



**Chevy Chase Lake Sketch Plan No. 320140030**

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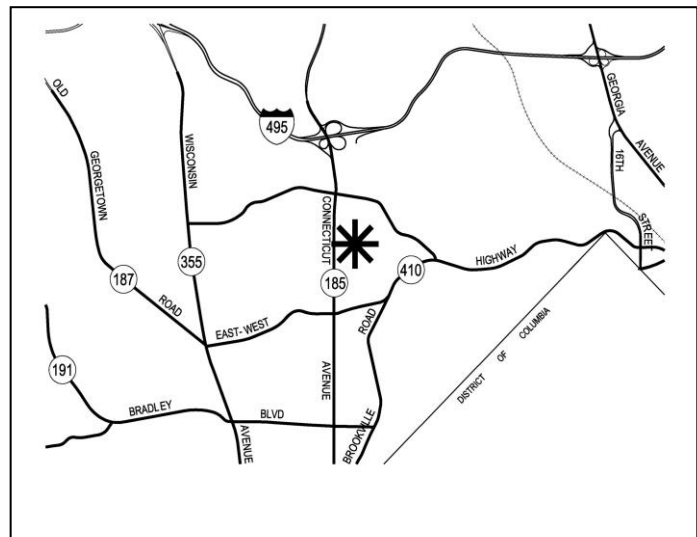
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**Completed: 07/11/2014**

**Description**

- Construction of up to 388,833 square feet of residential development for up to 329 multi-family and townhouse dwelling units;
- Current use: garden apartments;
- Located on Chevy Chase Lake Drive approximately 510 feet east of the intersection with Connecticut Avenue;
- 5.403 gross acres zoned CRT 2.0: C 0.25, R 2.0, H 100' and CRT 1.5: C 0.25, R 1.5, H 50' in the Chevy Chase Lake Sector Plan area;
- Applicant: CC Associates LLC filed on April 24, 2014.



**Summary**

- Staff recommends approval of the Chevy Chase Lake Sketch Plan with conditions and adoption of the Resolution.
- The proposed development will transform an existing garden apartment community into a development of townhouses and a multifamily residential building with workforce housing units and moderately priced dwelling units, public open space, structured parking, and vegetated roof.

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## SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Chevy Chase Lake Sketch Plan No. 320140030, for a maximum of 388,833 square feet of residential development on 5.403 gross acres of land zoned CRT 2.0: C 0.25, R 2.0, H 100' and CRT 1.5: C 0.25, R 1.5, H 50'. The following site development elements shown on the Sketch Plan stamped "Received" by the M-NCPPC on April 24, 2014 are binding under Section 59-C 15.43(d):

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

All other elements of the Sketch Plan are illustrative.

This approval is subject to the following conditions:

1. Density  
The development is limited to a maximum of 388,833 square feet of total development. The maximum number and distribution of residential dwelling units will be determined at Preliminary Plan.
2. Height  
The development is limited to the maximum height of 100 feet for the multi-family building and 50 feet for the townhouses.
3. Incentive Density  
The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 50 and be chosen from at least three categories as required by Section 59-C-15.82(a). The requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.
  - a. Transit Proximity;
  - b. Diversity of Uses and Activities, achieved through affordable housing;
  - c. Quality of Building and Site Design, achieved through structured parking and public open space; and
  - d. Protection and Enhancement of the Natural Environment achieved through vegetated area and vegetated roof.
4. Moderately Priced Dwelling Units (MPDUs)
  - a. The Applicant must provide in the multi-family building a minimum of 20% MPDUs or HOC affordable units at or below 60% of the area median income (AMI) and in the townhouses a minimum of 15% MPDUs, as recommended in the Chevy Chase Lake Sector Plan.
  - b. The development must provide MPDUs in accordance with Chapter 25A. MPDUs must meet the standards in the MPDU Pricing Standards and Minimum Specifications.
  - c. Department of Housing and Community Affairs (DHCA) requires a full bath on each bedroom level and a half bath on either the ground floor or living level.

5. Workforce Housing (WFHUs)

- a. The Applicant must provide in the multi-family building a minimum of 20% WFHUs for the total number of units, as recommended in the Chevy Chase Lake Sector Plan.
- b. All units that are considered to be Workforce Housing Units (WFHUs) must comply with the requirements of Chapter 25B of the Montgomery County Code.

6. Public Space

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

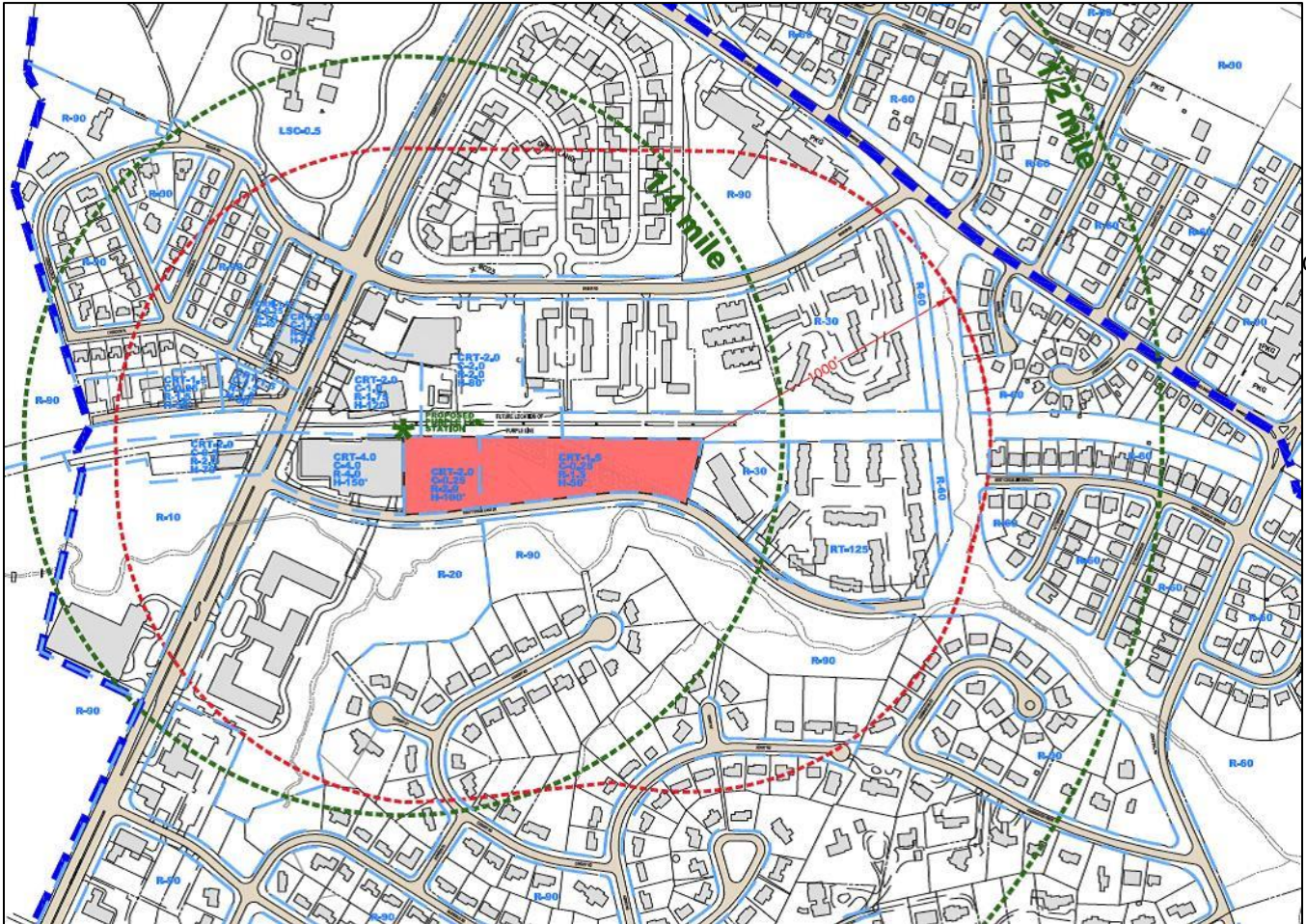
7. Environment

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

## SECTION 2: SITE DESCRIPTION

### Site Vicinity

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



SECTOR PLAN BOUNDARY ———

Vicinity Map

The neighborhood surrounding the Subject Property includes multi-family, single-family attached, and single-family detached residential uses, commercial uses, and retail uses. There are also many recreational and cultural features proximate to the Property including the Chevy Chase Library is located within approximately ¼-mile. In addition to the nearby Capital Crescent Trail, there are multiple parks near the Property, including Lynnbrook Local Park, North Chevy Chase Local Park, as well as the many facilities located within the Rock Creek Park area.





*Aerial View*

### **Site Analysis**

The 5.403-acre Property is improved with 68 garden apartments contained in multiple 2-story structures as well as drive aisles and surface parking lots. It is zoned CRT 2.0, C 0.25, R 2.0, H 100' and CRT 1.5, C 0.25, R 1.5, H 50'.

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was submitted for the Project on April 24, 2014. Review comments were issued on May 23, 2014, and a submission of revised plans has not occurred. The NRI/FSD approval is not a required element at the Sketch Plan stage. As discussed in the environmental analysis section below, the Maryland Department of Natural Resources has identified a rare, threatened, or endangered species in the vicinity of the site. A 100-year floodplain is located within the southwest corner of the Property. There are no known historic properties or features on the Property. The Property contains garden apartments built approximately in 1950. There are sizable lawn areas surrounding the buildings along with landscaping and numerous significant and specimen trees associated with the Property. There are approximately 17 specimen trees  $\geq 30''$  diameter at breast height (DBH), and six trees between  $24''$  and  $<30''$  DBH. The largest specimen tree is a  $52''$  DBH red maple that is approximately 75% of the diameter of the current State champion of the same species. Forest areas and large trees within the Purple Line & Capital Crescent Trail corridor are located along the northern site boundary, and additional significant and specimen trees occur immediately offsite towards the east and west. The site topography is gently sloping and drops approximately 35 feet in elevation

from west to east (at an approximately 3.5% slope gradient). There are some minor areas of steep slopes onsite that area associated with embankments of the former railway corridor.

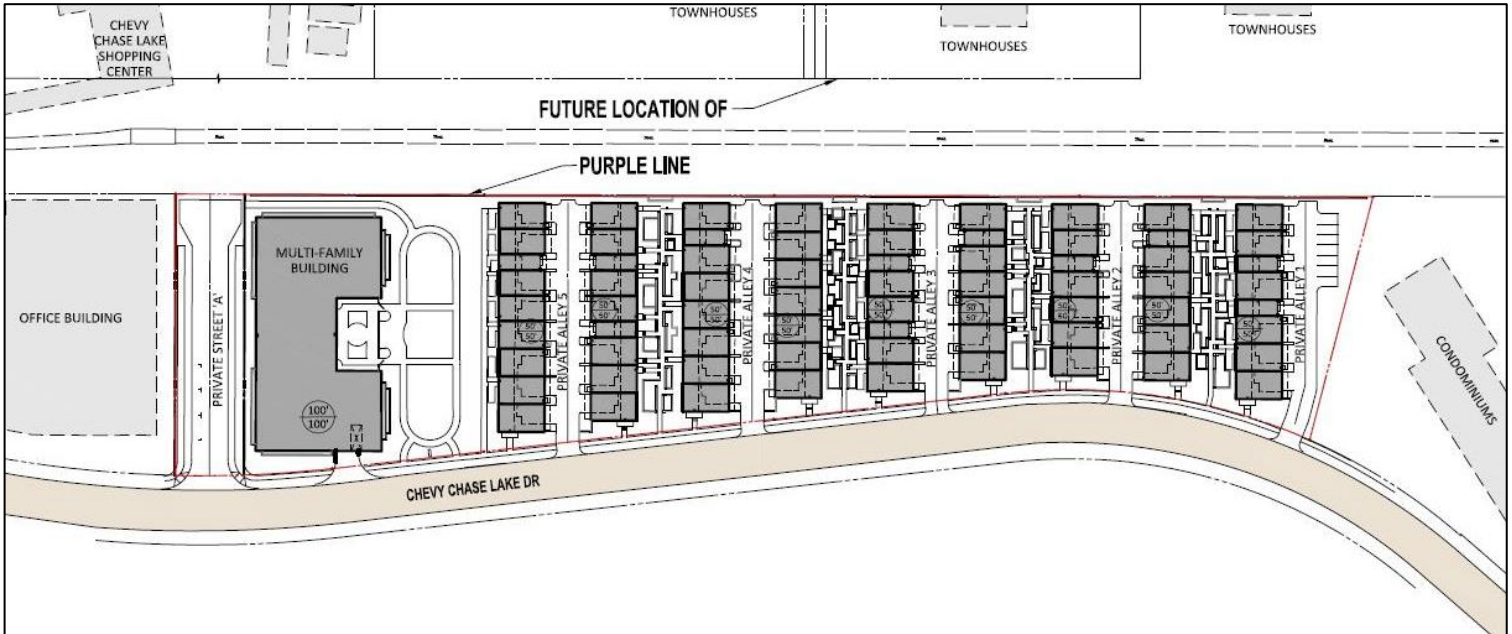
### SECTION 3: PROJECT DESCRIPTION

#### Background

The Property is currently owned by Chevy Chase Lake Development Corporation, which is an entity of the Housing Opportunity Commission of Montgomery County (HOC). HOC operates as a public housing agency, a housing finance agency, and a housing developer to provide affordable housing and supportive services to individuals and families in Montgomery County. On October 7, 2013, HOC entered into a letter of intent with EYA Development, LLC to secure sketch plan and preliminary plan approvals for the entire Property and redevelop Lots 2, 3, and 4 of Block 1 of the Property. Under the terms of the agreement, CC Associates, LLC will purchase Lots 2, 3, and 4, Block 1 of the Property, with HOC retaining Lot 1, Block 1 of the Property.

#### Proposal

The proposed Sketch Plan application (Project) proposes to redevelop the Property with up to 388,833 square feet of residential uses. The Project proposes to redevelop Lot 1 with a multi-family building containing 177,833 square feet up to 100 feet in height, which will be continued to be owned by HOC. In addition, the Project will redevelop Lots 2, 3 and 4 into a maximum of 70 townhouse units containing 211,000 square feet in a series of nine rows stepping down from the multi-family building up to 50 feet in height.



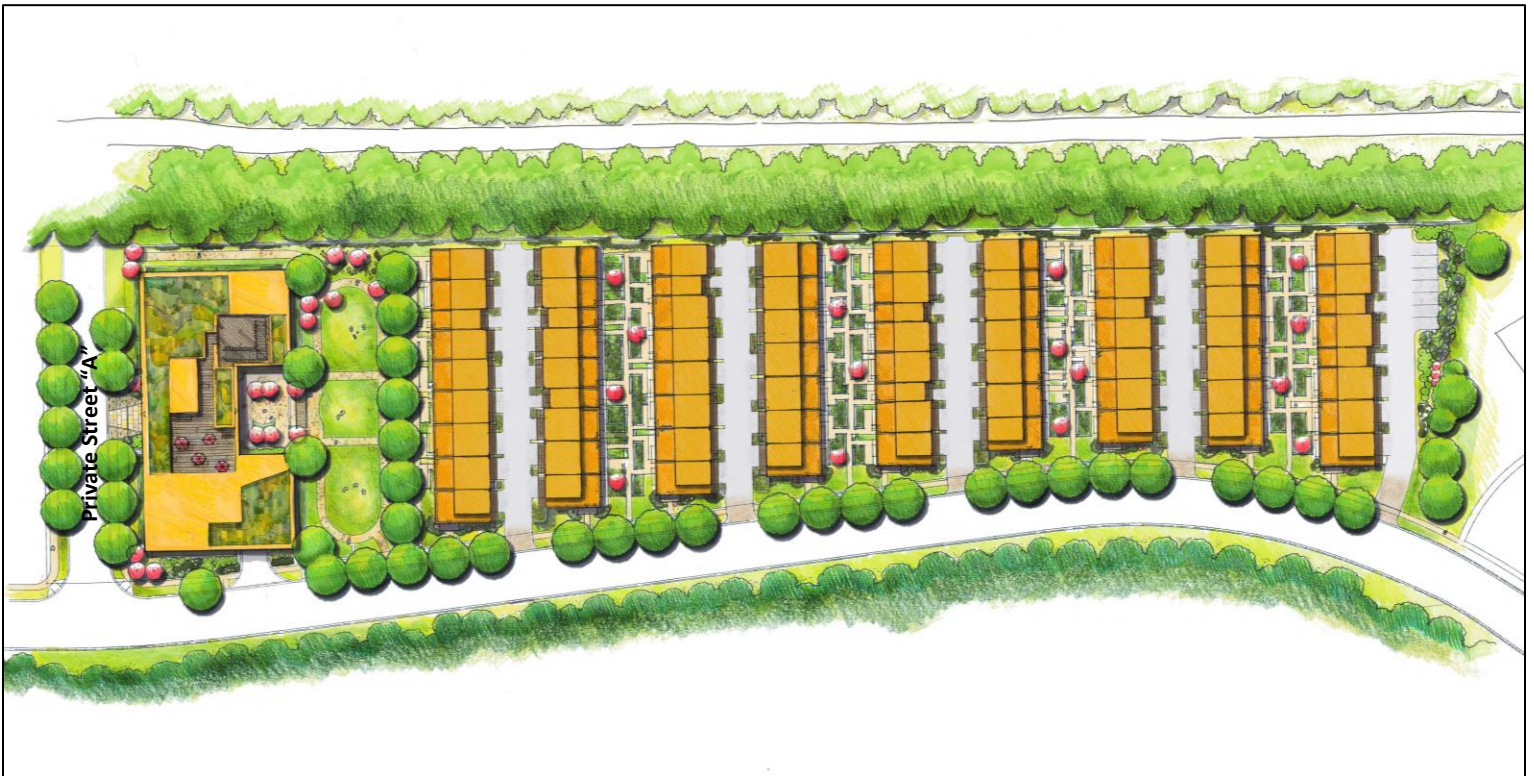
*Proposed Sketch Plan*



## Uses and Density

The Applicant proposes averaging the density between Lot 1 and Lots 2, 3 and 4, pursuant to Section 59-C-15.122 of the Zoning Ordinance, as the Property's CRT zoned lots are directly abutting, subject to the same sketch plan, and maximum residential density limits apply to the entire Project. This results in an overall FAR of approximately 1.65 for the entire Property.

The Project also incorporates the construction of a new road (Private Street "A") at its western border with 8401 Connecticut Avenue pursuant to the recommendations of the Sector Plan. Parking will be provided in townhouse garages and a below-grade parking structure.



*Illustrative Sketch Plan*

## Buildings

There are currently 68 rental garden apartments owned by HOC on the Property, which are proposed to be replaced with up to 329 new units including MPDUs and WFHUs as recommended by the Sector Plan. The multi-family building proposed on the west side of the Property will have a height of up to 100 feet. The townhouse units will serve as a transitional use stepping down from the multi-family building in a series of rows and will be up to 50 feet in height.

Parking for the multi-family residential building will be provided in a below-grade facility. All of the market-rate single-family townhouse units are proposed to have two-car garages. The MPDU units are proposed to have one-car garages.





*Illustrative Architecture*



*Illustrative Elevations*

## Open Space

The Project includes approximately 10% of the net lot area of the Property, or 20,569 square feet, as public use space pursuant to CRT zone requirements. The Applicant also proposes an additional 10,300 square feet, or approximately 5% of the Property, as public open space as a public benefit to support incentive density.

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

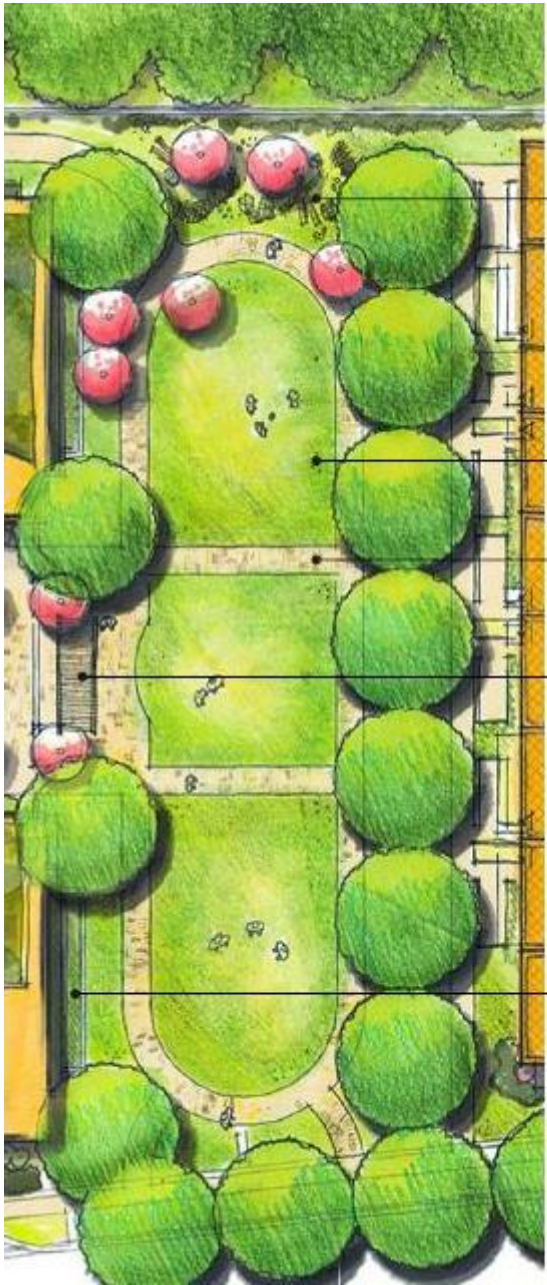
The ½-acre open space area is proposed to be designed to accommodate small-scale events, such as movies, markets or sports as well as facilities for daily recreation, including a pergola, sidewalks, benches, and a “playscape” with natural elements.

Since the Park will be available to the general public, Parks’ Staff believes that it should be owned and maintained by the Department of Parks who has significant experience with the management of parkland. The Department of Parks is requesting the following recommendations as a prelude to the future discussions:

1. The Applicant shall convey to M-NCPPC, in fee simple, the approximately ½ -acre of land located between the multi-family building and the townhouses to be used as a neighborhood park for the benefit of the existing and the new residents of the area. The exact boundaries of the land to be conveyed, as well as amenities to be included within the parkland, and layout of these amenities, to be agreed on by M-NCPPC, Department of Parks Staff and Applicant by time of certified Site Plan. Maintenance Access to Park dedication areas must be provided by Applicant and be acceptable to Parks Staff.
2. Park maintenance to be the primary responsibility of the Department of Parks. However Department of Parks Staff and the Applicant shall establish mutually agreeable standards for the upkeep of the amenities and lawn maintenance of the parkland by time of certified Site Plan.
3. Proposed parkland to be fully covered with durable lawn area grass without being bisected with paved trails. The Applicant shall provide adequate landscaping, trails/pathways and various seating areas and tables within the Park as agreed and as acceptable to the parties.
4. Amenities in the proposed Park to be provided by the Applicant and to be constructed to Park Standards and Specifications.

During the Preliminary and Site Plan process, the Applicant will continue to work with Department of Parks on the ownership and design of the Park. While any dedication of land to the Parks Department will be resolved at Preliminary Plan, the exact boundaries of the land, the amenities to be included within the Park, and layout of these amenities, must be agreed upon by M-NCPPC, Department of Parks Staff and Applicant by time of Site Plan.





PLAYSCAPE AREA

OPEN LAWN

LEAD WALKS

TRELLIS

BIO RETENTION  
PLANTERS

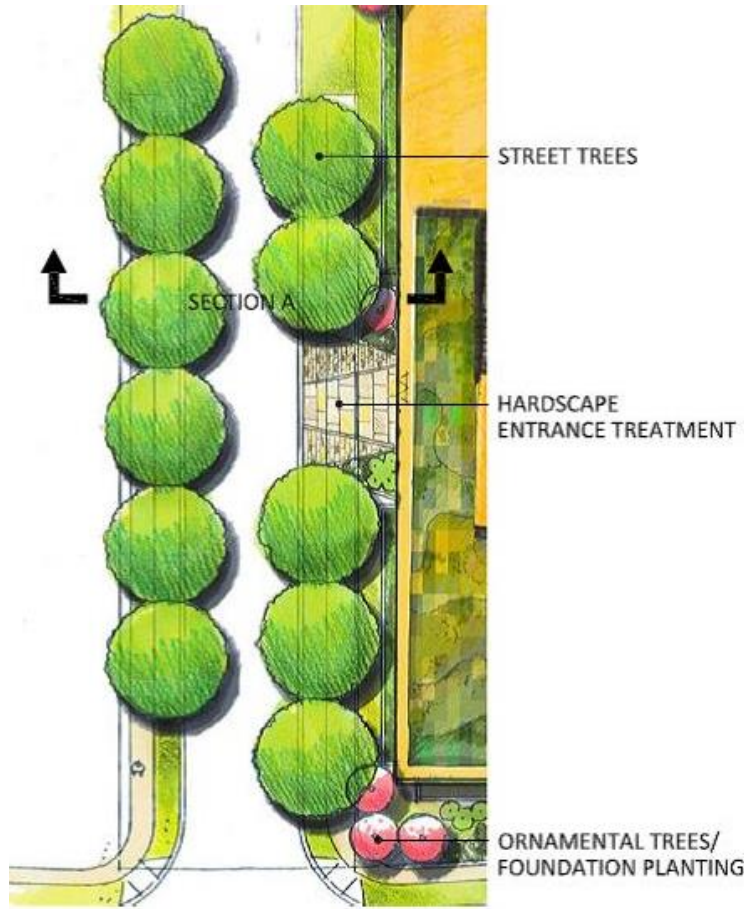
*Park Concept Plan*



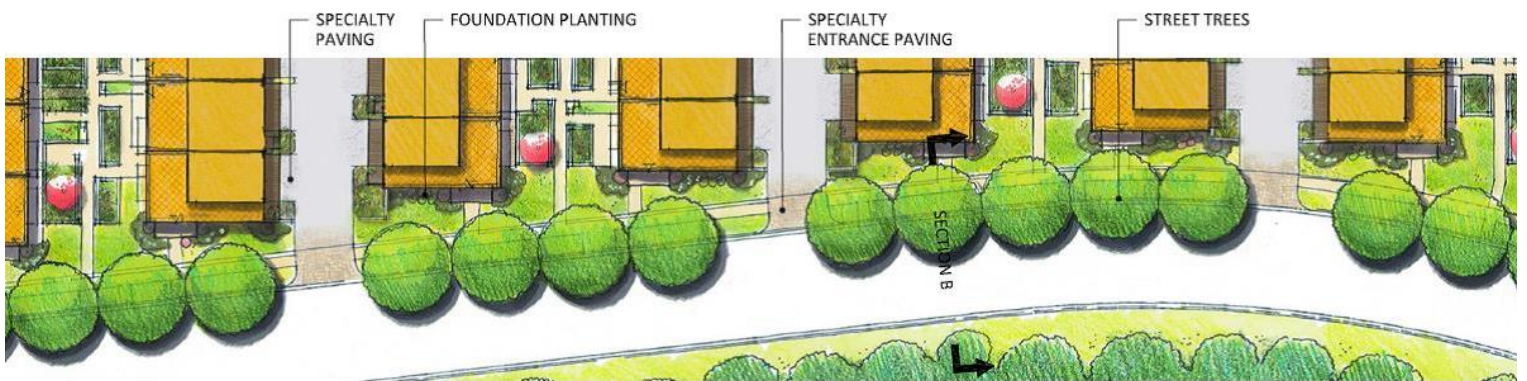
*Park Site Perspective*



Other proposed public open space areas including areas surrounding the multi-family building, along proposed Private Street "A", and behind the proposed streetscape along Chevy Chase Lake Drive. The Project will also incorporate residential amenity areas in the multi-family building, such as a landscaped courtyard. Pursuant to the CRT zone development standards, the amount of residential amenity space will be determined at Site Plan based on the final approved unit count. The multi-family building and the single-family townhouse units will also feature private rooftop amenity spaces. The townhouse layout is designed to provide individual courtyard spaces in front of each unit off a center sidewalk. Additionally, each unit will have a rooftop terrace and option for a rear deck.



*Illustrative Landscape Concept- Private Street "A"*

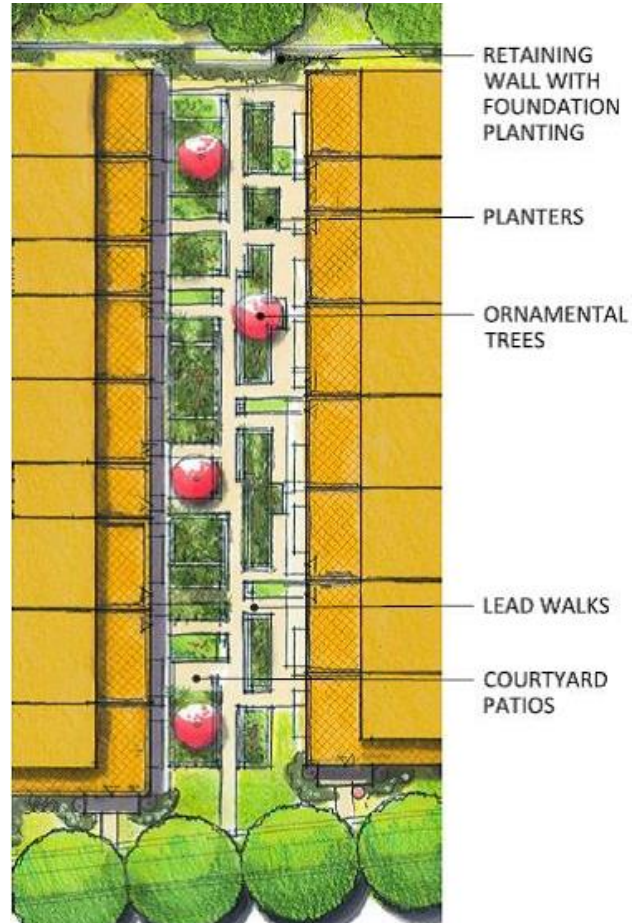


*Illustrative Landscape Concept- Chevy Chase Lake Drive*

The Project also proposes significant environmental site design (“ESD”) facilities implemented to the maximum extent practicable for stormwater management. Currently, the Property does not contain any stormwater management facilities. The Applicant proposes to treat runoff by including green roofs and planter box micro-bioretenion facilities on the multi-family building, and micro-bioretenion facilities in the private courtyards for the single-family townhomes. The remaining runoff is proposed to be captured by stormwater management vaults and filters located along Chevy Chase Lake Drive. Additionally, silva cells will be incorporated in the design of Private Street “A”.



*Illustrative Multi-family Roof & Courtyard*



*Illustrative Townhomes Courtyard*

Environment

*Environmental Guidelines*

On July 3, 2014, Staff received a copy of a May 29, 2014, letter from the Maryland Department of Natural Resources (DNR) to the Applicant’s engineer (Attachment A) regarding Rare, Threatened, & Endangered species (RTEs). The letter was generated in response to the Applicants’ request to the DNR for information on the presence of any RTEs in the vicinity of the subject site, as required elements of the NRI/FSD application.

The DNR reported that the subject property is in close proximity to a colony of Yellow-crowned Night Herons (*Nyctanassa violacea*) that have been documented along Coquelin Run. The letter states:

This species is considered to be a rare breeding species in Maryland, and significant mortality of chicks or eggs resulting from disturbance of the colony during 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 provides a number of guidelines to protect the Heron colonies which includes various zones of protection extending a prescribed radius from the colony. Presently the location of the colony (and the associated zones of protection) are not known to Planning Staff (the precise locations of RTEs are typically not disclosed). However, Staff is presently coordinating with DNR Staff on more specific technical advice on the Heron protection. A condition of approval is included relative to the protection of the RTEs.

The Coquelin Run stream runs parallel to the Subject Property on the south side of Chevy Chase Lake Drive. The stream is within a forested area that contains many significant and specimen trees. The stream also features a waterfall, which is a rare occurrence in the County. A tributary to Coquelin Run is situated near the northwest corner of the Property. The tributary stream channel runs underneath a bridge that was originally built for the B&O Railroad.

There are Stream Valley Buffers (SVBs) that extend into the Subject Property along portions of Chevy Chase Lake Drive and at the northwest corner of the Property; however, the exact locations of the SVBs are still under review. The submitted NRI/FSD has not accurately depicted the buffers due to a number of issues related to slope gradients, the top of bank locations (where the buffer emanates from) and the locations of the 100-year floodplain (discussed further below). In certain locations there are existing slope ranges associated with stream channels that are  $\geq 15\%$ . Therefore, a 125' SVB will be required in corresponding locations instead of the 100' buffer currently shown on the submitted NRI/FSD.

The submitted NRI also shows the 100-year floodplain as occurring outside of the stream banks, but confined to the south side of the paving for Chevy Chase Lake Drive (portions of the 100-year floodplain are shown within the Chevy Chase Lake Drive ROW). However, M-NCPPC Floodplain information shows a more expansive 100-year floodplain with portions occurring within the southwest corner of the Property. Per the Environmental Guidelines (page 5), *where M-NCPPC 100-year ultimate floodplain delineation is available, the applicant shall use and identify that information unless more accurate delineation (based on hydrologic/hydraulic computations and/or detailed topography or field survey) is provided.*

The Applicant has reported that they are presently coordinating with the Montgomery County Department of Permitting Services (MCDPS) to determine if there is an existing floodplain study that was approved for the area. If an appropriate floodplain study is not found to exist then a detailed floodplain study will be prepared by the Applicant and submitted to DPS. The Environmental Guidelines also specify that "Final approval of the engineers' studies must be given by MCPDS prior to the Planning Board approval of development applications." A DPS approved floodplain study must be provided at the time of Preliminary Plan submission. If the approved floodplain study were to show portions of the 100-year floodplain located towards the north side of Chevy Chase Lake Drive then design changes would be necessary to address the implications of the floodplain along with the associated 25' building restriction lines.

The Environmental Guidelines and priorities of afforestation outlined in Forest Conservation Law emphasizes protection of stream buffer areas with planting within Category I easements. However, since the Property is adjacent to the proposed Purple Line Station, a balance of the competing interests must be considered. Providing density near transit locations and protecting stream buffers along with maintaining/increasing tree cover in urban areas are each important goals. Staff will continue to evaluate the SVB location and overlapping environmental features such as variance trees.



### Forest Conservation

Forest Conservation Law is not applicable to the project at its current stage, since applicability references in the Forest Conservation Law do not include sketch plans. Therefore, the Forest Conservation Plan submission and review will occur at a future stage.

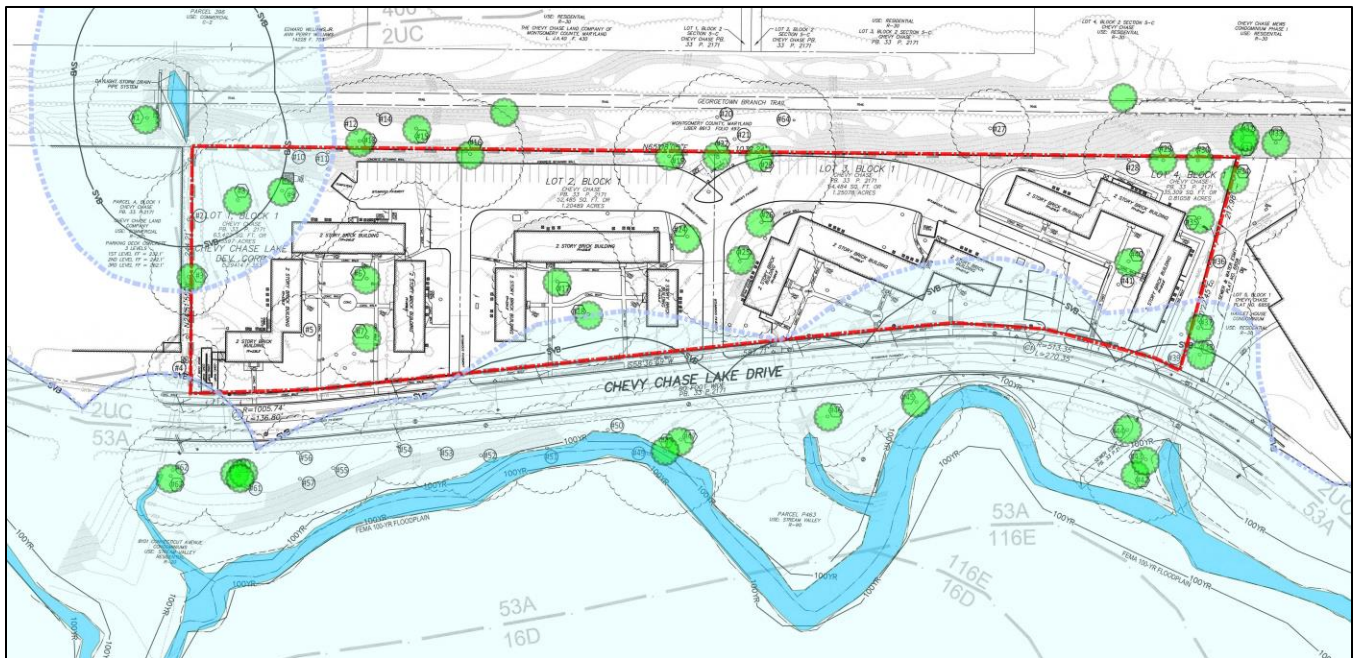
### Section 22A-4. Applicability

Except as otherwise expressly provided in this Chapter, this Chapter applies to:




- (a) a person required by law to obtain development plan approval, diagrammatic plan approval, project plan approval, preliminary plan of subdivision approval, or site plan approval; ...

Staff notes that the forest conservation planting requirements associated with the Property would be approximately 0.80 acres. However, the requirements may increase if there is a significant amount of offsite disturbance that would increase the net tract area.

As previously mentioned the actual extent of the environmental features such as subject forest area, SVB and 100-year floodplain are still under review. The forest conservation plans will address any tree preservation issues, forest clearing, the forest conservation planting requirements, variance tree removals/impacts/mitigation, and locations of any conservation easements.



Potential Environmental Impacts Exhibit

-  Potential variance trees
-  Stream Valley Buffer
-  Stream

### *Noise*

The proposed Purple Line and nearby transit station would likely generate some level of noise impacts to the Subject Property. A noise analysis is required at the time of Preliminary Plan to determine whether or not a sound wall and/or other noise mitigation techniques is needed.

The layout as proposed shows a new retaining wall at the property line shared with the Purple Line & Capital Crescent Trail corridor. The proposed townhouses are located a few feet from the new wall. The proposed layout would not allow for the installation and maintenance of a noise wall if required. A major repair or reconstruction of the retaining wall and/or potential noise wall would not be possible without extensive encroachments into the Purple Line transit corridor property. Therefore, a greater setback from the transit corridor areas may be necessary and would need to be evaluated with a noise analysis.

### Transportation

The Project is accessed by Chevy Chase Lake Drive. Pedestrian and bicycle access to the Property will be maintained along the property frontage sidewalk and public roadway. Resident parking is proposed to be contained within both single family residential dwelling unit garages and a structured parking facility within the multifamily residential building. Public on-street parking will be preserved except where restrictions are necessary to accommodate the new private alleys.

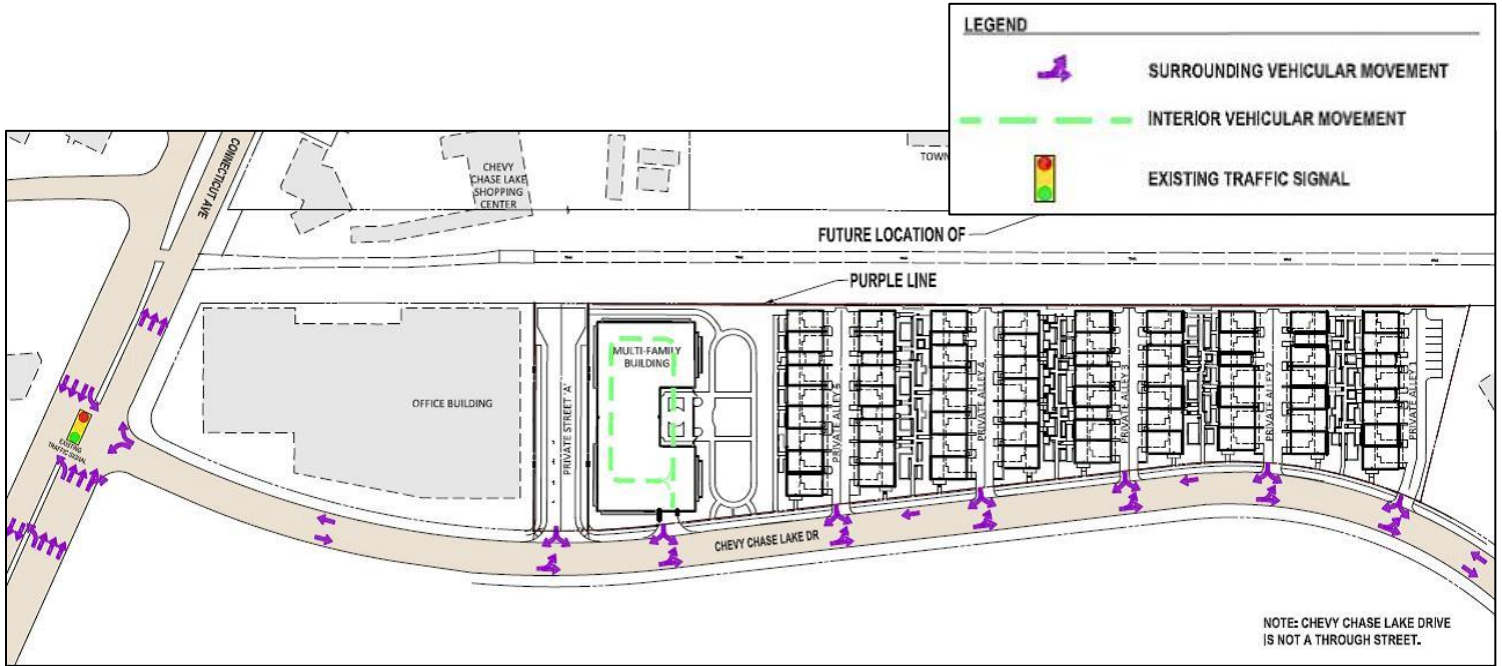
### *Circulation*

Vehicular access to the multi-family building parking garage is proposed directly off of Chevy Chase Lake Drive, approximately 500 feet east of Connecticut Avenue (MD 185). The townhouse units will also be accessed from Chevy Chase Lake Drive via five double-loaded private alleys, each of which will terminate in a dead-end along the north side of the Property. The private alleys will each provide access to approximately 15 townhouses. Internal pedestrian and bicycle circulation will be accommodated by the frontage sidewalk, pathways through the proposed open space, and pedestrian mews associated with each row of townhouses.

Chevy Chase Lake Drive is currently improved as a 36 foot-wide roadway within a 60 foot-wide public right-of-way, a configuration that is intended to remain as a result of the proposed development. As a roadway with only 60 feet of right-of-way, Chevy Chase Lake Drive is considered a Secondary Residential roadway and is restricted by Montgomery County Code to no more than 200 residential dwelling units. The proposed development will increase residential density above the 200 dwelling unit threshold. Although this road does not meet the current standards for minimum right-of-way width (70'), it functions as a Primary Residential Roadway with two travel lanes and two on-street parking lanes. As a result of the roadway failing to meet current right-of-way standards for a Primary Residential roadway, additional right-of-way dedication may be required along the Chevy Chase Lake Drive frontage. Any requirement of right-of-way dedication may alter the final quantity of residential dwelling units and overall site design.

The Applicant proposes to construct Private Street "A", a master planned business district roadway, along the western edge of the Subject Property. This roadway will be entirely contained within a separate 60 foot-wide parcel subject to a public access easement, under the conditions specified in the Sector Plan; the details will be finalized during Preliminary Plan review. Private Street "A" will be a segment of a new local street (B-1) recommended in the Sector Plan that will enhance connectivity by linking Chevy Chase Lake Drive with Manor Road (P-14), providing access to the planned Purple Line light rail station, and serving as a shared roadway for bicycles as recommended in the Sector Plan. Although Private Street "A" is shown in accordance with the conceptual alignment depicted in the Sector Plan, the ultimate alignment will be determined at the time of Preliminary Plan in coordination with the Montgomery County Department of Transportation and Maryland

Transit Administration engineering requirements. Any modification to the proposed roadway alignment or site access points may alter the final quantity of residential dwelling units and overall site design.



*Vehicular Circulation Plan*

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



*Pedestrian/Bike Circulation Plan*



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

*Adequate Public Facilities*

Adequate Public Facilities (“APF”) review will be conducted at the time of Preliminary Plan. Although the subject application is not eligible for formal APF transportation review at Sketch Plan, Staff is including the following preliminary analysis of traffic impacts associated with the proposed development. The proposed development will generate 103 morning peak-hour trips and 138 evening peak-hour trips, which represents an increase of 73 morning peak-hour trips and 105 evening peak-hour trips over the existing 68 garden apartments (Table 1). As a result of the proposed transportation impact, a full traffic study will be submitted with the subsequent Preliminary Plan application.

Table 1: Proposed Chevy Chase Lake Project

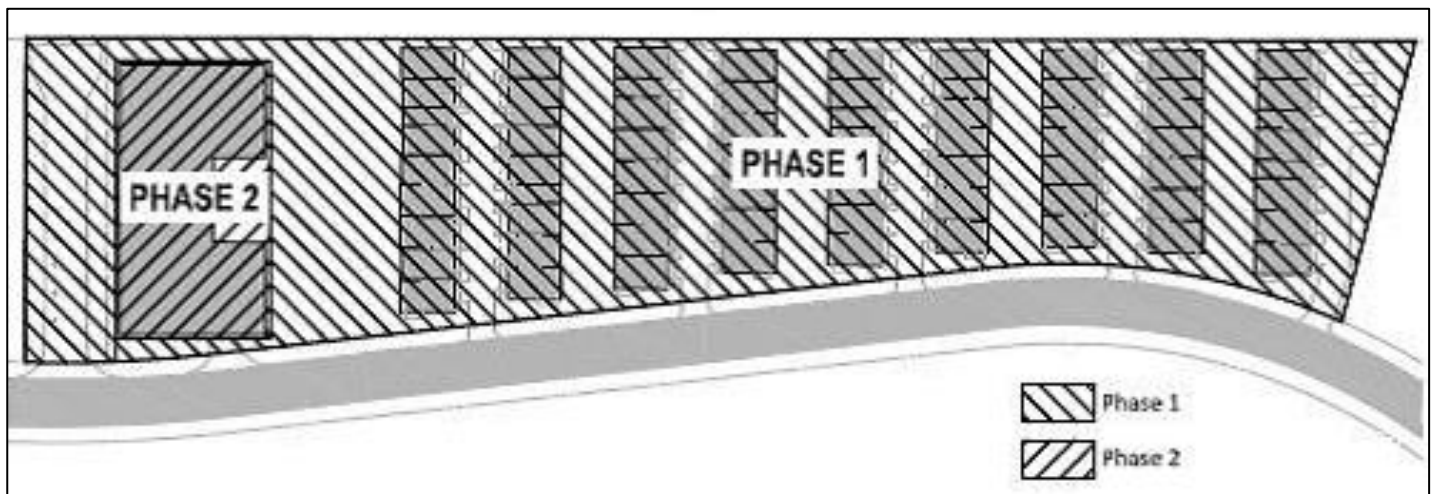
Trip Generation	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
<b>Existing (Credit)</b> 68 Garden Apartments	(6)	(24)	(30)	(22)	(11)	(33)
<b>Proposed</b> 70 Townhomes	6	28	34	39	19	58
200 High Rise Apartments	17	52	69	49	31	80
<b>Total</b>	<b>23</b>	<b>80</b>	<b>103</b>	<b>88</b>	<b>50</b>	<b>138</b>
<b>Net Increase</b>	17	56	73	66	39	105

Source: Temoss, LLC. Traffic Statement, dated March 25, 2014.

Phasing

The proposed development may be built in two phases. The Applicant requests flexibility to sequence the phasing in any order or combination. The Applicant also notes that phasing boundaries may be adjusted and the density of phases shifted at the time of Preliminary Plan or Site Plan review to reflect demands of the market at the time. The proposed phasing is as follows:

- Phase I will comprise CC Associates, LLC’s redevelopment of Lots 2, 3, and 4, Block 1 of the Property with the townhouse units, along with the approximately ½-acre public open space area and Private Street “A” required by the Sector Plan.
- Phase II will encompass HOC’s multi-family building proposed for Lot 1, Block 1 of the Property.



*Proposed Phasing Plan*

### **Sector Plan Conformance**

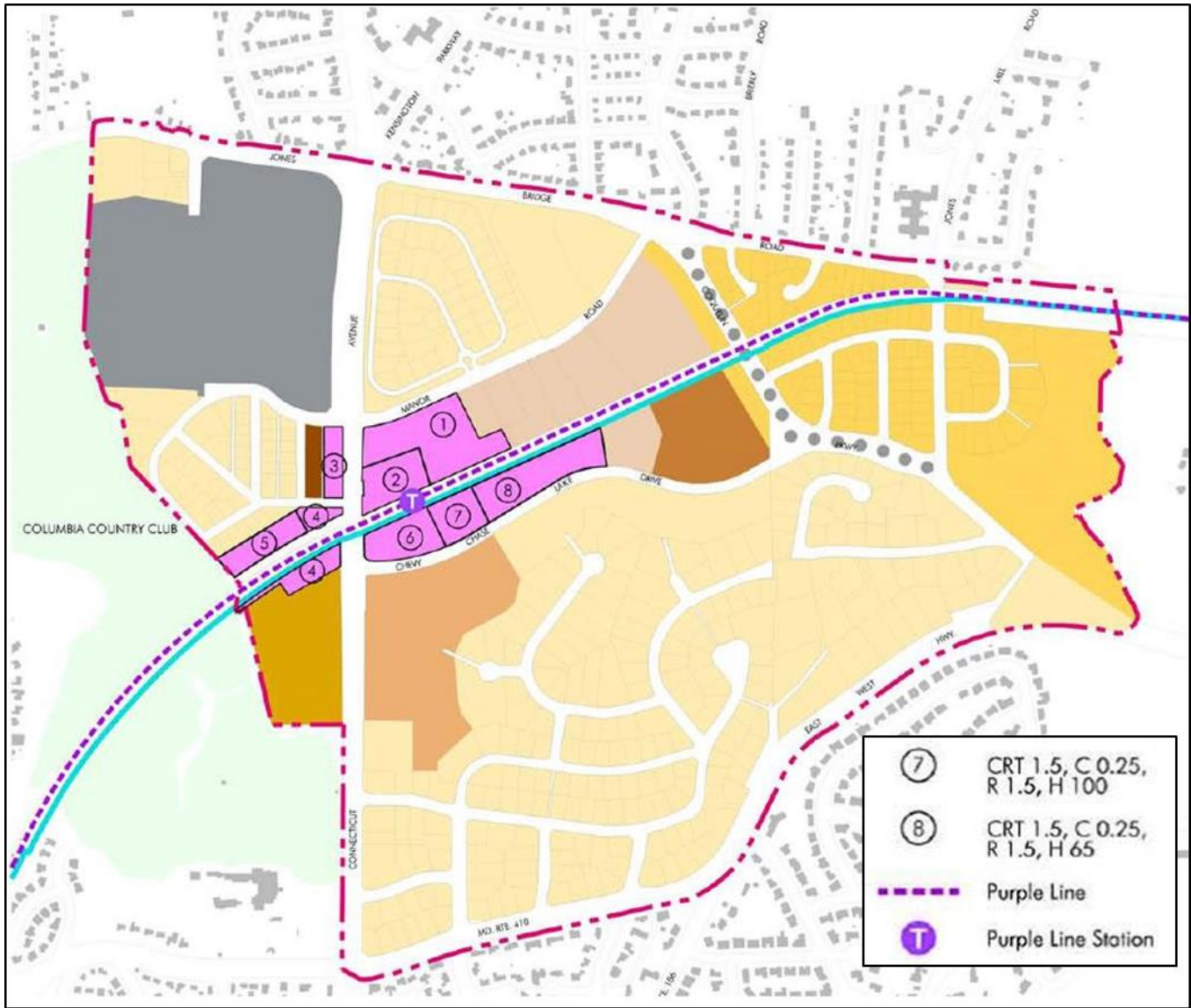
The Property, which currently contains 68 garden apartments in multiple 2-story structures, is zoned CRT 2.0, C-0.25, R-2.0, H-100' and CRT 1.5, C-0.25, R-1.5, H-50', and is subject to the recommendations of the Chevy Chase Lake Sector Plan approved and adopted by the Montgomery County Council ("County Council") in July 2013.

The Sector Plan recommended rezoning Lot 1 of the Property from R-30 to CRT 2.0, C-0.25, R-2.0, H-100' and Lots 2, 3, and 4, from R-30 to CRT 1.5, C-0.25, R-2.0, H-50' in order to provide an appropriate transition and step-down from the 8401 Connecticut Avenue office building eastward towards the interior of the Chevy Chase Lake neighborhood. On March 11, 2014, the County Council's adopted Sectional Map Amendment G-958 in Resolution No. 17-1019 rezoning the Property from R-30 to CRT 2.0, C-0.25, R-2.0, H-100' and CRT 1.5, C-0.25, R-2.0, H-50'.

The Sector Plan contains specific guidance for the Property's redevelopment. The Plan requires the Property be the subject of a sketch plan and provide certain public benefits in order to proceed with redevelopment prior to the start of Purple Line construction between Bethesda and Silver Spring. The Plan envisions that developments on properties including an "extraordinary amount of affordable housing" (defined for the multi-family building as a minimum of 20% MPDUs in addition to a minimum of 20% WFHUs, and for the townhouses a minimum of 15% MPDUs), such as this Project, would be permitted to proceed in the Sector Plan's first stage prior to the start of the Purple Line construction between Bethesda and Silver Spring (County Council Resolution No. 17-857, pg. 3).

Specifically, incentive density permitted by the CRT Zone must be supported by providing the construction of the full-width roadway from Chevy Chase Lake Drive to the Purple Line right-of-way, including sidewalks, street trees, and streetscape pavers as described in the forthcoming Design Guidelines and dedication of, or provision of public access easements for the full-width right-of-way. In addition, within the HOC multi-family building, a minimum of 20% MPDUs or HOC affordable units at or below 60% of the area median income (AMI) must be provided. A minimum of 20% WFHUs of the total number of units must also be provided. The WFHUs must be built under a regulation of binding agreement that limits the sales price or rent charged for a specified control period and ensures that the WFHUs are affordable to a full range of eligible households (up to 100% of AMI). The Applicant proposes 35 MPDUs (20%) and 35 WFHUs (20%), assuming 175 multi-family units. The final unit count will be determined at Site Plan.

With respect to the balance of the Property on Lots 2, 3, and 4, the Sector Plan requires the provision of a minimum of 15% MPDUs, as well as the dedication of, or a public access easement for, the approximately ½-acre public space associated amenities designed to M-NCPPC Parks Department standards, as described above in the Open Space Section (pages 8-9). The Applicant proposes 11 MPDUs (15%), assuming 70 townhouse units. The final unit count will be determined at Site Plan.



CRT

2013 Chevy Chase Lake Sector Plan-Zoning

Although the Design Guidelines for the Chevy Chase Lake Sector Plan have not been finalized, the Applicant must demonstrate conformance with them at the time of Site Plan(s).



## Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. On March 17, 2014, the Applicant held a pre-submittal public meeting at the Chevy Chase Community Library. Staff has received phone calls from current residents of the Property in regards to tenant relocation. On April 23, 2014, HOC held a resident's forum at the 4H Club (7100 Connecticut Ave) to discuss the Project. Approximately 30 residents attended the meeting. The forum was hosted by HOC employees as representatives of the Owner as well as members of the property management staff. A presentation on the Project was made, followed by a question and answer session. After the forum, HOC sent a summary of the presentation and the Q&A out the residents via the property management staff. HOC will meet with the residents on a quarterly basis through the end of 2014 with more frequent meetings to be held as the Project progresses. At the time of Preliminary Plan, the Applicant will provide a Relocation Plan to Staff.

Staff also received written correspondence with concerns including traffic, parking, building/construction congestion, schools, and the aesthetics of the Project (Attachment B). At the time of Sketch Plan, the locations of public use and open spaces, pedestrian, bicycle, and vehicular circulation, parking and loading, and building densities, massing, heights and mix of uses are conceptual and will be addressed in further detail at the time of Preliminary and Site Plans.

- Traffic: A full traffic study will be submitted with the subsequent Preliminary Plan application.
- Parking: Vehicular access to the multi-family building parking garage is proposed directly off of Chevy Chase Lake Drive. The townhouse units will also be accessed from Chevy Chase Lake Drive via five double-loaded private alleys, each of which will terminate in a dead-end along the north side of the Property. Parking for the multi-family residential building will be provided in a below-grade facility. All of the market-rate single-family townhouse units are proposed to have two-car garages. The MPDU units are proposed to have one-car garages. The final number of parking spaces will be determined at Site Plan(s) when the final number of residential units is determined.
- Building/Construction Congestion: A full traffic study will be submitted with the subsequent Preliminary Plan application.
- Schools: Public facilities, including schools, will be accessed at the time of Preliminary Plan.
- Aesthetics: The multi-family building proposed on the west side of the Property will have a height of up to 100 feet. The townhouse units will serve as a transitional use stepping down from the multi-family building in a series of rows and will be up to 50 feet in height. The Applicant has provided conceptual elevations of the townhouses and further details regarding the architecture of the multi-family building and townhouse units will be determined at Site Plan.

## Coordination for Future Regulatory Reviews

In addition to other requirements of Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance, the Applicant must address the following during the applicable Preliminary Plan and Site Plan reviews:

1. Issues detailed in the Montgomery County Department of Transportation (MCDOT) letter dated June 24, 2014.
2. Provide a traffic study, per the Maryland State Highway Administration (SHA) letter dated May 16, 2014.

3. Coordinate with MCDOT and M-NCPPC to address the following topics:
  - a. The final extent, delineation and alignment of any private rights-of-way 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.
  - b. Provide sidewalk and streetscaping along Chevy Chase Lake Drive at the property frontage in accordance with the Draft Design Guidelines for the Chevy Chase Lake Sector Plan and the County's Context Sensitive Road Design Standards, which must comply with the American with Disabilities Act.
4. Provide a Relocation Plan for the current residents.
5. Coordination with Maryland Transit Administration (MTA).
6. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements.
7. At time of Preliminary Plan submission, the Applicant must submit a noise analysis prepared by an engineer specializing in acoustics that quantifies the existing and projected noise levels and addresses the type and locations of noise mitigation techniques that may be required to appropriately attenuate noise levels for any affected dwelling units and areas of common outdoor activity as applicable.
8. DPS approval of a detailed floodplain study must be provided at the time of the Preliminary Plan submission.
9. Finalize the NRI/FSD to show all environmental and stream valley buffers.

#### **SECTION 4: PROJECT ANALYSIS AND FINDINGS**

Section 59-C-15.43(c) of the Zoning Ordinance states: "In approving a sketch plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:"

1. *meet the objectives, general requirements, and standards of this Division [59-C-15];*
  - I. The Sketch Plan meets the objectives of Section 59-C-15.2. Specifically, the proposed development will:
    - a) *Implement the policy recommendations of applicable master and sector plans.*

As described in the Sector Plan Conformance Section on page 18, the Project will provide needed affordable housing proximate to existing and future transit, enhance community connectivity, and create a desirable public open space.

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

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

- c) *Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities.*

The Project will offer diverse housing types targeted to a wide variety of incomes, including MPDUs and WFHUs, as well as effectively maximizing residential densities near existing transit and the adjacent planned Purple Line station, retail services, employment centers, and recreational amenities in order to reduce automobile reliance.

- d) *Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors.*

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

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

The Project will offer diverse housing types targeted to a wide variety of incomes, which includes market-rate units, MPDUs and WFHUs.

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

The Project will provide the required public benefits from a minimum of three categories to achieve the desired incentive density above the standard method limit.

II. The Sketch Plan meets the general requirements of Section 59-C-15.6 as follows:

*Section 15-C-15.61 - Master Plan and Design Guidelines Conformance*

The Project conforms to the Sector Plan and Design Guidelines as outlined in Finding #2 below.

*Section 59-C-15.62 - Bicycle Parking Spaces and Commuter Shower/ Change Facility*

The Project will provide the minimum required number of bicycle parking spaces for residents and visitors and commuter shower/change facilities within each building. Details will be provided at the time of Site Plan(s).



Section 59-C-15.63 - *Parking*

The proposed number of parking spaces satisfies the minimum and maximum as outlined in the Section. The final number of parking spaces will be determined at Site Plan(s) based on the number of residential dwelling units.

III. Section 59-C-15.7 - *Development Standards*

The Sketch Plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

<b>Project Data Table</b>			
<b>Section 59 - C</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
	<b>Gross Tract Area (sf)</b> Lot 1: CR2.0, C0.25, R2.0, H100 Lots 2,3 and 4: CR1.5, C0.25, R1.5, H50 TOTAL	n/a n/a	<b>71,556</b> <b>163,814</b> <b>235,370</b>
<b>15.71</b>	<b>Density (sf)</b> <i>Non-residential (C)</i> Lot 1 Lots 2, 3 and 4 <b>subtotal</b>	17,889 <u>40,953.5</u> <b>58,842.5</b> <b>(0.25 FAR)</b>	0 <u>0</u> <b>0</b> <b>(0 FAR)</b>
	<i>Residential (R)</i> Lot 1 Lots 2, 3 and 4 <b>subtotal</b>	143,112 <u>245,721</u> <b>388,833</b> <b>(1.65 FAR)</b>	177,833 <sup>1</sup> <u>211,000</u> <b>388,833</b> <b>(1.65 FAR)</b>
	<b>TOTAL CR DENSITY</b>	<b>447,675.5</b> <b>(1.9 FAR)</b>	<b>388,833</b> <b>(1.65 FAR)</b>
<b>15.71</b>	<b>Building Height (feet)</b> Lot 1 Lots 2, 3 and 4	100 50	up to 100 up to 50
<b>15.72</b>	<b>Minimum Setback</b> From adjacent residential From R.O.W.	25' 0'	25' 0'
<b>15.73</b>	<b>Minimum Public Use Space (%)</b> <b>On-site Public Use Space (sq. ft.)</b>	10 20,570	15 <sup>2</sup> 30,900
<b>15.74</b>	<b>Residential Amenity Space (sq. ft.)</b>	3,500	3,500 <sup>3</sup>

<sup>1</sup> Including 34,721 square feet averaged from CRT 1.5-zoned properties, under section 59.C-15.122.

<sup>2</sup> Included 5% public open space incentive over the required 10% public use space.

<sup>3</sup> Assumes 175 multi-family units, final unit count and space required to be determined at Site Plan(s).

<b>15.631</b>	<b>Parking (spaces)</b>		
	Multi-family	140	200
	Townhouses	<u>129</u>	<u>129</u>
	TOTAL <sup>4</sup>	269	329

2. *further the recommendations and objectives of the applicable master or sector plan;*

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

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

Density and Building Height

The sketch plan densities adhere to the Sector Plan’s recommendations for density and height. The proposed multi-family buildings will be up to 100 feet in height and the townhouses will be up to 50 feet, which is consistent with the Sector Plan building height recommendations. The structures step down in building heights away from Connecticut Avenue along Chevy Chase Lake Drive to create an appropriate transition from commercial areas to established residential neighborhoods.

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<sup>4</sup> The final number of parking spaces will be determined at Site Plan(s) when the final number of residential units is determined.

### Transportation Network

The proposed streets are consistent with Sector Plan recommendations and the Applicant must demonstrate conformance with the Design Guidelines for the Chevy Chase Lake Sector Plan at the time of Site Plan(s).

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

### Public Use

The proposed public use spaces are consistent with the Sector Plan recommendations. The Sector Plan recommends a new Neighborhood Green Urban Park, to be located on the eastern portion of the Property. It must be at least ½-acre and designed per Parks Department standards. The Project includes an approximately ½-acre new public open space with attractive amenities and designed to Parks Department standards, which will be located between the planned multi-family building and the single-family townhouses. Since the Park will be available to the general public, Parks' Staff believes that it should be owned and maintained by the Department of Parks who have significant experience with the management of parkland. During the Preliminary Plan and Site Plan process, the Applicant will finalize the details of the ownership and design of the Park with Department of Parks.

### Environment

The Sector Plan contains several recommendations to preserve and restore environmental features while minimizing the impact of future development including expanding the existing tree canopy and promoting sustainable site and building design to mitigate negative environmental impacts. The Project illustrates vegetated areas throughout the Property and a vegetated roof on the multi-family building along with micro-bioretenion facilities, silva cells, and stormwater management vaults. The Plan also recommends maximizing tree cover for new development with overall goals of 25 to 30 percent tree canopy in the Chevy Chase Lake Center area. New development should also retain or improve canopy cover throughout the Plan area, within street medians, along new and existing streets, and in surface parking areas

At Site Plan(s), the Applicant must demonstrate how each recommendation in the Plan will be achieved.

3. *achieve compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

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

- Building heights, as recommended in the Sector Plan, provided compatibility with nearby buildings by appropriately stepping down building height along Chevy Chase Lake Drive. The Sketch Plan depicts that the building height of the multi-family building on the western portion of the Property will be up to 100 feet, which is consistent with the existing and taller 8401 Connecticut Avenue multi-story office building, while the townhouses on the remaining portion of the Property will taper down to up to 50 feet, creating a suitable relationship with the multi-family and single-family residential uses on Chevy Chase Lake Drive further to the east;



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

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

The Project enhances circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists.

Specifically, it provides:

- Multiple points of access to Chevy Chase Lake Drive: one entrance for the multi-family building, and several private alleys serving the single-family attached homes. To facilitate efficient vehicular access, many of these alleys will serve two rows of single-family attached homes;
- Increased parking for bicycles and sufficient vehicular parking, for residents and visitors;
- Parking for the multi-family building consists of the majority of the Project’s proposed parking spaces, 60% of the parking will be contained in a below grade structure;
- All of the market-rate single-family attached units are proposed to have two car garages;
- Construction of Private Street “A,” a segment of a new local road that will increase connections with the surrounding street network in the future by linking Chevy Chase Lake Drive with Manor Road, providing access to the planned Purple Line rail station, and accommodate vehicles, pedestrians, and bicycles; and
- Enhanced sidewalks and streetscaping along Chevy Chase Lake Drive and Private Street “A,” provide safe access to the future Purple Line station, nearby neighborhoods, as well as cycle tracks and shared use paths.

5. *propose an outline of public benefits that supports the requested incentive density;*

The Application includes public benefits that address the general incentive and density considerations required by Section 59-C-15.83. The public benefits:

- a. Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing the diversity of housing, general sustainability measures, and connectivity improvements;
- b. Meet “the CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area” by providing the proper calculations and criteria for each public benefit including transit proximity, affordable housing, structured parking, public open space, vegetated areas, and vegetated roof;
- c. Are appropriate for “the size and configuration of the tract” by improving the existing configuration of surface parking lots and replacing them with structured parking to allow for public use and public open spaces close to transit;
- d. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights and creating areas of open space that complements the existing character of the area;
- e. Consider “the presence or lack of similar public benefits nearby” through the provision of affordable housing, environmental benefits, public open space, and pedestrian connections, all of which are currently needed in this area; and

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

<b>Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Max Allowed</b>	<b>Requested</b>	<b>Recommended</b>
<b>59-C–15.852: Transit Proximity</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>59-C–15.854: Diversity of Uses and Activities</b>			
<b>Affordable Housing</b>	<b>40</b>	<b>37.5</b>	<b>37.5</b>
<b>59-C–15.855: Quality of Building and Site Design</b>			
<b>Structured Parking</b>	<b>20</b>	<b>12.1</b>	<b>12.1</b>
<b>Public Open Space</b>	<b>20</b>	<b>5</b>	<b>5</b>
<b>59-C–15.856: Protection and Enhancement of the Natural Environment</b>			
<b>Vegetated Area</b>	<b>10</b>	<b>5</b>	<b>5</b>
<b>Vegetated Roof</b>	<b>15</b>	<b>7.5</b>	<b>7.5</b>
<b>TOTAL</b>	<b>130</b>	<b>82.1</b>	<b>82.1</b>

Transit Proximity

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

Diversity of Uses and Activities

**Affordable Housing:** The Applicant requests 37.5 points for providing 20% of the multi-family units as MPDUs or HOC Affordable units at or below 60% of the area median income and 15% of the townhouses to be MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (assuming 175 multi-family units and 70 townhouses). The Applicant’s initial estimate of providing 46 MPDUs yields 37.5 points. Final number of MPDU units to be determined at Site Plan. Staff supports the Applicant’s request.

Quality of Building and Site Design

**Structured Parking:** The Applicant requests 12.1 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. The initial estimate of 129 spaces above grade and 198 below-grade yields a total of 16 points (3.9 points for above grade parking and 12.1 points for below grade parking) with final parking counts to be determined at Site Plan(s). Staff supports 12.1 points for this benefit.

**Public Open Space:** The Applicant requests 5 points for open space in addition to the minimum 10% public use space required. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The conceptual layout yields 10,300 square feet of additional open space above the required square feet of public use space for a total of 5 points. The open space will be: directly accessible to a street; open to the public; designed so that the loading or parking facilities are screened or faced with active uses, contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide; designed so that walls of any residential floor area facing the open space have windows on at least 60

percent of the façade between three and eight feet; and designed so that any dwelling unit facing the open space will have access to the open space. Staff supports 5 points for this benefit.

Protection and Enhancement of the Natural Environment

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

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

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

As described earlier, the proposed development may be built in two (2) phases. Phase I will comprise CC Associates, LLC’s redevelopment of Lots 2, 3 and 4, with approximately 70 townhouses, along with the ½-acre public open space area and Private Street “A” required by the Sector Plan as described above. Phase II will encompass HOC’s multi-family building (approximately 175 units) proposed for Lot 1. Phases may be sequenced in any order or combined, phase boundaries may be adjusted, and the density of phases shifted at the time of Preliminary Plan or Site Plan approval.

The table below shows the public benefits Staff recommends by each phase of development:

<b>Public Benefits Calculations-Phased</b>			
	<b>Points Recommended</b>	<b>Phases</b>	
		<b>Phase 1-Lots 2-4</b>	<b>Phase 2-Lots 1</b>
<b>Transit Proximity</b>	15	4.3	10.7
<b>Diversity of Uses and Activities</b>			
Affordable Housing	37.5	10.7	26.8
<b>Quality of Building and Site Design</b>			
Structured Parking	12.1	0	12.1
Public Open Space	5	5	0
<b>Protection and Enhancement of the Natural Environment</b>			
Vegetated Area	5	5	0
Vegetated Roof	7.5	0	7.5
<i>TOTAL</i>	<i>82.1</i>	<i>25</i>	<i>57.1</i>

The required site improvements, circulation facilities, and a proportional amount of public benefits will be provided at each phase. A full development program to establish phasing of the elements required by this Application will be developed and analyzed during subsequent Site Plan review.



## **CONCLUSION**

The Project satisfies the findings under Section 59-C-15.43(c) of the Zoning Ordinance and substantially conforms to the recommendations of the Chevy Chase Lake Sector Plan. Therefore, staff recommends approval of the Sketch Plan with the conditions specified at the beginning of this report.

## **APPENDICES**

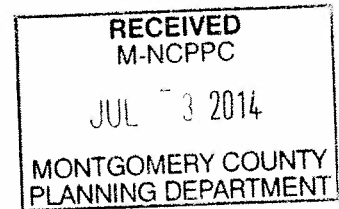
- A. DNR Letter
- B. Community Correspondence
- C. Agency Letters



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

May 29, 2014

Mr. George R. Warholic  
 VIKA, Inc.  
 20251 Century Blvd., Suite 400  
 Germantown, MD 20874



**RE: Environmental Review for Chevy Chase Lake Apartments, Lots 1-4 of Block 1, Bethesda, 3719 Chevy Chase Lake Drive, Montgomery County, Maryland.**

Dear Mr. Warholic:

The Wildlife and Heritage Service's Natural Heritage database indicates that this project site falls within close proximity to a colony of Yellow-crowned Night Herons (*Nyctanassa violacea*) documented along Coquelin Run. This species is considered to be a rare breeding species in Maryland, and significant mortality of chicks or eggs resulting from disturbance of the colony during the breeding season is a violation of the U.S. Migratory Bird Treaty Act. Disturbance includes actions such as cutting nest trees, cutting nearby trees or nearby construction that causes abandonment of chicks by the adults.

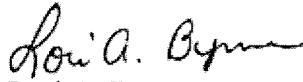
Yellow-crowned Night Herons establish nesting colonies in wooded areas that are relatively predator- and disturbance-free, despite the urban nature of the overall area in some cases. Such colonies may vary in number of birds and even be ephemeral from year-to-year. Colony sites are often adjacent to water, in forested non-tidal wetlands and/or floodplains. Colony sites are rare and as Maryland continues to grow and develop, secure nest sites for herons will become scarcer. The standard guidelines we routinely provide to planners and developers in order to protect heron colonies are:

1. Establish a protection area of ¼ mile radius from the colony's outer boundary. Within this area establish three zones of protection: Zone 1 extends from the outer boundary of the colony to a radius of 330 feet, Zone 2 extends from 330 feet to 660 feet in radius, and Zone 3 extends from 660 feet to ¼ mile (1320 feet).
2. During the breeding season, 15 March through 15 August, all human entry into Zone 1 should be restricted to only that essential for protection of the heron colony. Human disturbance of colony sites that results in significant mortality of eggs and/or chicks is considered a prohibited taking under various state and federal regulations.
3. No land use changes, including development or timber harvesting, should occur in Zone 1.
4. Construction activities, including clearing, grading, building, etc., should not occur within Zones 1 and 2.
5. Selective timber harvesting may occur in Zone 2, but clearcutting should be avoided.
6. No construction or timber harvesting activities should occur within the ¼ mile protection area during the Yellow-crowned Night Heron breeding season.

The Wildlife and Heritage Service provides assistance to those interested in protecting this resource. The above guidelines are usually suitable for protection of most Heron colonies. Specific protection measures depend upon site conditions, planned activities, colony site type and history, and other factors. For more specific technical advice regarding your project and Heron protection, please contact us with project details.

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# 2014.0622.mo  
Cc: D. Brinker, DNR

**OBSERVATIONS ON THE CHEVY CHASE LAKE DRIVE PROJECT**

BY

LEWIS R. MURRAY  
3544 HAMLET PLACE  
CHEVY CHASE, MD 20815  
JUNE 22, 2014

THE DEVELOPMENT PROPOSAL:

According to my conversation with a spokesman for EYA, the developer of this project, the Chevy Chase Lake Drive property now owned by the HOC, a Montgomery County entity, will be divided into two separate sections. The easterly and far larger portion will be transferred to the ownership of the developers, who plan to construct some 80 attached four-storey townhouses, all with private elevators and garages at ground level, on this portion of the site. Approximately 11 of these units will be available for sale at a "subsidized" rate (no figures currently available) to "qualifying" purchasers earning at or below the medium county annual family income of approximately \$100,000 (price, size and location of the units to be determined).

The remaining approximately 69 units will be sold at market price of one million plus dollars each to higher income "empty nesters". On paper at least this represents a total market value of \$80,000,000, give or take, not including the additional income to be derived from the sale of the "subsidized" units. The smell of money is very strong. Someone stands to do very well indeed out of this speculative initiative, and it will be at the expense of HOC "clients", local residents and the County as a whole.

In compensation, the HOC would have title to the multi-family building to be constructed by the developer on a much smaller site at the west end of the property. As projected, this building would be around ten storeys high, and be comprised of some 200 individual units, with underground parking for around 180 automobiles (still to be determined.)

The HOC would either rent or sell (this was not clear) approximately 130 of these units at market rate, and set aside approximately 35 units for rentals to medium income tenants with an average family income approximately \$100,000, and another approximately 35 units for lower income residents with an average annual family income of around \$60,000. All of these purchasers/tenants naturally would be subject to "qualification" standards. Presumably, there will also be monthly maintenance or condominium fees, although I have no indication as to how much these might be.

The so-called half-acre park or playground to be incorporated in the building project is to be located between the high-rise and the townhouse block. However as now designed, it will be little more than a "green space" in the middle of an elegant oval service road facing the high-rise's impressive entrance on its eastern side. While I am sure this would be attractive, such an arrangement is a long way from a "public park" as promised.



If my calculations are even approximately correct, the destruction of the existing HOC owned Chevy Chase Lake apartment complex, which has only recently undergone a multi-million dollar renovation, will result in the loss of the 68 rental units now available for middle and lower income residents, excluding of course the few lucky ones able to qualify for purchase of a "reduced rate" townhouse. In return, only about 70 or so of the new units in the high-rise will be available for similar HOC occupants. Whether the number is two or a maximum of twelve more units, these smaller size HOC offerings will be only marginally more than the 68 larger units available at present, with a decided decrease in "quality of living" for all concerned.

At the same time, the HOC stands to become landlord and/or manager of some 130 high-end or luxury apartments. I question whether this is within the intent of the HOC's original mandate. There is nothing there to indicate that HOC should operate as a for-profit real estate development enterprise. (See HOC Mission Statement on its web site).

The current tenants of the existing HOC property have been told that they must plan to vacate by next year, and they literally have no place to go in this their established neighborhood. These are the parents of the many locally-schooled children whom we see playing every afternoon on the green lawns which now surround the HOC property. I shall not belabor this point, but can one imagine all these and other similar families living in a 200 unit apartment building, with no place for their children to go after school except to the someday-to-be-built shopping mall around the corner?

A final observation. The EYA spokesman with whom I spoke told me that one of the objectives of HOC is to have its "clients" living in mixed neighborhoods, rather than in some sort of "ghetto". No one could describe the HOC's Chevy Chase Lake complex as a "ghetto". It is mixed racially and economically, is in one of the most desirable neighborhoods in Montgomery County, its apartments and grounds are spacious and well maintained, and its neighbors are a mixture of young and old, wealthy and middle income earners. All seem to be good neighbors. This politically correct "objective" simply does not wash. While it might be claimed that the County's tax base will be increased, I question whether this can be sufficient to cover the obvious increment in costs of providing additional water, sewer, power, street maintenance and other essential services, including trash collection for some 200 plus new households. And the social costs to the residents themselves?

#### THE PROBLEMS:

##### Traffic:

The traffic issue is principal to my opposition to this project as now conceived. In a few words, there is absolutely no way that Chevy Chase Lake Drive can accommodate the addition of over 200 housing units in this short and narrow dead-end street, even if the street is "improved" as proposed, whatever that means... probably nothing good.



Hundred of additional automobiles will be entering to and exiting from already congested Connecticut Avenue each morning and afternoon, causing multi-car backups and accidents on both streets. As things are now, it is already difficult to get out to Connecticut Avenue in the morning, with a traffic light that is GREEN only a few seconds, and which turns GREEN only after a long delay. I realize that the light could be reprogrammed, but this would cause even greater backups on Connecticut Avenue, the main north-south corridor in this part of the metropolitan area and to the Beltway.

Already access is limited further because of traffic which has to cross Chevy Chase Lake Drive entering and exiting the office building at the corner. And I stress that we are dealing with a dead-end street, with no exit other than to Connecticut Avenue. The proposed new exit street under the train tracks, west of the high-rise and leading to the expanded Chevy Chase Center, is at best a long way off, and it will not be operational until...when and if...the Purple Line is in place. While this might look good on paper, in practical terms, it is meaningless for the foreseeable future...if ever.

#### Parking:

Then there is the real question of parking. A development project of this size will invariably result in more on-street parking, no matter how many parking spaces are provide on site. In fact, between resident parking, office building parking and “day trippers”, cars are already lined up on both sides of the street every day as far down as Hamlet Place towards the end. And this is when commercial parking is already available at the office building, and when the existing HOC property already has ample resident spaces available (80 or more), as do the Condominium next door and Hamlet Place further on. As the result, all residents and visitors will suffer.

#### Building/Construction Congestion:

We have all long-suffered the traffic congestion involved in the construction of the Darcy Condominium and other buildings in Bethesda (mostly on formerly County-owned property facing Barnes and Noble), and it can only be described as an on-going nightmare. At least there the traffic pattern allows for restricted passage through the construction area, albeit barely. But with Chevy Chase Lake Drive being a dead-end street, one can only imagine the intolerable multi-year situation which will result from a similarly large construction project at the corner of Connecticut Avenue. Apart from enormous inconvenience, fire, police and emergency access in the entire area would be seriously compromised. I have seen no comment on this issue by either the developers or the County, although surely one must take this into consideration.

#### Schools:

Where in the world are the children who invariably will come with 200 plus new families to go to school? All of the near-by neighborhood schools are already crowded, if not over-crowded, and this is after extensive expansion at most of them in recent years. I understand that there is a process whereby developers make a certain “contribution” to

the County for school construction, but this in reality is merely for “show”....sort of like paying \$200 in play money to “get out of jail” in the Monopoly game we all know.

There is no certainty how any of this money will be spent or where it will be spent, nor whether it might be sufficient to remedy the problem, if indeed any remedy is possible. The entire school system is already under stress even in Montgomery County, one of the wealthiest counties in the country. The problem has been, and continues to be, under-planned and overly-ambitious growth. The Chevy Chase Lake Project is one such example.

Aesthetics:

While I realize that beauty is in the eye of the beholder, I do question the aesthetics of the project as outlined in EYA’s presentation, which I have seen on-line. The high-rise is overly-massive, and I do not see how it can be any less so by some so-called decoration, even some of those stuck-on useless tiny balconies so often seen. (Example, look at all these new constructions in Bethesda and Rockville to see where we are headed.)

And then crowded right next to the high-rise, with the oval driveway (aka playground/park) between, are nine rows of townhouses separated by five narrow “private alleys” opening directly to ground-level parking under living areas, serviced of course by private elevators. If there is any green space, (other than on the roofs if I read the proposal correctly) I beg to be corrected. I realize consideration is being given to various townhouse “styles” in the best upper-County tradition, but as presented by EYA, the only similar-looking construction that comes to mind is a High Security Federal Prison. Clearly, it could not have been possible to crowd one more building into the space available.

And apart from the aesthetics, which I admit are judgmental, I would imagine that there must be a problem of rainwater runoff, a serious ecological challenge in the County and the entire State of Maryland. If the loss of several acres of green space and multiple old growth trees has been considered, I do not recall having seen it mentioned. And finally, if I understand correctly, the developers have proposed that grass be planted on a portion of the tops of these townhouses? I hope I am mistaken, for I can not imagine that this innovative idea will “fit into” surroundings, as claimed. Nor can I imagine that all of these roof-top lawns would be well-tended by all of these new neighbors.

I recall a similar idea was proposed several years ago for a wooded site in Rome, Italy, which hardly has a reputation for enlightened management, and these costly new luxury apartments were advanced as “green spaces” as opposed to “construction”. Needless to say, the idea was quickly abandoned due to massive public derision from all income and social levels.

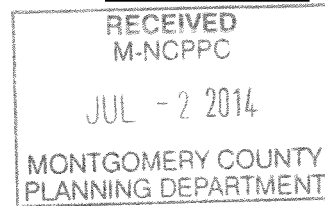
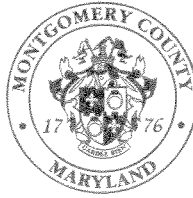
Respectfully submitted,

Lewis R. Murray

Tel./Fax: 301-951-8491

E Mail: lewmurray36@gmail.com





## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

June 24, 2014

Ms Stephanie Dickel, Planner Coordinator  
Area I Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Sketch Plan No. 320140030  
Chevy Chase Lake

*Stephanie*  
Dear Ms. Dickel:

We have completed our review of the above-referenced sketch plan dated April 24, 2014 for this project. The following comments are tentatively set forth for the subsequent submission of a preliminary plan:

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

1. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, etc.) on the preliminary plan.
2. Pay the Montgomery County Department of Transportation plan review fee in accordance with Montgomery County Council Resolution 16-405 and Executive Regulation 28-06AM ("Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents").
3. At the preliminary plan stage, provide a concept alignment and profile to extend Private Street "A" from Chevy Chase Lake Drive to Manor Road. The concept alignment should include an overlay of the proposed road location in the Sector Plan and the location of the bridge for the Purple Line. If your proposed alignment differs from the Sector Plan or the Purple Line, provide justification and analysis of alternatives considered.

---

**Division of Traffic Engineering and Operations**

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov



4. If master-planned Street "A" is constructed as a private road from Chevy Chase Lake Drive to the Purple Line, then the entire length of Street "A" to Manor Lane must also be constructed as a private road. The road must be constructed to public street standards per the sector plan and meet a set criteria for private designation. An agreement from the property owners north of the Purple Line must be recorded acknowledging that the entire length of the road will be constructed by the property owners.
5. Prior to submission of the preliminary plan, we recommend that the applicant coordinate with Mr. Donald Tusing of the Maryland Transit Authority to coordinate the conceptual layout of Private Street "A" with the Purple Line project. Mr. Donald Tusing may be reached at [dtusing@rkk.com](mailto:dtusing@rkk.com) or at 410-462-9238.
6. Grading for Private Street A is a concern due to the close proximity of this proposed street with the location of the property line. All grading for Private Street "A" should be done on this applicant's property.
7. At preliminary plan stage, provide a turn around detail that is compliant with MCDOT and MCFRS standards for Private Street "A".
8. At Preliminary Plan stage, provide a cross section for Chevy Chase Lake Drive and Private Street "A" and label and dimension right-of-ways on the plan sheet.
9. MCDOT defers to Park and Planning for design of the proposed private streets – including alignment, profile, typical section, drainage, maintenance and liability, etc.
10. There is insufficient spacing (100 foot tangent required per MCDOT policy) between the existing office building garage vehicular access and Private Street "A" as well as the multi-family vehicular access and Private Street "A". Consider the relocation of Private Street "A" to provide the required tangent distances and to allow the grading for the road to remain within the property limits as the current location will encroach on the adjacent property.
11. Chevy Chase Lake Drive has a 60 foot wide right-of-way and 36 foot wide paving section. The 60 foot wide right-of-way is consistent with a secondary residential street, while the 36 foot wide paving section is consistent with a primary residential street. A secondary residential street is allowed to have between 75 and 200 dwelling units on the street. Based on the number of existing and proposed dwelling units, the street should be considered a primary residential street and the right-of-way increased to 70 feet wide. Increasing the right-of-way will require the applicant to dedicate 5 feet for the street to meet the primary residential street standard.
12. Improvements in the Chevy Chase Lake Drive right-of-way to be determined at the preliminary plan stage.

13. Improvements in the public rights-of-way will need to comply with Executive Regulation No. 31-08AM (“Context Sensitive Road Design”).

The preliminary plan submission should address how this Executive Regulation has been satisfied – particularly with respect to target speeds, typical sections for the existing and proposed public streets, locations of existing and proposed public utilities, and stormwater management within the public rights-of-way.

14. At the preliminary plan stage, submit completed, executed MCDOT Sight Distances Evaluation certification form, for all existing and proposed site entrances onto County-maintained roads, for our review and approval.
15. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
16. At the preliminary plan stage, submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and a left-side backing maneuver. Passenger vehicle travelways should be separated from the expected truck circulation patterns and storage areas. The applicant also needs to provide an operation statement for trash pickup from the townhouses.
17. Provide storm drainage and/or flood plain studies, with computations, in accordance with the November 2013 updated MCDOT Drainage Design Criteria, for any site drainage to County-maintained storm drain facilities. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff. If the proposed subdivision is adjacent to a closed section street, include spread computations in the impact analysis.
18. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
19. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.
20. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
21. At preliminary plan stage, submit a Traffic Impact Study (or Statement), as applicable.

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

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

\\dot3\traffic\subdivision\tormar01\Chevy Chase Lake\CCLSketch\_letter\_final.doc

cc:	Jeff Amateau, Mclean Quinn, Joshua Sloan, Barbara Sears, Cherian Eapen,	Vika Maryland LLC EYA / CSP Associates Vika Maryland, LLC Linowes & Blocher Temoss, LLC
cc-e:	Matthew Folden, Elza Hisel-McCoy, Catherine Conlon, Gary Erenrich, Andrew Bossi, John Thomas, Atiq Panjshiri, Sam Farhadi, Sandra Brecher, Stacy Coletta, Kyle Liang, Donald Tusing, Rebecca Torma,	M-NCPPC, Area 1 M-NCPPC, Area 1 M-NCPPC DARC MCDOT DO MCDOT DO MCDOT DO MCDPS RWPR MCDPS RWPR MCDOT DTS MCDOT DTS MCDOT DTEO MTA MCDOT DTEO

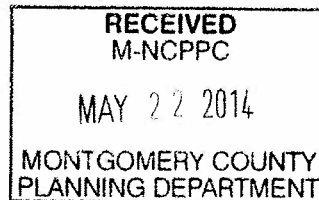


Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

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

MARYLAND DEPARTMENT OF TRANSPORTATION

May 16, 2014



Ms. Cathy Conlon  
M-NCPPC  
Development Applications and Regulatory  
Coordination Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Montgomery County  
Chevy Chase Lake Drive - Approximately  
510-ft. east of MD 185 (Connecticut Ave.)  
Chevy Chase Lake  
SHA Tracking No. 14APMO015XX  
M-NCPPC File No. 320140030

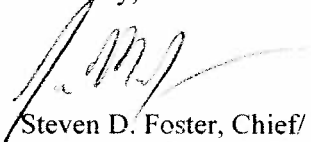
Dear Ms. Conlon:

Thank you for the opportunity to review the sketch plan, received on May 1, 2014, for the proposed Chevy Chase Lake development in Montgomery County. The State Highway Administration (SHA) offers the following comments:

The proposed site will be accessed from Chevy Chase Lake Drive, which is neither owned nor maintained by the SHA. The SHA has no objection to the approval of the sketch plan. It is noted that as a result of the site trip generation outlined in the traffic statement, a traffic study must be provided with any future preliminary plan application filed for the proposed development. The SHA requires 6 copies of the study along with a PDF copy on a CD for review. The applicant shall submit the package directly to Mr. Steve Foster Attention SHA Access Management Division Technical Review Team.

If you have any questions, or require additional information, please contact Mr. Jonathan Makhlof at 410-545-5586, by using our toll free number in Maryland only at 1-800-876-4742 (x5586), or via email at [jmakhlof2@sha.state.md.us](mailto:jmakhlof2@sha.state.md.us).

Sincerely,

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

SDF/SMC/JMM

cc: Mr. Jeff Amateau ([amateau@vika.com](mailto:amateau@vika.com)), VIKA Maryland LLC  
Mr. Matthew Folden, M-NCPPC  
Mr. Mark McKenzie, SHA - Access Management Division  
Ms. Anyesha Mookherjee, SHA - District 3 Traffic  
Mr. Scott Newill, SHA - Access Management Division  
Mr. McLean Quinn ([mquinn@eya.com](mailto:mquinn@eya.com)), EYA Development LLC