

CHEVY CHASE CENTER
PRELIMINARY PLAN AMENDMENT 11999083A, SITE PLAN
AMENDMENT 82001013H, AND SITE PLAN AMENDMENT 82001021J



Description

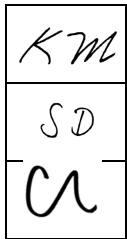
Request to convert 12,336 square feet of previously approved retail and office spaces into a day care center for up to 147 children and up to 30 staff within an existing mixed-use development, with minor changes to the façade of an existing retail bay, and replacement of nine existing parking spaces with an outdoor playground.

No. 11999083A, 82001013H, and
82001021J
Completed: 7-18-2022

MCPB
Item No. 06
07-28-2022

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
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Planning Staff



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LOCATION/ADDRESS

5425 Wisconsin Avenue, NE quadrant, intersection of Wisconsin Avenue and Wisconsin Circle

MASTER PLAN

1998 Friendship Heights Sector Plan

ZONE

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 and within the Chevy Chase Neighborhood Retail Overlay Zone (currently reviewed under previously CBD-1 and TS-M zones).

PROPERTY SIZE

10.35 gross acres

APPLICANT

Bright Horizon's Children's Centers, LLP

ACCEPTANCE DATE

April 5, 2022 (11999083A, 82001013H), and June 15, 2022 (82001021J)

REVIEW BASIS

Section 59-D-3.4 and Section 59-3.7 of the 2004 Zoning Ordinance and Section 59.7.7.1.B.3. of the 2014 Zoning Ordinance.



Summary:

- Subject Application proposed the conversion of 12,336 square feet of previously approved retail and office spaces into a daycare center for up to 147 children and up to 30 staff.
- In the Chevy Chase Neighborhood Retail Overlay Zone, the maximum floor area for all permitted uses at ground floor is 5,000 square feet. The maximum floor area may be exceeded with Site Plan Approval (Section 59-4.9.4. C.4).
- Site Plan Amendment 82001013H proposes approximately 7,000 square feet of daycare uses on the ground floor and the remaining area of the daycare will be located in the existing office space on the second floor (approximately 5,000 square feet).
- The Applicant also proposes to build a new private playground (located within the bounds of Site Plan Amendment 82001021J) to support the proposed daycare center on-site. To install the playground, nine parking spaces are proposed to be removed and the existing Forest Conservation Plan will be amended to address preservation/mitigation of previously credited trees.
- The Applications are being reviewed under the CBD-1 Zone and TS-M Zone development standards of the 2004 Zoning Ordinance; and the CCNR Overlay Zone however, in compliance with Section 59.7.7.1.B.3 of the 2014 Zoning Ordinance, the parking requirements are reviewed under the current Zoning Ordinance.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
PRELIMINARY PLAN AMENDMENT 11999083A.....	3
SITE PLAN AMENDMENT 82001013H.....	5
SITE PLAN AMENDMENT 82001021J	7
SECTION 2: SITE DESCRIPTION.....	9
VICINITY.....	9
PROPERTY DESCRIPTION.....	10
SECTION 3: PROJECT DESCRIPTION.....	11
PREVIOUS APPROVALS.....	11
PROPOSAL	13
SECTION 4: PRELIMINARY PLAN AMENDMENT 11999083A FINDINGS AND ANALYSIS	19
SECTION 5: SITE PLAN AMENDMENT 82001013H AND SITE PLAN AMENDMENT 82001021J FINDINGS AND ANALYSIS	23
SECTION 6: COMMUNITY OUTREACH	28
SECTION 7: CONCLUSION	29
ATTACHMENTS	29

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT 11999083A

Staff recommends approval with conditions of the Preliminary Plan Amendment 11999083A to convert 12,336 square feet of previously approved retail and office spaces into a day care center for up to 147 children and up to 30 staff within an existing mixed-use development. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions. Condition 1 is modified, and new Conditions 22-29 are added. All other conditions remain in full force and effect:

Modified Conditions

Development Ceiling

- ~~1. Approval under this preliminary plan is limited to a maximum of 232,328 square feet of [office] development and 179,372 square feet of [retail] development including a [grocery] store. The applicant shall also pay to the Montgomery County Department of Finance the balance of the expedited development approval excise tax prior to receipt of building permits as provided by County law.~~

This Preliminary Plan is limited to one lot for a maximum of 227,460 square feet of office, 125,911 square feet of retail development including a grocery store, 46,293 square feet of restaurant and 12,336 square feet of daycare uses.

New Conditions

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

22. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

23. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G).

OUTSIDE AGENCIES

24. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 9, 2022 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by

MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

25. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“SHA”) in its letter dated May 18, 2022 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

PRIOR TO CERTIFIED PRELIMINARY PLAN

26. Prior to certification of the Preliminary Plan, an amended Preliminary/Final Forest Conservation Plan must be submitted to address the following items:
- a. Provide a tree save plan prepared by an ISA Certified Arborist who is also a MD Licensed Tree Care Expert.
 - b. Revise the proposed playground design to minimize/avoid impacts of existing credited trees to the extent reasonably possible.
 - c. Provide/restore the required overall credit for onsite plantings as applicable.
 - d. Address fee-in-lieu requirements for any necessary credit previously achieved through afforestation and/or reforestation that can no longer be maintained or achieved onsite.

CERTIFIED PRELIMINARY PLAN

27. The certified Preliminary Plan must contain the following note:
- Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) [or] site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
28. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified set; and
 - b) Include the approved Fire and Rescue Access plan in the certified set.

SITE PLAN AMENDMENT 82001013H

Staff recommends approval of Site Plan Amendment No. 82001013H, for the conversion of 12,336 square feet of previously approved and constructed retail and office spaces into a daycare center for up to 147 children and up to 30 staff, with minor façade changes and future signage to be approved by Montgomery County Department of Permitting Services (MCDPS). The development must comply with the conditions of approval for Preliminary Plan No. 119990830 as listed in the MCPB Opinion for the Chevy Chase Center I and II, mailed December 20, 2001, as amended. All site development elements shown on the latest electronic version of the Site Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions¹. 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.

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 300,000 square feet of total development on the Subject Property², including up to 203,460 square feet of office uses, up to 56,691 square feet of retail uses, up to 27,513 square feet of restaurant and up to 12,336 square feet of daycare uses. The combination of retail and restaurant uses within the limits described above must not exceed 91,372 square feet.

TRANSPORTATION & CIRCULATION

2. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated April 7, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

3. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include all prior Site Plan resolutions on the approval or cover sheet(s).

¹ For the purposes 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.

² The daycare use space can be changed to other commercial uses if there is no adverse impact on the Site Plan and APF findings and it is approved by M-NCPPC Staff.

- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior to any work that is subject of this Site Plan. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Update the Landscape Plans to reflect the ultimate layout of the playground, existing trees/landscape to remain and new plantings.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

SITE PLAN AMENDMENT 82001021J

Staff recommends approval of Site Plan Amendment No. 82001021J, for the reallocation of up to nine parking spaces to an on-site playground to support a daycare center on the adjacent Site. The development must comply with the conditions of approval for Preliminary Plan No. 119990830 as listed in the MCPB Opinion for the Chevy Chase Center I and II, mailed December 20, 2001, as amended. All site development elements shown on the latest electronic version of the Site Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions. 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.

DENSITY, HEIGHT & HOUSING

1. Density

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 69,220 square feet of retail uses (including a grocery store), 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.

ENVIRONMENT

2. Forest Conservation & Tree Save

- a. Prior to the start of any demolition, clearing, grading or construction for the proposed outdoor playground, whichever comes first, for this development Application, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department to satisfy any necessary credit previously achieved through afforestation and/or reforestation that can no longer be maintained or achieved onsite.
- b. Prior to the start of any demolition, clearing, grading or construction for the proposed outdoor playground, whichever comes first, for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for any new mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
- c. If any mitigation tree plantings are required under the FCP, then prior to the start of any demolition, clearing, grading or construction for the proposed outdoor playground, whichever comes first, for this development Application, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.

- d. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- e. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- f. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- g. Prior to certification of the Final Forest Conservation Plan, the Applicant must make the following changes:
 - i. Update plans/notes to clarify minor CRZ impacts to existing trees to remain and/or trees to be removed.
 - ii. Provide notes on proposed installation of playground equipment to demonstrate the feasibility of proposed tree save measures.
 - iii. Update FCP Sheet 2 to indicate that, due to the preservation of existing mitigation trees, there are no further mitigation requirements to be met.

SITE PLAN

3. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include all prior Site Plan resolutions on the approval or cover sheet(s).
- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Update the Landscape Plans to reflect the ultimate layout of the playground, existing trees/landscape to remain and new plantings.
- d) Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2: SITE DESCRIPTION

VICINITY

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 – Vicinity Map

PROPERTY DESCRIPTION

The Subject Property was split-zoned CBD-1 and TS-M, 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 (Subject Application 82001021J), while the portion referred to as The Collection II was zoned CBD-1 (Subject Application 82001013H). The combined Chevy Chase Center shopping center includes a supermarket, 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 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.



Figure 2 – Subject Property



Figure 3 – Subject Property Zoning (2004 Zoning Code)

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.

On May 21, 2020, the Planning Board Approved Site Plan Amendments 82001013F and 82001021H 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.

On November 9, 2020, the Director of the Planning Department approved Site Plan Amendment 82001021I for approval of modifications to remove existing pavers and provide a new concrete pad and handrail in front of an existing ATM, located along Wisconsin Circle.

An application for Site Plan Amendment 82001013G was accepted but ultimately withdrawn.

PROPOSAL

The Subject Application is requesting permission to convert approximately 12,400 square feet of existing space into a daycare center for up to 147 children and up to 30 staff located in the Collection II, previously zoned CBD-1 (Subject Application 82001013H). Specifically, the Project proposes converting 7,200 square feet of ground floor retail and 5,200 square feet of office space on the second floor for the day care center. The Application is permitted to be reviewed under the CBD-1 per Section 59- 59.7.7.1.B.3. of the 2014 Zoning Ordinance.



Figure 4: Approximate location of daycare center retail bay and playground

The proposed child daycare center would operate Monday through Friday, 7:00 AM to 6:00 PM. Enrollment would include children from infancy to 5 years old. The indoor spaces will include classrooms separated by age groups and provide a shared movement space. Outdoor play will take place in an on-site play area to be constructed pending approval of the Application on the Collection 1 Site, previously zoned TS-M. The Application is permitted to be reviewed under the CBD-1 per Section 59- 59.7.7.1.B.3. of the 2014 Zoning Ordinance.

The Preliminary Plan Amendment proposes a change in use from retail/office to daycare and is estimated to generate a net increase in peak hour person trips. Site Plan Amendment 82001013H is needed pursuant to the Chevy Chase Neighborhood Retail Overlay Zone because the proposed daycare center will result in a change in the use of 7,000 square feet of ground floor space from retail/restaurant use to daycare use. The overlay zone requires Planning Board approval of a site plan for any project that would change 5,000 square feet or more of ground floor space from retail to non-retail. In this case, the new use will promote the overlay zone's goal of ensuring a lively, activating ground floor environment:

- The ground floor storefront glass along Wisconsin Circle will receive window film for privacy. Typically, such film is patterned and translucent, allowing light to come in and for passersby to see activity inside the center but without clear views of individuals.
- The proposed daycare center will generate foot traffic throughout the day, since all drop-offs and pick-ups must use the Wisconsin Circle entrance.
- The Applicant will be filling two retail bays that have been vacant.

The Applicant will be making only minor changes to the exterior of the existing building under Site Plan Amendment 82001013H which include the following changes: permanently closing the glass doors into one of the retail suites, installing translucent window film in place of existing window clings, and adding signage to be identified by the building owner. All proposed signage is reviewed and approved by MCDPS, which may consist of reinstalling the original glass/steel awnings with replacement text.

Site Plan Amendment 82001021J proposes conversion of a small area of on-site parking (up to nine spaces) and perimeter landscaping to an outdoor play area. The State of Maryland requires that children in daycare centers have two periods of outdoor activity of at least 30 minutes each. The Applicant proposes to construct an outdoor play area on site, in the northern corner of the Subject Property near a traffic circle that directs traffic entering from Wisconsin Avenue and South Park Avenue onto the Site. The playground will measure approximately 4,100 square feet and will be divided into two sections, one for infants and toddlers and the other for preschoolers. As shown on the playground perspective excerpted below, the play area will incorporate nature-based play by building naturalistic slides into a sloped area along the property line as well as using natural features such as logs to create a climbing and balancing structure for preschoolers. The play area will repurpose approximately nine parking spaces and a perimeter landscape area containing deciduous trees and various types of ground cover. The existing shade trees in the vicinity have been credited

towards onsite forest conservation credit as part of previous approvals. Bright Horizons intends to retain all existing trees to provide shade for the play area and a detailed tree save plan will be submitted prior to Certified Site Plan. The play area will be enclosed on one side by an existing wooden fence. On the other three sides it will be enclosed by fencing that has the appearance of black ornamental fencing but is built with components made of steel, to prevent a car from crashing through the fence into the play area. Safety will be further enhanced by the fact that motorists driving in the vicinity of the play area will have just exited a traffic circle and will be turning into a parking lot, necessarily going slowly.

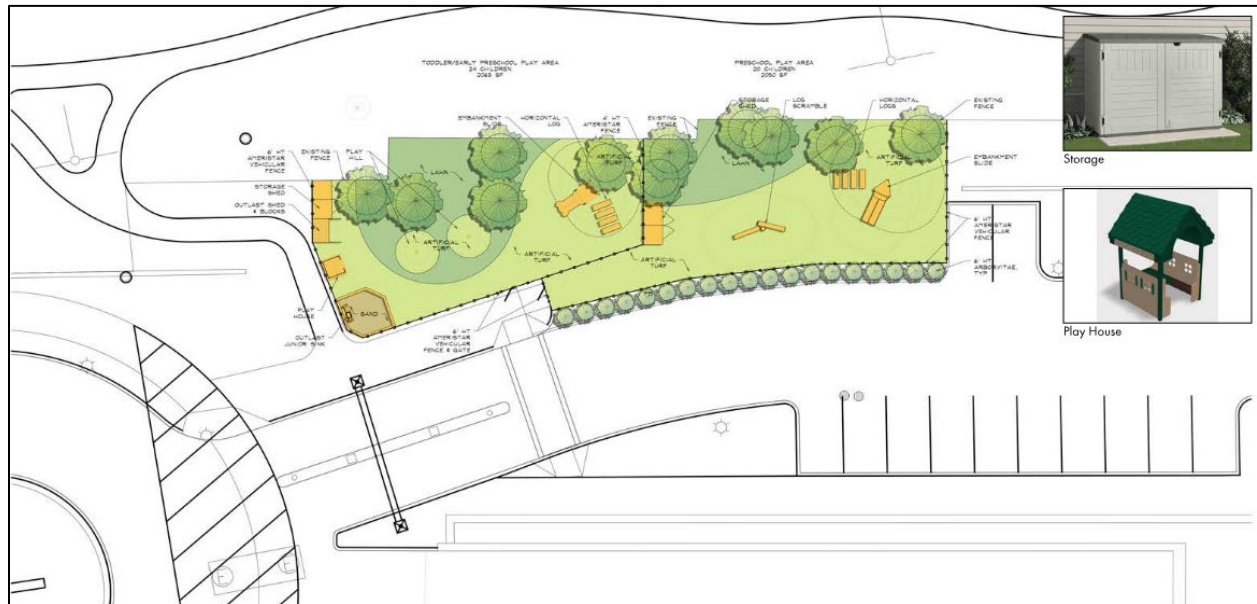


Figure 5: Playground Plan



Figure 6: Rendering of playground, looking east from the driveway traffic circle



Figure 7: Rendering of playground looking west from within the Site

TRANSPORTATION

Access, Circulation, Parking, and Frontage Improvements

The location for the proposed daycare center is within the retail bays immediately opposite the Friendship Heights Metro Station entrance on Wisconsin Circle (see Figure 7). Pedestrians, bicyclists, and transit users will access the daycare from the marked crosswalk and established sidewalk network.

Parents accessing the Site by car, will enter the Site via the parking facility entrance on either Wisconsin Circle, Western Avenue or Wisconsin Avenue.

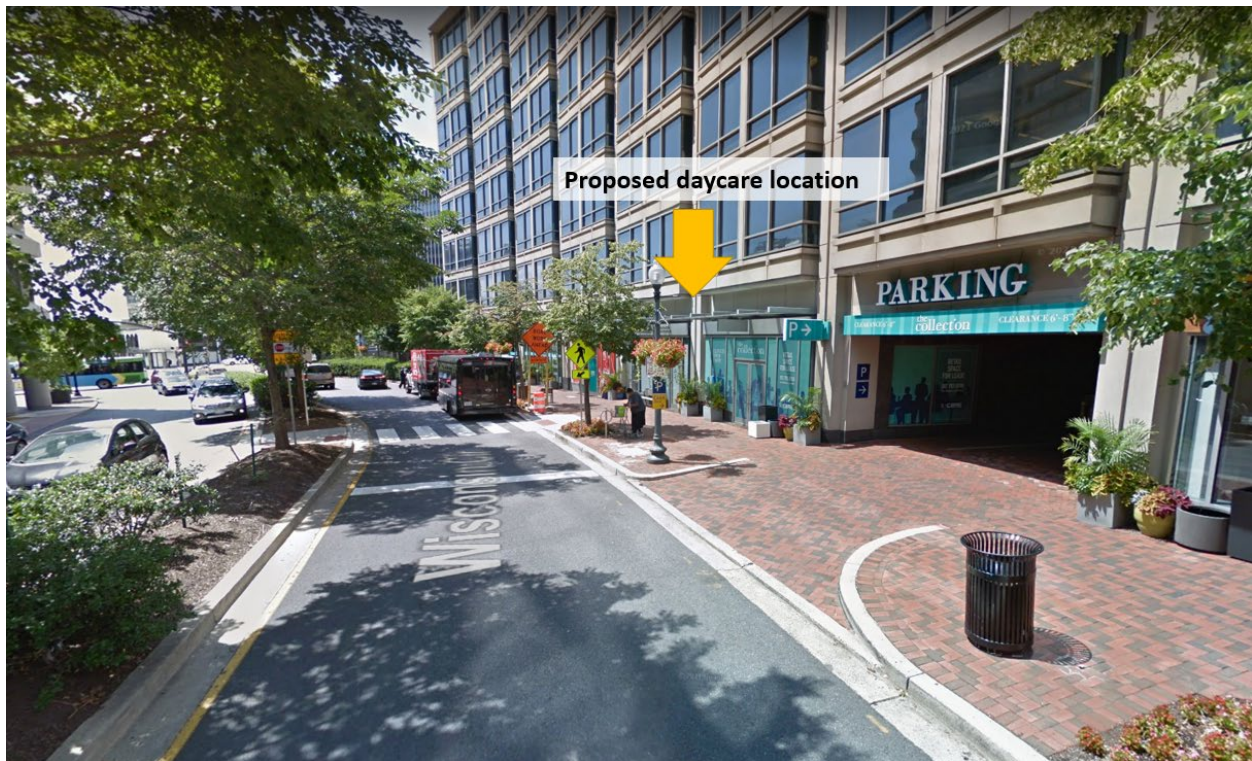


Figure 8: Looking west towards Wisconsin Avenue

Parking for employees as well as child drop-off/pick-up will be provided in the existing parking facility servicing the building. Eight garage spaces will be reserved for drop-off and pick-up from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 26 monthly garage spaces will be available for staff on a first-come, first served basis³. As shown in Figure 8, the entrance to the building's underground parking garage is immediately adjacent to the Applicant's space and the drop-off/pick-up spaces are just inside the garage entrance, providing for safe, convenient, and efficient drop-off and pick-up. The

³ Parking on-site is shared among all uses. The parking provided on site well exceeds the minimum required for each use (846 required and 1,177 spaces provided), Therefore, it was determined that there are no anticipated impacts of reserving eight spaces during the operational hours of the daycare.

eight spaces dedicated for drop-off and pick-up are consistent with the number of spaces Bright Horizons finds to be adequate at locations across the country. In addition, Bright Horizons collected dwell time data at a Bright Horizons daycare center located at Bethesda Metro Center to assess how long parents and guardians spend in the dedicated parking garage spaces at that location while dropping off and picking up children. The data indicated as follows:

- Drop-Off: Average of 10-min in parking space (dwell time)
 - Each space can handle approximately 6 turnovers per hour
 - 8 spaces for new facility can accommodate approximately 48 drop-off vehicles per hour
 - Estimated drop-off vehicular demand of approximately 35 vehicles during the AM peak hour for the Chevy Chase Site would be accommodated
- Pick-Up: Average of 13-min in parking space (dwell time)
 - Each space can handle approximately 4.6 turnovers per hour
 - 8 spaces for new facility can accommodate approximately 37 pick-up vehicles per hour
 - Estimated pick-up vehicular demand of approximately 34 vehicles during the PM peak hour for the Chevy Chase site would be accommodated.

No structural or density changes are proposed as part of the Subject Applications and therefore no frontage improvements are required.

ENVIRONMENT

The project area is within an urban setting and is generally not associated with environmentally sensitive resources. The Site is subject to an existing Forest Conservation Plan which has been amended many times following the original approval in 2001. The most recent amendment, Plan No. 82001013E, shows that a majority of the Forest Conservation Requirements were met onsite through credit for 102 shade trees (including credited plantings occurring within the proposed outdoor play area) which provided 0.74 acres of overall forest conservation credit, and the remaining requirement of 0.50 acres was addressed offsite by a fee-in-lieu payment. As conditioned, an FFCP amendment, along with a detailed tree save plan prepared by an ISA Certified Arborist who is also a MD Licensed Tree Care Expert, will be submitted to minimize/avoid tree impacts where possible and provide the required mitigation plantings as applicable, prior to Certified Site Plan(s) approvals. Should some limited removal of credited trees be found necessary, onsite replacement will be provided as possible. Furthermore, the overall onsite credit will be assessed and supplemented/restored as needed. Although it is anticipated the current level of mitigation plantings can be maintained, the fee-in-lieu requirements will increase if mitigation credit cannot be achieved onsite.

SECTION 4: PRELIMINARY PLAN AMENDMENT 11999083A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 119990830, MCPB Opinion, mailed on December 20, 2001, to create one lot with up to 300,000 square feet of non-residential uses on the Subject Property with conditions.

Preliminary Plan Amendment 11999083A requests to convert 12,336 square feet of previously approved retail and office spaces into a day care center for up to 147 children and up to 30 staff within an existing mixed-use development. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

a) *The block design is appropriate for the development or use contemplated*

b) *The lot design is appropriate for the development or use contemplated*

c) *The Preliminary Plan provides for required public sites and adequate open areas*

i. *Master Planned Sites*

ii. *Local Recreation*

iii. *Transportation and Utilities*

d) *The Lot(s) and Use comply with the basic requirements of Chapter 59*

There are no changes to the size, width, shape, orientation or density of lots, or the location and design of any roads. The existing layout and density are appropriate for the use and the area. Daycare use is permitted within the CBD-1 zone (and the current CR zone), as well as the Chevy Chase Neighborhood Retail Overlay Zone.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

a) *Land Use*

b) *Environment*

c) *Transportation*

The Preliminary Plan Amendment is consistent with the objective of the 1998 *Friendship Heights Sector Plan*, which had the long-term vision to, “[c]reate a vital, diverse urban center” in downtown Friendship Heights, (page 33), by concentrating development close to the Metro in the central business district, which includes the Subject Property. Among the objectives stated in the Sector Plan for the Subject Property (then designated as Chevy Chase Land Company Parcel 10B) are:

- No. 1. Encourage better use of the property, given its proximity to Metro.
- No. 2 Retain community retail, including a grocery store.
- No. 4. Provide a limited amount of additional office use next to Metro by encouraging redevelopment of part of the existing Chevy Chase Center using the optional method of development
- No. 5. Provide safe, convenient parking to serve both retail and office uses.
- No. 9. Enhance the pedestrian environment along Wisconsin Avenue and the pedestrian link to Metro. (page 41-42)

The proposed daycare center meets these objectives. First, inclusion of a daycare center diversifies the mix of uses provided in downtown Chevy Chase and takes advantage of the convenience of the nearby Metro station. Daycare centers provides a valuable option for local residents and employees and, in this way, supports the continuation of community retail and office uses in the area. As discussed above, the proposed daycare center provides safe and convenient parking for those parents and staff who will access the center via car. It also supports the pedestrian environment by providing an important service that is centrally located in an area meant to be accessed by pedestrians, either from the immediately surrounding residential neighborhood or by using Metro or other public transit.

The Preliminary Plan Amendment does not involve the construction of a new building or external renovations to the existing building. Instead, it will reactivate existing ground floor and second floor space by replacing two vacant retail bays and vacant office space with a bustling daycare center. It will also replace existing surface parking with an attractive, landscaped play area. In addition, the proposed daycare center will integrate well with pedestrian connections in the area, as pedestrians will access the Site via the existing sidewalk – including parents or guardians who park in the garage to drop off or pick up a child.

3. Public facilities will be adequate to support and service the area of the subdivision.

a) Local Area Transportation Review (LATR)

b) Other Public Facilities and Services

The proposed change in use would result in greater than 50 net new peak hour person trips when compared to the previously approved uses. Accordingly, in compliance with the Montgomery County Growth and Infrastructure Policy (the “GIP”), the application contains a Transportation Impact Study (TIS) in compliance with the 2022 Local Area Transportation Review (LATR) Guidelines, includes pedestrian, bicycle, and bus transit adequacy tests as well as a Vision Zero statement. Because the Subject Property is in a “Red” policy area (Friendship Heights), the Subject Application is exempt from the motor vehicle adequacy test. The TIS identified deficiencies under both the pedestrian and bicycle adequacy tests, as follows:

- *On Willard Avenue, missing sidewalk buffers result in deficient Pedestrian Level of Comfort (“PLOC”) and a lack of bicycle facilities results in Bicycle Level of Traffic Stress (“BLTS”) greater*

than 2.0 (“Low”). Approximately 100 linear feet of separated bike lanes installed in the roadway would achieve adequacy for both PLOC and BLTS.

- *Missing sidewalk buffers along Wisconsin Avenue result in deficient PLOC and a lack of bicycle facilities results in BLTS greater than 2.0. Approximately 400 linear feet of two-way or 800 linear feet of one-way separated bike lanes installed in the roadway would achieve adequacy for both PLOC and BLTS.*
- *A lack of bicycle facilities along Western Avenue results in BLTS greater than 2.0. Approximately 100 feet of separated bike lanes installed in the roadway would achieve adequacy for BLTS. Note that this area is located within the District of Columbia and any improvements would be subject to District of Columbia Department of Transportation approval.*

Per the 2021-2024 Growth and Infrastructure Policy (GIP) and LATR Guidelines, the maximum target for transportation mitigation cost for the proposed project to construct or fund improvements to address deficiencies identified in the multimodal review process, known as the LATR Proportionality Guide, is calculated using the formula shown below:

$$LATR\ Proportionality\ Guide = \left(\frac{Extent\ of\ Development}{Development} \right) \times \left(\frac{LATR\ Guide\ Rate}{Proportionality\ Guide\ Rate} \right) \times \left(\frac{LATR\ Proportionality\ Guide}{Adjustment\ Factor} \right)$$

Based on this calculation, for the proposed 12,336-square foot daycare in the Friendship Heights Transportation Management District, the maximum required cost of improvements for off-site improvements is \$7,217. The costs of the master-planned pedestrian/bicycle network improvements (or even effective portions thereof) identified above would far exceed the LATR Proportionality Guide amount of \$7,217 and are therefore not proportional with the estimated impacts of the proposed daycare. Therefore, the Applicant is not required to participate in off-site mitigation.

Further, the Subject Property is located in an area with ample transportation resources:

- *The Subject Property is surrounded by a well-connected regional and local transportation system that will accommodate the parents, children, and staff of the proposed daycare facility.*
- *The Subject Property is well-served by public transportation with access to the WMATA Metro Red Line and is close to the Friendship Heights Metro Station.*
- *The Subject Property is surrounded by a well-connected pedestrian environment.*

The Subject Property is non-residential and is adequately served by all necessary public services and facilities including water and sewer. It is extremely well-served by transit and a network of local and regional roadways. As a non-residential project, the proposed daycare center will have no impact on school capacity. The Subject Property is served by public water and sewer systems as well as electric,

gas, and telecommunications services. The proposed project is expected to have no impact on the adequacy of other public facilities, such as police and fire stations.

The Fire Access plan was previously approved with Preliminary Plan No. 119990830, and this amendment will not substantially change the Fire Access on-site based on communications with DPS Fire Department Access and Water Supply staff. As conditioned, the final approval letter will be required prior to certification of the Preliminary Plan Amendment. Staff anticipates acquiring the letter prior to the Planning Board Public Hearing on July 28, 2022.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

a) Forest Conservation Plan

As previously mentioned, the Site is subject to an existing forest conservation plan. The latest approved plan is FFCP #82001013E which shows most of the Forest Conservation requirements were met onsite through credit for 102 shade trees (including credited plantings occurring within the proposed play area) which provided 0.74 acres of overall forest conservation credit, and the remaining requirement of 0.50 acres was addressed offsite by a fee-in-lieu payment. As conditioned, a FFCP amendment along with a detailed tree save plan prepared by an ISA Certified Arborist who is also a MD Licensed Tree Care Expert will be submitted to minimize/avoid tree impacts where possible and provide the required mitigation plantings as applicable and will be approved prior to Certified Site Plan(s). The Applicant intends to protect and retain the existing mitigation plantings, however limited impacts or removal may be required. Should this occur, the Applicant will prioritize onsite replacement for any of mitigation plantings removed. Furthermore, the overall onsite credit will be assessed and supplemented/restored as needed. Although it is anticipated the current level of plantings can be maintained, the fee-in-lieu requirements will increase if all the previous level of credit cannot be achieved onsite.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied. Per the statement of justifications, the project will disturb less than 5,000 square feet and is therefore not subject to SWM review. Furthermore, the application is not subject to water quality and plan is not associated within a floodplain.

SECTION 5: SITE PLAN AMENDMENT 82001013H AND SITE PLAN AMENDMENT 82001021J FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 820010130, MCPB Opinion, mailed on December 20, 2001, to create one lot with up to 300,000 square feet of non-residential uses on the Subject Property with conditions.

Site Plan Amendment 82001013H requests to convert 12,336 square feet of previously approved retail and office spaces into a day care center for up to 147 children and up to 30 staff and to fix closed the glass doors into one of the retail suites, to install translucent window film in place of existing window clings and to add signage to be identified by the building owner. A Site Plan is required for the Subject Application because the Chevy Chase Neighborhood Retail Overlay Zone requires Planning Board approval of a site plan for any project that would change 5,000 square feet or more of ground floor space from retail to non-retail, and the Subject Application proposes is a change in the use of 7,000 square feet of ground floor space from retail/restaurant use to daycare use⁴. It is important to note that a Day Care Facility is a permitted ground floor use within the Chevy Chase Neighborhood Retail Overlay Zone⁵.

Site Plan Amendment 82001021J proposes the installation of a private playground to support the proposed daycare center under Site Plan Amendment 82001013H. A private playground or outdoor area is specifically identified as a permitted use within the Chevy Chase Neighborhood Retail Overlay Zone⁶.

Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, both Amendments were reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. The proposed Amendments do not alter the intent of the previous findings except as modified below.

⁴ Section 59-4.9.4.C.4.

⁵ Section 59-4.9.4.B.2.

⁶ Section 59-4.9.4.B..4

Table 1: Site Plan Amendment No. 82001013H (CBD-1 Zone) Site Plan Amendment No. 82001021J (TS-M Zone) Development Standards Data Table¹

Development Standard	Required/ Permitted	Previously Approved 82001013G and 82001021H	Proposed 82001013H and 82001021J
Lot Area			
CBD-1 Zone	22,000 SF (Min)	150,000 SF	No change
TS-M Zone	40,000 SF (Min)	208,200 SF	No change
Gross Floor Area²			
CBD-1 Zone (82001013H)	300,000 SF (2.0)	300,000 SF (2.0)	No change
Office	--	208,628 SF (1.39)	203,460 SF (1.35)
Retail	--	62,707 SF (0.41)	56,691 SF (0.38)
Restaurant	--	27,513 SF (0.19)	No change
Daycare	--	--	12,336 SF (0.08)
TS-M Zone (82001021J)	112,000 SF (0.54)	112,000 SF (0.54)	No change
Office	--	24,000 SF (0.12)	No change
Retail	--	69,220 SF (0.35)	No change
Restaurant	--	18,780 (0.09)	No change
On-Site Public Use Space			
CBD-1 Zone	30,000 SF (20%)	30,000 SF (20%)	No change
TS-M Zone	20,820 SF (10%)	20,820 SF (10%)	No change

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 TS-M portion of the Site.

Table 2: Site Plan No. Plan Amendment No. 82001013H (CBD-1 Zone) Site Plan Amendment No. 82001021J (TS-M Zone) Parking Data Table

Development Standard	Required/ Permitted	Prevoiusly Approved 82001013G and 82001021H	Proposed 82001013H and 82001021J
Vehicle Parking³			
<u>CBD-1 Zone</u>			
56,691 SF Retail	199 (min.) / 341 (max.)	--	--
16,508 SF Restaurant	67 (min.) / 199 (max.)	--	--
203,460 SF Office	407 (min.) / 611 (max.)	--	--
12,336 SF Daycare Center	30 (min.)/49 (max.)		--
Subtotal CBD-1 Zone	710 (min.) / 1200 (max.)	--	--
<u>TS-M Zone</u>			
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 TS-M 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	1,177⁶
Combined Site Loading Spaces	3	3	No change
Bicycle Parking			
Combined Site (Long-term/ Short-term)	(47/ 19) 66 Total	(47/ 19) 66 Total	No change

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.l.7.a.i.

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

⁶ Site Plan Amendment 82001021J proposes repurposing 9 parking spaces for the private playground.

82001013H Findings: Section 59-D-3.4

(C) In reaching its decision the Planning Board must require that:

(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 Site Plan amendments conform to all non-illustrative elements Project Plan 919990020.

(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;

A daycare center for more than 30 children is a permitted use in the CBD-1 zone under the 2004 Montgomery County Zoning Code (the “2004 Code”). See 2004 Code Sec. 59-C-6.22. It is also permitted within the Chevy Chase Neighborhood Overlay 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 proposed modification has no effect on height, density, building location and massing, or lighting. Proposed changes consist of the installation of new signage and superficial changes to the façade (i.e., closing off one set of doors into the premises and installing new window film); the reservation of eight parking spaces in the garage; availability of 26 first-come, first served spaces in the garage for staff.

The Fire Access plan was previously, and this amendment will not substantially change the Fire Access on-site based on communications with DPS Fire Department Access and Water Supply staff. As conditioned, the final approval letter will be required prior to certification of the Site Plan Amendment. Staff anticipates acquiring the letter prior to the Planning Board Public Hearing on July 28, 2022.

The current circulation system is adequate, safe, and efficient, and will remain as such with the Subject Application.

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

The proposed daycare center will add to the range of uses available in the Friendship Heights area, will provide street-level activation on Wisconsin Place, and will be an added amenity for nearby residents and employees. The proposed use will make no noticeable changes to the exterior of the building. The proposed project will be fully compatible with existing development.

(5) the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

The proposed project elements subject to this Site Plan Amendment will disturb less than 5,000 square feet of land, and therefore does not require any permits under Chapter 19. The proposed project is exempt from forest conservation requirements under Code Section 22A-5(t) as a modification to a non-residential development property that will clear no forest, will not require approval of a new preliminary plan, does not increase the developed area, retains the existing principal building, and does not propose any residential uses.

82001021J Findings: Section 59-D-3.4

(C) In reaching its decision the Planning Board must require that:

(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 Site Plan amendments conform to all non-illustrative elements Project Plan 919990020.

(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;

A private playground is a permitted use in the TSM zone under the 2004 Montgomery County Zoning Code (the “2004 Code”). See 2004 Code Sec. 59-C-6.22. It is also permitted within the Chevy Chase Neighborhood Overlay 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 proposed modification has no effect on height, density, building location and massing, or lighting. Proposed changes the construction of an on-site playground in a corner of the parking lot and internal renovations to the premises. The current circulation system is adequate, safe, and efficient, and will remain as such with the Subject Application.

The Fire Access plan was previously, and this amendment will not substantially change the Fire Access on-site based on communications with DPS Fire Department Access and Water Supply staff. As conditioned, the final approval letter will be required prior to certification of the Site Plan

Amendment. Staff anticipates acquiring the letter prior to the Planning Board Public Hearing on July 28, 2022.

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

The proposed private playground is compatible with the adjacent and surrounding development. It will convert a very small portion of the surface parking and some perimeter landscaping to an outdoor play area focused on trees, landscaping, and other natural features, making it at least equally attractive to passersby as the existing combination of deciduous trees, groundcover, and asphalt.

(5) the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

There are certain trees within the proposed playground area that were counted towards landscaping credit on the forest conservation plan previously approved for the Subject Property. The Applicant intends to preserve all existing credited trees within the playground area and has submitted an amendment to the forest conservation plan to that effect. Any unavoidable impacts to existing mitigation trees will be reviewed as part of the plan certification process. As conditioned, the Applicant will meet all applicable requirements of Chapter 22A Forest Conservation Law.

As discussed above, all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied as the project will disturb less than 5,000 square feet and is therefore not subject to SWM review. Furthermore, the application is not subject to water quality and plan is not associated within a floodplain.

SECTION 6: COMMUNITY OUTREACH

A notice was sent to all parties of record by the Applicant for Preliminary Plan Amendment No. 11999083A and Site Plan Amendment No. 82001013H on April 5, 2022, and a subsequent notice for Site Plan Amendment No. 82001021J was sent on June 15, 2022, per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. As of date of this Staff Report, no correspondence has been received.

SECTION 7: CONCLUSION

As conditioned, the Preliminary Plan No. Amendment 11999083A, Site Plan Amendment No. 82001013H Site Plan Amendment No. 82001021J each satisfy the findings under Sections 59-D-3.4 and the applicable zoning development standards of the 2004 Zoning Ordinance, as well as Section 59.7.7.1.B.3 of the 2014 (current) Zoning Ordinance for parking standards. They substantially conform to the recommendations of the 1998 *Friendship Heights Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of Preliminary Plan Amendment 11999083A, Site Plan Amendment 82001013H, and Site Plan Amendment 82001021J with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan 11999083A, Site Plan Amendment 82001013H, Site Plan Amendment 82001021J

Attachment B: Agency Letters