

CORSO CHEVY CHASE
PRELIMINARY PLAN 120240020, SITE PLAN 820240030 (WITH
FLOATING ZONE PLAN AMENDMENT),
& FINAL FOREST CONSERVATION PLAN F20240110



Proposal for the creation of one new lot to support the development of 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, 30 memory-care beds, and up to 5,000 square feet of commercial/retail uses, and amend the Floating Zone Plan.

Prelim Plan No. 120240020
Site Plan No. 820240030
Forest Conservation Plan
No. F20240110

Completed: 1-29-2024

MCPB
Item No.
February 8, 2024

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Planning Staff

Tsaiquan Gatling, Planner III, Downcounty Planning, Tsaiquan.gatling@montgomeryplanning.org, 301.495.2116

Stephanie Dickel, Supervisor, Downcounty Planning, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527

Elza Hisel-McCoy, Chief, Downcounty Planning, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

LOCATION/ADDRESS

7100 Connecticut Avenue, approximately
1300 feet north of Bradley Boulevard

MASTER PLAN

1990 *Bethesda Chevy Chase Master Plan*

ZONE

CRNF 1.5, C-0.25, R-1.25, H-70

PROPERTY SIZE

13.62 acres

APPLICANT

Corso DC, LLC

ACCEPTANCE DATE

October 24, 2023

REVIEW BASIS

Chapter 50 – Subdivision Regulations

Chapter 59 – Zoning Ordinance

Chapter 22A – Forest Conservation Law

Summary:

- Staff recommends approval of the Preliminary Plan, Site Plan (including Floating Zone Plan Amendment), and Final Forest Conservation Plan with conditions.
- The Planning Board previously recommended approval of a Local Map Amendment for the Subject Property, Application No. H-148, and transmittal of comments to the Hearing Examiner and approval of the Preliminary Forest Conservation Plan on March 9, 2023.
- The County Council approved the Local Map Amendment Application, including a Floating Zone Plan, on June 13, 2023 by Resolution No. 20-197, rezoning the property to the CRNF 1.5, C-0.25, R-1.25, H-70 zone.
- The Site Plan includes a minor amendment to the Floating Zone Plan per Section 59-7.2.1.1.2.
- 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, Town Manager, and the Town Council have been actively involved in the review of this project. Chevy Chase Section 3 confronts the Property to the east across Connecticut Avenue and have also provided feedback to the Applicant.
- The project received a 30-day Director Level extension to the review period, extending the period from February 1, 2024 to March 1, 2024.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120240020

Staff recommends approval with conditions for Preliminary Plan 120240020 to create one new lot for a senior living community of up to approximately 700,000 square feet, including 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 in the CRNF 1.5, C-0.25, R-1.25, H-70 zone. All site development elements shown on the latest electronic version of the Preliminary 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.

GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot for up to 700,000 square feet, including 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, including a temporary Telecommunications Tower (during construction) and Antenna on Existing Structure (permanent).
2. The Applicant must comply with the Binding Elements enumerated in the May 12, 2023 Notification of Decision letter from the Montgomery County Office of Zoning and Administrative Hearings approving Local Map Amendment No. H-148, approved by the County Council in Resolution No. 20-197, and the Floating Zone Plan, as may be amended.

ADEQUATE PUBLIC FACILITIES

3. 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

4. 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), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated January 10, 2024 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

6. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
7. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDOT SHA") in its letter dated December 7, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. Before issuance of the right-of-way permit by MDOT SHA on Connecticut Avenue, the Applicant must inform the Town of Chevy Chase and the Village of Chevy Chase Section 3 of any final decisions made pertaining to the traffic operations of the access point on Connecticut Avenue, as approved by MDOT SHA.
9. Before issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section in its stormwater management concept letter dated January 4, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
11. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated January 8, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
12. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated January 8, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

13. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of the Site Plan Application associated with this Preliminary Plan.
14. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

TRANSPORTATION

Frontage Improvements on Existing Roads

15. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Thornapple Street.
16. Before recordation of plat(s), the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of an 11-foot wide sidepath, with an eight-foot-wide vegetated street buffer along the property frontage on Connecticut Avenue.

RECORD PLATS

17. There shall be no clearing or grading of the site before recordation of plat(s).
18. The record plat must show necessary easements.
19. The record plat must reflect the following building restriction lines as shown on the Preliminary Plan:
 - a) A 20-foot Building Restriction Line (BRL) from the Conservation Easement along Thornapple Street.
 - b) A 20-foot BRL from the Conservation Easement along the rear setback.

Notes and Labels

20. The record plat must reflect all areas under common ownership.

CERTIFIED PRELIMINARY PLAN

21. The certified Preliminary Plan must contain the following notes:
 - a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
22. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.

SITE PLAN 820240030 AND AMENDED FLOATING ZONE PLAN

Staff recommends approval of Site Plan No. 820240030, with Amended Floating Zone Plan, for the construction of a maximum 695,000 square foot senior living community, and up to 5,000 square feet of commercial/neighborhood-serving retail use, and associated antenna on a building, parking, open space, and amenities. The development must comply with the binding elements and/or conditions of approval for Local Map Amendment H-148, County Council Resolution No. 20-197 with Floating Zone Plan, and accompanying Preliminary Plan No. 120240020 and Forest Conservation Plan No. F20240110, all as may be 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.¹

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 700,000 square feet of total development on the Subject Property, including an up to 695,000 square foot Residential Care Facility (over 16 persons) containing up to 287 independent living units, 190 assisted living beds, 30 memory care beds, and 5,000 square feet of commercial uses, including a temporary Telecommunications Tower and permanent Antenna on an Existing Structure.

2. Height

The development is limited to a maximum height of 70 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated January 8, 2024, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 15% percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build or alternative agreement between the Applicant and the MCDHCA must be executed.

4. Occupancy Provisions

- a) All residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.

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.

- b) Before Certified Site Plan:
 - i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
 - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
 - iii. The Book/Page reference must be included on the Certified Site Plan.

OPEN SPACE, FACILITIES AND AMENITIES

- 5. Public Open Space, Facilities, and Amenities
 - a) The Applicant must provide a minimum of 53,273 square feet of public open space (10% of net lot area) on-site.
 - b) Before the issuance of the final use and occupancy certificates OR release of the surety bond for the residential development, all public open space areas on the Subject Property must be completed.

ENVIRONMENT

- 6. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated January 04, 2024 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

NOISE

- 7. Before issuance of the first above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA L_{dn} , will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA L_{dn} . Any noise impacted units must be identified on the Certified Site Plan.
- 8. If any changes occur to the Site or Preliminary Plan(s) which affect the validity of the noise analysis dated December 01, 2023, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- 9. Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

10. For all noise impacted residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales or lease contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

TRANSPORTATION & CIRCULATION/ADEQUATE PUBLIC FACILITIES

11. 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 October 16, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

12. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 67 long-term and 4 short-term bicycle parking spaces.
- b) The long-term spaces must be in secured, well-lit bicycle rooms in the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station.
- d) The Applicant must construct the following master planned pedestrian and bicycle facilities before issuance of the final use and occupancy permit.
 - i. Connecticut Avenue: 11-foot-wide asphalt sidepath with an eight-foot-wide vegetated buffer from traffic.

13. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 8, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

14. Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All

onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

15. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, private sidewalks, private utilities, paths and associated improvements of development, including sidewalks, storm drainage facilities, street trees and street lights on private Property. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

17. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable 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.”
- 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 or MDSA.”
- 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 before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. 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) Include approved Fire and Rescue Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Include ADA passing areas within the sidewalk along the Thornapple Street at a frequency of no more than 200 linear feet, as required by the Town of Chevy Chase.
- g) Adjust vehicular parking table and plans to reflect a maximum of 501 parking spaces.

18. Minor Modification to Floating Zone Plan

- a) As part of the Certified Site Plan set of drawings, the Applicant must create a plan entitled “Minor Amended Floating Zone Plan as Part of Site Plan” to show the location of the permanent antenna on the building.
- b) Once Planning Staff certifies the Minor Amended Floating Zone Plan as Part of Site Plan, the Applicant must provide a certified copy of the plan and a copy of the final Site Plan resolution to the Hearing Examiner for inclusion in the record of the Local Map Amendment case H-148.

FOREST CONSERVATION PLAN F20240110

Staff recommends approval of Forest Conservation Plan No. F20240110, to replace the existing vacant National 4-H Conference Center building with 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, subject to the following conditions:

1. 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.
2. 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.
3. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the certified Final Forest Conservation Plan, except that minor modifications to the limits of disturbance 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 or MDSA.
4. Before the start of any clearing, grading, or construction for this development Application, whichever comes first, the Applicant must:
 - a) Record a Category I Conservation Easement over all areas of forest retention 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.
 - b) 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 forest planting areas, 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.
 - c) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the variance mitigation trees, fencing, easement markers, and maintenance required for meeting the requirements of the FCP.
5. Prior to the initial planting acceptance inspections of the required on-site reforestation, the Applicant must install the permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
6. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the

approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 123 caliper inches and located outside of any right-of-way or utility easements, including stormwater management easements, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: SITE DESCRIPTION

VICINITY

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.

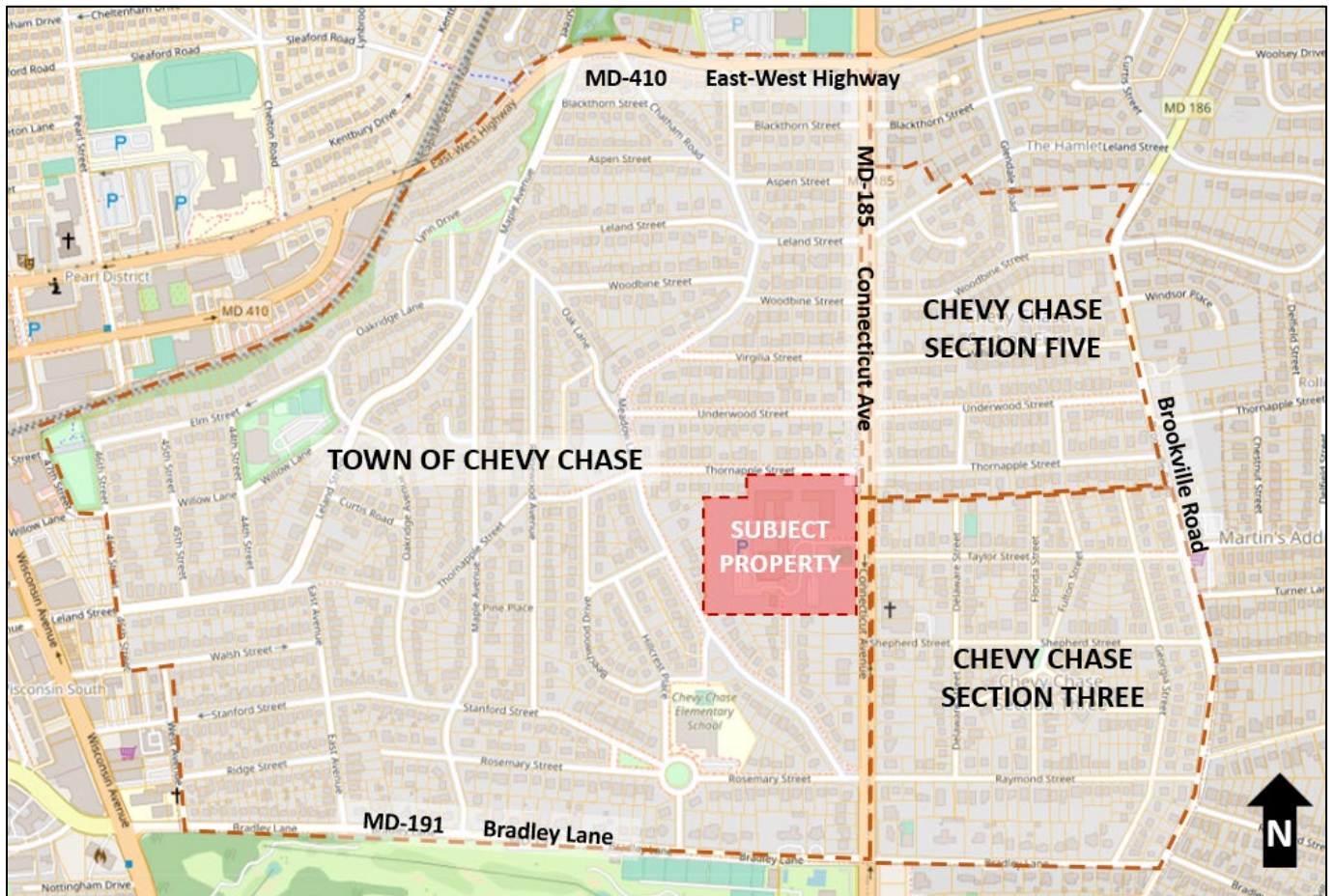


Figure 1 - Vicinity Map

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". Following approval of Local Map Amendment No. H-148, the Property is currently zoned CRNF 1.5, C-0.25, R-1.25, H-70. The Property was originally developed in the mid-1960s as the National 4-H Conference Center and 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. The property is also subject to a previous Special Exception, application no. S2196, which granted approval for a telecommunications antenna atop an existing building.

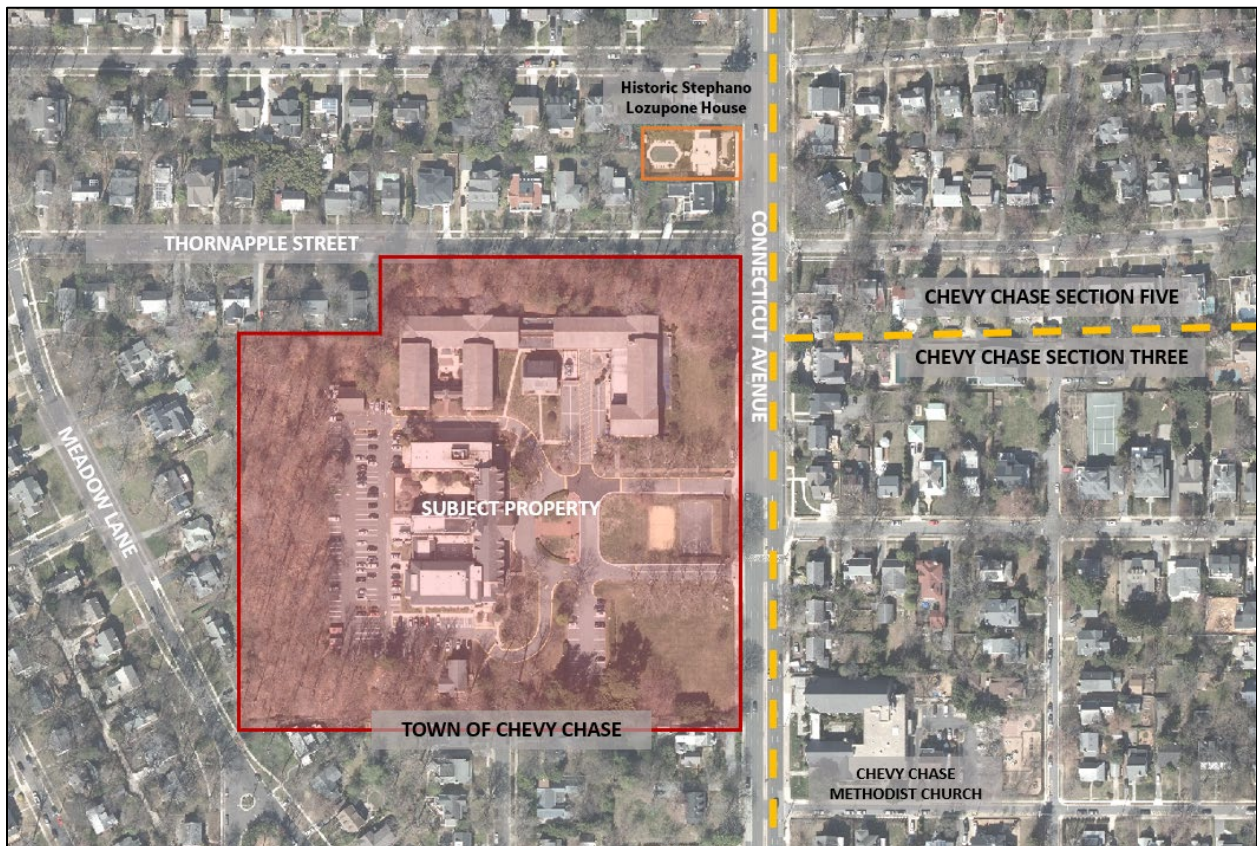


Figure 2: Aerial view of the Property

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 numerous mature trees along its circular drive and frontage along Connecticut Avenue as well as 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 historic 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.



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



Figure 4 – Stephano Lozupone House, 1910-1920 (Maryland Historical Trust)

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

LMA H-148

On March 9, 2023, the Planning Board recommended the Hearing Examiner approve a Local Map Amendment, Application No. H-148, for the Subject Property for reclassification from the R-60 to the CRNF-1.5, C-0.25, R-1.25, H-70 Zone in support of the proposed development. The County Council approved the Local Map Amendment Application, including a Floating Zone Plan, on June 13, 2023 by Resolution No. 20-197, with the inclusion of 21 required binding elements. An associated Preliminary Forest Conservation Plan was approved by the Planning Board on March 9, 2023.

PROPOSAL

The Applicant is proposing to redevelop the Property with a residential-scaled senior housing development. The Project will contain up to approximately 700,000 square feet, including a Residential Care Facility (for over 16 persons) containing Independent Living, Assisted Living and Memory Care services, and up to 5,000 square feet of commercial/neighborhood-serving retail use which, while predominately intended for use by Project residents, will be publicly accessible. The commercial uses also include a temporary Telecommunications Tower and permanent Antenna on Existing Structure once the new building is constructed. The Applicant requests that the Planning Board approve an amendment to the Floating Zone Plan associated with LMA No. H-148, as allowed under Section 59- 7.2.1.1.2, to reflect the temporary Telecommunications Tower and permanent Antenna on Existing Structure on the Floating Zone Plan. The approved LMA identified these facilities on several plan sheets, however these facilities were inadvertently left off of the certified Floating Zone Plan. The proposed amendment to the Floating Zone Plan serves to rectify this oversight.

The senior housing component of the Project will provide three levels of care, support, and special assistance to residents 62 years of age and older. The Project includes up to 287 independent dwelling units, 190 assisted living beds and 30 memory care beds, with 15 percent moderately priced dwelling units ("MPDUs") (or up to 59 MPDUs)².

The co-location of these different senior housing uses on the Property will allow residents to age in-place, by providing a continuum of varying levels of support and care to meet the evolving needs of

² Assisted Living Suites will have full kitchens and thus will be classified as dwelling units only for purposes of Chapter 25A of the Code. MPDUs are provided for the Independent Living and Assisted Living units (388 total units). No MPDUs are required for the Memory Care suites as they do not have kitchens and thus, are not classified as dwelling units. The Department of Housing and Community Affairs has reviewed and approved the Applicant's proposal in a letter dated January 8, 2024, included in Attachment C.

residents as they age. The design of this Project is residential in nature and includes several buildings with heights ranging from three - to five-stories, with the taller heights oriented toward the center of the Property and lower heights adjacent to the perimeter of the site. The Applicant has strategically designed the Project to maintain much of the existing tree canopy along the northern, southern and western Property boundaries to preserve the natural screening that exists today. This natural buffering and the resulting building setbacks, which significantly exceed the minimum setbacks required in the CRNF Zone, will provide extensive screening from the surrounding residential uses and ensure compatibility of the Project with the surrounding neighborhood. The proposed buildings for the project will be oriented towards Connecticut Avenue to help activate and define this prominent street frontage. 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 extend into the site for a distance of eighty feet (80 ft) from Connecticut Avenue. The ancillary neighborhood-serving commercial uses proposed, while predominately intended for use by Project residents, will be located along Connecticut Avenue to also serve as a benefit to the surrounding community. In addition, the development also includes associated structured and surface parking, open space, and amenities.

The Project will provide other private, indoor and outdoor amenities for building residents, and spaces to create opportunities for residents to socialize and host visitors not only within the Property, but with the greater neighborhood at-large. These amenity spaces include, but are not limited to, a small theater, spa, pool, green house, clubhouse, multiple lounges, and various restaurants. The Project also provides significant landscaping and outdoor amenities for use by the residents, including outdoor walking paths, courtyards, and activity areas.

BUILDING/ARCHITECTURE

The site layout and building architecture have been designed to be compatible with and complementary to the surrounding residential neighborhoods. The Project follows multiple cues established by the former National 4-H Conference Center use. The Project presents itself as a new campus — an assemblage of building masses spread throughout the site. This new campus respects the building envelop boundaries of its predecessor and preserves the existing and mature tree canopy on the Project's north, west, and south sides. The fragmented massing of the Project allows for this green buffer to extend into the Property as well, through a series of open plazas, gardens, and intimate courtyards. Additional elements such as fountains and follies enliven the landscape and bring stimulation and joy to residents and their families. This design promotes the pedestrian over the car by limiting vehicular access and locating all parking below grade, with the exception of a small amount of short-term on-street parking internal to the Site.



Figure 5 – Rendering looking North from east side of Connecticut Avenue

Further sensitivity has been applied to the architectural language and expression of the Project. To root the Project in the neighborhood, the design incorporates many elements found in the surrounding context: gabled roofs, dormers, oriel and bay windows, chimneys, and a predominantly masonry material palette. These parts are composed into an English-Romantic architecture that is sympathetic to the Colonial Revival, Tudor, and similar vernacular styles in the surrounding neighborhood. While the proposed residential components are a mix of four- and five-stories, the campus also includes one-, two-, and three-story connector and amenity spaces which result in a composition of buildings at a variety of scales. Consistent with Binding Element No. 17, the Project’s height steps down as it approaches the single-family neighborhoods surrounding the Property and incorporates strategies such as bays and recessed balconies to further diminish the scale of the façades.

OPEN SPACE

In accordance with the requirements of Sections 5.3.5.D.2.a and 4.5.3.C of the Zoning Ordinance, the Project provides a minimum of 10% (or 53,273 square feet) of public open space on-site. Currently, the Project is anticipated to provide approximately 53,590 square feet public open space. As required by Section 6.3.6.B of the Zoning Ordinance, this public open space will abut a pedestrian route, be a minimum of 15 feet wide, include seating and shade, and be in a contiguous space. The proposed public open space is primarily located on the north side of the Property, adjacent to Thornapple Street, adjacent to a proposed sidewalk connection, and along Connecticut Avenue. The proposed open space will provide diverse opportunities for the public to gather and socialize (along Connecticut

Avenue) and connect with nature (along Thornapple Street). Given the nature of the Project, a significant amount of additional active and passive open space will be maintained throughout the Project, in excess of zoning requirements.

TRANSPORTATION

All vehicular access to and from the Site will be provided from Connecticut Avenue. As shown on the illustrative Site Plan, the Applicant proposes two driveways for the Site. The northern driveway will be used for northbound and southbound ingress, and northbound egress (left out). The southern driveway will be right-out (southbound) only.

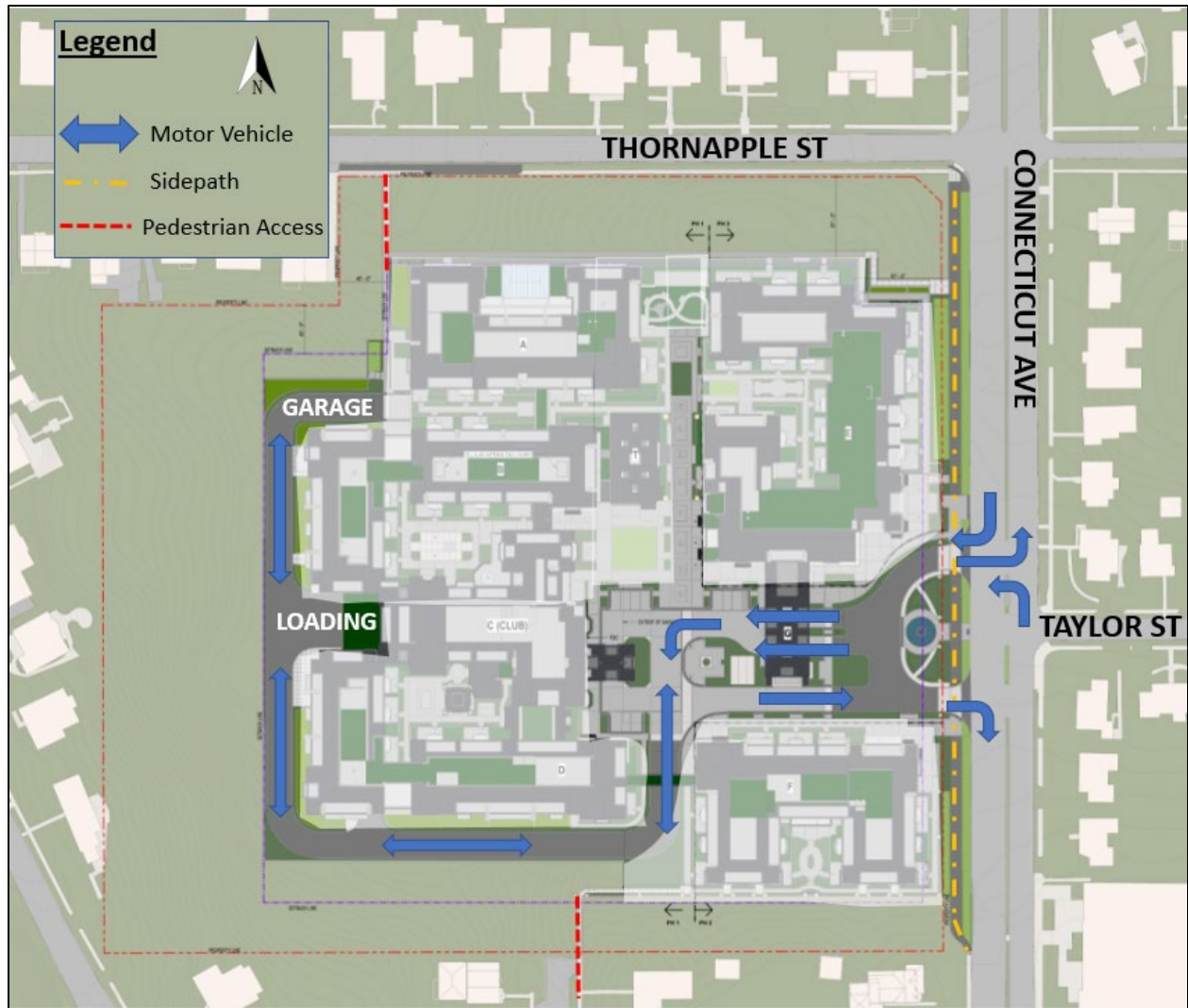


Figure 6: Site Access, Circulation and Frontage Improvements

During review of the Preliminary Plan the Applicant developed multiple access configurations that explored geometric designs (adding medians that restrict turns from the Site and Taylor Street) and traffic operations (signalization of the Site Access and Taylor Street). Ultimately the Applicant has proposed Concept C2 Revised, shown in Figure 6.

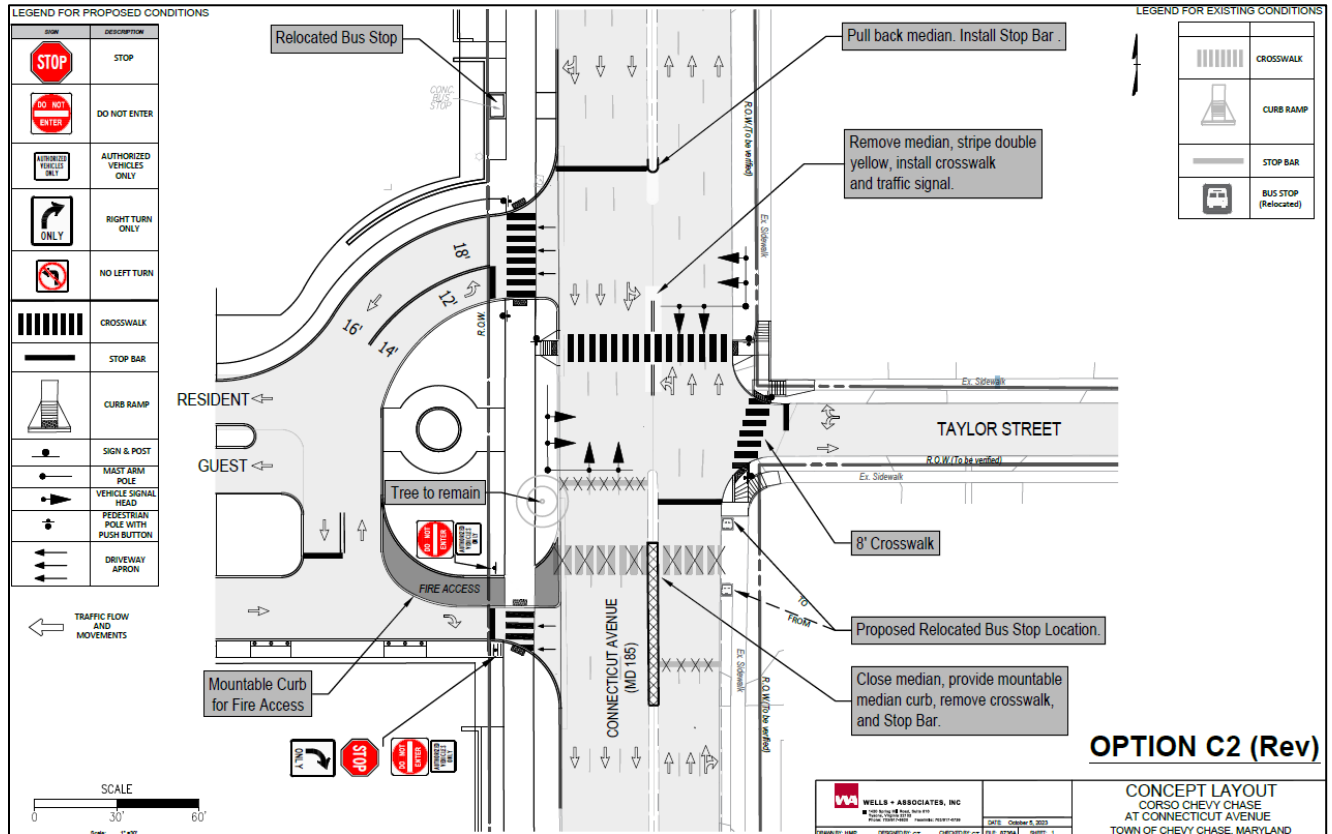


Figure 7: Site Access Concept C2 Revised

The key features of the access concept are the following:

1. Installs a new full traffic signal for the Site's two driveways and Taylor Street.
2. Introduces a northbound left out of the Site, protected by the traffic signal.
3. Removes the existing southern marked crossing.
4. Adds a new marked crossing of the northern leg that increases visibility of pedestrians to motorists turning onto Connecticut Avenue from Taylor Street. This also reduces conflicts with pedestrians and motorists accessing and leaving the northern driveway.
5. Relocates bus stops on either side of Connecticut Avenue to be closer to the marked crosswalks.
6. Closes the median on Connecticut Avenue south of Taylor Street to more effectively enforce the right-out-only operation of the southern driveway of the Site.
7. Replaces the eastern marked crosswalk across Taylor Street with higher-visibility marking pattern.

The benefit of this access configuration is that it significantly increases safety for all movements with the installation of a new full traffic signal. Left turns in and out of the Site will have protected phases, as will pedestrians crossing Connecticut Avenue. The signal provides the same benefit to motorists traveling southbound from Taylor Street.



Figure 8 – Rendering looking west along Taylor Street

The Concept was initially developed by the Applicant and submitted to all reviewing agencies, and the Town of Chevy Chase and the Village of Chevy Chase Section 3 prior to acceptance of the Preliminary Plan. During review of the Preliminary Plan the concept was further refined, incorporating input from MDOT SHA, MCDOT, and Planning staff. While consensus was reached on this concept, MDOT SHA will not conduct its official review of the signal and associated improvements until the more detailed signal design is submitted at the time of right-of-way permit, as is the typical review procedure. The application for the signal will include a higher level of design, additional data, and review of signal warrants, as required by MDOT SHA.

Planning staff supports the installation of a full traffic signal at this location for all the reasons previously mentioned. However, it is important to note that a finding for safe, adequate and efficient access can and is being made without the traffic signal given the design of the driveway and demonstrated sight-distance. Planning staff defers to MDOT SHA to make the final determination for a potential signal at this intersection (which will occur after the Board considers the Subject Application) as they are the lead agency for traffic operations within state right-of-way. As conditioned, the Applicant will be required to notify the Town of Chevy Chase and the Village of Chevy Chase Section 3 of the outcome of MDOT SHA's review prior to issuance of the right-of-way permit. It is

also important to note that 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. The Applicant is providing two loading bays: one for the residential use and a second for the retail use.

Vehicular and bicycle parking will be accommodated on site. Based on the number of independent dwelling units, memory care beds, and employees, the minimum vehicular required parking spaces for the Project is 299 and the maximum is 501. The Applicant is proposing a total of 501 total spaces onsite for residents, employees and visitors. The majority of the vehicular parking will be provided within a fully connected below-grade garage. Ten vehicular spaces are provided near the main entrance of the building. Bicycle parking is required for the dwelling units and the commercial uses on-site. The Applicant meets the minimum requirement with 67 long-term bicycle spaces within rooms of the parking garage, and four short-term spaces to be located near the main entrance of the building.

The Project proposes to provide pedestrian and bicycle access improvements to and within the Site per the 2021 *Complete Street Design Guide* along the Site's the frontage on Connecticut Avenue. 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 that can accommodate both pedestrians and bicyclists. Thornapple Street is a Neighborhood Street, located within the Town of Chevy Chase. The 2021 *Complete Street Design Guide* recommends a six-foot-wide buffer and six-foot-wide sidewalks for Neighborhood Streets, such as Thornapple Street. The Town of Chevy Chase has requested in their letter dated November 8, 2023, that the Applicant maintain the existing 4-foot-wide sidewalk but widen it with periodic ADA compliant passing zones at a minimum of every 200 feet (in compliance with the recently updated Public Rights of Way Accessibility Guidelines (PROWAG)) to protect existing street trees and maintain the existing streetscape aesthetic.

ENVIRONMENT

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for this Property was approved on Sep 27, 2022 via Application No. 420222220. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property, including a combination of 94 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. Small areas with steep slopes are in the north and south-western boundaries of the Site. The subject Property is not associated with any stream buffers, wetlands, or 100-year floodplains.

The associated Final 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, shown in Figure 8. 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). Moreover, 15 specimen trees are proposed for removal, and accordingly, the Applicant has proposed mitigation plantings in the form of 123 caliper inches of replacement plantings to be planted in the location of the Category I Conservation Easement.

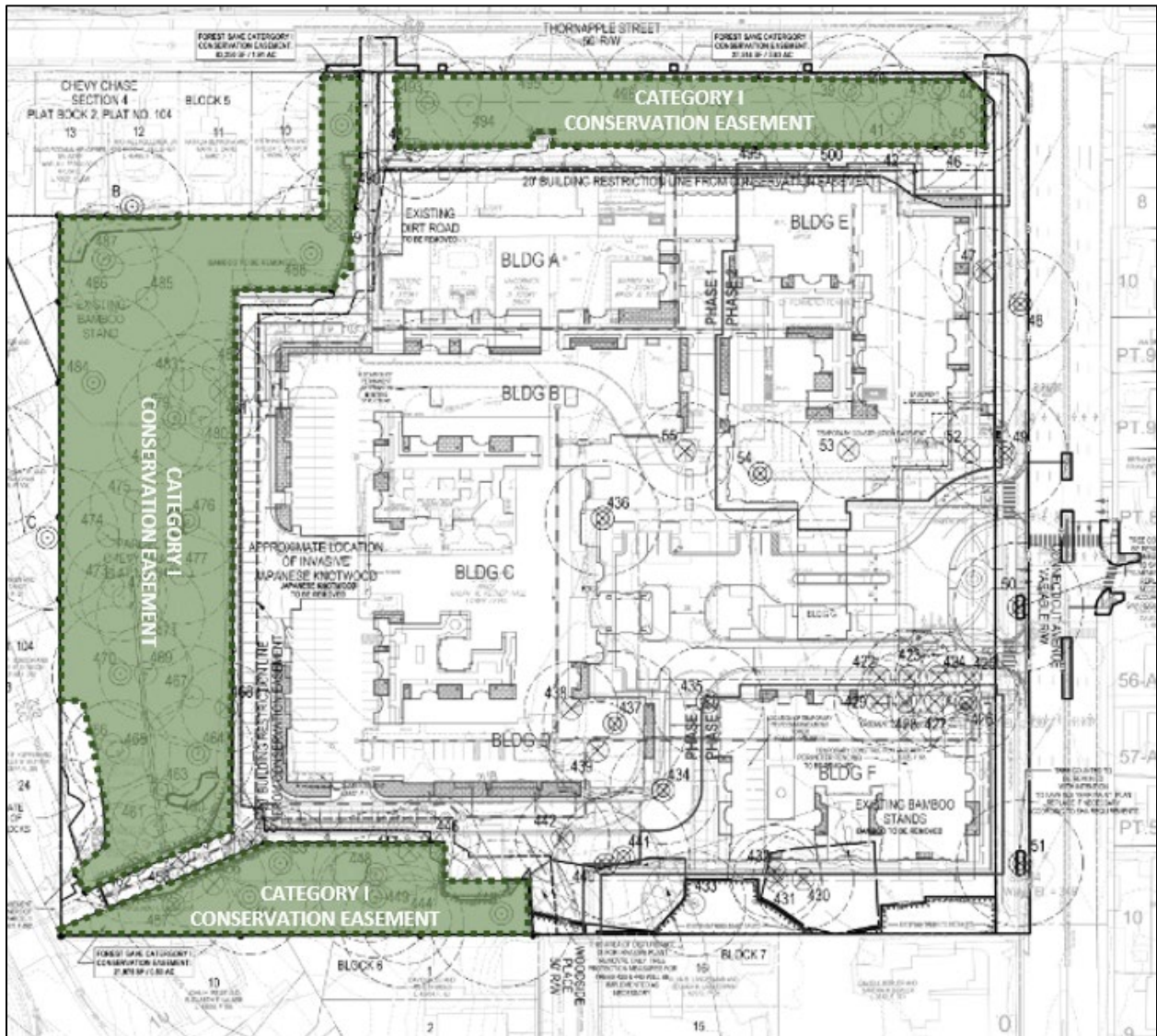


Figure 8: Category I Conservation Easement

SECTION 4: PRELIMINARY PLAN 120240020 FINDINGS AND ANALYSIS

The Preliminary Plan would create one lot measuring approximately 532,733 square feet or 12.23 acres of Site area, for a maximum density of up to 700,000 square feet consisting of up to 695,000 square feet of residential uses and 5,000 square feet of commercial uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

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

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

The Preliminary Plan reflects that the size, width, shape and orientation of the proposed lot will be appropriate for the location of the proposed subdivision. The Property will be re-platted to accommodate the minor 2,688 square foot dedication along Thornapple Street. Otherwise, the Property will retain the same shape and orientation that exists today; the existing shape, which was previously used for a campus style development is adequate for the proposed senior housing campus style development. The proposed subdivision satisfies the applicable requirements of Chapter 59.

i. Master Planned Sites

The Subject Property is not specifically identified in the Master Plan for a site-specific recommendation. However, as described more fully in the findings below, the proposed Application complies with the vision of the neighborhood as described in the 1990 *Bethesda Chevy Chase Master Plan*.

ii. Local Recreation

The proposed subdivision does not include dedication of land for public recreation purposes. Recreation for the proposed use will be provided onsite. Dedication along the right-of-way and frontage improvements are included in this Application.

iii. Transportation and Utilities

As conditioned and described in the transportation findings herein, the Site will meet the requirements of the 2021 *Complete Streets Design Guide* and the *Public Right of Way Accessibility Guidelines* (PROWAG).

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.

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

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot are appropriate for the zone, location and residential use proposed for the Site. As shown in Table 1 below, the proposed lot will comply with the applicable development standards for the CRNF zone.

Table 1: Corso Chevy Chase Preliminary Plan Data Table for CRNF-1.5, C-0.25, R-1.25, H-70 Zone, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	13.64 acres (594,271 sf)
Prior Dedication	n/a	1.35 acres (58,850 sf)
Proposed Dedication	n/a	0.06 acres (2,688 sf)
Site Area	n/a	12.23 acres (532,733 sf)
Total Density	1.5 FAR	1.18 FAR (700,000 sf)
Minimum Lot Area	n/a	-
Minimum Lot Frontage	n/a	-
Minimum Lot width at B.R.L.	n/a	-
Maximum Lot Coverage	n/a	-
Principle Building setbacks		
Front	15 ft min	18 ft
Side Street Setback (Thornapple Street)	15 ft min	81 ft (from existing right-of-way)
Side Setback	12 ft min	45 ft
Rear	30 ft min	45 ft and 145 ft
Site Plan Required	Yes	

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

a) Land Use

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. The Master Plan also stated that if this site were to be redeveloped from institutional, a residential use is recommended; the proposed residential care facility complies with this recommendation. 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.*” In addition, the

Local Map Amendment approved by the County Council found the new zone, the CRNF and the proposed Project, substantially conformed with the Master Plan.

The Project complies with four of the seven overarching goals of the Master Plan and does not conflict with any of the remaining three goals as stated by the County Council and discussed below:

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 as part of the Residential Care Facility, 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 Final 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.

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 of the Local Ma Amendment 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.

b) Environment

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 Final 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, as approved by the stormwater management concept plan which was submitted to the Montgomery County Department of Permitting Services as part of this Application.

c) Transportation

The Site has frontage on two public streets: Connecticut Avenue, owned and maintained by MDOT SHA and Thornapple Street, owned and maintained by the Town of Chevy Chase. The 2021 *Complete Street Design Guide* classifies Connecticut Avenue as a Boulevard, which currently has a seven-foot-wide street buffer with a six-foot sidewalk. As conditioned and shown on the approved Site Plan, the street buffer will be widened to eight feet and the sidewalk will be replaced with an 11-foot sidepath. The 2021 *Complete Street Design Guide* recommends a six-foot-wide buffer and six-foot-wide sidewalk for Neighborhood Streets, such as Thornapple Street; however, the Town would prefer to keep the 4-foot-wide sidewalk, widening it to 5-feet every 200 linear feet to provide ADA passing zones, in compliance with PROWAG.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

Connecticut Avenue is a Boulevard with a master-planned right-of-way width of 120 feet. Along the Site frontage, the right-of-way is 120 feet, therefore no further dedication is needed. It currently has a seven-foot-wide street buffer with a six-foot sidewalk. A bus shelter is located just north of the Site's northern driveway which is

served by RideOn routes 1 and 11 and Metrobus route L8. Taylor Street has a prescriptive minimum right-of-way of 60 feet, and 50 feet of right-of-way has been dedicated.

Thornapple Street has a seven-foot-wide street buffer and a 4-foot-wide sidewalk along the Site frontage.

ii. ***Proposed public transportation infrastructure***

Connecticut Avenue will be improved with an eight-foot-wide vegetated street buffer and an 11-foot-wide asphalt sidepath to be shared by pedestrians and bicyclists. Bus stops on both sides of Connecticut Avenue will be relocated to be closer to the northern crossing of Connecticut Avenue and Taylor Street. The 2021 *Complete Street Design Guide* recommends a six-foot-wide buffer for Neighborhood Streets, such as Thornapple Street, however, the Town would prefer to keep the 4-foot-wide sidewalk, widening it to 5-feet every 200 linear feet to provide ADA passing zones, and to comply with PROWAG.

The Applicant has proposed a new traffic signal to direct traffic in and out of the Site's two driveways and on Taylor Street. As conditioned the Applicant will submit a request for review of the traffic signal to MDOT SHA at the time of right-of-way permit. Should MDOT SHA approve the signal (or some other traffic control at this intersection), the Applicant will be required to install it. As a point of clarification, the traffic signal will enhance the Site access point, but it is not required to make a finding for adequate site access. The design of the driveway is acceptable to Planning and MDOT SHA staff, and MDOT SHA has approved the sight distance analysis included in the Application.

iii. ***Proposed private transportation infrastructure***

The Application includes sidewalks connecting the various buildings onsite. In general, the sidewalks will be five feet in width, and will be buffered from the motorized traffic using the interior driveways.

b) Local Area Transportation Review (LATR)

The previous use on the Site was a corporate headquarters of the 4-H Headquarters and a hotel with 183 rooms. The proposed Senior Living Project which consists of 220 assisted living/memory care beds, 287 senior independent living units, and 5,000 square feet of retail are estimated to generate a net decrease of 121 person trips in the morning peak hour and a net decrease of 60 person trips in the evening peak hour. The 2020-2024 *Growth and Infrastructure Policy* requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the

morning or evening peak hours. As that is not the case for this Application, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 2 below.

Table 2: Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Bethesda/Chevy Chase Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Existing	183-room Hotel	84	108	66	85	109	140
Existing	Corporate HQ	135	121	109	98	176	159
Proposed	220 Assisted Living/Memory Care beds ¹	40	53	35	46	62	82
Proposed	287 Senior Living units	55	72	48	63	86	112
Proposed	5,000 SF Retail	12	33	10	28	16	45
Net Change						-121	-60

Source: Transportation Exemption Statement from Wells & Associates, August 18, 2023, modified by staff

¹ For the purposes of transportation analysis the assisted living bed and memory care beds are evaluated together as they generate trips at the same rate.

c) Schools

The residential component of the Project is age-restricted for residents 62-years of age and older and therefore will not impact schools.

d) Other Public Facilities and Services

The public facilities are adequate to support and service the proposed development.

Schools

The Development is assigned to Rosemary Hills/North Chevy Chase Elementary School, Silver Creek Middle School, and Bethesda Chevy-Chase High School. While the Project provides new residential density, the proposed senior living facility use will not generate any new students. Thus, the Project will have no impact on public school capacity.

Water and Sewer

The Property already is served by existing water and sewer. The Property is located within water and sewer categories W-1 and S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines. WSSC will evaluate the water and

sewer capacity through a Hydraulic Planning Analysis in connection with the building permit.

Other services

Electric, gas and telecommunications services also will be 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.

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

a) Forest Conservation Plan/Exemption

This Application is subject to Chapter 22A Forest Conservation Law and has included a Final Forest Conservation Plan No. F20240110. The submitted plan 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. The complete findings are detailed below in Section 6 of this report.

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

This Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Division on January 4, 2024. There are no known stormwater management facilities existing on the Property. The Application will meet stormwater management goals through micro-bioretention planter boxes and green roof to treat stormwater runoff without the use of waivers. A detailed stormwater management review will occur at the time of detailed plan review and all facilities will be designed using the latest MCDPS guidelines.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

Not applicable to this Property.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

No other provisions apply to the Subdivision.

SECTION 5: SITE PLAN 820240030 FINDINGS AND ANALYSIS

Section 59.5.3.5.B.2 requires that projects in the CRNF zone receive an approved Site Plan under Section 59.7.3.4. In addition, Section 59-7.2.1.1.2 allows the Planning Board to approve an amendment to a floating zone plan as part of site plan review.

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.**

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development: satisfies any previous approval that applies to the site;**

Local Map Amendment (LMA) No. H-148, and the associated Floating Zone Plan, are applicable to this Site. Under Section 59-7.2.1.1.2, at Site Plan, the Planning Board may approve an amendment to a floating zone plan that does not increase density or height, add a previously disallowed use, decrease a setback, or change any binding element. The proposed minor amendment to the Floating Zone Plan does not increase density or height, add any new use, or decrease any setbacks. The minor amendment to the Floating Zone Plan is to show the proposed temporary telecommunication facility (during construction) and a permanent antenna on a building, on the Floating Zone Plan, that was inadvertently left off the plan sheet, but was shown on other approved plan sheets.

There are currently telecommunication facilities located on the existing buildings pursuant to Special Exception S-2196. These existing facilities will continue to be located on the Residential Care Facility building following construction. However, to allow the facilities to remain in service during construction, they will need to be temporarily relocated to a telecommunications tower. This tower will only be up during the construction of Phase One. Once Phase One is complete, the facilities will be permanently located on the building. The approved LMA identified these facilities on several plan sheets, however these facilities were inadvertently left off of the certified Floating Zone Plan. The proposed amendment to the Floating Zone Plan serves to rectify this oversight.

The binding elements, as listed below, remain unchanged and the Project remains in compliance with these binding elements, therefore Staff recommends approval of the Floating Zone Plan amendment.

The Floating Zone Plan established 21 binding elements, which are reflected in the Declaration of Covenants recorded in the Land Records at Book 67118, Page 391 and referenced in the Hearing Examiners decision letter, which is included as an attachment to this report (Attachment B). As discussed herein and illustrated on the plans, the Project complies with these 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.*
 - a. The Site Plan seeks approval for up to 5,000 square feet. No individual commercial establishment will be more than 2,500 square feet.
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. Before submission of Preliminary Plan and/or Site Plan Applications, the Applicant will complete a Comprehensive Vehicular Site Access Study that shall include, but not be limited to review of the existing roadway and crosswalk 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. In addition, the Applicant will coordinate with Section 3 of the Village of Chevy Chase to address traffic-related impacts to that municipality.*
 - a. As discussed herein, the Project conforms with this requirement. Vehicular access is restricted to Connecticut Avenue. The Applicant prepared a Comprehensive Vehicular Site Access Study, which was submitted to and reviewed collectively by MDOT SHA, MC DOT, Montgomery Planning, The Town of Chevy Chase and Section 3 of the Village of Chevy Chase. Comments were provided and addressed by the Applicant during review of the Application.
3. *Before submission of Preliminary Plan and/or Site Plan Applications, the Applicant will complete a Parking Demand Analysis to ensure on-site parking for all property employees and visitors, including during peak use and visitation periods, is adequate. The Applicant will implement the recommendations of the Parking Demand Analysis to ensure that all parking necessary to meet the needs of the Project is accommodated on-site, subject to approval by the necessary governmental entities.*

- a. The Applicant has prepared and circulated to the Town of Chevy Chase, Section 3 of the Village of Chevy Chase, and Planning Staff a Parking Demand Analysis which demonstrates that adequate parking will be provided on-site to meet parking demand.
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.*
 - a. The Applicant and the Town of Chevy Chase have agreed to enter into a separate agreement to accommodate this Binding Element.
5. *The Applicant shall place areas, as more accurately depicted on the Final Forest Conservation Plan, generally along the southern, 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.*
 - a. As shown on the Final Forest Conservation Plan, submitted concurrently with this Statement, these areas have been designated as 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.*
 - a. The Site Plan provides new pathways connecting the existing sidewalk on Thornapple Street with Connecticut Avenue and connecting the Property with Woodside Place. The sidewalk connecting to Woodside Place meanders through the Property, before ultimately tying into the main property entrance. As such, there is no direct pedestrian pathway between Woodside Place and Connecticut Avenue.
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.*

The proposed building heights comply with this requirement.
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.*

- a. A stormwater concept plan has been submitted and approved by MCDPS. The Town of Chevy Chase-appointed engineer has also been included in the Applicant's discussions with DPS and is in agreement with the findings.
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.*
 - a. The trash collection and loading/services areas have been strategically located below adjacent grade, so as to minimize view and noise impacts on the adjacent properties.
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.*
 - a. As demonstrated on the Final Forest Conservation Plan, the proposed planting materials are primarily native species and sufficient planting depth is provided to support canopy and shade trees.
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.*
 - a. Non-deciduous tree screen and foundation plantings have been provided, as illustrated on the Final Forest Conservation Plan.
12. *The Applicant shall provide exterior lighting according to applicable County regulations and coordinated so as minimize impact to adjacent properties.*
 - a. As illustrated on the landscape plans, exterior lighting will be provided in accordance with all County regulations and has been designed to minimize impacts 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.*
 - a. The Applicant will comply with this requirement.
14. *At the time of Site Plan, the Applicant will provide an interim landscaping plan for the phased build-out of the Project.*
 - a. The Site Plan application includes an interim landscaping plan for Phase One.
15. *Vinyl siding and EIFS are prohibited on all new buildings.*
 - a. As confirmed by the building elevations submitted with the Site Plan application, no vinyl siding or EIFS is proposed.
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.

- a. The Declaration of Covenants, which include the 21 approved binding elements, have been recorded in the Land Records at Book 67118, Page 391.
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. Additionally, these outward-facing facades must adhere to a maximum height, as observed from the established measuring point, of 55 feet with the exception of the northwest corner of the Property, which shall adhere to a maximum height of 50 feet.*
 - a. As illustrated on the Site Plan elevations, the Project complies with these requirements.
 18. *The Project will provide ground floor entrances along both Thornapple Street and Connecticut Avenue commensurate with individual units located along these respective facades.*
 - a. The ground floor entrances along both Thornapple Street and Connecticut Avenue are shown on the Site Plan and are correlated with individual units located along these façades.
 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.*
 - a. The Project includes a porte cochere at the site entrance. The detailed design of the porte cochere, which includes specialty paving, is shown on the Site Plan drawings.
 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.*
 - a. The Project proposes a fountain at the main entrance along Connecticut Avenue.
 21. *Before obtaining any building or grading permits, the Project must receive Site Plan approval.*
 - a. The current Application is for Site Plan approval and, as conditioned in this report, final certification is required before any building or grading permits.

b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

d) *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

i. **Division 5.3.5 CRNF Zone**

Table 3: Corso Chevy Chase Site Plan Data Table for CRNF-1.5, C-0.25, R-1.25, H-70 Zone, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	13.64 acres (594,271 sf)
Tract Area - Prior Dedication	n/a	1.35 acres (58,859 sf)
Tract Area - Proposed Dedication	n/a	0.06 acres (2,688 sf)
Site Area	n/a	12.23 acres (532,733 sf)
Mapped Density CRNF-1.5, C-0.25, R-1.25, H-70 Residential (GFA/ FAR)	1.25 FAR	1.17 FAR 695,000 sf
Commercial (GFA/FAR)	0.25 FAR	0.01 FAR (5,000 sf)
Total Mapped Density (GFA/FAR)	1.5 FAR	1.18 FAR (700,000)
MPDU Requirement	15%	15%
Building Height	70 ft	70 ft
Public Open Space (min s.f.)	10% (53,273 sf)	10% (53,590)
Minimum Setbacks (ft) - Front	15 ft	18 ft
Side Street Setback (Thornapple Street)	15 ft min	81 ft (from existing right-of-way)
Side Setback	12 ft min	45 ft
Rear	30 ft min	45 ft and 145 ft
<u>Parking</u>	<u>Spaces Required</u> <u>(minimum / maximum)</u>	<u>Spaces Provided</u>
<u>Vehicle Parking</u>		
Total Vehicle Parking^{1,2}	299 min / 501 max	501³
287 Independent Units (0.5 per Unit/1 per Unit)	144/287	
101 Assisted Living Units³ (1 per Unit/1 per Unit)	51/101	
30 Memory Care Beds (0.25 per bed/0.25 per bed)	8/8	
150 Employees (0.5 per employee/0.5 per employee)	75/75	
5,000 SF Retail (3.5 per 1,000 SF/6 per 1,000 SF)	18/30	

³ The final number of vehicle parking spaces to be determined at building permit based on the final number of dwelling units. Public benefit points are based on 305 parking spaces.

Development Standard	Permitted/ Required	Proposed
<u>Loading Spaces</u>	<u>Spaces Required</u>	<u>Spaces Provided</u>
	1	2
<u>Bicycle Parking</u>	<u>Spaces Required (Long Term / Short Term)</u>	<u>Spaces Provided (Long Term / Short Term)</u>
417 total units 0.25 spaces per unit (max 50)	63 / 3 (66 total)	67 / 4 (71 total)
150 employees 01 space per employee		
5,000 SF Retail 0.75 space per 5,000 SF		

¹ The final number of vehicle parking spaces to be determined at building permit based on the final number of dwelling units.

² Adjustment factors to the parking minimums per Section 59-6.2.3.2.b have not been applied.

³ Assisted living suites will have full kitchens and will be classified as Dwelling units for purposes of Chapter 25A.

ii. **Division 59-6 General Development Standards**

(1) Division 6.1 Site Access

All vehicular access to the Site will be provided by the two driveways on Connecticut Avenue. This upholds Binding Element 2 of the agreement made between the Applicant and the Town of Chevy Chase during the Local Map Amendment Process, which proceeded the Preliminary and Site Plan Applications for the Project. Binding Element 2 restricts all motor vehicle access to Connecticut Avenue. Motorists will enter the project from the northern driveway. Motorists existing the Site northbound will use the northern driveway. The southern driveway will be southbound egress only. This access configuration has been reviewed and approved by MCDPS Fire and Rescue staff.

The Applicant was asked to develop a concept for potential signalization of the intersection of the Site’s two driveways and Taylor Street at Connecticut Avenue. Consensus on Concept C2 Revised was reached by the reviewing agencies and adjacent municipalities. MDOT SHA will review signalization of the intersection further at the time of right-of-way permit. As conditioned, the Applicant will inform the Town of Chevy Chase and the Village of Chevy Chase Section three of the status MDOT SHA’s review and final determination for improvements of the intersection.

Alternative Method of Compliance

Pursuant to Section 6.8.1, the Applicant is seeking approval of an alternative method of compliance for the site access requirements in Division 6.1. Specifically, Section 6.1.4.D allows for “[a] maximum of 2 driveways... for every 300 feet of site frontages along any street.” The Property currently has two driveways along Connecticut Avenue, spaced less than 300 feet apart, that have served the Property for the past 70 years. These entrances are proposed to remain largely unchanged by the proposed redevelopment.

The Planning Board can waive the site access requirements if it is determined that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, an existing building or structure, an easement, or a utility line, which precludes safe or efficient development under the requirements of Division 6.1. The retention of this existing site access condition satisfies the specific findings contained in Section 6.8.1, as demonstrated below:

Satisfy the intent of the Applicable Division: The intent of Division 6.1 is to “ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to reduce traffic congestion.” The proposed alternative method of compliance seeks to preserve the existing, long-standing site condition. This existing site access configuration must remain to ensure adequate fire department access is provided, which requires two separate points of vehicular access. These access points must be provided along Connecticut Avenue, as a result of the existing site conditions, which contains a large amount of forest around the northern, western and southern property boundaries, and surrounding residential neighborhood. Furthermore, Binding Element No. 2 requires that vehicular access to the site be restricted to Connecticut Avenue.

Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints: The existing Site access points have been in place for decades and are an important operational component of the Property, based on the constraints of the surrounding neighborhood and required fire department vehicular access. To facilitate safe and efficient access of the Site it makes sense to locate both access points within the functional intersection of Taylor Street rather than midblock. Due to the continuous median on Connecticut Avenue, driveways located away from the intersection would have to operate as right-out-only. This restriction would likely increase the frequency of U-turn movements downstream of the Site. To avoid these maneuvers, it is beneficial to locate both driveways at this location.

Be in the public interest: The proposed alternative method of compliance (preserving the existing access points) is critical to provide safe and efficient vehicular access to the site, which conforms with fire department vehicular access requirements and satisfies the Binding Elements contained in the LMA. Furthermore, a grant of the requested alternative method of compliance will facilitate redevelopment of the vacant, aging institutional buildings on the Property with a more compatible residential development, that will facilitate the County's goals and objectives as expressed through the *Master Plan*.

Division 6.2 Parking, Queuing and Loading

The Site Plan has been evaluated for sufficient parking, queuing and loading. The Site Plan indicates that 501 vehicle parking spaces will be provided on site within a below-grade, fully connected parking garage. This accommodates residents, employees, and visitors. Parking on-site will be sufficient to accommodate the maximum shift of employees (150), as well as residents and visitors during peak holiday periods. Additionally, the Applicant exceeds the minimum required bicycle parking spaces with 67 long-term spaces, to be located in the parking garage for use by residents and employees, and four short-term spaces to be used by visitors.

Queuing on the Site will be accommodated by the two entrance lanes: one for visitors at the gatehouse and another for residents and employees that is controlled with a key fob.

The Site is required to provide one loading space, but two bays are provided. One will accommodate residential use for move-in and move-out activity. The other will be available to the commercial uses on site.

Review of the final Site Plan shows that a finding can be made for sufficient parking, queuing, and loading on site.

(2) Division 6.3 Open Space and Recreation

In accordance with the requirements of Sections 5.3.5.D.2.a and 4.5.3.C of the Zoning Ordinance, the Project provides a minimum of 10% (or 53,273 square feet) of public open space on-site. Currently, the Project is anticipated to provide approximately 53,590 square feet public open space. As required by Section 6.3.6.B of the Zoning Ordinance, this public open space will abut a pedestrian route, be a minimum of 15 feet wide, include seating and shade, and be in a contiguous space. The proposed public open space is primarily located on the north side of the Property, adjacent to Thornapple Street, adjacent to a

proposed sidewalk connection, and along Connecticut Avenue. The proposed open space will provide diverse opportunities for the public to gather and socialize (along Connecticut Avenue) and connect with nature (along Thornapple Street). Given the nature of the Project, a significant amount of additional active and passive open space for the residents will be maintained throughout the Project, in excess of zoning requirements. As conditioned, the certified site plan will provide the required amount of recreational facilities onsite.

(3) Division 6.4 General Landscaping and Outdoor lighting

All proposed landscape elements, as shown on landscape plan, forest conservation plan, and detail sheets, meet the requirements of Section 6.4.3 Zoning Ordinance; plant materials and locations will be further coordinated with MNCPPC Forest Conservation Inspectors at the preconstruction meeting.

The lighting concept, as depicted on the lighting plan, demonstrates that proposed lighting levels along the perimeter of the Property are in compliance with the maximum foot candles permitted under Section 6.4.4 of the Zoning Ordinance.

(4) Division 6.5 Screening

In accordance with Section 59.6.5.3, screening is required for multifamily residential buildings over 60 feet in height or multi-use buildings over 40 feet in height. For the Subject Property, screening is required from existing uses along the southern, western, and a small portion of the northern property boundary where single family residential homes abut. The Applicant makes use of the existing mature trees, established setbacks and building restriction lines, and proposed Category I Conservation Easements to provide adequate screening.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

This Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Division on January 4, 2024. There are no known stormwater management facilities existing on the Property. The Application will meet stormwater management goals through micro-bioretenion planter boxes and green roof to treat stormwater runoff without

the use of waivers. A detailed stormwater management review will occur at the time of detailed plan review and all facilities will be designed using the latest MCDPS guidelines.

ii. **Chapter 22A, Forest Conservation.**

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 as further discussed in the findings for Forest Conservation Plan No. F20240110 in Section 6 of this staff report.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Site provides an extensive network of driveways and internal sidewalks buffered from motor vehicle traffic. The driveways are of sufficient width to permit two-way travel, but at a relatively slow speed, as is appropriate for a multi-building senior living establishment.

Sidewalks internal to the Site are generally five-foot wide. They are present around the perimeter of every building and open space. As conditioned and shown on the final Site Plan, the Applicant will replace the existing sidewalks on Connecticut Avenue with an eight-foot vegetated street buffer and an 11-foot-wide sidepath, in compliance with the 2021 *Complete Streets Design Guide*. This will significantly improve pedestrian and bicycle access along the Site frontage. As required by the Town of Chevy Chase, the Applicant will install ADA accessible passing zones at a frequency of 200 feet along Thornapple Street.

The building massing has been extensively coordinated with the neighboring communities in order to establish a scale and design which integrates and compliments the existing buildings. As discussed above, and conditioned by this report, open space and site amenities will be provided for residents.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

As conditioned, the Site Plan complies with the 1990 *Bethesda Chevy Chase Master Plan*, as described in the Preliminary Plan findings, and the 2021 *Complete Street Design Guide* recommendations for a Boulevard along the Sites frontage on Connecticut Avenue. This includes an eight-foot-wide street buffer and an 11-foot-wide sidepath.

h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public

facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

As discussed in the findings for Preliminary 120240020, the Project is estimated to generate a net decrease of 121 person trips in the morning peak hour and a net decrease of 60 person trips in the evening peak hour. The 2020-2024 *Growth and Infrastructure Policy* requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours. As that is not the case for this Application, the LATR review is satisfied with a transportation exemption statement. As for other public services and facilities, police and fire protection, water, sewer, roads, and storm drainage are compatible with the proposed development as supported by the accompanying approval letters from reviewing agencies.

i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

Not Applicable

j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.

As established by the previously approved Local Map Amendment Application H-148, the proposed development is compatible with the existing neighborhood with the implementation of the required binding elements. Additionally, the County Council determined that the development is consistent with a coordinated and systematic development of the region.

3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed

development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

SECTION 6: FOREST CONSERVATION PLAN F20240110 FINDINGS AND ANALYSIS

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

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(a) as a project by "a person required by law to obtain approval or amendment to a development plan, diagrammatic plan, project plan, floating zone plan, sketch plan, preliminary plan of subdivision, administrative subdivision, minor subdivision, or site plan." The Application meets the requirements of Chapter 22A- Montgomery County Forest Conservation Law ("FCL")⁴. Final Forest Conservation Plan ("FFCP") No. F20240110 was submitted for review and approval concurrently with Preliminary Plan No. 120240020 and Site Plan No. 820420030. The Property is zoned CRNF- 1.5, C-0.25, R-1.25, H-70 and is classified as Mixed-Use Development ("MDP") as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Property contains 3.71 acres of forest. The Application proposes to clear 0.75 acres of forest and retain 2.96 acres of forest. The retained forest will be protected in a Category 1 Conservation Easement. There is no reforestation/afforestation requirement as calculated in the Forest Conservation Worksheet, nor is a payment of fee-in-lieu or forest bank credits required.

FOREST CONSERVATION VARIANCE

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-21 ("Variance"). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

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

⁴ Based on the initial submittal date for the Subject Application, the Forest Conservation Plan is subject to the Forest Conservation Law in effect after April 3, 2023.

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 recommend 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.

Table 4: Removed Protected Trees

Tree ID	Common Name	DBH	% Impact	Status
48	Red Oak	31	59%	Remove
49	London Plane Tree	35	74%	Remove
50	Willow Oak	36	63%	Remove with intent to save
51	Willow Oak	35	56%	Remove with intent to save
54	London Plane Tree	30	100%	Remove
426	London Plane Tree	30	83%	Remove
434	Ornamental Cherry	30	100%	Remove
435	Pin Oak	31	100%	Remove
436	American Sycamore	32	100%	Remove
437	American Sycamore	40	100%	Remove
440	Tulip Poplar	30	72%	Remove
441	Southern Red Oak	37	74%	Remove
457	Tulip Poplar	31	32%	Remove
462	White Oak	33	31%	Remove
489	Tulip Poplar	31	34%	Remove

Table 5: Impacted Protected Trees

Tree ID	Common Name	DBH	% Impact	Status
39	Tulip Poplar	31	1%	Save
43	Tulip Poplar	35	9%	Save
443	Tulip Poplar	41	28%	Save
445	Tulip Poplar	34	1%	Save
448	Tulip Poplar	35	19%	Save
449	White Oak	34	2%	Save
453	White Oak	31	33%	Save
454	White Oak	32	11%	Save
464	Southern Red Oak	31	15%	Save
476	White Oak	31	5%	Save
488	Tulip Poplar	38	34%	Save
491	Tulip Poplar	33	35%	Save
493	Tulip Poplar	30	22%	Save

Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

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

Granting the Variance to remove or disturb the Protected Trees listed in Tables 4 and 5 will not confer a special privilege on the Applicant as the impacts are due to necessary development requirements of the site, as outlined in the preceding paragraphs. Impacts have been minimized but cannot be avoided due to the required right-of-way improvements, utility work, and construction associated with the proposed development. 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 on existing site conditions and the requirements to meet development standards, sector plan goals, and County Code requirements. The Applicant has designed the project to minimize the impacts to Protected Trees to the extent possible.

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 and the required improvements 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 Protected Trees being removed are not located within a stream buffer, wetland, or a special protection area. Mitigation trees will be planted on the Subject Property to replace the lost form and function of Protected Trees being removed. Installation of mitigation trees and general site landscaping in line with sector plan goals will likely improve water quality through increased infiltration and uptake of runoff.

Mitigation for Trees Subject to the Variance Provisions

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 7 trees of 3-inch and 29 trees of 4-inch caliper size, totaling 41 mitigation trees. Additionally, no mitigation is required for trees that are impacted, but retained.

Recommendation on the Variance

As a result of the above findings, Staff recommends that the Board approve, with conditions, the Applicant's request for a variance from the 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). Additionally, periodic tree condition inspections of impacted trees #50 and #51 are to be performed for five years post-construction to monitor potential construction-related issues.

SECTION 7: COMMUNITY OUTREACH

The Applicant held numerous community meetings with the Town of Chevy Chase in connection with the previous LMA application. Notably, the Applicant held meetings in September 2021, February 2022, and June 2022, where it shared its vision for the Project and answered questions from the Town Council and members of the community at large. The Applicant also reached out to the adjacent community group, Section Three of the Village of Chevy Chase, and held a virtual meeting with several members of the Village Council and the Village Manager.

The Applicant hosted a pre-submission community meeting for the Subject Applications virtually through the Zoom Meeting Platform on July 25, 2023. The meeting has complied with all submittals and noticing requirements. Throughout the review process, the Applicant has continued outreach and coordination directly with the Town of Chevy Chase and Chevy Chase Section 3 for several aspects of the Application which are addressed in the letter from the Town of Chevy Chase, included as part of Attachment D. In particular the topic of site access and parking have been an ongoing area of collaboration and will be further addressed below. The Town of Chevy Chase has also submitted an approval letter following their review of the project, dated December 18, 2023, which expresses support for the development and agreement with the agency reviews of stormwater management and site access.

SITE ACCES AND CIRCULATION

During review of the Local Map Amendment for the Project there was concern about Site Access and its intersection with Taylor Street. The two site driveways are currently offset from either side of Taylor Street. Taylor Street is stop-controlled but there is no other traffic control on Connecticut Avenue. Included in the binding elements was a requirement that the Applicant develop and evaluate potential geometric and traffic operation concepts for the Site Driveway at Taylor Street intersection. As discussed in the proposal section of the report, three concepts were developed and Concept C2 with revisions garnered consensus amongst the reviewing agencies, the Town of Chevy Chase, and the Village of Chevy Chase Section 3. The analysis is included in Appendix F of this report.

ONSITE PARKING

Concerns were raised about the amount of on-site parking provided for the residents, visitors and employees of the proposed senior living facility and associated commercial uses. As required by the binding elements of the Local Map Amendment, the Applicant submitted a Parking Demand Analysis which applied the parking requirements of the County's Zoning Ordinance and the *Parking Generation Manual*, issued by the Traffic Engineers (ITE). The Applicant evaluated the demand for both peak periods of a typical day and holiday/special event visitor parking demands.

SECTION 8: CONCLUSION

As conditioned, the Preliminary Plan, Site Plan with Minor Amendment to Floating Zone Plan, and Forest Conservation Plan applications each satisfy the findings under Sections 59.7.3.4 & 7.2.1.1 and other applicable standards of the Zoning Ordinance, as well as Chapter 22A, the Forest Conservation Law, substantially conform to the recommendations of the 1990 *Bethesda Chevy Chase Master Plan* and satisfy the findings of the Chapter 50, the Subdivision Regulations. Therefore, Staff recommends approval of Preliminary Plan No. 120240020, Site Plan No. 820240030, with amendment to the Floating Zone Plan, and Final Forest Conservation Plan No. F20240110, with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary/Site/FCP Plan

Attachment B: Prior Approvals

Attachment C: Agency Letters

Attachment D: Town of Chevy Chase Correspondence

Attachment E: Parking Demand Analysis

Attachment F: Corso Chevy Chase Access Study and Option C2 Revised