



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

FEB 1 2013

MCPB No. 13-07
Site Plan No. 81984005A
Project Name: Bethesda Crescent, 4600 East-West Hwy.
Hearing Date: January 17, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications and amendments to approved site plans; and

WHEREAS, on September 10, 1984, the Planning Board approved Site Plan No. 81984005¹ (4600 East-West Hwy.) for development of a nine-story, 148,000 square foot office building with ground floor retail space, amended August 15, 1985, and June 22, 1989, conditioned, among other terms, on an Art Program with certain specific art pieces to be publicly displayed; and

WHEREAS, on September 5, 2012, Bethesda Crescent (4600) Co. LLP and Bethesda Crescent (Wisconsin) Co. LLP ("Applicant"), filed an application for approval of an amendment to the previously approved site plan to amend the public art component of the site plan by decommissioning an artwork currently displayed at the 4600 East-West Highway building; and

WHEREAS, Applicant's application to amend the previously approved site plan was designated Site Plan No. 81984005A, Bethesda Crescent ("Amendment" or "Application"); and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated January 4, 2013, setting forth its analysis and recommendation for approval of the Amendment, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 17, 2013, the Planning Board held a public hearing on the Amendment, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

¹ Previously referred to as Site Plan No. 8-4005

Approved as to
Legal Sufficiency:

 1/8/13

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

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Site Plan No. 81984005A to revise the public art component of Site Plan No. 81984005 to allow Applicant to decommission the artwork Glass Jungle by Patsy Norvell, subject to the following conditions:²

1. The Applicant must provide 1,200 square feet of built-out space to the Bethesda Urban Partnership, Inc. ("BUP") at the lower concourse of the 7475 Wisconsin Avenue building, rent free for a ten year term to be used for art studios and exhibition space. BUP will manage and operate the space, and will only be responsible for operating expenses including insurance and utility costs. BUP will not be responsible for paying property taxes and common area maintenance charges. The space will be built-out per BUP's design and specifications.
2. The Applicant must make a financial contribution of \$23,000 to BUP as a reimbursement for the completed lighting upgrades within the metro tunnel that connects the Bethesda Metro station and the building at 7475 Wisconsin Avenue. The financial contribution must be paid within a time period of two months from the date of approval of this Amendment.
3. The Applicant must make a financial contribution of \$3,500 to sponsor BUP's art installation within the metro tunnel that connects the Bethesda Metro station and the building at 7475 Wisconsin Avenue. The financial contribution must be paid within a time period of two months from the date of approval of this Amendment.

BE IT FURTHER RESOLVED, unless specifically amended, all other conditions of approval for Site Plan Nos. 8-84005, as previously amended remain valid and in full force and effect; and

BE IT FURTHER RESOLVED, that having given full consideration to 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:

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. This Amendment has been approved in conjunction with Site Plan No. 81984003A with the same conditions of approval. If Applicant meets these conditions in compliance with Site Plan No. 81984003A, they will be deemed having been met for the purposes of this Amendment.

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plans, as revised by previous amendments, in any manner that would affect the Board's original findings, and therefore, and all findings not specifically addressed remain in effect.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

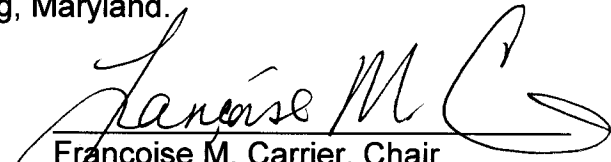
BE IT FURTHER RESOLVED, that the date of this written resolution is FEB 1 2013 (which is the date that this resolution is mailed to all parties of record); and

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 written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, January 17, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board