



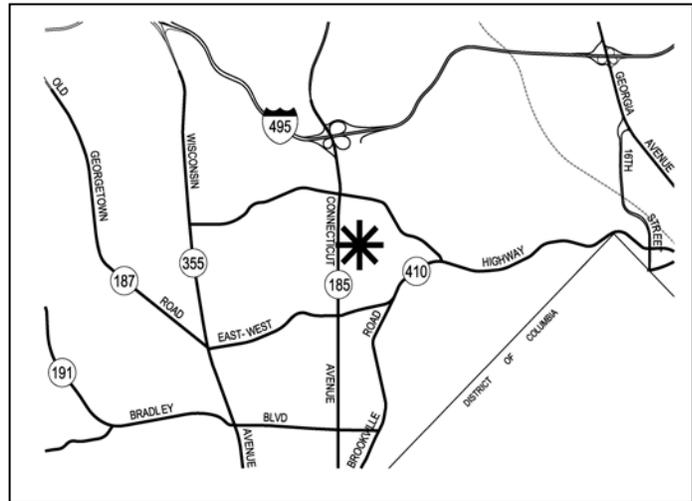
**Chevy Chase Lake: Mandatory Referral No. MR2015023, Sketch Plan Amendment No. 32014003A, Preliminary Plan No. 120150130, Site Plan No. 820150040, and Site Plan No. 820150050**

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**Description**

Completed: 07/17/2015

- For construction of up to 388,833 square feet of residential development for up to 200 multi-family dwelling units and 62 townhouse dwelling units, including the construction of a new private road, and a ½-acre public park;
- Current use: garden apartments;
- Located on Chevy Chase Lake Drive approximately 510 feet east of the intersection with Connecticut Avenue;
- 5.403 gross acres zoned CRT 2.0: C 0.25, R 2.0, H 100' and CRT 1.5: C 0.25, R 1.5, H 50' in the Chevy Chase Lake Sector Plan area;
- Applicant: CC Associates LLC;
- Filed on February 13, 2015.



**Summary**

- The Planning Board previously approved Sketch Plan 320140030 on September 9, 2014.
- The public-private partnership between EYA and HOC will transform an existing garden apartment community into a development of 62 townhouses and a 200 unit multi-family residential building with workforce housing units and moderately priced dwelling units, public open space, structured parking, vegetated roof, the construction of a new road, Private Street “A”, and a ½ public park.
- The development will be built in two phases, Phase 1: 62 townhouse units and construction of Private Street “A” and Phase 2: up to 200 multi-family dwelling units and construction of the ½-acre public park.
- The Applications were filed on February 13, 2015, and are being reviewed under the Zoning Ordinance in effect as of October 30, 2014.
- Staff received comments on June 4, 2015, related to regarding the Traffic Impact Study, Private Street “A”, and construction impacts.
- Staff recommends approval of the Mandatory Referral, Sketch Plan Amendment, Preliminary Plan, and both Site Plans with conditions.
- Executive Summary begins on Page 3.

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## SECTION 1: EXECUTIVE SUMMARY

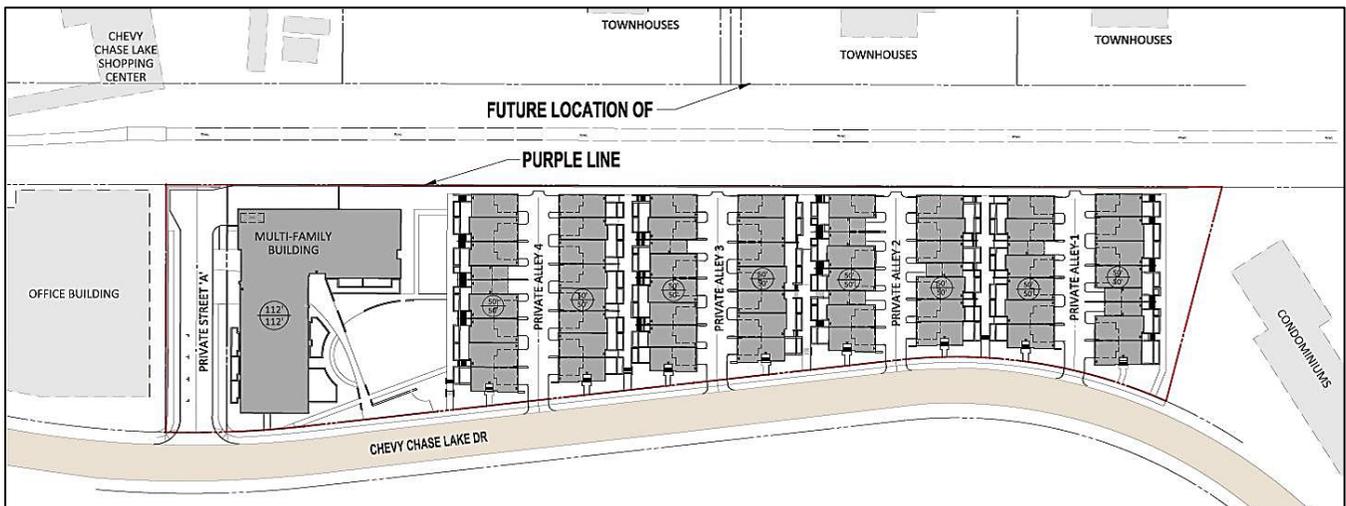
### Site and Proposal

The Subject property is located on the north side of Chevy Chase Lake Drive, approximately 510 feet east of the intersection with Connecticut Avenue. It is located in the 2013 *Chevy Chase Lake Sector Plan* and is adjacent to a master-planned Purple Line station entrance.



*Vicinity Map*

The proposed development is for up of 62 townhouses and a multi-family residential building with up to 200 units. The development includes workforce housing units and moderately priced dwelling units (or HOC-approved equivalent) and the construction of a new road, Private Street "A", and a ½-acre public park.



*Proposed Development*

### **Mandatory Referral No. MR2015023**

This Project includes the disposition of HOC land, which requires a mandatory referral review. The Applicant has requested that the Planning Board consider the mandatory referral review that applies to the public agency component of this Project (under Section 20-301 of the Land Use Article of the Md. Ann. Code) as part of the

Planning Board's review of the Sketch Plan Amendment No. 32014003A, Preliminary Plan No. 120150130, Site Plan No. 820150040 and Site Plan No. 820150050 (Attachment A). The Project complies with the general requirements and development standards of Section 4.5 of the Zoning Ordinance, and is consistent with the M-NCPPC's transportation, environment, and is consistent with the goals and recommendations of the *Chevy Chase Lake Sector Plan*. Staff recommends approval.

**Sketch Plan Amendment No. 32014003A**

The Planning Board approved Sketch Plan No. 320140030 on September 9, 2014, under the 2004 Zoning Ordinance for a maximum of 388,833 square feet of residential development. The Applicant seeks to amend the binding elements and conditions of the Sketch Plan under Section 59-7.3.3.l of the 2014 Zoning Ordinance. This Amendment will be reviewed under the 2014 Zoning Ordinance, and its approval by the Board will supersede the binding elements and conditions approved with Sketch Plan No. 320140030.

The Applicant requests to revise the following:

- Update the data table to reflect the exemption of the gross floor area of all Moderately Priced Dwelling Units (MPDUs) as a project providing a minimum of 15% MPDUs (Section 59-4.7.3.D.6.c.iii);
- Increase the building height of the multi-family structure approved in the Sketch Plan by 12 feet (Section 59-4.7.3.D.6.c.i) as a project exceeding 12.5% MPDUs;
- Eliminate the eastern row of townhouses and alley with associated surface parking and reduce the number of townhouse units from 70 to 62;
- Relocate the vehicular access to the multi-family structure's underground parking garage from Chevy Chase Lake Drive to Private Street "A"; and
- Update the public benefits schedule.

The Sketch Plan Amendment satisfies the findings under Section 59-4.5.4 of the 2014 Zoning Ordinance and substantially conforms to the recommendations of the *Chevy Chase Lake Sector Plan*. Staff recommends approval with conditions.

**Preliminary Plan No. 120150130**

The Preliminary Plan will create 63 lots to allow for a maximum density of 388,833 square feet of development of residential uses, including up to 200 multi-family units on one lot and up to 62 townhouse units on 62 lots. In addition, the Preliminary Plan will create one parcel for Private Street "A", four alley parcels, and five common open space parcels. The development will be constructed in two phases as outlined in the two site plans below. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the *Chevy Chase Lake Sector Plan*, and for the type of development or use contemplated. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Sector Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan. Staff recommends approval with conditions.

**Site Plan No. 820150050: Chevy Chase Lake – Townhomes**

Phase 1 includes up to 62 townhouses with a maximum height of 50 feet on approximately 4.1 gross acres in the CRT1.5 C0.25 R1.5 H50 zone. This phase also incorporates the construction of a new road, Private Street "A", zoned CRT2.0, C0.25, R2.0, H100. The Site Plan meets all of the general requirements and development

standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

**Site Plan No. 820150040: Chevy Chase Lake – Multi-Family**

Phase 2 includes one 112 foot tall multi-family building with up to 200 residential units on approximately 1.3 gross acres in the CRT2.0 C0.25 R2.0 H100 zone and a small area (1,960 square feet), zoned CRT1.5, C0.25, R1.5, H50. This phase also incorporates the construction of the approximately ½-acre public open space, pursuant to the recommendations of the Sector Plan. The Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance. Staff recommends approval with conditions.

**COMMUNITY OUTREACH**

The Applicant has met all signage, noticing, and submission meeting requirements. On December 16, 2014, the Applicant held a pre-submittal public meeting at the Chevy Chase Community Library. Staff has received a letter from four community associations including Hamlet House Place Owners’ Inc., Hamlet House Condominium, 8101 Connecticut Avenue Condominium Association, and Hamlet Association with concerns regarding the Traffic Impact Study, Private Street “A”, and construction impacts (Attachment B). Staff provides a formal response to the concerns in a letter dated June 12, 2015 (Attachment C). Staff has not received additional correspondence on this Project.

## SECTION 2: RECOMMENDATION AND CONDITIONS

### **Mandatory Referral No. MR2015023**

The Applicant has requested that the Planning Board consider the Mandatory Referral review that applies to the public agency component of this Project (under Section 20-301 of the Land Use Article of the Md. Ann. Code) as part of the Planning Board's review of the Sketch Plan Amendment No. 32014003A, Preliminary Plan No. 120150130, Site Plan No. 820150040 and Site Plan No. 820150050.

The Applicant believes that it would be in the public interest and would further "administrative economy" for the Applications and any mandatory referral review to be considered at the same time because: (1) the submission requirements for sketch plan applications are very comprehensive (more comprehensive than the requirements for mandatory referral review); (2) the development proposals contained in the Applications are the same as the development proposal that would be considered under a separate mandatory referral review; and (3) the time allowed for the Planning Board to review the Applications is longer than the time allowed for the Planning Board to review a project under mandatory referral review. The Applicant agreed to waive the 60-day review period required under Section 20-304 of the Mandatory Referral Review statute, in order to allow the Applications and the required mandatory referral review to be considered and acted upon by the Planning Board at the same time. Staff supports the Applicant's request.

### **Sketch Plan Amendment No. 32014003A**

Staff recommends approval of Sketch Plan Amendment No. 32014003A, Chevy Chase Lake, for construction of a maximum total density of 388,833 square feet, of residential development on the Subject Property, subject to the following binding elements and conditions, which supersede the binding elements and conditions approved with Sketch Plan No. 320140030:

#### Binding Elements

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 of the Sketch Plan are illustrative.

#### Recommended Conditions of Approval

1. Density  
The development is limited to a maximum of 388,833 square feet of total development, which reflects the exemption of the gross floor area of all MPDUs on a project providing a minimum of 15% Moderately Priced Dwelling Units (MPDUs).
2. Height  
The development is limited to the maximum height of 112 feet for the multi-family building, which reflects an additional 12 feet to accommodate MPDUs over 12.5%, and 50 feet for the townhouses.

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. Total points must equal at least 50 and be chosen from at least three categories as required by Section 59-4.5.4.2.a. The requirements of Division 59-4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at site plan approval.

- a. Transit Proximity, achieved through proximity to a master planned station;
- b. Diversity of Uses and Activities, achieved through affordable housing;
- c. Quality of Building and Site Design, achieved through structured parking and public open space; and
- d. Protection and Enhancement of the Natural Environment, achieved through vegetated area and vegetated roof.

4. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the MPDU recommendations of MCDHCA in its letter dated June 22, 2015, 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 MCDHCA may amend if the amendments do not conflict with other conditions of the Site Plan approval. The Applicant must also comply with the following:

- a. At Certified Site Plan, the Applicant will need to demonstrate compliance with the bedroom mix requirements of Chapter 25A for the MPDUs in the multifamily building (Section 25A-5(b)(3)).
- b. The MPDU townhouses will need to have 3 bedrooms and must include a full bath on each floor that includes a bedroom.

5. Workforce Housing

- a. The Planning Board accepts the Workforce Housing recommendations of MCDHCA in its letter dated June 22, 2015, 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 MCDHCA may amend if the amendments do not conflict with other conditions of the Site Plan approval.
- b. Prior to issuance of any building permit for any residential unit, the Applicant must provide M-NCPPC Staff with an adopted Housing Opportunities Commission Resolution specifying that 20% of the dwelling units on-site must be affordable to a full range of eligible households earning between 61% and 100% AMI for a 30-year control period.

6. Public Space

- a. The Applicant must provide the approximately ½-acre Park and participate with the Department of Parks to finalize the details of ownership and design of the Park.
- b. Park ownership must be agreed upon by time of Preliminary Plan approval.
- c. The boundaries of the land, Park ownership, amenities to be included within the Park, and layout of these amenities, must be agreed upon by the M-NCPPC, Department of Parks Staff and Applicant by time of Site Plan.

7. Environment

The Applicant must coordinate with the Maryland Department of Natural Resources and M-NCPPC Staff to address as appropriate the guidelines and recommendations regarding any Rare, Threatened, or Endangered species identified in the vicinity of the site.

## **Preliminary Plan No. 120150130**

Staff recommends approval of Preliminary Plan No. 120150130 subject to the following conditions:

- 1) Approval is limited to up to 63 lots with a maximum density of 388,833 square feet of total development, which reflects the exemption of the gross floor area of all MPDUs on a project that provides a minimum of 15% MPDUs, consisting of one lot for up to 200 multi-family dwellings and up to 62 lots for townhouses. Any amount of unused density as determined by the Montgomery County Department of Permitting Services (MCDPS) can be transferred offsite. The multi-family building must include 20% MPDUs and 20% work force housing units (or DHCA-approved equivalent). The townhouse development must include 15% MPDUs.
- 2) The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 32014003A and any subsequent amendments.
- 3) The Applicant must comply with the conditions of the approved Final Forest Conservation Plan (FFCP) including, but not limited to:
  - a) Prior to any clearing, grading, or demolition within the project area, the Applicant must submit to Staff and receive M-NCPPC General Counsel's Office approval of a certificate of compliance demonstrating satisfaction of the 1.00 acre total reforestation and afforestation requirement (or as determined by the Final Forest Conservation Plan(s)).
  - b) The FFCP must include at least 130 caliper inches of native canopy mitigation trees.
- 4) Prior to certification of the FFCP, the Applicant must correct the variance mitigation tables and associated plan elements to address the following items:
  - a. At least 130 caliper inches of native canopy mitigation trees must be provided on the Subject Property, except offsite Trees 3 and 37 may be mitigated on the properties from which they are removed, assuming the appropriate permission from the landowners is obtained. Otherwise their mitigation shall be provided within the Subject Property.
  - b. Adjust plans as applicable so that all the credited mitigation plantings are at least 5 feet away from any structures, SWM facilities, utility lines, and their associated easements.
- 5) Prior to Certified Site Plan(s) approval, specifications for soil restoration and soil amendments associated with the landscape and lawn areas must be approved by M-NCPPC Staff.
- 6) Prior to Certified Site Plan(s) approval, the tree save plan addressing impacted trees must be prepared by a MD licensed tree care expert who is also an ISA certified arborist.
- 7) Prior to Certified Site Plan(s) approval, the development program must be revised to prohibit construction activity (including clearing and grading), per Maryland Department of Natural Resources guidelines, during the Yellow-Crowned Night Heron's breeding season, unless timely survey(s) have been performed to ensure that there is no nesting activity within the area of concern.
- 8) The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated June 18, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 9) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated June 26, 2015, and does hereby incorporate them as conditions of the Preliminary 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 Preliminary Plan approval.
- 10) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
- 11) Prior to approval of the first plat associated with this Preliminary Plan, the Applicant must receive Staff approval of a public use and access easement to cover the 60-foot right-of-way of Private Street "A." The easement will be held by Montgomery County, in trust for the public, and must be in a recordable form with the following provisions:
  - a. The Private Street must be located within its own parcel, separate from the development, and must be shown on the record plat;
  - b. Entitlement for open and unobstructed public use of the easement for all customary vehicular, pedestrian and bicycle, and loading access. The easement granted to the public must be volumetric, in order to accommodate uses below and above the street easement area and must accommodate public utility easements;
  - c. Obligation for the Applicant to design and construct the streets pursuant to MCDOT Road Code Standard 2005.01 Modified: Two Lane Business District Street with parking on both sides;
  - d. Obligation for the Applicant to construct the streets pursuant to comparable MCDOT structural construction standards, at the Applicant's expense;
  - e. Obligation to install traffic control devices within the easement area, based on prevailing standards, at the County's request and with the exception of traffic signals, at the Applicant's expense;
  - f. Obligation for the Applicant to maintain and repair the streets in acceptable conditions for all access and loading purposes, at its expense;
  - g. Obligation for the Applicant to keep the streets free of snow, litter, and other obstructions and hazards at all reasonable times, at its expense;
  - h. Entitlement for the Applicant or its designee to close private streets for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public. Closure for recreational purposes, i.e., Block Parties, Parades, Races, etc., must follow MCDOT protocol to include, but not be limited to:
    - i. Signage notifying public of road closures, lane restrictions, or parking restrictions to be in place at least one week prior to closure at locations in accordance with adopted MCDOT standards.
    - ii. Maintain vehicular and pedestrian access to properties abutting closure if possible, and open to emergency vehicle passage at all times.
    - iii. Traffic control devices to be placed in accordance with adopted MCDOT standards.
    - iv. Written notice in accordance with adopted MCDOT standards.
    - v. Written notice to affected civic associations, homeowners associations and businesses in the immediate area two weeks prior to event.
    - vi. Dimensions of signage in accordance with adopted MCDOT standards.
- 12) Short-term public bicycle parking must be installed near the main residential entrance to the multi-family building and open space. Secure long term private bicycle parking must be installed, internal to the multi-family building, for residents' use. The exact number and location of bicycle parking will be determined at the time of Site Plan.

- 13) The Applicant must satisfy the Adequate Public Facilities Transportation Policy Area Review (TPAR) test by making a TPAR mitigation payment equal to 50% of the applicable development transportation impact tax to MCDPS at the time of building permit.
- 14) The certified Preliminary Plan must contain the following note:  
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
- 15) The record plat must show necessary easements.
- 16) The final number of MPDUs and Workforce Housing Units as per condition #1 above will be determined at the time of Site Plan(s) approval.
- 17) No clearing or grading prior to FFCP or recording of plats prior to Certified Site Plan(s) approval.
- 18) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at Site Plan(s).
- 19) Include the stormwater management concept approval letter and Preliminary Plan resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
- 20) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Sector Plan and/or to the design standards imposed by all applicable road codes, including as modified by MCDOT.
- 21) Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a five-foot wide sidewalk along the Subject Property frontage on Chevy Chase Lake Drive.
- 22) The record plat must reflect all areas under Homeowners Association ownership and driveway parcels.
- 23) Except as modified by Condition 27 below, the record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
- 24) In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan(s).
- 25) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

26) Prior to record plat, the Applicant must execute a deed of easement and an associated construction and maintenance agreement with the Maryland-National Capital Park & Planning Commission to allow the Montgomery County Department of Parks to use and operate the roughly ½ acre public open space on the Subject Property, as shown on the Site Plan, exclusively as a public park in perpetuity. The foregoing documents must be in a form approved by the Department of Parks and the Commission’s Office of the General Counsel. At a minimum, the deed of easement must include the following provisions:

The easement must: (i) be perpetual and run with the land; (ii) provide the Commission the exclusive right to use and operate the open space as a public park; (iii) restrict the Applicant or any Applicant-controlled party from taking any actions that interfere or are inconsistent with the Commission’s use of the easement area as a public park; and (iv) allow the Applicant subterranean and utility use rights.

The park must be used, operated and policed as a Commission park.

Public use of the park must be governed in accordance with the Commission’s rules and regulations for the operation of its park system, as amended from time to time. Additional rules and regulations, not inconsistent with the Commission’s rules and regulations, may be mutually agreed to by Applicant and the Commission.

At a minimum, the construction and maintenance agreement must include the following provisions:

The park must be constructed and maintained by the Applicant to at least Parks Department standards for Commission parks.

The Commission must have the right, but not the obligation, to maintain, repair, or replace park improvements and to seek compensation from the Applicant for such actions if the Applicant fails to maintain the park to applicable standards.

The Applicant must address the issues of insurance and indemnity in a manner satisfactory to the Commission’s Risk Management Division and Office of the General Counsel.

Applicant’s duties and obligation must be enforceable against any subsequent assignees and beneficiaries through a mechanism satisfactory to the Department of Parks and the Commission’s Office of the General Counsel.

The deed of easement and construction and maintenance agreement must be recorded and effective prior to the issuance of a residential building permit for the multi-family building.

**Site Plan No. 820150040: Chevy Chase Lake – Multi-Family**

Staff recommends approval of Site Plan 820150040 for up to 193,000 square feet of residential development, which reflects the exemption of the gross floor area of all MPDUs for a project providing a minimum of 15 percent MPDUs, with up to 200 multi-family residential units on approximately 1.31 gross acres in the CRT2.0 C0.25 R2.0 H100 zone and the CRT1.5 C0.25 R1.5 H50 zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

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<sup>1</sup> For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

1. Sketch Plan Conformance  
The development must comply with the binding elements and conditions of approval for Sketch Plan No. 32014003A and any amendments.
2. Preliminary Plan Conformance  
The development must comply with the conditions of approval for Preliminary Plan No. 1201500130 and any amendments.
3. Forest Conservation & Tree Save  
The Applicant must comply with the conditions of the Final Forest Conservation Plan (FFCP), including:
  - a. As recommended in the Chevy Chase Lake Sector Plan, mitigate development within the stream valley buffer by addressing erosive conditions and invasive species at the three off-site drainage outfalls opposite the site along Coquelin Run. The details for this work must be shown on the Final Forest Conservation Plan and approved by M-NCPPC Staff prior to certification of the FFCP.
  - b. The applicant shall coordinate with Staff to address any necessary corrections and clarifications prior to certification of the FFCP.
  - c. The development must comply with the Final Forest Conservation Plan.
4. Noise Attenuation
  - a. Prior to the issuance of any residential building permit, the Applicant must provide certification to Staff from an engineer who specializes in acoustical treatment that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The Applicant must construct the units in accordance with these design specifications, and any changes that may affect acoustical performance must be approved by the acoustical engineer in advance of installation.
  - b. After construction is complete and prior to issuance of any Use and Occupancy Certificate, the Applicant must provide certification from an engineer specialized in acoustics, that the building shell has been built to the design specifications to attenuate projected exterior noise.

#### **Public Use Space, Facilities and Amenities**

5. Public Use Space, Facilities, and Amenities
  - a. The Applicant must construct the Park as illustrated on the Certified Site Plan, which includes a minimum of 7,900 square feet of public open space (15.6% of net lot area), by December 31, 2018.
  - b. The Applicant must construct the streetscape improvements along the property's frontage on Private Street "A" and Chevy Chase Lake Drive consistent with the Chevy Chase Lake Design Guidelines.
  - c. Prior to the issuance of Use and Occupancy certificates for any residential units, all public open space areas on the Subject Property must be completed.
6. Recreation Facilities
  - a. Prior to Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
  - b. The Applicant must provide at a minimum the following recreation facilities on-site: three (3) picnic/sitting areas, an open play area II, a pedestrian system and an indoor community space.
  - c. If the Public Park is not constructed and open to the public by December 31, 2018, the Applicant shall install seven (7) picnic/seating areas. Each area can be a picnic table or two (2) benches that accommodate six (6) people on the park easement area in a location to be approved by Staff. When

construction on the HOC property commences, these picnic/seating areas may be removed by the Applicant.

7. M-NCPPC Department of Parks

The park amenities as agreed upon by M-NCPPC Department of Parks and as illustrated on the Landscape Plan, must be included on the Certified Site Plan.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property including, but not limited to pedestrian pathways, landscaping, hardscape, recreation facilities, and public open space.

9. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a. Transit Proximity

The Subject Property is located adjacent to a proposed Purple Line station, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. Final area calculations must be included on the Certified Site Plan and will be based on a pro-rata share of the total number of dwelling units in Phase 1 and Phase 2.

b. Diversity of Uses and Activities

i. Affordable Housing/MPDUs

a. The Applicant must provide affordable housing units in accordance with the MPDU recommendations in MCDHCA's letter dated June 22, 2015, which the Planning Board accepts and hereby incorporates as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

b. Prior to issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

c. Quality Building and Site Design

i. Public Open Space

The Applicant must provide a minimum of 5,375 square feet of additional public open space above the required square feet of public open space (5 percentage of net lot area) on-site.

ii. Structured Parking

The Applicant must provide structured parking in a below-grade structure within the maximums and minimums approved by this site plan as necessary to achieve 13.4 public benefit points using the following formula from the *Implementation Guidelines*:  $[(A/P)/(A/R)]*10$ , where A=the maximum allowed spaces, R=the minimum required spaces, and P=the proposed spaces.

d. Protection and Enhancement of the Natural Environment

i. Vegetated Roof

The Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment.

## Transportation & Circulation

### 10. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 95 private and 10 public bicycle parking spaces.
- b. The private spaces must be in a secured, well-lit bicycle room within the garage, and the public spaces must be inverted-U racks, or approved equivalent, installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must provide a minimum 5-foot wide sidewalk along the Subject Property's frontage on Chevy Chase Lake Drive.

### 11. Traffic Mitigation

The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District, when and if it is expanded to include Chevy Chase Lake, if applicable.

### 12. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its letter dated June 24, 2015.

## Housing

### 13. Workforce Housing Units

- a. The Planning Board accepts the Workforce Housing Unit recommendations of MCDHCA in its letter dated June 22, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDHCA may amend if the amendments do not conflict with other conditions of the Site Plan approval.
- b. Prior to issuance of any building permit for any residential unit, the Applicant must provide M-NCPPC Staff with an adopted Housing Opportunities Commission Resolution specifying that 20% of the dwelling units on-site must be affordable to a full range of eligible households earning between 61% and 100% AMI for a 30-year control period.

## Site Plan

### 14. Building Height

The maximum height for the multi-family building is 112 feet, as measured from the building height measuring point located on Private Street A.

### 15. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

### 16. Landscaping

- a. Prior to issuance of any residential Use and Occupancy Certificate for the Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities (including the indoor community space for the residents, pedestrian system and picnic/seating areas), and public use space amenities within the phase must be installed.

- b. The Applicant must install landscaping, outside of the Park, no later than the next growing season after completion of site work.

17. Lighting

- a. Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. Deflectors must be installed on all proposed up-lighting fixtures to prevent excess illumination and glare.
- c. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above-grade residential building permit for this Site Plan, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon M-NCPPC Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements.
- c. The cost estimate must include the construction of the Park and all elements and improvements associated with the Park, as illustrated on the Certified Site Plan.
- d. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- e. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

19. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

20. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval letter, stormwater management concept approval letter, development program, and Sketch Plan resolutions, Preliminary Plan resolution and Site Plan resolutions on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."

- c. Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

**Site Plan No. 820150050: Chevy Chase Lake – Townhomes**

Staff recommends approval of Site Plan 820150050 for up to 187,400 square feet of residential development, which reflects the exemption of the gross floor area of all MPDUs on a project providing a minimum of 15% MPDUs, with up to 62 townhouse units on approximately 4.1 gross acres in the CRT1.5 C0.25 R1.5 H50 zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>2</sup>

1. Sketch Plan Conformance  
The development must comply with the binding elements and conditions of approval for Sketch Plan No. 32014003A and any amendments.
2. Preliminary Plan Conformance  
The development must comply with the conditions of approval for Preliminary Plan No. 1201500130 and any amendments.
3. Forest Conservation & Tree Save  
The Applicant must comply with the conditions of the Final Forest Conservation Plan (FFCP), including:
  - a. Provision of offsite stream restoration needed for Master Plan conformance and as part of the mitigation for proposed environmental impacts. The final scope, location and details for the offsite stream restoration and invasive control work must be shown on the Final Forest Conservation Plan and approved by M-NCPPC Staff prior to certification of the FFCP.
  - b. The applicant shall coordinate with Staff to address any necessary corrections and clarifications prior to certification of the FFCP.
  - c. The development must comply with the Final Forest Conservation Plan.
4. Noise Attenuation
  - a. Prior to the issuance of any residential building permit, the Applicant must provide certification to Staff from an engineer who specializes in acoustical treatment that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The Applicant must construct the units in accordance with these design specifications, and any changes that may affect acoustical performance must be approved by the acoustical engineer in advance of installation.
  - b. After construction is complete and prior to issuance of any Use and Occupancy Certificate for each building, the Applicant must provide certification from an engineer specialized in acoustics, that the building shell has been built to the design specifications to attenuate projected exterior noise.

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<sup>2</sup> For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

## Public Use Space, Facilities and Amenities

### 5. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 10,900 square feet of common open space (7.8% of net lot area).
- ii. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Subject Property's frontage on Chevy Chase Lake Drive and Private Street "A", consistent with the Chevy Chase Lake Design Guidelines.
- iii. On-site amenities including, but not limited to, pedestrian pathways, alleys, landscaping and hardscape recreation amenities, and public use space amenities adjacent to each row of townhouse units must be installed prior to release of any Use and Occupancy Certificate for the respective row of units.
- iv. Prior to final Use and Occupancy Certificate for this Site Plan, the Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan for Private Street "A" to the full width mandated by the Sector Plan and/or to the design standards imposed by all applicable road codes.
- v. The Applicant must provide a 5-foot wide sidewalk along Private Street "A".
- vi. The Applicant must provide a 5-foot wide sidewalk along the site frontage on Chevy Chase Lake Drive.

### 6. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

#### a. Transit Proximity

The Subject Property is located adjacent to a proposed Purple Line station, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. Final area calculations must be included on the Certified Site Plan and will be based on a pro-rata share of the total number of dwelling units in Phase 1 and Phase 2.

#### b. Diversity of Uses and Activities

##### i. Affordable Housing/MPDUs

a. The Applicant must provide affordable housing units in accordance with the MPDU recommendations in MCDHCA's letter dated June 22, 2015, which the Planning Board accepts and hereby incorporates as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

b. Prior to issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

#### c. Protection and Enhancement of the Natural Environment

##### i. Vegetated Area

The Applicant must install plantings in a minimum of 12 inches of soil, covering a minimum of 5,000 square feet of the site.

### 7. Recreation Facilities

- a. Prior to Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines. The Applicant must provide at a minimum the following recreation facilities on-site: one (1) picnic/sitting area, a bike system and a pedestrian system.

- b. If the public park on the HOC property is not constructed and open to the public by December 31, 2018, the Applicant shall install seven (7) picnic/seating areas. Each area can be a picnic table or two (2) benches that accommodate six (6) people and may be installed on the park easement area on the HOC Property in a location to be approved by Staff. When construction on the HOC property commences, these picnic/seating areas may be removed by the Applicant.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian pathways, landscaping, hardscape, recreation facilities, and common open space.

### **Transportation & Circulation**

9. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its letter dated June 24, 2015.

### **Site Plan**

10. Building Height

The maximum height for the townhouse units is 50 feet as measured from the building height measuring point, illustrated on the Certified Site Plan.

11. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the latest approved architectural drawings included in the Certified Site Plan, as determined by Staff.
- b. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

12. Landscaping

- a. Prior to release of any Use and Occupancy Certificate for the respective row of townhouse units, on-site amenities including, but not limited to, lighting, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, and recreation amenities adjacent to each row of townhouse units must be installed.
- b. The Applicant must install the landscaping associated with each row of townhouse units no later than the next growing season after completion of each phase and site work.

13. Lighting

- a. Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. Deflectors must be installed on all proposed up-lighting fixtures to prevent excess illumination and glare.
- c. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.

- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

14. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade residential building permit for this Site Plan, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon M-NCPPC Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, paths, the Private Street, and private alleys.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for will be followed by inspection and potential reduction of the surety.
- d. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each row of townhouse units.

15. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

16. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval letter, stormwater management concept approval letter, development program, and Sketch Plan resolutions, Preliminary Plan resolution and Site Plan resolutions on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

### SECTION 3: SITE DESCRIPTION

#### Site Vicinity

The subject site (Subject Property or Property) comprises four lots, located on the north side of Chevy Chase Lake Drive, approximately 510 feet east of the intersection with Connecticut Avenue. It is located in the 2013 *Chevy Chase Lake Sector Plan* (Sector Plan). The Subject Property is adjacent to a master-planned Purple Line station entrance.

The Subject Property is bounded by Chevy Chase Lake Drive to the south, the 8401 Connecticut Avenue office building to the west and the Capital Crescent Trail to the north, which is a shared-use off-road trail between Silver Spring and Georgetown in the District of Columbia. To the east is the Hamlet House Condominium located at 3535 Chevy Chase Lake Drive. The Coquelin Run stream, a tributary to Rock Creek, runs parallel to the Subject Property, on the south side of Chevy Chase Lake Drive.

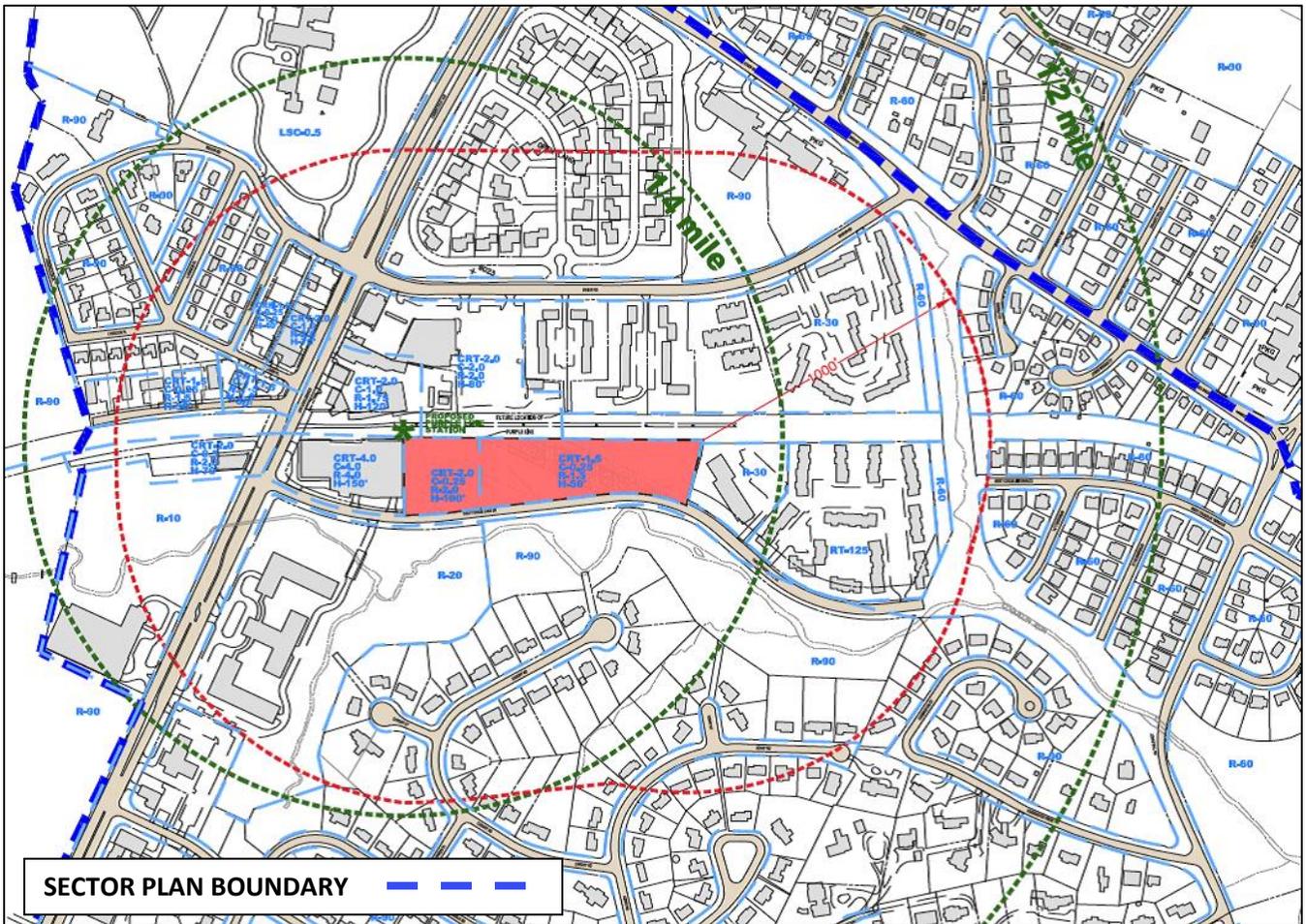


Figure 1-Vicinity Map

The neighborhood surrounding the Subject Property includes multi-family, single-family attached, and single-family detached residential uses, commercial uses, and retail uses. There are also many recreational and cultural features proximate to the Property. In addition to the nearby Capital Crescent Trail, there are multiple parks near the Property, including Lynnbrook Local Park, North Chevy Chase Local Park, as well as the many

facilities located within the Rock Creek Park area. The Chevy Chase Library is located within approximately ¼-mile.

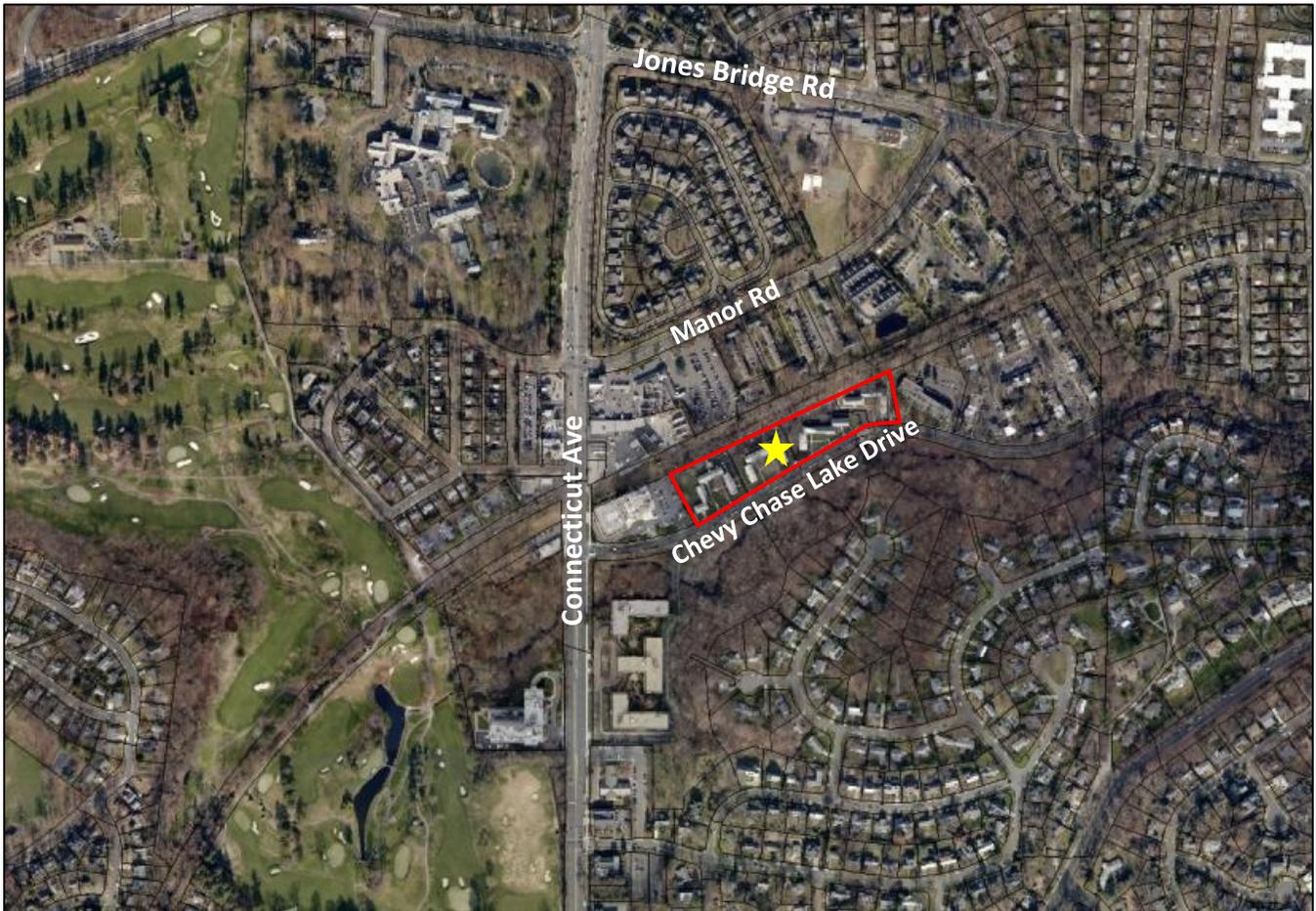


Figure 2-Aerial View

**Site Analysis**

The 5.4-acre Property, currently owned by Chevy Chase Lake Development Corporation, an entity of the Housing Opportunity Commission of Montgomery County (HOC), is improved with 68 garden apartments contained in multiple 2-story structures as well as drive aisles and surface parking lots. It is zoned CRT 2.0, C 0.25, R 2.0, H 100' and CRT 1.5, C 0.25, R 1.5, H 50'.

As discussed further in the Environmental Section of the Preliminary Plan, the Maryland Department of Natural Resources has identified a rare, threatened, or endangered species in the vicinity of the site. A 100-year floodplain is located within the southwest corner of the Property. There are no known historic properties or features on the Property. There are sizable lawn areas surrounding the buildings along with landscaping and numerous significant and specimen trees associated with the Property. Forest areas and large trees within the Purple Line & Capital Crescent Trail corridor are located along the northern site boundary, and additional significant and specimen trees occur immediately offsite towards the east and west. The site topography is gently sloping and drops approximately 35 feet in elevation from west to east (at an approximately 3.5% slope gradient). There are some minor areas of steep slopes onsite that area associated with embankments of the former railway corridor.

## SECTION 4: PROJECT DESCRIPTION

### Previous Approvals

The Planning Board approved Sketch Plan No. 320140030 by Resolution dated September 9, 2014 (Attachment D). Approved under the 2004 Zoning Ordinance, the Sketch Plan established several binding elements on the entire 5.4 gross tract acre site:

1. Maximum total density of 388,833 square feet and a maximum height of 50 feet for the townhouses and 100 feet for the multi-family building.
2. Approximate location of lots and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefit schedule.

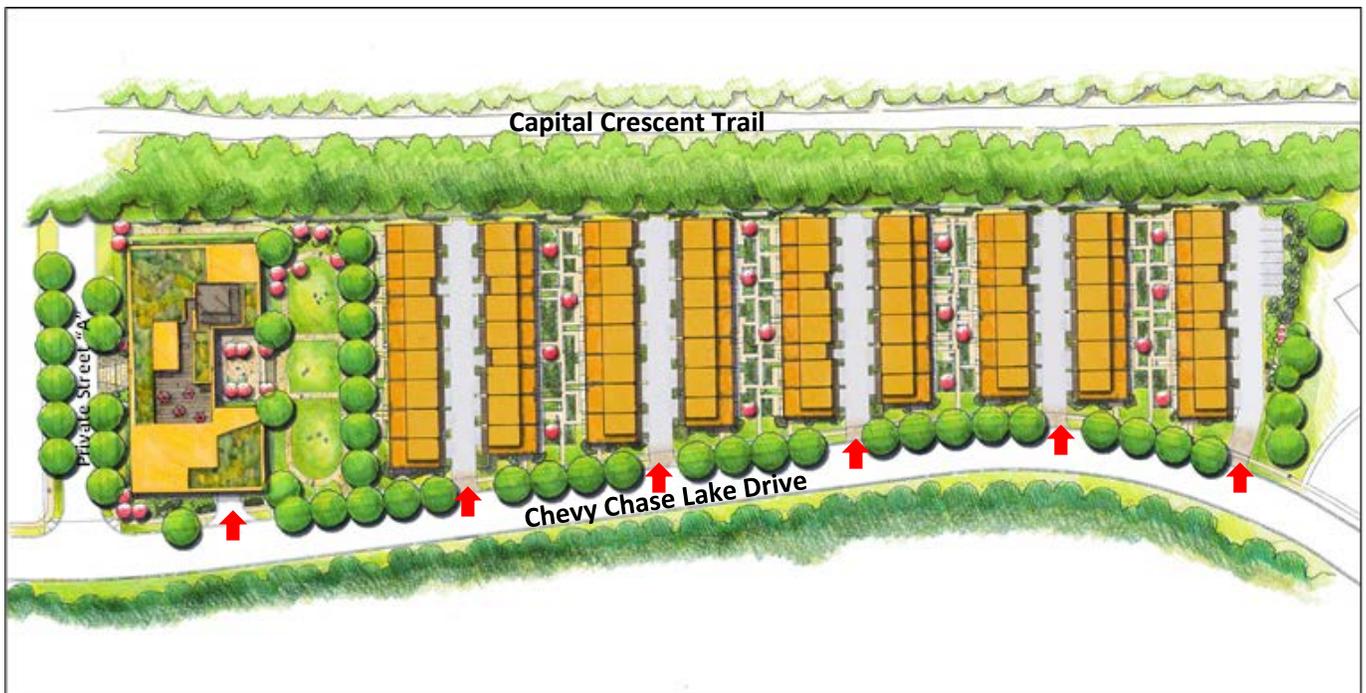


Figure 3- Approved Sketch Plan

### Proposal

#### Sketch Plan Amendment

The Applicant seeks an amendment to the binding elements and conditions of the Sketch Plan under the 2014 Zoning Ordinance to revise the following:

- a. Update the data table to reflect the exemption of the gross floor area of all Moderately Priced Dwelling Units (MPDUs) as a project providing a minimum of 15% MPDUs per Section 59-4.7.3.D.6.c.iii of the 2014 Zoning Ordinance, while still maintaining the overall approved maximum density;
- b. Increase the building height of the multifamily structure approved in the Sketch Plan by 12 feet under the formula contained in Section 59-4.7.3.D.6.c.i of the 2014 Zoning Ordinance as a project exceeding 12.5% MPDUs. This additional building height is necessary to accommodate more spacious multi-family MPDUs, especially scarce and sought-after 3 bedroom units for larger families;

- c. Eliminate the eastern row of townhouses and alley with associated surface parking and reduce the number of townhouse units from 70 to 62, thereby modifying the approximate location of lots;
- d. Relocate the vehicular access to the multifamily structure's underground parking garage from Chevy Chase Lake Drive to Private Street "A";
- e. Modify the public benefits schedule to: increase the number of public benefit points to reflect the calculation of public benefit points for MPDUs in the Diversity of Uses and Activities category under Section 59-4.7.3.D.6.a of the Zoning Ordinance and increase public benefit points for structured parking in the Quality Building Design category under Section 59-4.7.E.6 of the Zoning Ordinance. This resulted in an overall increase in public benefit points from 82.1 to 223.9.

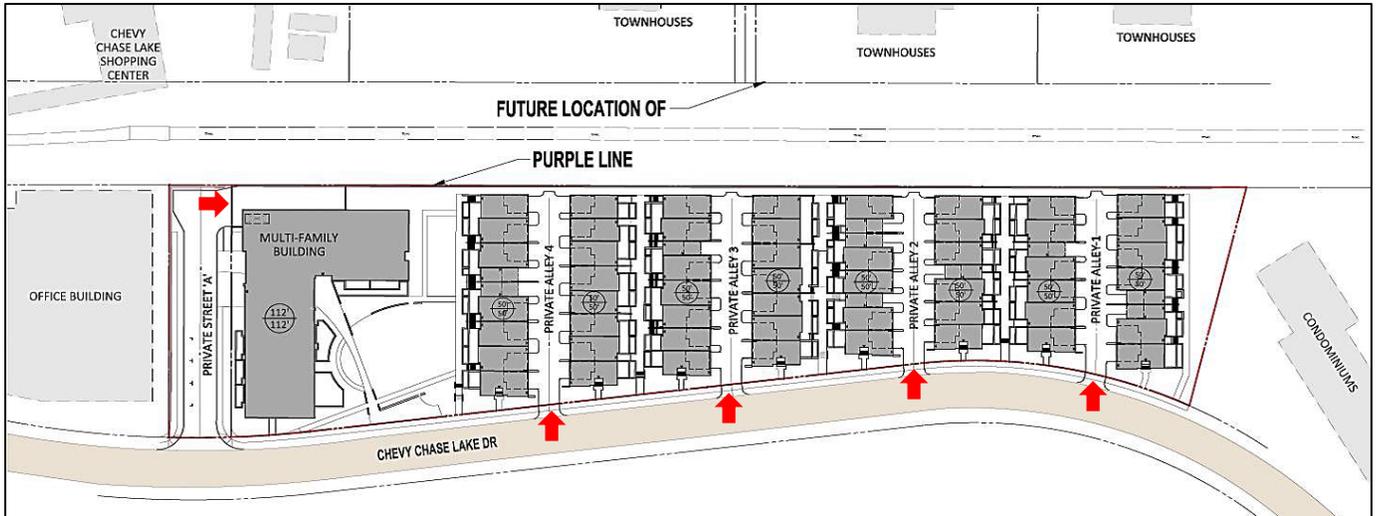


Figure 4- Sketch Plan Amendment



Figure 5- Sketch Plan Amendment, Building Massing

Subdivision

The Preliminary Plan (Attachment E) will create 63 lots to allow for a maximum density of 388,833 square feet of development of residential uses, including one lot for up to 200 multi-family units and 62 lots for townhouse units. In addition, the Preliminary Plan will create one parcel for Private Street “A”, four alley parcels, and five common open space parcels. Private Street “A” will be constructed to a modified business district street standard as envisioned by the Sector Plan. The Applicant is proposing to construct one multi-family residential building with a below-grade parking structure and eight rows of townhouse units.

Phasing

The proposed development is expected to be built in two phases (Figure 6). The Applicant requests flexibility to sequence the phasing in any order or combination. The currently envisioned phasing is as follows:

- Phase 1 will include the townhouse units, on proposed Lots 2-63, and Private Street “A” required by the Sector Plan.
- Phase 2 will include the multi-family building, on proposed Lot 1, along with the approximately ½-acre public open space area.

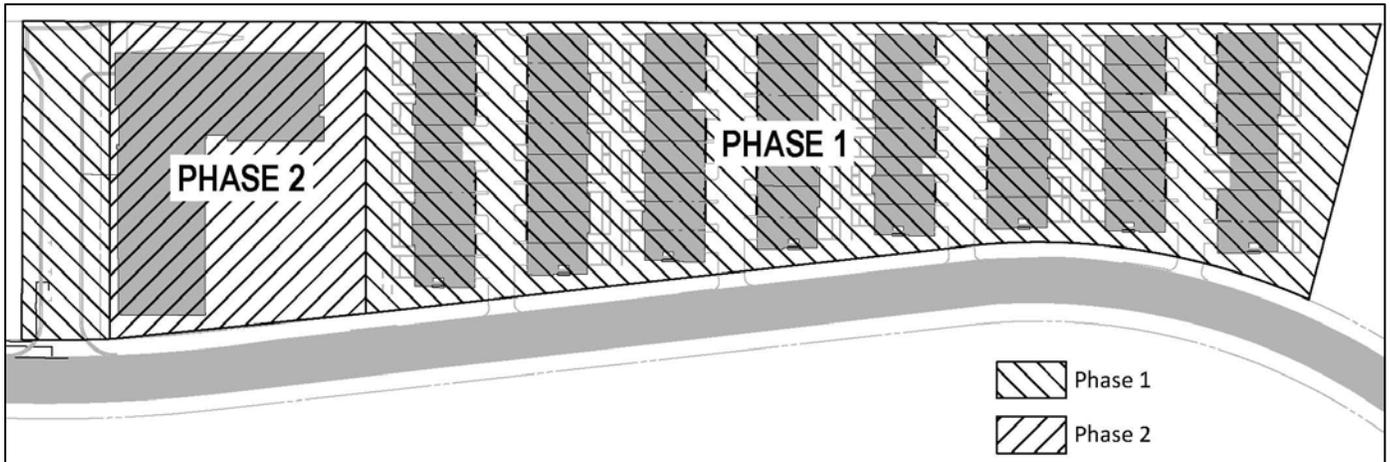


Figure 6-Proposed Phasing Plan

Uses and Density

The Townhouse phase is approximately 4.1 acres zoned CRT 1.5 C0.25 R2.0 H50 and CRT2.0, C0.25, R2.0, H100. This Site Plan is for up to 187,400 square feet of residential development (1.05 FAR) for up to 62 townhouses units, including 15% MPDUs. Per Section 4.7.3.D.6.c.iii of the Zoning Ordinance, for projects with 15% MPDUs, the Gross Floor Area (GFA) of all MPDUs is exempt from the calculation of FAR. The Project also incorporates the construction of a new road (Private Street “A”) adjacent to the multi-family building lot, zoned CRT2.0, C0.25, R2.0, H100, as shown in Figure 7.

The Multi-family building phase is approximately 1.31 acres zoned CRT1.5, C0.25, R1.5, H50 and CRT 2.0 C0.25 R2.0 H100 and a small portion of Lot 1 (1,960 square feet) is zoned CRT1.5, C0.25, R1.5, H50, as shown in Figure 7. This Site Plan is for up to 200 residential units, for up to 193,000 square feet of residential development (3.38 FAR), including 20% WFHUs (or MCDHCA equivalent) and 20% MPDUs. Again, per Section 4.7.3.D.6.c.iii of the Zoning Ordinance, the GFA of all MPDUs (approximately 8,400 square feet) is exempt from the calculation of FAR. This Site Plan also incorporates the construction of the approximately ½-acre public open space, located on proposed Lot 1, pursuant to the recommendations of the Sector Plan.

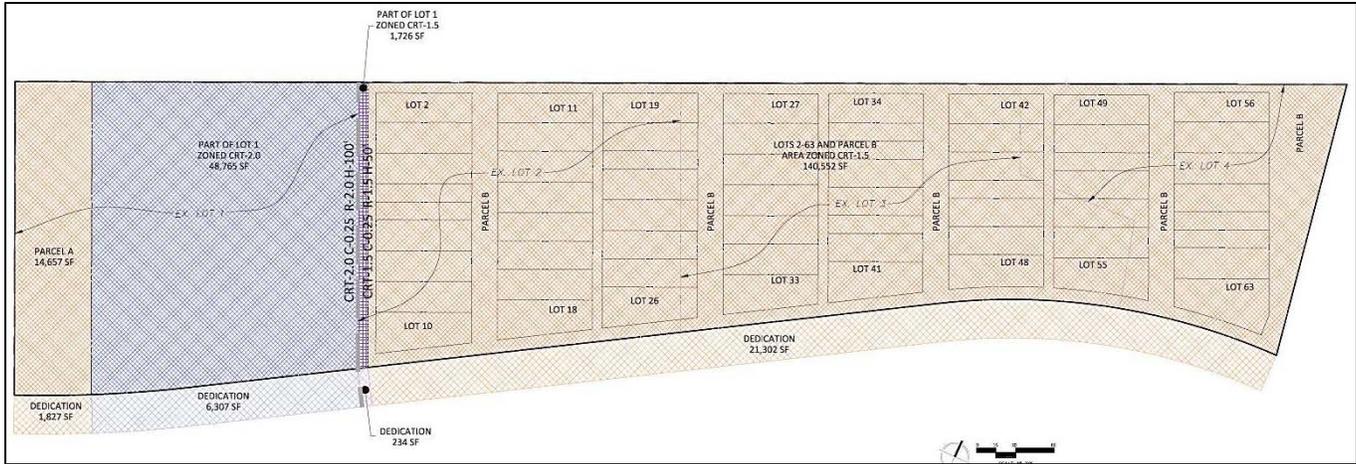


Figure 7- Tract Density Exhibit

**Buildings**

There are currently 68 rental garden apartments owned by HOC on the Property, which are proposed to be replaced with one (1) multi-family building and 62 townhouses.

The multi-family building will have a height of up to 112 feet. The primary building materials are brick and metal panels with some precast stone. The multi-family building incorporates an open air passage that will allow pedestrians easy access from Chevy Chase Lake Drive through the approximately ½-acre public open space to Private Street “A” and the future Purple Line station. The multi-family building’s L-shaped design allows for multiple entrances from the lobby, fitness center, and other amenity spaces onto the public open space and passageway, which will create a gathering area for residents.

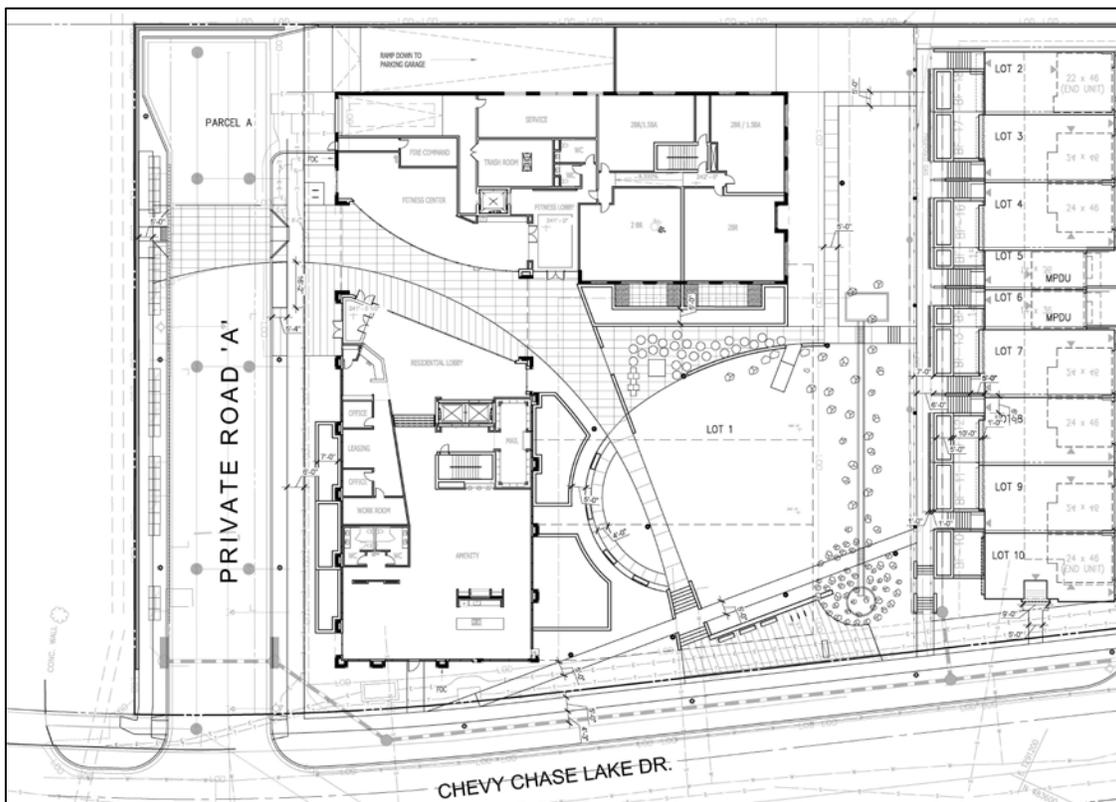


Figure 8- Multi-family building Site Plan

Parking for the multi-family residential building will be provided in a below-grade facility and the garage and visitor entrance and loading entrance is off of Private Street "A".



*Figure 9-Illustrative Multi-family Building, West Elevation*



*Figure 10-Illustrative Multi-family Building, East Elevation*

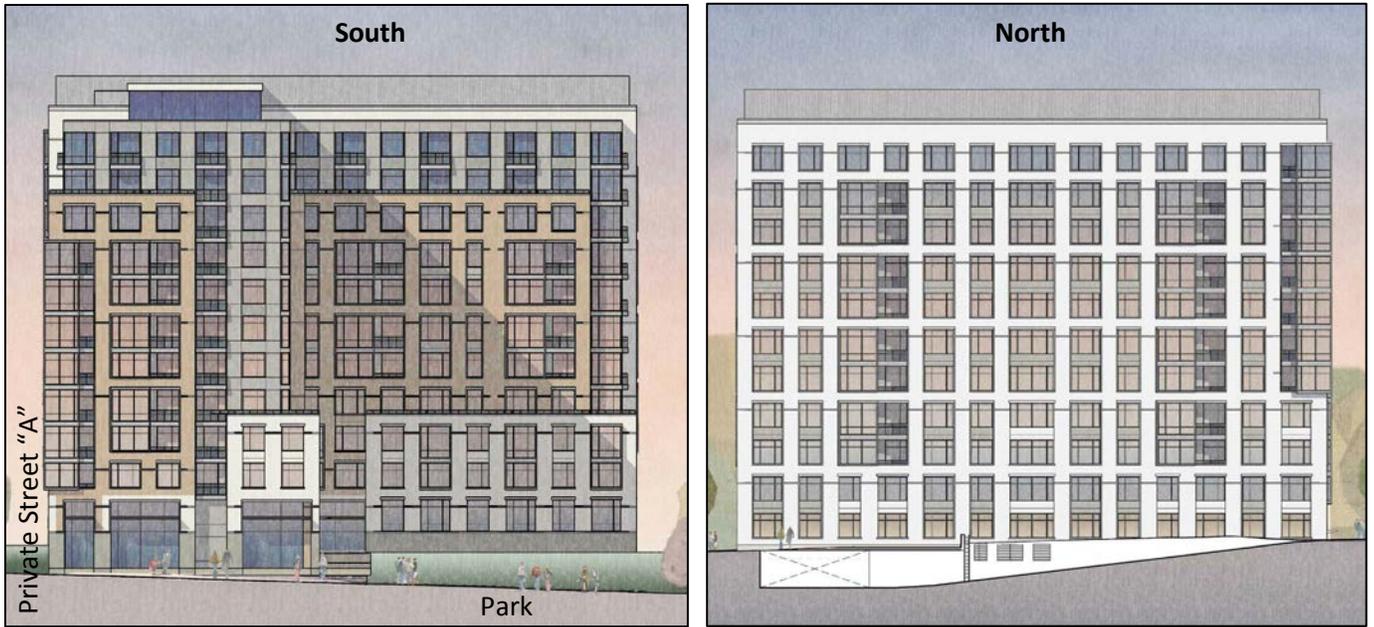


Figure 11-Illustrative Multi-family Building, North and South Elevations

The townhouse units will transition building height down to the adjacent residential buildings and will be up to 50 feet in height. The townhouses will be arranged in eight paired rows organized around three landscaped courtyards. Four private alleys provide access to garage parking. All of the market-rate single-family townhouse units are proposed to have two-car garages. The MPDU units are proposed to have one-car garages. The units will have front doors facing the courtyard. Other townhouse amenity spaces include rooftop terraces and options for a rear deck. The western row of townhomes will front on the adjacent public space included in the Multi-family Site Plan application, while the eastern row of townhomes will face the existing Hamlet House Condominiums.



Figure 12-Townhouse Site Plan



*Figure 11-Illustrative Typical Townhouse Elevation*



*Figure 12- Illustrative Typical Townhouse Street Elevation*

### Open Space

The Townhouse Site Plan includes approximately 7% of the net lot area of the Property, or 10,900 square feet as common open space, which is more than the 5% common open space requirement pursuant to CRT zone requirements. The Multi-family Site Plan includes approximately 15% of the net lot area of the Property as public open space, or 7,900 square feet, which is more than the 5% public open space requirement pursuant to CRT zone requirements. (Figure 13) The approximately ½-acre Park will combine the two required open space areas, located centrally to the Site, to provide a public outdoor area devoted to public use and enjoyment and a space intended for recreational use available to all residents and the greater community.

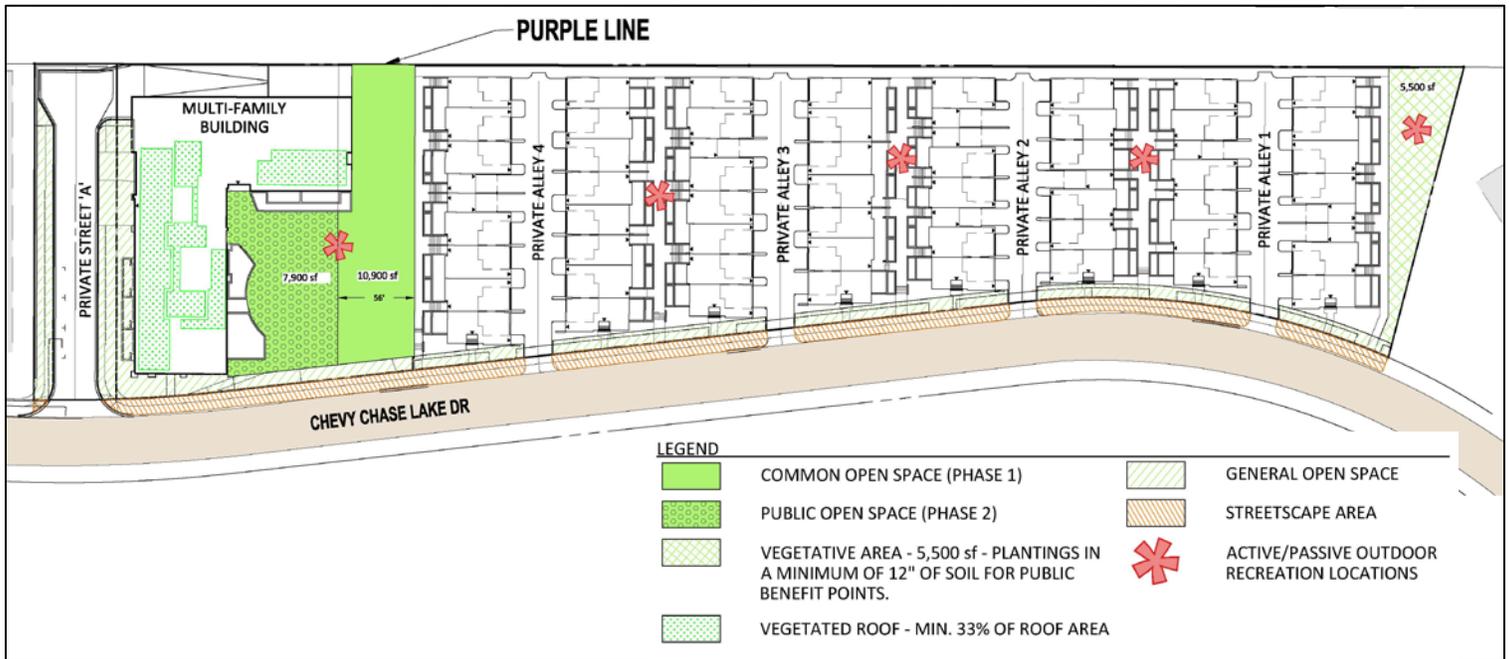


Figure 13-Open Space Plan

The Sector Plan recommends a new Neighborhood Green Urban Park to be located on the Subject Property and to be available to all residents of the greater community, including those to be residing in the proposed development. The Project includes an approximately ½ acre of public open space in accordance with the Sector Plan located between the multi-family building and the townhouses to create a center location for community recreation and socializing.

To satisfy the requirements of the Sector Plan and the approved Sketch Plan, the Applicant and HOC will grant a perpetual easement to the Commission to operate the public open space at the center of the site as a public park (the Park). As with other M-NCPPC parks, the Commission will issue park permits for public events at the Park and will have police jurisdiction over the Park, pursuant to applicable agreements with Montgomery County. Additionally, public use of the Park will be governed by M-NCPPC’s rules and regulations for the operation of the Montgomery and Prince George’s County park system. The Park will be constructed and maintained by the Applicant to Parks Department standards, at a minimum, and the Commission will retain the right to ensure that the Applicant continue to achieve those standards. To create the Park, the Applicant, HOC and the Commission will execute and record an easement agreement and a construction and maintenance agreement, both of which will be reviewed and approved by Parks Department staff and the M-NCPPC Office of the General Counsel.

The Multi-family building integrates the approximately ½-acre public space in order to activate the site and provide efficient pedestrian connections through the area to Private Street “A” and the future Purple Line station. (Figures 14 & 15) The approximately ½-acre public Park has been designed with diverse plantings, engaging spaces for both active and passive recreation, including natural surface play elements like boulders, a runnel, and a slide, will offer programming opportunities for small-scale neighborhood events, and provide for inviting and efficient access to the Capital Crescent Trail and the future Purple Line rail station.



Figure 14-Park Plan



Figure 15-Park Concept Rendering

The Project also proposes significant environmental site design (ESD) facilities implemented to the maximum extent practicable for stormwater management. The Applicant proposes to treat runoff by including green roofs and planter box micro-bioretenion facilities on the multi-family building, and micro-bioretenion facilities in the private courtyards for the single-family townhouses. The remaining runoff is proposed to be captured by stormwater management vaults and filters located along Chevy Chase Lake Drive. Additionally, Silva Cells will be incorporated in the design of Private Street "A".

Circulation

The vehicular entrance to the multi-family building’s underground garage is off of Private Street "A". Four private alleys provide access to garage parking for the townhouses. Pedestrian and bicycle access is provided at numerous points from perimeter sidewalks to individual units and the main lobby entrance. Bicycle parking for residents and visitors will be provided within the parking structure and near building entrances. (Figure 16)

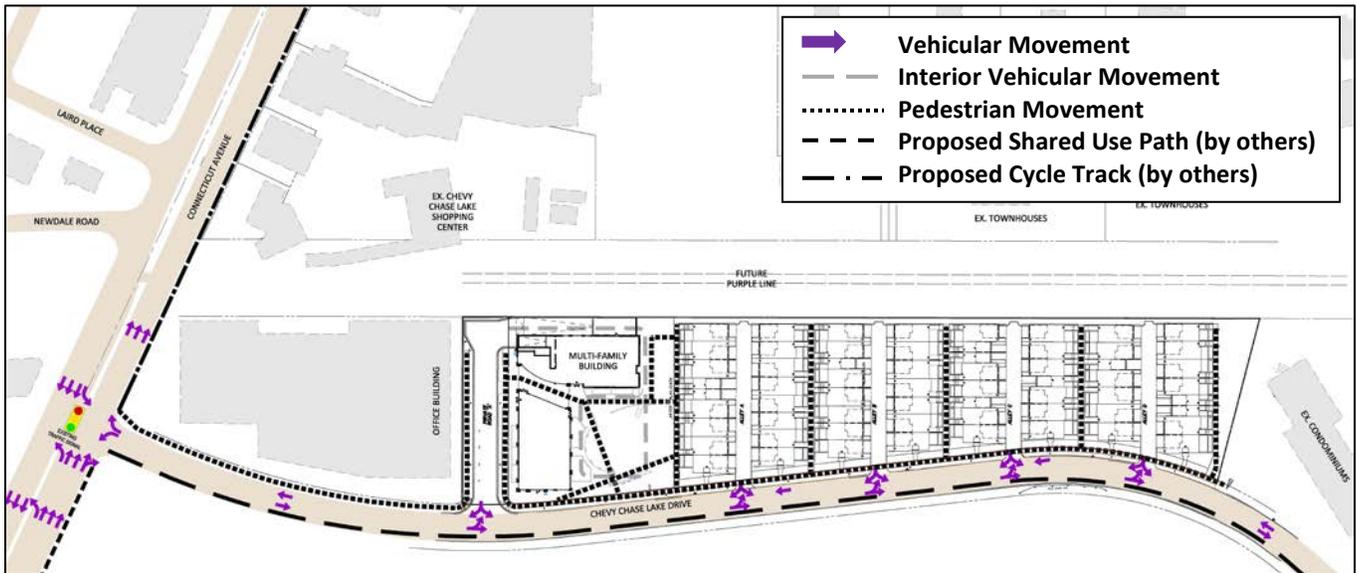


Figure 16-Circulation Plan

## SECTION 5: SKETCH PLAN AMENDMENT

### PROJECT ANALYSIS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on: building densities; massing; heights and anticipated uses; the locations of open and public use spaces; the general circulation patterns for all modes of transportation; an estimated range of peak hour trips; and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review.

The Planning Board approved Sketch Plan No. 320140030 under the 2004 Zoning Ordinance. The Applicant seeks an amendment to bring the Sketch Plan under the 2014 Zoning Ordinance, which will completely supersede Sketch Plan No. 320140030.

The Amendment brings the Sketch Plan under the 2014 Zoning Ordinance with the following effects:

- a. Update the densities to account for the exemption of MPDU gross floor area from the calculation of FAR. Under Section 59- 4.7.3.D.6.c.iii of the Zoning Ordinance, the gross floor area of all MPDUs are exempt from the calculation of FAR for projects such as the Sketch Plan that provide a minimum of 15% MPDUs; and
- b. Increase the building height of the multifamily structure by 12 feet under the formula contained in Section 59-4.7.3.D.6.c.i of the 2014 Zoning Ordinance as a project exceeding 12.5% MPDUs. Specifically, Section 59-4.7.3.D.6.c.i of the Zoning Ordinance contains a formula for determining the additional height, which is the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet. Applying this formula results in an additional story of 12 feet in building height, increasing the multi-family's building height to up to 112 feet. This additional building height is necessary to accommodate more spacious multi-family MPDUs, including 3 bedroom units for larger families.

Additional design changes include:

- a. Eliminating the eastern row of townhouses and alley with associated surface parking and reduce the number of townhouse units from 70 to 62, thereby modifying the approximate location of lots;
- b. Relocating the vehicular access to the multifamily structure's underground parking garage from Chevy Chase Lake Drive to Private Street "A"; and
- c. Modifying the public benefits schedule to: increase the number of public benefit points to reflect the calculation of public benefit points for MPDUs in the Diversity of Uses and Activities category under Section 59-4.7.3.D.6.a of the Zoning Ordinance and increase public benefit points for structured parking in the Quality Building Design category under Section 59-4.7.E.6 of the Zoning Ordinance. This results in an overall increase in public benefit points from 82.1 to 223.9.

### PROJECT FINDINGS

Section 59-7.3.3.E of the Zoning Ordinance states: "To approve a sketch plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:"

1. meet the objectives, general requirements, and standards of this Chapter;

The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in Table 1, Sketch Plan Project Data Table.

<b>Table 1-Sketch Plan Data Table</b>			
<b>Section 59 - 4</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
	<b>Gross Tract Area (sf)</b> Existing Lot 1: CRT2.0, C0.25, R2.0, H100 Existing Lots 2,3, and 4: CRT1.5, C0.25, R1.5, H50 <b>TOTAL</b>	n/a n/a	<b>71,556</b> <b>163,814</b> <b>235,370</b>
<b>4.5.4.B.2.b</b>	<b>Density (Existing Lots 1-4)</b> CRT1.5, C0.25, R1.5, H50 Commercial FAR/GFA Residential FAR/GFA CRT2.0, C0.25, R2.0, H100 Commercial FAR/GFA Residential FAR/GFA <b>TOTAL FAR/GFA</b> Commercial FAR/GFA Residential FAR/GFA	0.25/40,954 1.5/245,721 0.25/17,889 2.0/143,112 0.25/58,843 1.65/388,833	0/0 1.14/187,400 0/0 2.8/201,433 <sup>3</sup> 0 1.65/388,833
<b>4.5.4.B.2.b</b>	<b>Building Height (feet)</b> CRT2.0, C0.25, R2.0, H100-Multifamily building CRT1.5, C0.25, R1.5, H50-Townhouses	100 50	112 <sup>4</sup> 50
<b>4.5.4.B.3</b>	<b>Minimum Setback (feet)</b> From adjacent residential From R.O.W.	0 0	25 0
<b>4.5.4.B.1</b>	<b>Open Space (minimum)</b> Common Open Space-Townhouses (%/sq. ft.) Public Open Space-Multi-Family (%/sq. ft.)	5/7,028 5/2,525	5/7,028 <sup>5</sup> 5/2,525 <sup>6</sup>
<b>6.2</b>	<b>Parking (spaces)</b> <sup>7</sup> Multi-family (min/max) Townhouses (min/max)	153/274 57/124	234 114

<sup>3</sup> At the time of the original Sketch Plan approval, the Applicant proposed averaging the density between existing lots, pursuant to Section 59-C-15.122 of the 2004 Zoning Ordinance, as the Property's CRT zoned lots are directly abutting, subject to the same sketch plan, and maximum residential density limits apply to the entire Project. This results in an overall FAR of approximately 1.65 for the entire Property. Upon further review, it has been determined that pursuant to Section 59-4.5.1.B of the 2014 Zoning Ordinance, FAR Averaging only applies between two or more properties—because the entire site in this Application is currently under common ownership, the Chevy Chase Lake Development Corporation, which is an entity of the Housing Opportunity Commission of Montgomery County, it constitutes a single property, and therefore FAR Averaging does not apply to this Application.

<sup>4</sup> Per Section 4.7.3.D.c.i. of the Zoning Ordinance, an additional 12 feet in building height is permitted to accommodate MPDUs in excess of 12.5%.

<sup>5</sup> Minimum, final percentage determined at Site Plan.

<sup>6</sup> Minimum, final percentage determined at Site Plan.

<sup>7</sup> The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

The intent of the CRT zone is to:

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

The proposed Sketch Plan is consistent with, and furthers, the recommendations of the 2013 *Chevy Chase Lake Sector Plan*. The Project's residential structures will step down in height from a maximum of 112 feet for the multi-family building to 50 feet for the townhouses to allow a transition between taller buildings along Connecticut Avenue and the lower existing residential buildings at the end of Chevy Chase Lake Drive. This transition preserving the neighborhood character of Chevy Chase Lake creates an appropriate transition from more intensive development to less intensive development, and is in proportion with nearby residential uses. The Project also includes an approximately ½-acre new public open space with attractive amenities that will be designed to Parks Department standards, which will be located between the multi-family building and the single-family townhouses. Furthermore, the Project proposes the redevelopment of the Property in a single sketch plan and includes all required public benefits for incentive density to be included in the Sector Plan's first phase of development including 1) constructing the portion of the new master-planned street between Chevy Chase Lake Drive and Manor Road on the Property (Private Street "A"), including sidewalks, street trees, and streetscape pavers as described in the design guidelines, to provide vehicular, pedestrian, and bicycle access to the future Purple Line station, adjacent neighborhoods, and roadways; 2) providing a minimum of 20% MPDUs or HOC affordable units at or below 60% of AMI, in addition to 20% WFHUs up to 100% of AMI included in the proposed multi-family building; 3) including a minimum of 15% MPDUs for the single-family townhouses; and 4) securing the ½-acre public open space.

The Project is consistent with the Sector Plan's recommendation to encourage more housing, especially affordable dwelling units (Sector Plan, page 22). The Project promotes the Sector Plan objective of reducing auto dependence by integrating a combination of housing types near transit options, such as WMATA Metrobus service and the future adjacent Purple Line station, and near neighborhood retail, businesses, public facilities, and recreational amenities (Sector Plan, page 64). The Project's inclusion of advanced ESD, such as vegetated roofs, micro-bioretenion facilities, silva cells, and stormwater management vaults, will enhance Chevy Chase Lake's natural environment, and promote the health of stream valleys, including Coquelin Run, by controlling runoff and mitigating negative environmental impacts (Sector Plan, page 23). Lastly, the Project's streetscape enhancements, including new sidewalks, streetlights and street trees allows for increased pedestrian access and connectivity, provides access to shared roadways and shared use paths recommended in the Sector Plan, and provides a human-scaled streetscape (Sector Plan pages, 23 and 43).

#### Density and Building Height

Pursuant to Section 59-4.7.3.D.6.c.i of the Zoning Ordinance, which provides that the height limit of the applicable zone and master plan do not apply to the extent required to provide MPDUs, the Applicant requests to modify the multi-family building height to up to 112 feet in height. Specifically, Section 59-4.7.3.D.6.c.i of the Zoning Ordinance contains a formula for determining the additional height, which is the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet. Applying this formula to the development proposed by the Sketch Plan Amendment and the concurrently filed Preliminary Plan and Site Plans results in an additional 12 feet of building height. This additional building height is necessary to accommodate more spacious multi-family MPDUs, especially scarce and sought-after 3 bedroom units for larger families. The

Sketch Plan densities substantially conform to the Sector Plan's recommendations for density and height. The proposed multi-family building will be up to 112 feet in height and the townhouses will be up to 50 feet, which is consistent with the Sector Plan building height recommendations. The structures step down in building heights away from Connecticut Avenue along Chevy Chase Lake Drive to create an appropriate transition from commercial areas to established residential neighborhoods.

#### Transportation Network

The Applicant proposes to construct the new street, Private Street "A", (B-1) which is located along the western edge of the Property in a parcel subject to a public access easement, under the conditions specified in the Sector Plan. Private Street "A" will be a segment of a new local business district street recommended in the Sector Plan that will enhance connectivity by linking Chevy Chase Lake Drive with Manor Road (P-14), providing access to the planned Purple Line light rail station, and serving as a shared roadway for bicycles as recommended in the Sector Plan. Bicycle traffic is proposed to be accommodated along Chevy Chase Lake Drive and Private Street "A" as shared roadways, as recommended in the Sector Plan. The proposed streets are consistent with Sector Plan recommendations and conform to the Design Guidelines for the Chevy Chase Lake Sector Plan.

#### Public Use

The proposed public use spaces are consistent with the Sector Plan recommendations. The Sector Plan recommends a new Neighborhood Green Urban Park, to be located on the eastern portion of the Property. It must be at least ½-acre and designed per Parks Department standards. The Project includes an approximately ½-acre new public open space, to be operated as an M-NCPPC park, located between the planned multi-family building and the single-family townhouses and including attractive amenities that will be designed to Parks Department standards.

#### Environment

The Sector Plan contains several recommendations to preserve and restore environmental features while minimizing the impact of future development including expanding the existing tree canopy and promoting sustainable site and building design to mitigate negative environmental impacts. The Project illustrates vegetated areas throughout the Property and a vegetated roof on the multi-family building along with micro-bioretenion facilities (Silva Cells and planter boxes). The Plan also recommends maximizing tree cover for new development with overall goals of 25 to 30 percent tree canopy in the Chevy Chase Lake Center area, which the proposed Project supports.

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

The Project will redevelop the 68 garden apartments in multiple 2-story structures surrounded by surface parking with higher-density residential development that includes structured parking to effectively maximize residential development adjacent to the planned Purple Line station, public space and residential amenity space.

- 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 will offer diverse multi-family units and townhouses units targeted to a wide variety of incomes, including MPDUs and WFHUs, near existing transit and the adjacent planned Purple Line

station, retail services, employment centers, and recreational amenities. The development will include a new public Park and construct a new local connector street.

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

The Project proposes residential structures that step down in building heights away from Connecticut Avenue along Chevy Chase Lake Drive to create an appropriate transition from commercial areas to established residential neighborhoods.

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

The Project will offer diverse housing types targeted to a wide variety of incomes, with available to transit, cycle, and vehicular access to nearby centers of employment including Bethesda and Silver Spring.

- 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 public benefits from a minimum of three categories to achieve the desired incentive density above the standard method limit.

- 2. *substantially conform with the recommendations of the applicable master plan;*

As discussed in Finding 1.a) above, the Project substantially conforms to the *Chevy Chase Lake Sector Plan*.

- 3. *satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The site is not subject to a development plan or schematic development plan.

- 4. *under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;*

The Property's zoning classification on October 29, 2014 was not a result of a Local Map Amendment.

- 5. *achieve compatible internal and external relationships between existing and pending nearby development;*

The proposed buildings and open spaces are compatible with existing and proposed nearby buildings, open spaces and uses. This compatibility is achieved through:

- a. Building heights, as recommended in the Sector Plan, provide compatibility with nearby buildings by appropriately stepping down building height along Chevy Chase Lake Drive. The Sketch Plan depicts that the building height of the multi-family building on the western portion of the Property will be up to 112 feet, which is consistent with the existing and taller 8401 Connecticut Avenue multi-story office building, while the townhouses on the remaining portion of the Property will taper down to up to 50 feet, creating a suitable relationship with the multi-family and single-family residential uses on Chevy Chase Lake Drive further to the east;

- b. Internally, the multi-family building and the most western row of townhouses will front on the approximately ½-acre public open space recommended by the Sector Plan, creating a defined open space area;
- c. Creation of defined streetscapes with sidewalk paving, street trees, and streetlights; and
- d. Replacement of surface parking with structured parking creating a stronger relationship between buildings, sidewalks, and streets.

6. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Project provides circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists:

- a. Access to the multi-family building will be from Private Street “A”;
- b. Private alleys serving the single-family attached homes will be accessed from Chevy Chase Lake Drive. To facilitate efficient vehicular access, many of these alleys will serve two rows of single-family attached homes;
- c. Increased parking for bicycles and sufficient vehicular parking, for residents and visitors;
- d. Parking for the multi-family building consists of the majority of the Project’s proposed parking spaces, 67% of the parking will be contained in a below grade structure;
- e. All of the market-rate single-family attached units are proposed to have two car garages;
- f. Construction of Private Street “A,” a segment of a new local road that will increase connections with the surrounding street network in the future by linking Chevy Chase Lake Drive with Manor Road, providing access to the planned Purple Line rail station, and accommodate vehicles, pedestrians, and bicycles; and
- g. Enhanced sidewalks and streetscaping along Chevy Chase Lake Drive and Private Street “A,” provide safe access to the future Purple Line station, nearby neighborhoods, as well as cycle tracks and shared use paths.

7. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

The Application includes public benefits that address the general incentive and density considerations required by Section 59-4.7.1.B. The public benefits:

- a. Take into consideration “the recommendations of the applicable master plan” by providing the diversity of housing, general sustainability measures, and connectivity improvements;
- b. Meet the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (CR Guidelines)* by providing the proper calculations and criteria for each public benefit;
- c. Meet “any design guidelines adopted for the applicable master plan area” by providing residential units within walking distance of a proposed purple Line station, public open space, and safe pedestrian-friendly connections;
- d. Are appropriate for “the size and configuration of the site” by improving the existing configuration of surface parking lots and replacing them with structured parking to allow for public use and public open spaces close to transit;
- e. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights and creating areas of open space that complements the existing character of the area;
- f. Consider “the presence or lack of similar public benefits nearby” through the provision of affordable housing, environmental benefits, public open space, and pedestrian connections, all of which are currently needed in this area; and

- g. Provide “enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit” which will be developed and assessed during Preliminary and Site Plan reviews.

Table 2 shows the public benefits recommended at Sketch Plan:

<b>Table 2- Sketch Plan Public Benefits Points</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Requested</b>	<b>Recommended</b>
<b>59-4.7.3.B: Transit Proximity</b>	<b>15</b>	<b>15</b>
<b>59-4.7.3.D: Diversity of Uses and Activities</b>		
<b>Affordable Housing</b>	<b>178</b>	<b>178</b>
<b>59-4.7.3.E: Quality of Building and Site Design</b>		
<b>Structured Parking</b>	<b>13.4</b>	<b>13.4</b>
<b>Public Open Space</b>	<b>5</b>	<b>5</b>
<b>59-4.7.3.F: Protection and Enhancement of the Natural Environment</b>		
<b>Vegetated Area</b>	<b>5</b>	<b>5</b>
<b>Vegetated Roof</b>	<b>7.5</b>	<b>7.5</b>
<b>TOTAL</b>	<b>223.9</b>	<b>223.9</b>

Transit Proximity

The Property is located adjacent to a proposed Purple Line station, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. Staff recommends the full 15 points as suggested in the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Diversity of Uses and Activities

*Affordable Housing:* Section 59-4.7.3.D.6.a.i of the Zoning Ordinance permits 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an applicant to an equal fraction of 12 points. Sections 59-4.7.3.D.6.a.ii and iii also allow an additional 2 points for every 1% of 2-bedroom MPDUs not otherwise required and an additional 5 points for every 1% of 3-bedroom MPDUs. As shown in the Sketch Plan Amendment data table above, the Applicant requests 178 points for affordable housing in the Diversity of uses and Activities category. Staff supports the Applicant’s request.

Quality of Building and Site Design

*Structured Parking:* The Applicant requests 13.4 points for structured parking for only the parking that will be below grade. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade: 114 spaces are above grade and 234 are below-grade, which yields a total of 16.6 points (3.2 points for above grade parking and 13.4 points for below grade parking) with final parking counts to be determined at Site Plan(s). Staff supports 13.4 points for the below-grade parking.

*Public Open Space:* The Applicant requests 5 points for open space provided in addition to the minimum 5% public open space required. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The conceptual layout yields 11,805 square feet of additional open space above the required square feet of public open space for a total of 5 points. The open space will be: directly accessible to a street; open to the public; designed so that the loading or parking facilities are screened or faced with active uses, contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide;

designed so that walls of any residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet; and designed so that any dwelling unit facing the open space will have access to the open space. Staff supports 5 points for this benefit.

Protection and Enhancement of the Natural Environment

*Vegetated Area:* The Applicant requests 5 points for the installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. The CR Guidelines recommends 5 points for such planted areas that are not part of the required minimum open space or additional open space used for incentive density. Area within stormwater management easements may not be counted either. Staff supports this request.

*Vegetated Roof:* The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on the multi-family building. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements. Staff supports the 7.5 points as recommended in the CR Guidelines because the Project meets the requirement of the Zoning Ordinance.

- 8. *establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development may be built in two (2) phases. Phase 1 will comprise the 62 townhouse units and Private Street “A” required by the Sector Plan as described above. Phase 2 will encompass the multi-family building (up to 200 units) and the ½-acre public open space area. Phases may be sequenced in any order or combined, phase boundaries may be adjusted, and the density of phases shifted at the time of Preliminary Plan or Site Plan approval.

Table 3 shows the public benefits proposed with each phase of development:

<b>Table 3- Phased Public Benefits</b>		
	<b>Phases</b>	
	<b>Phase 1-Townhouses</b>	<b>Phase 2-Multi-family</b>
<b>Transit Proximity</b>	3.5	11.5
<b>Diversity of Uses and Activities</b>		
Affordable Housing	110.5	67.5
<b>Quality of Building and Site Design</b>		
Structured Parking	0	13.4
Public Open Space	0	5
<b>Protection and Enhancement of the Natural Environment</b>		
Vegetated Area	5	0
Vegetated Roof	0	7.5
<b>TOTAL POINTS (per phase)</b>	<b>119.0</b>	<b>104.9</b>
<b>TOTAL POINTS</b>	<b>223.9</b>	

## SECTION 6: PRELIMINARY PLAN ANALYSIS AND FINDINGS

### Sector Plan Conformance

As discussed in the Sketch Plan Amendment section of this report, the application substantially conforms to the *Chevy Chase Lake Sector Plan* and *Chevy Chase Lake Design Guidelines*. The application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and the Guidelines.

### Transportation

Access to the Project for all transportation modes is via Chevy Chase Lake Drive. Pedestrian and bicycle access to the property will be maintained along the property frontage sidewalk and public roadway. Resident parking is proposed to be contained within both single-family residential dwelling unit garages and a structured parking facility within the multifamily residential building. Public on-street parking, along the entirety of the project's Chevy Chase Lake Drive frontage will be eliminated to narrow the roadway by the width of the westbound parking lane (eight feet). As a result of this reconfiguration, Chevy Chase Lake Drive will operate with two travel lanes and a single parking lane along the south (eastbound) side of the roadway.

### Circulation

The Applicant proposes to construct Private Street "A", a master-planned business district roadway, along the western edge of the Subject Property. This roadway will be entirely contained within a separate 60 foot-wide parcel subject to a public access easement, under the conditions specified in the Sector Plan. Private Street "A" will be a segment of a new local street (B-1) recommended in the Sector Plan that will enhance connectivity by linking Chevy Chase Lake Drive with Manor Road (P-14), providing access to the planned Purple Line station, and serving as a shared roadway for bicycles as recommended in the Sector Plan.

Vehicular access to the multi-family building parking garage is proposed directly off of Private Street "A", approximately 230 feet north of Chevy Chase Lake Drive. The townhouse units will be accessed from Chevy Chase Lake Drive via four double-loaded private alleys, each of which will terminate in a dead-end along the north side of the Property. The private alleys will each provide access to approximately 15 townhouses. Internal pedestrian and bicycle circulation will be accommodated by the frontage sidewalk, pathways through the proposed open space, and pedestrian mews associated with each row of townhouses.

Chevy Chase Lake Drive is currently improved as a 36-foot-wide roadway within a 60-foot-wide public right-of-way. The subject application proposes to narrow the roadway to 28 feet-wide, as discussed above, to accommodate two travel lanes and a single parking lane opposite the site frontage. As a roadway within a 60 foot-wide right-of-way, Chevy Chase Lake Drive is considered to have a Secondary Residential functional classification and is restricted by Montgomery County Code to no more than 200 residential dwelling units. Although the subject application proposes more than 200 dwelling units (200 multifamily and 62 townhouses), development density accessed from Chevy Chase Lake drive east of Private Street "A" will remain below 200 dwelling units and will, in fact, decrease by six dwelling units from the existing condition. The remaining development density of 200 dwelling units will be accessed directly from Private Street "A," a business district street within a 60 foot-wide right-of-way. West of Private Street "A", Chevy Chase Lake Drive serves as a primary roadway and provides access to both commercial and residential uses.

Bicycle accommodation will be provided along Chevy Chase Lake Drive and Private Street "A" as shared lanes, in accordance with the *Chevy Chase Lake Sector Plan* recommendations. Pedestrian circulation to the Property will be provided by sidewalks along Chevy Chase Lake Drive and Private Street "A," pathways in the central open space area, and pathways to the multi-family buildings lobby and to each of the individual townhouses. The

proposed circulation pattern is consistent with the Sector Plan recommendations for a new street and pedestrian connections to the Purple Line Station.

Transit within the immediate area includes the WMATA Metrobus L8 route on Connecticut Avenue. Future transit in the area includes a proposed Purple Line station at the intersection of the Connecticut Avenue and the Capital Crescent Trail.

#### *Master Plan Roadways and Pedestrian/Bikeway Facilities*

The following summarizes recommendations included in the 2013 *Chevy Chase Lake Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan*:

1. Capital Crescent Trail (SP-6): A regional shared use path, located along the north Site frontage, that connects Georgetown in the District of Columbia with the Metropolitan Branch Trail at the Silver Spring Transit Center. SP-6 will be improved as part of the future Purple Line project.
2. Private Street "A" (B-1): A business district street within a 60-foot-wide right-of-way, that is comprised of two on-street parking lanes and two travel lanes. This street accommodates bicycle travel via shared roadway.

#### *Adequate Public Facilities*

A traffic study (dated December 2014) was submitted for the subject application per the *Local Area Transportation Review (LATR)/Transportation Policy Area Review (TPAR) Guidelines* since the proposed development was estimated to generate more than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

A site trip generation summary for the proposed development, provided in Table 4, shows that the project will generate 99 peak-hour trips during the weekday morning peak period and 131 peak-hour trips during the weekday evening peak period. When compared to existing uses (less those identified for removal through this application), the proposed development will result in an increase of 69 peak-hour trips during the morning peak period and 98 peak-hour trips during the evening peak period.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods at the nearby Connecticut Avenue/Chevy Chase Lake Drive intersection, presented in Table 5, shows that at full site buildout, congestion at the intersection will remain within the policy area congestion standard of 1,600 CLV. Based on the analysis presented in the traffic study, the subject application satisfies the LATR requirements of the APF test.

As a proposed development within the Bethesda Chevy Chase Policy Area, the Project is determined to be "inadequate" under both the TPAR transit and roadway tests of the 2012-2016 *Subdivision Staging Policy*. As a result, the Applicant must satisfy the TPAR test by making a TPAR mitigation payment equal to 50% of the applicable development transportation impact tax to the Montgomery County Department of Permitting Services at the time of building permit.

**Table 4: Proposed Chevy Chase Lake Project**

Trip Generation	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
<b>Existing (Credit)</b> 68 Garden Apartments	(6)	(24)	(30)	(22)	(11)	(33)
<b>Proposed</b> 62 Townhomes 200 High Rise Apartments  <b>Total Proposed</b>	5 17 <b>22</b>	25 52 <b>77</b>	30 69 <b>99</b>	34 49 <b>83</b>	17 31 <b>48</b>	51 80 <b>131</b>
<b>Net Increase</b>	16	53	69	61	37	98

Source: Temoss, LLC. Traffic Statement, dated December, 2014.

**Table 5: Summary of Capacity Calculations-Proposed Chevy Chase Lake Project**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Connecticut Avenue/ Chevy Chase Lake Drive	<b>880</b>	<b>1,095</b>	<b>888</b>	<b>1,115</b>	<b>914</b>	<b>1,175</b>

Source: Temoss, LLC. Traffic Statement, dated December, 2014.

**Other Public Facilities**

Public facilities and services are available and will be adequate to serve the proposed development. The Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

**Compliance with Zoning Ordinance and Subdivision Regulations**

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed in the Sketch Plan section of this report, the Application substantially conforms to the 2013 *Chevy Chase Lake Sector Plan*. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the site is sufficiently large to efficiently accommodate the proposed mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of the subsequent site plans.

## Environment

### *Environmental Guidelines*

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was approved for the project on December 26, 2014. The plan (# 420141600) identifies the existing man-made and natural features associated with the garden apartments (which were built approximately in 1950) and the surrounding area. The setting contains landscaping, sizable lawn areas and numerous significant and specimen trees associated with the site. There are 17 onsite specimen trees  $\geq 30''$  diameter at breast height (DBH), and six onsite significant trees between 24'' and  $<30''$  DBH. The largest specimen tree is a 52'' DBH red maple that is approximately 75% of the diameter of the current State champion of the same species. Forest areas and large trees within the Purple Line & Capital Crescent Trail corridor are located along the northern site boundary, and additional significant and specimen trees occur immediately offsite towards the east and west. The site topography is gently sloping and drops approximately 35 feet in elevation from west to east (at an approximately 3.5% slope gradient). There are some minor areas of steep slopes onsite that area associated with embankments of the Purple Line corridor.

The Coquelin Run stream runs parallel to the site on the south side of Chevy Chase Lake Drive (opposite side of road from the Property). The stream is within a forested area that contains many significant and specimen trees, as well as a waterfall, which is a rare occurrence in the County. A tributary to Coquelin Run is situated near the northwest corner of the site. The stream channel runs underneath a bridge that was originally built for the B&O Railroad that now accommodates the CCT.

Coquelin Run is a tributary to Rock Creek which is a Use I<sup>8</sup> Watershed. There are Stream Valley Buffers (SVBs) that extend into the Subject Property along portions of Chevy Chase Lake Drive and also at the northwest corner of the site. The SVB associated with the main stem of Coquelin Run is located along portions of the southern property line. The total area of onsite SVB is approximately 0.50 acres.

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<sup>8</sup> Use I:

#### *WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE*

*Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.*

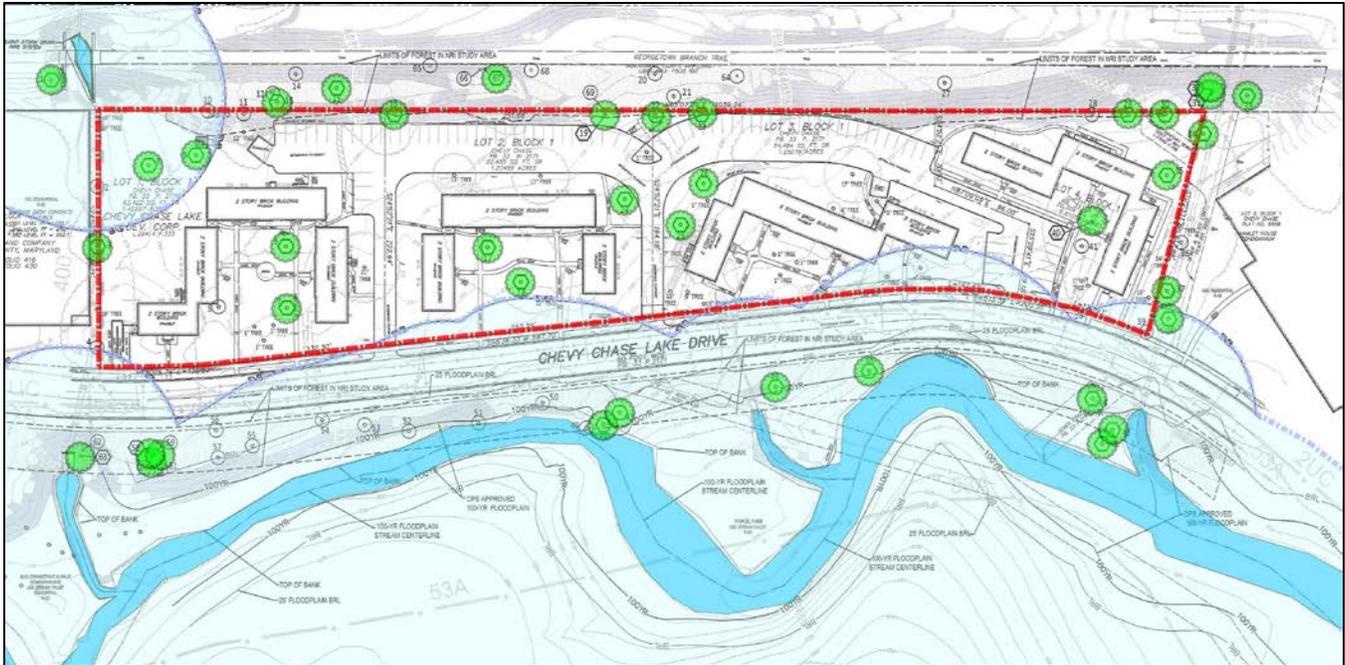


Figure 18-Existing Environmental Conditions

The approved NRI also reflects the 100-year floodplain that occurs outside of the stream banks but is confined to the south side of the paving for Chevy Chase Lake Drive (a portion of the 100-year floodplain occurs within the Chevy Chase Lake Drive ROW). The floodplain location has been determined by the Floodplain Study #266715 approved by DPS on August 12, 2014.

Rare, Threatened & Endangered Species (RTES)

The Maryland Department of Natural Resources (MD DNR) issued a letter on May 29, 2014, indicating that the project site is near a colony of Yellow-Crowned Night Herons (*Nyctanassa violacea*) documented along Coquelin Run (Attachment F). The letter states:

*This species is considered to be a rare breeding species in Maryland, and significant mortality of chicks or eggs resulting from disturbance of the colony during the breeding season is a violation of the U.S. Migratory Bird Treaty Act. Disturbance includes actions such as cutting nest trees, cutting nearby trees or nearby construction that causes abandonment of chicks by the adults.*

The letter also notes that colonies may vary in number of birds and even be ephemeral from year to year. Standard guidelines to protect the heron colonies were also provided in the letter. It remains unclear whether or not nesting has occurred since 2008. Eco-Science Professionals, Inc., was hired by the Applicant to survey the area for signs of the Herons (Attachment G). The environmental consultants reported to have surveyed the steam valley along Chevy Chase Lake Drive on July 11, 2014, April 22, 2015, May 8, 2015 and May 20, 2015. No sighting or evidence of the Yellow-Crowned Night Herons was reported. The survey report concludes by stating the site is not currently being utilized as a nesting site by the Yellow-Crowned Night Herons, however further coordination with the MD DNR and/or M-NCPPC may be required to resolve and issues related to the protection guidelines established for the species.

In a revised letter by the DNR dated December 11, 2014, (Attachment H) there is a reiteration that the Yellow-Crowned Night Herons can move their nest sites from year to year and therefore it is recommended that a qualified observer search the area during the breeding season to determine if there is any new nesting activity

before implementing the protection guidelines. Staff has included conditions of approval to begin the construction activity (including clearing and demolition) after the end of the breeding season, and/or to re-survey before the start of work. The protection guidelines would need to be implemented if species of concern were found to be present. The development program will be revised to reflect these important milestones and timing constraints.

During the Planning Board Hearing for the original Sketch Plan on July 24, 2014, members of the public provided testimony that another RTE species of amphipods might be present in Coquelin Run. Staff forwarded the concern to the DNR, who, in a letter dated December 11, 2014, concluded that:

*The Wildlife and Heritage Service (WHS) has no data or information indicating that the amphipod populations which were mentioned during the hearing process for the sketch plans are located within the limits of disturbance for this proposed activity. There is a record for a known occurrence of a state-listed endangered groundwater amphipod (Stygobromos kenki) in the watershed in question, but it is found in a spring along Coquelin Run that is at a higher elevation than the proposed project itself. It is also on the other side of a ridge, in a different drainage, and hundreds of meters away. These factors have lead us to conclude that any changes or potential impacts from this proposed re-development activity will not have a negative effect on the site which is supporting the state-listed endangered amphipod. As a result, we have no concerns regarding this species or other state listed amphipods as they relates to the project in question.*

#### Stream Protection

The Environmental Guidelines and priorities of reforestation/afforestation outlined in Forest Conservation Law emphasize the protection of stream buffer areas with planted Category I Easements. However, since the Subject Property is adjacent to the proposed Purple Line Station, a number of factors must be considered. Providing density near transit locations and protecting stream buffers along with maintaining/increasing tree cover in urban areas are each important goals. In this case, the stream buffer on the site is generally separated from the stream itself by the roadway that parallels the stream. However, there are three major drainpipes along with other inlet structures that directly convey water from the Subject Property, underneath Chevy Chase Lake Drive and into Coquelin Run. The Applicant indicated as a main justification of stream impacts that no functional buffer exists due to the roadway separation and existing site development. However, Staff notes that the existing garden apartments contain extensive lawn areas, landscape and large trees, which provide a considerable SWM and buffering function.

The initially approved SWM concept was found to actually increase the SWM flows over the existing conditions. The Sector Plan recommendations include an environmental objective to reduce direct stormwater discharge into Coquelin Run. Therefore the SWM concept was revised to reduce the storm flow discharges; now the proposed flows are decreased by 8% over the existing conditions.

Furthermore, the Sector Plan recommendations also include environmental objectives to support stream projects that stabilize banks, and prevent further erosion (*page 49*). Environmental enhancements that will meet the Sector Plan environmental objectives such as stream restoration work, removal of invasive species, and restoring native forest structure will help justify the onsite environmental impacts and SVB encroachments relative to the Environmental Guidelines, Forest Conservation Law, and Variance provisions, in addition to making the finding of conformance with sector plans. Therefore, a condition of approval for offsite stream restoration and removal of invasive species is recommended.

As a potential offsite restoration, the Applicant has indicated they are agreeable to providing stream restoration associated with the drainage outfalls, which have erosive conditions on the opposite side of Chevy Chase Lake Drive as well as providing the control of invasive species along with supplemental native plantings in the vicinity. The Applicant has reported they are in discussions with the appropriate property owners but have not yet provided a conceptual plan, or level of commitment regarding the work. The final scope, location and details of the offsite restoration plans must be shown on the Final Forest Conservation Plan and approved by Staff prior to certification of the Certified Site Plan.

With a condition that an appropriate level of offsite stream restoration and environmental enhancements (within the same watershed) occurs, Staff supports the proposed SVB encroachments.

#### Forest Conservation

The Application proposes clearing of all the onsite forest measuring 0.15 acres, along with minor areas of offsite forest clearing (0.04 acres) resulting in an overall of 0.19 acres of forest removal. The reforestation/afforestation requirements for the project total 1.00 acres, which will be addressed by providing an equivalent amount of credits in an offsite forest conservation bank. Onsite mitigation consisting of large caliper native canopy tree plantings will be provided for the removal of certain vegetation subject to a variance as discussed below.

#### **Forest Conservation Variance**

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The proposed project includes disturbance within the CRZ of trees which are subject to a variance due to their size measuring 30 inches DBH or greater. The Applicant submitted the variance request on June 23, 2015, for the impacts and removals of subject trees (Attachment I). The Applicants' request is to remove 20 trees and impact (but not remove), 15 trees, affecting a total of 35 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

**Table 6: Subject Trees to be Removed**

#	Disposition	Botanical Name	Condition	D.B.H. (in.)	Variance CRZ SF	Variance CRZ Impact SF	Variance CRZ Impact %
3	REMOVE	Acer saccharum	Good	31	6,793	6,793	100.00
6	REMOVE	Acer platanoides	Fair	31	6,793	6,793	100.00
7	REMOVE	Acer platanoides	Fair	30	6,362	6,362	100.00
8	REMOVE	Acer saccharinum	Good/Fair	39	10,751	10,751	100.00
9	REMOVE	Acer saccharinum	Fair	43	13,070	13,070	100.00
13	REMOVE	Liriodendron tulipifera	Good	37	9,677	9,677	100.00
16	REMOVE	Acer saccharinum	Good	34	8,171	8,171	100.00
17	REMOVE	Acer rubrum	Good	42	12,469	12,469	100.00
18	REMOVE	Acer rubrum	Good	33	7,698	7,698	100.00
19	REMOVE	Acer saccharinum	Good/Fair	36	9,161	9,161	100.00
22	REMOVE	Acer saccharinum	Good	47	15,615	15,615	100.00
23	REMOVE	Acer saccharinum	Good	49	16,972	16,972	100.00
24	REMOVE	Quercus palustris	Good	37	9,677	9,677	100.00
25	REMOVE	Acer rubrum	Fair	52	19,113	19,113	100.00
26	REMOVE	Quercus palustris	Good	33	7,698	7,698	100.00
29	REMOVE	Acer saccharinum	Good	40	11,310	11,310	100.00
30	REMOVE	Acer saccharinum	Good	30	6,362	6,362	100.00
35	REMOVE	Quercus palustris	Good	32	7,238	7,238	100.00
37	REMOVE**	Platanus occidentalis	Good	35	8,659	3,568	41.21
40	REMOVE	Quercus borealis	Fair	42	12,469	12,469	100.00

D.B.H. = Diameter at Breast Height

\*\*Attempts will be made to preserve the tree; however, permission to remove is requested in case tree preservation methods fail and the tree becomes a hazard.

**Table 7: Subject Trees to be Impacted but Retained**

#	Disposition	Botanical Name	Condition	D.B.H. (in.)	Variance CRZ SF	Variance CRZ Impact SF	Variance CRZ Impact %
1	SAVE	Platanus occidentalis	Good	39	10,751	28	0.26
15	SAVE	Juglans nigra	Good	35	8,659	2,217	25.60
31	SAVE	Liriodendron tulipifera	Good	40	11,310	790	6.99
32	SAVE	Liriodendron tulipifera	Good	38	10,207	541	5.30
34	SAVE	Juglans nigra	Good	46	14,957	3,624	24.23
38	SAVE	Juglans nigra	Fair	32	7,238	2,232	30.84
42	SAVE	Liriodendron tulipifera	Good	32	7,239	420	5.80
43	SAVE	Liriodendron tulipifera	Good	39	10,751	1,759	16.36
44	SAVE	Quercus borealis	Good	42	12,469	2,923	23.44
45	SAVE	Populus deltoides	Good	30	6,362	136	2.14
46	SAVE	Populus deltoides	Good	32	7,238	1,861	25.71
47	SAVE	Platanus occidentalis	Good	34	8,171	301	3.68
48	SAVE	Liriodendron tulipifera	Good	42	12,469	144	1.15
58	SAVE	Populus deltoides	Good	30	6,362	114	1.79
67	SAVE	Robinia pseudoacacia	Fair/Poor	34	8,171	557	6.82

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required

findings outlined numerically below, the Applicant has demonstrated that failure to grant the variance would result in an unwarranted hardship because the Sector Plan specifically recommends the redevelopment of the site to place greater density in proximity to mass transit opportunities.

**Variance Findings** - Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

The site is located adjacent to a planned mass transit station where increased density is highly recommended. Furthermore, the Sector Plan specifically recommends the redevelopment of the site. Therefore, the variance request would be granted to any applicant in a similar situation.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on proposed development allowed under the existing zoning and Sector Plan, along with the need to provide the required utility connections. As conditioned, The application avoids or minimizes impacts to the extent practicable and provides necessary mitigation.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the current application on the subject property and is not related to land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Department of Permitting Services (DPS) staff approved the storm water management (SWM) concept for the project on June 18, 2015. The SWM concept proposes to meet required storm water management goals by the use of a green roof and micro-bioretenion (Silva Cells and planter boxes). Although a waiver of quantity for the entire site was granted, the 10 year discharges are decreased by 8% over the existing conditions. The DPS review and ultimate approval of the sediment and erosion control and storm water management plans will ensure that appropriate standards are met. The offsite stream projects to be implemented by the Applicant to stabilize banks, and prevent further erosion will further benefit water quality. The soil restoration techniques to be implemented at the end of construction will maximize the permeability of the soil helping to further reduce runoff. The replanting of mitigation trees will also help water quality goals by providing shading and water retention and uptake. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

### **County Arborist's Recommendations**

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 24, 2015. As of the date of this report, Staff did not receive the County Arborist's recommendation, but expects to present it at the time of the hearing.

**Mitigation for Trees Subject to the Variance Provisions**

There are 20 trees proposed for removal in association with the Application. There will also be disturbance to CRZs of another 15 trees that will be retained. Planting mitigation for the removals should be at a rate that approximates the form and function of the trees removed. The subject trees associated with the forest setting are mitigated by FCP worksheet requirements. However, for the trees outside of the forest setting which otherwise are not mitigated, replacement should occur at a ratio of approximately 1" caliper for every 4" DBH removed, using trees that are a minimum of 3" caliper. For the 517 diameter inches of trees to be removed (outside of the forest setting), the Applicant must provide mitigation of at least 130 caliper inches of replacements. Therefore the mitigation requirements would be satisfied by the planting of 26 (quantity) 5" caliper trees (other combinations of tree sizes and quantities may be acceptable provided that the total caliper of replacements is at least 130 inches) on site, with potential for limited off-site planting.

**Staff Recommendation on Variance**

As a result of the above findings, Staff recommends the Board approve (with conditions) the Applicant's request for a variance from Forest Conservation Law to remove twenty subject trees and impact but retain, fifteen subject trees associated with the site. The variance approval is assumed into the Planning Board's approval of the Forest Conservation Plan.

*Noise*

The Purple Line & Capital Crescent Trail corridor was previously occupied by a spur line of the B&O Railroad. The corridor was designed and used for heavy local freight rather than frequent passenger trains. The tracks were used for their original purpose until 1985. The proposed Purple Line and nearby transit station is projected to generate some noise impacts to the subject property. A noise analysis has been submitted confirming that some of the proposed units would be subject to modest levels of noise impacts, in excess of the noise guidelines. However, appropriate treatments of the building shells and windows would readily mitigate the interior noise to acceptable levels. The outdoor common space areas are not overly impacted by noise levels and do not require mitigation.

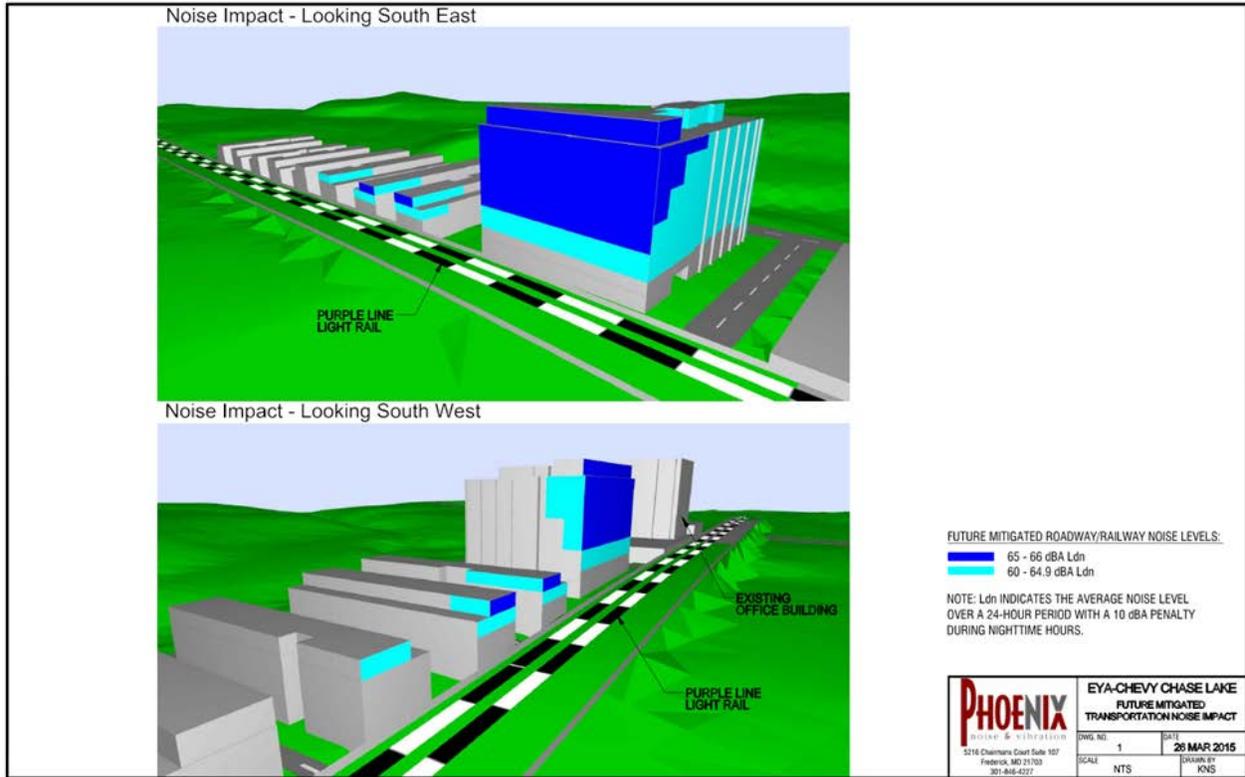


Figure 19-Futre Noise Impact Exhibit

*Stormwater Management*

The MCDPS Stormwater Management Section approved the stormwater management concept on June 18, 2015 (Attachment K). According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent possible through the use of a green roof and micro-bioretenion (Silva Cells and planter boxes). A waiver of quantity for the entire site was granted.

**SECTION 7: SITE PLAN 820150050 – Townhomes**

**FINDINGS**

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
  - a. *satisfies any previous approval that applies to the site;*

This Site Plan conforms to all bindings elements and conditions of Sketch Plan Amendment No. 3021014003A regarding density, general location of lots and vehicular access points, and the public benefit schedule. Furthermore, this Site Plan, in combination with the concurrently filed Site Plan No. 820150040, satisfies the Sector Plan’s affordable housing requirements by providing 15% of the Site Plan’s proposed townhouses as MPDUs.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Site Plan covers approximately 4.1 acres zoned CRT 1.5 C0.25 R2.0 H50 for 62 townhouse units and incorporates construction of a new road (Private Street “A”), zoned CRT2.0, C0.25, R2.0, H100. The following table, Table 8, shows the Application’s conformance to the development standards of the zone and the approved Sketch Plan.

<b>Table 8-Site Plan 820150050 Project Data Table</b>			
<b>Section 59 - 4</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
	<b>Gross Tract Area (sf)</b>		
	Proposed Lots 2-63, Parcel B: CRT1.5, C0.25, R1.5, H50	n/a	161,854
	Parcel A: CRT2.0, C0.25, R2.0, H100	n/a	<u>16,484<sup>9</sup></u>
	<b>TOTAL</b>		<b>178,338</b>

<sup>9</sup> Incorporated square footage of construction of a new road (Private Street “A”), zoned CRT2.0, C0.25, R2.0, H100.

<b>4.5.4.B.2.b</b>	<b>Density (Townhouses, Lots 2-63, Parcel A &amp; B)</b>		
	Zone: CRT1.5, C0.25, R1.5, H50 (161,854 sf)		
	Commercial FAR/GFA	0.25/40,464	
	Residential FAR/GFA	1.5/242,781	
	<b>TOTAL FAR/GFA</b>	<b>1.5/242,781</b>	
	Zone: CRT2.0, C0.25, R2.0, H100 (16,484 sf)		
	Commercial FAR/GFA	0.25/4,121	
Residential FAR/GFA	2.0/32,968		
<b>TOTAL FAR/GFA</b>	<b>2.0/32,968</b>		
<b>Density Totals</b>			
Commercial FAR/GFA	0.25/44,585		0
Residential FAR/GFA	1.55/275,749		204,000
<i>MPDUs GFA</i>			<i>16,600<sup>10</sup></i>
<b>TOTAL FAR/GFA</b>	<b>1.55/275,749</b>		<b>1.05/187,400</b>
<i>Balance of unused GFA</i>			<i>(88,349)<sup>11</sup></i>
<b>Dwelling Units</b>		n/a	62
<b>MPDUs (% / units)</b>		12.5% / 8 units	15% / 10 units
<b>4.5.4.B.2.b</b>	<b>Building Height (feet)</b>		
	CRT1.5, C0.25, R1.5, H50-Townhouses	50	50
<b>4.5.4.B.3</b>	<b>Minimum Setback</b>		
	From adjacent residential	0'	25'
	From R.O.W.	0'	0'
<b>4.5.4.B.1</b>	<b>Open Space</b>		
	Common Open Space-Townhouses (%/sq. ft.)	5/7,028	7.8/10,900
<b>6.2</b>	<b>Parking spaces, minimum-maximum<sup>12</sup></b>		
	Market	52-104	104
	MPDUs	<u>5-20</u>	<u>10</u>
	<b>TOTAL</b>	<b>57-124</b>	<b>114</b>

ii. *Division 4.7 Optional Method Public Benefits*

Since this is but one Site Plan implementing the Public Benefits of Sketch Plan 32014003A, in accordance with the Zoning Ordinance, Section 59-4.7.1, the Phase 1 Site Plan proposes the

<sup>10</sup> For projects providing a minimum of 15% MPDUs, the GFA of all MPDUs is exempt from the calculation of FAR under Section 4.7.3.D.6.c.iii (204,000 sf of total building GFA-16,600sf for all MPDUs provided= 187,400).

<sup>11</sup> The remaining balance of 88,349 square feet to be transferred to Site Plan No. 820150040. Pursuant to Section 59-4.5.1.B of the 2014 Zoning Ordinance, FAR Averaging only applies between two or more properties—because the entire site in this Application is currently under common ownership, the Chevy Chase Lake Development Corporation, which is an entity of the Housing Opportunity Commission of Montgomery County, it constitutes a single property, and therefore does not apply to this Application.

<sup>12</sup> The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

following phased public benefits to satisfy the requirements: Transit Proximity; Diversity of Uses and Activities; and Protection and Enhancement of the Natural Environment.

Transit Proximity

The Property is located adjacent to a proposed Purple Line station, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. Staff recommends 3.5 points based on a pro-rata share of dwelling units in the two Site Plans and consistent with the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (CR Guidelines).

Diversity of Uses and Activities

*Affordable Housing:* Since the approval of the Sketch Plan, Section 59-4.7.3.D.6.a.i of the Zoning Ordinance has been adopted to permit 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an applicant to an equal fraction of 12 points. Sections 59-4.7.3.D.6.a.ii and iii also allow an additional 2 points for every 1% of 2 bedroom MPDUs not otherwise required and an additional 5 points for every 1% of 3 bedroom MPDUs. The Applicant requests 110.5 points for affordable housing in the Diversity of uses and Activities category for this Site Plan. Staff supports the Applicant’s request.

Proposed:	62 Units x 15%	=	10 MPDUs	OR	16.1%
	3-Bedroom MPDUs: 10 Units / 62 Units			=	16.1%
Points Allowed:	12 Points for each % provided ≥ 12.5 and ≤ 15:	12	x	2.5%	= 30.0
	5 Points for each % of 3-bedroom MPDUs:	5	x	16.1%	= 80.5
				Total Points	110.5

Protection and Enhancement of the Natural Environment

*Vegetated Area:* The Applicant requests 5 points for the installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. The CR Guidelines recommends 5 points for development that meets the Zoning Ordinance requirements with areas not part of the required public use space or open space used for incentive density. Area within stormwater management easements may not be counted either. Staff supports this request.

<b>Table 9- Site Plan No. 820150050 Public Benefits Points</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Sketch Plan</b>	<b>Requested</b>	<b>Recommended</b>
<b>59-4.7.3.B: Transit Proximity</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>
<b>59-4.7.3.D: Diversity of Uses and Activities</b>			
<b>Affordable Housing</b>	<b>110.5</b>	<b>110.5</b>	<b>110.5</b>
<b>59-4.7.3.F: Protection and Enhancement of the Natural Environment</b>			
<b>Vegetated Area</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>TOTAL</b>	<b>119.0</b>	<b>119.0</b>	<b>119.0</b>

iii. *Division 6.1. Site Access*

Shared private alleys for each two rows of townhouses provide well-integrated vehicular access from Chevy Chase Lake Drive to rear-loading garages for all dwelling units. Private Street “A” will be

also be constructed with this Site Plan and will appropriately functions for vehicular access and loading for the Multi-family building.

*iv. Division 6.2. Parking, Queuing, and Loading*

The Project's market-rate townhouses will include two car garages and the MPDUs will contain one car garages for adequate off-street parking.

*v. Division 6.3. Open Space and Recreation*

The Townhouse development has a 5 percent common open space requirement. The Project proposes 7.8 percent, totaling 10,900 square feet of common open space, which is adjacent to the 7,900 square foot public open space provided by the Multi-family development. These two spaces combined will be the Park, which will be built with the Multi-family building.

The development meets the active and passive recreation space required by the zone. The proposed development will provide the following on-site recreation facilities: picnic/sitting areas, an open play area II, a bike system and a pedestrian system. The development can also take advantage of the off-site bike system and natural trails.

The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

*vi. Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Application provides streetscape along the new Private Street A and will transform existing streetscape along the frontage on Chevy Chase Lake Drive, with new street trees, improved sidewalks, and street lighting. The on-site lighting will limit the necessary light levels to streets and sidewalks and will prevent light spillover to adjacent areas. Site furnishings will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

*e. satisfies the applicable requirements of:*

*i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on June 18, 2015. The plan proposes to meet stormwater management requirements through the use of a green roof and micro-bioretenion (Silva Cells and planter boxes).

ii. *Chapter 22A, Forest Conservation.*

As conditioned, the Application is in compliance with the M-NCPPC's Environmental Guidelines and Forest Conservation Law. The Forest Conservation Plan is consistent with the conditions of approval for the Site Plan. The tree variance approval is assumed in the Planning Board's approval of the Forest Conservation Plan.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Site Plan provides adequate, safe, and efficient parking and circulation patterns. Shared private alleys for each two rows of townhouses provide well-integrated vehicular access from Chevy Chase Lake Drive to rear-loading garages for all dwelling units. The Project's market-rate townhouses will include two car garages and the MPDUs will contain one car garages for adequate off-street parking. In order to provide adequate circulation while ensuring compatibility with adjacent uses, sidewalks will provide pedestrian access to the most western row of townhouses fronting the approximately ½-acre public space and the most eastern row of townhouses facing the adjacent Hamlet House condominiums. Pedestrians will access the Project's other dwelling units via pathways in efficient shared landscaped courtyards with shade and ornamental trees, perennials, shrubs, and bio-retention plantings for each two rows of townhouses.

The Site Plan also accommodates the provision of public access easements for and construction of Private Street "A", which is the segment of a new street along the depth of the adjacent Lot 1 that will eventually provide improved vehicular, pedestrian, and bicycle access from Chevy Chase Lake Drive to Manor Road, the future Purple Line rail station, the Capital Crescent Trail, and commercial services. The Site Plan includes sidewalk and streetscape upgrades to the Property's frontage along Chevy Chase Lake Drive. These enhancements will also facilitate improved pedestrian connections from nearby neighborhoods by offering access to existing and planned bikeways, transit, shared use paths, and retail uses.

The Project provides a safe and well-integrated building, open spaces and site amenities. The Project's building heights of up to 50 feet provide an appropriate transition from taller buildings along Chevy Chase Lake Drive west of the Property to the existing residential uses east of the Property. Specifically, the Project's proposed structures create a step down in height from Connecticut Avenue and the proposed multi-family building to the Hamlet House Condominium buildings. The Site Plan also reduces building massing along Chevy Chase Lake Drive by arranging the townhouses in eight rows whose ends face the street and separating them with private alleys and landscaped courtyards. With respect to the Project's most eastern row of townhouses, the Site Plan enhances compatibility with the Hamlet House Condominiums with the front entrances facing eastward toward the Hamlet House Condominiums.

The open spaces shown on the Site Plan are also well integrated into the Project. The Site Plan reflects streetscaping improvements along Chevy Chase Lake Drive and Private Street "A", both of which will include sidewalks and street trees, as well landscaped courtyards, each of which will be shared by two rows of townhouses. The townhouses will also accommodate rooftop terraces and options for rear decks for private outdoor space.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in Sketch Plan Amendment No. 32014003A, the Site Plan substantially conforms with the recommendations of the Sector Plan. Specifically, the Site Plan satisfies the Sector Plan's requirement to provide an extraordinary amount of affordable housing by including the construction of Private Street "A" and offering 15% of the townhouses as MPDUs. Furthermore, the Site Plan proposes additional housing, especially desirable affordable housing, near existing and proposed transit, commercial uses, community facilities, and open spaces. The Project maximizes compatibility by stepping down building heights from the Site Plan's townhouses to the adjacent residential uses to the east and the front entrances of the eastern row of townhouses face the existing residential development.

The Site Plan is properly scaled to the surrounding community and utilizes materials consistent with the neighborhood's existing character. Private Street "A" and streetscape improvements along Chevy Chase Lake Drive will improve neighborhood connectivity while the landscaped courtyards between the rows of townhouse units is consistent with the natural character of the Chevy Chase Lake Community. New stormwater management facilities included in the Site Plan also advance the Sector Plan's environmental recommendations.

The Site Plan also conforms to the Chevy Chase Lake Design Guidelines by creating an appropriate transition and step down in height along Chevy Chase Lake Drive from the corner at Connecticut Avenue, to the multi-family building with maximum heights up to 112 feet, the townhouse structures with maximum heights up to 50 feet, and the existing Hamlet House Condominiums to the east. The Site Plan facilitates additional connections included for the surrounding neighborhood in the Design Guidelines, such as streetscaping improvements along Chevy Chase Lake Drive and Private Street "A".

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120150130 findings, the proposed development in the Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The townhouses are compatible with existing and pending nearby development. The Project's building heights of up to 50 feet provide an appropriate transition from taller buildings along Chevy Chase Lake

Drive west of the Property to the existing residential uses east of the Property. Specifically, the Project's proposed structures create a step down in height from Connecticut Avenue and the adjacent proposed multi-family building to the Hamlet House Condominium buildings. The front entrances of the most eastern row of townhouse units face the residential units to the east and the private alley and garage entrances are turned away to the west.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

**SECTION 8: SITE PLAN 820150040 – Multi-Family**

**FINDINGS**

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
  - a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all bindings elements of Sketch Plan Amendment No. 3021014003A regarding density, the general location of vehicular access points, and the public benefit schedule. Furthermore, the Site Plan, in combination with the concurrently filed Site Plan No. 820150050, satisfies the Sector Plan’s affordable housing requirements by providing 20% MPDUs or HOC affordable units at or below 60% of the AMI, in addition to 20% WFHUs at up to 100% of AMI, and includes the Sector Plan approved ½-acre public space.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*
  - i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Project is approximately 1.31 acres zoned CRT 2.0 C0.25 R2.0 H100 and a small portion of Lot 1 (1,960 square feet) is zoned CRT1.5, C0.25, R1.5, H50. The Project incorporates the construction of the approximately ½-acre public open space, pursuant to the recommendations of the Sector Plan. The following table, Table 10, shows the application’s conformance to the development standards of the zone and the approved Sketch Plan.

<b>Table 10-Site Plan 820150040 Project Data Table</b>			
<b>Section 59 - 4</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
	<b>Gross Tract Area (sf)</b>		
	Lot 1: CRT1.5, C0.25, R1.5, H50	n/a	<b>1,960</b>
	CRT2.0, C0.25, R2.0, H100	n/a	<b>55,072</b>
	<b>TOTAL</b>		<b>57,032</b>

<b>4.5.4.B.2.b</b>	<b>Density (Multi-family, Lot 1)</b>		
	Zone: CRT1.5, C0.25, R1.5, H50		
	Commercial FAR/GFA	0.25/490	
	Residential FAR/GFA	1.5/2,940	
	TOTAL FAR/GFA	1.5/2,940	
	Zone: CRT2.0, C0.25, R2.0, H100		
	Commercial FAR/GFA	0.25/13,768	
	Residential FAR/GFA	2.0/110,144	
	TOTAL FAR/GFA	2.0/110,144	
	<b>Density Totals</b>		
Commercial FAR/GFA	0.25/14,258	0	
Residential FAR/GFA	1.98/113,084	1.98/113,084	
<i>Balance of GFA from Site Plan No. 820150050</i>	88,349 <sup>13</sup>	79,916 <sup>14</sup>	
<b>TOTAL FAR/GFA</b>	<b>3.53/201,433</b>	<b>3.38/193,000<sup>15</sup></b>	
<i>MPDUs GFA</i>	32,000	32,000	
<i>Total building GFA</i>	4.09/233,433	3.94/225,000	
<b>Dwelling Units</b>	n/a	200	
<b>MPDUs (% / units)</b>	12.5% / 25 units	20% / 40 units	
<b>4.5.4.B.2.b</b>	<b>Building Height (feet)</b>		
	CRT2.0, C0.25, R2.0, H100-Multi-family building	100'	112' <sup>16</sup>
<b>4.5.4.B.3</b>	<b>Minimum Setback</b>		
	From adjacent residential	0'	0'
	From R.O.W.	0'	0'
<b>4.5.4.B.1</b>	<b>Open Space</b>		
	Public Open Space-Multi-family (%/sq. ft.)	5/2,525	15.6/7,900

<sup>13</sup> The remaining balance of 88,349 square feet received from Site Plan No. 820150050. Pursuant to Section 59-4.5.1.B of the 2014 Zoning Ordinance, FAR Averaging only applies between two or more properties—because the entire site in this Application is currently under common ownership, the Chevy Chase Lake Development Corporation, which is an entity of the Housing Opportunity Commission of Montgomery County, it constitutes a single property, and therefore does not apply to this Application.

<sup>14</sup> Balance of GFA to be retained is 8,443 square feet (88,349sf – 79,916sf). Any amount of unused density can be transferred offsite as determined by the Department of Permitting Services (DPS).

<sup>15</sup> For projects providing a minimum of 15% MPDUs, the GFA of all MPDUs is exempt from the calculation of FAR under Section 4.7.3.D.6.c.iii (225,000sf of total building GFA-32,000sf for all MPDUs provided=193,000).

<sup>16</sup> Per Section 4.7.3.D.6.c.1, an additional 12 feet in building height is permitted to accommodate MPDUs in excess of 12.5% ([14,700sf of floor area provided for MPDUs above 12.5%]/[20,000sf averaged residential floor plate area]=0.735, for an increase of 12 feet).

<b>6.2</b>	<b>Parking spaces, minimum-maximum<sup>17</sup></b>				
	Studio (MPDU/ADU)	10	5-10	Spaces are not assigned	
	Jr. 1 bed	28	28		
	1 Bed (MPDU/ADU)	60	38-75		
	2 Bed	12	18		
	2 Bed (MPDU/ADU)	71	54-107		
	3 Bed (MPDU/ADU)	19	19-38		
	<b>TOTAL</b>		<b>200</b>	<b>162-276</b>	<b>234</b>
	<b>Loading, Accessible Spaces, Motorcycle &amp; Bicycle</b>				
	Loading		1	1	
	ADA spaces		7 (includes 1 van)	7 (includes 1 van)	
	Car Share Spaces		2	2	
	Electric Vehicle Charging Station		3	3	
	Motorcycle/Scooter		5	5	
Bicycle-Public		5	10		
Bicycle-Private		95	95		

ii. *Division 4.7 Optional Method Public Benefits*

Since this is but one Site Plan implementing the Public Benefits of Sketch Plan 32014003A, in accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan proposes the following phased public benefits to satisfy the requirements: Transit Proximity; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Transit Proximity

The Property is located adjacent to a proposed Purple Line station, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. Staff recommends 11.5 points based on a pro-rata share of dwelling units in the two Site Plans and consistent with the 2012 *Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Diversity of Uses and Activities

*Affordable Housing:* Section 59-4.7.3.D.6.a.i of the Zoning Ordinance permits 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an applicant to an equal fraction of 12 points. Sections 59-4.7.3.D.6.a.ii and iii also allow an additional 2 points for every 1% of 2 bedroom MPDUs not otherwise required and an additional 5 points for every 1% of 3 bedroom MPDUs. The Applicant requests 67.5 points for affordable housing in the Diversity of uses and Activities category for this Site Plan. Staff supports the Applicant’s request.

<sup>17</sup> The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

Proposed:	200 Units x 20%	=	40 MPDUs	OR	20%
	3-Bedroom MPDUs: 15 Units / 200 Units	=	7.5%		
Points Allowed:	12 Points for each % provided $\geq 12.5$ and $\leq 15$ :	12	x	2.5%	= 30.0
	5 Points for each % of 3-bedroom MPDUs:	5	x	7.5%	= 37.5
				Total Points	67.5

Quality of Building and Site Design

*Structured Parking:* The Applicant requests 13.4 points for structured parking for only the parking that will be below grade. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade. Staff supports this request.

*Public Open Space:* The Applicant requests 5 points for open space (½-acre Park) provided in excess of the minimum 5% public open space required. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The layout yields 5,375 square feet of additional open space above the required square feet of public open space. The open space will be: directly accessible to a street; open to the public; designed so that the loading or parking facilities are screened or faced with active uses, contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide; designed so that walls of any residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet; and designed so that any dwelling unit facing the open space will have access to the open space. This Site Plan includes the construction of the Park and Staff supports 5 points for this benefit.

Protection and Enhancement of the Natural Environment

*Vegetated Roof:* The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on the multi-family building. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements. Staff supports the 7.5 points as recommended in the CR Guidelines because the Project meets the requirement of the Zoning Ordinance.

<b>Table 11- Site Plan No. 820150040 Public Benefits Points</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Sketch Plan</b>	<b>Requested</b>	<b>Recommended</b>
<b>59-4.7.3.B: Transit Proximity</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>
<b>59-4.7.3.D: Diversity of Uses and Activities</b>			
<b>Affordable Housing</b>	<b>67.5</b>	<b>67.5</b>	<b>67.5</b>
<b>59-4.7.3.E: Quality of Building and Site Design</b>			
<b>Structured Parking</b>	<b>13.4</b>	<b>13.4</b>	<b>13.4</b>
<b>Public Open Space</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>59-4.7.3.F: Protection and Enhancement of the Natural Environment</b>			
<b>Vegetated Roof</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>
<b>TOTAL</b>	<b>104.9</b>	<b>104.9</b>	<b>104.9</b>

iii. *Division 6.1. Site Access*

Private Street "A" will be built with the adjacent Townhouse development and will appropriately function for vehicular access and loading for the multi-family building. Private Street "A" is a segment of a new private street recommended in the Sector Plan that will enhance connectivity in the future by linking Chevy Chase Lake Drive with Manor Road, the future Purple Line rail station, the Capital Crescent Trail, and commercial services.

iv. *Division 6.2. Parking, Queuing, and Loading*

Parking for the multi-family residential building will be provided in a below-grade facility. Vehicular and loading access is located off of Private Street "A".

v. *Division 6.3. Open Space and Recreation*

The Multi-family development has a 5 percent public open space requirement. The Project proposes 15.6 percent, totaling 7,900 square feet of public open space, which is adjacent to the 10,900 square foot common open space provided by Townhouse development. These two spaces combined will be the Park, which will be built with the Multi-family building.

The development meets the active and passive recreation space required by the zone. The proposed development will provide the following on-site recreation facilities: picnic/sitting areas, and open play area II, a pedestrian system and an indoor community space. The development can also take advantage of the off-site bike system and nature trails.

The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Application provides streetscape along the new Private Street A and will transform existing streetscape along the frontage on Chevy Chase Lake Drive, with new street trees, improved sidewalks, and street lighting. The on-site lighting will limit the necessary light levels to streets and sidewalks and will prevent light spillover to adjacent areas. Site furnishings will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on June 18, 2015. The plan proposes to meet stormwater management requirements through the use of a green roof and micro-bioretenion (Silva Cells and planter boxes).

ii. *Chapter 22A, Forest Conservation.*

As conditioned, the Application is in compliance with the M-NCPPC's Environmental Guidelines and Forest Conservation Law. The Forest Conservation Plan is consistent with the conditions of approval for the Site Plan. The tree variance approval is assumed in the Planning Board's approval of the Forest Conservation Plan.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Multi-family Project provides adequate, safe, and efficient parking and circulation patterns. Private Street "A" appropriately functions for vehicular access and loading for the multi-family building. Private Street "A" is also a segment of a new private street recommended in the Sector Plan that will enhance connectivity in the future by linking Chevy Chase Lake Drive with Manor Road, the future Purple Line rail station, the Capital Crescent Trail, and commercial services.

The Project provides a safe and well-integrated building, open spaces and site amenities. The multi-family building additionally incorporates a well-integrated open-air passage that will allow pedestrians easy access from Chevy Chase Lake Drive through the approximately ½-acre public space to Private Street "A" and the future Purple Line station. The shape and design of the multi-family building allows for multiple entrances from the lobby, fitness center, and other amenity spaces onto the approximately ½-acre public space and open-air passage, which will create an activated and inviting gathering area for residents. Furthermore, the significant frontage of the approximately ½-acre public space along Chevy Chase Lake Drive will attract neighbors from surrounding communities. Sidewalk and streetscape improvements along Chevy Chase Lake Drive and Private Street "A" will create additional pedestrian and bicycle connections in the neighborhood. Other engaging open areas and recreation facilities are included in the multi-family building's rooftop terrace, which will offer multiple seating areas and attractive landscaping.

g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in the concurrently filed Sketch Plan Amendment No. 32014003A, the Multi-family Site Plan substantially conforms with the recommendations of the Sector Plan. Specifically, the Site Plan satisfies the Sector Plan's requirement to provide an extraordinary amount of affordable housing by including the construction of Private Street "A", to be constructed with the Townhouse development, Site Plan No. 820150050, and includes 20% MPDUs or HOC affordable units at or below 60% AMI as well as and 20% WFHUs in the multi-family building that will be owned by HOC. The WFHUs will be built under a regulation or binding agreement that limits the rent charged for a specified control period and ensures that the WFHUs are affordable to a full range of eligible households (up to 100% of AMI). Furthermore, the Site Plan proposes additional housing, especially desirable affordable housing in 2 and 3 bedroom

MPDUs, near existing and proposed transit, commercial uses, community facilities, and open spaces. The Site Plan also includes the approximately ½-acre public space which will serve as a recreational place for both existing and new residents, contain amenities to attract the entire community, and be designed per Parks Department standards.

The Project achieves compatibility with the neighborhood consistent with the vision of the Sector Plan and Design Guidelines by creating an appropriate transition and stepping down height along Chevy Chase Lake Drive from the commercial structure at Connecticut Avenue eastward to the multi-family structure with a building height up to 112 feet. The townhouses with building heights up to 50 feet, subject of the concurrently filed Site Plan No. 820150050 transition to the approximately three story Hamlet House condominium buildings further down Chevy Chase Lake Drive. The vehicular access to the multi-family building's underground parking garage off of Private Street "A" is also compatible with the more intensive commercial uses to the Property's west.

The Project's scale is compatible to the surrounding community and utilizes materials consistent with the neighborhood's existing character. Private Street "A" included in the Site Plan for the townhouses to the east, as well as streetscape improvements along Chevy Chase Lake Drive will improve neighborhood connectivity. The approximately ½-acre public use space will also enhance connections with the surrounding community, provide efficient access to the planned adjacent Purple Line rail station, and create a neighborhood gathering space. New stormwater management facilities included in the Site Plan also advance the Sector Plan's environmental recommendations.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120150130 findings, the proposed development in the Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Property's eastern boundary abuts a row of the proposed townhouses included in the concurrently filed Site Plan No. 820150050. The Site Plan reflects that the approximately ½-acre public space will serve as appropriate buffer between the most eastern row of the proposed townhouses and the multi-family building. The central location of the ½-acre public space between the two residential uses will also activate the area and create an appealing gathering place for the surrounding neighborhood. Private Street "A", which is a component of the concurrently filed Site Plan

No. 820150050, also provides an appropriate buffer from the 8401 Connecticut Avenue office building located to the Property's west. Providing garage and loading access from Private Street "A" provides compatibility with the more intensive commercial uses on the Property's western border.

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

### **CONCLUSION**

The Project complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The Project satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the *Chevy Chase Lake Sector Plan* and the *Chevy Chase Lake Design Guidelines*. Therefore, Staff recommends approval of the Mandatory Referral No. MR2015023, Sketch Plan Amendment No. 32014003A0, Preliminary Plan No. 120150130, Site Plan No. 820150040 and Site Plan No. 820150050 with the conditions specified at the beginning of this report.

### **ATTACHMENTS**

- A. Mandatory Referral letter
- B. Community Correspondence
- C. Response letter to the Community
- D. Sketch Plan No. 3020140030 Resolution
- E. Preliminary Plan No. 120150130
- F. DNR letter-May 29, 2014
- G. Applicant's survey- Rare, Threatened & Endangered Species
- H. Revised DNR letter-December 11, 2014
- I. Variance Request
- J. County Arborist's Letter
- K. DPS-Stormwater acceptance letter
- L. Site Plan No. 820150040
- M. Site Plan No. 820150050
- N. Agency Letters