



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

MCPB No. 20-075
Site Plan No. 81989060D
2 Bethesda Metro Center
Hearing Date: July 30, 2020

AUG 14 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 October 19, 1989, the Planning Board, by Opinion dated October 31, 1989, approved Site Plan No. 819890600, for 276,208 square feet of office, 22,500 square feet of retail, and 23,558 square feet of public use space subject to conditions on 1.14 acres of CBD-3 zoned-land, located on the Northeast quadrant of the intersection of Woodmont Avenue and Montgomery Lane, above the Bethesda Metro Station ("Subject Property"), in the Bethesda CBD Policy Area and *Bethesda Sector Plan* ("Sector Plan") area; and

WHEREAS, on October 25, 2011, the Planning Director approved Site Plan Amendment No. 81989060B¹ 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 the canopy/awning on the Subject Property; and

WHEREAS, on June 10, 2015, the Planning Director approved Site Plan Amendment No. 81989060C 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 on the Subject Property; and

¹ There are no records available for Site Plan Amendment 81989060A

WHEREAS, on March 17, 2020, Bright Horizons Children Center LLP (“Applicant”), filed an application for approval of an amendment to the previously approved site plans 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; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 81989060D, 2 Bethesda Metro Center (“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 July 20, 2020, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 30, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81989060D 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 by adding the following conditions:²

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.

² For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this 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 space 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.

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 all site development elements shown on the latest electronic version of 2 Bethesda Metro Center, 81989060D, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.*
2. *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 office and retail and 23,558 square feet of on-site public use space. This Site Plan Amendment will convert 8,999 square feet of office space into daycare, which is a permitted 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.

3. *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 ¹	621	434	434
	Vehicular Parking for Daycare	27	-	22 ²
	Bike Parking for Daycare	2	-	2 ³

¹ No parking data was provided in the original Site Plan opinion or subsequent approvals; the required parking is based on original Project Plan opinion, and the parking approved with subsequent amendments was based on existing parking in the garage on-site.

² 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 (Section 59.6.2.3.H.1.a).

³ Per Section 59.6.2.4.C, 1 long-term and 1 short-term bike parking space is required.

4. *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.

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						
Existing Trips	11	12	7	8	15	17
Proposed	AM	PM	AM	PM	AM	PM
8,999 SF Daycare						
Proposed 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

* 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 deadline³. The Transportation Study submitted traffic counts from an approved traffic studies submitted for a neighboring project at 4 Bethesda Metro Center⁴.

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.

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

Corridor	Delay Standard	Existing Conditions		Background Conditions		Future Conditions		Future w/ Master Plan Improvements ¹	
		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

¹Arlington 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.

³ In the 2017 LATR, counts must not be older than 1 year from the 65-day deadline to be accepted for study.

⁴ The traffic counts were conducted in March of 2019.

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.

5. *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.

6. *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.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 14 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 Resolution, 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 Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, July 30, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board