



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

**NOV 04 2020**

MCPB No. 20-115  
Sketch Plan No. 320200070  
Hampden East  
Date of Hearing: October 15, 2020

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

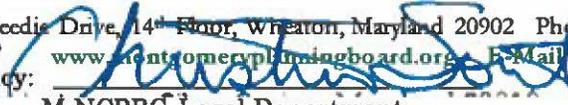
WHEREAS, on July 15, 2020, Washington Property Company and Douglas Development Company ("Applicant") filed an application for approval of a sketch plan for up to 525,000 square feet of density for a mixed-use development, including up to 165,000 square feet of residential density with 17.6% MPDUs and up to 360,000 square feet of non-residential density, the maximum density proposes up to 293,440 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP) on 1.06 acres of CR 5.0 C 5.0 R 4.75 H 250' and BOZ zoned-land, located on the block of East Lane between Montgomery Lane and Hampden Lane ("Subject Property") in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320200070, Hampden East ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 5, 2020, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on October 15, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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Approved as to [www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) E-Mail: [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)  
Legal Sufficiency:   
M-NCPPC Legal Department

MCPB No. 20-115  
 Sketch Plan No. 320200070  
 Hampden East  
 Page 2

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320200070, Hampden East, for construction of up to 525,000 square feet of density for a mixed-use development, including up to 165,000 square feet of residential density with 17.6% MPDUs and up to 360,000 square feet of non-residential density, the maximum density proposes up to 293,440 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP) on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 525,000 total square feet of development, including up to 165,000 square feet of residential uses and 360,000 square feet of non-residential uses. The maximum number of dwelling units and use mix will be determined at Preliminary Plan. The maximum density includes up to 293,440 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage, including BOZ density and PIP payment, will be determined at Site Plan.

2. Height

Due to the provision of MPDUs above 17.5%, as specified in Section 59.4.9.2.3.b of the Zoning Ordinance, the Project's maximum height will be determined at the time of Site Plan, as measured from the building height measuring point.

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ; and
- b. Diversity of uses and activities, achieved by providing affordable housing beyond the minimum requirement for BOZ; and
- c. Quality of Building and Site Design achieved through exceptional design and structured parking.
- d. Protection and Enhancement of the Natural Environment achieved through building lot terminations and energy conservation and generation.

4. Park Impact Payment (PIP)

The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to the release of the first above-grade building permit. The final amount will be determined at Site Plan.

5. Streetscape

The Applicant must install the Bethesda Streetscape Standard along the entire Site Frontage, including the undergrounding of utilities.

6. Public Open Space

The Project is required to provide 10% of the total Site Area as Public Open Space in accordance with Section 59.6.3.C of the Zoning Ordinance.

7. Green Cover

At the time of Site Plan, the Applicant must provide a minimum 35% of site area as green cover as described in Section 2.4.1 of the *Bethesda Downtown Sector Plan* and any proposed tree canopy must utilize tree species and canopy sizes at 20-year maturity per the M-NCPPC Approved Trees Technical Manual.

8. Bethesda Downtown Plan Design Guidelines

At the time of Site Plan, the Applicant must demonstrate the following:

- a. Comments have been addressed from the Design Advisory Panel as specified in their June 24, 2020 meeting minutes; and

MCPB No. 20-115  
Sketch Plan No. 320200070  
Hampden East  
Page 4

- b. Project conformance for street typology, parks and open space, site design, building form, creative placemaking, and any site-specific guidelines in accordance with the *Bethesda Downtown Plan Design Guidelines*.

9. Building & Site Design

Prior to the submittal of the Site Plan, the Applicant must:

- a. Study alternatives to minimize the use of building overhangs/projections on all frontages, any projection must have a minimum 20' clearance above the ground; and
- b. Ensure any proposed projections will not hinder the mature development of proposed street trees; and
- c. Explore design alternatives for the proposed layby to reduce impacts to the pedestrian experience along East Lane.

10. MCDOT letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 18, 2020, and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

11. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan, as appropriate:

- a. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- b. SWM concept approval which also addresses the recommendations of the *Bethesda Downtown Sector Plan Water Quality Section (2.4.2.B)*;
- c. At the time of Site Plan, the Applicant must show a minimum of 35% of site area comprised of intensive green roof, onsite canopy plantings, and onsite energy generation components, with preference to maximize green cover to meet the intent of the Sector Plan and the associated Bethesda Design Guidelines;
- d. Address Bird-Safe Design per the Bethesda Downtown Sector Plan Design Guidelines;
- e. At the time of Preliminary Plan provide a noise analysis or request a waiver per Section 2.2.2 of the 1983 Noise Guidelines for the residential use;
- f. At the time of Preliminary Plan, participate in the implementation of the Master Planned Separated Bicycle Facilities on Montgomery Lane;

MCPB No. 20-115  
Sketch Plan No. 320200070  
Hampden East  
Page 5

- g. Further develop circulation and loading strategy to reduce width of curb cut and increase pedestrian safety along Hampden Lane; and
- h. Draft a Level 3 Results Transportation Demand Management Plan, per Section 42-A-25(b)(3) of County Code.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Sketch Plan Data Table			
Section	Development Standard	Permitted/Required	Proposed
59.4	<b>Tract Area</b>	n/a	<b>46,312 sf (1.06 ac)</b>
	Prior Dedication	n/a	14,485 sf (0.33 ac)
	Proposed Dedication	n/a	1,959 sf (0.04 ac)
	<b>Site Area</b>	n/a	<b>29,868 sf (0.69 ac)<sup>1</sup></b>
	<b>Mapped Density</b>		
	CR 5.0 C 5.0 R 4.75 H 250'		
	Residential (GFA/FAR)	219,982 sf (4.75)	165,000 sf (3.56)
	Commercial (GFA/FAR)	231,560 sf (5.0)	360,000 sf (7.77)
	<b>Total Mapped Density (GFA/FAR)</b>	<b>231,560 SF (5.0)</b>	<b>231,560 (5.0)</b>
	<b>Bethesda Overlay Zone Density</b>	n/a	<b>293,440 sf (6.34)</b>
	<b>Total GFA/FAR</b>	n/a	<b>525,000 sf (11.34)</b>
	<b>MPDU Density (GFA/FAR)</b>	15%	17.6%
	<b>Building Height, max</b>	250 feet	262 feet <sup>2</sup>
	<b>Public Open Space (min)</b>	10% of Site Area	10% of Site Area
<b>Green Cover (min)</b>	35% of Site Area	35% of Site Area	
<b>Minimum Setbacks (ft)<sup>3</sup></b>			
East Lane	0'	10'	
Hampden Lane	0'	5'	
Montgomery Lane	0'	4'	

<sup>1</sup> The Site Area is subject to change at the time of Preliminary Plan based on the final amount of dedication to be provided.

<sup>2</sup> Section 59.4.9.2.C.3.b of the Zoning Ordinance eliminates the height requirement to the extent necessary to provide MPDUs beyond 17.5%. The Applicant anticipates one extra floor (12') to be dedicated to MPDUs. Total MPDUs and average residential floor plate to be finalized at Site Plan.

<sup>3</sup> Setbacks may be reduced at Site Plan to implement any recommendations from the DAP or to accommodate open space.

The final number of vehicular parking spaces will be determined at Site Plan based on the residential units and final mix of uses.

The Sketch Plan conforms to the intent of the CR zone as described below:

- a) *Implement the recommendations of applicable master plans.*

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways. Many of these parks on the eastern edge are to be connected through the creation of the Eastern Greenway.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as site 103 on page 99 of the Sector Plan. The Property is located in the Wisconsin Avenue Corridor District. This District is the main artery through the center of downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and Wisconsin Avenue Corridor sections of the Sector Plan:

- *Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.*

The Project provides an opportunity for infill development of underdeveloped commercial properties within a block of the Metro station, as recommended by the Sector Plan, by converting several commercial properties into a mixed-use Project with up to 350,000 square feet of office, 165,000 square feet of multi-family residential uses, and up to 10,000 square feet of retail.

- *Encourage mixed-income/affordable housing near transit stations.*

The Proposal includes a minimum of 17.6% MPDUs, which exceeds the Sector Plan requirement of 15%. The Project is located two blocks from the Bethesda Metro Station and one block from the future Purple Line Station.

- *Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.*

The Project will place a mixed-use building, containing office, high-density residential uses, and street activating retail uses, in the core of downtown Bethesda. The conceptual building design incorporates several urban design elements that will enhance the visual interest from several locations including Wisconsin Avenue, Hampden Lane, East Lane, and Montgomery Lane.

- *Encourage high-performance buildings and sites nearest the established centers.*

The Project will incorporate energy efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the Bethesda Overlay Zone. In addition, intensive green roof systems are proposed to maximize the Property's overall green cover.

- *Improve the pedestrian environment with upgraded streetscapes*

The Project will improve and enhance the pedestrian environment along all three building frontages on Montgomery Lane, East Lane, and Hampden Lane per the Bethesda Design Guidelines. Additionally, the Applicant will participate in the implementation of master planned separated bicycle lanes along Montgomery Lane.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Project will redevelop existing underutilized commercial sites into a high-rise building offering a mix of uses such as ground floor retail, residential, and office.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project encourages such development by proposing a mixed use building central to public transit. The Project will enhance the pedestrian environment along three frontages and participate in the Master Planned separated bicycle lanes on Montgomery Lane. The residential portion of the Proposal includes a minimum of 17.6% MPDUs, exceeding the Sector Plan 15% requirement and providing affordable housing in a prime location of downtown Bethesda.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The proposed building height of up to 262 feet and mixed-use density is appropriate to the setting due to the Site's proximity to public transit and surrounding mixed use properties. The adjacent properties are zoned for similar height maximums; however, this Site proposes a minimum of 17.6% MPDUs, allowing an additional floor (12') above the zoning maximum of 250 feet, per Section 59.4.9.2.C.3.b of the Zoning Ordinance. The final height will be determined at the time of Site Plan.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

The Proposal includes 360,000 square feet of retail and office allowing for future employment space, as well as 165,000 square feet of residential uses with a minimum of 17.6% MPDUs, exceeding the affordable housing requirement for the Bethesda Overlay Zone.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard Method limit.*

The Project will provide the required 100 public benefit points from a minimum of 4 categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the *Bethesda Downtown Sector Plan* as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby

the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$11.08/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 293,440 square feet from the BOZ initiating a Park Impact Payment (amount to be determined during Site Plan review) to be paid at the time of building permit. The amount of density allocated from the BOZ for this Application is deducted from the 32.4 million cap.

2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

As discussed in Finding 1.a above, the Project substantially conforms to the recommendation of the 2017 *Bethesda Downtown Sector Plan*. The type of development proposed by the Project will locate office and high-density residential uses, and street activating retail uses, in the core of downtown Bethesda and within a high energy performance building. The residential component will provide a minimum of 17.6% MPDUs, which exceeds the Bethesda Overlay Zone requirement and achieves one of the main goals of the Sector Plan, affordable housing.

The conceptual building design incorporates several urban design elements that will achieve design excellence and enhance the visual interest from several locations including Wisconsin Avenue, Hampden Lane, East Lane, and Montgomery Lane. To achieve this visual interest, the Applicant proposes several upper-story building projections on Hampden Lane and Montgomery Lane. Although upper-story building projections, commonly referred to as “cantilevers,” have generally been discouraged in downtown Bethesda, this architectural element can uniquely sculpt a building and provide the quality of urban design envisioned by the Sector Plan. Achieving a high-quality architectural design at this location is the Applicant’s intent, and the Design Advisory Panel discussed these projections in great detail at their June 24<sup>th</sup> meeting, where they voted in support of the Project. There will be further review of the upper-story building projections, particularly at the intersection of East Lane and Hampden Lane, at the time of Site Plan.

Another Sector Plan goal is for new developments to achieve tower separation to allow access to light and air and limit the shadows on the public realm. This Site is adjacent to 7340 Wisconsin Avenue to the east, which recently received Planning Board approval for Sketch Plan No. 320200010, for a 250-

foot tall senior living facility. Through the review process, the architects for Sketch Plan No. 320200010 and the Subject Property worked together to agree on a proper tower separation from the shared property line to achieve the Sector Plan vision. The conceptual building section for this project shows a 22.5' setback from the property line above the building base, and it is anticipated that the adjacent site (7340 Wisconsin Avenue property) will also provide a similar setback when the project moves forward, achieving a separation that varies between 30' and 60'.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Project will enhance the streetscape along all three frontages: Hampden Lane, East Lane, and Montgomery Lane. On East Lane, the enhanced public space will connect with a new through block connection to the south, providing a direct link to the future Purple Line Station, and connect to the existing public open space to the north with access to the existing Bethesda Metro Station.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

As proposed, circulation, parking, and loading is safe adequate and efficient. While the main building entry will be from East Lane, pedestrians will be able to access the Site from all three frontages. Montgomery Lane will provide various retail frontages and Hampden Lane will provide a secondary building entrance as well as access to other retail. Pedestrian travel will be further enhanced by installation of the Bethesda Streetscape on all frontages.

Vehicular access and loading to the Site will occur from a consolidated access point along Hampden Lane. As conditioned, this access point will be minimized in width to maximize the pedestrian experience.

The Applicant will participate in the implementation of the Master Planned Separated Bicycle Facility along Montgomery Lane. This facility will include landscaped buffers and an intermediate-grade, two-way separated bike lane

adjacent to the sidewalk. The Project will provide long term bicycle parking internal to the parking garage as well as short term parking spaces near the building entrances, to be finalized at the time of Site Plan.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

Taking into account the considerations in Section 59.4.7.1.B and the Public Benefit Points established with the Bethesda Overlay Zone in Section 59.4.9.2.C.4, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 100 points from 4 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking <sup>1</sup>	20	13
<b>59.4.7.3.D: Diversity of Uses and Activities</b>		
Affordable Housing <sup>1</sup>	n/a	39
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Exceptional Design <sup>1</sup>	30	30
Structured Parking	20	20
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Termination (BLT)	30	4.5
Energy Conservation and Generation <sup>1</sup>	25	15
<b>TOTAL</b>		<b>121.50</b>

<sup>1</sup>Denotes Sector Plan priority

#### Connectivity and Mobility

*Minimum Parking:* The Applicant requests 13 point for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. Based on the formula set forth in the Guidelines, the Applicant is eligible for 13 public benefit points in this category. Final determination will be made at Site Plan and the Planning Board supports the category at this time.

#### Diversity of Uses and Activities

*Affordable Housing:* The Applicant requests 39 points for providing 17.6% Moderately Priced Dwelling Units. The final percentage and number of affordable units will be determined at Site Plan. The Planning Board supports the Applicant's request at this time.

#### Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 30 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines.

The Applicant states the Project provide innovative solutions in response to the immediate context through the proposed 'vertical village, three volumes and outdoor spaces. The mixed-use programming could not be achieved with the uses being adjacent to one another, therefore the vertical programming allows for sculpting of each of the vertical uses. Large outdoor terraces are proposed in the vertical junctures between uses which will provide visual relief and amenity areas for the building users.

The Project will create a sense of place and landmark through biophilic design principles. The surrounding area contains several open spaces and important pedestrian links to public transit, therefore the Project's emphasis on the public realm will enhance the existing network and through building design, will offer urban and architectural opportunity for expression in the neighborhood.

The Project will introduce unique forms and materials through geometric expression of the programmed uses. The materials will be selected to achieve compatibility with the neighborhood character while providing a distinctive building of juxtaposed forms. The conceptual materials include clay masonry, tinted precast concrete, with the retail and terrace areas being primarily glass.

The Project will enhance the public realm in a distinct and original manner through each of the frontages and providing street scale volumes. Particular attention will be spent on creating a dramatic corner expression at East Lane and Hampden Lane, where outdoor seating is anticipated.

The Design Advisory Panel (DAP) unanimously voted the Project is on track to meet the minimum design excellence points at their June 24, 2020 meeting with the following recommendations:

- Further development of the base articulation, including how it relates to the public spaces across East and Hampden Lanes;
- Continue to develop the design to address the use of building overhangs based on the comments raised at the DAP;
- Further refine the relationship between the rear facades;
- Study the potential for shared access between the two buildings with clear preference for split access between Montgomery and Hampden.

The Planning Board supports the Applicant's request at this time, with further refinement at the time of Site Plan.

MCPB No. 20-115  
Sketch Plan No. 320200070  
Hampden East  
Page 15

*Structured Parking:* The Applicant requests 20 points for providing structured parking in a below grade parking structure. The Planning Board supports the category at this time.

Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 4.5 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board supports the Applicant's request at this time.

*Energy Conservation and Generation:* The Applicant is requesting 15 points for providing a building that exceeds applicable energy efficiency standards by 17.5%. The Planning Board supports this request at this time.

*7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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 all binding site development elements shown on the latest version of 320200070, Hampden East, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

MCPB No. 20-115  
Sketch Plan No. 320200070  
Hampden East  
Page 16

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 04 2020 (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 15, 2020, in Wheaton, Maryland.



\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board



## DEPARTMENT OF TRANSPORTATION

Marc Elrich  
County Executive

Christopher Conklin  
Director

June 28, 2021

Ms. Grace Bogdan, Planner Coordinator  
Down-County Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
2425 Reedie Drive  
Wheaton, MD 20902

RE: Preliminary Plan No. 120210130  
Hampden East

Dear Ms. Bogdan:

We have completed our review of the revised preliminary plan uploaded to eplans on May 18, 2021. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on April 13, 2021. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Significant Plan Review Comments

1. To comply with the 2018 Bicycle Master Plan, the applicant will be required to construct the ultimate condition of the master-planned, Montgomery Lane/Montgomery Avenue Two-Way Separated Bike Lane project along their Montgomery Lane frontage. MCDOT is constructing the interim phase as part of CIP #P500119 in August 2021. Coordinate with Ms. Pat Shepherd, Capital Projects Manager/Bikeways Coordinator, at [patricia.shepherd@montgomerycountymd.gov](mailto:patricia.shepherd@montgomerycountymd.gov) or 240-777-7223.
2. The applicant submitted a Traffic Impact Study (TIS) dated June 2021. In order to meet the Bicycle System Adequacy test required in the LATR, the applicant will be required to contribute \$53,380 towards the master planned, Two-Way Separated Bike Lane project on Woodmont Avenue. The payment must be made prior to the issuance of the right-of-way permit. If the County has already completed the project, or decides not to implement the project, then the applicant will continue to make the payment prior to issuance of the right-of-way permit. This payment will be used to fund other bicycle infrastructure improvements in the Bethesda CBD. For information related to the Woodmont Avenue separated bike lanes, please contact Mr. Robert Gonzales of our Transportation

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

Ms. Grace Bogdan  
 Preliminary Plan No. 120210130  
 June 28, 2021  
 Page 2

Engineering Section. Mr. Gonzales can be reached at [Robert.gonzales@montgomerycountymd.gov](mailto:Robert.gonzales@montgomerycountymd.gov) or at 240-777-7296.

3. The TIS includes the required ADA pedestrian adequacy study, since the site will generate more than 50 pedestrian trips. Per the October 25, 2018 MCDOT memorandum re: "Technical Guidance: 2016 Subdivision Staging Policy (SSP) ADA Noncompliance Test Procedures for Urbanized Areas", the applicant is required to fix Tier 1 items and either fix or fund Tiers 2 and 3 items. The minimum contributions for Tiers 2 and 3 are \$100,000 and \$50,000, respectively. Included with this letter are Attachment A, which describes deficiencies in each Tier; Attachment B, which shows a map of each Tier; and Attachment C, which shows the locations of the deficiencies. The applicant will fix the Tier 1 items as part of their development. For the Tier 2 and Tier 3 items, the applicant will be required to fix these items or pay the minimum \$100,000 and \$50,000 contributions, respectively, prior to issuance of the right-of-way permit.
4. The Applicant shall coordinate with Ms. Beth Dennard at [beth.dennard@montgomerycountymd.gov](mailto:beth.dennard@montgomerycountymd.gov) or 240-777-8384 to implement the following recommendations for Transportation Demand Management (TDM) elements on the Subject Property:

As noted in the MCDOT Sketch Plan letter dated September 18, 2020 and in the Statement of Justification (SOJ) for these applications, the project is required to submit a Level 3 Project-Based TDM Results Plan. The project meets the location (Red Subdivision Staging Policy Area and the Bethesda Transportation Management District) and size threshold requirement (more than 40,000 gsf) for this plan level.

A Project-based TDM Results Plan requires a commitment by the owner or applicant to achieve a base NADMS that is 5% higher than the District's goal as well as related commuting goals at that project. The Plan must be submitted and approved by MCDOT prior to issuance of any building permit from DPS.

Level 3 Project-Based TDM Results Plans require the following:

- i. Appoint a Transportation Coordinator;
- ii. Notify the Department of the Coordinator's contact information within 30 days of receipt of final use and occupancy (U&O) certificate;
- iii. Provide space in the project for the promotion of TDM;
- iv. Display TDM-relation information in highly visible location(s);
- v. Identify specific TDM actions to be implemented in order to achieve 5% above the Bethesda TDM commuter goals;
- vi. Applicant and/or Substitution of Strategies: If strategies initially selected by the owner or applicant do not result in the project achieving goals by 6 years after final occupancy, revisions to the plan or strategies initially selected may be required;
- vii. Additional Funding: Commit funding if the project does not achieve the goal within 6 years of final occupancy. Provide higher additional funding if the project has not achieved the goal within 8 years of final occupancy;

Ms. Grace Bogdan  
Preliminary Plan No. 120210130  
June 28, 2021  
Page 3

- viii. Conduct independent monitoring to determine if the project is meeting its goals until the project's goals are achieved.
5. Provide necessary dedication on Hampden Lane and East Lane as shown on Preliminary Plan Sheet No. PP-3.

Standard Plan Review Comments

6. No steps, stoops, retaining walls or other structures for the development are allowed in County right-of-way. In addition, doors are not allowed to swing into the County right-of-way.
7. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
8. The sight distance study has been accepted. A copy of the Sight Distance Evaluation certifications form is included with this letter.
9. Construct Bethesda Central Business District streetscaping along the Montgomery Lane, East Lane and Hampden Lane site frontages.
10. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
11. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
12. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
14. Posting of a ROW permit bond is a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

Ms. Grace Bogdan  
Preliminary Plan No. 120210130  
June 28, 2021  
Page 4

- a. Paving, separated bike lanes, curbs, gutters, sidewalks, handicap ramps and storm drain along Montgomery Lane.
- b. Paving, curbs, gutters, sidewalks, handicap ramps and storm drain along East Lane and Hampden Lane.
- c. Construct Bethesda Streetscaping along Montgomery Lane, East Lane and Hampden Lane.
- d. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
- e. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.
- f. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-2173.

Sincerely,

*William Whelan*

William Whelan  
Development Review Team  
Office of Transportation Policy

Ms. Grace Bogdan  
Preliminary Plan No. 120210130  
June 28, 2021  
Page 5

[SharePoint/transportation/directors office/development review/WhelanW/120210130 Hampden East - MCDOT Review Letter 062521.docx](#)

Enclosures (4)

Sight Distance Certifications  
Attachment A  
Attachment B  
Attachment C

cc: Correspondence folder FY 2021

cc-e: Jonathan Bondi	VIKA
Matthew Gordon	SGRW Law
Katie Mencarini	MNCP&PC
Mark Terry	MCDOT DTEO
Sandra Brecher	MCDOT CSS
Beth Dennard	MCDOT CSS
Sam Farhadi	MCDPS RWPR

Ms. Grace Bogdan  
Preliminary Plan No. 120210130  
June 28, 2021  
Page 6

## **ATTACHMENT A**

### **6.2 Pedestrian System Adequacy**

The proposed development is anticipated to generate 137 net new pedestrian trips in the AM peak hour and 133 net new pedestrian trips in the PM peak hour. These values exceed the 50-trip threshold that requires a pedestrian adequacy test. Per the *2017 LATR Guidelines*, any site that generates at least 50 pedestrian peak-hour trips (including trips to transit) must:

- Fix (or fund) all Americans with Disabilities Act (ADA) noncompliance issues, including, but not limited to, curb ramps and sidewalks, within a 500-foot radius of site boundaries or within the distance to the nearest signalized intersections located beyond a 500-foot radius of site boundaries.
- Ensure LOS D for crosswalk pedestrian delay (or no more delay than existing) at any LATR study intersections that are located within 500 feet of site boundaries or within a Road Code Urban Area/Bicycle Pedestrian Priority Area (RCUA/BPPA).

The pedestrian system adequacy study area is shown in Figure 6-1. Identified ADA issues within a three-tiered ring around the subject development are shown in Figure 6-2.

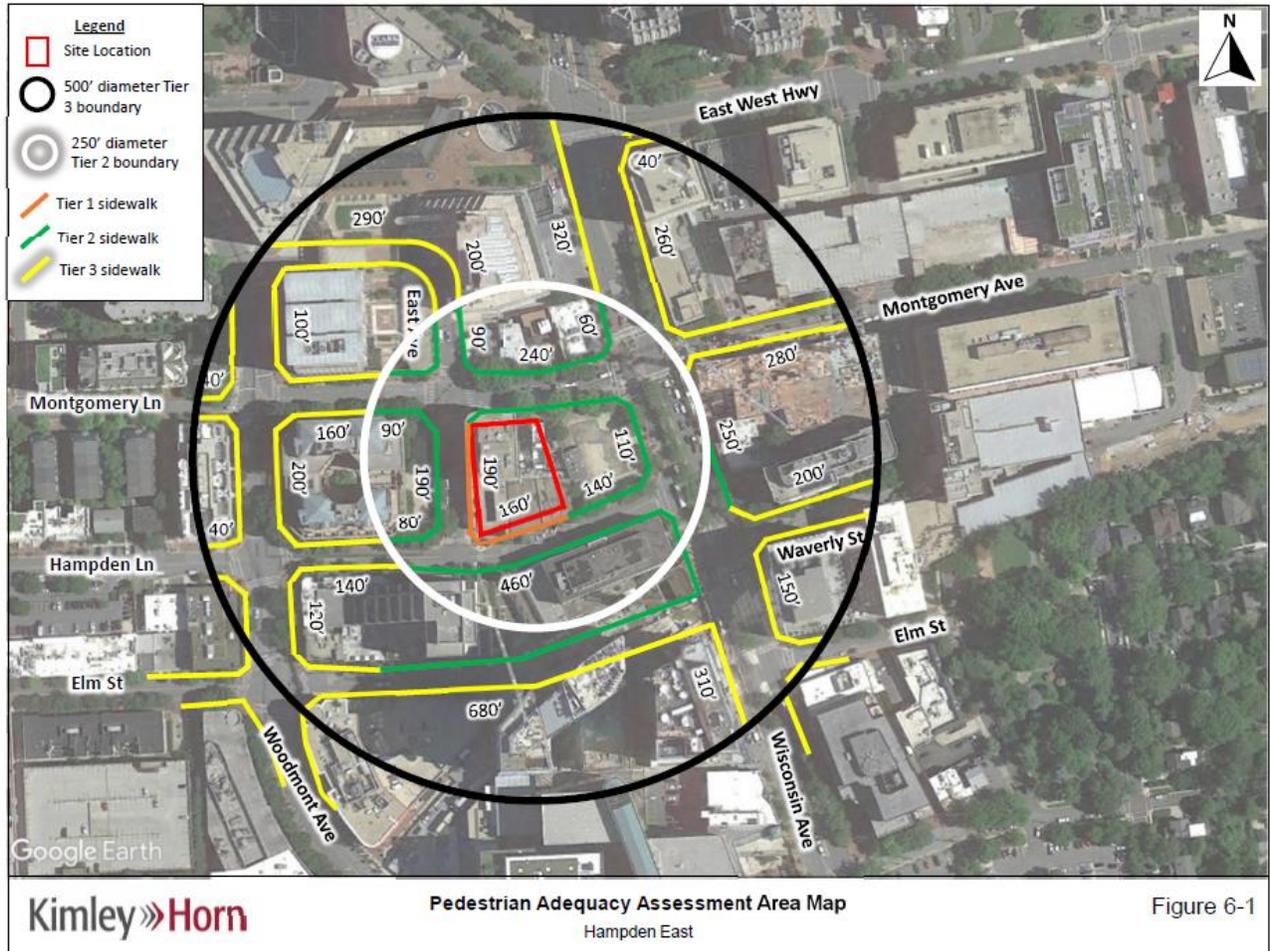
As shown in Figure 6-2 there were four identified ADA non-compliance issues. Two issues are located along the site frontages on East Lane and Hampden Lane. Along East Lane, the existing sidewalk is narrow, and bollards protecting the existing garage entrances which narrow the sidewalk to an even greater degree. On Hampden Lane existing steps leading to business constrict the sidewalk and encroach into the accessible path. Both of these issues will be addressed with new, ADA-compliant sidewalks provided by the development along the site frontages.

The third identified ADA issue relates to curb ramps on either side of East Lane just north of Montgomery Lane, which are missing detectable warning surfaces and, thus, do not appear to meet ADA standards.

The fourth ADA issue is in the northeast corner of the intersection of East Lane and Montgomery Lane. Only a single ramp is provided in this corner for the east leg crosswalk, but a separate ramp is not provided for the north leg crosswalk.

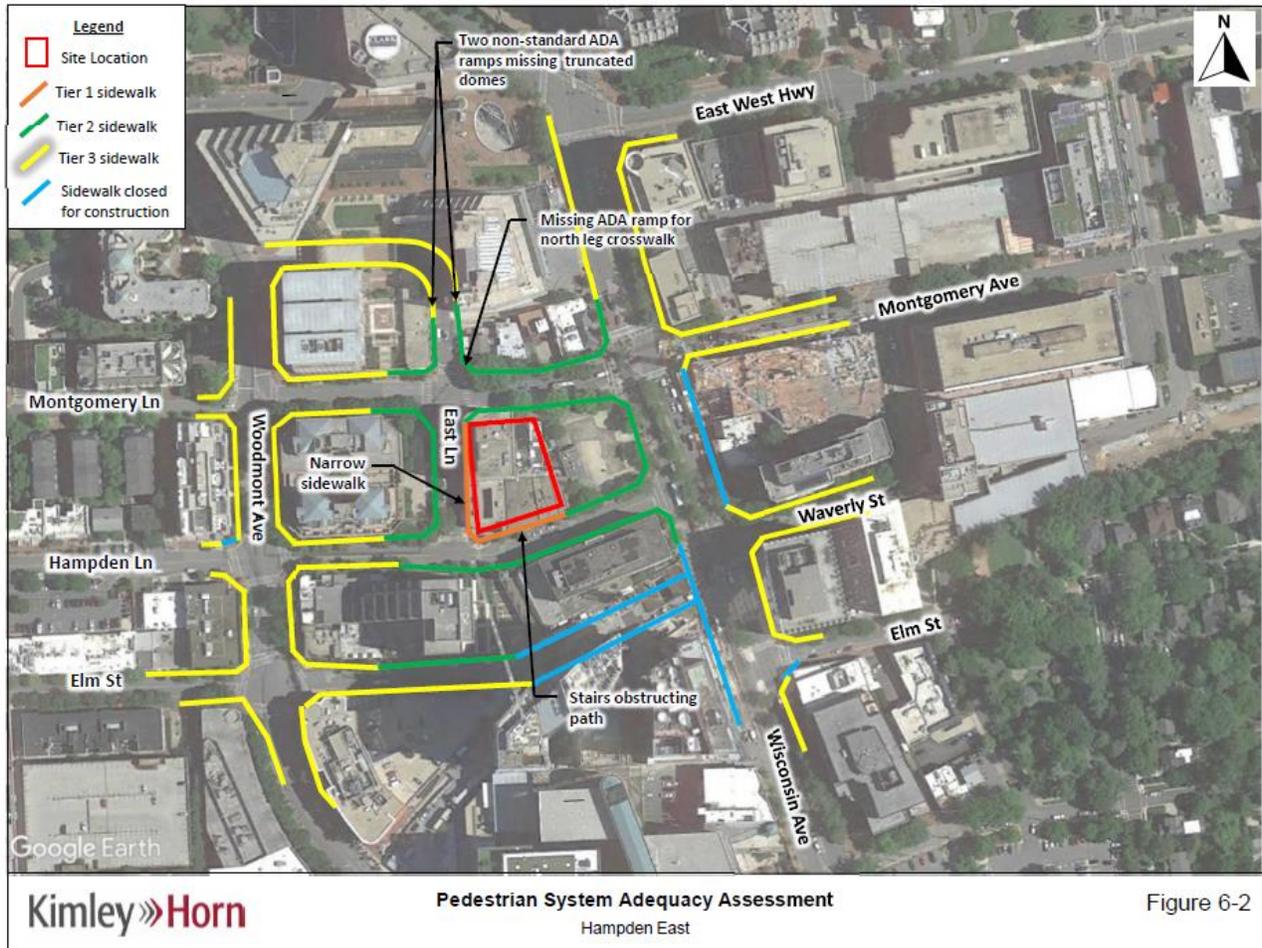
Ms. Grace Bogdan  
 Preliminary Plan No. 120210130  
 June 28, 2021  
 Page 7

**ATTACHMENT B**



Ms. Grace Bogdan  
Preliminary Plan No. 120210130  
June 28, 2021  
Page 8

**ATTACHMENT C**



June 25, 2021

Mr. Andrew Smith  
Kimley-Horn and Associates, Inc.  
11400 Commerce Park Drive, Suite 400  
Reston, VA 20191

Dear Mr. Smith:

Thank you for the opportunity to review the **Traffic Impact Study (TIS)** prepared by **Kimley-Horn and Associates, Inc.** dated **December, 2020** and *revised June, 2021* for the proposed **Hampden East** development – **21APMO019XX** located at **MD 355 Wisconsin Avenue** (Mile Point: **1.60**) in **Montgomery County**, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- The proposed development involves the demolition of eight existing buildings on Hampden Lane, and reconstructing them to include 150 multifamily residential units, 350,000 square feet of office space, and 10,000 square feet of ground-floor ancillary retail space.
- Vehicular site access will be provided via a parking garage with an entrance located on Hampden Lane.
- Pedestrian site access will be provided primarily along East Lane which has wider sidewalks and will serve as the new, pedestrian-oriented "front door" of the property.

Based on the information provided, please address the following comments in a point-by-point response:

**Travel Forecasting and Analysis Division (TFAD) Comments by (Mr. Scott Holcomb):**

1. The numbers of pedestrians in the Table 6-3 should match the numbers provided on Figure 3-2. Double check the numbers as there are some discrepancies between them. Also, please verify how you obtained the pedestrian counts for the intersection of Woodmont Avenue and Elm Street and include the counts in Appendix B. Resubmit the pedestrian analysis if these adjustments significantly impact pedestrian volumes and delays.

Mr. Andrew Smith  
SHA Tracking No.: 21APMO019XX  
Page 2 of 3  
June 25, 2021

**Traffic Development & Support Division (TDSD) Comments by (Ms. Obianuju Ani):**

1. There are high volume imbalance between intersection 1 & 2 along MD 187 and also between intersections 4 & 6 along MD 355. Please correct.
2. Intersection/corridor delays from the synchro files sent to us are different from the results shown on table 6-1 in the report and HCM worksheet in appendix D. MD 355 @ Montgomery Ln. has 63.8 sec PM delay from the model whereas it's reported as 35.0 sec. Please update table 6-1 to show the correct output from synchro files.

**District 3 Traffic Comments by (Mr. Alvin Powell):**

1. We note that the Synchro models contain coding errors which when run in SimTraffic produce fatal errors which do not allow simulation to complete and traffic operations to be observed. Please revise the models and resubmit.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional full traffic analyses. However, responses to the above comments are requested in order to provide full approval. Additionally, an access permit will be required for all construction within the SHA right of way. Please submit electronically (via our online system <https://mdotsha.force.com/accesspermit>) the proposed improvement plans (including a set of hydraulic plans and computations) and all supporting documentation to the Access Management Division. Please reference the SHA tracking number on any future submissions.

Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <https://www.roads.maryland.gov/mdotsha/pages/amd.aspx>. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development.

Mr. Andrew Smith  
SHA Tracking No.: 21APMO019XX  
Page 3 of 3  
June 25, 2021

If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at [kwoodroffe@mdot.maryland.gov](mailto:kwoodroffe@mdot.maryland.gov) or [shaamdpermits@mdot.maryland.gov](mailto:shaamdpermits@mdot.maryland.gov).

Sincerely,



for Erica Rigby,  
District Engineer, District 3, SHA

ER/jwm

cc: Ms. Natasha Aidoo, SHA District 3 Traffic  
Ms. Obianuju Ani, SHA – TDSD  
Ms. Grace Bogdan, Montgomery Planning  
Ms. Rola Daher, SHA – TFAD  
Mr. Scott Holcomb, SHA – TFAD  
Ms. Katherine Mencarini, Montgomery Planning  
Mr. Alvin Powell, SHA District 3 Traffic  
Mr. William Stroud, SHA – TDSD  
Mr. Kwesi Woodroffe, SHA District 3 Regional Engineer  
Mr. Oscar Yen, SHA – TDSD



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

June 21, 2021

Mr. Joseph Lemich  
VIKA  
20251 Century Blvd.  
Suite 400  
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
4720 Hampden Lane  
PP#: 120210130  
SP#: 820210070  
SM File #: 286606  
Tract Size/Zone: 46,200 sq.ft./CR-5.0, C5.0,  
R-4.75, H-250  
Total Concept Area: 1.55 ac/ 66,000 sq. ft.  
Legal Description: Block 24C/ Lot7/Parcel C/  
Lots 5A-5E/Parcel 4  
Watershed/Class: Little Falls Branch/ Class I  
Type of Development: Redevelopment

Dear Mr. Lemich,

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet ESD to the MEP stormwater management goals via green roof and micro-bioretenion for the site and via a waiver for improvements in the County right-of-way.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.



2454 Reddie Drive, 7<sup>th</sup> floor, Wheaton, MD 20902 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

Mr. Joseph Lemich  
June 21, 2021  
Page 2 of 2

4. Provide acceptable access to stormwater management measures for maintenance and inspection.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: mmf

cc: N. Braunstein  
SM File # 286606

On-site  
ESD: Required/Provided 4813 cf/ 4813 cf  
PE: Target/Achieved: 2.0"/2.0"  
STRUCTURAL: n/a  
WAIVED: n/a

Adjacent ROW  
ESD: Required/Provided 2107 cf/ 0 cf  
PE: Target/Achieved: 2.0"/0.0"  
STRUCTURAL: n/a  
WAIVED:2107 cf

## DPS-ROW CONDITIONS OF APPROVAL

### 820210070 Hampden East

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-SITE-820210070-003.pdf V3” uploaded on/ dated “4/28/2021”,  
“08-LL-820210070-300.pdf V2” uploaded on/ dated “4/28/2021”.

The followings need to be addressed prior to the certification of site plan:

1. Provide public sidewalk:
  - a. to ADA standards (minimum five feet wide) and label it accordingly;
  - b. ensure all handicap ramps have receiving ramps (label clearly) and are aligned with them;
2. Please provide a note indicating PIE is not provided in lieu of Master Planned ROW (due to proposed build-to line within it).



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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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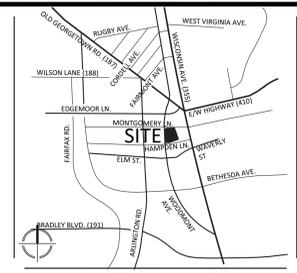
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**DATE:** 14-Jun-21  
**TO:** Jason Evans  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** Hampden East  
120210130 820200070

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **09-Jun-21** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



VICINITY MAP  
SCALE: 1" = 2000'

**VKA**  
VKA MARYLAND, LLC  
20251 Century Blvd., Suite 400  
Germantown, MD 20874  
301.916.4100 | vka.com  
Our Site Set on the Future.  
PREPARED FOR:  
HAMPDEN LANE PROJECT, LLC  
4719 Hampden Lane, 3rd Floor  
Bethesda, MD 20814  
240.482.8110  
CONTACT: JANEL KAUSNER  
DOUGLAS DEVELOPMENT INC.  
655 New York Ave, NW, Suite 830  
Washington, DC 20001  
202.636.6300

LAND USE ATTORNEY:  
SELZER GURVICH RABIN  
WERTHEIMER & POLOTT, P.C.  
4416 East West Hwy., 4th Floor  
Bethesda, MD 20814  
301.986.9600  
CONTACT: C. Robert Dairymple

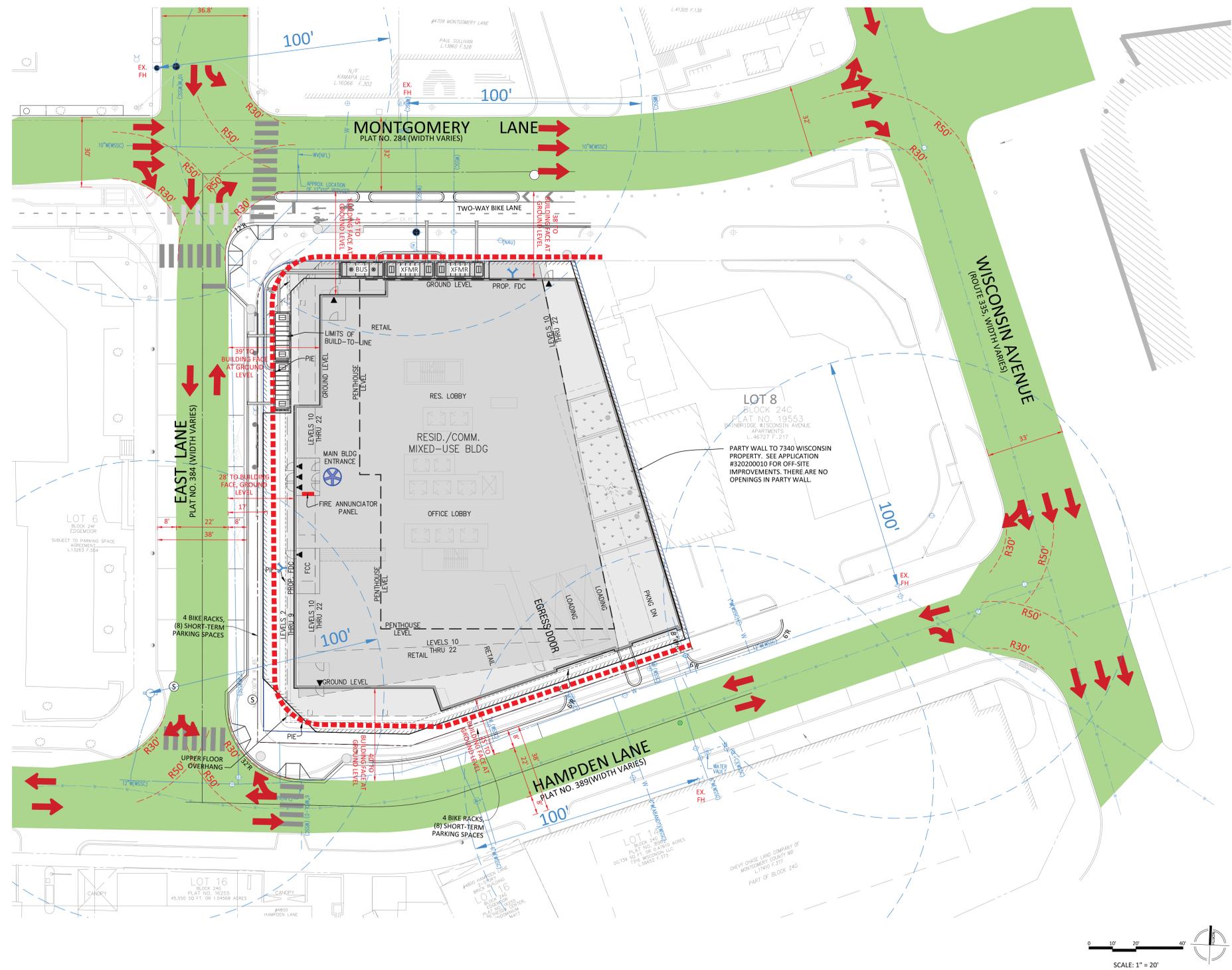
ARCHITECT:  
SHALOM BARNES ASSOCIATES  
1010 Wisconsin Ave. NE, Suite 900  
Washington DC 20007  
CONTACT: Robert Spenseller

PLANNING:  
VKA MARYLAND, LLC  
20251 Century Blvd., Suite 400  
Germantown, MD 20874  
CONTACT: Jonathan Bondi, PLA

ENGINEER:  
VKA MARYLAND, LLC  
20251 Century Blvd., Suite 400  
Germantown, MD 20874  
CONTACT: Jason Evens, P.E.

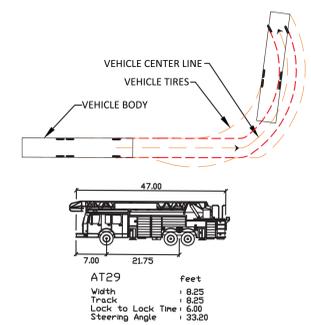
LANDSCAPE ARCHITECT:  
PARKER RODRIGUEZ  
1 North Union Street  
Suite 8320  
Alexandria, VA 22314  
CONTACT: Trini Rodriguez

TRAFFIC CONSULTANT:  
KIMLEY-HORN  
11400 Commerce Park Drive, Suite 400  
Reston, VA 20191  
CONTACT: Andrew Smith, P.E.



**LEGEND**

- EXISTING PROPERTY LIMITS
- PROPOSED PROPERTY LIMITS
- APPROXIMATE LIMITS OF PIE
- PROPOSED BUILDING (GROUND LEVEL)
- PENTHOUSE LEVEL
- LIMITS OF UNDERGROUND STRUCTURE
- PROPOSED BUILDING
- PROPOSED BUILDING TOWER
- BUILDING MAIN ENTRANCE
- WATER LINE AND FITTING
- FIRE DEPARTMENT CONNECTION (FDC)
- EXISTING FIRE HYDRANT
- BUILDING ENTRY
- ELEVATED COURTYARD ENTRY ONLY
- FIRE TRUCK MOVEMENT (AT 79' TRUCK)
- FIRE TRUCK ACCESS PATH
- FIRE ACCESS FOOT PATH
- TYPICAL FIRE LANE SIGNAGE
- FCC
- FIRE CONTROL CENTER
- ANNUNCIATOR PANEL



**FIRE CODE ENFORCEMENT**  
Fire Department Access Review  
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
BY: SAC P# 43 DATE: 6/14/2021

REVISIONS	DATE

**HAMPDEN EAST**  
7TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 209NW05  
TAX MAP: HN22

**FIRE ACCESS PLAN**



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
NAME: JANEL A. KAUSNER  
LICENSE NO.: 78025  
EXPIRATION DATE: JANUARY 26, 2023

**NOTE:**

1. THE FIRE COMMAND CENTER LOCATION SHALL BE FINALIZED BY DPE COMMERCIAL BUILDING PERMIT REVIEW.
2. THE FCC LOCATIONS SHALL BE REVIEWED AND APPROVED BY THE DPE COMMERCIAL BUILDING PERMIT PLAN REVIEW GROUP.

**DEVELOPER'S CERTIFICATE**  
The undersigned agrees to execute all the features of the Site Plan Approval No. 820210070, including Approval Conditions, Development Program and Certified Site Plan.  
Developer's Name: Hampden Lane Project, LLC  
Contact Person: Janel Kausner  
Address: 2229 Hampden Lane 3rd Floor Bethesda, MD 20814  
Phone: 240.482.8116  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

"FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"  
The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

# Bethesda Downtown Design Advisory Panel

## Meeting Minutes

**PROJECT:** Hampden East

**DATE:** March 24, 2021

---

*The **Hampden Lane** project was reviewed by the Bethesda Downtown Design Advisory Panel at Sketch Plan on June 24, 2020. On March 24, 2021, the Panel reviewed the project for Site Plan. The following meeting notes summarize the Panel's discussion, recommendations regarding design excellence, and the exceptional design public benefits points. The project is in the Site Plan stage and the Design Advisory Panel will determine if comments from Sketch Plan have been incorporated and take the final vote for design excellence public benefit points. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

---

### **Attendees:**

George Dove  
 Rod Henderer  
 Brian Kelly  
 Damon Orobona  
 Qiaojue Yu  
 Paul Mortensen, ex officio member, Senior Urban Designer in the Director's Office

### Staff

Robert Kronenberg, Deputy Director  
 Elza Hisel-McCoy, Chief, DownCounty Planning  
 Stephanie Dickel, Regulatory Supervisor, DownCounty Planning  
 Grace Bogdan, Planner Coordinator, DownCounty Planning  
 Emily Balmer, Administrative Assistant III, DownCounty Planning

### Applicant Team

Robert Dalrymple, Attorney	Filipa Powell, Architect
Matt Gordon, Attorney	Jennifer Gallaher, Architect
Daryl South, Developer	Nick Auger, Architect
Janel Kausner, Developer	John Neilson, Landscape Architect
Robert Sponseller, Architect	Trini Rodriguez, Landscape Architect
Anna Weber, Architect	Jonathan Bondi, VIKA

*No members of the public were in attendance*

### **Discussion Points:**



*Staff: The Panel first saw this item at the Sketch Plan stage in June of 2020 with favorable support that the Project was on track to meet the 10 minimum design excellence points. At Site Plan stage, the review is focused on more detailed and developed architectural expression and site design, consistent with the Design Guidelines.*

### General

- I recall back to the original massing from over a year ago, you had proposed three options for the podium which we thought the third, cubist design, was the most favorable. It is becoming clear in the new design that you've taken that cubist design to the next step in the entire building design and I think the massing has progressed very nicely and is very handsome on all three frontages.
- Thank you for the nice presentation. I think the building and articulation has progressed well, I really like this project.
- I think this will correspond well to the Metro Tower design to the south, it will make Hampden Lane a very great and interesting experience.

### Outdoor Space

- Are these terraces limited to the office users?  
*Applicant Response: There are terraces for the residents as well, at the 8<sup>th</sup> floor (top residential floor) which is envisioned as a screened terrace and then there will be individual unit balconies. We are setting these back from the façade so they act as outdoor rooms and protected spaces, and we are currently determining how many of those should be integrated on each facade. So with those balconies I think they will add a great layer of depth to the building. For the upper level terraces, those spaces will be dedicated to just the office users, not the residents.*

### Sustainability

- Under the design principles you talk about providing an energy efficient design but I could not really find further description of what that entails, can you elaborate how the project is meeting those goals?  
*Applicant Response: It turns out the State of Maryland has some very progressive energy efficiency incentives. The efficiency is mostly being achieved through the use of high-performance glazing system with fritted glass, as well as a very efficient energy system for residential and office. At the residential level, we are at less than 50% glass which really helps. For the office level, we are looking at high performance glass and a shadow box design to improve our efficiency. We are currently on target to be well above the base performance requirements. Montgomery County energy performance criteria are really stringent, from both the zoning and building perspective and we are meeting those currently, which is about LEED Silver, and are happy to provide more information on how much we are exceeding these requirements by.*
- Since you are requesting 30 points, which is the maximum amount, I think this is a big ask and an important component to consider when trying to achieve maximum points, I think LEED Silver is a low bar.



## Materials

- Materials surrounding are lighter materials except to the southwest?  
*Applicant Response: Directly to our west and south are all masonry grey brick, red brown, and orange brick. To the north we get more precast concrete building material.*
- The two buildings to the south have the reddish orange brick and with the plaza that your building is trying to make an important gesture to, with the large roads separating each, if your building went with the warm terra cotta it would identify more with the reddish orange buildings to the south and west. I think it will bring continuity to the plaza and create an urban room and sense of space. This will also be much more unique than the white-grey option that would identify more with the concrete office buildings to the north. The elegance of the residential façade will be a good background, but also stand out by virtue of the articulation and unique pattern with woven irregularity. East Lane, to me, will also provide continuity with the building to the west with a nice slender space. With the ground plane and plaza space, emulating the colors to the southwest help the urban room rather than buildings to the north.
- I agree with the terra cotta at the base, I think the materiality that you are heading towards is the right direction.
- Could there be a play between the proportion between the residential and office so its not so much a pop up but perhaps a variant, genetic continuity, so the tower doesn't feel like it was placed on top of a table. A figure ground reversal, not exactly traditional or nostalgic, but a slender, abstract language.  
*Applicant Response: Thank you for that comment, we have been working on that actually, creating an office façade with slightly more character. We didn't want a glass box, we are looking at mullion patterns (depth and shape) that are more traditional and nostalgic just for the strong sense of rhythm of pattern on the base. We are putting a decorative metal spandrel which will read as a raked metal texture behind the glass. We can't commit to more solid but we can certainly increase the articulation.*

## Corner of East and Montgomery Lane

- I could not find any perspectives of this area and it seems there is no setback on Montgomery Lane?  
*Applicant Response: We can show you the views, to your question about setbacks, we were aligning the base on this façade since this is narrower. When you are coming in Bethesda from the north they are more formal, but to the south and west there are more opportunities for the building to change and be sculpted and provide the open areas at the base and above.*
- To your point, yes, Metro Tower has a similar treatment which is a good justification. I like the proportions shown in the rendering, thank you for the additional perspectives.  
*Applicant Response: Yes, that was our feeling as well, and we took advantage of the opportunity to sculpt the building to the south and west towards Bethesda Row and the Purple Line.*

## Landscaping

- The landscape rendering looks really great, with the trees that are proposed on the very high floors you should be careful with the trees proposed and the wind load on the upper floors.



*Applicant Response: Thank you that's a very good comment. We worked with our Landscape Architects to provide a generous pedestrian environment along all frontages to allow ample areas for tree pits and planting with consistent spacing along each of the frontages.*

**Panel Recommendations:**

The Applicant is requesting 30 points for design excellence. The Panel voted 5-0 in support of 25 points with the Project as proposed, however if the Applicant were to commit to a Site Plan condition to pursue a minimum of LEED Gold certification, the Panel supports the full 30 points requested.



ZONING RIGHTS AGREEMENT

THIS ZONING RIGHTS AGREEMENT (this "Agreement"), is made and entered into as of September 7<sup>th</sup>, 2016, by and between JBG/ONE BETHESDA DENSITY, L.L.C., a Delaware limited liability company ("Density Acquiror"), and (ii) CORINTHIAN BETHESDA TIC LLC, a Delaware limited liability company, and FOUNDATION BETHESDA TIC LLC, a Delaware limited liability company (collectively the "Property Owner").

RECITALS

WHEREAS, Property Owner is the owner of certain real property known as One Bethesda Center, located at 4800 Hampden Lane in Bethesda, Montgomery County, Maryland and more particularly described on Exhibit A attached hereto (the "Property").

WHEREAS, Property Owner has agreed to grant Density Acquiror certain rights with respect to the transfer or sale of any Excess Development Rights (defined below), all subject to and in accordance with the terms and conditions more particularly set forth below.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, and such additional good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree as follows:

ARTICLE 1.

GENERAL PROVISIONS

1.1. Recitals. The recitals set forth above are hereby incorporated into this Agreement as if fully set forth in this Article 1.

1.2. Definitions. The following terms, whenever used in this Agreement shall have the meanings set forth below. Certain other capitalized terms used only in specific sections of this Agreement are defined in such sections.

1.2.1. "Affiliate" shall mean, with respect to any referenced Person, (i) such Person or a member of his immediate family; and (ii) any Person directly or indirectly Controlling, Controlled by, or under direct common Control with the Person in question; provided, however that Density Acquiror and Property Owner and their respective successors and assigns shall in no event be deemed Affiliates hereunder.

1.2.2. "Control(s)(led)(ling)" shall mean, as applied to a referenced Person, the possession, directly or indirectly, of the power to direct or cause the day to day management of that Person, whether through ownership of voting securities, by contract, or otherwise.

1.2.3. "Excess Development Rights" shall mean any and all density and development rights that accrue to the Property which are in excess of the Required Owner Density Rights. Excess Development Rights include those, if any, currently existing, unutilized density and development rights with respect to the Property and the Property's rights, if any, in

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AU

AFTER RECORDING Return to:  
Chicago Title Insurance Company  
2000 M Street N.W.  
Suite 610 29501630613  
Washington, D.C. 20036

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BHM 52850, p. 0488, MSA\_CE63\_52807. Date available 09/27/2016. Printed 12/16/2020.

the streets adjacent to the Property as well as any that may result from any potential future upzoning or rezoning of the Property.

1.2.4. [Intentionally Omitted]

1.2.5. “**Person**” shall mean any individual, partnership, limited liability company, corporation, trust or other entity.

1.2.6. “**Required Owner Density Rights**” shall mean (i) the gross building area, development and density rights utilized in the improvements on the Property existing as of April 1, 2011, including all rights necessary to maintain, operate or rebuild the improvements on the Property using the density and square footage utilized as of such date, and (ii) any development or density rights which Property Owner or its Affiliates cause or have caused to be (on behalf of Property Owner) transferred or allocated to the Property from any other real property or otherwise (the rights described in this clause (ii) being referred to herein as “**Transferred Rights**”). Such Required Owner Density Rights shall be determined, defined and calculated by Montgomery County measurement standards, requirements and regulations existing and applicable at the time of such determination and calculation.

1.2.7. “**Site Plan**” shall mean any sketch plan, site plan, project plan, single lot covenant agreement, subdivision or similar agreement or plans which include the Property.

## ARTICLE 2.

### EXCESS DEVELOPMENT RIGHTS AND LIMITATIONS

2.1 Identification of Rights. Subject to the terms and conditions set forth in this Agreement, the parties agree that Density Acquiror is and shall be entitled to all the benefits of any Excess Development Rights, including any proceeds from a sale or transfer, occurring prior to the expiration of the term of this Agreement (the “**Density Acquiror Right**”), subject however to the following:

2.1.1 Density Acquiror shall have no right to construct any improvements on the Property.

2.1.2 Density Acquiror agrees that Property Owner shall have the right from time to time and at any time, without the consent or approval of Density Acquiror, to demolish, develop, redevelop, construct and/or reconstruct any improvements on the Property provided such improvements do not utilize or reduce any Excess Development Rights.

2.2 Requirements. Density Acquiror agrees that any realization, severance, conveyance or transfer of any Excess Development Rights shall be subject to all legal requirements including all zoning and subdivision laws and regulations.

2.3 Action by Property Owner. Property Owner shall have no rights with respect to the Excess Development Rights, or to any compensation (if any) payable to any party in connection with the future conveyance thereof, other than as set forth herein. Any action taken by Property Owner (or any of its Affiliates on behalf of Property Owner) with respect to the

Excess Development Rights, including but not limited to conveyance, encumbrance or pledge thereof, other than as set forth herein shall be deemed void *ab initio*.

2.4 Cooperation by Property Owner. Subject to the terms and conditions set forth in this Agreement, including, without limitation, the provisions of Article 4 below, Property Owner and any successor owner of the Property shall cooperate in a commercially reasonable manner with Density Acquiror to realize, sever, convey, allocate or otherwise transfer Excess Development Rights, which may include, but not be limited to, joining in a Site Plan and/or timely executing and delivering such documents as are commercially reasonably necessary to allow the Excess Development Rights to be transferred to any party or parties to whom Density Acquiror directs that such Excess Development Rights be conveyed.

2.5 Representation of Property Owner. Each Property Owner hereby represents and warrants that Property Owner is validly existing and in good standing as of the date hereof and has all company power, right and authority, and has obtained all required consents, whether third party or otherwise, to enter into this Agreement and to consummate the transactions contemplated herein.

2.6 Representation of Density Acquiror. Density Acquiror hereby represents and warrants that Density Acquiror is validly existing and in good standing as of the date hereof and has all company power, right and authority, and has obtained all required consents, whether third party or otherwise, to enter into this Agreement and to consummate the transactions contemplated herein.

### ARTICLE 3.

[INTENTIONALLY OMITTED]

### ARTICLE 4.

#### COSTS AND INDEMNIFICATION

4.1. Costs. Density Acquiror agrees that the agreements and obligations of Property Owner under and with respect to this Agreement, as well as the creation, realization, conveyance or transfer of any Excess Development Rights, shall be at no cost or expense to Property Owner and Property Owner shall have no obligation to (i) expend any time, (ii) allocate personnel, (iii) hire or contract with any third parties, (iv) incur or pay any costs or fees, (v) agree to any arrangements which result in the Property becoming a nonconforming use (legal or otherwise), (vi) impair the Required Owner Density Rights or (vii) agree to any covenants, agreements, proffers, payments or other commitments in connection therewith (collectively, “**Excess Development Obligations**”). Density Acquiror further agrees that if, as a result of Density Acquiror’s efforts (whether through Property Owner or otherwise) to realize, sever or convey any Excess Development Rights, the Property is subject to increased transfer tax pursuant to Sec. 52-21(e) of the Montgomery County Code or other relevant Code provisions, Density Acquiror shall be responsible for such increase, and shall pay such amount to Property Owner, upon Property Owner’s request in connection with any transfer of the Property.

4.2. Indemnification. Density Acquiror hereby agrees to indemnify, defend and hold Property Owner and its officers, directors, members, managers, partners, owners and successors and assigns (collectively, the “**Indemnified Parties**”) harmless from and against any and all Excess Development Obligations. All fees, costs and expenses relating to any transfer of any Excess Development Rights, including any title insurance premiums or costs for title endorsements, reasonable attorney’s fees, and any transfer or recordation taxes shall be paid by Density Acquiror and Density Acquiror hereby agrees to indemnify the Indemnified Parties with respect to any such fees, costs and expenses. The foregoing indemnification shall survive the termination of this Agreement.

## ARTICLE 5.

### GENERAL PROVISIONS

5.1. Term. Unless otherwise expressly agreed to in writing by the parties and except with respect to any provision hereof which by its terms expressly survives any termination, this Agreement, along with all right, title and interest of Density Acquiror in and to the Excess Development Rights, shall terminate and be of no further force and effect on April 1, 2061, without the necessity or requirement of further agreement, signature or delivery by any party. In addition, in the event Density Acquiror dissolves or its existence is otherwise terminated without an assignment of its rights in accordance with the terms of this Agreement, Density Acquiror’s rights herein shall automatically terminate and be of no further force or effect.

5.2. Recordation. Promptly following the execution and delivery of this Agreement, Property Owner shall cause this Agreement to be recorded in the Land Records of Montgomery County, Maryland (the “Land Records”).

5.3. Notices. All notices, demands or other communications given hereunder, by the parties hereto or their respective counsel on their behalf, shall be in writing, and shall be deemed to have been duly delivered (i) upon the delivery (or refusal to accept delivery) by messenger or overnight express delivery service (or, if such date is not on a business day, on the business day next following such date) or (ii) upon the receipt by facsimile transmission as evidenced by a receipt transmission report or by email correspondence (followed in either instance by delivery within one business day by one of the other means identified in (i)), addressed as follows:

If to Property Owner, to:                   c/o Spitzer Enterprises  
730 Fifth Avenue  
New York, New York 10019  
Attention: Eliot Spitzer

with a copy in the same manner and at the same time to:

Mintz Levin Cohn Ferris Glovsky and Popeo PC  
666 Third Avenue  
New York, New York 10017  
Attention: Jeffrey A. Moerdler, Esq.

If to Density Acquiror, to: c/o The JBG Companies  
4445 Willard Avenue, Suite 400  
Chevy Chase, Maryland 20818  
Attention: Aaron Herman, Senior Counsel

Either party may, by notice given as aforesaid, change the address or addresses, or designate an additional address or additional addresses, for its notices, provided, however, that no notice of a change of address shall be effective until actual receipt of such notice.

5.4. Captions. Captions in this Agreement are inserted for convenience of reference only and do not define, describe or limit the scope or the intent of this Agreement or any of the terms hereof.

5.5. Entire Agreement. This Agreement contains the entire agreement between the parties relating to the agreement contemplated hereby and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.

5.6. Modification. No modification, waiver, amendment, discharge or change of this Agreement shall be valid unless the same is in writing and signed by the party against which the enforcement of such modification, waiver, amendment, discharge or change is or may be sought.

5.7. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Maryland.

5.8. Severability. If any term, covenant, condition, provision or agreement herein is held to be invalid, void or otherwise unenforceable by any court of competent jurisdiction, the fact that such term, covenant, condition, provision or agreement is invalid, void or otherwise unenforceable shall in no way affect the validity or enforceability of any other term, covenant, condition, provision or agreement herein contained.

5.9. Successors and Assigns. All terms of this Agreement shall be binding upon, inure to the benefit of and be enforceable by, the parties hereto and their respective legal representatives, successors and assigns. No other person or entity shall be deemed to be a third-party beneficiary of this Agreement or any provision hereof.

5.10. Counterparts. This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed an original; such counterparts shall together constitute but one agreement. Signatures delivered electronically (*e.g.*, via pdf file) shall be deemed to be the equivalent of original signatures for purposes of this Agreement and any amendments hereto.

5.11. Business Day. As used in this Agreement, "business day" shall be deemed to be any day other than a day on which banks in the State of Maryland shall be permitted or required to close and all references to time of day herein shall refer to Maryland time.

5.12. Waiver of Jury Trial. PROPERTY OWNER AND DENSITY ACQUIROR HEREBY KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVE THE RIGHT TO A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED HEREON, ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT OR ANY DOCUMENTS CONTEMPLATED TO BE EXECUTED IN CONNECTION HERewith, OR ANY COURSE OF CONDUCT, COURSE OF DEALINGS, STATEMENTS (WHETHER ORAL OR WRITTEN) OR ANY ACTIONS OF EITHER PARTY ARISING OUT OF OR RELATED IN ANY MANNER WITH THIS AGREEMENT OR THE PROPERTY (INCLUDING WITHOUT LIMITATION, ANY ACTION TO RESCIND OR CANCEL THIS AGREEMENT OR ANY CLAIMS OR DEFENSES ASSERTING THAT THIS AGREEMENT WAS FRAUDULENTLY INDUCED OR IS OTHERWISE VOID OR VOIDABLE). THIS WAIVER IS A MATERIAL INDUCEMENT FOR PROPERTY OWNER AND DENSITY ACQUIROR TO ENTER INTO AND ACCEPT THIS AGREEMENT AND THE DOCUMENTS TO BE DELIVERED AT CLOSING, AND SHALL SURVIVE THE CLOSING OR TERMINATION OF THIS AGREEMENT. EACH PARTY HEREBY AUTHORIZES AND EMPOWERS THE OTHER TO FILE THIS SECTION 5.12 AND THIS AGREEMENT WITH THE CLERK OR JUDGE OF ANY COURT OF COMPETENT JURISDICTION AS A WRITTEN CONSENT TO WAIVER OF JURY TRIAL.

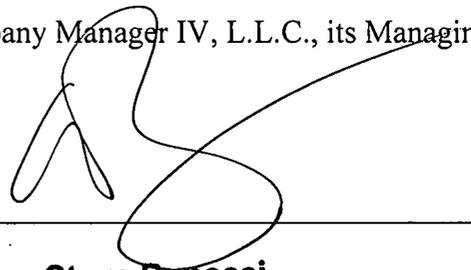
(Signature Pages Follow)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal on the date or dates set forth below.

**DENSITY ACQUIROR:**

**JBG/ONE BETHESDA DENSITY, L.L.C.**

By: JBG/Company Manager IV, L.L.C., its Managing Member



By: \_\_\_\_\_

Name: **Steve Bonacci**

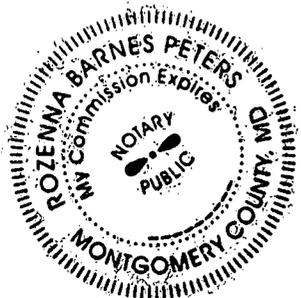
Title: **Authorized Signatory**

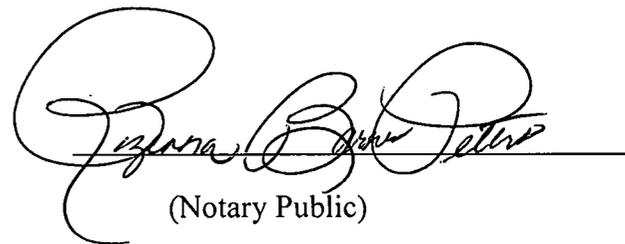
\_\_\_\_\_

STATE OF Maryland  
COUNTY OF Montgomery

I HEREBY CERTIFY that on this 7<sup>th</sup> day of September, 2016, before the undersigned officer, a notary public in and for the State and County aforesaid, personally appeared Steve Bonacci, Authorized Signatory of JBG/Company Manager IV, L.L.C., the Managing Member of JBG/One Bethesda Density, L.L.C., and known to me or proven to be the person whose name is subscribed to the within instrument and did acknowledge that he executed the same for the purposes therein contained and signed the same in my presence.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



  
(Notary Public)

My Commission Expires: 11/21/2017

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BHM 52850, p. 0494, MSA\_CE63\_52807. Date available 09/27/2016. Printed 12/16/2020.

**PROPERTY OWNER:**

**CORINTHIAN BETHESDA TIC LLC**  
a Delaware limited liability company

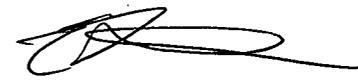
By:  \_\_\_\_\_  
Eliot Spitzer, Manager

STATE OF New York

COUNTY OF New York

I HEREBY CERTIFY that on this 6 day of Sept, 2016, before the undersigned officer, a notary public in and for the State and County aforesaid, personally appeared Eliot Spitzer, Manager of Corinthian Bethesda TIC LLC, and known to me or proven to be the person whose name is subscribed to the within instrument and did acknowledge that he executed the same for the purposes therein contained and signed the same in my presence.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



(Notary Public)

My Commission Expires: 11-13-16

**EKATERYNA KOSIW**  
Notary Public - State of New York  
No. 01KO6271994  
Qualified in Kings County  
My Commission Expires Nov. 13, 2016



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BHM 52850, p. 0495, MSA\_CE63\_52807. Date available 09/27/2016. Printed 12/16/2020.

**PROPERTY OWNER:**

**FOUNDATION BETHESDA TIC LLC**  
a Delaware limited liability company

By:   
Eliot Spitzer, Manager

STATE OF New York

COUNTY OF New York

I HEREBY CERTIFY that on this 6 day of Sept, 2016, before the undersigned officer, a notary public in and for the State and County aforesaid, personally appeared Eliot Spitzer, Manager of Foundation Bethesda TIC LLC, and known to me or proven to be the person whose name is subscribed to the within instrument and did acknowledge that he executed the same for the purposes therein contained and signed the same in my presence.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
(Notary Public)

My Commission Expires: 11-13-16

**EKATERYNA KOSIW**  
Notary Public - State of New York  
No. 01KO6271994  
Qualified in Kings County  
My Commission Expires Nov. 13, 2016

*109*

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BHM 52850, p. 0496, MSA\_CE63\_52807. Date available 09/27/2016. Printed 12/16/2020.

**EXHIBIT A**

## Legal Description

Commercial Unit No. C-1 (the "Unit") in "One Bethesda Center, a Condominium", situated in the Seventh Election District of Montgomery County, Maryland, as constituted and established by that certain Declaration recorded in Liber 7433 at folio 787 among the Land Records of Montgomery County, Maryland and the plat recorded in Condominium Plat Book 42 at Plat No. 4417 et seq. among the Land Records of Montgomery County, Maryland (collectively the "Declaration").

TOGETHER WITH all rights now or hereafter appertaining to the Unit pursuant to the Declaration, including, without limitation, Commercial Unit No. C-1's undivided interest in the Common Elements of 93.25% as shown in Exhibit D of the Declaration (Liber 7433 at folio 787).

TOGETHER WITH the Declarant's rights associated with the Declaration entitled "One Bethesda Center, a Condominium", recorded in Liber 7433 at folio 787.

NOTE FOR INFORMATIONAL PURPOSES ONLY:

Tax I.D. No. 07-02699758

State of Maryland Land Instrument Intake Sheet

Baltimore City County: MONTGOMERY

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

Main form body containing sections 1-11: Type(s) of Instruments, Conveyance Type, Tax Exemptions, Consideration and Tax Calculations, Fees, Description of Property, Transferred From, Transferred To, Other Names to Be Indexed, Contact/Mail Information, and Assessment Information.

Space Reserved for County Validation

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BHM 52850, p. 0498, MSA\_CE63\_52807. Date available 09/27/2016. Printed 12/16/2020.

LR - Agreement  
 Recording Fee 20.00  
 Grantor/Grantee Name:  
 JBG/DNE BETHESDA  
 Reference/Control #:  
 LR - Agreement  
 Surcharge 40.00  
 =====  
 SubTotal: 60.00  
 =====  
 Total: 580.00  
 09/22/2018 01:49  
 CC15-CG  
 #6973776 CC0602 -  
 Montgomery  
 County/CC06.02.06 -  
 Register 06



**DOCUMENT VALIDATION PAGE**  
**FOR CLERK'S USE ONLY**  
**(EXCLUDED FROM PAGE COUNT FOR CERTIFIED COPY)**

**BARBARA H. MEIKLEJOHN**  
 Clerk of the Circuit Court for Montgomery County  
 50 Maryland Avenue  
 Rockville, Maryland 20850  
 Recording and Licensing  
 (240) 777-9470

FILED  
 CLERK OF COURT  
 CLERK'S OFFICE  
 MONTGOMERY CO. MD.

2016 SEP 22 PM 1:45



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

June 24, 2020

Hampden Lane Project, LLC  
c/o Janel Kausner  
4719 Hampden Lane 3<sup>rd</sup> Floor  
Bethesda, MD 20814

Re: Forest Conservation Exemption Request and Simplified NRI/FSD No. 42020214E  
Property Name: Hampden East  
Action Taken: Exemption Confirmed & Simplified NRI/FSD Approved

Dear Janel Kausner:

On May 27, 2020, Montgomery County Planning Department Staff received a Simplified Natural Resource Inventory / Forest Stand Delineation "Simplified NRI/FSD" for Hampden East. This Simplified NRI/FSD is part of a Chapter 22A-5(s)(1) Exemption Request for an activity on a small property. A Sketch Plan is being submitted in conjunction with this Forest Conservation Exemption Request.

A Chapter 22A-5(s)(1) Exemption Request is for an activity on a tract of land of less than 1.5 acres with no existing forest, or existing specimen or champion trees, and not result in forest planting requirements of more than 10,000 square feet.

The project's tract area is approximately 1.06 acres. No forest or champion trees will be cleared during the project. This activity does not trigger forest planting requirements. No specimen trees are within the tract area.

**Forest Conservation Exemption Request No. 42020214E for Hampden East is confirmed. The Simplified NRI/FSD submitted for the project is approved.**

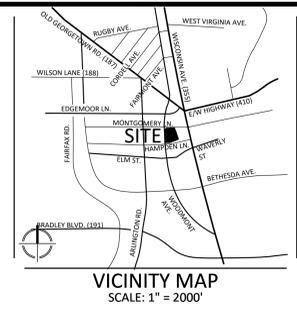
Any changes from the confirmed Forest Conservation Exemption Request and approved Simplified NRI/FSD may constitute grounds to rescind or amend any approval actions taken.

Sincerely,

Stephen Peck  
Senior Planner and Inspector  
Development Applications and Regulatory Coordination  
M-NCPPC - Montgomery County Planning Department

CC: Jonathan Bondi, VIKA Maryland, LLC

E-FILE STAMP



**VKA**  
 VIKI MARYLAND, LLC  
 20251 Century Blvd., Suite 400  
 Germantown, MD 20874  
 301.916.4100 | vika.com  
 Our Site Set on the Future.  
 PREPARED FOR:  
 HAMPDEN LANE PROJECT, LLC  
 4719 Hampden Lane, 3rd Floor  
 Bethesda, MD 20814  
 240.482.8110  
 CONTACT: JANEL KAUSNER  
 DOUGLAS DEVELOPMENT INC.  
 655 New York Ave, NW, Suite 830  
 Washington, DC 20001  
 202.636.6300



**LEVEL 2**  
NOT TO SCALE



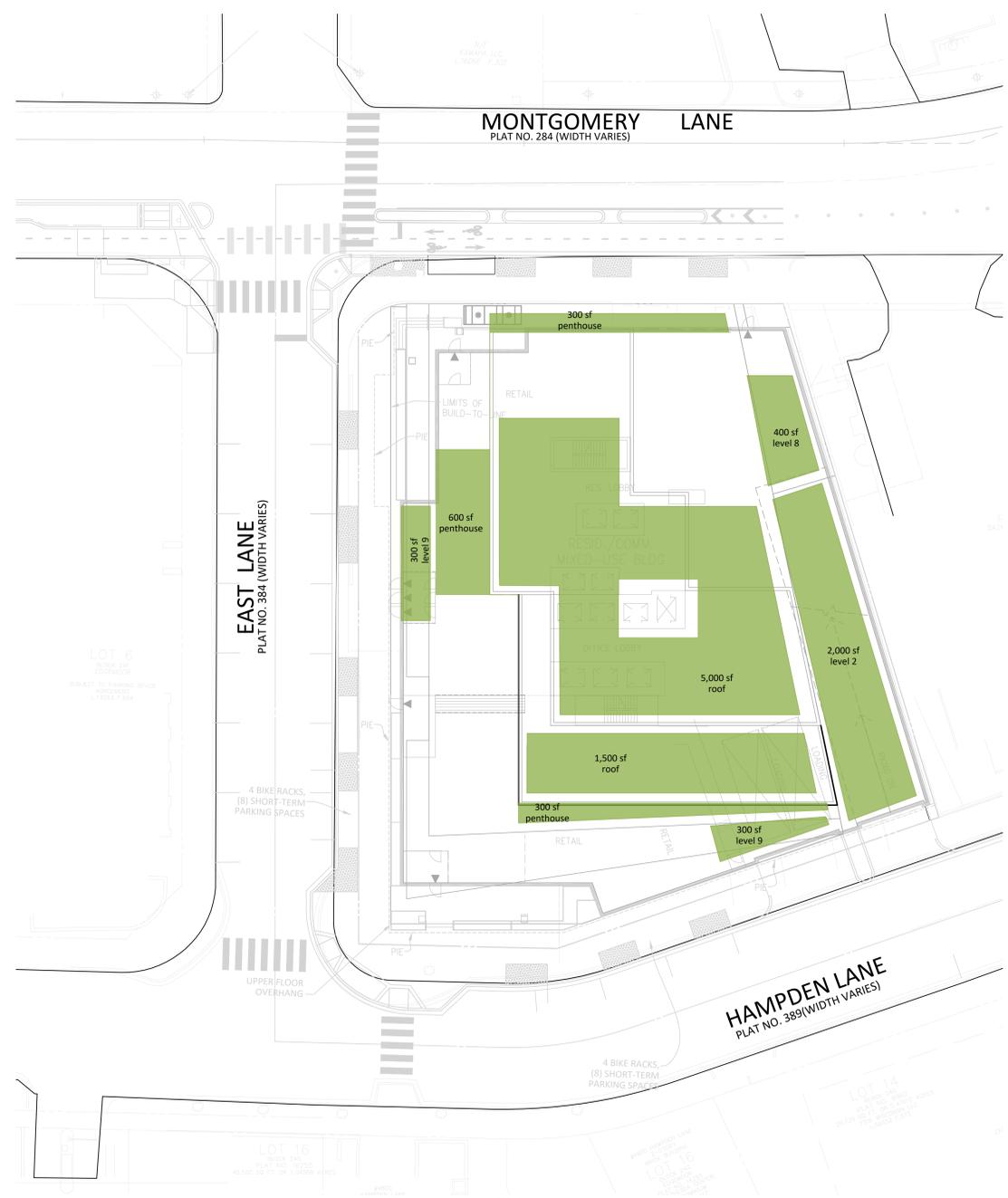
**PENTHOUSE**  
NOT TO SCALE



**LEVEL 8 AMENITY**  
NOT TO SCALE



**ROOF**  
NOT TO SCALE



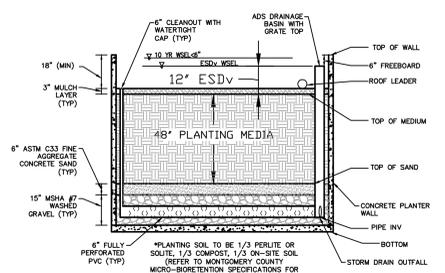
**COMPOSITE GREEN SPACE PLAN**

**LEGEND**

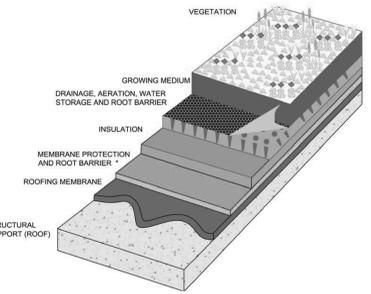
GREEN ROOF/BIOFILTER AREA



**LEVEL 9**  
NOT TO SCALE



**MICRO-BIORETENTION PLANTER BOX TYPICAL SECTION**  
NOT TO SCALE



**TYPICAL SECTION GREEN ROOF SECTION**  
NOT TO SCALE

(MDE CH.5.5.3.A-1 FIGURE 5.2)

**TABLE 7: GREEN COVER** Section 59-6.3.6

Use	Required	Proposed <sup>(1)</sup>
Green Cover (%) (calculation based on a Site Area of 30,396 SF)	35.00%	35.20%
Bio-Planters/Green Roof (LEVEL 2)	---	10,700
Green Roof (LEVEL 8)	---	2,000 ±
Green Roof (LEVEL 9)	---	400 ±
Green Roof (PENTHOUSE)	---	600 ±
Green Roof (PENTHOUSE ROOF)	---	1,200 ±
	---	6,500 ±

<sup>(1)</sup> All Green Cover areas used to satisfy the requirement per Section 59-6.3.6 shall have a minimum soil depth of 8-inches.

**NOTES:**

- THE SHAPE OR CONFIGURATION OF THE GREEN SPACE MAY CHANGE WITH THE PERMIT ARCHITECTURE SET, HOWEVER, THE TOTAL AREA OR GREEN ROOF WILL NOT BE LESS THAN AS SHOWN IN TABLE 7 ABOVE.

**DEVELOPER'S CERTIFICATE**  
 The undersigned agrees to execute all the features of the Site Plan Approval No. 820210070, including Approval Conditions, Development Program and Certified Site Plan.  
 Developer's Name: Hampden Lane Project, LLC  
 Contact Person: Janel Kausner  
 Address: 2229 Hampden Lane 3rd Floor Bethesda, MD 20814  
 Phone: 240.482.8116  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**REVISIONS**

REVISIONS	DATE

**HAMPDEN EAST**  
 7TH ELECTION DISTRICT  
 MONTGOMERY COUNTY,  
 MARYLAND  
 WSSC GRID: 209NW05  
 TAX MAP: HN22

**GREEN SPACE**

PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. MICHAEL GOODMAN, LICENSE NO. 27223, EXPIRATION DATE: JULY 30, 2027.

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