



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

MCPB No. 17-106
Preliminary Plan No. 11983015C
Artery Plaza
Date of Hearing: November 30, 2017

DEC 04 2017

RESOLUTION

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

WHEREAS, on August 4, 1983, the Planning Board approved Preliminary Plan No. 119830150, creating one lot on 2.2 acres of land in the CBD-2 (now CR-5.0 C-5.0 R-5.0 H-145) zone, located in the northwest quadrant of the intersection of Wisconsin Avenue and Bethesda Avenue ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan ("Sector Plan") and the Bethesda Purple Line Station Minor Master Plan Amendment ("Minor Master Plan Amendment") area; and

WHEREAS, on May 23, 2016, the Planning Board approved an amendment to that Preliminary Plan, No. 11983015A (MCPB No. 16-010) to create one lot for up to 543,170 square feet of office uses and 43,441 square feet of nonresidential (retail, restaurant, or service) uses on the Subject Property; and

WHEREAS, on June 27, 2017, JBG ("Applicant") filed an application for approval of a preliminary plan amendment for the addition of 2,500 square feet of retail uses along Wisconsin Avenue, and associated changes to the design of the adjoining plaza, designated Preliminary Plan No. 11983015B, Artery Plaza, and subsequently withdrew the application on October 23, 2017; and

WHEREAS, on August 17, 2017, JBG ("Applicant") filed an application for approval of a preliminary plan amendment for construction of an additional floor on the approved office building, increasing the non-residential gross floor area by 14,500 square feet, from 586,611 to 601,111 square feet; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11983015C, Artery Plaza ("Preliminary 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

Approved as to
Legal Sufficiency:

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Planning Board, dated November 17, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 30, 2017, 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 Preliminary Plan No. 11983015C to increase the non-residential gross floor area by 14,500 square feet, from 586,611 to 601,111 square feet by adding the following conditions:¹

1. Approval is limited to one lot for a maximum density of 601,111 square feet of total non-residential development, including up to 557,670 square feet of office uses and up to 43,441 square feet of nonresidential (retail, restaurant, or service) uses.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150050, as amended.
3. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated October 19, 2017, 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.
5. In accordance with the *2016-2020 Subdivision Staging Policy*, the Applicant must “fix or fund” the improvements of all public pedestrian infrastructure within 500-feet of the Subject Property that does not comply with the Americans with Disabilities Act (“ADA”) requirements, as illustrated on the Certified Site

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.

Plan and determined by MCDPS ROW Permitting prior to issuance of final use and occupancy permit.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and 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:

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 Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets the requirements of all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. The Application complies with the land use recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses. Under Section 4.5.4 of the Zoning Ordinance, the dimensional standards for the lot will be determined with approval of the subsequent site plans.

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

The subject property is within the boundaries of the 2017 *Bethesda Downtown Sector Plan*. The general goals of the Plan build on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement: parks and open spaces, affordable housing, environmental innovation, and economic competitiveness.

The amendment adds an additional floor to an approved office building under construction in Downtown Bethesda. The project promotes the economic competitiveness of Bethesda by providing high-quality new office space in a signature building less than one block away from the Red Line, the Purple Line,

and the Capital Crescent Trail. The larger project promotes parks and open spaces by improving the Reed Street right-of-way along the site's western edge to create an attractive pedestrian and bicycle connection between the retail use on that edge and the planned Capital Crescent park. As a commercial development, the amendment does not provide affordable housing, but it does increase the jobs in Downtown Bethesda and creates more opportunities for people to live close to their work. Finally, while the office building to which the floor is being added was approved before the Sector Plan recommendation for environmental innovation, the development must meet the County minimum requirements for sustainable design. Another important element of environmental innovation is the Sector Plan recommendation for Green Cover over 35 percent of the site. Given that the larger project consists primarily of existing buildings, with the office building in question under construction, the project is not able to meet the requirement site-wide, but will provide a green roof over 55% of the new building to achieve some level of green cover. Any future alterations, renovations and/or redevelopment of the project area should achieve an increase in Green Cover toward the 35% Green Cover requirement/goal. The Sketch Plan Amendment substantially conforms to the general recommendations of the Sector Plan.

The subject property is in the Bethesda Row District of the Sector Plan, which serves as the heart of Downtown Bethesda and is a regional destination and model for placemaking with thriving retail, human-scaled design and an active streetscape environment. The recommended land use and urban design recommendations aim to build on this success and better connect this established center of activity with the Capital Crescent Trail, proposed Purple Line station and new Bethesda Metrorail Station entrance, as well as other Downtown Bethesda districts. As described above, the amended development provides high-quality building and urban design close to transit, open space, housing, and amenities. The Sketch Plan Amendment substantially conforms to the district recommendations of the Sector Plan.

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

Adequate Public Facilities

A summary of the Highway Capacity Manual (HCM) analysis for the weekday morning and evening peak-hour periods shows that the total (Build) condition will remain within the policy area congestion standard of 120 seconds of vehicle delay. Based on the analysis presented in the traffic study and pedestrian level of service, the subject application will satisfy the Local Area Transportation Review (LATR) requirements of the APF test.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Subject Property is proposed to be served by public water and sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Subject Property. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Forest Conservation Plan complies with the requirements of the Forest Conservation Law. The Application is subject to a forest conservation plan that has been submitted with the Application. Although no forest exists on or near the Subject Property, there is an afforestation requirement of 0.36 acres. The forest conservation requirements will be addressed offsite by a payment of a fee-in-lieu.

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

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The MCDPS Stormwater Management Section approved the stormwater management concept on January 6, 2016. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of green roofs.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 85 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 DEC 04 2017 (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).

* * * * *

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 Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, November 30, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board