

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-035
Preliminary Plan No. 11984260A
2 Bethesda Metro Center
Date of Hearing: March 31, 2022

MAY 13 2022

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 28, 1985, the Planning Board, approved Preliminary Plan No. 119842060 creating one lot on 1.14 acres of land in the CBD-3 zone, located on the Northeast quadrant of Woodmont Avenue and Montgomery Lane ("Subject Property"), in the Bethesda CBD Policy Area and what is now the 2017 *Bethesda Downtown Sector Plan* area; and

WHEREAS, on December 1, 2021, Chevy Chase Land Company ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to convert existing retail space into office space to support a new building entrance, reduce public use space by approximately 1,546 square feet and increase gross floor area by 5,408 to accommodate building expansion on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11984260A, 2 Bethesda Metro Center ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on December 1, 2021, the date of filing the 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 March 21, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

WHEREAS, on March 31, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 4-0; Commissioners Anderson, Cichy, Rubin and Verma voting in favor, with Commissioner Patterson being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11984260A to convert existing retail space into office space to support a new building entrance, reduce public use space by approximately 1,546 square feet and increase gross floor area by 5,408 square feet to accommodate a building expansion on the Subject Property, by replacing in their entirety all prior preliminary plan conditions of approval with the following conditions:¹

1. This Preliminary Plan is limited to one lot with a maximum density of 305,090 square feet of total development, consisting of up to 278,786 square feet of office, up to 17,305 square feet of retail, and up to 8,999 square feet of daycare use.
2. The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for five (5) years from the initiation date pursuant to 50-4.3. J.5.a.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 4, 2022, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") - Right-of-Way (DPS-ROW) Section in its memo dated January 26, 2021. 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 approval.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") - Water Resources Section in its letter dated November 15, 2021 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS if the amendment does not conflict with any other conditions of approval.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire

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.

Department Access and Water Supply Section in its letter dated March 21, 2022 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.

7. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan Amendment before certification of the Site Plan Amendment.
8. The portions of right-of-way along the Site's North Lane and East Lane frontages that cannot be dedicated to provide the master-planned rights-of-way widths are subject to an easement for future dedication. The extents of the easement and the following note must be included on the Certified Preliminary Plan, "Future dedication of 25 feet from the centerline along North Lane and 25 feet from the centerline on East Lane will be provided upon demolition of the existing building to accommodate redevelopment of the Site. However, no dedication is being provided with these amendments."

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the 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:

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

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

The layout, size, width, shape, and orientation of the proposed lot will be appropriate for the subdivision given its location and type of development. The current amendments do not propose any change to the lot size or boundaries of the Property. The location and design of the surrounding roads will remain appropriate and are discussed in Findings 2 and 3 below.

- 2. The Preliminary Plan substantially conforms to the Master Plan.***

Land Use

The Project will continue to provide commercial, retail, and daycare uses at the current location as was confirmed in previously approved amendments.

Environment

The Application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. As described in the Staff Report, the Subject Application is exempt from submitting a Forest Conservation Plan under Chapter 22A(s)(1).

Transportation

The Site has frontage on four (4) roadways: Woodmont Avenue, North Lane, East Lane, and Montgomery Lane. All Site frontages have been evaluated for compliance with the 2017 *Bethesda Downtown Sector Plan*, the 2018 *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan*. The Site was most recently platted in 1993 (Plat No. 18934). The following includes a summary of the master plan recommendations applicable to the Site's four (4) frontages.

Woodmont Avenue is classified as an Arterial with a master-planned right-of-way of 80 feet. As confirmed by Plat No. 18934, Woodmont Avenue is currently 80-feet wide along the Site frontage. The 2018 *Bicycle Master Plan* and the 2017 *Bethesda Downtown Sector Plan* envisioned two-way separated bicycle lanes on the west side of the roadway (opposite the Site). Design of the bicycle lanes are fully funded, and as of the date of the Staff Report, design is expected to be completed by fall of 2022 (CIP 500119). No additional participation is required on behalf of the Applicant for Woodmont Avenue.

North Lane is classified as a Business District Street with a master-planned width of 50 feet. The existing right-of-way is 45 feet, and the confronting property to the north, 4 Bethesda Metro Center, is required to record an easement for future dedication as part of approval of Preliminary Plan No. 11981068B, by way of Montgomery County Planning Board Resolution No.19-1929 (condition 10.e.). Condition 13.c. of Preliminary Plan No. 11981068B requires the property owner of 4 Bethesda Metro Center to construct master-planned separated bicycle lanes along the south side of North Lane. Although the bicycle facility is located on the south side of North Lane (along the Subject Applicant's frontage) because their construction is a condition of approval by another Application, the Applicant for the Subject Application will not be required to participate in their implementation. The Applicant has demonstrated that the Project will not preclude future implementation of the bicycle facility, and therefore the Subject Application complies with all applicable master plans regarding North Lane.

East Lane is classified as a Business District Street with a master-planned width of 80 feet. Currently, East Lane has a right-of-way width of 45 feet. Preliminary Plan No. 119842600 required the Applicant to dedicate a 5-foot perpetual easement along the Site frontage, and this was recorded by Plat No. 18934. The Subject Preliminary Plan Amendment does not propose new construction within the easement or existing right-of-way. The existing footprint along the Site's East Lane frontage is not proposed to change, and therefore the Subject Application complies with all applicable master plans regarding East Lane.

Montgomery Lane is classified as a Business District Street with a master-planned right-of-way width of 80 feet. According to Plat No. 18934, the roadway is 60.35 feet wide. An additional 10 feet along the Site frontage was dedicated by way of a perpetual easement. With the perpetual easement, 40-feet has been dedicated between the Site property line and the roadway centerline on Montgomery Lane. Per the 2018 *Bicycle Master Plan* a two-way separated bicycle lane is envisioned along the south side of Montgomery Lane. Design of the bicycle facility is complete and has been funded for construction. As of the date of the Staff Report, construction is expected to start in spring of 2022 and completion in summer of 2022. No participation is required on behalf of the Applicant; therefore, the Subject Application complies with all applicable master plans regarding Montgomery Lane.

Pursuant to Section 50.4.3.E.2.F.iii of the Subdivision Regulations, the Planning Board approves a lesser truncation than otherwise required at the intersections of North Lane and Woodmont Avenue, Woodmont Avenue and Montgomery Lane, and Montgomery Lane and East Lane because the existing building location is not changing and does not allow for the full truncation. The non-standard truncation is appropriate because adequate sight distance already exists at these locations.

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

a) Roads and other Transportation Facilities

- i. Existing Facilities***
- ii. Proposed public transportation infrastructure***
- iii. Proposed private transportation infrastructure***

Access will continue to be provided along North and East Lanes for motor vehicles. Pedestrian access will be improved by the proposed upgrades to the existing entrance on Woodmont Avenue. Pedestrians will continue to have access to the Site from North Lane, but it will be a secondary entrance. Bicycle access will be improved with the future implementation of the separated bicycle lanes on North Lane (to be installed by 4 Bethesda Metro Center) and the separated bicycle lanes on Montgomery Lane (to be installed by the Montgomery County Department of Transportation). Transit access will continue to be provided by the bus loop and Metrorail Red Line Station located opposite the Site. Transit connections to destinations east of Bethesda will be improved when the Purple Line, located within a few blocks of the Site, is open and operational. No other proposed public or private transportation infrastructure is master planned or needed at this time.

b) Local Area Transportation Review (LATR)

The Applicant proposes to convert 5,195 square feet of existing retail and restaurant uses to office use and construct an additional 1,187 square feet on the Site, all for office amenity space, such as a workout room, yoga studio and conference rooms. The combined areas would result in a net increase of 6,382 square feet of office use on the Site. Although the intent of the amenities is for use by existing office tenants and therefore may not generate new trips to the Site, the proposal analyzed the conversion in uses as if it were typical office space, which it could be used for in the future if the Subject Application is approved.

To make a finding for adequate public transportation facilities, the Applicant was required to estimate the number of net new person trips to be generated by the proposed increase of office use on-site in the morning and evening peak hours. In compliance with the *Local Area Transportation Review Guidelines* (LATR) the Applicant applied a trip credit for the trips generated by the existing restaurant and retail on the Site proposed to be converted to office use. After application of the trip credit, it was estimated that the Project will generate eight (8) net new person trips in the morning peak hour and a net decrease of three (3) person trips in the evening peak hour. As a project generating fewer than 50 net new person trips in either peak travel hours, a transportation impact study was not required. Therefore, a finding can be made that the public transportation facilities are adequate to accommodate the Project, as conditioned.

c) Other Public Facilities and Services

Public facilities and services are available for the existing development and are adequate for the proposed amendments. Water, sewer, and other utilities are located in the rights-of-way adjacent to the Subject Property. Connections off one or more of the roads adjoining the Property will continue to provide service. The Montgomery County Fire Station No. 6 (Bethesda Fire Department) is located 1 mile from the Property on Wisconsin Avenue. The 2nd District Police Station, servicing the Downtown Bethesda area, is located on Rugby Avenue in the Woodmont Triangle. Electrical and telecommunication services are also available to continue serving the Subject Property.

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

This Application received a Forest Conservation Exemption approval (42022053E) from the requirement to submit a Forest Conservation Plan under Chapter 22A, as the Project is on a tract of land less than 1.5 acres with no existing forest, specimen, or champion trees. Therefore, Chapter 22A requirements are satisfied.

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

This Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Division on November 15, 2021. As the project consists of less than 5,000 square feet of disturbance and less than 100 cubic yards of earth movement, a stormwater management plan and sediment control permit are not required. Therefore, Chapter 19 requirements are satisfied.

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

Not applicable to this Property as there are no known burial sites.

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

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 13 2022 (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 Rubin, seconded by Vice Chair Verma, with Chair Anderson, Vice Chair Verma, Commissioners Cichy, and Rubin voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, April 28, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board