



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

MCPB No. 20-121
Site Plan No. 81980028A
7500 Old Georgetown Road
Date of Hearing: November 12, 2020

NOV 25 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 July 23, 1980, the Planning Board approved Site Plan No. 819800280 for 301,558 square feet of non-residential development, on 0.82 acres of CBD-3 zoned-land, located at Old Georgetown Road between Edgemoor Lane and Wisconsin Avenue ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Plan ("Sector Plan") area; and

WHEREAS, on August 5, 2020, Bethesda Office Owner, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to increase 301,558 square feet to 320,813 square feet of non-residential uses including 15,616 square feet of existing and 3,639 square feet of new office and retail space, to renovate a 3,900 square-foot portion of the plaza and to make façade improvements on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81980028A, 7500 Old Georgetown Road ("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 October 30, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 12, 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. 81980028A to increase the maximum gross floor area from 301,558 square feet to 320,813 square feet, including 15,616 square feet of existing and 3,639 square feet of new office and retail space, renovate a 3,900-square-foot portion of the plaza, and make façade improvements. The following conditions supersede those of the original approval in their entirety:¹

1. The development must comply with the conditions of approval for Project Plan No. 91984004A and any subsequent amendments. This includes but is not limited to all references to density, public use space and amenities, and transportation conditions.
2. The development must comply with the conditions of approval of Preliminary Plan No. 11979251A and any subsequent amendments. This includes but is not limited to all references to density, public use space and amenities and transportation conditions.
3. This Site Plan is limited to a maximum gross floor area of 320,813 square feet of non-residential uses.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated September 30, 2020 and 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 amendment does not conflict with other conditions of Preliminary Plan approval.
5. The Applicant must provide Green Cover of no less than the area shown on the Certified Site Plan (1,400 square feet). Any green roof or landscape

¹ 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.

plantings over structure installed pursuant to this condition must have a minimum soil depth of six inches.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 81980028A, 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, and all findings not specifically addressed remain in effect.*
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.

81980028A Application Data Table for the CBD-3 Zone

| Development Standard | Permitted/ Required | Approved per Project Plan Approval | Approved per Site Plan 819800280 | Approved per Site Plan 81980028A |
|--|--------------------------------|---|---|---|
| Site Area (sf.) | | | | |
| Gross Tract Area | 18,000 (min) | 57,356 | 57,356 | 57,356 |
| Previous Dedications | n/a | 21,289 | 21,289 | 21,289 |
| Approved Dedications | n/a | n/a | n/a | n/a |
| Net Lot Area | n/a | 36,067 | 36,067 | 36,067 |
| Density | | | | |
| Floor Area Ratio, max. base | 6 | 5.25 | 5.25 | 5.5 |
| Floor Area, max. base (sf.) | n/a | 301,558 | 301,558 | 320,813 |
| Floor Area Ratio, max. non-residential | 6 | 5.25 | 5.25 | 5.5 |
| Floor Area, max. non-residential (sf.) | 345,216 | 301,558 | 301,558 | 320,813 |
| Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%) | 0.3 | 0.3 | 0.3 | 0.3 |
| Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (sf.) | 10,316 | 10,316 | 10,316 | 11,584 |
| Maximum Building Height (feet) | 200 | 191 | 191 | 191 |
| Minimum Setbacks (feet) | | | | |
| North Property Line | n/a | 0 | 0 | 0 |
| Edgemoor Lane | n/a | 0 | 0 | 0 |
| Old Georgetown Road | n/a | 0 | 0 | 0 |
| Southern Property Line | n/a | 0 | 0 | 0 |
| Public Use & Amenity Space, Min. | | | | |
| On-Site Public Use Space, % of net lot area | 20 | 20 | 20 | 20 |
| On-Site Public Use Space, sf. total | 7,213 | 7,213 | 7,213 | 7,213 |
| Parking (site is located in the Parking Lot District) | 473 | 387 | 387 | 387 |
| Bicycle Parking | 20 | 20 | 20 | 20 |

In accordance with Section 59-7.7.1.B.3 and 59-7.7.1.C.2 of the Zoning Ordinance, the Application is being reviewed under the development standards in place on October 29, 2014. The additional density is within the limits set by the CBD-3 zone as well as the density expansion allowed under Section 59-7.7.1.C.2: the lesser of 10 percent of the gross floor area or 30,000 square feet. Since the CBD-3 Zone development approvals permit 301,558 square feet of gross floor area, the grandfathering provisions of the Zoning Ordinance allow the Applicant to expand the Clark Building by up to 30,000 square feet of gross floor area under the prior CBD-3 Zone. The Applicant is only requesting an increase of 19,255 square feet.

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.*

This Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant requested, and received, a full stormwater exemption approval from the Montgomery County Department of Permitting Services Water Resources Division on September 28, 2020.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. An exemption was confirmed for this Site Plan Application on July 6, 2020 under Forest Conservation Exemption No. 42020233E.

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 NOV 25 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 Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, November 12, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board