



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

DEC 10 2014

MCPB No. 14-87
Site Plan No. 81984002A
The Artery Building
Date of Hearing: December 4, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "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 zoned-land, located in northwest quadrant of the intersection of Wisconsin Avenue and Bethesda Avenue ("Subject Property"), in the Bethesda CBD Policy Area, Bethesda CBD Sector Plan Area ("Master Plan") area; and

WHEREAS, on August 6, 1992, the Planning Board, by Resolution dated August 12, 1992, approved an amendment to Site Plan No. 819840020 to increase the floor area of retail use by 1,008 square feet on the Subject Property; and

WHEREAS, on July 10, 2014, JBG/7200 Wisconsin, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan 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, Applicant's application to amend the site plan was designated Site Plan No. 81984002A, The Artery Building ("Site Plan," "Amendment" or "Application"); and

Approved as to
Legal Sufficiency;

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M-NCPPC Legal Department
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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 24, 2014, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 4, 2014, 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, 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. 81984002A for 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 by modifying the following conditions:¹

1. The Applicant must operate the lobby art gallery for public viewing on weekdays from 8:00 a.m. to 6:00 p.m., holidays excepted. Future changes to the hours of operation may be approved by the Planning Director or his or her designee. This condition modifies condition number 6 of the Planning Board Resolution for Site Plan 819840020, dated September 13, 1984.
2. The Applicant must provide wall space in the lobby art gallery, free of charge, for the Bethesda Arts and Entertainment District Board to exhibit one piece of art at any one time by a local artist. The Applicant will have final approval over all works of art included in the lobby art gallery. In addition, the Applicant must provide a plaque to be mounted on the wall of the lobby art gallery next to the contributed art piece, stating that the art is provided by the Bethesda Arts and Entertainment District.

BE IT FURTHER RESOLVED that all other Site Plan conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements as shown on The Artery Building drawings received by the M-NCPPC electronic filing system as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

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 having given full consideration to 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:

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.*

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-D-3.8; and

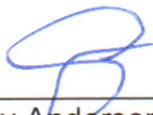
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 10 2014 (which is the date that this resolution is mailed to all parties of record); and

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 Fani-Gonzalez, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-Gonzalez voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, December 4, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board