

IN RE: DEVELOPMENT PLAN HEARING &	*	BEFORE THE OFFICE OF
PETITIONS FOR SPECIAL HEARING	*	ADMINISTRATIVE HEARINGS
AND VARIANCE		
9 th Election District		
5 th Councilmanic District	*	FOR
(627 York Rd. / 703 Washington Ave.)		
(Federal Realty Investment Trust)	*	BALTIMORE COUNTY
FR White Marsh, Inc., c/o Federal Realty	*	HOH Case No. 09-0819 and
Investment Trust, Owner/Developer		2015-0081-SPHA

* * * * *

ADMINISTRATIVE LAW JUDGE'S
DEVELOPMENT PLAN OPINION & ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code ("B.C.C."). David H. Karceski, Esquire and Adam M. Rosenblatt, Esquire, with Venable, LLP, on behalf of FR White Marsh, Inc., c/o Federal Realty Investment Trust, *legal owner/developer* (hereinafter the "Developer"), submitted for approval an eight-sheet greenlined Development Plan ("Plan") prepared by Bohler Engineering, known as "Federal Realty Investment Trust Property."

Developer proposes in the Towson core a 7-story residential building with 5 stories of apartments (105 – 1 or 2 bedroom units) and 2 stories of parking with vehicular access off of both Joppa Road and Washington Avenue. Details of the proposed development are more fully depicted on the eight-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 10A-10H.

In addition to the Hearing Officer's Hearing (HOH), the Developer is requesting Special Hearing relief pursuant to § 500.7 of the B.C.Z.R., to permit a projecting identification sign on a

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Date 12-11-15

By BW

multifamily building in the C.T. District of Towson.

The Developer filed an amended petition (Developer's Exhibit 15) for Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- (1) From § 450.5.B.6.b - To permit a sign to extend 9 ft. from the wall to which it is attached in lieu of the permitted 4 ft. (Sign B); and
- (2) From § 450.5.B.6.e - To permit a projecting sign's supporting elements to be visible.

The property was posted with the Notice of Hearing Officer's Hearing and Zoning Notice, both on November 18, 2014, for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. The undersigned conducted the hearings on December 19, 2014 and December 8, 2015, at 10:00 AM, Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

In attendance at the Hearing Officer's Hearing (HOH) in support of the Plan on behalf of the Developer and property owner was Stephen Moriak, Brian Donley, Ken Schmid, Mark Keeley, Chris Armstrong, and Matt Mueller. Also in attendance was Joseph Ucciferro and Hank Alinger, with Bohler Engineering, the firm that prepared the site plan. David H. Karceski, Esquire and Adam M. Rosenblatt, Esquire with Venable, LLP, represented the Developer. At the initial hearing, several members of the community attended and expressed concern with various aspects of the project. However, prior to the second hearing date, the community protestants and their attorney submitted letters (Developer's Exhibits 29 and 30) indicating that they no longer opposed the project. One citizen, Carolyn Parker Knott, expressed concerns about future tenants walking their dogs in the nearby Prospect Hill Cemetery (included on the

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By [Signature]

Baltimore County Landmarks List), and a condition will be included in the Order below to address that issue.

Representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals from the Department of Permits, Approvals and Inspections (PAI): Jan M. Cook, Project Manager, Vishnu Desai and Jean M. Tansey (Development Plans Review [DPR]), LaChelle Imwiko, Real Estate Compliance, and Jeff Perlow for Leonard Wasilewski (Office of Zoning Review). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability (DEPS), and Jenifer Nugent from the Department of Planning (DOP).

The role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. The agencies specifically comment on whether the Plan complies with all rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. Continued review of the Plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

Pursuant to §§ 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. Each of the Baltimore County agency representatives identified above indicated that the greenlined Development Plan (marked as Developer's Exhibit 10A-10H) addressed any comments submitted by their agency, and they each recommended approval of the

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By [Signature]

Plan. Ms. Tansey, the County's landscape architect, testified that the Developer has obtained the approval of a schematic landscape plan for the site, and that a final landscape plan would be completed in the next phase of review. She also indicated Developer was paying a fee in the amount of \$5,000 in lieu of providing the required 105,000 sq. ft. of Local Open Space. Baltimore County Exhibit 1. The DOP prepared a school impact analysis (Baltimore County Exhibit 2) which demonstrated that none of the schools in the relevant district exceeded 115% of state rated capacity, as required by state and county law. The Developer also presented an email from the DOP confirming that the school analysis submitted at the initial hearing date remained valid as of December 2015. Developer's Exhibit 14.

DEVELOPER'S CASE

The Developer's first witness was Joseph Ucciferro, with Bohler Engineering, whose firm prepared the Development Plan. Mr. Ucciferro, a professional engineer who was accepted as an expert, explained in detail the eight-sheet Development Plan. Mr. Ucciferro described the layout of the project, and discussed the red and green line changes to the Plan, which addressed County agency comments. Mr. Ucciferro opined the Developer satisfied all County rules and regulations in connection with the Development Plan.

The next witness was Brian Donley, who is Director of Development for Federal Realty Investment Trust. Mr. Donley testified that Federal Realty has owned the site for about 10 years, and proposes to construct the project with a mix of one-bedroom (approximately 60%) and two-bedroom (approximately 40%) apartment units, with monthly rentals in the range of \$1,250 to \$2,200. The primary purpose of Mr. Donley's testimony was to indicate that he had engaged in discussions with Ms. Knott to address her concerns related to animal waste at the Prospect Hill Cemetery, and in addition to instituting a waste management program, Mr. Donley testified that

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By DW

tenants violating the policies regarding dog ownership would be penalized.

Thereafter, the Developer presented three additional expert witnesses, each of whom provided brief testimony concerning the project. First was Hank Alinger, a registered landscape architect employed by Bohler Engineering. Mr. Alinger explained that Baltimore County has approved a schematic landscape plan for the project, and that he also met with the County's Landscape Architect (Jean Tansey) who indicated that the greenlined revisions shown on the Plans were acceptable. Mr. Alinger also testified that B.C.Z.R. § 260 (Design Guidelines) was not applicable in this case, which involves a "core" urban development, rather than a suburban single-family housing project.

Architect Stephen Moriak, who is employed by Dwell Design Studio, was the next expert witness to testify. Mr. Moriak prepared a 36-page Pattern Book for the project (Developer's Exhibit 19), which provides renderings, elevation drawings, floor plans and additional details concerning the project. Mr. Moriak explained that this Pattern Book was reviewed and approved by the Design Review Panel (DRP) [Developer's Exhibit 20], and that the DOP (following the DRP's review) approved recently two design elements involving the front entrance to the building and a rooftop amenity, as shown on pages 11 and 28 of the Pattern Book. Developer's Exhibit 21.

The final witness in the case was Ken Schmid, a traffic planner accepted as an expert witness. Mr. Schmid indicated that his firm prepared a traffic impact study for this project (Developer's Exhibits 25 and 26) which revealed that the surrounding roadway network is more than sufficient to accommodate the proposed development. The witness noted that both the State Highway Administration and Baltimore County (Developer's Exhibits 27 and 28) concurred with

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By DW

the analysis and conclusions found in his firm's traffic impact study. Finally, Mr. Schmid noted that the proposed loading area (located along West Joppa Road) shown on the Plan for use by tenants appeared to be of a sufficient size to accommodate U-Haul trailers and similar vehicles.

The Baltimore County Code provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." B.C.C. § 32-4-229. After due consideration of the testimony (as summarized above) and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Development Plan.

ZONING REQUESTS

Special Hearing and Variances

In addition to the Development Plan approval, the Developer sought special hearing and variance relief under the B.C.Z.R. Though the original zoning petition sought six variances for off-street parking and signage, the amended petition seeks just two variances related to one particular sign. The sign (shown on the Plan as "Sign B") would be a projecting identification sign with the name of the complex; i.e., "Flats at 703." Developer's Exhibit 16B.

Mr. Ucciferro referred to this as a "blade sign," and he explained it will be positioned along the York Road frontage of the building. The witness testified the proposed building is located at the "crest" of York Road, and that the topographical change along York Road and across the site would make it difficult (without variance relief) to provide signage that would allow motorists to safely identify the apartment complex. I concur that these attributes make the site unique, and that the Petitioner would experience a practical difficulty if the regulations were

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By [Signature]

strictly interpreted. As such, I believe the Petitioner has met its burden under Cromwell v. Ward, 102 Md. App. 691 (1995), and the petitions for variance and special hearing will be granted.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 11th day of December, 2015, that the "**FEDERAL REALTY INVESTMENT TRUST DEVELOPMENT PLAN**", marked and accepted into evidence as Developer's Exhibit 10A-10H, be and is hereby **APPROVED**, subject to the condition noted below:

- Developer shall notify tenants that all dogs must be walked only in the "dog walk area" shown on the Plan. Developer also agrees to institute a waste management program whereby all resident dogs would have a DNA test which would facilitate identification of un-scooped waste.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief pursuant to § 500.7 of the B.C.Z.R., to permit a projecting identification sign on a multifamily building in the C.T. District of Towson, be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- (1) From § 450.5.B.6.b - To permit a sign to extend 9 ft. from the wall to which it is attached in lieu of the permitted 4 ft. (Sign B); and
- (2) From § 450.5.B.6.e - To permit a projecting sign's supporting elements to be visible,

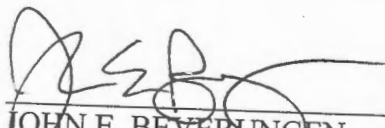
be and are hereby **GRANTED**.

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Date 12-11-15

By DW

Any appeal of this Order shall be taken in accordance with Baltimore County Code,
§ 32-4-281.


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 12-11-15

By DLW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 11, 2015

David H. Karceski, Esquire
Adam M. Rosenblatt, Esquire
Venable, LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204

RE: Hearing Officer's Hearing (HOH) and Zoning Case
HOH Case No. 09-0819 and Zoning Case No. 2015-0081-SPHA
Federal Realty Investment Trust

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Joshua Glikin, 600 Woodbine Terrace, Towson, MD 21204
Paul Hartman, 18½ Cedar Avenue, Towson, MD 21286
Carolyn Parker Knott, President of the Board, Prospect Hill
Cemetery of Towson, Inc. (via email)



703 WASHINGTON
AVE

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 621 Joppa Road, Towson, Maryland 21204

which is presently zoned BM-CT

Deed References: 25456/291

10 Digit Tax Account # SEE ATTACHED SHEET 1

Property Owner(s) Printed Name(s) FR White Marsh Inc.

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET 3

2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. **X** a **Variance** from Section(s)

SEE ATTACHED SHEET 2

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

FR White Marsh Inc. c/o Federal Realty Investment Trust
John Hendrickson COO

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1626 East Jefferson Street, Rockville, Maryland

Mailing Address City State

20852-4041

Zip Code

Telephone #

Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2015-0081-SPHA Filing Date 10/8/14

Do Not Schedule Dates: _____

Reviewer RJD

REV. 10/4/11

703 WASHINGTON AVENUE, TOWSON, MD 21204

**ATTACHMENT 1
TO PETITION FOR ZONING HEARING - VARIANCE**

**TAX ACCOUNT NOS.: 09-0914652924, 09-0908651891; 09-0914652925;
09-0902205770; 09-0914652923; 09-0904500920;
09-0914652920; 09-0914652921**

703 WASHINGTON AVENUE, TOWSON, MD 21204

**ATTACHMENT 2
TO PETITION FOR ZONING HEARING - VARIANCE**

1. From Section 409.6.A.1 of the Baltimore County Zoning Regulations to permit a total of 112 off-street parking spaces in lieu of the required 132 off-street parking spaces.
2. From Section 450.4 Attachment 1.3(a) to allow six wall-mounted directional signs with a sign areas/faces not to exceed 32 square feet (Signs C, D, E, F, G & H) in lieu of the permitted 8 square feet.
3. From Section 450.4 Attachment 1.6 to allow a wall-mounted identification sign with a sign area/face of 440 square feet in lieu of the permitted 25 square feet (Sign A).
4. From Section 450.4 Attachment 1.6 to allow a projecting sign with a sign area/face of 297 square feet in lieu of the permitted 25 square feet (Sign B).
5. From Section 450.5.B.6.b to permit a sign to extend 9 feet from the wall to which it is attached in lieu of the permitted 4 feet (Sign B).
6. From Section 450.5.B.6.e to permit a projecting sign's supporting elements to be visible.

703 WASHINGTON AVENUE, TOWSON, MD 21204

**ATTACHMENT 3
TO PETITION FOR ZONING HEARING – SPECIAL HEARING**

Special Hearing to permit a projecting identification sign on a multifamily building in the C.T. District of Towson.

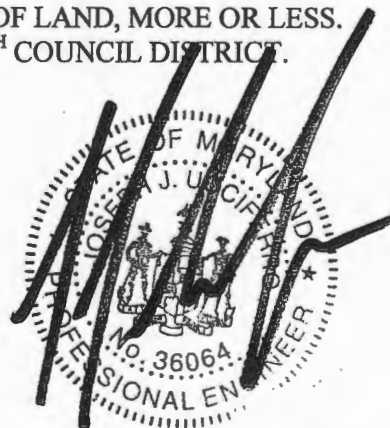
Item #0081

**ZONING PROPERTY DESCRIPTION FOR 703 WASHINGTON AVENUE AND
627 YORK ROAD (PARCELS A, B, C, D, E, F, AND G)**

BEGINNING AT A POINT ON THE NORTH SIDE OF WEST JOPPA ROAD, WHICH IS AN EXISTING VARIABLE WIDTH RIGHT OF WAY, A DISTANCE OF 242.6' EAST OF THE CENTERLINE OF WASHINGTON AVENUE, A VARIABLE WIDTH RIGHT-OF-WAY AND RUNNING:

1. NORTH 68 DEGREES 21 MINUTES 25 SECONDS WEST 143.18 FEET TO A POINT, AND;
2. NORTH 68 DEGREES 43 MINUTES 02 SECONDS WEST 23.62 FEET TO A POINT, AND;
3. NORTH 21 DEGREES 37 MINUTES 08 SECONDS EAST 3.70 FEET TO A POINT, AND;
4. NORTH 68 DEGREES 22 MINUTES 52 SECONDS WEST 23.42 FEET TO A POINT, AND;
5. WITH A CURVE HAVING A RADIUS OF 16.83 FEET AND AN ARC LENGTH OF 31.15 FEET (THE CHORD OF SAID ARC BEING NORTH 15 DEGREES 20 MINUTES 42 SECONDS WEST 26.89 FEET) THENCE;
6. NORTH 37 DEGREES 41 MINUTES 28 SECONDS EAST 16.25 FEET TO A POINT, AND;
7. NORTH 38 DEGREES 53 MINUTES 38 SECONDS EAST 130.10 FEET TO A POINT, AND;
8. NORTH 38 DEGREES 53 MINUTES 38 SECONDS EAST 82.78 FEET TO A POINT, AND;
9. SOUTH 49 DEGREES 56 MINUTES 17 SECONDS EAST 1.98 FEET TO A POINT, AND;
10. NORTH 40 DEGREES 03 MINUTES 43 SECONDS EAST 86.77 FEET TO A POINT, AND;
11. SOUTH 31 DEGREES 43 MINUTES 35 SECONDS EAST 175.68 FEET TO A POINT, AND;
12. SOUTH 31 DEGREES 43 MINUTES 35 SECONDS EAST 57.67 FEET TO A POINT, AND;
13. SOUTH 47 DEGREES 28 MINUTES 12 SECONDS WEST 92.75 FEET TO A POINT, AND;
14. SOUTH 31 DEGREES 31 MINUTES 48 SECONDS EAST 0.87 FEET TO A POINT, AND;
15. SOUTH 42 DEGREES 02 MINUTES 12 SECONDS WEST 109.26 FEET TO THE POINT OF BEGINNING HEREOF.

CONTAINING 57,421 SQUARE FEET (1.318 ACRES) OF LAND, MORE OR LESS.
LOCATED IN THE 9TH ELECTION DISTRICT AND 5TH COUNCIL DISTRICT.



Item #0081

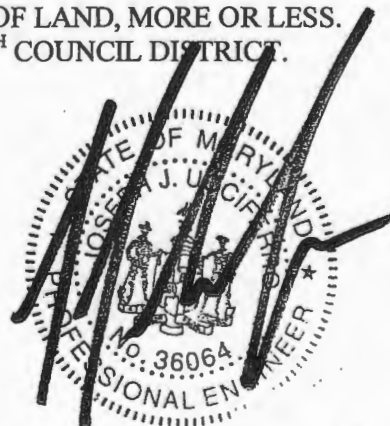
10-7-19

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CONTAINING 57,421 SQUARE FEET (1.318 ACRES) OF LAND, MORE OR LESS.
LOCATED IN THE 9TH ELECTION DISTRICT AND 5TH COUNCIL DISTRICT.



Item #0081

10-7-19

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 117530

Date: 10/8/14

PAID RECEIPT

BUSINESS ACTUAL TIME
 09/27/2014 10/08/2014 1117492

REG NO. MAIN LINE LINE

RECEIPT # 540137 10/08/2014

3 2015 ZONING VERIFICATION

11/23/14

Receipt Tot \$1,000.00

\$1,000.00 CR 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$1000.00

Total: \$1000.00

Rec From: FR White Marsh Inc

For: Zoning hearing - case # 2015-0081-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 2851578

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave
Ste 500
Towson, MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave
Ste 500
Towson, MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Nov 25, 2014

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2015-0081-SPHA
703 Washington Avenue
NW/s W Joppa Road, 246.6 ft. east of Washington Avenue
9th Election District 5th Councilmanic District
Legal Owner(s) FR White Marsh Inc. c/o Federal Realty Investment Trust

Special Hearing to permit a projecting identification sign on a multifamily building in the C.T. District of Towson. Variance to permit a total of 112 off-street parking spaces in lieu of the required 132 off-street parking spaces, to allow six wall-mounted directional signs with sign area/ faces not to exceed 32 sq. ft. (signs C, D, E, F, G & H) in lieu of the permitted 8 sq. ft.; to allow a wall-mounted identification sign area/face of 440 sq. ft. in lieu of the permitted 25 sq. ft. (sign A); to allow a projecting sign with a sign area/face of 297 sq. ft. in lieu of the permitted 25 sq. ft. (sign B); to permit a sign to extend 9 ft. from the wall to which it is attached in lieu of the permitted 4 ft. (sign B) and to permit a projecting sign's supporting elements to be visible.

Hearing: Friday, December 19, 2014 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/886 November 25 2851578

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

2015-0081-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

FR White Marsh Inc c/o Federal Investment Trust

December 19, 2014

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

703 Washington Ave

November 18, 2014

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

November 18, 2014

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 25, 2014 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0081-SPHA

703 Washington Avenue

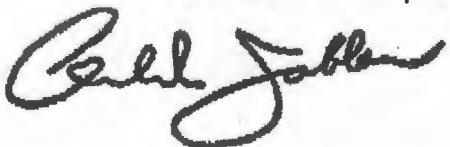
NW/s W Joppa Road, 246.6 ft. east of Washington Avenue

9th Election District – 5th Councilmanic District

Legal Owners: FR White Marsh Inc. c/o Federal Realty Investment Trust

Special Hearing to permit a projecting identification sign on a multifamily building in the C.T. District of Towson. Variance to permit a total of 112 off-street parking spaces in lieu of the required 132 off-street parking spaces; to allow six wall-mounted directional signs with sign area/faces not to exceed 32 sq. ft. (signs C, D, E, F, G & H) in lieu of the permitted 8 sq. ft.; to allow a wall-mounted identification sign with a sign area/face of 440 sq. ft. in lieu of the permitted 25 sq. ft. (sign A); to allow a projecting sign with a sign area/face of 297 sq. ft. in lieu of the permitted 25 sq. ft. (sign B); to permit a sign to extend 9 ft. from the wall to which it is attached in lieu of the permitted 4 ft. (sign B) and to permit a projecting sign's supporting elements to be visible.

Hearing: Friday, December 19, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

October 29, 2014

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0081-SPHA

703 Washington Avenue

NW/s W Joppa Road, 246.6 ft. east of Washington Avenue

9th Election District – 5th Councilmanic District

Legal Owners: FR White Marsh Inc. c/o Federal Realty Investment Trust

Special Hearing to permit a projecting identification sign on a multifamily building in the C.T. District of Towson. Variance to permit a total of 112 off-street parking spaces in lieu of the required 132 off-street parking spaces; to allow six wall-mounted directional signs with sign area/faces not to exceed 32 sq. ft. (signs C, D, E, F, G & H) in lieu of the permitted 8 sq. ft.; to allow a wall-mounted identification sign with a sign area/face of 440 sq. ft. in lieu of the permitted 25 sq. ft. (sign A); to allow a projecting sign with a sign area/face of 297 sq. ft. in lieu of the permitted 25 sq. ft. (sign B); to permit a sign to extend 9 ft. from the wall to which it is attached in lieu of the permitted 4 ft. (sign B) and to permit a projecting sign's supporting elements to be visible.

Hearing: Friday, December 19, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204
John Hendrickson, 1626 East Jefferson Street, Rockville 20852

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 29, 2014**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2015 - 0081 - SPHA
Petitioner: FR White MARSH Inc.
Address or Location: 703 Washington Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich
Address: Verable LLP
210 W. Pennsylvania Ave., Ste. 500
Towson, MD 21204
Telephone Number: (410) 494-



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

December 10, 2014

FR White Marsh Inc.
C/O Federal Realty Investment Trust
John Hendrickson COO
1626 East Jefferson Street
Rockville MD 20852-4041

RE: Case Number: 2015-0081 SPHA, Address: 703 Washington Avenue

Dear Mr. Hendrickson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 8, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David H Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



MARYLAND DEPARTMENT OF TRANSPORTATION

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 10/20/14

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2015-0081-SPHA
Special Hearing Variance
FR White Marsh Inc. c/o
Federal Realty Investment Trust
703 Washington Street Avenue

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-0081-SPHA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: October 24, 2014

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 27, 2014
Item No. 2015-0081, 0082, 0083, 0084, 0085, 0086, 0087 and 0088

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC10272014 -.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE
703 Washington Avenue; N/S W. Joppa Road,* OF ADMINISTRATIVE
242.6' E of the c/line Washington Avenue
9th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): FR White Marsh Inc
c/o Federal Investment Trust, John Hendrickson* BALTIMORE COUNTY
Petitioner(s) *
2015-081-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

OCT 22 2014

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2014, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: January 12, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0081-SPHA- Appeal Period Expired

The appeal period for the above-referenced case expired on January 11, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 18, 2014

RECEIVED

DEC 18 2014

HAND DELIVERED

OFFICE OF ADMINISTRATIVE HEARINGS

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: FR White Marsh Inc c/o Federal Realty Investments
703 Washington Avenue
Zoning Case No.: 2015-081-SPHA; PAI Case No. 09-0819 and/or 14-0489

Dear Judge Beverungen,

As is our custom, our office entered its appearance in the zoning case. Upon further review, there are mixed master plan/zoning/development review issues in the interrelated zoning and development cases, so that our interest extends to the entire matter. See, e.g. People's Counsel v. Crown Development Corp. 320 Md. 303, 317 (1992); Red Roof Inns v. People's Counsel 96 Md. App. 219 (1993), sign variance; Sycamore Realty v. People's Counsel 334 Md. 57, 1996), reservation of land in development case; transfer of density in development case; HNS Development v. People's Counsel 425 Md. 435 (2012); master plan/preservation of historic open space in development case.

Petitioner proposes a 7-story L-shaped apartment building, with 105 apartments on five levels and 112 inside parking spaces on two levels. Design drawings provided by Dwell Design Studio indicate a mix of one-bedroom and two-bedroom apartments.

The property at 703 Washington Avenue is on a 1.3 acre site in central Towson bordering the east side of Washington Avenue and stretching between York Road to the north and Joppa Road to the south. The property is just north, across single-lane Joppa Road, of the high-rise Penthouse Condominium and the exit to the Penthouse parking garage. At the corner of Washington and York Roads, there is a Suntrust Bank branch.

The zone/district is B.M.-C.T. The C.T. district connotes Commercial Center, Town Center Core. BCZR Sec. 259.2.D. The property is also in the Towson Design Review Area framed in the 1992 Towson Community Plan.

We just received the letter dated December 16, 2014 from Joshua Glikin on behalf of interested West Towson resident(s). We proceeded to review the files. These included a letter dated December 11, 2014 from Carolyn Parker Knott, President of Prospect Hill Cemetery of Towson, Inc, and her follow-up e-mail dated December 15, 2014. These concern open space.

In light of the citizen concerns, we examined these issues particularly closely. Upon review, it appears necessary and appropriate at this juncture to address the threshold question identified by Mr. Glikin as to the requirement of Design Review Panel (DRP) review. It also appears reasonable to evaluate the application of the open space law, the justification for any possible waiver, and the relevant fee structure.

To begin, we shall make a brief observation on the zoning variances.

I. The Zoning Variances

Petitioner proposes, first of all, zoning variances to the offstreet parking requirements, 112 spaces instead of the required minimum 132. BCZR Sec. 409.6.A.1. The parking calculations for apartment buildings depend on the number of bedrooms in each apartment. For one-bedroom and 2-bedroom apartments, there must be 1.25 spaces provided per apartment. This appears to underly the calculation of 132 spaces required for the 105 apartments.

Secondly, there are several proposed sign variances. They span eight different signs, seven wall-mounted and one projecting: six wall-mounted signs of 32 square feet in area each, one wall-mounted sign 440 square feet in area, and one projecting sign with an area of 297 square feet, extending 9 feet from the wall, and with visible supporting elements.

There is also a special hearing requested for the projecting sign in the Towson C.T.District.

Suffice it to say, in shorthand, that the two-pronged BCZR Sec. 307.1 "uniqueness which results in practical difficulty" test applies to all the variances. See Trinity Assembly of God v. People's Counsel 407 Md. 53, 79-85 (2008). The sign variances are also subject to "strict construction" under BCZR Sec. 450.8.A.1, which requires proof that "...the demonstrable effect of a liberal construction will prevent or reduce the confusion and visual clutter caused by excessive signage."

II. The Design Review Panel

For both the zoning and development cases, the threshold question presented is whether DRP review and recommendation is a prerequisite to zoning and development review of this project. The answer is in the affirmative.

Baltimore County Code Sections 32-4-203 and 32-4-204 are applicable. DRP review covers developments in "design review areas." 32-4-203(a)(1). It includes even a minor subdivision but does not apply to any planned unit developments. 32-4-203(b). It applies to new construction and to additions or changes to development plans. 32-4-203(c). It applies to any new dwelling unit even on a residential single lot of record. 32-4-203(d).

The law identifies design review areas in Section 32-4-204. Concerning residential plans, "Residential Design Review Areas are limited to properties that lie within the boundaries of a community plan that has been adopted by the County Council as part of the Baltimore County Master Plan." 32-4-204(d). Correlatively, DRP review also covers nonresidential plans in the "Towson Master Plan Urban Design Study Area" with the limited exception of certain narrowly defined "high performance" buildings. 32-4-204 (c) (1).

The Towson Community Plan, adopted February 3, 1992 and incorporated in Master Plan 2020, page 195, available online, is relevant to DRP coverage of the residential plan here.. Upon review, we noted, among other things, pages 26-28, 41-43 (including Map 18, Design Issues) and a Design Review Panel Area Map. These are enclosed. The text and map places 703 Washington Avenue well within the design review area. It appears crystal clear to the undersigned that the zoning and development proposals here are subject to DRP review.

The Director of Planning (DOP), or the Director's designee, serves as the non-voting executive secretary to the DRP. 32-4-203(f). In our experience, the Planning Department has functioned in this capacity and played an active role in the DRP process.

So far as we can tell, in the present case, the Director of Planning has not identified this project for DRP review or brought it to the DRP's attention. On November 26, 2014, the DOP submitted inter-office correspondence on the "Development Plan Conference." There is absent in this correspondence any discussion of the Baltimore County Master Plan. This contrasts with most such DOP reviews, which include a section on the master plan. The DOP correspondence also omits any mention of the Towson Community Plan. There is likewise no mention of the DRP. Interestingly, there is reference on page 3 to the site location within the Towson Amenity streetscape Design Review Area mapped in the CMDP.

The DOP correspondence provides no explicit indication of the DOP's position as to DRP coverage here. It may be inferred, by omission, that the DOP sees no need for coverage. If so, we respectfully disagree with this position. We disagree with it even if it is consistent with DOP past practice.

On November 3, 2014, the Department of Recreation and Parks (RP) issued its Development Plan Conference comments, indicating that local open space is required in the amount of 68,250sf Active and 36,750sf Passive. RP also stated that a waiver would not be automatic, but would be "appropriate for this site pending community input." RP here also referred to the LOS Manual.

According to RP, if the waiver is granted, the fee in the Towson C.T. District would be \$5000.00 per "Bill 63-00." It turns out that "63-00" was actually a resolution, not a bill. This correction is important not only for the sake of accuracy, but also because a resolution is defined in County Charter Section 1009(c) as having "a temporary or administrative character." It does not have the status of legislation.

The principal relevant bill is 110-99. As amended subsequently from time to time, this bill frames the recreational or local open space law. We have already highlighted the "good cause" requirement for waivers. In light of the minimal fee calculated by RP, it seems reasonable to evaluate how they reached this conclusion. We now proceed to a discussion of the fee structure applicable in the event a waiver is properly approved.

Bill 110-99 delegates to the County Administrative Officer (CAO) the responsibility to establish the fees. 32-6-108(l) (1),(i). The fees must be "... reasonably proportionate to the offset the increased cost to the county of acquiring recreational land." 32-6-108 ((l) (2). The CAO must also, at a minimum, establish the fees "... based on the zoning classification of the land and the uses of the land and their public purposes." 32-6-108 (l) (3).

There is a time frame for review of the fees. In 2013, the Council enacted Bill 31-13. This mandates review every two years, amending the previous four-year cycle. 32-6-108(l) (1) (ii). Bill 31-13 also provided that "The fees shall be adopted by the County Council by resolution." 32-6-108 (l) (5) (i). This has anyway been the law and practice.

In actuality, however, the current fee D.R./R.C. Zone fee structure has not been modified since 2006, and the C.T. District structure not since 2000. There appear to be several resolutions relevant to review of the applicable fee structure: 13-00, 63-00, 29-04, 58-06, and 43-13. 13-00 set fees for the D.R. and R.C. Zones. 63-00 amended 13-00 to add fees for the R.A.E. Zones, C.T. Districts and specified uses. 29-04 set up a new schedule effective in April, 2004 for the R.C. and D.R. Zones but did not address the R.A.E. Zones and C.T. District. 58-06 again amended the fees for the D.R. and R.C. Zones. 43-13 amended the D.R. Zone fees still again.

To the point, there is no recently adopted or current fee structure for the Towson C.T. District. Resolution 63-00 set the C.T. District fees at zero for the first 100 apartments and \$1000.00 for each additional apartment. This evidently underlies RP's calculation of the extremely low potential \$5000.00 fee here.

Despite the requirement for frequent review of fees based on the statutory criteria, there has been no further C.T. District review since 2000. This contrasts with the 2004 and 2006

reviews for the D.R. and R.C. Zones, which themselves are about nine years old. A new review seems essential not only because of the legislative requirement for periodic review, but also here because the C.T. District fee structure does not appear to correspond to the legislative criteria of proportionality to the cost of offsite open space acquisition and the subject property's zone and land use. The potential \$5000.00 fee here would be paltry relative to this substantial project and bears no relationship to the controlling legislative criteria.

Because the fee structure is established administratively by the CAO and incorporated in a "temporary or administrative" resolution (Charter Sec. 1009(c)), it is essential that it be "consistent with the letter and policy of the statute ..." Insurance Comm'r v. Bankers Ins. Co. 326 Md. 617, 623 (1992); Mayor & City 270 Md. 231, 236-37 (1973). Council of Baltimore v. William Koons, Inc.

Just last year, the County Council adopted Resolution 44-13, enclosed. The Council observed that fee rates were last adjusted in 2006. The Council resolved that the Planning Board should study the current open space waiver system and recommend a new formula for establishing fees. This resolution reflects the Council's recognition that the current fee structure is, among other things, outdated and based on "insufficient criteria." As contemplated by this resolution, there should and will be a new fee structure established in the near future consistent with appropriate legislative criteria. This is especially important for the C.T. District, for which there has been no attention since the year 2000. This also may dovetail with the well-known public attention directed to evolving land use in the Towson area.

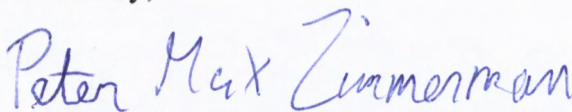
At the time of RP's November 3, 2014 correspondence, RP had not received a waiver request. RP stated such a request would have to be approved prior to the ALJ hearing. We reviewed the file. If a waiver request or approval is there, we overlooked it. Anyway, the local open space requirements, waiver, and fee issues must comport with 32-6-108. The affirmative "good cause" prerequisite for a waiver is a key criterion. Here, there are also unique concerns voiced by Prospect Hill Cemetery and reflected in RP's reference to community input.

If this development is ultimately approved (after DRP review) and there is a legally sufficient finding of "good cause" for local open space waiver, in whole or in part, then it may be suggested that the ALJ consider a condition that fees be calculated based on the reasonably expected and foreseeable legislative establishment of fees contemplated by Resolution 44-13. It is often said that the development process evolves, and that the ALJ hearing is one stage in this evolution, albeit the very important hearing stage. It will take some time for this development to come to fruition. Such a condition would be a type of condition subsequent. There is precedent, moreover, for decisions which take into consideration legislation reasonably expected to come to fruition in the foreseeable future. The ultimate goal is to have a fair fee structure which comports with statutory criteria and serves the overriding legislative purposes of either providing adequate open space or paying a fee reasonably proportionate to offset the county's cost of offsite open space acquisition and appropriate in the context of the nature of the subject property.

IV. Conclusion

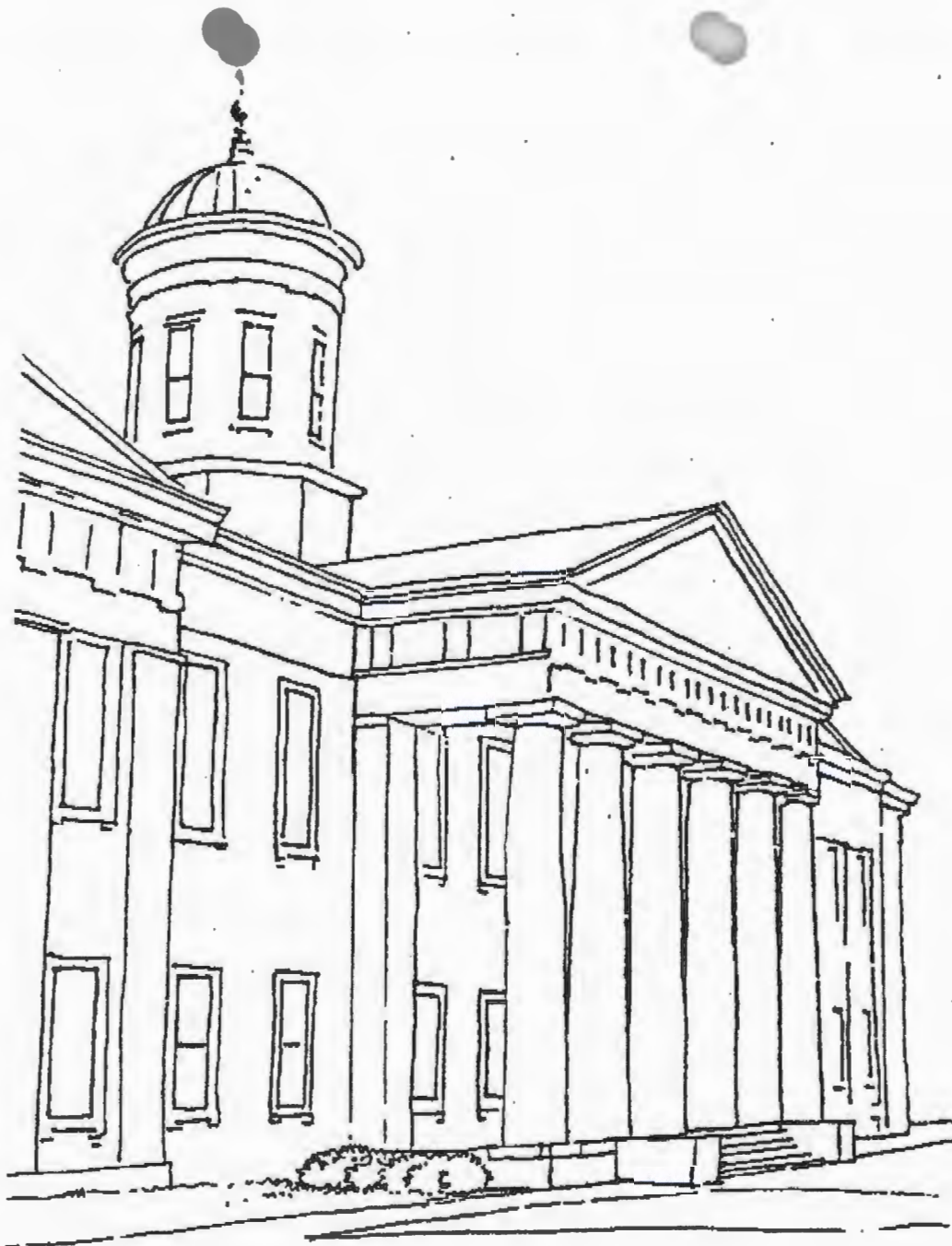
We trust this letter will be of assistance to the Administrative Law Judge as this case progresses. At this juncture, we submit this letter to address the key legal issues apparent on this record and/or placed in controversy by area citizens. We see no need to submit additional evidence at this time.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: David Karceski, Esquire, attorney for Petitioner (sent via email)
Joshua Glikin, Esquire, attorney for Protestant(s) (sent via email)
Carolyn Knott, Prospect Hill Cemetery (sent via email)
Andrea Van Arsdale, Director of Planning (sent via email)
Barry F. Williams, Director Recreation and Parks (sent via email)



TOWSON COMMUNITY PLAN

As Adopted By The Baltimore County Council on February 3, 1992

2015-0081
SPHA

Real Property Data Search (w3)

Guide to search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent R	
Account Identifier:		District - 09 Account Number - 0914652922			
Owner Information					
Owner Name:	FR WHITE MARSH INC C/O CORPORATE REAL ESTATE		Use:	COMM NO	
Mailing Address:	919 EAST MAIN ST 14TH FLR RICHMOND VA 23219-4622		Principal Residence:	/00000	
Location & Structure Information					
Premises Address:		703 WASHINGTON AVE 0-0000		Legal Description:	.070 A SES V 50 N
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessme Year:
070A	0007	0494		0000	2014
Special Tax Areas:			Town: N		
			Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
					3,234 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessme As of 07/01/2014	
Land:		242,500	242,500		
Improvements		2,400	2,000		
Total:		244,900	244,500	244,500	
Preferential Land:		0			
Transfer Information					
Seller: NOTTINGHAM PROP INC			Date: 03/08/2007		
Type: NON-ARMS LENGTH OTHER			Deed1: /00000/ 00000		
Seller:			Date:		
Type:			Deed1:		
Seller:			Date:		
Type:			Deed1:		
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2014		07/01/
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00		0.00 0
Tax Exempt:			Special Tax Recapture:		

TB
5-21-09

IN RE: PETITION FOR VARIANCE

SW corner of York Road and SE
side of Washington Avenue
9th Election District
5th Councilmanic District
(627 York Road)

FR White Marsh, Inc.
c/o Federal Realty Investment Trust
Property Owner

SunTrust Bank
Lessee

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* **CASE NO. 2009-0282-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, FR White Marsh, Inc. c/o Federal Realty Investment Trust, and the lessee, SunTrust Bank. Variance relief is requested from Section 409.10.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 6 stacking spaces in lieu of the required 9 for a drive-through bank with 3 transaction stations, and/or any other zoning relief that may be required by the Zoning Commissioner. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Drake Watson and Edward Hilton on behalf of Petitioner SunTrust Bank, and their attorney, Deborah C. Dopkin, Esquire. Also attending in support of the requested relief were Mitch Kellman and Jerry Turnbaugh with Daft McCune Walker, Inc., the consultants who prepared the site plan. Also attending on behalf of Baltimore County in support of the requested relief were Arnold

CASE NAME FEDERAL REALTY
CASE NUMBER _____
DATE 12/8/15

DEVELOPER/
PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME Federal Realty INVESTMENT TRUST
 CASE NUMBER PAS 09-919/ 2015-
 DATE 12/19/14 81-
 SET SPMA

SRHA

[illegible]

CASE NAME FEDERAL REALTY INVESTMENT TRUST
CASE NUMBER 09-0819
DATE 12/19/14

NAME _____

CITY, STATE, ZIP

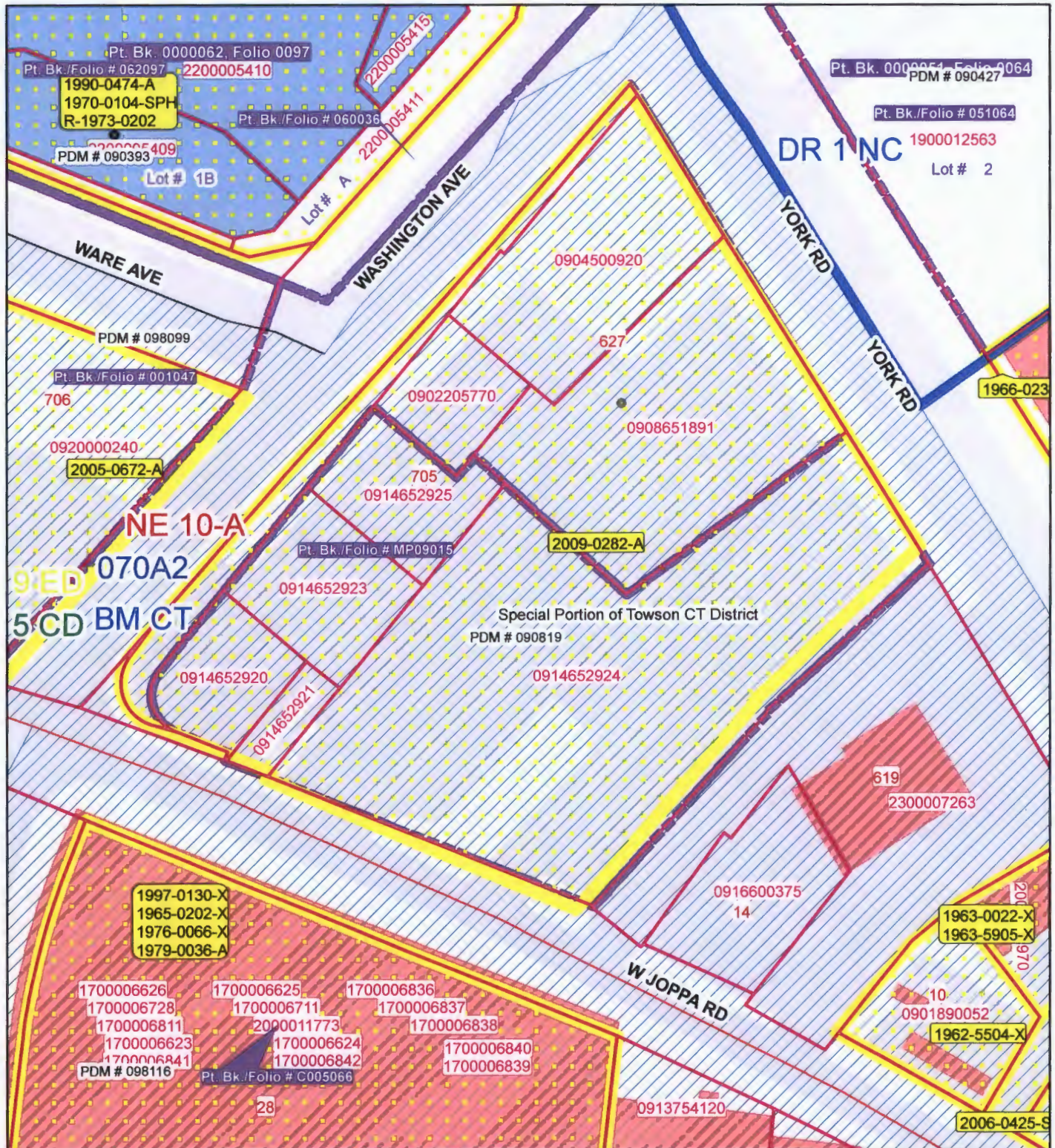
E - MAIL

[illegible]

CASE NAME FEDERAL REALTY INVESTMENT
CASE NUMBER 09-0819 TRUST
DATE 12/19/14

[illegible]

Joppa Road and York Road



Publication Date: 10/8/2014



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

1 inch = 60 feet

Item #0081

12-19-2014 + 12-8-2015

PAI 100 09-0819

Case No.: Federal Realty Investment Trust
627 York Rd

Exhibit Sheet 2015-0081-SPHA

EW
12-15-15

Petitioner/Developer

Protestants

BALTO
COUNTY

No. 1	Dev. Plan (redline)	<i>Original Exhibits are with Develop. file 09-0819</i>	Open space waiver
No. 2	My Neighborhood Map		School Analysis
No. 3	GTC Letter 12-18-2014		
No. 4	#4 Pattern Book #4A Extra Sheet re: signage		
No. 5	Vacciferro CV.		
No. 6	Site Context Exhibit		
No. 7	Dog Walk Area		
No. 8	Illustrative Overhead Ex.		
No. 9	Moriak CV		
No. 10	10A-10H "Green line" Dev. Plan		
No. 11	11A-11G County agency comments.		
No. 12	Parking reqmts: - letter, aerial photo and Bills.		

Case No.:

Federal Realty

Exhibit Sheet - Continued

Petitioner/Developer

Respondent

No. 13	Exhibit re: public parking facilities near site.	
No. 14	Emails re: school analysis.	
No. 15	Amended Zoning Petition.	
No. 16	Red line Zoning Plan (16A) sign detail sheet (16B)	
No. 17	Existing Topography Exhibit.	
No. 18	Alinger resume	
No. 19	approved DRP plan	
No. 20	DRP memo 5-19-2015 re: DRP approval	
No. 21	Rooftop amenity revision	
No. 22	Ken Schmid resume	
No. 23	Bill 79-15	
No. 24	Map Towson Comm. Revital. District	

Case No.: Federal Realty

Exhibit Sheet - Continued

Petitioner/Developer

Protestant

No. 25	Traffic Impact Study	
No. 26	Addendum to Traffic Study	
No. 27	SHA Letter 10-21-14	
No. 28	Email from G. Carski re: traffic study	
No. 29	Letter 12-8-2015 Josh Glickin, Esq.	
No. 30	GTCCA Letter 12-8-2015	
No. 31		
No. 32		
No. 33		
No. 34		
No. 35		
No. 36		

