



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

MAY 23 2016

MCPB No. 16-010
 Preliminary Plan No. 11983015A
 Artery Plaza
 Date of Hearing: May 12, 2016

RESOLUTION

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

WHEREAS, on August 4, 1983, the Planning Board approved Preliminary Plan No. 119830150, creating one lot on 2.2 acres of land in the CBD-2 (now CR-5.0 C-5.0 R-5.0 H-145) zone, located in the northwest quadrant of the intersection of Wisconsin Avenue and Bethesda Avenue ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan ("Sector Plan") and the Bethesda Purple Line Station Minor Master Plan Amendment ("Minor Master Plan Amendment") area; and

WHEREAS, on October 21, 2015, JBG/Bethesda Avenue, LLC, JBG/7200 Wisconsin, LLC, and JBG/Woodmont II, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to create one lot for up to 543,170 square feet of office uses and 43,441 square feet of nonresidential (retail, restaurant, or service) uses on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11983015A, Artery Plaza ("Preliminary 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 April 29, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 12, 2016, 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

Approved as to
 Legal Sufficiency:

Christina Souta 5/4/16

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Preliminary Plan No. 11983015A to create one lot on the Subject Property, subject to the following conditions:¹ All conditions imposed by the approval of Preliminary Plan No. 119830150 are superseded by the conditions contained herein.

1. Approval is limited to one lot for a maximum density of 586,611 square feet of total development, including up to 543,170 square feet of office uses and up to 43,441 square feet of nonresidential (retail, restaurant, or service) uses.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150050.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated January 6, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 29, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval, with the following modifications:
 - a. The bike share station must be located on the Subject Property or an adjacent public open space.
 - b. The Applicant must contribute to the cost of services for the bike share station for a period of 12 years.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 approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
6. The Applicant must dedicate and show on the record plat(s) the following:
 - a. Fifty-seven feet from the existing right-of-way centerline along the Subject Property frontage for Wisconsin Avenue.
 - b. Right-of-way truncation at the intersection of Wisconsin Avenue and Bethesda Avenue, as shown on the Preliminary Plan.

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.

7. The Applicant must install public bicycle parking for short-term use near the main entrance to the building. The Applicant must install secure private bicycle parking for long-term use, internal to the garage, for tenants' use. The exact number and location of bicycle parking will be determined at the time of Site Plan approval.
8. The certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
9. The record plat must show necessary easements.
10. No clearing, grading, or recording of plats prior to certified site plan approval.
11. Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.
12. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s) of the certified Preliminary Plan.
13. The Applicant must construct all road and frontage improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Sector Plan and/or to the design standards imposed by all applicable road codes.
14. Prior to the issuance of the first use and occupancy permit, the Applicant must pay \$273,000 to Montgomery County for the Applicant's share of the cost of the on-street alignment of the Capital Crescent Trail on the north side of Bethesda Avenue.
15. Prior to recordation of any plat, Site Plan No. 81984002B must be certified by Staff.
16. Prior to certification of the Preliminary Plan, the Applicant must correct the data table on the Preliminary Plan to show the correct square footage and percentage of public use space proposed under the sketch plan.

17. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

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

The Subject Property is within the boundaries of the *Bethesda CBD Sector Plan* and *Bethesda Purple Line Station Minor Master Plan Amendment*. The Subject Property is in the Metro Core District of the Sector Plan. A goal of the Sector Plan is to provide additional employment opportunities in the Bethesda CBD. Given its close proximity to the Bethesda Metrorail station, the Sector Plan recommends the highest densities and largest concentration of employment-generating uses in the Metro Core District. The Future Land Use Map (Figure 4.5) of the Sector Plan recommends medium to high intensity office use for the block containing the Subject Property.

The Application will facilitate the redevelopment of an existing, underutilized building in the Metro Core District and will provide additional employment opportunities within walking distance of the Metrorail station and other transit services, including the future Purple Line. The ground-floor retail and restaurant uses will help to activate Bethesda Avenue, consistent with the goals of the Sector Plan. In addition, the Applicant will contribute to the cost to construct the on-street alignment of the Capital Crescent Trail on the north side of Bethesda Avenue, as recommended in the Minor Master Plan Amendment.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

A traffic study, dated December 30, 2014, was submitted for the Application per the Local Area Traffic Review/Transportation Policy Area Review ("LATR/TPAR") Guidelines since the Application was estimated to generate more than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. A site trip generation summary for the development, provided in the Staff Report, shows that the Application will generate 247 net new peak-hour trips during the weekday morning peak period and 248 net new peak-hour trips during the weekday evening peak period.

LATR Review

A summary of the capacity analysis/Critical Lane Volume ("CLV") analysis for the weekday morning and evening peak-hour periods, presented in the Staff Report, shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the Application satisfies the LATR requirements of the APF test.

TPAR Review

Since the development is within the Bethesda CBD Policy Area, the Application is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the Applicant is not required to pay the transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Subject Property. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed above, the Application substantially conforms to the Sector Plan and Minor Master Plan Amendment. The Application complies with the land use recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and Minor Master Plan Amendment. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses.

Under Section 4.5.4 of the Zoning Ordinance, the dimensional standards for the lot will be determined with approval of the subsequent site plans.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application is subject to a forest conservation plan that has been submitted with the Application. Although no forest exists on or near the Subject Property, there is an afforestation requirement of 0.36 acres. The forest conservation requirements will be addressed offsite by a payment of a fee-in-lieu.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The MCDPS Stormwater Management Section approved the stormwater management concept on January 6, 2016. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of green roofs.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 23 2016 (which is the date that this Resolution is mailed to all parties of record), and **MAY 23 2016**

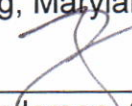
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Dreyfuss, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, May 12, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board