Chevy Chase Village
Board of Managers

1. Meeting Called To Order
   Mr. Michael L. Denger, Chair

2. Approval Of Minutes From The Previous Board Of Managers' Meetings
   Regular Monthly Meeting - December 12, 2016

3. Appeals

   - **A-6895- continued**

   Mr. Christopher Ian Twinn and Ms. Victoria Twinn of 5503 Center Street and Mr. David Lee and Ms. Julia Lee of 5505 Center Street's Appeal of the Manager's Decision to issue Building Permit #6879 (to Mr. David J. Rose and Ms. Megan L. Rose of 5502 Grove Street) to construct a fence measuring six feet, six inches (6'-6") in height and a retaining wall measuring a maximum of three (3) feet in height abutting their rear property line. Mr. Christopher Ian Twinn & Ms. Victoria Twinn 5503 Center Street and Mr. David Lee & Ms. Julia Lee 5505 Center Street

   Documents:

   A-6895-CONTINUED.PDF

4. Treasurer's Report
   Mr. Gary Crockett, Board Treasurer

   Documents:

   TREASURER REPORT.PDF

5. Matters Presented For Board Discussion And Possible Action (Where Required)
   Presented for Board Review and Possible Action - *Request for the Village to Co-Sign the Bethesda Coalition's letter to the Montgomery County Council Regarding the Bethesda Downtown Plan - Presented by Ms. Meredith Wellington (West Lenox Street) on behalf of the Bethesda Coalition*

   Documents:

   BETHESDA COALITION LETTER.PDF

6. Police Report
   Mr. John M. Fitzgerald, Police Chief

Documents:

POLICE REPORT.PDF

7. Manager's Report

- Building and Tree Permits and Code Enforcement Report
- Capital and Infrastructure Upgrade Projects Report
- Village Hall Activity Report
- Legal Counsel Report

Documents:

PERMITTING AND CODE ENFORCEMENT REPORT.PDF
UPDATE OF CAPITAL AND INFRASTRUCTURE UPGRADE PROJECTS - JANUARY 2017.PDF
VILLAGE HALL ACTIVITY REPORT.PDF

Appeals

Continuance of A-6895 (Appeal of the Manager's Decision):

Mr. Christopher Ian & Ms. Victoria Twinn of 5503 Center Street and Mr. David & Ms. Julia Lee of 5505 Center Street Regarding Work at 5502 Grove Street

Appeal of the Village Manager's issuance of Building Permit #6879 (to Mr. David J. and Ms. Megan L. Rose of 5502 Grove Street) to construct a fence measuring six feet, six inches (6'-6") in height and a retaining wall measuring a maximum of three (3) feet in height abutting their rear property line.

This case was introduced at the Village Board's March 14, 2016 meeting.

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JANUARY 9, 2017 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 1/5/2017

SUBJECT: CONTINUANCE OF CASE NO. A-6895 APPEAL OF THE MANAGER'S DECISION
MR. CHRISTOPHER IAN TWINN & MS. VICTORIA TWINN 5503 CENTER STREET &
MR. DAVID LEE & MS. JULIA LEE, 5505 CENTER STREET
APPEAL OF THE VILLAGE MANAGER'S DECISION TO ISSUE BUILDING PERMIT #6879 (TO MR. DAVID J. ROSE AND MS. MEGAN L. ROSE OF 5502 GROVE STREET) TO CONSTRUCT A FENCE MEASURING SIX FEET, SIX INCHES (6'-6") IN HEIGHT AND A RETAINING WALL MEASURING A MAXIMUM OF THREE (3) FEET IN HEIGHT ABUTTING THE REAR PROPERTY LINE.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code Sec. 8-21(d) states:

Installation and maintenance of fences, walls, trees, hedges, shrubbery, lamp posts, hand rails and arbors.
Fence and wall height in rear yard. No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half
(6-½) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half
(6 ½) feet at its highest point, may be erected or permitted if a Special Permit is obtained from the Board of Managers.

The Chevy Chase Village Code Sec. 8-25 states:

Alteration of water flow or drainage.

(a) Permit required. Any person intending to perform grading or construction of impermeable surfaces, such as patios, driveways, walkways or terraces or other paving, or the installation of any downspout or drain which, in the opinion of the Village Manager, could alter the existing or natural flow of water in such a way that it may reasonably be expected to cause such water or drainage to flow onto abutting property or onto the public right-of-way, must obtain a Building Permit therefore from the Village Manager. No permit will be issued for activity that allows water to flow onto another private property.

(b) Adverse effect. No grading or construction of impermeable surfaces, such as patios, driveways, walkways or terraces or other paving, or the installation of any downspout or drain which will alter the flow of water or drainage so as to have an adverse effect on abutting or nearby properties or on the public right-of-way shall be approved by the Village Manager.

(c) Conditions. The Village Manager may issue a Building Permit for grading or construction of impermeable surfaces, such as patios, driveways, walkways or terraces or other paving, which will alter the flow of water or drainage, upon such terms or conditions as the Village Manager deems necessary to avoid adverse effects upon abutting or nearby properties or onto the public right-of-way.

APPLICABLE COVENANTS:

Not applicable; verification of compliance with the property's covenants is not required for an appeal of a decision of the Village Manager.

FACTUAL AND BACKGROUND INFORMATION:

The applicants (the Twinns and the Lees) are the abutting neighbors to the rear of 5502 Grove Street (the Roses) and filed an Appeal of the Manager's Decision. The case was first heard at the March 14, 2016 Board of Managers meeting at which time the appeal was continued to allow the Roses time to respond to concerns of the Twinns and Lees that the re-grading plan (dated March 9, 2016) presented at the meeting was not adequate to restore the flow of stormwater at the Rose's property to what it had been prior to the re-grading.

A timeline of the exchanges of proposed plans, comments and revisions since the March 14 Boar Meeting follows this Staff Report (@ circle 5).

Having received a report from the Village 's consulting civil engineer OIP+A, dated October 14, 2016 with an addendum of December 1, 2016 approving the proposed drainage plan submitted by the Roses, the Village Manager, in consultation with Village Counsel, issued a written administrative determination to the Roses (on December 28) and to the Twinns and Lees (on December 29). The determination stated "… it has been determined that the proposal prepared by Lila Fendrick … as amended by the OIP&A reports of October 14 and December 1, is acceptable to the Village as the requirements for the amended building permit."

The Twinns and the Lees had the option to accept the proposed drainage plan and dismiss the appeal but in an email from Ms. Twinn dated January 3, 2017 she stated that they continue to have concerns and requested that the matter come before the Board for consideration. Because their engineer is out of the country at this time she requested the matter be deferred until the February Board Meeting.

Regarding the fence height of the initial appeal, Village regulations state that fences are measured at "the surface of the ground of the lower yard next to the fence or wall". Montgomery County regulations state that fence height "is measured from the lowest level of the grade under the fence or abutting wall". At the March 14, 2016 hearing, Village Counsel indicated that issuance of that permit was consistent with the regulations of the two jurisdictions.

There had been one email received on March 2, 2016 from the resident at 5504 Grove Street, Ms. Leigh Hay, stating the she and Mr. Hay had no objection to the fence. No other correspondence has been received from other neighbors in support of or in opposition to the initial or the continued hearings.

There are no tree protection concerns associated with the currently proposed re-grading plan.

Figure 1: Looking south from 5503 Center Street at the new fence installed at 5502 Grove Street.

Figure 2: Looking south showing the fence at 5503 Center Street (on the right), and the new retaining wall and fence at 5502 Grove Street (on the left).

Figure 3: Overhead view of the offset of the new fence and retaining wall.

RELEVANT PRECEDENTS:

Staff was unable to locate a precedent for the interpretation of the fence height regulations or appeals related to drainage.

Addresses with similar fence and wall configurations include:

4011 Oliver Street rear yard (best seen from Grafton Street);
5508 Grove Street along the east side of the driveway, where a four foot fence is offset from a retaining wall;
7 Newlands Street abutting 10 Oxford Street
37 Quincy Street abutting 3704 Bradley Lane
4, 6, and 8 Quincy Street rear yards, which can best be viewed from 3, 5, 7 and 11 Primrose Street;
30 Quincy Street rear yard; viewed from 25-7 Primrose Street;
21 East Melrose Street (abutting the west side of Brookville Road)
11 East Irving Street (abutting Brookville Road, although the wall is only visible from the east (interior) side of the fence within the yard).

CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of January, 2017 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

APPEAL NUMBER A-6895—CONTINUED
MR. CHRISTOPHER IAN AND MS. VICTORIA TWINN
OF 5503 CENTER STREET &
MR. DAVID AND MS. JULIA LEE
OF 5505 CENTER STREET
CHEVY CHASE, MARYLAND 20815

Pursuant to Sec. 8-10(a) of the Village Code, the applicants appealed a decision of the Village Manager. The Village Manager issued Building Permit #6879 (to Mr. David J. and Ms. Megan L. Rose of 5502 Grove Street) to construct a fence measuring six feet, six inches (6'-6") in height and a retaining wall measuring a maximum of three (3) feet in height abutting their rear property line and designed to support a portion of the rear yard that was re-graded at the same time. A re-grading permit was necessary but not applied for and so was not issued in conjunction with the fence and wall permit.

This case was initially heard by the Board of Managers on March 14, 2016. The case was continued at the Board's direction pending the Village staff's review of the regrading permit application and associated regarding and drainage plan submitted on March 9, 2016 by the owners of 5502 Grove Street.

The Board will consider this case to conclude its decision on this appeal, to decide whether the fence height conforms to the Village Building Code and to decide whether the Manager's administrative determination regarding the regrading is satisfactory pursuant to the Village Building Code.

The Chevy Chase Village Code Sec. 8-21(d) states:

> **Installation and maintenance of fences, walls, trees, hedges, shrubbery, lamp posts, hand rails and arbors.**
> Fence and wall height in rear yard. No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half (6-½) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half (6 ½) feet at its highest point, may be erected or permitted if a Special Permit is obtained from the Board of Managers.

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Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 29th day of December, 2016.

Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300

Timeline since the March 14, 2016 Board Meeting

January 9, 2017 Board Meeting

TIMELINE

FOLLOWING THE MARCH 14, 2016 BOARD MEETING
REGARDING APPEAL CASE A-6895 (SUBJECT PROPERTY: 5502 GROVE STREET)

1. The Twinns submitted a report on April 1, 2016 **(see circle 9)** from an engineer (Juan Samos) they had engaged to evaluate the drainage plan submitted by the Roses dated March 9, 2016, which was presented at the March 14 Board Meeting.

2. On April 8, 2016, Village staff forwarded to OIP+A, a civil engineering firm retained by the Village, the Twinns' engineer's April 1 report along with the Roses' March 9 proposed drainage plan and an as-built plan dated December 4, 2015 depicting the regrading that had been performed.

3. Representatives from OIP+A visited the properties on April 21, 2016 to assess the conditions. There was a subsequent series of emails and phone calls to develop OIP+A's final report, which was issued on June 15, 2016 and disseminated to the parties on June 23, 2016 (This plan was superseded on 10/14/2016 and is available upon request).

4. On July 1, 2016, the Roses' landscape architect submitted a revised drainage plan reflecting the recommendations contained in OIP+A's June 15 report.

5. Following a series of revisions and edits between OIP+A and the Roses' landscape architect, on September 27, 2016 the Roses' landscape architect submitted a revised plan, which OIP+A approved later that same day as being consistent with their June 15 report.

6. In the final report dated October 14, 2016 **(see circle 21)** OIP+A stated that the plan proposed by the Roses and dated September 27, 2016 "should mitigate the situation to a large extent". A cover letter and the final proposed grading plan were distributed to all parties on October 20, 2016 (enclosed).

7. In response to OIP+A's October 14 report, on October 31 and November 2 the Twinns' and their consulting civil engineer submitted further comments to Village staff, which was disseminated to all parties, including OIP+A **(see circle 27).**

8. A meeting of all parties, including the Village Manager, Village Counsel and representatives from OIP+A, was held at the Village Hall on November 23, 2016 to discuss the proposed grading plan pursuant to OIP+A's October 14 report and to discuss the Twinns' and Lees' remaining concerns.

9. Immediately following this meeting, the owners of the respective properties and the Twinns' civil engineer, along with the representatives from OIP+A and the Village's Permitting & Code Enforcement Coordinator, made a site visit to the property to reassess the conditions in response to the Twinns' concerns. Further revisions to the grading plan were discussed and verbally agreed upon at the site visit.

10. OIP+A submitted an addendum to their October 14 report, dated December 1, 2016 **(see circle 29)** incorporating the consensus arrived upon during the meetings on November 23, 2016. This addendum was circulated to the respective parties.

11. The Twinns submitted an email on December 12, 2016 outlining further questions. Staff responded by providing a bulleted list of the Twinns' concerns, staff understanding of the questions, and OIP+A's response to each point.

12. The Village Manager, in consultation with Village Counsel, issued a written administrative determination to the Roses dated December 28 stating that "... it has been determined that the proposal prepared by Lila Fendrick ... as amended by the OIP&A reports of October 14 and December 1, is acceptable to the Village as the requirements for the amended building permit." This determination was circulated to all parties **(see circle 31).**

13. The Roses' landscape architect provided a final plan **(see circle 39)** incorporating the proposed revisions as outlined in OIP+A's December 1 addendum and the matter was placed on the January 9, 2017 Board of Manager's meeting agenda for Board consideration.

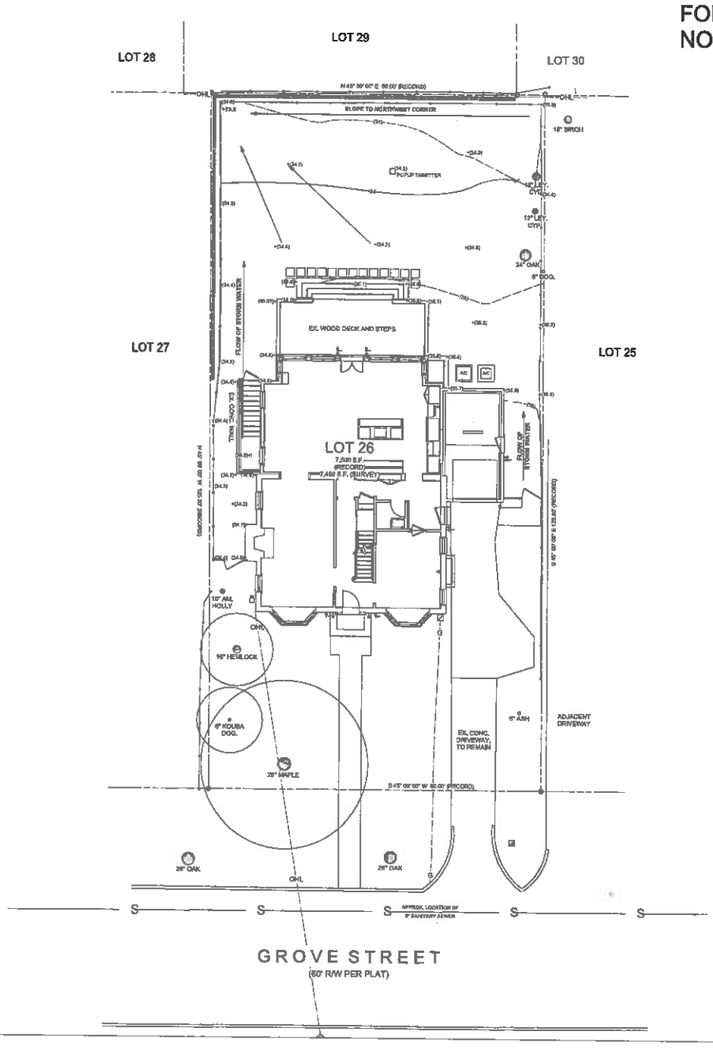
14. In a letter dated December 29, 2016, Village staff advised the Twinns and Lees that if they agreed that the revised plan adequately reflected the consensus reached during the November 23 meetings, they could opt to withdraw the pending appeal, however, the appeal would be noticed for Board reconsideration at its January 9, 2017 regular meeting.

15. Ms. Twinn submitted an email to the Village staff on January 3, 2017 stating that the Twinns' had received further guidance from their civil engineer that the proposed plan would not have sufficient capacity to pass the water through the retaining wall in heavy rainfall and that the pipe from the catch basin will clog. Therefore, the Twinns indicated that they would maintain their appeal to the Board. Ms. Twinn also indicated that her civil engineer is out of the country and asked that the rehearing be delayed until February so the civil engineer could present his technical concerns to the Board. This request was denied.

Proposed Re-Grading Plan presented
By Mr. & Mrs. Rose of 5502 Grove Street
at the March 14, 2016
Hearing

January 9, 2017 Board Meeting

FOR REVIEW AND PRICING ONLY,
NOT FOR CONSTRUCTION



GENERAL NOTES

1. TOPOGRAPHIC AND BOUNDARY SURVEY BY SNIDER & ASSOCIATES, 10/18/19
2. FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR 703-276-8100 (WASHINGTON/FAIRFAX/ALEXANDRIA) 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE LOCAL JURISDICTION.
3. ALL SUBSURFACE PIPES TO BE RIGID PVC PIPE.

KEY

	EXISTING TREES
	PROPERTY LINE
+ (94.5)	EXISTING ELEVATION
+ 94.5	PROPOSED ELEVATION
(100)	EXISTING CONTOUR
100	PROPOSED CONTOUR
G	GAS
W	WATER
S	SEWER
OH	OVERHEAD LINE
S	SANITARY MH
	POWER POLE
	LIGHT POLE
	SIGN
	EX. WOOD FENCE
	EX. METAL FENCE
	PROP. WOOD FENCE
TBT	TO BE TRANSPLANTED
TBR	TO BE REMOVED
LC	LANDSCAPE CONTRACTOR
GC	GENERAL CONTRACTOR
	HARDSCAPE TO BE REMOVED

LILA FENDRICK landscape architecture & garden design
6904 West Avenue Chevy Chase, Maryland 20815 (301) 907-7700

ROSE RESIDENCE
5502 GROVE STREET, CHEVY CHASE, MD 20815

SCHEMATIC GRADING PLAN

1/8"=1'-0"

11-04-19
12-04-19
12-09-19
02-04-20

4

7

Report from the Twinns' Engineer
(received April 1, 2016)

January 9, 2017 Board Meeting

5502 GROVE ST. GRADING.

CHANGES IN WATERSHED AND STORM WATER FLOWS

CONSEQUENCES OF THE GRADING

Antecedents

The Roses (owners of Lot 26) built a retaining wall in the limits of the Twinn's property (Lot 29) to increase the land level and build a new fence. The new land configuration changed the storm water flows and increased the watershed area, making useless the drainage system the Twinns had built a few years ago and now the Twinn's backyard floods almost every time it rains. The surrounding lots (30, 27 and 28) have also been affected by the grading in different ways.

Description Of The Works Regarding The Grading

Lot 29 owners performed a grading work, including at least:

- A **retaining wall** mostly in the limits of Lot 29 and Lot 27, as can be seen in figure 1. The wall is made of wood strips with a little hole every 4 feet, approximately, as drainage system (photo #4 in figure 1). Regarding the Lot 29, the wall ends around 6 feet before the property limits in the corner with Lot 30.
- A **soil filling** to grade the yard and get a horizontal land surface in their yard
- A **fence** around the backyard on the new land level and
- A **storm water storage chamber connected to the roof gutters** and a popup emitter that smoothly allows water out and disperses it through the back yard.

Changes In The Watershed And Water Flows Introduced By The Grading Works

The **watershed** of Lot 29 has been defined here as the area where the water comes from when it rains. Its limits have been obtained by combining different criteria: (i) drawing its limits where slopes change from negative to positive or vice versa, (ii) drainage systems that cut a surface water flow (like in Lot 30) and (iii) drawing perpendiculars to contour lines. Figures 2 and 3 show longitudinal profiles and figures 4 and 6 show contour lines to define the watershed (before and after the grading). The watershed area defines the amount of water that goes to the backyard of Lot 29 when it rains depending on the precipitation rate. Obviously, the bigger the watershed is the greater amount of water it will receive.

The **water flows** are the paths the surface water follows according to the land profile when it flows by the steepest downwards slope (perpendicularly to the contour lines). The water flows define how the water from the watershed enters the back yard of Lot 29. See figure 5 for details on how water used to flow from Lot 26 towards Lot 29. For this purposes, additional contour lines have been interpolated based on the information of the original proposal.

Once the wall has been built, when the rain is light and the soil can absorb it, no major changes have been detected. The problem occurs when it rains heavily and the water flows too fast or the ground is saturated and cannot absorb additional water. The current drainage systems in Lot 29 and Lot 30 was designed after a careful and systematic analysis of the water flows entering those yards but the grading works have introduced 2 main changes regarding storm water configuration that make less efficient the drainage systems and directly affects other lots around. These changes affect the watershed and the water flows:

1. **Changes in the watershed:**
    a. **Before:** Water from the roof and the western part of the Lot used to flow towards Lots 27 and 28, directly or through the corner of Lot 29 (figure 4).
    b. **After:** By installing the storm water chamber connected to the roof gutters the water from the roofs that used to flow towards Lot 27 & 28 now is spread in the middle of the backyard and flows under the fence towards Lots 30 and 29, increasing the amount of water and overloading the drainage system with additional water (figure 6).

2. **Changes in the water flows from Lots 24, 25 and 26:**
    a. **Before:** Lot 26 had a slope towards Lots 29 & 27 and water used to flow to Lot 29 mainly through two points in the fence (see figure 5), one in the middle towards the drainage box and the other one close to Lot 28. Water close to Lot 27 used to continue flowing towards Lot 28 and 27 not using the drainage system at Lot 29. The existing drainage system in Lots 29 and 30 were designed after a careful and systemic analysis of the water flows entering those yards. Figure 5 shows how the water used to flow from Lot 26 to Lots 27 & 29.
    b. **After:** Now the land profile has changed, **the retaining wall is in fact a barrier for the water on the surface and the ground water flow is insignificant,** water from Lots 24, 25 and 26 flows concentrated in the corner between lots 26, 29 and 30 (figure 7) where there is no wall (photos #1 & #2 in figure 1) and not through the fence where it used to flow. As a result, (i) Lot 27 has considerably reduced the amount of water coming from Lot 26, (ii) Lot 30 receives water under the fence that used to go only through Lot 26 and 29 before the grading, (iii) the water now entering Lot 29 flows through the whole back yard at not from where it used to flow and mostly coming from Lot 30, which makes its drainage system less efficient and (iv) Lot 28 water flows from Lot 29 are now reduced since those coming directly from Lot 26 are now mostly driven through the drain box in Lot 29.

The **consequences** of these changes are:

1. The water now flows following a different path closer to the house of Lot 29, **flooding a larger extension of the backyard that previously did not use to flood.**
2. The **back yard of Lot 29 now floods more frequently** due to the additional amount of water and the changes in the water flows, often creating a water basin in the yard.
3. The new flows in the back yard and the water basin saturate the soil and **increase the risk of water filtering through the soil into the basement or undermining the house foundations.**

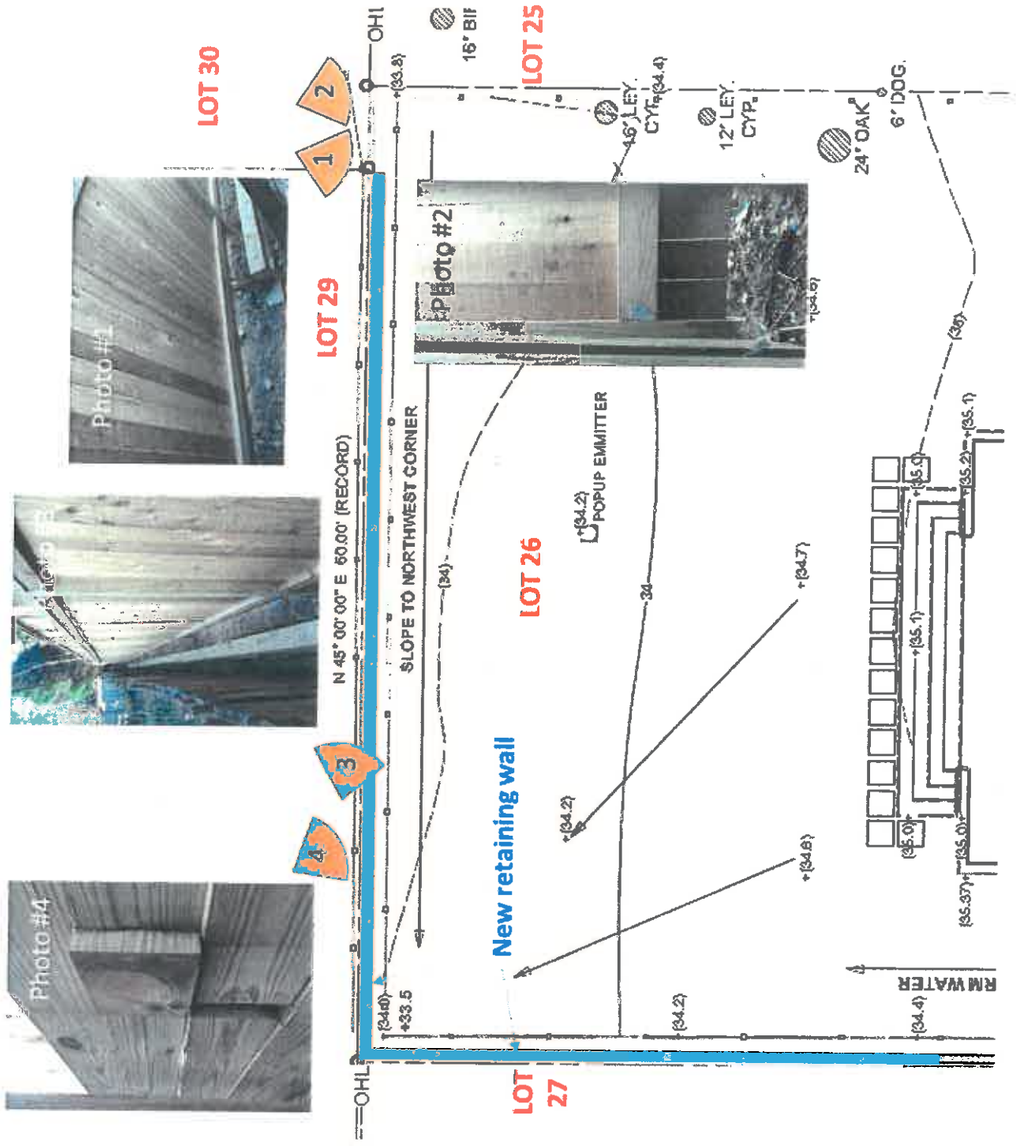


Figure 1: retaining wall and photographs

11

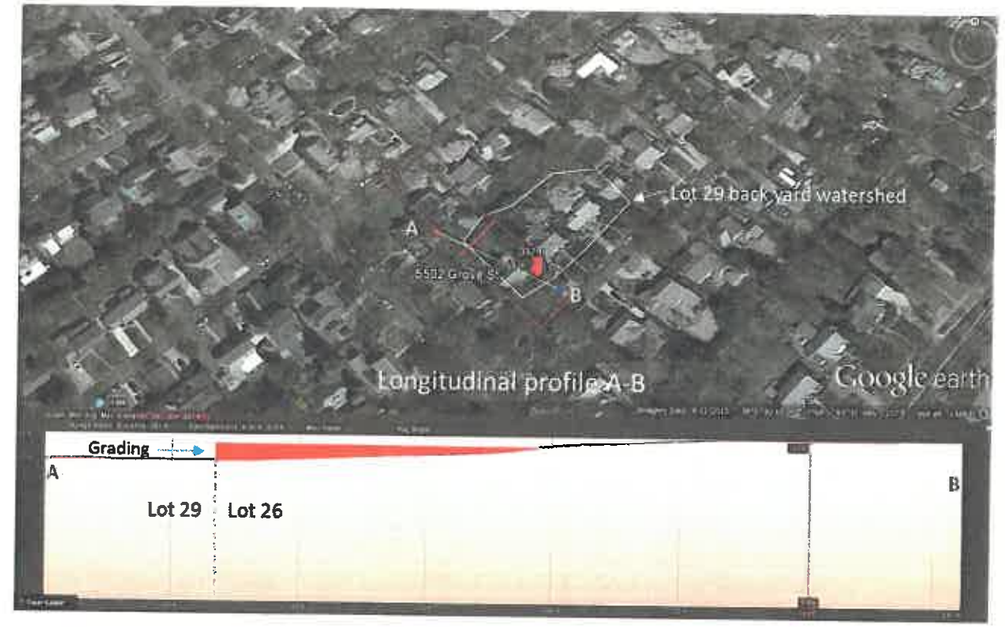


Figure 2: Longitudinal profile AB

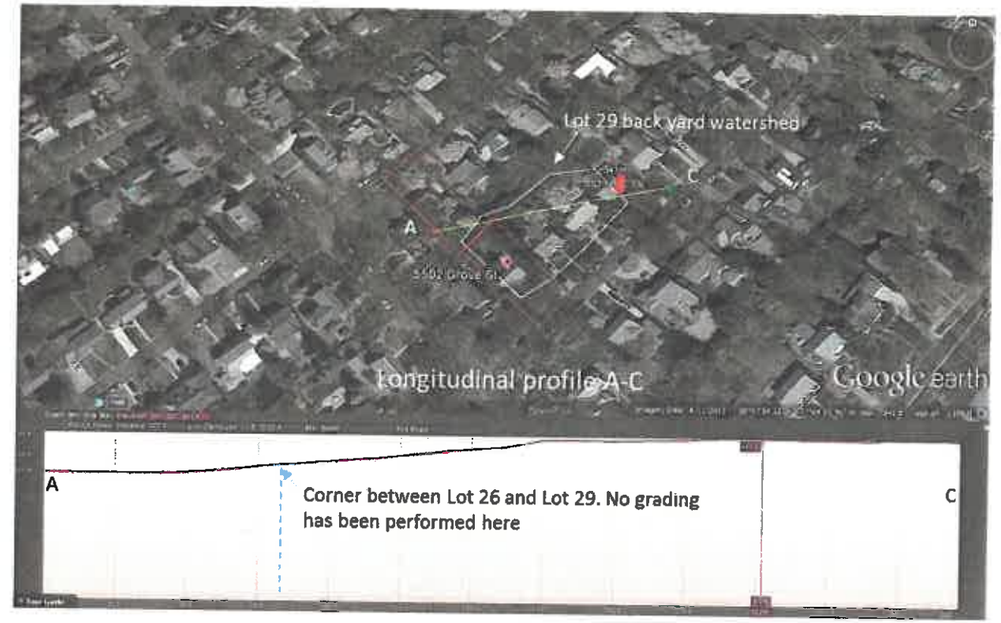


Figure 3: Longitudinal profile AC

12

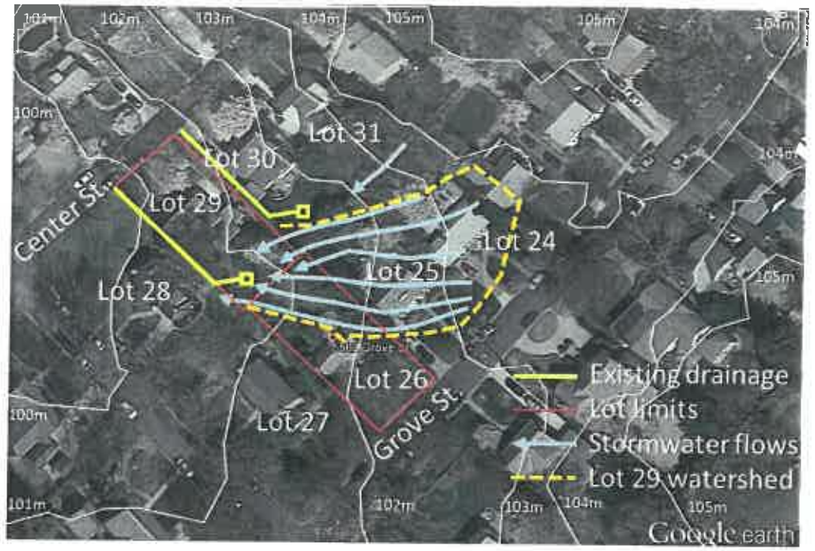


Figure 4: Contour lines and watershed limits before the grading

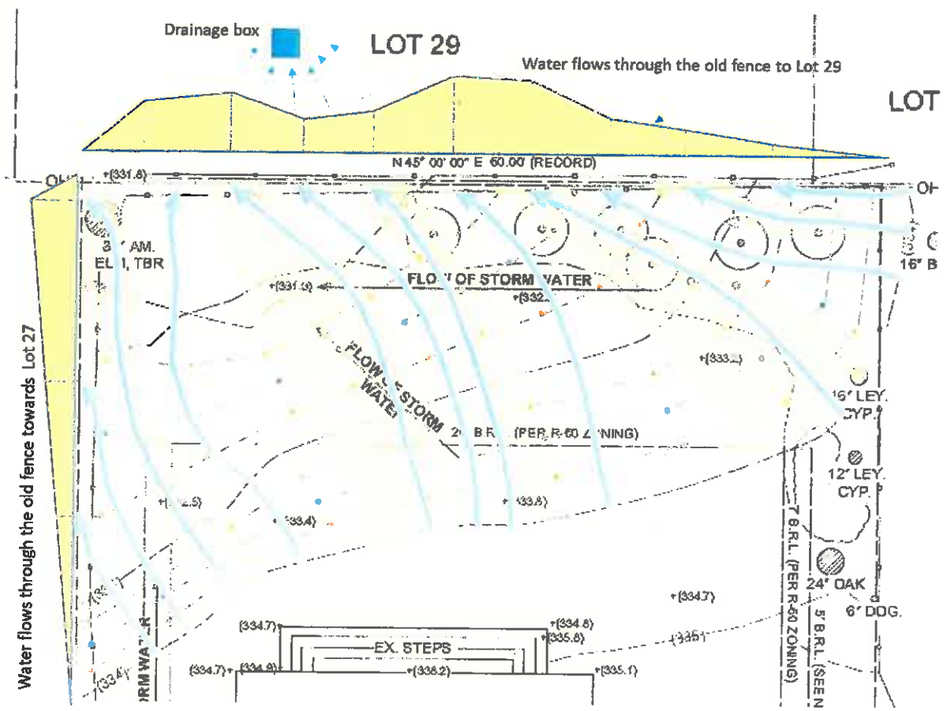


Figure 5: water flows in Lot 26 before grading

13

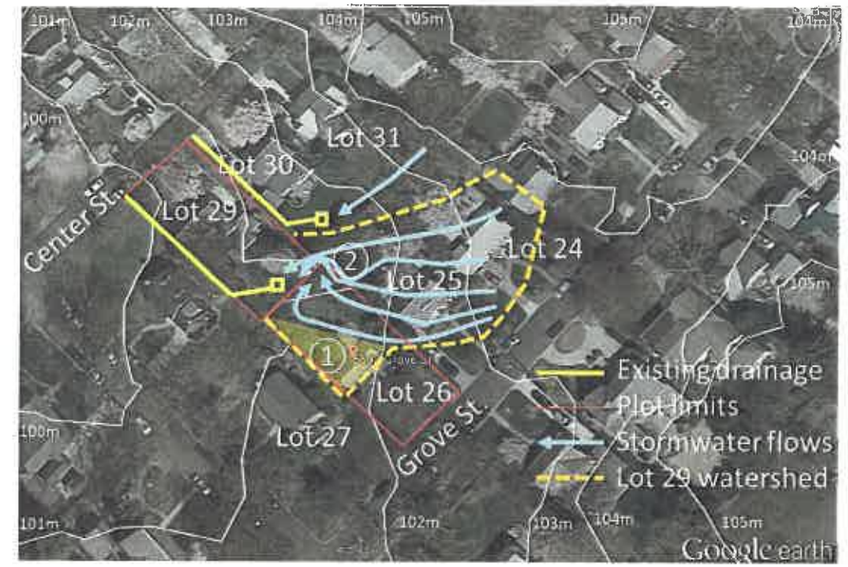


Figure 6: Contour lines and watershed limits after the grading

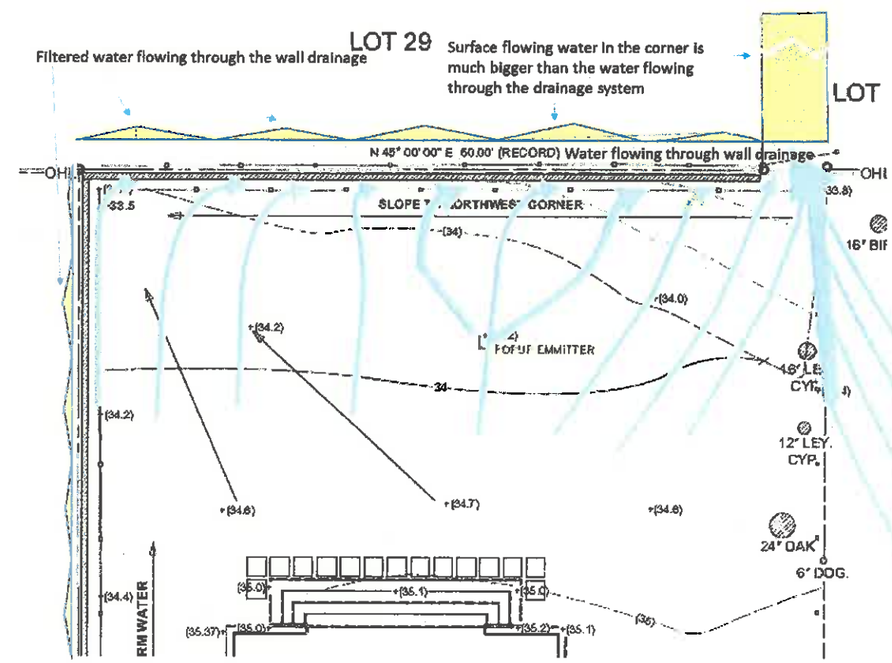


Figure 7: water flows in Lot 25 after grading

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THE CURRENT PROPOSAL IS NOT A SOLUTION TO THE PROBLEM

Unfortunately, the solution described in the drawing (figure 8) provided by the advisor to the Roses does not have enough information to judge it. It might be because of some missing pages or because there is a lack of definition. Apparently it seems that some soil will be removed close to the wall to allow water flow towards Lot 29 or Lot 27 through the wall. In any case, there is missing information about land height:

- Detail of the land height in the area close to Lot 29: What will be the slope towards Lot 27 (northwest corner ie. area A in figure 8)? Will it be lower than the point where there is no wall (Lot 25 ie. Area B in figure 8)?
- Detail of the land height in the area close to Lot 27: Will the water from the popup emitter flow again towards Lot 27?

Apparently, there is a number of problems that will not be solved:

- **The watershed seems to remain as it is** right now, since the popup emitter will pour water towards Lot 29. That means that additional water will be flowing to Lot 29 instead of flowing to Lot 27 as before and frequent floods will occur since the drainage system installed in Lot 29 will be overloaded.
- The only way that water may find to flow towards Lot 29 is through the wall, and consequently only filtered water through the ground will make it. The flow of water through filtered soil is significantly less than the flow at the surface, so only a little amount of the water will be filtered and most of it will flow on the surface. Since the proposal is undefined, *the only efficient solution is to remove the soil at a lower level than the shown in photo#1 of figure 1 (where the wall ends) and make proper drainage holes in the wall.* Otherwise, **the water will accumulate and will flow again under the fence** where there is no wall and it is currently the lowest point in Lot 26 (area B).

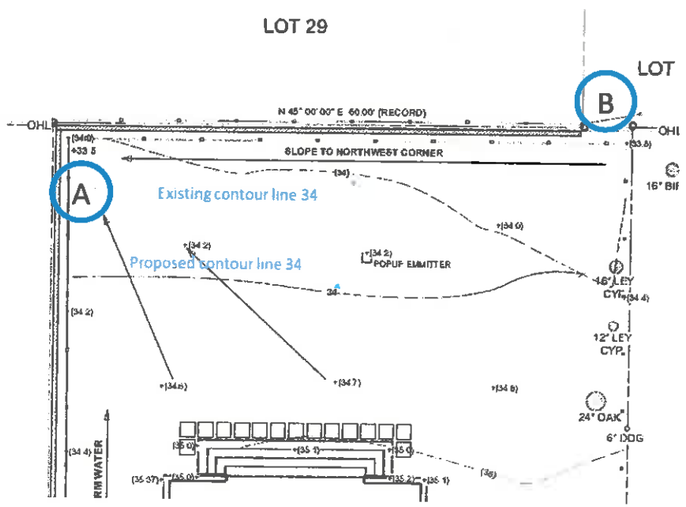

Figure 8: Proposal from the owners of Lot 26

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ALTERNATIVE MITIGATIONS

Since returning to the original land configuration to restore the watershed and the water flows does not seem to be a valid proposal, there are several alternative solutions that may have a similar effect.

Alternative 1: Wall Drains + Move Popup Emitter

This alternative consist of a stone-filled drain with a geotextile sheet along the wall at the original land height (figure 9) that will allow water to follow the same path as it was before the grading (figure 11). In order to make sure that the water does not accumulate behind the wall, it must have enough drains to let water flow out (figure 10). This alternative is valid for both walls in the boundaries with Lot 29 and with Lot 27.

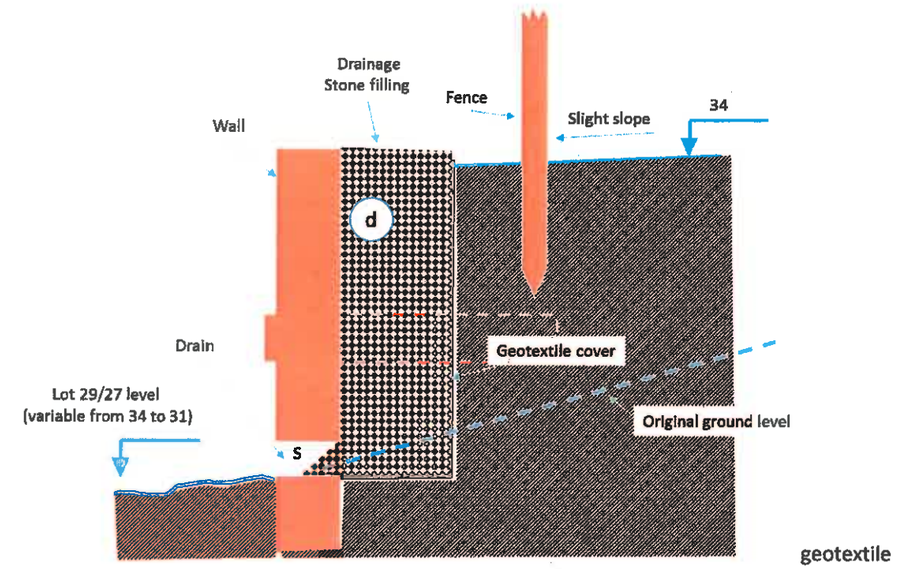

Figure 9: Alternative 1 transversal section

Figure 10: Alternative 1 longitudinal section

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The popup emitter that brings the water from the roof should be moved to a place where the water only could pour to Lot 27, according to the previous situation (figure 11) to avoid increase the amount of water flowing to Lot 29.

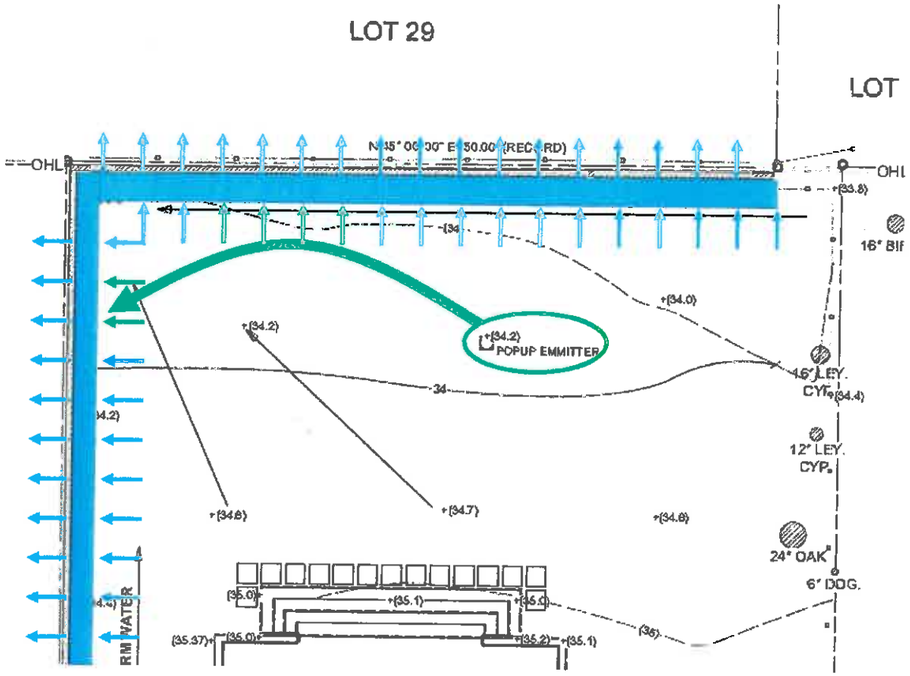

Figure 11: Alternative 1 floor drawing

Parameters to be determined here are:

- Stone size (d)
- Drainage width (w) – is a function of the stone size and the evacuation flow
- Drain section (s) – depends on the evacuation flow
- Drain spacing (L) – Is a function of the drain section. In order to replicate the previous situation (pre-wall), in the center of the wall sections would have to be larger or L would need to be shorter (figure 10).

It is assumed that a 5% of the times the rain is so heavy that floods are inevitable, so these parameters should be calculated assuming a maximum failure rate of 5% (95% percentile). This means that according to one year hourly statistical series at Reagan National Airport weather station, during the last 12 months it rained in a significant way a total of 668 hours and a 95% percentile is equivalent to a rain rate of 0.26 inches/hour (figure 12). Since the watershed has an approximate area of 0.5 acres, in a first approach **the hourly volume of water to be drained through the wall would be around 3,500 gallons.**

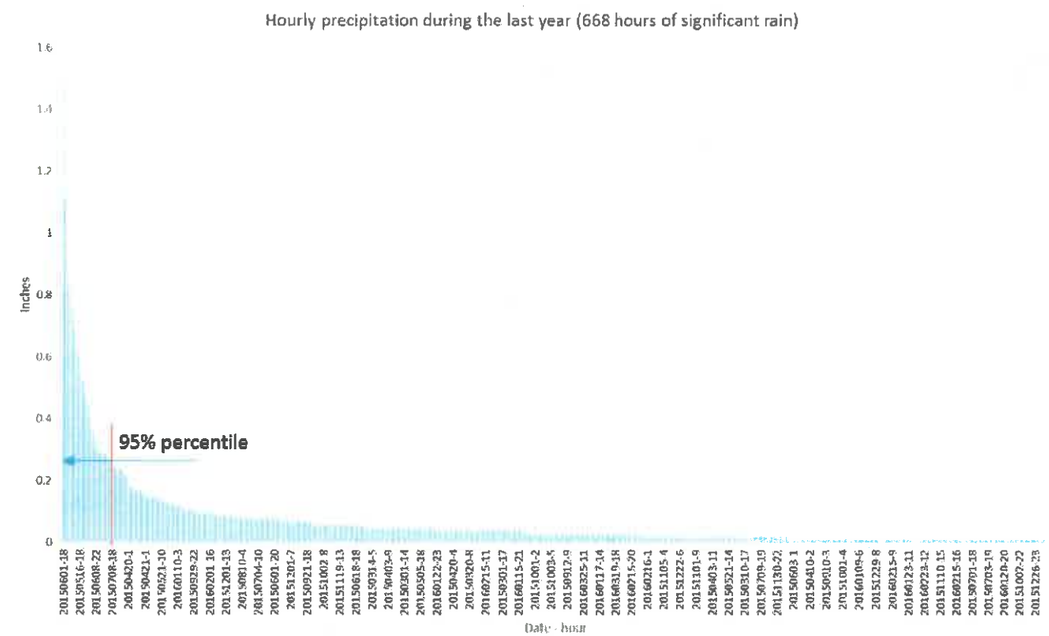

Figure 12: hourly precipitation estimation for design purposes

Alternative 2: Drain box + Evacuation Pipe

This alternative consists of (i) a drain box in the corner of Lot 26 where there is no wall, (ii) a new pipe along the wall and (iii) a pipe connecting Lot 26 to Center St. through Lot 29, in the border with Lot 28 (figures 13 and 14). **No additional measures would be required** since water flowing to Lot 27 would be also drained through the box in the current conditions. The section of the pipe should be enough to be able to evacuate the extended watershed volumes during the rain.

The inconvenient for the owners of Lot 29 is that a part of the pipe would have to be dug in their property. If the owner of Lot 26 does not clean properly the box or his section of the pipe, the problem would come back again. It is advised to leave a 2 feet width corridor between the wall and the fence for maintenance purposes.

The connection along the limit with Lot 30 wouldn't be possible since the height difference between Center St. and the drain box wouldn't be enough or would require a too large section for the pipe. For the proposed alternative **the minimum pipe section should be at least 5 inches** and the box size should cover the gap between the property limits and the end of the wall. The box depth, which could also include a chamber, would have to be deep enough to feed the pipe and the pipe should have an adequate slope.

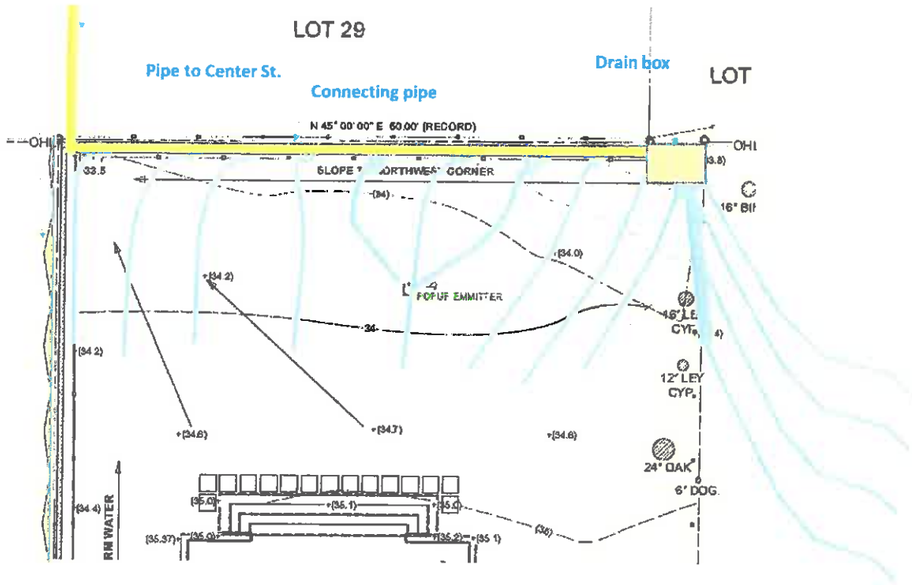

Figure 13: Alternative 2 floor drawing

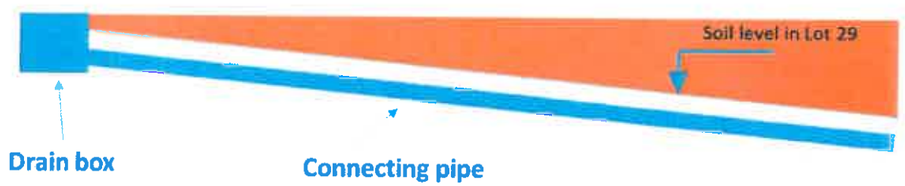

Figure 14: Alternative 2 wall longitudinal profile

OIP+A Report
Dated October 14, 2016

January 9, 2017 Board Meeting

OIP+A

OYSTER, IMUS, PETZOLD & ASSOCIATES, LLC
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11327 Amherst Ave., Suite A • Wheaton, Maryland 20902
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October 14, 2016

DRAINAGE REPORT FOR 5502 GROVE STREET IN CHEVY CHASE, MARYLAND

Background

Oyster, Imus, Petzold & Associates, LLC (OIPA), has reviewed the plans provided to us by Chevy Chase Village for 5502 Grove Street (Lot 26) and conducted a site visit to assess the impact of new construction on the adjacent properties at 5503 and 5505 Center Street (Lots 29 and 30, respectively). It is our assessment that the grading performed on the site and the construction of the fence and retaining wall did change the drainage patterns to negatively impact the adjacent properties at Lot 29 and Lot 30. Thus we feel that the new construction does not comply with Section 8-25 of the Village Code which states that the "*Alteration of water flow or drainage <as a result of new construction> ... shall not have an adverse effect on abutting or nearby properties...*"

Observations

Based on the plans provided to us, the pre-construction storm water runoff for the subject property (Lot 26) drained from the front right to the rear left of the property. (All references to locations on a property such as front, back, right and left are based on a person standing in the street in front of the noted property and looking at the house.) This drainage pattern also directs water from the adjacent properties at 5504 and 5506 Grove Street to both the subject property and to 5503 Center Street, as can be seen on GIS topographic data available for Montgomery County.

The grading on the subject property disrupted the previous drainage pattern (right to left) and caused runoff to drain from the house to the rear right of the property. When runoff reaches the rear of the property, it is blocked by the retaining wall, and is directed to the rear right where it can go around the retaining wall. Thus runoff that was previously entering only a small section of 5503 Center Street (the rear right corner of 5503 Center Street), is now traversing the entire property (from the rear left to the rear right). Runoff is also being directed to the rear right corner of the adjacent lot at 5505 Center Street.

Other factors that we considered, but that we do not feel contribute significantly to the drainage patterns are (1) the soil in the rear of Lot 26 may have been additionally compacted during construction, which would make the ground less permeable for absorbing rainfall and runoff, (2) the removal of any trees in the rear of Lot 26 would result in less runoff being intercepted by the foliage and removed from the water table by the tree roots, and (3) the flatter grade in the rear of Lot 26 may encourage greater infiltration as the runoff would move at a slower rate over a flatter surface and then have more time to infiltrate into the soil.

Recommendations

We believe that the solution prepared by the Landscape Architect, Lila Fendrick, in her latest submittal, dated September 27, 2016, should mitigate the current situation to a large extent. Her plans provide a swale (a shallow ditch) that intercepts the runoff from the adjacent lot at 5504 Grove Street (to the right of the subject property) and then directs it to an inlet in the

rear left of the property. This inlet, in turn, conveys the water into a gravel "drain tile" that sets behind the retaining wall, at a location where the water was previously draining. From the "drain tile" the water should eventually drain through the ground, and through "weep holes" in the timber retaining wall, to the neighboring property at the location where the storm water runoff was originally flowing to, prior to the original grading that occurred on the subject property.

Brief Review of Drainage Report Prepared Provided by the Neighbor's Engineer

At the request of Chevy Chase Village, we briefly reviewed the report prepared by the neighbor's engineer. Figures 5, 6 and 7 appear to give an accurate description of the changes in water flows caused by the grading on the subject property that have adversely impacted the neighboring lots. We also agree with the report's finding that a sufficient drainage system has to exist behind the retaining wall to convey the runoff through the retaining wall. The contractor has stated that such a system was installed for this project.

Limitations

The conclusions contained in this report are based on data obtained from a single site visit, plans and documents provided to us by the client, and information garnered from publically available aerial photography and mapping. While they reflect our best analysis of the problem presented to us, they are not guaranteed to resolve the situation studied.

We did not excavate behind the retaining wall to confirm that the drain tile was built as stated by the contractor. Nor did we determine the exact location of property lines. We assumed that the design plans, the survey, and the information provided by the contractor were generally accurate.

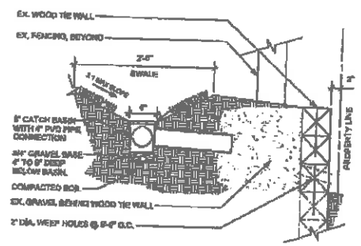
Thank you for choosing Oyster, Imus, Petzold to prepare this report. If you have any questions concerning this report or we may of further service, please contact us.

Respectfully Submitted by,

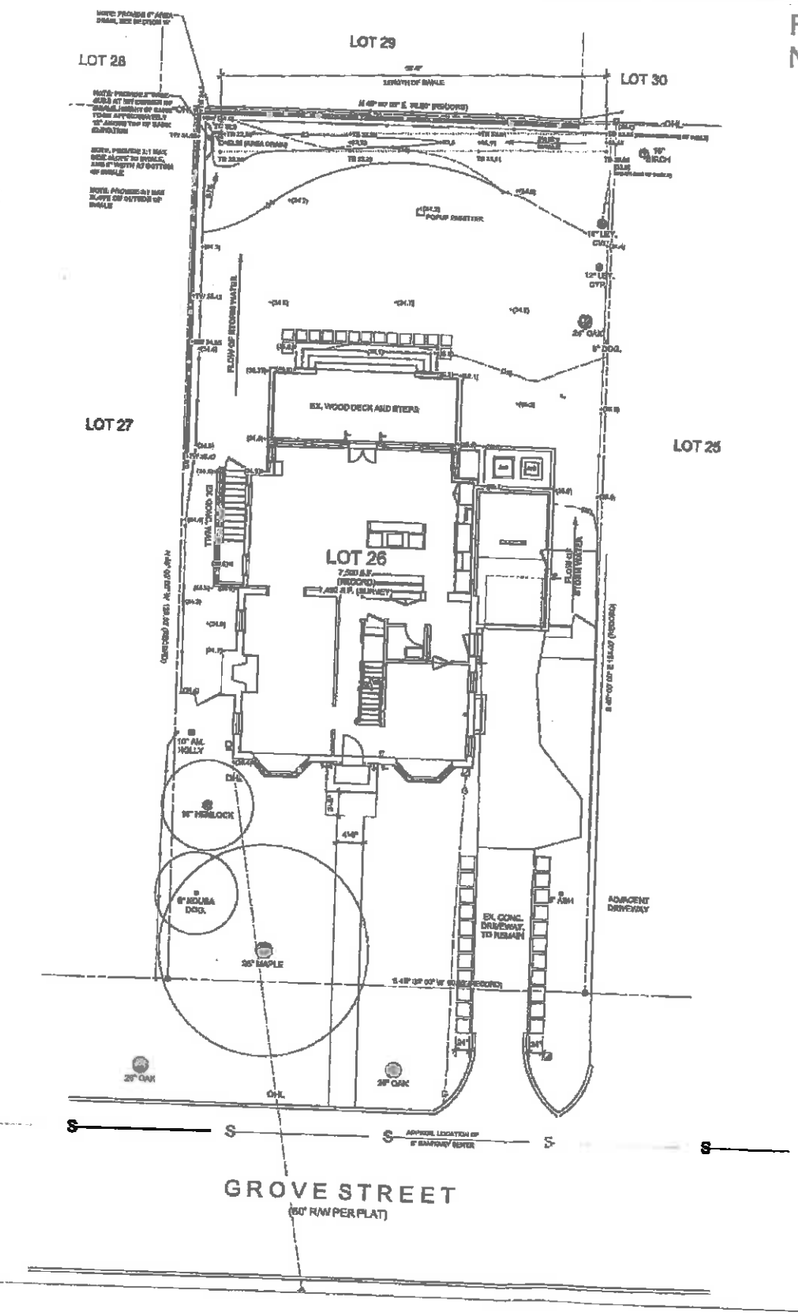
Peter Noursi, P.E., Principal
Oyster, Imus, Petzold & Associates, LLC

Aerial Photo from MCAtlas website. Lot Numbers in red. Photo taken prior to construction. Subject Property is Lot 26.

FOR REVIEW AND PRICING ONLY,
NOT FOR CONSTRUCTION



A 8" AREA DRAIN
SECTION
1"=1'-0"



GENERAL NOTES

1. TOPOGRAPHIC AND BOUNDARY SURVEY BY SNIDER & ASSOCIATES, 2/8/2016
2. FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.NET/TIG-46 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE LOCAL JURISDICTION.
3. ALL SUBSURFACE PIPES TO BE HDPE PVC PIPE.
4. THE INTENT OF THE PLAN IS TO CAPTURE WATER RESCUE FROM THE SUBJECT LOT, AND THE ADJACENT LOT AT 5504 GROVE STREET THAT WAS PREVIOUSLY DRAINED ACROSS THE SUBJECT PROPERTY, AND CONVEY IT TO THE PROPOSED SWALE.
5. NO GRADING IS TO OCCUR ON ANY PROPERTY OTHER THAN THE SUBJECT PROPERTY, WITHOUT THE RESPECTIVE NEIGHBORS' PERMISSION.
6. A PRE-CONSTRUCTION MEETING WITH A REPRESENTATIVE FROM CHEVY CHASE VILLAGE IS REQUIRED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

KEY

	EXISTING TREES
	PROPERTY LINE
P (PLAT)	EXISTING ELEVATION
+ 0.0	PROPOSED ELEVATION
(100)	EXISTING CONTOUR
100	PROPOSED CONTOUR
G	GAS
W	WATER
S	SEWER
OHL	OVERHEAD LINE
	SANITARY MH
	POWER POLE
	LIGHT POLE
	SIGN
	EX. WOOD FENCE
	EX. METAL FENCE
	PROP. WOOD FENCE
TBT	TO BE TRANSPLANTED
TBR	TO BE REMOVED
LC	LANDSCAPE CONTRACTOR
GC	GENERAL CONTRACTOR
	HARDSCAPE TO BE REMOVED

LILA RENDRICK landscape architecture & garden design
6904 West Avenue Chevy Chase, Maryland 20815 (301) 907-7700

ROSE RESIDENCE
5502 GROVE STREET, CHEVY CHASE, MD 20815

SCHEMATIC GRADING AND SUBSURFACE DRAINAGE PLAN

4

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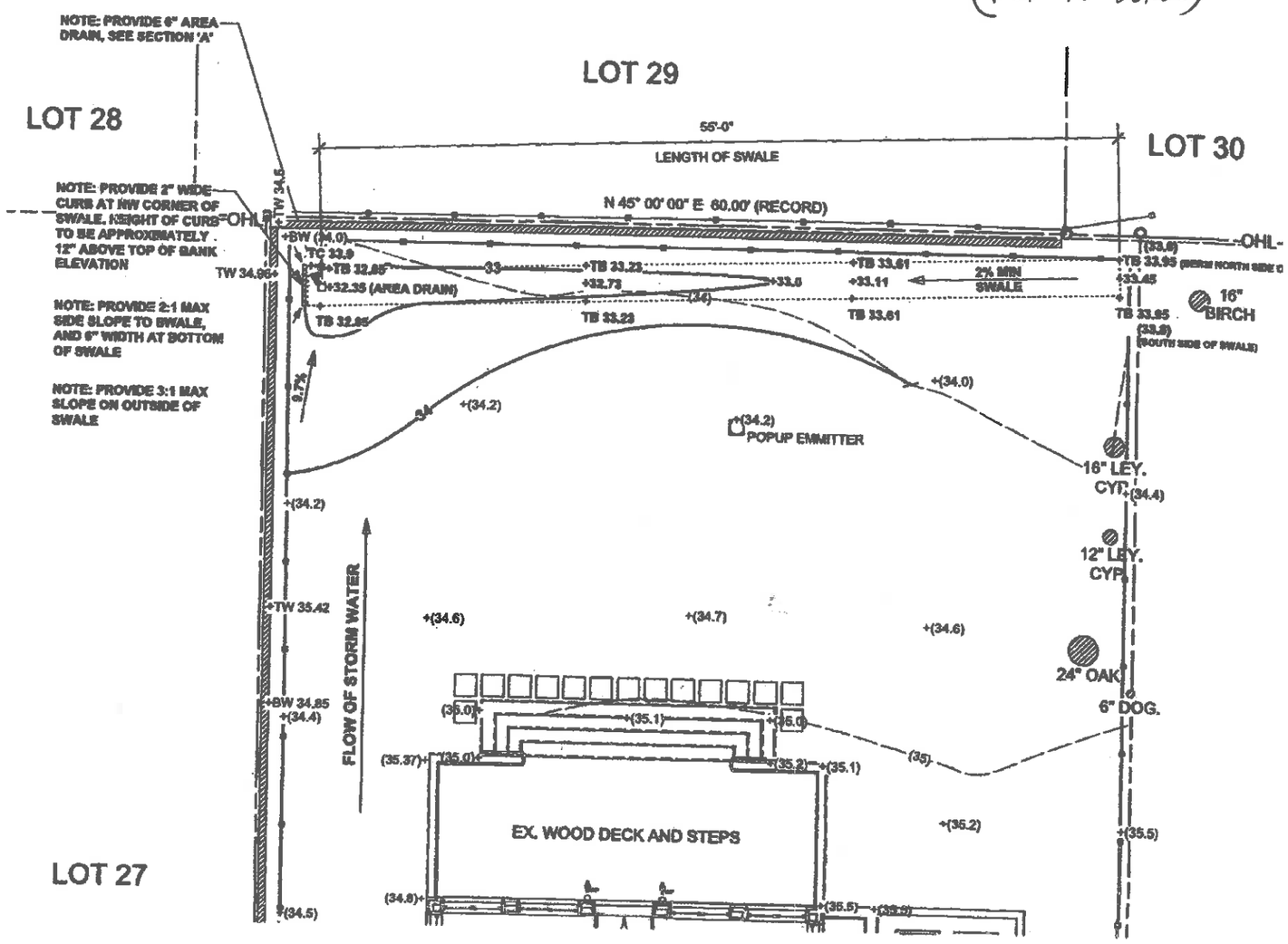
Plan 9/27/16
Enlargement
(NOT TO SCALE)



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Report from the Twinn's Engineer in Response to the October 14 OIP+A Report

January 9, 2017 Board Meeting

Case A-6895: Appeal of re-grading at 5502 Grove St
Preliminary Comments on the new proposal

PROPOSAL EVALUATION

Understanding of the proposal

The proposal includes digging the current regrading in the area close to the Twinn's lot to create a swale parallel to the wall with a minimum 2% slope ending at the west side in a 6" box connected through a 4" pipe to the gravel behind the wood wall where the grading lays.

We are assuming that with the new swale, water will not flow below the fence at the east side unless the swale overflows.

There might be some missing drawings for a whole definition of the project, so this is our understanding of the proposal based on the info made available to us. Please let us know if this is not correct.

Analyzing the proposal

The proposal improves the current situation because:

- It adds some water storage capacity (around 1 m^3)
- It slightly improves drainability by connecting the drainage box to the gravel

Despite of that, the proposal is not a solution because:

1. The new design **drainage capacity is not enough**.
2. It simply **transfers the problem to the owner of lot 28** by concentrating the water flow in a point closer to his/her property.
3. **The solution requires a periodic cleaning of the box grate** to be effective, might be several times a day in windy autumn days, and if this is not guaranteed the proposed drainage box will be useless.

These conclusions come from the following analysis:

- Not enough drainage capacity:
  - According to the permeability of the soil calculations, in the best of the cases the combination of gravel plus a hole of approx. 6"x1" in the retaining wall would allow to drain between 70 and 210 liters per hour[1] depending on the height of soil above the hole. An average of 140 liters per hour can be considered, and taking into account that there are 12 holes, the draining capacity at present is around 1,680 liters per hour. This draining capacity will not improve significantly by adding the connecting pipe towards one of the holes in the wall, since the water still has to go through the gravel at a very low speed which is the bottleneck in this design.
  - Taking into account (i) the rainfall files from Reagan airport for a whole year's period starting March 1st, 2015 (most recent data available by the time of the last proposal), (ii) the water storage capacity above the holes (soil + swale) is around 8 m^3 and (ii) that the retaining wall watershed is 0.14 hectares, that would mean that from a total of 668 hours of rain in a year this proposal would only be a solution for 413 hours (around 62% of the rainy hours). **For 255 hours a year the swale would overflow** moving round the end of the retaining wall and flooding across the Twinn's (and Lee's) yards as it has been doing since the regrading was completed.

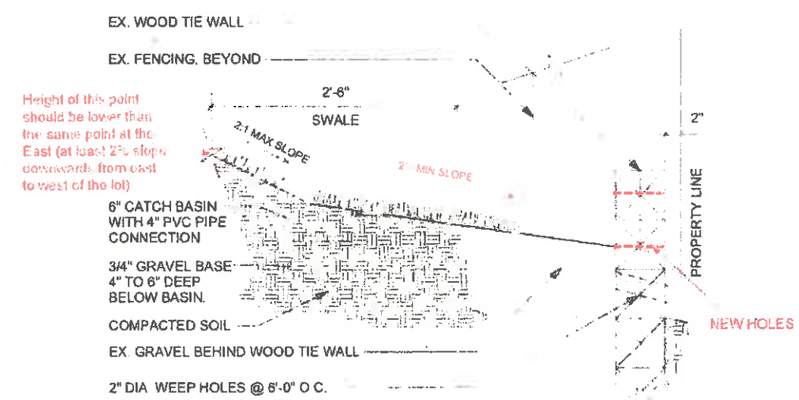
[1] On site measures can be taken during a rainy day to calibrate the model. A value of 1.5 has been assumed for constant k in Darcy's equation, which is the best possible case of draining gravel.

- Under the proposal the drainage problem is transferred to the neighbor at lot 28, who:
  - Would receive more water than presently, since the Twinn's drainage system currently absorbs most of the water coming from lot 26 (the Roses') but with the proposed project (assuming it worked) all the water from the watershed would go directly to lot 28.
  - The water would come from a single point at the NW corner of the lot instead of evenly distributed along the wall with the Twinn's lot.
  - These two factors would probably cause a flood in lot 28, transferring the problem to that yard.

- All the above assumes that a permanent cleaning of the grate on the drainage box and the pipe will be performed, taking out leaves and branches. There are a birch and an oak close to the swale, which means that during spring, summer and autumn leaves may fall and the water would drag them to the drainage box, making it useless. Besides, since there is no easy access to the connecting pipe, small leaves and branches would easily accumulate at the end of the pipe making it useless as well. In any of the above cases, once the water storage capacity of the swale is full, the swale would overflow coming back to the present situation.

Coming back to the original water flows with the minimum arrangements

To return the water flow to a similar situation before grading we suggest to dig half the proposed swale (longitudinally) with no drainage box but a permanent slope of at least 2% for its whole length toward the Twinn's lot. Since the new soil level would be below the retaining wall upper limit, new holes in the wall **above the ground level** should be opened to allow direct evacuation of the water with a minimum total section of 560 cm^2 (around 87sq inches) distributed along the wall. The most important would be **keeping the downwards slope from east to west (at least 2% slope) and eliminate the low point at the east** where there is no retaining wall.



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Revised OIP+A Report with
December 1, 2016 addendum
(following November 23 meeting and site visit)

January 9, 2017 Board Meeting

OIP+A

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DRAFT COPY - ADDENDUM TO REPORT DATED OCTOBER 14, 2016

December 1, 2016

Dear Ellen,

We have reviewed the following items that were discussed in the meeting between the town, the three neighbors at 5502 Grove Street (the Rose's), 5503 Center Street (the Twinn's) and 5505 Center Street (David Lee), and ourselves last Wednesday, November 23, 2016.

1. Catch Basin: At Mr. Twinn's suggestion, relocate the catch basin on the Rose's property so that it would direct the water in a manner that more closely resembles pre-construction flow patterns.

2. Provide a pathway for the overflow of water through the wall so that the water will not back up to the back rear of the Roses property and then flow to the Twinn's property.

Subsequent to the meeting, we visited the site and discussed the proposed items in the presence of both Mr. Rose and Mr. Twinn, as well as Mr. Twinn's engineer, Mr. Samos.

We have the following observations and recommendations:

Catch Basin: Placing the catch basin 10' to the right of the outside edge of the retaining wall is preferable to the current design. According to Mr. Twinn's observation, having the water flow out of the wall at this location should more closely resemble the pre-existing flow path of the runoff. This would also reduce the amount of grading on the Rose's property since the catch basin would be moved upgrade from its existing location. We do not believe that this would cause additional adverse impact to the adjoining property. Our concern is conveying the runoff, not storing it.

In order to reduce the likelihood that the catch basin would clog, a dome cover should be used. If this is not available for a 6" catch basin, a 9" catch basin should be used. Based on our site visit, it also appears that the distance of 10' to the right of the outside edge of the retaining wall may not ensure that water bypasses the catch basin on the Twinn's property. If the Twinn's and Rose's are in agreement, we recommend that the location of the catch basin be moved 12' to the right of the outside edge of the retaining wall. We were able to find a 9" catch basin with a domed cover on line at https://drainagekits.com.

We are not opposed to a suggestion made by Mr. Samos that a larger pipe (6" instead of 4") be used to convey the water from the catch basin to the gravel drain tile. We do not think that this will substantially change the intent of our design, and the cost difference should not be substantial. Ultimately, the catch basin in Mr. Twinn's yard is limited by the pipe capacity of the 3" pipe that conveys that water to the street.

Conveyance of Overflow: There is a concern that a clogged grate, pipe or gravel drain will back up water in the proposed swale. The back up would force water to the rear right of the Rose's property before flowing to the Twinn's property. We proposed at the meeting that ½ " weep holes be drilled into the top tier of the timber wall, spaced at 2' on center, at the midpoint of the timber. As the length of the wall is approximately 55', that would allow for 26 weep holes. This would allow for the passage of additional flow in the case that the water backs up in the Rose's property.

Additional observation from field visit. It is possible that the drain tile and the Miradrain Board used by the contractor is to dewater the area behind the retaining wall and direct the flow to the rear right of the subject property (to the terminus of the retaining wall). When completing these changes, the contractor should ensure that the perforated pipe and the drain tile do not outfall at the terminus of the retaining wall as this would contradict to the intention of the plan revision. Thus the perforated pipe should be capped, and the gravel removed for the final 5' of the retaining wall. Additionally, ½" weep holes should be drilled into the bottom two tiers of timbers at 2' on center on each timber. When drilling the weep holes, the drill should pierce the Mira Drain fabric to ensure that water will be able to pass through the it and the weep holes. Also, at areas were there is a gap in the timbers, the fabric should also be pierced to encourage passing of the water. A meeting with the contractor would be helpful.

Limitations of these Recommendations: As with our original report, the conclusions contained in this letter are based on data obtained from two site visits, plans and documents provided to us by the client, and information garnered from publically available aerial photography and mapping. While they reflect our best analysis of the problem presented to us, they are not guaranteed to resolve the situation studied.

We did not excavate behind the retaining wall to confirm that the drain tile was built as stated by the contractor. Nor did we determine the exact location of property lines. We assumed that the design plans, the survey, and the information provided by the contractor were generally accurate.

Thank you for choosing Oyster, Imus, Petzold to prepare this report. If you have any questions concerning this report or we may of further service, please contact us.

Administrative Determination Letters
To the Roses and
Twinn/Lees

January 9, 2017 Board Meeting

CHEVY CHASE VILLAGE
ESTABLISHED 1890

December 28, 2016

Mr. and Mrs. David and Megan Rose
5502 Grove Street
Chevy Chase, MD 20815

Dear Mr. and Mrs. Rose:

This letter notifies you of the administrative determination that has been made with respect to amendment of building permit 6879, issued to you for construction of a wall and fence in the rear yard of 5502 Grove Street. This determination has been made based on the information received from you, the Twinns, the Lees, and the various experts that have provided input, as well as the Village's consulting engineer (OIP&A). A site visit involving OIP&A and all parties also took place on November 23, 2016. You have received copies of the OIP&A report of October 14, 2016 and the addendum dated December 1, 2016. We have also consulted with OIP&A with respect to Ms. Rose's question of December 9, 2016, which is addressed below. After this review, it has been determined that the proposal prepared by Lila Fendrick on your behalf, as amended by the OIP&A reports of October 14 and December 1, is acceptable to the Village as the requirements for the amended building permit.

The purpose for the meeting on November 23 was to share information and to describe the process that would be used by the Village to make the administrative determination of what would be an acceptable option for this construction. The main concern was to approve a plan that is designed to mitigate any adverse stormwater effects of the construction on the adjoining properties owned by the Twinns and the Lees. After a discussion of the concerns and options at the meeting, and the site visit, OIP&A issued the December 1, 2016 addendum. Since the issuance of the addendum, concerns were received from Ms. Rose and Ms. Twinn. The responses to these concerns are as follows:

I. ***Copy from email dated 12/9/2016 from the Roses***

Staff's Summary of the Roses' position
Staff's response to Roses' position

We do, however, have some concerns about the number of weepholes suggested to be drilled into our retaining wall. As a general matter, we believe that specific details, such as the existence and number of holes, should be determined in the field and left to our discretion.

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LEGAL COUNSEL
SUELLEN M. FERGUSON

Furthermore, after consulting with our civil engineer, landscape architect, and structural engineer (for the retaining wall), we have concerns that the recommended holes in the timber wall may affect its structural integrity. Moreover, while we are somewhat ambivalent with drilling holes in the top tier of the wall, we are reluctant to drill holes in the bottom two tiers. We believe the bottom tier holes run counter to the notion of allowing water to permeate slowly through the ground.

Number and location of weep holes should be determined in field and left to owner discretion, and number of weep holes required will affect structural integrity.

OIP&A has been consulted about this concern. Their response is that the weep holes of ½" diameter drilled in the center of the timbers at 24" on center will not undermine the strength of the wall.

They also clarified the intent of the holes at the bottom of the wall, also ½" diameter at 24"on center. They stated that water from the catch basin will be directed into the perforated drain pipe that runs parallel to and behind the wall. Surface water will enter through the perforations on the top of the pipe. There needs to be a release point in case the pipe ever reaches capacity. The excess which can no longer be contained in the pipe needs a place to flow. If the pipe is not capped at the eastern end then excess water will be directed toward that end of the Rose's property and could conceivably flow around the right end of the wall. If the pipe is capped, as now proposed, the water will rise up and out of the pipe perforations- or it will get to the point that no further water can enter the pipe- and water will flow into the gravel bed, percolating down through it. It can then exit evenly over the length of the wall, rather than possibly being concentrated at the right end of the pipe. So the bottom row of holes is meant as a pressure relief for the gravel. If there were some kind of very high rain fall and the pipe and gravel bed were both filled, the top row of holes will serve the same purpose as the lower holes, evenly distributing water rather than allowing it to flow to the right.

Of course, these statements are provided with the same Limitations of these Recommendations that apply to the reports issued by OIP&A.

II. ***Copy from email dated 12/12/2016 from the Twinns of 5503 Center Street RE: OIPA's 12/1/2016 Addendum Report***
Staff's Summary of the Twinns' position
Staff's response to Twinns' position

As discussed in the all party meeting on November 23 and subsequent site visit, we would be amenable to the catch basin being moved 10' to the right of the outside edge of the Roses retaining wall. Based on our observation of water flow during storms, we believe this would be sufficient for it to flow towards the catch basin on our property rather than flowing directly towards lot 28. Given our continuing concern about the capacity of the proposed system to pass water through or over the retaining wall (see below), we would

be concerned about moving it any further to the right (when viewed from the Roses property).

Shift catch basin ten feet to the right (east) of the west property line at the Roses'
The addendum reflects this change, which has been agreed to by the Roses.

OIPA's letter included several other suggested modifications which we would welcome: (i) a proposal to increase the diameter of the pipe from the catch basin to the gravel drain tile to 6"; (ii) the use of a domed cover to reduce the probability of the catch basin clogging; (iii) possibly increasing the size of the catch basin to 9"; and (iv) additional weep holes being added in the retaining wall to allow more evenly distributed passage of the water through the wall. In addition, if the current design of the drain tile/Miradrain Board is indeed to direct water from behind the retaining wall back towards the right of the Rose's property, as described in the Village Engineer's letter of December 1, we would also welcome the capping of the perforated pipe and removal of gravel from final 5' of the retaining wall as proposed in OIPA's letter.

Increase diameter of pipe from catch basin to the drain pipe to 6"

The addendum reflects this change, which has been agreed to by the Roses.

Increase size of prefabricated catch basin to 9" x 9" and provide a protective cover or screen

The addendum reflects this change, which has been agreed to by the Roses.

Provide additional weep holes along the top and bottom rows of the timber retaining wall

The addendum reflects this change, however, the Roses have expressed concerns that the number of proposed holes could compromise the structural stability of the wall.

Provide a cap at the east terminus of the drain pipe running parallel to the retaining wall and remove the gravel bed for the pipe for the last (easternmost) five feet of pipe

The addendum reflects this change, which has been agreed to by the Roses.

However, while we believe the above changes will improve the proposed design and reduce the risk of adverse impact on lot 28, we remain fundamentally concerned that even after these changes the proposed system does not have the capacity to convey the runoff of the catchment area through or over the retaining wall in heavier rains, and as a result the re-grading will continue to have an adverse impact on our property.

According to the calculations of our engineer, in heavier rains water will back up in the swale and flow round the right hand end of the retaining wall and right across our property as at present and contrary to the objectives of the proposed modifications. We understand from the all party meeting that Maryland has a standard for determining the

volume of water that a system should be capable of handling in a storm and that this, rather than historic rainfall at Reagan airport, should be used for calculating the required capacity of the system. We note that the State Standard uses a volume of water substantially higher than that which our engineer has calculated will cause the system to "back up" and overflow. Simply put, once the effect of the water passing through gravel is taken into account, the system would not have the capacity to meet the State's standard.

The Twinns assert that a higher standard for calculating typical rainfall amounts in Maryland should be used, not the amounts originally presented by the Twinns' civil engineer who used the standard calculated at Reagan National Airport (see report recv'd 11/2/16).

See below.

We're not clear that either the Roses landscape architect or the Village's engineer have done the above calculation or are just relying on the statement of the contractor:

"We also agree with the report's finding that a sufficient drainage system has to exist behind the retaining wall to convey the runoff through the retaining wall. The contractor has stated that such a system was installed for this project." (OIPA letter of October 14, 2016).

Confirm with engineer that if installed as depicted the proposed drainage system should be able to accommodate stormwater runoff per Montgomery County standards for rainfall.

Village staff understand that OPIA is stating that if the system that was installed behind the wall was indeed installed as outlined by the contractor, it should be sufficient to handle the higher rainfall standard.

We also note that the email from OIPA of November 9 states:

"The water should not overflow to the rear right of the subject property as the elevation at this location is one foot higher than the elevation at the rear left of the property. Overflow at the rear left of the property show [sic] approach the retaining wall and enter the drain tile."

However, the plans provided by the Village – and simple visual inspection – show that the ground behind the Roses retaining wall is approximately level and that the right hand end is approximately 10 inches below the top of the retaining wall. Unless this issue is addressed, once the swale fills up it will not flow over the retaining wall but rather around it at the right hand end, the lowest point, as has been happening.

The Twinns are noting the current grading on the Roses' property, which allows the water to flow toward the right rear corner of the Roses property onto Lots 29 and 30 (the Twinns' and Lees' properties).

OIPA's 10/14/2016 plan reflects a re-grading to establish a 2% slope toward the proposed catch basin.

The same email from OIPA states:

"Drainage Capacity: The report is concerned that storage volume for the storm runoff was not provided. We did not analyze this. It is our understanding that the volume of additional runoff was not a concern. Only the point at which it was entering the adjacent lot. Therefore, we concentrated our review on finding a practical, cost-effecting solution that would mimic the pre-developed drainage patterns."

To be clear, we would note that the comments made by our engineer regarding capacity are focused on the capacity of the system to pass water through or over the wall to replicate the pre-existing water flow. As outlined above, our understanding is that the proposed system does not achieve this. We are not concerned with storage capacity on the Rose's property, except to the extent that it might prevent water that is "backing up" from overflowing around the right hand end of the Roses retaining wall.

The water will not be adequately conveyed over and through the retaining wall and will collect and then breach the right rear corner of the Roses property flowing onto Lots 29 and 30 (the Twinns' and Lees' properties).

OIPA's 10/14/2016 plan reflects a re-grading to establish a 2% slope toward the proposed catch basin. This, combined with the weep holes outlined in OIPA's 12/1/2016 addendum, should prevent any water from flowing to the right rear corner.

In addition to the above, we also remain very concerned that the proposed design of a pipe from the catch basin draining directly into gravel behind the retaining wall will result in the pipe clogging up over the course of a couple of years due to leaves, twigs and soil passing into the pipe but then being trapped in the gravel.

Concern that the system may fail if not properly maintained.

The Village does not regulate maintenance of stormwater systems; however, the Roses verbally acknowledged during out meeting that they intend to ensure proper maintenance of the system to ensure it operates properly. To reassure the Twinns of this commitment, the Roses have agreed to install a plastic cover over top of the catch basin to limit the amount of debris that can enter into and clog the system. This is further aided by the use of a larger diameter pipe which will allow debris to flow out and will provide easier access for cleaning.

Given the above concerns, we are unclear how OIPA can form the view that the proposed solution "should mitigate the current situation to a large extent" (OIPA letter of October 14). Nevertheless, should the Village proceed with the proposed approach despite our objections we would like to have the aforementioned concerns recorded and reserve our rights in case our fears are realized.

The Twinns seek to reserve their rights should these measures fail or prove to be inadequate.

The Village has made a determination based on the available information and expert advice. Should the mitigation solutions fail or prove inadequate, the dispute becomes a civil matter to be resolved between abutting property owners.

We believe that all of the outstanding issues have been addressed. Our intent at this point is to correspond with the Twinns and Lees to determine if the plans as amended and as described in this letter will be acceptable to them. If they are, then the Board may dismiss the appeal. If not, the appeal will proceed. In any event, the administrative determination that the Board would receive would be as stated herein. Assuming that this administrative determination is either agreed to by the Twinns and Lees, or approved by the Board, you would be required to re-submit revised plans that include the amendments referenced in the October 14 and December 9 OIP&A reports.

Sincerely,

Shana Davis-Cook
Manager, Chevy Chase Village

cc: Ellen Sands, Village Permitting & Code Enforcement Coordinator

CHEVY CHASE VILLAGE
ESTABLISHED 1890

December 29, 2016

Mr. and Mrs. Ian and Vicky Twinn
5503 Center Street
Chevy Chase, MD 20815

Mr. and Mrs. David and Julia Lee
5505 Center Street
Chevy Chase, MD 20815
VIA ELECTRONIC MAIL

Dear Mr. and Mrs. Twinn and Mr. and Mrs. Lee:

This letter is sent to notify you of the administrative determination that has been made with respect to amendment of Building Permit #6879, issued to David and Megan Rose, for construction of a wall and fence in the rear yard of 5502 Grove Street. Please see the attached letter dated December 28, 2016, which states the determination by the Village Manager that the plan proposed with the Rose re-grading permit application filed on March 9, 2016, as amended by the October 14 and December 1, 2016 reports from OIP&A, is acceptable to the Village. The attached letter also addresses the various questions raised after the November 23 meeting of the parties.

You will receive by separate mail a notice of public hearing to be held on January 9, 2017, to conclude consideration of the appeal that you have filed. Specifically, you had appealed the Village Manager's decision to issue Building Permit #6879 to the owners of 5502 Grove Street to construct a fence measuring six feet, six inches (6'-6") in height and a retaining wall measuring a maximum of three (3) feet in height abutting the rear lot line of the property. At the first hearing with respect to your appeal on March 14, 2016, the Board asked staff to review the plans submitted on March 9, 2016, and in consultation with the Village's civil engineer, to establish a plan that would comply with Sec. 8-25 of the Village Code. In doing so, the Board encouraged you to work with the owners of the property to reach an amicable solution. The case was continued to a future meeting of the Board, pending the outcome of the Village's review of the regrading/drainage plan.

Please let us know by January 3, 2017 if the attached administrative determination with respect to the regrading/drainage issue is acceptable to you, so that we can notify the Board. The issue of the height of the fence/wall is also still to be determined. At the March 14, 2016 Board

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
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(301) 907-9721
ccv@montgomerycountymd.gov
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GARY CROCKETT, *Treasurer*
ROBERT C. GOODWIN, JR., *Assistant Treasurer*
RICHARD M. RUDA, *Board Member*

VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON

Meeting, Village Counsel noted that, in her opinion, the fence had been built in accordance with the Village and County's Building Codes. However, the Board did not finally decide this issue.

Please contact me with any questions.

Sincerely,

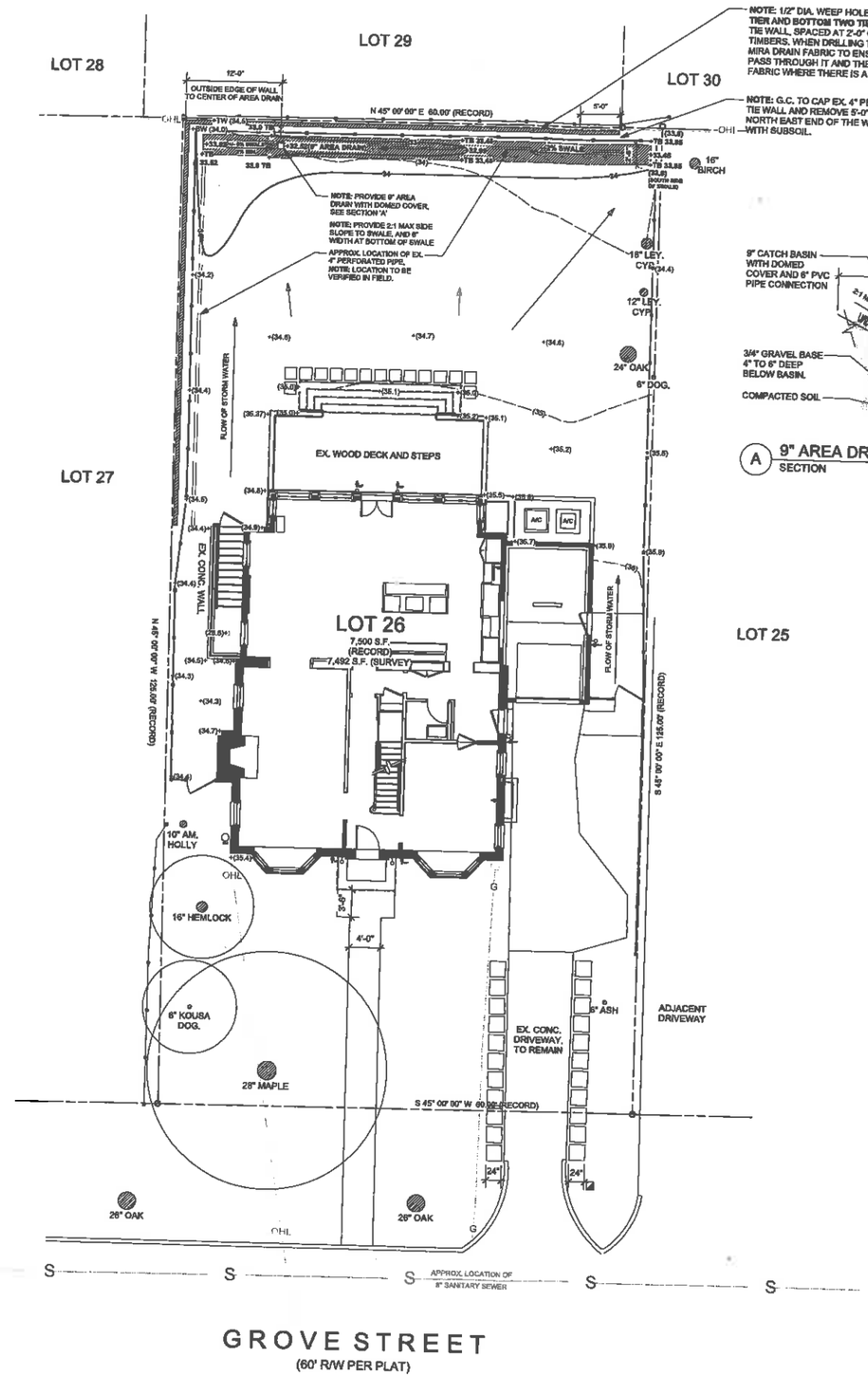
Ellen Sands
Permitting & Code Enforcement Coordinator
Chevy Chase Village

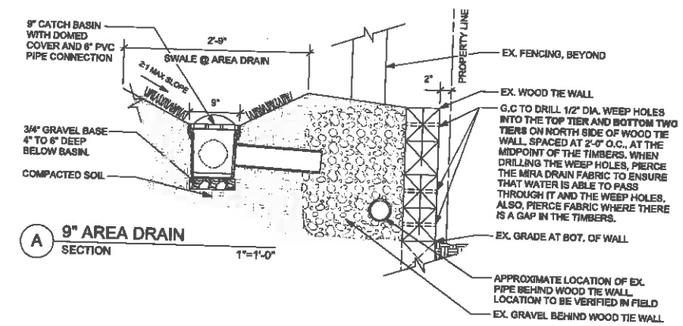
Enclosure

cc: Shana Davis-Cook, Village Manager
Mr. and Mrs. David and Megan Rose, 5502 Grove Street

Final Proposed Plan

January 9, 2017 Board Meeting





A 9" AREA DRAIN
SECTION
1"=1'-0"

GENERAL NOTES

1. TOPOGRAPHIC AND BOUNDARY SURVEY BY SNIDER & ASSOCIATES, 03/07/16
2. FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.NET/ITIC 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE LOCAL JURISDICTION.
3. ALL SUBSURFACE PIPES TO BE RIGID PVC PIPE.
4. THE INTENT OF THE PLAN IS TO CAPTURE WATER RUNOFF FROM THE SUBJECT LOT, AND THE ADJACENT LOT AT 5504 GROVE STREET THAT WAS PREVIOUSLY DRAINING ACROSS THE SUBJECT PROPERTY, AND CONVEY IT TO THE PROPOSED SWALE
5. NO GRADING IS TO OCCUR ON ANY PROPERTY OTHER THAN THE SUBJECT PROPERTY, WITHOUT THE RESPECTIVE HOMEOWNER'S PERMISSION
6. A PRE-CONSTRUCTION MEETING WITH A REPRESENTATIVE FROM CHEVY CHASE VILLAGE IS REQUIRED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

KEY

	EXISTING TREES
	PROPERTY LINE
+ (99.5)	EXISTING ELEVATION
+ 99.5	PROPOSED ELEVATION
(100)	EXISTING CONTOUR
100	PROPOSED CONTOUR
G	GAS
W	WATER
S	SEWER
OHL	OVERHEAD LINE
(S)	SANITARY MH
	POWER POLE
	LIGHT POLE
	SIGN
	EX. WOOD FENCE
	EX. METAL FENCE
	PROP. WOOD FENCE
TBT	TO BE TRANSPLANTED
TBR	TO BE REMOVED
LC	LANDSCAPE CONTRACTOR
GC	GENERAL CONTRACTOR
	HARDSCAPE TO BE REMOVED

LILA FENDRICK landscape architecture & garden design
6904 West Avenue Chevy Chase, Maryland 20815 (301) 907-7700

ROSE RESIDENCE
5502 GROVE STREET, CHEVY CHASE, MD 20815

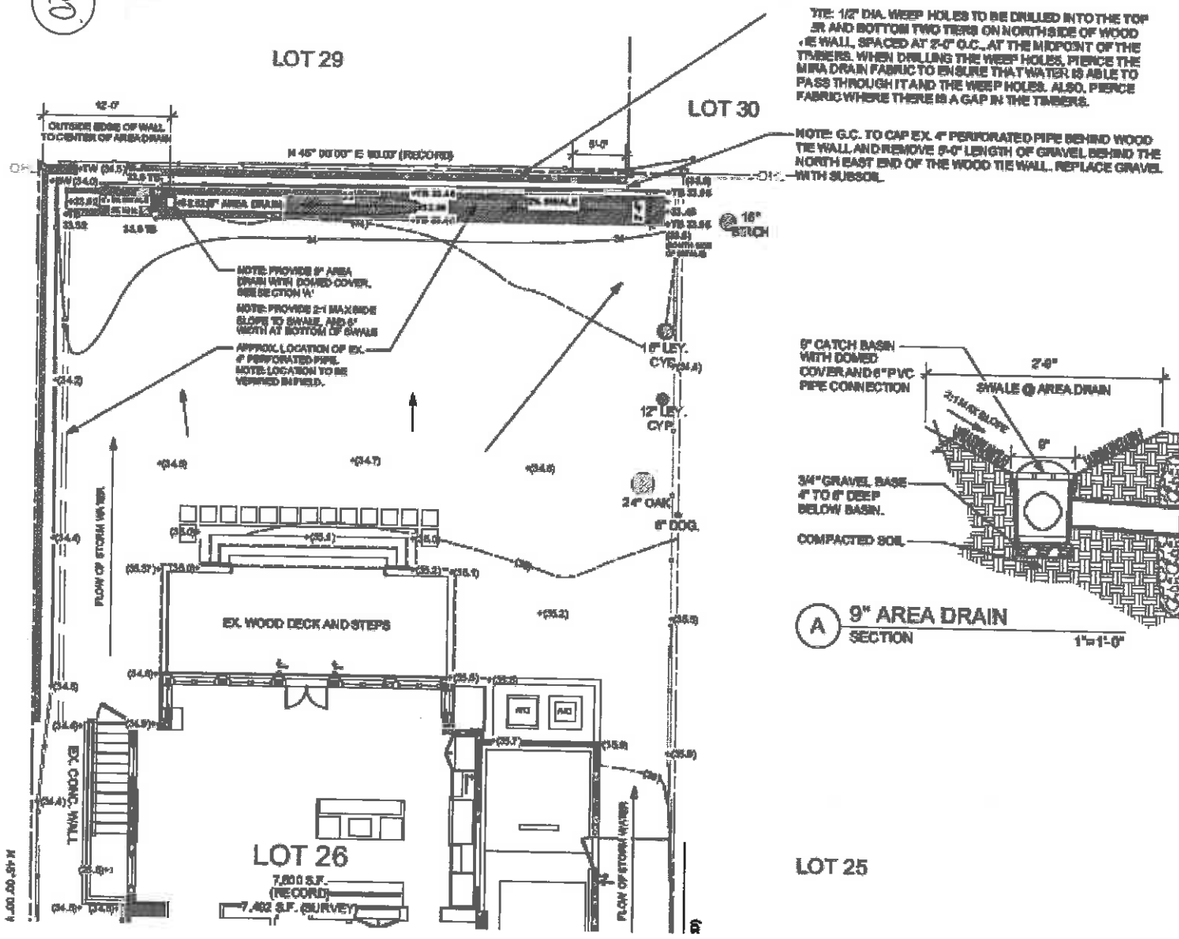
11-05-15 07-19-16
11-20-15 08-30-16
02-04-16 09-13-16
03-04-16 09-27-16
03-23-16 10-21-16
05-02-16 07-01-17
07-01-16

SCHEMATIC GRADING AND SUBSURFACE DRAINAGE PLAN
1/8"=1'-0"

4

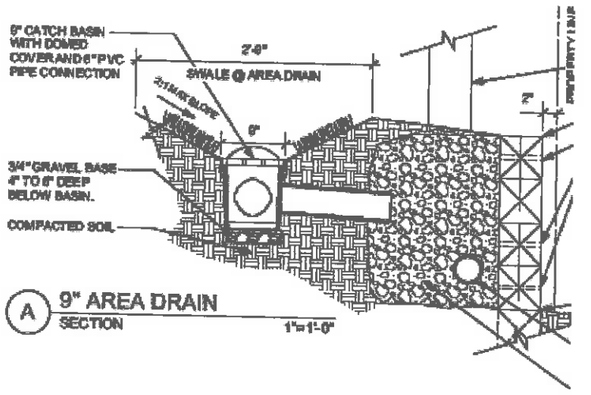
39

PLAN ENLARGEMENT.
(NOT TO SCALE)



NOTE: 1/2" DIA. WEEP HOLES TO BE DRILLED INTO THE TOP OF AND BOTTOM TWO TIERS ON NORTH SIDE OF WOOD TIE WALL, SPACED AT 2'-0" O.C., AT THE MIDPOINT OF THE TIMBERS. WHEN DRILLING THE WEEP HOLES, PIERCE THE MIRA DRAIN FABRIC TO ENSURE THAT WATER IS ABLE TO PASS THROUGH IT AND THE WEEP HOLES. ALSO, PIERCE FABRIC WHERE THERE IS A GAP IN THE TIMBERS.

NOTE: G.C. TO CAP EX. 4" PERFORATED PIPE BEHIND WOOD TIE WALL AND REMOVE 5'-0" LENGTH OF GRAVEL BEHIND THE NORTH EAST END OF THE WOOD TIE WALL. REPLACE GRAVEL WITH SUBSOIL.



A 9" AREA DRAIN
SECTION
1"=1'-0"

Treasurer's Report
July-December (6 months of FY 2017)

Overall:

This report is a six-month snapshot of FY 2017. The Village received its first quarterly income tax payment of $1,286,678.01 in November, which projects to income tax revenue of $2,747,690.88, approximately $548,000 over the budgeted amount. We have also received the tax duplication payment that comes from the county in the amount of $100,524. We have a budgeted deficit of $46,117, we now project a surplus of approximately $230,000 though it's still early and things can change as the year progresses. Our FY 2016 audit is officially completed and available on the Village's website. In addition, the full audit of the Comptrollers Office's Revenue Administration Division's incorrect classification of addresses and misallocated revenues is also complete and available for anyone who wants to view it at the Village office.

Income Tax Revenue:

In November, the Village received the first quarterly installment of the income tax revenue for FY 2017 in the amount of $1,286,678.01. This consisted of a quarterly distribution of $493,407.96 and a one-time reconciliation of $793,270.15. The quarterly distribution is approximately $64,000 greater than last years which is a result of more tax returns both in volume and income being processed then the previous year. This also is the first year the rules of the Wynne case take effect where certain tax payers can offset their county income tax payment from income and taxes earned and paid in other states. The income tax projects to come in 25% higher than the budgeted amount.

Property Tax Revenue:

We received $118,513 in November. We project this to come in at budget since the Village approved the constant yield for FY 2017.

Safe Speed Net Revenue:

So far this year's revenue is trending about 20% below budget for the first six months. There has been some construction during the first couple of months which has had some impact on safe speed citations; otherwise there is no specific reason for the decline in revenue so far this fiscal year other than continuing driver's awareness of cameras in this region.

Miscellaneous Revenue:

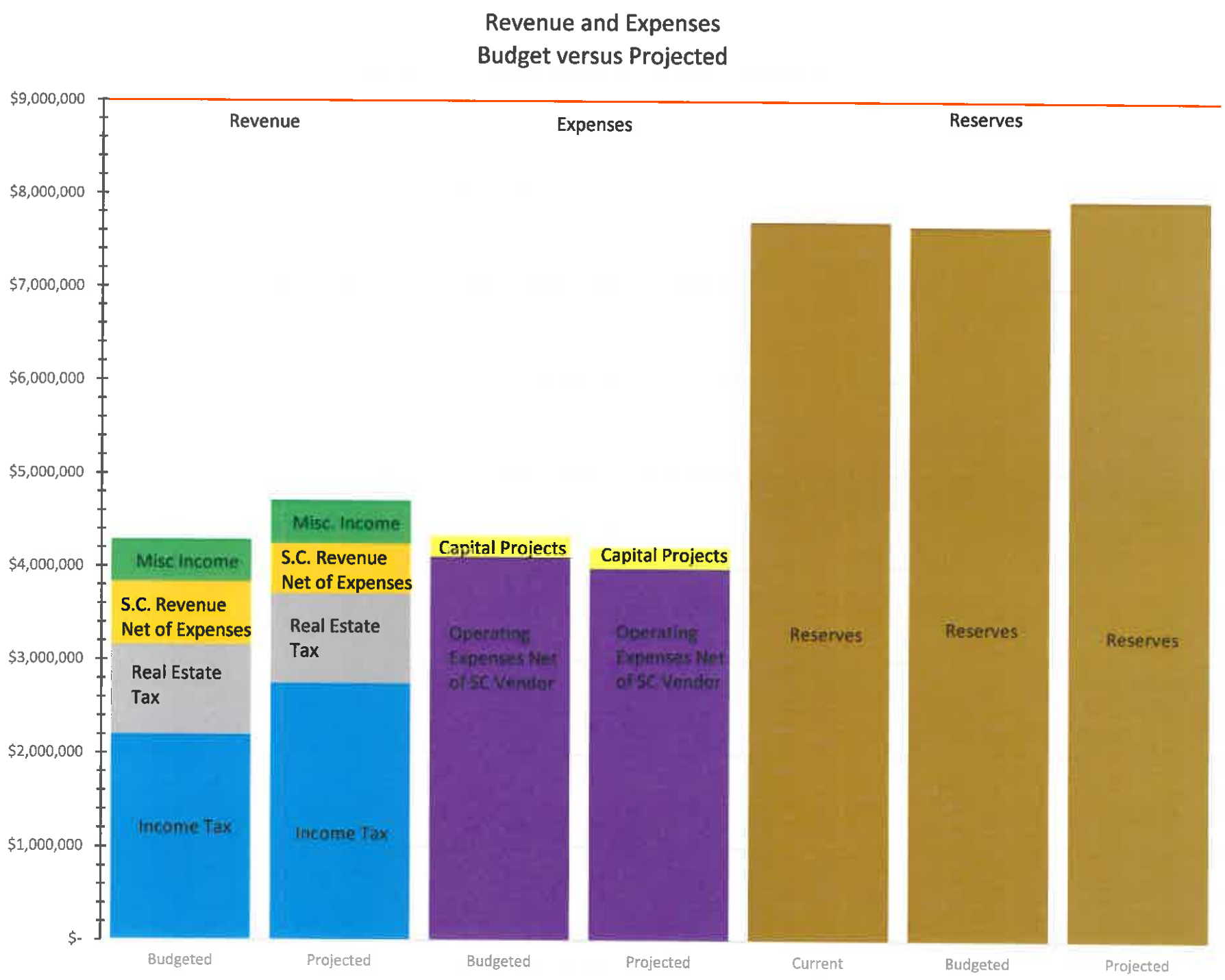
As of now it is tracking slightly above budget. We received a tax duplication payment of $100, 524, which was about $15,000 above the budgeted amount.

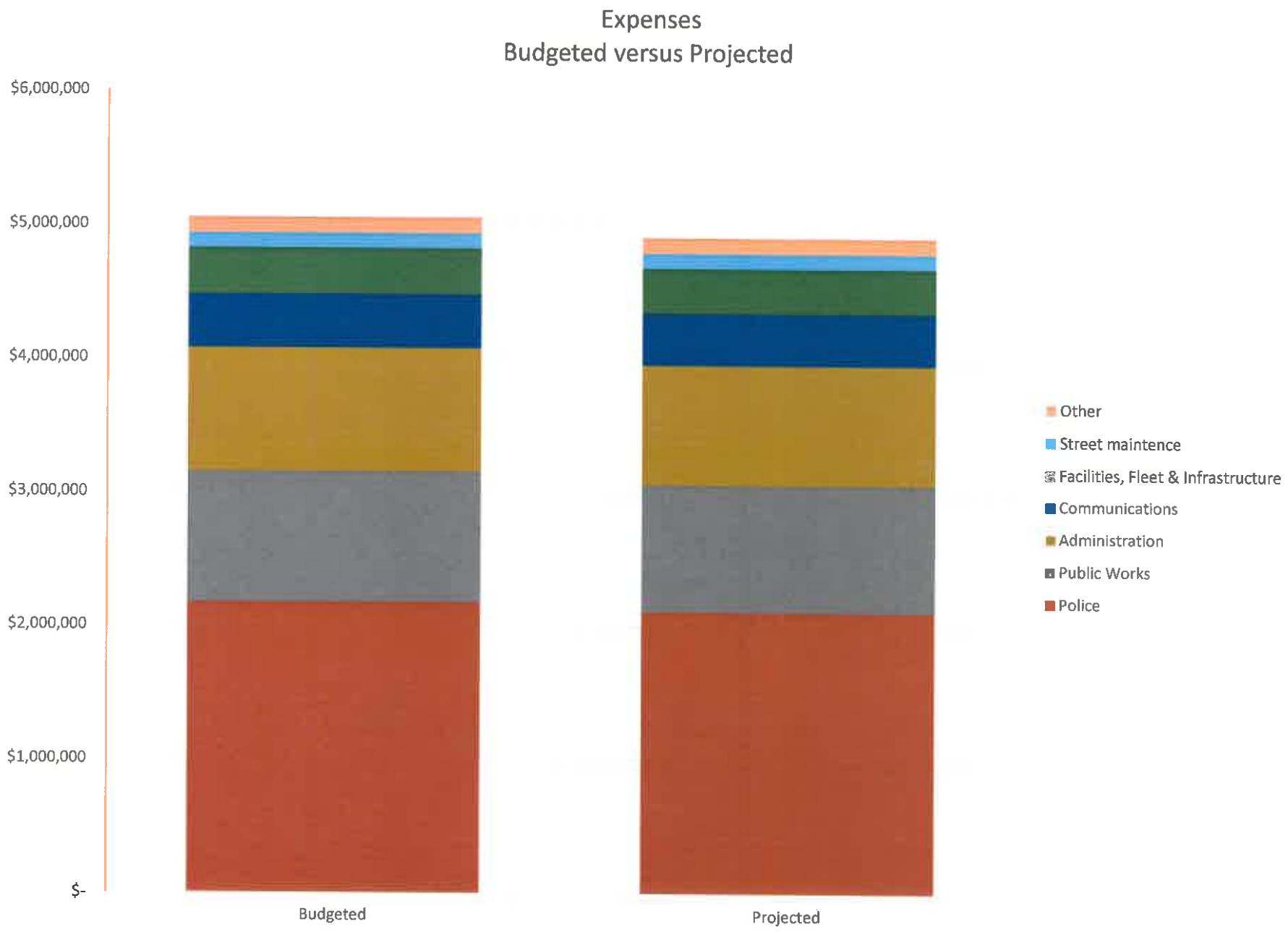
Capital Expenses:

Our expenses are projected to be $227,500 and so far the projects we have begun are street maintenance and the purchase of a new skid steer for public works.

Operating Expense:

We project this will be 3-4% below budget.


Revenue and Expenses
Budget versus Projected
$9,000,000
$8,000,000
$7,000,000
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$-
Revenue
Expenses
Reserves
Misc Income
S.C. Revenue Net of Expenses
Real Estate Tax
Income Tax
Misc. Income
S.C. Revenue Net of Expenses
Real Estate Tax
Income Tax
Capital Projects
Operating Expenses Net of SC Vendor
Capital Projects
Operating Expenses Net of SC Vendor
Reserves
Reserves
Reserves
Budgeted
Projected
Budgeted
Projected
Current
Budgeted
Projected


Expenses
Budgeted versus Projected
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$-
Budgeted
Projected
Other
Street maintence
Facilities, Fleet & Infrastructure
Communications
Administration
Public Works
Police

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JANUARY 9, 2017 MEETING

STAFF REPORT

TO: BOARD OF MANAGERS

FROM: SHANA R. DAVIS-COOK, VILLAGE MANAGER

DATE: 1/5/2017

SUBJECT: PRESENTED FOR BOARD REVIEW AND POSSIBLE ACTION—REQUEST FOR THE VILLAGE TO CO-SIGN THE BETHESDA COALITION'S LETTER TO THE MONTGOMERY COUNTY COUNCIL REGARDING THE BETHESDA DOWNTOWN PLAN

Background and Request for Board Action

The Montgomery Planning Board has forwarded its recommendations for the revised Bethesda Downtown (Sector) Plan to the Montgomery County Council. The County Council will schedule work sessions on the plan for later this month. As the Board will recall, with guidance from former Board Chair Patricia Baptiste, the Village had submitted letters to the Planning Board expressing concerns that we had with areas of the proposed plan, including rezoning of the Bethesda Fire Department property, proposed commercial building heights adjacent to single-family homes, establishment of a greenway to provide a separation between the commercial and residential areas, increased density levels and the impacts this would have on local schools, and potential traffic impacts. Copies of these previously submitted letters are attached **(Att. 1)**.

A coalition of 11 communities consisting of local governments and community associations, including the Town of Chevy Chase, have also been monitoring the development of this plan and they have drafted a letter to the County Council to express various concerns.

On behalf of the coalition, Meredith Wellington of West Lenox Street has submitted a request that the Village co-sign the proposed letter. Attached please find Ms. Wellington's email to me (dated January 3, 2017) requesting that the Village sign on to the letter, along with the draft letter and matrix which were attached **(Att. 2)**. Ms. Wellington will attend Monday evening's Board Meeting to answer any questions Board Members may have.

At Mr. Denger's request I forwarded Ms. Wellington's email and the proposed letter to Ms. Baptiste to ensure nothing contained within the letter would harm the Village's position or future interests when the Friendship Heights Sector Plan is revisited and or the Saks property is sought for rezoning. Although Ms. Baptiste did not see any potential area of concern in this regard, she did make note of a few items (the comment located on page 3 is for information only and is not proposed as a change to the letter), which are reflected in the attached redline version of the draft letter **(Att. 3)**.

Draft Motion

I move to authorize the Village to serve as a co-signor on the Bethesda Coalition's letter to the Montgomery County Council regarding the proposed Bethesda Downtown Sector Plan [as amended by Patricia Baptiste].

Attachments

Letters Submitted by CCV to Planning Board
Email and Attachments from Meredith Wellington, dated 1/3/2017
Redline of Draft Letter from Patricia Baptiste, dated 1/4/2017

Letters Submitted by CCV to Planning Board

CHEVY CHASE VILLAGE
ESTABLISHED 1890

April 6, 2016

Mr. Casey Anderson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Bethesda (Downtown) Sector Plan

Dear Chairman Anderson:

In advance of your April 7, 2016 work session to discuss the Bethesda Downtown Sector Plan, I am resubmitting on behalf of the Chevy Chase Village Board of Managers the attached letters that we submitted for the Planning Board's attention on February 2, 2016 and June 11, 2015.

We continue to urge the Planning Board to maintain reasonable building heights adjacent to single-family residences by limiting building heights to a maximum of 35 feet. We encourage you to heed the Planning Staff's original proposal for an eastern greenway—"Bethesda Commons"—as an effective transitional area between the commercial corridor along Wisconsin Avenue and the adjacent residential community.

Lastly, we maintain our earlier stated objections to any rezoning of the Bethesda Fire Station property, located just south of Bradley Boulevard at the intersection with Wisconsin Avenue.

Thank you for your attention to our concerns.

Sincerely,

Michael L. Denger
Chair, Chevy Chase Village Board of Managers

cc: Chevy Chase Village Board of Managers
Ms. Nancy Floreen, Montgomery County Council President
Mr. Roger Berliner, Montgomery County Council
Town of Chevy Chase

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MINH LE, *Board Member*

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

CHEVY CHASE VILLAGE
ESTABLISHED 1890

February 2, 2016

Mr. Casey Anderson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Bethesda (Downtown) Sector Plan

Dear Chairman Anderson:

I am writing on behalf of the Chevy Chase Village Board of Managers in follow-up to the letter our community sent to you last summer regarding the Bethesda Sector Plan. As we stated in our letter dated June 11, 2015 (attached), the residents of Chevy Chase Village, an incorporated area directly south and east of the Bethesda Sector Plan area, remain concerned regarding the effects that the proposed increased density levels will have on local traffic congestion and school populations, which already well exceed capacity.

Additionally, we echo concerns expressed by residents in communities surrounding the Bethesda Sector area, especially the neighborhoods east and south of downtown regarding building height limits adjacent to single-family residences. Limiting immediately adjacent building heights to no more than 35' is critical for protecting the interests of these homeowners and the value of their properties.

In addition to maintaining reasonable building heights, we support the "Bethesda Commons" as a critical greenspace amenity for local residents and employees of the commercial buildings (as well as the proposed underground parking to replace the surface parking now on the site). As originally proposed by the Planning Staff, the "eastern greenway" concept is an effective means for providing a transitional area between the Wisconsin Avenue commercial corridor and the adjacent residential community. As you know, a similar buffer exists between Chevy Chase Village and the Friendship Heights commercial area.

Lastly, I would like to take this opportunity to restate our community's objections to any rezoning of the Bethesda Fire Station property, located just south of Bradley Boulevard at the intersection with Wisconsin Avenue. The existing southern border for Bethesda's commercial

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Assistant Treasurer
MINH LE
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON

district should be maintained at Bradley Boulevard, thereby protecting the residential character and the 'green mile' originally established within the Bethesda Master Plan.

Thank you for your attention to our concerns.

Sincerely,

Michael L. Denger
Chair, Chevy Chase Village Board of Managers

cc: Chevy Chase Village Board of Managers
Ms. Nancy Floreen, Montgomery County Council President
Mr. Roger Berliner, Montgomery County Council
Town of Chevy Chase

CHEVY CHASE VILLAGE
ESTABLISHED 1890

June 11, 2015

Mr. Casey Anderson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland, 20910

RE: Bethesda (Downtown) Sector Plan

Dear Chairman Anderson:

I am writing on behalf of Chevy Chase Village, an incorporated area directly south and east of the Bethesda Sector Plan area. We have reviewed the draft plan and offer the following comments and concerns:

- Our community continues to have grave concerns on the effect of development on both traffic and schools. Already congested roads, especially Wisconsin Ave and Connecticut Avenue, Bradley Lane and East-West Hwy are currently at or beyond capacity. Increased development in Bethesda will exacerbate this unacceptable situation. Similarly, the schools in our area are now at or over capacity (Somerset, Chevy Chase and Rosemary Hills). Increases in housing, while otherwise desirable, will result in added overcrowding –particularly when combined with the Chevy Chase Lake and Westbard areas sending children to these same schools. The Plan fails to adequately address either of these problems.
- We join with our neighbors in opposing heights as high as 70' directly across from single family residences. These heights are inconsistent with the plan's claim to "preserve and protect existing single-family neighborhoods in and around the Sector Plan." Heights should be lowered to 45' and uses strictly limited to residential.
- The Bethesda Fire Station property should retain its current R-10 zone or a similar zone which would provide for a fire station without increasing the height or other non-residential uses. The incursion of commercial uses south of Bradly Blvd should be prohibited. The Bethesda Master Plan calls for a 'green mile' between Bethesda and Friendship Heights and the Sector Plan should respect that provision.

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Thank you for your attention to our concerns.

Sincerely,

Michael L. Denger
Chair, Chevy Chase Village Board of Managers

cc: Chevy Chase Village Board of Managers
Mr. George Leventhal, Montgomery County Council President
Mr. Roger Berliner, Montgomery County Council
Ms. Naomi Spinrad, Chevy Chase West
Town of Chevy Chase

MLD:psb

Email and Attachments from Meredith Wellington,
dated 1/3/2017

Davis-Cook, Shana

m:	Meredith Wellington <mkwellington@gmail.com>
nt:	Tuesday, January 03, 2017 11:01 AM
To:	Davis-Cook, Shana
Subject:	TIME SENSITIVE: CCV signing on to the Bethesda coalition's letter
Attachments:	Bethesda Downtown Plan Letter - draft 12 - 29 pm.docx; Attachment - pdf.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hi, Shana,

I hope that you had a wonderful holiday.

The Bethesda Downtown Plan has been approved by the Planning Board, and is now before the County Council for final action. There will be work sessions on the Plan later this month. The Plan has changed very little since CCV wrote the Planning Board.

A group of of eleven local governments and community associations have drafted a letter questioning the Plan, and asking for significant changes. A 22 page Attachment to the letter details the changes that the group seeks. **The group would like CCV to sign the letter. The letter will be sent to the Council early next week.** I am attaching the letter and the Attachment.

e letter thoughtfully and reasonably explains the surrounding residents' concerns with excessive heights outting their homes, and the negative impact of the Plan on schools and traffic.

The letter takes the same positions that CCV endorsed before, except that the group is now asking that the Bethesda Commons be a larger park than first requested--like Western Grove Park.

In my view, it is important for CCV to support the Bethesda coalition, either by signing the letter or sending a separate letter of support. There's a practical reason--the Friendship Heights Sector was approved in 1998, and our area will undoubtedly face some of the same issues in the next few years.

Finally, Bethesda Magazine just published an article about the Plan. Here's the link:

http://www.bethesdamagazine.com/Bethesda-Magazine/January-February-2017/Is-a-More-Urban-Bethesda-Inevitable/index.php?cparticle=3&siarticle=2#artanc

Shana, I am glad to answer any questions or help in any way.

Best,
Meredith

On Fri, Dec 9, 2016 at 4:02 PM, Davis-Cook, Shana <Shana.Davis-Cook@montgomerycountymd.gov> wrote:

Ms. Wellington:

Per our discussion this afternoon, attached please find the letters that the Village has submitted thus far regarding the Bethesda Downtown Plan. Both letters were submitted while the plan was still under review by the Planning Board.

Feel free to call me should you have any questions or if you feel that the Village should increase our efforts regarding this matter.

Thanks,

Shana R. Davis-Cook
Manager, Chevy Chase Village
shana.davis-cook@montgomerycountymd.gov

CHEVY CHASE VILLAGE
ESTABLISHED 1890

Draft of December 29 - pm, 2016

January 9th ,2017

Honorable Roger Berliner
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Ave.
Rockville, MD 20850

Dear President Berliner and Members of the County Council,

The proposed new master plan for Downtown Bethesda (the "Plan") is a very significant document for residents of the entire Bethesda area, business owners, regional commuters and visitors. We are eager to see our downtown improve and grow under the guidance of an innovative and responsible Plan, and we appreciate the hard work that the planning staff and Planning Board have put into developing the Plan.

At the public hearings in October, numerous Bethesda area residents spoke of their hopes for the Plan, but also of their concerns: School overcrowding without clear and viable plans to accommodate rising enrollment; inadequate parks and public open space for the planned population; a transportation system - roads and mass transit – that is already stretched and could become increasingly inadequate; and excessive permitted heights, reliance on unspecified design guidelines, and incompatible zoning near residential neighborhoods.

It is now time to move from general concern to careful and detailed recommendations that will make the Plan succeed. For this purpose, working under the aegis of CBAR, the following eleven local governments and community associations, have come together: the East Bethesda Citizens Association, Middleton Lane [Association?], the Town of Chevy Chase, the Village of Chevy Chase, Chevy Chase West Neighborhood Association, the Town of Somerset, the Citizens Coordinating Committee of Friendship Heights, Edgemoor Citizens Association, Battery Park [Community Association], Battery Lane [Community Association], and West Fernwood Community Association. We represent over [13,000] area residents, all materially affected by the Plan.

This letter provides an overview of our vision for a continued successful Bethesda area and a statement of our key recommendations. The Attachment contains detailed language for revising the Plan, mapped against the corresponding section of the Plan, and provides an explanation for our recommended revisions. These recommendations represent an enormous commitment of time and effort by our residents – an effort to turn our concerns to specific and actionable change.

We are confident that with these changes, the Plan will achieve its stated goal: a vibrant, diverse and economically thriving Bethesda, providing enhanced quality of life for current and future residents throughout the area.

Our Vision: A Vibrant Downtown Bethesda with Compatible Connections to Bethesda Area Neighborhoods

The Bethesda area is a highly desirable place to live, raise a family, work, and enjoy a variety of activities. The area's success depends on the vitality of downtown Bethesda; we are pleased that Marriott has chosen Bethesda for its new headquarters. In turn, the downtown is greatly strengthened by the livability of the surrounding long-established neighborhoods, whose residents shop, eat, work and play in the urban center. The quality of the B-CC cluster schools also has contributed to Bethesda's success, drawing families to the core and the surrounding neighborhoods. A successful plan requires maintaining and enhancing these mutual and reinforcing interests.

The Plan should reflect these interests in two fundamental respects: First, infrastructure – including schools, transportation, and parks and amenities – must be improved and expanded in step with development and increasing population.

Second, the development along the boundaries of downtown should be compatible with the adjacent communities. We who live in these communities are not separate from the downtown, but closely connected to it. A successful Plan depends on smooth, not jarring, transitions from urban to residential neighborhoods, with graduated step-downs in building height and density and links of interconnected green and open space. In promoting compatible connections, we are not opposing growth and development. We have seen many examples of appropriate development in recent years in Bethesda: buildings that are visually appealing, successful commercially, and inviting to residents and visitors alike yet without creating canyons. This is the quality economic development we support.

Montgomery County has been a leader in the planning and implementation of "smart growth," and we agree that such growth should and will lead to higher densities in key down-county areas. But smart growth is not defined solely by high density in some areas, with less development in others; it is defined by enhancing the quality of life for all the residents of the County, including those living adjacent to the areas slated for intense development. If smart growth is not broadly beneficial, it risks losing its broad base of support. We therefore look forward to working with you to ensure the success of this Plan; and thereby assure the continued support for the countywide policy of focused and responsible development.

Summary of Our Recommendations

1. The Plan must be based on accurate, current and comprehensive data and information.

Without good data, we will not have a good Plan. We believe that the Plan relies on data, particularly in regard to schools and traffic, which is not current and comprehensive. (Please see the White Paper submitted by CBAR,). Therefore, we recommend that before the County Council votes on the Plan:

- The Council reassess the Plan's school projections. Analysis of school adequacy should include the impact of all area master plans, including the three others that have recently been revised, and include the latest and most realistic student generation rates that were adopted for the Subdivision Staging Policy.

- The Council use the traffic model developed by the University of Maryland, which dynamically models intersection specific congestion.

- The Council review the proposed design guidelines and their enforceability, currently being prepared by the Planning Department. Councilmembers and stakeholders should have a full and accurate understanding of these guidelines, and they should be included in the Plan. Residents should be involved in determining these guidelines.

2. Ensuring balanced growth through staging.

The Plan fails to assure us that carrying capacity of schools, parks and amenities, and transportation modes – including mass transit, pedestrian, bikes and vehicular traffic – will be in balance with the development that the Plan recommends. Further, the Plan does not offer the means to review whether development is proceeding in accord with the Planning Board's assumptions, or to determine whether carrying capacity is being developed on a timely basis. As infrastructure will be under stress, it is only prudent that there be opportunities to check, look, and make adjustments as may be required.

Therefore, we recommend that:

- The Plan stage development with interim limits of 27.8 and 30.0 million square feet, before reaching the final allowance of 32. 4 million square feet.

- The Planning Department and County staffs develop specific measures and metrics required for each stage, prior to approval of the Plan. The views of stakeholders, including area residents, should be solicited.
- The Plan's options for school expansion to meet anticipated requirements include realistic feasibility and capacity assessments.

- The Planning Board establish a citizens advisory group at the outset of the first stage.

3. Ensuring building compatibility: heights and design guidelines.

a. Heights

We oppose excessive increases in the allowed heights of buildings permitted under the Plan and the uncertainty around which projects will be constructed to their maximum allowed heights. Many properties have been awarded heights which are not compatible with the widely accepted, smart growth principle of concentrating the greatest density around the Metro, with step-downs in height as a transition to residential communities of single family homes.

Chairman Anderson stated at the County Council public hearing that the limitation of density – the amount that can be obtained from the Pool and Priority Sending Sites– will effectively limit the number of tall buildings that can actually be built. However, the result of this approach is that it will be impossible to predict where buildings will be constructed to their maximum heights, with potentially perverse results. A developer quick to the mark could build to the maximum allowed height for his property next to residential neighborhoods, while a developer building in the downtown core, later in the life of the Plan, will be constrained to a height lower than permitted. This is all the more likely since many lots along Wisconsin Avenue and near residential neighborhoods are ripe for redevelopment, and may well be built up before other land within the downtown core.

We advocate a more intentional process, whereby the Plan determines the height of the buildings, and directs development to accord with a progressive step down in height away from the core.

Therefore, we recommend that:

- The Plan map substantially lower maximum heights for a set of specific properties. A list of these locations, with specific recommended heights, is provided in the Attachment. The heights for properties from Middleton to Chestnut, along Wisconsin Avenue, and along East West Highway, had been carefully determined in the 1994 plan, based on proximity of homes, narrowness of roads and other compatibility factors. These locations have not even been developed to the heights permitted under the 1994 Plan. We also advocate for reduced heights for selected properties on Montgomery Avenue, and adjacent to the Farm Woman's Market. South of Leland, along the East side of Wisconsin, we strongly object to the excessive heights granted to the properties near the St. John's Church which back up directly onto a residential neighborhood.

- As with properties outside the High Performance Area, the recommended heights for the buildings on the list should be the maximum heights permitted, including any

additional height allowed in the Zoning Code for buildings with a certain percentage of MPDUs.

b. Design Guidelines

We endorse design guidelines as a means to shape the density of a given building, and look forward to reviewing them. Because the Plan does not map incremental density to specific lots, these guidelines will have added importance in assuring buildings that are both attractive and not inappropriately massive near neighborhoods.

Therefore, we recommend that:

- The design guidelines should include low- to mid-rise bases with upper floors stepped back front and back, significant space between towers, sidewalks that are ample for pedestrians, substantial plantings of trees, built-in delivery zones and other features that contribute to a successful urban environment.

- Key elements that are most essential to preserve compatibility with adjacent residential neighborhoods should be written into the Zoning Text Amendment that creates the Bethesda Overlay Zone. These include use restrictions and mandatory setbacks and step backs on the sides of buildings confronting these neighborhoods.

- The sites being used for the Bethesda Fire Station and the Rescue Squad should be reserved solely for facilities that ensure public safety, and not be encumbered by private development. No zoning should be permitted which would not be in accord with this fundamental requirement.

- A Design Review Advisory Panel, which we support, should have extensive citizen involvement and not permit members with a conflict of interest.

4. Ensuring adequate parks, open space and amenities:

The Plan identifies additional parks and open spaces as the first "overarching" goal for downtown Bethesda. However, the provision of additional park and open space is not adequately provided for and the Plan does not propose converting into parks many parcels of County-owned land which are clearly well situated to provide crucially needed open space to meet the needs of the area's rapidly growing population. Adding materially to parks is crucial to the continued desirability and competitiveness of the Bethesda area. Therefore, we recommend that:

- The Plan set a more aggressive target for total park area, beyond the 4% proposed, as calculated by CBAR. We recommend that the target be increased to 10%.

- The Plan state that all surface parking lots, including Lots #10, #24, #25, #44, be clearly and absolutely reserved for future conversion to parks and open space. Lots #10 and 24, combined with Elm St. Park and the grounds around the Women's Farm Market, should create a vital Bethesda Commons, serving as a combined park and civic space, on the model of the Western Grove Urban Park near the Friendship Heights Metro. Lots #25 and 44, in East Bethesda, will provide much needed park space, serving the rapidly increasing population of the Woodmont Triangle area which is just across Wisconsin from these lots. With an irrevocable decision by the County to create these parks, we support these lots becoming priority sending sites, with necessary FAR allocations, in order to help fund the construction of underground spaces and replace the surface parking.

- The Eastern Greenway be expanded to include the backs of the lots on the north of the Capital Crescent Trail (a concept included in the 1994 plan, but dropped in the proposed Plan), and selected additional properties along Walsh St., as explained in the Attachment. It should also be widened: Tier 1, which would permit a strip as narrow as 20 feet, should be eliminated, so that the only options considered are Tier 2 and 3. Finally, creating the greenway should be a requirement for developers, not optional; and there should also be an obligation for the different sections of the Greenway to be connected as they are developed. Realization of this expanded vision will provide future residents of Bethesda a green link, enhancing the Capital Crescent Trail, connecting to the new Bethesda Commons, and reaching to the green space adjacent to Fire Station 6.

- The Plan add Parks to the list of "Top Priority Benefits," for all optional method projects under the separate heading of "Major Public Facilities" as set out in the Zoning Code.

- The Plan list the replacement Capital Crescent Trail tunnel (under the Apex building) as a project for the Capital Improvement Program to be completed within the six years CIP. The Plan should also require improvement in the appearance and functionality of the metro station bus bay.

5. Ensuring Appropriate Transitions to Neighborhoods

Transition zones should protect the character and quality of life in adjacent neighborhoods. The Plan removes many of the protections currently in place that flow from the current R-60 zoning on lots across the streets from our communities. In its place, the Plan offers the concept of the greenway, and the Zoning Code currently requires that development on lots upzoned to CR or CRT comply with the Compatibility Requirements, which state that the height of buildings on lots confronting communities must rise at a 45-degree angle.

While we endorse the development of greenways, they should be expanded and enhanced as described above, with developers having an obligation to provide this critical amenity. In addition, an equal exchange compensating for the loss of the R-60 zoning and ensuring appropriate transitions, requires many other elements. Therefore, we recommend:

- Expanding the Zoning Text Amendment which creates the new Bethesda Overlay Zone, to include additional specifications that will ensure that inappropriate amounts of density are not placed, and incompatible uses are not allowed, towards the back of downtown lots confronting single-family homes. The Attachment discusses options that may be considered, including a Compatibility Requirement with an angle of 30 degrees, which Rockville has specified in its zoning code.

- In determining building height confronting residential communities, developers be required to comply with the more stringent of the Compatibility Requirements or the Greenway guidelines for Tier 2 or 3.

- The transition zones end at the edges of the 1994 Plan boundaries and not extend into single-family neighborhoods, as proposed in the draft Plan. The Attachment contains the specific streets to which this applies.

- If land within the Plan is rezoned or proposed for rezoning from R-60 or R-10 to a CR or CRT zone, the Plan should provide that any such zoning or subsequent rezoning may not be relied upon for purposes of applying for a floating zone (Section 5.1.3 of the Code) on R-60 property that confronts or abuts the rezoned property. The abutting or confronting property must not be subject to a floating zone unless such zoning is specifically recommended for the property in a master plan.

- Eliminate the extension of Strathmore to Chevy Chase Drive. Chevy Chase Drive is a narrow residential street meant to provide access to mid-rise apartment and condo buildings; it cannot handle additional vehicular traffic.

This letter summarizes our positions. The full detailed recommendations are stated in the Attachment.

All eleven communities strongly endorse all these revisions to the draft Plan.

We look forward to contributing to a new Master Plan for Bethesda – one which will successfully guide the development of this vital urban area for years to come, ensuring benefits to all who live here today, and all who will live, work, play and invest here in the decades to come.

Thank you for considering our views.

Sincerely,

DRAFT OF DECEMBER 29TH

TOPIC	PLAN LANGUAGE/PAGE REFERENCE	CBAR RESPONSE	EXPLANATION
Overall Philosophy & Approach	Page 6 Section 1.2.2	Add new point "5. **Sustainability**, including growth that does not outpace infrastructure capacity, particularly schools, transportation (roads, mass transit, sidewalks and bike paths), and parks and open space.	The communities that signed on to this letter want smart, responsible growth, with development that does not outpace infrastructure capacity, particularly schools, transportation (roads, mass transit, sidewalks and bike paths), and parks and open space. The plan must ensure that the interests of all Bethesda - downtown and all the neighboring communities which are an integral part of the Bethesda area - are taken into account, so that the Plan will not only encourage Bethesda to continue to grow, but that it will remain a highly desirable place to live and work.
	Page 12 Section 1.2.4	Append to the second paragraph: "Over the next twenty years, as these activity centers expand, we want to ensure that smart, responsible growth within the plan area proceeds in conjunction with the capacity to support it, particularly in regard to schools, transportation (roads, mass transit, sidewalks, and bike paths), and parks and open space. Such growth must take into account the interests of those within the plan area and all those in the neighboring communities of the larger Bethesda-Chevy Chase area."	See above
Maintaining Balance between Density & Infrastructure	Page 8 Section 1.2.3.D Page 14 Section 1.3 Page 21 Chapter 2 Introduction Page 24 Section 2.2 Page 143 Chapter 4 Introduction Page 144 Chapter 4 New Section 4.0	Page 8, Section 1.2.3.D, add bullet: "To ensure the adequacy of public facilities, the Plan will be implemented in three phases. As each phase of development nears completion, there will be an assessment of public facilities and infrastructure capacity to ensure they can adequately accommodate further growth." Page 14 Section 1.3 add new Section "A. Phased Implementation. To ensure that the increases in height and density do not outpace infrastructure capacity (schools, roads, mass transit, sidewalks, bike paths, and other relevant facilities and infrastructure), and to maintain downtown Bethesda's appeal as a place to live, work, and visit, this Plan will be implemented in three phases. At the completion of each phase, a review will be conducted so that adherence to Plan objectives and assumptions can be confirmed, the adequacy of public facilities can be assessed, and any necessary adjustments can be made in a timely manner. Phase I will run up to overall development of 27.8 million square feet (the cap under the 1994 Plan). Phases 2 and 3 will run up to 30 million and 32.4 million square feet respectively. Tests for adequate facilities and infrastructure must include (i) status of completion and operation of the	The Plan would allow a nearly 40% increase in density, but it lacks the assurances that carrying capacity will be in synch with the pace of development. Without such balance, we believe the quality of life in the Bethesda area will decline. We all agree that staging is the best way to have opportunities to check, look, and make adjustments to ensure the Plan meets its goals. The stage markers we propose correspond to the maximum density of the 1994 plan, a midway point between that and the density cap proposed in this plan, and the density cap in this plan. Broad dialogue needed to develop tests: infrastructure such as Purple Line and improvements to Metro, specified level of NADMS, adequate school capacity, adequate public parking, and parks.

		Purple Line, including achievement of capacity and ridership estimates, (ii) status of completion of projected Metro improvements and achievement of ridership projections, (iii) achievement of the non-auto driver mode share (NADMS) projections assumed in the plan, (iv) assessment of overall traffic congestion and whether further development continues to be "in balance," (v) assessment of school overcrowding and the capacity to absorb further growth, (vi) assessment of the adequacy of public parking, and (vii) achievement of the Plan's goals regarding park acquisition and development." Page 21 insert new fourth paragraph: "To ensure that development is sustainable and the objectives of the Plan are being met, this Plan will be implemented in three phases -- development up to 27.8 million, 30 million, and 32.4 million square feet respectively -- so that the adherence to Plan objectives and assumptions can be confirmed, the adequacy of public facilities can be assessed, and any necessary adjustments can be made in a timely manner." Page 24 Section 2.2 insert new third paragraph: "To ensure that development is sustainable and the objectives of the Plan are being met, this Plan will be implemented in three phases -- development up to 27.8 million, 30 million, and 32.4 million square feet respectively -- so that the adherence to Plan objectives and assumptions can be confirmed, the adequacy of public facilities can be assessed, and any necessary adjustments can be made in a timely manner."" Page 143 insert new second paragraph: "To ensure that development is sustainable and the objectives of the Plan are being met, this Plan will be implemented in three phases -- development up to 27.8 million, 30 million, and 32.4 million square feet respectively -- so that the adherence to Plan objectives and assumptions can be confirmed, the adequacy of public facilities can be assessed, and any necessary adjustments can be made in a timely manner."" Page 144, insert new Section 4.0 "A. phased Implementation. To ensure that the increases in height and density do not outpace infrastructure capacity (schools, roads, mass transit, sidewalks, bike paths, and other relevant facilities and infrastructure), and to maintain downtown Bethesda's appeal as a place to live, work, and visit, this Plan will be implemented in three phases. At the completion of each phase, a review will be conducted so that adherence to Plan objectives and assumptions can be confirmed, the adequacy of public facilities can be assessed, and any necessary adjustments can be made in a timely manner. Phase I will run up to overall development of 27.8 million	

		square feet (the cap under the 1994 Plan). Phases 2 and 3 will run up to 30 million and 32.4 million square feet respectively. Tests for adequate capacity must include (i) status of completion and operation of the Purple Line, including achievement of capacity and ridership estimates, (ii) status of completion of projected Metro improvements and achievement of ridership projections, (iii) achievement of the non-auto driver mode share (NADMS) projections assumed in the plan, (iv) assessment of overall traffic congestion and whether further development continues to be "in balance," (v) assessment of school overcrowding and the capacity to absorb further growth, (vi) assessment of the adequacy of public parking, and (vii) achievement of the Plan's goals regarding park acquisition and development."	
Maintaining Balance between Density & Infrastructure: Education	Pages 92-94 Section 2.8.4.B	Page 92: paragraph starting "In addition, the Sector Plan provides for up to 8,456 new multi-unit high-rise housing units . . ." -- strike everything after the phrase "Based on student generation" and replace with updated estimates reflecting (i) the student generation rates used in the SSP, (ii) a mix of mid- and high-rise development, and (iii) accounting for the growth in all four recent master plans that feed into the B-CC cluster." Page 93, remove paragraph discussing Rollingwood and Lynnbrook. Both facilities are located well outside the Plan area and could only be used if there is significant school boundary realignment. In addition, (i) Lynnbrook has a small footprint and has no easy access to major roads and cannot accommodate a significant number of students or buses, and is currently designated as the location for the MCPS Department of Special Education Services administrative services and could not be repurposed as an elementary school without finding a substitute facility or taking a portion of Lynbrook Park, and (ii) Rollingwood is currently leased to the French International School, has significantly deteriorated, and would need a major overhaul to be repurposed." Page 94, remove paragraph discussing Woodward High. Woodward is located 4.3 miles from the Bethesda Metro station, well outside the Plan and B-CC cluster area, and has been promised to the Walter Johnson cluster to address overcrowding there. Page 94 revise "Recommendation" section as follows: "At each completion of each phase of the plan the Planning Board and County Council must certify that adequate school facilities have been identified to accommodate expected enrollment increases, including working with MCPS to identify facilities and sites, to develop specific plans to acquire or repurpose such facilities, and to provide funding."	County Council should use the most updated student generation rates (i.e., those reflected in the SSP and/or more recent correspondence from MCPS) - and these should be realistic, transparent, and take into account both the potential that development will come in a range of sizes and will need to address the impact of all 4 area master plans: Chevy Chase Lake, Lyttonsville, Westbard as well as Bethesda. In addition, the specific options identified in the Plan should include feasibility and capacity assessments (i.e., Woodward High School has already been promised to the Walter Johnson cluster, and there are significant constraints on MCPS' ability to repurpose Lynnbrook nor Rollingwood), as well as why facilities within the Sector Plan area cannot be acquired.

Maintaining Balance between Density & Infrastructure: Transportation	Page 40 Section 2.3.2.F Page 59 Section 2.3.5.	Page 40 Section 2.3.2.F: the paragraphs labelled "Plan Vision with Existing Street Network" and "Plan Vision with Two-Way Street Conversion" should be stricken and replaced with the following: "Traffic analysis conducted for the 2014 Purple Line Station Minor Master Plan Amendment concluded that three intersections within the plan area will exceed the relevant congestion standard: Bradley Boulevard and Wisconsin Avenue; Bradley Boulevard and Arlington Road; and East-West Highway/Old Georgetown Road and Wisconsin Avenue. In addition, traffic analysis of the Bethesda Downtown Sector Plan Vision 2040 concluded that four nearby intersections will exceed the relevant congestion standard: East-West Highway and Connecticut Avenue; Rockville Pike and Cedar Lane; Bradley Boulevard and Huntington Parkway; and Connecticut Avenue and Bradley Lane. Thus, increased congestion resulting from the proposed increases in height and density will extend well beyond the borders of the plan area. Accordingly, there is projected to be a significant lack of balance within and beyond the plan area. As development under the plan nears the limit for each phase, it will be critical to assess levels of traffic congestion (both within and beyond the Plan area) and adherence to the Plan's traffic assumptions before the Planning Board and Council allow further development. Assessments must be based on (i) status of completion and operation of the Purple Line, including satisfaction of capacity and ridership estimates, (ii) status of completion of projected Metro improvements and satisfaction of ridership projections, (iii) achievement of the non-auto driver mode share (NADMS) projections assessed in the plan, (iv) assessment of overall traffic congestion and whether further development continues to be "in balance," and (v) assessment of the adequacy of public parking, as well as any other parameters determined to be valid and useful." Page 15 Section 1.3.2.D & page 59 Section 2.3.5. The discussions of NADMS contain an inaccurate percentage that does not reflect the actual NADMS goals used in the Planning Department model (as reflected in Technical Appendix E Table 3). On page 15, the bullet starting "Expand the existing Non-Auto Driver Mode Share (NADMS)" should continue "to include residents and increase the goal to 65 percent of Bethesda-area residents and 56 percent of commuters." On page 59 the sentence starting "The current NADMS in Bethesda" should be replaced with "the current NADMS in Bethesda indicates that approximately 51 percent of Bethesda-area residents and 37 percent of commuters to jobs in Bethesda travel to work by means other than single-occupancy vehicles. The traffic modelling for this Sector Plan assumes that NADMS goals for these percentages will increase to 65 and 56 percent respectively. Because the traffic model is particularly sensitive to this	The Plan is based on an imprecise and flawed congestion analysis and aggressive assumptions about the future rates of non-automobile based transportation. And even these flawed studies show that there will be unacceptable levels of traffic congestion in the future. The County Council should receive a more precise and accurate projection of traffic impacts.

		assumption, as the Plan nears each phase, it will be critical to assess the Plan's progress on achieving the NADMS goals before allowing further development."	
Building Compatibility: Heights	Page 6 Section 1.2.2.C.3 Pages 17-18 Section 1.3.5.B Pages 24-25 Section 2.2.1.B, 2.2.1.C Page 29 Figure 2.05 Page 72 Section 2.6.2.A & Table 2.04 & Figure 2.20 Page 74 Section 2.6.2.B Page 102 Section 3.1.1.B.2.b Page 147 Section 4.2	Page 6 Section 1.2.2.C.1; page 145 section 4.1.2: The discussion of the "Overlay Zone" should specify that "the mapped heights in Figure 2.20 (page 73) reflect the maximum building heights for these locations, reflecting the requirement that developers provide a minimum of 15 percent MDPUs. If developers fail to provide 15 percent MDPUs, the mapped maximum height in Figure 2.20 will be reduced by 20 percent. No additional height will be given for exceeding the MDPU target." Page 6 Section 1.2.2.C.3 revise first sentence to say "High Performance Area: this designation aims to raise the level of sustainability by both concentrating the most intense development in the central core of Bethesda and incentivizing construction of high performing, energy-efficient buildings in these areas to save resources, decrease operating and maintenance costs, and help achieve the County's greenhouse gas objectives." The second sentence will remain. Pages 17-18 Section 1.3.5.B change first bullet to "Design signature tall buildings near the central core that integrate design and sustainability innovation to occupy the symbolic center and enhance civic gathering areas."; change third bullet to "Allow increased building heights near the central core to enhance community facilities" & a separate bullet stating "to prioritize affordable housing opportunities with redevelopment"; change fifth bullet to "Preserve transitions to single-family residential neighborhoods in and surrounding the Section Plan by limiting development to low and mid-rise buildings in residential and edge districts, such as Battery Lane, Arlington North, South Bethesda, and Eastern Greenway (East Bethesda and Town of Chevy Chase)."; delete last (seventh) bullet Page 25 Section 2.2.1.B add bullet "Preserve and enhance the quality of life in the residential neighborhoods in and surrounding Bethesda by ensuring compatible heights, densities, and uses in properties adjacent to such neighborhoods." Page 25 Section 2.2.1.C. revise second bullet to say "Promote infill development with higher densities and building heights nearest the central core of downtown Bethesda to accommodate future growth, while preserving the residential character of neighborhoods in and surrounding Bethesda" Page 29 Figure 2.05. Modify zoning map to reflect that properties adjacent, abutting, or confronting residential neighborhoods retain current (residential	We oppose excessive increases in the allowed heights of buildings permitted under the Plan. Buildings of these heights are not compatible with the long accepted concept of having the greatest density around the Metro, with step-downs in height as a transition to residential communities. In addition, the Plan contains language suggesting that these excessive heights can be even higher if developers meet certain MDPU targets; given that massive increase in heights has significantly increased land values throughout the Sector, properties that are developed ought to be required to meet the MDPU units without receiving an additional height (or density) bonus. Chairman Anderson has stated that the limitation of density – and the amount that can be obtained from the Pool – will effectively limit the number of tall buildings that can actually be built. However, the result of this approach is that it will not be possible to predict where buildings will be constructed to their maximum heights, with potentially perverse results. A developer quick to the mark could build to the maximum allowed height next to single family homes, while a developer building in downtown core, later in the life of the Plan, will be constrained to a height lower than permitted. We advocate for a more intentional process, in which the Plan will determine where buildings will have greater or lesser height, and cause the resulting development to accord with a progressive step down in height away from the core, and with enhanced compatibility with neighborhoods. In addition, limits on heights and step downs to residential areas must be must be stringent and mandatory.

		(R-10 or R-60) or CRN) zoning, except to the extent that such properties are designated Priority Sending Sites (for the purpose of developing parks), in which case the properties may be upzoned to CRT. Page 72 Section 2.6.2.A change Goal and first two bullets to read: "A. Goal: Accommodate future growth in Downtown Bethesda by targeting building height increases near the central core. . . Symbolic Center and Civic Gathering Spaces: Design signature tall buildings in the central core that integrate design and sustainability innovations to occupy the symbolic center." Change second bullet to "Expanded/Emerging Centers of Activity: Encourage economic vitality in the Emerging Centers of Activity through mixed-use development and varied building heights appropriate to the surrounding context."; delete last (fourth) bullet and Table 2.04 and replace with the following: "The mapped heights in Figure 2.20 reflect the maximum building heights for these locations, reflecting the requirement that developers provide a minimum of 15 percent MDPUs. If developers fail to provide 15 percent MDPUs, the mapped maximum height in Figure 2.20 will be reduced by 20 percent. No additional height will be given for exceeding the MDPU target." Page 74 Section 2.6.2.B change first bullet to "Preserve transitions to single-family residential neighborhoods in and surrounding the Plan area by limiting development to low and mid-rise buildings in residential and edge districts, such as Battery Lane, Arlington North, South Bethesda, and Eastern Greenway (East Bethesda and Town of Chevy Chase)." Page 102 Section 3.1.1.B.2.b revise first bullet to say "Provide increased height at the central core." Page 145, Section 4.1.2: Revise fifth bullet to say "No additional building height will be given with MDPUs. The mapped heights in Figure 2.20 (page 73) reflect the maximum building heights for these locations, reflecting the requirement that developers provide a minimum of 15 percent MDPUs. If developers fail to provide 15 percent MDPUs, the mapped maximum height in Figure 2.20 will be reduced by 20 percent. No additional height will be given for exceeding the MDPU target." Page 147 Section 4.2, first bullet change to "Density from a Priority Sending Site may be included in a development application for CR or CRT-zoned sites that are entirely within the High Performance Area. The purpose of this rule is to expand the market for density from a Priority Density Transfer Site to beyond the normally applicable 1/4-mile limit, while requiring that such	

		density be transferred into the core of downtown Bethesda to concentrate the most intense development there."	
Building Compatibility: Specific Buildings (TOCC)	Page 73 Figure 2.20 Pages 100-103 Sections 3.1.1.A-B Page 117 Figure 3.07 Pages 128-129 Sections 3.3.2.A & Figure 3.14	Page 73 Figure 2.20: the designated heights for 6801 & 6807 Wisconsin should be changed to 90, the designated height for 7121 Wisconsin should be changed to 120, the designated height for 4400 Montgomery should be changed to 90, and the designated height for 4424 Montgomery should be changed to 120. Page 100 Section 3.1.1.B.1 add "c. Goal: Preserve compatibility with edge neighborhoods." Page 102 Section 3.1.1.B.2.b revise first bullet to say "Provide increased height at transit gateways at the Metrorail and Purple Line stations." Page 103 Figure 3.02. Change map to designate as "Enhanced intersections" the intersections of Wisconsin with Bradley, Stanford, and Walsh. Strike box starting "Create gateways to the north and south . . ." Page 129, Figure 3.14, south properties assigned to 3 & 4: all references to "CR" should be to "R-60" and maximum FAR 0.5 H-35; south properties assigned to 1 & 2: in the event these properties are not designated Priority Sending Sites, these properties should be R-60 FAR 0.5 H-35. Page 117 Figure 3.07 property 3 (4400 Montgomery) should be [CRN 1.5] H-90 and property 4 (4424 Montgomery) should be [CRT 1.5] H-120	A) TOCC: (i) 6801 & 6807 Wisconsin: 90 ft.; (ii) 7121 Wisconsin - 120 ft.; (iii) 4400 and 4424 Montgomery Ave., 90 and 120 feet.
Building Compatibility: Specific Buildings (EBCA)	Pages 73 Figure 2.20 Pages 100-103 Sections 3.1.1.A-B Page 110 Sections 3.1.3.A.2.a & 3.1.3.B.2.a Pages 116-117 Section 3.2.1.A.2.b & Figure 3.07	Page 73 Figure 2.20: the designated heights for the east side of Bethesda should be as follows: Avondale (north and south): Maximum height of 35 feet. Wisconsin Avenue between Avondale and Cheltenham: H-90 Wisconsin Avenue between Cheltenham and Chestnut: H-75. 4720 Rosedale (Rosedale Park Apartments), 4715 & 4719 Chestnut: H-75. East West Highway (north side) between Pearl and BCC HS: H-75, with a step down to H-50 feet as the properties approach B-CC High School. Page 116 Section 3.2.1.A.2.b: Revise the bullet starting with "The Plan supports low-density apartments or townhouses . . ." "The Plan supports the conversion of 4401-4421 East-West Highway and 7500 Pearl to an East Bethesda-Chevy Chase Park. This property should be designated as a Priority Sending Site to allow Our Lady of Lourdes Church to move its parking underground. If this property is designated as a Priority Sending Site, it	**Avondale (north and south):** The Planning Staff/Board decision to rezone certain properties along Avondale as H-70 and H-100 is inappropriate given that some of these properties back onto single-family homes on Middleton (current zoning R-60) and Avondale is a very narrow street with difficult entry/exit onto Wisconsin. Consistent with the Staff recommendation, all of the properties along Avondale should have a maximum height of 35 feet. **Wisconsin Avenue between Avondale and Middleton (Humphrey Funeral Home, Claire Dratch, other retail/commercial):** The properties should remain at H-90. Particular consideration should be given to the relocation of the historic Community Paint and Hardware Store to the

	Pages 128-129 Section 3.3.2.A & Figure 3.14	should be zoned CRT to facilitate density transfer. If it is not designated as a Priority Sending Site, it should retain its current zoning." Page 117 Figure 3.07: in the event these properties are not designated Priority Sending sites, Property 2 (7500 Pearl) should remain zoned R-60 and Property 3 (4401-4421 East-West Highway) should remain EOF 1.5 H-50. If either of these properties is upzoned to CRT (for the purpose of developing a park), they should be given a height limitation of H-50. Page 100 Section 3.1.1.B.2.a strike third bullet "Step down development at the southeast corner of Wisconsin Avenue and Cheltenham . . ." Page 101 Figure 3.01 strike properties 2 & 8 (on Avondale); Page 102 Section 3.1.1.B.2.b revise first bullet to say strike first bullet "Provide increased height at the transit gateways at the Metrorail and Purple Line stations." Page 102 Section 3.1.1.B.2.b, second bullet, strike phrase "through taller buildings at this location." Page 102 Section 3.1.1.B.2.c strike all three bullets. Page 103 Figure 3.02. Change map to designate as "Enhanced intersections" the intersections of Pearl & East-West Highway, and the intersections of Wisconsin with Cheltenham, Chase, Highland, and Rosedale. Strike box starting "Create gateways to the north and south . . ." Page 110 Section 3.1.3.A.2.a strike last bullet (referencing eliminating the FAR 1.0 limit); Section 3.1.3.B.2.a: Strike second bullet (referencing "Increased heights to punctuate the presence of Veteran's Park.") Page 129 Figure 3.14 for all north properties designated 1, 2 & 3 change "CRT" or "CR" designations to current designations (R-60/PL-10).	parking lot adjacent to these properties. **Wisconsin Avenue between Middleton and Cheltenham (Whitney, Chevy Chase Acura and Nissan):** These properties should remain at current zoning – H-90. **Wisconsin Avenue between Cheltenham and Chase (CVS and other retail):** These properties should remain at current zoning – H-75. The Planning Staff/Board decision to rezone these properties to H-250 is inappropriate given these properties abut low rise multi-family units and single family homes and are less than 200 feet from properties with single-family residences (R-60) on Sleaford Road, Cheltenham Drive, Harling Lane, Chase Avenue, and Tilbury Lane. Cheltenham Drive is a narrow street, and the Wisconsin Avenue/Cheltenham Drive intersection is already heavily used for people entering and exiting East Bethesda as there are limited access intersections. Similarly, Chase Avenue is another very narrow street that was not intended to support traffic or buildings of the proposed size. **Wisconsin Avenue between Chase and West Virginia (Wells Fargo, Benihana Restaurant)** **Wisconsin Avenue between West Virginia and Highland (Citibank, other low rise retail):** These properties should remain at current zoning – H-75. The Planning Board decisions to increase the heights for these Wisconsin Ave properties to 200 and 145 feet respectively are inappropriate given that these properties abut Chase Park and are less than 200 feet from properties with single-family residences. We do NOT support an additional maximum height from 75 ft. currently to 120 ft. proposed to an additional 80 feet for a total of 200 ft. maximum in exchange for the very small (.2 acre) private parking lot next to Chase Ave park being converted to park. Buildings of this height on the east side of Wisconsin Ave will overshadow current and future parks, the neighborhood, and the Greenway. In addition, Chase Ave and West Virginia Avenue are narrow streets that were not intended to support traffic from development of this size. **Wisconsin Avenue between Highland and Maple:** These properties should remain at current zoning - H-75.

			Wisconsin Avenue between Maple and Rosedale & 4720 Rosedale (Rosedale Park Apartments): These properties should not be zoned above current use; H-75. **Wisconsin Avenue between Rosedale and Chestnut/4715 & 4719 Chestnut Street:** These properties should remain at current zoning - H-75. Increasing heights of these properties to up to 120 feet is inappropriate given that they are at the northeastern corner of the sector plan, and are adjacent to single-family residences on Chestnut Street and would similarly tower over single family residences on both North and South Chelsea Lanes. Equivalent properties at corners of other sector plans adjacent to residential neighborhoods (Friendship Heights, Kensington, Silver Spring, Wheaton, and White Flint) have typically been capped at 50-70 feet. We request that the Board cap heights at current zoning of 75 ft. also in this area. **East West Highway (north side) between Pearl and BCC HS:** These properties should be reduced to H-75, with a step down to H-50 feet as the properties approach B-CC High School. The Planning Board increased these properties from H-50 currently to H-120. Properties should step down as they approach B-CC High School and OLOL Church and additional heights and density in this location will exacerbate congestion on East West Highway and Pearl Street. These properties should be considered for priority sending sites or legacy open space to provide additional land for BCC HS and/or expanded parkland. **Properties Surrounding Veteran's Park:** The properties directly bordering and surrounding Veterans Park on Cheltenham, Norfolk, Woodmont should not above zoning approved in the 2006 Woodmont Triangle Amendment. Veteran's Park is an important community open space and it is one of the few such places in Woodmont Triangle. The 7770 Norfolk building (175ft; allowed to be built with no setbacks and minimal setbacks) already now towers over the park and blocks light. It is a small area and the sunlight,

			character, open space will be dramatically impacted by additional tall buildings.
Building Compatibility: Specific Buildings	Page 73 Figure 2.20	Page 73 Figure 2.20: the designated height for 7960 Old Georgetown should be [X]	7960 Old Georgetown too high [what should it be?]. JF NOTE: This property appears to be H-50. Do we mean 7975 or 8011 Old Georgetown, which have been designated H-110?
Building Compatibility: Specific Buildings			Anything other specific buildings we want to comment on?
Building Compatibility: Design Guidelines	Page 6 Section 1.2.2.C.1 Pages 41-44 Section 2.3.3.B & Figure 2.09 Pages 72-75 Section 2.6.2.C & Figure 2.21 Page 100 Section 3.1.1.B.1.a Page 145 section 4.1.2	Page 6 Section 1.2.2.C.1; page 145 section 4.1.2: The discussion of the "Overlay Zone" should specify that the mapped heights in Figure 2.20 (page 73) reflect the maximum building heights for these locations, reflecting the requirement that developers provide a minimum of 15 percent MDPUs." The Overlay Zone should also include the following use and form requirements: "the Bethesda Overlay Zone and the Zoning Text Amendment will include Compatibility Requirements that will expand the current zoning code (section 4.1.8) requirements to require (a) ample setbacks from the street and built-in delivery and trash zones (i.e., loading docks and back-of-house functions should be screened in), and (b) for properties adjacent to, abutting, or confronting single-family neighborhoods (i) ample setbacks (at least 50 feet/at least the minimum required for a Tier II or III greenway) from residential areas, (ii) the Compatibility Requirement should be set at 30 degrees (measured from the property line), (iii) mapped density should not exceed FAR 0.5, (iv) there should be no density transfer into such properties, (v) loading docks and back-of-house functions should not face residential areas, and (vi) vehicular access to these properties should not be permitted from or to current residential areas." [BR Note: The 50 foot minimum setback is inconsistent with our position on Greenway tiers, in that a Tier II greenway would permit a setback as little as 35 feet.] Page 41-44 Section 2.3.3.B: On page 41, add sentence to end of BRT discussion that "Any extension of BRT should maximize the width of sidewalks (i.e., Options 3a and 3b)." Page 74 Section 2.6.2.C add bullets: "Walkability: Encourage wide sidewalks." Page 75 Figure 2.21 revise text as follows "**Setback**: Allow a sufficient setback	We expect the Design Guidelines will cover the following, among other items: wide sidewalks, step backs for mid and high floors, space between towers; planting trees; and reduction in lighting at night from large buildings. In addition, there were several items from the 1994 Plan and the 2006 Woodmont Triangle Amendment guidelines that should be implemented in the new design guidelines: (1) design new building so that public streets and spaces retain adequate sunlight, (2) provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements, (3) where outdoor restaurants are proposed, additional building setbacks may be required to accommodate pedestrian space and outdoor seating areas, (4) maintain a desirable street width to building height ratio in the range of 1:1 to avoid a "canyon effect" along streets for buildings over six stories in height. This can be accomplished by stepping back the upper floors of a building over 6 stories to express a two or three story base, and (5) provide adequate sunlight for mid-block courtyards and recreation areas by such measures as orienting taller buildings to the north side of such spaces or in a north-south alignment. Specific items which are most essential to our communities should be written into the Zoning Text Amendment (such as ample setbacks from streets and residences and built-in delivery zones). In addition, the Overlay Zone should follow the model used for other jurisdictions (e.g., Silver Spring) and provide for different sub-zones, one for the central core

		from the curb for an ample and clear pedestrian walkway lined by plantings and furnishings per the Bethesda Streetscape Standards"; "**Through-block Connection**: "Provide welcoming, safe, and well-lit public motor vehicle-free connections for people to walk and bike through large blocks." Page 100 Section 3.1.1.B.1.a: Add bullet -- "If BRT is implemented, the implementation should preserve the widest possible sidewalks (i.e., Options 3a & 3b on page 42)."	and one for edge areas, with more stringent requirements next to residential areas.
Building Compatibility: Public Safety	BCC Rescue Squad: Page 91-92, Section 2.8.3.B; Page 124 Section 3.3.1.A.2; Page 125 Figure 3.11; Page 126 Section 3.3.1.B.2.a	Page 91-92, Section 2.5.3.B delete paragraph "The rescue squad is looking into.... during construction." Delete "Any future redevelopment of the site, including commercial and multi-story residential, would require a change to the current zoning of the property." Replace with "Retain the current R-60 zoning of the property." Page 92, Under "Recommendations" delete recommendation for Rescue Squad to rezone to CR and instead recommend retaining the current R-60 zoning. Page 124, Section 3.3.1.A.2, change the bullet regarding lot 56 to recommend retaining the R-60 zoning. Page 125, Figure 3.11, change circle 5 to R-60 Page 126, Section 3.3.1B.2.a, delete "Bethesda Rescue Squad and" from recommendations.	The sites which are currently occupied by the Bethesda Fire Station and by the Bethesda-Chevy Chase Rescue Squad should remain reserved solely for facilities that ensure our safety. A large increase in development and population is expected in Bethesda over the next 25 years, and it is only prudent to maintain the flexibility to modify and expand these facilities as may be necessary, and not permit them to become encumbered with private development. The County should be responsible for the financing of any required expansion. The Rescue Squad property is currently zoned R-60 with a special exception.
Building Compatibility: Design Review Advisory Panel	Page 6 Section 1.2.2.C.1 & C.4 Page 145 section 4.1.2	Page 6 Section 1.2.2.C.1 & Page 145 Section 4.1.2: Append to first paragraph of Section 1.2.2.1.C.1 and to paragraph on page 145 starting with "the Bethesda Overlay Zone": "The Zoning Text Amendment will require review of proposed buildings by a Design Review Advisory panel as part of the Site Plan process. The Design Review Advisory panel shall (i) be subject to the Maryland Public Ethics Law, MD. Code Section 5-101 et seq., and (ii) include residents from the Plan area and adjacent communities as at least 50% of its members." Page 6 Section 1.2.2.C.4: Add new paragraph: 'To promote design excellence, as well as to ensure compatibility of buildings with surrounding neighborhoods, all buildings will be reviewed by a Design Review Advisory panel as part of the Site Plan process."	We support the creation of a Design Review Advisory panel, provided that (i) area citizens are involved in the appointment of members of the panel; (ii) citizens have half the number of seats on the panel; and (iii) there are strict requirements to avoid members having conflicts of interest.

Parks and Amenities: General	Page 11 Table 1.01 Page 12 Section 1.2.4 Page 62 Section 2.4.1.A Page 78 Section 2.7.1 Pages 100-103 Section 3.1.1.C	Page 11 Table 1.01: The numbers on the table regarding parks are inaccurate. Update table to reflect increased acreage and percentage. Page 12 Section 1.2.4: change last bullet to "Parks and open space network that complements the pedestrian corridors, anchors the community, and provides opportunities for easily accessible recreation areas." Pages 100-103 Sections 3.1.1.A-C add new paragraph: "Only 2 percent of land in downtown Bethesda is currently dedicated to parks and open green space. This plan sets a goal of 10 percent parks and green space." Page 62 Section 2.4.1.A: Add bullet: "Increase park and open green space to 10 percent of the Plan area." Page 78 Section 2.7.1: Rewrite section to state: "In Bethesda, as in all of Montgomery County's urban areas, residents, employees, and visitors need an attractive and convenient system of parks, trails, and open spaces accessible by walking and transit. Although Bethesda is one of the highest density areas of the county, it ranks very low in the Metropolitan Washington area in terms of total and per capita park land. In addition, Bethesda lacks public amenities (e.g., recreation centers, swimming pools, etc.) found in other parts of the county. Adding more density to an already densely built environment such as Bethesda requires an effort by Montgomery County to expand the number and size of parks, trails, and open space located in the right places to ensure that Bethesda remains a place where people want to live, work and play. The positive effects of parks on people cannot be overstated, particularly in urban areas. Urban living without sufficient parks and open space can result in a disengagement of people from their natural environment and be detrimental to health and well-being. Parks can be the vital link to nature that people need to be healthy. They offer space for leisure and sport, and their natural green settings help reduce stress. Parks help create community cohesion and identity by providing spaces for gathering and events, with opportunities for people to meet each other, socialize and bond with neighbors. To these ends, this Plan sets a goal of increasing the park and open green space of Downtown Bethesda from the current 2 percent to 10 percent of the total Plan area. Ten percent is the percentage comparable to urban areas that are frequently mentioned as livable cities, and this level of park development is necessary to ensure that businesses and residents continue to come to Bethesda. To achieve this goal, the Plan identifies a large number of proposed parks. First and foremost, among these are the conversion of county-owned surface	Although the Plan professes to make park creation the first overarching goals (p6) and prominently features "new parks and open spaces (that) will provide green, tranquil places" in its vision (p4), Bethesda residents agree that the draft Plan is deficient in providing meaningful parks and open space. As proposed, the Plan increases park space from 2% to 4% -- this pales in comparison to world class cities. Moreover, the proposed parks (so-called "pocket parks") described in the Plan are too small and few in number to create a world class destination. For this reason, county-owned parking lots must be transformed into parks and open space. Relying solely on development to ensure that new parks are established or existing ones expanded is too uncertain. There is need for different mechanisms to ensure that park infrastructure serves the need of current and future Bethesda residents. In addition to the potential Park Impact Fee and use of Priority Sending Site designations, other possible mechanisms include County funding and designation of additional legacy open space. The 2017 Park, Recreation and Open Space Plan Update also represents an opportunity to prioritize park development and expansion in Bethesda. In the future, Bethesda residents agree that many factors will combine to challenge the vision of Bethesda as an attractive community to live and work. Unless rectified, the paucity of parks and open space here will become increasingly clear with the recent planning failures we have observed. These design failures include construction of unattractive box-like, increasingly tall buildings that block adequate sunlight (including building forms that were specifically described in the 1994 Sector Plan as examples of how NOT to build).

		parking lots to parks; these lots represent the last and best opportunity to create destination parks in downtown Bethesda."	
Parks and Amenities: Specific Parks and Open Space	Page 6 Section 1.2.2.A Page 18 Section 1.3.5.C Page 72 Section 2.6.1.B Page 76 Section 2.6.3 Pages 82-87, Section 2.7.3 Page 100 Sections 3.1.1.A.2.b & 3.1.1.B.1.b Page 110 Section 3.1.3.B.2 Page 128, Sections 3.3.2.A.2.a & 3.3.2.B.1.a Pages 147-48 Section 2.2.	Page 6 Section 1.2.2.A, revise first numbered paragraph to say:"**1. Parks and open spaces**, including new civic greens at Veteran's Park, the Farm Women's Cooperative Market/Bethesda Commons, the Capital Crescent Trail, and new urban parks (including parking lots 25 and 44), pathways, and gateways." Pages 18 Section 1.3.5.C & 76 Section 2.6.3.A replace third bullet with "Create gateways at the public transit entrances to downtown by providing the large Civic Greens at the proposed Capital Crescent Civic Green and Farm Women's Market/Bethesda Commons Civic Green" Page 72 Section 2.6.1.B, revise third bullet: "Connect the proposed Capital Crescent Central Civic Green to the proposed Farm Women's Market/Bethesda Commons Civic Green". Page 83, point 2: Change to "The Farm Women's Market/Bethesda Commons Civic Green Vision: The Bethesda Commons will include (i) the ground immediately surrounding the Farm Women's Cooperative Market, (ii) the entirety of the space currently used by Lots #24 and #10, and (iii) the existing Elm Street Park. Surface parking currently on Lots 10 and 24 will be placed underground at these sites. The landscaped grounds surrounding the Farm Women's Cooperative Market will serve as the main gateway into the Bethesda Commons. This space would act as both a destination and local gathering spot, providing a space for area workers and residents to enjoy recreational facilities. The park would serve as an extension of Elm Street Park and the proposed Eastern Greenway, and be the world class park that Bethesda deserves." Page 83, add new point 4: Metro Plaza Civic Space. Vision: This Civic Space is envisioned as an open space at the location of the current Metro Plaza, above the bus terminal bay. This space would act as both a destination and a local gathering spot, and would have public amenities such as a bandstand for outdoor concerts or movies." Page 86, Item 4: See comment - should plans for this area be rethought? Should it be procured by MCPS? Change Bethesda-Chevy Chase East Neighborhood Green to "Bethesda Chevy-Chase East Neighborhood Park." The recommended size should be larger than 0.3 acres. There are over two acres of above ground parking lots on these properties now. The vision should be	The following areas should be designated as future/ transformed into parks: Lots #10, 24, 25, 44 and the lot behind Claire Dratch; (Lot #24 could become a priority sending site, like Lot #10, but County must also select the PSS option.). Metro Plaza area must become a "substantial, public and fully open green space." Figure 2.23 to be revised and p. 86 Item 4: Question: Should it be a park? The proposed use of land in the northeastern corner of East West highway and Pearl Street near B-CC HS and Our Lady of Lourdes (OLOL) School appears unwise considering the small property and lack of amenities at neighboring B-CC High School. Instead of increasing heights and building in this area, MCPS should procure land here in order to expand student amenities (athletic fields, pool or other) to be used by overcrowded schools in the Downtown area. Instead of proposing such a small 0.3-acre park near B-CC HS - too small to offer active and meaningful recreation - enhance the Eastern Greenway as proposed by establishing a park on Public Parking Lot 25 between Maple and Highland further north. This parking lot is not widely used and would create a meaningful buffer and park in the area. This park would also serve residents in the fast-growing Woodmont area that is similarly deprived of parks and green space. p87 E Item 1 - Chase Avenue Neighborhood Green Expansion: Residents do not think that the expansion suggested in the Plan is worth the height allowed.

		changed to "Vision: A neighborhood urban park that serves central downtown Bethesda and the students at Bethesda-Chevy Chase High School and Our Lady of Lourdes. This site could also serve as a location for a future East Bethesda recreation center and/or pool." Page 86, Item 5: Change to: **Eastern Greenway Linear Park** a. *North End.* **Vision**: The Eastern Greenway at the north end provides a safe place to walk and bike along a green, tranquil and shaded Tilbury St. The prioritization of former parking lot 25 between Maple and Highland by Montgomery County has led to the creation of an attractive park of approximately 60,000 sq. ft. (1.4 acres) along the north part of the Eastern Greenway, which has become a popular area for active recreation and a safe, green alternative to busier roads. The new buffer park offers green space, sculptural /art elements, space for active recreation and socialization, a dog park and playground equipment, as well as green features to enhance the environment. It is inspired by parks in other areas such as Caroline Freeman Park, Elm Street Park, Ellsworth Park and Woodside Urban Park. The Eastern Greenway has become a tranquil gateway for pedestrians and bikers to the Metro, the southern part of Bethesda with its civic centers, and even to Friendship Heights. The Greenway has greatly enhanced walkability and safe biking for residents in the northeastern part of downtown Bethesda. **Recommended size:** Maple Avenue Park: 1.4 acres. Other parks will vary depending on other properties that may become available over time to expand the green areas, for example around Chase Avenue Park and maybe elsewhere. **Purpose:** The Eastern Greenway and three buffer parks (at Maple/Highland Ave, existing Cheltenham Drive, and Chase Ave, and possibly other areas) will provide highly needed but scarce opportunities for active recreation for nearby residents on the east and west sides of Wisconsin Avenue, including the busy Woodmont Triangle. They will provide a green, attractive buffer on the eastern side of the Bethesda Downtown Sector Plan, and contribute to the Plan's "green" goals with decrease in impervious surfaces, increased tree planting and tree canopy, and adoption of "green" interventions TBD." Page 87, Item E.2: Change to: "**Chase Avenue Neighborhood Green Expansion**: **Vision:** The Chase Ave park along with the existing Cheltenham Dr. Park have been renovated and the green canopy expanded, enhancing the buffer to the downtown area and offering increased opportunities for active recreation and play as well as socialization for East Bethesda residents, for residents in the rapidly growing Woodmont Triangle, and for others who prefer	

		to walk and bike in quiet areas rather than on busy streets. The parks also take the load off other parks in the area used to capacity. Subsequent expansion of the Chase Ave park is planned with the purchase by Montgomery County of homes on West Virginia Ave. backing up to the park. The expansion will draw on the experience of establishing the Maple Avenue Park. Expansion of this park further enhances the Eastern Greenway and open space in Bethesda and the ability of residents in the adjacent and densely populated Woodmont Triangle to have easy access to green space and active recreation. A new low-rise residential building capped at 70 ft. on Wisconsin Ave. has underground parking (replacing parking lot 10) consisting of popular garden apartments that look over the attractive, green, enlarged Chase Park. **Recommended size**: TBD **Purpose**: These parcels will add to the recreational opportunities for residents in East Bethesda and the Woodmont Triangle, as well as others who wish for a more tranquil setting for play, active recreation and walking/biking in Bethesda. These parcels will also act as an improved green buffer for the community on the eastern side of the Bethesda Downtown Sector Plan Boundary, an area with the smallest buffer parks today." Page 130, change top bullet to" Designate both PLD Lots 10 and 24 as Priority Sending Site (for the purpose of developing a park); if these sites are designated as Priority Sending Sites, they can be rezoned from R-60 to a CRT zone with additional density to allow density averaging and to facilitate development of a civic green. If these lots are not designated as Priority Sending Sites, they should remain R-60."; Page 130, add new bullet to" Designate East Bethesda PLD Lots 25 and 44 as Priority Sending Sites (for the purpose of developing parks); if these sites are designated as Priority Sending Sites, they can be rezoned from R-60 to a CRT zone with additional density to allow density averaging and to facilitate development of a civic green. If these lots are not designated as Priority Sending Sites, they should remain R-60." Page 100 Section 3.1.1.A.2.b, Change second bullet to refer to "thirteen" priority sending sites and include references to Parking Lots 10, 24, 25, and 44 in the list. Page 100 Section 3.1.1.B.1.b, Change second bullet to "Enhance the Farm Women's Cooperative Market as both a market and a civic gathering space by developing a new civic green (the Bethesda Commons) on the grounds immediately surrounding the Farm Women's Cooperative Market, the entirety of the space currently used by Lots #24 and #10, and the existing Elm Street	

		Park." Page 110 Section 3.1.3.B.2.a: Strike second bullet (referencing "increased heights to punctuate the presence of Veteran's Park.") Page 128 Section 3.3.2.A.1 Replace third bullet with "Make the best use of land near the Bethesda Metrorail Station and future Purple Line station by promoting redevelopment of under-utilized properties and develop parks on County parking lots." Page 128, Section 3.3.2.A.2.a change top bullet to" Designate both PLD Lots 10 and 24 as Priority Sending Site (for the purpose of developing a park); if these sites are designated as Priority Sending Sites, they can be rezoned from R-60 to a CRT zone with additional density to allow density averaging and to facilitate development of a civic green. If these lots are not designated as Priority Sending Sites, they should remain R-60."; Page 130, add new bullet to" Designate East Bethesda PLD Lots 25 and 44 as Priority Sending Sites (for the purpose of developing parks); if these sites are designated as Priority Sending Sites, they can be rezoned from R-60 to a CRT zone with additional density to allow density averaging and to facilitate development of a civic green. If these lots are not designated as Priority Sending Sites, they should remain R-60." Pages 130 Section 3.3.2.B.1, revise third primary bullet to say "Encourage provision of a larger destination park (the Bethesda Commons) adjacent to and to the rear of the Farm Women's Cooperative Market covering Parking Lots 24 and 10 to provide a green space and programming within a short walk of the future Metrorail station entrance and Purple Line station." Page 147-48 Section 4.2, add new bullet: "The surface parking lots designated as priority sending sites (#10, 24, 25, & 44) are done so for the purpose of transforming these properties to civic greens (i.e., the Bethesda Commons) or neighborhood parks by giving the Parking Lot District funds to move existing parking lots underground. To the extent that these lots are designated Priority Sending Sites (for the purpose of developing parks), the may be zoned CRT H-35. To the extent these lots are not designated Priority Sending Sites, they shall retain their existing zoning."	
Transition Zones: General	See below	See below	Transition zones should protect the character and quality of life in surrounding neighborhoods. Many of the existing characteristics that protect our communities, such as R-60 zoning within the edges of the plan and existing heights that

			are compatible with the transition from a business district to residential areas, would be eliminated under the proposed plan. In principle, we are prepared to accept a new set of protections, including greenways, which we endorse. However, new protections must be included in the plan to ensure no encroachment beyond the plan boundaries by virtue of such things as height, shadows, additional traffic, parking pressure, and other aspects, on residential neighborhoods outside the plan boundaries.
Transition Zones: Greenways	Page 130, Section 3.3.2.B.1.a; Page 133 Figure 3.16; Page 152 Section 4.5	Page 130, Section 3.3.2.B.1.a, strike bullet starting "Tier 1 Green Street"; add paragraph: "Developers are required to provide a setback of the greater of (i) the setback set forth in the Compatibility Requirements, or (ii) the Tier 2 or Tier 3 greenway corresponding to the appropriate height." Page 133, Figure 3.16, strike picture of "Tier 1: Green Street." Page 152, Section 4.5, strike bullet starting "Tier 1 Green Street"; add paragraph: "Developers are required to provide a setback of the greater of (i) the setback set forth in the Compatibility Requirements, or (ii) the Tier 2 or Tier 3 greenway corresponding to the appropriate height."	Tier 1 provides for a setback that is less than the current Compatibility Requirements under the zoning code, and in certain cases a Tier 2 or 3 greenway would be less than the setback required under the zoning code. Eliminate Tier 1, and developers option for Tier 2 or 3 should be required to comply with the more stringent of (i) the greenway guidelines and (ii) the Compatibility Requirements
Transition Zones: Greenways	Page 132, Figure 3.15	Page 132, Figure 3.15: Change map to reflect that the south side of Walsh Street has a greenway.	Properties on the south side of Walsh should also be required to comply with the greenway.
Transition Zones: Greenways	Page 130 Section 3.3.2.B.1.a Page 132, Figure 3.15	Page 130, Section 3.3.2.B.1.a Last Bullet: strike bullet stating "On blocks with existing single-unit homes, the greenway only occurs if the entire block is redeveloped." Page 132, Figure 3.15: Strike box reading "On blocks with existing single-unit homes, the greenway only occurs if the entire block is redeveloped in the future."	The greenway should be implemented even where blocks are partially redeveloped, or are developed at separate times.
Transition Zones: Greenways	Page 118, Section 3.2.1.B.1.c; Page 152 Section 4.5	Page 118, Section 3.2.1.B.1.c: insert new bullet: "Create a greenway on the north side of the Capital Crescent Trail." Page 152, Section 4.5, 1st paragraph, change opening sentence to: "In order to provide a buffer between the Wisconsin Avenue and Montgomery Avenue corridors and existing . . ."	A greenway should be reinstated on the north side of the CCT.

Transition Zones: Greenways	Fire Station 6: Page 15 Section 1.3.1.B Page 92 Section 2.8.3.B Page 136 Section 3.3.3.A.2.a and B.2.a Page 135 Figure 3.17 Page 136 Section 3.3.3.B.1.b	Page 15 Section 1.3.1.B Delete floating zone for fire station; rezone fire station R-60, public use. Page 92, section 2.8.3.B, replace language regarding Fire Station 6 with the following: "...and that the Fire Station 6 site at the corner of Bradley Boulevard and Wisconsin Avenue be zoned R-60, for public use." On page 136, section 3.3.3.A.2.b, delete sentence starting "Allow redevelopment potential of the Bethesda Fire Department site located at the corner of Bradley Boulevard and Wisconsin Avenue that is currently zoned R-10 by recommending a CR floating zone that would allow... (see Figure 2.2.0 Recommended Maximum Building Heights)." Change final sentence in this section to "For the undeveloped portion of the property to the west of the Fire Station facility, which is identified as a potential open space in Chapter 2.7 and on Figure 2.19 Public Open Space, facilitate park acquisition and retain potential for expansion of fire and rescue capacity in future years." Page 136, Section 3.3.3.B.2: Delete "including the Bethesda Fire Department" from the recommendation. Page 135, Figure 3.17, change circle 9 to R-60, public use. Page 136 section 3.3.3.B.1.b Consider adding bullet: "If at any time during the term of this plan the Bethesda Fire Station is redeveloped, tier building heights be based on the type of green space provided to the south and west of the property (per requirements for the Eastern Greenway discussed on pages 130 & 133)."	Fire Station 6 is staffed, equipped, and operated by Montgomery County Fire and Rescue Services, with professional personnel. As such, it is a public use and therefore should be zoned as restrictively as possible to protect the confronting residential neighborhood. If at any point during the term of the plan the issue of upzoning arises again, it must be clear that any redevelopment requires that green space that conforms to the Eastern Greenway requirements must be provided.
Transition Zones: Zoning Uses	Page 6 Section 1.2.2.C.1 Page 14 Section 1.3.1 Page 145 section 4.1.2	Pages 6 Section 1.2.2.C.1 & 145 Section 4.1.2, add new paragraph/bullet: "Properties adjacent to, abutting, or confronting single-family neighborhoods will retain land use restrictions consistent with the current zoning (residential or CRN)." Page 14 Section 1.3.1.A add bullet "Preserve and enhance the residential character of single family neighborhoods within and adjacent to the Plan area" Page 14 Section 1.3.1.B add bullet "For properties adjacent to, abutting, or confronting single-family neighborhoods, add land use restrictions consistent with the current zoning (residential or CRN)."	The full range of permissible uses for a CR property are not appropriate for properties adjacent to or confronting single family residences. The current use restrictions on edge properties should be kept the same even if a property is upzoned.

Transition Zones: Zoning Uses	Pages 14 (Section 1.3.1.B); Page 25 (Section 2.2.1.C); Page 29 (Figure 2.05); Page 116 (Section 3.2.1.A.2.b); Page 117 (Figure 3.07); Page 129 (Section 3.3.2.A.2); Page 129 (Figure 3.14); Page 135 (Figure 3.17).	Page 14, Section 1.3.1.B add to second bullet: ", provided that properties currently zoned as R-60 or CRN shall retain that zoning, unless the property is designated a priority sending site (with the intent to convert it to a park) in which case it may be upzoned to CRT" Page 25 Section 2.2.1.C add bullet "For properties adjacent to, abutting, or confronting single-family residences, preserve existing character by retaining current R-60 or CRN zoning, unless the property is designated a priority sending site (with the intent to convert it to a park) in which case it may be upzoned to CRT" Page 29 Figure 2.05: conform the zoning designation for all properties adjacent to, abutting or confronting single-family homes to retain current zoning (R-60 or CRN) unless the property is designated as a priority sending site (with the intent to convert it to a park) in which case it may be upzoned to CRT. Page 116 Section 3.2.1.A.2.b: Strike bullet starting "Rezone the 4400, 4340 and 4338 Montgomery Avenue" Page 117, properties 3, 8 and 9 "CR" should be changed to "CRT" Page 128 Section 3.3.2.A.2 change first bullet to "Retain R-60 or CRN designations to preserve East Bethesda and the Town of Chevy Chase as single-family residential neighborhoods. To the extent that certain County surface parking lots are designated as Priority Sending Sites (for the purpose of designating parks), CRT zoning would be an appropriate zone as a transitional zone area from the higher density commercial development along Wisconsin Avenue to the single-family residential neighborhoods of East Bethesda and Town of Chevy Chase. All such properties should have use limitations consistent with a CRN designation." Page 129, Figure 3.14 properties 2, 3 & 4: all references to "CR" should be to "R-60" and maximum FAR for all properties is 0.5. Page 135 Figure 3.17, all properties designated 1, 4, 5 & 8 change references from "CR" to "CRN" and maximum FAR for all properties is 0.5.	Commercial or industrial uses should not be permitted on properties that are adjacent to or confront single family residences. Properties confronting single-family neighborhoods are currently primarily designated as residential (R-10 or R-60), or in some cases CRN. To preserve the residential nature of these areas, that zoning should be retained. In the limited circumstance where a property has been designated as a Priority Sending site (with the intention to facilitate conversion of surface parking lots to parks and civic greens), upzoning to CRT may be appropriate to facilitate density averaging. In no circumstance should a property currently zoned as R-60 or CRN be upzoned to CR.
Transition Zones: Zoning Uses	Page 128 (Section 3.3.2) & maps throughout the Plan.	Page 128: Add new paragraph in "North of East-West Highway" section: "The New Plan does not include the east side of Tilbury, Sleaford Road, Middleton Lane (east of Tilbury), or Chelton."	In East Bethesda, the new Plan should maintain the 1994 Plan border, which excluded the single family homes on Tilbury, Sleaford and Chelton. Single family homes on Middleton and the south side of Sleaford should also be

		Pages 23, 29, 30, 33, 37, 45, 46, 58, 67, 71, 73, 81, 89, 101, 103, 117, 119, 129, 132 & 149: Conform map to exclude these areas.	excluded. We assume that including these streets and properties is an error, and not meant to change these neighborhoods.
Transition Zones: Density Next to our Communities	Page 6 Section 1.2.2.C.1 Page 145 section 4.1.2 Page 66 Section 2.5 Page 147 Section 4.2	Page 6 Section 1.2.2.C.1 & page 145 section 4.1.2 add new paragraph: "To ensure an appropriate transition from the high performance area to single-family residential neighborhoods, for all properties that are adjacent to, abut, or confront single-family residences (i) the Compatibility Requirement should be set at 30 degrees (measured from the property line), (ii) mapped density should not exceed FAR 0.5, and (iii) there should be no density transfer into such properties." Page 66 Section 2.5: Add new second paragraph "The HPA largely corresponds to the portion of the Plan area that is not adjacent to, abutting, or otherwise confronts existing single-family neighborhoods. To incentivize development of the HPA, density transfers - sales and purchases - will be allowed to properties entirely within the HPA; however, to preserve the residential character of existing single-family neighborhoods, only density sales, not purchases, will be allowed for properties outside the HPA." Page 147 Section 4.2, first bullet change to "Density from a Priority Sending Site may be included in a development application for CR or CRT-zoned sites that are entirely within the High Performance Area. The purpose of this rule is to expand the market for density from a Priority Density Transfer Site to beyond the normally applicable 1/4-mile limit, while requiring that such density be transferred into the core of downtown Bethesda to concentrate the most intense development in the central core."	The Greenways and Compatibility Requirements are not sufficient to ensure an appropriate transition from large, high density buildings to our communities. The proposed modifications to the Zoning Text Amendment are consistent with the fact that the subject properties adjacent to or confronting single-family residences are currently largely zoned R-60 or CRN and are not eligible for density averaging. The compatibility requirement is based on the current requirement in Rockville (30 degrees).
	Page 145 section 4.1.2, third bullet	Page 145, Section 4.1.2 third bullet, add to end: ", subject to the restrictions on properties adjacent to or that abut or confront single-family residences discussed below."	See prior point.
Transition Zones: Floating Zones Adjacent to Plan Area	Page 6 Section 1.2.2.C.1 Page 145 section 4.1.2 Page 14 Section 1.3.1.B	Page 6 Section 1.2.2.C.1 & page 145 section 4.1.2 Add new paragraph:"If land within the Plan is proposed for rezoning from R-60 or R-10 to a CR or CRT zone, the Plan should provide that any such zoning or subsequent rezoning may not be relied upon for purposes of applying for a floating zone (Section 5.1.3 of the Code) on R-60 property that confronts or abuts the rezoned property. The abutting or confronting property must not be subject to a floating zone unless that zone is specifically recommended for the property in an approved and adopted master plan.";	Floating zone development should not be allowed in residential neighborhoods adjacent to Plan area, unless such properties have been explicitly identified for such development in the Plan.

		Page 14-15 Section 1.3.1.B add new bullet "Floating zone development is not allowed in the residential neighborhoods adjacent to the Plan area unless such properties have been explicitly identified for such development in the Plan."	
Miscellaneous	Page 36 Section 2.3.2.B Page 39 Table 2.01 B-2 Page 134 section 3.3.3.A.1 and 2 Page 153 Table 4.01.	Delete any reference to extension of Strathmore Drive south of Bradley to Chevy Chase Drive.	The extension of Strathmore to Chevy Chase Drive should be eliminated from the Plan. This extension would bring substantially more traffic onto Chevy Chase Dr., which is a two-lane road with one lane designated for parking - it cannot handle additional traffic from drivers seeking avoid busier intersections. Nor does it help with access to Norwood Park - already accessible to cyclists and pedestrians - as there is no provision for public parking, which is already woefully inadequate in the park area.
Miscellaneous	Page 36 Section 2.3.2.B Page 39 Table 2.01 B-2 Page 119 section 3.2.1.B.1 Page 153 Table 4.01.	Delete any reference to the "Pearl Street Connector" as a roadway or vehicular street. If the new roadway is created, it should be a pedestrian-only zone.	Creating a new vehicular cut through at this location serves no purpose. The stated goals of "improving local connectivity" and shifting the "development pattern within the Pearl District toward short blocks and pedestrian-friendly street crossings" can be better achieved by making any new cut-through pedestrian-only.
Miscellaneous	[72] THIS NEEDS A MORE SPECIFIC CITATION		Plan should list tunnel for Capital Crescent Trail.
Miscellaneous			Plan should provide for a complete overhaul to improve appearance and functionality of the Metro Bus bay.
Miscellaneous	[62-63] MORE SPECIFIC CITATION?		Plan should provide additional detail for the open space required for new buildings, including landscaping and planting more trees. [JF NOTE: There is detailed discussion of these topics at pages 62-63 of the Plan. To the extent we feel these are insufficient, we should provide specific suggestions.]
Miscellaneous			There are a number of buildings, especially along Battery Lane, that would be rezoned from R-10 to CR with a height of 110'. The R-10 zone allows a height of 100' with a setback requirement of 6 inches for every foot of height over 30'.

			Effectively these properties have been given an extra 10' of height without the setback requirement - which means greater mass - and with commercial uses. We may want to consider these separately from other properties elsewhere that under the current plan have CBD or commercial zoning but that would be rezoned to CR/CRT. Although there is great resistance on the council and PB to downzoning, in the case of R-10 properties we could argue that the zoning on these should be a direct translation without additional height; we could also argue that they should be CRT rather than CR. See p. 14, section 1.3.1.b, second bullet. [Can Battery Lane please work on (i) specific asks, and (ii) if there are specific properties you want to target?]
Miscellaneous	Page 11 Table 1.01; Page 31 Section 2.2.3	The numbers in the chart and growth projections in the housing section are not accurate and should be corrected.	
Transportation Improvements	Pages 41, 45-47 Sections 2.3.3.A & 2.3.4 & Figure 2.11 and Table 2.02	Page 41: The proposed modifications to the Bethesda Circulator route should also include stops on Wisconsin north of East-West Highway. In addition, the Circulator should have routes that run both clockwise and counter-clockwise. Page 46 & 47 Figure 2.11 and Table 2.02: Certain bike routes have been downgraded from the 1994 Plan recommendations of dedicated bike lanes to "shared roadways." These routes should all have dedicated bike lanes: (1) Pearl Street from Sleaford to the intersection with the Capital Crescent Trail and (2) Cheltenham Drive from Tilbury to Woodmont. [All communities should check their bike routes to see if any others have been downgraded.]	
Community Facilities	Page 88 Section 2.8	Page 88 Section 2.8, second paragraph: change first sentence to "Downtown Bethesda currently provides its residents with inadequate public services and a carefully considered plan is needed to meet the many needs of the growing population." Section 2.8.1. add new plan objective "Provide a new recreation center and public swimming pool within the Plan area."	

Redline of Draft Letter from Patricia Baptiste,
dated 1/4/2017

Draft of December 29 - pm, 2016
Redline Edits from Patricia Baptiste, 1/4/2017

January 9th ,2017

Honorable Roger Berliner
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Ave.
Rockville, MD 20850

Dear President Berliner and Members of the County Council,

The proposed new master plan for Downtown Bethesda (the "Plan") is a very significant document for residents of the entire Bethesda area, business owners, regional commuters and visitors. We are eager to see our downtown improve and grow under the guidance of an innovative and responsible Plan, and we appreciate the hard work that the planning staff and Planning Board have put into developing the Plan.

At the public hearings in October, numerous Bethesda area residents spoke of their hopes for the Plan, but also of their concerns: School overcrowding without clear and viable plans to accommodate rising enrollment; inadequate parks and public open space for the planned population; a transportation system - roads and mass transit – that is already stretched and could become increasingly inadequate; and excessive permitted heights, reliance on unspecified design guidelines, and incompatible zoning near residential neighborhoods.

It is now time to move from general concern to careful and detailed recommendations that will make the Plan succeed. For this purpose, working under the aegis of CBAR, the following eleven local governments and community associations, have come together: the East Bethesda Citizens Association, Middleton Lane [Association?], the Town of Chevy Chase, ~~the Village of~~ Chevy Chase Village, Chevy Chase West Neighborhood Association, the Town of Somerset, the Citizens Coordinating Committee of Friendship Heights, Edgemoor Citizens Association, Battery Park [Community Association], Battery Lane [Community Association], and West Fernwood Community Association. We represent over [13,000] area residents, all materially affected by the Plan.

This letter provides an overview of our vision for a continued successful Bethesda area and a statement of our key recommendations. The Attachment contains detailed language for revising the Plan, mapped against the corresponding section of the Plan, and provides an explanation for our recommended revisions. These recommendations represent an enormous commitment of time and effort by our residents – an effort to turn our concerns to specific and actionable change.

We are confident that with these changes, the Plan will achieve its stated goal: a vibrant, diverse and economically thriving Bethesda, providing enhanced quality of life for current and future residents throughout the area.

Draft of December 29 - pm, 2016
Redline Edits from Patricia Baptiste, 1/4/2017

Our Vision: A Vibrant Downtown Bethesda with Compatible Connections to Bethesda Area Neighborhoods

The Bethesda area is a highly desirable place to live, raise a family, work, and enjoy a variety of activities. The area's success depends on the vitality of downtown Bethesda; we are pleased that Marriott has chosen Bethesda for its new headquarters. In turn, the downtown is greatly strengthened by the livability of the surrounding long-established neighborhoods, whose residents shop, eat, work and play in the urban center. The quality of the B-CC cluster schools also has contributed to Bethesda's success, drawing families to the core and the surrounding neighborhoods. A successful plan requires maintaining and enhancing these mutual and reinforcing interests.

The Plan should reflect these interests in two fundamental respects: First, infrastructure – including schools, transportation, and parks and amenities – must be improved and expanded in step with development and increasing population.

Second, the development along the boundaries of downtown should be compatible with the adjacent communities. We who live in these communities are not separate from the downtown, but closely connected to it. A successful Plan depends on smooth, not jarring, transitions from urban to residential neighborhoods, with graduated step-downs in building height and density and links of interconnected green and open space. In promoting compatible connections, we are not opposing growth and development. We have seen many examples of appropriate development in recent years in Bethesda: buildings that are visually appealing, successful commercially, and inviting to residents and visitors alike yet without creating canyons. This is the quality economic development we support.

Montgomery County has been a leader in the planning and implementation of "smart growth," and we agree that such growth should and will lead to higher densities in key down-county areas. But smart growth is not defined solely by high density in some areas, with less development in others; it is defined by enhancing the quality of life for all the residents of the County, including those living adjacent to the areas slated for intense development. If smart growth is not broadly beneficial, it risks losing its broad base of support. We therefore look forward to working with you to ensure the success of this Plan; and thereby assure the continued support for the countywide policy of focused and responsible development.

Draft of December 29 - pm, 2016
Redline Edits from Patricia Baptiste, 1/4/2017

Summary of Our Recommendations

1. The Plan must be based on accurate, current and comprehensive data and information.

Without good data, we will not have a good Plan. We believe that the Plan relies on data, particularly in regard to schools and traffic, which is not current and comprehensive. (Please see the White Paper submitted by CBAR,). Therefore, we recommend that before the County Council votes on the Plan:

- *The Council reassess the Plan's school projections. Analysis of school adequacy* should include the impact of all area master plans, including the three others that have recently been revised, and include the latest and most realistic student generation rates that were adopted for the Subdivision Staging Policy.

- The Council use the traffic model developed by the University of Maryland, which dynamically models intersection specific congestion.

- The Council review the proposed design guidelines and their enforceability, currently being prepared by the Planning Department. Councilmembers and stakeholders should have a full and accurate understanding of these guidelines, and they should be included in the Plan. Residents should be involved in determining these guidelines.

2. Ensuring balanced growth through staging.

The Plan fails to assure us that carrying capacity of schools, parks and amenities, and transportation modes – including mass transit, pedestrian, bikes and vehicular traffic – will be in balance with the development that the Plan recommends. Further, the Plan does not offer the means to review whether development is proceeding in accord with the Planning Board's assumptions, or to determine whether carrying capacity is being developed on a timely basis. As infrastructure will be under stress, it is only prudent that there be opportunities to check, look, and make adjustments as may be required.

Therefore, we recommend that:

- The Plan stage development with interim limits of 27.8 and 30.0 million square feet, before reaching the final allowance of 32. 4 million square feet.

- The Planning Department and County staffs develop specific measures and metrics required for each stage, prior to approval of the Plan. The views of stakeholders, including area residents, should be solicited. [o1]
- The Plan's options for school expansion to meet anticipated requirements include realistic feasibility and capacity assessments.

- The Planning Board establish a citizens advisory group at the outset of the first stage.

3. Ensuring building compatibility: heights and design guidelines.

a. Heights

We oppose excessive increases in the allowed heights of buildings permitted under the Plan and the uncertainty around which projects will be constructed to their maximum allowed heights. Many properties have been awarded heights which are not compatible with the widely accepted, smart growth principle of concentrating the greatest density around the Metro, with step-downs in height as a transition to residential communities of single family homes.

Chairman Anderson stated at the County Council public hearing that the limitation of density – the amount that can be obtained from the Pool and Priority Sending Sites– will effectively limit the number of tall buildings that can actually be built. However, the result of this approach is that it will be impossible to predict where buildings will be constructed to their maximum heights, with potentially perverse results. A developer quick to the mark could build to the maximum allowed height for his property next to residential neighborhoods, while a developer building in the downtown core, later in the life of the Plan, will be constrained to a height lower than permitted. This is all the more likely since many lots along Wisconsin Avenue and near residential neighborhoods are ripe for redevelopment, and may well be built up before other land within the downtown core.

We advocate a more intentional process, whereby the Plan determines the height of the buildings, and directs development to accord with a progressive step down in height away from the core.

Therefore, we recommend that:

- The Plan map substantially lower maximum heights for a set of specific properties. A list of these locations, with specific recommended heights, is provided in the Attachment. The heights for properties from Middleton to Chestnut, along Wisconsin Avenue, and along East West Highway, had been carefully determined in the 1994 plan, based on proximity of homes, narrowness of roads and other compatibility factors. These locations have not even been developed to the heights permitted under the 1994 Plan. We also advocate for reduced heights for selected properties on Montgomery Avenue, and adjacent to the Farm Woman's Market. South of Leland, along the East side of Wisconsin, we strongly object to the excessive heights granted to the properties near the St. John's Church which back up directly onto a residential neighborhood.

- As with properties outside the High Performance Area, the recommended heights for the buildings on the list should be the maximum heights permitted, including any

additional height allowed in the Zoning Code for buildings with a certain percentage of MPDUs.

b. Design Guidelines

We endorse design guidelines as a means to shape the density of a given building, and look forward to reviewing them. Because the Plan does not map incremental density to specific lots, these guidelines will have added importance in assuring buildings that are both attractive and not inappropriately massive near neighborhoods.

Therefore, we recommend that:

- The design guidelines should include low- to mid-rise bases with upper floors stepped back front and back, significant space between towers, sidewalks that are ample for pedestrians, substantial plantings of trees, built-in delivery zones and other features that contribute to a successful urban environment.

- Key elements that are most essential to preserve compatibility with adjacent residential neighborhoods should be written into the Zoning Text Amendment that creates the Bethesda Overlay Zone. These include use restrictions and mandatory setbacks and step backs on the sides of buildings confronting these neighborhoods.

- The sites being used for the Bethesda Fire Station and the Rescue Squad should be reserved solely for facilities that ensure public safety, and not be encumbered by private development. No zoning should be permitted which would not be in accord with this fundamental requirement.

- A Design Review Advisory Panel, which we support, should have extensive citizen involvement and not permit members with a conflict of interest.

4. Ensuring adequate parks, open space and amenities:

The Plan identifies additional parks and open spaces as the first "overarching" goal for downtown Bethesda. However, the provision of additional park and open space is not adequately provided for and the Plan does not propose converting into parks many parcels of County-owned land which are clearly well situated to provide crucially needed open space to meet the needs of the area's rapidly growing population. Adding materially to parks is crucial to the continued desirability and competitiveness of the Bethesda area. Therefore, we recommend that:

- The Plan set a more aggressive target for total park area, beyond the 4% proposed, as calculated by CBAR. We recommend that the target be increased to 10%.

- The Plan state that all surface parking lots, including Lots #10, #24, #25, #44, be clearly and absolutely reserved for future conversion to parks and open space. Lots #10 and 24, combined with Elm St. Park and the grounds around the Women's Farm Market, should create a vital Bethesda Commons, serving as a combined park and civic space, on the model of the Western Grove Urban Park near the Friendship Heights Metro. Lots #25 and 44, in East Bethesda, will provide much needed park space, serving the rapidly increasing population of the Woodmont Triangle area which is just across Wisconsin from these lots. With an irrevocable decision by the County to create these parks, we support these lots becoming priority sending sites, with necessary FAR allocations, in order to help fund the construction of underground spaces and replace the surface parking.

- The Eastern Greenway be expanded to include the backs of the lots on the north of the Capital Crescent Trail (a concept included in the 1994 plan, but dropped in the proposed Plan), and selected additional properties along Walsh St., as explained in the Attachment. It should also be widened: Tier 1, which would permit a strip as narrow as 20 feet, should be eliminated, so that the only options considered are Tier 2 and 3. Finally, creating the greenway should be a requirement for developers, not optional; and there should also be an obligation for the different sections of the Greenway to be connected as they are developed. Realization of this expanded vision will provide future residents of Bethesda a green link, enhancing the Capital Crescent Trail, connecting to the new Bethesda Commons, and reaching to the green space adjacent to Fire Station 6.

- The Plan add Parks to the list of "Top Priority Benefits," for all optional method projects under the separate heading of "Major Public Facilities" as set out in the Zoning Code.

- The Plan list the replacement Capital Crescent Trail tunnel (under the Apex building) [o2]as a project for the Capital Improvement Program to be completed within the six years CIP. The Plan should also require improvement in the appearance and functionality of the metro station bus bay.

5. Ensuring Appropriate Transitions to Neighborhoods

Transition zones should protect the character and quality of life in adjacent neighborhoods. The Plan removes many of the protections currently in place that flow from the current R-60 zoning on lots across the streets from our communities. In its place, the Plan offers the concept of the greenway, and the Zoning Code currently requires that development on lots upzoned to CR or CRT comply with the Compatibility Requirements, which state that the height of buildings on lots confronting communities must rise at a 45-degree angle.

While we endorse the development of greenways, they should be expanded and enhanced as described above, with developers having an obligation to provide this critical amenity. In addition, an equal exchange compensating for the loss of the R-60 zoning and ensuring appropriate transitions, requires many other elements. Therefore, we recommend:

- Expanding the Zoning Text Amendment which creates the new Bethesda Overlay Zone, to include additional specifications that will ensure that inappropriate amounts of density are not placed, and incompatible uses are not allowed, towards the back of downtown lots confronting single-family homes. The Attachment discusses options that may be considered, including a Compatibility Requirement with an angle of 30 degrees, which Rockville has specified in its zoning code.

- In determining building height confronting residential communities, developers be required to comply with the more stringent of the Compatibility Requirements or the Greenway guidelines for Tier 2 or 3.

- The transition zones end at the edges of the 1994 Plan boundaries and not extend into single-family neighborhoods, as proposed in the draft Plan. The Attachment contains the specific streets to which this applies.

- If land within the Plan is rezoned or proposed for rezoning from R-60 or R-10 to a CR or CRT zone, the Plan should provide that any such zoning or subsequent rezoning may not be relied upon for purposes of applying for a floating zone (Section 5.1.3 of the Code) on R-60 property that confronts or abuts the rezoned property. The abutting or confronting property must not be subject to a floating zone unless such zoning is specifically recommended for the property in a master plan.

- Eliminate the extension of Strathmore to Chevy Chase Drive. Chevy Chase Drive is a narrow residential street meant to provide access to mid-rise apartment and condo buildings; it cannot handle additional vehicular traffic.

This letter summarizes our positions. The full detailed recommendations are stated in the Attachment.

All eleven communities strongly endorse all these revisions to the draft Plan.

We look forward to contributing to a new Master Plan for Bethesda -- one which will successfully guide the development of this vital urban area for years to come, ensuring benefits to all who live here today, and all who will live, work, play and invest here in the decades to come.

Thank you for considering our views.

Sincerely,

December 2016 CCVPD Highlights

I. Crime/Operational

1. **Contractor truck stolen—keys were left in the truck:** A truck loaded with masonry tools was driven away with the keys from a job site in the 100 block of East Melrose Street on Friday, December 30.

2. **One unlocked car entered:** Overnight 12/06-12/07 (Tue/Wed), a Blackberry device worth $300 was taken from a car parked on the street in the unit block of Hesketh Street

3. **Seasonal package theft prevention results:** Only 2 package thefts reported during the initiative that ran from November 25-December 26

4. **Officer discovers package thefts during house checks:** On December 29, Officer Hrnjak was doing a house check on Grafton between Kirkside and Wisconsin when he spotted two opened boxes discarded on the front lawn. Labels on the boxes bore addresses of 2 nearby homes. The addressees confirmed that the packages were stolen.

II. Administrative/Training

1. The 2017 Legislative Session of the Maryland General Assembly begins Wednesday, January 11 at noon; Chief Fitzgerald will remain involved in the MCPA/MSA Legislative Subcommittee and will track bills of interest to the Village

2. Officers completed the following training in December: speed camera system refresher; annual pistol qualification; use-of-force decision making; pistol armorer (1 officer); mandated in-service

Select Reported Crimes 2016 vs. 2015				
	December '16	December '15	**YTD'16**	YTD'15
Assault	0	0	1[a]	1
Auto Theft & attempts	1	0	4[b]	3
Burglary & attempts	0	0	4[c]	9
Theft & attempts	5	5	78	75
Robbery	0	0	0	0

a. dispute between contractor and subcontractor; very minor injury
b. keys were used to steal these 4 cars
c. one of these incidents was a bicycle stolen from inside an open garage

	Select Reported Crimes 2010-Present						
	2010	2011	2012	2013	2014	2015	**2016** as of 12/31/16
Assault	0	0	2	2	0	1	1
Auto Theft & attempts	3	6	2	5	0	3	4
Burglary & attempts	7	14	3	4	8	9	4
Theft & attempts	46	67	97	60	38	75	78
Robbery	1	0	0	0	1	0	0

POLICE DEPARTMENT
5906 Connecticut Avenue, Chevy Chase, Maryland 20815
(301) 654-7300 FAX: (301) 654-7304
chevychasevillagemd.gov

John Fitzgerald
Chief of Police

MEMORANDUM

TO: John Fitzgerald, Chief of Police

FROM: Bruce I Gessford, Communications Lead Dispatcher

DATE: January 2, 2017

SUBJECT: Monthly Communications Report for December 2016

	Dec. 16	YTD16	Dec. 15	YTD15
Walk In	186	2,025	170	2,011
Incoming Phone Calls requiring no action*	1,023	12,232	951	13,546
Incoming Phone Calls requiring an action**	363	3,664	349	3,906
House Check Requests	235	2,072	229	2,161
Key Pick Up/Drop Off	82	634	69	702
Mail Pick Up	114	1,138	81	1,087
Special Pick Up Requests	68	1,049	79	1,057
Trash and Recycle Complaints	1	25	4	32

***Note: Incoming phone calls requiring no action include: information requests, forwarding calls internally and externally, providing directions, etc.**

****Note: Incoming phone calls requiring an action may include: house check requests, special pick ups, trash and recycle complaints, etc.**

(*) **Estimated total calls. Recording System was down for approximately 6 days**.

Chevy Chase Village
Monthly Incident Report
December 2016

Burglary (including attempts)	0		Theft from Auto (including attempts)	1
911 Disconnect	1		Lost Property	0
Alarm	32		Miscellaneous	22
Animal Bite	0		Mental Illness	1
Animal Complaint	6		Missing Person	0
Assault and Battery/Other Domestic	0		Noise Complaint	6
Assist Citizen	12		Open Door	7
Assist Other Agency	11		Power Outage	0
Attempted Theft of Auto/Other Vehicle	0		Parking Complaint	1
Burglary (including attempts)	0		Recovered Property/Montgomery County	0
CDS - Possession Paraphernalia	0		Recovered Property/Other	0
Check the Welfare	1		Suspicious Persons/Vehicles	23
Code Enforcement	4		Sudden Death - Natural	0
Collisions	15		Thefts (including attempts)	5
Hit and Run Property Damage	2		Thefts from Auto	1
Property Damage Collision	13		Thefts from Other	4
Personal Injury Collision	0		Theft of Auto/Other Vehicle	1
Disabled Vehicle	3		Threatening/Annoying Phone Call	0
DUI	1		Traffic Stop	1
Family Trouble	0		Trees / Limbs Down	0
Fire-Other	0		Trespassing	0
Identity Theft / Forgery	2		Vandalism	0
Hazard - General	0		Vandalism-Motor Vehicle	0
Hazard - Roadway / Traffic	8		Vendor Violation	1
Ill Person	0		Wanted Person	0
Injury Non-Traffic	0		Water Main Break	0
Investigation/Police Information	1		Wires Down	0

Collisions within Chevy Chase Village
December 2016

Connecticut Avenue@			Chevy Chase Circle@	
Bradley Lane	1		Connecticut Avenue	3
East Irving Street	1		**Brookville Road@**	
Oxford Street	1		East Irving Street	1
Quincy Streeet	3		Primrose Street	1
West Kirke Street	1		**Oliver Street@**	
Other Locations			Western Avenue	1
139 Grafton Street	1			
105 Primrose Street	1			

Chevy Chase Village
Monthly Traffic Report
December 2016

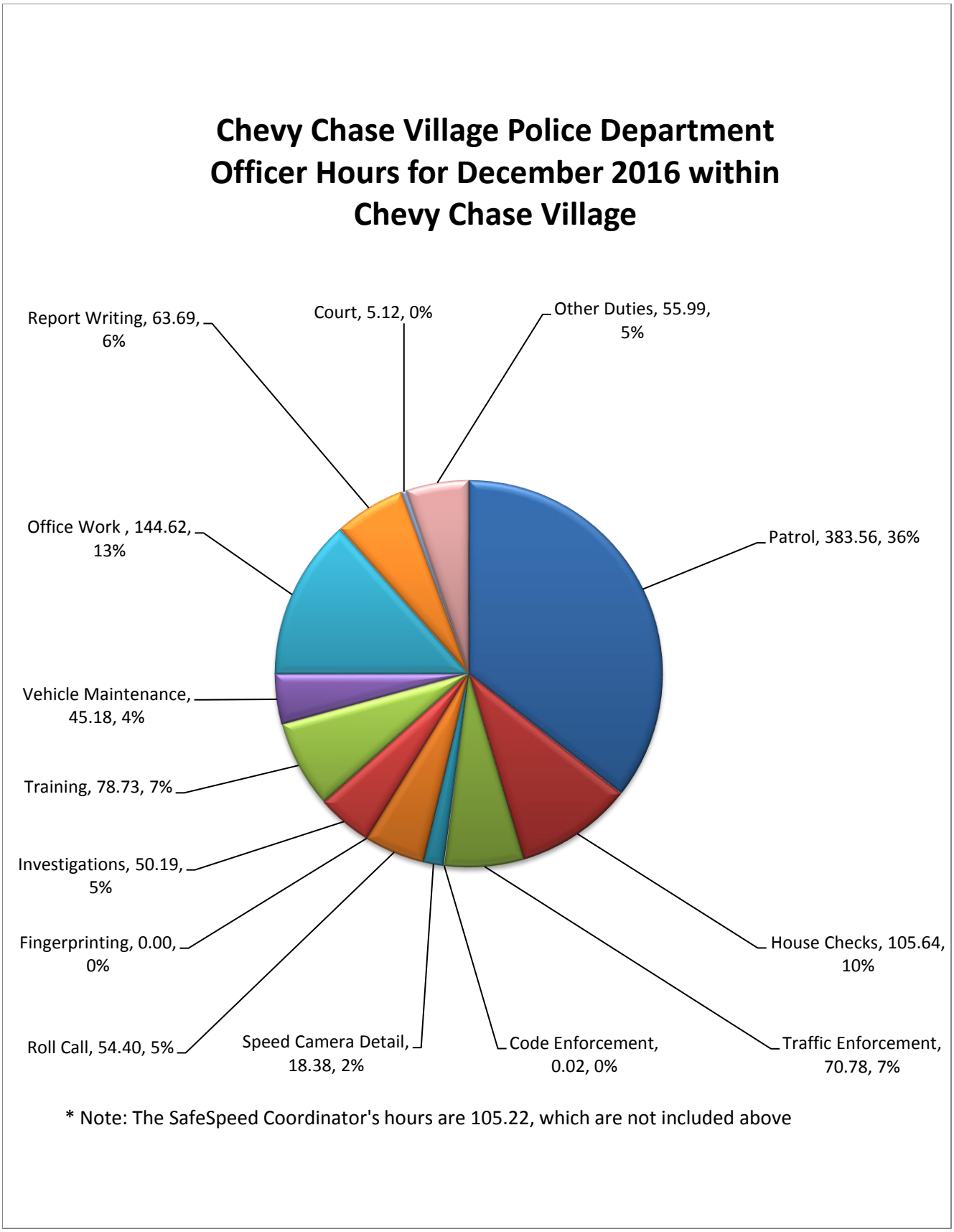
Equipment Repair Orders	1	
Miscellaneous Violations	9	
Parking Violations	5	
Sign Violations	1	
Warnings Written	29	
Speeding Violations	2	

Chevy Chase Village
Code Enforcement Report
December 2016

Police Officers		
Compliance Inquiry	5	
Investigations	0	
Municipal & Civil Citations Issued	0	
Municipal & Civil Warnings Issued	0	

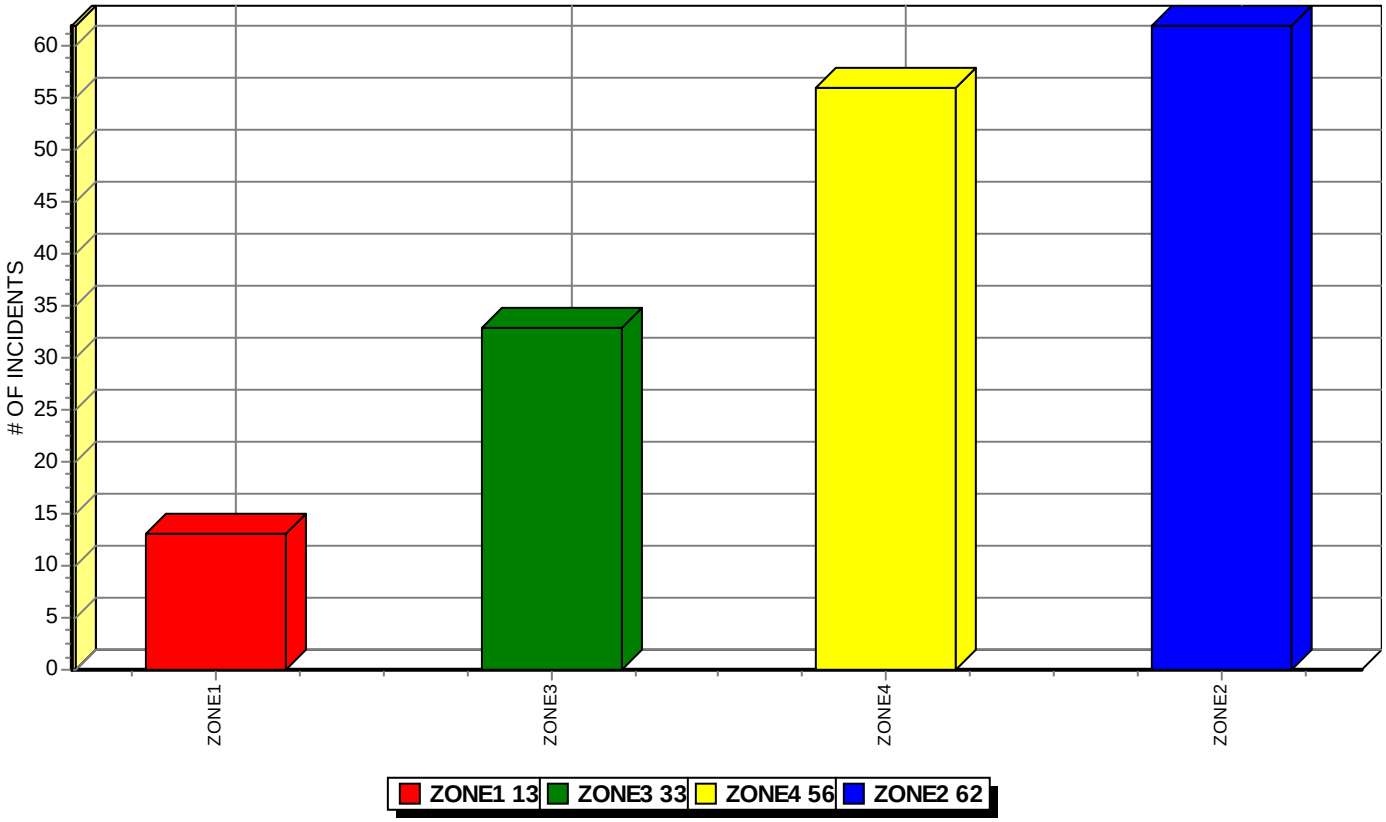
Chevy Chase Village
Agency Personnel Report

	Dec.	YTD
Citizen Complaints	1	3
Citizen Compliments	10	34

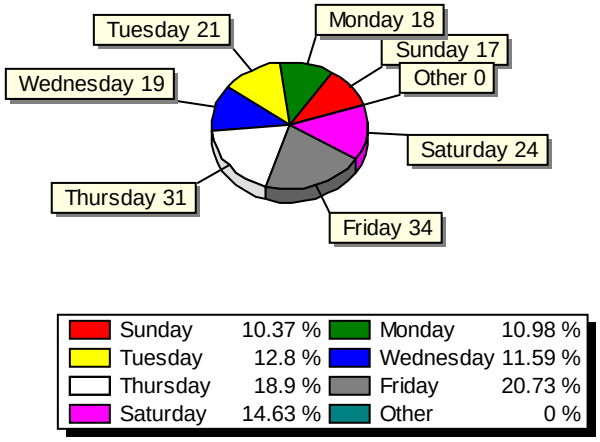

Chevy Chase Village Police Department
Officer Hours for December 2016 within
Chevy Chase Village
Report Writing, 63.69, 6%
Court, 5.12, 0%
Other Duties, 55.99, 5%
Office Work , 144.62, 13%
Patrol, 383.56, 36%
Vehicle Maintenance, 45.18, 4%
Training, 78.73, 7%
Investigations, 50.19, 5%
Fingerprinting, 0.00, 0%
House Checks, 105.64, 10%
Roll Call, 54.40, 5%
Speed Camera Detail, 18.38, 2%
Code Enforcement, 0.02, 0%
Traffic Enforcement, 70.78, 7%
* Note: The SafeSpeed Coordinator's hours are 105.22, which are not included above

CHEVY CHASE VILLAGE POLICE **1/5/2017 8:24:14 AM**

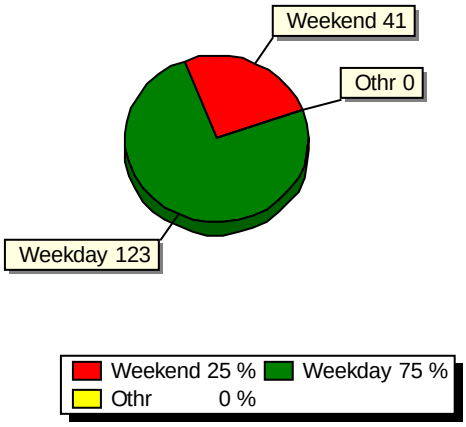
Incident Frequency by DISTRICT (Top 4 of 4 Shown) (Using DATE RECD)



By Day of Week

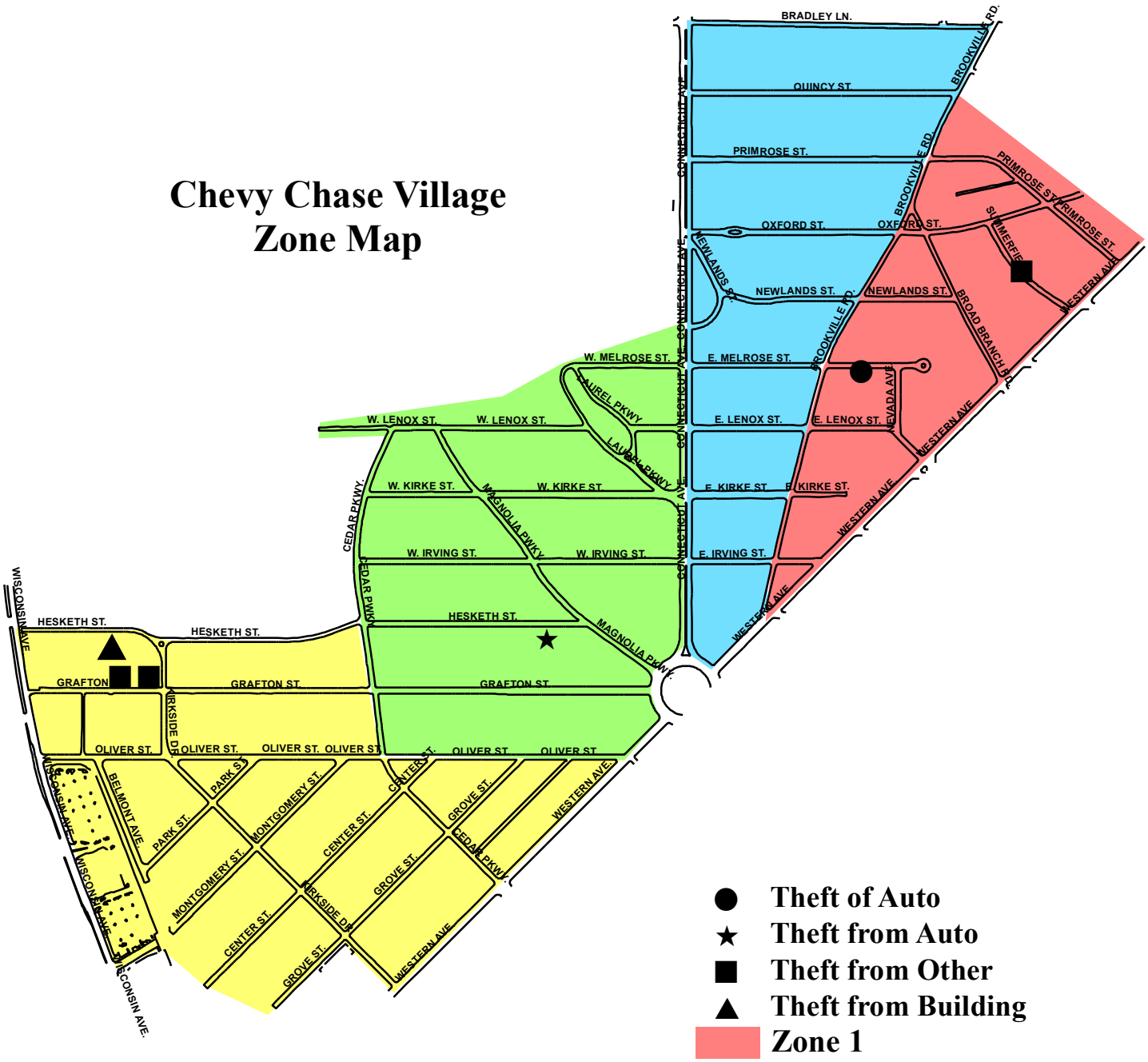


Weekday vs Weekend



Search Criteria: (DISTRICT >= 'ZONE1')
(DISTRICT <= 'ZONE4')
(INCDNUM like '%%')
(DATE_RECD >= TO_DATE('12/1/2016','MM/DD/YYYY'))
(DATE_RECD <= TO_DATE('12/31/2016','MM/DD/YYYY'))

Chevy Chase Village
Zone Map



Chevy Chase Village
Building & Tree Removal Permits
Permits Issued- December 2016

Building Permits

Permit #	Address	Type of Work
7082	6 West Kirke Street	Replace two air conditioners in the west (side) yard.
7081	9 Oxford Street	Install two 4" PVC drain pipes through the Oxford St. ROW.
6827	16 West Kirke Street	Extension of a permit for alterations & new rear addition.
6827-amended	16 West Kirke Street	Amendment to previously approved plan to include new rear porch.
7079	20 West Lenox Street	Install new fencing in the rear yard.
7078	7 Primrose Street	Replace front walkway.
7077	5605 Center Street	Install two drain pipes through the Center Street ROW.
7076	5605 Center Street	Construct new patio and walkways.
7075	5605 Center Street	Construct rear two story addition.

Tree Removal Permit

Permit #	Address	Type of Tree	Reason for Removal	Reforestation Indicated*
2290	11 Magnolia Pkwy.	(1) False Cypress	Per 17-3(a)(7); hazardous	No
2289	101 East Kirke St.	(1) False Cypress	Per 17-3(a)(7); hazardous	No
2288	19 Quincy Street	(1) Magnolia	Dead	No
		(1) Norway Maple	Hazardous	

Expiring Permit Notices Mailed This Month

None Required

Chevy Chase Village
Permitting and Code Enforcement Activity December 2016

Telephone Queries: +/- 85
Walk-Ins: +/- 25
Pre-Design Review Meetings: 4
Municipality Letters (issued to the County for new projects): 1
Administrative Building Permits Issued: 7 Administrative Building Permit; 1 Building Permit Extension; 1 Building Permit Amendment; 4 Dumpster Extensions; 1 Courtesy.
Licenses to Use the Public Right-of-Way: 2
Appeals: Two decisions were drafted from the November meeting.
Administrative Appeals: One in process for demolition of a detached garage.
Tree Ordinance Board: None active.
Enforcement Incidents: Routine code enforcement patrol and site inspections of construction projects were conducted. Additionally:

- Staff observed two job sites with construction materials placed in the public right-of-way. At one property the materials had been placed very close to the curb (there is no sidewalk in this block), and at the other the materials were very close to the public sidewalk. Staff contacted the project manager of each job and they had the materials relocated promptly.
- Pursuant to denial of a variance application, staff has been working with the Village Manager and Counsel to enforce the Board decision and initiate abatement or compliance for a play structure installed in the front yard of a property. The resident has modified the play equipment so that it is no longer considered "permanently anchored" and is no longer subject to Building Code regulations pursuant to structures.
- Staff observed that lattice panels had been installed in the front yard of a property in the CCV Historic District and that no building permits had been issued at this address. When contacted the resident stated that the panels were not intended to be permanent- they had been placed during training of a new puppy and would be removed that week. The panels have since been removed.
- Staff has been coordinating exchanges between the involved parties in an Appeal of the Manager's Decision.
- Two instances of work having been performed without the applicable permits having been obtained, both at addresses located in the CCV Historic District, have been resolved; the applicable HAWP and CCV permits have been obtained.
- Several instances of expired dumpster permits and commercial signs placed at job sites were identified and resolved.

Tree Requests: 5 requests were made to the Village arborist for tree inspections pursuant to removals or Tree Protection Plan requests for construction projects.
Administrative Tree Removal Permits: 3 permits were issued for removal of a total of four (4) trees, two (2) of which were approved pursuant to Sec 17-3(a)(7) (Species of Little Value).
Expired Permit Memos Sent: None required

-compiled by Ellen Sands, Permitting and Code Enforcement Coordinator

From the desk of…

Michael Younes, Director of Municipal Operations
5906 Connecticut Avenue
Chevy Chase, MD 20815
Phone (301) 654-7300
Facsimile (301) 907-9721
michael.younes@montgomerycountymd.gov
www.chevychasevillagemd.gov

Memo

To: Board of Managers

From: Michael W. Younes, Director of Municipal Operations

CC: Shana Davis-Cook, Village Manager

Date: 1/4/2017

Re: Update on Capital and Infrastructure Upgrade Projects

Below please find an update on the various capital and infrastructure upgrade projects currently underway within the Village:

		Status	Duration/ Remaining	Est. Start Date	Est. Completion Date
In-Partnership with M-NCPPC					
Western Grove Park Development		Construction	5 months	Ongoing	May 2017
Utility Upgrades					
Sewer/Water Main Replacement (5500 block of Western Avenue)		Alignment Study/Design	TBD	Spring 2018 *(construction)*	TBD
Washington Gas Main Replacement – Bradley Lane		Restoration	Ongoing	Ongoing	Late Spring 2017
PEPCO Tree Pruning and Removals		Complete	Complete	Complete	Complete

PEPCO Tree Pruning and Removals:

- All of PEPCO's tree pruning and removal work is complete.
- Over the winter, the Village Public Works Department will grind out the stumps from the three (3) PEPCO removals and five (5) Village initiated removals to prep the sites for new trees to be planted in the future.

Washington Gas Main Replacement (Bradley Lane):

- Work to replace and upgrade the gas main along Bradley Lane has been completed and the old main has been deactivated.

CHEVY CHASE VILLAGE
ESTABLISHED 1890

- Concrete sidewalk, curb and driveway apron restoration work has been completed.
- Restoration of the trench line with permanent asphalt is still pending due to holidays, cold weather and availability of hot-mix asphalt.
- At the Board's February meeting, I will present staff's recommended final paving restoration reimbursement agreement between the Village and Washington Gas for Board review and possible approval.
- Final mill and overlay of Bradley Lane will not occur until late spring to allow for the trench to fully settle and due to minimum temperature requirements to apply surface asphalt.

Western Grove Park Development:

- Progress has been hard to come by in December due to the weather, holidays and delays in getting trade permits from DC and WSSC.
- Over the next couple weeks, the contractor's stone mason will begin the process of building mock-ups for the stone veneer, cobblestone and bluestone flatwork for approval by the design team.
- The following activities are scheduled for January:
  - Install stone veneer, cobblestone edging and bluestone flatwork following mock-up approval.
  - Complete water service connections.
  - Install natural play area underdrain system and border edging.
  - Install cedar pedestrian bridge.
- With the delays thus far and anticipating future delays throughout the winter, completion of the park has shifted to May 2017.

WSSC:

Water/Sewer Main Replacement (5500 block of Western Avenue):

- No updates since last month's report.

Memo

To: Chevy Chase Village Board of Managers

From: Tamu M.J. Tucker, Community Liaison/Administrative Assistant

CC: Shana R. Davis-Cook, Village Manager

Date: January 4, 2017

Re: Village Hall Use for December 2016

Below is a chart that reflects the type and frequency of events held in the Village Hall during the month of December 2016:

Type of Event	Number of Uses	Total Net Revenue
Rentals (Private Events) — Birthday Party (over 12), Birthday Party (under 12), Holiday Charity Party, Rehearsal Dinner	4	$1,875
Community Use —Board of Managers' Monthly Meeting; Chevy Chase Village Holiday Party	2	$0.00
Fee Waiver Use/Public Use —Chevy Chase @ Home Events (2); Section 5 Monthly Meeting; Friends of Chevy Chase Circle; Garden Club of Chevy Chase Meeting.	5	$0.00
Piano Use – Chevy Chase @ Home Holiday Party, Rehearsal Dinner	2	$0.00