






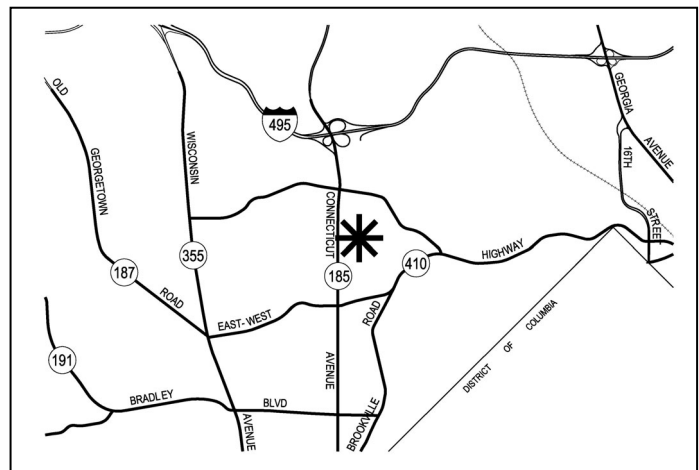
Chevy Chase Lake Block B Preliminary Plan Amendment 12002020D & Site Plan Amendment 82016019C

-  Grace Bogdan, Planner Coordinator, Area 1, Grace.Bogdan@montgomeryplanning.org, 301.495.4533
-  Stephanie Dickel, Supervisor, Area 1, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527
-  Elza Hisel-McCoy, Chief, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Description

Staff Report Date: 07.10.2020

- Request to reallocate up to 5,000 square feet of residential density approved under the Sketch Plan from Blocks A&D to Block B, increasing the maximum residential density for Block B to 686,746 square feet, within the approved maximum 534 dwelling units, and the associated maximum total density to 794,450 square feet; reconfigure private outdoor dining areas while maintaining 27,000 square feet of previously approved public use space; and clarification of retail parking on private streets;
- 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;
- Applicant: Bozzuto Development Company; Chevy Chase Land Company;
- Acceptance Date: April 21, 2020;
- Review Basis: Chapter 50 and Chapter 59.



- Staff recommendation: Approval of the Preliminary Plan Amendment and Limited Site Plan Amendment with conditions.
- Request to reallocate up to 5,000 square feet of residential density approved under the Sketch Plan from Blocks A&D to Block B, increasing the maximum residential density for Block B from 681,746 square feet to 686,746 square feet, within the approved maximum 534 dwelling units, and the associated maximum total density from 789,450 to 794,450 square feet
- This reallocation is necessitated by a small increase in the thickness of the exterior wall construction. DPS measures density from the exterior wall face, so that the small increase extended across the three buildings creates a density shortfall. The Amendment will not result in any changes to the approved Site Plan building footprints nor any increase in residential units. Any reallocated density not used for Block B may be transferred back to Blocks A&D.

SECTION 1: RECOMMENDATIONS AND CONDITIONS

Preliminary Plan Amendment 12002020D

Staff recommends approval of Preliminary Plan Amendment No. 12002020D, for modification of Condition 1, which supersedes the previous, while all other conditions remain in full force and effect:

1. Approval is limited to two lots for a maximum density of 794,450 square feet of total development, including up to 686,746 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 non-residential (retail, restaurant, or service) uses.

Site Plan Amendment 82016019C

Staff recommends approval of Site Plan Amendment No. 82016019C, for modification of Condition 2 and Condition 15 which supersede the previous and addition of Condition 23 and 24, while all other conditions remain in full force and effect:

2. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan 120020200 and all subsequent amendments.
15. Parking Restriction
Prior to 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 reflected in the Declaration of Covenants (Book 56311, Page 362) are for drop-off and pick-up only during the hours of 6:30am – 9:30am and 4:00pm – 7:00pm, or other hours deemed appropriate by MCDOT.
23. Density allocation
Any reallocated density not utilized Block B may revert back to Blocks A & D at the time of Preliminary Plan review associated with development on those Blocks under Sketch Plan 320160030.
24. 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. Revise Public Open Space exhibit to:
 - i. delineate square footage of proposed open space areas;
 - ii. clearly identify outdoor private dining areas; and
 - iii. reflect a 6-foot wide minimum clear pedestrian path along all outdoor dining areas.

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.

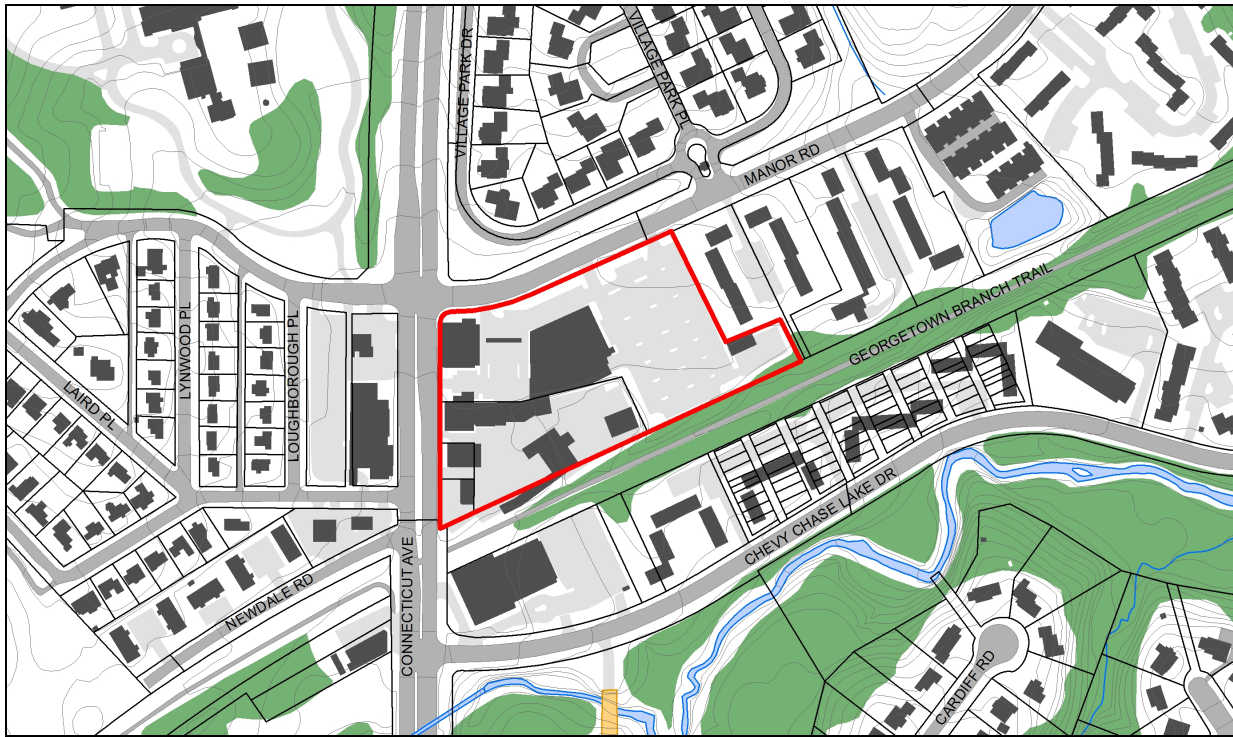


Figure 1 - Vicinity Map

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.

The Property is currently under development for the approved multi-use development. Figures 2 and 3 below show the current construction status.



Figure 2 - View of Subject Property from Connecticut Avenue



Figure 3 - View of Subject Property from Manor Road looking to new private street and Purple Line

SECTION 3 – AMENDMENT DESCRIPTION

Previous Approvals

In 2016, the Planning Board previously approved a Sketch Plan (320160030) to allow a phased, mixed-use development containing a maximum of 1,526,289 gross square feet in total, including up to a maximum of 1,385,360 square feet of residential and up to 676,700 square feet of non-residential development over three defined Blocks, A, B, and D, as shown in Table 1 and Figure 4 below.

Table 1 – Density Allocation per Sketch Plan 320160030

| | Commercial Density | Residential Density |
|---------------------|--------------------|---------------------|
| Blocks A&D Combined | 459,800 | 667,559 |
| Block B | 216,900 | 717,800 |
| Total | 676,700 | 1,385,360 |

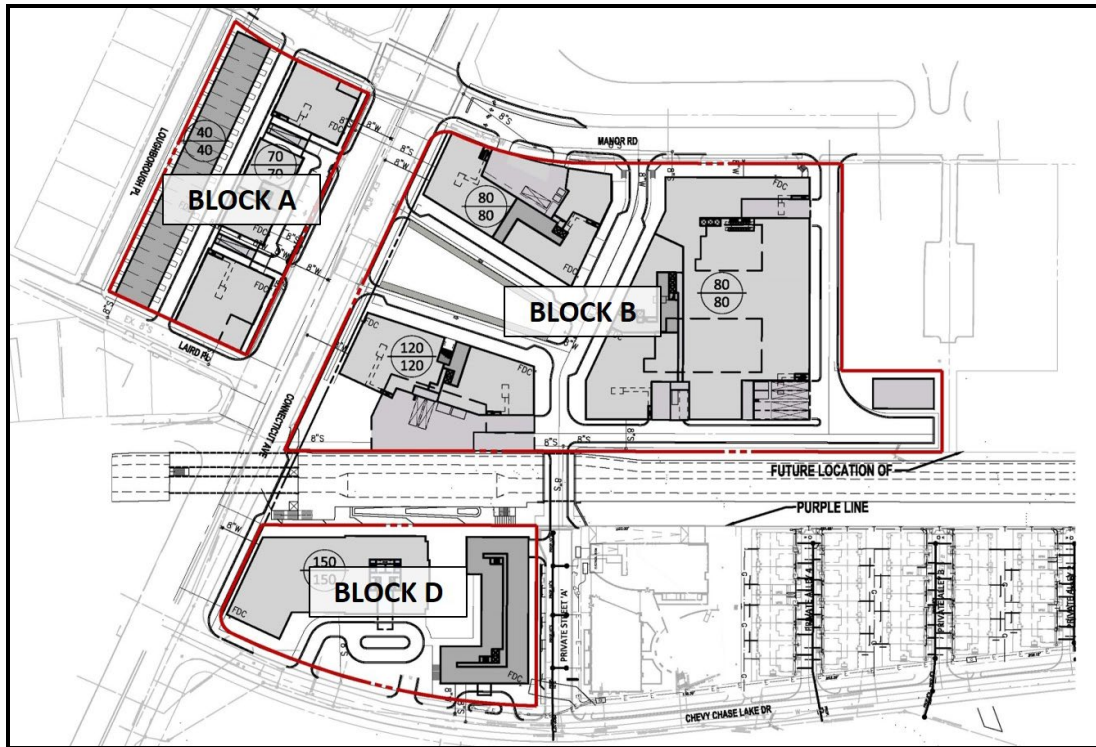


Figure 4 - Sketch Plan 320160030

Subsequently, the Planning Board approved Preliminary Plan (12002020B), and Site Plan (820160190) for Block B (Phase 1) to allow a multi-use development with a maximum density of 789,450 square feet including 681,746 square feet of multi-family uses (534 dwelling units with 12.9% MPDUs) and up to 107,704 square feet of nonresidential uses. This approval included a minimum of 27,000 square feet of public open space on-site and the construction of a private street connecting Manor Road and the proposed development to Chevy Chase Lake Drive to the south, crossing under the Future Purple Line right-of-way. Subsequent amendments were approved to allow minor modifications to site design including, driveway access points, sidewalks, landscaping, and retaining walls.

Description of Proposed Amendments

The Applicant proposes to reallocate up to 5,000 square feet of residential density approved under the Sketch Plan from Blocks A & D to Block B, increasing the maximum residential density for Block B from 681,746 square feet to 686,746 square feet, within the approved maximum 534 dwelling units, and the associated maximum total density from 789,450 to 794,450 square feet. This reallocation is necessitated by a small increase in the thickness of the exterior wall construction. DPS measures density from the exterior wall face, so that the small increase extended across the three buildings onsite created a density shortfall. The Amendment will not result in any changes to the approved Site Plan building footprints nor any increase in residential units. Any reallocated density not used for Block B may be transferred back to Blocks A & D.

The Applicant also proposes to reconfigure and increase the amount of private outdoor dining, while maintaining the minimum required 27,000 square feet of public open space. The private outdoor dining area will be illustrated on the Certified Site Plan.

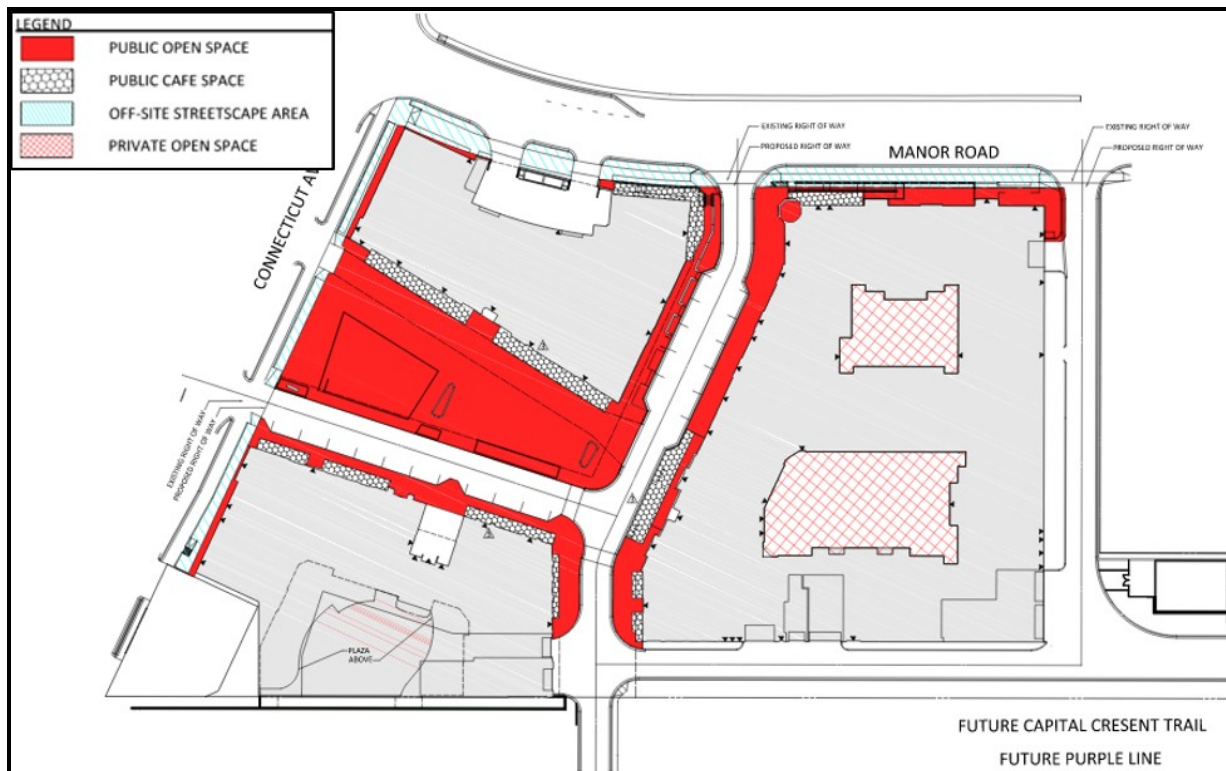


Figure 5 – Proposed Public Open Space with reconfigured private dining areas

Finally, the Amendment will also clarify on the Site Plan the allowance of reserved on-street parking for retail tenants on the private streets contained within the Project. This allowance is typical for private streets in a commercial environment and per Section 59.6.2.3.A, these spaces may count towards the total number of required parking spaces. This restriction will not conflict with the requirement to provide two spaces to MCDOT for future Purple Line kiss-and-ride spaces.

SECTION 4 – FINDINGS & ANALYSIS

Preliminary Plan Amendment 12002020D

Preliminary Plan Amendment 12002020D proposes to increase the maximum residential density on Block B by up to 5,000 square feet, from 681,746 square feet to 686,746 square feet of multi-family uses, for up to 534 dwelling units as previously approved, and accordingly increase the maximum total density on Block B to 794,450 square feet. The approved maximum commercial density for Block B of 107,704 square feet remains unchanged.

Except as modified below, the Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and as previously amended, and all findings remain in effect.

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

Transportation

Preliminary Plan Amendment 12002020B stated the Block B development 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 approval for Preliminary Plan Amendment 12002020A. This Amendment will not have any affect on the APF approval as the increase in density will not result in an increase in units. Therefore, adequate transportation facilities remain in place for this Amendment.

Site Plan Amendment 82016019C

Site Plan Amendment 82016019C proposes to increase the maximum residential density on Block B by up to 5,000 square feet, from 681,746 square feet to 686,746 square feet of multi-family uses, for up to 534 dwelling units as previously approved (including 12.9% MPDUs), and accordingly increase the maximum total density on Block B to 794,450 square feet. The approved maximum commercial density for Block B of 107,704 square feet remains unchanged.

Except as modified below, the Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and as previously amended, and all findings remain in effect.

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

The data table has been updated to reflect the increase in density proposed with the Amendment, which is in keeping with 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 H 80 zones.

| Site Plan Amendment 82016019C Data Table | | | | |
|---|--|--|--|--|
| Section | Development Standard | Permitted/ Required | Approved with Site Plan 820160190 | Proposed with Site Plan Amendment 82016019C |
| 59 – 4 | Gross Tract Area (sf) CRT-2.0, C-1.0, R-1.75, H-120 CRT-2.0, C-2.0, R-2.0, H-80 Total | n/a | 118,991 275,735 394,725 | 118,991 275,735 394,725 |
| 4.5.4.B.2.b | Density¹ CRT-2.0, C-1.0, R-1.75, H-120 Commercial FAR/GFA Residential FAR/GFA TOTAL FAR/GFA CRT-2.0, C-2.0, R-2.0, H-80 Commercial FAR/GFA Residential FAR/GFA TOTAL FAR/GFA Entire Site (Block B) Commercial FAR/GFA Residential FAR/GFA TOTAL FAR/GFA | 1.0/118,991 1.75/208,234 2.0/250,802 2.0/551,470 2.0/551,470 2.0/551,470 n/a n/a n/a | 0.17/20,408 1.79/213,432 1.96/233,840 0.32/87,296 1.70/468,314 2.02/555,610 0.27/107,704 1.73/681,746 2.0/789,450 | 0.17/20,408 1.80/214,582 1.97/234,990 0.32/87,296 1.71/472,164 2.03/559,460 0.27/107,704 1.74/686,746 2.0/794,450 |
| 4.5.4.B.2.b | Building Height (feet) CRT-2.0, C-1.0, R-1.75, H-120 CRT-2.0, C-2.0, R-2.0, H-80 | 120 70 | 120 70 | 120 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 | 1,052 |

¹ Per Section 59.4.5.2.B.c for FAR Averaging, the maximum total, nonresidential and residential FAR limits apply to the entire development, not to individual properties.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Amendment will continue to provide safe, well-integrated parking, circulation patterns, and open spaces and site amenities. The Project proposes to expand private outside dining areas while maintaining a minimum of 27,000 square feet of public open space as previously approved. The expansion of private dining areas will encourage activation of the public open space and support the adjacent retail tenants. The Project has been conditioned to ensure that any private dining areas will continue to provide a minimum pedestrian travel way of 6-feet.

The Applicant proposes to restrict parking spaces along private streets A and B for retail tenants and/or subject to duration controls. The approved Preliminary Plan located two spaces on private Street A to be reserved for kiss-and-ride for the Future Purple Line, which have been written into the Declaration of Covenants recorded in the Land Records for Montgomery County at Book 56311, Page 362. The proposed Amendment to the remaining street parking on the private street is in conformance with the Zoning Ordinance and these spaces may remain counted towards the number of required parking spaces, per Section 59.6.2.3.A of the Zoning Ordinance. As conditioned, the Amendment will provide safe, well integrated parking and circulation patterns.

SECTION 4 - PUBLIC NOTICE

A notice regarding the subject amendment was sent to all parties of record by the Applicant on April 23, 2020. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. Staff received one inquiry regarding the Amendment, in reference to traffic concerns, and Staff responded that the Amendment would not result in any additional trips from the previous approval as the proposed increase in density would not result in an increase of residential units or commercial density. Staff has not received any additional correspondence.

CONCLUSION

The proposed modifications to the Preliminary Plan and Site Plan 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 Preliminary Plan Amendment 12002020D and Site Plan Amendment 82016019C.

ATTACHMENTS

- A. Sketch Plan Resolution 16-004
- B. Preliminary Plan No. 12002020C Resolution
- C. Site Plan 82016019B Resolution
- D. Applicant Statement of Justification



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: *M. C. D.* 1/14/16

M-NCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 16-004
 Sketch Plan No. 320160030
 Chevy Chase Lake, Blocks A, B and D
 Page 2

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:¹

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

¹ 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.

MCPB No. 16-004
Sketch Plan No. 320160030
Chevy Chase Lake, Blocks A, B and D
Page 4

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:

MCPB No. 16-004
Sketch Plan No. 320160030
Chevy Chase Lake, Blocks A, B and D
Page 5

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.

MCPB No. 16-004
 Sketch Plan No. 320160030
 Chevy Chase Lake, Blocks A, B and D
 Page 6

| Section 59 - 4 | Development Standard | Permitted/Required | Approved |
|--|--|---|---|
| | Gross Tract Area / Net Lot Area (sf) Block A Block B Block D TOTAL | | 134,711/80,404 412,215/271,144 147,341/85,287 694,267/436,834 |
| 4.5.4.B.2.b | Density Block A Block B Block D TOTAL FAR/GFA² Commercial FAR/GFA Residential FAR/GFA | Commercial FAR/GFA Residential FAR/GFA Commercial FAR/GFA Residential FAR/GFA Commercial FAR/GFA Residential FAR/GFA 1.75/1,214,693 2.06/1,426,976 | Combined with Block D Totals ³ 0.53/216,900 1.74/717,800 1.63/459,800 ⁴ 2.36/667,559 0.97/676,700 2.00/1,385,360 |
| 4.5.4.B.2.b | Building Height (feet) 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 |
| 4.5.4.B.1 | Open Space (minimum)⁵ | | |
| 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 |

² 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.

³ 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.

⁴ Proposed total density for Block D includes Block A.

⁵ 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

MCPB No. 16-004
 Sketch Plan No. 320160030
 Chevy Chase Lake, Blocks A, B and D
 Page 8

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*

MCPB No. 16-004
 Sketch Plan No. 320160030
 Chevy Chase Lake, Blocks A, B and D
 Page 9

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 |
| 59.4.7.3.A: Major Public Facility | | | |
| Bike share station | 40 | 10 | 10 |
| Sector-Planned Neighborhood Square | 40 | 26 | 26 |

MCPB No. 16-004
 Sketch Plan No. 320160030
 Chevy Chase Lake, Blocks A, B and D
 Page 15

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

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.

MCPB No. 16-004
 Sketch Plan No. 320160030
 Chevy Chase Lake, Blocks A, B and D
 Page 17

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

MCPB No. 16-004
Sketch Plan No. 320160030
Chevy Chase Lake, Blocks A, B and D
Page 18

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. 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 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org 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

MCPB No. 18-023
Preliminary Plan No. 12002020C
Chevy Chase Lake Block B
Page 3

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. 19-121
Site Plan No. 82016019B
Chevy Chase Lake Block B
Date of Hearing: October 10, 2019

OCT 16 2019

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, designated 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) 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, on June 19, 2017, the Planning Board approved Site Plan No. 820160190 subject to the conditions contained therein; and

WHEREAS, on January 25, 2019, Bozzuto Development Company and Chevy Chase Land Company (“Applicant”) filed an application for approval of a minor amendment to the previously approved site plan to reduce the on-site parking requirement which was administratively approved on March 19, 2019; and

WHEREAS, on June 17, 2019, Bozzuto Development Company and Chevy Chase Land Company (“Applicant”) filed an application for approval of an amendment to the previously approved site plan to: 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); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, the application to amend the site plan was designated Site Plan No. 82016019B, Chevy Chase Lake Block B (“Site 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 September 26, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 10, 2019, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82016019B to 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);, and by modifying Condition #14, as follows:¹

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.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- 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.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Chevy Chase Lake Block B Site Plan No. 82016019B, 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*

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 OCT 16 2019 (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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 10, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



Steven A. Robins
301-657-0747
sarobins@lerchearly.com

Elizabeth Rogers
301-841-3845
ecrogers@lerchearly.com

April 1, 2020

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
Preliminary Plan Amendment No. 12002020D &
Site Plan Amendment No. 82016019C

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 Limited Major Plan Amendment to the previously approved Preliminary Plan No. 12002020C and Site Plan 82016019B (collectively, the "Amendments") for consideration by the Montgomery County Planning Board (the "Planning Board"). These Amendments propose a modest reallocation of residential density from Block D to Block B to accommodate minor variations in the construction level, permit drawings (as compared to the approved Site Plan); to clarify the use of on-street parking for Chevy Chase Lake Block B; and to allow for the increase and relocation of approved outdoor café seating areas (the "Property"). This letter serves to meet the various requirements contained in the Development Review Procedures Manual for the submission of Limited Major Plan Amendments.

I. Background

The Property is located in the southeast quadrant of the intersection of Connecticut Avenue and Manor Road. On January 21, 2016 the Planning Board approved Sketch Plan No. 320160030 for the construction of a mixed-use development

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

April 1, 2020

including up to 1,526,289 square feet of total development with up to 1,385,360 square feet of residential use and up to 676,700 square feet of non-residential use on Blocks A, B and D (the "Overall Property"). Subsequently, on May 25, 2017 the Planning Board approved Preliminary Plan No. 12002020B and Site Plan No. 820160190 for Block B, to allow 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 and the second phase is under permit review with the Department of Permitting Services ("DPS"). These Amendments are necessary to accommodate minor variations in the building area calculations, resulting from refinements in the project design, and to provide clarity and enhancements to the plan as the Applicant moves in to the leasing phase of the Project.

A. Modest Reallocation of Density

The Applicant is seeking approval to allow for the reallocation of up to 5,000 square feet of residential density from Block D to Block B, to rectify a minor discrepancy between the building area calculations on the permit drawings, as compared to the approved Site Plan. The calculation of Gross Floor Area includes "[t]he sum of the gross horizontal areas of all floors of all buildings on a tract, measured from exterior faces of exterior walls..." (*emphasis added*). The exact thickness of exterior building materials often varies among manufacturers, especially given the differences in specifications for installation. Given the scale of this project, even a minor difference in the thickness of the exterior wall materials can have a dramatic change on the overall density calculations for the Project.

As previously mentioned, the first phase of the Project is under construction and the second phase is in for building permit review. As the design of the Project has advanced to construction level drawings, the Applicant has become aware that the final specifications for Buildings B1, B2, and B3 result in a modest discrepancy of the building permit area, as compared to the approved residential density shown on the Certified Site Plan. Specifically, the permit drawings collectively reflect an additional 3,927 square feet of residential density on Block B. In order to allow for flexibility to accommodate any minor changes during the final stages of permit review for Building B1, the Applicant is seeking to transfer a total of up to 5,000 square feet of residential density from Block D to Block B to rectify this discrepancy. Any excess density not reflected on the final approved building permit drawings for Block B, will revert back to Block D for use in connection with future phases.

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

April 1, 2020

Importantly, there will be no change to the overall density approved by the Sketch Plan for the Overall Property. Additionally, there is no change to the overall number of dwelling units or non-residential density on Block B. The additional residential density will be used exclusively for residential common/core/amenity areas to support the future residents. As such, as demonstrated by the Traffic Statement submitted concurrently with this Letter of Explanation, there will be no change in the trip generation for this site.

B. Parking Clarification

As shown on the approved Preliminary Plan and Record Plat, the Project contains a series of internal private streets that contain on-street parking. Per the Declaration of Covenants recorded in the Land Records for Montgomery County at Book 56311, Page 362, the Applicant has reserved two on-street parking spaces in front of the B1 Building for future kiss-and-ride use, if and when MCDOT should elect to convert these spaces. The Applicant is seeking to add a note to the Site Plan to clarify that the remaining on-street parking may be devoted to individual retail tenants and/or subject to durational controls. Because these are private streets, this change does not grant a right to the Applicant that does not already exist today. However, the Applicant would like to provide this clarity on the Site Plan, for purposes of documenting this right, as they enter the leasing stage of the Project.

C. Outdoor Café Seating

The Project includes ground floor retail and restaurant uses. Recognizing that café seating is not only a proven way to activate pedestrian and public spaces, but is also an important amenity for many restaurant tenants, the prior Site Plan approval included up to 4,500 square feet of outdoor café seating area dispersed throughout the Project. The Applicant is proposing to increase the outdoor café seating area to allow for up to 6,600 square feet. Importantly, no change is proposed to the total amount of approved public open space (*i.e.* 27,000 square feet). Additionally, the Applicant is proposing to refine the locations of these potential café seating areas, to better align with the interior demising plans for the ground floor uses. This will provide necessary flexibility as the Applicant enters the leasing phase of the Project. 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.

I. Conclusion

The modifications proposed by these Amendments represent modest but important changes to the Project. Importantly, they do not affect the intent or objectives of the approved plans. In support of this Limited Major Preliminary and Site Plan Amendments, we are submitting the following items in addition to five copies of this letter of explanation:

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

April 1, 2020

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, phase one of the Project currently is under construction and phase two is in for permit review. We appreciate your acceptance of these Applications, 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 these Amendments.

Sincerely,



Steven A. Robins



Elizabeth C. Rogers

cc: Mr. Elza Hisel-McCoy
Ms. Stephanie Dickel
Mr. Justin Kennell
Mr. Josh Sloan