



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

MCPB No. 18-104
 Site Plan No. 81984002E
 Artery Plaza
 Date of Hearing: October 25, 2018

DEC 05 2018

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:

WHEREAS, on December 4, 2017, the Planning Board, by Resolution MCPB No. 17-107, approved 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 on the Subject Property; and

WHEREAS, on July 31, 2018, JBG/7200 Wisconsin Avenue, LLC., (“Applicant”) filed an application for approval of an amendment to the previously approved site plan(s) to renovate the existing plaza at the corner of Wisconsin Avenue and Bethesda Avenue on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 81984002E, Artery Plaza (“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 October 15, 2018, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 25, 2018, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 25, 2018, the Planning Board voted to approve the Application subject to conditions, on the motion of Vice Chair Dreyfuss, seconded by Commissioner Cichy, with a vote of 5-0; Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy, Fani-González, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81984002E subject to the following conditions:¹

1. Public Open Space, Facilities, and Amenities
 - a. The Applicant must provide a minimum of 10,475 square feet of public open space (minimum 10% of net lot area) on-site.
 - b. The Applicant must maintain all open spaces and amenity areas located on the Subject Property (not including area devoted to the Capital Crescent Surface Trail and associated CCST improvements) required by this approval.

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.

2. Green Cover

- a. The Applicant must provide a minimum of 4,363 square feet of Green Cover, which is equivalent to 39% of the site amendment area, as illustrated on the Certified Site Plan.
- b. The planting details, notes and figures must be revised to provide soil volumes for canopy trees of no less than 600 cubic feet.
- c. The Applicant shall make good faith efforts to provide additional soil volumes for canopy trees credited toward the green cover requirements.

3. Forest Conservation

The Applicant must obtain approval of a revised Final Forest Conservation Plan (FFCP) from the Planning Department Staff prior to Certified Site Plan approval. The Final Forest Conservation Plan must address the following to the satisfaction of Staff:

- a. Revise the plan to clearly show the extent of work associated with this amendment.
- b. Revise limits of disturbance (LOD) to reflect the construction access and the work associated with the southeast portion of the Property (the Artery Sunwork art piece removal). Update the Forest Conservation worksheet and associated figures if applicable.

4. Landscaping

- a. Prior to release of the Site Plan surety bond, all on-site amenities, including, but not limited to: lights, sidewalks/ pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, and recreation amenities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

5. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All on-site down-lights must have full cut-off fixtures or BUG equivalent.
- c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

6. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of four (4) short-term bicycle parking spaces.
- b. The short-term spaces must be inverted-U racks (or approved alternative) installed in a location convenient to the main entrance (weather-protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.

7. Public Art

- a. The Applicant must provide public art to be located in the vicinity of, or integrated into, the retaining wall and/or planter bed located to the north of the CCST so that the art is visible from both within the plaza when viewed from the north and from the sidewalk and CCST when viewed from the south.
- b. Prior to Certified Site Plan approval, the Applicant must present the revised public art to the Art Review Panel. The final public art design, as reviewed by the Art Review Panel and approved by M-NCPPC Staff must be included in the Certified Site Plan.
- c. The Planning Board accepts the applicable recommendations of the Art Review Panel in its letter dated June 28, 2018, and hereby incorporates them as conditions of the Site Plan approval, not including Condition 2, as the removal of the Artery Sunwork is within MCDOT's scope of work, and Condition 3 for the appraisal of the public artworks, which is not necessary. The Applicant must comply with each of the applicable recommendations as set forth in the letter.

8. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable at-grade Site Plan elements, including, but not limited to streetscape, plant material, on-site lighting, site furniture, trash enclosures, private utilities, sidewalks, storm drainage facilities, street trees, public art, and street lights. The surety must be tied to the development program.

- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement, including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

9. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to Certified Site Plan.

10. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include any applicable agency letters and applicable resolutions on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.

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, Site Plan No. 81984002E, 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 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. *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. *The proposed development:*

a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all previous approvals.

b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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-145, CR-5.0 C-5.0 R-5.0 H-170, CR-5.0 C-5.0 R-5.0 H-250, and the application is in conformance with the development standards of the zone. This Amendment does not include any additional density.

ii. *Division 6.1. Site Access*

The Amendment will improve pedestrian circulation and activate the plaza. The plaza improvements accommodate the CCST, which will improve the bicycle circulation along this important cycling route. Site features such as paving, lighting, and signage have been programmed to accent the space.

- iii. *Division 6.2. Parking, Queuing, and Loading*
No changes are proposed to the parking, queuing and loading.
- iv. *Division 6.3. Open Space and Recreation*
The project has a 10 percent public open space requirement, which yields a requirement of 10,450 square feet of open space. In addition, the redeveloped plaza area will provide a minimum of 35 percent green cover, as recommended in the Design Guidelines.
- v. *Division 6.4. General Landscaping and Outdoor Lighting*
Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by office employees, business owners, and visitors. The redesign of this space will create a three-level plaza from Bethesda Avenue to the primary building entrance to the north. The new plaza is positioned to be a multi-functional gathering space and is designed to simultaneously accommodate separate uses, provide a variety of experiences, and improve pedestrian circulation. The upper level of the plaza will function as a welcoming and open circulation route to the existing office lobby of the building, provide two designated outdoor dining areas for new restaurants, and provide open space for the general public. The middle level will become the core gathering space in the plaza with a variety of integrated and flexible seating elements and will include a small stage. The lower level of the plaza at the southern end of the Property will provide a transition from the CCST, a bike rack, a public art wall, landscaping and seating areas.

The Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance and the general development requirements of Article 59-6 of the Zoning Ordinance.

- e. *satisfies the applicable requirements of:*
 - i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

A stormwater management concept is not required for this Amendment, as the proposed disturbance is less than 5,000 square feet.
 - ii. *Chapter 22A, Forest Conservation.*

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The Final Forest Conservation Plan Amendment was submitted on August 31, 2018. Although no forest exists onsite, there is an afforestation requirement of approximately 0.36 acres. However, the afforestation has been addressed offsite by fee-in-lieu as part of a previous Site Plan Amendment.

- f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Project provides adequate, safe, and efficient parking and circulation patterns. This Amendment will improve pedestrian circulation and activate the plaza. The plaza improvements accommodate the CCST, which will improve the bicycle circulation along this important cycling route. Site features such as paving, lighting, and signage have been programmed to accent the space. The Project provides a safe and well-integrated building, open spaces and site amenities.

- 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 development conforms with the recently adopted *Bethesda Downtown Sector Plan*, as well as the objectives of the Bethesda Downtown Plan Design Guidelines. Applicable Sector Plan goals of the Wisconsin Avenue Corridor include improving and enhancing underutilized privately-owned public use spaces and improving the pedestrian environment with upgraded streetscape.

The redesign of the plaza will respond to these recommendations by creating a multi-use open space that accommodates the CCST, extends the existing streetscape of Bethesda Avenue, and provides a core gathering space. In addition, the revisions will generate pedestrian activity by enhancing the space with the outdoor seating for the proposed restaurant(s). The revisions will also increase visibility and create a more open, transparent layout by eliminating the dated existing colonnade and trellis arrangement currently on the plaza. Opening the plaza to the street will improve view corridors in and around the plaza and, particularly notable, the view from the plaza of the historic Farm Women's Market building at the southeast corner of Wisconsin and Bethesda Avenues. The plaza renovations will transform a dated, underutilized plaza into a vibrant, welcoming public space.

Additionally, the Sector Plan includes recommendations to achieve the urban green goals, including the recommendation for onsite 35% green coverage minimum. Although the Sector Plan places a high priority on the Green Cover, it recognizes that certain projects may not be able to achieve all of the recommendations. Given the nature of a constrained downtown site such as this one with existing buildings to be retained and an existing underground parking garage, there are limits on what can be planted. The Green Cover may include singularly or a combination of intensive green roof or tree canopy cover. Furthermore, the Sector Plan specifies soil volume minimums of 600 cubic feet per tree associated with the tree plantings to help ensure the desired canopy will be achieved.

. The overall Property was developed long before the current standards were in place, although the site does feature some tree canopy and landscape areas. The 14-story office/commercial building under construction (Site Plan No. 81984002C) includes approximately 11,374 sf of green roof. The Green Cover plan shows 39% cover for the portion of this site redeveloped under this Amendment. The Applicant is providing Green Cover to the extent possible on-site, particularly given the minor area included in this Amendment.

This Amendment substantially conforms with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan*.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The development in the site plan will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities, consistent with the approved Preliminary Plan, as amended. The plaza renovations, which do not include any additional density, will not impact the adequate public facilities serving the Property.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

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

The plaza renovation was designed to complement the surrounding development. The plaza redevelopment will be compatible with the surrounding area. In connection with the plaza redevelopment, the Applicant has reviewed the proposed adjacent development to the south of the Property (a 225-foot-high mixed-use residential project) and to the southeast across Wisconsin Avenue adjacent to the Women's Farmer's Market Coop site (a 175-foot-high mixed-use residential project). These surrounding developments will cast shadows on the plaza and thus there will be less light on the plaza once these buildings are developed than there is currently. These changes thus make the renovation of the plaza more important than ever. The redesign is appropriate in that it eliminates the current structures on the plaza that promote a dark, enclosed environment. In contrast, the new design will make the plaza lighter and airier and more accessible, which will be important given the surrounding development.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable; this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

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 05 2018 (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 Fani-González, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, November 29, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board