

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	3 Quincy Street, Chevy Chase	Meeting Date:	7/10/2024
Resource:	Non-Contributing Resource Chevy Chase Village Historic District	Report Date:	7/3/2024
Applicant:	Thomas Jarrett & Martha Burke (Rich Ingram, Agent)	Public Notice:	6/26/2024
Review:	Historic Area Work Permit	Tax Credit:	n/a
Permit Number:	1073386	Staff:	Dan Bruechert
Proposal:	Tree Removal		

STAFF RECOMMENDATION

Staff recommends that the HPC **approve with one (1) condition** the HAWP application:

1. The approval of this HAWP is limited to the removal of trees #3, #6, #14, #15, #18, and #19. Removing any other trees on the subject property will require a separate HAWP and additional justification.

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Non-Contributing Resource within the Chevy Chase Village Historic District
STYLE: Modern
DATE: 1970



Figure 1: The subject property is located near the northern boundary of the Historic District.

BACKGROUND

The applicant recently completed the administrative subdivision process to create a new lot on the eastern half of the subject property, with the final goal of constructing a new single-family house on the newly created lot. The applicant is working with an architect to develop an architectural plan to bring forward for a Preliminary Consultation at a future date for that new house.

PROPOSAL

The applicant proposes to remove 13 (thirteen) trees from the subject property.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Chevy Chase Village Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the historic preservation review guidelines in the approved and adopted amendment for the Chevy Chase Village Historic District (*Guidelines*), *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Chevy Chase Village Historic District Guidelines

The *Guidelines* break down specific projects into three levels of review - Lenient, Moderate, and Strict Scrutiny.

“**Lenient Scrutiny**” means that the emphasis of the review should be on issues of general massing and scale, and compatibility with the surrounding streetscape, and should allow for a very liberal interpretation of preservation rules. Most changes should be permitted unless there are major problems with massing, scale or compatibility.

“**Moderate Scrutiny**” involves a higher standard of review than “lenient scrutiny.” Besides issues of massing, scale and compatibility, preserving the integrity of the resource is taken into account. Alterations should be designed so that the altered structure still contributes to the district. Use of compatible new materials, rather than the original building materials, should be permitted. Planned changes should be compatible with the structure’s existing design, but should not be required to replicate its architectural style.

“**Strict Scrutiny**” means that the planned changes should be reviewed to insure that the integrity of the significant exterior architectural or landscaping features and details is not compromised. However, strict scrutiny should not be “strict in theory but fatal in fact” i.e. it does not mean that there can be no changes but simply that the proposed changes should be reviewed with extra care.

- *Lot coverage* should be subject to strict scrutiny, in view of the critical importance of preserving the Village’s open park-like character.
 - *Tree removal* should be subject to strict scrutiny and consistent with the Chevy Chase Village Urban Forest Ordinance.
- The *Guidelines* state five basic policies that should be adhered to, including:

- Preserving the integrity of the Chevy Chase Village Historic District. Any alterations should, at a minimum, perpetuate the ability to perceive the sense of time and place portrayed by the district.
- Preserving the integrity of contributing structures. Alterations should be designed in such a way that the altered structure still contributes to the district.
- Maintaining the variety of architectural styles and the tradition of architectural excellence.
- Design review emphasis should be restricted to changes that will be visible from the front or side public right-of-way, or that would be visible in the absence of vegetation or landscaping.
- Alterations to the portion of a property that are not visible from the public-right-of-way should be subject to a very lenient review. Most changes to the rear of the properties should be approved as a matter of course.

Montgomery County Code; Chapter 24A-8

(a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

- (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
- (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or

(d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district.

Secretary of the Interior's Standards for Rehabilitation:

#2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

#9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

#10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION

The subject property is a newly created lot that was originally part of 3 Quincy St. The lot carries a “Non-Contributing” designation, as the house at 3 Quincy St. was constructed in 1970. The existing property has some formal gardens near the front sidewalk and a small patio directly to the west of the existing house, but is otherwise undeveloped. The applicant proposes removing 13 (thirteen) trees at the property that require a HAWP (trees smaller than 6” d.b.h.—six inches diameter at breast height—do not require a HAWP).



Figure 2: The subject property is outlined in yellow.

While the applicant has not completed an architectural design, a proposed building footprint and hardscaping footprint were developed. For the purposes of organization, Staff will divide its analysis between trees in the proposed development footprint and those outside of the proposed construction.

Tree Number	Type	DBH (Diameter at Breast Height)
#3	Laurel	5”
#6	Cedar	3”
#14	Red Maple	22”
#15	White Oak	23”
#18	Teak	20”
#19	Teak	22”

All of the identified trees are in ‘Good’ condition. Staff notes trees #3 and #6 are below the 6” d.b.h. (six-inch diameter at breast height) threshold requiring a HAWP. No further historic preservation review is necessary for these two trees (though a permit from Chevy Chase Village may be required prior to their removal). The remaining four trees are relatively large and are within the footprint of the proposed construction and in the middle of the buildable envelope. Staff finds that approving the removal of these trees will enable the applicant to begin to prepare the site for the additional work required to construct a

single-family house. Staff finds the overall character of the lot and surrounding district will not be irreparably harmed by the removal of the four trees subject to the HPC’s review and that the district’s open park-like setting will be maintained. Staff recommends the HPC approve the removal trees #14, #15, #18, and #19. Chevy Chase Village maintains its own Urban Forest Ordinance and Staff reminds the applicant that the ordinance may require additional plantings or paying a fee in lieu of planting.

The HPC could add a condition that would require additional plantings as a form of mitigation, however, Staff recommends the HPC wait to evaluate the full project and landscape plan to determine the appropriate course of action.

Trees Outside of the Development Footprint

The identified limit of disturbance (LOD) is the entire lot. This is typical for development at this stage, and usually the LOD is reduced as plans are firmed up. Outside of the proposed building envelope, but within the identified LOD (see the site plan, below), the applicant seeks HPC approval to remove an additional 5 (five) trees.

Tree Number	Type	DBH (Diameter at Breast Height)
#5	Cherry Plum	8”
#8	Pin Oak	13”
#21	Catalpa	20”
#25	Willow	17”
#27	Willow	16”

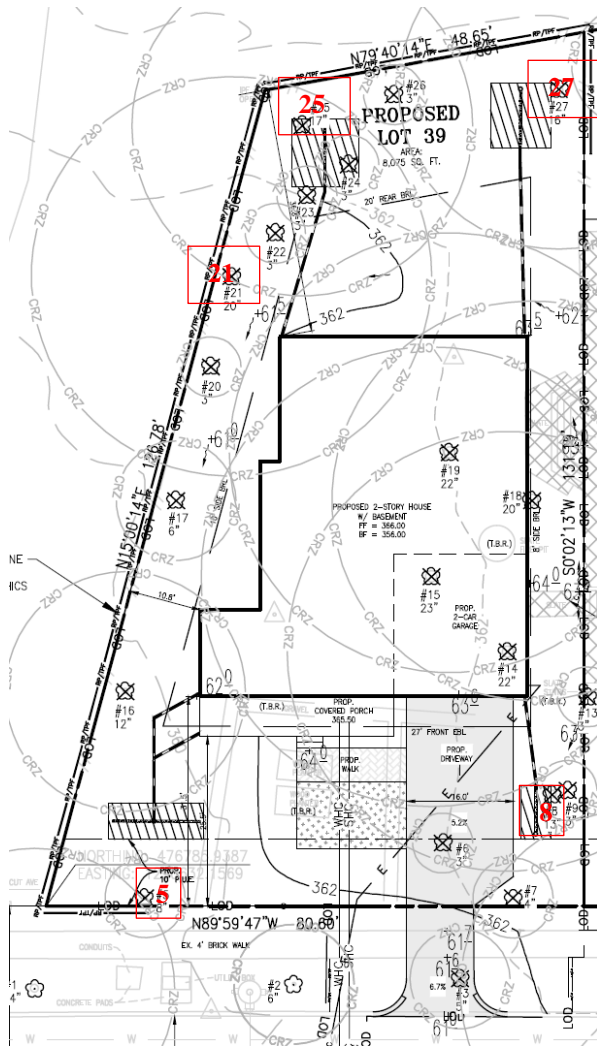


Figure 3: Site plan showing five trees proposed for removal outside the building envelope.

Staff cannot find any justification to remove these trees. Staff finds eliminating these 5 (five) trees would negatively impact the open park-like setting of the historic district. While the site plan shows proposed drywells in the locations of trees #25 and #27, Staff finds the location of the drywells could be relocated so as to avoid these tree impacts and recommends the HPC not extend the HAWP approval to include these 5 (five) trees.

The final four trees proposed for removal are north of the existing house at 3 Quincy St., and not on the newly created lot. They are identified in the specimen tree list, but are not identified as to be removed on the site plan. Those four trees are all Serviceberrys and are behind the existing house. Staff would support their removal, however, the discrepancy in the plans needs to be cleared up before proceeding. Staff finds the location of these trees coupled with their size makes them eligible to be reviewed and approved at the staff-level once this discrepancy has been rectified.

#28	Serviceberry	6"
#29	Serviceberry	6"
#31	Serviceberry	6"
#32	Serviceberry	6"

Staff encourages a reevaluation of these tree removals at a future date once a complete building and

hardscape/landscape plan is presented. These tree removals could be discussed at a future Preliminary Consultation or a HAWP.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve with one (1) condition** the HAWP application;

1. The approval of this HAWP is limited to the removal of trees #3, #6, #14, #15, #18, and #19.

Removing any other trees on the subject property will require a separate HAWP and additional justification;

under the Criteria for Issuance in Chapter 24A-8(b)(1) and (d), and the *Chevy Chase Village Historic District Guidelines*, having found that the proposal will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of Chapter 24A;

and with the *Secretary of the Interior's Standards for Rehabilitation* #2, 9, and 10;

and with the general condition that the applicant shall present an electronic set of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.



APPLICATION FOR HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION 301.563.3400

FOR STAFF ONLY: HAWP# DATE ASSIGNED

APPLICANT:

Name: E-mail: Address: City: Zip: Daytime Phone: Tax Account No.:

AGENT/CONTACT (if applicable):

Name: E-mail: Address: City: Zip: Daytime Phone: Contractor Registration No.:

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property

Is the Property Located within an Historic District? Yes/District Name No/Individual Site Name

Is there an Historic Preservation/Land Trust/Environmental Easement on the Property? If YES, include a map of the easement, and documentation from the Easement Holder supporting this application.

Are other Planning and/or Hearing Examiner Approvals /Reviews Required as part of this Application? (Conditional Use, Variance, Record Plat, etc.?) If YES, include information on these reviews as supplemental information.

Building Number: Street:

Town/City: Nearest Cross Street:

Lot: Block: Subdivision: Parcel:

TYPE OF WORK PROPOSED: See the checklist on Page 4 to verify that all supporting items for proposed work are submitted with this application. Incomplete Applications will not be accepted for review. Check all that apply:

- Checklist of work types: New Construction, Addition, Demolition, Grading/Excavation, Deck/Porch, Fence, Hardscape/Landscape, Roof, Shed/Garage/Accessory Structure, Solar, Tree removal/planting, Window/Door, Other.

I hereby certify that I have the authority to make the foregoing application, that the application is correct and accurate and that the construction will comply with plans reviewed and approved by all necessary agencies and hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent

Date

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	

Description of Property: Please describe the building and surrounding environment. Include information on significant structures, landscape features, or other significant features of the property:

Description of Work Proposed: Please give an overview of the work to be undertaken:

Work Item 1: _____	
Description of Current Condition:	Proposed Work:

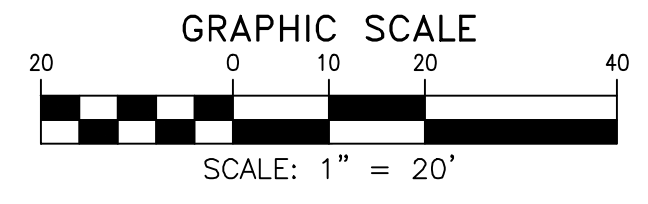
Work Item 2: _____	
Description of Current Condition:	Proposed Work:

Work Item 3: _____	
Description of Current Condition:	Proposed Work:

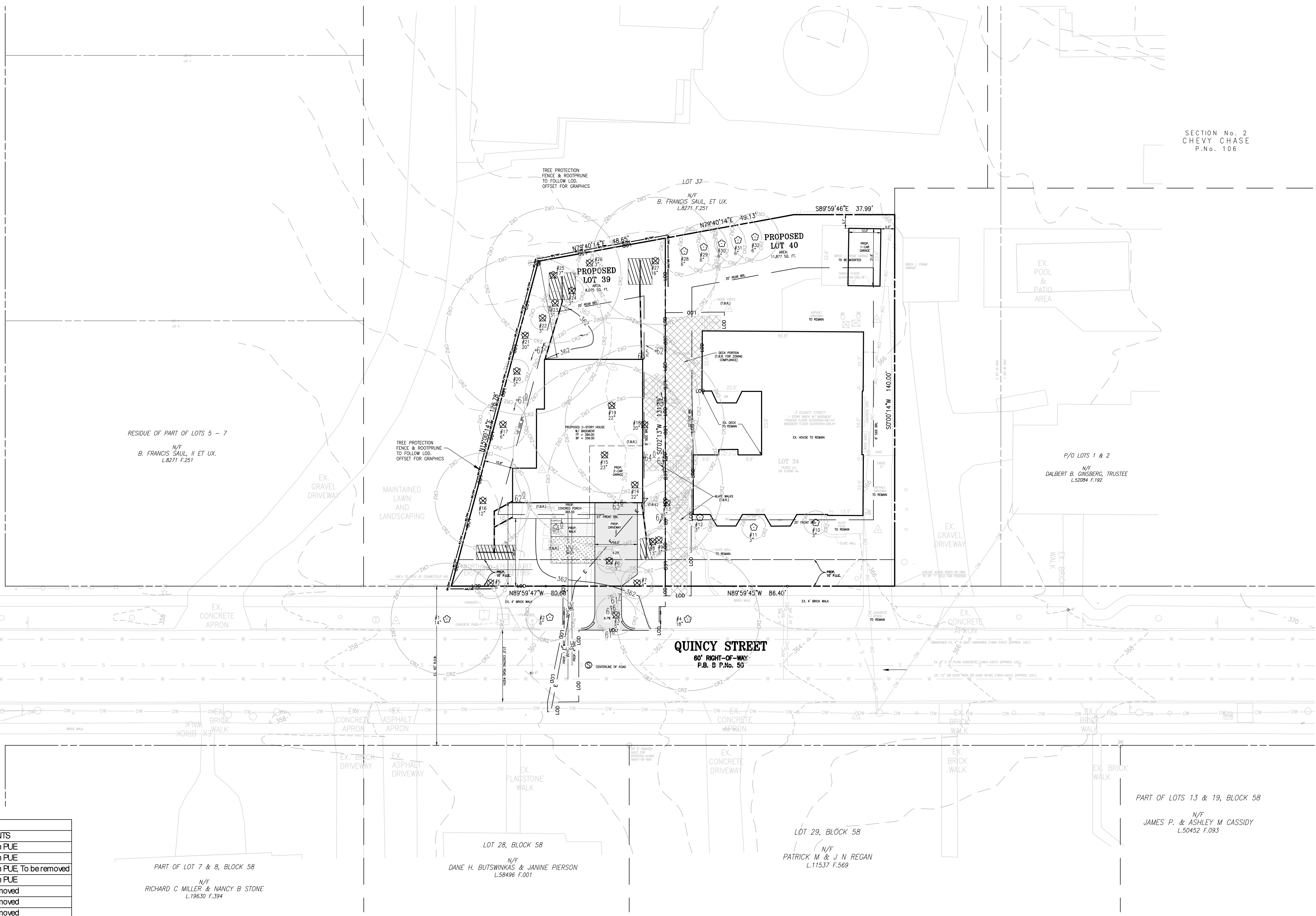
**HISTORIC AREA WORK PERMIT
CHECKLIST OF
APPLICATION REQUIREMENTS**

	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/ Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/ Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall	*	*	*	*	*	*	*
Driveway/ Parking Area	*	*		*	*	*	*
Grading/Excavation/ Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

SECTION No. 2
CHEVY CHASE
P.No. 106



SCALE: 1"=20'
MARYLAND COORDINATE SYSTEM (MDCS) (2011)
NAD83



PLAN #	BOTANICAL NAME	COMMON NAME	DBH (inches)	CRZ (feet)	CONDITION	COMMENTS
1	Prunus avium	Cherry	14	21	Good	Off lot/ In PUE
2	Laurus nobilis	Laurel	6	9	Good	Off lot/ In PUE
3	Laurus nobilis	Laurel	5	7.5	Good	Off lot/ In PUE To be removed
4	Quercus velutina	Black Oak	18	27	Good	Off lot/ In PUE
5	Prunus cerasifera	Cherry Plum	8	12	Good	To be removed
6	Cedrus	Cedar	3	4.5	Good	To be removed
7	Acer palmatum	Japanese Maple	4	6	Good	To be removed
8	Quercus palustris	Pin Oak	13	19.5	Good	To be removed
9	Cedrus	Cedar	3	4.5	Good	To be removed
10	Lagerstroemia indica	Single Stem Crepe Myrtle	3	4.5	Good	To be removed
11	Lagerstroemia indica	Single Stem Crepe Myrtle	3	4.5	Good	To be removed
12	Lagerstroemia indica	Single Stem Crepe Myrtle	3	4.5	Good	To be removed
13	Amelanchier arborea	Downy Serviceberry	3	4.5	Good	To be removed
14	Acer rubrum	Red Maple	22	33	Good	To be removed
15	Quercus alba	White Oak	23	34.5	Good	To be removed
16	Quercus palustris	Pin Oak	12	18	Good	To be removed
17	Magnolia grandiflora	Magnolia	6	9	Good	To be removed
18	Taxodium grandis	Teak	20	30	Good	To be removed
19	Taxodium grandis	Teak	22	33	Good	To be removed
20	Magnolia virginiana	Sweetbay Magnolia	3	4.5	Good	To be removed
21	Catalpa	Catalpa	20	30	Good	To be removed
22	Ilex	Holly	3	4.5	Good	To be removed
23	Vitex agnus-castus	Chaste Tree	3	4.5	Good	To be removed
24	Ilex	Holly	3	4.5	Good	To be removed
25	Salix babylonica	Willow	17	25.5	Good	To be removed
26	Lagerstroemia indica	Crepe Myrtle	3	4.5	Good	To be removed
27	Salix babylonica	Willow	16	24	Good	To be removed
28	Lagerstroemia indica	Serviceberry	6	9	Good	To be removed
29	Lagerstroemia indica	Serviceberry	6	9	Good	To be removed
31	Lagerstroemia indica	Serviceberry	6	9	Good	To be removed
32	Lagerstroemia indica	Serviceberry	6	9	Good	To be removed

HAWP #1073386

UPDATES/REVISIONS:

HISTORIC AREA WORK PERMIT
TREE REMOVAL EXHIBIT
3 QUINCY STREET - LOT 34, BLOCK 61
PROPOSED LOTS 39 & 40
SEC. 2 CHEVY CHASE - 3 QUINCY ST.
BETHESDA (7th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: THOMAS JARRETT 3 QUINCY STREET CHEVY CHASE, MD 20815	ISSUE GRID:	TAX MAP:
DESIGN: RPI	SHEET: 1	OF: 1
DATE: JUNE 2024	SCALE: AS NOTED	FILE NO: 2023-1242-00

ADMINISTRATIVE SUBDIVISION PLAN NOTE: Unless explicitly noted on this Administrative Subdivision Plan or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, sidewalks, and other proposed features are for illustrative purposes only. The final locations of the proposed improvements will be determined at the time of building permit issuance. Please refer to the Zoning Data Table for development standards such as setbacks, building restriction lines, building height, and lot coverage. Other site development limitations may be included in the conditions of the planning board or planning staff approvals.

SEC. 2 CHEVY CHASE - 3 QUINCY ST ADMINISTRATIVE SUBDIVISION PLAN NO. 620240140

Description

Administrative Subdivision Plan to create two lots for one single-family dwelling unit on each lot: one for the existing dwelling unit and a second for the construction of a new dwelling unit.

No. 620240140

Completed: June 7, 2024

MCPB
ADMINISTRATIVE
APPROVAL MEMO

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



Tsaiquan Gatling, Planner III, DownCounty Planning, Tsaiquan.Gatling@montgomeryplanning.org,
301.495.2116



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301.495.2115

LOCATION/ADDRESS

3 Quincy Street, approximately 168' E of
Connecticut Avenue

MASTER PLAN

1990 Bethesda Chevy Chase Master Plan

ZONE

R-60

PROPERTY SIZE

0.45 Acres

APPLICANT

Martha Burke
Thomas Jarrett

ACCEPTANCE DATE

February 21, 2024

REVIEW BASIS

Section 50.6.1.C;

Summary:

- Staff recommends **APPROVAL** of the administrative subdivision with conditions.
- Request to create two (2) lots for one (1) single-family detached dwelling unit on each lot: one for the existing dwelling unit and a second for the construction of a new dwelling unit.
- Per Section 50.6.1.C of the Subdivision Ordinance, up to 3 lots may be created for residential detached houses in a residential zone by the administrative subdivision plan process.
- The Subject Property is located within the Chevy Chase Village Historic District.
- Staff has received one letter of opposition for the Subject Application which was subsequently rescinded following correspondence with Staff and Chevy Chase Village in order to better understand the Development Review process.
- The Planning Director has authority to approve Administrative Subdivision Plans under Section 50.6.3.B.1

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN NO. 620240140

Staff recommends approval with conditions of the Administrative Subdivision Plan to subdivide the existing recorded lot into two (2) lots: one for the existing dwelling unit and a second for the construction of a new dwelling unit. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 6620240140 as of the date of this Staff Report submitted via ePlans to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to two (2) lots for one (1) dwelling unit on each lot.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Director has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated March 5, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
6. The Planning Director has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water

Supply Section in its letter dated March 18, 2024 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

OTHER APPROVALS

7. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.

ENVIRONMENT AND NOISE

8. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations as applicable.
9. The tree protection fence and root pruning must be revised to be located within the LOD.
10. The Applicant must comply with all tree protection and tree save measures shown on the Plan. Tree save measures not specified on the plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
11. Before the start of any construction, demolition, or removal of any trees larger than 6 inches in diameter-at-breast-height (DBH), the Applicant must receive a Historic Area Work Permit.
12. If any changes occur to the Administrative Subdivision plan which affect the validity of the noise analysis dated May 28, 2024, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.

RECORD PLATS

13. There shall be no clearing or grading of the site prior to recordation of plat(s).

Easements

14. The record plat must show necessary easements.
15. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

16. The certified Administrative Subdivision Plan must contain the following notes:
 - a. *Unless specifically noted on this plan drawing or in the conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

- b. The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.*
17. Prior to submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified set
 - b) Include the approved Fire and Rescue Access plan in the certified set

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is located within the Village of Chevy Chase, approximately 170 feet east of Connecticut Avenue and 0.5 miles north of the District of Columbia border. The vicinity is developed with other similar single-family detached dwellings with lot sizes ranging widely between 9,000 and 20,000 square feet. The Village of Chevy Chase features canopy trees both along neighborhood streets and within the developed lots.

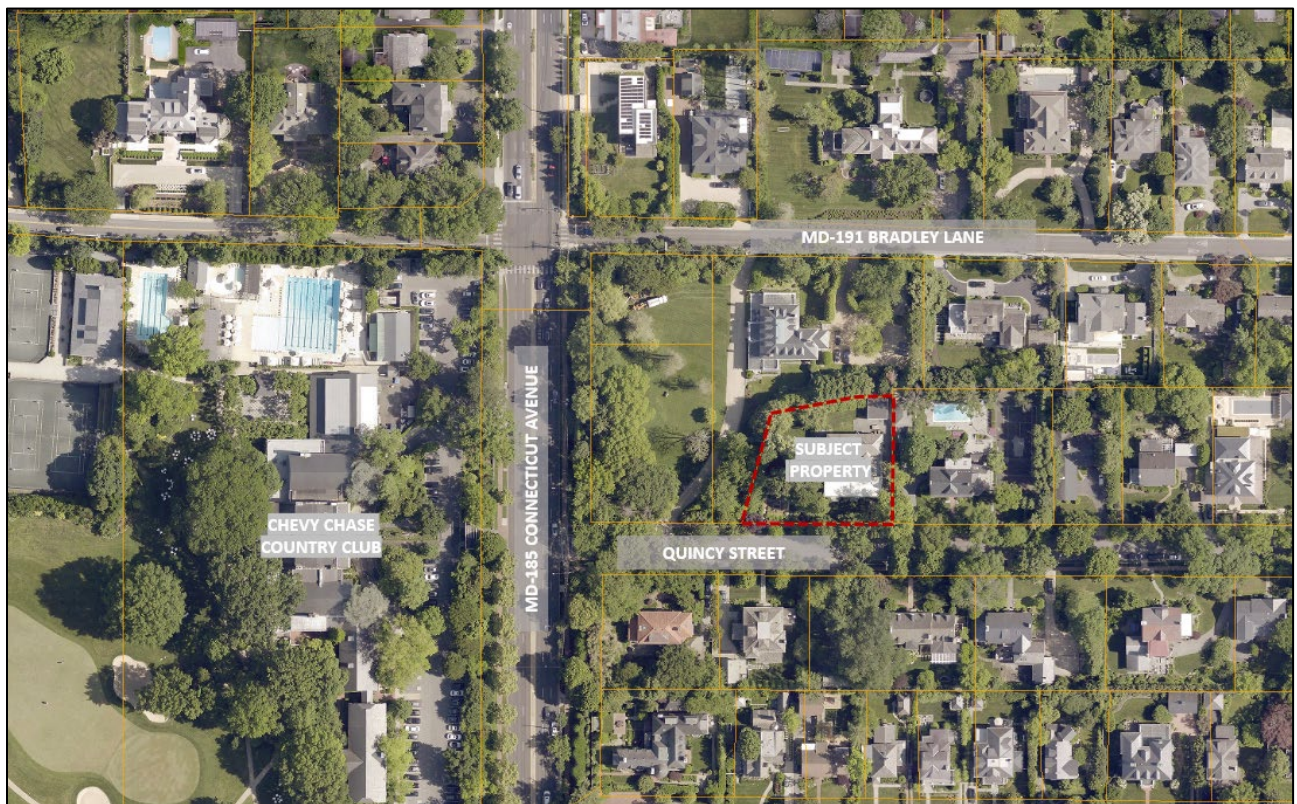


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Subject Site (Subject Property, Property, Site) is comprised of one lot, Lot 34. However, the Site was originally designated as lots 8, 9, and 10 by the Section II of Chevy Chase subdivision record in 1892 via Plan recorded in the Land Records JA 36, Folio 60. The Property fronts on Quincy Street, which is a public roadway owned and maintained by the Village of Chevy Chase.¹

The property is situated in the Little Falls watershed, which the State of Maryland classifies as Use Class I-P.² The subject site is located on Quincy Street. It contains 0.45 acres and is zoned R-60 within the Historic District of The Village of Chevy Chase. The site's topography generally slopes downward towards the southwest. The Property is surrounded by other single-family homes within the Village of Chevy Chase to the north and east. The existing house on the Property is surrounded by tree cover and ornamental landscaping. A detached garage is located in the Property's northeast corner and can be accessed via a driveway on the eastern side of the property. The Property is not within a Special Protection Area or the Patuxent River Primary Management Area. There is no forest on the Property, nor does it contain any streams, wetlands, floodplains, stream buffers, steep slopes, highly erodible soils, or other environmentally sensitive features. No rare, threatened, or endangered species or their habitats were observed or are known to exist on the property. The subject Property is located within the Chevy Chase Historic District.

¹ Therefore a letter of approval for the Subject Application is not required from either MCDOT or MDOT SHA.

² Use I-P:

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY.

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply; use as a public water supply.



Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

This Application is a request to subdivide the Property into two (2) lots (as depicted in Figure 3) with one single-family dwelling unit on each lot. The existing house and garage are to remain and will be located on proposed Lot 40, though a portion of the existing garage is to be demolished, as shown in Figure 3 below. Proposed Lot 39 will be improved with a new single-family dwelling unit.

Historic Preservation

As this Property is within the Chevy Chase Village Historic District, the Applicant has submitted their plans to the Historic Preservation Commission (HPC) for a preliminary consultation and is in coordination with HPC Staff. Additionally, a Historic Area Work Permit will be required for any modification to the Property, including removal of trees greater than 6 inches at DBH and construction of the proposed curb cut for access to the proposed single-family home. As conditioned, all HPC requirements are satisfied.

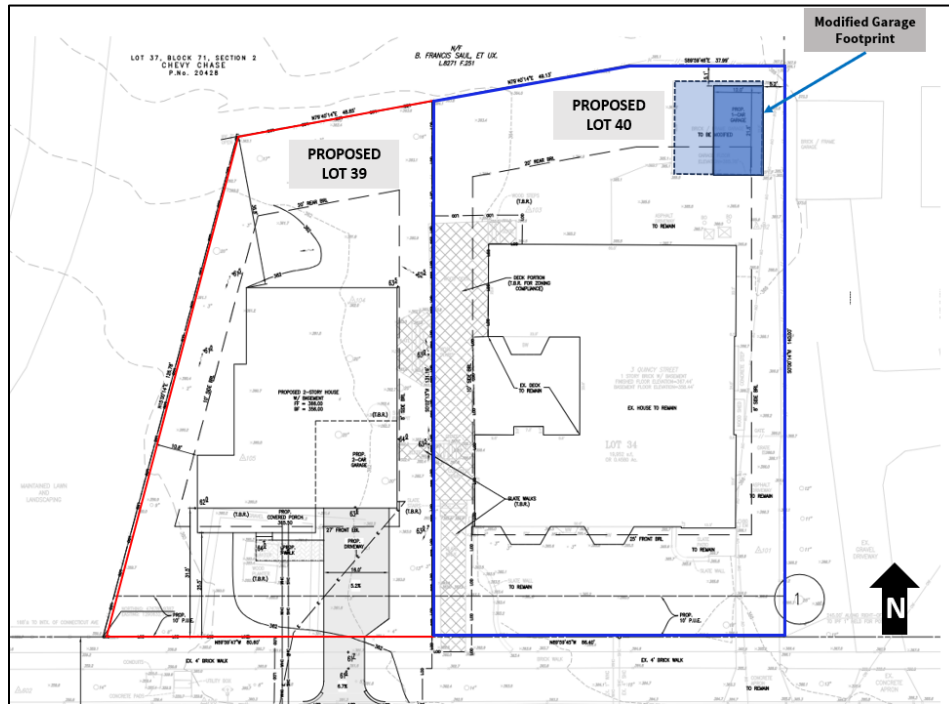


Figure 3 – Subdivision Plan

TRANSPORTATION

The Property is currently developed with a single-family home and detached garage served by one existing driveway, proposed to remain. The second lot will be accessed by a new driveway, constructed to meet the County’s design standards for a residential lot. Both driveways will access onto Quincy Street.

Pedestrian access will continue to be provided by the existing brick, buffered sidewalk along Quincy Street. The existing four-foot-wide sidewalk is narrower than what is prescribed in Chapter 49 of the County Code for a Neighborhood Street (six-foot minimum); however, Chevy Chase Village owns and maintains Quincy Street along the Site frontage. In written correspondence received March 1, 2024, the Manager for Chevy Chase Village has indicated that the sidewalks are to remain in their current width and composition.

Two off-street parking spaces are required for each residential lot. The Administrative Subdivision Plan shows that two spaces can be accommodated in the driveways and/or existing and proposed garages, which meets the minimum off-street parking requirement for a single-family detached dwelling unit.

ENVIRONMENT

The Property is subject to Chapter 22A but exempt from the requirements of Article II. A Simplified Natural Resource Inventory/Forest Conservation Exemption No. 42024040E was confirmed for the Subject Property on October 18, 2023. This plan, which includes fieldwork conducted by the Applicant in July of 2023, indicates that no significant or specimen trees exist, and no forest is present on site. The Forest Conservation Exemption was confirmed under Chapter 22A-5(S)(2) as the proposed activity occurs on a tract of land less than one (1) acre. The Administrative Subdivision will not result in clearing more than a total of 20,000 square feet of forest, and reforestation requirements will not exceed 10,000 square feet, and any forest in a priority area on-site will be preserved. Due to the absence of a significant specimen or champion trees, a Tree Save Plan is not required. Therefore, this Application will satisfy all requirements of Chapter 22A Forest Conservation Law.

Noise

The project involves building two single-family homes in an area affected by noise near a main road (Connecticut Avenue). As a result, the project must adhere to the noise guidelines for residential development. However, according to the Transportation Noise Analysis report from May 28, 2024, conducted by Hush, Acoustic LLC., the future noise impact from transportation on the residences within the development will be lower than the accepted noise level of 65 dBA Ldn. Therefore, no further analysis or noise mitigation measures are necessary for the residential units to meet Montgomery County's guidelines for interior noise in residences. Additionally, the noise levels in the open spaces within the development will also be below 65 dBA Ldn, so no additional mitigation measures are required for these outdoor areas.

Stormwater Management (SWM)

A Stormwater Management Concept Plan was approved by the Department of Permitting Services on March 5, 2024, in accordance with Chapter 19 of the County Code. The SWM Concept Plan illustrates that stormwater will be managed onsite, without any waivers, through the use of gravel dry wells.

SECTION 4: COMMUNITY OUTREACH

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on February 23, 2024. The notice gave the interested parties 15 days to review and comment on the contents of the Application.

Staff received one letter of correspondence throughout the review of the Project. The letter, received from a neighboring property owner, was dated February 27, 2024, and objected to the subdivision with regard to Chevy Chase Village rules. Subsequently, on February 29, 2024, the neighboring

property owner submitted a second letter in which they rescinded their initial objection after gaining a better understanding of the Development Review process and confirming that all applicable county and neighborhood requirements were met. No other written correspondence has been received as of the date of this Staff Report.

SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN 620240140 FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Section 50.6.1.C as demonstrated below:

C) Subdivision for creation of certain residential lots. Up to 3 lots for detached houses may be created in any residential or rural residential zone under these procedures if:

1. The lots are approved for the standard method of development;

The lots were submitted and are approved for standard method development in the R-60 zone.

2. Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;

The lots will not be served by wells or septic areas, as the Property is served by public water and sewer service and is designated in the W-1 and S-1 categories.

3. Any required road dedications and associated public utility easements are shown on the plat and the Applicant provides any required improvements;

No additional right-of-way is necessary as the prescribed ROW per Chapter 49 has been achieved. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

4. The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. The Property is located in the Bethesda/Chevy Chase Policy Area, which is categorized as an Orange Policy Area under the 2020 – 2024 Growth and Infrastructure Policy (the “GIP”). As demonstrated in the Applicant’s Statement of Justification, the proposed Administrative Subdivision generates fewer than 50 peak-hour person trips and is therefore exempt from Local Area

Transportation Review under the GIP. Therefore, roads and transportation facilities are adequate to support the Application.

5. Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.

The Subject Property received a Forest Conservation Exemption confirmation and is not subject to a Forest Conservation Plan. As conditioned, all Chapter 22A requirements are satisfied.

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated March 05, 2024, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that it meets the required stormwater management goals via the use of dry wells and non-rooftop disconnection. There are no additional environmental protection requirements to be met.

FINDINGS REQUIRED BY SECTION 50.6.3.C, INCLUDING TECHNICAL REVIEW CRITERIA OF SECTION 50.4.3 OF THE SUBDIVISION ORDINANCE

1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

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

The length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. The proposed subdivision is within an existing residential neighborhood with an established street grid. The Application is not proposing to create any new residential blocks.

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

The Administrative Subdivision Plan meets all applicable sections of Chapter 50, the Subdivision Code. Proposed Lots 39 and 40 are appropriate in size, shape, width, and orientation, taking into account the existing lot pattern of surrounding properties and the building type (single-family detached dwelling units) contemplated for the Property.

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

i. Master Planned Sites

ii. Local Recreation

iii. Transportation and Utilities

The Site was reviewed for compliance with Section 50.4.3.D, “Public Sites and Adequate Public Facilities,” of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

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

The proposed lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and width, and can reasonably accommodate one (1) single-family detached dwelling on each lot. A summary of this review is included in Table 1.

Table 1: R-60 Development Standards Table

	Required by R-60 Zone	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	6,000 square feet	8,075 square feet	11,877 square feet
Minimum Lot Width at BRL	60 feet	74 feet	84 feet
Minimum Lot Width at Front Lot Line	25 feet	81 feet	87 feet
Maximum Lot Coverage	35%	<35%	<35%
Front Setbacks, min.	25 feet or Established Building Line	27 feet or Established Building Line	25 feet or Established Building Line
Side Setbacks, abutting Residential, min./cumulative.	8 feet min./ 18 feet total	8 feet / 18 feet min.	8 feet/18 feet min.
Rear Setbacks, min.	20 feet	20 feet	20 feet
Maximum Building Height	35 feet	35 feet	35 feet

2. The Administrative Subdivision Plan substantially conforms to the Master Plan.

- a) **Land Use**
- b) **Environment
Transportation**

The Administrative Subdivision Plan substantially conforms to the 1990 *Bethesda Chevy-Chase Master Plan*. While the Master Plan does not specifically identify the Subject Property, this proposed development is proposing single-family houses which aligns with the established character of high-quality residential neighborhoods this area. The master plan does not propose transportation facilities along the Site frontage on Quincy Street. No designated bicycle facilities are recommended by the

2018 *Bicycle Master Plan*. The Property is located within the Village of Chevy Chase and is subject to frontage requirements per their local regulations.

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

a) Roads and other Transportation Facilities

- i. Existing Facilities:** Quincy Street is a Neighborhood Street with 60 total feet of dedicated public right-of-way. Along the Site frontage it has a four-foot-wide brick sidewalk, buffered by an eight-foot-wide street buffer, with street trees.
- ii. Proposed public transportation infrastructure** No further right-of-way dedication is required, as the width of the right-of-way along Quincy Street is 60 feet total. This meets the prescribed standard for a Neighborhood Street, per Chapter 49 of the County Code. The Manager of Chevy Chase Village has indicated that the sidewalk and street buffer are satisfactory, and no further augmentations will be required on behalf of the Applicant.
- iii. Proposed private transportation infrastructure:** No private transportation infrastructure is proposed as part of the Application.

b) Local Area Transportation Review (LATR)

The Project generates fewer than 50 new person trips in the morning and evening peak hours. As a result, the Application is not subject to the Local Area Transportation Review (LATR).

c) Schools

School Adequacy Test

The project is served by Rosemary Hills/Chevy Chase ES, Silver Creek MS and Bethesda-Chevy Chase HS. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2 - FY2024 Annual School Test Projections (2027-2028 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Rosemary Hills/Chevy Chase ES	1,114	1,035	92.9%	+79
Silver Creek MS	894	761	85.1%	+133
Bethesda-Chevy Chase HS ³	2,475	2,420	97.8%	+55

³ Projected enrollment reflects the estimated impact of CIP P651908, which will reassign students between the Down County Consortium, Bethesda-Chevy Chase HS, Walter Johnson HS, Walt Whitman HS, and Charles Woodward HS in 2026.

Table 3- FY2024 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Rosemary Hills/Chevy Chase ES	No UPP	164	302	469
Silver Creek MS	No UPP	259	312	446
Bethesda-Chevy Chase HS	No UPP	235	550	922

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY24 Annual School Test, Rosemary Hills/Chevy Chase ES, Silver Creek MS and Bethesda-Chevy Chase HS do not require any UPP as identified in Table 3.

d) Utilities and Public Services Review

As noted above, the Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the GIP.

e) Other Public Facilities and Services

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

A Forest Conservation Exemption, designated as NRI/FSD No. 42024040E, was confirmed for the Subject Property on May 02, 2023. Thus, this Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) as the activity is occurring on a tract of land less than 1.00 acres, is not located within the Commercial Residential (CR) zone classification; would not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree; would not result in a reforestation requirement that exceeds 10,000 square feet; would not result in development within an environmental buffer, except for the allowable uses stated in the environmental guidelines; and preserves forest in any on-site floodplains, stream buffers, steep slopes, critical habitats, and areas designated as priority save areas in a master plan or functional plan.

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

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated March 05, 2024, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that it meets the required stormwater management goals via the use of dry wells and non-rooftop disconnection.

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

The Applicant does not have actual or constructive notice of the existence of a burial site nor is the Property included in the Montgomery County Cemetery Inventory.

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

No other provisions apply to the Subdivision.

SECTION 6: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C and the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the *1990 Bethesda Chevy Chase Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

ATTACHMENTS

Attachment A: Administrative Subdivision Plan

Attachment B: Agency Letters

Attachment C: Forest Conservation Exemption

Attachment D: Community Correspondence

ACCEPTED & APPROVED BY:



Jason K. Sartori, Planning Director

June 12, 2024

Date Approved

This memorandum constitutes the written opinion of the Planning Director in this matter, and the Decision Mailing Date of this memorandum is [_____] (which is the date that this decision is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal consistent with Section 50.6.3.C of the Subdivision Regulations.