



Request to File Sectional Map Amendment to Implement Recommendations of the Chevy Chase Lake Sector Plan

- ☐ Elza Hisel-McCoy, Assoc. AIA, LEED-AP, Planner Coordinator, Area 1, elza.hisel-mccoy@montgomeryplanning.org, 301.495.2115
- ☐ Valdis Lazdins, Chief, Research and Special Projects, valdis.lazdins@montgomeryplanning.org, 301.495.4506
- Margaret Rifkin, Planner Coordinator, Urban Design, Area 1, 301.495.4583
- Tom Autrey, Supervisor, Transportation, Functional Planning & Policy, 301.495.4533
- David Anspacher, Planner Coordinator, Transportation, Functional Planning & Policy, 301.495.2191
- Tina Schneider, Senior Planner, Environment, Area 1, 301.495.4506
- Clare Lise Kelly, Research and Designation Coordinator, Historic Preservation, 301.563.3402
- Rachel Newhouse, Park Planner, Parks Department, 301.650.4368

Completed: 10.17.13

Description

The proposed Sectional Map Amendment follows the approval and adoption of the Chevy Chase Lake Sector Plan and will implement through the Sectional Map Amendment process the Plan's recommendations for creating a mixed-use Center in Chevy Chase Lake.

The Sectional Map Amendment covers the Sector Plan area of approximately 380 acres. It proposes reclassification of about **52.5 52.7** acres and confirmation of existing zones for the remainder.

Staff Recommendation

Approval to file a Sectional Map Amendment to implement the recommendations of the Approved and Adopted Chevy Chase Lake Sector Plan

Background

A Sectional Map Amendment (SMA) implements the zoning recommendations made in a master or sector plan. The Zoning Ordinance enables the Commission to file an SMA application with the District Council, which in turn must transmit a copy to the Planning Department and the Planning Board for review. The Planning Board must then submit to the District Council a written recommendation on the application, which is included in the public record. The District Council then holds a public hearing to receive testimony. Within 60 days of the public hearing, the District Council renders a decision on the application.

On July 30, 2013, the District Council approved the Chevy Chase Lake Sector Plan, by Resolution 17-857. On October 16, 2013, the Maryland-National Capital Park and Planning Commission adopted the approved plan, by Resolution 13-24.

The Chevy Chase Lake Sector Plan area encompasses approximately 380 acres. This SMA proposes reclassification for about ~~52.5~~ 52.7 acres and confirmation of existing zones for the remainder. The reclassified area includes about ~~16.8~~ 16.9 acres for the CRT mixed-use zone, 0.8 acre for the CRN mixed-use zone, and 34.9 acres in the Life Sciences Center (LSC) zone.

The Proposed Sectional Map Amendment

The Chevy Chase Lake Sector Plan proposes creation of a mixed-use Center replacing lower-scale, single-use, automobile-oriented development with medium-scale, mixed-use, and transit-, bicycle-, and pedestrian-oriented development, including affordable housing, that is compatible with the character of the surrounding community. The CRT and CRN zones proposed for the Center “permit a mix of residential and non-residential uses...to promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and have access to services and amenities while minimizing the need for automobile use.” (59-C-15.2) These zones can only be applied when specifically recommended by an approved and adopted master or sector plan and only by an SMA. The Chevy Chase Lake Sector Plan recommends the implementation of these zones in the mixed-use Center. Each CRT and CRN zone includes four components:

- an overall maximum floor area ratio (FAR);
- a maximum commercial FAR (C);
- a maximum residential FAR (R); and
- a maximum building height in feet (H).

All four components are shown on the proposed zoning sheets for each proposed CRT and CRN zone.

The LSC zone, proposed for the Howard Hughes Medical Institute (HHMI) site located outside the Center, is intended to “promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies.” (59-C-5.471) This zone can only be applied when specifically recommended by an approved and adopted master or sector plan. The Chevy Chase Lake Sector Plan recommends the implementation of this zone on the HHMI site.

The following table lists the SMA’s proposed reclassifications. The index map accompanying this memorandum shows the location of each area.

Area	Existing Zone(s)	Proposed Zone	Acres
1	R-30, C-1, C-2	CRT-2.0, C-2.0, R-2.0, H-80'	4.54
2	C-1, C-2	CRT-2.0, C-1.0, R-1.75, H-120'	1.87
3	C-1	CRT-2.0, C-1.0, R-2.0, H-70'	0.91
4	R-90	CRN-1.0, C-0.25, R-1.0, H-40'	0.80
5	R-30	CRT-1.5, C-0.25, R-1.5, H-50'	1.47
6	C-1	CRT-1.5, C-1.5, R-1.5, H-50'	0.47
7	C-1, R-10, R-90	CRT-2.0, C-0.5, R-2.0, H-70'	1.05
8	C-1, R-30, I-1	CRT-4.0, C-4.0, R-4.0, H-150'	1.91
9	R-30	CRT-2.0, C-0.25, R-2.0, H-100'	1.44 1.46
10	R-30	CRT-1.5, C-0.25, R-1.5, H-50'	3.17 3.27
11	R-90	LSC	34.90

There are no pending local map amendments in the area proposed for this SMA.

Recommendation

Planning staff recommends that the Planning Board approve the filing of a Sectional Map Amendment to implement the recommendations of the Chevy Chase Lake Sector Plan.

Attachments

- A. Sector Plan Index
- B. Sector Plan Index Detail



October 21, 2013

Mr. Elza Hisel-McCoy
Planner Coordinator, Area 1
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: HOC's Chevy Chase Lake Land Area

Dear Mr. Hisel-McCoy,

I am writing on behalf of HOC to register a comment and request clarification on the *Request to File SMA to Implement Recommendations of the on Chevy Chase Lake Sector Plan* dated October 17, 2013. The table on the top of Page 3 of the abovementioned Request lists the acreage of HOC's properties as 1.44 and 3.17. The enclosed Plat reflects a total land area approximately 0.11 acres larger than the total listed in M-NCPPC's Request. The Plat shows totals of 63,422 and 142,278 square feet, or 1.46 and 3.27 acres respectively.

Before the SMA is adopted by Council, we ask M-NCPPC either correct the net lot acreage on the table in the Request or confirm that the new zoning implemented on HOC's properties will follow the survey information certified on the preliminary plan in the event of a discrepancy.

As you may be aware, half of the right-of-way for Chevy Chase Lake Drive was dedicated without consideration and, therefore, is eligible for inclusion in the Gross Tract Area of the HOC properties for purposes of calculating the density. The inclusion of this right-of-way in the density calculation is critical to the execution of the concept plan EYA and HOC presented during the Sector Plan process and to delivering the amount of affordable housing HOC envisions for the properties. Because the right-of-way was excluded from the table of acreage in the SMA Request, we would like to confirm that the Planning Board and staff agree that this area may be included in the ultimate density calculations for the proposed development, and will adjust the SMA Request as necessary to accomplish this inclusion.

Thank you for your consideration of these requests. Please let us know if we can provide you with any additional information regarding the properties in question.

Sincerely,

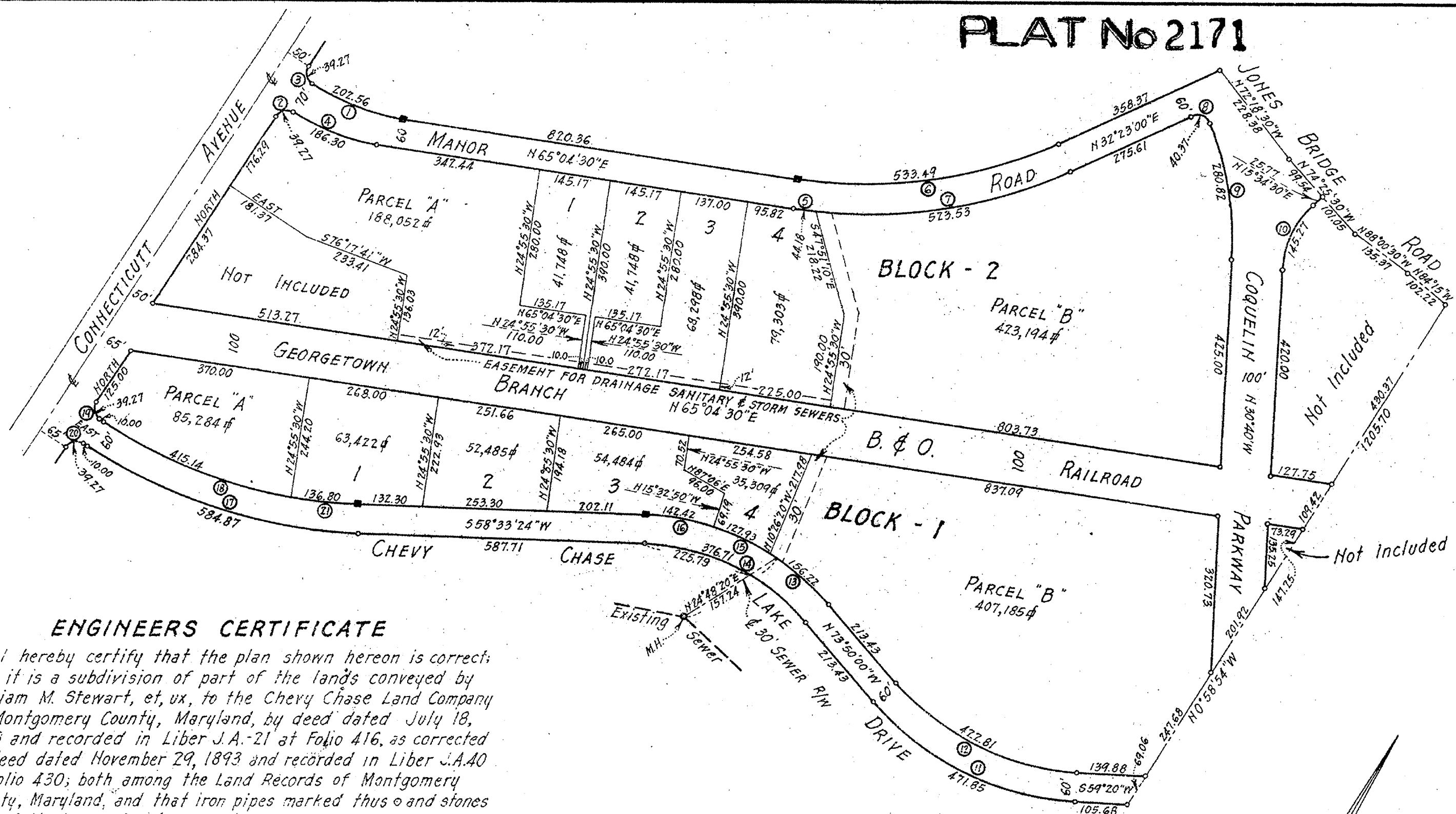
McLean Quinn
Development Executive
EYA, LLC

cc: Richard Hanks, HOC
Barbara Sears, Linowes and Blocher

Chevy Chase Lake Apartments - Land Area and Density Analysis

	Parcel	Lot		ROW	GTA		SMA Density	
		Net SF	Acres		SF	Acres	FAR	SF
Multifamily								
CC Lot 1 Block 1	7	63,422	1.46	8,134	71,557	1.643	2.00	143,115
Townhomes								
CC Lot 2 Block 1	8	52,485	1.20	7,599	60,085	1.379	1.50	90,128
CC Lot 3 Block 1	8	54,484	1.25	10,211	64,696	1.485	1.50	97,044
CC Lot 4 Block 1	8	35,309	0.81	3,726	39,036	0.896	1.50	58,554
Overall		205,700	4.72	29,670	235,375	5.403	1.65	388,841

PLAT No 2171



ENGINEERS CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by William M. Stewart, et ux, to the Chevy Chase Land Company of Montgomery County, Maryland, by deed dated July 18, 1890 and recorded in Liber J.A.-21 at Folio 416, as corrected by deed dated November 29, 1893 and recorded in Liber J.A.40 at Folio 430; both among the Land Records of Montgomery County, Maryland, and that iron pipes marked thus: and stones marked thus: are in place as shown hereon.

Date: April 12, 1948 By: F. Hopkins
PAGE F. HOPKINS
Registered Land Surveyor #1585

OWNERS DEDICATION

We, The Chevy Chase Land Company of Montgomery County, Maryland, a Maryland Corporation by William Sharon Farr, President and Willard G. McGraw, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, dedicate the streets to public use and reserve easements as shown hereon to the Washington Suburban Sanitary Commission for drainage, construction, operation and maintenance of sanitary and storm sewers and water mains, and establish the minimum building restriction lines.

There are no suits of action, leases, liens or trusts on the property shown in this plan.
Date: April 12, 1948 The Chevy Chase Land Company of Montgomery County, Maryland.

Attest: Willard G. McGraw By: William Sharon Farr
WILLARD G. MCGRAW, Secty WILLIAM SHARON FARR, Pres.

FILED
MAY 17 1948

No.	Rad.	Arc	Δ	Chord	
				BEARING	LENGTH
1	465.64	202.56	24°55'30"	N 77°32'15"E	200.97
2	25.00	39.27	90°00'00"	N 45°00'00"E	35.36
3	"	"	"	N 45°00'00"W	"
4	428.36	186.30	24°55'30"	N 77°32'15"E	184.84
5	995.00	44.18	07°32'40"	N 63°48'10"E	44.18
6	935.00	533.49	32°41'30"	N 48°43'45"E	526.28
7	995.00	523.53	30°08'50"	N 47°27'25"E	517.52
8	25.00	40.37	92°31'52"	N 78°38'56"E	36.13
9	658.91	280.82	24°25'08"	N 42°52'34"W	278.70
10	180.00	145.27	46°14'30"	N 07°32'45"W	141.36
11	577.26	471.85	46°50'00"	N 82°45'00"E	458.82
12	517.26	422.81	46°50'00"	N 82°45'00"E	411.13
13	513.35	156.22	17°26'07"	N 82°33'04"W	155.61
14	453.35	376.71	47°36'36"	N 82°21'42"E	365.97
15	513.35	127.93	14°16'43"	N 81°35'31"E	127.60
16	"	142.42	15°53'46"	N 66°30'17"E	141.97
17	1065.74	584.87	31°26'36"	N 74°16'42"E	577.56
18	1005.74	415.14	23°39'01"	N 78°10'30"E	412.20
19	25.00	39.27	90°00'00"	N 45°00'00"W	35.36
20	"	"	"	N 45°00'00"E	"
21	1005.74	136.80	07°47'35"	N 62°27'12"E	136.69

BLOCKS 1 & 2 CHEVY CHASE SECTION 5-C

MONTGOMERY COUNTY, MARYLAND
Scale: 1"=200'
April, 1948

MADDOX & HOPKINS
CIVIL ENGINEERS
SILVER SPRING, MD.

WASHINGTON SUBURBAN SANITARY COMMISSION
APPROVED: MAY 1, 1948
SUITABLE FOR WATER & SEWER DESIGN
WITHOUT COMMITMENT AS TO INSTALLATION.
Harry Shaw
Deputy Chief Engineer

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
APPROVED: APRIL 15, 1948
DATE
James F. McElroy
CHAIRMAN SECRETARY-TREASURER
M.N.C.P. & P.C. RECORD FILE NO. 128-16

LOTS 1 THROUGH 4, BLOCK 1 SECTION 5-C

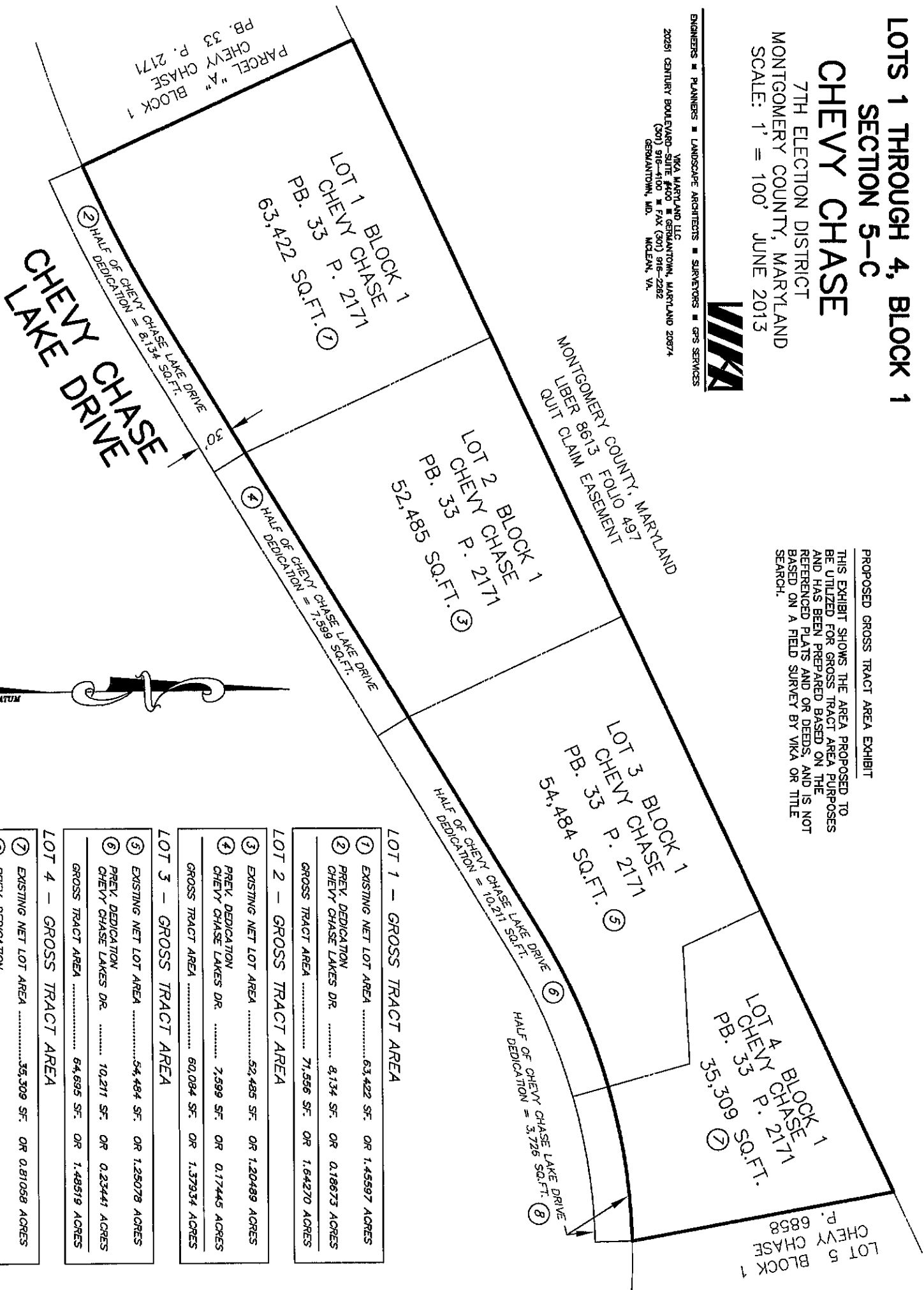
CHEVY CHASE

7TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 100' JUNE 2013



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES
VIKA MARYLAND LLC
20251 CENTURY BOULEVARD, SUITE 400 • GERMANTOWN, MARYLAND 20874
(301) 816-1100 ■ FAX (301) 816-2282
GERMANTOWN, MD • NOLEEN, VA.

PROPOSED GROSS TRACT AREA EXHIBIT
THIS EXHIBIT SHOWS THE AREA PROPOSED TO BE UTILIZED FOR GROSS TRACT AREA PURPOSES AND HAS BEEN PREPARED BASED ON THE REFERENCED PLATS AND OR DEEDS, AND IS NOT BASED ON A FIELD SURVEY BY VIKA OR TITLE SEARCH.



LOT 1 - GROSS TRACT AREA

① EXISTING NET LOT AREA	83,422 SF.	OR 1.45597 ACRES
② PREY. DEDICATION CHEVY CHASE LAKES DR.	8,134 SF.	OR 0.18673 ACRES
GROSS TRACT AREA	71,556 SF.	OR 1.64270 ACRES

LOT 2 - GROSS TRACT AREA

③ EXISTING NET LOT AREA	52,485 SF.	OR 1.20489 ACRES
④ PREY. DEDICATION CHEVY CHASE LAKES DR.	7,599 SF.	OR 0.17445 ACRES
GROSS TRACT AREA	60,084 SF.	OR 1.37934 ACRES

LOT 3 - GROSS TRACT AREA

⑤ EXISTING NET LOT AREA	54,484 SF.	OR 1.25078 ACRES
⑥ PREY. DEDICATION CHEVY CHASE LAKES DR.	10,211 SF.	OR 0.23441 ACRES
GROSS TRACT AREA	64,695 SF.	OR 1.48519 ACRES

LOT 4 - GROSS TRACT AREA

⑦ EXISTING NET LOT AREA	35,309 SF.	OR 0.81058 ACRES
⑧ PREY. DEDICATION CHEVY CHASE LAKES DR.	3,726 SF.	OR 0.08554 ACRES
GROSS TRACT AREA	39,035 SF.	OR 0.89612 ACRES

MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

§59-A-1.6

Article 59-A

- (b) Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines such lines shall be construed to be such boundaries.
- (c) Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 10 feet distant therefrom, such lot lines shall be such boundaries.
- (d) In unsubdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless the same is identified on such maps, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.

Sec. 59-A-1.7. Zoning and development within rights-of-way.

59-A-1.71. Zoning of public rights-of-way.

- (a) Normally, all publicly owned rights-of-way for roads, streets, alleys, easements, or transit routes are classified in the least intense of adjacent zones. In order to define clearly the location of rights-of-way, the official zoning maps will not depict the zoning within existing rights-of-way.
- (b) When an approved and adopted master or sector plan recommends zoning that is different from that specified in subsection (a) above for a publicly owned right-of-way for a road, street, alley, easement, or transit route, the district council may reclassify such right-of-way to the recommended zoning by the approval of a sectional map amendment or a local map amendment application. The official zoning maps will depict the zoning within such rights-of-way.

59-A-1.72. Rezoning of proposed rights-of-way where zoning was previously withheld.

Where, by action of the district council in prior zoning map amendments, private property was withheld from rezoning in order to provide for future construction, widening, realignment, and relocation of proposed public roads, streets, alleys, easements, or transit routes or facilities, the zoning of such private properties shall assume the zoning classification of the land of which they are a part; or, the least intense of adjacent zones if the land is not part of an adjacent parcel. Nothing contained herein shall affect or preclude the application of permit control procedures of section 59-A-5.6 pertaining to proposed buildings and structures within planned highways and rapid transit lines.

- D. In un-subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless designated, is measured using the map scale shown thereon, and scaled to the nearest foot.

Section 2.2.4. Zoning and Development within Rights-of-Way

A. Zoning of Public Rights-of Way

1. Zone boundaries must not be depicted in public rights-of-way but must run to the centerline of each right-of-way.
2. Zone boundaries within rights-of-ways previously dedicated [via] by plat or other method of subdivision can be included in map amendments for density purposes; rights-of-way included in a map amendment boundary assume the new zoning assigned in the map amendment.
3. Where, by action of the District Council in previous zoning map amendments, private property was withheld from rezoning [in order] to provide for future construction, widening, realignment, and relocation of proposed public roads, streets, alleys, easements, or transit routes or facilities, the zoning of such private property assumes the zoning classification of the land of which it is a part, or the least intense of abutting zones if the private property is not part of an abutting property. Nothing in [this] Section 2.2.4.A affects or precludes the application of permit control procedures of Section 2.2.4.D [pertaining to] for proposed buildings and structures within planned highways and rapid transit lines.

B. Air Rights Development and Subsurface Development within Public Rights-of-Way

Air rights development and subsurface rights development are permitted in publicly owned rights-of-way for roads, streets, alleys, easements, and rapid transit routes if each of the following provisions is satisfied:

1. The development will not conflict with the recommendations and guidelines of the applicable master plan.
2. Site plan approval, not otherwise required by the zoning ordinance, is not required for air rights development and subsurface rights development in publicly owned rights-of-way for transit routes located within central busi-

ness districts as defined in Section [Sec.] 1.4.2 when the Planning Board finds that such development rights have been held in private ownership continuously since July 7, 1986, and that the proposed development will preserve the integrity of the right-of-way for its intended public use.

3. The right-of-way is recorded on a record plat approved after July 7, 1986.

C. Zoning of Privately Owned Railroad Rights-of-Way

1. All privately owned railroad rights-of-way are classified in zones as specified in Section [Sec.] 2.2.4.C.1.a through Section [Sec.] 2.2.4.C.1.c, except as otherwise reclassified by the District Council:
 - a. Where abutting land is classified in an Agricultural, Rural Residential, or Residential zone, the right-of-way is classified in the least intense of abutting zones.
 - b. Where abutting land on one side is classified in an Agricultural, Rural Residential, or Residential zone, and the abutting land on the other side is classified in a non-Agricultural, non-Rural Residential, or non-Residential zone, the right-of-way is classified in the abutting Agricultural, Rural Residential, or Residential zone.
 - c. Where abutting land on both sides of the right-of-way is classified in other than Agricultural, Rural Residential, or Residential zones, the abutting zoning on each side must extend to the center line of the right-of-way.
2. [In order to] To clearly define the location of privately owned railroad rights-of-way, zoning is not normally depicted within such rights-of-way; however, zoning is depicted within such rights-of-way where the District Council has approved zoning other than indicated in Section [Sec.] 2.2.4.C.1.a through Section [Sec.] 2.2.4.C.1.c.

D. Development within Planned Rights-of Ways

1. In areas where the Commission has adopted a master plan of highways showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, or a proposed rapid transit route or facility, no building or part of a building is permitted to be erected within the

Hisel-McCoy, Elza

From: McLean Quinn <mquinn@eya.com>
Sent: Wednesday, October 23, 2013 5:47 PM
To: Hisel-McCoy, Elza
Cc: Sears, Barbara A. - BAS; Richard Hanks (richard.hanks@hocmc.org); Mark Morelock, P.E.
Subject: re: Chevy Chase Lake: HOC/EYA Questions regarding SMA Request

Elza,

Thanks for the call this afternoon. I had a chance to speak with Barbara after you called and we left you a voicemail a few minutes ago.

We are concerned about the timing mismatch you identified between the implementations of the SMA and the zoning re-write. We (EYA/HOC) would like to file our plans very quickly following the SMA. However, our plans rely on the density from the ROW.

It seems like the best way to ensure that the plan we presented to the Board and Council during the sector plan process can proceed as designed would be to include the ROW square footage in the parcel totals in the SMA and to show the full parcel (including the dedication of half the ROW) in the map exhibits.

Barbara doesn't think anything would prohibit this action and we believe it is consistent with the Board and Council actions on the sector plan and the project we presented which served as a basis for the zoning recommendation on HOC's properties. Moreover it would make our project's filing more certain and de-link it from the zoning re-write.

We would appreciate a chance to speak with you on this alternative tomorrow morning and we can plan to testify before the board tomorrow afternoon if needed.

Thanks again for your quick response to our questions.

Best,
McLean

McLean Quinn | Development Executive
D 301-634-8630 F 301-634-8730 E mquinn@eya.com



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