

LOCAL MAP AMENDMENT H-148 & PRELIMINARY FOREST CONSERVATION PLAN H-148, CORSO CHEVY CHASE



Description

The Applicant requests to rezone a 13.64-acre property from R-60 to CRNF-1.5, C-0.25, R-1.25, H-70. The rezoning would allow the redevelopment of the property most recently used by the National 4-H Council as a conference center to a senior-care community with a maximum mixed-use density of 700,000 square feet comprised of a Residential Care Facility (over 16 persons) containing up to 287 independent dwelling units, 190 assisted-living beds, and 30 memory-care beds, and up to 5,000 square feet of commercial/retail uses.

Local Map Amendment and
Preliminary Forest
Conservation Plan H-148
Completed: 02-27-2023

MCPB
Item No. 5
03-09-2023

Montgomery County
Planning Board
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Summary:

- Local Map Amendments (LMA) change the zoning for a property and are subject to the requirements of Zoning Ordinance Section 59.7.2.1. The Planning Board provides a recommendation to the Hearing Examiner, who in turn provides a recommendation to County Council, acting as the District Council, who has the final decision-making authority to approve the LMA.
- A Preliminary Forest Conservation Plan is required as part of the LMA review process. If approved, a Final Forest Conservation Plan would be required with a subsequent regulatory review.
- If the County Council approves the LMA, the applicant must file subsequent Preliminary and Site Plan applications for review.
- The proposed LMA would allow the applicant to redevelop the former National 4-H Conference Center into a senior-living community.
- The Property is located within the municipal boundary of the Town of Chevy Chase, which has a private development agreement with the applicant. The Mayor and Town Manager have been actively involved in the review and the Town Council voted in favor of the project. Chevy Chase Section 3 confronts the Property to the east across Connecticut Avenue and provided comment.
- Staff recommends approval of the LMA, Floating Zone Plan, and Preliminary Forest Conservation Plan (PFCP).

LOCATION/ADDRESS

7100 Connecticut Avenue, approximately
1300 feet north of Bradley Boulevard

MASTER PLAN

1990 *Bethesda Chevy Chase Master Plan*

ZONE

R-60

PROPERTY SIZE

13.64 tract acres

APPLICANT

Corso DC, LLC

ACCEPTANCE DATE

November 3, 2022

REVIEW BASIS

Chapter 59

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SECTION 1: RECOMMENDATIONS AND BINDING ELEMENTS/CONDITIONS

LOCAL MAP AMENDMENT H-148

Staff recommends approval of Local Map Amendment H-148, to rezone the Property from R-60 to CRNF 1.5 C 0.25 R 1.25 H 70, and the associated Floating Zone Plan with the following binding elements:

1. Use of the property will be limited to a residential care facility and ancillary commercial establishments. No more than 5,000 square feet of commercial use, with no single establishment larger than 2,500 square feet shall be permitted. Such commercial establishments shall be made available to the general public.
2. Vehicular access will be limited to Connecticut Avenue. Vehicular access to and from Thornapple Street, Woodside Place, and Meadow Lane and the property must be prohibited. At the time of Preliminary Plan, the Applicant will commission a Comprehensive Vehicular Site Access Study that shall include, at a minimum, review of the existing roadway, intersection geometrics, speed limits, existing turning movements, vehicular and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. The Applicant will work with the State Highway Administration and the Town of Chevy Chase to determine the need for traffic-related measures along Connecticut Avenue.
3. At the time of Site Plan, the Applicant will commission a Parking Demand Analysis to ensure on-site parking for all property employees and visitors, including during peak use and visitation periods, is adequate.
4. The Applicant shall provide garage space and five (5) separate parking spaces for use by the Town of Chevy Chase, the details of which will be provided during site plan review.
5. The Applicant shall place areas, as more accurately depicted on the Final Forest Conservation Plan, generally along the western and northern property lines, in a Category I Conservation Easement. The Town of Chevy Chase forester shall be included in proceedings regarding the creation and maintenance of the Category I Conservation Easement.
6. The Applicant shall construct new pathways connecting the existing sidewalk on Thornapple Street with Connecticut Avenue and connecting the Property with Woodside Place. No pedestrian pathway shall directly connect between Woodside Place and Connecticut Avenue. A public walking path through the proposed Category I Conservation Easement, as applicable, generally located along the western property boundary, shall be prohibited.
7. The Applicant shall maintain minimum building setbacks as shown on the Floating Zone Plan, including a maximum building height of sixty feet (60') for a distance of eighty feet (80') from Connecticut Avenue.
8. The Applicant shall comply with all applicable stormwater management regulations. A Town of Chevy Chase-appointed engineer will be included in the review of the stormwater management plans for the Property, as coordinated by the Montgomery County Department of Permitting Services.

9. The Applicant shall locate and/or screen refuse storage and collection areas and loading and service areas so as to minimize the view and noise from adjacent property boundaries.
10. The Applicant shall install planting materials that are primarily native species. The Applicant will remove all invasive species on the Property, in accordance with the Final Forest Conservation Plan. The Applicant will provide sufficient planting depth above garage areas to support canopy and shade trees, where applicable.
11. The Applicant shall install a non-deciduous tree screen along the south property line outside of the Category I Conservation Easement. Foundation planting shall be installed where garage walls extend above grade.
12. The Applicant shall provide site lighting according to applicable County regulations and coordinated so as minimize impact to adjacent properties.
13. The Applicant will enter into a Construction Management agreement with the Town of Chevy Chase before approval of the Certified Site Plan for the Property.
14. At the time of Site Plan, the Applicant will provide an interim landscaping plan for the phased build-out of the Project.
15. Vinyl siding and EFIS are prohibited on all new buildings.
16. The Applicant shall execute and record among the land records, so as to be enforceable against all successors and assigns, a Declaration of Covenants that will include the binding elements included in the approved Local Map Amendment prior to approval of the Certified Site Plan for the Property.
17. The outward-facing architectural facades along all sides of the Property will be designed to read as four (4) stories plus roof, with the exception of the northwest corner of the Property, which shall be designed to read as three (3) stories on top of the garage plus roof.
18. The Project will provide ground floor entrances along both Thornapple Street and Connecticut Avenue commensurate with individual units located along these respective facades.
19. The Project will include a porte cochere at the site entrances featuring specialty paving, with the final design and location to be finalized at the time of Site Plan.
20. The Project will incorporate a fountain or similar gateway feature at the main entrance along Connecticut Avenue, with the final design to be approved by the Planning Board in connection with the Site Plan approval.
21. Before obtaining any building or grading permits, the Project must receive Site Plan approval.

At the time of Preliminary Plan and Site Plan review, the Applicant must address the following:

1. In compliance with the 2021 *Complete Streets Design Guide*, the Applicant must improve pedestrian comfort and access on its frontage on Connecticut Avenue and Thornapple Street to meet the following streetscape design parameters:
 - a) On Connecticut Avenue, an eight-foot-wide vegetated street buffer and an 11-foot-wide sidepath. The sidepath may be minimized to the extent necessary to limit impacts to existing mature trees in this area.

- b) On Thornapple Street, a five-foot-wide vegetated street buffer and a six-foot-wide sidewalk.
2. The Preliminary Plan and subsequent record plat must show dedication along Thornapple Street to achieve their portion of the Master Planned ROW of 60 feet.
3. The Site Plan must provide parking and bicycle parking per the requirements of Section 59.6 of the Zoning Ordinance.
4. Specifications for soil restoration and soil amendments associated with the landscape and lawn areas must be provided on the Final Forest Conservation Plan for review and approval by MNCPPC Staff.
5. A noise analysis must be submitted at time of Preliminary Plan submission.

PRELIMINARY FOREST CONSERVATION PLAN

Staff recommends approval of Preliminary Forest Conservation Plan H-148 with the following conditions:

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
2. The Preliminary Plan must include building restriction lines as appropriate to maintain a 20-foot distance from any future building to the proposed conservation easements.
3. Before certification of the Preliminary FCP, the Applicant must address the following items subject to staff approval:
 - a) Update all FCP sheets for consistency regarding tree removals, variance tables, mitigation plantings, and associated plan elements as shown in the staff report and/or approved by the Planning Board.
 - b) The overall plans, forest conservation worksheet and associated plans/notes/figures must be revised to reflect the updated footprint of the Category I Conservation easement.
 - c) Update LOD and variance request to include all applicable work and grading.
 - d) Clarify/correct notes and graphics as needed.
4. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling at least 123 caliper inches and consist of canopy tree species which are native to the Piedmont Region of Maryland. Planting locations to be shown on the Final Forest Conservation Plan ("FFCP").
5. The Applicant must submit a Final Forest Conservation Plan ("FFCP") for review and approval before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property.

6. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.
7. The development must comply with the Final Forest Conservation Plan which is to include a Tree-Save Plan prepared by an ISA-Certified Arborist who is also a Maryland Licensed Tree-Care Expert. A five-year maintenance and management plan for Trees 50 and 51 must be implemented by a similarly qualified tree care professional. Replacement street trees will be required if Trees 50 and/or 51 dies or severely declines within the five-year timeframe.

SECTION 2: SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The 13.64-acre Property is located on the west side of Connecticut Avenue (MD 185) approximately ¼-mile north of the intersection at Bradley Lane (MD 191). Many properties fronting on Connecticut Avenue are developed with single-family residential homes. The Property is bordered on the north, west, and south by single-family homes within the Town of Chevy Chase; directly to the east, across Connecticut Avenue, is the municipality of Chevy Chase Section 3. A church is located within the Chevy Chase Section 3 neighborhood, also fronting on Connecticut Avenue. Chevy Chase Elementary School is located to the southwest of the Property, separated by single-family residences along Meadow Lane and Woodside Place.

The Staff-defined Neighborhood, outlined in black in Figure 1 below, is primarily defined by major roadways which border this area of Chevy Chase and the handful of municipalities within the area: East-West Highway to the north, Bradley Lane to the south, and Brookville Road to the east. The western boundary of the Neighborhood is defined by the western limits of the Town of Chevy Chase which also the R-60 zoned neighborhood to the east from primarily CR zone of downtown Bethesda.

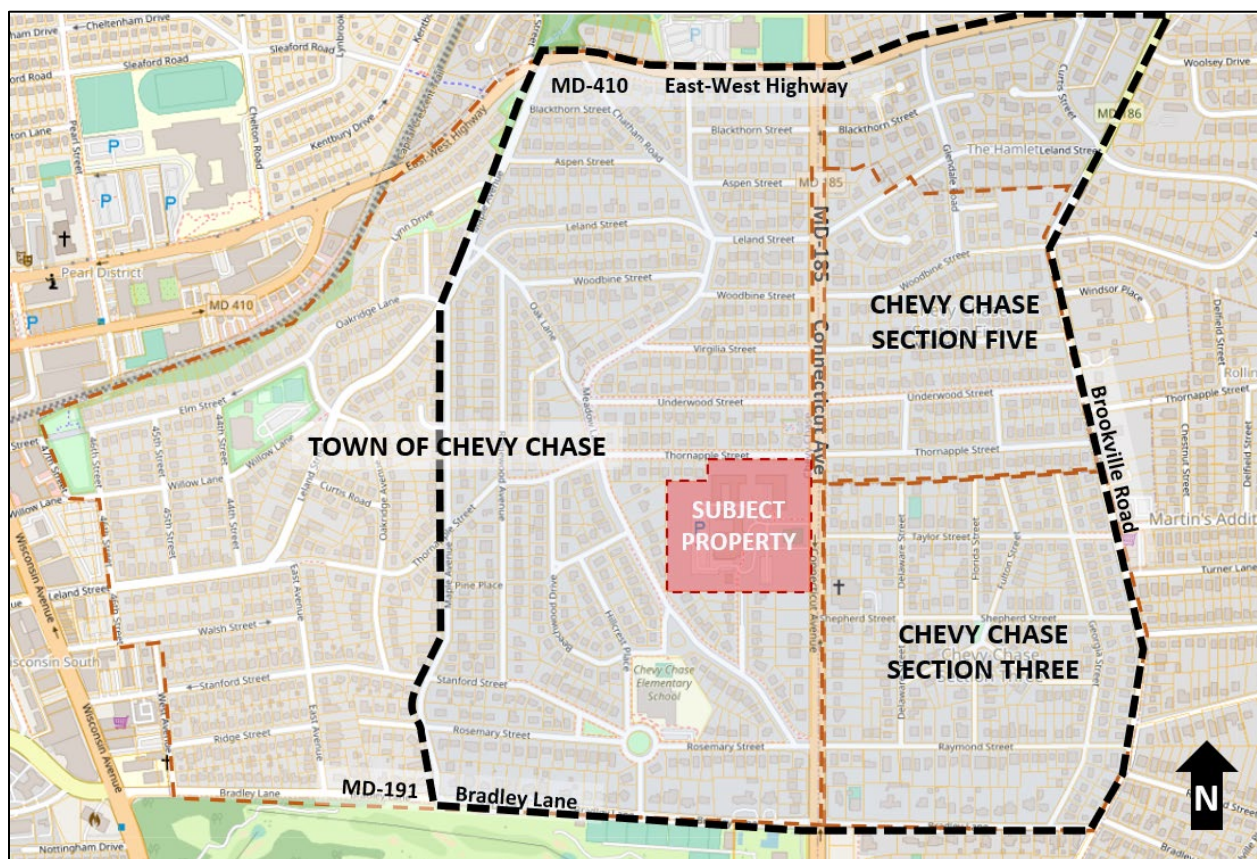


Figure 1: Vicinity/Staff-Defined Neighborhood (dashed black outline), with Property in red

PROPERTY DESCRIPTION

The subject site (Subject Property, Property, or Project) consists of Parcel 1 in Block 5, as recorded in 1969 by Plat No. 9401, "Chevy Chase". The Property is currently zoned R-60 (residential detached) and was originally developed in the mid-1960s as the National 4-H Conference Center. The Property is currently improved with two access points from Connecticut Avenue and five buildings ranging in height from two- to three-stories with associated surface parking. The Conference Center utilized the space as a retreat, hotel, conference center, and office space.

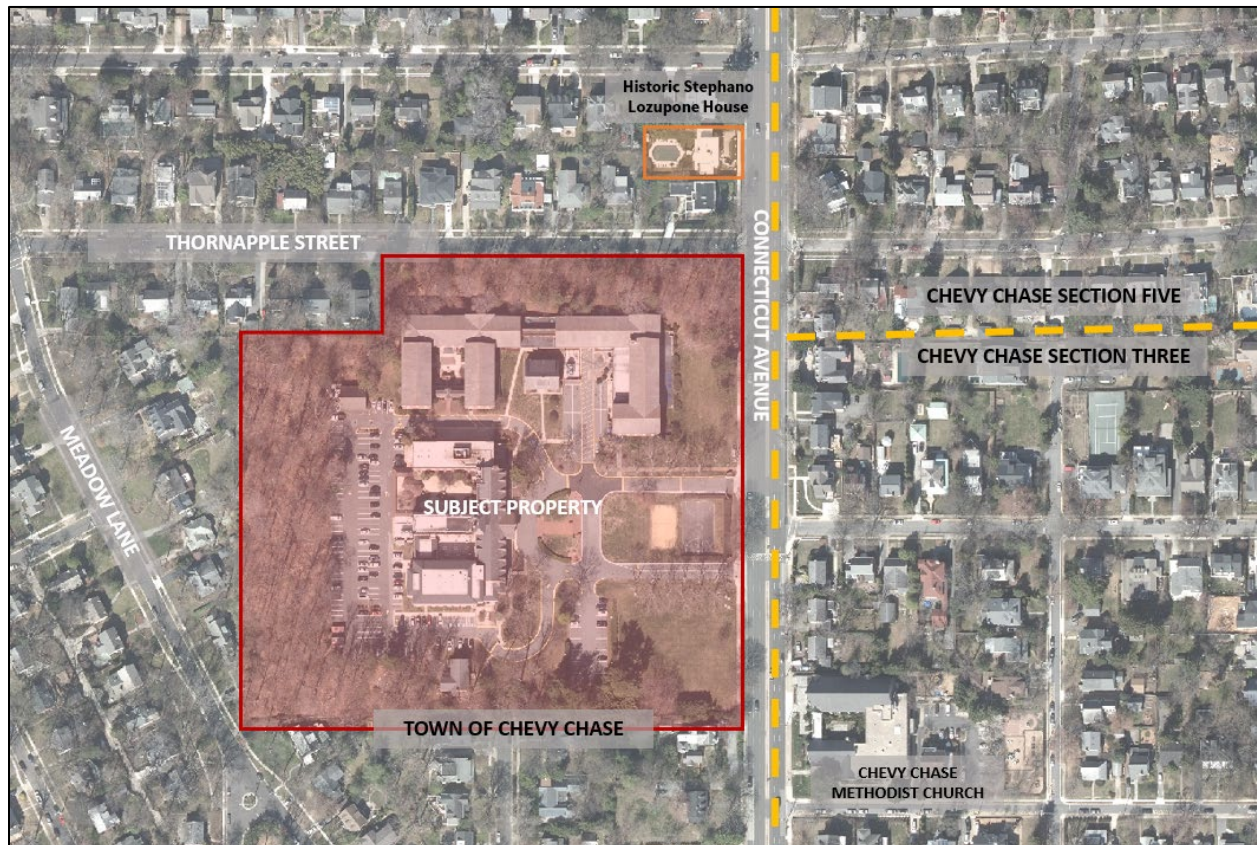


Figure 2: Aerial view of the Property



Figure 3: View from Connecticut Avenue looking into the Site at the existing entrance/exit

The Property topography slopes moderately from west to east with the grade rising 40 feet towards the center of the Property and slopes gently towards Connecticut Avenue, dropping approximately 10 feet from the central high point. The Property contains areas of forest (approximately 3.71 acres) located along the north, west, and southwestern boundaries. The forest, which features several mature trees, serves as a buffer to the abutting residential properties. There are no other environmentally sensitive features such as wetlands, 100-year floodplain or stream valley buffers, and the Site is not located within a Special Protection Area. Just to the north of the Property, across Thornapple Street, at 7202 Connecticut Avenue is the historic Stephano Lozupone House; this history property, shown north of the Subject Property in Figure 2 above, is not expected to be impacted by the proposed development. There are no cultural facilities or additional historic sites located within or adjacent to the Site nor any known endangered species or critical habitats.

ZONING/REGULATORY HISTORY

The Property is located within the 1990 *Bethesda-Chevy Chase Master Plan* area, which does not contain any site-specific recommendations for the Property, nor does it recommend this site for a floating zone. The Property is a long-standing institutional use that is surrounded by single-family residential uses, zoned R-60, on all sides. The surrounding homes range in size from approximately

3,000 square feet to 5,100 square feet. Additionally, confronting the Property across Connecticut Avenue is the Chevy Chase United Methodist Church, also zoned R-60.



Figure 4: Existing Zoning in the Area (Yellow Areas zoned R-60)

The Master Plan generally reaffirms the existing uses within the Master Plan area, however the Master Plan also includes an area-wide recommendation which endorses “housing as the primary future alternative use” if the institutional uses within the area were ever redeveloped.

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes to rezone 13.64 acres of land from the R-60 Zone to the CRNF-1.5, C-0.25, R-1.25, H-70 (Commercial Residential Neighborhood) Floating Zone. The rezoning would allow the redevelopment of the Property, that was most recently used by the National 4-H Council as a Conference Center, to a residentially scaled senior care community. The Applicant proposes to remove the existing buildings in order to construct this Project which consists of a maximum mixed-use density of 700,000 square feet comprised of a Residential Care Facility (over 16 persons)

containing up to 287 independent dwelling units, 190 assisted living beds, and 30 memory care beds, and up to 5,000 square feet of commercial/retail use. The Project would provide a minimum of 15% of the independent living units as MPDUs, subject to review by the Department of Housing and Community Affairs during the Site Plan stage of review.

The Applicant expects to construct the senior care community in two phases, with the first phase being deepest into the Site, and the buildings facing Connecticut Avenue being constructed in a second phase. Further details on phasing will be required during review of subsequent Preliminary and Site Plan applications.

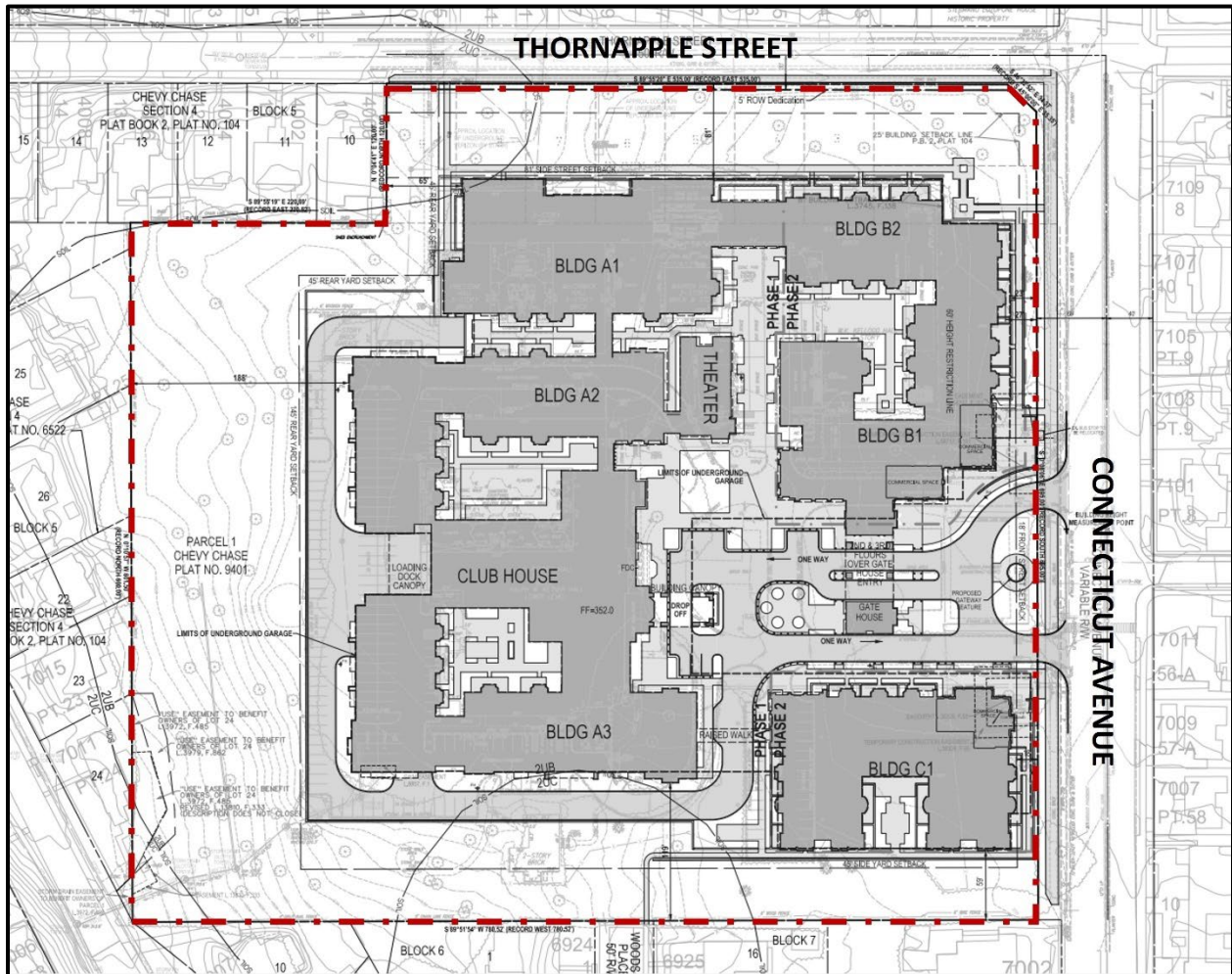


Figure 5: Floating Zone Plan H-148

CONCEPTUAL SITE LAYOUT

While conceptual, the Applicant has provided renderings and massing diagrams indicating general footprint and building heights proposed throughout the Site, which currently propose a range in building height from approximately 44 feet to 67 feet. The intent of these diagrams is to show how the

future layout of the senior living facility would relate to the surrounding residential neighborhoods within the Town of Chevy Chase to the north, west, and south, and additionally to Chevy Chase Section 3, located to the east across Connecticut Avenue.

With the Floating Zone Plan, the Applicant proposes an 18 foot setback from Connecticut Avenue frontage, and the proposal conceptually shows an even larger setback on the northern portion of Connecticut Avenue of approximately 27 feet. Given that the Property abuts single-family detached neighborhoods in the rear, the Project will be required to conform to the Residential Compatibility Standards of Section 59.4.1.9 with further review during the Site Plan stage. Conceptually, the Applicant shows generous setbacks along the side street and rear property lines, beyond the requirements of the Zoning Ordinance.

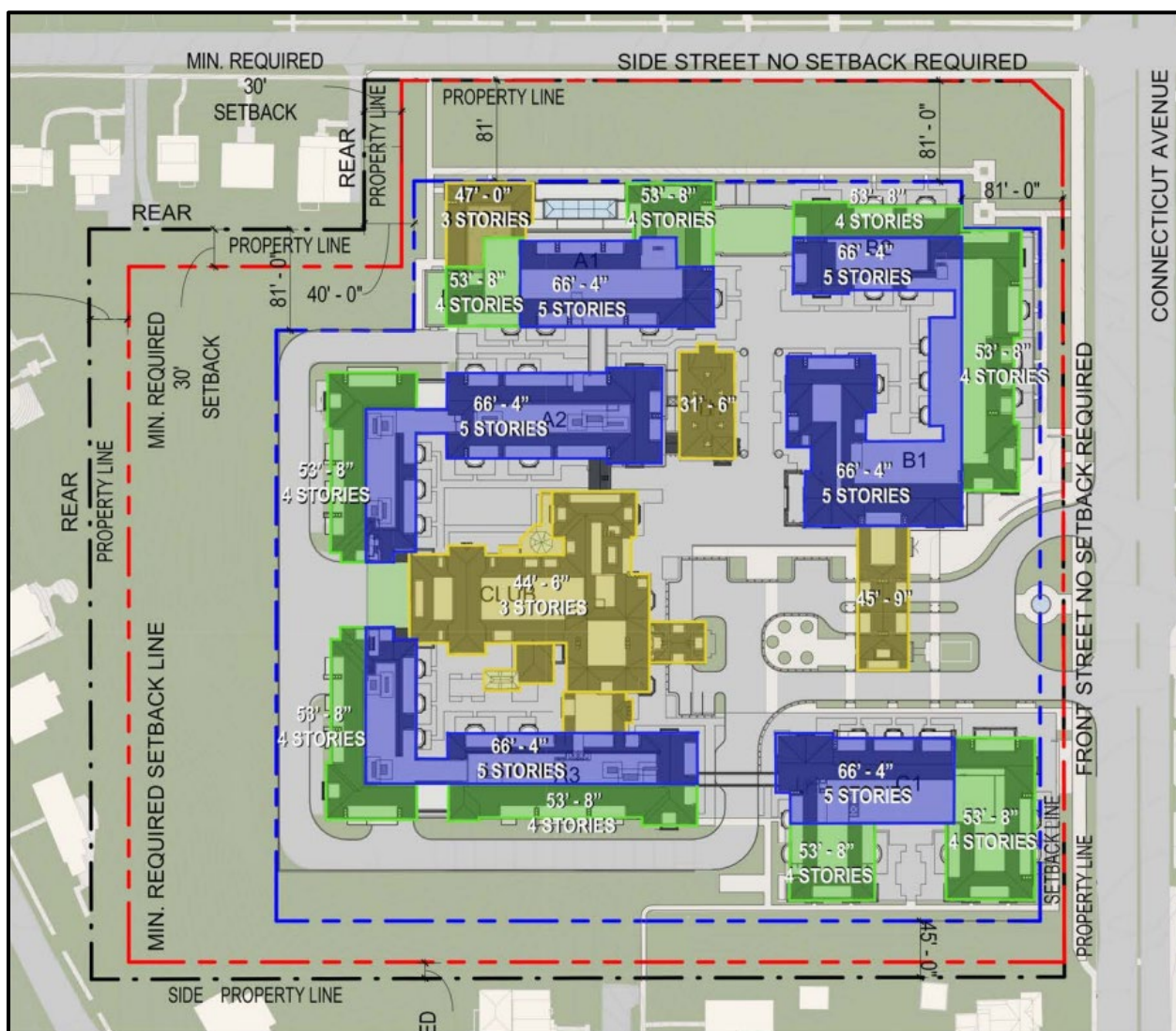


Figure 6: Conceptual building heights exhibit

The proposed heights are intended to align with proposed Binding Elements 7 and 9, which cumulatively restrict height along Connecticut Avenue to 60 feet for the first 80 feet into the Property and require the outward facing facades along all property lines to read as four stories plus roof, with the northwestern corner of the Property to read as three stories on top of garage plus roof.

The interior of the Site would feature the taller building heights, as shown in Figure 6 above as blue at approximately 67 feet in height. This Application requests a maximum building height of 70 feet, which would be measured, per Section 59.4.1.7 of the Zoning Ordinance, from the Connecticut Avenue frontage; this measurement will be finalized at the time of Site Plan.



Figure 7: Rendering from Connecticut Avenue at Taylor Street



Figure 8: Rendering from Connecticut Avenue looking north



Figure 9: Rendering from Connecticut Avenue looking south



Figure 10: Rendering from Thornapple Street looking south



Figure 11: Rendering from Woodside Place looking north

OPEN SPACE

Given the Property size and frontages, the Project will be required to provide 10% of the site area as Public Open Space, totaling approximately 53,542 square feet. The Applicant conceptually shows this open space being located along the north and eastern Property lines, fronting on Thornapple Street

where there is existing forest, and Connecticut Avenue where there will be enhanced streetscape and sidewalks, to be finalized and designed at the time of Site Plan.

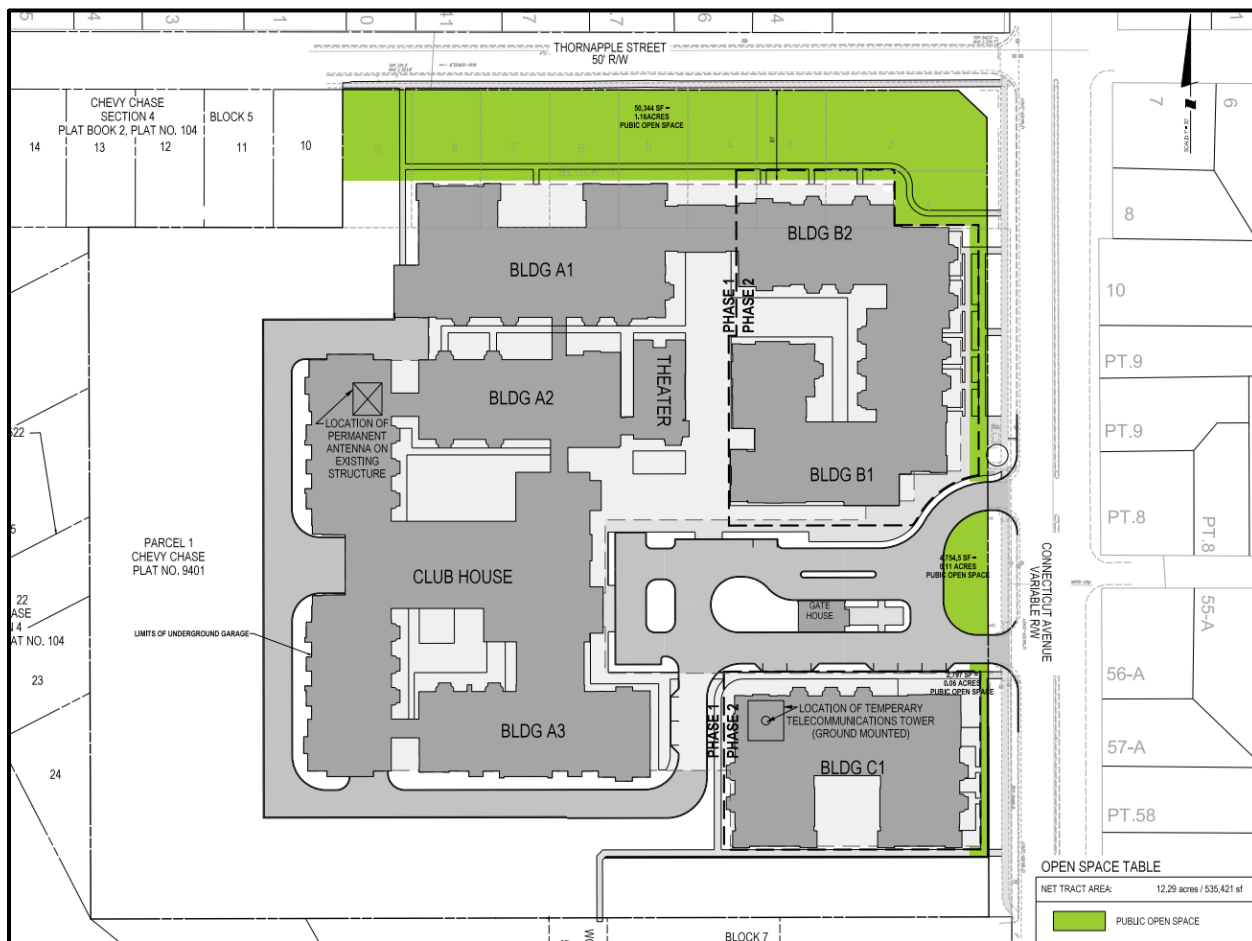


Figure 12: Conceptual Public Open Space exhibit

TRANSPORTATION

All vehicular access to and from the Site will be provided from Connecticut Avenue, as limited by proposed Binding Element 2. As shown on the Floating Zone Plan, the Applicant proposes two driveways on the Site: one for ingress only and the other for egress only. The ultimate design, traffic operations, and configuration of the access will be determined at Preliminary Plan. The access will be reviewed by Planning, MDOT SHA and MCDPS Fire and Rescue staff to ensure that there is safe, adequate and efficient access to and from the Site. The Applicant has agreed to conduct a queuing analysis to ensure that the visitors' queue will not impact vehicular traffic on Connecticut Avenue.

Final review by County and State agencies for access will occur during the Preliminary Plan Application, however, MCDPS has reviewed the concept for Fire Access and has determined that the proposed design of the driveways is accessible and sufficient for the County's emergency vehicles.

Access to the loading and trash areas onsite was also evaluated. The truck turning templates demonstrated that the design of the onsite driveways is sufficient for trash collection and delivery trucks.

Parking will be finalized at the time of Site Plan. Based on the number of independent dwelling units, memory care beds and employees, the minimum required parking spaces for the Project is 323 spaces and the maximum is 528. The Applicant is proposing a total of 478 total spaces onsite for residents, employees and visitors. Per Binding Element 3, at the time of site plan, the Applicant will be required to commission a Parking Demand Analysis to ensure on-site parking accommodates both peak use and visitation periods. Bicycle Parking will also be finalized at the time of Site Plan per Section 59.6 of the Zoning Ordinance.

The Project proposes to provide pedestrian and bicycle access improvements to and within the Site per the 2021 *Complete Street Design Guide* for the frontage on Connecticut Avenue and Thornapple Street. Connecticut Avenue is a Boulevard, which currently has a seven-foot-wide street buffer with a six-foot sidewalk. The street buffer will be widened to eight feet and the sidewalk will be replaced with an 11-foot sidepath. Thornapple Street, a Neighborhood Street, will be improved by widening the four-foot sidewalk to six-feet. The sidewalk will be buffered by a five-foot street buffer. The 2021 *Complete Street Design Guide* recommends a six-foot-wide buffer for Neighborhood Streets, such as Thornapple, however, given the steep grades of the vegetated berm directly abutting the sidewalk on the south side, a five-foot wide buffer will be sufficient to buffer the sidewalk from on-street parking and adequate in width to support street trees. These improvements will be finalized at the time of Site Plan.

ENVIRONMENT

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420222220 for this Property was approved on September 27, 2022. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property including numerous significant and specimen trees throughout the Site and a 3.71-acre high priority forest along the north, west, and southern boundaries of the Site.

Preliminary Forest Conservation Plan

The associated Preliminary Forest Conservation Plan shows that the subject Property contains 3.71 acres of forest, most of which will be retained within a Category I Conservation Easement. The Applicant proposes to remove approximately 0.74 acres of forest and retain approximately 2.97 acres of forest. No afforestation or reforestation planting is required as the requirements are fully addressed by the preservation of existing forest within the proposed Category I Easement (and no payment of a fee-in-lieu or offsite banking is proposed).

Please see the analysis in Section 6 for an expanded explanation of the PFCP.

Variance

The Applicant proposes to impact 13 trees and remove, or potentially remove with the intent to save, 15 trees that are 30 inches or greater DBH and are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. The trees to be removed are all located within the developable area of the site and the inability to remove these trees would potentially render the site undevelopable for this project. The Applicant will be required to mitigate the 492 diameter-inches of protected trees to be removed (or potentially removed) with mitigation plantings of at least 123 caliper-inches. In this case, the Applicant proposes to plant approximately 41 trees of 3-inch caliper size, however the final locations and quantities will be determined as part of the FFCP review. Additionally, no mitigation is required for trees that are impacted, but retained.

Noise Analysis

The Application proposes residential units along an arterial roadway (Connecticut Avenue) and a noise analysis will be needed at time of Preliminary Plan submission.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with the required notification and signage requirements of Section 59.7.5 of the Zoning Ordinance, which are coordinated with the Office of Zoning and Administrative Hearings (OZAH). As a Property located within the Town of Chevy Chase, the Town has been a part of the review of the Project and all letters on the Project review, including a final letter of support dated February 15, 2023 is included in the Staff Report as Attachment E.

Correspondence has also been received from Chevy Chase Section 3 and several residents, which are included in Attachment F, and those concerns are summarized below:

Traffic

Concerns were raised that the proposed Project will generate a high volume of traffic. Staff reviewed the transportation exemption statement submitted with the Subject Application and determined that it met the requirements of the 2020-2024 Growth and Infrastructure Policy (GIP) and complied with the 2022 Local Area Transportation Review (LATR Guidelines). Therefore, a transportation impact study would not be required.

Staff also received correspondence sharing concerns about the configuration of the Site driveways on Connecticut Avenue. The Applicant proposes keeping the existing driveways on Connecticut Avenue which are both offset from Taylor Street.

In response to both of these concerns, the Applicant has agreed to commission a Comprehensive Vehicular Site Access Study that shall include, at a minimum, review of the existing roadway,

intersection geometrics, speed limits, existing turning movements, vehicular and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. The Applicant has met with MDOT SHA to determine the scope of the study and possible access design alternatives. This study is not required by the GIP and is a voluntary measure element on the part of the Applicant. Staff notes that although initiating the study was volunteer by the Applicant, it is recommended as a binding element of the Subject Application. The results of the study will be shared with MDOT SHA, MCDOT, and Planning staff as well as the adjacent municipalities. MDOT SHA will ultimately determine what operational and geometric changes are warranted and/or appropriate within the state right-of-way on Connecticut Avenue.

Massing & Setbacks

Concerns regarding massing and setbacks have been received from residents of Chevy Chase Section 3, located to the east of Connecticut Avenue. Of specific concern is the proposed setback along Connecticut Avenue (18 feet front setback) being out of character with the development along the east side of Connecticut Avenue. While the Floating Zone Plan proposes a smaller front setback than what is required on the east side which is zoned R-60 (25 feet front setback), the Applicant is proposing several Binding Elements that will result in a residential architecture to minimize the bulk of the massing such as Binding Element No. 17 that requires the architecture to read as four stories plus roof to minimize a bulky design, Binding Element No. 18 which requires the units facing Thornapple Street and Connecticut Avenue to include individual ground floor entries, and Binding Element No. 19 and 20 which requires the entry to contain a porte cochere with specialty paving material and a gateway feature to ensure the entry aesthetic remains appealing in nature.

Additionally, it is important to note that the current right-of-way differs significantly from the centerline of Connecticut Avenue. This results in a larger existing dedication on the west side than the east side, and as a result, the setbacks on the west side will be farther back from the curb than the east side. As shown in the following diagram provided by the Applicant. The future development will be a minimum of 44 feet from the curb on the west side, while the existing structures on the east side of Connecticut Avenue are currently 37 feet from the curb.

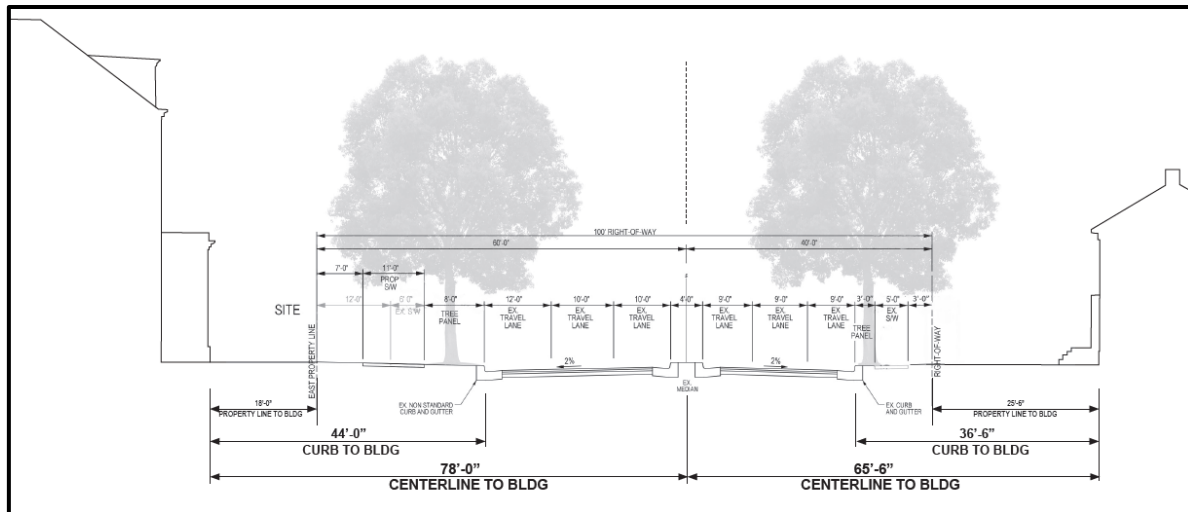


Figure 13: Cross Section of Connecticut Avenue looking north, with Subject Site on the left

Density

The concerns related to density are that the number of units proposed with the senior care community are far denser than the existing single family detached housing in the area. The Floating Zone Plan proposes a density that would allow a Residential Care Facility containing up to 287 independent dwelling units, 190 assisted living beds, and 30 memory care beds, and up to 5,000 square feet of commercial/retail use, it is not anticipated that this density will be detrimental to the residential character in the surrounding area. The Applicant states that the average resident will be 80 years of age and the grounds itself will be designed as a gated community to ensure safety for its residents. The concerns extend beyond future residents to potential traffic as a result of the staff, waste management, and deliveries associated with the development. As previously discussed in the traffic concerns, the Subject Application does not generate enough net new peak-hour person trips to necessitate a transportation impact study. The trip generation estimates for the proposed use encompasses all trips made to and from the Site during morning and evening peak travel hours, which includes those trips made by residents, visitors, staff, deliveries, etc.

Environment

Community concerns regarding potential de-forestation of the Subject Property were also raised by residents of Chevy Chase Section 3. As shown in the submitted Preliminary Forest Conservation Plan, and described in the findings of this report, the Subject Property contains 3.71-acres of forest which lies mostly on the perimeter of the Property along the north, west, and south edges. Most of this forest area is proposed to be retained within a Category I Conservation Easement; approximately 0.74-acres of forest removal is proposed. It is important to note, however, that a portion of the forest declared as removed in the Forest Conservation Plan will not be actively cleared and actually lies outside of the limits of disturbance of the plan. This is a nuance of the required Forest Conservation Worksheet in which any forest not protected is classified as removed. Through the inclusion of the proposed

Conservation Easement onsite, the existing forest is required to be maintained in a healthy state and cleared of invasive species. While it is true that minor areas of forest will be impacted/cleared, a majority of existing forest stand will be preserved and protected, in alignment with the County's Forest Conservation Law, so that it may remain a natural habitat and buffer for the community.

Construction

The concerns related to construction are that noise, vibration, debris, and traffic congestion will create an ongoing nuisance for adjacent neighborhoods throughout the phased construction. As with any development, careful consideration of construction staging/parking locations as well as timing for the start and stop of work during the day are important factors to consider as they have direct impact to the surrounding area. For ease of construction, staging and preliminary activities would be sited as near to the Subject Property as possible. With the major roadway of Connecticut Avenue as a major barrier to the east, it is expected that most impacts would be localized to the Town of Chevy Chase. As such, the Applicant has included, as a Binding Element, the requirement for a construction management agreement with the Town of Chevy Chase. An advantage of the Subject Property, which is laid out in a campus format, is that the large site area should provide ample space to limit the overflow of construction needs onto neighboring streets. Further, all development projects in the County must comply with the Noise Control Law which sets restrictions on construction activities. As future neighbors, the Applicant has expressed the desire to forge strong relationships with the neighboring communities and, as conditioned herein, is expected to limit impacts of this project to the greatest extent possible.

SECTION 5: LOCAL MAP AMENDMENT FINDINGS AND ANALYSIS

Per Section 59-7.2.1.E.2 of the Zoning Ordinance, for a Floating zone application, the District Council must find that the floating zone plan will:

a) substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;

The Project is located within the boundaries of the 1990 *Bethesda Chevy Chase Master Plan*. The Master Plan generally reconfirmed the R-60 Zone throughout to maintain the residential character where possible, therefore this Site was reconfirmed with the R-60 zoning with no further site-specific recommendations. However, on page 3 under Land Use and Zoning, Areawide Recommendations No. 4, the Master Plan states “*Encourage the continuation of the current country club uses. For country clubs, as well as private schools and institutional uses, endorse housing as the primary future alternative use if these parcels are ever redeveloped.*”

The Master Plan identifies 7 overarching goals, for which the following applies to the Project:

- *Provide for a balanced housing supply so that persons of varying income levels, age, backgrounds, and household characteristics may find suitable housing appropriate to their needs.*

The Project provides diverse housing opportunities on-site that will help to meet the needs of the surrounding community. As proposed, the Project includes a variety of units for senior living, with three levels of care (i.e. Independent Living, Assisted Living and Memory Care), to allow residents of the surrounding community to age-in-place. The Project will provide MPDUs per the standards of Chapter 25A with final review at the time of Site Plan application.

- *Protect the high-quality residential communities throughout the Planning Area as well as the services and environmental qualities that enhance the area.*

The Project layout has been designed to protect and retain the existing tree canopy that exists along the northern, western and southern Property boundaries to the maximum extent feasible. This natural screening provides a significant physical and visual buffer from the surrounding residential communities, but also serves to protect the environmental features on-site.

- *Protect the natural resources and environmental qualities of the Planning Area.*

The Project will preserve and enhance the natural resources that exist on-site and the environmental qualities of the Planning Area. As mentioned, the Project preserves a majority of the existing tree canopy that exists on-site today and will provide for its permanent protection through Category I Forest Conservation Easement(s) as proposed with the associated Preliminary Forest Conservation Plan. This will also provide for the protection of the steep slopes that exist along the western Property boundary. The Project also will provide stormwater management on-site, to be reviewed during the Preliminary Plan application.

- *Contribute to a strong sense of community and help reinforce community cohesion.*

The Project proposes a conceptual layout design and building heights to be compatible with, and complement, the character of the surrounding residential neighborhood. The proposed conceptual building architecture related to styles found in the surrounding neighborhood, and many of the proposed Binding Elements reinforce these styles by restricting certain materials and requiring the future buildings to read as a limited amount of building stories. The Master Plan recognizes that “[t]he way we meet the special needs of the elderly...also relates to our sense of a community that cares about its residents.” The Project accomplishes this by providing a range of services for residents ages 62 years and older, which will serve County residents and allow Chevy Chase residents to stay in their community as they age.

Therefore, the proposed Floating Zone request to rezone the Property from the R-60 zone to the CRNF zone to allow senior living housing is in conformance with the 1990 *Bethesda Chevy Chase Master Plan*, now that the 4-H Conference Center institution is no longer occupying the Site.

Transportation

There are no designated bicycle facilities on the Site frontages in either the 1990 *Bethesda/Chevy Chase Master Plan* or the 2018 *Bicycle Master Plan*.

The Applicant has demonstrated that the Project will conform with Section 49-32 of the County Code (Design Standards for types of roads). At the time of Preliminary Plan, the Applicant will be required to dedicate an additional five-feet to the Thornapple Street right-of-way from the Property line, to achieve the master-planned total width of 60 feet. No further dedication is required on Connecticut Avenue or Woodside Place.

The Application has demonstrated that the Project will comply with the 2021 *Complete Street Design Guidelines* as it shows an eight-foot-wide street buffer and an 11-foot-wide sidepath on Connecticut Avenue and a six-foot-wide sidewalk with a six-foot-wide street buffer on Thornapple Street. Final street section design will be reviewed at the time of Preliminary Plan application.

b) further the public interest;

The Local Map Amendment Application requests to rezone an R-60 zoned Property to CRNF to allow a senior living facility. The now vacant, 13.64-acre Property will be redeveloped to provide housing for an aging population. The proposed reuse of the Property is in line with the vision of the 1990 *Bethesda Chevy Chase Master Plan* to provide additional housing on the Property, if the institutional use were no longer present, and furthers a Countywide vision of providing additional housing for an aging population. Therefore, the Application will further the public interest.

c) satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

INTENT OF FLOATING ZONES

Per Section 59-5.1.2. of the Zoning Ordinance, the intent of the Floating zones is to:

A. Implement comprehensive planning objectives by:

- 1. furthering the goals of the general plan, applicable master plan, and functional master plans;***
- 2. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and***
- 3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the Property; and***

As described above, the proposed development is consistent with the goals and recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*. The Property is supported by existing infrastructure and will provide compatible infill development which serves to further smart growth principles.

The Property is serviced by existing water and sewer and is located within water and sewer categories W-1 and S-1. Electric, gas, and telecommunications services are also available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Growth and Infrastructure Policy and will continue to be sufficient following construction of the Project. Formal findings for adequate public facilities will be further discussed at time of Preliminary Plan.

The proposed rezoning will allow the project to be integrated into the existing community and provide much needed senior housing and neighborhood-serving retail. The natural features of the Property consist of mature trees, areas of steep slopes, and forest; these areas are proposed to be maintained with much of these areas being protected via conservation easement.

Site Access and Circulation

As required in the Binding Elements, all vehicular access will be confined to Connecticut Avenue. The Subject Application proposes two driveways: one for ingress and one for egress movements. Department of Permitting Services Fire & Rescues, Planning, MCDOT and MDOT SHA staff reviewed the Site and determine that conceptually the onsite access is acceptable. The final design and configuration of the Site's access will be determined at the time of Site Plan.

Existing sidewalks along the Site's frontage on Connecticut Avenue and Thornapple Street will be improved with wider, more accessible facilities. Connecticut Avenue will have an 11-foot wide-asphalt path with an eight-foot-wide street buffer. Thornapple Street will have a six-foot-wide sidewalk and a five-foot wide buffer.

The Applicant will install publicly accessible pedestrian connections between the on-site pedestrian network to both Woodside Place and Thornapple Street.

B. Encourage the appropriate use of land by:

- 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;***
- 2. allowing various uses, building types, and densities as determined by a Property's size and base zone to serve a diverse and evolving population; and***
- 3. ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and***

The proposed Floating Zone will allow the Petitioner the flexibility to redevelop this now unused, long-standing institutional use with a more compatible mixed-use, predominately residential development. As documented in the 2018 Housing Needs Study¹, the County faces a significant need for more senior housing, which the proposed Project plans to meet through developing high-quality senior housing, at varying levels of care, which will serve County residents and allow them to stay in their community as they age.

The Project layout and architecture has been designed to ensure compatibility with the surrounding neighborhood with respect to setbacks, building height, design, and access/circulation. The Project promotes sustainability and smart growth principles through infill redevelopment of the Property, which is already served by existing infrastructure and public transportation.

Section 59.5.2.5.A.1.b provides criteria for applying density to floating zones for Properties that were not recommended by the Sector Plan for rezoning. Based on these provisions, an FAR of 1.5 is appropriate for this Property given the base R-60 zone and tract area larger than 3 acres. Within the overall maximum permitted density, both the commercial and residential density are limited to a maximum of 1.25 FAR. The total density proposed by this Project is approximately 1.18 FAR; the commercial density for the Project is proposed at approximately 0.01 FAR and residential density is proposed at approximately 1.17 FAR, both well within the overall density allowed by the Zoning Ordinance.

The Project will be required to provide 10% of the site as public open space, per the standards in Section 5.3.5.D.2.a and 4.5.3.C of the Zoning Ordinance, which will be reviewed during the Site Plan application process. The Project has been designed to limit impact to the existing slope, mature trees, and forest onsite as much as possible, however the Project will require the removal of 15 specimen trees to allow for the development of the Site including internal circulation, buildings, and necessary utility connections. These impacts have been evaluated with the associated Forest Conservation application. Per the include forest conservation worksheet, the FCP will not require any amount of afforestation based on the total amount of forest and forest retained in conservation easement. Variance mitigation plantings of at least 123 caliper-inches are required due to the proposed loss of specimen trees. As described in the findings below, the Applicant proposes to plant approximately 41 trees of 3-inch caliper in order to meet this requirement.

C. Ensure protection of established neighborhoods by:

1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;

¹ M-NCPPC Housing for Older Adults Study (May 2018) quantified the supply of housing serving older adults and assessed current and future demand for senior housing.

- 2. *providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and***
- 3. *allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.***

The proposed floating zone plan has been carefully designed, with feedback from the Town of Chevy Chase, to ensure compatibility with the surrounding neighborhood. The proposed density falls below the maximum allowed for the Property, while the layout preserves the existing tree canopy and natural screening that exists around the perimeter of the site.

The preserved wooded areas provide both a physical and visual buffer. This physical buffer results in both side and rear yard setbacks that are substantially greater than what would otherwise be required in the CRNF Zone. Additionally, the commercial uses and walk-up residential units have been oriented toward Connecticut Avenue, to activate and enliven this major roadway. The Petitioner has designed the building architecture to ensure compatibility with the surrounding neighborhoods, though the buildings will largely be screened from view from the surrounding residential neighborhood, and primarily only visible from Connecticut Avenue.

The Floating Zone Plan will set development standards and general compatibility standards to protect the character of the adjacent neighborhoods. The Property is adjacent to existing single-family detached neighborhoods on all sides and therefore must meet the residential compatibility standards of Section 59.4.1.8 of the Zoning Ordinance. As reflected in the Binding Elements, the building heights along Connecticut Avenue will be limited to 60 feet. As shown on the Floating Zone Plan, this height limit will carry into the site for a distance of eighty feet (80') from Connecticut Avenue. Additionally, as previously stated the Floating Zone Plan specifies minimum side setbacks which are more generous than the required setbacks for a typical CRNF development, thereby setting the standard for compatibility which will be further reviewed in subsequent Applications.

INTENT OF THE COMMERCIAL/RESIDENTIAL FLOATING ZONE

- A. *allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;***
- B. *allow flexibility in uses for a site; and***
- C. *provide mixed-use development that is compatible with adjacent development.***

As proposed, the Floating Zone Plan would allow the Property to redevelop as a Residential Care Facility with a range of options for senior care and living and 5,000 square feet of neighborhood serving commercial uses. The Floating Zone Plan has been carefully oriented to focus taller building heights interior to the Site and several Binding Elements provide the flexibility necessary to achieve the senior care community while providing a development that will remain compatible with the existing adjacent residential detached neighborhoods. These include Binding Element No. 17 that requires the architecture to read as four stories plus roof to minimize a bulky design, Binding Element

No. 18 which requires the units facing Thornapple Street and Connecticut Avenue to include individual ground floor entries, and Binding Element No. 19 and 20 which requires the entry to contain a porte cochere with specialty paving material and a gateway feature to ensure the entry aesthetic remains appealing in nature.

APPLICABILITY

Section 5.1.3 of the Zoning Ordinance sets forth specific requirements for local map amendment applications that propose the CRNF Zone.

The Property is currently zoned R-60, rather than an Agricultural or Rural Residential zone, so a floating zone can be approved on this Property. A floating zone is not recommended for the Property in the Sector Plan, so prerequisites are required for this Application. The Applicant is requesting a Commercial Residential Neighborhood Floating zone, CRNF, so the Property must front on a nonresidential street or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone; and the application must satisfy a minimum of two (2) prerequisites for each of the categories under Section 5.1.3.D. The Property fronts onto Connecticut Avenue, a nonresidential street. The Application meets the following three prerequisites:

Transit & Infrastructure:

- 1. The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.***
- 2. The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.***
- 3. The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.***

The Property has frontage along Connecticut Avenue, Thornapple Street and Woodside Place, all of which provide pedestrian access to the Property. Vehicular access is restricted to Connecticut Avenue, which is classified as a non-residential street. The Property is currently served by existing water and sewer. The water and sewer needs for the Project will be met through connections to these existing lines. Additionally, the residential component of the Project is age-restricted for residents 62-years of age and older, which will not impact schools.

Vicinity & Facilities:

- 1. The site is adjacent to a route that provides access to an existing or master- planned school within 1/2 mile.***
- 2. The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within 3/4 mile.***

The Property fronts on Connecticut Avenue, which serves as a bicycle route to the Chevy Chase Lake center. The Chevy Chase Lake center has several existing and proposed commercial services (including medical offices; grocery store; restaurants and other retail shops). The Property is adjacent to a route that provides access to an existing school, the Chevy Chase Elementary School, within 1/2 mile. The Property is also adjacent to a pedestrian route that provides access to the Chevy Chase Local Park within 1/2 mile and the Jane E. Lawton Community Recreation Center within 3/4 miles, which contain diverse indoor and outdoor recreation opportunities. Additionally, the Property is approximately 1.5 miles from the commercial area of downtown Bethesda.

Environment & Resources:

- 1. The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.***
- 2. The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.***
- 3. The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.***

The Project has been designed to preserve the existing environmental features around the perimeter of the site. As such, the limits of disturbance for the Project will not overlap any stream, floodplain, wetland, or environmental buffer. While there is an existing forested area on the Property, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point. Additionally, the Property does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.

DEVELOPMENT STANDARDS

The Applicant proposes to rezone the Property from R-60 to the CNRF zone to allow a Residential Care Facility for more than 16 persons, which is allowed as a limited use in the CRN zone. Given the location of the Property confronts and abuts a residential detached zone, the proposal will require a Site Plan

approval per Section 59.3.3.2.c.i. The design of the development will be finalized and reviewed by the Montgomery County Planning Board at the time of subsequent Preliminary Plan and Site Plan review. As proposed, the Floating Zone Plan will meet the Development Standards for the CR Zone per Section 59.4.5 and the CRNF Zone per Section 59.3.5 as illustrated in the table below.

Table 1: Development Standards and Parking Requirements for the CRNF Zone

	Required/Permitted	Proposed
Site		
Tract Area	N/A	594,271 sf (13.64 acres)
Previous ROW Dedications		58,850 sf (1.35 acres)
Proposed ROW Dedications		2,688 sf (0.06 acres)
Site Area		532,733 sf (12.23 acres)
Maximum Density of Development	891,406 GFA (1.50 FAR)	700,000 gsf (1.18 FAR)
Open Space	10% of Site Area	11.1% of Site Area, to be finalized at Site Plan
Lot Coverage (max.)	Set at Site Plan	To be determined at Site Plan
Building Height (max.)	70 feet	70 feet
Principal Building Setbacks (min.) ³		
Front setback from public street	Set by Floating Zone Plan	18 feet
Side street setback (Thornapple Street)		81 feet
Side setback		45 feet
Rear setback		145 feet
Vehicle Parking ¹		
<u>Residential Units</u> 0.25 per bed ² 0.5 per unit min./1 per unit max. 0.5 per employee ²	8 min./8 max. 210 min./420 max. 75 min./75 max.	
<u>Commercial</u> 5 spaces per 1,000 SF	25 spaces	
Total	318 min./528 max.	545 spaces
Bicycle Parking		
<u>Residential Units</u> .25 per unit (max 50) 95% long-term, 5 % short-term	45 long-term/5 short-term	
.10 per employee 95% long-term, 5 % short-term	14 long-term/1 short-term	

<u>Commercial</u> 1 per 10,000 SF (max 50)	1 short-term/1 long-term	
Total	60 long-term/7 short-term	60 long-term/1 short-term
Loading Spaces	1 space	1 space

¹Final parking counts to be determined at the time of Site Plan. Required Parking as shown in Table is based on maximum density requested with the LMA.

²Section 59.6.2.4B, in the CR Zones within a reduced parking area, the minimum and maximum parking rates are the same

³Subject to the Residential Compatibility Standards of Section 59.4.8, to be finalized at the time of Site Plan application.

d) be compatible with existing and approved adjacent development;

The Project will transform this long-standing, institutional use into more compatible residential-scaled senior housing development that will contribute to the diversity of housing in the Town of Chevy Chase. The layout of the Project has been carefully designed to preserve the natural buffer that surrounds the Property, which will continue to provide a physical and visual distance from the surrounding residential homes. A small amount of the amenities provided on-site will be made available for use by the public to provide desirable neighborhood serving commercial uses within walking distance of the surrounding community. These uses will be located along Connecticut Avenue, to be easily accessible by residents of the surrounding neighborhoods.

e) generate traffic that does not exceed the critical lane volume or volume/ capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrates an ability to mitigate such adverse impacts; and

The Applicant submitted a Transportation Exemption Statement (TES) prepared by Wells & Associates, dated May 31, 2022. As permitted by the 2022 Local Area Transportation Review (LATR) Guidelines, the Applicant applied a trip credit for the existing hotel and corporate headquarters uses on the Site. The estimated trip generation for the assisted living/memory care units, senior adult housing multi-family units and the 5,000 square feet of retail proposed, results in 121 fewer net new person trips in the morning peak hour and 60 fewer net new person trips in the evening peak hour. The 2020-2024 Growth and Infrastructure Policy requires transportation impact studies for all projects that estimate 50 net new person trips in either of the peak travel periods. With fewer than 50 net new person trips estimated in the peak hour, the LATR is satisfied with the submitted TES. The results of the TES analysis are summarized in the table below.

Table 2: Transportation Exemption Statement Trip Analysis

Land Uses	ITE Trip Generation Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Existing						
Hotel 183 units	84	108	66	85	109	140
Corporate Headquarters 93,301 SF	135	121	109	98	176	459
Subtotal	219	229	175	183	285	299
Proposed						
Assisted Living/Memory Care 220 units	40	53	35	46	62	82
Senior Adult Housing 287 units	55	72	48	63	86	112
Strip Retail Plaza 5,000 SF	12	33	10	28	16	45
Subtotal	107	158	93	137	164	239
Net New	-112	-71	-82	-46	-121	-60

Source: Transportation Exemption Statement, Wells & Associates, dated May 31, 2022

f) when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.

The proposed Project will not adversely affect the character of the surrounding neighborhood. In fact, the Project will provide a more compatible use by transforming this long-standing institutional use into a residential-scaled, age-restricted community. Furthermore, the Project's architecture and building layout has been carefully designed to promote compatibility with the surrounding residential communities and the architectural character and scale found therein. The Applicant is, and will continue to, work closely with the Town of Chevy Chase to ensure compatibility is addressed at all levels.

SECTION 6: PRELIMINARY FOREST CONSERVATION PLAN FINDINGS & ANALYSIS

ENVIRONMENTAL GUIDELINES

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420222220 for this Property was approved on September 27, 2022. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Subject Property contains the now vacant 4-H Club headquarters campus and the associated lawns, landscape and parking. Numerous significant and specimen trees occur throughout the site and a 3.71-acre high priority forest is located along the rear

and side boundaries within the site. There are considerable onsite impervious areas but with minimal existing stormwater management. The topography modestly slopes from east to west however the forest areas have increased slopes and also include minor pockets of steep slopes. There are no wetlands, floodplains, or rare, threatened and endangered plant species are known to be associated with the Property. The Site is located in the Lower Rock Creek watershed, which is a Use I Watershed.

PRELIMINARY FOREST CONSERVATION PLAN

The Preliminary Forest Conservation Plan shows that the subject property contains 3.71 acres of forest, most of which will be retained within a Category I Conservation Easement. There is approximately 0.74 acres of forest removal however due to the amount of forest preservation there is no afforestation or reforestation planting needed and the worksheet requirements are fully addressed by the preservation of existing forest within the proposed Category I Easement (and no payment of a fee-in-lieu or offsite banking is proposed). Furthermore, some of the areas declared as forest cleared will not be actively cleared and are not with the LOD but are considered cleared because they could not be protected within the Conservation Easement setting. Furthermore, as conditioned, minor portions of the Conservation Easement boundary will be modified to exclude conflicting utilities and to simplify the overall shape. Some of the expanded areas will be replanted with a few of the variance mitigation trees rather than traditional reforestation plantings. The mitigation tree plantings associated with the Forest Conservation Variance are discussed in detail further below.

The Subject Property is currently zoned R-60, which is classified as High Density Residential, however under this Application the Property will be rezoned to CRNF-1.5, C-0.25, R-1.25, H-70' and will be classified as Mixed-Use Development as defined in Section 22A-3 of Chapter 22A of the Montgomery County Forest Conservation Law ("FCL") and specified in the Trees Technical Manual. This gives the site an afforestation requirement of 15% of the net tract (under either land use category) and a conservation threshold of 15-20% under the proposed use. However, the amount of forest preservation exceeds the threshold amounts and no afforestation or reforestation planting is required.

The NRI/FSD shows a total of 3.71 acres of forest on the project site. The FFCP proposes to remove 0.74 acres and retain 2.97 acres of forest. When the numbers of the total tract area, land use category, total amount of forest, forest removed, and forest retained are entered into the Forest Conservation Worksheet it results in a total afforestation/reforestation requirement of 0.00 acres. However, the minor revisions in the easement boundary as recommended by Planning staff will ultimately result in slight changes to the Worksheet. The updated amounts will be addressed as part of a subsequent development plan application which will be reviewed by the Planning Board.

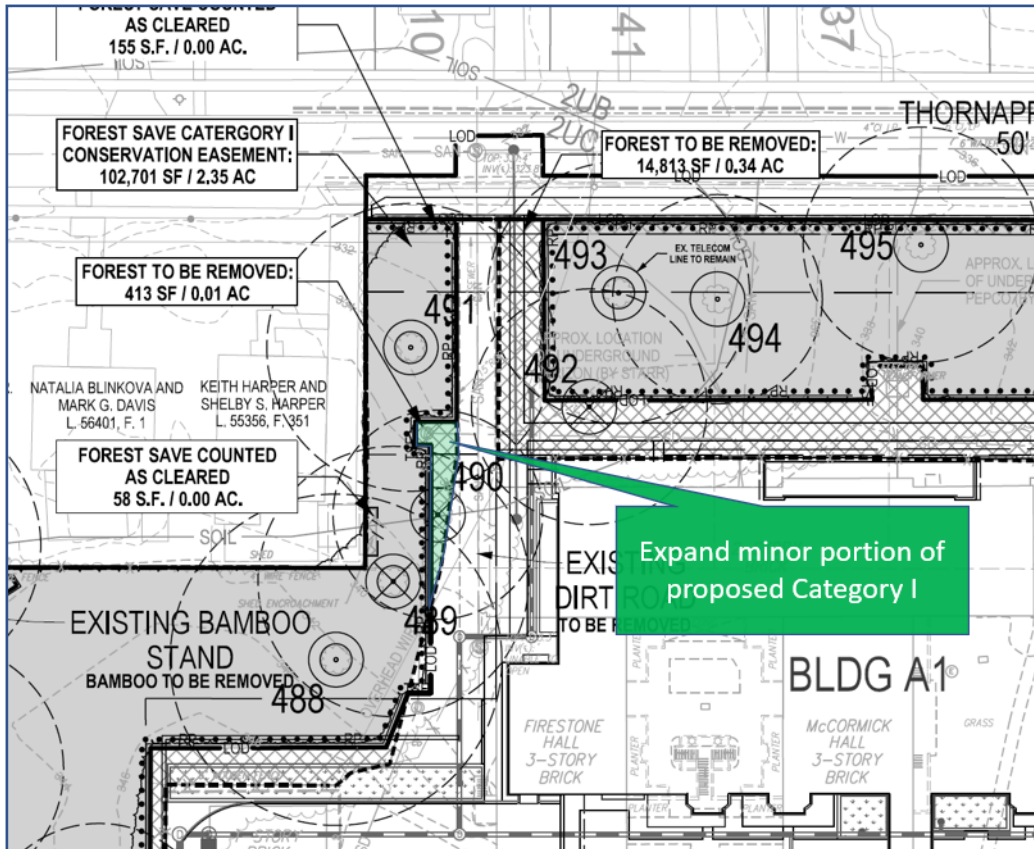


Figure 14: Minor Portion of Proposed Category I Easement to be Added

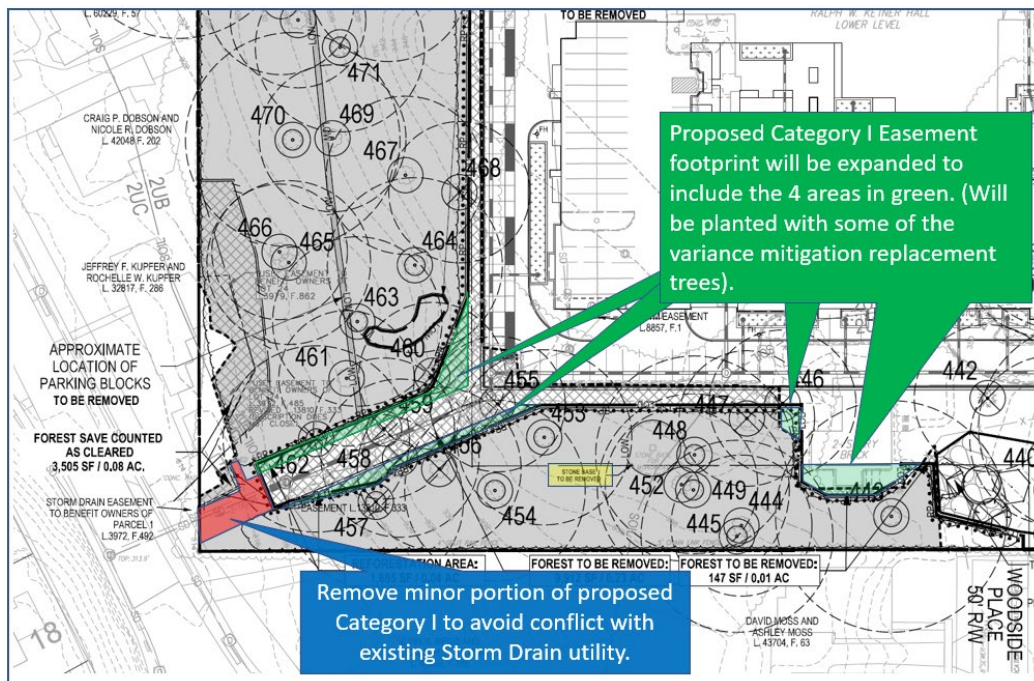


Figure 15: Minor Portions of Proposed Category I Easement to be Removed/Expanded

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines.

FOREST CONSERVATION VARIANCE

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The proposed project includes disturbance within the CRZs of trees which are subject to a variance due to their size measuring 30 inches DBH or greater.

Variance Request

The Applicant submitted a variance request in a letter dated February 4, 2023 (Attachment C). Based on the tables in the request, the Applicant proposes to impact 13 trees and remove or potentially remove² 15 trees that are 30 inches or greater DBH and are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

² The potentially removed variance trees are indicated as "Remove with intent to save" on Table 3. The Applicant will make efforts to save and protect these trees, however the associated mitigation plantings are calculated and provided whether or not the trees are ultimately removed.

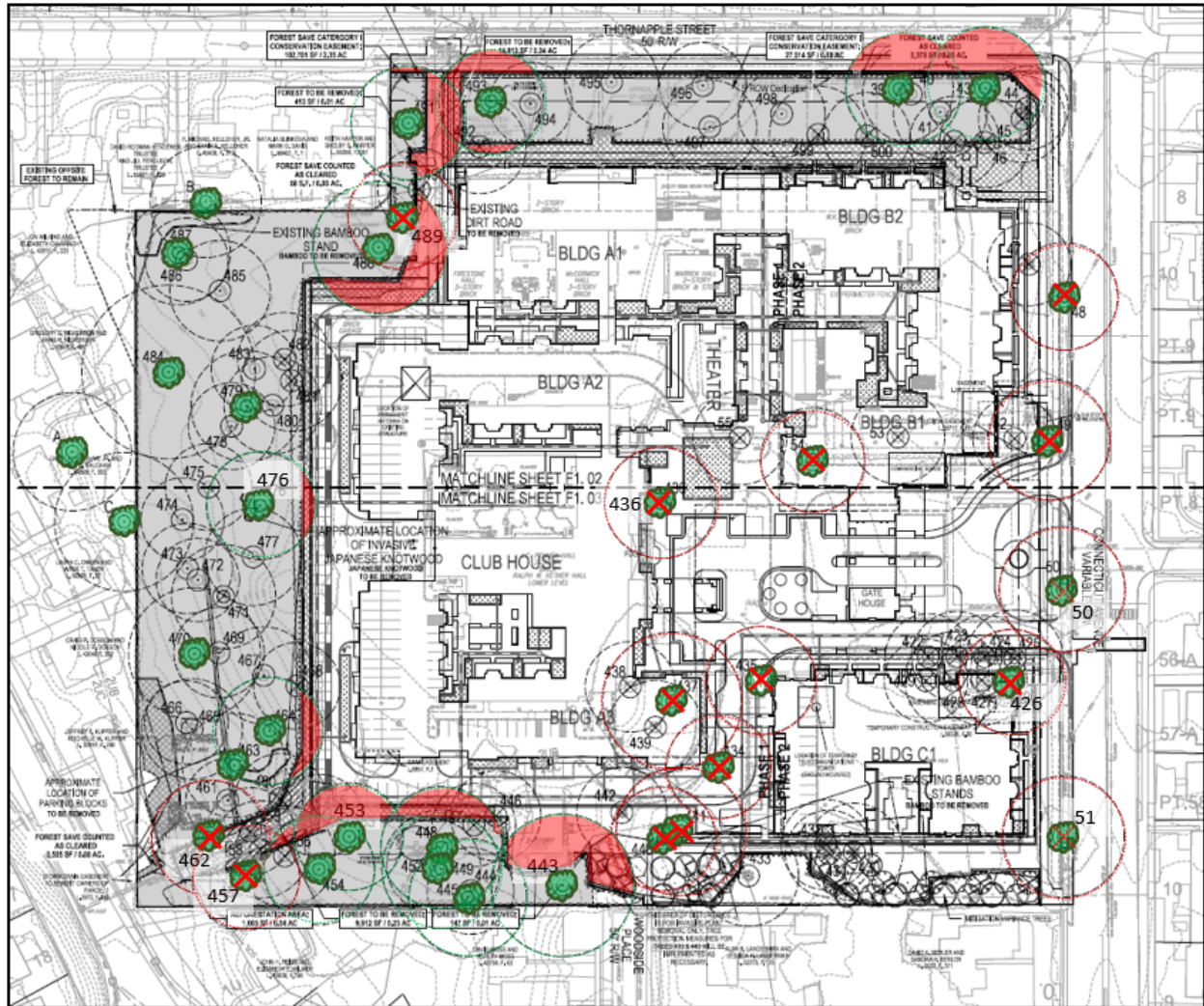


Figure 16: Variance Tree Exhibit

Table 3: Trees to be removed or potentially removed

Variance Tree Removal										
No.	Forest	Offsite	Common Name	Scientific Name	DBH (inches)	CRZ Area	CRZ Impact	% Impacted	Condition	Remove / Save
48	No	Yes	Red Oak	<i>Quercus rubra</i>	31	6792	6792	100	Poor	Remove
49	No	Yes	London Place Tree	<i>Platanus acerifolia</i>	35	8659	8659	100	Good	Remove
50	No	Yes	Willow Oak	<i>Quercus phellos</i>	36	9156	8698	95%	Fair	Remove with intent to save
51	No	Yes	Willow Oak	<i>Quercus phellos</i>	35	8655	8222	95%	Fair	Remove with Intent to Save
54	No	No	London Plane Tree	<i>Platanus acerifolia</i>	30	6359	6359	100%	Fair	Remove
426	No	No	London Plane Tree	<i>Platanus acerifolia</i>	30	6359	5297	83%	Fair	Remove
434	No	No	Ornamental Cherry	<i>Prunus avium</i>	30	6359	6359	100%	Poor	Remove
435	No	No	Pin Oak	<i>Quercus palustris</i>	31	6789	6789	100%	Fair	Remove
436	No	No	American Sycamore	<i>Platanus occidentalis</i>	32	7235	7235	100%	Poor	Remove
437	No	No	American Sycamore	<i>Platanus occidentalis</i>	40	11304	11304	100%	Poor	Remove
440	No	No	Tulip Poplar	<i>Liriodendron tulipifera</i>	30	6359	4556	72%	Poor	Remove
441	No	No	Southern Red Oak	<i>Quercus falcata</i>	37	9672	7125	74%	Fair	Remove
457	Yes	No	Tulip Poplar	<i>Liriodendron tulipifera</i>	31	6789	2175	32%	Poor	Remove
462	Yes	No	White Oak	<i>Quercus alba</i>	33	7694	2359	100%	Fair	Remove
489	Yes	No	Tulip Poplar	<i>Liriodendron tulipifera</i>	31	6789	2289	34%	Fair	Remove
Total					492					

Table 4: Protected Trees to be Impacted but Retained

Variance Tree Impact										
No.	Forest	Offsite	Common Name	Scientific Name	DBH (inches)	CRZ Area	CRZ Impact	% Impacted	Condition	Remove / Save
39	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	31	6793	2106	31%	Fair	Save
43	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	35	8659	4015	46%	Fair	Save
443	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	41	11876	3342	28%	Fair	Save
445	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	34	8167	58	1%	Fair	Save
448	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	35	8655	1663	19%	Good	Save
449	X		White Oak	<i>Quercus alba</i>	34	8167	185	2%	Good	Save
453	X		White Oak	<i>Quercus alba</i>	31	6789	2240	33%	Fair	Save
454	X		White Oak	<i>Quercus alba</i>	32	7235	773	11%	Poor	Save
464	X		Southern Red Oak	<i>Quercus falcata</i>	31	6789	1043	15%	Poor	Save
476	X		White Oak	<i>Quercus alba</i>	31	6789	330	5%	Poor	Save
488	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	38	10202	3507	34%	Good	Save
491	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	33	7694	2702	35%	Good	Save
493	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	30	6361	2242	35%	Fair	Save

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship results from the existing obsolete development and the Master Plan endorsement for housing as the primary future alternative if former institutional uses redevelop. The project is carefully designed to balance protection of the natural resources and environmental qualities of the Planning Area (also per the Master Plan recommendations) while generally keeping the redevelopment limited to the areas of existing development. However, since the entire site perimeter is mostly encompassed by subject trees, which are also interspersed within the central areas of the site, the redevelopment recommended by the Master Plan (which is a reasonable and significant use of the Property) would not be possible without impacts and removal of subject trees. Therefore, the Applicant has demonstrated a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

Variance Findings

To approve the Variance, the Planning Board must find that the Variance:

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

Granting the variance will not confer a special privilege on the Applicant as the removal of the trees is due to the location of the trees and necessary site design requirements. Notably more than 90% of the proposed redevelopment is on top of land already occupied by infrastructure of buildings, parking, and utilities. Additionally, considerable efforts were made to avoid and minimize the overall impacts and the proposed layout allows most of the existing forest setting (which also contains many protected trees) to be preserved within a Category I Easement. Furthermore, the Applicant will provide onsite mitigation for the removals of protected trees. The variance request would be granted to any applicant in a similar situation. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this project which among other things, includes the desire to maintain the existing onsite forest containing numerous subject trees.

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

The requested variance is a result of the existing conditions on the Property and not as a result of land or building use on a neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The site is not located in the vicinity of a stream buffer, wetland or special protection area.

The area of proposed redevelopment generally coincides with the areas of existing development. The existing conditions have considerable impervious areas with very little existing stormwater management. Ultimately a stormwater management plan addressing water quality through Environmental Site Design will be provided for the development as approved by the Montgomery County Department of Permitting Services. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality. Additionally, the soil restoration techniques to be implemented as conditioned will maximize the permeability of the soil helping to further reduce runoff while also enhancing the setting for the associated plantings. The replanting of mitigation trees will also help water quality goals by providing shading and water retention and uptake. Collectively these efforts are anticipated to ultimately have an improvement on water quality. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There are 15 trees proposed for removal or potential removal in association with the Application. There will also be disturbance to CRZs of another 13 trees that will be retained. Planting mitigation for the removals should be at a rate that approximates the form and function of the trees removed. Replacement should occur at a ratio of approximately one inch caliper for every four inches DBH of removal, using onsite trees that are a minimum of three inches caliper, overstory trees native to the Piedmont Region of Maryland. For the 492 diameter-inches of protected trees to be removed (or potentially removed), the applicant must provide mitigation of at least 123 caliper-inches of replacements. In this case, the Applicant proposes to plant approximately 41 trees of 3-inch caliper size, however the final locations and quantities will be determined as part of the FFCP review. Additionally, no mitigation is required for trees that are impacted, but retained.

Maintenance & Monitoring for Impacted Trees Subject to the Variance Provisions

It is important to discuss additional information regarding the proposed significant impact on Trees 50 and 51. These trees are located along the Connecticut Avenue frontage within the SHA ROW. The trees are situated in a lawn panel between the existing curb and sidewalk. Although the work

proposed at this location is to be performed under the direct supervision of an arborist and utilize specialized construction techniques, the trees will be subject to a significant amount of disturbance as indicated by the 95% CRZ impacts. The Applicant will continue to work with an ISA Certified Arborist who is also a Maryland Licensed Tree Care Expert to prepare a tree-save plan which includes protective measures for Trees 50 and 51. As conditioned, an appropriate tree care professional will also implement a five-year tree care program to ensure the long-term maintenance and monitoring for the prominently featured specimen Trees 50 and 51. This level of care is needed due to the combination of impact proposed and the location of the trees; both trees have canopies that extend over the roadway and sidewalk. The Applicant has submitted a letter (Attachment D) prepared by an arborist with proposed methods to preserve these trees. However, more detailed terms of the tree save plan and associated maintenance and monitoring shall be determined in coordination with the tree care professional and M-NCPPC at the time of Site Plan submission.

Variance Recommendation

As a result of the above findings, Staff recommends that the Board approve with conditions the Applicant's request for a variance from Forest Conservation Law to remove 15 protected trees (2 of which are potential removals), and to impact, but retain, 13 other protected trees associated with the site (affecting a total of 28 protected trees).

SECTION 7: CONCLUSION

The Local Map Amendment H-148 complies with the standards and requirements of Section 59.7.2.1 of the Zoning Ordinance. The proposed CRNF zone and use are consistent with the goals and recommendations of the 1990 *Bethesda Chevy Chase Master Plan*, are in the public interest, and will not alter the character of the surrounding neighborhood. Therefore, Staff recommends transmittal of comments to the Hearing Examiner with a recommendation of approval of the LMA and associated Floating Zone Plan with the proposed binding elements.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines, including the waiver. Therefore, Staff recommends approval of the associated Preliminary Forest Conservation Plan H-148, and waiver, with the conditions cited in this Staff Report.

ATTACHMENTS

Attachment A: Floating Zone Plan

Attachment B: Preliminary Forest Conservation Plan

Attachment C: Tree Variance Request Letter

Attachment D: Tree Preservation Letter

Attachment E: Town of Chevy Chase correspondence

Attachment F: Community correspondence