

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-036

Site Plan Amendment No. 81989060E

2 Bethesda Metro Center

Hearing Date: March 31, 2022

**MAY 13 2022**

## **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, including the zoning then in effect; 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 Woodmont Avenue and Montgomery Lane. ("Subject Property"); and

WHEREAS, on October 25, 2011, the Planning Director approved Site Plan Amendment No. 81989060B<sup>1</sup> 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

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<sup>1</sup> There are no records available for Site Plan Amendment 81989060A

WHEREAS, on July 30, 2020, the Planning Board, by Resolution MCPB No. 20-075, approved Site Plan No. 81989060D for the conversion of 8,999 square feet of office space into a daycare center for up to 112 children, the decrease of public use space by 1,775 square feet to create a play area for the new daycare, and modification of hardscape and plantings on the Subject Property, in the Bethesda CBD Policy Area and *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 site plan(s), under the prior CBD-3 zoning, to decrease existing retail/restaurant space by 5,195 square feet, in support of a proposed building addition and new building entry, and decrease public use space by 1,546 square feet in association with a proposed addition to the rear annex building on the Subject Property; and

WHEREAS Applicant's application to amend the site plan was designated Site Plan No. 81989060E, 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 March 21, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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; Chair Anderson and Commissioners Cichy, Rubin and Verma voting in favor with Commissioner Patterson being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan Amendment No. 81989060E for the decrease of existing retail/restaurant space by 5,195 square feet, in support of a proposed building addition and new building entry, and decrease of public use space by 1,546 square feet in association with a proposed addition to the rear annex building on the Subject Property by deleting one condition and adding three conditions as follows:<sup>2</sup>

DELETED CONDITION

~~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~~

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<sup>2</sup> 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.

~~provide a commitment to entertainment-oriented restaurant uses and to  
community-oriented retain needs in accordance with Project Plan Condition #1.~~

#### NEW CONDITIONS

16. Density

The Site Plan is limited to 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.

17. Public Open Space

The Applicant must provide a minimum of 20,237 square feet of Public Use Space (35.4% of net lot area) on-site.

18. Prior to Certified Site Plan, the Applicant will revise the Site Plan to locate and provide a reasonable amount of additional bicycle parking spaces onsite, beyond the minimum required, subject to approval by Planning Staff and consistent with the County's Bicycle Parking Guidelines.

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, 81989060E, 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 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 site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

- 1. 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 on-site public use space. This Site Plan Amendment will convert retail space into office use, which is an allowable use in the CBD-3 zone and reduce public use space by 1,546 square feet to accommodate an expanded amenity pavilion and redesigned public plaza. The remaining public use space will continue to exceed the minimum zoning requirement of 20%, as the Project will maintain 35% of the site as public use space.

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 Amendment data table has been modified as shown in Table 1 below to include the increase in office use space, reduction in retail space, and reduction in public use space. These changes remain in keeping with the requirements of the previous CBD-3 zone.

*Table 1: 2 Bethesda Metro Center Site Plan Amendment 81989060E Data Table*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Previously Approved with Site Plan Amendment 81989060D</b>	<b>Approved Site Plan Amendment 81989060E</b>
<b>Tract Area (sf)</b>	n/a	57,064	57,064
<b>Mapped Density CBD-3 Commercial (FAR/GFA)</b>	n/a	4.68/267,209	4.88/278,786
<b>Retail (FAR/GFA)</b>	n/a	0.39/22,500	0.30/17,305
<b>Daycare (FAR/GFA)</b>	n/a	0.16/8,999	0.16/8,999
<b>Total FAR/GFA</b>		<b>5.23/298,708</b>	<b>5.34/305,090<sup>4</sup></b>
<b>Public Use Space (%/min s.f.)</b>	20/11,412	38.2/21,783	
<b>Off-Site Public Use Space</b>	-	3,223 sf	3,223 sf
<b>Parking Spaces</b>			
Site Total	621 <sup>1</sup>	434	434
Daycare	27	22 <sup>2</sup>	22 <sup>2</sup>
Bicycle Parking	2	2 <sup>3</sup>	2 <sup>3</sup>

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

<sup>2</sup> 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).

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

<sup>4</sup> Overall GFA increase of 6,382.

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 slight reductions to the square footage of public use and retail space provided as well as a slight increase in commercial space. These changes are proposed in order to revitalize an aging building and underutilized plaza area. No changes within the public rights-of-way are proposed. There are no changes proposed to the vehicular access and circulation for the Site. A new lobby entrance is proposed on Woodmont Avenue which will improve visibility and access for pedestrians. The existing pedestrian access on North Lane will remain but as a secondary access. Bicycle access to the Site will be improved with the implementation of the master-planned bikeways along Woodmont Avenue, North Lane, East Lane and Montgomery Lane. These facilities will be installed by others as no further participation is required per the Subject Application.

The proposed development is estimated to 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, the Board finds that the transportation facilities are adequate to accommodate the Project as conditioned.

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

The conversion of existing retail space into office space is compatible with the other uses and adjacent existing and proposed development as the surrounding properties are also zoned CR, which allows commercial office space as a permitted use.

The reduction of public use space and expansion of the annex building is compatible with existing and proposed adjacent uses as the redesigned plaza with seating and landscape elements will further activate the space for the public while the new amenity pavilion will provide utility for building patrons. All proposed changes were implemented with the intent to enhance and complement the existing uses of the Subject Property.

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 November 1, 2021, the Applicant 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.

This Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater management 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.

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 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