



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

MCPB No. 20-120
Preliminary Plan No. 11979251A
7500 Old Georgetown Road
Date of Hearing: November 12, 2020

NOV 25 2020

RESOLUTION

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

WHEREAS, on July 17, 1980, the Planning Board, by Resolution MCPB No. 80-47, approved Preliminary Plan No. 119792510, creating one lot on 0.82 acres of land in the CBD-3 zone, located on Old Georgetown Road between Edgemoor Lane and Wisconsin Avenue, in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 ("Subdivision Regulations"); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant's option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, on August 5, 2020, Bethesda Office Owner, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to *increase the maximum gross floor area from 301,558 square feet to 320,813 square feet, which includes 309,229 square feet of office and 11,584 square feet of retail* on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11979251A, 7500 Old Georgetown Road ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on prior to February 13, 2017; 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 30, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 12, 2020, 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. 11979251A to increase the maximum gross floor area from 301,558 square feet to 320,813 square feet, which includes 309,229 square feet of office uses and 11,584 square feet of retail by superseding all conditions in the original approval in their entirety with the following:¹

1. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
2. Any portion of right-of-way along Old Georgetown Road that cannot be dedicated or that SHA doesn't require to be dedicated to provide the Sector Plan recommended right-of-way will be subject to an easement for future right-of-way dedication, to be shown on the Certified Site Plan..
3. The Planning Board has reviewed and accepts all recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 30, 2020, with the exception of item 2 regarding right-of-way dedication, addressed by Condition 2 above, and hereby incorporates them as conditions of the Preliminary Plan Amendment 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 Amendment 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.

4. Prior to the issuance of the first building permit for the square footage included in this application, the Applicant must contribute to MCDOT, \$11,136 towards the Old Georgetown Road master-planned two-way separated bikeway. This payment will be placed into the Bethesda Bikeway and Pedestrian Facilities CIP (P500119) and be used to finance bicycle infrastructure improvements in the Bethesda Central Business District (CBD).

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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

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

The Application substantially conforms to the recommendations for the Property included in the *2017 Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds 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.

The 7500 Old Georgetown Road Site is designated as Site 73 on page 99 of the 2017 Sector Plan and is described in more detail on page 100. The Site is within the "Wisconsin Avenue Corridor District," which is described as the main artery through the center of Downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. Specifically, the Application addresses the following goals as outlined in the Overarching Goals and Wisconsin Avenue Corridor sections of the Sector Plan:

- Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.

The original approval made possible the construction of a high-rise office building with ground floor retail, one of several buildings that have come to define the Metro Core of the Wisconsin Avenue Corridor as it exists today. The Subject Amendment is in

substantial conformance with the original Sector Plan, as amended, and furthers the goals of the current Sector Plan by allowing the Application flexibility to respond to market conditions.

- Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.

The Application will continue to provide high-density office and street-activating retail uses in the core of Downtown Bethesda, incorporating urban design elements that provide visual interest further defining the skyline in the Wisconsin Avenue Corridor District.

- Economic competitiveness based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Application will continue to provide critical office and retail development within the highest intensity center in Downtown Bethesda.

- Encourage high-performance buildings and sites nearest the established centers.

The Application was designed and constructed before the expanded energy and green cover requirements of the *2017 Bethesda Downtown Sector Plan*. The Applicant proposes 1,400 square feet of landscape planting over structure, which represents four percent green cover for this Site. Staff recognizes the structural and programmatic limitations present due to the existing building construction and recognizes that the original Preliminary Plan was found to be in compliance with all applicable Zoning and Subdivision Regulation requirements. Therefore, the amendments meet the intent of this finding.

The Preliminary Plan Application substantially conforms to the *2017 Bethesda Downtown Sector Plan* except for the green cover. The Preliminary Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Site is not subject to an Urban Renewal Plan.

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

The scope of the Preliminary Plan Amendment, which is a net increase of 19,255 square feet of non-residential uses when compared to the original approval, results in no additional impact on public facilities.

Local Area Transportation Review (LATR)

The transportation impact of Preliminary Plan No. 11979251A was evaluated in accordance with the LATR Guidelines in place at the time of approval and transportation capacity was found to be adequate at that time.

The Subject Amendment represents a net increase of 24 morning peak hour person trips and 46 net evening peak hour person trips. Since the Application estimates a net increase of trips that is fewer than 50 in both the morning and evening peak hours, no further analysis is required under the LATR and adequate public facilities exist to serve the Subject Property.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 25 2020 (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 Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, November 12, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board