



Oct 22 2009

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

**MCPB No. 09-128**

**Site Plan No. 82008018A**

**Project Name: North Bethesda Center Parcels A and C, and Infrastructure**

**Hearing Date: October 1, 2009**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on August 28, 2009, North Bethesda Office One, LLC, ("Applicant") filed a site plan amendment application designated No. 82008018A, North Bethesda Center Parcels A and C, and Infrastructure, (the "Amendment") for approval of the following modifications:

1. Increase the maximum allowable overall development from 423,745 sf. to 429,741 sf., an increase of 5,996 sf. This increase does not exceed the maximum density allowed for the entire site under Preliminary Plan No. 120040490.
  - a. Increase the maximum amount of office space from 352,622 sf. to 366,121 sf., an increase of 13,499 sf.
  - b. Decrease the maximum amount of restaurant space from 12,403 sf. to 4,900 sf., a decrease of 7,503 sf.
2. Add 13,470 sf. of cellar office space.
3. Reconfigure the underground parking garage serving the proposed office building.

Approved as to  
Legal Sufficiency:

  
M-NCPPC Legal Department

4. A Parking Waiver for 220 spaces from the minimum number of parking spaces (873 spaces) required for the office building now proposed for Parcel D, for a total minimum parking requirement of 653 parking spaces.
5. Revise the building elevations approved by the Board.
6. Relocate parking for the Parcel C retail uses to Parcel A, without increasing the maximum number of spaces (698) allowed on Parcel A.
7. Revise the design of the office building entry plaza.
8. Emend Site Plan No. 820080180 Condition 3.b., "[t]he above-grade parking structure on Parcel A must present a pedestrian-friendly design, to include pedestrian entrances on each facing street and a minimum two-story architectural base, measured from the sidewalk in front of each building façade," to clarify that "[t]he final design of the above-grade parking structure must be approved by M-NCPPC Development Review and Urban Design staff prior to issuance of a building permit for the Parcel A parking garage."
9. Revise Site Plan No. 820080180 Condition 13.g. - which reads "[p]rovide diagrams illustrating compliance with Conditions 3.a. and 3.b. above." - to read "[p]rovide diagrams illustrating compliance with Conditions 3.a. above."
10. Apply a ceramic frit to the glass on the ground floor to obscure view into the interior corner space.
11. Update Sewer Outfall Alignment per DPS request.

WHEREAS, on September 11, 2008, the Planning Board approved Site Plan 82008018 for Parcels A and C, for a total of 527,655 gross square feet of commercial and retail uses on two blocks, including up to a 20-story office building, on 15.63 acres, plus public site infrastructure, including roadways and a vehicular bridge.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 21, 2009, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on October 1, 2009, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on October 1, 2009, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 4-0, Commissioners Alfandre, Hanson, Presley, and Wells-Harley voting in favor, and Commissioner Cryor absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Previous Approvals

The proposed development must comply with all binding elements and conditions of approval, unless amended, contained in:

- a. Development Plan G-801, North Bethesda Center
- b. Preliminary Plan No. 120040490, North Bethesda Center
- c. Site Plan No. 820050340, North Bethesda Center, Parcel E
- d. Site Plan No. 820080110, North Bethesda Center, Parcels F and J
- e. Site Plan No. 820080180, North Bethesda Center, Parcels A and C and Infrastructure.

2. LEED Certification

Replace Site Plan No. 820080180 Condition 6 ("LEED Certification") with the following:

- a. For the office building on Parcel C, the Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Silver Rating Certification.
- b. For the remaining buildings on Parcels A and C, the Applicant must achieve a LEED Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, including associated extra cost. Submission of this report to M-NCPPC Development Review staff constitutes compliance with this condition.

3. Parking

- a. The minimum number of parking spaces the Applicant must provide on Parcel C, including the proposed waiver, is 653 spaces.
- b. The Applicant must limit the maximum amount of parking spaces on Parcel C to 670, not including on-street parking. As approved in the original Site Plan No. 820080180, the maximum number of parking spaces for Parcel A must not exceed 698, not including on-street parking.

4. Architecture

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet

A501-A505 of the submitted architectural drawings, as determined by M-NCPPC Development Review and Urban Design staff.

- b. The final design of the proposed ceramic frit to be applied to the ground-floor windows must be approved by staff at Certified Site Plan.

5. Ground Floor Street Activation

- a. The portion of the ground floor of the Parcel C office building that fronts immediately on Landsdown Street must be designed to maintain the pedestrian-oriented retail-street character illustrated in the approved Site Plan No. 820080180.
- b. Through the tenancy of the build-to-suit tenant, the window bays immediately along Landsdown Street must allow direct viewing of an interior Display Zone that shall have a minimum depth of 3 feet, measured inside the building from the interior surface of the window.
- c. Through the tenancy of the build-to-suit tenant, the Applicant, or his designee, is responsible for the design, installation, and maintenance of exhibits in the Display Zone, as well as periodic succession of new exhibits at the discretion of the Applicant or his designee.

6. Landscape Architecture

The Applicant must replace the planting bed in front of the "bump-out" section of the Parcel C office building, immediately along Landsdown Street, with streetscaping to match the adjacent sidewalk.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis as set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on North Bethesda Center Parcels A and C and Infrastructure drawings stamped by the M-NCPPC on August 28, 2009, shall be required, except as modified by the above conditions of approval; and

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 OCT 22 2009 (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).

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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 Alfandre, seconded by Commissioner Wells-Harley, with Commissioners Hanson, Alfandre, and Wells-Harley voting in favor of the motion, and with Commissioners Cryor and Presley absent, at its regular meeting held on Thursday, October 15, 2009, in Silver Spring, Maryland.

  
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Royce Hanson, Chairman  
Montgomery County Planning Board