



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

MCPB No. 17-107
Site Plan No. 81984002D
Artery Plaza
Date of Hearing: November 30, 2017

DEC 04 2017

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, on July 11, 1984, the Planning Board, by Resolution dated September 13, 1984, approved Site Plan No. 819840020, for 366,854 square feet of office uses and 26,796 square feet of retail uses on 2.19 acres of CBD-2 (now CR-5.0 C-5.0 R-5.0 H-145) zoned-land, located in the northwest quadrant of the intersection of Wisconsin Avenue and Bethesda Avenue ("Subject Property"), in the Bethesda CBD Policy Area, *Bethesda CBD Sector Plan Area* ("Sector Plan") and *Bethesda Purple Line Station Minor Master Plan Amendment* ("Minor Master Plan Amendment") area; and

WHEREAS, on December 10, 2014, the Planning Board approved an amendment to the Site Plan No. 819840020, Site Plan No. 81984002A, (MCPB No. 14-87) to make minor modifications to the interior public amenity space, the public use space along Bethesda Avenue, and the exterior architecture at the Bethesda Avenue and Wisconsin Avenue building entrances on the Subject Property; and

WHEREAS, on May 23, 2016, the Planning Board, by Resolution MCPB No. 16-011, approved Site Plan No. 81984002B for construction of up to 586,611 square feet of total floor area consisting of up to 543,170 square feet of office uses and up to 43,441 square feet of nonresidential uses (retail, restaurant, or service) on the Subject Property; and

WHEREAS, on June 27, 2017, JBG ("Applicant") filed an application for approval of a site 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 Site Plan No. 81984002C, Artery Plaza, and subsequently withdrew the application on October 23, 2017; and

Approved as to
Legal Sufficiency:

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M-NCPPC Legal Department
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WHEREAS, on August 17, 2017, JBG (“Applicant”) filed an application for approval of a site 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 site plan application was designated Site Plan No. 81984002D, Artery Plaza (“Site Plan” 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 November 17, 2017, setting forth its analysis of, 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 Site Plan No. 81984002D 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 by adding the following conditions:¹

1. Sketch Plan Conformance

The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150050, as amended.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan Amendment No. 11983015A, as amended.

3. Building Height

The development is limited to the maximum height of 167 feet, as measured from the approved building height measuring point.

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.

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 Artery Plaza, 81984002D, 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 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 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.

2. *To approve a site plan, the Planning Board must find that the proposed development:*

d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.5. Commercial / Residential Zones

Development Standards

The project is approximately 3.02 gross acres zoned CR-5.0 C-5.0 R-5.0 H-170. The following table, Table 5, shows the application's conformance to the development standards of the zone.

Table 7-Site Plan Project Data Table				
Section	Development Standard	Permitted/ Required	Approved Sketch Plan 320150050	Approved
59 – 4	Gross Tract Area (sf)	n/a	131,545	
4.5.4.B.2.b	Density CR-5.0, C-5.0, R-5.0, H-170 Commercial FAR/GFA Residential FAR/GFA TOTAL FAR/GFA	5.0/657,725 5.0/657,725 5.0/657,725	4.46/586,611 0/0 4.46/586,611	4.57/601,111 0/0 4.57/601,111
4.5.4.B.2.b	Building Height (feet) C-R5.0, C-5.0, R-5.0, H-170	170	145	167
4.5.4.B.3	Minimum Setback (feet) From R.O.W.	0		
4.5.4.B.1	Open Space Public Open Space (%/sq. ft.)	10/10,450	12.7/13,235	
6.2	Parking (spaces) Non-residential uses, min.	959-1,928	959	

ii. Division 4.7 Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59-4.7.1, the site plan proposes the following phased public benefits to satisfy the relevant requirements: Major Public Facilities, Transit Proximity, Connectivity and Mobility, Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment.

Table 8 - Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Total Points Possible	Approved 81984002B	Approved
4.7.3.A: Major Public Facilities	70	7.6	7.6
4.7.3.B: Transit Proximity	50	40	0
4.7.3.C: Connectivity and Mobility			
Minimum Parking	10	10	10
4.7.3.E: Quality of Building and Site Design			
Architectural Elevations	20	20	30
Exceptional Design	10	7.5	30
Structured Parking	20	14.1	14.1
4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	30	2.5	2.85
Energy Conservation	25	0	25
Vegetated Wall	10	5	5
Vegetated Roof	15	10	10
TOTAL	100 (Min. Required)	116.7	134.55

Transit Proximity

This Public Benefit is not permitted in the Bethesda Overlay Zone per section 59.4.9.2.C.4.a.

Connectivity and Mobility

Minimum Parking: The application proposes fewer than the maximum number of allowed parking spaces. The maximum number of allowed spaces is 1,928, but the application will provide 959 spaces.

The points are calculated as follows:

$$[(1,928/959)/(1,928/959)]*10 = 10$$

Quality of Building and Site Design

Architectural Elevations: Section 4.9.2.C.4.g. increases the maximum number of public benefit points for Architectural Elevations from 20 to 30. As with the Board's previous finding, the project continues to meet the requirements for the maximum points available under this category by

providing detailed architectural elevations as part of the binding Certified Site Plan.

Exceptional Design: Section 4.9.2.C.4.g. increases the maximum number of public benefit points for Exceptional Design from 10 to 30. Section 4.9.2.C.4.f. requires the Design Advisory Panel (DAP) to review the design to determine the number of points merited by the project. The DAP reviewed the project on November 8, 2017, and recommended 30 points.

Structured Parking: The applicant requests 14.1 points for structured parking consisting of 584 above-grade spaces and 395 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

The points are calculated as follows:

$$[(564/959)*10] + [(395/959)*20] = 14.1$$

Protection and Enhancement of the Natural Environment

Building Lot Termination: The applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. With these parameters, the applicant must purchase 0.3167 BLTs, for 2.85 points.

The points are calculated as follows:

$$((133,027*7.5\%)/ 31,500)*9 = 2.85$$

Energy Conservation: Section 4.9.2.C.4.c. requires projects within the Bethesda Downtown Plan High-Performance Area to achieve a minimum of 15 public benefit points under this category. For a new building to achieve 15 points, it must exceed the energy-efficiency standards for the building type by 17.5 percent. This project will exceed those standards by 20 percent, and thus merits 25 points.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The proposed building is compatible with existing and pending nearby development. The project's building height of 167 feet provides an appropriate transition from the taller buildings proposed for the Apex Building site to the existing lower buildings farther away from the center of the Metro Core District. The building will be placed up to the sidewalk, continuing the street wall created by existing buildings on this block. The proposed use, office and retail, is compatible with the surrounding commercial buildings on this block.

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 § 59-7.3.4.H; 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

