



**The Collection (Formerly Chevy Chase Center):
The Collection I, Site Plan Amendment No. 82001021H, and
The Collection II, Site Plan Amendment No. 82001013F**



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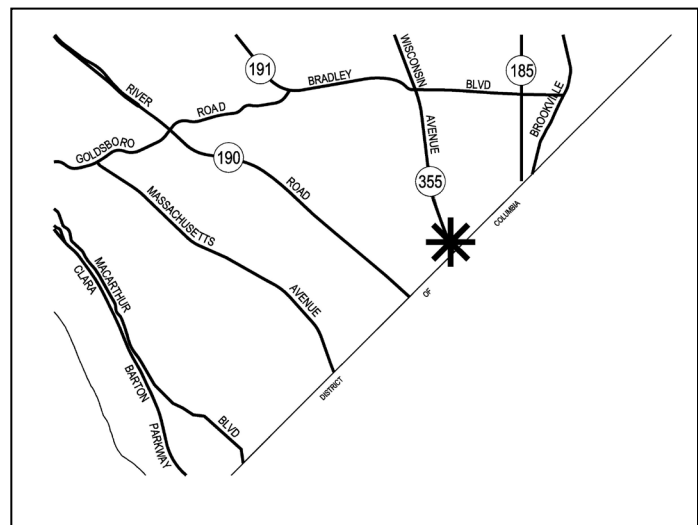


Elza Hisel-McCoy, Chief, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Completed: 5.11.20

Description

- Amendment for modifications, including: a reduction in public use space, increased private outdoor dining space, reallocation of retail and restaurant square footage, associated hardscape & landscape modifications, a reduction in parking and minor parking layout changes;
- Located at the northeast quadrant of the intersection with Wisconsin Avenue and Wisconsin Circle;
- 10.35 gross acres zoned CR 2.0, C 2.0, R 1.5, H 90T and CR 0.75, C 0.75, R 0.25, H 55T in the 1998 *Friendship Heights Sector Plan*;
- Applicant: Chevy Chase Land Company;
- Acceptance Date: March 5, 2020;
- Review Basis: Section 59-D-3.7 of the 2004 Zoning Ordinance and Section 7.7.1.B.3. of the 2014 Zoning Ordinance.



Summary

- Staff recommends **APPROVAL** of the Site Plan Amendments, with conditions.
- This is a split-zoned site that is governed, in part or in whole, by a Project Plan, Development Plan, Preliminary Plan, and Site Plans and amendments, all of which were approved between 1999 and 2019. The Amendments propose modifications to site design, including: a reduction in public use space to the minimum required by the zone; minor adjustments to the parking layout to support new tenant needs, minor adjustments to commercial space use to accommodate additional restaurants, and minor alterations to landscape and hardscape to provide private dining space.
- The Applications are being reviewed under the CBD-1 Zone and TS-M Zone development standards in effect on October 29, 2014, as permitted under Section 59.7.7.1.B.3 of the Zoning Ordinance.
- Staff received correspondence regarding the Amendments resulting in the Planning Director's deferral of this item to a public hearing before the Planning Board.

SECTION 1: RECOMMENDATION AND CONDITIONS

Site Plan Amendment No. 82001013F

Staff recommends approval of Site Plan Amendment No. 82001013F, The Collection II, for a reduction in public use space, increased private dining space and associated hardscape & landscape modifications, reallocation of retail and restaurant square footage, and parking adjustments. 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. The Amendment adds the following conditions, and all conditions of previous approvals remain valid and binding. In the event of a conflict between the following conditions and those of previous approvals, the conditions as amended shall control.

1. The Site Plan is limited to a maximum of 300,000 square feet of total development on the Subject Property, including up to 208,628 square feet of office uses, up to 62,707 square feet of retail uses, and up to 29,817 square feet of restaurant uses. The combination of retail and restaurant uses within the limits described above must not exceed 91,372 square feet.
2. Outdoor Dining areas must be adjacent to the primary restaurant use to which it is ancillary and illustrated on the Certified Site Plan.
3. The Applicant must provide a minimum of 30,000 square feet of public use space (20% of the net lot area) on-site, as illustrated on the Certified Site Plan.
4. The Certified Site Plan must reflect a 15-foot-wide minimum clear pedestrian path width at the north end of Johnson Park and a minimum clear pedestrian path of 6 feet along all outdoor dining areas.
5. 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 development program, and Site Plan resolution on the approval or cover sheet(s).
 - b. Modify data table to reflect development standards approved by the Planning Board.
 - c. Ensure consistency of all details and layout between Site and Landscape plans.
 - d. Remove "X" designation on trees to be removed. No trees will be impacted as part of the Subject Amendment.

Site Plan Amendment No. 82001021H

Staff recommends approval of Site Plan Amendment No. 82001021H, The Collection I, for a reduction in public use space, increased private dining space and associated hardscape & landscape modifications, reallocation of retail and restaurant square footage, and parking adjustments. 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. The Amendment adds the following conditions, and all conditions of previous approvals remain valid and binding. In the event of a conflict between the following conditions and those of previous approvals, the conditions as amended shall control.

1. The Site Plan is limited to a maximum of 112,000 square feet of total development on the Subject Property, including up to 24,000 square feet of office uses, up to 72,957 square feet of retail uses, and up to 18,780 square feet of restaurant uses. The combination of retail and restaurant uses within the limits described above must not exceed 88,000 square feet.
2. Outdoor Dining areas must be adjacent to the primary restaurant use to which it is ancillary and illustrated on the Certified Site Plan.
3. The Applicant must provide a minimum of 20,820 square feet of public use space (10% of the net lot area) on-site, as illustrated on the Certified Site Plan.
4. The Certified Site Plan must reflect a 7-foot-wide minimum clear pedestrian path width along Wisconsin Avenue and a minimum clear pedestrian path of 6 feet along all outdoor dining areas.
5. 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 development program, and Site Plan resolution on the approval or cover sheet(s).
 - b. Modify data table to reflect development standards approved by the Planning Board.
 - c. Ensure consistency of all details and layout between Site and Landscape plans.
 - d. Remove "X" designation on trees to be removed. No trees will be impacted as part of the Subject Amendment.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

The Subject Property is located within the wedge formed by Wisconsin Avenue and Western Avenue, NW, north of Wisconsin Circle. The Western Avenue, NW, right-of-way forms the border between the State of Maryland and the District of Columbia. Adjacent to the Site to the northeast is Chevy Chase Village. To the west, across Wisconsin Avenue, are higher-density commercial and residential buildings. The Friendship Heights Metro station is located at the intersection of Wisconsin Avenue and Western Avenue, with entrances on all four corners. The general context of this area consists of higher-density development along Wisconsin Avenue scaling down to one-family residential behind.



Figure 1 – Site Aerial



Figure 2—Vicinity Map

The Subject Property was split-zoned CBD-1 and TS-M¹, with the Chevy Chase Neighborhood Retail Preservation Overlay Zone over the CBD-1 portion. The portion of the Site currently referred to as The Collection I was zoned TS-M (82001021H), while the portion referred to as The Collection II was zoned CBD-1 (82001013F). The combined Chevy Chase Center shopping center includes a supermarket², several restaurants, and retail development. Each of the buildings front directly onto Wisconsin Avenue, Wisconsin Circle, or a private interior drive. Surface parking lots above underground structured parking are located behind the buildings and are themselves buffered from the adjacent single-family residential

¹ The CBD-1 and TS-M zones are being referenced here because Site Plans 820010130 and 820010210 were submitted prior to the adoption of the 2014 Zoning Ordinance.

² Although currently vacant, the supermarket space is undergoing renovation to accommodate a new grocer tenant.

development by a landscaped pedestrian path installed by the Applicant with the original development of this site. Vehicular entry to the site is provided off Wisconsin Circle, Wisconsin Avenue, Montgomery Street and Western Avenue, NW. There are no known rare, threatened, or endangered species on site.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

Because the Site is split-zoned CBD-1 and TS-M, the initial approvals for the project were conducted under separate mechanisms. For the CBD-1 portion of the Site (The Collection II), the Planning Board approved Project Plan 919990020 on July 29, 1999, for 300,000 square feet of office, retail, and restaurant uses. For the TS-M portion (The Collection I), the District Council approved Local Map Amendment G-775 on February 27, 2001, allowing 112,000 square feet of office, retail, and restaurant uses.

Both parts of the development were combined into Preliminary Plan 119990830, which the Planning Board approved on May 31, 2001. On that date the Board also approved two site plans, 820010130 for the CBD-1 portion of the site and 820010210 for the TS-M section. The joint resolution, mailed December 20, 2001, reconfirmed the maximum development area established by the Project and Development Plans and established new public use and amenity space amounts.

On August 15, 2005, the Director of the Planning Department approved Site Plan Amendments 82001013A and 82001021A for minor changes to the site. On August 23, 2007, the Applicant submitted another Amendment, 82001021B, for outdoor restaurant seating in the TS-M area of the site; however, the Applicant withdrew the application on October 23, 2007.

On May 13, 2010, the Planning Board approved Project Plan Amendment 91999002A, for streetscape improvements on the CBD-1 portion of the Site, and recommended approval of DPA 10-1, for modification of the central public space to allow for a private outdoor dining area, minor reconfiguration of the parking lot, and streetscape improvements on the TS-M portion of the Site. On July 13, 2010, the District Council approved DPA 10-1.

On October 20, 2010, the Planning Board approved Site Plan Amendments 82001013B and 82001021C for: modifications of Farr Park to include a private dining area; upgrades to streetscape, including plantings, paving, and street furniture; reconfiguration of former taxi stand; and a waiver of limits for ground floor uses required by the overlay zone.

On January 16, 2013, the Director of the Planning Department approved Site Plan Amendment 82001021D to convert a portion of restaurant's outdoor private dining area to public use space and to add square footage to the entrance vestibule of the restaurant.

On September 8, 2017, the Planning Board approved Site Plan Amendments 82001013C and 82001021E to modify the public use and amenity space, on-site pedestrian and vehicular circulation, architecture, and revise the quantity of on-site parking based on standards set forth in the New Zoning Ordinance.

On July 27, 2017, the Planning Board approved Site Plan Amendments 82001013D and 82001021F to make minor modifications to site design, including internal site circulation, on-site parking, revised

hardscape elements, and minor changes to landscape and lighting; reintroduce parking control gates internal to the site, eliminate certain speed humps, and reduce the amount of on-site parking.

On May 20, 2019, the Director of the Planning Department approved Site Plan Amendment 82001013E and 82001021G to make slight adjustments to the site landscaping, adjust the location of a crosswalk adjacent to the site, modify on-site parking, implement a traffic circle on Montgomery Street, and make modifications to the on-site circulation.

As a result of the recent amendments, the Applicant has upgraded the Site to better meet the market demand and serve as a gathering place for the surrounding community.

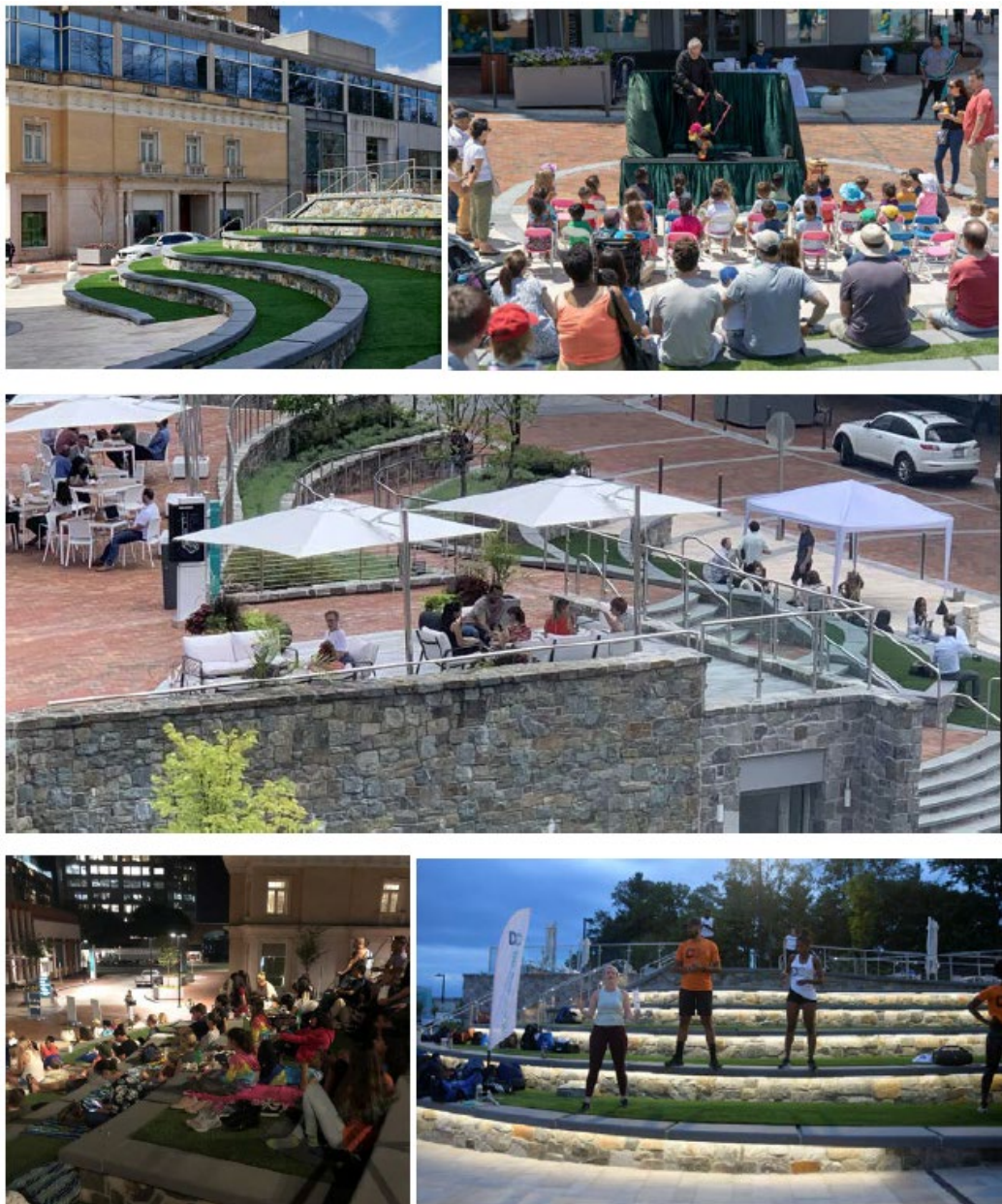


Figure 3 – Site Images (existing condition)

Proposal

The Applicant requests the Subject Amendments for approval of modifications to the Site Plans to provide flexibility for new restaurants, including: minor alterations to landscape and hardscape to provide outdoor private dining space; an associated reduction in public use space to the minimum allowed by the zone³; minor adjustments in commercial space to accommodate additional restaurants; and minor adjustments to parking to accommodate new tenant needs. Each of these revisions is summarized below and a detailed summary of the modifications sought through this amendment is provided in Attachment A.

- Minor Alterations to Landscaping and Hardscaping
Previous approvals placed limitations on the Site's outdoor dining areas based on parking requirements under the Zoning Ordinance in effect at the time of the original approvals. Since the Site is now subject to the current (2014) Zoning Ordinance for parking requirements, and no longer constrained by specific parking requirements for the outdoor dining areas, the Applicant proposes to expand the area eligible for outdoor dining areas to run the length of the façade and wrap the building along a portion of the internal public use space and Wisconsin Avenue frontage (Figures 4 and 5). Additionally, a small portion of the façade near the grocery store will be available for use as potential café seating associated with the grocery store use.

Although these areas will be eligible to be programmed for outdoor dining, the actual amount of outdoor dining will be directly related to the amount of restaurant space on the Site, which is limited to a maximum of 29,817 square feet on the Collection II (CBD-1; 82001013F) site and a maximum of 18,780 square feet on the Collection I (TSM; 82001021H) site. The total combined restaurant and retail uses are limited to the specific square footages stated above and must not exceed 91,372 square feet on the Collection II and 88,000 square feet on the Collection I.

³ Public Use Space was previously increased, from 32,848 square feet to 35,000 square feet by Site Plan Amendments 82001013C and 82001021E in 2016.

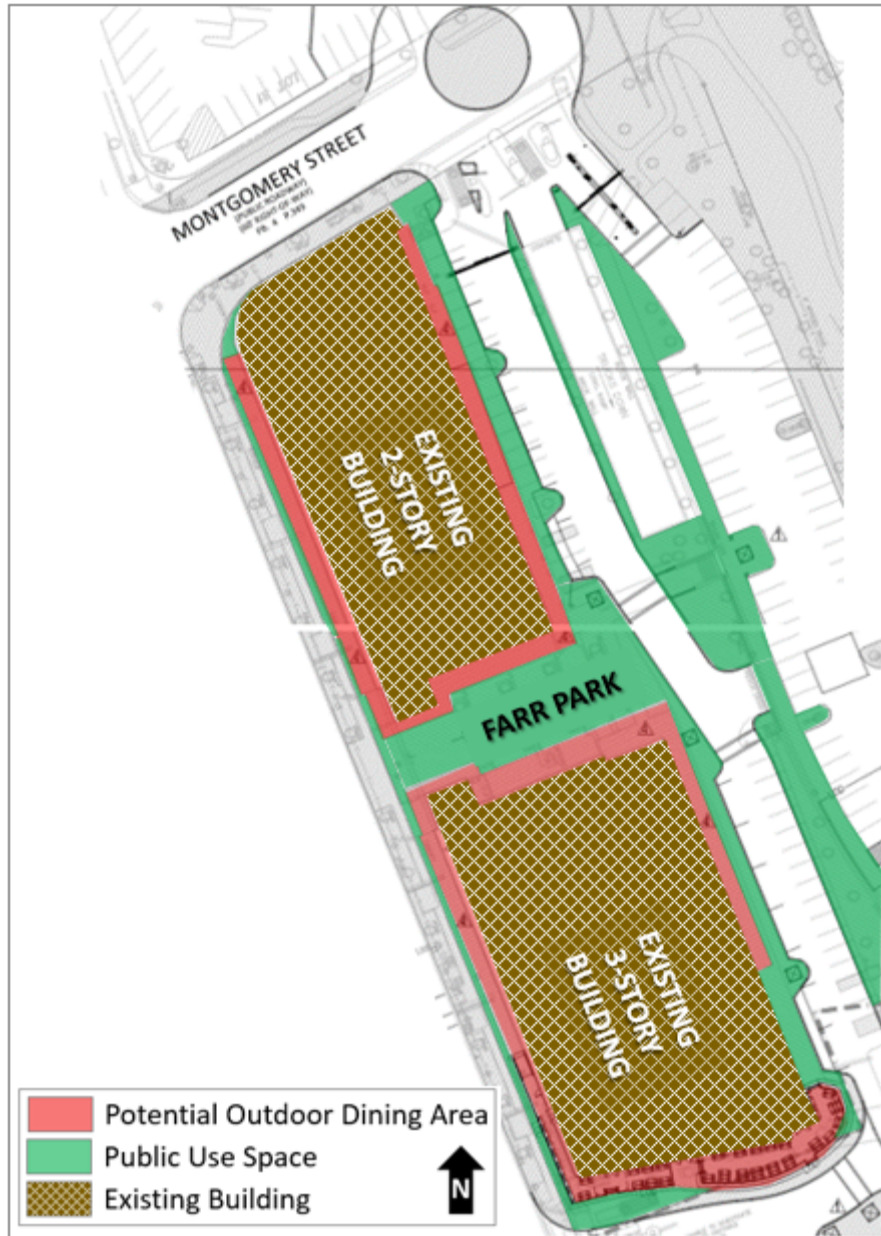


Figure 4 – Illustrative Public Use Space Modifications
82001021H (The Collection I; TSM Zone)



*Figure 5 – Illustrative Public Use Space Modifications
82001013F (The Collection II; CBD-1 Zone)*

Where private dining is proposed along Wisconsin Avenue, a raised patio will be constructed between the existing building façade and adjacent public sidewalk (Figures 6 and 7). At a minimum, the adjacent public sidewalk will measure seven (7) feet wide between the tree panel and raised patio retaining wall. In addition to the construction of a raised patio, the expansion of the private dining space necessitates relocation of several large planters within the Site. As conditioned, the maximum limits of the outdoor dining area must be shown on the Certified Site Plan.

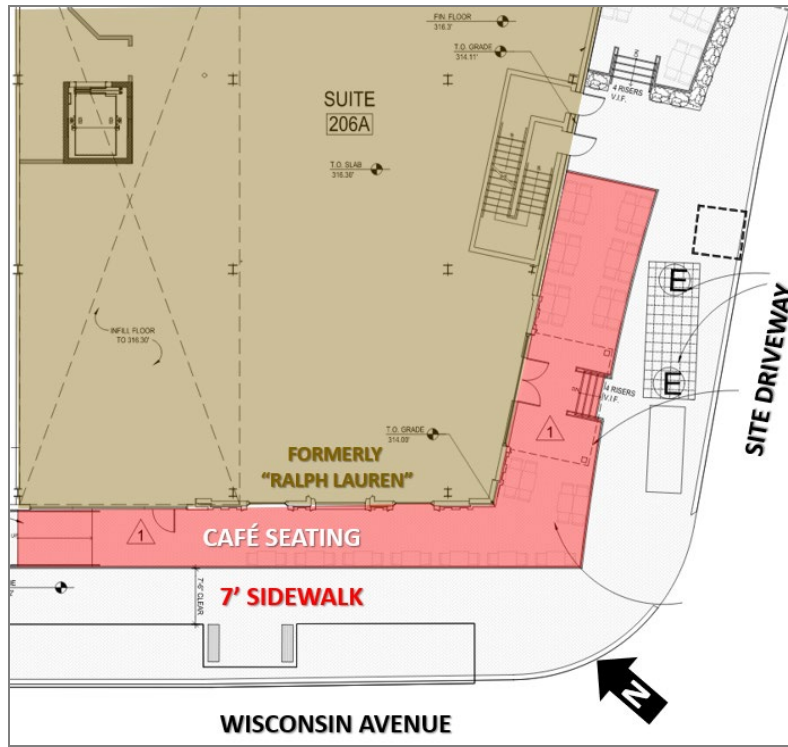


Figure 6 – Wisconsin Avenue Outdoor Dining Space Expansion
82001021H (The Collection I; TSM Zone)
(Plan View)

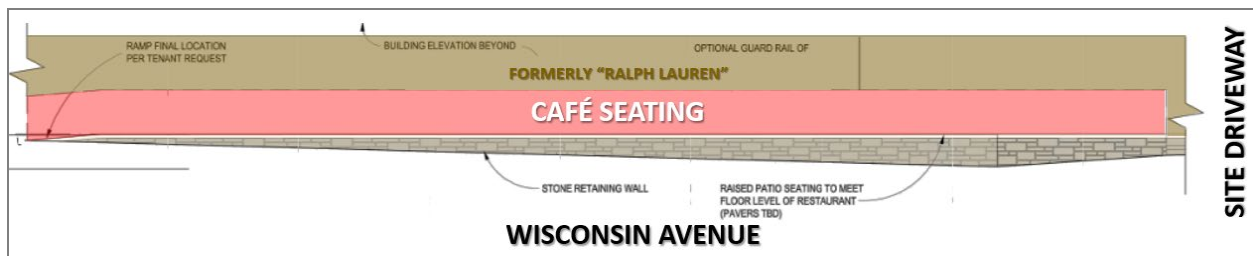


Figure 7 – Wisconsin Avenue Outdoor Dining Space Expansion
82001021H (The Collection I; TSM Zone)
(Architectural Elevation View)

This expansion in private outdoor dining space necessitates a commensurate decrease in the amount of public use space on the Site to the minimum required by the respective zoning applicable to each Site Plan. The decrease in public use space is discussed below.

- Reduction in Public Use Space

The Applicant proposes to reduce the on-site public use space to the minimum required by the zone to accommodate the expansion of private outdoor dining space. As a result of the decrease proposed by the Subject Amendments, the total Site will have a minimum of 50,820 square feet (1.16 acres) of public use space.

- **82001021H (The Collection I; TSM Zone):** Decrease the public use space from 13.1% of the Site area (27,235 square feet) to 10% of the Site area (20,820 square feet).

- **82001013F (The Collection II; CBD-1 Zone):** Decrease the public use space from 21.9% of the Site Area (32,848 square feet) to 20% of the Site area (30,000 square feet).
- Minor Adjustments in Commercial Space
 In order to accommodate potential restaurants within commercial spaces previously occupied by retail uses, the Applicant proposes to increase the total amount of restaurant square footage by reallocating space from “retail” to “restaurant uses.” To provide flexibility in future leasing, this request retains the original maximum density for retail uses and reallocates a portion of the retail density for restaurant use, as discussed in detail below.

 The overall Site density for both portions of the Site will remain unchanged (*i.e.* 112,000 square feet of commercial development for Site Plan 82001021H/ Collection I and 300,000 square feet of commercial space for Site Plan 82001013F/ Collection II). Each of these Site Plans will be adjusted as follows:
 - **82001021H (The Collection I; TSM Zone):**
 Reallocate 3,737 square feet of retail density to restaurant uses for a maximum of up to 72,957 square feet for retail uses and a maximum of up to 18,780 square feet of restaurant uses, not to exceed 88,000 square feet of combined restaurant and retail uses on the site.
 - **82001013F (The Collection II; CBD-1 Zone):**
 Reallocate 1,152 square feet of retail density to restaurant uses for a maximum of up to 62,707 square feet for retail uses and a maximum of up to 29,817 square feet of restaurant uses, not to exceed 91,372 square feet of combined restaurant and retail uses on the site.
- Minor Adjustments to Parking
 In order to accommodate the needs of new restaurant tenants, the Applicant proposes minor modifications to the Site parking layout, as shown on the Certified Site Plans. The Site will continue to provide a minimum of 1,186 parking spaces, which exceeds the minimum number of parking spaces for the combined site (846 spaces).

Table 1: Site Plan Data Table ¹			
		Required/ Permitted	Proposed
Lot Area	CBD-1 Zone	22,000 SF (Min)	150,000 SF
	TSM Zone	40,000 SF (Min)	208,200 SF
Gross Floor Area²			
	CBD-1 Zone	300,000 SF (2.0)	300,000 SF (2.0)
	Office	--	208,628 SF (1.39)
	Retail	--	62,707 SF (0.41)
	Restaurant	--	29,817 SF (0.19)
	TSM Zone	112,000 SF (0.54)	112,000 SF (0.54)
	Office	--	24,000 SF (0.12)
	Retail	--	72,957 SF (0.35)
	Restaurant	--	18,780 (0.09)
On-Site Public Use Space			
	CBD-1 Zone	30,000 SF (20%)	30,000 SF (20%)
	TSM Zone	20,820 SF (10%)	20,820 SF (10%)
Vehicle Parking³			
	CBD-1 Zone		
	62,707 SF Retail	220 (min.) / 377 (max.)	--
	17,890 SF Restaurant	72 (min.) / 215 (max.)	--
	208,628 SF Office	418 (min.) / 626 (max.)	--
	Subtotal CBD-1 Zone	709 (min.) / 1,217 (max.)	--
	TSM Zone		
	72,957 SF Retail	256 (min.) / 438 (max.)	--
	11,268 SF Restaurant	46 (min.) / 136 (max.)	--
	24,000 SF Office	48 (min.) / 72 (max.)	--
	Subtotal TSM Zone	349 (min.) / 645 (max.)	--
Subtotal Combined Site Vehicle		1,057 (min.) / 1,862 (max.)	--
20% NADMS Reduction ⁴		- 211 (min.) / - 0 (max.)	--
Total Combined Site		846 (min.) / 1,862 (max.)	1,186⁵
Combined Site Loading Spaces		3	5
Bicycle Parking			
Combined Site (Long Term/ Short Term)		(47/ 19) 66 Total	(47/ 19) 66 Total

¹ Unless modified in this data table, the original approval, as amended, remains in full force and effect.

² The combination of retail and restaurant uses must not exceed the maximum densities listed for each use in this table, and must not exceed 91,372 square feet for the CBD-1 portion of the site and 88,000 square feet for the TSM portion of the site.

³ Parking in accordance with Section 59.7.7.1.B.3.b. of the Zoning Ordinance; Restaurant parking requirements based on 60% patron area.

⁴ 20% Non-Auto Driver Mode Share Reduction as per Section 59.6.2.3.I.7.a.i.

⁵ In accordance with previous approvals, 30 parking spaces must be for "Kiss & Ride" (no change)

SECTION 4: SITE PLAN 82001021H AND 82001013F ANALYSIS AND FINDINGS

Section 7.7.1.B.3.a. of the Zoning Ordinance allows for an Applicant to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment: (i) does not increase the approved density or building height unless allowed under Section 7.7.1.C; and (ii) either: (a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or (b) satisfies the setback required by its zoning on the date the Amendment or the permit is submitted. The Application complies with this section and accordingly, the Applicant seeks to amend the Site Plan approval under the standards of Section 59-C-2.42 of the Zoning Ordinance in effect on October 29, 2014.

Site Plan Amendment No. 82001013F

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The proposed Amendment 82001013F conforms to Project Plan 919990020, as amended, for the CBD-1 portion of the property. The Amendment seeks approval of modifications intended to provide flexibility for new restaurants, including: minor alterations to landscape and hardscape to provide private dining space; an associated reduction in public use space to the minimum allowed by the zone⁴; minor adjustments in commercial space to accommodate additional restaurants; and minor adjustments to provided parking on-site to accommodate new tenant needs. The proposed Amendment will not increase the square footage or building height on-site. Commercial uses on-site will be re-balanced to reflect an increase in restaurant space by 1,152 square feet and a corresponding reallocation in retail space by the same amount. In total, the combination of restaurant and retail uses on the Site will not exceed 91,372 square feet.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed Amendment continues to satisfy all of the requirements of the CBD-1 Zone and the Chevy Chase Neighborhood Retail Overlay Zone that were previously approved. Pursuant to Section 59.7.7.1.B.3.b of the 2014 Zoning Ordinance, a sufficient number of on-site parking spaces will be provided in accordance with applicable requirements for Commercial/Residential zoned properties in a Reduced Parking Area (Sections 59.6.2.3 and 59.6.2.4). This Property is not located within an urban renewal area. The Site Plan meets all of the development standards of the zone.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

⁴ Public Use Space was previously increased, from 32,848 square feet to 35,000 square feet by Site Plan Amendments 82001013C and 82001021E in 2016.

The Amendment is designed to improve and provide flexibility for additional restaurant space within the overall development. The Amendment will result in a decrease of the public use space to the minimum required by the Zone (20% of the Site area or 30,000 square feet) in order to accommodate a corresponding increase in outdoor dining space. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use while providing a safe and comfortable environment. Recreation facilities are not required for this Site Plan Amendment.

Sidewalks are provided as part of a complete network internal to the site and along all public rights-of-way. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Where new outdoor dining areas reduce the pedestrian travel way in what was previously public use space, sidewalks will maintain a minimum clear width of six (6) feet. This minimum clear width will measure at least seven (7) feet along Wisconsin Avenue and at least 15 feet along the northern portion of Johnson Park. The vehicular circulation efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Project is compatible with existing and future development surrounding the Property. The proposed Amendment will enhance The Collection's presence along this major thoroughfare and create a more vibrant shopping center that is reflective of the Property's location within close proximity to Metro. Although the Amendment rebalances the distribution of commercial uses to include additional restaurant space, the Amendment does not substantively change the previous approval and remains compatible with the uses surrounding the Property.

Site Plan Amendment No. 82001021H

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The proposed Amendment 82001021H conforms to all non-illustrative binding elements that were approved as part of Local Map Amendment No. G-775 for the TS-M portion of the Property. The Amendment seeks approval of modifications intended to provide flexibility for new restaurants, including: minor alterations to landscape and hardscape to provide private dining space; an associated reduction in public use space to the minimum allowed by the zone⁵; minor adjustments in commercial space to accommodate additional restaurants; and minor adjustments to provided parking on-site to accommodate new tenant needs. The proposed Amendment will not increase the square footage or building height on-site. Commercial uses on-site will be re-balanced to reflect an increase in restaurant space by 3,737 square feet and a reallocation in retail space by the same

⁵ Public Use Space was previously increased, from 32,848 square feet to 35,000 square feet by Site Plan Amendments 82001013C and 82001021E in 2016.

amount. In total, the combination of restaurant and retail uses on the Site will not exceed 88,000 square feet.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed Amendment continues to satisfy all of the requirements of the TS-M Zone. Pursuant to Section 59.7.7.1.B.3.b of the New Zoning Ordinance, a sufficient number of on-site parking spaces will be provided in accordance with applicable requirements for Commercial/Residential zoned properties in a Reduced Parking Area (Sections 59.6.2.3 and 59.6.2.4). This Property is not located within an urban renewal area. The Site Plan meets all of the development standards of the zone.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The Amendment is designed to improve and provide flexibility for additional restaurant space within the overall development. The Amendment will result in a decrease of the public use space to the minimum required by the Zone (10% of the Site area or 20,820 square feet) in order to accommodate a corresponding increase in outdoor dining space. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use while providing a safe and comfortable environment. Recreation facilities are not required for this Site Plan Amendment.

Sidewalks are provided as part of a complete network internal to the site and along all public rights-of-way. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Where new outdoor dining areas reduce the pedestrian travel way in what was previously public use space, sidewalks will maintain a minimum clear width of six (6) feet. In addition, this minimum clear width will measure at least seven (7) feet along Wisconsin Avenue and at least 15 feet along the northern portion of Johnson Park. The vehicular circulation efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Project is compatible with existing and future development surrounding the Property. The proposed Amendment will enhance The Collection's presence along this major thoroughfare and create a more vibrant shopping center that is reflective of the Property's location within close proximity to Metro. Although the Amendment rebalances the distribution of commercial uses to include additional restaurant space, the Amendment does not substantively change the previous approval and remains compatible with the uses surrounding the Property.

SECTION 5: CONCLUSION

Community Outreach

A notice regarding the subject amendment was sent to all parties of record by the Applicant on March 9, 2020, informing interested parties of the 15-day review and comment period per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. During that review period, Staff received numerous inquiries about the Subject Applications and requests for the Amendments to be considered at a public hearing,

rather than through the administrative process. Each of these inquiries is included in Attachment B and summarized below. The primary concerns raised in that correspondence related to the following items:

- Plan Legibility and Public Participation
The community raised concerns about the legibility of the application drawings available for review as part of the subject amendments and about barriers to public participation as a result of the COVID-19 Pandemic. In response to those concerns, Staff reviewed the application materials on the Department's Development Application Information Center (DAIC) website and found them to be adequate for review. Staff also held a virtual meeting with members of the public on April 8, 2020, to discuss their concerns about the subject Amendments.
- Public Use Space Reduction
The community raised concerns about the proposed reduction in public use space, however, the Applicant is meeting the minimum public use space required by the respective zoning on each site. As a result, the subject Amendments meet the requirements of the Zoning Ordinance.
- Encroachment into Pedestrian Walkways
The community raised concerns about the potential for new outdoor dining areas to encroach into pedestrian walkways. In response to these concerns, and in accordance with the County standards, sidewalks adjacent to outdoor seating areas measure at least 6-feet in width. Additionally, Staff recommends conditions of approval that mandate a minimum width of 7-feet along Wisconsin Avenue and 15-feet at the narrowest point within Johnson Park.
- Parking Reductions
The community raised concerns about the Applicant's requested reduction in parking spaces, however, the Applicant is meeting the minimum parking standards required by the CR Zone, as set forth in the 2014 Zoning Ordinance. Section 59.7.7.1.B.3.b of the Zoning Ordinance, allows Applicants to apply to amend a site plan approved before October 30, 2014, to take advantage of the parking requirements contained in Sections 59.6.2.3 and Section 59.6.2.4 of the Zoning Ordinance that went into effect on October 30, 2014. As a result, the subject amendments meet the parking requirements of the Zoning Ordinance.
- Tree Removals
The community raised concerns about tree removals, as shown on the Applicant's submittal documents. Those tree removals reflected an error in the application materials and will be removed from the plan drawings prior to certification of the Site Plans. There are no tree removals associated with subject Amendments.

As a result of those requests, the Planning Director deferred review of the Subject Applications in favor of a public hearing.

STAFF RECOMMENDATION

The proposed modifications to Site Plan No. 820010130 and No. 820010210 will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding

neighborhood. Staff recommends approval of Site Plan Amendment 82001013F and Site Plan Amendment 82001021H.

ATTACHMENTS

- A. Applicant's Statement of Justification
- B. Community Correspondence
- C. Agency Letters



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January 31, 2020

BY ELECTRONIC DELIVERY

Mr. Elza Hisel-McCoy, Chief
Ms. Stephanie Dickel, Acting Regulatory Supervisor
Planning Area 1
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Letter of Explanation
The Collection
Administrative Site Plan Amendments Nos. 82001013F and 82001021H

Dear Mr. Hisel-McCoy and Ms. Dickel:

We are pleased to submit this application for administrative amendments to the above-referenced Site Plans (collectively, the "Administrative Amendments") on behalf of The Chevy Chase Land Company (the "Applicant"). These Administrative Amendments propose minor adjustments to accommodate additional restaurant tenants, for the property located in the northeast quadrant of the intersection of Wisconsin Avenue and Wisconsin Circle and better known as "The Collection" (the "Property").

I. Background

The Property recently underwent a substantial transformation, effectively rebranding and repositioning The Collection into a more vibrant and active mixed-use development. As part of its rebranding efforts, the Applicant sought to attract additional restaurant tenants to the site. Recognizing that outdoor seating is necessary for restaurant tenants, and also recognized to be an effective way to activate the street, the Site Plans were previously amended, in part, to facilitate the conversion of public use space and vehicular and parking area into private outdoor restaurant seating (*See* Site Plan Amendments 82001021E and 82001013C). In order to effectively implement this outdoor seating in portions of the site, the Site Plan was subsequently amended to allow

for the installation of temporary structures to level the existing grade, to accommodate outdoor seating (*See* Site Plan Amendments 82001021F and 82001013D). The prior approvals did not result in a decrease in the public use space provided on-site, as additional modifications were approved to create additional public use space.

II. Proposed Modifications

Consistent with the intent of the prior approvals, the Applicant is seeking approval of the following modifications, which are necessary to accommodate additional restaurant tenants in the building located along Wisconsin Avenue, just north of the internal access drive/Clyde's restaurant building. Specifically, the Applicant is proposing the following:

- Breakdown of Commercial Use: The Applicant is proposing minor adjustments to the breakdown of the overall approved commercial use on-site, to allow for a potential reallocation of retail square footage to accommodate additional restaurant tenants. Specifically, the Applicant is proposing to provide the opportunity to increase the restaurant uses in Site Plan No. 82001021H by up to 3,737 square feet (with a corresponding 3,737 square foot reduction in the approved retail square footage) and to increase the restaurant uses in Site Plan No. 82001013F by up to 1,152 square feet (with a corresponding 1,152 square foot reduction in the retail square footage). Importantly, the overall approved square footage will remain unchanged (*i.e.* 112,000 square feet for Site Plan 82001021H and 300,000 square feet for Site Plan 82001013F).
- Private Outdoor Dining Area: The prior approvals allowed for approximately 724 square feet of outdoor private dining located immediately to the south of the subject building but also noted that "additional private outdoor dining areas may be provided along the multiple store fronts where appropriate, as long as pedestrian circulation is not hindered and provided space does not drop below previous approved/provided amounts" (*see* sheets C-5). The Applicant is proposing to expand the outdoor dining area for the subject building. Specifically, the outdoor dining is proposed to run the length of the southern façade and wrap the around the building along a portion of the internal Promenade and Wisconsin Avenue. A raised patio will be constructed to accommodate challenges associated with the existing grade and to ensure that the outdoor seating area aligns with the interior floor level of the adjacent restaurant space. Furthermore, given the level of traffic along Wisconsin Avenue, the raised patio will provide patrons with a necessary sense of enclosure and separation from the adjacent vehicular traffic. The raised patios have been designed with a stone retaining wall and exterior perimeter landscaping to provide for an aesthetically pleasing street wall. Elevations of these raised patios are being submitted concurrently with this Letter of Explanation. Adequate pedestrian circulation will be

maintained around the proposed outdoor seating area – as demonstrated on the Site Plan; a minimum five-foot pedestrian path will continue to be provided.

- Adjustments to Public Use Space: To provide for flexibility moving forward to accommodate additional restaurant users, the Applicant is seeking to reduce the overall public use space provided on-site. Importantly, the site will continue to provide adequate public use space on-site to accommodate the code requirements. Specifically, 20% (or 30,000 square feet) public use space will be provided in the CBD portion of the Property and 10% (or 20,820 square feet) public use space will be provided on the TS-M portion of the Property. Similarly, consistent with the above-referenced note on Sheet C-5, which allows for outdoor dining in other appropriate locations not depicted on the Public Use Space diagram, the Applicant is seeking to eliminate all depictions of proposed private dining areas – this will ensure that the plans accurately represent the flexibility that has long since been allowed by the prior approvals (through the above-referenced note regarding the permissibility of outdoor dining areas).
- Relocation of Raised Planters: In order to accommodate the outdoor dining area proposed, while providing for adequate pedestrian circulation, the Applicant is seeking approval to relocate four raised planters. Given their weight and the structural constraints of the below-grade parking garage, these planters will be relocated in strategic locations throughout the site.
- Parking: Slight adjustments to the overall number of on-site parking spaces is proposed to accommodate operational needs of the new restaurant tenants (*i.e.* grease traps in garage). Importantly, the site will continue to provide more than adequate number of parking spaces on-site to meet demand. The Code requires a minimum of 837 parking spaces and 1,186 parking spaces are proposed to remain.
- Associated Modifications: Associated modifications to hardscape, landscape and lighting are proposed to accommodate the aforementioned modifications.

As part of these Administrative Amendments, we are submitting the following items in addition to five copies of this Letter of Explanation:

1. Application Forms and Checklists;
2. Filing Fees for Site Plan Amendments;
3. Application Notice Letter (draft copy);
4. Adjoining and Confronting Property Owner and HOA/Civics Notice List;
5. Markup of Approved Plans;

Mr. Elza Hisel-McCoy and Ms. Stephanie Dickel • January 31, 2020

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6. Amended Plans;
7. Original Certified Plans and Resolutions; and
8. Applicant Certificate of Compliance.

I. Conclusion

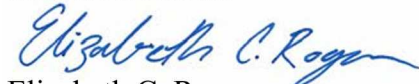
The modifications proposed by these Administrative Amendments represent modest but important changes to the site design. They do not increase density or height of any building, or prevent circulation on any street or path. Additionally, the proposed modifications will not affect the intent or objectives of the approved Plans. Therefore, we respectfully request approval of these Administrative Amendments.

We appreciate your consideration of this request and look forward to working with you to obtain approval of these Administrative Amendments.

Sincerely,



Steven A. Robins



Elizabeth C. Rogers

cc: Mr. Thomas Regnell
Ms. Madeleine Abel
Mr. Ian Duke

Julie W. Davis, Esq.
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March 18, 2020

Matthew Folden
Development Applications and
Regulatory Coordination Division (DARC)
M-NCPPC
8787 Georgia Avenue
Silver Spring MD 20910

Re: Site Plan Amendments 82001013F/82001021H
Chevy Chase Land Company "Collections I and II"

Dear Mr. Folden,

I am a resident of the Somerset House Condominiums complex in Chevy Chase, which is located one block north of the Chevy Chase Land Company's "Collections I and II" on the west side of Wisconsin Avenue between the Town of Somerset and the Village of Friendship Heights. Our condominium community consists of three high-rise buildings with over 400 units and approximately 750 residents. I am also the representative of the Somerset House community to the Citizens Coordinating Committee on Friendship Heights ("CCCFH"), which provided me copies of the two proposed Site Plan Amendments referenced above.

The Notice of Application describes the proposed amendments as "minor adjustments," and states that comments on them are due 15 days from the mailing date of the notice. For the past several decades, the Somerset House community has been intensely interested in all development proposals concerning the Friendship Heights CBD, whether major or minor. We would thus like the opportunity to review and comment on the proposed amendments by the 15-day deadline. However, we are unable to do so for the following reasons.

First, the font on the two schematics (one for each amendment) is so miniscule, and the symbols and numbers in their legends and tables so faint, that the schematics are virtually indecipherable. As a result, it is all but impossible to comprehend the precise nature and location of the "minor adjustments" being proposed. Second, even if the schematics were legible, all meetings for the Somerset House community have been banned for the foreseeable future in response to federal and state corona virus guidelines. I am thus unable to convene a meeting with my community to review the proposals and discuss what, if any, comments we would like to submit for your consideration.

To be clear, it is possible that the Somerset House community will have no comments on the proposed amendments. Indeed, we might even support the contemplated changes once we understand what is being proposed. We are therefore requesting that the applicant provide legible (and ideally color-coded) materials showing the details of the "minor adjustments" to the existing Site Plans for Collections I and II, and that the comment period be extended until such time as the restrictions on community meetings are lifted.

Yours very truly,

CC: Robert Kronenberg, Deputy Director-Planning, M-NCPPC
Hon. Melanie Rose White, Mayor, Village of Friendship Heights
Hon. Jeffrey Z. Slavin, Mayor, Town of Somerset
Lloyd Guerci, Vice Chair, CCCFH
Steven A. Robins, Esq., Lerch, Early & Brewer
Norman G. Knopf, Esq., Knopf Law
David Brown, Esq., Knopf & Brown

/s/ Julie W. Davis

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March 21, 2020

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Re: **OBJECTION** to Application for Site Plan Amendments 82001013F and
82001021H to Chevy Chase Land Company's "Collections I and II"

Dear Mr. Folden,

I am writing on behalf of the Somerset House Condominiums community in response to your email to me yesterday regarding my March 18, 2020 letter re the Chevy Chase Land Company's applications for amendments to its current site plans for its "Collection I and II" development.

Your email advises that all the materials submitted with the applications are available as PDFs on the Planning Department's Development Application Information Center (DAIC), and provides links to those online materials. You also advise that at this time, the review period associated with all development applications, including the subject amendments, is not being modified in response to COVID-19. Finally, you offer to setup a phone call or virtual meeting with me to discuss the proposed changes, and asked me to let me know how I would like to proceed.

Unfortunately, your response does not address the issues I raised in my letter to you. First, the documents available on your DAIC website are no more legible than the ones the applicant sent out in its mailing. Surely posting illegible, indecipherable materials on the Planning Board's DAIC website does not satisfy the legal requirements for public notice set forth in zoning code sections 7.5.1 and 7.5.2.H.1 requiring website posts of proposed site plan amendments.

Moreover, although the applicant describes the proposed changes to its current site plans for its "Collections I and II" as "minor," affected communities should be allowed to reach their own conclusions as to the accuracy of that description. For example, code section 7.3.4.J.2.a provides that a minor amendment does not include any changes that prevent circulation of any street or path.

According to the Notice of Application in this case, however, the proposed amendments include changes to landscape and hardscape to provide private dining space [Are there changes to any street(s) or pedestrian paths? If so, what and where?]; provide parking on site to allow for potential restaurant tenants [How many new spaces? How many deleted spaces? Where?]; and to reduce public use space to provide flexibility for additional outdoor private dining [How much and where is the reduction?]. The materials provided by the applicant as well as those on the Planning Board website do not begin to address, much less answer, these questions.

Although I appreciate your offer, as well as that of applicant's counsel Steve Robins, to explain the proposed changes to me personally, the issue is whether my community has been informed of them. As I stated in my letter, unless and until I can share hard copy schematics showing with specificity the changes to CCLC's current site plans for its "Collections I and II," my community will have insufficient information about the nature of those changes to make an informed decision as to what position to take, if any.

Second, as I also stated in my letter to you, even if the schematics were legible, all meetings for the Somerset House community have been banned for the foreseeable future in response to federal and state corona virus guidelines. I respectfully suggest that in this time of national emergency, the Planning Board reconsider its policy of not modifying the review period associated with all development applications in response to COVID-19.

In any event, code section 7.3.4.J.2.c provides that a minor site plan amendment may be approved by the Planning Director without a public hearing **only** if no relevant objection to the application is received within 15 days after the mailing date of the Notice of Application. In this case, the objection period for the proposed site plan amendments at issue is running and will expire next week. **Given the status of this proceeding and for the reasons discussed above, I am thus filing this letter as a timely OBJECTION by the Somerset House Condominiums to the application filed by the Chevy Chase Land Company for amendments to its site plans for its "Collection I and II" development.**

Finally, as I stated in my letter, it is possible that the Somerset House community will have no comments on the proposed amendments. Indeed, we might even support the contemplated changes once we understood what was being proposed. In either case, we would promptly withdraw this objection. Meanwhile, we continue to request that the applicant provide legible (and ideally color-coded) materials showing with specificity the details of the "minor adjustments" to the existing Site Plans for Collections I and II, and that the comment period be extended until such time as we have received the requested materials, and the restrictions on community meetings have been lifted.

Yours very truly,

/s/ Julie W. Davis

CC: Gwen Wright, Planning Director, M-NCPPC
 Robert Kronenberg, Deputy Director-Planning, M-NCPPC
 Hon. Melanie Rose White, Mayor, Village of Friendship Heights
 Hon. Jeffrey Z. Slavin, Mayor, Town of Somerset
 Lloyd Guerci, Vice Chair, CCCFH
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March 30, 2020

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Re: **OBJECTIONS** to Application for Site Plan Amendments 82001013F and
82001021H to Chevy Chase Land Company's "Collections I and II"

Dear Mr. Folden,

I am writing on behalf of the Somerset House Condominiums community to regarding our Objections to the proposed site plan amendments referenced above filed by the Chevy Chase Land Company ("CCLC"). There were two bases for our original Objections, which were set forth in my March 21, 2020 letter to you, both of which were asserted on procedural grounds.

The first focused on the fact that the documentation sent by CCLC to nearby communities and available on the Planning Board DAIC website was for the most part totally illegible, and thus in contravention of the public notice requirements of section 7.5.1 of the 2014 Montgomery County zoning code.

The second noted that even if the documentation were legible, because of federal and state Covid-19 regulations, the boards of directors and the residents of our three condominium buildings are currently unable to meet regarding the proposed plan amendments and to develop comments, if any, to submit to the Planning Board.

Since our March 21st letter, Steven Robins, counsel to CCLC, and Ian Duke, an engineer involved in drafting the documents submitted with CCLC's proposed site plan amendments, have provided me with the large-scale drawings and diagrams that comprise CCLC's filing. They also discussed the materials with me in a teleconference last week.

I very much appreciated their willingness to walk me through the plans, confirm calculations that I had made based on the tables in the documents, and answer numerous questions I had about specific aspects of the materials. Unfortunately, now that we understand the nature of the proposed amendments we must also object to the CCLC application on substantive grounds.

1. CCLC Should Not be Allowed to Reduce Its Overall Public Use Space by Over 21,000 Square Feet.

CCLC is proposing to reduce the overall public use space on the CBD-1 and the TS-M parcels by a total of 21,180 square feet, or nearly 12.0 percent. Virtually every square foot of that reduction could be converted from public use to commercial outdoor private dining use. CCLC, however, claims that the public use space remaining on the two parcels will meet the minimum standards required by the zoning code.

However, that remaining public use space will consist almost entirely of the sidewalks around the periphery of the property, plus "Newlands Park" on the TS-M parcel between the two Collections buildings, "Farr Park" on the CBD-1 parcel between Clyde's and Wisconsin Circle, and a terraced area on the CBD-1 parcel across from Clyde's that transitions the upper level of the surface parking lot to the interior street below.

The 1998 Sector Plan (P. 42) states that CCLC should create new urban parks or plazas on the two parcels to provide open spaces for the use and enjoyment of residents, employees and shoppers. The Plan (Pp.46-47) states that CCLC should encourage public use and pedestrian activity in both areas by providing shade trees, landscaping, special paving and lighting, as well as tables and chairs for those who would like to use and enjoy those urban parks.

The Plan (P. 116) also states that CCLC should enliven and enrich the spaces with such features as fountains, which can create a visual focal point and mitigate traffic noise and artwork, which can be incorporated in the floor or vertical surfaces or be free standing elements. None of the three areas in question begin to meet these standards.

a. “Newlands Park.” Currently, “Newlands Park” is an open space of approximately 9,000 square feet with concrete paving, half a dozen small trees, several planters, and some outdoor seating for the adjacent “Little Beet” restaurant. (See attached photo IMG_1641.) Outdoor art installations as well as a large “waterfall” wall on the site were provided when the adjacent Collections buildings originally opened. However, they were removed by CCLC several years ago. “Newlands Park” is now a largely bare passageway between the two buildings that is also used for commercial outdoor dining.

b. “Farr Park.” on the CBD-1 parcel south of Clyde’s, is a treeless open space of approximately 8,000 square feet, with outdoor seating for Clyde’s bar and restaurant. (See attached photo IMG_1637.) Like “Newlands Park,” “Farr Park” originally had outdoor art installations and large “splash pool” that visiting children (including my grandchildren) thoroughly enjoyed. However, CCLC removed the art installation and the splash pool around the time that Clyde’s opened its outdoor bar and dining areas. Now “Farr Park” is another sterile, concrete area with some tables and chairs adjacent to a commercial use.

c. Terraced Area. The third space is a terraced area with narrow green wedges bordered by stone walls opposite Clyde’s. (See attached photo IMG_1633.) With a long ramp and a steep staircase, it functions as a transition from the upper level of the surface parking lot to the interior street below. In community meetings, CCLC represented that the terraces would be seating areas for programmed entertainment on the street level below. However, the configuration of the space does not permit comfortable seating, and as far as we are aware, no entertainment has been provided since construction of the space was completed last summer.

“Newland Park” and “Farr Park” together total approximately 17,000 square feet. The CCLC plans do not disclose the square footage of the parking lot terrace, but that space in combination with the two so-called “Parks” surely total at least 21,000 square feet. None of these areas meet the Plan’s recommendations for public use or amenity space on the two parcels. Thus, none should be eligible for inclusion in the calculation of public use space for either parcels.

If these areas are eliminated from those calculations, CCLC’s remaining public use space will fall short of the minimum requirements of the TS-M and CBD-1 zones. Accordingly, we strongly object to CCLC’s proposal to reduce public use space on the two parcels by more than 21,000 square feet.

2. CCLC Should Not be Allowed to Create Unsafe Pedestrian Sidewalks by Converting Them to Outdoor Restaurant Dining.

a. Wisconsin Avenue Sidewalks. Under the proposed site plan amendments, CCLC intends to provide private outdoor dining areas on the sidewalk areas along Wisconsin Avenue to restaurants leasing space now and/or in the future in the two Collections buildings. The attached photos looking north and south on Wisconsin Avenue in front of the two Collections buildings (which I took Friday afternoon) show clearly that there is simply not enough space to accommodate both private dining space and the many forms of pedestrian activities that take place on these sidewalks. (See attached photos IMG_1639 and IMG_1609.)

These include families and friends walking several abreast and talking, people walking dogs on leashes, people pushing strollers and baby carriages, people using electric and conventional scooters, kids on skateboards, handicapped people traveling with walkers and wheelchairs, joggers, shoppers, employees, and commuters, all moving in different directions at different speeds in the same area.

To make matters worse, the Circulation Plan (Sheet Nos. C-7 and C-8) filed with the CCLC application indicates that the sidewalks around and through the CCLC property, including the Wisconsin Avenue sidewalks in question, have also been designated as County bicycle routes. Thus, pedestrians on the sidewalks must share space with commuters on bicycles riding to and from the Friendship Heights Metro station.

In my conversation CCLC's counsel and engineer, I expressed doubts as to whether the area between the front of the two Collection buildings and Wisconsin Avenue curb is wide enough to accommodate outdoor restaurant seating together with an adequate pedestrian sidewalk and the landscape/seating features currently in place.

They responded that Planning Board staff has advised that CCLC would be required to provide only five (5) feet of clear sidewalk space in the sidewalk areas to be shared with the proposed outside dining. The 1998 Sector Plan (p. 106), however, calls for a 20-foot public sidewalk along Wisconsin Avenue from the Western Avenue to Somerset Terrace to adequately accommodate pedestrian activity and streetscape.

Of course, CCLC could remove the landscaped and seating areas between the existing sidewalk and the Wisconsin Avenue curb to accommodate private outside seating areas. However, that would not only create safety issues for pedestrian and other traffic along the sidewalks, but it would also be contrary to the design features of the Sector Plan.

Wisconsin Avenue is not just a major pedestrian route to the Friendship Heights Metro station. It is also described in the 1998 Sector Plan (p. 102) as an "Urban Boulevard" that should feature a high level of pedestrian amenities, including special paving, custom benches, landscaping features, and ornamental lighting on the sidewalks.

Section 7.3.A.4 and section 7.3.J.2.g of the zoning code both require that site plans, and presumably amendments thereto, substantially conform with the recommendations of the applicable master or sector plan. CCLC's proposal to locate private outdoor restaurant seating on sidewalks along Wisconsin Avenue at the expense of pedestrian safety and design amenities is clearly contrary to the 1998 Sector Plan. We thus object to this aspect of CCLC's proposed site plan amendments.

b. Sidewalks in Front of the Former Giant. The Public Use Space & Amenity Plan (Sheet No. C-5) filed with the CCLC application shows that the sidewalk space in front of the former Giant grocery store on the CBD-1 parcel would no longer be public use space. Instead, it would also be converted to private commercial space. Indeed, the legend on the plan expressly states that "The CBD On-Site Public Use Space was reduced to provide opportunity for Private Dining Area."

As the Planning Board staff is well aware, CCLC's current site plan for the CBD-1 parcel requires CCLC to provide a 30,000 square foot grocery store, which is considered a "public amenity." In the event that the grocery store is no longer in operation, the grocery store area must become community space at no cost to the public; a site plan revision showing the nature and operation of the community space must be approved; and all renovations necessary to convert the grocery store to a "high quality public amenity" must be paid by CCLC.

The Giant grocery store was an amenity that our community of over 400 residences also used and enjoyed. We also look forward to having a full-service grocery back in operation. Meanwhile, we are unaware of any planning scenario under which that space could be legitimately converted into one or more restaurants or other commercial activities featuring private outdoor dining.

The sidewalk area outside the former Giant store is now and must remain public use space. We object to any deviation from the requirements of the current site plan for the Giant space.

3. CCLC Should Not Be Allowed to Substantially Reduce Parking on the CBD-1 and TS-M Parcels. CCLC proposes to eliminate 61 parking spaces currently on the property. The Notice of Application for the proposed site plan amendments states that "minor adjustments/alterations to parking on-site" will "accommodate tenant needs."

Nowhere in the documents I received is there an explanation of why CCLC wants to reduce on-site parking at a time when it is introducing at least three new restaurants on the TS-M parcel.

The tables in the CCLC application show that the original site plan for the two parcels provided for a total of 1,366 on-site spaces. According to CCLC's counsel, the Planning Board previously allowed CCLC to recalculate its parking requirements under the provisions of the Commercial-Residential zones, and reduce its total spaces by 119, to a total of 1,247 spaces. Thus, during the 20+ years since the 1998 Sector Plan was approved, CCLC has already substantially reduced parking on the site by nearly 10 percent.

Under the proposed amendments, the current 1,247 spaces would be further reduced by 61 spaces, to a total of 1,186. We realize that the CCLC is in close proximity to Metro and that both the zoning code and transportation policy encourages minimum parking on sites where Metro is nearby. We are also aware that CCLC will still meet zoning code parking requirements after the 61-space reduction.

As a practical matter, however, residents of our community and other nearby neighborhoods simply will not walk to restaurants in the Friendship Heights area at night because of safety concerns. In addition, many if not most of the residents in these communities are elderly and incapable of walking even a few blocks in the light of day. To be successful, the restaurants would also need to draw residents of communities beyond ours, and those people would drive.

Requirements that CCLC provide adequate parking was a major issue in drafting the 1998 Friendship Heights Plan. In fact, the agreement to retain its surface parking lots in the 1998 Sector Plan was a major bargaining chip that CCLC offered nearby communities to obtain support for its redevelopment plans for the property. We object, therefore, to the site plan amendments proposed by CCLC to remove 61 existing parking spaces should be denied.

4. CCLC Should Be Required to Provide a Proper Landscape Plan for the Two Parcels.

The Landscape Plan provided with the proposed site plan amendment documents (Sheet No. L.4) shows that over 50 trees will be removed from the two parcels. In our telephone conversation, CCLC's counsel and engineer advised that this Landscape Plan is based on a prior site plan amendment; that it was filed in error; and that in fact very few trees would be removed if the proposed site plan amendments are approved.

That may be the case. However, as far as we know, that is the Landscape Plan currently on file. Not only does it call for removal of 50 trees on the CCLC property, it also fails to include any information as to the details of the landscaping, lighting and seating along the sidewalks around CCLC property, including the fate of the planters, ground cover, special paving and seating, lighting and other landscape features currently along the Wisconsin Avenue sidewalks, if substantial areas of those sidewalks are converted to commercial dining space.

Section 7.3.B.2, 1, ii, iii and v require site plans and presumably their amendments to show detailed layouts and dimensions for all sidewalks and paths, as well as the landscaping and lighting for the proposed development. The CCLC application for site plan amendments fails to meet these statutory requirements. These deficiencies alone warrant objection.

5. CCLC Should Withdraw Its Proposed Site Plan Amendments and Seek Community Input as to Future Use of the Public Use Space on Its Property.

We have been advised that CCLC's proposal to convert over 21,000 square feet of public use/open space to private commercial space is intended to respond to neighborhood demand for more restaurants in the Friendship Heights area.

Our Somerset House community would certainly like additional restaurants in the area, and locating new dining opportunities on the CCLC property would certainly be convenient for our residents. We also understand that offering prospective restaurant tenants potential outdoor dining space could enhance to CCLC's leasing opportunities.

As discussed above, however, the CCLC application for site plan amendments that is now before the Planning Board is so flawed in so many respects that it clearly cannot be approved.

We therefore urge CCLC to return to the proverbial drawing board; review the provisions of the 1998 Sector Plan and the requirements of the zoning code for public use space; and then work with the broad Friendship Heights community and Planning Board staff to develop proposals for increasing its restaurant space consistent with the Plan's recommendations, the zoning code's requirements, concerns for pedestrian safety, and the needs and interests of the nearby community.

Respectfully submitted,

/s/ Julie W. Davis

CC: Hon. Casey Anderson, Chair, Montgomery County Planning Board
Gwen Wright, Planning Director, Montgomery County Planning Board
Robert Kronenberg, Deputy Director-Planning, Montgomery County Planning Board
Elza Hisel-McCoy, Division Chief, Montgomery County Planning Board
Hon. Melanie Rose White, Mayor, Village of Friendship Heights
Hon. Jeffrey Z. Slavin, Mayor, Town of Somerset
Lloyd Guerci, Vice Chair, CCCFH
Steven A. Robins, Esq., Lerch, Early & Brewer
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David Brown, Esq., Knopf & Brown

VILLAGE OF FRIENDSHIP HEIGHTS

VILLAGE COUNCIL

MELANIE ROSE WHITE, *Mayor*
MICHAEL MEZEY, *Chairman*
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March 24, 2020

Mathew Folden
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Re: **Objection** to Application for Site Plan Amendments
82000103F and 82001021H

Dear Mr. Folden:

I am writing on behalf of the Village of Friendship Heights to object to the above referenced "minor" site plan amendments. The reasons for the objections are similar to those set forth in the letters of Julie Davis, Esq., to you of March 18 and 21, 2020, and also for a separate reason.

The information on the schematics accompanying the Notice of Application the Village received is so small that it is not possible to understand fully the proposed changes. Trying to view the information online also did not yield a better understanding. Our attorney, Norman Knopf, has spoken with the Land Company's attorney, Steve Robins, in an effort to have the schematics explained. We still have difficulties understanding all that is proposed. For example, where is the specific location of the additional restaurant tenants noted? What is the effect, if any, on the overlay Neighborhood Retail Zone uses? What is the effect on parking spaces? Are there additional spaces being provided? Are existing spaces being moved or deleted? Perhaps color-coded documents with larger print could resolve the problems. Understandable documentation is especially necessary at this time since the coronavirus crisis prevents our Council from meeting and the holding of any public meetings, compelling Council members and members of the public to rely solely on the documentation to determine what, if any, comments are to be made.

The Village also objects to the amendments for an additional and separate reason. The Applicant is currently in violation of major provisions of the site plan: the requirement that a full-service grocery store comparable to the closed Giant be open on the site and if it is not, transportation be provided to such a store. We believe that it is inappropriate and contrary to sound public policy to permit an applicant to proceed to amend provisions of a site plan while in violation of other provisions.

Sincerely,

FOR THE COUNCIL

A handwritten signature in black ink that reads "Melanie Rose White". The signature is written in a cursive, flowing style.

Melanie Rose White
Mayor, Village of Friendship Heights

cc: Gwen Wright, Planning Director, M-NCPPC
Robert Kronenberg, Deputy Director, Planning, M-NCPPC
Elza Hisel-McCoy, Division Chief M-NCPPC
Steve Robins, Esq.
Mayor Jeffrey Slavin, Town of Somerset
Julie Davis, Esq.
Norman Knopf, Esq.
David Brown, Esq.
Lloyd Guerici, Vice-Chair

VILLAGE OF FRIENDSHIP HEIGHTS

VILLAGE COUNCIL

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KATHLEEN G. COOPER, *Treasurer*
BRUCE R. PIRNIE, *Parliamentarian*
MICHAEL J. DORSEY
JULIAN P. MANSFIELD, *Village Manager*

4433 SOUTH PARK AVENUE
CHEVY CHASE, MARYLAND 20815

Phone: 301-656-2797
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Website: www.friendshipheightsmd.gov



March 30, 2020

Matthew Folden
Development Applications and
Regulatory Coordination Division (DARC)
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: **Objection** to Application for Site Plan Amendments
82000103F and 82001021H

Dear Mr. Folden:

This letter supplements my letter to you of March 24, 2020, objecting, on behalf of the Village of Friendship Heights, to the above referenced proposed "minor" site plan amendments.

The notice of the amendments expressly states that it includes changes to "Landscape and hardscape to provide private dining space"; "Breakdown of commercial uses to allow for potential additional restaurant tenants"; and "Reduction in public use space to provide flexibility for additional outdoor private dining." In my prior letter, I objected, among other reasons, because the plans accompanying the notice were so small as to be illegible and therefore it was not possible to find the locations of the additional restaurants in order to determine concerns we might have arising from their location.

Apparently in response to similar concerns, see Julie Davis' letters to you of March 18 and 21, 2020, the Land Co. provided to Julie Davis additional and much larger plans explaining the proposed changes. See March 30, 2020, letter to you of J. Davis. These new plans reveal information of great importance to the Village that apparently was not on (or was totally illegible on) the original plans sent to the Village.

These plans show that public use space in front of the grocery store building is to be "reduced to provide opportunity for Private Dining Area." The Village is very concerned that the "minor" amendments proposed appear not only inconsistent with a major condition of the site plan—the maintenance of a grocery store at this location—

but can be interpreted as a step in the approval of the elimination of the grocery store requirement altogether. For this reason, and for the other reasons set forth in Julie Davis' letter of March 30, the Village objects to the "minor" amendments.

Sincerely,

FOR THE COUNCIL

A handwritten signature in black ink that reads "Melanie Rose White". The signature is written in a cursive, flowing style.

Melanie Rose White, Mayor

cc: Gwen Wright, Planning Director, M-NCPPC
Robert Kronenberg, Deputy Director, Planning, M-NCPPC
Elza Hisel-McCoy, Division Chief, M-NCPPC
Steve Robins, Esq.
Mayor Jeffrey Slavin, Town of Somerset
Julie Davis, Esq.
Norman Knopf, Esq.
David Brown, Esq.
Lloyd Guerri, Vice Chair, Citizens Coordinating Committee on Friendship Heights

Citizens Coordinating Committee on Friendship Heights

March 24, 2020

By email to:
Matthew.Folden@montgomeryplanning.org

Gwen Wright, Planning Director
Attn.: Mathew Folden
Development Applications and
Regulatory Coordination Division (DARC)
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Folden:

Re: Objection to Application for Site Plan Amendments 82001013F and 82001021H
(Collections I and II)

The Citizens Coordinating Committee on Friendship Heights (CCCFH) represents 18 communities, including Friendship Heights Village, Town of Somerset and Somerset Houses Condominiums, and over 20,000 residents in and around the site that is the subject of the proposed site plan amendments. We provide these comments on the proposed amendments.

The Coordinating Committee endorses the letters on this matter from Mayor Melanie Rose White dated March 24, 2020 and from Julie Davis dated March 18 and 21, 2020.

We have reviewed the two sets of files cited by Mr. Folden in his email of March 20, 2020. The application, as presented in these files, is beyond being particularly troubling; it is unacceptable. The drawings do not clearly portray, with dimensions and without requiring speculative guesswork on the part of the person reading them, what it proposes. Beyond that, the applicant's proposed changes seem to be to make incursions into public amenity space. It is not clear, to say the least, how much public amenity space is being removed by private restaurant seating. CCCFH participated in the site plan process years ago and must say that the amenity areas were and are very important.

CCCFH very much favors improvements to the Collection such as new retail tenants and restaurants. However, achievement of this goal requires a process which provides the public with a meaningful opportunity for comment based upon complete and understandable documentation delineating and explaining proposed changes.

Sincerely,



Lloyd S. Guerci, Vice Chair
Citizens Coordinating Committee on Friendship Heights

Representing the Communities of Brookdale, Chevy Chase Village, Chevy Chase West, Drummond, Kenwood, Kenwood Condominium, Kenwood Forest II, Kenwood House Cooperative, Kenwood Place Condominium, Somerset, Somerset House Condominiums, Springfield, Sumner Village, Village of Friendship Heights, Westbard Mews, Westmoreland, Westwood Mews, and Wood Acres

Mr. Matthew Folden

March 24, 2020

p. 2

cc: Gwen Wright, Planning Director, M-NCPPC gwen.wright@montgomeryplanning.org
Robert Kronenberg, Deputy Director, Planning, M-NCPPC robert.kronenberg@montgomeryplanning.org
Elza Hisel-McCoy, Division Chief, M-NCPPC, elza.hisel-mccoy@montgomeryplanning.org
Steve Robins, Esq., sarobins@lercheearly.com;
Mayor Jeffrey Slavin, Town of Somerset, Jzslavin@aol.com
Mayor Melanie Rose White, Village of Friendship Heights, melanierosewhite@gmail.com
Julie Davis, Esq., juliedavis1606@comcast.net
Norman Knopf, Esq., norman.knopf.law@gmail.com
David Brown, Esq., brown@knopf-brown.com

From: [Lloyd Guerci](#)
To: [Anderson, Casey](#); [Wright, Gwen](#); [Kronenberg, Robert](#); [Hisel-McCoy, Elza](#); [Folden, Matthew](#); [Steve Robins](#); [Melanie Rose White](#); [Jeffrey Slavin](#); [Norman Knopf](#)
Cc: [Julie Davis](#); [Julian Mansfield](#)
Subject: OBJECTIONS to Application for Site Plan Amendments 82001013F and 82001021H to Chevy Chase Land Company's "Collections I and II"
Date: Tuesday, March 31, 2020 4:26:55 PM

Gwen Wright, Planning Director
Attn.: Mathew Folden
Development Applications and
Regulatory Coordination Division (DARC)
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Folden:

Re: Objection to Application for Site Plan Amendments for the Collections I and II

The Citizens Coordinating Committee on Friendship Heights represents 18 communities, which collectively include over 20,000 residents in and around the site that is the subject of the proposed site plan amendments.

The Coordinating Committee endorses and joins in the letters on this matter from Julie Davis dated March 30, 2020 (Re: OBJECTIONS to Application for Site Plan Amendments 82001013F and 82001021H to Chevy Chase Land Company's "Collections I and II") and from Mayor Melanie Rose White dated March 30, 2020 (re: **Objection** to Application for Site Plan Amendments 82001013F and 82001021H).

Sincerely,

Lloyd S. Guerci

Lloyd S. Guerci, Vice Chair
Citizens Coordinating Committee on Friendship Heights

From: [Jeffrey Z. Slavin](#)
To: juliedavis1606@comcast.net; [Anderson, Casey](#); [Wright, Gwen](#); [Kronenberg, Robert](#); [Hisel-McCoy, Elza](#); [Folden, Matthew](#); Melanierosewhite@gmail.com; norman.knopf.law@gmail.com; brown@knopf-brown.com; lgjreg@hotmail.com; sarobins@lercheearly.com; manager@townofsomerset.com
Cc: jmansfield@friendshipheightsmd.gov; mshaul@townofsomerset.com
Subject: Re: CCLC Proposed Site Plan Amendments-Objections
Date: Tuesday, March 31, 2020 8:17:57 AM

Good Morning Casey
I agree with everything Julie Davis has to say in her letter.
Many Thanks

Jeffrey Slavin
Mayor/Town of Somerset

-----Original Message-----

From: Julie Davis <juliedavis1606@comcast.net>
To: casey.anderson <casey.anderson@montgomeryplanning.org>; gwen.wright <gwen.wright@montgomeryplanning.org>; Robert.Kronenberg <Robert.Kronenberg@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; matthew.folden <matthew.folden@montgomeryplanning.org>; Melanie Rose White <Melanierosewhite@gmail.com>; Jeffrey Slavin <Jzslavin@aol.com>; Norman Knopf <norman.knopf.law@gmail.com>; brown <brown@knopf-brown.com>; Lloyd Guerci <lgjreg@hotmail.com>; sarobins <sarobins@lercheearly.com>
Cc: Julie Davis <juliedavis1606@comcast.net>; Julian Mansfield <jmansfield@friendshipheightsmd.gov>
Sent: Mon, Mar 30, 2020 08:50 PM
Subject: CCLC Proposed Site Plan Amendments-Objections

Please see the attach letter and photos relating to the Objections of the Somerset House community to the Notice of Application filed by the Chevy Chase Land Company proposing site plan amendments.

From: [LaBaw, Marie](#)
To: [Ian P. Duke](#)
Cc: [Folden, Matthew](#)
Subject: Collection
Date: Tuesday, March 24, 2020 10:17:05 AM

There is no change to the approved fire access plan, dated 7/27/2016. Therefore, the approved plan remains in full force and effect. No additional review is necessary.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov



<https://www.montgomerycountymd.gov/census/>



<https://montgomerycountymd.gov/coronavirus>