



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 20-027
Site Plan No. 81998032A
Bethesda Place II
Hearing Date: April 16, 2020

APR 24 2020

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on June 18, 1998, the Planning Board (Resolution mailed on June 22, 1998) approved Site Plan No. 819980320, for a 210,048 square feet, of which 6,178 square feet may be retail, and 14,097 square feet of public use space on 1.23 acres of CBD-2 zoned-land, located at the intersection of Commerce Lane and Wisconsin Avenue ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Master Plan ("Master Plan") area; and

WHEREAS, on January 2, 2020, Bethesda Place II Associates LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plans for approval of the following modification:

1. Redesign of the existing public use space;

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81998032A, Bethesda Place II ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 3, 2020, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 16, 2020, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81998032A to redesign the existing public use space subject to the following conditions that are in addition to all other conditions, which remain in full force and effect:

19. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on proposed fixtures in the public use space to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

20. Landscaping

- a. Prior to release of the bond under the Site Plan Surety and Maintenance Agreement, all on-site amenities, including, but not limited to hardscape, plant material, on-site lighting, on-site furnishings must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

21. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to hardscape, plant material, on-site lighting, on-site furnishings. The surety must be posted before issuance of any building permit of development and will be tied to the development program.

- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

22. Forest Conservation

Prior to any permit for land disturbance activity for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Subject Property's watershed to satisfy the afforestation requirement for a total of 0.13-acres of mitigation credit. The offsite requirement may be met by purchasing from a mitigation bank elsewhere in the County, subject to M-NCPPC Staff approval, if forest is unavailable for purchase within the Subject Property's watershed.

23. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated March 5, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

24. No clearing or grading prior to Certification of Site Plan. Demolition and site preparation, including activities to facilitate access to businesses, are permitted

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

Environment

The Application proposes to amend the previously approved Forest Conservation Plan (FCP). The original FCP required 0.13 acres of afforestation, which the Applicant received landscaping credits for planting trees onsite. Due to the removal of all onsite vegetation, the Applicant proposes to amend the FCP to satisfy the afforestation requirement through purchasing credits in a local forest mitigation bank. The Project has been conditioned to require the Applicant purchase mitigation credits from an approved off-site forest bank in the County and within the Subject Property's watershed, unless no credits are available and then the Applicant may purchase mitigation credits from an approved forest bank in the County as approved by Staff. The purchase of forest bank credits must occur prior to the issuance of a permit for any land disturbance activity.

The Application is exempt from any requirements of Chapter 19 as the renovations are considered ongoing maintenance.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that the date of this written Resolution is ~~APR 24 2020~~ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Vice Chair Fani-González and Commissioner Patterson absent at its regular meeting held on Thursday, April 16, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board