



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

MCPB No. 17-042
Site Plan No. 820160190
Chevy Chase Lake Block B
Date of Hearing: May 25, 2017

JUN 19 2017

RESOLUTION

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

WHEREAS, on August 9, 2016, Bozzuto Development Company and Chevy Chase Land Company ("Applicant") filed an application for approval of a site plan for a maximum density of 789,450 square feet of total development, including up to 681,746 square feet of multi-family residential uses, consisting of up to 534 dwelling units (including 12.9% MPDUs), and up to 107,704 square feet of nonresidential (retail, restaurant, or service) on 9.06 acres of CRT-2.0 C-1.0 R-1.75 H-120 and CRT-2.0 C-2.0 R-2.0 H-80 zoned-land, located in the southeast quadrant of the intersection of Connecticut Avenue and Manor Road ("Subject Property"), in the Bethesda/Chevy Chase Policy Area and *Chevy Chase Lake Sector Plan* ("Sector Plan") area; and


WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820160190, Chevy Chase Lake Block B ("Site 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 May 12, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 25, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on May 25, 2017, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Wells-Harley voting in favor.

Approved as to
Legal Sufficiency:


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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160190 for a maximum density of 789,450 square feet of total development, including up to 681,746 square feet of multi-family residential uses, consisting of up to 534 dwelling units (including 12.9% MPDUs), and up to 107,704 square feet of nonresidential (retail, restaurant, or service) uses, the Subject Property, subject to the following conditions:¹

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.
- 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.

¹ For the purpose 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.

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. This may include the area specified in Condition 4.b. below.
- 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. This may include the area specified in Condition 4.a. above.
- c. Prior to any clearing or grading 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 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.
- q. The Applicant must obtain an approved FFCP prior to demolition.

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 revise the Site Plan to show an underground parking garage with a smaller footprint that does not extend farther west than the eastern wall of Building B1, except where the garage is below the footprint of building B1 or building B2.
- b. Prior to certification of the Site Plan, the Applicant must modify the tree planting plan to show that approximately five trees to be planted along Street B will be instead planted along Street A or in the public open space on an area not above underground parking, as illustrated on the Certified Site Plan. The tree planting panels along Street B must not be reduced in volume.
- c. A drip-irrigation system must be provided for the onsite plantings.
- d. Rectify all applicable plan sheets for consistency and correct labeling, details, plant lists, etc.

- e. 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.
- f. 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.
- g. 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 11 parking spaces on above-grade structures and 1,014 parking spaces within below grade structures on the Subject Property. Alternatively, the Applicant may provide a different number of parking spaces that is in compliance with Chapter 59 parking requirements and maintains the same ratio of above ground and below ground parking spaces (1:92.18).

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 completed 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 or Staff-approved equivalent 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;
- 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.
- c. The Applicant may obtain a demolition permit prior to the approval of the Certified Site Plan and recordation of the plat, subject to approval by MCDOT and MCDPS.

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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Chevy Chase Lake Block B Site Plan No. 820160190, submitted via ePlans to the 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 having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development 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 submitted this Application for Site Plan Amendment approval concurrently with the preliminary plan. This Site Plan is consistent with the development approved under the preliminary plan.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

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

3. *The development satisfies 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 finding is not applicable as the Subject Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Development Standards

The Subject Property includes 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 Application satisfies the applicable development standards as shown in the following data table:

Data Table

Site Plan Project Data Table				
Section	Development Standard	Permitted/Required	Approved in Sketch Plan for Block B	Approved in Site Plan
59 – 4	Gross Tract Area (sf)	n/a	394,725	394,725
4.5.4.B.2.b	Density			
	CRT-2.0, C-1.0, R-1.75, H-120			
	Commercial FAR/GFA	1.0/125,401		0.16/20,408
	Residential FAR/GFA	1.75/219,451		1.70/213,432
	TOTAL FAR/GFA	2.0/250,802		1.86/233,840
	CRT-2.0, C-2.0, R-2.0, H-80			
	Commercial FAR/GFA	2.0/538,648		0.32/87,296
	Residential FAR/GFA	2.0/538,648		1.74/468,314
	TOTAL FAR/GFA	2.0/538,648		2.06/555,610
	Entire Site			
Commercial FAR/GFA	n/a	0.53/216,900	0.27/107,704	
Residential FAR/GFA	n/a	1.74/717,800	1.73/681,746	
TOTAL FAR/GFA	n/a	2.36/934,700	2.0/789,450	
4.5.4.B.2.b	Building Height (feet)			
	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	Minimum Setback From R.O.W.	0'	0'	0'
4.5.4.B.1	Open Space			
	Public Open Space (%/sq. ft.)	10/26,981	10/27,000	10/27,000
6.2	Parking spaces, minimum-maximum	817-1,296	1,052	1,023

b. Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Application provides 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 Applicant provides

significant activating uses, such as building entrances, along the new internal streets and the town square.

c. Division 4.7 Optional Method Public Benefits

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

Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Approved Under Sketch Plan Phase 1	Requested	Approved
Major Public Facilities			
Bike Share Station	10	10	10
Neighborhood Square	26	32.3	32.3
Transit Proximity	7.5	7.5	7.5
Quality of Building and Site Design			
Exceptional Design	7	7	7
Structured Parking	10	19.7	19.7
TOTAL	60.5	76.5	76.5

Major Public Facilities

Bike share station: The Application is awarded 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.

Sector-Planned Neighborhood Square: The Applicant will construct the Sector Plan-recommended Neighborhood Square on the Subject Property. The Application is awarded 32.3 points based on following calculation:

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

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. The Application is awarded 7.5 points for this phase of the development.

Quality of Building and Site Design

Exceptional Design: The Application is awarded 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.

Structured Parking: The Application is awarded 19.7 points for structured parking consisting of 11 above-grade spaces and 1,014 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:

$$[(11/1,034)*10] + [(1,014/1,034)]*20 = 19.7$$

d. General Requirements

i. *Site Access*

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

ii. *Parking, Queuing, and Loading*

The Application's 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.

iii. *Open Space and Recreation*

The Application has a 10 percent public open space requirement, which yields a requirement of 26,981 square feet of open space. The Application provides 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.

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

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and 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.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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 is approximately 0.26 acres. The total reforestation and afforestation requirement is approximately 1.29 acres. The Applicant will 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 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 the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to 23 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance 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. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The variance is based on development allowed under the existing zoning and Sector Plan, along with the need to provide the associated infrastructure and utility connections.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The 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. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Subject Property 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 Application on December 16, 2016. The stormwater management concept will meet required stormwater management goals using micro-bioretenion and green roofs. The remaining volume will be treated with three underground water quality vaults. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately one inch

caliper for every four inches DBH of removal. No mitigation is required for Protected Trees impacted but retained.

- 6. The development 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 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 Application provides safe and well-integrated buildings, open spaces and site amenities. The Application'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 Application. The Site Plan reflects streetscaping improvements along Connecticut Avenue and Manor Road, which will include sidewalks and street trees. The Application 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.

- 7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

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 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 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 previous 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 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 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

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 of the Application, the site design included underground structure under the virtually entire Subject Property. In recognition that planting trees over structure severely limits their ability to grow to full maturity, Staff 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 Application and ultimately replace the form and function of the mature trees to be removed. This was memorialized in Sketch Plan Condition of approval 7.j., which requires that at the 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 Application, as submitted, does not meet this condition or the tree canopy goals of the Sector Plan. The Applicant proposed 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 the Application. 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.

In order to increase the soil volume available to the trees on the Subject Property, Staff presented a revised site design at the public hearing. The revised site design reduces the footprint of the underground parking structure, so that most of the Neighborhood Square and Street A are not above the underground structure. This change allows trees that are planted in those locations to have access to a significantly larger soil volume than they would have had if planted over structure. A condition of approval included in the Resolution requires that before the Site Plan is certified, the Site Plan must be modified to show the reduced underground garage footprint and that approximately five trees that were to be planted along Street B will instead be moved to Street A or the public open space, where they will not be above structure.

As conditioned, the Application is in substantial conformance with the tree canopy recommendations of the 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 is 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 that the Sector Plan goal is met, the Resolution includes a condition of approval requiring the Application to achieve a LEED Certified Rating Certification at a minimum, substantially following the categories listed in the statement of justification.

8. *The development 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.*

The Application has a valid transportation APF approval through Preliminary Plan 12002020A and can proceed without additional transportation analysis, provided that the Block B development does not exceed the previously approved weekday peak-hour trip generation of 503 morning and 1,051 evening vehicular trips. As approved under this Application, and illustrated in the Staff Report, the Application 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.

9. *The development 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 use, residential and retail, is compatible with the surrounding existing and proposed commercial and residential buildings on surrounding properties.

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 this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 ~~JUN 19 2017~~ (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González, and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, June 15, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board