



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

MCPB No. 13-50
 Preliminary Plan No. 12012007A
 Bethesda Center
 Date of Hearing: April 4, 2013

APR 22 2013

RESOLUTION

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

WHEREAS, on March 7, 2012, the Planning Board, by Resolution MCPB No. 11-138, approved Preliminary Plan No. 120120070, creating one lot on 2.14 acres of land in the CBD-2 zone, located between Woodmont Avenue and Wisconsin Avenue south of Norfolk Avenue ("Subject Property"), in the Bethesda CBD Sector Plan ("Sector Plan") area for up to 466,470 square feet of commercial mixed-use development comprised of 256,672 square feet of office uses, 193,999 square feet of hotel uses, and 15,799 square feet of retail uses; and

WHEREAS, on July 9, 2012, The Bethesda Center, LLC, filed an application to amend the previously approved preliminary plan to increase the number of hotel rooms and reallocate 2,885 square feet of office use to restaurant/retail and hotel use within the same maximum square footage of development on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12012007A, Bethesda Center ("Preliminary Plan" or "Amendment"); 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 March 22, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 4, 2013 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 April 4, 2013, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley all voting in favor.

Approved as to
 Legal Sufficiency

[Signature] 4/10/13

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NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12012007A to increase the number of hotel rooms by 19 for a total of 222 rooms and reallocate 2,885 square feet of office use to restaurant/retail and hotel use on the Subject Property by modifying the following conditions:¹

1. Condition #1 of Preliminary Plan No. 120120070 is replaced by the following:

Approval under this Preliminary Plan is limited to one lot for up to 466,470 square feet of commercial mixed-use development comprised of 253,787 square feet of office uses, 196,357 square feet of hotel uses, and 16,326 square feet of restaurant/retail uses.

2. Condition #7 of Preliminary Plan No. 120120070 is replaced by the following:

The Applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way as measured from the centerline along the property frontage for Woodmont Avenue and 57 feet of right-of-way as measured along the centerline along the property frontage for Wisconsin Avenue. An additional 5-foot-wide public improvement easement ("PIE") must be provided adjacent to the Woodmont Avenue right-of-way along the Subject Property boundary.

3. Condition #18(a) and (b) of Preliminary Plan No. 120120070 is replaced by the following:

- a. The Applicant must limit future development on the site to a 222-room hotel, 253,787 square feet of office uses, and 16,326 square feet of restaurant/retail uses.
- b. The Applicant must pay \$725,400.00 to the Montgomery County Department of Transportation ("MCDOT") to satisfy the Policy Area Mobility Review ("PAMR") requirement of the adequate public facilities ("APF") test to mitigate sixty- two (62) net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip, of which \$57,000 is satisfied by the Applicant's proffered payment for construction of a bike share station in the vicinity. The payment may be split into two payments of 50% each, the first made prior to issuance of a building permit for the development, and the second prior to issuance of the first building use and occupancy permit.

4. The Adequate Public Facilities review for the Preliminary Plan will remain valid until April 7, 2019.

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 conditions of approval for this project as established by Preliminary Plan No. 120120070 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. 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. Public facilities will be adequate to support and service the area of the approved subdivision.*

Trip Generation, LATR and PAMR

Since the development as originally approved was estimated to generate 30 or more peak-hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods, a traffic study was submitted. That study determined traffic impacts of the development and received APF approval as part of Preliminary Plan No. 120120070.

As a result of the square footage reallocation approved with this Amendment, the estimated weekday evening peak-hour trip generation is increased by one additional trip over what was approved with the original preliminary plan. This additional trip would not change the Congestion Level/Critical Lane Volume (CLV) analysis completed with the previously approved preliminary plan because the previously submitted traffic study demonstrated acceptable levels of congestion for a more intense development mix than was ultimately approved by the Planning Board. Therefore, the reallocation of square footage approved with this Amendment does not require any change to the LATR requirements or the PAMR trip mitigation requirement as previously conditioned.

Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Subdivision Staging Policy currently in effect and will be adequate to serve the Subject Property. There are no residential uses, and therefore, there is no impact to local area school facilities. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

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 Preliminary Plan will remain valid until April 7, 2017, 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

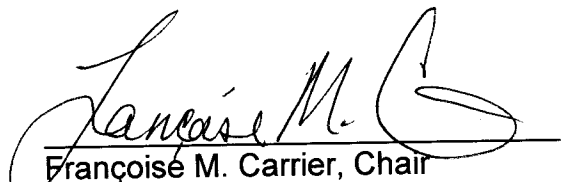
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 22 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 18, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board