

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760MEMORANDUM

DATE: October 10, 2001

TO: Montgomery County Planning Board

VIA: Joe Davis, Chief *JRD*

FROM: Larry Ponsford, AICP AIA *LRP*
Supervisor, Development Review Division
301-495-4576

REVIEW TYPE: Site Plan Review (Amendment)

APPLYING FOR: Plaza design upgrade, addition of 1500 gsf retail

PROJECT NAME: Bethesda Metro Center

CASE #: 8-88045B

REVIEW BASIS: Sec. 59-D-3 of M.C. Zoning ordinance

ZONE: CBD-3

LOCATION: Wisconsin Avenue at Old Georgetown Road, Bethesda CBD

MASTER PLAN: Bethesda Chevy Chase / Bethesda CBD Sector Plan

APPLICANT: BRE / Metro Center LLC, c/o The Meridian Group

DEVELOPER: Williams Jackson Ewing, Baltimore

FILING DATE: June 19, 2001

HEARING DATE: October 18, 2001

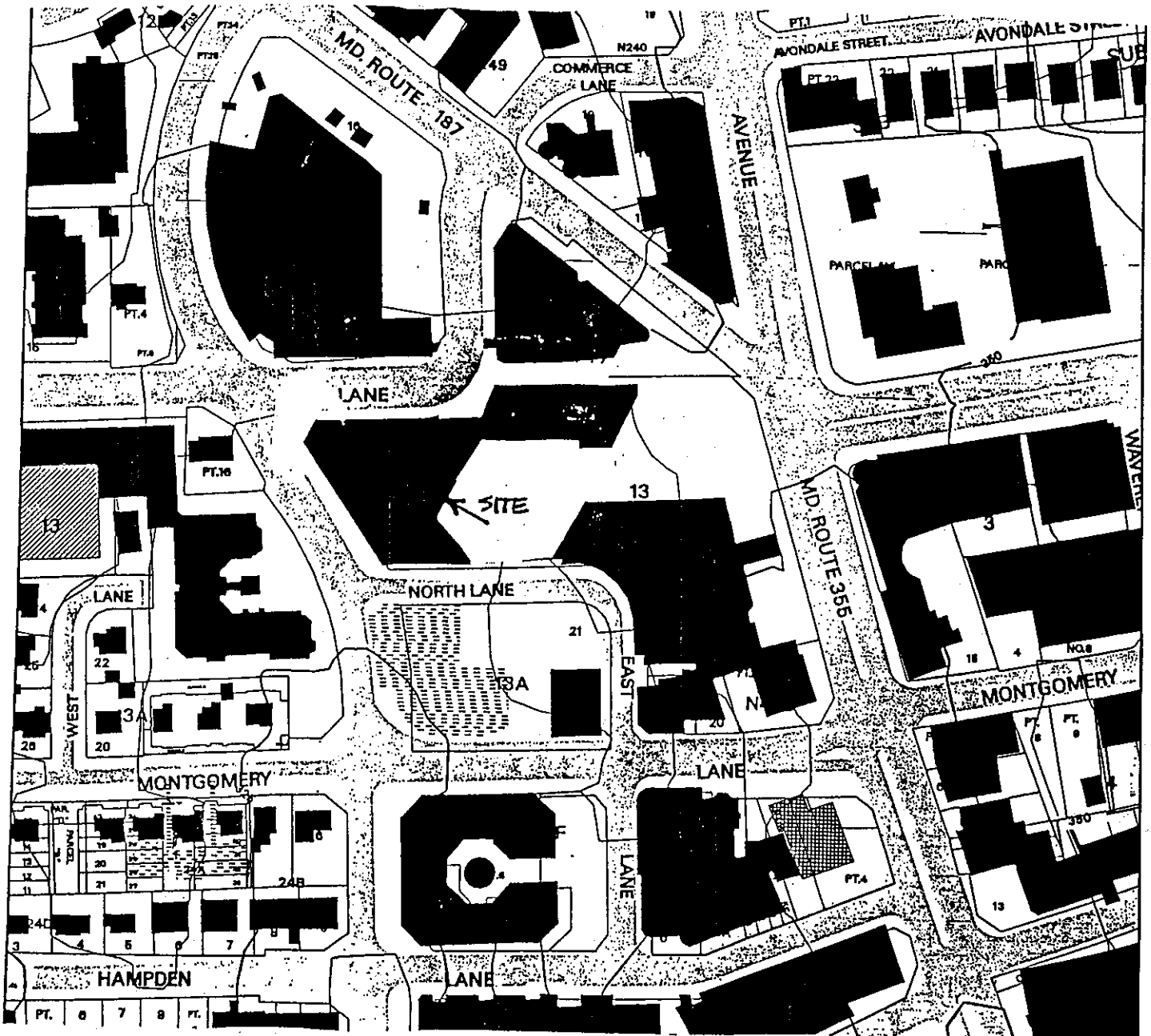
STAFF RECOMMENDATION: APPROVAL of plaza design upgrade and additional 1500 gsf retail, with conditions:

1. Applicant shall bear the cost of storing and insuring the Wainright sculpture. Applicant shall post a bond to cover transporting and reinstalling the sculpture in the future, the amount to be determined by the applicant and approved by staff at time of Signature Set. Details of transfer of ownership, access to the sculpture in its stored state, etc. are to be included in the Site Plan Enforcement Agreement
2. Applicant agrees to perform any maintenance on the Mary Ann Mears sculpture which is deemed necessary by Ms. Mears.
3. The proposed modification of the curb at the corner of Old Georgetown Road and Wisconsin to create a dropoff lane just north of the hotel porte-cochere is specifically denied.
4. Details of fountains, stair rails, street furniture, planters, stairs, lighting, portable stage are subject to staff approval at time of signature set.
5. Move proposed Mears piece approx. 20' ESE, to be visible from plaza

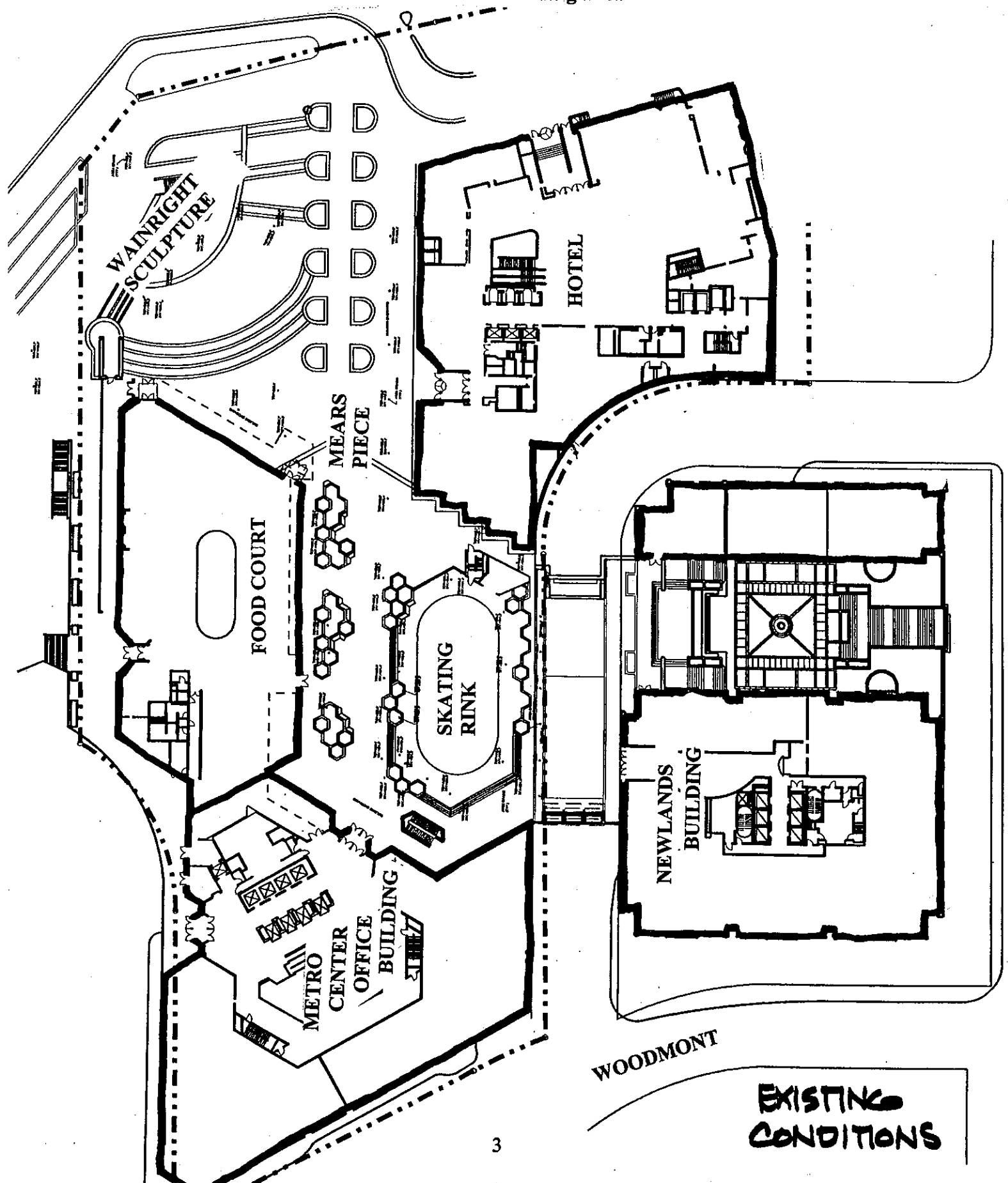
SUMMARY OF ISSUES:

- New location for relocated sculpture
- Replacement of Wainright sculpture with fountain
- Removal of existing skating rink
- Removal of Skylights illuminating bus level below
- Proposed and existing uses of public plaza
- Coordination of design with existing adjacent plaza
- Fountain design
- Street furniture

PROJECT DESCRIPTION: Vicinity



PROJECT DESCRIPTION: Site and Surrounding Area



PROJECT DESCRIPTION: Proposal

The Applicant, a new owner of the Bethesda Metro Center property, proposes to improve the plaza details and furnishings, remove or relocate sculpture, remove visual obstructions, add new and remove old activities, add restaurant space, add outdoor restaurant seats and other seating, re-tenant and refurbish the food court, reconfigure landscaped areas and replace the skating rink with a lawn panel.

In the process, the applicant intends to affect a permanent change in the designated use of 11,711 gsf of space in the adjacent Metro Center building, namely from *retail* to *office or retail*. In July of 2000 the Board approved amendments to the Project Plan and Site Plan (opinions attached) allowing the conversion of 15,220 gsf of retail-designated use to office use, but 11,711 gsf of this total was converted only for an *interim* period, which would have expired on July 20, 2001 but for the granting of a 90-day extension (attached). In the 2000 hearing the Board agreed that if it approved a Site Plan Amendment to improve the plaza per the guidelines of the Bethesda CBD Sector Plan and the conditions of the July 20, 2000 Opinion, then the interim release from the retail requirement would become permanent for the 11,711 square feet of space.

The plaza has been less than successful at attracting pedestrians, employees, and shoppers due to shortcomings of visibility, accessibility and appeal. The plaza and its surroundings are characterized by an overabundance of "hardscape" at the expense of softer landscaping; the bulky, raised planters and skylights obstruct circulation, obfuscate visibility and fail to define space for public activity; there is precious little shade and seating for plaza users during the summer lunch hour; the entry sculpture has never functioned as its designer intended and it obscures the visual connection between the street and the plaza; the furnishings and finishes are dated, mediocre and worn.

The applicant's team has developed the comprehensive redevelopment proposal to specifically address these problems. The underutilized ice rink/paved area in the rear of the plaza will be converted into a sunken lawn area flanked by planting beds and shade trees, that will allow the public to eat, read, socialize and relax in a more natural setting. The bulky planters and skylight structures that currently obstruct views and access will be streamlined into a single row of planters and flowerbeds between the Metro entrance and the hotel, and by a row of shade trees and a wide, vine-covered trellis near the food court area, all of which will provide ample pedestrian pathways and seating areas as well as clear circulation.

The sculpture atop the Metro entrance fountain/waterfall will be removed, and the entrance area will be enhanced with numerous lawn areas and colorful flower beds. The route of the Discovery Trail, a pedestrian route through the plaza which connects several plazas in the CBD, will be clarified and better defined for pedestrians by the various plaza elements. The landscaped south lawn attempts to provide a unifying element for the applicant's plaza to the north and the Newlands Building plaza to the south, recently furnished with umbrellaed tables and chairs.

WISCONSIN AVENUE

RECEIVED
OCT 10 2001
DEVELOPMENT REVIEW DIVISION

MEARS
PIECE

FOOD COURT

FOOD COURT/
RESTAURANT / RETAIL

RESTAURANT

ARCADIE

GIFT SHOP

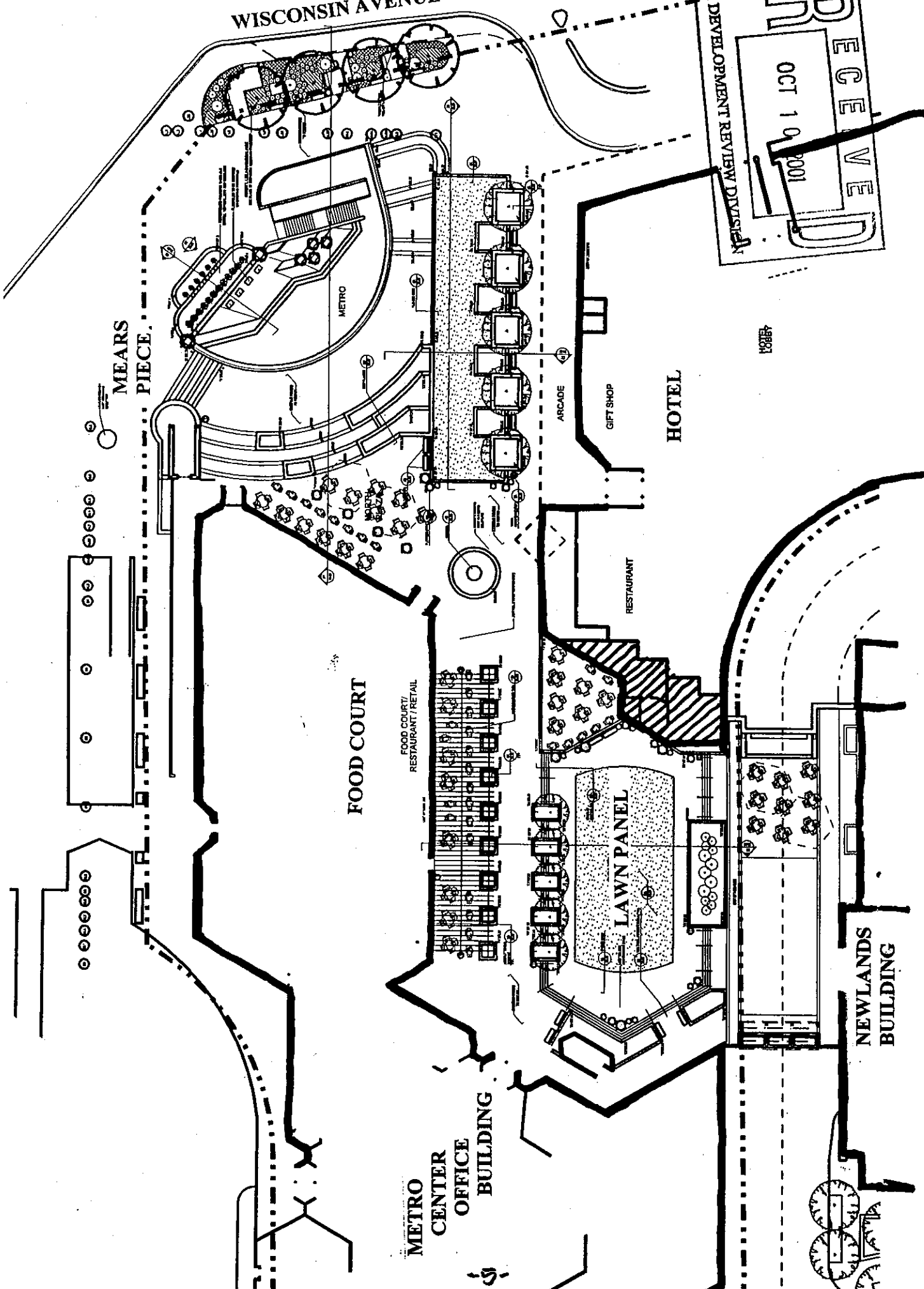
HOTEL

LOBBY

LAWN PANEL

NEWLANDS
BUILDING

METRO
CENTER
OFFICE
BUILDING



PROJECT DESCRIPTION: Prior Approvals

On July 20, 2000, the Planning Board approved amendments to Project Plan and the Site Plan for the Project allowing conversion of 15,220 square feet of tenant space in the office building that was originally designated for retail use to office uses, because the space had remained primarily vacant and unmarketable as retail. An 11,711 square foot portion of the area that was converted, consisting of Suite P100 (7,500 square feet) and Suite B005 (4,211 square feet), was released of the retail use requirement only for an interim period. However, the Planning Board agreed that if it had approved a Site Plan Amendment to improve the Plaza area per the guidelines of the Bethesda CBD Sector Plan adopted and approved in July 1994, by July 20, 2001 (plus a 90-day extension) and the conditions set forth in its July 20, 2000 Opinion, then the interim release from the retail requirement would become permanent for these spaces.

DISCUSSION OF ISSUES:

Public Art

The Wainright sculpture was installed when the Clark Building was built on the north edge of the Metro Center site. It was part of the public amenities provided to offset the impact of the additional density granted the Clark project under the Optional Method of development in the CBD-3 zone. The Clark interests have consented to the removal of the sculpture by this applicant. The sculpture, called Rainbow Forest, was intended to provide color from spectral refraction of reflected sunlight, and movement by virtue of its hinged, aluminum "leaves" which were to move in the wind. Unfortunately, neither effect was achieved by the finished product, which is both static and monochromatic. The result is that the piece has received mixed reviews in the sixteen years of its life on the plaza. The sculptural "trees" will be replaced by an addition to the existing fountain/waterfall in the form of several large, vertical jets of water, which will fall into a stepped pool visible from the street side.

The Mears sculpture, a 20 ft., yellow steel piece entitled Beacon, has indeed lived up to its name, sitting within the narrow connecting passage between the two plazas. The applicant's reason for moving it seems to stem from a desire to have more water and natural elements, rather than a problem with the piece itself. The proposed new location to the north still affords the piece good visibility, and the re-siting will be overseen by the sculptor herself. The existing location of this piece will be occupied by a raised, circular, pedestal fountain, located to be a part of the new composition of plaza elements.

Skating Rink

Staff consulted the staff of the Bethesda Urban Partnership (BUP) about the proposal to remove the rink. They reported that the rink has been very lightly utilized, albeit by a hardy band of regulars. While the hard surface might be usable for other activities, none has been reported to staff, although summer evening dancing has become popular on the north plaza. Instead of retaining a surface of bare concrete for most of the year, the

applicant proposes to cover the rink with soil to create a slightly sunken lawn panel; this surface would certainly soften the general landscaping, and it would likely receive much more use than the rink has, particularly as lawn seating for seasonal performances on the proposed removable stage at its west end. This concept was endorsed by BUP staff as a valuable opportunity for a net increase in activity in this public space for much of the year.

Skylights

These were intended to throw natural light into the bus level below. They are glazed with polycarbonate plastic, which has degraded in the sunlight to the point where almost no light passes through. Even if they were reglazed, the amount of light provided through these items would be insignificant compared to the huge scale of the bus stop area. In addition, the raised skylight structures on the plaza above unnecessarily complicate the creation of an attractive, adequate and efficient layout of the outdoor café seating and its necessary shade trees. The proposed layout significantly increases the opportunities for outdoor dining along the front of the food court.

ANALYSIS: Conformance to Master Plan

The proposed improvements meet the specific recommendations of the Sector Plan guidelines as follows:

- (a) *Locate additional stores within the inner plaza areas that have good street visibility or connect with other retail space to form a continuous line of retail uses to help animate the plaza areas.*

The enhancement of the restaurant in the hotel on Wisconsin Avenue and the improvement to the visibility and attractiveness of the restaurant in the plaza area will provide a line of retail uses that will help revitalize the plaza area. Patrons will have a variety of dining options including the food court restaurant area, the restaurant on the plaza edge and the restaurant on Wisconsin Avenue. Further, office and retail employees will have increased and varied outside seating options in the plaza to enjoy a brown bag lunch.

- (b) *Remove existing physical barriers to pedestrian circulation and retail visibility, especially within the inner plaza. Increase outdoor seating.*

The bulky planters and skylights that block visibility and access will be removed and replaced with a single line of tree planters with flowerbeds and a wide, vine-covered trellis all of which will create a tree lined pedestrian route through the plaza to the office building entrance. The outside seating will be increased and enhanced with the table areas under the trellis by the food court, the seating walls on planters steps of the plaza, the outside seating proposed for the restaurant and the moveable furniture proposed for the lawn area.

- (c) *Improve visibility of the existing food court by modifying building entrances, facade treatments, and lighting in a manner compatible with the surrounding buildings.*

The visibility of the existing food court will be enhanced with the proposed streamlining of the bulky planters, the facade improvements to the restaurant on the plaza area, the relocation of the sculpture and the retrofitting and redesign of the internal area of the food court.

- (d) *Improve the overall attractiveness of the Main Plaza by retrofitting the existing sculpture at the Metro escalator, "Rainbow Forest," to achieve a more colorful and kinetic piece.*
- (e) *Add more greenery and seasonal flowers to the area around the Metro fountain and seating areas on the main plaza in a manner that does not restrict visibility to retail areas or the food court.*

The applicant proposes to replace the Rainbow Forest with an addition of several vertical water jets in the same location. The overall attractiveness of the main plaza by the Metro entrance will be the addition of the numerous flower beds and planting areas that will be maintained through all four seasons to provide color and energy in the plaza.

The proposed redevelopment will enhance the access and prominence of the retail and restaurant areas on the plaza. The combination of all the improvements proposed will accomplish the specific Sector Plan goals to achieve a greater focus of activities, a better sense of community and a more attractive open space.

ANALYSIS: Conformance to Development Standards

The proposed addition of approximately 1,500 square feet of restaurant space in the current plaza area is deemed necessary by the applicant to attract the destination restaurant that the interior of the plaza needs to maintain vitality. This increase in the density of the Project is negligible, one hundredth of one FAR. This density is consistent with the requirements CBD-3 zone, which permits a FAR of 6 under the optional method. Although the 80,000 square feet of public use space will be reduced to 78,500 square feet, the public use space provided will still significantly exceed the 31,248 square foot requirement. Furthermore, the improved design of the plaza area will increase the value of the remaining amenities to the community and the visitors.

The proposal to add a total of 1500 square feet of restaurant use will increase the parking requirements for the project; however, the increase is met by the existing spaces in the garage. The parking requirements for restaurant use is 25 spaces per 1,000 square feet of patron area (less 15% for the Metro credit – within 1,600 feet of a Metro stop), which is 33 spaces if the entire additional 1500 square feet of restaurant use is patron area. The conversion of the 15,220 square feet of retail uses to office use, which includes

the subject 11,711 square feet of current interim office use space that was approved by the Planning Board on July 20, 2000, resulted in a decrease of the parking requirements by 36 spaces. A net of 3 fewer parking spaces will be required. In any event the required parking is already exceeded by that provided. (See Exhibit "C"- August 29, 1988 Staff Report).

The trip generation rates currently contained in the approved Local Area Transportation Review Guidelines and used by the Technical Staff, indicate that retail (and restaurant) trip generation is 2.6 trips per 1,000 square feet for the evening peak-hour and .65 trips per 1,000 square feet for the morning peak-hour. Therefore, the proposed additional 1500 square feet of restaurant use creates 1 additional morning peak-hour trips and 4 additional evening peak hour trips. This minimal increase in the amount of trips generated for this essential additional restaurant area will not overburden the existing or proposed public facilities nor create an adverse impact.

SITE PLAN DATA TABLE

| <u>Item</u> | <u>Permitted/Required*</u> | <u>Existing*</u> | <u>Proposed</u> |
|------------------------|----------------------------|------------------|-----------------|
| Lot Area | 22,000 s.f. (min.) | 156,241 s.f. | 156,241 s.f. |
| FAR | 6 | 4.04 | 4.05 |
| Total Gross Bldg. Area | 937,446 s.f. | 631,274 s.f. | 632,774 s.f. |
| Building Height | 200 ft.** | 195 ft. | 195 ft. |
| Public Use Space | 31,248 s.f. | 80,000 s.f. | 78,500 s.f. |
| Parking | 1,106 spaces *** | 1,264 spaces | 1,264 spaces |

} ←
 1500sf
 0.01 FAR
 } →

*As shown on approved site plan records for the subject site.

**Approved by the Planning Board as not adversely affecting surrounding properties.

***Revised from 1,076 previous parking space requirement due to additional 3,100 s.f. of restaurant use and the conversion of 15,220 s.f. of retail to office uses

FINDINGS:

1. *The Site Plan is consistent with Project Plan 9-99002D for the optional method of development.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table and discussion above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

APPENDIX:

1. Standard Conditions dated October 10, 1995
2. Opinion, Site Plan #8-88045A
3. Letter dated July 12, 2001 granting 90-day extension of validity of Site Plan condition in Case 8-88045A

APPENDIX 1: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set
2. Signature set of site, landscape/lighting plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - b. The development program inspection schedule.



MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: August 21, 2000

SITE PLAN REVIEW: #8-88045A

PROJECT: Bethesda Metro Center

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Wellington, with a vote of 3-0, Commissioners Bryant, Holmes and Wellington voting for, Commissioners Hussmann and Perdue absent.

The date of this written opinion is August 21, 2000, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before September 20, 2000, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

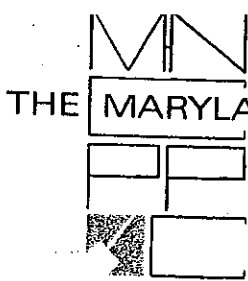
On July 20, 2000 Site Plan Review #8-88045A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the CBD-3 zone;
3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

Therefore the Montgomery County Planning Board APPROVES Site Plan 8-88045A, which consists of allowing all leasable area on the Plaza and Metrobus levels previously designated solely for retail uses, to be office use, except for Suite P100 (7500 sf) and Suite B005 (4211 sf), subject to the following conditions:

1. Interim release of retail requirement on Suite P100 (7500 sf) and Suite B005 (4211 sf) will run through July 20, 2001. If by then, the Planning Board has approved a Site Plan Amendment to improve the plaza per the general Sector Plan guidelines, then the release from the retail requirement will become permanent. If not, the interim release shall expire.
2. Applicant shall participate in the MNCPPC study to improve Woodmont to (among other things) increase the retail viability of the subject space, by sharing its consultants' retail expertise with the Board's staff.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

July 12, 2001

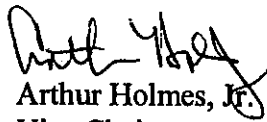
Mr. Robert H. Metz
Linowes and Blocher LLP
1010 Wayne Ave., 10th Floor
Silver Spring, MD 20910-5600

Re: Site Plan Review No. 8-88045A
Bethesda Metro Center

Dear Mr. Metz:

Your request to delay the expiration of the above Site Plan is granted, to allow for the additional time needed to complete the Plaza Retail Site Plan Amendment. Staff has advised me that the new Board date is September 20, so we have taken the liberty of granting a ninety-day extension. We trust this will accommodate your needs.

Sincerely,


Arthur Holmes, Jr.
Vice Chairman

AH: lp
Cc: File

H:\MyDocuments\Holmes.doc

APPENDIX 3

Ponsford, Larry

From: Martin, Anne C. - ACM [ACM@linowes-law.com]
Sent: Thursday, October 11, 2001 11:51 AM
To: Ponsford, Larry
Cc: Metz, Robert H. - RHM
Subject: RE: BETHESDA METRO CENTER - 8-88045B

As we discussed, one of the benefits of the proposed conversion of the ice rink to a lawn area is the enjoyment of all the employees, residents and patrons in the downtown area of the space for a more significant portion of the year than just the winter months. Per your request, the information on the operation of the Bethesda Metro Center Plaza ice skating rink during the 2000/2001 season is as follows:

The rink was opened on December 2, 2000 and the last day was March 11, 2001. Of this 13 week period, or 91 days, of operation the rink was closed 10 days due to wind or rain.

| | |
|----------|---|
| December | 1,381 customers |
| January | 1,126 customers |
| February | 696 customers |
| March | 162 customers |
| Total | 3,365 customers, or an average of 41 customers per day. |

Please let us know if you need any additional information. Thanks.
Anne

> -----Original Message-----

> From: Martin, Anne C. - ACM
> Sent: Wednesday, October 10, 2001 8:06 PM
> To: 'larry.ponsford@mncppc-mc.org'
> Cc: Metz, Robert H. - RHM
> Subject: BETHESDA METRO CENTER - 8-88045B

> << File: 265575_1.DOC >>

> Please find attached the data table that you requested. Please call if you have any questions.

> Anne C. Martin
> Linowes & Blocher LLP
> 1010 Wayne Avenue, 10th Fl.
> Silver Spring, Maryland 20910
> (301) 650-7027
> fax (301) 495-9044
> acm@linowes-law.com
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