**MCPB** 

Staff Report Date: 07.20.2020

Item No.: 4 Date: 07.30.2020

## 2 Bethesda Metro Center, Site Plan Amendment 81989060D



Grace Bogdan, Planner Coordinator, Area 1, <a href="mailto:Grace.Bogdan@montgomeryplanning.org">Grace.Bogdan@montgomeryplanning.org</a>, 301.495.4533



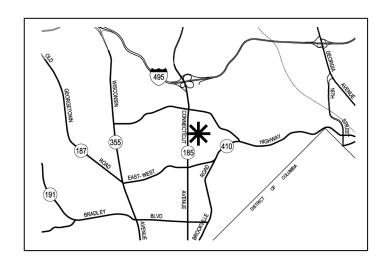
Stephanie Dickel, Supervisor, Area 1, <a href="mailto:Stephanie.Dickel@montgomeryplanning.org">Stephanie Dickel</a>, <a href="mailto:Stephanie.Dickel@montgomeryplanning.org">Stephanie.Dickel@montgomeryplanning.org</a>, <a href="mailto:301.495.4527">301.495.4527</a>



Elza Hisel-McCoy, Chief, Area 1, Elza. Hisel-McCoy@montgomeryplanning.org, 301.495.2115

# Description

- Site Plan Amendment: Request to convert 8,999 square feet of office into a daycare center for up to 112 children, decrease public use space by 1,775 square feet to create a play area for the new daycare, and modify hardscape and planting;
- Location: Northeast quadrant of the intersection of Woodmont Avenue and Montgomery Lane, above the Bethesda Metro Station;
- Zone: CBD-3 (CR-8.0 C 8.0 R 7.75 H-250') and the Bethesda Overlay Zone;
- Master Plan: 2017 Bethesda Downtown Sector Plan:
- Property size: 1.14 acres;
- Applicant: Bright Horizons Childrens Center, LLP;
- Acceptance Date: March 17, 2020;
- Review Basis: Per Section 59.7.7.1.B.3, Pre-2014
   Zoning Ordinance.



# Summary

- Staff recommendation: Approval of the Limited Site Plan Amendment with conditions.
- The Application received an administrative extension extending the review period from July 15, 2020 to August 15, 2020.
- Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, this Amendment
  was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.
- In 1988 and 1989 the Planning Board approved a Project, Preliminary, and Site Plan to allow the construction of an office and retail building with underground parking and public use space designed as an elevated midblock plaza connecting to 3 & 4 Bethesda Metro.
- The Applicant proposes to convert existing office space into a daycare center for 112 children, there is no increase in density or expansion of building footprint proposed.
- The Applicant proposes to modestly decrease existing public use space to accommodate a play area for the daycare center, the remaining public use space far exceeds the minimum requirement for the CBD zone.

#### **SECTION 1: RECOMMENDATIONS AND CONDITIONS**

Staff recommends approval of Site Plan Amendment No. 81989060D, for addition of Conditions 11, 12, 13, 14, & 15, while all other conditions remain in full force and effect:

#### 11. MCDOT

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated July 8, 2020, and incorporates them as conditions of the Site Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Site Plan approval.

#### 12. SHA

The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated July 17, 2020, and incorporates them as conditions of the Site Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Site Plan approval.

## 13. 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-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 plant material, fences, vegetated wall, bike racks, and associated improvements of development. 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.

# 14. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 1 long-term and 1 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit, safely accessible space within the garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's main entrances (weather protected preferred). The specific location(s) of the bicycle parking must be identified on the Certified Site Plan.

## 15. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or

information provided subject to Staff review and approval:

- a. Include the development program, all applicable agency approval letters, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Add a note to the Site Plan stating that "An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times."
- f. Shift play area 5-feet west to maintain a minimum pedestrian travel way of 15-feet between play area and existing fountain;
- g. Add dimensions to the overlook wall and proposed vegetated barrier, not to exceed 2 feet in height, for a total wall height of 5.5 feet.

#### **SECTION 2: SITE DESCRIPTION**

## **Site Vicinity and Analysis**

The Property is zoned CR-8.0 C 8.0 R 7.75 H-250' within the Bethesda Overlay Zone and is located in the northeast quadrant of the intersection of Woodmont Avenue and Montgomery Lane, but is being reviewed under the CBD-3 Zone, pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance. Surrounding uses include office buildings to the north and south, the Hyatt Hotel, the Bethesda Metro entrance, as well as one- and two-story retail along Montgomery Lane to the east.



Figure 1 - Vicinity Map

The Property is improved with a 17-story office building with ground floor retail, and entrances from Woodmont Avenue, North Lane, and a second story plaza. The Property includes a pedestrian entrance from Montgomery Lane that steps up into a second story plaza connecting to 3 Bethesda Metro and 4 Bethesda Metro, referred to as the Discovery trail; the Bethesda Metro Station and bus depot is located under this pedestrian plaza. To the east of the plaza, the Property also has one- and two-story retail with entrances off Montgomery Lane and the plaza. The Property is 1.14 acres in size with 23,558 square feet of existing public use space within the plaza.

There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties on site.



Figure 2 - Aerial of Subject Property



Figure 3 - View of second story plaza and building entrance

#### **SECTION 3 – AMENDMENT DESCRIPTION**

## **Previous Approvals**

In 1989, the Planning Board approved a Project and Site Plan to allow 276,208 square feet of office, 22,500 square feet of retail and 23,558 square feet of public use space. Subsequent to this approval, the Site Plan was amended three times to allow minor modifications to lighting, landscaping, drop off areas and seating areas. See Attachment A for a summary of those changes.

## **Description of Proposed Amendment**

The Applicant requests to amend the previously approved site plan to convert 8,999 square feet of office into a daycare center for up to 112 children, decrease public use space by 1,775 square feet to create a play area for the daycare, minor changes to architectural elevations, and modify hardscape and planting.

# Conversion of office into daycare center

The Applicant requests to covert 8,999 square feet of office space into a daycare center. The Pre-2014 Zoning Ordinance states that a daycare center for more than 30 children is an allowed use in the CBD-3 zone. However, the conversion of office to daycare requires further review for traffic impacts. See Transportation Section on page 8 for further analysis.

## Reduction of public use space & modification of hardscape/landscape

The Applicant requests to reduce public use space by 1,775 square feet to allow for a play area associated with the proposed daycare. This space will be located near the front entrance of the building on the second story plaza and the design is integrated into the existing plaza through modification of the existing pavers, providing low fencing, and maintaining clear paths for proper circulation around the play area. The play area will be reserved for the daycare center during operating hours, however it will remain open to the public outside of those operating hours.

The main walkway of the plaza is approximately 30-35' in width, and the placement of the play area will impede into the existing walkway, however Staff has conditioned that the Applicant shift the play area 5-feet west to maintain a minimum pedestrian pathway of 15', which is consistent with through block connections in the surrounding area. The play area will be wrapped in a 4' aluminum fence that is screened with several planters and contain a synthetic turf mound with play tunnels, rubber tile surfacing, shading elements, and other play elements, see Figure 5.

The Applicant also proposes to install a vegetated wall over the existing concrete overlook wall to North Lane for safety purposes. The vegetated wall will be a maximum of 2' in height bringing the entire overlook wall to a maximum 5.5 feet in height.

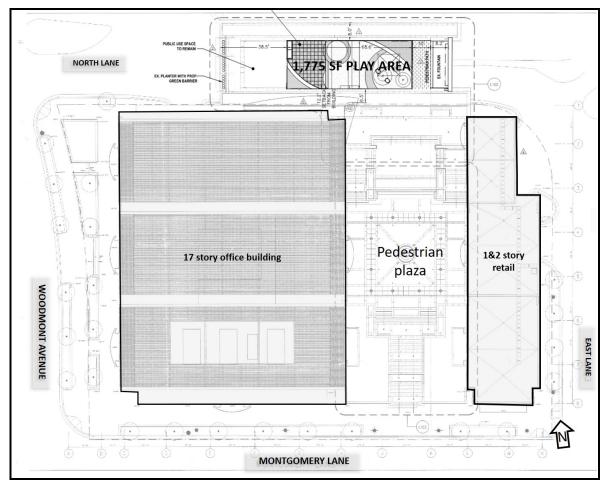


Figure 4 – Proposed Rendered Site Plan Amendment

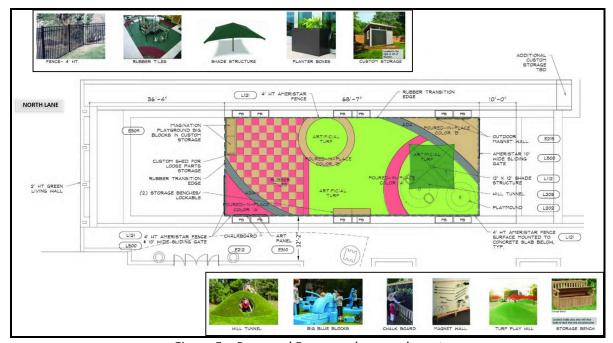


Figure 5 – Proposed Daycare play area layout

# Transportation

#### **Access & Circulation**

Pedestrians will continue to access the plaza from the existing sidewalks along Wisconsin Avenue and from staircases accessed from Montgomery Lane. As conditioned, the Project will shift the proposed playground an additional five feet west from the fountain, from the location shown on the submitted Site Plan and in the circulation diagram, to create a 15-foot clear width and ensure adequate navigable space for pedestrians on the plaza.

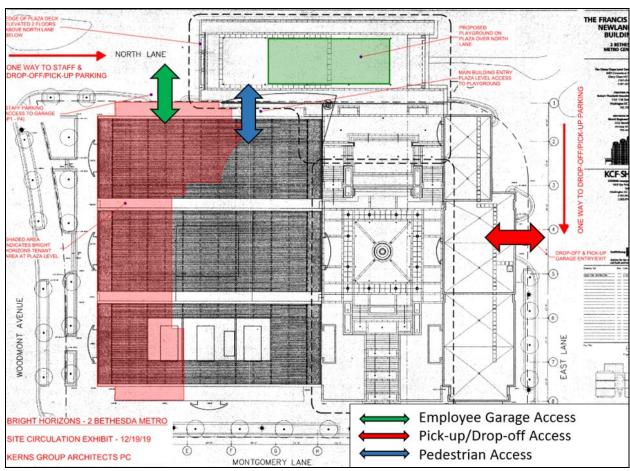


Figure 6 - Pedestrian and Vehicular Circulation

# Parking and Loading

North Lane and East Lane are Business District Streets 40-feet in width, which operate one-way east & southbound between Woodmont Avenue and Montgomery Lane. There are two existing access points to the garage, one from North Lane and a second from East Lane. Employees will access the garage from North Lane which enters to levels P1-P4 of the garage, employees will have access to 16 spaces shared with existing tenants of the office building. Parents and guardians will access the garage from East Lane, which will have 6 reserved spaces for drop-off/pick-up near the stairs and elevator. This brings the total number of parking spaces for the dayare use to 22 spaces<sup>1</sup>. As the site is located within the Bethesda

<sup>&</sup>lt;sup>1</sup> The required minimum number of parking spaces for 8,999 square feet of daycare use is 27 spaces, but as per Section 59.6.2.3.H.1.a., "an applicant may provide fewer parking spaces than required" in a Parking Lot District.

Parking Lot District, there is no minimum requirement for parking. The Applicant will provide 1 long-term and 1 short-term bicycle parking spaces within the existing bicycle parking onsite.

The Amendment proposes to convert 8,999 square foot of office into a daycare center and is therefore required to provide two long-term and one-short term bicycle parking space per Section 59.6.2.4.C. The location, material, and design of the parking spaces must comply with the County's Bicycle Parking Guidelines. The final number and location of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the ultimate square footage of the daycare use.

#### Master Planned Facilities

There are Master Planned separated bicycle lanes currently in design along Woodmont Avenue and Montgomery Lane, which are anticipated to be installed in FY2022. Designs are in progress for master-planned bicycle facilities on North Lane, but a construction date is not available at this time.

No additional right-of-way dedications along the Site's frontages are required for this Project.

## Transit Connectivity

The site is situated directly on top of the Bethesda Metro Station, which is a transit hub that is serviced by Metrobus, RideOn, the Bethesda Circulator, the future Purple Line and the MD 355 *Flash* Bus rapid transit service.

#### Transportation Demand Management (TDM)

As a Project consisting of fewer than 40,000 square feet of development within Downtown Bethesda, a Red Policy Area under the 2016-2020 *Subdivision Staging Policy*, there are no Transportation Demand Management (TDM) requirements per County Code 42A-26. However, the Applicant is required to allow the Montgomery County Department of Transportation (MCDOT) to promote alternative modes of transportation to employees in order to help meet the Non-Auto Driver Mode Share (NADMS) goal of 55% averaged between employees and residents for the Bethesda Transportation Management District (TMD). Furthermore, the the Project contributes toward the NADMS goal of the Bethesda Downtown Plan by providing infill development in close proximity to transit.

# Transportation Impact Study

In May of 2020, the Planning Board approved temporary adjustments to the Local Area Transportation Review (LATR) Guidelines due to Governor Hogan's Stay-At-Home Order, signed into action in March of 2020. The effects of this directive made it impossible for applicants to conduct traffic counts for new transportation impact studies. Therefore, in a Staff memo dated April 30, 2020, recommendations were made to accept traffic counts for a study as old as 3 years prior to the application's 65-day deadline<sup>2</sup>. For this reason, the Applicant submitted traffic counts included as part of an approved traffic study submitted for a neighboring project at 4 Bethesda Metro Center<sup>3</sup>. This is also the reason for including 14 intersections on 5 corridors in the transportation impact study, even though the site is estimated to generate fewer than 250 net new trips and would ordinarily only be required to study 1 tier of intersections (usually between 4 and 6 intersections).

In accordance with the 2016-2020 Subdivision Staging Policy, the study intersection and corridor locations are presented in Figure 7. The 5 corridors were evaluated, and each was found to be within the

<sup>&</sup>lt;sup>2</sup> In the 2017 LATR, counts must not be older than 1 year from the 65-day deadline to be accepted for study.

<sup>&</sup>lt;sup>3</sup> The traffic counts were conducted in March of 2019.

120-second delay standard for the Bethesda CBD Policy Area. As a result, no mitigation is necessary or proposed.



Figure 7 – Intersection Analysis Map

#### **SECTION 4 – FINDINGS & ANALYSIS**

#### Site Plan Amendment 81989060D

Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, since the original Site Plan was approved on October 31, 1989. The proposed Amendment does not alter the intent of the previous findings except as modified below.

 the site plan is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;

The Site Plan Amendment is consistent with the intent of the associated Project Plan 919880060, approved by the Planning Board on September 8, 1988. The Project Plan approved a maximum of 298,708 square feet of density for office and retail and 23,558 square feet of onsite public use space. This Site Plan Amendment will convert 8,999 square feet of office space into daycare, which is an allowable use in the CBD 3 zone and reduce public use space by 1,775 square feet to accommodate a play area for the daycare. The remaining public use space will far exceed the minimum zoning requirement of 20%, as the Project will maintain 38% of the site as public use space. The Project Plan states that the mid-block public use space connects a series of existing pedestrian open spaces known as the Discovery Path, and this path would be enriched with amenities. While the play area modestly reduces the amount of public use space, it will introduce a space for children that will further activate the area and will be available for use by the public outside of the daycare's operating hours, fulfilling the Project Plan's intent.

2. the site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;

The Site Plan data table has been modified as shown in Table 1 below to include the new daycare use and reduction in public use space. These changes remain in keeping with the requirements of the CBD-3 zone.

Table 1: Site Plan Amendment 81989060D Data Table

Section	Development Standard	Permitted/ Required	Approved with Site Plan 81989060C	Proposed with Site Plan Amendment 81989060D
59 – C – 6.23	Gross Tract Area (sf)	n/a	57,064	57,064
	Density			
	CBD-3 (FAR)	6 max		
	Commercial FAR/GFA	n/a	4.84/276,208	4.68/267,209
	Retail FAR/GFA	n/a	0.39/22,500	0.39/22,500
	Daycare FAR/GFA	n/a	-	0.16/8,999
	TOTAL FAR/GFA		5.23/298,708	5.23/298,708
	Building Height (feet)	175	175	175
	Amenity Area			
	Public Use Space (%/sq. ft.)	20/11,412	41.2/23,558	38.2/21,783
	Off-Site	-	3,223 sf	3,223 sf
59 - E	Parking spaces, minimum-maximum <sup>1</sup>	621	434	434
	Vehicular Parking for Daycare	27	-	22 <sup>2</sup>
	Bike Parking for Daycare	2	-	2 <sup>3</sup>

No parking data was provided in original Site Plan opinion or subsequent approvals, required parking based on original Project Plan opinion, parking approved with subsequent amendments based on existing parking in garage on-site.

3. the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

The Amendment proposes to reduce public use space in the second story plaza to accommodate a play area for the daycare. As conditioned, the Project will maintain a minimum 15' width between the play area and existing fountain for adequate pedestrian circulation. The Amendment proposes vehicles access the parking garage through existing access points. Drop-off/pick-up spaces for parents and guardians are located in proximity to necessary stairs and elevators, and adequate parking for employees has been provided within the existing garage.

A transportation study, dated June 9, 2020, was submitted to analyze the Project. The proposed development is estimated to generate 102 net new morning peak-hour person trips (48 vehicle trips) and 98 net new evening peak-hour person trips (46 vehicle trips) (Tables 2 and 3). Because the estimated transportation impact of the Project exceeds 50 net new trips for the vehicular, pedestrian, bicycle and transit ridership modes, the Project evaluated the adequacy of each of these modes to satisfy the Local Area Transportation Review requirement.

The site is located within the Bethesda Parking Lot District and therefore is permitted to provide fewer than the required minimum number of spaces for the daycare use (59.6.2.3.H.1.a).

Per Section 59.6.2.4.C, 1 long-term and 1 short-term bike parking space is required.

Table 2: Project Peak Hour Trip Generation

Existing		Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
		AM	PM	AM	PM	AM	PM
8,999 SF General Office							
Ex	isting Trips	11	12	7	8	15	17
Proposed		AM	PM	AM	PM	AM	PM
250 Mid-Rise Apartments							
Prop	oosed Trips	88	87	55	54	117	115
Net	New Trips	77	75	48	46	102	98

Source: Wells & Associates Transportation Study, dated June 9, 2020.

Table 3: Peak Hour Trip Generation by Mode

	Person Trips	Auto Driver Pedestrian*		Transit	Bike	
AM	102	48	40	23	17	
PM	98	46	39	22	17	

<sup>\*</sup> Pedestrian trips are the sum of all transit and bicycle trips generated by the project. Source: Wells & Associates Transportation Study, dated June 9, 2020.

# Vehicle Adequacy

In May of 2020, the Planning Board approved temporary adjustments to the Local Area Transportation Review (LATR) Guidelines due to Governor Hogan's Stay-At-Home Order, signed into action in March of 2020. These adjustments allow the Planning Board to accept traffic counts for study as old as 3 years prior to the application's 65-day deadline<sup>4</sup>. The Transportation study submitted traffic counts from an approved traffic study submitted for a neighboring project at 4 Bethesda Metro Center<sup>5</sup>.

In accordance with the 2016-2020 Subdivision Staging Policy, the study intersection and corridor locations and results of the HCM methodology are presented in Table 4. The five corridors were evaluated and each was found to be within the 120-second delay standard for the Bethesda CBD Policy Area. As a result, no mitigation is necessary to satisfy the vehicular adequacy test.

<sup>&</sup>lt;sup>4</sup> In the 2017 LATR, counts must not be older than 1 year from the 65-day deadline to be accepted for study.

<sup>&</sup>lt;sup>5</sup> The traffic counts were conducted in March of 2019.

Table 4: Intersection Capacity
Highway Capacity Manual (HCM) Methodology Control Delay (seconds)

Corridor		Delay Standard		ting itions	Background Conditions		Future Conditions		Future w/ Master Plan Improvements <sup>1</sup>	
			AM	PM	AM	PM	AM	PM	AM	PM
1	Wisconsin Avenue	120	14	15	60	55	62	61	63	61
2	Woodmont Avenue	120	11	12	21	20	22	20	24	19
3	Edgemoor Lane	120	30	40	31	42	31	42	36	47
4	Montgomery Lane/ Avenue	120	21	29	27	39	28	40	35	69
5	Old Georgetown Road/ East-West Hwy	120	29	24	61	32	61	32	58	34

<sup>&</sup>lt;sup>1</sup>Arlington Road, Woodmont Avenue, and Montgomery Lane Improvements as specified in the Sector Plan Source: Wells & Associates Transportation Study, dated May 25, 2018.

## Pedestrian Adequacy

The net new estimated pedestrian trips during both the morning and evening peak travel hours were fewer than 50, therefore a pedestrian adequacy test was not required as part of the transportation impact study.

# **Bicycle Adequacy**

The net new estimated bicycle trips during both the morning and evening peak travel hours were fewer than 50, therefore a bicycle adequacy test was not required as part of the transportation impact study.

#### Transit Adequacy

Due to the proximity of the Bethesda Metro Station, the Project was exempt from a transit adequacy test. Furthermore, the net new estimated transit trips during both the morning and evening peak travel hours were fewer than 50, therefore a transit adequacy test was not required as part of the transportation impact study.

As conditioned, open spaces, landscaping, recreation facilities, and pedestrian and vehicular systems remain adequate, safe, and efficient with the Amendment.

4. each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development;

The conversion of 8,999 square feet of existing office into daycare is compatible with the other uses and adjacent existing and proposed development as the surrounding properties are also zoned CR, which allows daycares as a permitted use.

The reduction of public use space and inclusion of a new play area within the second story plaza is compatible with existing and proposed adjacent uses as the play area will further activate the plaza area, and will be available for use by the public outside of the daycare's operating hours. The Project is conditioned to maintain a minimum 15' pedestrian pathway between the play area and the fountain. As the 3 & 4 Bethesda Metro property redevelops and redesigns the existing public use space, any redevelopment proposed will also be required to maintain a

minimum 15' pedestrian pathway through the plaza space.

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.

On February 25, 2020, the Applicant received a Forest Conservation Exemption approval (42020126E) from the requirements of Chapter 22A, as the Project is on a tract of land less than 1.5 acres with no existing forest, specimen, or champion trees.

The Project did not require review for compliance with Chapter 19 as the Project will not result in any land disturbance activity. The Amendment proposes converting existing interior office space to daycare and redesigning 1,775 square feet of the existing public plaza hardscape into a play area for the associated daycare use.

#### **SECTION 4 - PUBLIC NOTICE**

A notice regarding the subject amendment was sent to all parties of record by the Applicant on March 17, 2020. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. Staff has not received any concerns or correspondence regarding the Amendment.

#### CONCLUSION

The proposed modifications to the Site Plan will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 81989060D.

## **ATTACHMENTS**

- A. Previous Approval Summary
- B. Agency Letters
- C. Forest Conservation Exemption 42020126E

# **2BMC Approval Summary**

**919880060** – On September 8, 1988 (Opinion mailed 10/18/1988) the Planning Board approved the Project Plan to allow 297,708 square feet of retail and office uses.

**819890600** – On October 19, 1989 (Opinion mailed 10/31/1989), the Planning Board approved the Site Plan to allow 276,208 square feet of office, 22,500 square feet of retail, and 23,558 square feet of public use space subject to conditions

**81989060A** – *No records found* 

**81989060B** — On October 25, 2011, the Planning Director approved an Administrative Site Plan amendment to allow the conversion of planter areas along Woodmont Avenue to be used for outdoor searing, dining, and entertainment; the modification of landscaping and planters at the corner of Woodmont Avenue at Montgomery Lane; additional lighting and the replacement of canopy/awning.

**81989060C** – On June 10, 2015, the Planning Director approved an Administrative Site Plan amendment to allow the addition of a new canopy at the corner of Woodmont Avenue and North Lane; extension of curb along North Lane to remove existing drop-off area; and minor changes to landscape and lighting.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

# MONTGOMERY COUNTY PLANNING BOARD

OPINION

Project Plan Review #9-88006 Lorenz Building, CBD-3 Zone Located Directly South of Bethesda Metro Center

Date: October 18, 1988

Bethesda

Action:

(Motion was made by Commissioner Keeney, seconded by Commissioner Henry, with a vote of 4-0, Commissioners Christeller, Keeney, Floreen, and Henry voting for and no Commissioners voting against. Commissioner Hewitt was absent.)

On May 26, 1988, the Oliver T. Carr Company, in partnership with Mr. E. Kendall Lorenz, submitted an application for the optional method of development in the CBD-3 zone. The application includes 298,708 square feet of retail and office uses.

On September 8, 1988, Project Plan #9-88006 was brought before the Montgomery County Planning Board for a public hearing pursuant to Chapter 59 of the Montgomery County Zoning Ordinance. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the oral testimony, written evidence submitted for the record, and the staff report and conditions of approval as modified by the Montgomery County Planning Board, the following findings and conditions are hereby adopted.

#### FINDINGS

#### 1. Purposes of the CBD-3 Zone

The Planning Board finds that Project Plan #9-88006 meets all of the purposes and requirements of the CBD-3 zone as conditioned by the Board to ensure an appropriate level of pedestrian activity within the public use spaces, by marketing to destination retail and entertainment-oriented restaurants, and by providing an activity program within the context of the Metro Plaza Management Corporation. A summary follows that compares the development standards shown in the application with the development standards required in the CBD-3 zone.

# PROJECT PLAN DATA TABLE

Item	Permitted/Required	Proposed
Lot Size	22,000 s.f. (min.)	49,705 s.f. (net lot)
		(57,064 s.f., including the bridge area over North Lane
FAR (CBD-3, non-residential)	6 (max.)	6
Building Area	298,710 s.f. (based upon revious approvals)	298,708 s.f.
Building By Use		
Retail (including restaurant)	**	22,500 s.f.
Office	**	276,208 s.f.
Amenity Area		
On-Site	11,412 s.f. (20% min.)	23,558 s.f. (41.2% includin the bridge area
Off-Site	••	8,000 s.f.
Building Height	200 ft. (if approved by Planning Board)	175 ft.
Parking Total	621 spaces	634 spaces
Level 1 (ground floor) Level 2 Level 3	 	53 spaces 122 spaces 147 spaces
Level 4 Level 5	<u> </u>	147 spaces 147 spaces 147 spaces

The project provides a desirable completion of buildings which define the Metro Center and will contribute to a lively downtown. The building and its respective public use spaces will facilitate pedestrian access to Metro and will form an integral network of open spaces known as the Discovery Path. The project upgrades the existing site and provides streetscape improvements on all abutting streets.

# 2. Conforms to the Bethesda CBD Sector Plan

The Planning Board finds that the applicant conforms to the Bethesda Sector Plan as conditioned by the Board to encourage pedestrian activity as previously stated under Finding #1. Also, the project will further conform to the Sector Plan's objective to create a "people-place" if a temporary performance stage is provided for outdoor events scheduled by the activity program. The land use, circulation, and landscape design objectives described in the Sector Plan have been met by the Lorenz Building Project Plan. The development enhances the network of pedestrian spaces within the CBD, encourages pedestrian activity and use of Metro, and creates a coherent and visually meaningful arrangement of buildings. The project plan is also in conformance with the approved Bethesda Metro Center Urban Design Study, 1980, by providing a significant mid-block open space, completing the Metro Center, and achieving a terraced building height which conforms to the study's objective of stepping building heights in a pinwheel fashion around Metro Plaza with the highest buildings on the north side.

# 3. Compatibility with the Neighborhood

The Planning Board finds that the proposed development achieves compatibility with the adjacent properties by:

- a. placing the office tower on the west side of the site, thus creating a significant mid-block open space devoted to public use and enriched with amenities. The mid-block public use space connects a series of existing pedestrian open spaces known as the Discovery Path which culminates at the Metro Plaza.
- b. providing retail uses along street frontages and public use spaces to reinforce the sense of a retail center and provide viable retail activity.
- c. establishing a building setback line along Woodmont Avenue which permits a garden as a transitional use at street level, thus improving compatibility with existing residential uses across Woodmont Avenue.
- d. completing the Metro Center and ensuring adequate solar access to the Metro Plaza due to the terraced building heights that result in only an 11-story building adjacent to the Plaza; and
- e. by designing a tripartite architectural facade which reduces the building's sense of bulk and mass as seen from the residential areas to the west of the site. The building's 15-story height also is diminished by the series of three terraces embellished with vaulted structures covering penthouse mechanical equipment.

The proposed development completes the final building of the Metro Center and helps better define the existing public use space referred to as the Metro Plaza. The building's office tower will achieve visual compatibility with the group of existing buildings at the Metro Center in that the roofline is stepped in a series of terraces responsive to the Metro office building, and similar building materials will be used. The building's facade treatment, which emphasizes the verticality of the building also is seen as desirable to help distinguish the project and avoid a "mega-struc-

ture" uniformity with the Metro Center. Compatibility with adjacent residential areas to the west is achieved by the combination of vaulted terraces, vertical facade treatment, and building setback from Woodmont Avenue.

4. Will Not Overburden the Existing or Proposed Public Services

The Planning Board finds that the proposed plan will not overburden existing or proposed public services. The proposed development does not conflict with the transportation portion of the 1982 Sector Plan Amendment, which factored into its analysis 374 trips for the subject site. However, the proposed development utilizes only 364 trips of its allocation. The Planning Board grants the proposed project the full trip reservation of 374 trips in the advent that market conditions change and may support more retail uses. The project will improve traffic circulation by building permanent curb alignments which facilitate turning movements from Woodmont Avenue to Montgomery Lane.

5. More Efficient and Desirable than the Standard Method of Development

The Planning Board finds that the proposed plan does achieve a more efficient and desirable development than could be achieved from a typical standard method project as conditioned by the Planning Board. The on-site public use spaces identified as the Woodmont Avenue Garden, the Grand Stairway, and Plaza Level Bridge Connection represent three highly desirable locations for public access and open space if fully developed with animating amenities. Proposed plans and details shall be submitted prior to the site plan application with specific attention to the public use space, the bridge over North Lane, and creation of a design element for the Metro Plaza to reduce heat, provide human scale, and visually highlight the area.

# CONDITIONS

The application for the optional method of development is hereby approved, subject to the following conditions:

 Provide a commitment to entertainment-oriented restaurant uses and to community-oriented retail needs.

The applicant shall exercise diligence and its best effort to attract and secure entertainment-oriented restaurant and community-oriented retail uses and shall submit to the Technical Staff, on a quarterly basis, a report detailing its marketing and leasing efforts.

 Designate a food service and retail use on the Plaza level of the building adjacent to the bridge connection with Metro Plaza which is complementary to the existing Food Court.

The applicant should commit to a food service and retail use at this location and design the facade and signage in a manner which provides good visibility. Provision should be made for sitting and eating close to the food service and retail use on the bridge.

3. Provide a design element to enhance the western portion of the bridge in terms of attractiveness and utility as public use space. Proposed plans shall be submitted at the time of site plan application.

4. Provide quality building materials for retail facades and all amenity areas in order to assure a "better than standard" quality of development and architectural compatibility with Metro Center. Precast concrete, if used, should be of the highest quality in accordance with industry standards. Landscape material also must be sized large enough to achieve an immediate visual effect.

The applicant must submit detailed drawings at site plan review which label all proposed building materials, lighting, landscaping, and site features in order for staff to review the proposed quality of the proposed amenities and site features within public use space.

- 5. <u>Provide streetscape improvements in accordance with the approved Bethesda Streetscape Plan at the time of site plan review.</u>
- 6. Provide a removable performing stage and backdrop structure with builtin electrical outlets for sound amplification on the Metro Plaza to
  accommodate Metro Center activities as well as other community events.
  Provide an activity program for the performing stage to assure use and
  animation of the Plaza.

The applicant shall design and locate a performance stage prior to site plan review and make storage provisions for the structure within the building's non-FAR space. Maintenance of the performance stage will be handled by the Plaza Management Organization. An activity program which specifies a minimum number of times during the year that performances and exhibits would be sponsored and scheduled will be coordinated with the Plaza Maintenance Organization and provided to staff. Every attempt should be made to include activities of local civic groups in addition to arts and performing groups.

 Provide proposed off-site amenities on the Metro Plaza as identified by the applicant and subject to receiving written approval from the Plaza owners, the Alan Kay Company.

The applicant shall: 1) improve pedestrian circulation across the Plaza by relocating the Plaza Cafe's outdoor seating and creating a new stair access to the Lorenz Building, 2) provide new plantings to improve shade and retail visibility, 3) add new low planters to increase a sense of greenery, 4) provide new, more colorful tables and chairs, 5) incorporate minor water features around the edge of the ice skating rink to introduce the sound of water and visual appeal as shown on the proposed project plan, and 6) provide an additional design element in conjunction with the Alan I. Kay Company to provide human scale, improve shade, and visually highlight the inner plaza as seen from surrounding streets. A retail signage and lighting program for the Lorenz Building shall be coordinated with the new retail and signage program for the Metro Center and shall be submitted for Planning Board approval three months from the date of the Board's opinion. All other such improvements shall be shown at the time of site plan submission.

8. Maintain the approved trip allocation limit of 374 trips during the p.m. peak hour use.

The applicant should be permitted to expand the amount of proposed retail uses up to the 374-trip limitation if marketing efforts prove successful. Approximately 6,000 square feet of additional retail may be converted from office to retail uses at the mezzanine level adjacent to the mid-block public use space while still remaining within the 374-trip limitation. This revision may be made at any time after site plan approval subject to an amendment of the site plan but without requiring an amendment to the project plan so long as the trip limitation is maintained.

- 9. Revise the loading dock circulation and vehicular driveway entrance along East Lane to improve pedestrian safety, satisfy MCDOT's concerns for safe turning movements, and screen the pedestrian's view into the loading area as seen from the "Kiss-N-Ride" facility across North Lane.
- 10. The applicant shall submit a utility relocation plan and will be responsible for undergrounding all existing overhead utilities, and for providing all required utility modifications required to serve the building.

The applicant will locate underground all existing overhead utilities and provide required utility service in locations which minimize conflicts with the proposed streetscape. The applicant will submit a detailed utility relocation plan with the site plan submittal and coordinate with all appropriate agencies for final approval. If utility modifications require improvements on adjacent properties, the applicant shall receive written approval from adjacent property owners.

11. Provide an acceptable plan for fresh air intakes and exhausts.

The applicant shall demonstrate that the proposed air circulation plan for the project does not negatively affect adjacent properties and their users. A survey of air vents on adjacent properties shall be provided for staff analysis at site plan review. The applicant specifically should address the need to relocate any parking garage air shafts which may interfere with street trees, corner handicap ramps, and traffic signal poles.

 Establish adequacy of existing water and sanitary sewer line service to the proposed development.

The applicant shall provide written verification from WSSC that adequate water and sewer service can be provided prior to submittal of the site plan.

13. Receive a waiver for on-site stormwater management.

The applicant shall submit a new waiver request to MCDEP's Stormwater Management Division and shall receive written verification granting the request prior to submittal of the site plan.

14. Provide maintenance, management, and security of all on-site and offsite amenity areas and agree to participate in a CBD maintenance organization should such an organization need to be created.

Mandatory participation in the Urban Maintenance District shall satisfy the off-site maintenance requirements of this condition. However, in the event that the District is dissolved or fails to provide necessary maintenance of off-site areas, such as public sidewalks, the owner shall be required to provide the necessary maintenance and it will be so stated in the Site Plan Enforcement Agreement. In addition, the applicant shall endeavor to maintain extended hours for parking garage, community meeting room, retail stores, and restaurants that will be open for public use. Extended hours shall mean beyond the office workday and on weekends. Details to be resolved at site plan.

 Participate in the Metro Center's "Plaza Management Corporation Agreement".

The applicant will participate in the funding and operation of the Plaza Management Corporation under conditions set forth in the Plaza Management Corporation Agreement to be executed prior to release of a building permit and it will be so stated in the Site Plan Enforcement Agreement. The responsibilities of the Plaza Management Corporation shall include maintenance, promotion, activity programming, and security of all public use areas. A signed copy of the Plaza Management Corporation Agreement will be required prior to release of the building permit.

16. The applicant shall receive MCDOT's written approval for construction of underground parking within the right-of-way and for the bridge over North Lane and submit detailed drawings of the bridge's final layout, landscaping, lighting, and furnishings on the site plan submittal.

The applicant shall be responsible for all necessary design approvals, permits, and construction for the underground parking and the pedestrian bridge over North Lane. Final structural details and layouts shall be provided with the site plan application and subject to MCDOT approval.

 Recordation of the bridge area over North Lane as part of the net lot area of the site in accordance with Section 59-A-1.73 of the Zoning Ordinance.

KKM: jdm/b:op988006.kk

# MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD OPINION

Site Plan Review #8-89060

Date Mailed: October 31, 1989

Project:

The Lorenz Building

Action:

(Motion was made by Commissioner Keeney, seconded by Commissioner Floreen, with a vote of 4-0, Commissioners Bauman, Hewitt, Keeney, and Floreen voting for and no Commissioner voting against.

Commissioner Henry was absent.)

On August 29, 1989, Keyes, Condon & Florance, Architects, submitted an application for the approval of a site plan for property in the CBD-3 zone. The application was designated Site Plan Review #8-89060.

On October 19, 1989, Site Plan Review #8-89060 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

- the Site Plan meets all of the requirements of the zone in which it 1. is located;
- the locations of the buildings and structures, the open spaces, the 2. landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient:
- each structure and use is compatible with other uses and other site 3. plans and with existing and proposed adjacent development; and
- the Site Plan is consistent with the approved Project Plan #9-88006.

The Montgomery County Planning Board approves Site Plan Review #8-89060 as follows:

276,208 square feet - commercial - office

22,500 square feet - commercial - retail

23,558 square feet - other - public use area (41.2%)

subject to the following conditions:

Provide final electrical and lighting plans for staff approval to ensure that the proposed lighting of the office tower is compatible with adjacent residential properties across Woodmont Avenue.

- 2. Submit a final streetscape plan and details for staff approval which provides street trees in pavement cut-outs with ground cover plantings versus a lawn panel along Woodmont Avenue and Montgomery Lane. Submit a final landscape plan which provides a sufficient number of pots planted with seasonal plants and includes a seasonal planting schedule for theses planters.
- 3. Submit a final layout plan for the loading dock area which provides a visual screen along North Lane in accordance with Project Plan Condition #9, provides a roll-up garage door for the proposed driveway access to the loading docks from North Lane, improves pedestrian safety at the corner by extending special pavement which identifies clearly the pedestrian zone, and provides a marked crosswalk across North Lane to the Metro Station. The need for additional traffic control signage should be investigated after construction. Final plans are subject to MCDOT approval;
- 4. Submit final building materials for public use areas for staff approval to ensure a coordinated and compatible relationship with the existing Metro Plaza in accordance with Project Plan Condition #4. Label all building materials on final signature set.
- 5. Designate a restaurant use (preferably with entertainment-oriented uses and/or community-oriented retail uses) on the first floor of the retail pavilion and provide a commitment to entertainment-oriented restaurant uses and to community-oriented retail needs in accordance with Project Plan Condition #1.
- 6. Provide maintenance, management, and security of all on-site public use areas, including the bridge over North Lane, and agree to participate in the Bethesda Urban Maintenance District. In the event that the District is dissolved, agree to provide for the maintenance, management, and security of all off-site public use space.
- 7. The applicant shall receive MCDOT's written approval for construction of underground parking within the right-of-way and for the bridge over North Lane.
- 8. Submit a record plat indicating the bridge area over North Lane as part of the net lot area of the site in accordance with Section 59-A-1.73 of the Zoning Ordinance.
- 9. Submit a Site Plan Enforcement Agreement and Development Program which provides for all improvements to on-site and off-site public use spaces prior to use and occupancy of the building.
- 10. Submit an activity program for providing community oriented events to be staged within the public use spaces. The activity program requirements for this project can be integrated with the programs currently sponsored by the Bethesda Metro Center Limited Partnership.



# Memorandum

TO:

Rollin Stanley, Planning Director

VIA:

Rose Krasnow, Chief

Robert Kronenberg, Supervisor

Area One Division

FROM:

Margaret K. Rifkin, Lead Reviewer

Area One Division

RE:

**Newlands Building** 

SITE PLAN #81989060B

DATE:

October 25, 2011

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the Development Applications and Regulation Coordination (DARC) Division which has assumed the duties of the former Development Review Division Intake Section-is also not required. However, submittal of the application to the Area One Division of the Planning Department is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On October 3, 2011, Chevy Chase Land Company ("Applicant") filed a site plan amendment application designated Site Plan No. 81989060B ("Amendment") for approval of the following modifications:

- 1. The conversion of two planter areas in front of the building along Woodmont Avenue to be used for outdoor seating, dining and entertainment areas;
- 2. The modification of the planter along Woodmont Avenue closest to Montgomery Lane to allow for certain signage and to allow for a modification of the landscaping in that planter which includes the removal of one tree;
- 3. The inclusion of additional lighting; and

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# 4. The replacement of the canopy/awning.

Outdoor dining in private space off of Woodmont Avenue and wrapping around to a portion of Montgomery Lane in front of the building will remain.

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on October 11, 2011 and then revised to include placement of the notice on letterhead and a signature and resent on October 13, 2011. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff received one phone call from one neighbor associated with a party of record, Mr. David Cooney of the Building and Grounds Committee of The Chase at Bethesda Condominium, 7500 Wisconsin Avenue, He requested additional information which was provided by staff. He also raised concerns about noise. Mr. Jon Weintraub of the Downtown Bethesda Condominium Association (DBCA) and Mr. Alan Goldberg also contacted staff. On October 25, 2011 the Applicant met with representatives of the DBCA to discuss concerns. Staff attended the meeting as well. The concerns focused on noise and the possibility of the increase in the number of outdoor seats that might result in additional noise.

The Applicant agreed to the following to ensure a good neighborly relationship with residents in the vicinity of the restaurant. This provides an easy way for any neighbors to contact the restaurant quickly if there are any problems:

"CESCO Osteria ("CESCO") will appoint a liaison for the restaurant (the "Liaison") who will serve as the contact for communication with the Downtown Bethesda Condominium Association (the "DBCA"). The Liaison will provide the DBCA with contact information [email and phone] to be used by DBCA if any issues or concerns arise regarding the opening and initial operation of CESCO. The Liaison and the DBCA will work together in good faith to address those concerns presented to the restaurant by individuals in the community. CESCO acknowledges the concern of nearby residents regarding possible noise impact of the restaurant and will focus on mitigating that concern in accordance with the standards of the County's and State's noise ordinance law if an issue should arise and also to address all other concerns presented to it."

Neighbors have experienced noise issues associated with music played by another business in the area. That business agreed to limit the hours of entertainment as a result. This is evidence that such issues can be adequately addressed while maintaining an engaging public realm with a variety of restaurants that draw activity to the Bethesda Arts and Entertainment District. In addition, there is another level of recourse should any noise issues arise: the existing Montgomery County Noise Ordinance.

The staff has evaluated the impact of the changes on the existing planters and has determined that the soil for the root zone of the existing trees in the planters will remain undisturbed. One

tree will be removed in one planter to accommodate a new sign. Decking will be placed across the top of the other planters to accommodate new seating while leaving space around the tree trunks.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan. The property has been used consistent with the original approval, for a McCormick and Schmick's Seafood Restaurant with outdoor dining previous to this. These design modifications are minor.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

Rollin Stanley, Planning Director

10.27.11

Date Approved



# **Memorandum**

**TO:** Gwen Wright, Planning Director

VIA: Robert Kronenberg, Chief PAL

Area 1 Division

FROM: Elza Hisel-McCoy, Regulatory Supervisor

Area 1 Division

**RE:** Newlands Building

MINOR SITE PLAN AMENDMENT #81989060C

**DATE:** June 10, 2015

Section 59.7.7.1.B.3 of the Zoning Code addresses Amendments for Plans approved or pending before October 30, 2014. Section 7.7.1.B.3.a states that until October 30, 2039, an Applicant may apply to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, subject to certain limitations.

Section 7.7.1.B.3.b of the Zoning Ordinance, however, allows Applicants to apply to amend a site plan approved before October 30, 2014, to take advantage of the parking requirements contained in Sections 6.2.3 and Section 6.2.4 of the Zoning Ordinance that went into effect on October 30, 2014.

Under Section 59.7.3.4.J.2, the Planning Director may approve in writing certain applications for an amendment to a Certified Site Plan. Such amendments, which are considered minor in nature and do not alter the intent and objectives of the plan, specifically include an amendment "to reduce the approved parking to satisfy Article 59-6."

Neither a Pre-Application meeting with the community/public/parties of record nor a Pre-Submittal meeting with the DARC Intake Section is required. However, submittal of the application to DARC is required. In addition, applicants must provide public notice under Division 7.5.

The Planning Board approved the original Site Plan for the subject site (No. 8198900600) on October 19, 1989. On May 19, 2015, Michael Fomalont ("Applicant") filed a site plan amendment application designated Site Plan No. 81989060C ("Amendment") for approval of the following modifications:

- 1. New canopy at the intersection of Woodmont Avenue and North Lane;
- 2. Extension of the curb along North lane removing the current drop-off; and
- 3. Minor changes to landscape and lighting.

A notice of the subject site plan amendment was sent to all required parties by the Applicant on May 21, 2015. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence regarding the application.

The proposed amendment is consistent with the provisions of Section 59.7.3.4.J.2 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements of the Planning Board in approving the site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59.7.3.4.H. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

Gwen Wright, Planning Director

Date Approved



#### DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin *Director* 

July 8, 2020

Ms. Katherine Mencarini Area 1 Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910-3760

RE: Bright Horizons - 2 BMC

81989060D

Traffic Impact Study

Dear Mr. Mencarini:

We have completed our review of the revised Local Area Transportation Review and Transportation (LATR) Policy Area Review dated June 9, 2020, which is prepared by Wells + Associates. This study was prepared in accordance with the Fall 2017 LATR Guidelines and 2012-2016 Subdivision Staging Policy. Total development evaluated by the analysis is converting 8,999 square feet of office space for 120-study day care facility.

We offer the following comments:

# Modal Adequacy

1. The project is subject to the vehicular modal adequacy test only. The other tests are not required since the size of the development does not generate more than 50 peak hour person trips for transit, pedestrians and bicycles.

# Local Area Transportation Review (LATR)

- 1. We defer to the Maryland State Highway Administration for comments regarding state-maintained roadways, including Rockville Pike (MD 355).
- 2. The applicant's consultant evaluated 14 existing intersections near the site in order to study five corridors for network delay. The evaluation included the following

# programmed improvements:

- a. Separated bike lanes, two travel lanes and a center left turn lane along Woodmont Avenue between Battery Lane and Bethesda Avenue.
- b. Norfolk Avenue operating with three travel lanes between Woodmont Avenue and Wisconsin Avenue (as shown in the Marriott approval).
- c. Convert the four-lane section into three lanes with a center left turn lane in order to accommodate separated bike lanes along Arlington Road.
- d. Removal of one travel lane between Woodmont Avenue and Wisconsin Avenue to accommodate separated bike lanes.
- 3. The site is in the Bethesda CBD policy area with a maximum overall delay of 120 seconds per vehicle for isolated or a network of intersections. The applicant's consultant used the Highway Capacity Manual to evaluate the network delay.
- 4. The applicant's consultant shows that the network delay on the five corridors operates well under the 120 second delay with and without the programmed improvements. The applicant's consultant specifies "that the additional improvements and optimized timing splits at intersections where improvements occur" the corridors would operate under the 120 second delay. It is not clear in the report, what "optimized timing splits" means.
- 5. The applicant's consultant also evaluated the queues for each corridor based on estimates calculated using Synchro 10. It was noted that although many of the corridors operated under congestion standards, there are instances of significant queue lengths and over saturation along the adjacent roads such as Montgomery Lane. However, this is more attributed to the neighboring pipeline projects and the lane reductions from the adjacent cycle tracks and not the fault of the daycare. The daycare's impact will be minimal compared to the background projects.

# Pedestrian and Bicycle Impact Statement (PBIS)

- 1. The consultant provided an evaluation of the pedestrian, bicycle and transit infrastructure for the studied intersections and roads. The report identified the location of marked crosswalks for each intersection and the pedestrian crossing timings.
- 2. The applicant's consultant states that the subject application and adjacent 4 BMC redevelopment will include a through-block connections that would provide pedestrian links between Wisconsin Avenue, Old Georgetown Road, Woodmont Avenue and North Lane.
- 3. The applicant's consultant states that the location of existing and programmed bike facilities near the site. The consultant also discusses the bikeshare locations.
- 4. The applicant's consultant discusses the transit routes near the site; however, no amenities at specific bus stops are discussed.

# **SUMMARY**

1. We have accepted the vehicular adequacy findings for the TIS including the queue lengths that are created when the programmed facilities are installed.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact me, at (240) 383-5252 or <a href="mailto:rebecca.torma@montgomerycountymd.gov">rebecca.torma@montgomerycountymd.gov</a>.

Sincerely,

Rebecca Torma

Rebecca Torma, Manager Development Review Team Office of Transportation Policy

Sharepoint/transportation/director's office/development review/correspondence/fy2020/81989060D 2 BMC TIS.docx

cc-e: William Zeid, Wells + Associates Kwesi Woodroffe, SHA District 3 Vincent Ho, MCDOT DTEO



Larry Hogan

GATTACHMENT B

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Secretary

Tim Smith, P.E.
Administrator

July 17, 2020

Mr. William Zeid, P.E. Wells + Associates, Inc. 1110 Bonifant Street, Suite 210 Silver Spring, MD 20910

Dear Mr. William Zeid,

Thank you for the opportunity to review the traffic impact study (TIS), prepared by Wells+Associates, Inc., dated June 9, 2020 for the **Bright Horizons Daycare – 20APMO018XX** in Montgomery County, Maryland. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has completed their review and are pleased to respond.

- The proposed new land use will replace 8,999 square feet of office space with a day care for 120 students.
- The subject site is located in the 2 Bethesda Metro Center building located along the west side of Wisconsin Avenue (MD 355) south of Old Georgetown Rd (MD 187).
- The proposed access to the site is provided via existing garage entrances along North Lane and East Lane. Both entrances are right-in/right-out access along one-way roadways. No new entrances are proposed as part of this project.

Based on the information provided, please address the following comments in a point-by-point response:

# **District 3 Traffic Comments (Provided by Alvin Powell):**

We defer issues on trip generation and distribution to TFAD and County Planning. We note that the summary queueing results indicate that along the MD 355 (Wisconsin Avenue) corridor, the available queue storage is fully utilized and exceeded in some instances. We also note that the county will not require any improvements from the developer since the development trip generation falls below the congestion threshold for Bethesda. MDOT-SHA defers to the county in this instance. We have no further comments to offer.

# Travel Forecasting & Analysis Division (TFAD) Comments (Provided by Scott Holcomb):

Given the small increase in volume and impacts to area intersections forecasted to be produced from the site, and the inability to calibrate a SimTraffic model for this vicinity with current traffic

Mr. William Zeid, P.E. SHA Tracking No: 20APMO018XX Page 2 of 2 July 17, 2020

conditions, TFAD is satisfied with the results of the TIS report and the conclusion that no additional analysis is needed for approval of the TIS. TFAD has no further comments at this time.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please provide an Electronic Submission containing the proposed improvement plans (including a set of hydraulic plans and computations) and all supporting documentation to the Access Management Division at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Kwesi Woodroffe. For electronic submissions create an account with our new online system <a href="https://mdotsha.force.com/accesspermit">https://mdotsha.force.com/accesspermit</a>. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page http://www.roads.maryland.gov/pages/amd.aspx. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development. If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at kwoodroffe@sha.state.md.us or shaamdpermits@sha.state.md.us.

Sincerely,

Andre Futrell, District Engineer

AF/cmh

cc:

Ms. Natasha Aidoo, MDOT SHA – District 3 Traffic

Ms. Grace Bogdan, Montgomery County Planning Department

Ms. Rola Daher, MDOT SHA – TFAD

Mr. Derek Gunn, MDOT SHA – District 3 Traffic

Mr. Scott Holcomb, MDOT SHA – TFAD

Ms. Katie Mencarini, Montgomery County Planning Department

Mr. Alvin Powell, MODT SHA – District 3 Traffic

Mr. Kwesi Woodroffe, MDOT SHA – District 3 Regional Engineer



# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 25, 2020

Bright Horizons Child Care Centers, LLC c/o Steven Galler 200 Talcott Avenue Watertown, MA 02472

Re: Forest Conservation Exemption Request and Existing Conditions Plan No. 42020126E

Property Name: 2 Bethesda Metro Center

Action Taken: Exemption Confirmed & Simplified NRI/FSD Approved

Dear Steven Galler:

On February 24, 2020, Montgomery County Planning Department Staff accepted for review an Existing Conditions Plan for 2 Bethesda Metro Center. This Existing Condition Plan is part of a Chapter 22A-5(s)(1) Exemption Request for an activity on a small property known as 2 Bethesda Metro Center. A Site Plan Amendment is being filed in conjunction with this forest conservation exemption request.

A Chapter 22A-5(s)(1) Exemption Request is for an activity on a tract of land of less than 1.5 acres with no existing forest or existing specimen or champion trees and for an activity does not result in forest planting requirements of more than 10,000 square feet.

The project's tract area is approximately 1.31 acres. The proposed construction limits of disturbance area is less than 1.5 acre. No forest, specimen trees or champion trees exists on the property. This activity does not trigger forest planting requirements.

Forest Conservation Exemption Request No. 42020126E for 2 Bethesda Metro Center is confirmed. The Existing Conditions Plan submitted for the project is approved. Any changes from the confirmed Forest Conservation Exemption Request and approved Existing Conditions Plan constitute grounds to rescind or amend any approval actions taken.

Sincerely,

Stephen Peck Senior Planner

Development Applications and Regulatory Coordination M-NCPPC - Montgomery County Planning Department

CC: Doug Koeser, VIKA Maryland, LLC