




## **Chevy Chase Lake Block B Limited Site Plan Amendment 82016019B**

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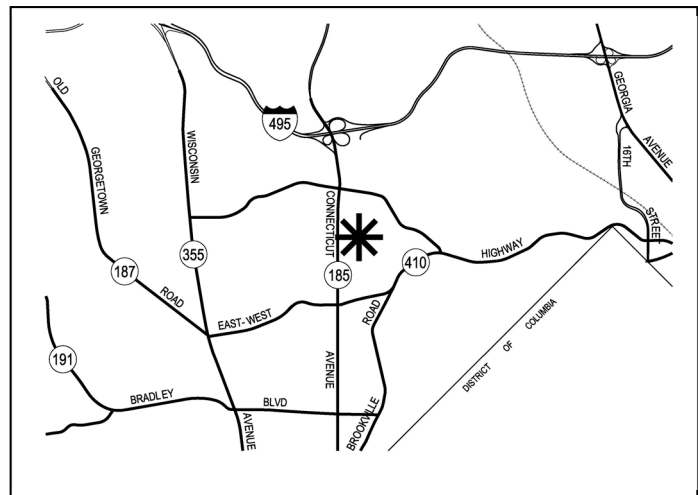
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### **Description**

**Staff Report Date: 9.26.19**

- Location: Southeast quadrant of the intersection of Connecticut Avenue and Manor Road;
- Zone: CRT-2.0 C-1.0 R-1.75 H-120 and CRT 2.0 C 2.0 R 2.0 H80;
- Master Plan: *Chevy Chase Lake Sector Plan*;
- Property size: 6.19 acres net lot area;
- Request to revise site elements as a result of changes identified during the construction phase;
- Applicant: Bozzuto Development Company; Chevy Chase Land Company;
- Acceptance Date: June 17, 2019;
- Review Basis: Chapter 50 and Chapter 59.



### **Summary**

- Staff recommendation: Approval of the Limited Site Plan Amendment with conditions.
- The Application seeks minor modifications to the site design, including the following: eliminate garage access along Chevy Chase Lake Terrace; relocate transformers; revise the Manor Road/ Connecticut Avenue intersection improvements; make minor changes to secondary driveway at Manor Road intersection; modify bio-retention planters; refine building elevations; and make associated modifications to site design (e.g. sidewalks, landscaping, and lighting).

## SECTION 1: RECOMMENDATION AND CONDITIONS

### Site Plan Amendment No. 82016019B

Staff recommends approval of Limited Site Plan Amendment 82016019B, to make minor modifications deemed necessary as part of the construction phase of the project, including slight adjustments to the site design. Specific modifications include: eliminate garage access along Chevy Chase Lake Terrace; relocate transformers; revise the Manor Road/ Connecticut Avenue intersection; make minor changes to secondary driveway at Manor Road intersection; modify bio-retention planters; refine building elevations; and associated modifications to site design (e.g. sidewalks, landscaping, and lighting). All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following condition. Except as amended by the conditions below, the conditions approved under Site Plan 82016019A, remain valid and in full effect.

#### 14. Pedestrian & Bicycle Circulation

- d. The Applicant must coordinate with the Maryland State Highway Administration to design and construct a separated intersection for the safe conveyance of bicyclists at the intersection of Connecticut Avenue and Manor Road.
- e. The two separated intersection designs prepared by Toole Design in a memo, dated August 28, 2019, must be illustrated on the Certified Site Plan.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

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

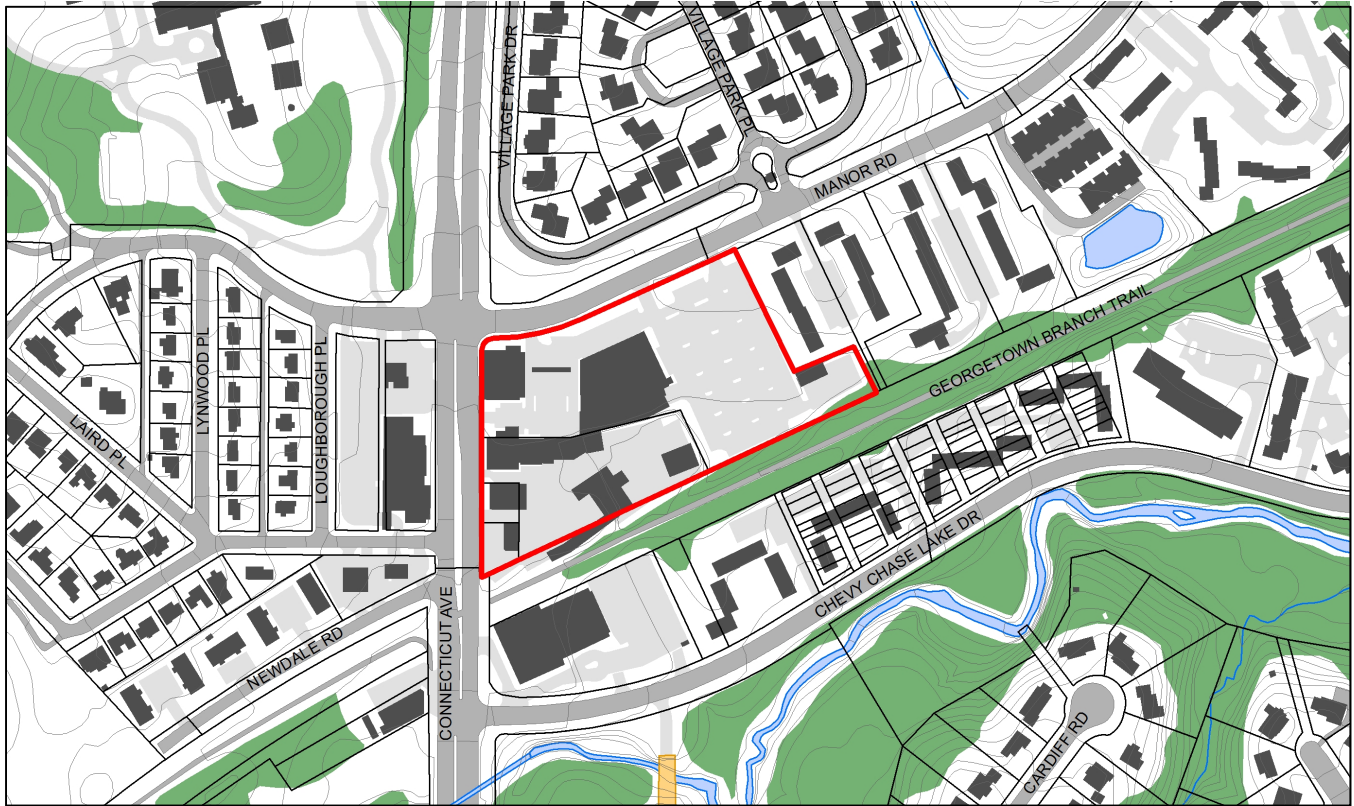
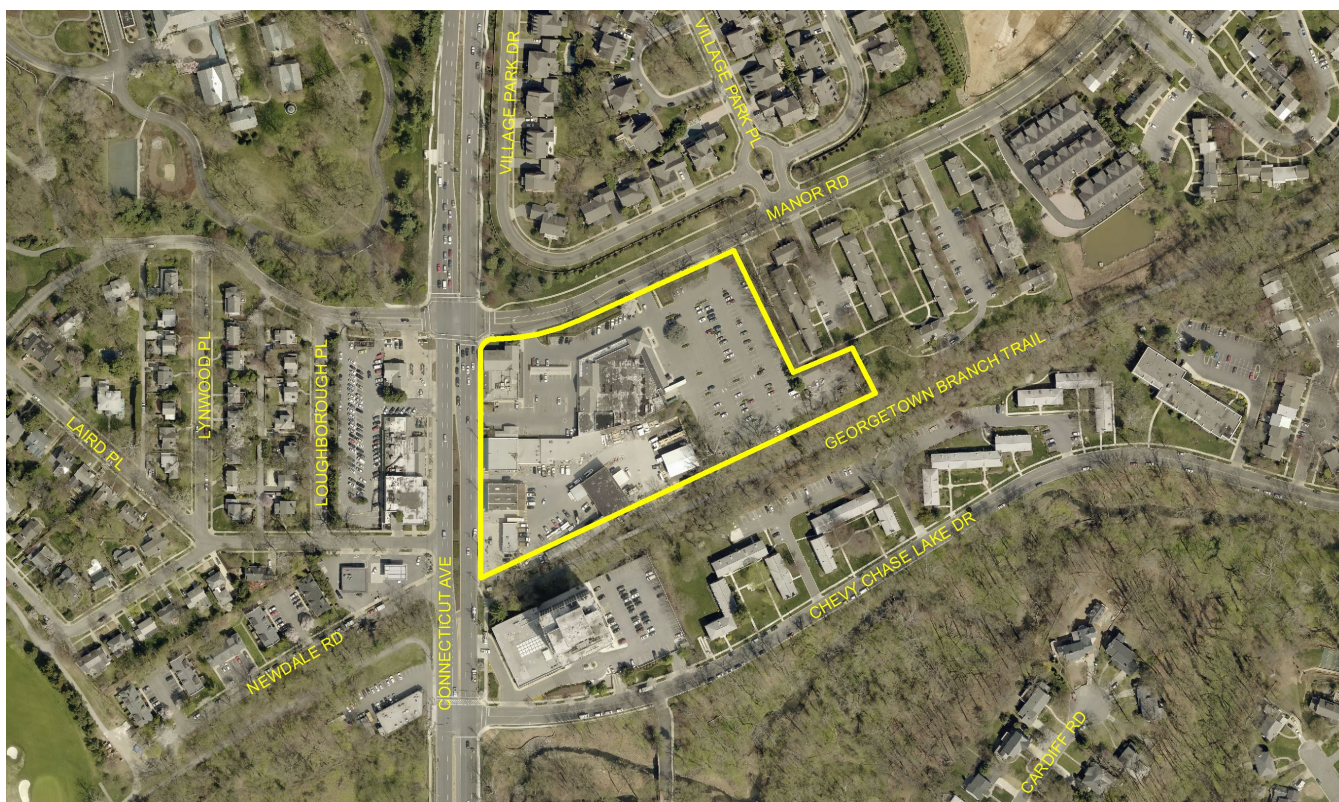


Figure 1: Vicinity Map

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





*Figure 2: Aerial View*

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

#### **Previous Approvals**

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

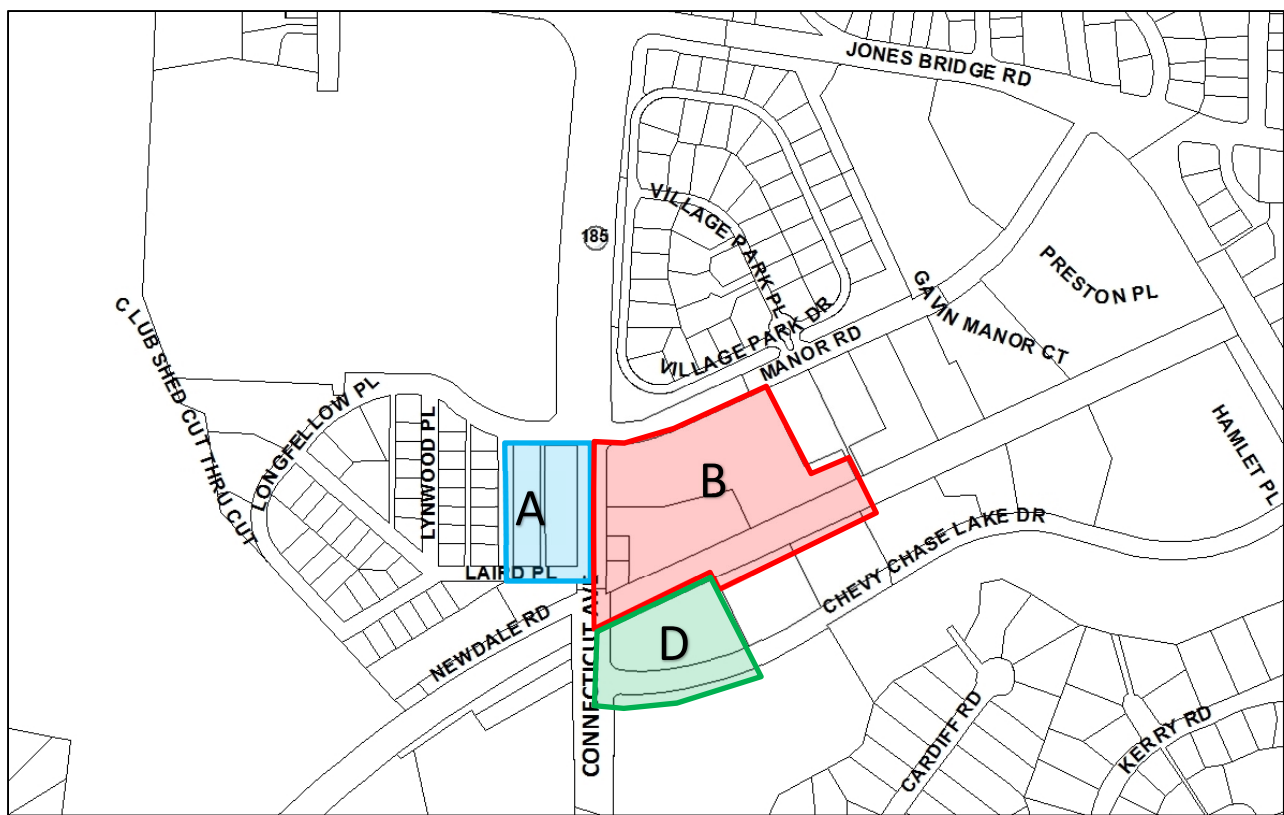
On January 21, 2016, the Planning Board approved Sketch Plan 320160030 for a mixed-use development with up to 1,385,360 square feet of residential uses and up to 676,700 square feet of non-residential uses. The Sketch Plan approval applies to the overall 15.94-acre project, of which the current application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

On February 21, 2006, the Planning Board approved Preliminary Plan Amendment 12002020A to increase previously approved office space to 74,356 square feet.

On June 19, 2017, the Planning Board approved Preliminary Plan Amendment 12002020B for a new mixed-use development with up 789,450 square feet of total development comprised of up to 681,746 square feet of residential uses and up to 107,704 square feet of non-residential uses.

On May 8, 2018, the Planning Board approved Preliminary Plan Amendment 12002020C to abandon an easement on the property.





*Figure 3: Sketch Plan Subject Property, Development Blocks*

Site Plan Amendment 82016019A was approved by the Planning Director on March 19, 2019 (Attachment A). That Amendment approved the following changes:

1. Shift retaining wall within previously approved LOD;
2. Modify planting design and grading to reflect new wall location;
3. Adjust mechanical slab and utility lines, as necessary.

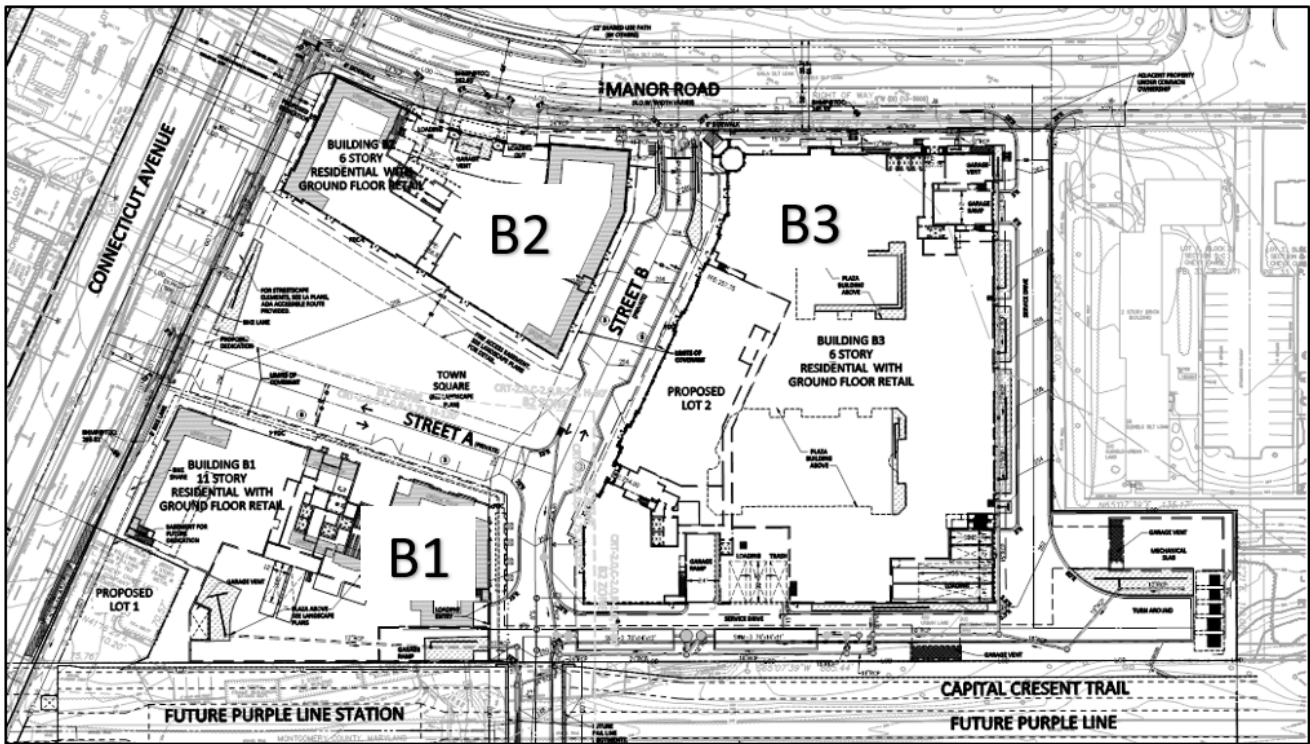


Figure 4: Original Site Plan Approval

## Proposal

The Applicant requests the Subject Amendment for approval of modifications to the Site Plan, which include refinement of the site design determined by the Applicant to be necessary as a result of more detailed engineering associated with the construction phase of the project. The Amendment proposes slight modifications to site design, circulation, parking, hardscape, landscape & lighting. More specifically, these changes include widening a drive aisle by 3.5 feet to accommodate turning vehicles, responding to a comments issued by the Maryland State Highway Administration regarding the Connecticut Avenue/ Manor Road intersection design, and relocating transformers associated with Building B1. A detailed summary of all modifications sought through this amendment is provided in Attachment B.

In addition to the specific modifications identified in Attachment B, the Applicant is also coordinating with the Maryland State Highway Administration to modify the intersection of Connecticut Avenue and Manor Road so that that intersection can accommodate both larger design vehicles and a protected intersection for bicyclists. A conceptual design of the intersection is provided in Figure 5 and summarized in more detail in Attachment C.

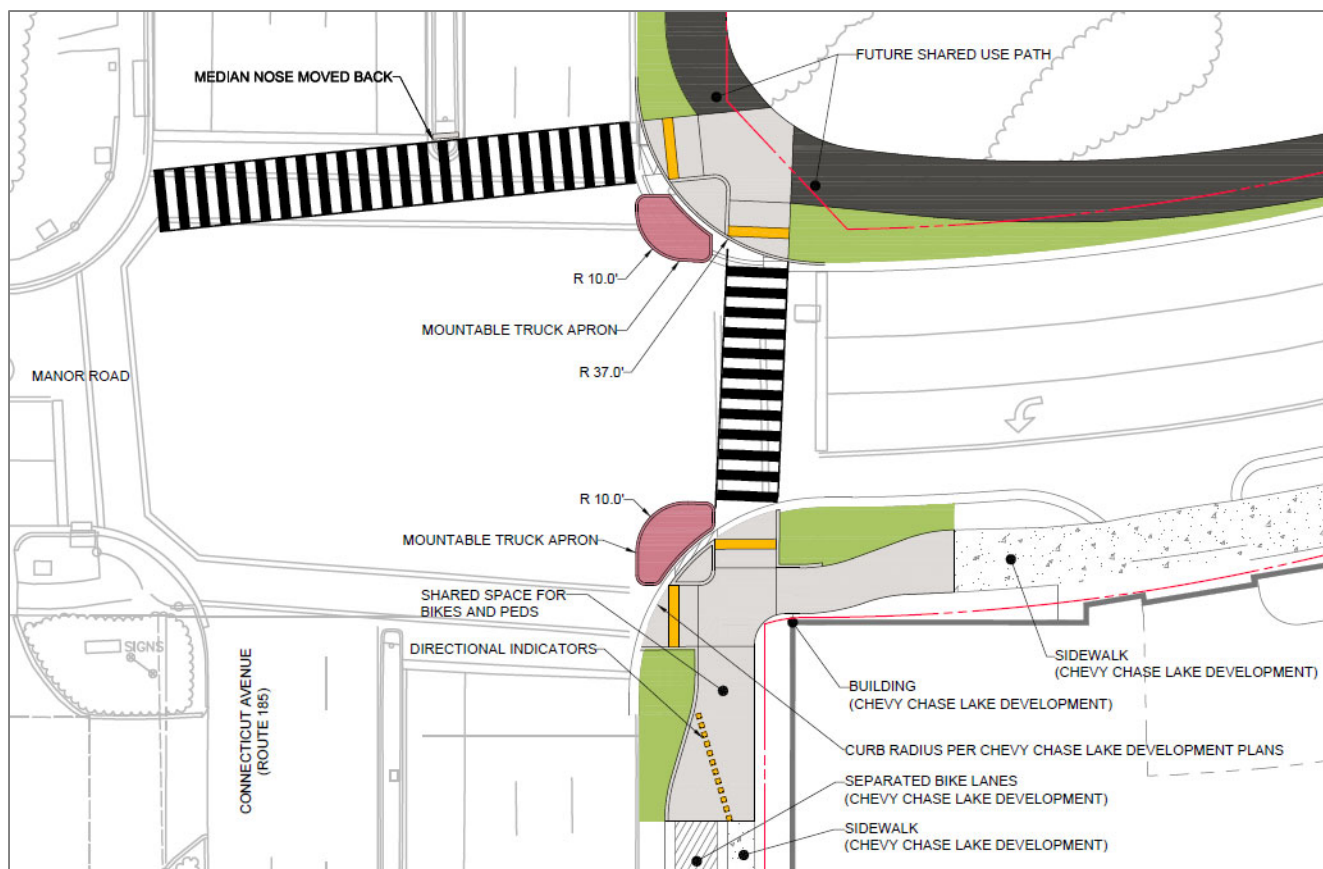


Figure 5: Conceptual Separated Intersection Design

## Community Outreach

The Applicant has complied with all submittal and noticing requirements. Staff received two letters seeking clarification of the elements included in the Amendment.

## SECTION 4: SITE PLAN AMENDMENT ANALYSIS AND FINDINGS

The Planning Board found that Site Plan 820160190 and subsequent Site Plan Amendment 82016019A were consistent with both Sketch Plan 320160030 and Preliminary Plan 12002020B, met the requirements of the CRT-2.0 C-1.0 R-1.75 H-120 and CRT 2.0 C 2.0 R 2.0 H80 zones, satisfied Forest Conservation and water quality requirements and complied with other applicable regulatory requirements. The Planning Board further determined that the Project was compatible with other uses and other site plans when considering existing and proposed adjacent development.

This Amendment complies with the general requirements and development standards of the Zoning Ordinance, Subdivision Regulations and substantially conforms with the goals and recommendations of the 2013 *Chevy Chase Lake Sector Plan*. The elements of the proposed Site Plan Amendment No. 82016019B remain consistent with the original findings.



**CONCLUSION**

Staff recommends approval of Site Plan Amendment No. 82016019B with the conditions specified in this report.

**ATTACHMENTS**

Attachment A: Previous Approvals

Attachment B: Summary of Proposed Modifications

Attachment C: Connecticut Avenue/ Manor Road Separated Intersection



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

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

**JAN 28 2016**

**RESOLUTION**

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

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

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

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

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

Approved as to  
Legal Sufficiency:

*[Signature]* 1/14/16

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

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

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

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

All other elements are illustrative.

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

1. Density

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

2. Height

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

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

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



3. Incentive Density

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

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

4. Public Space

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

5. New Street B-1

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

6. Environment

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

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

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

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

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



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

a. Use Standards

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

b. Development Standards

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



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Section 59 - 4	Development Standard	Permitted/Required	Approved
	<b>Gross Tract Area / Net Lot Area (sf)</b> Block A Block B Block D <b>TOTAL</b>		<b>134,711/80,404</b> <b>412,215/271,144</b> <b>147,341/85,287</b> <b>694,267/436,834</b>
<b>4.5.4.B.2.b</b>	<b>Density</b> Block A  Block B  Block D  <b>TOTAL FAR/GFA<sup>2</sup></b>  <b>Commercial FAR/GFA</b> <b>Residential FAR/GFA</b>	  1.52/88,846 0.68/198,777  1.62/666,104 1.85/760,569  3.12/459,653 3.17/467,630  <b>1.75/1,214,693</b> <b>2.06/1,426,976</b>	  <b>Combined with</b> <b>Block D Totals<sup>3</sup></b>  0.53/216,900 1.74/717,800  1.63/459,800 <sup>4</sup> 2.36/667,559  <b>0.97/676,700</b> <b>2.00/1,385,360</b>
<b>4.5.4.B.2.b</b>	<b>Building Height (feet)</b> Block A:  Site A1 Site A2  Block B:  Building B1 Building B2 Building B3  Block D:  Building D1 Building D2	  40 70  120 80 80  150 150	  40 70  120 80 80  150 150
<b>4.5.4.B.1</b>	<b>Open Space (minimum)<sup>5</sup></b>		
If townhouses are built on Site A1	Site A1 - Common Open Space – (%/sq.ft.) Site A2, Blocks B and D - Public Open Space (%/sq.ft.) Combined (%/sq.ft.)	10/3,846  10/37,740 <hr/> 10/41,586	10/3,846  10/38,154 <hr/> 10/42,000
If multi-unit living is built on Site A1	Blocks A, B and D - Public Open Space (%/sq.ft.)	10/41,586	10/42,000

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

<sup>3</sup> At the time of the Sketch Plan application, the Applicant proposed averaging the density between existing lots, pursuant to Section 59-4.5.1.B of the 2014 Zoning Ordinance, as the Property's lots are directly abutting, subject to the same sketch plan, and maximum residential density limits apply to the entire Project. Upon further review, it has been determined that pursuant to Section 59-4.5.1.B of the 2014 Zoning Ordinance, FAR Averaging only applies between two or more properties—because the entire site in this Application is currently under common ownership, the Chevy Chase Land Company, it constitutes a single property, and therefore FAR Averaging does not apply to this Application.

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

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

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

c. General Requirements

i. *Site Access*

The Sketch Plan will provide improvements to both the pedestrian environment and vehicular circulation. An important component of Block B is the construction of the Sketch Plan's portion of New Street B-1, as recommended in the Sector Plan. New Street B-1 is a segment of a new street that will enhance connectivity in the future by linking Chevy Chase Lake Drive with Manor Road, the future Purple Line rail station, the Capital Crescent Trail, and commercial services.

ii. *Parking, Queuing, and Loading*

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

iii. *Open Space and Recreation*

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

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



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

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors and final details will be determined at the time of Site Plan(s).

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

Planning Themes of the Sector Plan

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

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

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

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

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



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

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

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

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

#### Land Use

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

#### Transportation Network

The Applicant will construct their portion of the New Street B-1 under the conditions specified in the Sector Plan. New Street B-1 will be a segment of a new local business district street recommended in the Sector Plan that will enhance connectivity by linking Chevy Chase Lake Drive with Manor Road (P-14), providing access to the planned Purple Line light rail station, and serving as a shared roadway for bicycles as recommended in the Sector Plan. The development associated with the Sketch Plan will be a key node along a major regional recreational resource and transportation route, the Capital Crescent Trail. This connection to the Trail will further promote bicycling as a viable mode of transportation for daily living, recreation, and work with its proximity to residences and businesses. The Sketch Plan will provide key bicycle-oriented amenities along this important biking corridor, including a dedicated bike lane along Connecticut Avenue, storage facilities, a bike-share station and a network of shared-use internal streets.

#### Open Space

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

#### Environment

The Sector Plan contains several recommendations to preserve and restore environmental features while minimizing the impact of future development, including expanding the existing tree canopy and promoting sustainable site



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

#### Major Public Facility

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

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

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

#### Transit Proximity

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

#### Connectivity and Mobility

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



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

#### Quality of Building and Site Design

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

*Structured Parking:* The Applicant requests 19 points for structured parking for only the parking that will be below grade. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade, and the Applicant anticipates 95% of all parking will be structured below grade with final parking counts to be determined at Site Plan(s). The Planning Board supports 19 points for the below-grade parking at this time.

#### Protection and Enhancement of the Natural Environment

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



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

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

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

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

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

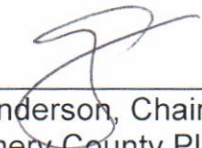
BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Chevy Chase Lake, Block A, B and D, Sketch Plan No. 320160030 submitted to M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

\* \* \* \* \*

#### CERTIFICATION

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

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



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

MCPB No. 17-041  
Preliminary Plan No. 12002020B  
Chevy Chase Lake Block B  
Date of Hearing: May 25, 2017

**JUN 19 2017**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on November 22, 2002, the Planning Board approved Preliminary Plan No. 120020200, creating one lot for a maximum of 174,016 square feet of retail uses and 48,708 square feet of office uses on 5.0 acres of land in the C-1, C-2, and R-30 zones, 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, on February 21, 2006, the Planning Board approved Preliminary Plan Amendment No. 12002020A to increase the office use floor area to 74,356 square feet on the Subject Property; and

WHEREAS, on August 9, 2016, Bozzuto Development Company and Chevy Chase Land Company ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to create two lots 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 on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12002020B, Chevy Chase Lake ("Preliminary Plan," "Amendment," 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

Approved as to

Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

MNCPPC Legal Department  
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org



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Chevy Chase Lake Block B  
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WHEREAS, on May 25, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12002020B to create two lots 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 on the Subject Property by adding the following conditions:<sup>1</sup> All conditions imposed by the approval of Preliminary Plan No. 1200200200 and Preliminary Plan Amendment 12002020A are superseded by the conditions contained herein.

1. Approval is limited to two lots 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.
2. The maximum number of MPDUs per condition 1 above will be determined at the time of site plan approval.
3. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320160030.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated December 16, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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<sup>1</sup> 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.

5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 28, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
7. The Applicant must dedicate and show on the record plat(s) the following:
  - a. Approximately sixty-seven feet from the existing right-of-way centerline along the Subject Property frontage of Lot 2 for Connecticut Avenue to support a minimum right-of-way width of 120 feet.
  - b. Thirty-five feet from the existing right-of-way centerline along the Subject Property frontage for Manor Road to support a minimum right-of-way width of 70 feet.
8. Prior to issuance of Maryland State Highway Administration (“MDSHA”) access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
9. The Applicant must participate in the Bethesda Transportation Management District, when and if it is expanded to include Chevy Chase Lake. Alternatively, the Applicant must participate in another similar County transportation demand management program implemented in Chevy Chase Lake. Participation in either of these programs will be through a Traffic Mitigation Agreement (TMAG) or another similar vehicle approved by Staff.
10. The record plat must reflect a common use and access easement for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The easement must be created by a deed approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records.
11. The Applicant must provide private roads, Street A and Street B, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
  - a. If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the private Road, the record plat must clearly delineate



the Private Road and include a metes and bounds description of the boundaries of the Private Road.

- b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
  - c. The Private Road must be designed and constructed according to the Montgomery County Road Code Standard MC-2005.01 per the modified typical section specified by the subsequent Site Plan.
  - d. Prior to issuance of any building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
  - e. Prior to recordation of the plat, the Applicant must submit to Staff an agreement or other legal instrument that assigns responsibility for the long-term maintenance of the portion of the Private Road that crosses the Purple Line public right-of-way. To the extent possible, the agreement must conform to the requirements set forth in the covenant recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338. The agreement must be approved by the Commission's Office of the General Counsel, recorded in the Montgomery County Land Records, and referenced on the plat.
12. The certified Preliminary Plan must contain the following note:  
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
13. The record plat must show necessary easements.

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 Preliminary Plan No. 12002020B  
 Chevy Chase Lake Block B  
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14. No clearing, grading, or recording of plats prior to certified site plan approval.
15. Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
16. Include the stormwater management concept approval letter and Preliminary Plan resolution on the approval or cover sheet(s) of the certified Preliminary Plan.
17. The Applicant must construct all road and frontage improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Sector Plan and/or to the design standards imposed by all applicable road codes.
18. Prior to recordation of any plat, Site Plan No. 820160190 must be certified by Staff.
19. Prior to certification of the Preliminary Plan, the Applicant must correct the parcel labels on the lotting diagram on Sheet PP-3.
20. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid until November 22, 2022.

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 Preliminary Plan substantially conforms to the Master 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 accompanying Site Plan



820160190 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.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

#### Transportation

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.

#### Other Public Facilities

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

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the lots are appropriate for the location of the subdivision taking into account the

recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed above, the Application substantially conforms to the *Chevy Chase Lake Sector Plan*. The Application complies with the land use recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses.

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

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

#### A. 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.

#### B. Forest Conservation Variance

Section 22A-12(b)(3) of the 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 requested a Variance, and the Board agrees 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 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. *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-bioretenment 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.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

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.

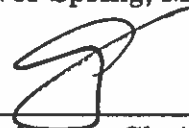
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 19 2017 (which is the date that this Resolution is mailed to all parties of record); and

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



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

MCPB No. 18-023  
Preliminary Plan No. 12002020C  
Chevy Chase Lake Block B  
Date of Hearing: February 22, 2018

**MAY 08 2018**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on November 22, 2002, the Planning Board approved Preliminary Plan No. 120020200, creating one lot for a maximum of 174,016 square feet of retail uses and 48,708 square feet of office uses on 5.0 acres of land in the C-1, C-2, and R-30 zones, 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, on February 21, 2006, the Planning Board approved Preliminary Plan Amendment No. 12002020A to increase the office use floor area to 74,356 square feet on the Subject Property; and

WHEREAS, on June 15, 2017, the Planning Board approved Preliminary Plan Amendment No. 12002020B to create two lots 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 on 6.19 acres of land in the CRT-2.0 C-1.0 R-1.75 H-120 and CRT 2.0 C 2.0 R 2.0 H80 zones, on the Subject Property; and

WHEREAS, on December 22, 2017, Bozzuto Development Company/Chevy Chase Land Company ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plans to abandon an easement on the Subject Property which has not been put to public use; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12002020C, Chevy Chase Lake Block B ("Preliminary Plan," "Amendment," or "Application"); and

Approved as to  
Legal Sufficiency:

  
8787 Georgia Avenue, Silver Spring, Maryland 20910  
MNCPPC Legal Department  
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org



MCPB No. 18-023  
Preliminary Plan No. 12002020C  
Chevy Chase Lake Block B  
Page 2

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 February 12, 2018, setting forth its analysis and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, on February 22, 2018, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment, on motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12002020C to abandon an easement which has not been put to public use.

BE IT FURTHER RESOLVED that all preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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, and upon consideration of the entire record, the Planning Board FINDS that:

1. this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as revised by previous amendments, and all findings remain in effect; and
2. the "easement for drainage sanitary and storm sewers" shown on Plat No. 2171, Parcel A, Block 2, Chevy Chase Section 5-C that is the subject of this Amendment and further described in the Staff Report has not been in public use and is not necessary for anticipated future public use. Accordingly, the easement is appropriate for abandonment under Montgomery County Code Section 49-68, subject to the Washington Suburban Sanitary Commission abandoning its interest in the easement.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record); 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 MAY 08 2018 (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 Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, April 26, 2018, in Silver Spring, Maryland.



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



**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:

8787 Georgia Avenue, Silver Spring, Maryland 20910

MNCPPC Legal Department  
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org



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:<sup>1</sup>

1. Sketch Plan Conformance

The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320160030.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan Amendment No. 12002020B.

**Other Agencies**

3. Agency Recommendations

- a. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated December 16, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.
- 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.

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<sup>1</sup> 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
	<b>TOTAL FAR/GFA</b>	<b>2.0/250,802</b>		<b>1.86/233,840</b>
	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
	<b>TOTAL FAR/GFA</b>	<b>2.0/538,648</b>		<b>2.06/555,610</b>
	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
	<b>TOTAL FAR/GFA</b>	<b>n/a</b>	<b>2.36/934,700</b>	<b>2.0/789,450</b>
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
<b>Major Public Facilities</b>			
Bike Share Station	10	10	10
Neighborhood Square	26	32.3	32.3
Transit Proximity	7.5	7.5	7.5
<b>Quality of Building and Site Design</b>			
Exceptional Design	7	7	7
Structured Parking	10	19.7	19.7
<b>TOTAL</b>	<b>60.5</b>	<b>76.5</b>	<b>76.5</b>

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-bioretenment 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-bioretenment 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






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

**Memorandum**

**TO:** Gwen Wright, Planning Director

**VIA:** Mark Pfefferle, Acting Chief  
Elza Hisel-McCoy, Supervisor  
Area #1 Division

**FROM:** Grace Bogdan, Planner Coordinator   
Area #1 Division

**RE:** Chevy Chase Lake Block B  
MINOR SITE PLAN AMENDMENT #82016019A

**DATE:** March 18, 2019

Section 59.7.7.1.B.3 of the Zoning Code addresses Amendments for Plans approved or pending before October 30, 2014. Section 7.7.1.B.3.a states that until October 30, 2039, an Applicant may apply to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, subject to certain limitations.

Section 7.7.1.B.3.b of the Zoning Ordinance, however, allows Applicants to apply to amend a site plan approved before October 30, 2014, to take advantage of the parking requirements contained in Sections 6.2.3 and Section 6.2.4 of the Zoning Ordinance that went into effect on October 30, 2014.

Under Section 59.7.3.4.J.2, the Planning Director may approve in writing certain applications for an amendment to a Certified Site Plan. Such amendments, which are considered minor in nature and do not alter the intent and objectives of the plan, specifically include an amendment "to reduce the approved parking to satisfy Article 59-6."

Neither a Pre-Application meeting with the community/public/parties of record nor a Pre-Submittal meeting with the DARC Intake Section is required. However, submittal of the application to DARC is required. In addition, applicants must provide public notice under Division 7.5.

Bozzuto Development Company and Chevy Chase Land Company, ("Applicant") filed a Site Plan Amendment application on January 25, 2019, designated Site Plan No. 82016019A ("Amendment") for approval of the following modifications:

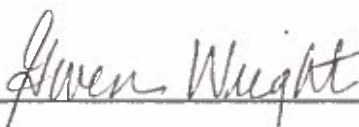
1. Shift retaining wall within previously approved LOD;
2. Modify planting design and grading to reflect new wall location;
3. Adjust mechanical slab and utility lines, as necessary.

A notice of the subject site plan amendment was sent to all required parties by the Applicant on February 14, 2019. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence regarding the application.

The proposed amendment is consistent with the provisions of Section 59.7.3.4.J.2 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements of the Planning Board in approving the original site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59.7.3.4.H. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

  
\_\_\_\_\_  
Gwen Wright, Planning Director

  
\_\_\_\_\_  
Date Approved

**Steven A. Robins**  
301-657-0747  
[sarobins@lerchearly.com](mailto:sarobins@lerchearly.com)

**Elizabeth Rogers**  
301-841-3845  
[ecrogers@lerchearly.com](mailto:ecrogers@lerchearly.com)

May 24, 2019

**BY ELECTRONIC DELIVERY**

The Honorable Casey Anderson, Chair  
And Members of the Montgomery County Planning Board  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3670

Re: Letter of Explanation/Justification  
Chevy Chase Lake  
Consent Agenda Site Plan Amendment No. 82016019B

Dear Chairman Anderson and Members of the Planning Board:

Bozzuto Development Company (the "Applicant"), on behalf of a joint venture between the Bozzuto Development Company and The Chevy Chase Land Company, is submitting this application for a Consent Agenda Amendment to the previously approved Site Plan 82016019A (the "Amendment") for consideration by the Montgomery County Planning Board (the "Planning Board"). This Amendment proposes various refinements to the site design, which are necessary to implement the most recent Site Plan approvals for Chevy Chase Lake Block B (the "Property"). This letter serves to meet the various requirements contained in the Development Review Procedures Manual for the submission of a Consent Agenda Plan Amendment.

**I. Background**

The Property is located in the southeast quadrant of the intersection of Connecticut Avenue and Manor Road. On May 25, 2017 the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (the "Planning Board") approved Preliminary Plan No. 12002020B and Site Plan No. 820160190 (collectively, the "Development Plans"), for the creation of two lots to accommodate the redevelopment of a portion of Block B with a mixed-use project containing multi-family residential above ground floor commercial use (the "Project").

## **II. Proposed Modifications**

The first phase of the Project is currently under construction. As such, this Amendment is necessary to accommodate refinements in the project design and field conditions encountered during construction.

### **A. Design Refinements**

The Applicant is seeking approval of the following design enhancements, resulting from the normal course of advancing schematic level designs to detailed construction drawings.

#### **i. Garage Access/ Configuration**

To improve the efficiency of on-site circulation, the Applicant is proposing to modify the garage access and internal layout for the underground parking facilities. Specifically, the Applicant is proposing to eliminate the garage entry point located along the eastern façade of Building B1 (the covered loading dock will remain). Given the proximity of this access point to the Purple Line Crossing, internal private streets and alleyways, the proposed modification will improve internal site circulation and minimize the potential for pedestrian and/or vehicular conflicts. Importantly, the exterior elevation of the eastern façade will remain largely unchanged, as the roll-up door will be converted into hinged doors that will screen and provide access to the relocated stormwater micro-bioretenention planters and transformers (discussed below).

The garage access points along the eastern and southern façades for Building B3 will remain unchanged and will be sufficient to service a garage of this size. The Applicant also is proposing associated modifications to the configuration of the internal parking garage layout. The internal garage layout has been reconfigured to provide convenient access to the parking below Building B1, from the access point on the southern façade of Building B3. Accordingly, the site will continue to provide adequate, safe and efficient vehicular circulation.

#### **ii. Refinements to Building Elevations**

The Applicant is proposing modest revisions to the ground level elevations on the south and east façades of Building B3. These modifications are intended to provide flexibility to respond to market demands, should the Applicant be able to secure a retail tenant for this portion of the building. Specifically, the alternative design provides for the introduction of a modest amount of storefront glass, and relocation/addition of exterior doors to accommodate direct pedestrian/customer access. These modifications also will result in associated changes to the location of the stormwater micro-bioretenention planter(s), site grades, and hardscape design.



## **B. Clean-Up Modifications**

In addition to the design refinements discussed above, the Applicant is seeking approval of several minor modifications to "clean-up" the record, so that the plans on file match the as-built conditions, including but not limited to:

- Tightening of the curb radius at the intersection of Connecticut Avenue and Manor Road, to accommodate design changes requested by the State Highway Administration and required signal improvements;
- Minor changes to easternmost access point on Manor Road. Specifically, the drive aisle has been widened by approximately 3.5 feet to provide improved vehicular access and turning movements;
- Relocation of the transformers (previously located to the east of Building B1), to the prior location of the garage access ramp (directly to the south of Building B1). The transformers will be screened from view from the street by architectural doors.
- Minor modifications to the stormwater facilities, to accommodate the various modifications proposed by this Amendment. The Project will continue to provide stormwater management on-site, in accordance with the County and State requirements;
- Refinements to design of raised plaza/Purple Line platform to reflect natural progression of design, as the Project moves toward construction level drawings, and coordination with Purple Line Transit Partners;
- Widening of the eastern-most driveway apron along Manor Road to provide improved turning movements for vehicles accessing the garage and trucks servicing the on-site retail;
- Modest changes to the extent of the Right-of-Way Dedication and Public Improvement Easement along Manor Road, to reflect changes approved by M-NCPPC and the Department of Permitting Services, in connection with the Record Plat;
- Provision of an additional 10" sewer connection, located adjacent to the currently proposed connection, on the south side of B1 garage; and
- Associated modifications to site grades, hardscape, landscaping and lighting.

Importantly, no changes are proposed to the previously approved limits of disturbance.

Mr. Casey Anderson  
and Members of the Montgomery County Planning Board

May 24, 2019

## **I. Conclusion**

The modifications proposed by this Amendment represent modest but important changes to the site design and do not affect the intent or objectives of the approved Site Plan. In support of this Consent Agenda Site Plan Amendment, we are submitting the following items in addition to five copies of this letter of explanation:

1. Application form and checklist.
2. Certificate of Compliance.
3. Filing fee (when requested).
4. Application notice letter prepared by the Applicant (draft copy).
5. Adjoining and confronting property owner list, and HOA/ Civic list.
6. Applicant certificate of compliance.
7. Signage information.
8. Markup of Approved Plans (redlined); and
9. Amended Plans.

As Planning Department Staff is aware, the project currently is under construction. We appreciate your acceptance of this Application, and trust that you will not hesitate to contact us if more information is needed to facilitate a timely review. We look forward to working with you to obtain approval of this Amendment.

Sincerely,



Steven A. Robins



Elizabeth C. Rogers

cc: Mr. Elza Hisel-McCoy  
Ms. Alisa Rosenberg  
Mr. Emmanuel Egoegonwa  
Mr. Justin Kennell  
Mr. Josh Sloan

August 28, 2019

David Anspacher  
Montgomery County Planning Department  
Functional Planning & Policy Division  
8787 Georgia Ave  
Silver Spring, MD 20901

**RE: CHEVY CHASE LAKE PEDESTRIAN INTERSECTION – BASIS OF DESIGN MEMO**

## **PROJECT BACKGROUND**

The Montgomery Planning Department is interested in constructing a protected intersection at the northeast and southeast corners of the intersection of Connecticut Ave and Manor Road to continue the Connecticut Avenue two-way separated bike lane across Manor Road and to transition the bikeway to a future sidepath on Connecticut Ave to the north of Manor Road and a future sidepath along eastbound Manor Road. The future sidepath locations are recommended in the 2018 Bicycle Master Plan but have not been preliminarily designed. The Montgomery Planning Department is currently coordinating with the Chevy Chase Lake project team on the design of the southeast corner of the intersection of Connecticut Avenue and Manor Road. To aid in this effort, Toole Design is assisting the Montgomery County Planning Department by providing a protected intersection design at the requested corners and developing this technical memorandum documenting the advantages of a protected intersection at this location.

## **JUSTIFICATION FOR PROTECTED INTERSECTION**

### **Introduction to the Protected Intersection**

Protected intersections are a design that creates a physical separation from vehicles for pedestrians and bicyclists. The separation is achieved through the use of a corner islands that reduce vehicle turning speeds and provide an area for vehicles to wait while yielding to bicyclists and pedestrians. Protected intersections eliminate the merging and weaving movements from vehicles typically found in conventional bike lanes and shared streets. By clearly defining pedestrian and bicyclist spaces and mitigating conflicts between motor vehicles and vulnerable users, protected intersections provide a safer crossing environment.

### **Goals of a Protected Intersection Design**

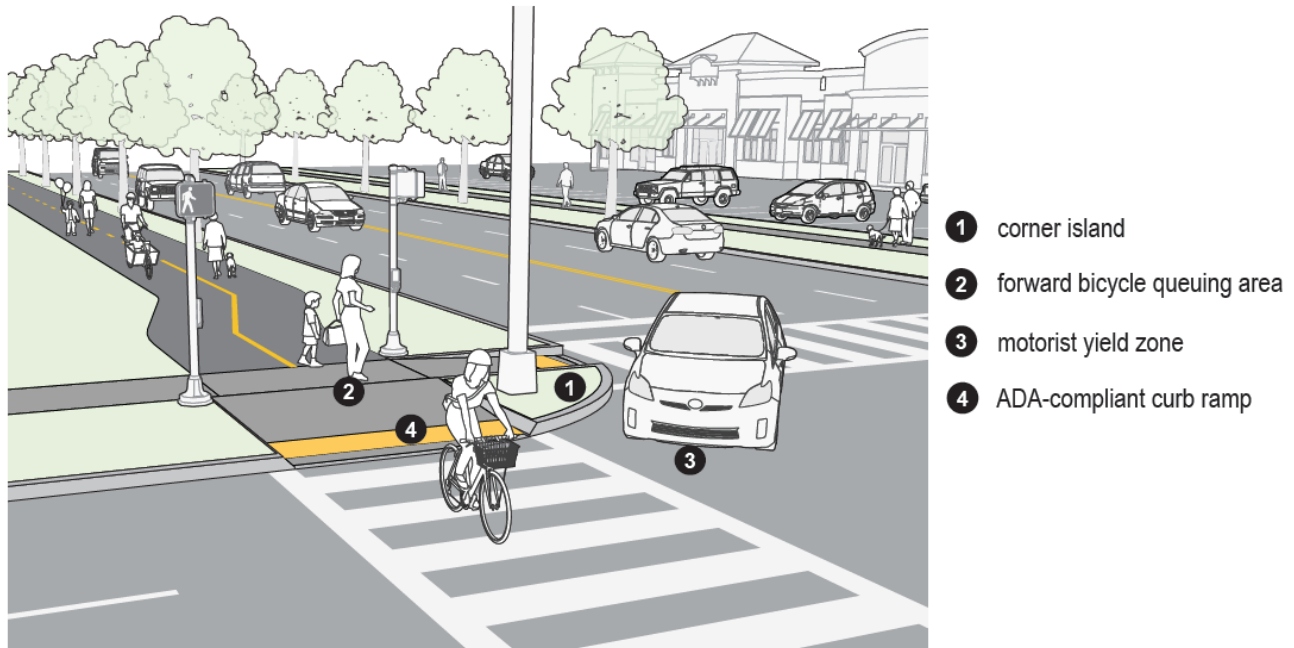
A protected intersection will look to achieve the following:

- Reduce the speed of turning motor vehicles while providing appropriate turn radius for larger vehicles.
- Communicate Right-Of-Way Priority
- Promote predictability of movement
- Allow eye contact among motorists, bicyclists and pedestrians
- Clearly define pedestrian and bicyclist operating spaces within the intersection

- Mitigate conflicts between users
- Maximize safety and comfort of bicyclists, attracting more users

## Elements of Design of a Protected Intersection

A typical protected intersection is shown below. The image is annotated with references to the elements of a protected intersection, which are described below.



### (1) Corner Refuge Island

The corner refuge island allows the bicycle and pedestrian facilities to be physically separated up to the intersection crossing point where potential conflicts with turning motorists can be controlled more easily. It serves an important purpose in protecting bicyclists and pedestrians from right-turning motor vehicle traffic. The corner island also provides forward bicycling/pedestrian queuing area, creates additional space for vehicles to wait while yielding to bicyclists and pedestrians who are crossing the road, controls motorist turning speeds, and reduces crossing distances.

Corner island geometry may vary depending on availability of space, width of buffers and radius. However, the corner island should be constructed of a standard vertical curb to discourage motor vehicle encroachment. Where the design vehicle exceeds an SU-30, a mountable truck apron should be considered to supplement the corner refuge island.

#### (1A) Mountable Truck Apron

While keeping the curb radii small is generally best for reducing crossing distances and pedestrian safety, it can have adverse safety effects if the rear wheel of a truck tracks over pedestrian queueing areas. Mountable truck aprons are a solution that can reduce turning speeds for passenger vehicles while accommodating the turning movements of larger vehicles that require the large corner radii.



Mountable truck aprons are a part of the travel way and not intended to be a refuge for pedestrians or bicyclists. The surface should be visually different from the adjacent travel way and pedestrian areas.

### *(2) Forward Bicycling/Pedestrian Queuing Area*

The forward queuing area provides space for stopped bicyclists and pedestrians to wait that is within full view of motorists who are waiting at the stop bar. This design enables bicyclists and pedestrians to enter the intersection prior to turning motorists, enabling them to establish the right-of-way.

The ideal length of the queuing area accommodate is 6 feet – the length of a standard bicycle. The opening at the entrance and exit of the crossing to the street should be the same width as the pedestrian and bike zones that enter it but not less than 6 feet wide.

### *(3) Motorist Yield Zone*

Bicycle and pedestrian crossings set back from the intersection create space for turning motorists to yield. Research has found crash reduction benefits at locations where bicycle and pedestrian crossings are set back from the motorist travel way by 6-16 feet. This offset provides the following benefits:

- Improves motorist view of approaching bicyclists and pedestrians by reducing need for motorists to turn their head.
- Eliminates the need to rely on the use of mirrors to look behind for approaching bicyclists and pedestrians.
- Creates space for the motorist to yield to bicyclists and pedestrians without blocking traffic and to stop prior to the crossing.
- Provides additional time for bicyclists and pedestrians to react to turning motorists.

### *(4) ADA Compliant Curb Ramp*

Pedestrian curb ramps are required where there is a change in elevation from the sidewalk to the street. Detectable warning panels must be provided at the edges of all street and bike zone crossings. The ADA accessibility guidelines or ADAAG require a minimum width of 36 inches. However, the ramp width should match the path width wherever possible. Directional curb ramps are preferred to diagonal ramps to prevent pedestrians and bicyclists from entering on coming traffic.

## **CONCEPT DESIGN**

### *Description*

Toole Design has worked with the Montgomery County Planning Department to develop two protected intersection concepts for the northeast and southeast corners of the intersection of Connecticut Ave and Manor Road connecting the Chevy Chase Lake Development separated bike lanes with future, recommended side paths along Connecticut Ave and Manor Road. These concepts are attached to this document. Toole Design assumed widths and locations for future sidepaths. The first concept uses a 37-foot curb radius on the NE corner and the second concept tightens the curb radius on the same corner as much as possible while accommodating a WB-67 truck right turn movement. Autoturn exhibits are included with each protected intersection concept.

### *Similarities*

In the two concepts, the design of the southeast corner (along the Chevy Chase Lake development) is the same and uses the same curb line as proposed in the development plans. The design provides a shared space for bikes and pedestrians with the mixing area occurring outside of the roadway. Directional indicators area also

included to direct the visually impaired to the sidewalk and away from the separated bike lanes. The proposed southeast corner design is within the public right-of-way.

Both protected intersection options include corner refuge islands outside the roadway. The corner refuge islands provide the forward queueing area within the curb ramps. All curb ramps are horizontally designed to be ADA compliant.

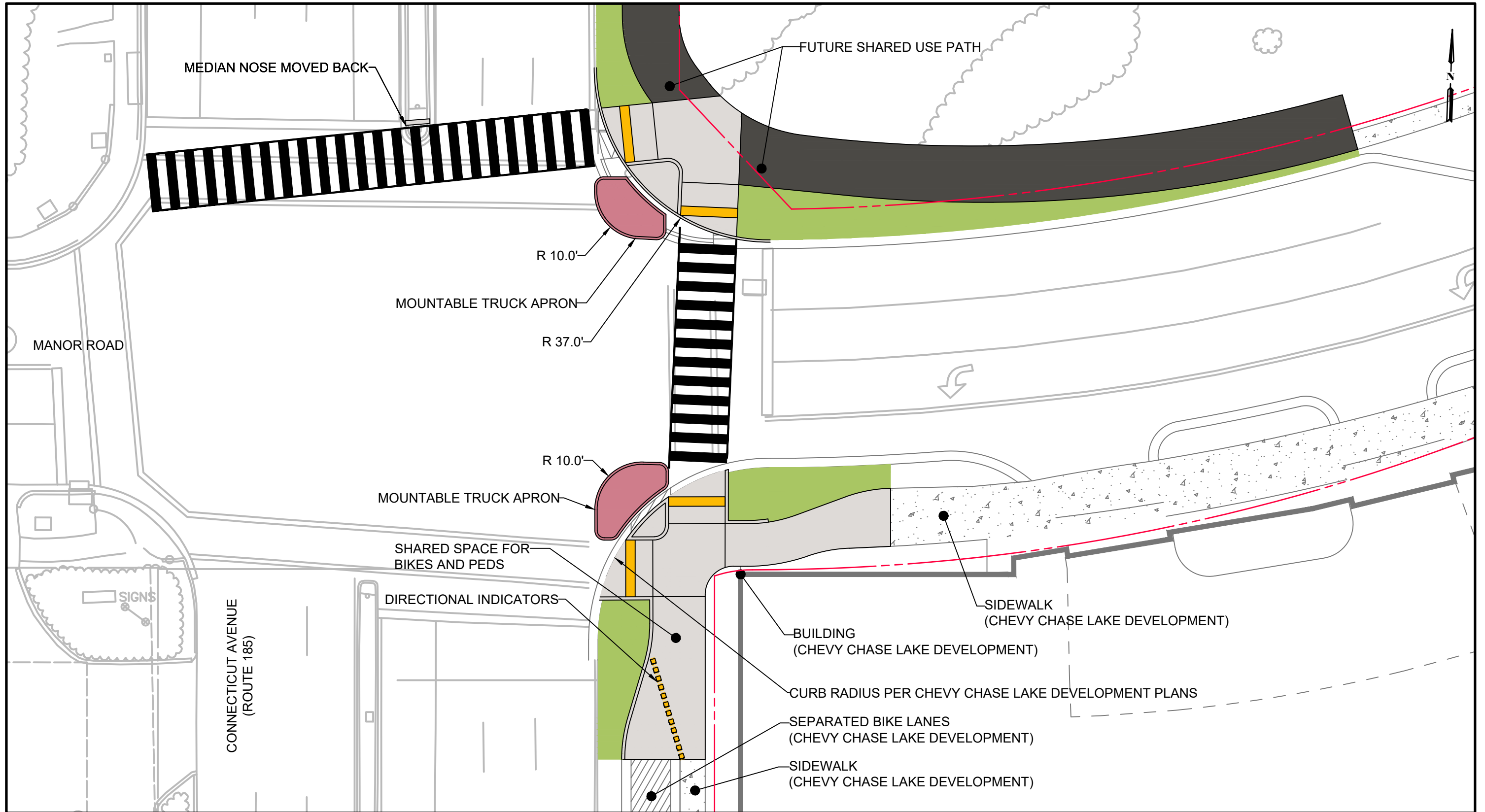
Mountable truck aprons are included in both options with the intent to slow turning vehicles and allocate space for a motorist yield zone. All mountable truck aprons have 10-foot radii allowing passenger vehicles to make a right turn without tracking over them or encroaching into adjacent lanes.

### *Comparison*

Since the southeast corner is the same in both concepts, the comparison is limited to the northeast corner. The main difference between the two concepts is how a WB-67 navigates the right turn from Manor Road to Connecticut Ave. With the 37-foot corner radius, the WB-67 can make the right turn from the right turn lane with the trailer tracking over the truck apron. In the concept with the 25-foot corner radius, the WB-67 must make the turn from the adjacent through lane to avoid tracking over the corner island.

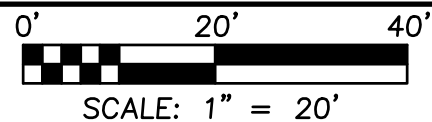
The 25-foot corner radius does allow for shorter crossing distances for pedestrians and bicyclists and does require slightly less right-of-way acquisition in the northeast quadrant of the intersection for the future shared-use path

The existing northeast corner of Connecticut Ave and Manor Road has a combined through / right turn lane and an approximate 29' corner radius. The addition of the right turn lane and increasing the corner radius will create a much longer crossing distance for pedestrians than the existing condition. Long crossing are uncomfortable for vulnerable users as they increase the time of exposure to crashes and points of conflict. **Therefore, from a safety perspective it is preferable to retain the combined through / right turn lane and 29' corner radius that exists today.**



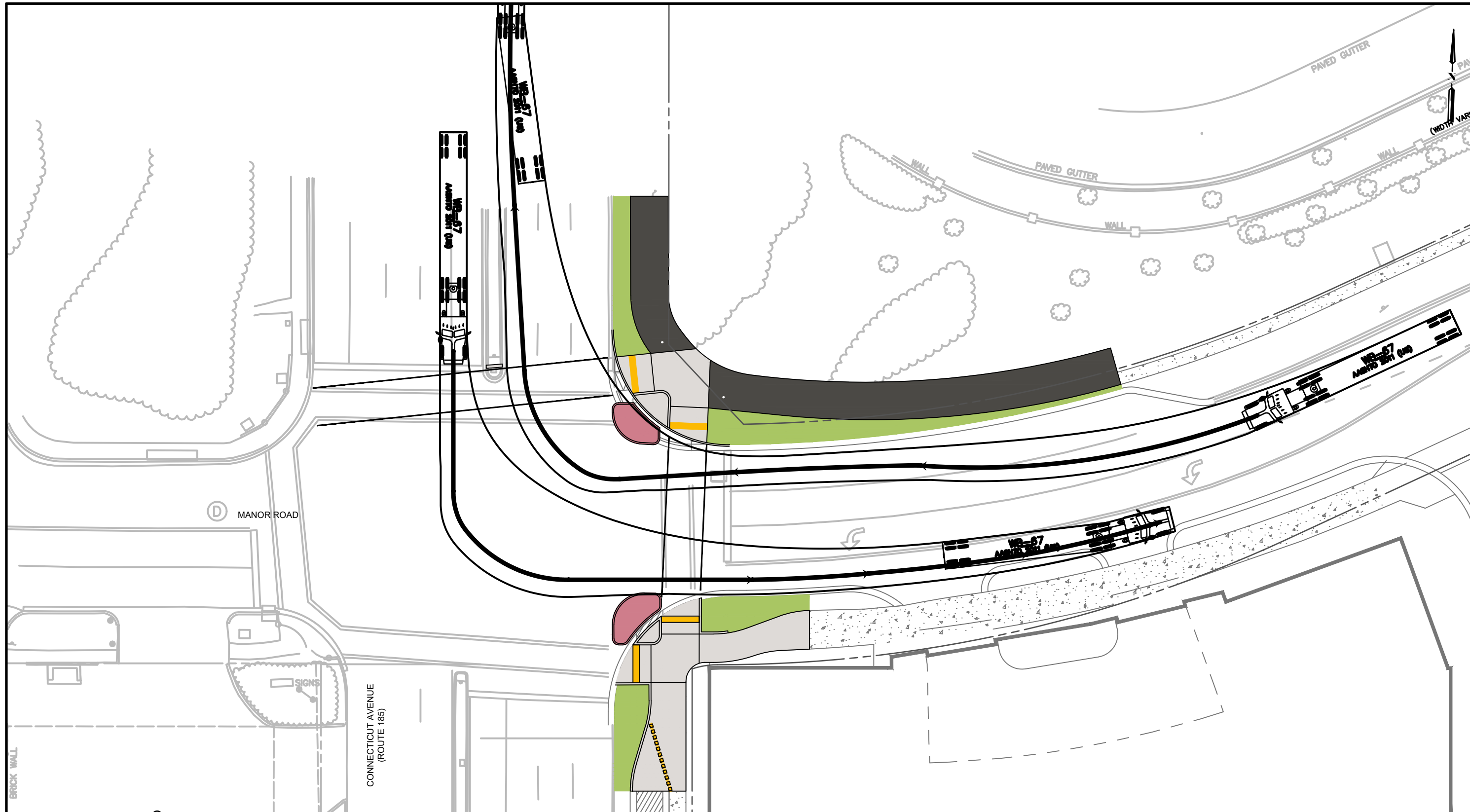
**TOOLE**  
DESIGN

THIS IS A PRELIMINARY CONCEPT. FIELD VERIFICATION, SITE CONDITION ASSESSMENTS, ENGINEERING ANALYSIS AND DESIGN ARE NECESSARY PRIOR TO IMPLEMENTING ANY OF THE RECOMMENDATIONS CONTAINED HEREIN.



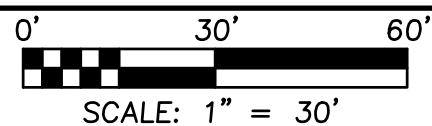
PROTECTED INTERSECTION CONCEPT  
37' RADIUS ON NE CORNER  
SHEET 1 OF 2

PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION



**TOOLE**  
DESIGN

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PROTECTED INTERSECTION CONCEPT  
37' RADIUS ON NE CORNER  
WB-67  
SHEET 1A OF 2  
PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION

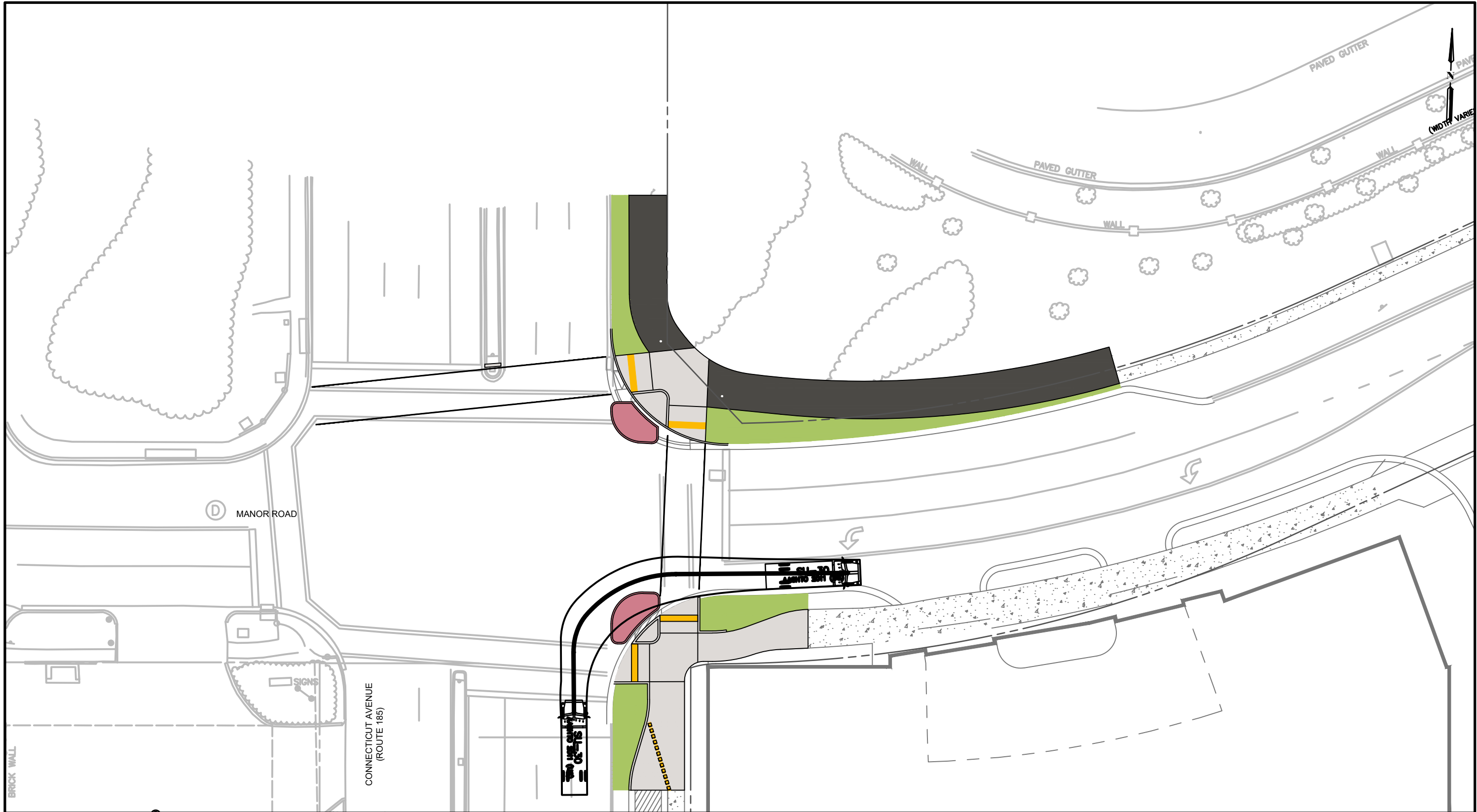




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DESIGN

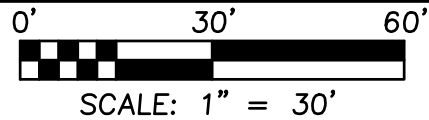
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PROTECTED INTERSECTION CONCEPT  
37' RADIUS ON NE CORNER  
PASSENGER VEHICLE  
SHEET 1B OF 2  
PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION

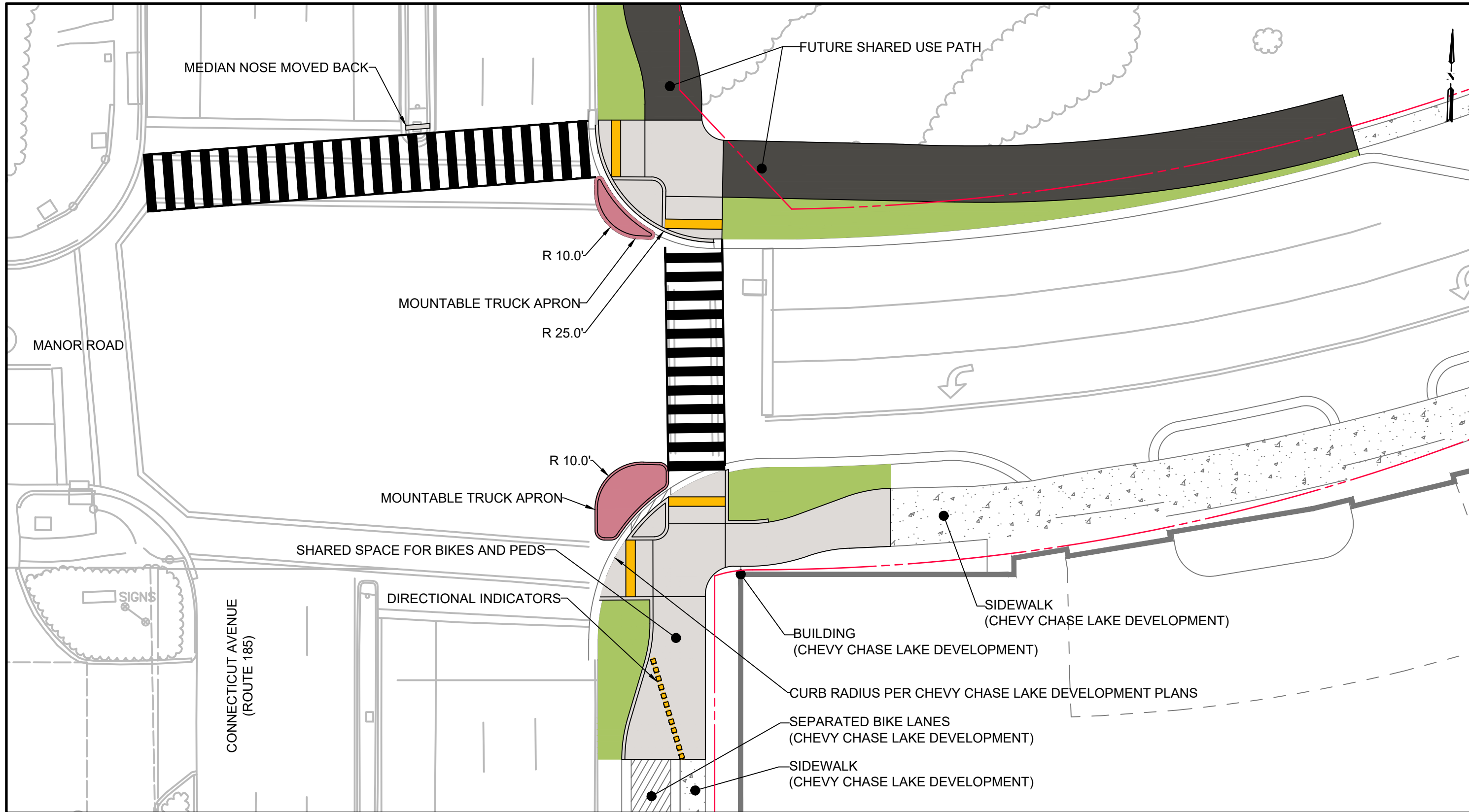


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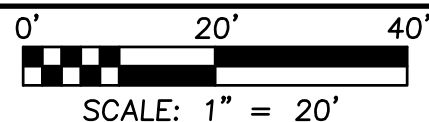


PROTECTED INTERSECTION CONCEPT  
37' RADIUS ON NE CORNER  
SU-30  
SHEET 1C OF 2  
PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION



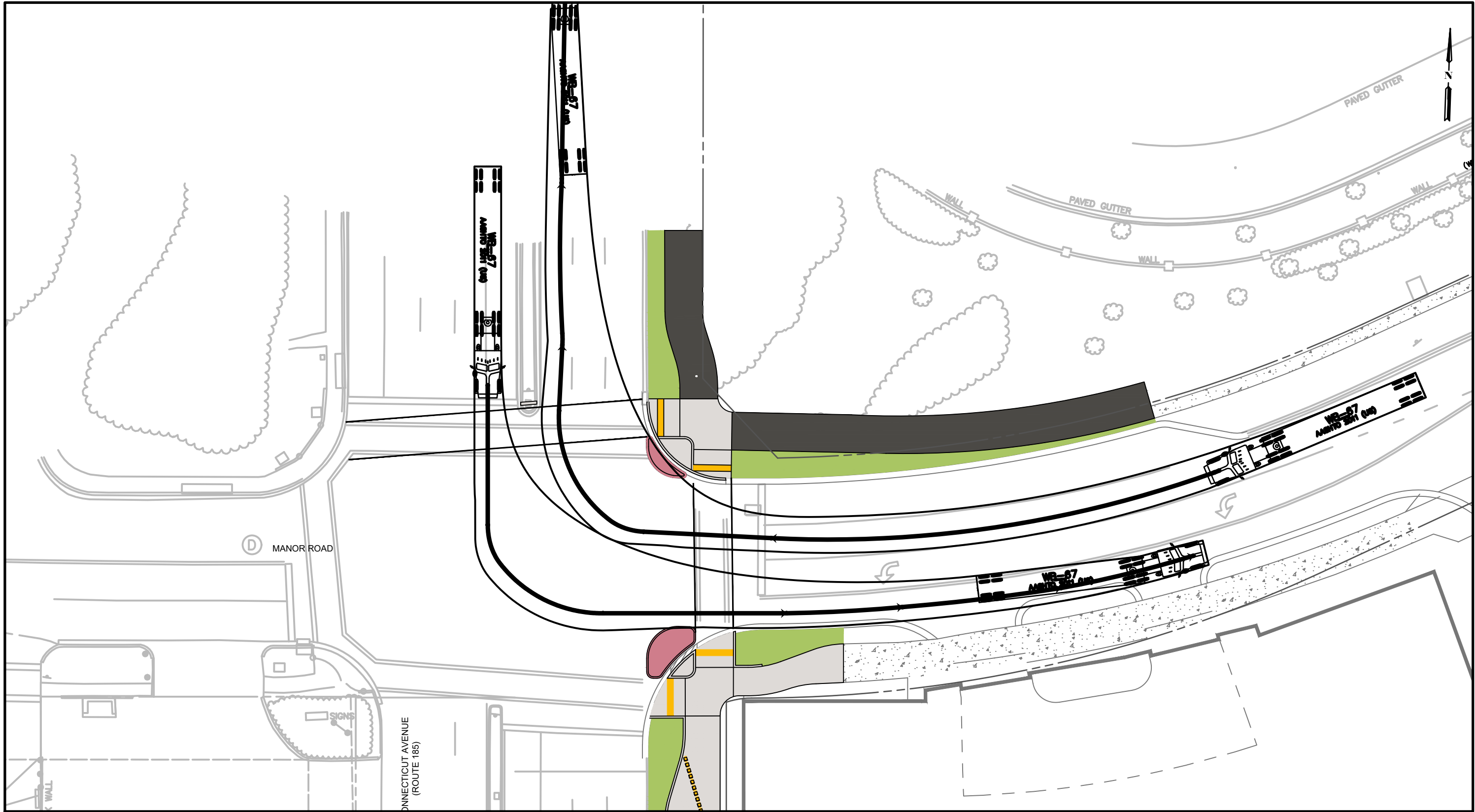
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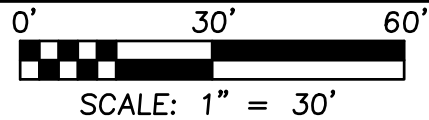
PROTECTED INTERSECTION CONCEPT  
25' RADIUS ON NE CORNER  
SHEET 2 OF 2

PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION



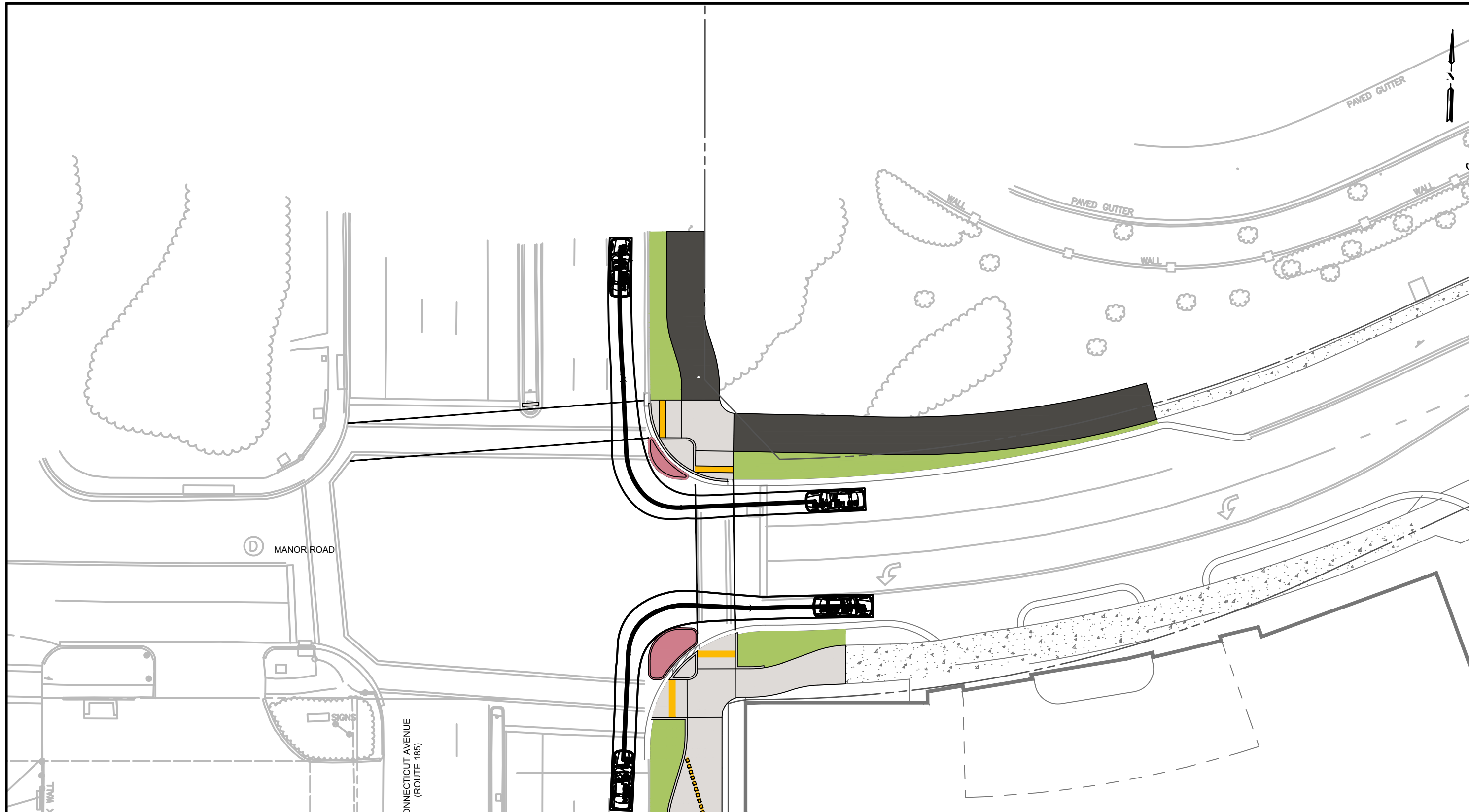
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PROTECTED INTERSECTION CONCEPT  
25' RADIUS ON NE CORNER  
WB-67  
SHEET 2A OF 2  
PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION



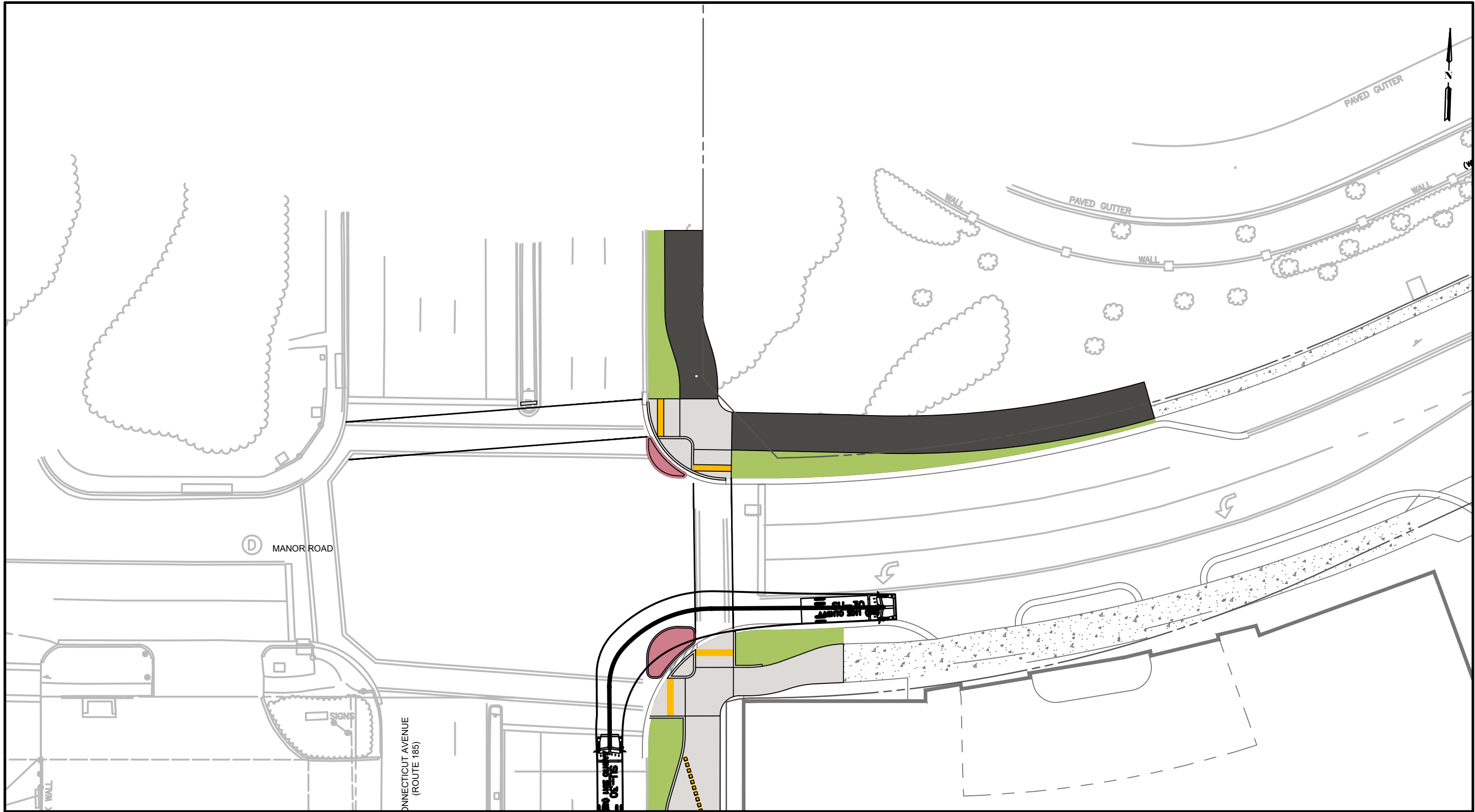


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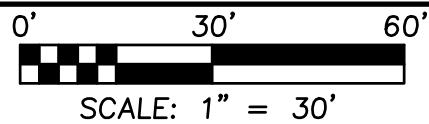
0' 30' 60'  
SCALE: 1" = 30'

PROTECTED INTERSECTION CONCEPT  
25' RADIUS ON NE CORNER  
PASSENGER VEHICLE  
SHEET 2B OF 2  
PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION



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PROTECTED INTERSECTION CONCEPT  
25' RADIUS ON NE CORNER  
SU-30  
SHEET 2C OF 2  
PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION