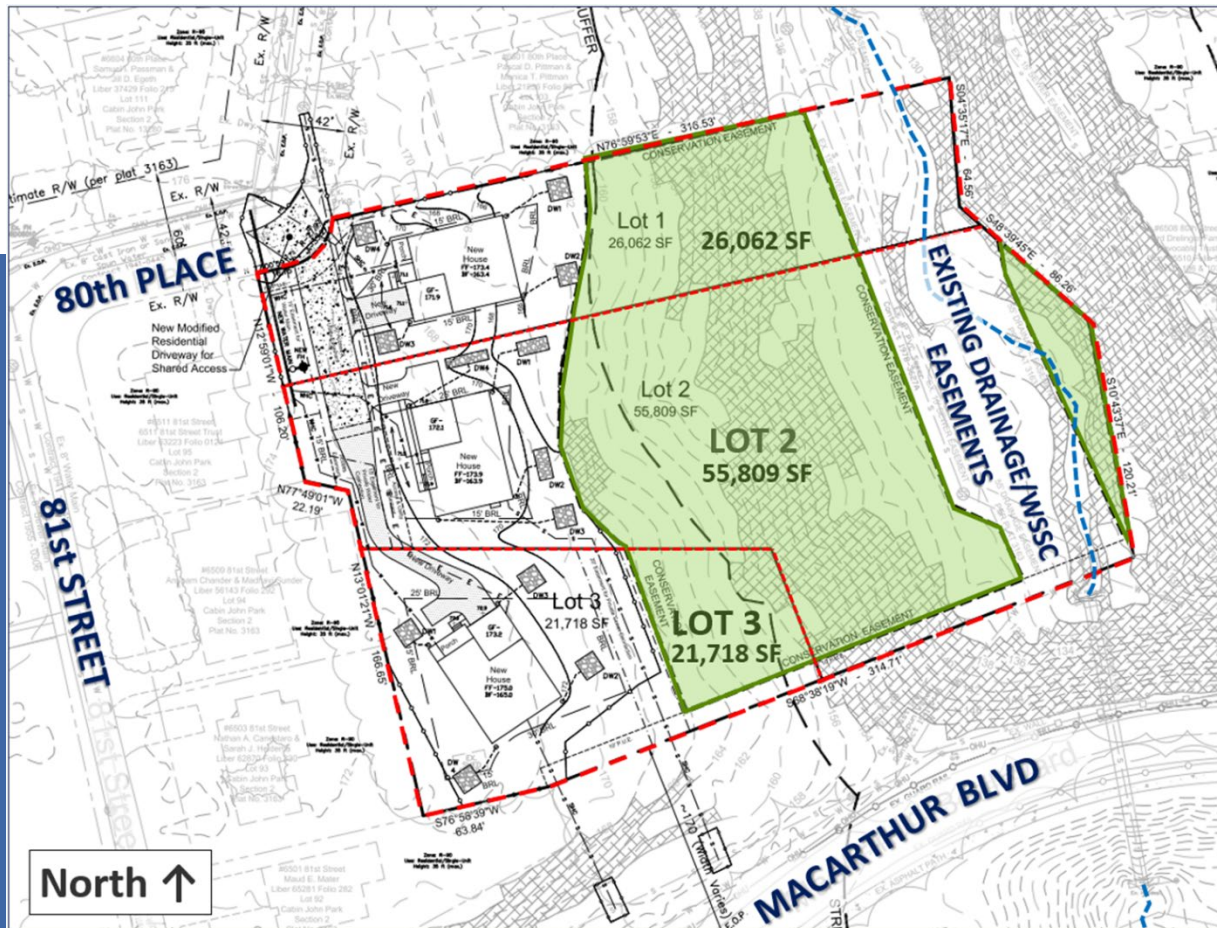


CABIN JOHN PARK, PRELIMINARY PLAN 120250080 & FOREST CONSERVATION PLAN F20250330



Description

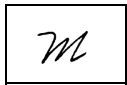
Preliminary Plan and Forest Conservation Plan Applications to subdivide the property into three lots, for a new single-family dwelling on each lot.

COMPLETED: 12/8/2025

PLANNING BOARD HEARING DATE: 12/18/2025

MCPB ITEM NO. ____

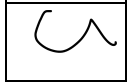
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LOCATION/ADDRESS

On 80th Place, 115 feet East of 81st Street

MASTER PLAN

1990 *Bethesda Chevy Chase Master Plan*

ZONE

R-90

PROPERTY SIZE

2.38 acres

APPLICANT

Daniel Demeria

ACCEPTANCE DATE

February 19, 2025

REVIEW BASIS

Chapter 50, Chapter 59, & Chapter 22A



Summary:

- The Preliminary Plan proposes to subdivide the Property into three lots, for a new single-family dwelling on each lot.
- Planning Staff received correspondence from neighbors, including concerns regarding runoff, construction traffic, fire and rescue access, and other specific topics. The Applicant has generally addressed the concerns by obtaining relevant agency approvals and/or with supplemental information in a letter attached to the staff report.
- The Planning Board approved the first extension request to extend the review period from June 12, 2025, to September 11, 2025. The Board approved a second request to extend the review period from September 11, 2025, to December 11, 2025. A third request was also approved to extend from December 11, 2025, to January 8, 2026.
- Staff recommends APPROVAL of the Preliminary Plan and Forest Conservation Plan, with conditions.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120250080

Staff recommends approval with conditions of the Preliminary Plan to subdivide the Property into three (3) lots, for a new single-family dwelling on each lot. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120250080 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

GENERAL APPROVAL

1. This Preliminary Plan is limited to three (3) lots for one (1) single-family dwelling unit on each lot.

ADEQUATE PUBLIC FACILITIES

2. 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

3. 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

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 11, 2025, 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.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. 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 August 6, 2025, 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.

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.

7. 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 May 18, 2025, 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.

ENVIRONMENT

8. Except for forest management practices coordinated with Planning Department Staff, the homeowners of lots within this subdivision, and/or their successors, agents and assigns shall not perform any clearing, mowing, tree removal or other disturbance within the existing sewer easement and/or drainage easement on the eastern portions of the Subject Property (within the Stream Valley Buffer). However, the Grantees rights relative to the utility easements are not diminished in any way and associated utility personnel are not restricted from performing any required work within their respective easements.

TRANSPORTATION

Frontage Improvements on Existing Roads

9. Before the issuance of right-of-way permit, the Applicant will make a financial contribution to MCDPS in the amount of \$7,600 towards the General Sidewalk Fund for the cost of adding 2 (two) feet of extra pavement for a four-foot-wide (4 ft) bikeable shoulder, per the 2018 Bicycle Master Plan, as referenced in the MCDOT letter dated November 11, 2025. Proof of payment is required.

RECORD PLATS

10. There shall be no clearing or grading of the site before recordation of plat(s).
11. The record plat must show necessary easements.
12. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
13. The record plat must reflect the building restriction lines (BRLs) as shown on the Certified Preliminary Plan including the following:
 - a) A variable width BRL for the eastern setback for Lot 1 (located at least 25 feet from the conservation easement).
 - b) A variable width BRL for the eastern and western setbacks for Lot 2 (the eastern setback must at least 25 feet from the conservation easement).
 - c) A variable width BRL for the eastern side setback for Lot 3 (located at least 25 feet from the conservation easement).
14. Before issuance of each building permit the Engineer must certify to Planning Staff that the approved building permit house location conforms to approved BRLs for each lot as shown on the certified Preliminary Plan and record plat.

CERTIFIED PRELIMINARY PLAN

15. 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 issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
- b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times during construction.*

16. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- a) Include the approved Fire Department Access Plan.
- b) Add notes to each sheet indicating that coordination with the National Park Service and/or the Army Corp of Engineers is necessary for any activities within the MacArthur Boulevard ROW such as but not limited to utility connections and construction traffic.
- c) The Applicant shall add a notation under the 80th Place Notes that the “Future sidewalks to be built by others.”

FOREST CONSERVATION PLAN F20250330

Staff recommends approval with conditions of the Final Forest Conservation Plan, associated with Preliminary Plan No. 120250080 [the “Accompanying Plan”]. All site development elements shown on the latest electronic version of the Forest Conservation Plan No. F20250330 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.²

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for the development under the accompanying Preliminary Plan No. 120250080, the Applicant must:
 - a) Record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest

² 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.

- Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the plat.
- b) Install the permanent conservation easement fencing and signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - c) 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. All proposed measures should be chosen with consideration of the proximity to the on-site stream and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
 - d) Submit a cost estimate for the FCP requirements, which include but are not limited to trees, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement fence, posts and signage, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
 - e) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
2. 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 total at least 121 caliper inches, as shown on the approved FCP. The mitigation plantings should be at least five (5) feet away from any property lines, structures, paving, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

3. Before submittal of the Certified Forest Conservation Plan, the Applicant must make the following changes:
 - a. Provide notes, details and specifications for an onsite invasive species management control program.
 - b. Adjust mitigation plantings to maximize screening along the western and interior boundaries in coordination with staff.
 - c. Provide matting and/or other specialized measures to reduce any disturbance/tree impacts associated with the utility connections within the MacArthur Boulevard ROW.
 - d. Shift SWM facilities to be at least 5 feet from conservation easement boundaries.
 - e. Include provisions for soil restoration for landscape and lawn areas within the LOD.
 - f. Perform minor corrections in coordination with M-NCPPC Planning Staff.
4. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.
5. 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.
6. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property (“Subject Property” or “Property” or “Site”) is located on 80th Place, 115 feet East of 81st Street. The Property is surrounded (towards the north, east and west) by other single-family residences in the R-90 Zone, while MacArthur Boulevard borders the Property along the south. A stream valley conservation park (Carderock Springs Neighborhood Conservation Area) is located approximately 300 feet to the north. The area is within the Palisades Subsection of the 1990 *Bethesda-Chevy Chase Master Plan* (“Master Plan”) area.

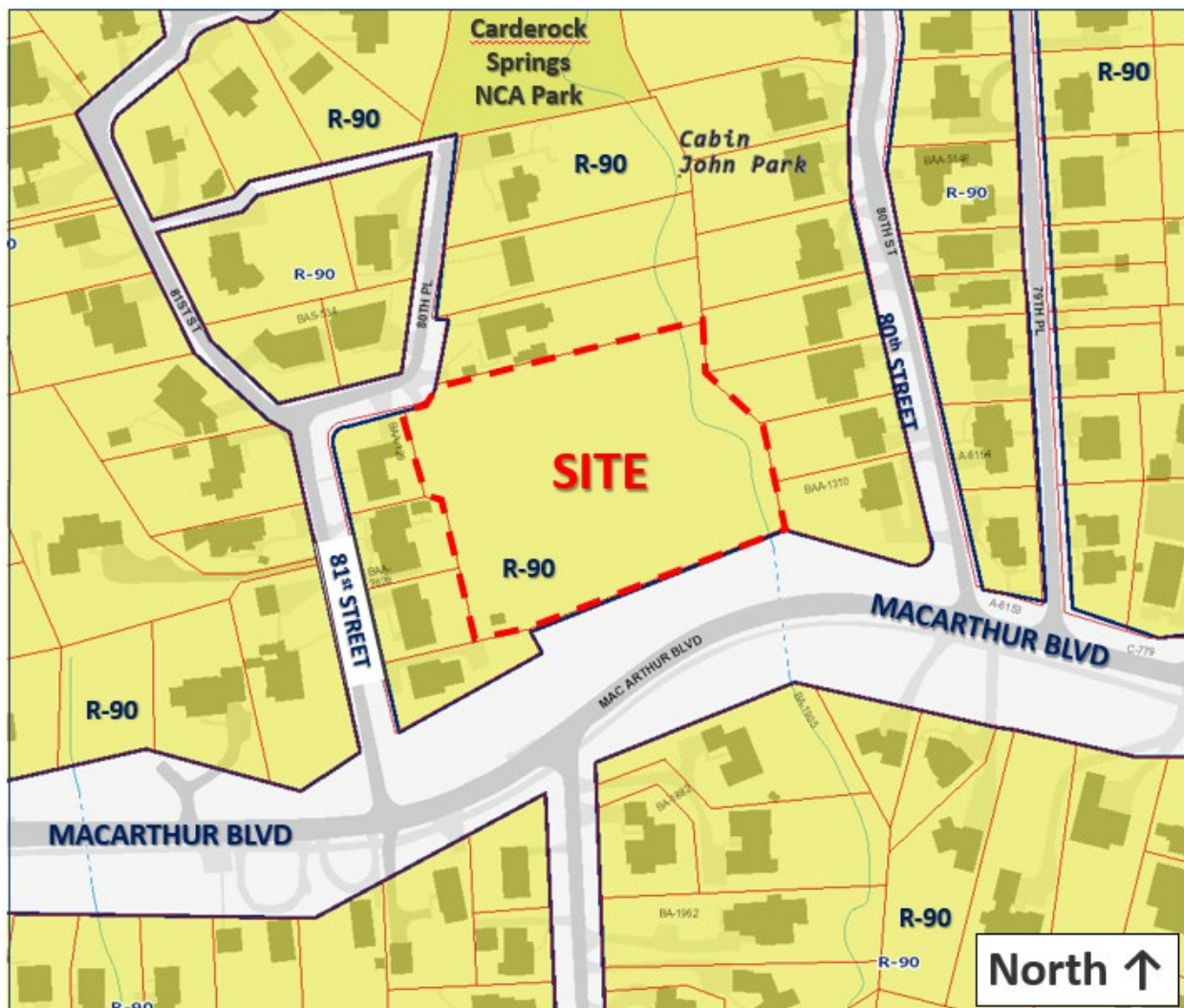


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Site is identified as Parcel 167 on Tax Map GN121 and measures 2.38 acres. The undeveloped site is entirely forested and contains environmentally sensitive areas including high priority forest, mature trees, steep slopes highly erodible soils, and Steam Valley Buffer (SVB). The topography is generally flat along the western portion and slopes steeply down into the stream valley within the eastern portion of the site. The valley contains a stream which flows through the Site from north to south. The associated Steam Valley Buffer encompasses more than half of the Subject Property. The Site is located within the Potomac Direct watershed which is a Use Class I-P watershed.



Figure 2 – Subject Property

The Site also includes an existing drainage easement and a WSSC sewer easement that are/is generally parallel the stream. The Property has an old gravel driveway extending south from 80th Place, however the driveway has become overgrown and is part of the forest setting. There are also existing sheds in southwestern corner of site. There are no known rare, threatened, or endangered species on or near the Site. MacArthur Boulevard and its associated underground aqueduct which

runs along the south of the Property is identified under the Maryland Inventory of Historic Properties (as Resource Number M: 29-49).

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

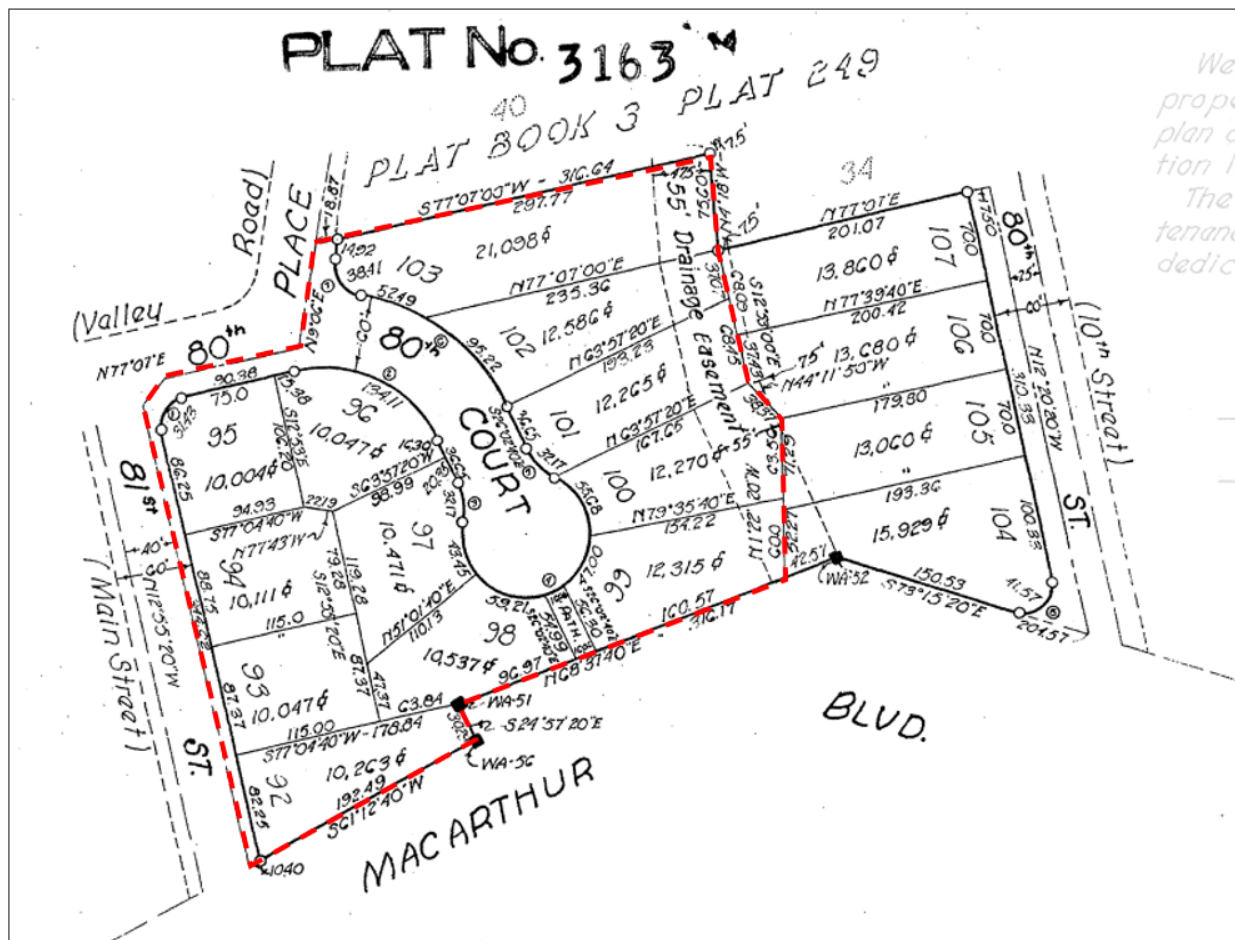


Figure 3 – Record plat which was formally abandoned.

Per the Statement of Justification, the Property at one time was divided into lots which were part of a subdivision known as “Lots 92 – 107, Section Two of Cabin John Park” as shown on Plat Number 3163, which was recorded in 1952 (Figure 3). The Subject Property is most of what is identified on Plat 3163 as Lots 96-102. In addition, the Property includes most of what was originally dedicated as 80th Court on the plat. 80th Court was never constructed, and in 1955, Lots 96-102 and all of 80th Court was formally abandoned through Equity Case 18107. A 55-foot-wide drainage easement established by Plat 3163 was retained. While the subject parcel has remained an unimproved parcel since the Equity

Case abandonment, a WSSC sewer main was installed in 1978 through the eastern portion of the Property to serve residential properties located north of the Subject Property.

PROPOSAL

The Application requests to subdivide the Property into three (3) lots, for a new single-family dwelling on each lot. The site access will occur from a shared driveway off 80th Place where the existing driveway is located. Although no additional right-of-way (ROW) dedication is needed, the Applicant will provide 10-foot public utility easements (PUEs) along the north frontage and south frontages and pay a fee-in-lieu for frontage improvements associated with MacArthur Boulevard to the south.

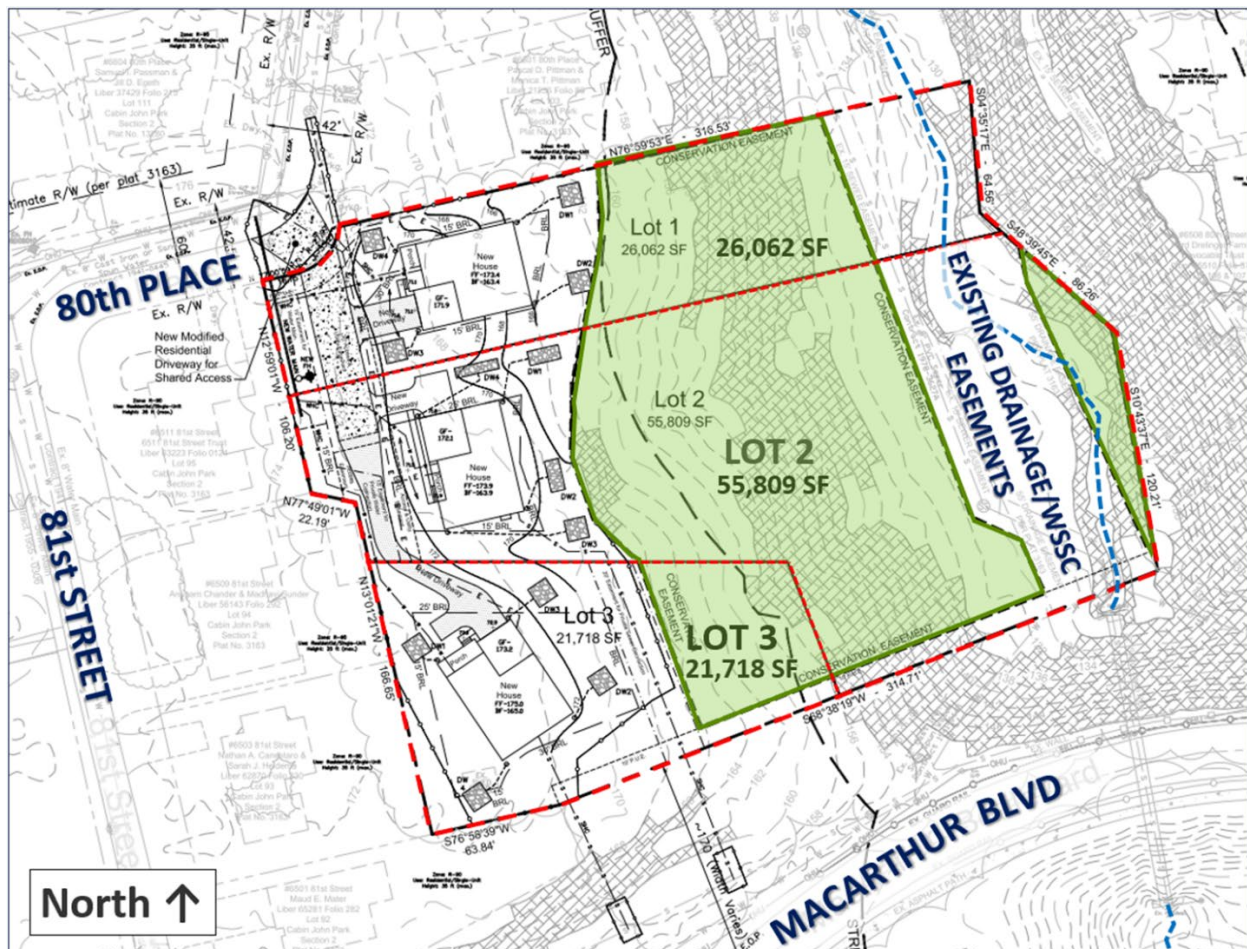


Figure 4 – Proposed Preliminary Plan

Most of the existing forest, specimen trees and environmentally sensitive areas will be protected onsite by a Category 1 Conservation easement, permanent fencing /signage and modified building restriction lines (BRLs), which are more stringent than the standards required by the zone. The lots as proposed have similar proportions of usable building area and lawn spaces as compared to the existing adjacent lots to the west which are also in the R-90 zone.

CABIN JOHN PARK, PRELIMINARY PLAN 120250080 &
FOREST CONSERVATION PLAN F20250330

TRANSPORTATION

The Property fronts 80th Place and MacArthur Boulevard in the R-90 zone of the Palisades subsection of the 1990 *Bethesda-Chevy Chase Master Plan*. Shared access will be provided from 80thth Place, and a shared driveway will service all three (3) new detached dwellings. 80thth Place is not a master planned street, but under Section 49-32(c)(5) of the Montgomery County Code, the road is classified as a Neighborhood Road and is required to have a minimum right-of-way of 60 feet. No dedication is required, as there is already 42.5 feet of right-of-way on the Subject Property's frontage. Additional right-of-way (by others) will be required on the opposite side of the street to achieve the ultimate 60-foot-wide right-of-way. Additionally, the Applicant will be including Public Utility Easements for utility maintenance on the Subject Property outside of the right-of-way.

The Property also has frontage on MacArthur Boulevard. MacArthur Boulevard is an Area Connector, however as this road is federally owned and county maintained, the Applicant, as conditioned, will pay a fee-in-lieu rather than construct frontage improvements.

HISTORIC PRESERVATION

The Washington Aqueduct associated with MacArthur Boulevard is located on the National Register of Historic Places but is not designated on the Montgomery County Master Plan for Historic Preservation. A Historic Area Work Permit is not required for the current proposal.

ENVIRONMENT

The Property is subject to Chapter 22A, the Forest Conservation Law and all forest conservation requirements are proposed to be met onsite. The development envelope generally occurs in the least environmentally sensitive area and where specified by the Master Plan. Mitigation plantings for removal of subject trees are included, and the removal of miscellaneous debris and invasive species will occur throughout the Subject Property to further enhance the retained forest and canopy.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on May 15, 2024, with a second meeting occurring on August 27, 2024.

Community members expressed concerns about the clearing of forest, flooding issues, construction traffic concerns, and emergency vehicle access. Per the meeting minutes (Attachment G) neighbors described the Subject Property as the last forested parcel in the area and objected to the cramming of the proposed development along the western boundary.

The Applicant's representatives explained that it would be necessary to remove trees to develop the site in accordance with its zoning, and that environmental protection requirements for the eastern portion of the site result in the development being placed in the western half.

A neighbor mentioned the difficulty of bringing fire trucks into the community served by 80th Place. The Applicant's team explained that the Subject Property would likely be required to include a fire department compliant turn-around on-site as part of providing access to the property. [The Fire Department Access and Water Supply Section recommends approval of the project in its letter dated May 18, 2025, and does include a compliant on-site turn-around (Attachment D)].

There was a discussion about drainage and the pipe under MacArthur Boulevard. The Applicant stated that the Army Corps of Engineers is responsible for maintaining the pipe [which had been undergoing repairs]. The project engineer explained that the downstream culvert would be analyzed, and that the new development would not be allowed to make downstream conditions worse than currently exists. The Applicant mentioned that if there was something that could be done to improve the current drainage situation, he would be open to fixing it. He discussed the requirement for on-site stormwater management such as drywells. The project engineer indicated a storm drain analysis would be conducted to determine the impact of the proposed development on any downstream storm drain system. Neighbors expressed a desire to understand the scope of the study and for the results to be shared. More detail on this concern is discussed further below.

In addition, Staff received several letters of correspondence throughout the review of the Project. The concerns in the letters mirrored the concerns previously expressed at the pre-submittal community meeting.

The concerns are generally addressed by several means including the Applicant's response letter dated October 7, 2025 (Attachment H), the various Agency Letters such as the SWM concept approval and the Fire Department Access and Water Supply Section approval (Attachment D), and/or Staff responses outlined below.

Runoff/Increased flooding:

Per the approved Downstream Storm Drain Analysis and computations submitted by the Applicant on July 29, 2025 ("Approved SD Analysis"), the Montgomery County Department of Transportation has determined that there is "no increase in flow in the post-development analysis." The drainage area that flows to the 66-inch RCP culvert referenced by the community consists of 127 acres, including the Subject Property. It is understood that some amount of water flows onto the Property in its pre-development condition. As required, the Applicant has calculated that the post-development increase of 1.15 cubic feet per second of water ("cfs") at the 25-year and 0.98 cfs at the 10-year will not increase the 25-year or 10-year water surface elevation. In other words, the amount of the flow increase from the proposed development is minor and not measurable within the drainage area, thus will not

change the existing condition of the storm drain and culvert. Therefore, stormwater will continue to flow through the culvert without flowing onto MacArthur Boulevard.

The 1990 Approved and Adopted *Bethesda-Chevy Chase Master Plan* (“Master Plan”) recommends six (6) lots for the Property (See Master Plan page 65). The Applicant proposes to subdivide the Property into three (3) lots for the development of three (3) new single-family dwellings served by a shared driveway, which limits the amount of development and imperviousness, as well as maximizes the amount of forest retained on-site.

Furthermore, DPS approved a Stormwater Management Concept for the project on August 6, 2025. The plan proposes to meet required stormwater management goals via Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) for each proposed lot with no waivers.

Forest Clearing/Tree Removal

As discussed in more detail in the findings for Forest Conservation Plan No. F20250330 below, the Application addresses the forest conservation requirements onsite through forest retention and achieves the primary objectives of the Forest Conservation Law to avoid reforestation and to protect specific areas such as stream buffers and steep slopes. The development envelope generally occurs in the least environmentally sensitive area and/or where recommended by the Master Plan.

Similarly, overall tree removals have been minimized, and the project includes specialized construction techniques such as directional boring of utilities to minimize disturbance to trees and natural resources. Appropriate mitigation plantings for the removal of subject trees are provided onsite over and above the forest conservation worksheet requirements.

Community Character

Concerns were expressed that the development would not be compatible with the existing community character.

The lots as proposed have similar proportions of usable building area and lawn spaces as compared to the existing adjacent lots to the west, which are also in the R-90 zone. The Applicant’s response letter provides further examples/details. Additionally, the proposed lots include sizable conservation easements which, among other regulatory requirements, will perpetuate the unique environmental features, wooded hillsides, and the special open space character as recommended by the Master Plan.

Concerns about architecture and aesthetics of the proposed detached dwellings are not within the scope of Preliminary Plan review.

Multifamily Housing

A concern in a letter indicated that if the development is inevitable then multifamily housing should be built instead of single-family homes.

The intent of the R-90 zone is to provide designated areas of the County for moderate density residential uses. The predominant use of the R-90 zone is residential detached houses and the zoning does not allow multifamily housing on this property.

Construction Traffic

The letters include concerns about construction traffic/parking/deliveries having an adverse impact on the community. Although not under the purview of the Planning Department, the Applicant will be subject to Maintenance of Traffic plan (MOT) for any ROW construction. Additionally, coordination with the National Park Service and/or the Army Corps of Engineers is necessary for construction traffic or utility work within the MacArthur Boulevard ROW.

SECTION 5: PRELIMINARY PLAN 120250080 FINDINGS AND ANALYSIS

The Preliminary Plan will create three (3) residential lots; with the smallest (Lot 3) measuring approximately 21,718 sf, Lot 1 measuring 26,062 sf and Lot 2 being the largest at 55,809 sf. 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, and County 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.*

The layout of the subdivision, including its size, width, shape, orientation, and density is appropriate for the proposed single-family use located in the R-90 Zone, given its location and the type of development or use contemplated and the applicable requirements of Chapter 59. The proposed lots will meet or exceed the area and dimensional requirements of the R-90 zone. Minimum lot size, width, setbacks, and lot coverage are all adhered to with this application and no waivers are requested, as shown in Table 1 below.

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

The block design is existing and appropriate for the proposed development and use for three single family homes. The length, width, and shape of the block are compatible with the development pattern in the neighborhood in which the Site is located.

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

As discussed below, the Preliminary Plan meets all applicable sections of the Subdivision Code. The associated Lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*, the

existing lot pattern of surrounding properties, and the single-family detached typology contemplated for the Property. The size and dimensions of the lot are appropriate for the Project location, with proposed Lot 1 having frontage on 80th Place and proposed Lots 2 and 3 having frontage on MacArthur Boulevard. Access to the proposed single-family uses is from 80th Place which is appropriate considering the environmental features of the site and the recommended access restrictions from the MacArthur Boulevard frontage.

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

I. Master Planned Sites/Local Recreation

The Property was reviewed for compliance with Section 50-4.3.D, “Public Sites and Adequate Public Facilities,” of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

II. Transportation and Utilities

The Applicant is providing ten-foot-wide (10 ft) Public Utility Easements for each lot for County maintenance along the two frontages. No additional ROW dedication from the Subject Property is required for 80th Place or MacArthur Boulevard. The Applicant will also pay a fee-in-lieu for frontage improvements on MacArthur Boulevard. No other dedications or transportation improvements are proposed.

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

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots as proposed will meet all dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1.

Table 1: Cabin John Park Preliminary Plan Data Table for R-90 Zone, Standard Method, Section 59-4.4.8

R-90	Required by the Zone	Proposed for Approval		
		Lot 1	Lot 2	Lot 3
Minimum Lot Area	9,000 square feet	26,062 square feet	55,809 square feet	21,718 square feet
Frontage (on Street or Open Space)	Required, except as exempt under Chapter 50	Complies	Complies	Complies

Minimum Lot Width at BRL	75 feet	86 feet	172 feet	177 feet
Minimum Lot Width at Front Lot Line	25 feet	48 feet	167 feet	147 feet
Maximum Lot Coverage	30%*	≤ 30%	≤ 30%	≤ 30%
Front Setbacks, min.	30 feet	≥ 30 feet	≥ 30 feet	≥ 30 feet
Side Setbacks, abutting Residential, min.	8 feet min./ 25 feet total	≥15 feet / > 25 total	≥15 feet / > 25 total	≥15 feet / > 25 total
Rear Setbacks, min.	25 feet	≥ 25 feet	≥ 25 feet	≥ 25 feet
Maximum Building Height	35 feet	≤ 35 feet	≤ 35 feet	≤ 35 feet

** The proposed lots are not subject to the Residential Infill Compatibility coverage requirements of Chapter 59-4.4.1.B.2. because the lots were not created by a plat recorded before January 1, 1978 nor were the lots created by a plat of resubdivision of fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978.*

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

a) Land Use

The Property is located in the Palisades subsection of the 1990 *Bethesda-Chevy Chase Master Plan*. The Master Plan generally reconfirmed the existing single-family detached, low-density residential zoning throughout the Property's vicinity. The Master Plan also has site-specific and general recommendations for the Property (the site-specific recommendations are on Page 65). The Plan specifically recommends single-family use for the Property. The Plan also recommends enhancing and protecting trees and the onsite slope (and the associated character) and specifies no additional curb cuts on MacArthur Boulevard while preserving the green quality of MacArthur as a scenic route.

The Project demonstrates conformance to the Master Plan by proposing a moderate level of new single-family use, achieving a greater housing supply. The proposed subdivision meets the Area Land Use Guidelines through the redevelopment of a property without creating a significant demand increase in public infrastructure and transportation needs. There are no new curb cuts or access to MacArthur Boulevard and the onsite slopes and associated character are enhanced/ protected by the overall application.

b) Environment

The *Bethesda-Chevy Chase Master Plan* has extensive recommendations and major goals on the protection of the Palisades' delicate, irreplaceable environmental features such as steeply sloped areas of 25 percent and greater, highly erodible soils, mature trees and streams. These Master Plan goals are addressed by the numerous environmental protections and enhancements associated with this project, such as the new Category I Easement areas, removal of existing man-made debris and invasive species, planting of supplemental native species, modified Building Restriction Lines (BRLs) to further protect the new easement areas from potential future encroachment, and the installation of split-rail fence/posts/signage to physically delineate and protect the Easement areas. Therefore, the overall Application will perpetuate the unique environmental features, wooded hillsides, and the special open space character as recommended by the Master Plan.

The Master Plan also includes recommendations (Pages 20, 70 and 137) for Federally owned property currently in a natural state to be maintained as protected open space, and to design any new sewer or water lines to protect natural features in parklands. The Application addresses the Master Plan recommendations by utilizing directional boring for the proposed sewer connections within the MacArthur Boulevard ROW.

Noise

The site is adjacent to MacArthur Boulevard which has an Annual Average Daily Traffic (AADT) of greater than 5,000 to 20,000 trips and is therefore subject to a noise analysis to demonstrate conformance with the 1983 *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* ("Noise Guidelines"). The Noise Guidelines stipulate a 65 dBA (A-weighted decibel scale of frequency sensitivity that accounts for the sensitivity of the human ear) Ldn (the average A-weighted sound level during a 24-hour day) maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

However, per the noise analysis report dated August 13, 2025 (Attachment E) the site is only noise impacted at the southern fringe and as proposed, the project will remain compliant with the Noise Guidelines (under 65 dBA outdoor) with respect to transportation noise impact upon residential land uses, without any further analysis or noise mitigation measures.

Transportation

The 2018 *Bicycle Master Plan* identifies a bikeable shoulders on MacArthur Boulevard. As an Area Connector, a six-foot-wide (6 ft) street buffer and six-foot-wide (6 ft) concrete

sidewalk would typically be required as frontage improvements. However, the Subject Property qualifies for a fee in lieu of constructing the recommended improvements per policy no. 50-4.3.E.3.b (De Minimis Criteria for Very Small Residential and Commercial Development Projects), the Applicant will pay a fee-in-lieu of \$7,600 to MCDOT rather than construct frontage improvements. No other transportation improvements are required. However, the Applicant will provide ten-foot-wide (10 ft) Public Utility Easements (PUEs) within their property for County maintenance along the frontages of each new lot.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

80th Place is a Neighborhood Street with an ultimate 60-foot right-of-way and an existing 42.5-foot right-of-way. There is currently a six-foot-wide sidewalk (6 ft), 11.5-foot-wide street buffer, and two-foot-wide (2 ft) maintenance buffer within the existing right-of-way. The Applicant will provide a ten-foot (10 ft) PUE within their property for utility maintenance along the frontage of each of the three (3) lots. Based on ROW calculations associated with the existing Plat 13280 to the north of the Site, no additional ROW dedication from the Subject Property is required for 80th Place.

MacArthur Boulevard is a federally-owned and County-maintained Area Connector with a variable right-of-way and an existing 80-foot right-of-way abutting the Property frontage. There are no existing sidewalks.

ii. Proposed public transportation infrastructure

The *Bicycle Master Plan* (2018) and the *Complete Streets Design Guidelines* (CSDG) identify four-foot (4ft) minimum bikeable shoulders along the MacArthur Boulevard frontage, as well as a six-foot-wide concrete sidewalk, two-foot-wide (2 ft) maintenance buffer, and six-foot-wide (6 ft) street buffer. However, the Subject Property qualifies for a fee in lieu of constructing the recommended improvements per policy no. 50-4.3.E.3.b (De Minimis Criteria for Very Small Residential and Commercial Development Projects), MCDPS will collect a fee-in-lieu of \$7,600 to the General Sidewalk Fund rather than require construction of these frontage improvements.

b) Local Area Transportation Review (LATR)

The Project is proposing three (3) single-family dwellings. The 2024-2028 Growth and Infrastructure Policy (GIP) requires a Transportation Impact Study (TIS) for any project that is estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours or build more than (5) single-family dwelling units. This

Application is exempt from providing a TIS addressing LATR Guidelines since it is below the required single-family dwelling threshold.

c) Schools

School Impact Area Classification

The Subject Property is located within the Bethesda/Chevy Chase Policy Area, which is categorized as a Turnover Impact Area by the 2024-2028 GIP.

Annual School Test Results

This Application is scheduled to be reviewed on December 18, 2025. Therefore, the results of the FY2026 Annual School Test, approved by the Planning Board on June 26, 2025 and effective since July 1, 2025, are applicable.

The Property is served by Bannockburn Elementary School, Thomas W. Pyle Middle School, and Walt Whitman High School. The enrollment and capacity projections of these schools reflected in the FY2026 Annual School Test, which evaluates for the 2029-2030 school year, and the default Utilization Premium Payment (UPP) tier placements are shown in Table 2.

Table 2. FY2026 Annual School Test Projections (2029-2030 School Year) & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Bannockburn ES	389	412	105.9%	-23	No UPP
Thomas W. Pyle MS	1,498	1,294	86.4%	+204	No UPP
Walt Whitman HS ³	2,218	2,101	94.7%	+117	No UPP

Based on the FY2026 Annual School Test results above, the Property is not subject to any UPP by default. However, if the project's enrollment impact estimate exceeds an adequacy ceiling of a school to subsequent UPP tiers shown in Table 3, a partial payment will be required.

³ Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

Table 3. FY2026 Annual School Test Adequacy Ceilings

	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Bannockburn ES	51	69	114
Thomas W. Pyle MS	324	504	729
Walt Whitman HS	277	561	894

Enrollment Impact Estimate

Table 4 shows the project's enrollment impact estimate calculation based on the School Impact Area classification and net residential units proposed, using the FY2026-2027 Student Generation Rates.

Table 4. Student Enrollment Impact Estimate (reflects FY2026-2027 Student Generation Rates)

Type of Unit	Net Number of Units	Turnover ES Student Generation Rate	ES Student Estimate	Turnover MS Student Generation Rate	MS Student Estimate	Turnover HS Student Generation Rate	HS Student Estimate
SF Detached	3	x 0.180	= 0.540	x 0.098	= 0.294	x 0.148	= 0.444
TOTAL (rounded down)			0		0		0

The enrollment impact estimate during an average year throughout the life of this project is estimated to be 0 elementary school students, 0 middle school students, and 0 high school students. This does not exceed the adequacy ceilings identified in Table 3. Therefore, a Utilization Premium Payment is not triggered.

d) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to serve the Property. Other utilities, public facilities and services, such as telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

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 the accompanying Forest Conservation Plan No. F20250330.

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

DPS approved a Stormwater Management Concept on August 6, 2025. The plan proposes to meet required stormwater management goals via ESD to the MEP for each proposed lot (with no waivers).

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.*

The Applicant has no actual or constructive notice of a burial site and the Property is not included in the Cemetery Inventory.

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

Per 50-4.3.K.2.a. the Board must restrict the subdivision or development of environmentally sensitive areas or any land it finds to be unsafe for development because of potential for flooding or stream erosion, soils with structural limitations, unstabilized slope or fill, steep slopes, or similar environmental or topographical conditions. The Application appropriately restricts the development of environmentally sensitive areas through the overall layout and proposed conservation easements, LOD, and BRLs, which will appropriately protect the features of concern. The forest in the new Category I Easement (as discussed further in the Forest Conservation section of the staff report) will be enhanced and protected in a number of ways including greater Building Restriction Lines (BRLs) to further protect the new retained areas from potential future encroachment.

SECTION 6: FOREST CONSERVATION PLAN F20250330 FINDINGS AND ANALYSIS

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The submitted Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and further described below.

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION PLAN / ENVIRONMENTAL GUIDELINES

The Property has a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420242210 approved on January 23, 2025. The entire 2.38-acre Subject Property is forested and designated as Priority Urban Forest due to its location within a Priority Urban Forest area⁴, as mapped by the Maryland Department of Natural Resources. Furthermore, the forest area is also designated as priority forest due to the association with stream buffers, steep slopes, contiguous forests, trees connected to an historic site, and/or as areas designated as priority save areas in a master plan.

The topography is generally flat along the western portion of the Site and slopes steeply down into the stream valley within the eastern portion of the Site. The valley contains a stream which flows through the Site from north to south. The associated Stream Valley Buffer encompasses more than half of the Subject Property. The Property is located within the Potomac Direct watershed which is a Use Class I-P watershed. There are no known rare, threatened, or endangered species on or near the Site.

⁴ Natural Resources Article, Section 5-1607.

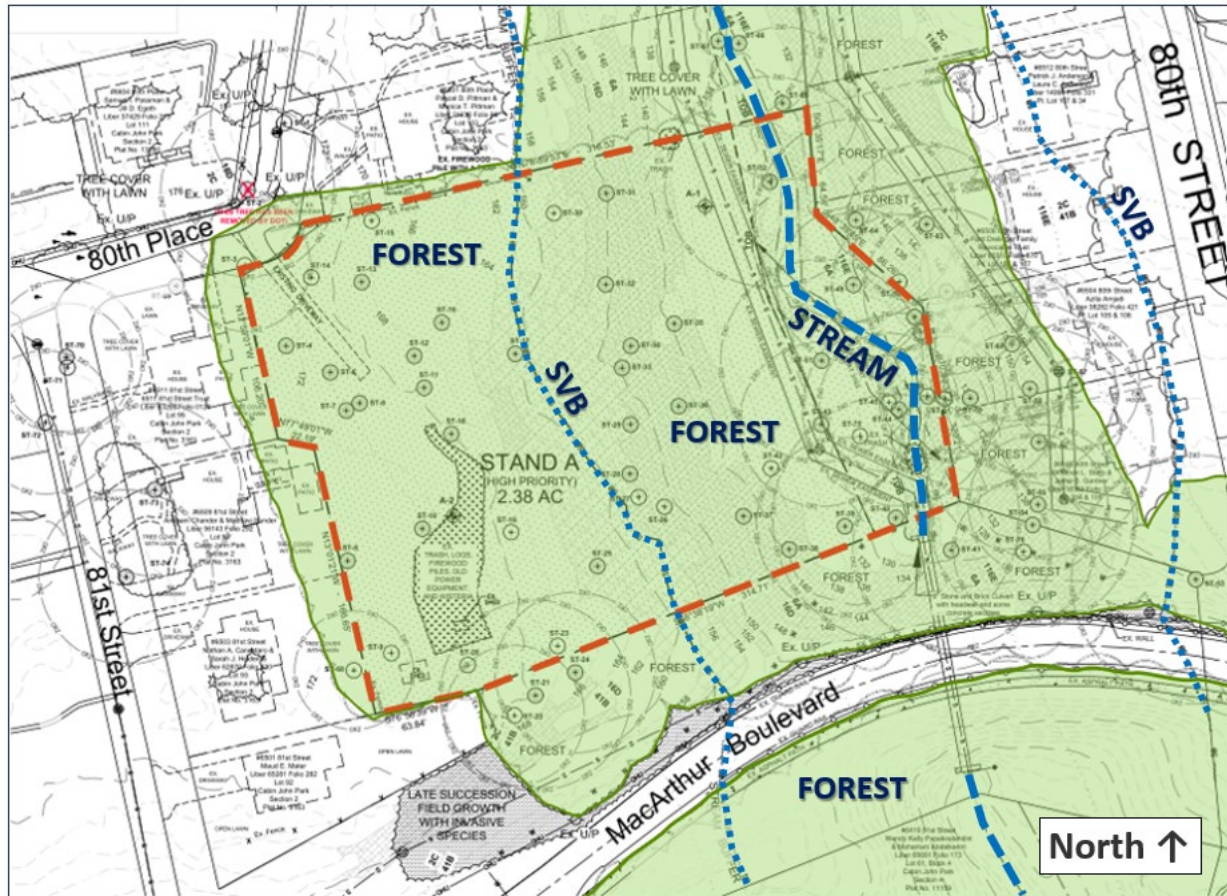


Figure 5 – Existing Features

A main principle of the Environmental Guidelines is the establishment of protected slope areas that address slope gradient, soil erodibility, and proximity to stream channels. Pages 10 and 17 of the Environmental Guidelines state that erodible soils on slopes over 15 percent must be delineated on the NRI and highlighted for potential inclusion in the protected areas of the site. To the extent possible, hydraulically remote steep slope areas should be incorporated into the site's open space and/or remain undisturbed. The forested SVB setting and the slopes of concern will be protected/enhanced by this Application with Forest Conservation Easements and greater BRLs as conditioned.

FOREST CONSERVATION PLAN

The tract area of the Subject Property for forest conservation purposes includes the 2.38-acre Subject Property plus 0.07 acres of offsite disturbance associated with this Application. However, the existing onsite forested utility/drainage easements, although not affected by the Application, cannot be placed within an overlapping conservation easement. Therefore, existing utility/drainage easements are deducted from the overall forest and site area, resulting in a total net tract area of 2.06 acres.

The Subject Property is zoned R-90 and is assigned a Land Use Category of *High-Density Residential Areas* (“HDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual, with an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area. The proposed FCP includes the clearing of 1.03 acres and the retention of 0.96 acres and meets all forest conservation requirements onsite. The retained forest, including stream valley buffer and steep slopes, will be protected by a Category I Conservation Easement.



Figure 6 – Proposed FCP (Disturbance is limited to the western portion of site)

PRIORITY FOREST REMOVAL

The entire Subject Property (2.38 acres) is forested and is designated as Priority Urban Forest due to its location within a Priority Urban Forest area, as mapped by the Maryland Department of Natural Resources. Furthermore, the forest area is also designated as Priority Forest due to the association with stream buffers, steep slopes, contiguous forests, trees connected to an historic site, and/or as areas designated as priority save areas in a master plan.

The FCP proposes clearing 1.03 acres of forest and meeting the Forest Conservation requirements on-site through forest retention. Per Sec. 22A-12(b) of Forest Conservation Law, the FCP must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.

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Priority Forest Removal Findings

The following determinations are based on the required findings for the removal of priority forest:

1. *The development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention.*

The 2.38-acre property is zoned R-90 and located within the Palisades subsection of the 1990 *Bethesda-Chevy Chase Master Plan*. The Property could theoretically yield approximately 11 lots. The Master Plan contemplates 6 lots for the Property. The Applicant proposes to subdivide the Property into 3 lots for the development of 3 new single-family dwellings served by a shared driveway, which limits the amount of development, imperviousness and ultimately, maximizes the amount of priority forest retained on the Property. The proposed development envelope is well under half of the Property and most of the priority forest will remain undisturbed by the Applicant. Directional boring of utilities will be performed to further avoid/minimize forest impacts. As conditioned, the Applicant would be restricted from disturbing the areas of existing utility/drainage easements that cannot be placed in a Category 1 Easement Areas. The Applicant has made maximum use of zoning and planning options to result in the greatest amount of forest retention.

2. *Reasonable efforts have been made to protect the specific areas and vegetation listed in the plan.*

The Applicant has made reasonable efforts to protect as much of the priority forest as possible through a variety of means. The overall layout and circulation are efficient and the proposed onsite perpetual forest conservation easements are utilized as much as possible. The project fully addresses (and exceeds) the forest conservation worksheet requirements onsite and includes the use of restrictive BRLs, fencing, and specialized construction techniques (such as the directional boring of utilities) to avoid/minimize the overall forest impacts and does not disturb the SVB or areas or steep slopes. The forest in the new Category I Easement will be enhanced/protected in a number of ways such as the removal of existing man-made debris and invasive species, planting of supplemental native species, modified Building Restriction Lines (BRLs) to further protect the new retained areas from potential future encroachment, and the installation of split-rail fence/posts/signage to physically delineate and protect the Easement areas. The Master Plan site-specific recommendations and goals have created a scenario in which any further existing forest cannot be reasonably protected.

3. *The development proposal cannot be reasonably altered.*

The proposed development responds to the requirements associated with the R-90 zone and the Master Plan. The Applicant has made reasonable efforts to protect as much priority forest on the Property as feasible while exercising the right to develop the Property. This balance is clear from the Applicant's minimization of development, consolidated/shared access,

provisions for long term forest protection and compliance with all regulatory requirements for three new homes in an efficient way. There are no opportunities to save additional existing forest by reasonably altering the development proposal to increase building heights, rearrange buildings, or alter the circulation.

Recommendation on Removal of Priority Forest

Staff recommends approval of the request to remove 1.03 acres of priority forest as the Applicant cannot avoid or further minimize the forest loss while still fulfilling the site-specific recommendations of the Master Plan and the requirements of the zone.

Variance Request

The Project is subject to Section 22A-12(b)(3) of Montgomery County Forest Conservation Law, which provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. This application is subject to the variance provisions due to impacts to subject trees which are 30 inches or greater DBH and impacts to trees in a historic site which are one (1) inch DBH or greater.

The Applicant submitted a variance request in a letter dated October 31, 2025 (Attachment B). The Applicant proposes to impact sixteen (16) trees and remove twelve (12) trees that are 30 inches or greater DBH or one inch and greater within a historic site, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Tables 5 and 6).

Table 5 – Protected Trees to be Impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
21	Tulip Tree	38.5"	16%	Fair/Poor condition
22	Sycamore	28.4"	2%	Fair condition
24	Tulip Tree	32.5"	1%	Poor condition
25	Tulip Tree	40.6"	19%	Fair condition
28	Tulip Tree	45.4"	3%	Fair condition
29	Tulip Tree	35.6"	11%	Fair condition
31	Tulip Tree	43.3"	1%	Fair condition
32	Tulip Tree	39.4"	1%	Fair condition
38	Tulip Tree	65.0"	<1%	Fair condition
69	Sycamore	38.3"	10%	Fair condition
H-1	Black Walnut	11.2"	27%	Fair/Poor condition
H-2	Hickory	21.0"	29%	Poor condition
H-3	Hackberry	8.0"	<1%	Fair condition
H-8	Paulownia	18.5"	8%	Poor condition
H-9	Paulownia	21.7"	6%	Poor condition
H-10	Elm	9.0"	8%	Poor condition

Table 6 – Protected Trees to be Removed

Tree Number	Species	DBH Inches	Status and Notes
4	Tulip Tree	43.0"	Poor condition
5	Tulip Tree	33.3"	Fair condition
6	Tulip Tree	34.3"	Fair condition
7	Tulip Tree	47.3"	Fair/Poor condition
8	Tulip Tree	33.9"	Fair condition
10	Tulip Tree	39.4"	Fair condition
11	Tulip Tree	48.9"	Poor condition
12	Tulip Tree	31.8"	Fair condition
13	Tulip Tree	44.4"	Fair condition
16	Tulip Tree	43.0"	Fair/Poor condition
17	Tulip Tree	48.5"	Fair condition
18	Tulip Tree	35.0"	Poor condition

Unwarranted Hardship

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant

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reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the Property being almost entirely covered by the Critical Root Zones (CRZs) of subject trees including a cluster of subject trees at the north portion of the site near 80th Place. As the *Bethesda-Chevy Chase Master Plan* makes a specific recommendation for access to the site to come from 80th Place (while precluding access from MacArthur Boulevard), impacts to many of the specimen trees located in the area adjacent to 80th Place cannot be avoided. The inability to obtain a variance would preclude any development activity on the site. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would be denied a reasonable and significant use of the Property for three single-family homes, which is already less than what the Master Plan contemplated and zoning would allow.

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. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

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 will not confer a special privilege on the Applicant as the removal and disturbance to the specified trees are due to the reasonable development under the general and site-specific recommendations of the *Bethesda-Chevy Chase Master Plan* and requirements of the R-90 zone. Granting a variance to allow disturbance within the developable portion of the site and meet the objectives and site-specific recommendations of the Master Plan is not unique to this Applicant. Granting of this variance is not a special privilege that would be denied to other applicants.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, and Master Plan recommendations.

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, the proposed site design and

layout of the Subject Property, and not 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 Special Protection Area. Additionally, the Department of Permitting Services found the proposed stormwater management concept acceptable in their approval letter dated August 6, 2025. The plan proposes to meet required stormwater management goals via ESD to the MEP for each proposed lot with no waivers. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

As conditioned, the provisions of soil restoration for landscape and lawn areas within the LOD will improve the permeability of the soil, minimizing runoff, and will enhance the growth of the mitigation plantings. The Application proposes mitigation for the subject removals of by planting replacement trees on-site. These trees will ultimately replace water quality functions that may be lost by the removed trees.

Mitigation for Protected Trees

There are twelve (12) Protected Trees proposed for removal in this variance request, resulting in a total of 482.8 inches DBH being removed. The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of at least 1-inch caliper for every four inches removed. This results in a total mitigation requirement of 121 inches of canopy trees which are native to the Piedmont Region of Maryland, to be installed on the Property outside of any rights-of-way and outside of any utility easements. The mitigation planting requirements will be appropriately addressed by the mitigation tree planting as shown on the certified FFCP.

Although these trees will not be as large as the trees lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. There is some disturbance within the CRZ of sixteen (16) Protected Trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation tree plantings will be protected as part of a 5-year maintenance and management agreement.

County Arborist's Recommendation

Due to the proposed utility connections and other work within or near the MacArthur Boulevard historic site, per Sec. 22A-21(c), the variance request must be sent to the County

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Arborist for a written recommendation before the Board acts on the request. The updated variance request was sent to the County Arborist on November 10, 2025. The County Arborist provided a favorable recommendation on November 19, 2025 (Attachment D).

Recommendation on the Variance

Staff recommends approval of the Forest Conservation plan and associated variance request as conditioned.

SECTION 7: CONCLUSION

As conditioned, the Preliminary Plan and Forest Conservation Plan applications each satisfy the applicable standards of the Zoning Ordinance, Subdivision Regulations, and Forest Conservation Law and substantially conform to the recommendations of the 1990 *Bethesda Chevy Chase Master Plan*. Therefore, Staff recommends approval of the Preliminary Plan and Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary /FCP Plan

Attachment B: Forest Conservation Variance Request

Attachment C: Prior Approvals

Attachment D: Agency Letters

Attachment E: Noise Analysis

Attachment F: Community Correspondence

Attachment G: Affidavit Regarding Community Meeting and Meeting Minutes

Attachment H: Applicant's Response Letter