

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**

By: District Council

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.

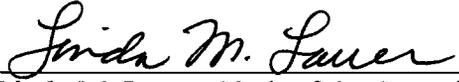
Action

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

APPENDIX¹

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

¹ 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 are 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 that 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 3of 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