and structures, a preliminary classification of dwelling units by type and number of bedrooms, parking areas, land to be dedicated to public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

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

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

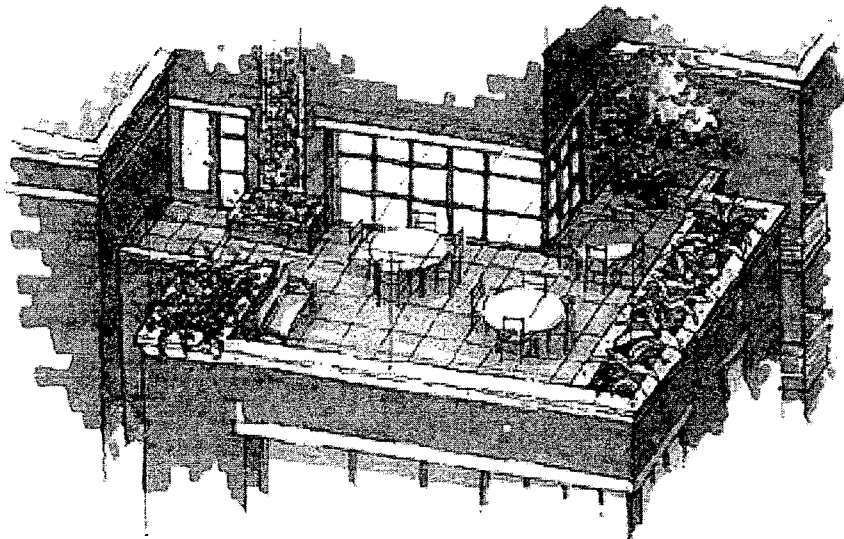


**Artist's Rendering of Facades Facing Montgomery Lane and City Homes Driveway, from Ex. 116(c)**



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

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





#### **D. Master Plan**

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

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

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

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

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

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

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

#### **E. Public Facilities**

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

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

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

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

#### **F. Development Plan Findings**

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

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

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

##### **1. Intent and Purpose of the Zone**

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

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

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

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

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

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

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

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

## **2. Standards and Regulations of the Zone**

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

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

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

### **3. Maximum Safety, Convenience and Amenity of the Residents**

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

### **4. Compatibility**

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

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

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

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

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

### G. Public Interest

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

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

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

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

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

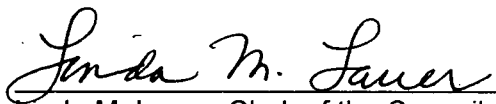
For these reasons and because to approve the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

### ACTION

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

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

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council



Resolution No.: 17-599  
Introduced: November 13, 2012  
Adopted: November 13, 2012

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

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By: District Council

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**SUBJECT:** Approval of Development Plan Amendment (DPA) 12-02, 4901 Hampden Lane, Bethesda, Maryland

**OPINION**

On May 23, 2012, 4901 Hampden Lane Ventures LLC filed an application to amend a development plan approved on July 25, 2006 with Local Map Amendment (LMA) application G-819. LMA G-819 permitted a multi-family residential building with minimum of 50 and a maximum of 70 dwelling units. *Resolution 15-559* (Resolution). This DPA seeks to reduce the minimum number of dwelling units from 50 to 40 dwelling units and clarify that at least 15% of dwelling units will be MDPU's. The lower minimum number of dwelling units reduces the potential number of MDPU's from 8 to 6. The Applicant seeks the change to respond to the current real estate market for condominiums. T. 12.<sup>1</sup> There are no other amendments to the original development plan. A binding element from the original development plan continues to commit the Applicant to "work with the County in an attempt to devise a funding mechanism to help protect MPDU owners from rapid escalations in condominium fees." Exhibit 22. All amendments are to the textual binding elements of the development plan. These binding elements are attached hereto and incorporated herein as Exhibit A.

The property consists of approximately 30,819 square feet in the Transit Station—Residential (TS-R) Zone, and is located at the northwest quadrant of the intersection of Woodmont Avenue and Hampden Lane. Currently, the property is developed with two single-family structures used as offices and a 3-story multi-family building with some commercial uses.

Technical Staff of the Maryland-National Capital Park and Planning Commission recommended approval of the DPA with an expedited hearing process (i.e., without a public hearing before the Hearing Examiner). Exhibit 17. The Planning Board agreed with this recommendation and, no objections being filed, this case comes directly to the District Council

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<sup>1</sup> All transcript citations are to the transcript of the September 27, 2012, public hearing before the Montgomery County Planning Board.

based on the record before the Planning Board. Exhibit 18; *Montgomery County Code*, §59-D-1.74(c)(3). After the Board's recommendation, the Applicant made technical corrections to the DPA. Exhibit 22. The Planning Board again recommended approval of the corrected DPA, finding that the technical corrections had no impact on the Board's initial recommendation. Exhibit 21.

Technical Staff concluded that the DPA complied with all of the standards for approval of a development plan amendment, all requirements of the TS-R Zone, and that it is in the public interest. Exhibit 17. As the Council as already found the development plan met all standards for rezoning in the original zoning case, only those standards affected by the amendment are discussed here.

The subject property is within the area covered by the *1994 Bethesda Central Business District Sector Plan* (Sector Plan or Plan). The Sector Plan designates the subject property as part of a "Transit Station Residential District" and recommends a density between 45 and 100 dwelling units. This DPA proposes densities between 56 to 99 dwelling units per acre. The Sector Plan recommends a floor area ratio of 2.5. While floor area of the DPA equals 3.05, the additional density is derived from the 22% bonus density for designating 15% of the units as MPDUs, and therefore remains consistent with the Sector Plan. The public and private open space, the urban design, and setbacks are unchanged from the original Development Plan. Exhibit 17.

Technical Staff also concluded that the application meets the requirements of TS-R Zone, set forth in §59-C-7.2 of the *Montgomery County Code*. One purpose of the TS-R Zone to "provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas..." Technical Staff concluded that the reduced number of dwelling units proposed in this amendment continues to fulfill this purpose, as it is within the density recommended by the Sector Plan. Exhibit 17.

This DPA does not have an impact on public facilities. After the original development plan was approved, the Planning Board approved a preliminary plan for up to 64 multi-family units. Because this amendment reduces the minimum number of units to 40, this preliminary plan approval remains valid. For the same reason, school facilities remain adequate to serve the development.

At its regular scheduled meeting on September 27, 2012, the Planning Board voted 4-0 to recommend approval of DPA 12-02 as submitted. Exhibit 18. The Board stated that it "discussed with the applicant the importance of retaining the maximum number of MPDUs within a metro core area, but recognized the benefits of home ownership and the flexibility needed for the applicant to address market demands." *Id.* The Board found that the application "is consistent with the purpose clause and all applicable standards for the TS-R Zone and continues to be in accordance with the land use recommendations contained in the 1994 Bethesda CBD Sector Plan." *Id.* The Board also recommended approval of the corrected development plan (Exhibit 22) as it did not substantively change the application. Exhibits 22.

The record is now complete, and the matter can be considered directly by the District Council without the need for a hearing or recommendation by the Hearing Examiner.


The District Council has reviewed DPA 12-02 and concluded that the DPA meets the requirements of the Zoning Ordinance, and its approval would be in the public interest. Based on this record, the District Council takes the following action.

**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, approves the following resolution.

DPA No. 12-02, which requests an amendment to the Development Plan approved July 25, 2006, in LMA G-819 to decrease the minimum number of dwelling units from 50 to 40 dwelling units and to clarify that a minimum of 15% of the units will be MPDUs located on-site, is hereby approved, **provided that** the DPA (Exhibit 22) is submitted to the Hearing Examiner for certification within 10 days of the District Council's action, pursuant to the provisions of Zoning Ordinance §59-D-1.64.

This is a correct copy of Council action.

  
\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

2) Binding Elements

a) The development envelope will be governed by the height, setback and other on-site development constraints, as provided on the following tabulation.

Item	Description	Minimum Allowed/ Required Under the TS-R Zone	Proposed/Provided
1.	Zoning (Existing: R10, R60)	N/A	TS-R
2.	Areas to be rezoned and basis for the development density	18,000SF	30,891SF
3.	Net Lot Area	N/A	22,546SF
4.	Floor Area Ratio	No minimum. Maximum: 2.50 FAR	2.50 (Not to exceed)
5.	Bonus FAR for MPDU's	Up to 22%	0.55 (Not to exceed)
6.	Total	N/A	3.05 (Not to exceed)
7.	Number of dwelling units	150 maximum under Zoning; substantial compliance with Sector Plan: 45-100 units per acre.	Between 40-70 Units
8.	Gross Floor Area	N/A	No more than 94,218SF
9.	Public Use Space	10 % Net Lot Area 2,255SF	Not less than 10% Net Lot Area. 2,255SF
10.	Active/Passive Recreation Space	20% Net Lot Area 4,510SF	No less than 20 % Net Lot Area: 4,510SF.  The area to be provided on the ground will be determined by the Planning Board.
11.	Building Coverage	No minimum or maximum required for the TS-R Zone	Maximum of 65%
12.	Building Height	No minimum or maximum required for the TS-R Zone	Not greater than 70 feet, with portions of the building limited to 60 feet (see section 3.e below).

3) Additional Binding Elements:

- a) The streetscape will be in substantial compliance with the Sector Plan guidelines.
- b) All residential parking will be located underground, with the possible exception of a small number of surface parking spaces for drop off and visitor parking located adjacent to Hampden Lane.
- c) No ancillary commercial uses and no restaurants will be included in the Development Plan.
- d) The proposed development will include all MPDUs on site. A minimum of 15 percent of the dwelling units will be MPDUs.
- e) Setbacks and height:
  - i. West side building setback: no less than 18 feet from the westerly property line.
  - ii. Other setbacks: in substantial compliance with the setbacks illustrated on this amended Development Plan, page A0.02, dated May 1, 2006.
  - iii. While the building's overall height will be a maximum of 70 feet (seven (7) stories plus an English Basement), as measured from elevation 326 (the elevations of the southwest and northwest corners of the site), provided that the northwest corner of the building shall be limited to a maximum of 60 feet, approximately in the area over the northwest unit as shown on this amended Development Plan, page A0.02, dated May 1, 2006, but in any event, not less than 1,390 square feet.
  - iv. The remainder of the building will be limited to a maximum of 70 feet in height. Any rooftop structures, including penthouse equipment and screen wall, shall be no more than 15 feet in height. All such structures will be set back from the Montgomery Lane building edge by no less than 25 feet and will cover no more than 50% of the rooftop. All reasonable efforts shall be made to reduce the maximum 15 foot height and the maximum 50% coverage as much as practicable.
- f) Both residential and service vehicular access will be from Hampden Lane.
- g) The building's construction materials and architectural design shall be consistent with the images depicted on this amended Development Plan, page A0.03, dated May 1, 2006. Specifically, the northeast and northwest corners of the building will be constructed from brick, metal floor spandrels, and windows. They will not include large expanses of glass curtain wall or other reflective surfaces.
- h) The Applicant will work with residents of the Edgemoor Condominium Association to devise a construction agreement to mitigate the impact of construction traffic, noise, employee parking, street closures and other relevant issues.
- i) The Applicant will work with the county in an attempt to devise a funding mechanism to help protect MPDU owners from rapid escalations in condominium fees.

Revision May 18, 2012

SITE / LAND USE PLAN  
CONCEPTUAL PARKING LAYOUT  
NOTATIONS & BINDING ELEMENTS

EXHIBIT A

Resolution No.: 17-1211  
Introduced: September 9, 2014  
Adopted: September 9, 2014

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

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By: District Council

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**SUBJECT:** Approval of Development Plan Amendment (DPA) 14-02,  
The Lauren, 4901 Hampden Lane, Bethesda, Maryland

**OPINION**

On April 18, 2014, Lauren Condos, LLC filed an application to amend a development plan approved on July 25, 2006 with Local Map Amendment (LMA) application G-819. LMA G-819 permitted a multi-family residential building of between 50 and 70 dwelling units (Council Resolution 15-1559). In 2012, the Council approved an amendment (DPA 12-02, Council Resolution 17-599) that reduced the minimum number of dwelling units from 50 to 40 and clarified that 15% of the units would be MDPUs. Presently, the Applicants propose to develop 40 dwelling units, including the 15% (or 6) MDPUs. Exhibit 24.

The property consists of approximately 30,891 square feet in the Transit Station—Residential (TS-R) Zone in Bethesda, in the northwest quadrant of the intersection of Woodmont Avenue and Hampden Lane. It is currently developed with two single-family structures used as offices and a 3-story multi-family building with some commercial uses.

This amendment proposes three changes to the binding elements approved in 2006 and updates several other aspects of the project that were shown on the 2006 development plan.

The first revision to the binding elements would increase the height permitted for a rooftop elevator shaft from 15 feet to 21.5 feet and increase its footprint. According to the Applicant, the developer is providing more public use space and amenities, thus triggering new fire code requirements. Exhibits 4, 24, 26(a). Rooftop structures other than the elevator shaft must still remain within the 15-foot height limit. Exhibit 26(a). The location and new footprint of the shaft are shown on Sheet 1 of the DPA.

The second change to the binding elements stems also from the increased public use space. The binding elements originally required 2,255 square feet of public use space (10% of the net lot area); this has been increased to 2,700 square feet. Exhibit 26(a).

The final revision to the 2006 binding elements would modify the architectural design and building materials, which were incorporated into the 2006 development plan. This DPA permits the Applicant to update the project's architectural design and building materials to reflect refinements that evolved since the original concept. Exhibit 24. The current design and materials proposed is shown on Sheet 3 of the amended development plan. Exhibit 23(e).

Other modifications to the approved development plan do not affect the binding elements, but instead reflect changes to project elements that were shown on the original development plan. These include modifications to the parking layout (reflecting the 2012 amendment decreasing the minimum number of units), parking tabulations, and mix of unit types. Exhibit 26(a).

The Planning Board and Staff concluded that the changes proposed were minor and did not affect the Council's findings in LMA G-819. Exhibits 24, 25. Both concluded that the application complied with all of the standards for approval of a development plan amendment, all requirements of the TS-R Zone, and that it is in the public interest because it does not impact public facilities. Exhibits 24, 25.

The project is supported by The Edgemoor Condominium, which confronts the property across Montgomery Lane, the Bethesda Civic Coalition, and the developer of 4831 West Lane. There is no opposition to the DPA in the record. Both the Planning Board and Technical Staff recommended approval with an expedited hearing process (i.e., without a public hearing before the Hearing Examiner). Exhibits 24, 25. As no objections to the amendment have been filed, this case comes directly to the District Council based on the record before the Planning Board. *Montgomery County Code*, §59-D-1.74(c)(3).

The record is now complete, and the matter can be considered directly by the District Council without the need for a hearing or recommendation by the Hearing Examiner.

The District Council has reviewed DPA 14-02 and concluded that the DPA meets the requirements of the Zoning Ordinance, and its approval would be in the public interest. Based on this record, the District Council takes the following action.

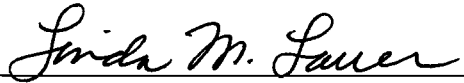
### Action

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, approves the following resolution.

DPA No. 14-02, which requests an amendment to the Development Plan approved July 25, 2006, in LMA G-819, (as amended on November 13, 2012 by DPA 12-02) to increase the height of the elevator shaft, to incorporate revised architecture and building materials, correct the amount of public use space provided, and update other elements of the project that were shown on the original development, is hereby approved, **provided that** the DPA (Exhibits 23(c), 23(e),

and 26(a)) is submitted to the Hearing Examiner for certification within 10 days of the District Council's action, pursuant to the provisions of Zoning Ordinance §59-D-1.64.

This is a correct copy of Council action.

A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above a horizontal line.

Linda M. Lauer, Clerk of the Council

### APPENDIX<sup>1</sup>

2) Binding Elements

a) The development envelope will be governed by the height, setback and other on-site development constraints, as provided on the following tabulation.

Item	Description	Minimum Allowed Required Under the TS-R Zone	Proposed/Provided
1	Zoning (Existing: R10, R60)	N/A	TS-R
2	Areas to be rezoned and basis for the development density	18,000 SF	30,891 SF
3	Net Lot Area	N/A	22,546 SF
4	Floor Area Ratio	No minimum Maximum: 2.5 FAR	2.50 (Not to exceed)
5	Bonus FAR for MPDU's	Up to 22%	0.35 (Not to exceed)
6	Total	N/A	3.05 (Not to exceed)
7	Number of Dwelling Units	150 maximum under Zoning; substantial compliance with Sector Plan: 45-100 units per acre.	Between 40-70 Units
8	Gross Floor Area	N/A	No more than 94,218 SF
9	Public Use Space	10% Net Lot Area 2,255 SF	2,700 SF
10	Active/Passive Recreation Space (1)	20% Net Lot Area 4,510 SF	Not less than 20% Net Lot Area 4,510 SF  The area to be provided on the ground will be determined by the Planning Board.
11	Building Coverage	No minimum or maximum required for the TS-R Zone	Maximum of 65%
12	Building Height	No minimum or maximum required for the TS-R Zone	Not greater than 70 feet, with portions of the building limited to 60 feet (see section 3.e below.

Additional Binding Elements on Next Page

<sup>1</sup> Changes are noted in "clouds." Exhibits 24, 26(a).



## 3) Additional Binding elements:

- a) The streetscape will be in substantial compliance with the Sector Plan guidelines.
- b) All residential parking will be located underground, with the possible exception of a small number of surface parking spaces for drop off and visitor parking located adjacent to Hampden Lane.
- c) No ancillary commercial uses and no restaurants will be included in the Development Plan
- d) The proposed development will include all MPDUs on site. A minimum of 15 percent of the dwelling units will be MPDUs.
- e) Setbacks and height:
  - i West side building setback: no less than 18 feet from the westerly property line.
  - ii Other setbacks: in substantial compliance with the setbacks illustrated on this amended Development Plan, page A0.02, dated May 1, 2006.
  - iii While the building's overall height will be maximum of 70 feet (seven (7) stories Plus and English Basement), as measured from elevations 326 (the elevations of the southwest and northwest corners of the site), provided that the northwest corner of the building shall be limited to a maximum of 60 feet, approximately in the area over the northwest unit as shown on this amended Development Plan, page A0.02, dated May 1, 2006, but in any event, not less than 1,300 square feet.
  - iv The remainder of the building will be limited to a maximum of 70 feet in height. Any rooftop structures, including penthouse equipment and screen wall, shall be no more than 15 feet in height except for an elevator tower measuring 13' x 10' which may extend to a height of no more than 21.5 feet in height. All such structures will be set back from the Montgomery Lane building edge by no less than 25 feet and will cover no more than 50% of the rooftop. All reasonable efforts shall be made to reduce the maximum 15 foot height and the maximum 50% coverage as much as practicable.
- f) Both residential and service vehicular access will be from Hampden Lane.
- g) The building's construction materials and architectural design shall be consistent with the images depicted on sheet 3 of 3 of the Development Plan Amendment, dated April 1, 2014. Specifically, the northeast and northwest corners of the building will be constructed from stone/stucco or masonry-like materials. The corners will not include large expanses of glass curtain wall or other reflective materials.
- h) The applicant will work with residents of the Edgemoor Condominium Association to devise a construction agreement to mitigate the impact of construction traffic, noise, employee parking, street closures and other relevant issues.
- i) The Applicant will work with the county in an attempt to devise a funding mechanism to help protect MPDU owners from rapid escalations in condominium fees.

11) Active/Passive recreation space will be provided through a combination of the following exterior (on the ground) amenity space, interior amenity space and rooftop amenity space.

Sheet 3 of Development Plan Amendment on Following Page

Sheet 3 of Development Plan Amendment

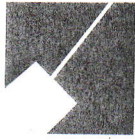


View of Southeast Corner of Building



VIEW OF NORTHWEST CORNER OF BUILDING

Office of Zoning and



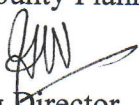
**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



September 21, 2007

**Memorandum**

**TO:** Montgomery County Planning Board

**FROM:** Gwen Wright   
Acting Planning Director

**SUBJECT:** Corrected Resolution – 4901 Hampden Lane  
Preliminary Plan #120070280

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The attached Planning Board Resolution for the above-referenced preliminary plan is being done to address an error that was made in the original version. Specifically, Condition No. 5a, of the 4901 Hampden Lane, Preliminary Plan #120070280, was deleted at the Planning Board hearing, but the condition was mistakenly not deleted when the resolution was prepared.

With this change, the Corrected Resolution correctly describes the Planning Board's action on this Preliminary Plan.



OCT 12 2007

**MCPB No. 07-164**  
**Preliminary Plan No. 120070280**  
**Hampden Lane**  
**Date of Hearing: June 07, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**CORRECTED RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 20, 2006, Hampden Lane, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 0.52 acres of land located at the northwest quadrant of the intersection of Hampden Lane and Woodmont Avenue ("Property" or "Subject Property"), in the Bethesda Chevy Chase Central Business District (CBD) Sector Plan Master Plan Area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070280, Hampden Lane ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated May 15, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on June 7, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency: DM 9/24/07

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 7, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Wellington; seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Bryant, Hanson, Perdue, Robinson, and Wellington voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070280 to create 1 lot on 0.52 acres of land located at the northwest quadrant of the intersection of Hampden Lane and Woodmont Avenue ("Property" or "Subject Property"), in the Bethesda Chevy Chase Central Business District (CBD) Sector Plan master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 64 hi-rise multi-family dwelling units including a minimum of 12.5% MPDUs.
- 2) The proposed development must comply with the conditions of the approved tree save plan prior to any demolition, clearing, or grading on the subject property.
- 3) Final sediment control plan must be consistent with limits of disturbance as shown on Tree Save Plan, dated 5/22/2007.
- 4) At time of building permit:
  - a) An acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 DBA  $L_{dn}$ .
  - b) The builder must construct the buildings in accordance with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to MNCPPC staff.
  - c) The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are approved.
- 5) The Applicant must modify the preliminary plan prior to certification, to show the following ADA-compliant pedestrian accommodations:
  - a. ~~The crosswalk must be perpendicular to the curb across Hampden Lane's western leg at the intersection with Woodmont Avenue.~~
  - b. Show on the plan the handicapped ramps on the east and opposite side of Hampden Lane and the north side of Montgomery Lane. If they do not exist, provide them.
- 6) The Applicant must provide five bicycle lockers in the parking garage within 50 feet of the elevators. The applicant will coordinate with Transportation

Planning staff to determine the ultimate location of the bicycle facilities prior to approval of certified site plan.

- 7) The preliminary plan is subject to the Rezoning Case #G-819.
- 8) Final number of dwelling units and MPDU's as per condition #1 above to be determined at the time of site plan.
- 9) The Applicant must comply with conditions of MCDPWT letter dated, May 11, 2007, unless otherwise amended.
- 10) The applicant must provide access and improvements as required by MCDPWT prior to recordation of plat(s).
- 11) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated April 16, 2007.
- 12) 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.
- 13) 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. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
- 14) 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.
- 15) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The proposed preliminary plan is subject to the 1994 Sector Plan for the Bethesda Central Business District which recommends high-rise residential and/or garden apartment development at the location of the Subject Property. Page 81 of the sector plan identifies properties zoned TS-R as floating zones. The preliminary plan proposes redevelopment for multi-family residential with MPDUs in accordance with the master plan goals.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

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

#### Master-Planned Roadways and Bikeway

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

#### Sector-Planned Transportation Demand Management

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

#### Available Transit Service

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

#### Pedestrian Facilities

Sidewalks exist along Montgomery Lane, Hampden Lane, and Woodmont Avenue. The existing intersections have marked crosswalks and pedestrian signal heads at the signalized intersections. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the

proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the TS-R zone as specified in the Zoning Ordinance and the Local Map Amendment Application G-819. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

There is no forest onsite, but three large or specimen trees are present. There are no streams, wetlands, or any associated buffers onsite. The property is exempt from forest conservation requirements. A Forest Conservation exemption (4-07279E) was approved by Environmental Planning staff on 5/22/2007. The property is within the Little Falls watershed; a Use I/I-P watershed.

#### Noise

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

#### Tree Save

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

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting*



*Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

On April 16, 2007, the MCDPS Stormwater Management Section approved the project's stormwater management concept, which includes topsoiling and an engineered sediment control plan for water quality control.


BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed *[MODIFY AS REQUIRED IF BOARD APPROVES PHASES WITH CONCURRENT VALIDITY PERIODS – OR DELETE IF PHASED VALIDITY PERIODS ARE SET FORTH IN CONDITIONS OF APPROVAL]*; and

OCT 12 2007 BE IT FURTHER RESOLVED, that the date of this Resolution is (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

At its regular meeting held on Thursday September 27, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Vice Chair Robinson, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120070280, Hampden Lane.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board

SEP 26 2007



## MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 07-166**

**Site Plan No. 820070060**

**4901 Hampden Lane**

**Date of Hearing: June 7, 2007**

### MONTGOMERY COUNTY PLANNING BOARD

#### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review site plan applications; and

WHEREAS, on October 20, 2006, Hampden Lane, LLC, ("Applicant") filed an application for approval of a site plan ("Site Plan" or "Plan") for up to 64 multi-family residential units, including a minimum of 15% (up to 10) moderately priced dwelling units ("MPDUs") on 0.52 acres of TS-R zoned-land, located on the west side of Woodmont Avenue between Hampden Lane and Montgomery Lane ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820070060, 4901 Hampden Lane (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated May 28, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on June 7, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, on June 7, 2007, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 7, 2007, the Planning Board approved the Application subject to conditions on the motion of Commissioner Robinson, seconded by Commissioner Bryant, with a vote of 5-0, Commissioners Bryant, Hanson, Purdue, Robinson, and Wellington voting in favor.

Approved as to

Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820070060 for up to 64 multi-family residential units, including a minimum of 15% (up to 10) MPDUs, on 0.52 gross acres in the TS-R Zone, subject to the following conditions:

1) Development Plan Conformance

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

2) Preliminary Plan Conformance

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

3) Moderately Priced Dwelling Units (MPDUs)

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

4) Lighting

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

5) Forest Conservation

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

- a) The proposed development shall comply with the conditions of the approved Tree Save Plan prior to any demolition, clearing, or grading on the subject property.
- b) The final Sediment Control Plan must be consistent with limits of disturbance as shown on Tree Save Plan, dated May 22, 2007.

6) Noise

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

7) Stormwater Management

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

8) Development Program

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

9) Clearing and Grading

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

10) Certified Site Plan

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

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

BE IT FURTHER RESOLVED that all site development elements as shown on 4901 Hampden Lane drawings stamped by the M-NCPPC on May 21, 2007, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

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

- a. The streetscape improvements conform to the Bethesda Streetscape Standard;
  - b. All residential parking is located underground;
  - c. No ancillary commercial or restaurant uses are included in the plan;
  - d. The building height in the northwest corner of the site does not exceed 60 feet, approximately in the area over the northwest unit as shown on the Development Plan;
  - e. Both primary residential and vehicular access are from Hampden Lane.
2. *The Site Plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the TS-R zone as demonstrated in the Project Data Table below.

#### **Requirements of the TS-R Zone**

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table and other evidence, that the Application meets all of the applicable requirements of the TS-R Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

Development Standard Approved by  
 the Board and Binding on the Applicant

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Lot Area, Minimum (sf.)	
Gross Tract Area (sf.)	30,891
Gross Tract Area (ac.)	0.71
Previous Dedication (sf.)	8,191
Proposed Dedication (sf.)	154
Net Tract Area (sf.)	22,546
Net Tract Area (ac.)	0.52
Density of Development, Maximum	
FAR , w/o MPDU Bonus	
Square Feet , w/o MPDU Bonus	
FAR , w/ 22% Bonus for Providing 15% MPDUs on site	3.05
Square Feet , w/ 22% Bonus for Providing 15% MPDUs on site	94,218
Dwelling Units per Acre, w/o MPDU Bonus	Up to 90
Maximum No. of Units @ 0.71 Acres	Up to 64
Dwelling Units per Acre, w/ 22% Bonus for Providing 15% MPDUs on site	
Maximum No. of Units @ 0.71 Acres	
MPDUs provided on site	
Minimum Percentage	15
Minimum Number of Units	Up to 10
Open Space, Minimum	
Public Use Space (%)	11.9
Public Use Space (sf.)	2,692
Active and Passive Recreation (%)	26
Active and Passive Recreation (sf.)	5,990
Total Open Space (%)	37.9
Total Open Space (sf.)	8,682
Building Height, Maximum (ft.)	
Recommended by Sector Plan (ft.)	
Approved by Development Plan and ARC	70/72.9
Number of Stories (not including the cellar or underground parking)	7

\* The Development Plan height of 70 feet is expressed as 396 feet above sea level. Neither the zoning language nor DPS enforcement measures the height in this fashion. Using the measurement method in the zoning, for this site expressed as the highest curb height on the three surrounding streets, the equivalent of 396 feet is 72.9 feet.

**Data Table (Continued)**

Development Standard Approved by  
 the Board and Binding on the Applicant

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Building Lot Coverage, Maximum (%)	65
Building Setbacks, Minimum (ft.)	
Woodmont Avenue	13
Hampden Lane	13
Montgomery Lane	2
Adjacent Lot, Townhouses	18
Adjacent Lot, Apartments	28
Off-Street Parking, Minimum (No. of Spaces)	
NOTE: These counts are based on 64 units. If fewer are provided, the required parking spaces will be reduced accordingly.	
One-bedroom Units	
3 Market-Rate Units	3.75
1 MPDU	0.625
Two-bedroom Units	
30 Market-Rate Units	45
5 MPDU	3.75
Three-bedroom Units	
21 Market-Rate Units	42
4 MPDU	4
Sub-Total	99.125
Reduction if within 1,600 feet of Metro	9.9125
Total Off-Street Parking	Up to 90

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

a. Buildings and Structures

The plan proposes a seven-story multi-family residential building with up to 64 residential units. In an area of much re-building, this plan provides a strong building frontage for each of the surrounding streets. On the primary street, Woodmont Avenue, the design features first floor and English basement units that enter directly from the street, which, in combination with sensitive landscaping, helps to activate the street while

mediating between the public and private realms. On the secondary streets, Hampden and Montgomery Lanes, the building provides a book-end effect, holding the corner and providing a transition between the lower intensity uses to the west and the higher intensity uses to the east. The location of the building is adequate, safe, and efficient.

**b. Open Spaces**

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

**c. Landscaping and Lighting**

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

**d. Recreation Facilities**

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

**e. Vehicular and Pedestrian Circulation**

*Vehicular Circulation*

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

*Pedestrian Circulation*



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

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

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

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

The Board received public comments questioning the legality of the Alternative Review Committee ("ARC") process. As part of the development plan review process for this project, the ARC found that it would be financially infeasible to provide on-site MPDUs in a building shorter than 70 feet. The Board considered ARC's finding as part of its June 2006 review of the proposed development plan, and recommended that the District Council approve the development plan. The District Council approved the development plan on July 25, 2006 with a height limit of 70 feet. The concerns expressed about the ARC's role in determining the 70-foot height limit go to the validity of the ARC process, and not to the merits of whether the 70-foot building height limit established as part of the development plan for this project is appropriate. The validity of the ARC process is beyond the

scope of review of this project. But more importantly, as explained immediately above, the 70-foot building height is compatible with surrounding development.

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

*Forest Conservation*

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

*Water Quality*

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

*Noise*

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

*Tree Save*

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

BE IT FURTHER RESOLVED, that this resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 26 2007 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

At its regular meeting held on Thursday September 20, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Vice Chair Robinson, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820070060, 4901 Hampden Lane.



Royce Hanson, Chairman  
Montgomery County Planning Board



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

Memorandum

**TO:** Gwen Wright, Planning Director

**VIA:** Robert Kronenberg, Acting Chief, Area 1 *RAK*

**FROM:** Kathleen A. Reilly, AICP, Planner Coordinator, Area 1 *KAR*

**RE:** 4901 Hampden Lane, The Lauren  
SITE PLAN #82007006A

**DATE:** December 13, 2013

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DARC Intake Section is also not required; however, submittal of the application to DARC is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On June 21, 2013, Lauren Condos, LLC ("Applicant") filed a site plan amendment application designated Site Plan No. 82007006A ("Amendment") for approval of the following modifications:

1. Change the building's architectural articulation;
2. Incorporate balconies into the design of above ground units; and
3. Remove landscaping along private ground floor patios.

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on July 12, 2013, which gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any written correspondence from the parties of record.

This amendment does not increase height or overall footprint nor does it prevent circulation on any street or path. It adds balconies to units above the ground level and changes the building's architectural façade. Balconies are permitted to extend no more than 3 feet into any required yard setbacks and the proposed balconies will not encroach into any required setbacks. This amendment also proposes to remove landscaping along the private ground floor patios to allow more light into these units. The changes proposed by this amendment will have minimal effect on the footprint, layout, quality or intent of the elements of the previously approved plan.

Furthermore, the proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

Gwen Wright  
Gwen Wright, Planning Director

12/14/13  
Date Approved