



## Chevy Chase Lake Block B: Preliminary Plan Amendment 12002020B and Site Plan 820160190

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### Description

Staff Report Date: 05/12/2017

Location: Southeast quadrant of the intersection of Connecticut Avenue and Manor Road

Zone: CRT-2.0 C-1.0 R-1.75 H-120 and CRT 2.0 C 2.0 R 2.0 H80

Master Plan: *Chevy Chase Lake Sector Plan*

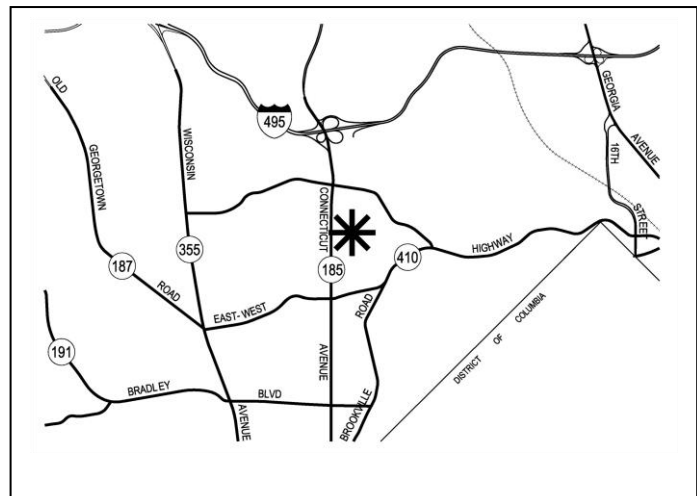
Property size: 6.19 acres net lot area

Request to create two lots and to develop up to 681,646 SF residential uses (534 dwelling units) and up to 107,704 SF nonresidential uses in three buildings

Applicant: Bozzuto Development Company; Chevy Chase Land Company

Acceptance Date: August 9, 2016

Review Basis: Chapter 50 and Chapter 59



### Summary

- **Staff recommendation: Approval of the preliminary plan amendment and site plan with conditions.**
- Includes condition for construction of Sector-Planned Street B-1 over the Purple Line right-of-way.

## **SECTION 1: RECOMMENDATION AND CONDITIONS**

### **Preliminary Plan Amendment No. 12002020B**

Staff recommends approval of Preliminary Plan Amendment No. 12002020B, Chevy Chase Lake Block B, for two lots for a maximum total density of 789,350 square feet of development on the Subject Property, subject to the following conditions. All conditions imposed by the approval of Preliminary Plan No. 120020200 and Preliminary Plan Amendment No. 12002020A are superseded by the conditions contained herein.

1. Approval is limited to two lots for a maximum density of 789,350 square feet of total development, including up to 681,646 square feet of multi-family residential uses, consisting of 534 dwelling units (including 12.9% MPDUs), and up to 107,704 square feet of nonresidential (retail, restaurant, or service) uses.
2. The maximum number of MPDUs per condition 1 above will be determined at the time of site plan approval.
3. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320160030.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated December 16, 2016, 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.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 28, 2017, 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 MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. 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.
7. The Applicant must dedicate and show on the record plat(s) the following:
  - a. Approximately sixty-seven feet from the existing right-of-way centerline along the Subject Property frontage for Connecticut Avenue to support a minimum right-of-way width of 120 feet.
  - b. Thirty-five feet from the existing right-of-way centerline along the Subject Property frontage for Manor Road to support a minimum right-of-way width of 70 feet.
8. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSA.
9. 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.

10. The record plat must reflect a common use and access easement for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The easement must be created by a deed approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records.
11. The Applicant must provide private roads, Street A and Street B, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
  - a. If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
  - b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
  - c. The Private Road must be designed and constructed according to the Montgomery County Road Code Standard MC-2005.01 per the modified typical section specified by the subsequent Site Plan.
  - d. Prior to issuance of any building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
  - e. Prior to recordation of the plat, the Applicant must submit to Staff an agreement or other legal instrument that assigns responsibility for the long-term maintenance of the portion of the Private Road that crosses the Purple Line public right-of-way. To the extent possible, the agreement must conform to the requirements set forth in the covenant recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338. The agreement must be approved by the Commission's Office of the General Counsel, recorded in the Montgomery County Land Records, and referenced on the plat.
12. 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.
13. The record plat must show necessary easements.

14. No clearing, grading, demolition, or recording of plats prior to certified site plan approval.
15. Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
16. Include the stormwater management concept approval letter and Preliminary Plan resolution on the approval or cover sheet(s) of the certified Preliminary Plan.
17. The Applicant must construct all road and frontage 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.
18. Prior to recordation of any plat, Site Plan No. 820160190 must be certified by Staff.
19. Prior to certification of the Preliminary Plan, the Applicant must correct the parcel labels on the lotting diagram on Sheet PP-3.
20. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid until November 22, 2022.

#### **Site Plan No. 820160190**

Staff recommends approval of Site Plan 820160190 for a maximum density of 789,350 square feet of total development, including up to 681,646 square feet of multi-family residential uses, consisting of 534 dwelling units (including 12.9% MPDUs), and up to 107,704 square feet of nonresidential (retail, restaurant, or service) uses, on approximately 9.06 gross acres in the CRT-2.0 C-1.0 R-1.75 H-120 and CRT-2.0 C-2.0 R-2.0 H-80 zones. 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>

1. Sketch Plan Conformance  
The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320160030.
2. Preliminary Plan Conformance  
The Applicant must comply with the conditions of approval for Preliminary Plan Amendment No. 12002020B.

#### **Other Agencies**

3. Agency Recommendations
  - a. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated December 16, 2016, 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 may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

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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.



- b. The Planning Board accepts the recommendations of the MCDPS – Right-of-way Section in its memo dated March 6, 2017, 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 memo, which may be amended by MCDPS – Right-of-Way Section provided that the amendments do not conflict with other conditions of the Site Plan approval.
- c. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“MCDHCA”) in its letter dated November 28, 2016, 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 may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

## Environment

### 4. Forest Conservation

The Applicant must comply with the following conditions of the Final Forest Conservation Plan (“FFCP”):

- a. Provision of offsite stream restoration needed for Sector Plan conformance and as part of the mitigation for proposed environmental impacts. The final scope, location and details for the offsite stream restoration, planting and invasive control work, preferably to be contained within a Category I Conservation Easement, must be shown on the Final Forest Conservation Plan and approved by Staff prior to certification of the FFCP. The work must include at least 2:1 stream restoration and/or naturalization for any impacts to stream valley buffer areas.
- b. The Applicant must provide at least three acres of invasive species control and forest enhancement on the Subject Property and adjacent properties under common ownership. Prior to certification of the FFCP, the Applicant must submit, for Staff review and approval, a plan detailing the invasive control and enhancement to be undertaken.
- c. 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 1.29-acre total reforestation and afforestation requirement (or as determined by the Final Forest Conservation Plan).
- d. Revise the FFCP to include copies of the Department of Natural Resources response letters and note the appropriate protocols regarding the heron protection measures.
- e. Any disturbance or clearing associated with the storm drain outfall work must be restored to the extent possible and not result in a net loss of forest in the area. If possible, supplemental plantings must be installed to expand and enhance the associated canopy to further the Sector Plan goals and provide other environmental benefits.
- f. The net tract area for the forest conservation worksheet and associated notes must be revised to clearly reflect the net tract area as being the area contained within the current property boundaries plus the offsite LOD.
- g. The conflicts between the data table and plan drawing and legend must be corrected.
- h. Clarify the extent of existing sidewalks to remain and new sidewalk construction on all applicable sheets, including the Site Plan.
- i. Distinguish the LOD with a unique dotted or dashed line, rather than a solid line that blends in with the other line work.
- j. The Applicant must coordinate with Staff to address any necessary corrections and clarifications prior to certification of the FFCP.
- k. Adjust the FFCP as applicable so that all the credited mitigation plantings are at least 5 feet away from any structures, stormwater management facilities, utility lines, and/or their associated easements.

- l. Abandon any existing onsite Storm & Sewer Easements (or similar) which would otherwise conflict with the variance mitigation planting locations.
- m. At least 123 caliper inches of native canopy mitigation trees must be provided on the Subject Property.
- n. The tree save plan addressing impacted trees must be prepared by a Maryland-licensed tree care expert who is also an ISA-certified arborist.
- o. The development must comply with the Final Forest Conservation Plan.
- p. In the event that the Applicant records an off-site Category I Conservation Easement for the Application, the Applicant must record the easement in the Montgomery County Land Records by deed prior to demolition, clearing, or grading. The deed must be in a form approved by the M-NCPPC Office of the General Counsel. The boundaries of the Category I Easement will be determined by Staff prior to certification of the Site Plan.

#### 5. LEED Certification

To meet the Sector Plan recommendations regarding sustainable site and building design the Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum, and substantially utilize the associated categories listed in the Statement of Justification. The Applicant must make good faith efforts to achieve a LEED Silver rating.

#### 6. Landscape

- a. Prior to certification of the Site Plan, the Applicant must modify the tree planting details shown on the Site Plan to allow roots to extend under sidewalks and adjacent public open space areas, excluding areas for motor vehicle circulation.
- b. A drip-irrigation system must be provided for the onsite plantings.
- c. Rectify all applicable plan sheets for consistency and correct labeling, details, plant lists, etc.
- d. Street trees along Manor Road must be either Golden Rain Tree or Yellowwood, unless site constraints can be eliminated and larger (and ideally native) trees can be accommodated, as approved by MCDOT.
- e. Prior to certification of the Site Plan, the specifications and details for soil restoration and soil amendments associated with the landscape areas must be provided and/or revised as applicable for consistency and clarity.
- f. The tree planting pits shown on the plan, details, and cross sections must be at least five feet wide.

#### 7. Noise Attenuation

- a. Prior to issuance of a building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- e. Before issuance of any Use and Occupancy Certificate for dwelling units, the Applicant must certify that the noise-impacted units have been constructed in accordance with the certification of the

engineer that specializes in acoustical treatments. The testing and certification must be based on at least 5 representative units from each building.

- f. For all residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must disclose in writing to all prospective occupants that those units are impacted by transportation noise.

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

### **8. Public open Space, Facilities, and Amenities**

- a. The Applicant must provide a minimum of 27,000 square feet of public open space (10% of net lot area) on-site, as illustrated on the Certified Site Plan.
- b. The Applicant must construct streetscape, including but not limited to street trees, street lighting, and brick paving, along the Subject Property's frontage, as shown on the Certified Site Plan.
- c. Before the issuance of the final use and occupancy certificate, all public open space areas must be completed.

### **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. Major Public Facilities**

- i. The Applicant must provide an approximately-21,780-square-foot Neighborhood Square on the Subject Property, as shown on the Certified Site Plan.
- ii. The Applicant must provide a new bike share station on the Subject Property, as shown on the Certified Site Plan.

#### **b. Transit Proximity**

The Subject Property is located adjacent to a planned Purple Line station, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance.

#### **c. Quality Building and Site Design**

##### **i. Exceptional Design**

The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.

##### **ii. Structured Parking**

The Applicant must provide at least 19 parking spaces within above-grade structures and 1,033 parking spaces within below grade structures on the Subject Property.

### **10. Maintenance of Public Amenities**

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

### **11. Recreation Facilities**

At a minimum, the Applicant must provide five picnic/sitting areas, one bikeway system, one pedestrian walkway system, one swimming pool, three indoor community spaces, and three indoor fitness facilities to satisfy the M-NCPPC Recreation Guidelines.

## Transportation & Circulation

### 12. Private Streets

The Applicant must construct the private internal streets, Street A and Street B, including the portion of the private Street B that crosses the Purple Line right-of-way, to applicable Montgomery County structural standards and must construct all sidewalks, both on and off the Subject Property, as illustrated on the Certified Site Plan, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide MCDPS staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

### 13. Private Street Connection

The Applicant will ensure construction of Sector-Plan-designated Street B-1 across the Purple Line right-of-way, subject to securing any County, State, or Purple-Line-related permissions for the portion across the Purple Line right-of-way, consistent with the following elements:

- a. The street connection must be designed with a cross section that provides for two travel lanes, consistent with the abutting sections in the approved Site Plan 820150050 and in this Application.
- b. The street connection must provide a crossing at the Georgetown Branch Trail. If Street B-1 is built before the Purple Line project closes the trail, the street connection must consistent with the final grades of the abutting street sections in approved Site Plan 8201500050, and must provide an at-grade crossing at the Georgetown Branch Trail with a speed table provided at the crossing.
- c. Construction of the street connection must be complete prior to issuance of the final use and occupancy permit for the Application.

### 14. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 218 bicycle parking spaces for long-term private use and 22 bicycle parking spaces for short-term public use, as shown on the Certified Site Plan.
- b. The private spaces must be on-site in a secured, well-lit bicycle room within the buildings, and the public spaces must be inverted-U racks installed in a location convenient to the main entrance of each building and the public open space (weather protected preferred). The specific locations of the public and private bicycle parking must be identified on the Certified Site Plan.
- c. Prior to issuance of the final use and occupancy certificate, the Applicant must construct an 11-foot wide two-way cycle track along the Connecticut Avenue frontage of the Subject Property, as shown on the Certified Site Plan.

### 15. Parking Restriction

Prior the first day of revenue service of the Purple Line, the Applicant must, subject to MCDOT approval, install signs stating that the on-street parking spaces adjacent to the Purple Line station are for drop-off and pick-up only during the hours of 6:30 a.m. – 9:30 a.m. and 4:00 p.m. – 7:00 p.m., or other hours deemed appropriate by MCDOT.

## Site Plan

### 16. Building Height

Building B1 is limited to a maximum height of 120 feet, and Building B2 and Building B3 are limited to a maximum height of 70 feet, as measured from each respective approved building height measuring point, as illustrated on the Certified Site Plan.

17. Site Design

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.

18. Landscaping

- a. Before issuance of the final residential use and occupancy certificate for this Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, streetscape and related improvements, hardscape, benches, trash receptacles, bicycle facilities, and public open space amenities must be installed.
- b. The Applicant must install the landscaping no later than the next growing season after completion of construction and site work.

19. Lighting

- a. Before approval of the Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) recommendations in effect on the date of this resolution for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations in effect on the date of this resolution.
- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

20. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.k.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, plant materials, on-site lighting, and exterior site furniture, retaining walls, railings, curbs, gutters, sidewalks, streets, including the street crossing of the Purple Line right-of-way, and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

21. Development Program

- a. Prior to certification of the Site Plan, the Applicant must revise the development program to prohibit staging, clearing, grading or other construction activity (particularly for the storm drain outfall work) along Chevy Chase Lake Drive during the Yellow-Crowned Night Heron's breeding season, unless timely survey(s) by qualified personnel have been performed to ensure that there is no nesting activity within the area of concern.
- b. 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.

## 22. Certified Site Plan

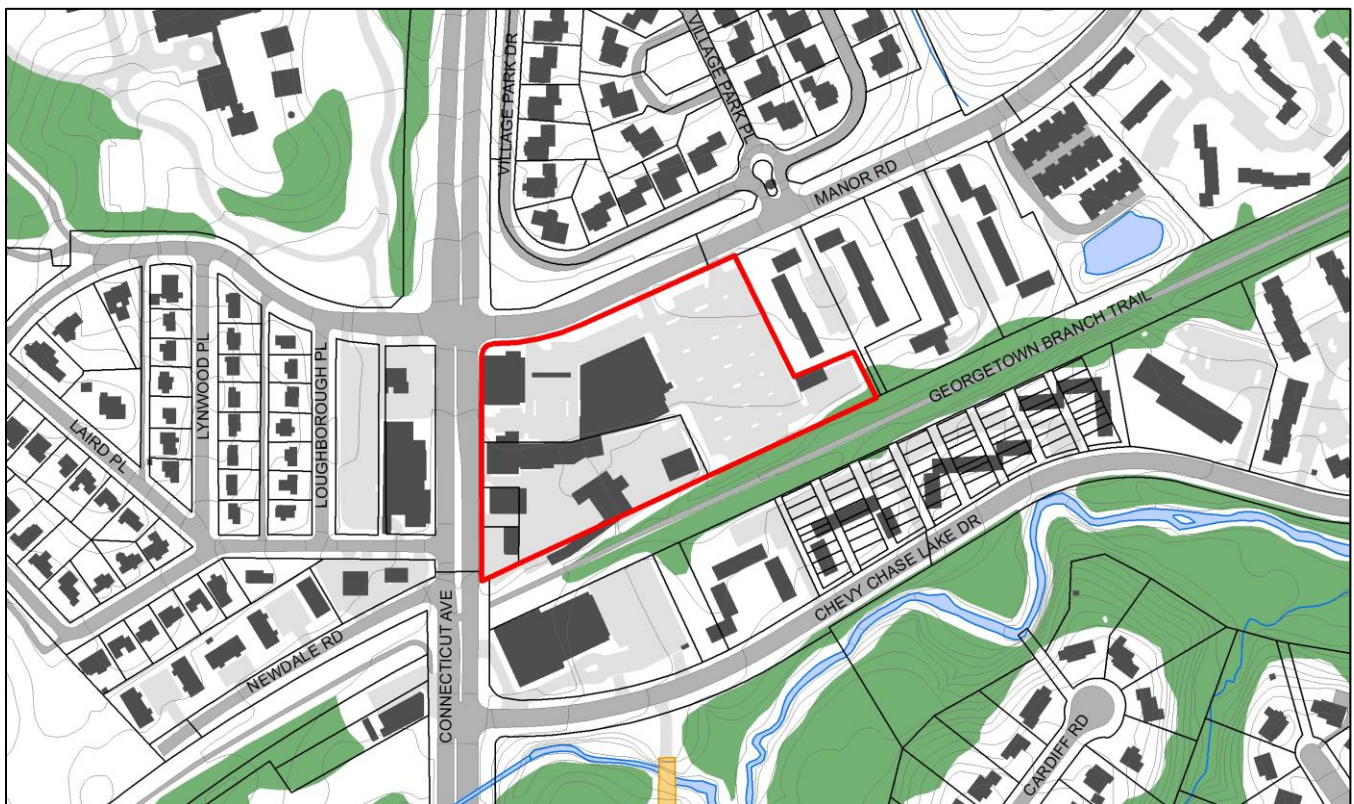
Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter, development program, and Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. 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."
- c. Modify data table to reflect development standards approved by the Planning Board. The data table must reflect all of the existing and approved development on the entire Subject Property.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Add a sheet that details the incentive density points.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity

The subject property is located on the east side of Connecticut Avenue running the full block between Manor Road and the Georgetown Branch Trail. Adjacent and confronting uses include office, retail, multi-family and one-family detached buildings. The Georgetown Branch Trail runs along the site's southern edge. The site is next to the future Chevy Chase Lake Purple Line station.



*Vicinity Map*

## Site Analysis

The subject property consists of one platted parcel and three unplatted parcels. The subject property is developed with low-rise retail buildings and associated surface parking lots, known as the Chevy Chase Lake Shopping Center, and the adjacent T.W. Perry hardware store, all of which will be removed to accommodate the proposed development. An existing gas station at the southwestern corner of the site will be retained until a future phase of development. The subject property contains no forest, and there are no streams or wetlands onsite. The site is located within the Lower Rock Creek watershed.

Natural Resource Inventory Forest Stand Delineation (NRI/FSD) 420160610 was approved for the subject property on February 26, 2016. The NRI/FSD identifies the existing man-made and natural features associated with the subject property and the surrounding area. The NRI/FSD for this application includes additional property area owned by the Chevy Chase Land Company beyond the scope of the current project. The onsite setting contains existing commercial buildings and associated parking. One of the buildings (to be demolished under this plan) encroaches into the adjacent Purple Line right-of-way. There are significant impervious areas surrounding the buildings with little or no stormwater management. Numerous significant and specimen trees occur along the fringes the site. The site topography has been graded out into generally flat areas with pockets of steep slopes occurring along some of the property lines. Many of the larger trees occur in these same pockets of steep slopes.

Forested areas and groves of large trees within the Purple Line right-of-way are located along the southern site boundary, and additional significant and specimen trees occur immediately offsite towards the east. There are also some minor areas of steep slopes onsite that connect with wooded embankments of the Purple Line right-of-way.

The Coquelin Run stream is located one block away from the subject property, generally flowing parallel to the south side of Chevy Chase Lake Drive, on the opposite side of both the Purple Line corridor and Chevy Chase Lake Drive from the subject Property. An unnamed tributary to Coquelin Run is located near the southern edge the site. The tributary runs underneath a bridge that was originally built for the B&O Railroad and currently accommodates the Capital Crescent Trail. The unnamed tributary to Coquelin Run and Coquelin Run itself drain to Rock Creek, which is a Use I<sup>2</sup> Watershed. There is stream valley buffer associated with the tributary to Coquelin Run, which extends into the subject property along portions of the southern property line. The area of onsite stream valley buffer is approximately 0.41 acres. Additionally, the applicant is proposing offsite work for a new storm drain outfall connection into Coquelin Run, which would impact additional areas of forested stream valley buffer.

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<sup>2</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.*





*Aerial View*

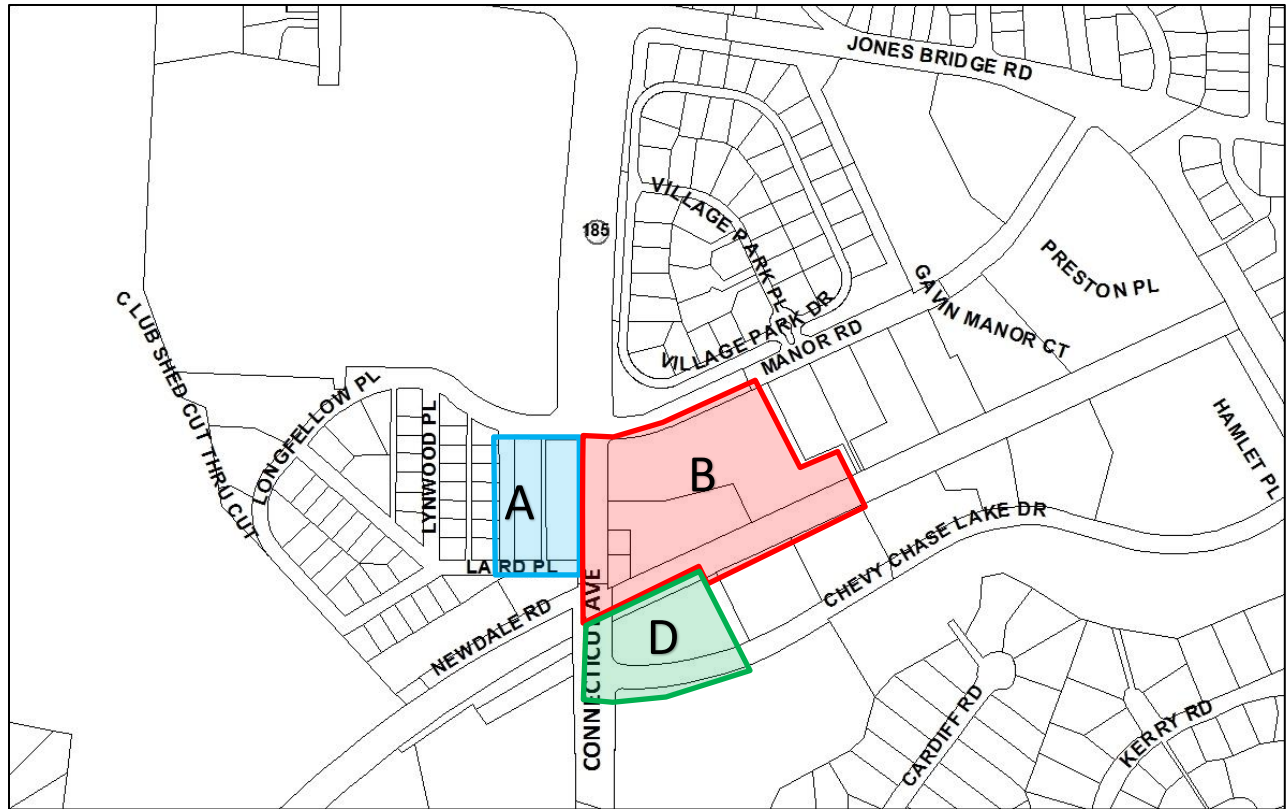
### **SECTION 3: PROJECT DESCRIPTION**

#### **Previous Approvals**

In 2002, the Montgomery County Planning Board approved Preliminary Plan No. 120020200, for consolidation of the Chevy Chase Lake East Shopping Center property into one record lot to accommodate 248,372 square feet of commercial development with up to 174,016 square feet of commercial retail and up to 74,356 square feet of office uses. As part of a Preliminary Plan Amendment, the Board granted an extension of the Adequate Public Facilities and Preliminary Plan validity period. More recently, the County Council actions extended the validity period for the Preliminary Plan and the Adequate Public Facilities determination until 2022.

On January 21, 2016, the Planning Board approved Sketch Plan 320160030 for a mixed-use development with up to 1,385,360 square feet of residential uses and up to 676,700 square feet of non-residential uses. The sketch plan approval applies to the overall 15.94-acre project, of which the current application is the first phase. The sketch plan covers three blocks: Block A, Block B (which is the subject property of the current preliminary plan and site plan applications), and Block D.



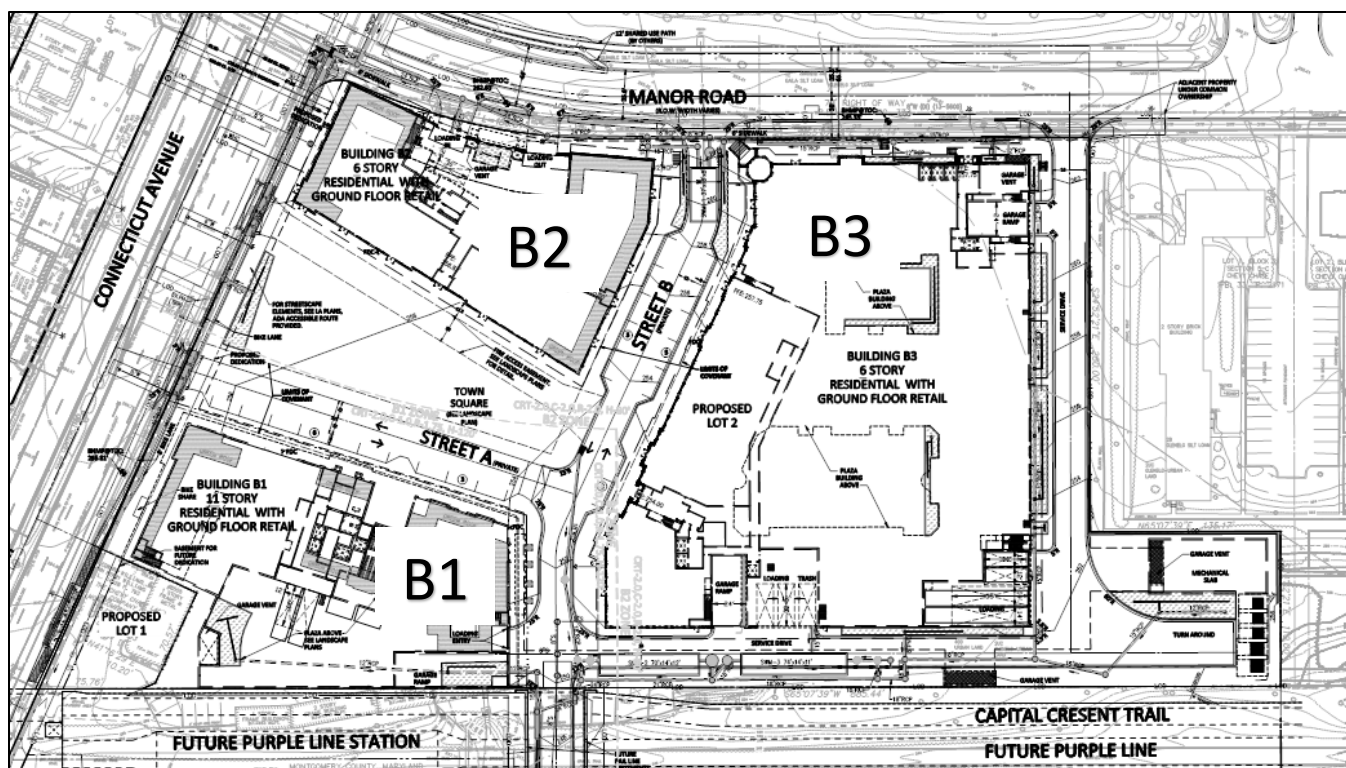


*Sketch Plan Subject Property, Development Blocks*

## **Proposal**

### Subdivision

The preliminary plan amendment will combine the existing platted parcel and unplatted parcels into two new lots: Proposed Lot 1 will be 6,972 square feet in size and will contain the existing gas station, and proposed Lot 2 will be 262,839 in size and will contain the remainder of the proposed development. The preliminary plan amendment will also dedicate 6,156 square feet for the right-of-way of Connecticut Avenue.



*Preliminary Plan*

### Buildings

Block B will contain three buildings: B1, B2, and B3. The buildings will be separated by Street A, Street B, and the town square public open space.

Building B1 will contain 213,432 square feet of residential uses in 186 dwelling units and 20,408 square feet of non-residential uses and will be 120 feet (11 stories) tall. Building B2 will contain 124,272 square feet of residential uses in 65 dwelling units and 18,961 square feet of non-residential uses and will be 70 feet (six stories) tall. Building B3 will contain 343,942 square feet of residential uses in 283 dwelling units and 68,335 square feet of non-residential uses and will be 70 feet (six stories) tall.

The architectural design, scale, and building heights of the project, together with the buildings of the future phases, will provide a sense of enclosure along Connecticut Avenue and signal that the blocks between Manor Road and Chevy Chase Lake Drive are a distinct and identifiable center and provide an appropriate transition to the surrounding residential neighborhoods. The project will contribute to the center as a vibrant, mixed-use development, providing residential and retail uses, along with public open space and public benefits, all within walking distance of the future Purple Line station. The architectural design of the project will provide coherence with the residential character of the surrounding neighborhoods.

The buildings are proposed to be pulled up to the edges of the sidewalks on their respective streets, creating a pedestrian friendly environment activated by street level retail as well as outdoor public spaces. The project will provide streetscape improvements for pedestrians and cyclists along Connecticut Avenue, as well as streetscape improvements along Manor Road. At the ground level, where retail fronts onto wide sidewalks, the façades will be relatively transparent with large expanses of glass in articulated storefront windows, providing good visibility to the shops, cafes, and restaurants within. Above the street level, where the predominant use will be multi-unit residential, façades will feature traditional punched windows as well as bays, oriels, and balconies.



*Illustrative Rendering, Intersection of Street B and Manor Road*

The project will closely follow the Sector Plan Design Guidelines and the architecture will be compatible with the existing, distinctive character of the community. The traditional architecture is conveyed through the detailing of the façades, silhouettes, and roof elements. Additionally, the project's facades will utilize elements such as bandings, belt courses, friezes, ornamental panels, and pilasters appropriate to more traditional architectural styles.

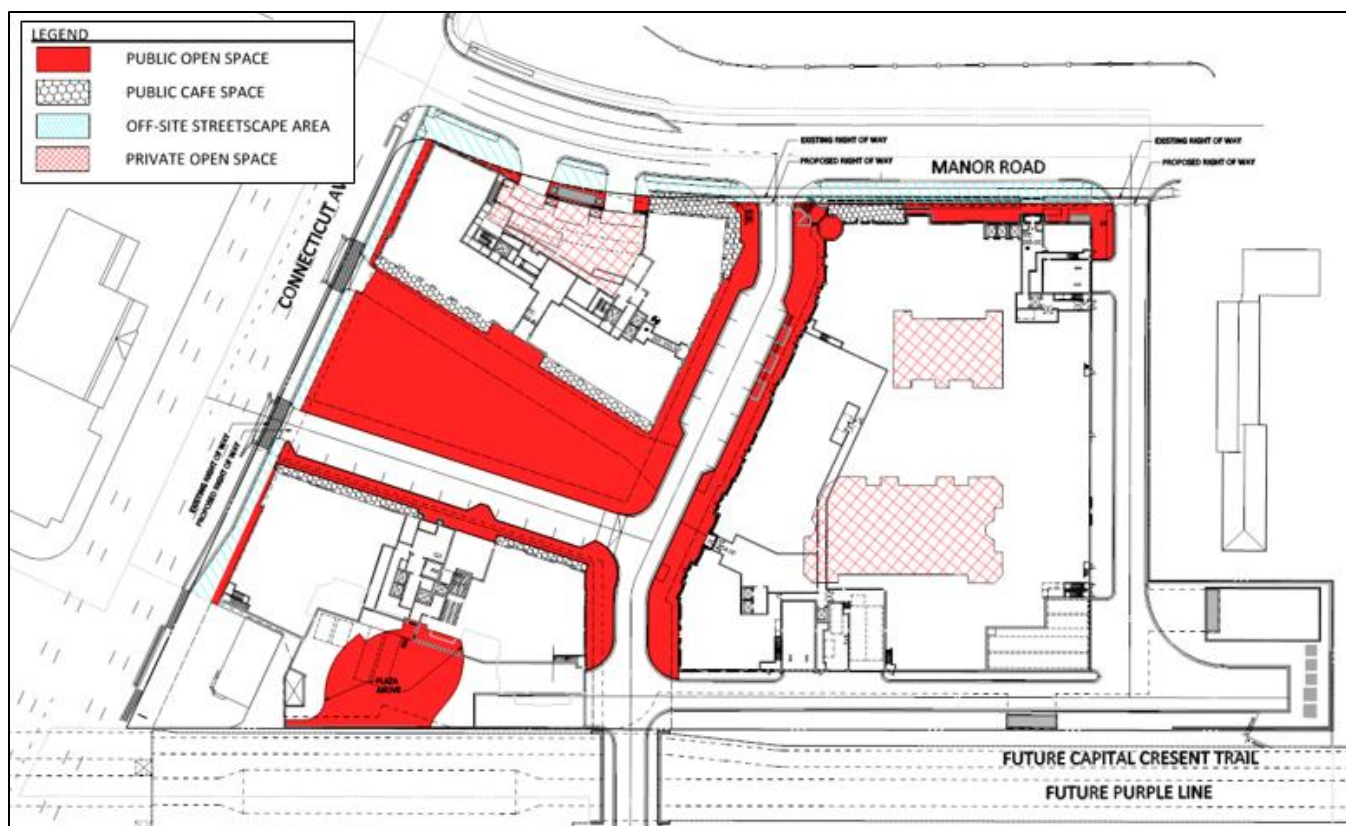
#### Open Space and Recreation

Block B will provide a significant amount of open space on-site. In accordance with the Optional Method of Development standards in the CRT Zone, the application will provide ten percent of the lot area, or 27,000 square feet, as public open space. As recommended in the Sector Plan, Block B will include the construction of an approximately 21,780-square-foot town square that will serve as a central public gathering space for existing and future residents of Chevy Chase Lake. Additional open space will be provided as streetscape and an elevated plaza near the future Purple Line station. The square, located along Connecticut Avenue, is spatially defined by, and will be constructed alongside, Buildings B1 and B2. Buildings B1 and B2 have been designed to frame and activate the neighborhood square with commercial uses and residential lobbies. Benches, lighting, lawn, landscaping, hardscape, and other programming opportunities and amenities will activate the space.





*Illustrative Town Square Concept*



*Open Space Plan*

In addition to the public open space, the project also provides 4,500 square feet of outdoor café seating, 9,700 square feet of streetscaping in the public street right-of-way, and 18,500 square feet of private open space that will be available to residents of the buildings. Although undergrounding of utilities is typically required for site plan applications in *Chevy Chase Lake Sector Plan* area, this application is not required to do so because the electrical utilities along the property frontage are high-voltage transmission lines that are not routinely buried.

### Transportation

The project is located on Block B within the Chevy Chase Lake Sector Plan area and is generally bounded to the north by Manor Road (P-14), to the south by the proposed Purple Line, and to the west by the Connecticut Avenue (MD 185; M-7). Connecticut Avenue is a median-divided six-lane major highway along the entire site frontage, a condition that is anticipated to remain throughout the implementation of this project. Pedestrian and bicycle access to the site will be maintained along the property frontage sidewalk and public roadway in the future condition. Additionally, a new two-way separated bicycle lane (CT-1) will be constructed along the eastern (northbound) side of Connecticut Avenue, between Manor Road and Chevy Chase Lake Drive, and a new shared roadway (LB-3) will be constructed through the site on proposed Street B, per the Sector Plan.

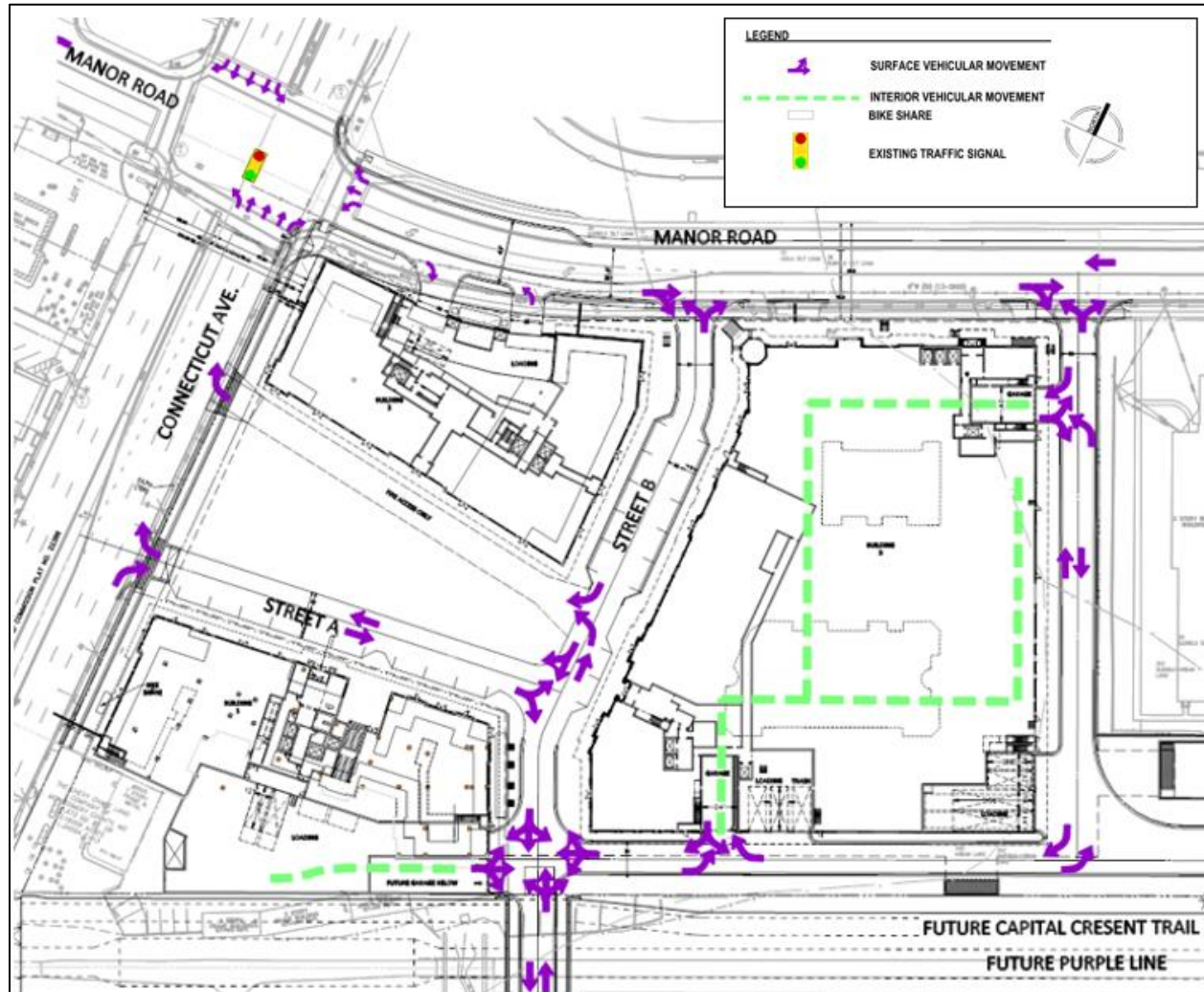
### *Access, Parking, and Public Transportation*

Vehicular access to the subject property for all transportation modes is via Connecticut Avenue, Manor Road, and a new master planned business district street, which is labeled, "Street B" within the application and "Street B-1" in the 2013 *Chevy Chase Lake Sector Plan*. Pedestrian and bicycle access to the property will be enhanced along the Connecticut Avenue (MD 185) frontage through provision of the new separated bicycle lanes, along the northbound travel lanes. Parking will be provided within below-grade, structured parking facilities.

Specific vehicular maneuvers to the subject property are proposed as follows:



- Connecticut Avenue: a right-in/right-out driveway on Connecticut Avenue north of the proposed Purple Line station.
- Manor Road: a circular drive to provide loading access to building B2 on the southeast corner of the Connecticut Avenue/Manor Road intersection; a service drive for loading and garage access to the Building B3 east side of the subject property.
- New Street B: This street will connect Chevy Chase Lake Drive and Manor Road and will serve as a continuation of the new street approved as part of Preliminary Plan 120150130 and loading for Building B1.



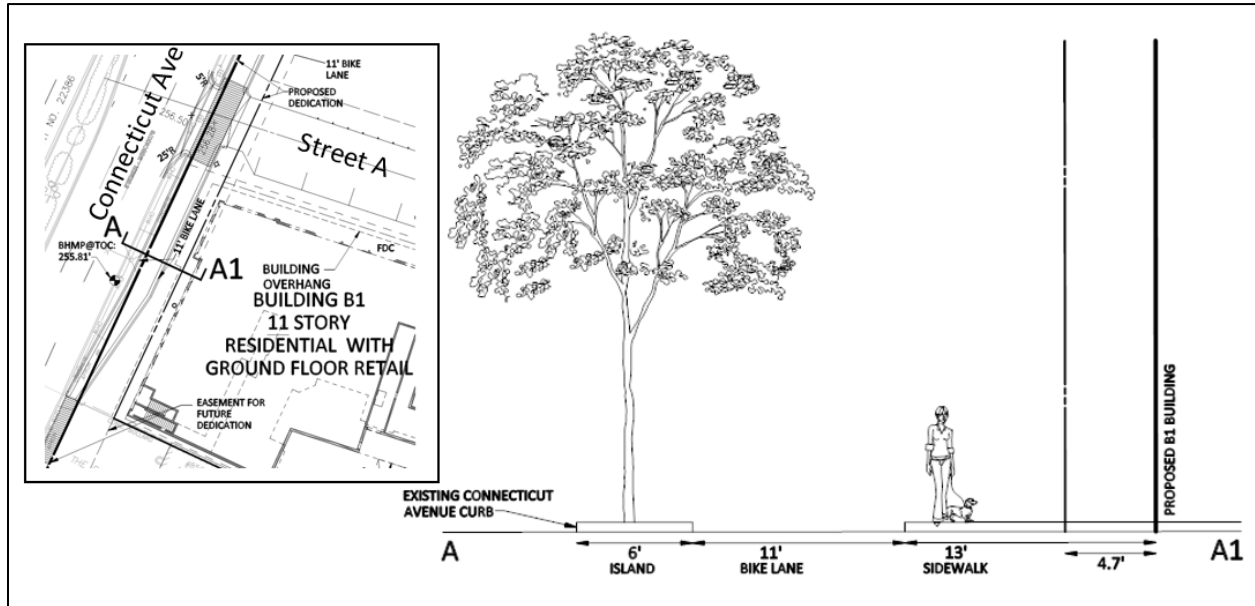
*Vehicular Circulation*

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. Connecticut Avenue (MD 185), along the western site frontage, as a Major Highway (M-7) with a minimum right-of-way width of 120 feet. Connecticut Avenue is recommended to have a cycle track (CT-1)<sup>3</sup> from Manor Road to Chevy Chase Lake Drive. CT-1 is recommended as an 11-foot wide two-way cycle track along the east side of Connecticut Avenue, illustrated below.
2. Manor Road, along the northern site frontage, as a Primary Roadway (P-14) with a minimum right-of-way of 70-feet
3. Street B, bisecting the site, as a Business District Street (B-1) with a minimum right-of-way width of 60 feet. This street is proposed as a private street in accordance with the guidance included in the Sector Plan.



*Separated Bike Lane (CT-1) Cross Section*

#### Phasing

The project will be implemented in one phase.

#### **Community Outreach**

The applicant has complied with all submittal and noticing requirements. As of the date of this staff report, staff has not received any correspondence regarding the applications.

## **SECTION 4: PRELIMINARY PLAN ANALYSIS AND FINDINGS**

### **Sector Plan Conformance**

#### Planning Themes of the Sector Plan

As conditioned, the application substantially conforms to the recommendations for the subject property included in the *Chevy Chase Lake Sector Plan* and the approved Design Guidelines for Chevy Chase Lake, and has

<sup>3</sup> two-way separated bike lanes

been designed to respond to and incorporate the specific recommendations for the subject property. One of the primary objectives of the Sector Plan is to preserve the distinct character of Chevy Chase Lake and build on the existing community assets to create a better Center with more housing, shops, open space and better pedestrian and vehicular access.

The application responds to the three main planning themes in the Sector Plan (page 19):

- *Preserve the well-established community character of Chevy Chase by protecting existing residential areas, and focusing new development and redevelopment in the Center and by defining a standard for compatibility;*

The development, located entirely within the Center, will facilitate the creation of a vibrant, mixed-use, transit-oriented Center. The application's design displays particular sensitivity to the surrounding residential uses and will promote compatibility with the existing character of Chevy Chase Lake. The application will closely follow the Sector Plan Design Guidelines and the traditional architecture conveyed through the detailing of the façades, silhouettes, and roof elements, and will be compatible with the existing, distinctive character of the community.

- *Enhance quality of life and connectivity within and to the Chevy Chase Lake community by promoting pedestrian-oriented mixed-use development within the Center, improving access to different modes of transportation throughout the community; and*

As recommended in the Sector Plan, the application provides for a mix of uses, including street activating uses such as ground-floor retail and restaurants, within close proximity to the existing residential communities and the proposed Purple Line station. The application will substantially improve the pedestrian environment and vehicular access within Chevy Chase Lake. The application includes the construction of new internal streets that will provide a more efficient means of transportation and access to neighborhood commercial services in the Center. The design of the internal streets will create an enjoyable and safe pedestrian space that is buffered from vehicular traffic. The application also will provide streetscape improvements along Manor Road and Connecticut Avenue to provide enhanced pedestrian connections. In addition, the application will provide key bicycle-oriented amenities along this important biking corridor, including a dedicated bike lane along Connecticut Avenue (cycle track), storage facilities, a bike share station and a network of shared-use internal streets.

- *Create new choices in the Chevy Chase Lake Center with new opportunities for local shopping, housing, public spaces and transit.*

The application will contain a significant amount of new residential development. As recommended in the Sector Plan, the application will provide diverse housing opportunities including a variety of unit sizes and layouts to facilitate the availability of new housing, in a range of types and rents. The application will provide housing opportunities for a variety of income levels, including a minimum of 12.9% MPDUs.

Additionally, the application provides a significant amount of neighborhood retail and service uses, including restaurants that will support the surrounding residential communities. The application includes a new grocery store that will provide a desired amenity for existing and future residents of Chevy Chase Lake and will also anchor and support the on-site retail. The subject property is located in close proximity to the future Purple Line station which, in combination with the on-site pedestrian



and vehicular circulation, will provide for improved access to the proposed commercial services and facilities.

#### Land Use

The Sector Plan provided specific recommendations for the development of the Subject Property, which the application addresses:

*Chevy Chase Lake East Shopping Center* (CRT2.0, C2.0, R2.0, H80 and CRT2.0, C1.0, R1.75, H120): In 2002, the Planning Board approved a preliminary plan for 248,372 square feet of commercial development at the Chevy Chase Lake shopping center, on the east side of Connecticut Avenue. This included 174,016 square feet of retail and 74,356 square feet of office uses. At the time the Sector Plan was approved, the development was unbuilt, though the approval remains valid until at least 2022. The Sector Plan recommended that trips associated with the development on the subject property be capped at 503 total AM peak hour trips and 1,051 total PM peak hour trips. This trip cap is intended to mirror the traffic impacts for the existing preliminary plan and associated trip credits approved for this site. The application will conform to this recommendation and Block B will not exceed the cap.

The Sector Plan recommends a maximum building height of 120 feet on the portion of the subject property adjacent to Connecticut Avenue and the Purple Line station. The Sector Plan recommends that the remainder of the subject property have a maximum building height of 70 feet for mixed use commercial/residential uses. Building heights of 70 feet can accommodate six stories of mixed uses, which is an appropriate scale—five stories of residential above ground-floor retail. The proposed structures will step down in height from a maximum of 120 feet to 70 feet to allow a transition between taller buildings along Connecticut Avenue and the lower existing residential buildings at the end of Chevy Chase Lake Drive.

The application's scale of buildings provides a sense of enclosure in the proposed plaza and signals that the blocks between Manor Road and Chevy Chase Lake Drive are a distinct and identifiable Center.

The Sector Plan recommends that the subject property also include a public open space, to be approximately ½-acre in size, which will be privately owned and maintained. This space should serve as a gathering place for existing as well as new residents and should have the amenities necessary to make it an appealing destination for the entire community. The application conforms to the recommendation by providing an approximately ½-acre new public open space (Neighborhood Square) with benches, lighting, lawn, landscaping, hardscape, and other programming opportunities and amenities that will activate the space.

The Sector Plan recommends redevelopment of the subject property to also include the portion of New Street B-1 from Manor Road to the southern property line of the shopping center site, with dedication of, or provision of public access easements for, the full-width right-of-way, and construction of the full-width roadway, including sidewalks, street trees, and streetscape pavers, as described in the Design Guidelines for the Sector Plan. The application includes constructing the portion of the new master-planned street between Chevy Chase Lake Drive and Manor Road on the subject property (designated Street B in the application), 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.

#### Environment

For discussion of the environmental goals and recommendations of the Sector Plan, please see below.

## Adequate Public Facilities (APF)

### Transportation

The application has a valid transportation APF approval through Preliminary Plan 12002020A and can proceed without additional transportation analysis, provided that the proposed Block B development does not exceed the previously approved weekday peak-hour trip generation of 503 morning and 1,051 evening vehicular trips. As proposed under this application, and illustrated in Table 1, the development is anticipated to generate 389 net new morning peak hour trips and 789 net new evening peak hour trips. This trip generation results in a net decrease of 114 morning peak hour trips and 262 evening peak hour trips from the previous APF review.

**Table 1**  
**Summary of Site Trip Generation**  
**Proposed Chevy Chase Lake: Phase One, "Block B"**

Trip Generation	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
<b>Proposed</b>						
534 High Rise Apartments	42	124	166	118	76	194
107,703 SF Retail	136	126	262	544	503	1047
<b>Total</b>	<b>178</b>	<b>250</b>	<b>428</b>	<b>662</b>	<b>579</b>	<b>1241</b>
<b>Credit</b>						
40% PM Retail Pass-by	(0)	(0)	(0)	(218)	(201)	(419)
9% AM Internal Capture	(16)	(23)	(39)	(0)	(0)	(0)
4% PM Internal Capture	(0)	(0)	(0)	(18)	(15)	(33)
<b>Total Credit</b>	<b>(16)</b>	<b>(23)</b>	<b>(39)</b>	<b>(236)</b>	<b>(216)</b>	<b>(452)</b>
<b>Net New Trips</b>	<b>162</b>	<b>227</b>	<b>389</b>	<b>426</b>	<b>363</b>	<b>789</b>
<b>Previous APF Approval</b>	<b>303</b>	<b>200</b>	<b>503</b>	<b>503</b>	<b>548</b>	<b>1051</b>
<b>Net Reduction*</b>	<b>--</b>	<b>--</b>	<b>(114)</b>	<b>--</b>	<b>--</b>	<b>(262)</b>

\* Subject Property limited to 503 total AM peak hour trips and 1,051 PM peak hour trips in accordance with the approved and adopted 2013 Chevy Chase Lake Sector Plan. Transportation impacts of the Proposed Development remain within the limits set forth in the Sector Plan.

Source: Sustainable Transportation Solutions, LLC. Traffic Statement, dated July 9, 2016; Revised by MNCPPC Staff 3/31/2017

### Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The subject 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 subject property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the subject property. Electrical, telecommunications, and gas services are also available to serve the subject 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 above, the application substantially conforms to the *Chevy Chase Lake Sector Plan*. The application complies with the land use 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 subject property is sufficiently large to efficiently accommodate the proposed mix of uses.

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

## Environment

Natural Resource Inventory Forest Stand Delineation (NRI/FSD) 420160610 was approved for the subject property on February 26, 2016. The NRI/FSD identifies the existing man-made and natural features associated with the subject property and the surrounding area. The NRI/FSD for this application includes additional property area owned by the Chevy Chase Land Company beyond the scope of the current project. The onsite setting contains existing commercial buildings and associated parking. One of the buildings (to be demolished under this plan) encroaches into the adjacent Purple Line right-of-way. There are significant impervious areas surrounding the buildings with little or no stormwater management. Numerous significant and specimen trees occur along the fringes the site. The site topography has been graded out into generally flat areas with pockets of steep slopes occurring along some of the property lines. Many of the larger trees occur in these same pockets of steep slopes.

Forested areas and groves of large trees within the Purple Line right-of-way are located along the southern site boundary, and additional significant and specimen trees occur immediately offsite towards the east. There are also some minor areas of steep slopes onsite that connect with wooded embankments of the Purple Line right-of-way.

The Coquelin Run stream is located one block away from the subject property, generally flowing parallel to the south side of Chevy Chase Lake Drive, on the opposite side of both the Purple Line corridor and Chevy Chase Lake Drive from the subject Property. An unnamed tributary to Coquelin Run is located near the southern edge the site. The tributary runs underneath a bridge that was originally built for the B&O Railroad and currently accommodates the Capital Crescent Trail. The unnamed tributary to Coquelin Run and Coquelin Run itself drain to Rock Creek, which is a Use I<sup>4</sup> Watershed. There is stream valley buffer associated with the tributary to Coquelin Run, which extends into the subject property along portions of the southern property line. The area of onsite stream valley buffer is approximately 0.41 acres. Additionally, the applicant is proposing offsite work for a new storm drain outfall connection into Coquelin Run, which would impact additional areas of forested stream valley buffer.

The Coquelin Run mainstem is within a forested expanse that contains many significant and specimen trees and is also associated with records of rare, threatened & endangered species (RTES), discussed further below. The Environmental Guidelines and the priorities for afforestation outlined in the Forest Conservation Law emphasize the protection of stream buffer areas with planted Category I Easements. However, the subject property is along a major roadway, adjacent to the proposed Purple Line Station, and, as conditioned, the application meets the general vision of the Sector Plan regarding density, massing and scale. Therefore, the stream valley buffer impacts, including those for the outfall at the Coquelin Run mainstem, will be supported by staff on the condition that the following environmental recommendations of the Sector Plan are also met:

- Provide stream restoration work and/or riparian forest enhancements within the same watershed that includes elements such as bank stabilization, removal of invasive species and planting of native species (Sector Plan page 49).

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<sup>4</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.*

- Preserve the community character of Chevy Chase Lake by...restoring Coquelin Run (Sector Plan page 19).
- Restore the Coquelin Run stream valley by promoting stream and forest restoration and creating a conservation easement (Sector Plan page 22).

Staff emphasizes that the environmental enhancements are recommended by the Sector Plan, even if there are no direct stream valley buffer or forest impacts associated with a given project. Therefore, the direct impacts to the resources which are to be protected and enhanced per the Sector Plan require that an increased scope of environmental enhancements is necessary. Throughout the entire process of this application review, including the pre-application meeting, the November 9, 2015, Development Review Committee Meeting for the Sketch Plan, the Sketch Plan Staff report, and the associated conditions of approval which were adopted by the Planning Board, Staff has consistently requested that the Applicant provide such mitigation. The Chevy Chase Land Company, the owner of the subject property, also owns approximately eight acres of land along the Coquelin Run, and they have agreed to allow the applicant to provide mitigation or enhancements on that land.

Condition of approval 7.i of Sketch Plan 320160030 states that the following must be addressed when filing a preliminary plan or a site plan application:

*Stream restoration work and/or riparian forest enhancements within the same watershed that includes elements such as bank stabilization, removal of invasive species and planting of native species*

However, the applicant has only recently provided a draft version of a mitigation plan, on March 1, 2017. The submitted plan is deficient in that it does not acknowledge all the proposed stream valley buffer impacts, is ambiguous on details, and proposes an excessively low amount of mitigation relative to the Sector Plan recommendations and actual impacts to resources that should be enhanced rather than diminished. Staff had anticipated that a more detailed plan would be provided and described in the staff report. However, as of this writing, a revised mitigation plan has not been submitted.

#### *Rare, Threatened & Endangered Species (RTES)*

The Maryland Department of Natural Resources (MDDNR) issued a letter on September 16, 2014, indicating that the subject property is associated with a colony of yellow-crowned night herons (*Nyctanassa violacea*), documented on Chevy Chase Lake Drive (Attachment D). The letter states:

*Yellow-crowned night herons have a state status rare as breeding species in Maryland. 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 the locations may either shift locally from year to year, or a specific nesting site may be reused. It remains unclear whether nesting has reoccurred since 2008. Staff notes that as part of a separate but adjacent project by a different applicant, an environmental consultant was hired to survey the area for signs of the herons. The consultant surveyed the stream 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 concluded by stating the site was not being utilized as a nesting site by the yellow-crowned night herons at the time of the survey. However, further coordination with MDDNR and/or M-NCPPC may be required to resolve issues related to the protection

guidelines established for the species. Contact information was provided on the MDDNR letter for further coordination needed to protect the heron colonies if the project proceeds.

The MDDNR has determined that the project will not affect amphipods and provided the following information in a letter dated December 11, 2014:

*The Wildlife Heritage Service has been made aware of a record for the 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.*

A more recent letter, dated January 13, 2016, reaffirms that the MDDNR has no records or concerns relative to the amphipods associated with the impact for this project.

#### *Tree Canopy*

Page 49 of the Sector Plan states that:

the expansive tree cover in Chevy Chase Lake - 50 percent of the Plan Area - is an important part of the community's character, as well as its ecological health. One of the goals of the Plan is to maximize tree cover for new development with overall goals of 25 to 30 percent tree canopy cover in the Chevy Chase Lake Center area. [emphasis added]

From the earliest stages of the Department's review for this project, including the pre-application meeting, the November 9, 2015, Development Review Committee Meeting for the Sketch Plan, and the Sketch Plan staff report, the site design included underground structure under the entire site. In recognition that planting trees over structure severely limits their ability to grow to full maturity, staff has consistently requested that the applicant provide generously sized planting beds to accommodate and sustain the trees so that they will achieve the Sector Plan canopy goals for the project and ultimately replace the form and function of the mature trees proposed for removal. This was memorialized in Sketch Plan Condition of approval 7.j., which requires that at time of site plan approval, the applicant must "Maximize, to the extent possible, tree cover for new development with overall goals of 25 to 30 percent tree canopy for the Chevy Chase Lake Center area."

The drawings, as submitted, do not meet this condition or the tree canopy goals of the Sector Plan. The applicant is proposing only about 500 cubic feet of soil per tree. This soil volume is insufficient to support the long-term growth and health of the trees in this new development and will result in stunted trees. In acknowledgement of this built-in limitation on the potential growth of these canopy trees, the applicant's canopy measurements submitted in the canopy exhibit were specifically reduced by 75%.

In defense, the applicant has provided a case study of tree plantings thriving nine years after installation in a setting similar to that proposed for this project. Staff recognizes that in the early years after planting, trees can experience strong initial growth as their roots begin to fill out their enclosure. However, the Sector Plan goal is for the longer-term (20-year plus) growth and health of the tree canopy. Unless appropriate soil volumes are provided, the planting beds would become choked as root systems expand within a confined, undersized space. The trees would remain stunted, and decline and then die off without ever having provided the mature canopy emphasized by the Sector Plan (nor would they replace the form and function of the specimen tree resources removed).

It is important to distinguish here also between trees on the ground, even adjacent to streets, and trees over structure. Street trees planted in new developments, including Chevy Chase Lake, are typically located between

the road and sidewalk, away from the buildings. This allows the tree roots to grow not only within the tree pit or continuous amended soil panel, but under the adjacent sidewalk and road as well. This provides significant accessible soil volume beyond the formally prepared planting bed to support the long-term growth of these trees. Over structure, the tree roots lack this natural proximity to surrounding soils, and must be provided with additional soil volumes directly adjoining where they are planted.

For other developments, including most recently 8015 Old Georgetown Road in Bethesda and Elizabeth Square in Silver Spring, the Planning Board has voted to support staff recommendations to require significant soil volumes to support the health and prospective growth of trees over structure. An informal review of cities and municipalities across the country, including in California, Colorado, Florida, Maryland, Ohio, and the District of Columbia, has shown minimum required soil volumes of 900 – 1,500 cubic feet of soil per tree for medium-sized trees and 1,000 – 2,700 cubic feet of soil per tree for large trees.

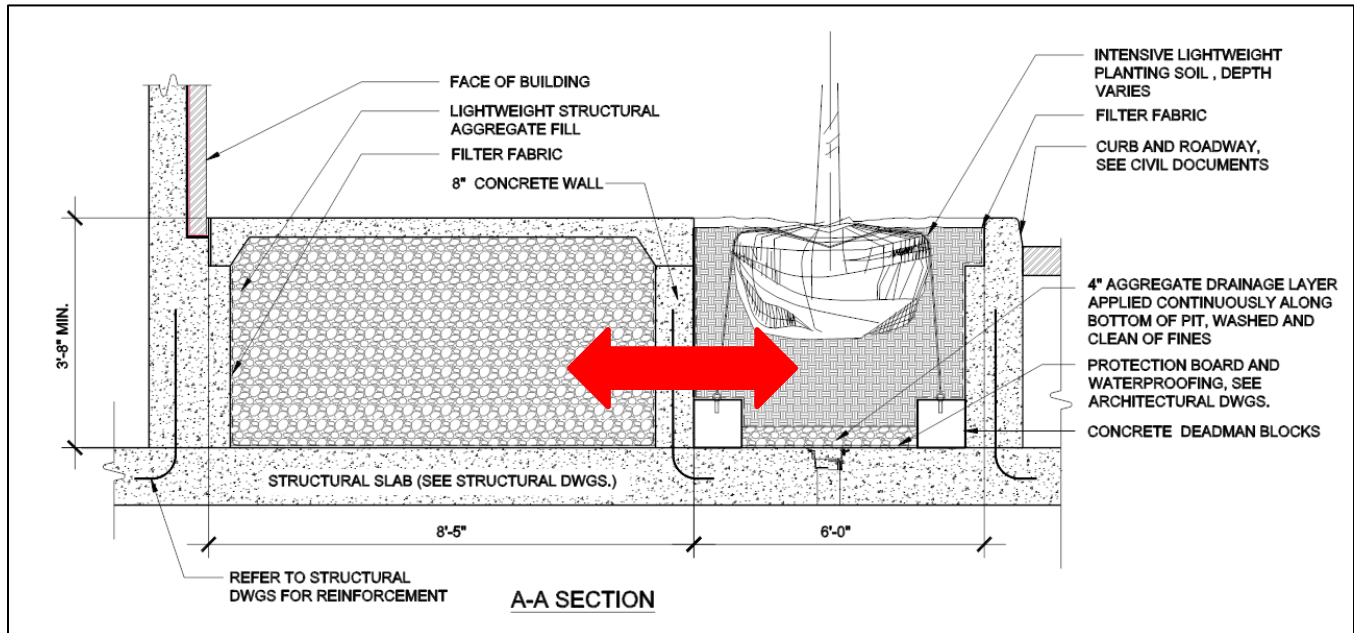
However, the design of this application, wherein the entirety of the on-site public realm is built over structure, provides a ready-made stratum of space above that structure that must be filled to support the site elements above: road, sidewalk, park, and trees. Staff is recommending a condition of approval that the applicant design the fill of the spaces not used for vehicular access to accommodate root growth for the trees on-site.



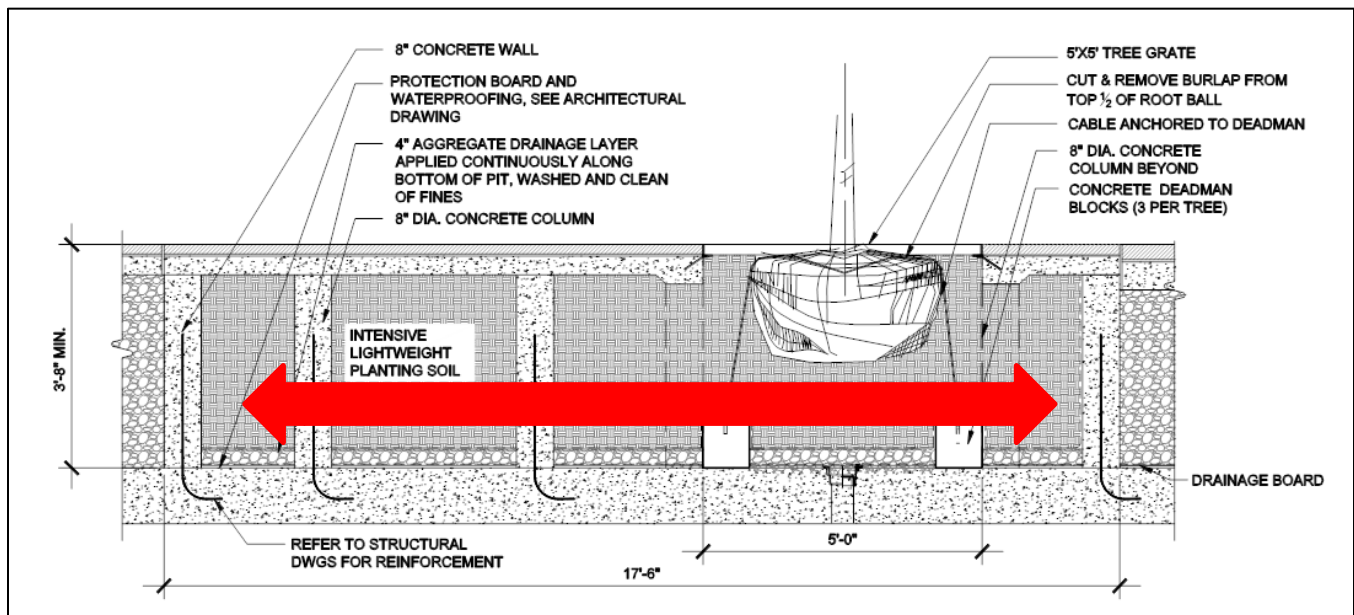
Applicant's Soil Volume Exhibit (in green)

Whereas the applicant's current soil volume design (shown above) only allows the trees to grow within a small portion of the public realm, primarily in line with the amended soil panels, the recommended condition allows the tree roots to extend under the sidewalks and the "Town Square" open space, as shown below. The

applicant is using a similar detail along the north side of the Town Square. This begins to take best advantage of an existing site design feature, and the recommended condition will expand its reach.



*Construction detail from the Site Plan Soil Volume Detail sheet (L4.03). Red arrow, added by staff, indicates opportunity to connect and significantly expand the soil volumes available for tree plantings.*



*Tree root expansion area detail (red arrow by staff)*

The Sector Plan tree canopy goals are a critical component of Sector Plan conformance, and without the recommended condition, staff does not believe the application is consistent with the *Chevy Chase Lake Sector Plan*.



### *Sustainable Sites*

The Sector Plan recommends, on Page 22, to “Promote sustainable site and building design to mitigate negative environmental impacts.” Per the application’s statement of justification, this Sector Plan goal will be addressed through the pursuit of LEED (Leadership in Energy and Environmental Design) Certification. The applicant concluded that the pre-design and design categories listed in the statement of justification show the strong pursuit of sustainable site elements built into the project. To ensure the Sector Plan goal is met, staff has included a condition of approval requiring the project to achieve a LEED Certified Rating Certification at a minimum, substantially following the categories listed in the statement of justification.

### *Forest Conservation*

Although there is no forest on the subject property, there is an afforestation requirement of approximately 1.03 acres. Additionally, there is offsite forest clearing associated with road and utility connections that clear approximately 0.13 acres of forest. The reforestation requirement based on forest clearing proposed is approximately 0.26 acres. The total reforestation and afforestation requirement is approximately 1.29 acres. The applicant proposes to address the requirements via payment of a fee-in-lieu or an offsite bank. However, there are opportunities to provide some or all of the credit in adjacent land controlled by the same owner. For example, the applicant could meet the forest conservation requirements by providing a Category I Easement along the Coquelin Run, as recommended in the Sector Plan. A forest conservation bank could be created to provide credit for future phases of this project or for other projects. There is no opportunity for onsite landscape credited towards forest conservation as the onsite planting areas (including the limited off-structure areas) are designated for mitigation tree plantings 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 CRZs of trees which are subject to a variance due to their size measuring 30 inches DBH or greater. The applicant has submitted a variance request dated March 24, 2017, for the impacts and removals of subject trees (Attachment E). The applicants’ request is to remove 14 trees (including two trees that may be potentially removed or may be retained) and to impact, but not remove, nine other trees, affecting a total of 23 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

**Table 2: Trees to be removed or potentially removed**

#	Botanical Name	D.B.H. (Inches)	Condition	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
3	<i>Platanus occidentalis</i>	38	Good	10,207	4,443	44	REMOVE
12	<i>Quercus palustris</i>	41	Fair/Poor	11,876	11,876	100	REMOVE
16	<i>Quercus coccinea</i>	30	Good	6,362	6,362	100	REMOVE
23	<i>Acer rubrum</i>	37	Good	9,672	9,672	100	REMOVE
38	<i>Quercus palustris</i>	40	Good	11,304	11,304	100	REMOVE
39	<i>Quercus palustris</i>	31	Good	6,790	6,790	100	REMOVE
41*	<i>Quercus rubra</i>	37	Good	9,678	2,816	29	REMOVE *
43	<i>Quercus palustris</i>	43	Good	13,063	13,063	100	REMOVE
129	<i>Acer rubrum</i>	32	Good	7,235	7,235	100	REMOVE
130	<i>Acer rubrum</i>	30	Good	6,359	6,359	100	REMOVE
1051	<i>Platanus occidentalis</i>	36	Good	9,161	5,339	58	REMOVE
1125	<i>Prunus serotina</i>	31	Good/Fair	6,793	2,547	38	REMOVE
1145	<i>Populus deltoides</i>	33	Good	7,698	4,220	55	REMOVE
1253*	<i>Populus deltoides</i>	33	Good	7,698	1,824	24	REMOVE *

\* Trees noted above will be mitigated for removal, but efforts will be made to save them at time of construction.

**Table 3: Subject Trees to be Impacted but Retained**

#	Botanical Name	D.B.H. (Inches)	Condition	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
18	<i>Fraxinus americana</i>	33	Good	7,698	2,028	27	SAVE
42	<i>Quercus palustris</i>	31	Good	6,793	60	0.8	SAVE
149	<i>Quercus rubra</i>	51	Fair	18,385	6,220	34	SAVE
150	<i>Quercus rubra</i>	41	Good	11,882	3,657	31	SAVE
152	<i>Quercus rubra</i>	35	Good	8,659	2,395	28	SAVE
964	<i>Populus deltoides</i>	30	Good	6,362	40	0.6	SAVE
1115	<i>Robinia pseudoacacia</i>	34	Good/Fair	8,171	1,815	22	SAVE
1255	<i>Populus deltoides</i>	32	Good	7,238	1,006	14	SAVE
A1	<i>Platanus occidentalis</i>	39	Good	10,751	1,710	16	SAVE

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, among other things, 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 subject property is located adjacent to a planned mass transit station where increased density is recommended in the Sector Plan. Furthermore, the Sector Plan specifically recommends the redevelopment of the subject property with mixed-use development, public open space, and a new public street. 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 associated infrastructure and utility connections.

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 site currently is mostly impervious with very little or no stormwater management. Therefore, a redevelopment that provides stormwater management will ultimately improve the associated water quality. MCDPS approved the stormwater management concept for the project on December 16, 2016. The stormwater management concept proposes to meet required storm water management goals using micro-bioretenment and green roofs. The remaining volume will be treated with three underground water quality vaults. 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 March 31, 2017. Staff received the County Arborist's recommendation on April 24, 2017 (Attachment F). The County Arborist determined that granting the variance would confer a special privilege and therefore the variance cannot be granted, as stated in the recommendation:

*Therefore, I recommend a finding by the Planning Board that this applicant does not qualify for a variance. Based on careful consideration of the documents provided with the application in ePlans, the applicant has failed to provide information consistent with other applications subject to the variance provisions. The natural resources inventory/forest stand delineation (NRI/FSD) (420160610) and the Significant & Specimen Tree Table on sheet PFCP 1.00 include at least 15 trees, greater than 30 inches in dbh, that are not shown on PFCP 2.00 (the forest conservation plan sheet). While it is likely that these trees are outside of this project's limits of disturbance, insufficient information was provided on the forest conservation plan to determine that these variance trees will not be impacted by this project. All other plans have been required to account for every tree greater than 30 inches or otherwise subject to the variance provisions as reported on forest conservation plans and NRI/FSDs.*

*The information included in the request for a variance is inconsistent with all other plans. Granting this request would grant special privileges denied to other similarly-situated applicants*

*for impacts to trees subject to the variance provisions. Therefore, I do not recommend that the Chevy Chase Lake – Block B project be granted a variance from the requirements of Chapter 22A of the Montgomery County Code.*

The County Arborist's recommendation against granting the variance is based on the fact that NRI/FSD includes at least 15 trees greater than 30 inches DBH that are not shown on the forest conservation plan. However, this circumstance arises because the NRI/FSD covers all of the Chevy Chase Lake blocks (A, B, and D), but the forest conservation plan only covers Block B. Blocks A and D will be covered by future applications. Since the impacts and removals are properly accounted for in the request, staff is able to recommend that the Planning Board approve the forest conservation variance, despite the County Arborist's recommendation to the contrary.

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

There are 14 trees proposed for removal or potential removal in association with the application. There will also be disturbance to CRZs of another nine 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. Replacement should occur at a ratio of approximately one inch caliper for every four inches DBH of removal, using trees that are a minimum of three inches caliper. For the 492 diameter-inches of subject trees to be removed, the applicant must provide mitigation of at least 123 caliper-inches of replacements. Therefore, the mitigation requirements would be more than satisfied by the proposed planting of 35 five-inch caliper trees (assuming that the planting beds provide enough soil volume to sustain the trees per the recommended conditions of approval).

#### *Staff Recommendation on Variance*

As a result of the above findings, staff recommends that the Board approve with conditions the applicant's request for a variance from Forest Conservation Law to remove 14 subject trees, two of which are potential removals, and to impact, but retain, nine subject trees associated with the site (affecting a total of 23 subject trees).

#### *Noise*

The application proposes residential units in a noise-impacted area along an arterial roadway (Connecticut Avenue) and rail corridor (Purple Line), and is, therefore, subject to the noise guidelines for residential development. The Purple Line corridor previously served 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 adjacent transit station is projected to generate noise impacts to the subject property in addition to the arterial roadway. A noise analysis for the project has been prepared Phoenix Noise & Vibration, LLC, which confirms that some of the residential units and areas of outdoor common open space would experience excessive levels of noise impacts (more than the levels allowed in noise guidelines, or 65 dBA Ldn) unless appropriate treatments of the building shells and windows are designed and properly implemented to mitigate the interior noise to acceptable levels (less than 45 dBA Ldn). Standard conditions of approval are recommended to address the interior noise mitigation.

Portions of the outdoor common space areas are also impacted by excessive noise levels, particularly along Connecticut Avenue. However, providing noise mitigation for the open space would involve berms, walls, or fencing. In a letter dated November 14, 2016 (Attachment G), the applicant requested that the public open space fronting Connecticut Avenue not be subject to the noise mitigation requirements because the necessary design changes would adversely affect the intent of the space, which is visually and physically accessible from Connecticut Avenue. Furthermore, the applicant notes that the open space is large enough that there would still be quieter spaces for users to enjoy that are at or below the noise level maximums. Staff supports the applicants' request regarding the open space noise levels.

### *Stormwater Management*

The MCDPS Stormwater Management Section approved the stormwater management concept on December 16, 2016. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenion and green roofs. The remaining volume will be treated with three underground water quality vaults.

## **SECTION 5: SITE PLAN ANALYSIS AND 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 application is consistent with the development approved under the previously approved Sketch Plan 320160030. The applicant is submitting this application for site plan amendment approval concurrently with the proposed preliminary plan. This site plan is consistent with the development proposed under the preliminary plan.

- 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 9.06 gross acres zoned CRT-2.0 C-1.0 R-1.75 H-120 and CRT-2.0 C-2.0 R-2.0 H-80. The following table, Table 4, shows the application's conformance to the development standards of the zone.

Table 4 - Site Plan Project Data Table				
Section	Development Standard	Permitted/ Required	Proposed in Sketch Plan for Block B	Proposed in Site Plan
59 – 4	Gross Tract Area (sf)	n/a	394,725	394,725
4.5.4.B.2.b	<b>Density</b> CRT-2.0, C-1.0, R-1.75, H-120 Commercial FAR/GAF      1.0/125,401      0.16/20,408      0.16/20,408 Residential FAR/GFA      1.75/219,451      1.70/213,432      1.70/213,432 <b>TOTAL FAR/GFA</b> 2.0/250,802      1.86/233,840 <b>1.86/233,840</b> CRT-2.0, C-2.0, R-2.0, H-80 Commercial FAR/GAF      2.0/538,648      0.32/87,296      0.32/87,296 Residential FAR/GFA      2.0/538,648      1.74/468,214      1.74/468,214 <b>TOTAL FAR/GFA</b> 2.0/538,648      2.06/555,150 <b>2.06/555,510</b> Entire Site Commercial FAR/GAF      n/a      0.27/107,704      0.27/107,704 Residential FAR/GFA      n/a      1.73/681,646      1.73/681,646 <b>TOTAL FAR/GFA</b> n/a      2.0/789,350 <b>2.0/789,350</b>			
4.5.4.B.2.b	<b>Building Height (feet)</b> CRT-2.0, C-1.0, R-1.75, H-120      120      120      120 CRT-2.0, C-2.0, R-2.0, H-80      70      70      70			
4.5.4.B.3	<b>Minimum Setback</b> From R.O.W.      0'      0'      0'			
4.5.4.B.1	<b>Open Space</b> Public Open Space (%/sq. ft.)      10/26,981      10/27,000      10/27,000			
6.2	<b>Parking spaces, minimum-maximum</b>	817-1,296	1,052	1,052

#### Form Standards

The site plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The project proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including along the Connecticut Avenue and Manor Road facades. The project proposes significant activating uses, such as building entrances, along the proposed new internal streets and the town square.

#### *ii. Division 4.7 Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the site plan proposes the following phased public benefits to satisfy the requirements: Major Public Facilities, Transit Proximity, and Quality of Building and Site Design.

Table 5 - Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Approved Under Sketch Plan Phase 1	Requested	Recommended
<b>Major Public Facilities</b>			
Bike Share Station	10	10	10
Neighborhood Square	26	32.3	32.3
Transit Proximity	7.5	7.5	7.5
<b>Quality of Building and Site Design</b>			
Exceptional Design	7	7	7
Structured Parking	10	19.8	19.8
<b>TOTAL</b>	<b>60.5</b>	<b>76.6</b>	<b>76.6</b>

#### Major Public Facilities

*Bike share station:* The applicant requests 10 points for the payment of the installation of a new bike share station on the subject property. This is a particularly appropriate benefit given the subject property's location adjoining the Purple Line and the Capital Crescent Trail, since bike share will promote circulation to, from, and through the subject property without use of a motor vehicle and can provide readily-available non-auto access to the application's uses and the ultimate Purple Line station. Staff supports the applicant's request.

*Sector-Planned Neighborhood Square:* The applicant will construct the Sector Plan-recommended Neighborhood Square on the subject property. Staff supports the applicant's requests for 32.3 points based on following calculation:

$\{21,780 \text{ (constructed area in square feet)} / 269,811 \text{ (net lot area in square feet)} \times 4\} \times 100 = 32.3$  points

#### Transit Proximity

The subject property is located adjacent to the proposed Chevy Chase Lake Purple Line station, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. Staff recommends 7.5 points for this phase of the development, as requested by the applicant.

#### Quality of Building and Site Design

*Exceptional Design:* The applicant requests seven points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of five points is appropriate for development that meets at least four of the guideline criteria and 10 points is appropriate for development that meets all six criteria. The application will meet five of the six criteria, and the application will 1) provide innovative solutions in response to the immediate context; 2) create a sense of place and serve as a landmark; 3) enhance the public realm in a distinct and original manner; 4) introduce materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; and 5) use design solutions to make compact infill development living, working and shopping environments more pleasurable and desirable. Staff supports the applicant's request for seven points.

*Structured Parking:* The applicant requests 19.8 points for structured parking consisting of 19 above-grade spaces and 1,033 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

The points are calculated as follows:

$$[(19/1,052)*10] + [(1,033/1,052)]*20 = 19.8$$

*iii. Division 6.1. Site Access*

The proposed driveways will provide well-integrated access from Connecticut Avenue and Manor Road to the subject property, and the proposed new private streets, Street A and Street B, will provide well-integrated access within the site.

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

The project's proposed mixed-use buildings will share a single below-grade parking garage for adequate off-street parking. Each building will have its own loading spaces for adequate off-street loading.

*v. Division 6.3. Open Space and Recreation*

The project has a 10 percent public open space requirement, which yields a requirement of 26,981 square feet of open space. The project proposes to provide 27,000 square feet of public open space. The majority of the public open space will be provided in the 21,780-square-foot, Sector-Plan-recommended neighborhood square that will serve as a central public gathering space for existing and future residents of Chevy Chase Lake. Additional open space will be provided as streetscape and a plaza near the future Purple Line station. The neighborhood square, located along Connecticut Avenue, is spatially defined by, and will be constructed alongside, Buildings B1 and B2. Buildings B1 and B2 have been designed to frame and activate the neighborhood square with commercial uses and residential lobbies. Benches, lighting, lawn, landscaping, hardscape, and other programming opportunities and amenities will activate the space. The application meets the recreation guidelines by providing on-site five picnic/sitting areas, one bikeway system, one pedestrian walkway system, one swimming pool, three indoor community spaces, and three indoor fitness facilities.

*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, employees of the retail uses, and visitors to the site. The application will transform existing streetscape along the frontage on Connecticut Avenue and Manor Road with new street trees, improved sidewalk, and street lighting.

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*

The MCDPS Stormwater Management Section approved the stormwater management concept on December 16, 2016. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenment and green roofs. The remaining volume will be treated with three underground water quality vaults.

*ii. Chapter 22A, Forest Conservation.*

As discussed in the Preliminary Plan findings, the application is in compliance with the Environmental Guidelines and Forest Conservation Law. The project is subject to a forest conservation plan that has been submitted with the application. Although no forest exists on or near the site, there is an afforestation requirement of 1.03 acres. The forest conservation requirements will be addressed offsite by a payment of fee-in-lieu. Staff recommends that the Planning Board approve the final forest conservation plan as part of the site plan with the conditions cited in this staff report.

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

The site plan provides safe and well-integrated parking and circulation patterns. Driveways will provide well-integrated vehicular access from Connecticut Avenue to the existing gas station and Manor Road to loading spaces and the underground garage, which will be shared between all of the proposed buildings. The garages will ensure adequate off-street parking. Pedestrians will access the subject property via sidewalks along the property frontage, with street trees, perennials, and shrubs. Two new private streets will provide circulation within the subject property and will also provide access to loading spaces and to the underground garage.

The site plan includes sidewalk and streetscape upgrades to the subject property's frontage along Connecticut Avenue and Manor Road. These enhancements will also facilitate improved pedestrian connections from nearby neighborhoods by offering improved access to existing and planned bikeways, transit, shared use paths, and retail uses. In addition, the application includes a two-way, protected bike lane along the Connecticut Avenue frontage, as recommended in the Sector Plan.

The project provides safe and well-integrated buildings, open spaces and site amenities. The project's building height of 120 feet near the proposed Purple Line station and 70 feet further away from the station provides an appropriate transition from transit station to the one-family residential neighborhood across Manor Road from the subject property.

The open spaces shown on the site plan are also well integrated into the project. The site plan reflects streetscaping improvements along Connecticut Avenue and Manor Road, which will include sidewalks and street trees. The project will provide an approximately 21,780-square-foot neighborhood square that will serve as a central public gathering space for existing and future residents of Chevy Chase Lake. The neighborhood square, located along Connecticut Avenue, is spatially defined by, and will be constructed alongside, Buildings B1 and B2. Buildings B1 and B2

have been designed to frame and activate the neighborhood square with commercial uses and residential lobbies. Benches, lighting, lawn, landscaping, hardscape, and other programming opportunities and amenities will activate the 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 the Preliminary Plan section of this staff report, the site plan, only as conditioned, substantially conforms with the recommendations of the *Chevy Chase Lake Sector Plan*. The site plan responds to the Sector Plan's main themes, including focusing new development and redevelopment in the Center, promoting pedestrian-oriented development within the Center, improving access to different modes of transportation, and creating new opportunities for local shopping, housing, public spaces, and transit. With the recommended conditions of approval, the application will also meet the environmental recommendations for tree canopy and restoration of Coquelin Run.

- 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 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 buildings are compatible in height and scale with the existing and pending nearby development in the Chevy Chase Lake area. The structures will step down in height from a maximum of 120 feet for Building B1 to 70 feet for Buildings B2 and B3 to allow a transition between taller buildings along Connecticut Avenue and the lower existing residential buildings at the end of Chevy Chase Lake Drive and across Manor Road from the subject property. The proposed use, residential and retail, is compatible with the surrounding existing and proposed commercial and residential buildings on surrounding properties.

## 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 substantially

conforms with the goals and recommendations of the *Chevy Chase Lake Sector Plan*. Therefore, staff recommends approval of Preliminary Plan Amendment No. 12002020B, and Site Plan No. 820160190 with the conditions specified at the beginning of this report.

#### **ATTACHMENTS**

Attachment A: Preliminary Plan Amendment and Site Plan

Attachment B: Resolutions approving previous sketch plan, preliminary plan, and preliminary plan amendment

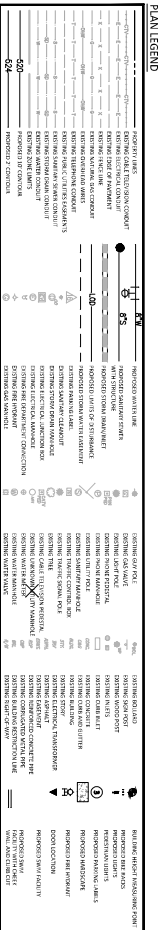
Attachment C: Agency correspondence referenced in the conditions

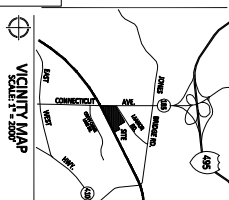
Attachment D: MDDNR letter re: herons

Attachment E: Applicant's forest conservation variance request

Attachment F: County arborist's forest conservation variance recommendation

Attachment G: Applicant's letter re: noise





**DEVELOPER'S CERTIFICATE**

THE UNDERSIGNED HEREBY CERTIFIES THAT ALL THE FEATURES OF THE SITE PLAN APPROVED FOR THIS PROJECT ARE BEING CONSTRUCTED, DEVELOPMENT PROGRESS IS BEING MAINTAINED AND CONSTRUCTION IS IN PROGRESS.

DEVELOPER'S NAME: KENNETH DEVELOPMENT COMPANY  
CONTACT: \_\_\_\_\_

ADDRESS: 6409 IVY LAKE DRIVE, GREENWICH, MD 20770

PHONE: 202-442-2352

SIGNATURE: \_\_\_\_\_

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### PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or  
and that I am a duly licensed Professional Engineer under

**State of Maryland.**

---

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**DON MITCHELL**  
October

**PRINTED NAME**  
**Title: Senior Project Manager**  
**License No. 15063**

1000000

7TH ELECTION DISTRICT  
CHRY CHAO,  
LAURENCE  
WONG GING ZIONWONG  
TAXI MAAP: HONG

**FILE**

## PLAN

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REASON BY: PS

Estimated ft. 1A  
 11/27/75

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-04-2008 BY 60324 UCBAW

CP.3

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

MCPB No. 16-004  
Sketch Plan No. 320160030  
Chevy Chase Lake, Blocks A, B and D  
Date of Hearing: January 21, 2016

**JAN 28 2016**

**RESOLUTION**

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

WHEREAS, on October 22, 2015, The Chevy Chase Land Company and Bozzuto Development Company ("Applicant") filed an application for approval of a sketch plan for construction of a mixed-use development including up to 1,526,289 square feet total development with up to 1,385,360 square feet of residential uses and up to 676,700 square feet of non-residential uses on 15.94 acres including the Chevy Chase Lake East Shopping Center (Block B) zoned CRT 2.0: C 2.0, R 2.0, H 80 and CRT 2.0: C 1.0, R 1.75, H 120; the Chevy Chase Lake West Shopping Center (Block A) zoned CRT 2.0: C 1.0, R 2.0, H 70 and CRN 1.0, C 0.25, R 1.0, H 40; and 8401 Connecticut Avenue (Block D) zoned CRT 4.0, C 3.5, R 3.5, H 150, located between Chevy Chase Lake Drive and Manor Road on both sides of Connecticut Avenue ("Subject Property") in the Bethesda Chevy Chase Policy Area and Chevy Chase Lake Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320160030, Chevy Chase Lake, Blocks A, B and D ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 11, 2016, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on January 21, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

Approved as to  
Legal Sufficiency:

*M. C. D.* 1/14/16



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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320160030, Chevy Chase Lake, Blocks A, B and D, for construction of a mixed-use development including up to 1,526,289 square feet of total development with up to 1,385,360 square feet of residential uses and up to 676,700 square feet of non-residential uses on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

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

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

All other elements are illustrative.

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

1. Density

The Sketch Plan is limited to a maximum of 1,526,289 square feet of total development on the Subject Property. The maximum number and distribution of residential dwelling units and non-residential uses will be determined at Site Plan. Per the Sector Plan, the Pre-Purple Line density on Block B is limited to development that does not exceed the approved trip generation credit of 503 morning, and 1,051 evening vehicular trips.

2. Height

The development is limited, as illustrated on the Sketch Plan, to a maximum height of:

- a. 40 feet on Block A, Site A1
- b. 70 feet on Block A, Site A2
- c. 120 feet on Block B, Building B1
- d. 80 feet on Block B, Buildings B2 and B3
- e. 150 feet on Block D

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

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.1. Total points must equal at least 50 and be chosen from at least three categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7.1 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Major Public Facility, achieved through providing a bike share station on site and a master-planned Neighborhood Square;
- b. Transit Proximity, achieved through location abutting/confronting a sector-planned Level 2 Transit Station;
- c. Connectivity and Mobility, achieved through transit access improvement and wayfinding;
- d. Quality of Building and Site Design, achieved through exceptional design and structured parking; and
- e. Protection and Enhancement of the Natural Environment, achieved through a vegetated roof.

4. Public Space

The Applicant must construct an approximately ½-acre public open space on Block B, as conceptually shown on the Sketch Plan, that will be privately owned and maintained. The exact size, location and design will be determined at the time of Site Plan.

5. New Street B-1

The Applicant must design, construct and maintain New Street B-1 between Manor Road and the Purple Line. The final extent, delineation and alignment of any private rights-of-way or easements will be determined at the time of Preliminary Plan. Easements for private streets must be approved by the Planning Board and MCDOT. The Applicant must enter into a Maintenance and Liability Agreement for each easement, which must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.

6. 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.



7. Future Coordination for Preliminary Plan(s) and Site Plan(s)

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

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- d. Implementation of transportation improvements;
- e. Consideration of building-to-street interface to maximize activation and safety;
- f. Provide a mid-block pedestrian connection between Loughborough Place and the sidewalk on the west side of Connecticut Avenue (through Block A);
- g. Focus on energy efficiency in building design features;
- h. Noise analysis at the time of Preliminary Plan;
- i. Stream restoration work and/or riparian forest enhancements within the same watershed that includes elements such as bank stabilization, removal of invasive species and planting of native species;
- j. Maximize, to the extent possible, tree cover for new development with overall goals of 25 to 30 percent tree canopy for the Chevy Chase Lake Center area;
- k. Finalize the NRI/FSD;
- l. Necessary right-of-way dedication;
- m. Provide transportation mitigation strategies as determined at the time of Preliminary Plan(s) and Site Plan(s);
- n. Abandonment of the alley on Block A;
- o. Provide the separated bicycle facility (cycle track) on the east side of Connecticut Avenue and all other associated improvements listed in the Sector Plan for Connecticut Avenue;
- p. Coordinate with the adjacent property owner to the south for the design and construction of New Street B-1; and
- q. Coordination with Maryland Transit Administration (MTA) in regards to the Purple Line.

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

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

a. Use Standards

Section 3.5.11.B.2.a.iii of the Zoning Ordinance sets forth the use standards for retail/service establishments over 50,000 square feet that are permitted as a limited use in the CRT Zone. The Applicant proposes a grocery store, which may be up to 60,000 square feet in Building B3. The grocery store confronts properties zoned R-90 (Residential Detached Zone) across Manor Road, which are improved with residential uses. As such, as required by the Optional Method of Development, and in satisfaction of the additional standards for approval contained in Section 3.5.11.B.2.a.iii, the grocery store will be subject to Site Plan approval.

b. Development Standards

The Subject Property includes approximately 15.94 acres including the Chevy Chase Lake East Shopping Center (Block B) zoned CRT 2.0: C 2.0, R 2.0, H 80 and CRT 2.0: C 1.0, R 1.75, H 120; the Chevy Chase Lake West Shopping Center (Block A) zoned CRT 2.0: C 1.0, R 2.0, H 70 and CRN 1.0, C 0.25, R 1.0, H 40; and 8401 Connecticut Avenue (Block D) zoned CRT 4.0, C 3.5, R 3.5, H 150. The data table below demonstrates the Application's conformance to the applicable development standards of the zones.



Section 59 - 4	Development Standard	Permitted/Required	Approved
	<b>Gross Tract Area / Net Lot Area (sf)</b> Block A Block B Block D <b>TOTAL</b>		<b>134,711/80,404</b> <b>412,215/271,144</b> <b>147,341/85,287</b> <b>694,267/436,834</b>
<b>4.5.4.B.2.b</b>	<b>Density</b> Block A  Block B  Block D  <b>TOTAL FAR/GFA<sup>2</sup></b>  <b>Commercial FAR/GFA</b> <b>Residential FAR/GFA</b>	  Commercial FAR/GFA Residential FAR/GFA  Commercial FAR/GFA Residential FAR/GFA  Commercial FAR/GFA Residential FAR/GFA  <b>1.75/1,214,693</b> <b>2.06/1,426,976</b>	  Combined with Block D Totals <sup>3</sup>  0.53/216,900 1.74/717,800  1.63/459,800 <sup>4</sup> 2.36/667,559  <b>0.97/676,700</b> <b>2.00/1,385,360</b>
<b>4.5.4.B.2.b</b>	<b>Building Height (feet)</b> Block A:  Site A1 Site A2  Block B:  Building B1 Building B2 Building B3  Block D:  Building D1 Building D2	  40 70  120 80 80  150 150	  40 70  120 80 80  150 150
<b>4.5.4.B.1</b>	<b>Open Space (minimum)<sup>5</sup></b>		
If townhouses are built on Site A1	Site A1 - Common Open Space – (%/sq.ft.) Site A2, Blocks B and D - Public Open Space (%/sq.ft.) Combined (%/sq.ft.)	10/3,846  10/37,740 <hr/> 10/41,586	10/3,846  10/38,154 <hr/> 10/42,000
If multi-unit living is built on Site A1	Blocks A, B and D - Public Open Space (%/sq.ft.)	10/41,586	10/42,000

<sup>2</sup> Densities in the table accommodate options as submitted by the Applicant at the time of Sketch Plan but may be modified or reallocated up to the maximums allowed under the sum of the respective total, commercial, and residential densities allowed on all properties, with the exception of Block A1, which will not be developed above the maximum total density of 57,454 square feet, including up to 15,599 square feet of commercial density.

<sup>3</sup> At the time of the Sketch Plan application, the Applicant proposed averaging the density between existing lots, pursuant to Section 59-4.5.1.B of the 2014 Zoning Ordinance, as the Property's lots are directly abutting, subject to the same sketch plan, and maximum residential density limits apply to the entire Project. 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 Land Company, it constitutes a single property, and therefore FAR Averaging does not apply to this Application.

<sup>4</sup> Proposed total density for Block D includes Block A.

<sup>5</sup> Final open space may be allocated over one or more blocks and will be constructed at least proportionally with each phase.

The Sketch Plan meets the development standards of Section 59-4.5, as shown in the Data Table above. The Application will provide the minimum required number of bicycle parking spaces for residents and visitors, and commuter shower/change facilities within the building, which will be determined at the time of Site Plan(s). The number of vehicular parking spaces will be determined at Site Plan(s) based on the number of residential dwelling units.

c. General Requirements

i. *Site Access*

The Sketch Plan will provide improvements to both the pedestrian environment and vehicular circulation. An important component of Block B is the construction of the Sketch Plan's portion of New Street B-1, as recommended in the Sector Plan. New Street B-1 is a segment of a new street 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.

ii. *Parking, Queuing, and Loading*

Adequate parking, queuing and loading for the buildings will be provided and will be determined at the time of Preliminary Plan(s) and Site Plan(s). The number of vehicular parking spaces will be determined at Site Plan(s) based on the number of residential dwelling units.

iii. *Open Space and Recreation*

Block B will provide a significant amount of open space on-site. In accordance with the Optional Method of Development standards in the CRT Zone, Block B will provide the minimum percent of the site area as public open space. As recommended in the Sector Plan, Block B will include the construction of an approximately 20,800 square foot Neighborhood Square. The design of the Neighborhood Square will be determined at the time of Site Plan. Block A will provide both common open space (if townhomes are developed) and public open space. The open space will be designed in accordance with the standards contained in Division 6.3. Block D will provide the minimum percent of the site area as public open space. Final location and square footage of open space will be determined at the time of Site Plan(s).

Each phase of the development will provide recreational components for future residents, including amenities such as a pool, roof top decks, interior courtyards and a shared fitness center. The Applicant's



recreation and amenity analysis, as required by M-NCPPC's Recreation Guidelines and the CR Zone, will be submitted at the time of Site Plan(s).

iv. *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 and final details will be determined at the time of Site Plan(s).

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

Planning Themes of the Sector Plan

The Application substantially conforms to the recommendations for the Subject Property included in the Sector Plan and the Approved Design Guidelines for Chevy Chase Lake. One of the primary objectives of the Sector Plan is to preserve the distinct character of Chevy Chase Lake and build on the existing community assets to create a better Center with more housing, shops, open space and better pedestrian and vehicular access.

The Application responds to the three main planning themes in the Sector Plan:

- *Preserve the well-established community character of Chevy Chase by protecting existing residential areas, and focusing new development and redevelopment in the Town Center and by defining a standard for compatibility;*

The Application, located entirely within the Town Center, will facilitate the creation of a vibrant, mixed-use, transit-oriented Town Center. The Sketch Plan's design displays particular sensitivity to the surrounding residential uses and will promote compatibility with the existing character of Chevy Chase Lake. The Application will closely follow the Sector Plan Design Guidelines, and the traditional architecture conveyed through the detailing of the façades, silhouettes, and roof elements will be compatible with the existing, distinctive character of the community.

- *Enhance quality of life and connectivity within and to the Chevy Chase Lake community by promoting pedestrian-oriented mixed-use development within the Town Center, improving access to different modes of transportation throughout the community; and*



As recommended in the Sector Plan, the Sketch Plan provides for a mix of uses, including street activating uses such as ground-floor retail and restaurants, within close proximity to the existing residential communities and the proposed Purple Line station. The Application will substantially improve the pedestrian environment and vehicular access within Chevy Chase Lake. The Application includes the construction of new internal streets that will provide a more efficient means of transportation and access to neighborhood commercial services in the Town Center. The design of the internal streets will create an enjoyable and safe pedestrian space that is buffered from vehicular traffic. The Sketch Plan will also provide streetscape improvements along Manor Road and Connecticut Avenue to provide enhanced pedestrian connections. In addition, the Sketch Plan will provide key bicycle-oriented amenities along this important biking corridor, including a dedicated bike lane along Connecticut Avenue (cycle track), storage facilities, a bike share station and a network of shared-use internal streets.

- *Create new choices in the Chevy Chase Lake Town Center with new opportunities for local shopping, housing, public spaces and transit.*

The Application will contain a significant amount of new residential development. As recommended in the Sector Plan, the Sketch Plan will provide diverse housing opportunities including a variety of unit sizes and layouts to facilitate the availability of new housing in a range of types and rents. The Application will provide housing opportunities for a variety of income levels, including MPDUs in conformance with Chapter 25A.

Additionally, the Application provides a significant amount of neighborhood retail and service uses, including restaurants that will support the surrounding residential communities. Block B of the Sketch Plan proposes a new grocery store that will provide a desired amenity for existing and future residents of Chevy Chase Lake and will also anchor and support the on-site retail. The Subject Property is located in close proximity to the future Purple Line station, which, in combination with the on-site pedestrian and vehicular circulation, will provide for improved access to the proposed commercial services and facilities.

#### Land Use

The Sector Plan provided specific recommendations for the development of the Subject Property, which the Application incorporates:

*Chevy Chase Lake East Shopping Center* (CRT2.0, C2.0, R2.0, H80 and CRT2.0, C1.0, R1.75, H120)



In 2002, the Planning Board approved a Preliminary Plan for 248,372 square feet of commercial development at the Chevy Chase Lake shopping center, on the east side of Connecticut Avenue. This included 174,016 square feet of retail and 74,356 square feet of office uses. At the time the Sector Plan was approved, the development was unbuilt, though the approval remains valid until at least 2022. The Sector Plan recommended that trips associated with the development in Block B (Phase One) be capped at 503 total AM peak hour trips and 1,051 total PM peak hour trips. This trip cap is intended to mirror the traffic impacts for the existing Preliminary Plan and associated trip credits approved for this site. The Application will conform to this recommendation and Block B will not exceed the cap.

The Sector Plan recommends a maximum building height of 120 feet on the portion of the Subject Property adjacent to Connecticut Avenue and the Purple Line station. The Sector Plan recommends the remainder of the Chevy Chase Lake East Shopping Center have a maximum building height of 80 feet, which only applies to a proposed hotel located at the corner of Connecticut Avenue and Manor Road. The Sector Plan states that all other land uses, particularly residential, should have a maximum building height of 70 feet. Building heights of 70 feet can accommodate six stories of mixed uses, which is an appropriate scale—five stories of residential above ground-floor retail. The Sketch Plan's structures will step down in height from a maximum of 120 feet to 70 feet (80 feet if Building B2 is a hotel) to allow a transition between taller buildings along Connecticut Avenue and the lower existing residential buildings at the end of Chevy Chase Lake Drive.

The Sketch Plan's scale of buildings provides a sense of enclosure along Connecticut Avenue and signals that the blocks between Manor Road and Chevy Chase Lake Drive are a distinct and identifiable center.

The Sector Plan recommends that the Chevy Chase Lake East Shopping Center site also include an approximately  $\frac{1}{2}$  acre public open space, which will be privately owned and maintained. This space should serve as a gathering place for existing as well as new residents and should have the amenities necessary to make it an appealing destination for the entire community. The Sketch Plan conforms to the recommendation by providing an approximately  $\frac{1}{2}$ -acre new public open space (Neighborhood Square) with attractive amenities to be determined at the time of Site Plan, and the Neighborhood Square will be located central to the block.

The Sector Plan recommends redevelopment of the Chevy Chase Lake East Shopping Center to also include the portion of New Street B-1 from Manor Road to the southern property line of the shopping center site, with dedication



of, or provision of public access easements for, the full-width right-of-way, and construction of the full-width roadway, including sidewalks, street trees, and streetscape pavers, as described in the Design Guidelines for this Plan. Phase One, Block B includes constructing the portion of the new master-planned street between Chevy Chase Lake Drive and Manor Road on the Subject Property (New Street B-1), 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.

*Chevy Chase Lake West Shopping Center and Loughborough Place parking lot (CRT2.0, C1.0, R2.0, H70 and CRN 1.0, C0.25, R1.0, H40)*

The Sector Plan recommends the emphasis remain on residential development for Block A and a smaller proportion of commercial uses to allow a transition to the residential community on the west. The 70-foot maximum building height recommended by the Sector Plan, which the Application includes along Connecticut Avenue, will further provide a strong edge and sense of enclosure to this block. The Sector Plan further recommends the existing parking lot along Loughborough Place be zoned to allow a low-density mixed-use zone in order to provide a transition between the existing single-family neighborhood and the mixed-use center, both in height and land use. The Sketch Plan steps height down from 70 feet to 40 feet in this location, which provides an appropriate transition from the Center to the adjacent single-family neighborhood. The buildings will be designed to have a residential appearance.

To facilitate access, the Sector Plan recommends a mid-block pedestrian connection between Loughborough Place and Connecticut Avenue. The Sector Plan also supports the abandonment of the public alley located on the site. At the time of Site Plan(s) for Block A, the Applicant will need to provide a mid-block pedestrian connection. The Sector Plan also supports the abandonment of the public alley located on the site, which the Applicant will be pursuing through the Council Abandonment process.

*8401 Connecticut Avenue (CRT4.0, C3.5, R3.5, H150)*

The Sector Plan recommends a maximum building height of 150 feet at this site, limited to the western portion of the site closer to Connecticut Avenue, and the building design should address the same design goals recommended for the Chevy Chase Lake East Shopping Center. The Sector Plan further states that the building heights on the eastern portion of the 8401 Connecticut Avenue site are limited to 125 feet, which allows transition to the residential buildings at the east end of Chevy Chase Lake Drive.



The Sector Plan states that the highest priority must be the redevelopment of the existing office building, the design of which is incompatible with the Plan's urban design goals. Block D will be oriented towards the southern portion of New Street B-1, which will connect Manor Road with Chevy Chase Lake Drive, as recommended in the Plan.

The Sector Plan strongly recommends that no development occur on the eastern portion of the 8401 Connecticut Avenue site until the current office building site has redeveloped. A redevelopment proposal for the western portion of the site will occur before new construction on the eastern portion of the site.

#### Transportation Network

The Applicant will construct their portion of the New Street B-1 under the conditions specified in the Sector Plan. New Street B-1 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. The development associated with the Sketch Plan will be a key node along a major regional recreational resource and transportation route, the Capital Crescent Trail. This connection to the Trail will further promote bicycling as a viable mode of transportation for daily living, recreation, and work with its proximity to residences and businesses. The Sketch Plan will provide key bicycle-oriented amenities along this important biking corridor, including a dedicated bike lane along Connecticut Avenue, storage facilities, a bike-share station and a network of shared-use internal streets.

#### Open Space

The Sketch Plan's public open spaces are consistent with the Sector Plan recommendations. The Sector Plan recommends a new, approximately ½-acre Neighborhood Square to be located on the Subject Property. The Sector Plan recommends that this public open space serve as a gathering place for existing and new residents and have the amenities necessary to make it an appealing destination for the entire community. The Sketch Plan includes an approximately ½-acre new public open space with attractive amenities located between Buildings B1 and B2, fronting Connecticut Avenue and New Street B-1.

#### 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 Sketch Plan illustrates landscaping throughout the Subject Property and anticipates a vegetated roof on Buildings D1 and D2. A goal of the Sector Plan is to maximize tree cover for new development with overall goals of 25 to 30 percent tree canopy for the Chevy Chase Lake Center area, with retaining or improving canopy cover within street medians, along new and existing streets, and in surface parking areas, which the Application supports to the extent possible.

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

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

4. *The Sketch Plan satisfies the green area requirement in effect on October 29, 2014.*

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

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

As discussed earlier in the Sector Plan Conformance Section, the buildings shown in the Sketch Plan are compatible in height and scale with the existing and pending nearby development in the Chevy Chase Lake area. In Block B, the structures will step down in height from a maximum of 120 feet for Building B1 to 70 feet for Building B2 to allow a transition between taller buildings along Connecticut Avenue and the lower existing residential buildings at the end of Chevy Chase Lake Drive. Building B3 will have a maximum height of 70 feet. For Blocks A and D, all three development options provided by the Applicant adhere to the Sector Plan recommendations. Specifically, in all three options for Block A, the residential uses and lower building heights have been strategically located along the site's western boundary to provide a transition between the more intensive uses in the Center and the residential neighborhoods located just outside the Center. In all three options for Block D, the residential development has been strategically located on the eastern portion of the site to provide an appropriate transition to the existing and proposed residential uses to the east. The Sketch Plan achieves compatibility through the architectural design



that will create a residential and pedestrian-friendly scale that complements the surrounding neighborhood.

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

The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Sketch Plan will significantly improve vehicular access and circulation by providing new internal private streets and significant streetscape improvements. The design of the internal private streets will promote a safe pedestrian environment by incorporating ample sidewalks, street trees, street furnishings, and on-street parking. Adequate parking will be provided on-site to accommodate all users of the Subject Property, and access to parking and loading has been strategically located to minimize pedestrian-vehicular conflicts.

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

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept, and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved in Concept
<b>59.4.7.3.A: Major Public Facility</b>			
Bike share station	40	10	10
Sector-Planned Neighborhood Square	40	26	26



<b>59.4.7.3.B: Transit Proximity</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>59.4.7.3.C: Connectivity and Mobility</b>			
Transit Access Improvement	20	15	15
Wayfinding	10	5	5
<b>59.4.7.3.E: Quality of Building and Site Design</b>			
Exceptional Design	10	7	7
Structured Parking	20	19	19
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>			
Vegetated Roof	15	2.5	2.5
<b>TOTAL</b>		<b>99.5</b>	<b>99.5</b>

Major Public Facility

*Bike share station:* The Applicant requests 10 points for the payment of the installation of a bike share station on the Subject Property. This is particularly appropriate benefit given its location adjoining the Purple Line and the Capital Crescent Trail, since bike share will promote circulation to, from and through the Subject Property without use of a motor vehicle and can provide readily-available non-auto access to the Sketch Plan's uses and the ultimate Purple Line station. The Planning Board supports the Applicant's request at this time.

*Sector-Planned Neighborhood Square:* The Applicant will construct the Sector-Planned Neighborhood Square on the Subject Property. The Planning Board supports the Applicant's requests for 26 points at this time based on following calculation:

$$\{28,800 \text{ (constructed area in square feet)} / 436,834 \text{ (net lot area in square feet)} \times 4\} \times 100 = 26.37 \text{ points}$$

Transit Proximity

The Subject Property is located adjacent to a proposed Purple Line station, which allows the development associated with the Sketch Plan to be eligible for Level 2 transit as defined in the Zoning Ordinance. The Planning Board supports the full 15 points at this time, as suggested in the CR Guidelines.

Connectivity and Mobility

*Transit Access Improvement:* The Applicant requests 15 points for constructing new transit access. The Applicant will construct a plaza/platform at the Purple Line station at Building B1 with access to the Neighborhood Square. The Planning Board supports the Applicant's request at this time with further detailed improvements to be provided at the time of Site Plan.



*Wayfinding:* The Applicant requests 5 points for providing a way-finding system that orients pedestrians and cyclists to transit facilities, the nearby Capital Crescent Trail, bike share station, the Purple Line, bus stops, retail services and public open spaces. The Planning Board supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 7 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria and 10 points is appropriate for development that meets all six criteria. The Applicant asserted that the Sketch Plan will meet 5 of the 6 criteria and that it will 1) provide innovative solutions in response to the immediate context; 2) create a sense of place and serves as a landmark; 3) enhance the public realm in a distinct and original manner; 4) introduce materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; and 5) use design solutions to make compact infill development living, working and shopping environments more pleasurable and desirable. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. The Planning Board supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

*Structured Parking:* The Applicant requests 19 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, and the Applicant anticipates 95% of all parking will be structured below grade with final parking counts to be determined at Site Plan(s). The Planning Board supports 19 points for the below-grade parking at this time.

Protection and Enhancement of the Natural Environment

*Vegetated Roof:* The Applicant requests 2.5 points for providing vegetated roofs on Buildings D1 and D2 with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment. At the time of Site Plan, the Applicant will provide additional details on meeting the vegetated roof criteria. The Planning Board supports the Applicant's request at this time.



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

As described earlier, the development associated with the Sketch Plan may be built in three phases. Phase One will include the redevelopment of the Chevy Chase Lake East Shopping Center (Block B) with construction of three buildings containing commercial uses and residential units, along with the approximately ½-acre Neighborhood Square and New Street B-1 required by the Sector Plan as described above. Phase One may be broken up into three discrete sub-phases, as described above. Phase Two will include the redevelopment of the Chevy Chase Lake West Shopping Center (Block A) with the residential uses, street level retail and lower building heights, and Phase Three will redevelop 8401 Connecticut Avenue (Block D) with residential and non-residential uses. Phases Two and Three 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. The table below shows the public benefits Staff recommends by each phase of development.

Phased Public Benefits				
Public Benefit	Max Allowed	Total Points per Phase		Total Points
		Phase 1	Phases 2 and 3	
<b>Major Public Facility</b>				
Bike share station	40	10	0	10
Master-Planned Neighborhood Square	40	26	0	26
Transit Proximity	15	7.5	7.5	15
<b>Connectivity and Mobility</b>				
Transit Access Improvement	20	0	15	15
Wayfinding	10	3	2	5
<b>Quality Building and Site Design</b>				
Exceptional Design	10	7	0	7
Structured Parking	20	10	9	19
<b>Protection and Enhancement of the Natural Environment</b>				
Vegetated Roof	15	0	2.5	2.5
<b>TOTAL POINTS</b>		<b>63.5</b>	<b>36</b>	<b>99.5</b>

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

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

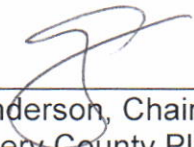
BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Chevy Chase Lake, Block A, B and D, Sketch Plan No. 320160030 submitted to M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is **JAN 28 2016** (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, January 21, 2016, in Silver Spring, Maryland.

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



COUNTY BOARD OF APPEALS  
For  
MONTGOMERY COUNTY

Case No. 2281

PETITION OF CHEVY CHASE LAND COMPANY  
(Hearing held October 19, 1967)

OPINION OF THE BOARD

This proceeding is on a petition for a Special Exception under Section 111-37. s. of the Zoning Ordinance (Chap. 111, Mont. Co. Code 1965, as amended) to permit off-street parking in connection with commercial uses. The subject property is situated on part of Parcel A, Block 2, Chevy Chase Section 5C Subdivision, on Manor Road, Chevy Chase, Maryland, in an R-30 Zone.

The subject petition is an application to permit 140 off-street parking spaces in connection with the Chevy Chase Super Market. The subject property is zoned R-30 and consists of 53,000 square feet, located between Manor Road and the B & O Railroad, with an existing apartment complex to the east and adjacent to the off-street parking lot granted in Case No. 1377 to the same applicant.

Testimony was presented that the off-street parking would serve the same stores as the previous Special Exception; however, the present parking is inadequate to serve the number of customers patronizing the shopping complex at the present time, and more particularly, the Chevy Chase Super Market.

The setbacks will be 25 feet from Manor Road with screening, 25 feet setback to the sidewalk and 25 feet to the building, and a 7 foot setback from the railroad. The east boundary line will be screened. There will be no screening or planting on the west which is the present parking lot.

The ingress and egress for the proposed parking lot will be joined with the existing lot by two driveways and it is proposed to construct an additional entrance and exit on Manor Road as shown on Exhibit 3 in the record.

On the basis of the testimony and exhibits of record, the Board finds that the proposed use will not constitute a nuisance because of traffic, noise or physical activity, and will not affect adversely the general plan for the physical development of the district or the health and safety of residents and workers in the area and will not be detrimental to the use or development of



Case No. 2281

Page 2

adjacent properties in the general neighborhood. The Board further finds that the standards set forth in the Ordinance for the proposed use have been met.

The Special Exception is granted for the off-street parking in the manner proposed in the testimony and exhibits of record, all of which constitute limitations and conditions of the grant, and subject to the following additional conditions:

1. The proposed lighting standards shall not exceed 10 feet in height and light resulting therefrom shall be reflected downward. The lights shall be on a clock mechanism set to go off one hour after closing of the Super Market.
2. The east boundary line shall be screened as required by the Ordinance, or by a compact living hedge of not less than three feet in height at time of planting.
3. Within 30 days after establishment of the use of the Special Exception herein granted, petitioner shall file with the Board and with the Department of Inspection and Licenses an affidavit certifying compliance with the conditions of this grant. The time for filing the affidavit may be extended by the Board upon request.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mr. Jack M. Stark, Chairman, and concurred in by Mrs. Helen H. Burkart, Messrs. Calvin R. Sanders, Vice Chairman, Bernard D. Gladhill and Kenneth E. denOuter, constituting all the members of the Board.

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 21st day of November, 1967.

  
Clerk to the Board

NOTE: Please see Section 111-32. c. of the Ordinance regarding the 12-months' period within which the right granted must be exercised.

Case No. 1377

PETITION OF CHEVY CHASE LAND CO.  
(Hearing held March 7, 1963)

OPINION OF THE BOARD

This proceeding is on a petition for a special exception under Section 104-29(s) of the Zoning Ordinance (Chap. 104, Mont. Co. Code 1960, as amended) to permit off-street parking on Parcel "A", Block 2, Chevy Chase Section 5, in the 8500 Block of Connecticut Avenue, Chevy Chase, Maryland, in an R-30 Zone. The proposed parking lot is to be used in connection with a commercial use.

There was no opposition to this petition.

The applicant proposes to construct a parking lot for 138 cars to accomodate a new super market which is located on I-1 zoned property. On the easterly side the parking lot will adjoin an existing lot which is used in connection with an apartment development. On the south it adjoins the B & O Railroad tracks. At this point it will be necessary for the lot to set back seven feet since the railroad right-of-way is on residentially zoned land. This will result in a loss of from three to five spaces, but will not affect the over-all plan. On the west the lot abuts developed industrial and commercial land. Manor Road comprises the entire northerly boundary.

The applicant further testified that at present the lighting consists of mercury vapor lights on 20 foot standards. Lighting for the proposed lot will be provided with low level type standards not exceeding ten feet in height.

Ingress and egress will be from one driveway on Connecticut Avenue and two on Manor Road. An additional driveway is proposed about 200 feet up Manor Road to the rear of the store.

Screening and fencing will be done in accordance with the Ordinance. No charge will be made for the parking and no services will be rendered.

Pursuant to Section 104-28(a) the Board imposes the following conditions:

1. Where the lot abuts the B & O Railroad, the lot shall set back seven feet in accordance with the Ordinance.

Subject to the foregoing condition, the Board finds that each of the relevant requirements of the Ordinance has been met.

Accordingly, the special exception for the proposed use in the manner set forth in the exhibits and testimony is granted.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision in the above-entitled petition."

The foregoing Resolution was proposed by Mr. J. Hodge Smith and concurred in by Messrs. Philip M. Fairbanks, Chairman, Page F. Hopkins and Bernard D. Gladhill. Mrs. Rita C. Davidson was necessarily absent from the hearing in this case and did not participate in this proceeding.

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 1st day of April, 1963.

  
Acting Clerk to the Board

NOTE: Please see Section 104-24(c) of the Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.

This opinion sent to all persons who received notice of the hearing.





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

**Board Approval Date: Sept. 29, 2005**

**Date Mailed: AUG 14 2007**

**Action: Approved Staff Recommendation**

**Motion** of Commissioner Perdue, seconded by Commissioner Bryant, with a vote of 4-1; Chairman Berlage and Commissioners Bryant, Perdue, and Robinson voting in favor. Commissioner Wellington, voting against

**MONTGOMERY COUNTY PLANNING BOARD**

**CORRECTED OPINION**

Preliminary Plan 12002020A (formerly 1-02020A)  
NAME OF PLAN: Chevy Chase Lake East

*The date of this written opinion is AUG 14 2007 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).*

**I. INTRODUCTION**

On 7/05/05, Chevy Chase Land Company ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the C-1, C-2, R-30, and I-1 zones. The application proposed to create 1 lot on 8.08 acres of land located in the southeast quadrant of the intersection of Connecticut Avenue and Manor Road, in the Bethesda Chevy Chase master plan area. The application was designated Preliminary Plan 12002020A (formerly 1-02020A). On 9/29/05, Preliminary Plan 12002020A (formerly 1-02020A) was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

APPROVED AS TO LEGAL SUFFICIENCY

*Dyno H. H. H.*

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

## **II. SITE AND PROJECT DESCRIPTION**

The subject property consists of 8.08 acres of land located in the southeast quadrant of the intersection of Connecticut Avenue and Manor Road. The property is currently developed as a shopping center (Chevy Chase Lake), parking lot and retail lumber yard.

The roadway network for this vicinity is comprised of Connecticut Avenue (a major highway), Manor Road and Jones Bridge Road (both primary streets). Manor Road extends from Connecticut Avenue to Jones Bridge Road to the east of the subject site. The intersections are both controlled with traffic signals as is the intersection of Connecticut Avenue and Jones Bridge Road.

A preliminary plan application for redevelopment of the subject property was filed in September, 2001 and presented to the Planning Board at a public hearing on October 17, 2002. The application proposed a total of 248,372 square feet of commercial retail and office uses. The plan included 2-story retail and 3 story office and retail buildings with both underground and surface parking. Site access is provided by a monumental drive isle to the underground parking facility from Connecticut Avenue and by three access points along Manor Road. An easement area 100 feet in width was preserved along the southern boundary of the property for the future Georgetown Branch transit way and Capital Crescent Trail system.

## **III. PROPOSED PRELIMINARY PLAN AMENDMENT**

The Planning Board granted Preliminary Plan and Adequate Public Facilities Ordinance (APF) approval for the subject project by opinion dated November 22, 2002. That approval withheld final approval of 25,648 square feet of office space because there was insufficient transportation capacity available to support jobs that such office space would generate in the Bethesda-Chevy Chase Policy Area. The proposed amendment requests approval of this remaining office space. By letter dated July 5, 2005, the Applicant cites two grounds for the additional development: (1) changes

made to the County's Annual Growth Policy in 2004, which created the requisite transportation capacity; and (2) the fact that Policy Area review and staging ceiling requirements have been eliminated in the current AGP, as support for the requested amendment. The additional 25,648 square feet of office was included in the Local Area Traffic Review (LATR) as part of the APF analysis for the original preliminary plan, which provides the analysis for the adequacy of road capacity for the additional square footage requested.

In addition to approval of the remaining office use, the Applicant requested approval of new preliminary plan and APF validity periods. The Applicant's August 2, 2005 supplemental letter justifying the request cited to the fact that this property is adjacent to a proposed future transit station in the MTA preferred alternative for the Purple Line. The Applicant testified that the redevelopment of the subject property would take on a completely different look and feel if the Purple Line comes to fruition, and asked to have the flexibility to await the completion of the planning and environmental phases of the Purple Line recently funded as part of the 6-year federal transportation bill for federal transportation funds.

#### IV. DISCUSSION

##### A. Local Area Transportation Review for the Additional Office Space

Staff recommended approval of the additional office square footage. The 25,648 square feet of office use was included in the LATR review during the original preliminary plan approval and public facilities can accommodate the additional traffic under current regulations by virtue of the fact that traffic capacity was created in the policy area, and the fact that AGP requirements have changed. The traffic study prepared for the original Preliminary Plan application examined five nearby intersections to determine the impact of this development on the local area transportation system. The analysis concluded that the then applicable<sup>1</sup> congestion standard of 1650 critical lane volume (CLV) would be exceeded at the intersections of Connecticut Avenue/Manor Road and Connecticut Avenue/Jones Bridge Road.

Per the still applicable previous conditions of approval, the Applicant has agreed to reconfigure the lane use on westbound Manor Road as it approaches Connecticut Avenue. The Applicant will participate in the cost sharing of the state-run improvements at the intersection of Connecticut Avenue and East West Highway, which was required in lieu of additional road improvements at the time of the original approval based upon community opposition to road widening of the affected roadways. In addition, the Applicant will make a one-time contribution of \$1,000,000 to the Montgomery County Department of Public Works and Transportation in lieu of making physical improvements to the intersection of Connecticut Avenue and Jones Bridge Road.

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<sup>1</sup> As of July 2004, the congestion standard for the Bethesda-Chevy Chase region has been lowered to 1600 CLV.

These actions will adequately mitigate the anticipated peak-hour trips, even with the additional 25,648 square feet of office space added to the preliminary plan.

**B. Adequate Public Facilities Validity Period**

The Adequate Public Facilities Ordinance (APFO) review for this application will expire on December 22, 2007 per the previous conditions. The Applicant requested a seven-year extension of the APFO, which was not supported by Transportation Planning staff. Staff testified that the proposed development will result in a considerable number of additional peak-hour trips added to the surrounding network, and that a new traffic study should be required at the time of development, to mitigate the actual number of new trips that will be added at the time of buildout. The conclusion of the traffic study at the time of the original approval determined that mitigation would be required to offset the impact of these additional trips. The previous conditions of approval bind the Applicant to a series of actions designed to mitigate and/or minimize the consequences of development. These actions were established according to the needs and conditions of the transportation infrastructure at the time of the traffic study. These needs will change over time and staff does not believe the APFO should be extended out to twelve years without an updated traffic study.

Staff believes that a one-year extension of the APFO validity period, which would correspond to the requested additional three-year validity period for the preliminary plan, is acceptable. The change in needs and conditions of the transportation infrastructure for the area should not be significant for an additional year, as opposed to the requested seven.

**C. Preliminary Plan Validity Period**

The original preliminary plan approval for this application will expire on December 22, 2005 and the Applicant is requesting establishment of a new 3-year validity period with this amendment. The request is based on delays which occurred in processing their request for inclusion of the additional office square footage needed to initiate the project, and their desire to preserve the flexibility to respond to decisions which may be made in the near future on the proposed Purple Line transit way. If the on-site Purple Line alternative were chosen, the plans for redevelopment of the property would likely change.

Section 50-35(h)(4) of the Montgomery County Code, Subdivision Regulations, states that an amendment to an approved preliminary plan will affect the established validity period for the plan as established in Section 59-D-2.6 which authorizes the Planning Board to determine whether the validity period should be extended and, if so, for what duration. The Board must consider the nature and scope of the requested amendment in making their determination.



Staff supports creation of a new three-year validity period for this project based upon the desirability of maintaining options to fully utilize potential mass transit that may serve this site, and the fact that key decisions on the transit may be made in the near future. Staff also acknowledges the delay which occurred in the review and processing of the Applicant's request for this amendment, and believes this should be a consideration in granting a new validity period. Therefore, staff recommends a new preliminary plan validity period until December 22, 2008, which corresponds to the date recommended for extension of the APFO approval.

## **V. PUBLIC HEARING**

The Applicant testified in support of its position, as detailed above in Sections IV B. and IV C., above. One additional speaker testified in opposition to the project, raising generalized concerns about the increased traffic on local roadways over the past several years, and urged the Board to require a new traffic study to ensure the roads are adequate for the proposed development.

In response to Board questioning, the Applicant testified that the Board has the statutory authority to extend APFO validity period up to 12 years, and the monetary contributions the Applicant is required to provide for road improvements under the original approval are based upon a formula that takes into account the number of trips that will be generated by the square footage approved by the project. With respect to the \$1,000,000 contribution, however, the Board was concerned that this amount should be adjusted for inflation, to ensure that this monetary contribution would have the same effect in mitigating new trips, even taking into consideration the impact of inflation over time.

Commissioner Wellington dissented from the majority vote, based upon her concerns that the additional square footage would not be subject to a new traffic study; that the original traffic study may have been inadequate; and that the Purple Line transit facility would not be in place before the project builds out.

## **VI. FINDINGS**

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>2</sup>; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

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<sup>2</sup> The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- a) The uncontested evidence of record demonstrates that Preliminary Plan No. 12002020A (formerly 1-02020A) substantially conforms to the Bethesda Chevy Chase master plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision. Specifically, the Applicant's road improvement requirements, its contribution to road improvements, and the addition of a cost of living inflationary index to the Applicant's \$1,000,000 contribution ensure that the requisite number of trips will be mitigated over time, even with a longer APFO validity period.
- c) The uncontested evidence of record demonstrates that the size, width, shape, and orientation of the proposed lots is appropriate for the location of the subdivision.
- d) The uncontested evidence of record demonstrates that the application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The uncontested evidence of record demonstrates that the application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) Aside from the validity period issues discussed above, the Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

## **VII. CONDITIONS OF APPROVAL**

Finding Preliminary Plan No. 12002020A (formerly 1-02020A) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 12002020A (formerly 1-02020A), subject to the following conditions:

- (1) Revise previous condition (1) to read:

Approval under this preliminary plan is limited to a maximum of 174,016 square feet of commercial retail and 74,356 square feet of office uses replacing the existing 67,009 square feet of general retail use.

- (2) Revise previous condition (2) to add the following sentence to the end of the previous condition:

Applicant's \$1,000,000 contribution in satisfaction of its LATR requirements will be adjusted annually pursuant to the consumer price index during years five through twelve of the APFO validity period.

- ~~(2)~~(3) Revise previous condition (9) to read:

The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for an additional twelve (12) ~~months~~ years from the expiration date set by the November 22, 2002 Planning Board opinion, or until ~~December 22, 2008~~ November 22, 2014.

- ~~(3)~~(4) Revise previous condition (10) to read:

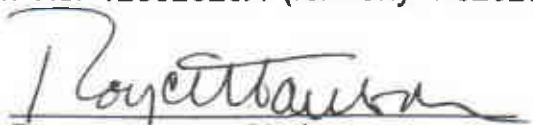
This preliminary plan will remain valid for an additional thirty-six (36) months from the expiration date set by the November 22, 2002 Planning Board opinion, or until December 22, 2008. Prior to expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for extension must be filed.

- ~~(4)~~(5) All other previous conditions as included in the Planning Board opinion dated November 22, 2002 remain in full force and effect.

~~This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.~~

\* \* \* \* \*

At its regular meeting, held on Tuesday, August 7, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 12002020A (formerly 1-02020A), Chevy Chase Lake East.

  
Royce Hanson, Chairman  
Montgomery County Planning Board

Isiah Leggett  
County  
Executive



Al R. Roshdiah  
Director

DEPARTMENT OF TRANSPORTATION

April 28, 2017

Mr. Neil Braunstein, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 12002020B  
Chevy Chase Lake Block B

*Neil*  
Dear Mr. Braunstein:

We have completed our review of the preliminary plan dated March 24, 2017. A previous plan was reviewed by the Development Review Committee at its meeting on September 6, 2016. We recommend approval of the plan subject to the following comments:

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

**Right-of-Way Improvements**

1. Manor Road Sidewalk: The applicant is proposing to use scored concrete in the right-of-way for Manor Road. The pattern of the scored concrete deviates from the County standard. Therefore, a design exception should have been submitted with the preliminary plan.

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*



**MCDOT Response:** MCDOT **approves** the different scoring pattern. The applicant will need to provide a "maintenance and liability agreement" for the sidewalk. This agreement will need to be approved prior to record plat.

2. Structures in the Right-of-Way: The applicant proposes to install design elements in the seventy (70) foot wide Manor Road right-of-way. These design elements, which are described in a memo dated February 3, 2017, will allow for a consistent street wall to accommodate grade changes and an integrated accessible route along Manor Road.

Bill 34-16, which became law on February 13, 2017, allows the *"Director of Permitting Services ...to issue a permit to: install permanent, nonstandard structures in the right-of-way that were approved as a site element of streetscape under Chapter 59, Section 7.3.4. The permit applicant must execute a declaration of covenants that runs with the land to perpetually maintain the permanent, nonstandard structure in a good and safe condition; return the right-of-way to its condition before the nonstandard structure was installed if the nonstandard structure is removed; and indemnify the County from any cost or liability associated with the construction, maintenance, use or removal of the nonstandard structure."*

**MCDOT Response:** MCDOT **recommends approval** of the applicant's request to install steps and walls in the right-of-way, subject to execution of the above declaration of covenants described in Bill 34-16. This declaration of covenants is to be recorded in the land records of Montgomery County and referenced on the record plat.

### **Standard Comments**

1. Necessary dedication for future widening of Manor Road in accordance with the master plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the County's downstream public storm drain system for this plan.
4. The sight distance studies have been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

We recommend the applicant be required to connect "Street B" with the private roadway being constructed south of the Purple Line under preliminary plan no. 120150130.

6. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
7. The proposed private streets must be sufficiently wide to accommodate two-way vehicular traffic. Private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline nor the curbline.
8. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
9. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
10. Access and improvements, including the storm drain system, along Connecticut Avenue (MD 185) as required by the Maryland State Highway Administration.
11. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
12. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
14. Although the Chevy Chase Lake Sector Plan area is not currently a Transportation Management District (TMD), a TMD has been recommended in the Plan and a TMAg will be required in the event a TMD is established in the future. A voluntary TMAg can be

executed in advance of that time, prior to the time Phase 1 of the Project receives its first building permit – and in fact there are a number of Projects in other locations in the County where such voluntary agreements are in place. In the event the Applicant does not opt to execute a voluntary TMAg for this Project, the Applicant should be required to incorporate TDM measures into the Project as conditions of approvals at each stage.

It is noted that a voluntary TMAg was not submitted with the preliminary plan submittal.

15. TDM measures appropriate for and recommended to be required at this Project recommended at sketch plan and reiterated for the Preliminary Plan include:

- a. Bicycle Facilities. Plans for bicycle facilities such as bike racks and a secure bike storage facility (bike cage) in residential buildings. This will ensure that visitors to the grocery store and eventually the multi-family dwellings will have access to racks and storage.
- b. Static Information Displays. Incorporate static display space into residential lobby, retail locations and other high pedestrian activity areas, to provide opportunity for display of transit and other alternative transportation information.
- c. Real Time Transit Information. Provide opportunity and connections for electronic (LCD) display screens providing Real Time Transit Information Signs in lobbies of Buildings 1, 2 and 3, to enable information to be readily accessed by building residents, employees, visitors, etc. Real Time Transit Information feeds can be displayed on planned lobby display monitors, as part of display software system for building(s) and elevators. If no such lobby/elevator monitor system is planned, the Applicant may purchase County-provided monitors, and will be required to reimburse the County for its cost and pay for five years of maintenance for the County-provided sign(s). If Real Time Transit Information is incorporated into the building's planned monitor systems, there would be no need for County-provided monitors and no additional maintenance costs.
- d. Exterior Real Time Transit Information signs may be needed for the public open spaces including the central community green and/or neighborhood public park areas (see public plaza area at Building 1. These information signs would enable those attending events in those outdoor areas to gain ready access to transit (esp. Purple Line) and other non-auto mode information.
- e. Parking Provisions:
  - i. Minimize parking. For all phases, make every effort to reduce the number of parking spaces to the minimum level permitted.

- ii. Vanpool vehicle parking. Ensure vanpool vehicles can be accommodated at preferential locations in structured parking facilities
  - iii. Car Sharing Parking. Show locations for the five (5) car sharing vehicle parking spaces noted on the Development Tabulations table on the Preliminary Plan. For other phases, locate additional spaces near townhomes along the western portion of the site.
  - iv. Flexibility in design of parking critical. Provide flexibility in design of parking areas to enable mixed uses (residential and retail) to share parking areas so as to make most efficient use of them.
- f. Design Elements. The following design elements should be incorporated into the Project to facilitate the use of non-auto modes of transportation:
- i. Design building frontages/lobbies to provide two-way visibility for transit vehicles, shuttles and taxis.
  - ii. Provide concierge/reception desk with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.
  - iii. Provide electric and water connections in outdoor settings (Neighborhood Square and other open public space) to enable outreach events to be staged more readily.
  - iv. Provide kiosks in busy outdoor areas to provide opportunity for information displays and assistance. This would be particularly appropriate in the Neighborhood Square and open space at or near the Purple Line plaza.
16. Two new bikeshare stations are strongly recommended for the project. Regarding the first bikeshare station, the Applicant proposed expanding the existing bikeshare station at Connecticut Avenue & Chevy Chase Lake Drive from a 15-dock station to a 19-dock station at the time of Block D development. However, upon review it was determined that expansion is not feasible. Therefore, prior to certified preliminary plan, Applicant must find another location at the project for a 19-dock station (53' x 6'). The second bikeshare station location, shown on the preliminary plan (PP-3) on the Plaza near Build B1, is acceptable.
17. As per the Chevy Chase Lake Sector Plan Appendix (page 20), and shown on the preliminary plan dated March 24, 2017, the applicant will be providing kiss and ride spaces. These spaces are to be signed as "kiss and ride" spaces when required by




Montgomery County for transit service. This condition should be incorporated in the Private Roads Restrictive covenant and be noted on the record plat.

18. As per the Chevy Chase Lake Sector Plan Appendix (page 20), public bus service is to be allowed on the private streets "A" and "B" as shown on the preliminary plan dated March 24, 2017. This condition should be incorporated in the Private Roads Restrictive covenant and be noted on the record plat.
19. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
20. We recommend that the applicant coordinate with Ms. Patricia Shepherd of our Transportation Engineering Section regarding the bicycle facility improvements in the vicinity of the project. Ms. Shepherd may be contacted at 240-777-7231 [patricia.shepherd@montgomerycountymd.gov](mailto:patricia.shepherd@montgomerycountymd.gov).
21. The Purple Line Light Rail project runs adjacent to or in the vicinity of this development project. The Purple Line project includes the construction of a new Bethesda Metro South Entrance, the Capital Crescent Trail and the Silver Spring Green Trail. The applicant is responsible for all coordination as well as all costs associated with changes to the design, construction, operation, and/or maintenance of the Purple Line, Bethesda Metro South Entrance, Capital Crescent Trail and/or Silver Spring Green Trail projects to implement the applicant's proposed development plan.
22. We recommend that the applicant coordinate with Mr. Timothy Cupples, the Development Manager for Montgomery County and Mr. Michael Madden of the Maryland Transit Authority regarding the Purple Line project. Mr. Cupples can be reached at [timothy.cupples@montgomerycountymd.gov](mailto:timothy.cupples@montgomerycountymd.gov) or at 240-777-7170. Mr. Michael Madden may be reached at [mmadden@mta.maryland.gov](mailto:mmadden@mta.maryland.gov) or at 410-767-3694
23. We recommend the typical section for Manor Road widening be amended to show eleven (11) foot wide curb lanes, ten (10) foot wide interior thru lanes, and a five (5) foot wide (relocated) concrete sidewalk on the north side. Minor species street trees should be planted on the north side, if the resultant lawn panel is at least four (4) feet wide.
24. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - a. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along the Manor Road site frontage as discussed above in condition no. 23 of this letter.

Mr. Neil Braunstein  
Preliminary Plan No. 12002020B  
April 28, 2017  
Page 7

- b. On Manor Road construct a westbound right turn lane onto northbound Connecticut Avenue (MD 185), and reconstruct the existing sidewalk as discussed above in the condition no. 23 of this letter.
- c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- e. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- f. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- g. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma, our Development Review Senior Planning Specialist for this project at (240) 777-2118 or at [rebecca.torma@montgomerycountymd.gov](mailto:rebecca.torma@montgomerycountymd.gov).

Sincerely,  


Gregory M. Leck, Manager  
Development Review Team  
Office of Transportation Policy

Mr. Neil Braunstein  
Preliminary Plan No. 12002020B  
April 28, 2017  
Page 8

cc: Hilary Goldfarb Bozzuto Development Company  
Steve Robins Lerch, Early & Brewer  
Don Mitchell VIKA Maryland, LLC  
Josh Sloan VIKA Maryland, LLC  
Robert Kronenberg M-NCPPC Area 1  
Matthew Folden M-NCPPC Area 1  
Katherine Mencarini M-NCPPC Area 1  
Michael Madden MTA  
Kwesi Woodroffe MDSHA District 3  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR  
Sam Farhadi MCDPS RWPR  
Gary Erenrich MCDOT DO  
Tim Cupples MCDOT DO  
Kamal Hamud MCDOT DTEO  
Dan Sanayi MCDOT DTEO  
Sandra Brecher MCDOT OTP  
Beth Dennard MCDOT OTP  
Stacy Coletta MCDOT DTS  
Deanna Archey MCDOT DTS  
Rebecca Torma MCDOT OTP



**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Chevy Chase Lake Block B

Preliminary Plan Number: 1-2002020B

Street Name: Manor Road

Master Plan Road

Classification: Residential Primary

Posted Speed Limit: 30 mph

Street/Driveway #1 (New Street)

Street/Driveway #2 ( )

Sight Distance (feet)      OK?  
Right 400'                      Yes  
Left 562'                        Yes

Sight Distance (feet)      OK?  
Right \_\_\_\_\_  
Left \_\_\_\_\_

Comments: \_\_\_\_\_

Comments: \_\_\_\_\_

**GUIDELINES**

Classification or Posted Speed  
(use higher value)

Required  
Sight Distance  
in Each Direction\*

Tertiary	-	25 mph	150'
Secondary	-	30	200'
Business	-	30	200'
Primary	-	35	250'
Arterial	-	40	325'
		(45)	400'
Major	-	50	475'
		(55)	550'

\*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

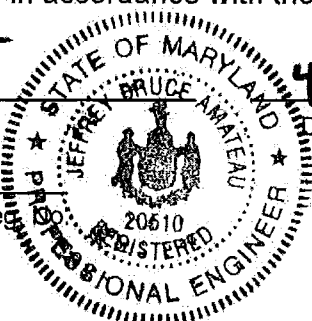
**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature

20516

PLS/P.E. MD Reg No.



4-4-17

Date

Montgomery County Review:

☒ Approved

☐ Disapproved:

By: [Signature]

Date: 4/7/17





**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Chevy Chase Lake Block B Preliminary Plan Number: 12002020B

Street Name: Manor Road

Master Plan Road

Classification: Residential Primary

Posted Speed Limit: 30 mph

Street/Driveway #1 (Loading Dock Way)

Street/Driveway #2 ( )

Sight Distance (feet)

OK?

Right 528'

Yes

Left 520'

Yes

Sight Distance (feet)

OK?

Right

Left

Comments: Parked cars on right.

Comments:

**GUIDELINES**

Classification or Posted Speed  
(use higher value)

Tertiary - 25 mph

Secondary - 30

Business - 30

Primary - 35

Arterial - 40

(45)

Major - 50

(55)

Required  
Sight Distance  
in Each Direction\*

150'

200'

200'

250'

325'

400'

475'

550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

\*Source: AASHTO

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with the guidelines.

Signature

18863

PLS/P.E. MD Reg. No.



Montgomery County Review:

☒ Approved

☐ Disapproved:

By:

Date:

Form Reformatted:  
March, 2000



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

December 16, 2016

Mr. Don Mitchell  
VIKA Maryland, LLC  
20251 Century Boulevard  
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN**  
Request for Chevy Chase Lake Block B  
Preliminary Plan #: 12002020B  
SM File #: 281870  
Tract Size/Zone: 6.34 Ac./CRT-2  
Total Concept Area: 7.46 Ac.  
Lots/Block: B  
Watershed: Lower Rock Creek

Dear Mr. Mitchell:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via ESD to the MEP the use of micro-bioretenention and green roofs. The remaining volume will be treated with three underground water quality vaults.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. At design stage down size some of the structures so that they meet the required volume but, do not exceed 110% of the maximum size.

Mr. Don Mitchell  
December 16, 2016  
Page 2 of 2

6. Provide copy of mechanical drawings to show that underground garages drain to WSSC and show that roof areas drain to micro-bioretenction structures as designed.
7. Provide at a minimum 9,944 square feet of 8-inch green roof. Green roof to be designed by a professional with green roof experience. At submittal of permit try to provide additional square footage of green roof.
8. Provide easements and covenants for all stormwater structures including the flow splitters.


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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is/ is not required**.

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

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



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

MCE: CN281870 Chevy Chase Lake Block B.DWK

cc: C. Conlon  
SM File # 281870

ESD Acres:	7.46
STRUCTURAL Acres:	2.14
WAIVED Acres:	0.00



**820160190 Chevy Chase Lake Block B**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

**“07-SITE-820160190-SP-3.pdf V6”** uploaded on/ dated **“3/1/2017”**.

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

1. All proposed non-standard items such as retaining walls and steps, etc in the County right of ways have to be reviewed and accepted by MCDOT/ DPS-ROW Section and will require maintenance and liability agreement before permit.
2. Provide and ensure safe functionality of truck turnings for all movements and access points.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

November 28, 2016

Mr. Neil Braunstein  
Area 1 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Chevy Chase Lake Block B  
Preliminary Plan Amendment No. 12002020B  
Site Plan No. 820160190

Dear Mr. Braunstein:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval, with the following condition:

- DHCA will need to review and approve the distribution of the MPDUs and market rate units by building and bedroom type prior to certified site plan. The Parking table on the certified site plan will need to show parking for the MPDUs as well as the market units.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Chanda Beaufort, VIKA Maryland, LLC  
Bobby Byrd, The Bozzuto Group  
Hilary Goldfarb, The Bozzuto Group

S:\Files\FY2014\Housing\MPDULisa Schwartz\Chevy Chase Lake Block B DHCA Letter\_11-28-2016.docx

Division of Housing

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



Attachment D  
Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor  
Joseph P. Gill, Secretary  
Frank W. Dawson III, Deputy Secretary

September 16, 2014

Ms. Nina R. Paterno  
VIKA, Inc.  
20251 Century Boulevard, Suite 400  
Germantown, MD 20874

**RE: Environmental Review for Chevy Chase Land Company – 8550, 8401, 8551, 8519, 8507& 8505 Connecticut Avenue, Chevy Chase, Lots 1-12, Parcels 396, 417 & 448, Montgomery County, Maryland.**

Dear Ms. Paterno:

The Wildlife and Heritage Service has determined that there is a record for a colony of Yellow-crowned Night-herons (*Nyctanassa violacea*) right over Chevy Chase Drive, essentially on this project site. Yellow-crowned Night-herons have a state status of rare as a breeding species in Maryland. 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.

This colony was last surveyed in 2008 when it contained only two pairs of breeding birds. This species tends to nest in small colonies which could maintain site fidelity or move locally from year to year. If the Yellow-crowned Night-herons return to this site to nest in the spring, usually in early March, then protection measures would be warranted. Specific protection measures depend upon site conditions, planned activities, colony history, and other factors. If you plan to proceed with your project, please contact David Brinker of the WHS at [dbrinker@dnr.state.md.us](mailto:dbrinker@dnr.state.md.us) or call 410-744-8939.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne,  
Environmental Review Coordinator  
Wildlife and Heritage Service  
MD Dept. of Natural Resources

ER# 2014.1099.mo  
Cc: D. Brinker, DNR



~~July 11, 2016~~  
~~September 28, 2016~~  
~~November 14, 2016~~  
~~January 3, 2017~~  
~~January 27, 2017~~  
~~February 9, 2017~~  
~~February 22, 2017~~  
 March 24, 2017

Area 1 Division  
 Montgomery County Planning Department  
 M-NCPPC  
 8787 Georgia Avenue  
 Silver Spring, MD 20910

**Re: Forest Conservation Tree Variance Request**  
**Chevy Chase Lake Shopping Center– Block B**  
**Chevy Chase, MD**  
**Preliminary Forest Conservation Plan #12002020B**  
**Final Forest Conservation Plan #820160190**  
**VIKA # VM1071 S**

On behalf of our client, Bozzuto Development Company, we are submitting this Tree Variance Request to comply with the Department of Natural Resources, Title 5, Section 5-1607(c)(2) of the Maryland Code. This section requires the Applicant to request a variance under Section 5-1611 for impacts or removals of the following trees, shrubs, plants, and specific areas considered priority for retention and protection if a project did not receive Preliminary Forest Conservation Approval before October 1, 2009:

- (i) Trees, shrubs, or plants identified on the list of rare, threatened, and endangered species of the U.S. Fish and Wildlife Service or the Department;
- (ii) Trees that are part of a historic site or associated with a historic structure or designated by the Department or local authority as a national, State, or local Champion Tree; and
- (iii) Trees having a diameter measured at 4.5 feet above the ground of:
  - 1. 30 inches; or
  - 2. 75% of the diameter, measured at 4.5 feet above the ground, of the current State Champion Tree of that species as designated by the Department.

This Tree Variance Request is for the Chevy Chase Lake Shopping Center, Block B redevelopment and accompanies the Preliminary and Final Forest Conservation plans submitted concurrently with Preliminary Plan 12002020B and Site Plan 820160190.

The site is currently developed with retail stores, a grocery store, office space, and associated parking and will be redeveloped with mid- to high-rise multi-unit residential and commercial uses. A total of

**VIKA Maryland, LLC**

20251 Century Boulevard, Suite 400 • Germantown, Maryland 20874 • 301.916.4100 Fax 301.916.2262  
 Tysons, VA • Germantown, MD • Washington, DC

[www.vika.com](http://www.vika.com)



twenty-three (23) specimen trees with DBH of 30" or greater will be impacted by the proposed development with fourteen (14) trees identified for removal and nine (9) trees to be preserved.

Table 1, below, lists the Variance specimen trees proposed for removal as they are identified on the Preliminary Forest Conservation Plan and provides their respective proposed impacts.

**Table 1: Removed Specimen Trees**

#	Botanical Name	D.B.H. (Inches)	Condition	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
3	<i>Platanus occidentalis</i>	38	Good	10,207	4,443	44	REMOVE
12	<i>Quercus palustris</i>	41	Fair/Poor	11,876	11,876	100	REMOVE
16	<i>Quercus coccinea</i>	30	Good	6,362	6,362	100	REMOVE
23	<i>Acer rubrum</i>	37	Good	9,672	9,672	100	REMOVE
38	<i>Quercus palustris</i>	40	Good	11,304	11,304	100	REMOVE
39	<i>Quercus palustris</i>	31	Good	6,790	6,790	100	REMOVE
41*	<i>Quercus rubra</i>	37	Good	9,678	2,816	29	REMOVE *
43	<i>Quercus palustris</i>	43	Good	13,063	13,063	100	REMOVE
129	<i>Acer rubrum</i>	32	Good	7,235	7,235	100	REMOVE
130	<i>Acer rubrum</i>	30	Good	6,359	6,359	100	REMOVE
1051	<i>Platanus occidentalis</i>	36	Good	9,161	5,339	58	REMOVE
1125	<i>Prunus serotina</i>	31	Good/Fair	6,793	2,547	38	REMOVE
1145	<i>Populus deltoides</i>	33	Good	7,698	4,220	55	REMOVE
1253*	<i>Populus deltoides</i>	33	Good	7,698	1,824	24	REMOVE *

\* Trees noted above will be mitigated for removal, but efforts will be made to save them at time of construction.

The Assessment below was performed by VIKA Maryland, LLC at the time of the field work for the NRI as a visual, at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

**1) Tree # 3**

**38" American Sycamore (*Platanus occidentalis*):** Tree 3 is a lawn tree adjacent to the parking lot in the Capital Crescent Trail/Purple Line right-of-way.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 44% as this tree lies directly adjacent to the project limits of disturbance for the construction the garage, utilities, and an internal street.
- **Disposition:** Tree 3 is specified to be removed.

**2) Tree # 12**

**41" Pin Oak (*Quercus palustris*):** Tree 12 is a lawn tree that on the south side of Manor Road.

- **Field Condition:** Fair/Poor
- **Proposed CRZ Impact:** Severe at 100% as this tree lies directly between proposed Building B2 and Manor Road where significant upgrades to the streetscape and road will occur.



- **Disposition:** Tree 12 is specified to be removed.

3) **Tree # 16**

**30" Scarlet Oak (*Quercus coccinea*):** Tree 16 is a lawn tree on the north side of Manor Road.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this tree lies with the limits of construction of the proposed turn lane from Manor Road turning north onto Connecticut Avenue.
- **Disposition:** Tree 16 is specified to be removed.

4) **Tree # 23**

**37" Red Maple (*Acer rubrum*):** Tree 23 is a landscape tree in the rear of the parking lot adjacent to the Capital Crescent Trail.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for the construction of a multi-family building.
- **Disposition:** Tree 23 is specified to be removed.

5) **Tree # 38**

**40" Pin Oak (*Quercus palustris*):** Tree 38 is a lawn tree on the south side of Manor Road.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for the construction.
- **Disposition:** Tree 38 is specified to be removed.

6) **Tree # 39**

**31" Pin Oak (*Quercus palustris*):** Tree 39 is a lawn tree on the south side of Manor Road.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for the construction.
- **Disposition:** Tree 39 is specified to be removed.

7) **Tree # 41**

**37" Red Oak (*Quercus rubra*):** Tree 41 is an off-site tree that will be impacted by the proposed improvements.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate/Severe at 29%. The area of impact is from the proposed entry access which is very close to the property line.
- **Disposition:** Tree 41 is mitigated for removal but efforts will be made to save it during construction.

8) **Tree # 43**

**43" Pin Oak (*Quercus palustris*):** Tree 43 is a landscape tree in the rear of the parking lot adjacent to the Capital Crescent Trail.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for the construction of a multi-family building.



- **Disposition:** Tree 43 is specified to be removed.

9) **Tree # 129**

**32" Red Maple (*Acer rubrum*):** Tree 129 is a landscape tree in the rear corner of the site near the service yard.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for service and utility needs.
- **Disposition:** Tree 129 is specified to be removed.

10) **Tree # 130**

**30" Red Maple (*Acer rubrum*):** Tree 130 is a landscape tree in the rear corner of the site near the service yard.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for service and utility needs.
- **Disposition:** Tree 130 is specified to be removed.

11) **Tree # 1051**

**36" American Sycamore (*Platanus occidentalis*):** Tree 1051 is an off-site landscape tree at the rear of the parking lot, located within the right-of-way of Capital Crescent Trail/Purple Line.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 58% as this tree is just beyond the property limits and its root zone will be impacted by the proposed construction.
- **Disposition:** Tree 1051 is specified to be removed.

12) **Tree # 1125**

**31" Black Cherry (*Prunus serotina*):** Tree 1125 is an off-site landscape buffer tree at the rear of the parking lot, located within the right-of-way of Georgetown Branch Trail.

- **Field Condition:** Good / Fair
- **Proposed CRZ Impact:** Severe at 38% as this tree is just beyond the property limits and its root zone will be impacted by the proposed construction.
- **Disposition:** Tree 1125 is specified to be removed.

13) **Tree # 1145**

**33" Cottonwood (*Populus deltoides*):** Tree 1145 is a jointly owned, but primarily off-site landscape buffer tree at the rear of the parking lot, located within the right-of-way of Capital Crescent Trail/Purple Line.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 55% as this tree is just beyond the property limits and its root zone will be impacted by the proposed construction.
- **Disposition:** Tree 1145 is specified to be removed.

14) **Tree # 1253**

**33" Cottonwood (*Populus deltoides*):** Tree 1253 is an off-site landscape buffer tree at the rear of the parking lot, located within the right-of-way of Georgetown Branch Trail.



- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 24% as this tree is just beyond the property limits and its root zone will be impacted by the proposed construction.
- **Disposition:** Tree 1253 will be mitigated for removal but efforts will be made to save it during construction.

Table 2, below, lists the Variance specimen trees specified to be saved, as they are identified on the Preliminary Forest Conservation Plan and provides the respective proposed impacts.

**Table 2: Saved Specimen Trees**

#	Botanical Name	D.B.H. (Inches)	Condition	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
18	<i>Fraxinus americana</i>	33	Good	7,698	2,028	27	SAVE
42	<i>Quercus palustris</i>	31	Good	6,793	60	0.8	SAVE
149	<i>Quercus rubra</i>	51	Fair	18,385	6,220	34	SAVE
150	<i>Quercus rubra</i>	41	Good	11,882	3,657	31	SAVE
152	<i>Quercus rubra</i>	35	Good	8,659	2,395	28	SAVE
964	<i>Populus deltoides</i>	30	Good	6,362	40	0.6	SAVE
1115	<i>Robinia pseudoacacia</i>	34	Good/Fair	8,171	1,815	22	SAVE
1255	<i>Populus deltoides</i>	32	Good	7,238	1,006	14	SAVE
A1	<i>Platanus occidentalis</i>	39	Good	10,751	1,710	16	SAVE

The Assessment below was performed by VIKA Maryland, LLC at the time of the field work for the NRI as a visual, at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

**15) Tree # 18**

**33" White Ash (*Fraxinus americana*):** Tree 18 is an off-site tree that will be impacted by the proposed improvements.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 27%. The impact comes from the proposed turn lane and the additional sidewalk along the north side of Manor Road.
- **Disposition:** Tree 18 is specified to be saved.

**16) Tree # 42**

**31" Pin Oak (*Quercus palustris*):** Tree 42 is an off-site tree that will be impacted by the proposed improvements.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at 0.8%. The small area of impact is from the proposed entry access which is very close to the property line.
- **Disposition:** Tree 42 is specified to be saved.



**17) Tree # 149**

**51" Red Oak (*Quercus rubra*):** Tree 149 is an off-site tree to the east side of the subject property, which will be impacted by the proposed improvements.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate/Severe at 34% as this off-site located tree lies entirely on the adjacent property, but with its large size a root zone will be affected by the proposed access road for the subject property.
- **Disposition:** Tree 149 is specified to be saved.

**18) Tree # 150**

**41" Red Oak (*Quercus rubra*):** Tree 150 is an off-site tree to the east side of the subject property, which will be impacted by the proposed improvements.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate/Severe at 31% as this off-site located tree lies entirely on the adjacent property, but with its large size a root zone will be affected by the proposed access road for the subject property.
- **Disposition:** Tree 150 is specified to be saved.

**19) Tree # 152**

**35" Red Oak (*Quercus rubra*):** Tree 152 is an off-site tree to the east side of the subject property, which will be impacted by the proposed improvements.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 28% as this off-site located tree lies entirely on the adjacent property, but with its large size a root zone will be affected by the proposed access road for the subject property.
- **Disposition:** Tree 152 is specified to be saved.

**20) Tree # 964**

**30" Cottonwood (*Populus deltoides*):** Tree 964 is an off-site tree to the south side of the subject property, which will be impacted by the proposed improvements.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at 0.6% as this off-site located tree lies entirely within the Future Purple Line right-of-way property. The large size of the root zone will minimally be affected by the removal of the existing buildings and fence per the expanded LOD.
- **Disposition:** Tree 964 is specified to be saved.

**21) Tree # 1115**

**34" Black Locust (*Robinia pseudoacacia*):** Tree 1115 is an off-site landscape buffer tree at the rear of the parking lot, located within the right-of-way of Georgetown Branch Trail.

- **Field Condition:** Good / Fair
- **Proposed CRZ Impact:** Minimal at 22% as this tree is just beyond the property limits and its root zone will not be impacted by new roadways and only part of the northern edge will be disturbed.
- **Disposition:** Tree 1115 is specified to be saved.

**22) Tree # 1255**

**32" Cottonwood (*Populus deltoides*):** Tree 1255 is an off-site landscape buffer tree at the rear of the parking lot, located within the right-of-way of Georgetown Branch Trail.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 14% as this tree is just beyond the property limits and its root zone will be impacted by the proposed construction.
- **Disposition:** Tree 1255 is specified to be saved.

**23) Tree # A1**

**39" American Sycamore (*Platanus occidentalis*):** Tree A1 is an off-site landscape buffer tree at the rear of the parking lot, located within the right-of-way of Georgetown Branch Trail.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at 16% as this tree is just beyond the property limits and its root zone will be impacted by the proposed thru-road connection construction, and removal of existing structures.
- **Disposition:** Tree A1 is specified to be saved.

**Justification Narrative for Tree Disturbance**

The property is located at the southeast corner of Connecticut Avenue and Manor Road in Chevy Chase, Montgomery County, Maryland. It is bordered by the future Purple Line right-of-way to the south, Connecticut Avenue to the west, Manor Road to the north and condominium buildings to the east. The Property was re-zoned CRT with the Chevy Chase Lake Sector Plan approval.

The site is currently developed with retail stores, a grocery store, office space, and associated parking; it is proposed for redevelopment with mid- to high-rise multi-unit and commercial uses. The proposed Preliminary and Site Plans will allow for the redevelopment of the dated grocery store and retail center with a contemporary, pedestrian- and transit-oriented mixed-use town center. The project is designed to take advantage of the future Purple Line connection, while activating a highly visited area.

Under Section 5-1611, variances may be granted

- (a) ... where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to an Applicant.
- (b) Variance procedures adopted under this section shall:
  - (1) Be designed in a manner consistent with the spirit and intent of this subtitle; and
  - (2) Assure that the granting of a variance will not adversely affect water quality.

Under State and Montgomery County requirements, four factors are considered when granting a variance; each of these is described in detail below.

**1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.**

The requested tree variance is necessary for implementation of this mixed-use redevelopment project which has an approved NRI and is proceeding through the development approval process with the concurrent submission of Preliminary and Site Plans. The proposed



development also was subject to Sketch Plan review for which it received Planning Board approval for substantially similar layout, densities, and uses on the subject property.

This development directly addresses the recommendations of the Chevy Chase Lake Sector Plan for infill, transit-oriented, mixed-use reuse of older single-use commercial strip centers. More globally, it also provides necessary housing to meet County demographic projections and eases the pressure to develop our open spaces, greenfields, and agricultural lands.

Not granting the requested variance is an unwarranted hardship because of the particular layout necessary to implement the Council-approved density under the Sector Plan's zoning, construction of the cycle-track along Connecticut Avenue, and transit-oriented infill at a Purple Line station directly adjacent to the subject property. This redevelopment density was recommended in the Sector Plan because it is synergistic with new transit and the need to retain retail and services in this important town center. It was also understood that redevelopment would result in improved stormwater management and new tree plantings to mitigate for impacts.

**2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.**

The requested variance is based on plans being developed under 1) the zoning approved through the County planning process; 2) the redevelopment recommendations encouraged by the Chevy Chase Lake Sector Plan; and 3) the approved Sketch Plan, not conditions or circumstances resulting from actions by the Applicant. There are twenty three (23) variance trees impacted or removed by the proposed mixed-use redevelopment for which the Preliminary and Site Plans have been submitted for approval. Strict protection of all variance trees would deprive the Applicant from making any significant changes to the site due to their location and the extents of their critical root zones. And, of course, significant changes to the site are necessary to develop under the context described above.

There are no conditions relating to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance. There is no forest on site. The existing SVB that encroaches onto the site derives from open swale between two culverts that are being rerouted by this project and the Purple Line Construction and covers a portion of the site that is currently paved or improved with buildings. Further, this open swale is within the Purple Line right-of-way and will be piped during construction leaving no on-site SVB. In any case, the Applicant is proposing to mitigate for disturbance of this area through off-site invasive species management and native plant restoration for an equal area in size within the nearby Coquelin Run stream valley. The exact location will be determined with Staff and established under the certified Final Forest Conservation Plan. In addition, the Applicant will work with Staff to determine an appropriate area for streambank stabilization and restoration in an area equal to the forest disturbance caused by installation of a new storm drain outfall. Again, the exact location will be determined with Staff and established under the certified Final Forest Conservation Plan.

**3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.**



The current site contains a grocery store, some small retail shops with office space above, and associated parking lots. There is no stormwater management provided in the current condition. None of the specimen trees to be removed are within a special protection area (SPA) of watershed primary management area (PMA). The stream valley buffer impacts are addressed under #2, above, but it should also be noted that this buffer area is currently highly impervious and the introduction of stormwater facilities for this area will only improve water quality. The concept stormwater management plan is being reviewed concurrently with the preliminary and site plans of which this variance request is a part. The proposed CSWM, approved on 12/16/16, incorporates environmental site design (ESD) to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. ESD measures will include green roofs and micro-bioretenement planters; additional vaults will be provided to meet total requirements. Therefore, granting the variance to impact and remove the specimen trees described herein will not result in any violation of State water quality standards or degradation of water quality. In fact, no stormwater facilities currently exist on site and water quality will improve as a result of redevelopment.

**4. Provide any other information appropriate to support the request.**

The subject property is located on a corner lot in a highly visible location in Chevy Chase Lake. There are multiple proposed entry points with a new Sector Plan-recommended connection road from Manor Road to Chevy Chase Lake Drive, directing visitors to the parking garage below grade. This below-grade parking allows for compact, walkable development, but does require significant disturbance across most of the site. Therefore, the proposed layout requires removal and impact of many specimen trees. The development of this property, in accordance with the recommendations of the Sector Plan, is not feasible while retaining all the specimen trees that surround it.

The proposed site layout reflects a contemporary configuration of retail and restaurant space on the ground floor with residential living above utilizing compact, infill development. The centralized plaza area provides potential to activate the space on a pedestrian level and encourages events, show, concerts, etc. The addition of the Purple Line rail stop will allow people to travel and commute to the Metro Area easier and reduce the amount of vehicular traffic, while still maintaining the Capital Crescent Trail use for recreation.

As was found by the County Council and the Planning Board when they approved the Sector Plan and Sketch Plan, respectively, the project will provide much-needed housing near major down-county employment centers and commercial settings. The increased density is purposefully planned near existing and proposed transit infrastructure and along a major bike thoroughfare. Careful execution of on-site landscaping, development under LEED criteria, and upgrades to the stormwater facilities will result in a locally and regionally sustainable, smart-growth project.

In addition, in consultation with a certified arborist, we propose special precautions that will be taken with specimen trees 41 and 1253, all of which have less than 33% CRZ disturbance, but are disturbed relatively close to their trunks. To ensure that the trees have a strong chance of survival, a professional arborist will be engaged to oversee their protection and maintenance.



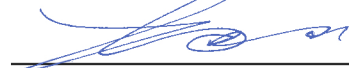


Specific measures to be taken may include:

- Reduced Lod: We Have Shown The Maximum Lod Anticipated In This Application, But We May Be Able To Reduce The Lod Based On Field Conditions And Final Grading During Construction;
- Root Pruning: Light-Weight Machinery With Rubber Tracks Or Tires, Such As A Bobcat With A Vibratory Plow (Or Equivalent) May Be Used During Root Pruning With Hand Pruning Of Roots Over 1" Diameter Within Critical Root Zones. Deep Excavations Will Be Reviewed When Open For Hand Root Pruning During Construction. Coordinate With Silt Fence Installation To Minimize Unnecessary Root Damage.
- Prescribed Pruning: Size, Health, Species And Impact From Proposed Construction Will Be Taken Into Consideration In Determining Pruning Type For Each Tree. Minimal Interior Green Including Sprouts Will Be Removed. Hazard Pruning To 2" Diameter Limbs Will Remove Dead, Dying, Declining Branches. Lower Limbs Obstructing Equipment Will Be Clearance Pruned To Avoid Breakage. All Work Will Be Specified By Ansi A-300 Arboricultural Standards.
- Wood Chip Mulch: Install Mulch At 8-10 Inches In Depth On Area Impacted By Proposed Construction. Mulch Shall Be Double Ground Shredded Hardwood, Composted For At Least 18 Months From An Approved Source. Insufficiently Or Improperly Aged Mulch Containing High Bacterial Counts Or High Levels Of Bark Mulch Resistant To Decomposition Shall Not Be Used. Mulch Will Not Contact Trunk Of Tree. Edging Is Neither Necessary Nor Desirable For This Operation.
- Tree Growth Regulator (Cambistat® Or Equivalent): After Root Pruning Has Occurred, Apply A Tree Regulator Such As Cambistat® (Or Equivalent) To The Tree. Dilute Tree Regulator In Water And Apply As A Soil Drench Or Soil Injection Using The Appropriate Application Equipment. This Can Occur Anytime During The Growing Season As Long As The Ground Is Not Frozen Or Saturated With Water. Research Shows That Cambistat® Gently Slows The Growth Of Trees, Allowing The Tree To Redirect Some Of Its Energy From Canopy Growth Into Defense Chemicals, Fibrous Root Production, And Stored Energy. This Reallocation Of Energy Will Result In A Healthier, More Durable Tree.
- Soil Nutrient Management: Add Granular And/Or Liquid Bio-Stimulant And Microbial Inoculants/Amendments To Rebuild And Restore Proper Balance And Composition For Healthy, Stress Resistant Root Systems To The Tree. Application Of The Amendments Shall Be Implemented Once A Year In The Fall As Part Of A Maintenance Program. Soil Testing Before Treatments And After The Second Year Of Treatments Determines Formulations And The Need For Following Years Based Upon Response.

Thank you for your consideration of this Tree Variance request. We believe that the supporting information provided with this letter justifies the variance to impact twenty-three (23) specimen trees, removing fourteen (14) of them and preserving the other nine (9). If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,  
**VIKA Maryland, LLC**



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Joshua C. Sloan, RLA, ASLA, AICP, LEED AP ND  
Director of Planning and Landscape Architecture



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Lisa Feldt  
Director

April 24, 2017

Casey Anderson, Chair  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Chevy Chase Lake – Block B, ePlan 12002020B/820160190, NRI/FSD application accepted on 1/10/2015

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and that the Montgomery County Planning Department (“Planning Department”) has completed all other reviews required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance cannot be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the



variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

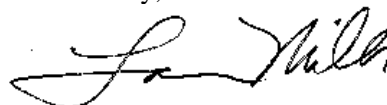
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant does not qualify for a variance. Based on careful consideration of the documents provided with the application in ePlans, the applicant has failed to provide information consistent with other applications subject to the variance provisions. The natural resources inventory/forest stand delineation (NRI/FSD) (420160610) and the Significant & Specimen Tree Table on sheet PFCP 1.00 include at least 15 trees, greater than 30 inches in dbh, that are not shown on PFCP 2.00 (the forest conservation plan sheet). While it is likely that these trees are outside of this project's limits of disturbance, insufficient information was provided on the forest conservation plan to determine that these variance trees will not be impacted by this project. All other plans have been required to account for every tree greater than 30 inches or otherwise subject to the variance provisions as reported on forest conservation plans and NRI/FSDs.

The information included in the request for a variance is inconsistent with all other plans. Granting this request would grant special privileges denied to other similarly-situated applicants for impacts to trees subject to the variance provisions. Therefore, I do not recommend that the Chevy Chase Lake – Block B project be granted a variance from the requirements of Chapter 22A of the Montgomery County Code.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Miller', with a stylized flourish at the end.

Laura Miller  
County Arborist

cc: Marco Fuster, Senior Planner





November 14, 2016

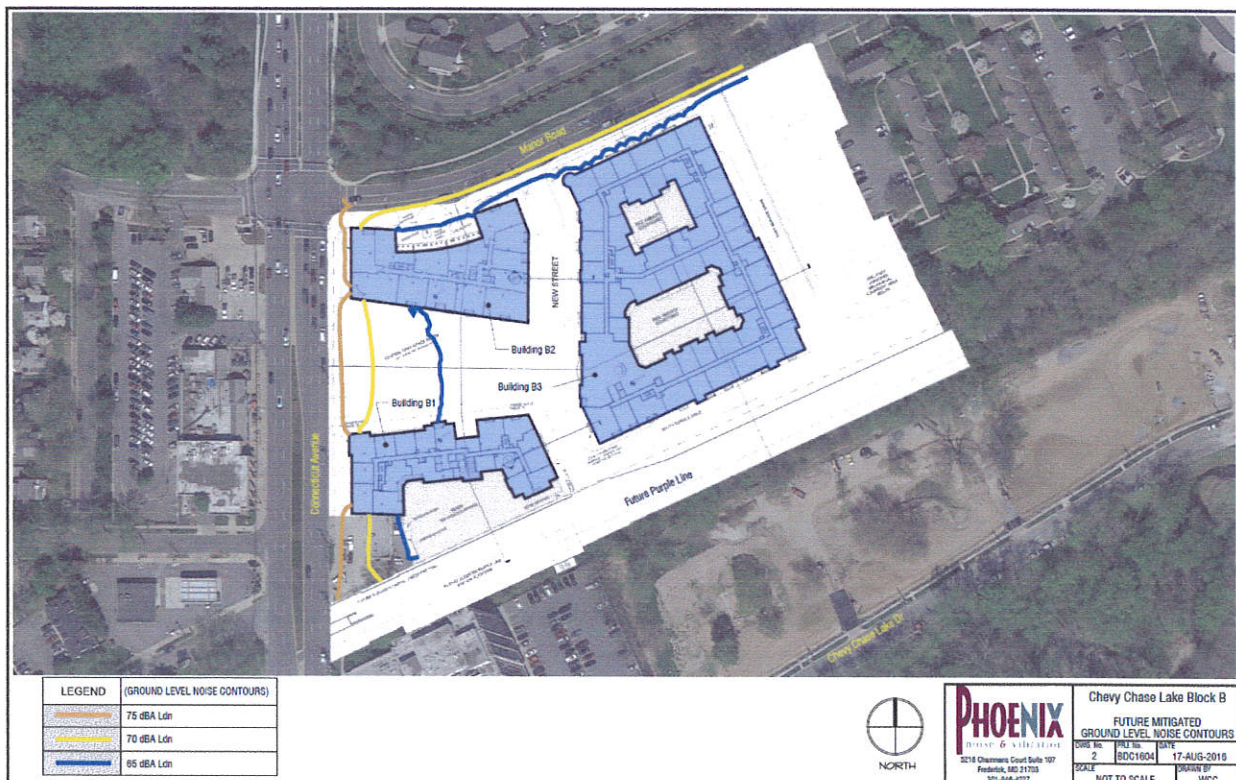
**VIA ELECTRONIC EMAIL & EPLANS**

Mr. Elza Hisel-McCoy  
Area 1 Regulatory Supervisor  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

**Re: Chevy Chase Lake Block B: Noise Mitigation for Public Open Space**

Dear Elza:

On behalf of the Applicant, I am writing to request that noise mitigation not be required for that portion of the Public Open Space on the subject site's property along Connecticut Avenue and Manor Road that falls above the 65 dBA level detailed in the recent Transportation Noise Impact Study and excerpted herein.



**VIKA Maryland, LLC**

20251 Century Boulevard, Suite 400 • Germantown, Maryland 20874 • 301.916.4100 Fax 301.916.2262  
Tysons, VA • Germantown, MD • Washington, DC

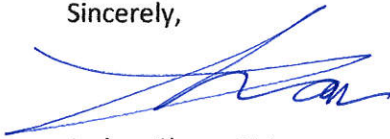
[www.vika.com](http://www.vika.com)

As you know, the Public Open Space is an integral part of the approved Sketch Plan and in conformance with the Chevy Chase Lake Sector Plan, both of which are built around the concept of an open and inviting Town Square. While the streetscapes are obviously impacted, the interior on-site open space is only within the 65-70 dBA levels near Connecticut Avenue and is mostly below the 65dBA level.

Strict compliance with the guidelines to maintain 65dBA throughout all Public Open Space areas would significantly compromise the design of the project and negatively impact the intent to provide an open, visible, and accessible Town Square. Necessary changes would include devices such as walls or fencing that would restrict visual and physical access. Further, because of the size of the Town Square and adjacent sidewalks, there is plenty of space for those more sensitive to noise to find areas to relax in a more quite atmosphere. To this end, seating and amenities are distributed throughout the property.

We appreciate your consideration of our request and, as always, are happy to respond to any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joshua Sloan', with a stylized flourish extending from the end.

Joshua Sloan, RLA

Director of Planning and Landscape Architecture