



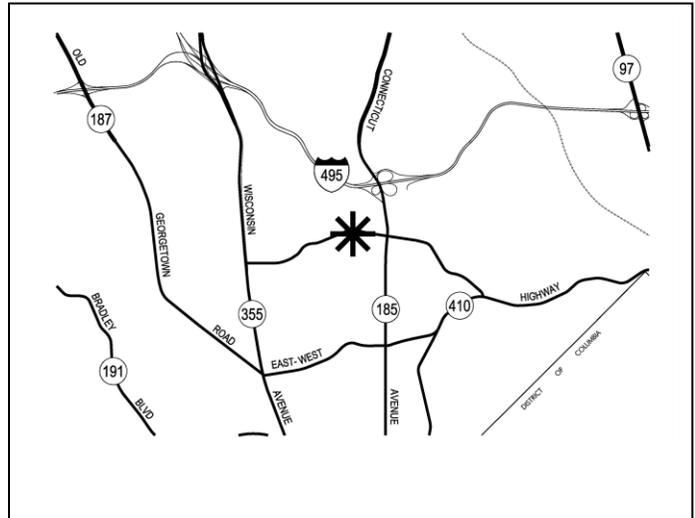
**Preliminary Plan 120170180, Hayes (Formerly 4100 Jones Bridge Road) UPDATED**

-  Matthew Folden, Planner Coordinator, Area 1, [Matthew.Folden@montgomeryplanning.org](mailto:Matthew.Folden@montgomeryplanning.org), 301.495.4539
-  Elza Hisel-McCoy, Supervisor, Area 1, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115
-  Robert Kronenberg, Chief, Area 1, [Robert.Kronenberg@montgomeryplanning.org](mailto:Robert.Kronenberg@montgomeryplanning.org), 301.495.2187

**Staff Report Date: 12/19/17**

**Description**

- Subdivision to create five lots for one one-family detached dwelling unit on each lot
- Located on the south side of Jones Bridge Road, approximately 400 feet west of Platt Ridge Drive
- 2.16 acres (93,989 square feet)
- R-90 zone
- 2013 *Chevy Chase Lake Sector Plan*
- Application accepted on January 6, 2017
- Applicant: Leonard and Donna Wartofsky
- Chapter 50, Chapter 22A



**Summary**

- **Staff Recommendation: Approval with Conditions.**
- The Application was reviewed under the Subdivision Regulations in place prior to February 13, 2017.
- The Sector Plan promotes expansion of tree canopy and watershed enhancements within the Project vicinity; As conditioned, the Project substantially conforms to these recommendations.
- The Application was previously presented to the Planning Board on November 2, 2017, and continued to December 7, 2017. Due to a noticing error, however, the December 7 hearing needed to be postponed to allow noticing of one property owner along the shared easement who did not receive notice of the Application.

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) This Preliminary Plan is limited to five lots for one one-family dwelling unit on each lot.
- 2) The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
- 3) The Applicant must comply with the conditions of the Final Forest Conservation Plan (FFCP), including but not limited to:
  - a. The final scope, locations and details for the offsite planting and invasive control work must be shown on the Final Forest Conservation Plan and approved by M-NCPPC Staff prior to certification of the FFCP. The FFCP must include a copy of an agreement with the Montgomery County Department of Parks to fund and/or implement the following parkland improvements, or Staff approved alternative:
    - i. Lynbrook Local Park: control invasive species and plant ten 3"-calper native canopy trees, and
    - ii. North Chevy Chase Local Park: control invasive species and plant twenty-seven 3"-caliper native canopy trees
  - b. Prior to any clearing, grading, or demolition within the project area, the Applicant must record in the Land Records of Montgomery County a staff approved certificate of compliance demonstrating satisfaction of the 0.34-acre total afforestation requirement (or as determined by the Certified Final Forest Conservation Plans).
  - c. The Applicant shall coordinate with Staff to address any necessary corrections and clarifications (such as resolving conflicting notes/figures) prior to certification of the preliminary plan of subdivision and the FFCP.
  - d. Adjust plans and field conditions as applicable so that all the credited mitigation plantings are at least 5 feet away from any structures, SWM facilities, utility lines, and/or their associated easements.
  - e. The Applicant must plant at least 35 (quantity) 3" caliper native canopy trees on the Subject Property to mitigate the loss of existing specimen trees and satisfy the Sector Plan goals regarding canopy expansion.
  - f. The tree save plan addressing impacted trees (including those on neighboring properties 6" DBH and greater) must be prepared by a MD licensed tree care expert who is also an ISA certified arborist. The tree save plans must also provide details and specifications for the demolition work beyond the LOD.
  - g. Address any numbering discrepancies for the trees appearing on the plans.
- 4) Noise Attenuation:
  - a. Prior to the certification of the Preliminary Plan and FFCP, the Applicant must provide a revised noise analysis which is based on field measurements of the existing noise levels occurring on the subject property. The analysis must also show the existing and 20-year projected noise contours.
  - b. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, 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.
  - c. The Applicant must provide a signed commitment to construct the unit(s) in accord with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.

- 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 final inspection for residential units, the Applicant must certify that the noise impacted unit(s) have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- 5) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 19, 2017 and as amended via e-mail on November 17, 2017, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  - 6) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
  - 7) Prior to recordation of the plat(s) the Applicant must satisfy MCDOT requirements to ensure the construction of a 5-foot wide sidewalk along the property frontage on Jones Bridge Road.
  - 8) Access to the Platt Ridge Drive easement is limited to Lot E.
  - 9) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated April 6, 2017, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  - 10) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Fire Code Enforcement Section in its letter dated April 10, 2017 and as amended November 21, 2017, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations, which may be amended by MCDPS – Fire Code Enforcement Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  - 11) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the design standards imposed by all applicable road codes.
  - 12) The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.
  - 13) The Certified Preliminary Plan must show:
    - a. The right-of-way centerline for Jones Bridge Road with a dimension of at least 40-feet between the right-of-way centerline and proposed property line.
  - 14) The record plat must show necessary easements, including the 10-foot-wide public improvement easement, as shown on the Certified Preliminary Plan.
  - 15) The record plat must reflect common ingress/egress and utility easements over all shared driveways.

- 16) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

## **PROJECT BACKGROUND**

The Subject Application was presented to the Planning Board on November 2, 2017. During that hearing, the Planning Board raised some concerns about the proposed design of the Site, and asked Staff to work with the Applicant to revise the proposed Preliminary Plan. The issues raised by the Board primarily focused on site access and internal circulation, but also on the extent to which redesign may afford the preservation of additional trees on site. Staff worked with the Applicant team, the Montgomery County Department of Transportation (MCDOT), and Department of Permitting Services (MCDPS) to resolve the issues, discussed under the following Project Description.

To allow the Applicant and Staff time to address the issues, the Planning Board continued the Public Hearing on the Application until December 7, 2017. In the interim, however, Staff identified a noticing error that resulted in one property owner along the shared easement not receiving notice of the Application and Hearing. Staff postponed the Hearing continuation until January 11, 2018, and the Applicant has since provided notice of the project to the outstanding resident.

This staff report updates the original staff report, dated October 19, 2017, as well as the supplemental memo, dated November 27, 2017, for the November 2 and December 7, 2017, public hearing.

### *Previous Application*

A previous Preliminary Plan Application for subdivision of this site, designated 120090010, was withdrawn before Planning Board action because the Applicant twice failed to respond to comments within 365 days of receiving Planning Department comments. According to the Development Review Manual in place at that time, projects that are inactive for more than 365 days must have a reasonable justification to be inactive. The justification submitted was not reasonable and the Planning Department withdrew the application.

## **SITE DESCRIPTION**

This Preliminary Plan consists of an unplatted parcel that is approximately 2.16 acres (93,989 square feet) located in the R-90 zone on the south side of Jones Bridge Rad, 400 feet west of the intersection with Platt Ridge Drive ("Property" or "Subject Property"). The Property is currently developed with a one-family detached dwelling and associated accessory structures and landscaping. Surrounding properties are developed in the following manner: one-family detached dwellings, zoned R-90, to the east; North Chevy Chase Local Park to north, across Jones Bridge Road; Howard Hughes Medical Institute to the south, and the Columbia Country Club to the west of the Property. There is a 20-foot wide ingress/egress easement to the east of the Property that provides access directly to Platt Ridge Drive. The Subject Property is located within the Lower Rock Creek Watershed. There are no forests, stream buffers, wetlands, or other environmentally sensitive features on the Site.



*Figure 1 – Site Aerial*

## **PROJECT DESCRIPTION**

The Applicant proposes to subdivide the Subject Property (Parcel 976; I. 16423 / F. 658) into five lots for five one-family detached dwellings, four of which will be new dwellings. The existing dwelling on the Property will be retained on proposed Lot E and all accessory structures, the existing pool, and the existing tennis court will be removed. The lots will range in size from 11,610 square feet (proposed Lot A) to 23,501 square feet (proposed Lot C). Access to proposed Lots A, B, C, and D will be via a shared driveway off Jones Bridge Road, and access to proposed Lot E (the existing dwelling unit) will be via an individual driveway, over Lot D, from Platt Ridge Drive. Pedestrian access will be provided by a proposed reconstruction of the sidewalk along the Jones Bridge Road frontage.

The initial proposal, presented to the Planning Board on November 2, 2017, and which has been revised, is shown below.

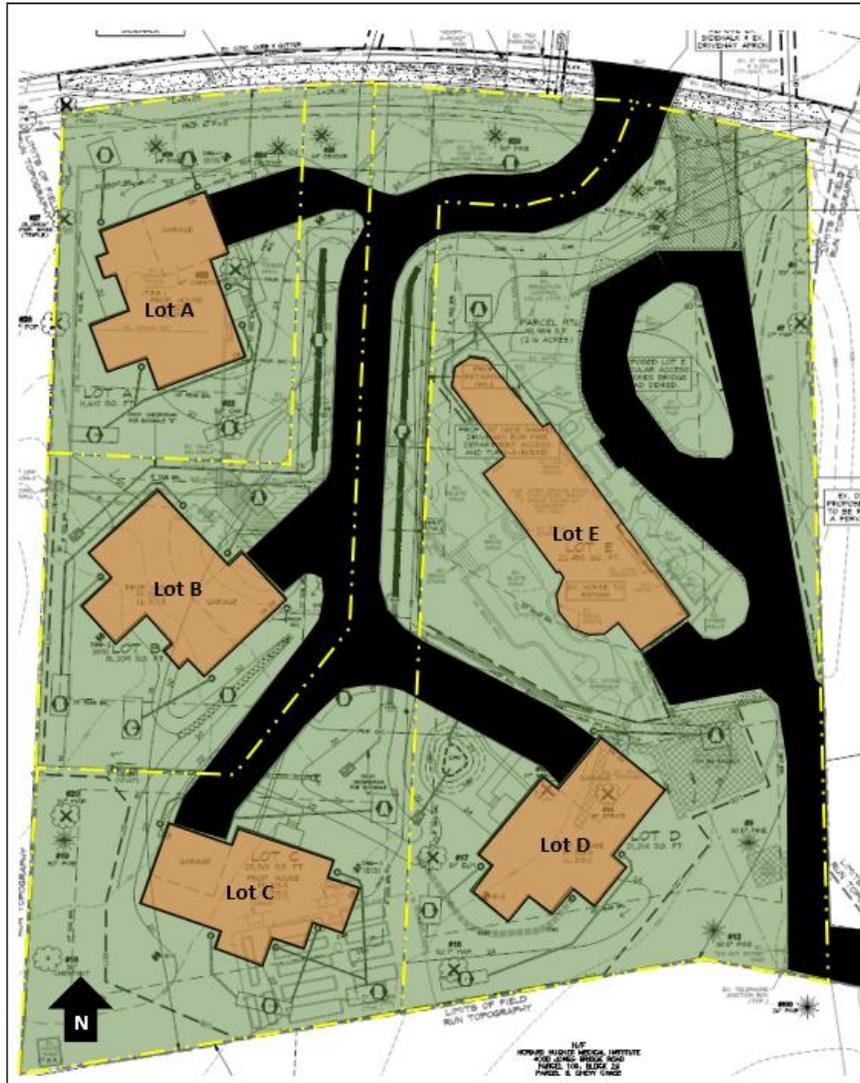


Figure 2 – Initial Lotting Diagram

This proposal has been revised (see Figure 3 below) to address the Planning Board’s concerns about site access and internal circulation raised at the November 2, 2017, Public Hearing, as follows:

*Site Access*

The proposed access point presented during the Planning Board Hearing was based on a sight distance evaluation, site constraints, and Development Review Committee comments to the Applicant on February 7, 2017. Following the Planning Board Hearing, the Applicant submitted a revised sight distance evaluation to MCDOT, dated November 9, 2017, based on a new driveway location opposite and directly aligned with the existing North Chevy Chase Local Park driveway across Jones Bridge Road. MCDOT subsequently issued an e-mail, dated November 17, 2017, supporting that access point. As a result of this coordination, the proposed site access point is now in the location suggested by the Planning Board.



Figure 3 – Revised Illustrative Lotting Plan

### *Internal Circulation*

The proposed internal circulation presented during the Planning Board Hearing represented geometric design standards necessary to accommodate fire department access, connect to the previously proposed access point, and maintain the existing driveway for Lot E in its current configuration. Following the Planning Board Hearing, the Applicant revised the proposed internal circulation to reduce the driveway widths to the minimum allowable, including removal of the existing circular driveway on Lot E, and submitted a fire department access performance-based design to MCDPS for the common driveway on Lots A – D. MCDPS approved the new design on November 21, 2017 (Attachment C). As a result of the changes to the internal circulation described in this memorandum, the overall impervious area on the Site decreased by 6,265 square feet, approximately 16%, from the proposal presented to the Board on November 2, 2017.

## **ANALYSIS AND FINDINGS – Chapter 50**

### **Conformance to the Master Plan**

The Application substantially conforms to the *Chevy Chase Lake Sector Plan*. The Sector Plan recommends retention of existing R-90 zoning on the Site and includes it as part of the “Preserve” vision of the Plan (in contrast to those sites identified in the Sector Plan vision as “Enhance” or “Create”). The “Preserve” framework of the Plan envisions protection of the residential area, restoration of Coquelin Run, and focusing redevelopment in the Town Center. The Land Use and Zoning section of the Sector Plan identifies the Property as suitable for one-family detached housing. The proposed subdivision complies with the recommendations adopted in the Sector Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood and the current zoning designation. The proposed subdivision will not alter the existing pattern of development or land use, which is in substantial conformance with the Sector Plan recommendation to maintain the existing residential land use.

### **Environmental Recommendations of the Sector Plan**

The 2013 *Chevy Chase Lake Sector Plan* recommends that future development in the Sector Plan area preserve and restore environmental features while minimizing environmental impacts. Specific recommendations of the plan include restoration of the Coquelin Run stream valley, expansion of the existing tree canopy, and promotion of sustainable site design. The Application addresses the recommendations in the following ways:

#### *1) Stream/Forest Restoration*

Similar to other recent projects in the Plan area, the Project proposes environmental enhancements proportional to the scope and impact of the Project. In this case, two offsite areas in the local watersheds were identified in coordination with Staff.

- a. The first enhancement is located at Lynbrook Local Park (Coquelin Run Watershed), approximately 3,250 feet from the subject property: The Applicant proposes to control an area of invasive species and plant approximately ten 3” caliper native canopy trees.
- b. The second enhancement is proposed at North Chevy Chase Local Park, located directly across Jones Bridge Road from the Subject Property and within the same watershed as the subject

property. The proposed work includes the removal of invasive species (such as kudzu vines which are impacting the forest edge) and the planting of approximately twenty-seven 3" caliper native canopy trees.

- c. The location and scope of the enhancement project(s) may be revised in coordination with Staff.

2) *Expand the Existing Canopy*

The Site has approximately 37% tree canopy coverage in its current condition. Through a combination of new canopy tree plantings and retention of some existing trees on-site, the Project will expand the projected 20-year (per the Planning Board Approved Trees Technical Manual) tree canopy coverage to 38% of the total site. Staff finds that the Project meets the goal of expanding tree canopy in the Sector Plan area. As conditioned, the Project must comply with the Final Forest Conservation plan and will therefore satisfy the Sector Plan canopy coverage goal.

3) *Sustainable Sites*

The Sector Plan recommends sustainable site and building design to mitigate negative environmental impacts. In response to this recommendation, the Applicant will remove the existing loop driveway on proposed Lot E, between the southeast corner of the existing house and Jones Bridge Road, and will replace the portion of the Lot E driveway to remain with pervious pavement. The Applicant will also add a limited amount of new sidewalk, in front of the existing house, to serve the front door of the existing house on proposed Lot E. As conditioned, the pervious pavement provided within the Lot E driveway, new sidewalk, and on-site stormwater management will support the Sector Plan recommendations.

4) *Reduce direct stormwater discharge into Coquelin Run.*

The Property is within the Rock Creek watershed, less than 100 feet from the Coquelin Run watershed boundary. Following development on the Site, stormwater runoff will be less than present in the existing condition and will therefore satisfy the Sector Plan. Staff notes that the existing dwelling unit and parcel do not currently have stormwater management features, however, the proposed development will add stormwater management facilities to address site runoff.

## **Environment**

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD), designated 420170230, was approved for the Project on October 4, 2016. The plan identifies numerous significant and specimen trees, some of which measure over 50" diameter at breast height (DBH). The Site topography slopes gently and has a pocket of steep slopes along Jones Bridge Road. The Site does not contain forest, highly erodible soils, Streams wetlands or associated buffers. There are no known records or occurrences of rare threatened endangered species associated with the Property or its nearby surroundings.

The Property is located just outside of the Coquelin Run stream watershed and is in the Rock Creek watershed, a Use I Watershed. Staff notes that there are environmental enhancements recommended by the Sector Plan, even if there are no direct stream valley buffer (SVB) or forest impacts associated with a given project.

## **Forest Conservation**

There is no forest on the Subject Property, however, there is an afforestation requirement of 0.34 acres. The Applicant proposes to address the requirements by a fee-in-lieu payment or a certificate of compliance for an offsite forest conservation bank. There is no opportunity for onsite landscape credited towards forest conservation, as the onsite planting areas are designated for mitigation tree plantings to address the removal of the specimen trees subject to a variance as discussed below.

During the November 2, 2017, public hearing, the Board asked if additional trees could be saved on the Site as part of a revised design. After review, Staff determined that no additional trees along the Jones Bridge Road frontage could be saved due to required regrading along the frontage, which is necessary to achieve sight distance and implement frontage improvements. As a result, impacts associated with the revised Forest Conservation Variance are nearly identical to those presented to the Planning Board on November 2, 2017. Staff notes that impacts (and potential removal) of two particular trees (#9 & #12) have been included to address the demolition of existing pavement associated with the current driveway.

## **Forest Conservation Variance**

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The proposed Project includes disturbance within the CRZs of trees which are subject to a variance due to their size measuring 30 inches DBH or greater. The Applicant has submitted a variance request dated November 27, 2017, for the impacts and removals of subject trees (Attachment B). The Applicant's request is to remove eleven trees (two more than the plan presented on November 2, 2017) and to impact but not remove, three trees (two fewer than the plan presented to the Planning Board on November 2, 2017), affecting a total of 14 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

**Table 1: Subject Trees to be Removed and/or Potentially Removed**

| Tree No. | Common Name      | Botanical Name                        | D.B.H.   | C.R.Z. Radius | C.R.Z. Area | % C.R.Z. Area Disturbed | Condition                                             |
|----------|------------------|---------------------------------------|----------|---------------|-------------|-------------------------|-------------------------------------------------------|
| 9        | White Pine       | <i>Pinus strobus</i>                  | 31 in.   | 46.5 feet     | 6,793 s.f.  | 64.4%                   | Good (Intended to be saved but may require removal) * |
| 12       | White Pine       | <i>Pinus strobus</i>                  | 31 in.   | 46.5 feet     | 6,793 s.f.  | 35.7%                   | Good (Intended to be saved but may require removal) * |
| 16       | Silver Maple     | <i>Acer saccharinum</i>               | 52.7 in. | 79.1 feet     | 19,632 s.f. | REMOVE                  | Good (Remove)                                         |
| 17       | Siberian Elm     | <i>Ulmus pumila</i>                   | 31 in.   | 46.5 feet     | 6,793 s.f.  | REMOVE                  | Fair/Poor (Remove)                                    |
| 20       | Sugar Maple      | <i>Acer saccharum</i>                 | 32 in.   | 48.0 feet     | 7,238 s.f.  | REMOVE                  | Good (Remove)                                         |
| 21       | Weeping Cherry   | <i>Prunus subhirtella var pendula</i> | 39 in.   | 58.5 feet     | 10,751 s.f. | REMOVE                  | Good (Remove)                                         |
| 22       | Red Oak          | <i>Quercus rubra</i>                  | 50 in.   | 75 feet       | 17,671 s.f. | REMOVE                  | Good (Remove) Slight Dieback                          |
| 23       | Chinese Chestnut | <i>Castanea mollissima</i>            | 41 in.   | 61.5 feet     | 11,882 s.f. | REMOVE                  | Fair (Remove) Cavity w/ decay                         |
| 24       | Deodar Cedar     | <i>Cedrus deodara</i>                 | 33 in.   | 49.5 feet     | 7,698 s.f.  | REMOVE                  | Good (Remove)                                         |
| 28       | Tulip Poplar     | <i>Liriodendron tulipifera</i>        | 38 in.   | 57.0 feet     | 10,207 s.f. | REMOVE                  | Fair (Remove)                                         |
| 29       | White Pine       | <i>Pinus strobus</i>                  | 30 in.   | 45 feet       | 6,362 s.f.  | REMOVE                  | Good (Remove)                                         |

\* Intent to save but may require removal if impacts from existing driveway excavation and installation of permeable pavement are detrimental to trees.

**Table 2: Subject Trees to be Impacted but Retained**

| Tree No. | Common Name      | Botanical Name             | D.B.H. | C.R.Z. Radius | C.R.Z. Area | % C.R.Z. Area Disturbed           | Condition   |
|----------|------------------|----------------------------|--------|---------------|-------------|-----------------------------------|-------------|
| 6        | Red Oak          | <i>Quercus rubra</i>       | 33 in. | 49.5 feet     | 7,698 s.f.  | 36.1%                             | Good / Save |
| 18       | Chinese Chestnut | <i>Castanea mollissima</i> | 35 in. | 52.5 feet     | 8,659 s.f.  | 17.7% (includes shed disturbance) | Good / Save |
| 19       | White Pine       | <i>Pinus strobus</i>       | 30 in. | 45.0 feet     | 6,362 s.f.  | 33.0%                             | Good / Save |

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, the Applicant has demonstrated that failure to grant the variance would result in an unwarranted hardship because any new development for the Site triggers relocation of the public sidewalk fronting the Site, along Jones Bridge Road, which would impact the root zones of subject trees, making variance tree impacts unavoidable.

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

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

As conditioned, the impacts are avoided/minimized to the greatest extent possible while addressing the fire and rescue concerns along with stormwater management requirements.

Furthermore, the Property is largely interspersed with the rootzones of the subject trees and almost any level of redevelopment activity on the Subject Property would require impacts to specimen trees. Therefore, the variance request would be granted to any applicant in a similar situation.

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

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

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

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

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

The Department of Permitting Services (DPS) staff approved the storm water management (SWM) concept for the Project on April 6, 2017. The SWM concept proposes to meet required storm water management goals using drywells, bio-swales and non-structural practices. The Project is not located within a stream valley buffer (SVB), and furthermore, the Project includes mitigation enhancements, such as pervious pavement, numerous canopy tree plantings, and a reduction in the overall stormwater runoff. Therefore, the Project will not violate State water quality standards or cause measurable degradation in water quality.

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

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on November 27, 2017. The County Arborist responded to the variance request on December 21, 2017, and recommends that the variance be approved on condition that the applicant meets all conditions of approval pertaining to variance trees, and that appropriate mitigation for the loss of resources is provided (Attachment **B**).

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

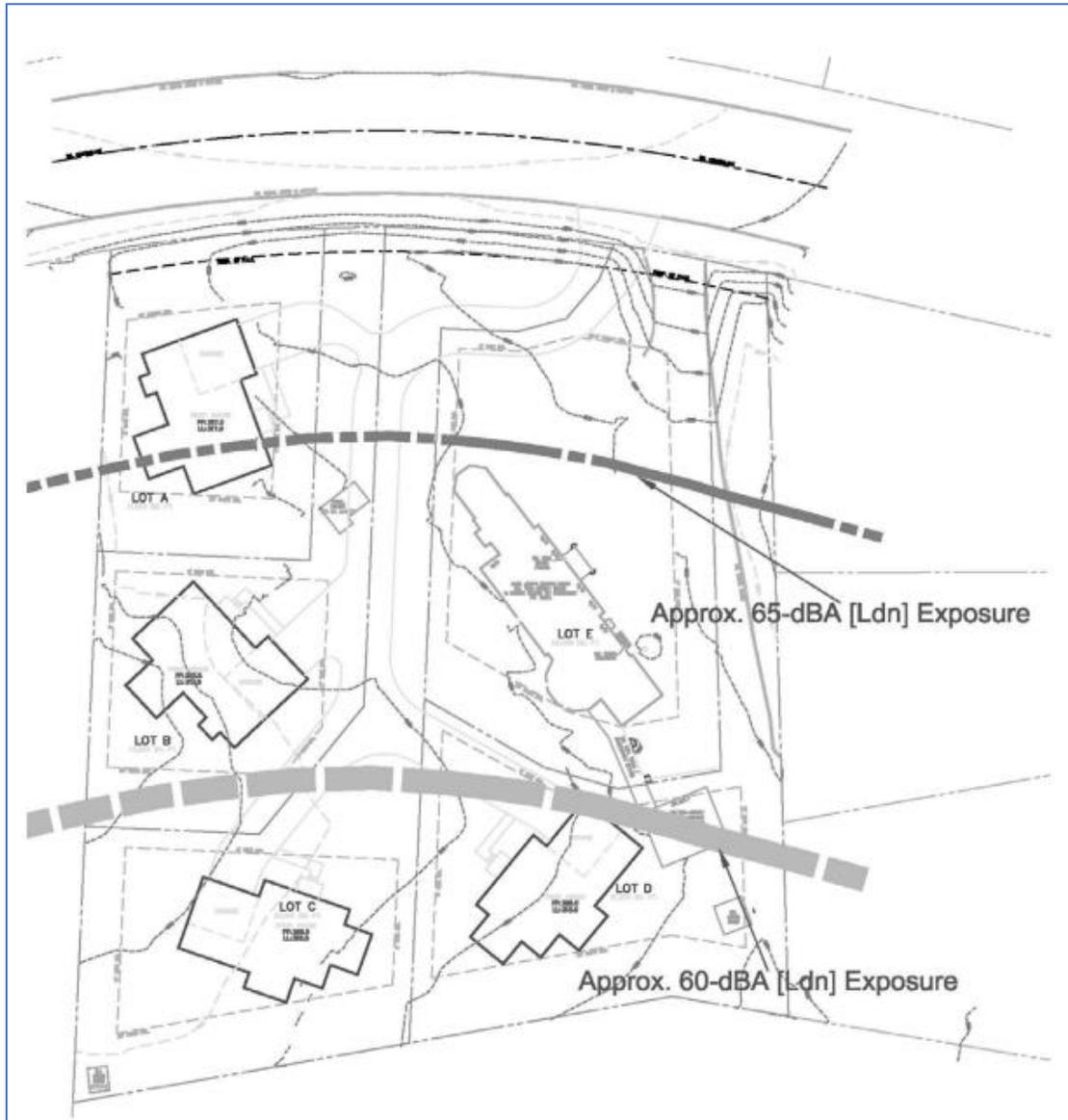
There are eleven trees proposed for removal (two of which are *potential* removals, with intent to save if possible) in association with the Application. There will also be disturbance to CRZs of another three trees that will be retained. Planting mitigation for the removals should be at a rate that approximates the form and function of the trees removed. Replacement should occur at a ratio of approximately 1" caliper for every 4" DBH of removal, using trees that are a minimum of 3" caliper. For the 409 diameter inches of subject trees to be removed, the Applicant must provide mitigation on-site of at least 102.25 caliper inches of replacements. Therefore, the mitigation requirements would be satisfied by the proposed planting of 35 (quantity) 3" caliper trees (totaling 105 inches). Staff notes that the onsite tree plantings will also help address Sector Plan recommendations on canopy expansion and sustainable site design on the Subject Property.

**Staff Recommendation on Variance**

As a result of the above findings, Staff recommends the Board approve the Applicant’s request for a variance from Forest Conservation Law to remove eleven subject trees and to impact but retain, three subject trees associated with the Site (affecting a total of 14 subject trees). The variance approval is assumed into the Planning Board’s approval of the Forest Conservation Plan.

**Noise**

The Project proposes residential housing in a noise impacted area along an arterial roadway (Jones Bridge Road), and is therefore subject to the noise guidelines for residential development. A noise analysis for the Project has been prepared by Staiano Engineering, Inc. (dated April 12, 2017) which provides a preliminary estimate of the 20-year -projected noise impacts (Figure 4).



*Figure 4 – Jones Bridge Road 2040 Traffic Noise Exposures  
(Preliminarily estimated day-night average sound levels)*

The preliminary noise study shows that proposed Lot "A" (adjacent to Jones Bridge Road) would experience excessive levels of noise impacts (more than the levels allowed in noise guidelines- 65 dBA Ldn). The analysis also states that the interior noise levels of the affected home can be mitigated to the required levels (below 45 dBA Ldn) by appropriate building shell construction. Staff notes that as depicted, the rear yard of Lot "A" is shown beyond the mapping of excessive noise, and would therefore not require any noise mitigation measures (the structure itself would also be expected to provide additional shielding to further decrease noise levels in the backyard). However, because the analysis is based entirely on computer modeling and is not calibrated with actual field measurements, as traditionally performed on other development projects, Staff recommends onsite measurements be performed and analysis revised prior to certification of the Preliminary Plans and FFCP. Standard conditions of approval relative to noise are also recommended.

### **Stormwater Management**

The Sector Plan recommendations include an environmental objective to reduce direct stormwater discharge into Coquelin Run. As previously mentioned, the Property is very near the Coquelin Run watershed boundary and located in the adjacent Rock Creek watershed. However, the Applicant has prepared a Drainage and Runoff Exhibit demonstrating that the post development runoff will be less than the existing conditions runoff. The Department of Permitting Services (DPS) Staff approved the storm water management (SWM) concept for the Project on April 6, 2017. The SWM concept proposes to meet required storm water management goals using drywells, bio-swales and non-structural practices.

### **Public Facilities**

#### **Roads and Transportation Facilities**

During the November 2, 2017, public hearing, the Board raised concerns about the site access point and internal site circulation, which included a desire to align the driveway with the opposite entrance to North Chevy Chase Local Park and a preference to eliminate redundant on-site pavement (e.g. the Lot E driveway to the northeast of the existing house).

#### *Site Access*

The proposed access point presented during the Planning Board Hearing was based on a sight distance evaluation, site constraints, and Development Review Committee comments to the Applicant on February 7, 2017. Following the Planning Board Hearing, the Applicant submitted a revised sight distance evaluation to MCDOT, dated November 9, 2017, based on a new driveway location opposite and directly aligned with the existing North Chevy Chase Local Park driveway across Jones Bridge Road. MCDOT subsequently issued an e-mail, dated November 17, 2017, supporting that access point. As a result of this coordination, the proposed site access point is now in the location suggested by the Planning Board.

#### *Internal Circulation*

The proposed internal circulation presented during the Planning Board Hearing represented geometric design standards necessary to accommodate fire department access, connect to the previously proposed access point, and maintain the existing driveway for Lot E in its current configuration. Following the Planning Board Hearing, the Applicant revised the proposed internal

circulation to reduce the driveway widths to the minimum allowable, including removal of the existing circular driveway on Lot E, and submitted a fire department access performance-based design to MCDPS for the common driveway on Lots A – D. MCDPS approved the new design on November 21, 2017. As a result of the changes to the internal circulation described in this memorandum, the overall impervious area on the Site decreased by 6,265 square feet, approximately 16%, from the proposal presented to the Board on November 2, 2017.

The existing driveway entrance on Jones Bridge Road will be abandoned and relocated approximately 125-feet to the west to meet MCDOT sight distance requirements. This relocated driveway will be shared by Lots A – D as a variable width common driveway. The driveway width shall be in accordance with the fire department performance-based design standards, as shown on the approved Fire Department Access Plan. Access to Lot E will be limited to the existing easement to Platt Ridge Drive as a result of this subdivision; access to the Platt Ridge Drive easement is prohibited for Lots A – D. The Applicant evaluated eliminating the Jones Bridge Road access entirely; however, that access configuration exceeded the maximum number of residential lots permitted on a common driveway, failed to provide adequate fire department access for each of the proposed lots, and could not be widened to accommodate the increased vehicular traffic associated with the proposed development.

The Project will improve pedestrian safety and comfort by removing and replacing the existing sidewalk on Jones Bridge Road with a new five-foot wide pervious pavement sidewalk and new green panel between the sidewalk and curb.

#### *Transit Connectivity*

Transit within approximately one quarter-mile vicinity of the Subject Property includes:

1. RideOn Bus Route 33 (Monday-Friday Peak Hour Service between Glenmont Metrorail Station and NIH-Medical Center Metrorail)
2. WMATA Metrobus Routes J1, L8 (Bethesda-Silver Spring line, and Connecticut Avenue-Maryland line, respectively)

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

The 2013 *Chevy Chase Lake Sector Plan* and 2005 *Countywide Bikeway Functional Master Plan* identified Chevy Chase Lake as a Bicycle-Pedestrian Priority Area and has recommended the following master plan facilities along the Property frontage on Jones Bridge Road:

1. A four-lane arterial roadway (A-65) with a minimum right-of-way width of 80 feet, and
2. A Dual Bikeway (DB-46) comprised of a shared use path and shared roadway.

At this time, staff is not recommending that the shared use path be implemented on the south (Subject Property) side of Jones Bridge Road because of the general lack of activating land uses along that side between Rockville Pike (MD 355) and Connecticut Avenue (MD 185) and because portions of the shared use path have been implemented on the north side of the street near Naval Support Activity – Bethesda (NSAB). The Project is dedicating adequate right-of-way and is not precluding future implementation of the shared use path.

Based on the *2016-2020 Subdivision Staging Policy* transportation impact criteria, the proposed lots generate fewer than 50 peak-hour person trips, therefore, the Application is not subject to a Local Area Transportation Review analysis. As a result of the Jones Bridge Road frontage improvements, proposed

site access, and internal circulation, vehicular and pedestrian access for the subdivision will be safe and adequate.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property. The Subject Property is located in the Bethesda-Chevy Chase (BCC) School Cluster and the applicable elementary and middle schools that serve the Property are operating within acceptable capacity limits. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with Chapter 50 of the Montgomery County Code, the “Subdivision Regulations,” in effect prior to February 13, 2017. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots, as proposed, will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 3. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (Attachment C).

**Table 3: Preliminary Plan Data Table**

| <b>PLAN DATA</b>                              | <b>Zoning Ordinance Development Standard</b> | <b>Proposed for Approval by the Preliminary Plan</b> |
|-----------------------------------------------|----------------------------------------------|------------------------------------------------------|
| Minimum Lot Area                              | 9,000 sq. ft.                                | 11,610 sq. ft. minimum                               |
| Lot Width                                     | 75 ft.                                       | 75 ft. minimum                                       |
| Lot Frontage                                  | 25 ft.                                       | 25 ft. minimum                                       |
| Setbacks                                      |                                              |                                                      |
| Front                                         | 30 ft. Min.                                  | Must meet minimum <sup>1</sup>                       |
| Side                                          | 8 ft. Min./ 25 ft. total                     | Must meet minimum <sup>1</sup>                       |
| Rear                                          | 25 ft. Min.                                  | Must meet minimum <sup>1</sup>                       |
| Maximum Residential Dwelling Units per Zoning | 10                                           | 5                                                    |

<sup>1</sup> As determined by MCDPS at the time of building permit.

### **Citizen Correspondence and Issues**

The Applicant has met all signage, noticing, and submission meeting requirements. On November 22, 2016, the Applicant held a pre-submittal public meeting at the Subject Property. Staff has received correspondence, including a letter from an adjacent property owner who is party to the Platt Ridge Drive access easement, stating support of the proposed subdivision with the condition that the easement to Platt Ridge Drive be limited to proposed Lot E, and another from the neighboring Howard Hughes Medical Institute requesting additional screening between the Subject Property and Howard Hughes campus, to the south.

### **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 2013 *Chevy Chase Lake Sector Plan*. Furthermore, the Plan has been revised as per direction from the Planning Board during the previous November 2, 2017, public hearing. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the Application with the conditions specified above is recommended.

### **Attachments**

Attachment A –Preliminary Plan  
Attachment B – Variance Request  
Attachment C – Agency Letters  
Attachment D – Correspondence