



Bethesda Crescent, Limited Site Plan Amendment, 81984005A, 81984003A

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Completed: 01/04/2013

Description

Limited Site Plan Amendment No. 81984005A, 81984003A: Bethesda Crescent

Request to amend Site Plan Numbers: 819840050 (4600 East-West Hwy.) and 819840030 (7475 Wisconsin Avenue) to amend the public art components by providing 1,200 square feet of space for public art exhibition purposes and making a financial contribution to the metro tunnel upgrades and art installation.

Staff Recommendation: Approval with Conditions
Applicant: Bethesda Crescent (4600) Co. LLP and Bethesda Crescent (Wisconsin) Co. LLP
Date Submitted: 09/05/2012



Summary

The applicant, Bethesda Crescent (4600) Co. LLP and Bethesda Crescent (Wisconsin) Co. LLP, seeks approval of site plan amendment applications to amend the public art components for two site plans (819840050 and 819840030). These two site plans were approved and the buildings were built in tandem approximately 25 years ago. The current property owner is making improvements to the building lobby areas and wants to decommission three interior art works. To offset the loss of public art, the applicant must provide 1,200 square feet of built-out space rent free for a ten year term and a financial support towards the art exhibition and other improvements to the tunnel between the Bethesda Metro Station and the building at 7475 Wisconsin Avenue. These site plan amendments will

provide additional space for artists in Bethesda and will also result in the metro tunnel improvements currently used for art display purposes. The proposal is in accordance with the Bethesda CBD Sector Plan and the County's transportation and development standards. The Bethesda Urban Partnership has accepted the responsibilities for operations and maintenance of the 1,200 square feet of built-out space as listed in the conditions.

Recommendation and Conditions

Staff recommends approval of Site Plan Amendment # 81984005A and 81984003A, Bethesda Crescent. All conditions of approval from site plans # 819840050 and # 819840030 remain in full force and effect, except as amended below. The following alternative public art options should be provided in lieu of three decommissioned art pieces:

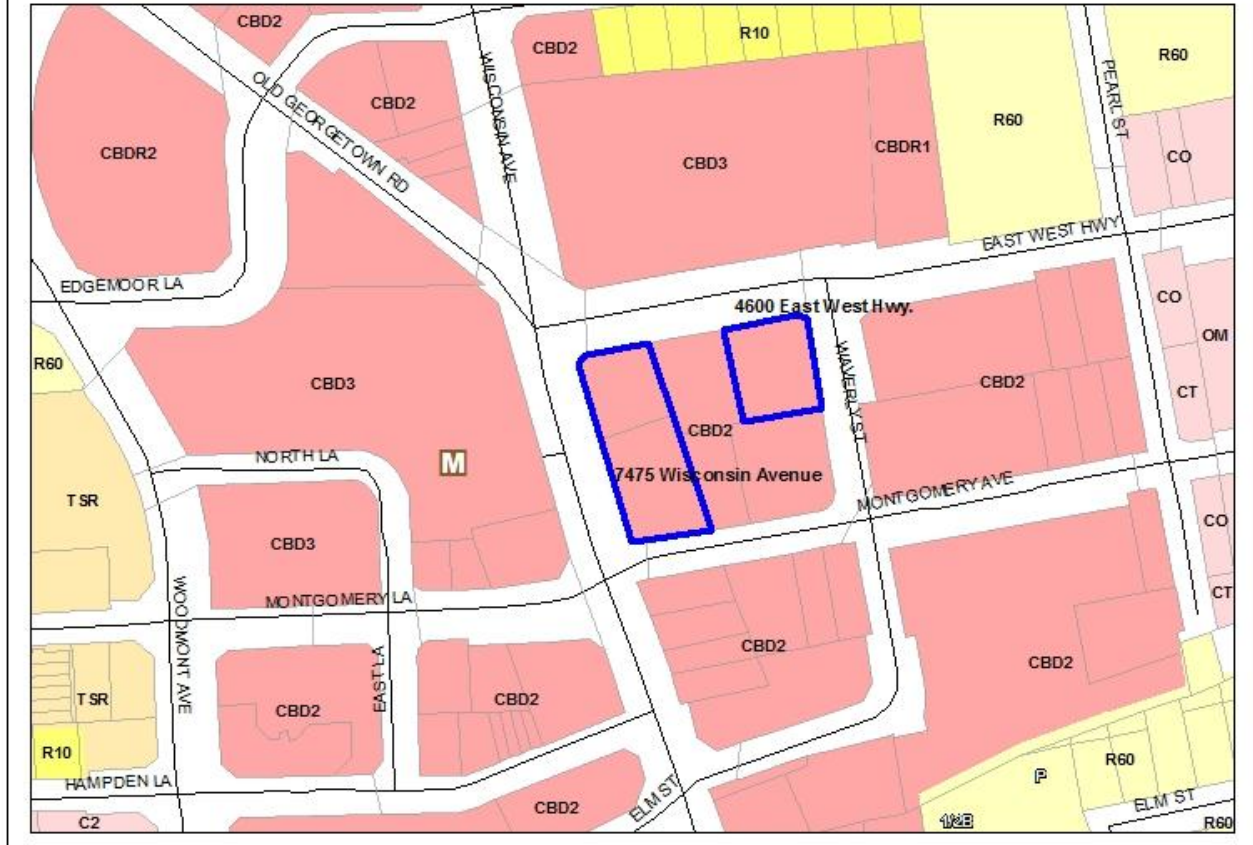
1. The Applicant must provide 1,200 square feet of built-out space to the Bethesda Urban Partnership, Inc. ("BUP") at the lower concourse of the 7475 Wisconsin Avenue building, rent free for a ten year term to be used for art studios and exhibition space. BUP will manage and operate the space, and will only be responsible for operating expenses including insurance and utility costs. BUP will not be responsible for paying property taxes and common area maintenance charges. The space will be built-out per BUP's design and specifications.
2. The Applicant must make a financial contribution of \$23,000 to BUP as a reimbursement for the completed lighting upgrades within the metro tunnel that connects the Bethesda Metro station and the building at 7475 Wisconsin Avenue. The financial contribution must be paid within a time period of two months from the approval date of the site plan amendments.
3. The Applicant must make a financial contribution of \$3,500 to sponsor BUP's art installation within the metro tunnel that connects the Bethesda Metro station and the building at 7475 Wisconsin Avenue. The financial contribution must be paid within a time period of two months from the approval date of the site plan amendments (already paid).

I. SITE DESCRIPTION

Vicinity

The subject properties 7475 Wisconsin Avenue and 4600 East-West Highway are located in the southeast quadrant of the intersection of Wisconsin Avenue and East-West Highway in the Bethesda CBD Sector Plan area. Both the properties are zoned CBD-2 and surrounding land uses consist of commercial buildings in the CBD-3 and CBD-2 zones. Bethesda Metro Station and Hyatt Regency hotel are both located just across subject properties on the west side of Wisconsin Avenue. The landmark Chevy Chase Trust office building is located in the northeast quadrant of the intersection of Wisconsin Avenue and East-West Highway.

**7475 Wisconsin Avenue and 4600 East West Hwy.,
Bethesda Crescent**



Vicinity Map

Site Analysis

The subject properties are two office buildings with a small amount of retail on the first floor. An eleven-story building is located at 7475 Wisconsin Avenue and has a pedestrian entrance at the intersection of Wisconsin Avenue and East-West Highway. Retail storefronts are on the first floor along Wisconsin Avenue and East-West Highway. A nine-story building is located at 4600 East-West Highway and has a primary pedestrian entrance from East-West Highway. Retail storefronts are on the first floor along East-West Highway. A public pedestrian tunnel under Wisconsin Avenue connects the Bethesda Metro Station to the lower level of the 7475 Wisconsin Avenue property.

The site has no significant environmental features. The existing buildings are served by public water and sewer connections.

II. PROJECT DESCRIPTION

Previous Approvals

The buildings were reviewed and approved as two separate site plan numbers 819840030 (7475 Wisconsin Avenue) and 819840050 (4600 East-West Highway). These two site plans were approved and the buildings were built in tandem approximately 25 years ago. The Site Plan #819840030 was approved on July 26, 1984 and allowed the development of 121,000 square foot office building, 21,000 square foot retail space and provision for parking for 355 cars (see attachment 2 for Planning Board Opinion). This site plan was approved under optional method of development that allowed increased density in return of meaningful public benefits. The public art program was submitted as part of the public benefit package. As part of the public art plan, artists created permanent, unique art works to enhance and enliven primary public areas of the complex.

The Site Plan # 819840050 (4600 East-West Hwy.) was approved on September 10, 1984 and allowed the development of a nine-story office building with a small amount of retail on the ground floor of the new structure, as well as a 2,000 square foot Community Art Space as a contribution to the public amenity package (see attachment 3 for Planning Board Opinion). The applicant also proposed to employ one artist, Patsy Norval, to design a glass sculpture called "Glass Jungle and Pond" to be displayed in the special central show window near the building lobby. The total building area is approximately 148,000 square feet and provision for parking for 156 cars. On August 15, 1985, Site Plan Review # 819840050 (Amendment) was brought before the Montgomery County Planning Board for a public hearing (see attachment 4 for the Planning Board Opinion). The applicant worked with the Montgomery County Arts Council in 1989 to create a management structure for the Community Art Space (see attachment 5). The art space promotes local artists of all disciplines, provide performances and perform public services such as workshops, school tours and events for children and senior citizens.

Proposal

The applicant requests to decommission three interior art works located in the lobby space areas of the two buildings. The buildings were built approximately 25 years ago and the art components were included in the public amenity package. The applicant is preparing to renovate the lobby spaces and as part of the renovation proposes to decommission the following three pieces of artwork:

Art	Artist	Address
Wonder of Wonders	Yuriko Yamaguchi	Located at the lower concourse of 7475 Wisconsin Avenue
Ceiling Neon	Stephen Antonakos	Located at the upper concourse ceiling of 7475 Wisconsin Avenue
Glass Jungle	Patsy Norvell	Located in the lobby of 4600 East-West Highway

At 7475 Wisconsin Avenue, the lobby renovation plan will replace all of the finishes, including the walls, floor and ceiling, with a lighter and neutral palette. The new design also calls for adding lights into the ceiling of the ground floor lobby in order to improve illumination. In the lobby of 4600 East-West Hwy., the renovation plans also calls for the replacement of the finishes, including the walls, floor and ceiling, with a lighter and neutral palette. The three art pieces that will be decommissioned are not compatible with the proposed renovation plans. See attachment 6 for a greater description of decommissioned art works. As these art pieces are site specific, it is difficult to provide their appraised value. The Dulles International Airport has shown interest in commissioning the “Wonder of Wonders” art piece after it gets decommissioned. The applicant has offered to store the other two art pieces for one year at applicant’s cost while the artists try to find a new installation location for the art pieces. As per the applicant’s estimate, the cost of removing, crating and transporting all pieces is approximately \$10,000.

To offset the loss of public art in Bethesda, the applicant is proposing to provide the following alternative public art options in lieu of the decommissioned art:

- Provide 1,200 square feet of built-out space rent free for a five year term (\$100,000 rental value over term) at the lower level of 7475 Wisconsin Avenue building. The art space will be managed and operated by the Bethesda Urban Partnership, Inc. (BUP), and will be built-out per BUP’s design and specifications. The cost of renovating this space is approximately \$100,000 and will be paid by the applicant. The space will be used for art studios and as an exhibition space. The art space that has been named as “Studio B” will have work space for three artists, exhibition space for viewing by pedestrians walking to and from the pedestrian tunnel, and viewing space within the studio itself for visitors to observe an artist at work. BUP will be responsible for operating expenses and utility costs of the art space. To cover the operational expense of the utilities for the space, nominal rent will be charged from the artists utilizing the space for the proposed art studio.
- Make a financial contribution of \$23,000 to BUP as a reimbursement for the completed lighting upgrades within the metro tunnel that connects the Bethesda Metro station and the building at 7475 Wisconsin Avenue.
- Make a financial contribution of \$3,500 to sponsor BUP’s art installation within the metro tunnel that connects the Bethesda Metro Station and the building at 7475 Wisconsin Avenue (already paid).
- The applicant has offered to store the ‘Ceiling Neon’ and ‘Glass Jungle’ art pieces for one year after they are decommissioned at the applicant’s cost. The cost of providing the storage space for ‘Ceiling Neon’ and ‘Glass Jungle’ for one year is approximately \$75,000.

The applicant’s offer of making a financial contribution of \$23,000 for the completed lighting upgrades within the metro tunnel and providing \$3,500 to sponsor BUP’s art installation will help to facilitate the display of artwork in Bethesda on a permanent basis and is a long-lasting public benefit. More people will be able to appreciate the art display in the metro tunnel than in the building lobby. The applicant

has also made a commitment to provide 1,200 sq. ft. of built-out space rent free for a five year term for art related activities. However, staff believes that the five year term that is being offered, is not adequate. Staff recommends that the applicant should commit to providing 1,200 square feet of built-out space rent free for a ten year term at the lower level of 7475 Wisconsin Avenue building. This recommendation is consistent with the recommendation made by the Art Review Panel (See attachment 7).

Art Displays in the Bethesda Crescent Project



Wonder of Wonders - located at the lower concourse of 7475 Wisconsin Avenue



Glass Jungle - Located in the lobby of 4600 East-West Hwy.



Ceiling Neon – located at the upper concourse ceiling of 7475 Wisconsin Avenue



Metro Tunnel Art Display

A. Master Plan

The Bethesda CBD Sector Plan approved and adopted in 1994 recognizes the 'cultural district' theme for Bethesda CBD and recommends enhancing the public art in the amenity spaces of new buildings. On page 35, the Sector Plan supports opening of the new performance space, galleries, studios and other art-related retail as art is an integral part of the quality of life in an economically dynamic and diverse community like Bethesda. The applicant believes their proposal to provide 1,200 square feet of space rent free for artist studios and for art exhibition purposes and to enhance metro tunnel art display will better serve the Bethesda's art community. The proposed amendments maintain conformance with the Bethesda CBD Sector Plan vision and recommendations because it provides additional space for artistic activities and will also upgrade the tunnel that is used for art related activities. As per the recommendations of the Sector Plan, the new art space and tunnel improvements will meet the sector plan's objectives of promoting public art in Bethesda. The proposed amendments maintain conformance with the Bethesda CBD Sector Plan vision and recommendations.

B. Transportation and Circulation

The proposed amendments do not affect vehicular or pedestrian traffic.

C. Development Standards

The proposed amendments do not alter any development standards approved with the original site plan.

D. Art Review Panel Recommendations

The project was reviewed by the Art Review Panel on December 12, 2012 (see attachment 7 for Art Review Panel recommendations). The Panel recommended that the applicant should provide 1,200 sq. ft. of built-out space rent free for ten years instead of five years. The Panel also expressed their concern that the proposed alternative public art option package that is being offered to replace the three art pieces is not an equal exchange, as the art is assumed to be more permanent public benefit.

IV. COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendments was sent to all parties of record on August 14, 2012. The applicant has also sent out a notification letter to all three artists whose work will be decommissioned. All three artists have confirmed that they don't want their art works to be returned. Staff has received a letter from BUP in support of the modifications. (See attachment #1). Staff has not heard from any neighboring property owner. There is no evidence of concern or objection.

V. CONCLUSION

Staff recommends approval of Limited Site Plan Amendments with conditions. The proposed modifications to the site plans do not alter the overall design character of the development in relation to the original approval and the site remains compatible with existing and proposed development adjacent to the site. The location of buildings and structures, vehicular and pedestrian circulation, open space, landscaping and lighting remain adequate, safe and efficient. The Site Plan Amendments are in conformance with the Bethesda CBD Sector Plan and the development standards in the CBD-2 Zone.

VI. ATTACHMENTS

1. Letter from Bethesda Urban Partnership Inc. to the Planning Board dated November 21, 2012
2. Planning Board Opinion for Site Plan # 819840030, 7475 Wisconsin Ave. reviewed on July 26, 1984
3. Planning Board Opinion for Site Plan # 819840050, 4600 East-West Hwy. reviewed on 09/10/1984
4. Planning Board Opinion for Site Plan # 819840050 (Amendment), 4600 East-West Hwy. reviewed on 08/15/1985
5. Planning Board Opinion for Site Plan # 819840050 (Art Component), 4600 East-West Hwy. reviewed on 06/22/1989
6. Description of the public art that is proposed to be decommissioned
7. Art Review Panel Recommendations
8. Architectural drawings of the proposed 1,200 square feet art space.

Attachment 1

**Business, Residents and
Government Working for
a Better Bethesda**

Bethesda Urban Partnership, Inc.
7700 Old Georgetown Road
Bethesda, MD 20814-6126

(301) 215-6660
(301) 215-6664 Fax
www.bethesda.org



November 21, 2012

The Honorable Françoise M. Carrier, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Bethesda Crescent – Limited Site Plan Amendment No. 81988045D (the “Amendment”)

Dear Chair Carrier and Members of the Planning Board:

On behalf of the Bethesda Urban Partnership, Inc. (“BUP”) and the Bethesda Arts & Entertainment District (“A&E”), which is managed by BUP, we appreciate the opportunity to share our comments on the above-referenced Amendment. The Amendment proposal includes the reimbursement by the Applicant, Bethesda Crescent (Wisconsin) Co. LLP (the “Applicant”), of lighting costs for the Bethesda “Tunnel Vision: Art under the Avenue” project (known as “Tunnel Vision”) and the Applicant’s build-out and provision of 1,200 square feet of space rent-free for art studio and exhibition space in the Crescent Plaza building to be managed by BUP and A&E. As explained in detail below, although BUP and A&E do not typically take positions on development projects or amendments involving public art components in downtown Bethesda, this Amendment is unique since it does involve a contribution (retroactive) to BUP for lighting in the recent Tunnel Vision project and the proposed operation of an art studio by BUP through the A&E. Therefore, we are taking this unique opportunity to confirm our acceptance and support for these beneficial public art components for downtown Bethesda.

The Applicant, through its affiliate entity Brookfield Properties (“Brookfield”), has worked with BUP and A&E over the past year as one of our corporate partners in the Tunnel Vision art exhibition project, which is located in the public pedestrian passageway under Wisconsin Avenue that leads from the Bethesda Metro Station escalators to the Crescent Building for access to/from the east side of Wisconsin Avenue. The Tunnel Vision initiative was made possible through a partnership of BUP, A&E and Montgomery County, and displays artwork, selected via a regional art competition, and Bethesda downtown promotional images on 16 poly-metal panels within the tunnel that enliven this public passageway and provide an engaging and inviting pedestrian experience. Brookfield was among one of the 16 Bethesda businesses, organizations and individuals that helped fund the Tunnel Vision project, and more notably, has included the reimbursement of the new LED lighting costs in the tunnel (\$23,000) to BUP as part of this Amendment. BUP appreciates and supports this component of the Amendment, particularly since reserve funding was used to cover the necessary lighting. We have attached a “before” and “after” picture of the passageway with the Tunnel Vision project for reference.

As part of its Amendment, the Applicant has also proposed to provide 1,200 square feet of space, rent-free, for art studio and exhibition space within the lower level of the Crescent Building for BUP and the A&E to manage and operate. We appreciate the Applicant coordinating with us

The Honorable Françoise M. Carrier, Chair
November 21, 2012
Page 2

after our inquiry on the specifics of the proposal and subsequently confirming the Amendment would also include the build-out of the space, as well as a new HVAC unit, pursuant to the plans BUP and A&E proposed (attached for reference) since BUP and A&E do not have the funds for the build-out of the space. Similar to the free space in the "Gallery B" art gallery that is managed by BUP & A&E, we will cover the operational expense of the utilities for the space through a nominal rent to the artists utilizing the space for the proposed arts studio. As you can see from the proposed plans, the studio, which A&E has already named "Studio B" in our excitement to move forward with the proposal, has work space for 3 artists, exhibition space for viewing by pedestrians walking to and from the Tunnel Vision passage from the Metro to the Crescent Building up to Wisconsin Avenue, and viewing space within the studio itself for visitors to observe an artist at work. From a practical application standpoint, we wanted to confirm acceptance of the Amendment proposal with the build-out and that it is within the capabilities of BUP and A&E to manage. We further wanted to enthusiastically express support for the Amendment proposal for Studio B as a complimentary public art component to the Tunnel Vision project for the public to enjoy.

Thank you for your consideration of our comments on this Amendment, and to the Applicant for coordinating with us and updating the proposal in response to our initial inquiry and concerns on the build-out. A primary part of the BUP mission is to support and promote downtown Bethesda, and our relationships with businesses like the Applicant and County partners like your Maryland-National Capital Park and Planning Commission Staff make it all possible. We are excited to move forward with Studio B and are available if the Planning Board or Staff have any questions.

Very truly yours,

Bethesda Urban Partnership, Inc.

By: 
W. David Dabney, Executive Director

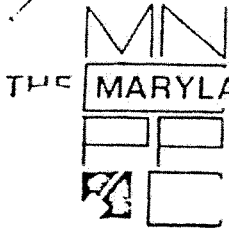
By: 
Anne M. Mead, Chair, Board of Directors

Enclosures

cc: Margaret Rifkin
Parag Agrawal
Robert Kronenberg
Simon Carney
Kenneth Hartman
Phyllis Leiberman

Date Mailed: Monday, September 24, 1984

EXHIBIT D



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20907

September 20, 1984

MONTGOMERY COUNTY PLANNING BOARD

Opinion

Site Plan No. 8-84003
Project: 7475 Wisconsin Avenue

Action: Approval with Conditions (Motion of Comm. Granke,
Seconded by Comm. Krahnke, Vote 5-0)

On June 19, 1984, the JBG-PAF Ltd. Partnership submitted an application for the approval of a site plan for property in the CBD-2 zone. The application was designated Site Plan Review No. 8-84003.

On July 26, 1984, Site Plan Review No. 8-84003 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received other evidence from the Staff and the applicant. Except as modified below, the Planning Board adopts the Staff Report (attached hereto and made a part hereof). Based on the evidence and testimony before it, the Planning Board approves Site Plan No. 8-84003, subject to the following conditions:

1. Enforcement Agreement and Development Program

The applicant will provide a Site Plan Enforcement Agreement and Development Program prior to approval of the building permit.

2. Underground Utilities

The applicant will relocate all existing and construct all new underground utilities along the east side of Wisconsin Avenue, the south side of East-West Highway, and the north side of Montgomery Avenue abutting the site as well as the entire south curb of East-West Highway between the east property line of the site and Waverly Street, or the north side of East-West Highway, and a portion of the east side of Wisconsin Avenue north of East-West Highway, according to Condition #3. This will be completed in accordance

MCPB Opinion
Site Plan Review No. 8-84003
Page Two

with the applicable requirements of PEPCO, C & P Telephone, MCDOT, Washington Gas, WSSC, and other applicable agencies.

- a. All new utilities which serve 7475 Wisconsin Avenue must be located underground.
- b. All utility connections to existing buildings will be located underground.
- c. Transition from underground to overhead service will be provided by the applicant.
- d. Transfer to overhead service must occur as specified by PEPCO. The transition must include necessary paving and patching of existing streets and sidewalks.
- e. Final review of the utility layout will be provided for staff review prior to start of construction of the utilities.

3. Off-Site Improvements

In the event that the 4600 East-West Highway project is scheduled to be constructed so that it can provide reconstruction of the south curb of East-West Highway as required by Project Plan simultaneously with similar construction on the 7475 Wisconsin Avenue Project, the 7475 Wisconsin Avenue project will make streetscape improvements to the north sidewalk of East-West Highway westward from the extension of the east property line west to Wisconsin Avenue, and to the east sidewalk of Wisconsin Avenue from East-West Highway north to the first driveway.

In the event that the 4600 East-West Highway project does not develop simultaneously with 7475 Wisconsin Avenue, the 7475 Wisconsin Avenue project may build the entire south sidewalk of East-West Highway from Wisconsin Avenue to Waverly Street, with all improvements, in lieu of those areas across East-West Highway.

4. Streetscape Elements

All streetscape improvements will be implemented by the developer consistent with the approved Bethesda Streetscape Plan. The applicant will submit for staff approval prior to issuance of building permit a complete set of streetscape plans locating each street tree, planting area, light pole, signal pole, bench, trash receptacle, crosswalk or other required streetscape elements. The applicant will indicate the feasibility of all location in terms of existing or proposed utilities and will

show required conduit necessary for operation of street lighting and traffic signals. Radii of street curb intersections and of driveway curbs will be approved by MCDOT or MSHA.

5. Street Lighting

- a. Bethesda Lantern: The applicant will provide, install and maintain all Bethesda Lanterns in accordance with the requirements of MCDOT. Final location must be provided for staff review prior to approval of the building permit. Power for the lighting will be provided by Montgomery County.
 - b. High Intersection Lighting: MCDOT has agreed to provide, install and maintain the high intersection lighting. The applicant will install electrical conduit and coordinate final location and construction phasing with MCDOT prior to start of construction.
 - c. Traffic and Crosswalk Signals: MCDOT will provide, install and maintain the traffic and crosswalk signals. The applicant will provide a location for signal switching devices. Final location and construction phasing of the traffic and crosswalk signals will be coordinated with MCDOT prior to start of construction.
6. The applicant will reduce the footage of the project for FAR purposes to no more than 152,988 S.F. The applicant will reduce the area of the total project sufficiently to generate no more than 159 P.M. peak hour vehicle trips, to be approved by staff prior to application for building permit.

7. Pedestrian Tunnel Connection and East Metro Entrance

- a. The applicant will coordinate all design elements of the project including the construction schedule with MCDOT construction of the pedestrian tunnel in a timely fashion satisfactory to staff. If construction of the pedestrian tunnel is not begun on time by MCDOT or its representatives, the site plan will be brought back to the Planning Board by April 1, 1985 for the Planning Board to review the design elements and construction schedule of the pedestrian tunnel.

- b. The applicant will lower the floor of the concourse level at least one foot from the elevation submitted so that the pedestrian ramp at the east end of the tunnel may be lessened in steepness. No steps may be installed in the pathway of a wheelchair from the building elevator to the bus area on the west side of Wisconsin Avenue.
- c. The applicant will make the path for a wheelchair from the east end of the tunnel to street level as convenient and obvious as is practical, with appropriate signage, to satisfaction of staff.
- d. The applicant will provide adequate space at the top and bottom of each public escalator as approved, to insure public safety, in the view of M-NCPPC and MCDOT staff.
- e. The applicant is not required to install the retail area along the north and south sides of the pedestrian tunnel in Wisconsin Avenue right-of-way.
- f. The applicant may glass-enclose the public escalator area if automatic doors or revolving doors, or a combination, are installed and maintained by the applicant. The applicant will assume any costs associated with glass enclosure including fire protection in the tunnel area. Glass enclosure must be appropriately designed for safety purposes.
- g. The applicant will work with M-NCPPC staff to insure that the street level entrances to the pedestrian tunnel are easy and safe for the public to locate and use, and are well identified. If required in the judgment of MCDOT and M-NCPPC staff, the applicant will allow Metro-style pylons outside each entrance to the escalator area.
- h. The applicant will cooperate with MCDOT in achieving a staging area for construction of the pedestrian tunnel on the existing Sunoco property.

- i. The final detail design of the public concourse and street level entry areas will be presented to the Montgomery County Planning Board for review and comment prior to issuance of building permit, and will be approved by staff prior to issuance of building permit.

8. Art Program

- a. The applicant will cooperate with MCDOT and M-NCPPC to expand the work of Stephen Antonokos to include a neon sculpture in the tunnel area, or to develop an acceptable art alternative to enliven the tunnel experience.
- b. The applicant will present for staff approval detail designs for crafted shop signs to be used in the public concourse areas.
- c. The applicant will present for staff comment any further refinements of the settings or installations of the art pieces, including consideration, if appropriate, of crafted paving elements, to be approved by Staff prior to building permit.

9. Loading Area

The applicant will study the loading area to demonstrate that trucks can conveniently use the loading dock without hitting building columns, to satisfaction of MCDOT and M-NCPPC Staff.

10. Bicycle Parking

The applicant shall construct on-site parking for forty bicycles for the use of building employees. A secure bicycle rack for at least fifteen bicycles will be provided at the ground level near the escalator entrance.

11. Air and Noise Quality

The applicant will demonstrate to the satisfaction of M-NCPPC staff that air and noise quality in the public areas will be sufficiently high quality prior to building permit.

12. Management Organization

The applicant shall enter into agreements to participate in such Management Organization as may be adopted as a requirement by the Montgomery County Planning Board as a part of the Streetscape Program prior to approval of the occupancy permit. Until the Management Organization is established, the applicant shall be responsible for the maintenance, promotion, and security of the public amenity areas constructed by the applicant upon the applicant's property and within public rights-of-way, and for the maintenance of public amenity areas constructed by the applicant upon other privately held property.

13. Staging

Construction of the project must have begun within the zoning ordinance time period requirements or the project plan will be considered void unless the Planning Board extends the time period in accordance with the zoning regulations and the Amendments to the Bethesda CBD Sector Plan recommendation.

14. Covenant

The applicant will enter into a covenant with the County to cover maintenance and liability for non-standard streetscaping improvements within the County and State right-of-way.

15. Water Supply

Authorization and construction of a 12-inch water loop completion in Waverly Street, south of Montgomery Avenue along the railroad right-of-way to Wisconsin Avenue, then south on Wisconsin Avenue to Elm Street, tying into the existing 16-inch water main at that point, or WSSC-approved equivalent will be secured, per WSSC letter of March 30, 1983.

16. Sanitary Sewer

The applicant will secure approval for sanitary sewer connections as required by WSSC prior to issuance of building permit.

17. Stormwater Management

The applicant should submit as soon as possible written verification from the Montgomery County Soil Conservation District that a stormwater management waiver has been granted or will be granted for this project.

18. Fire Safety

If any portion of the pedestrian tunnel public concourse is to be glass-enclosed, the entire tunnel must have a sprinkler system; and a smoke control system and a firewall/fire shutter/side-swinging egress door must be installed to separate 7475 Wisconsin Avenue from the Metro area. The tunnel will be considered a part of 7475 Wisconsin Avenue for fire and building code purposes. Both egress stairs from the tower will be required to have the exitway discharge to the rear service area of the building complex. These requirements may be altered with the agreement of the Montgomery County Fire Marshall.

Relying on the Staff Report and testimony as supplemented by the applicant's evidence and testimony, the Planning Board finds:

1. The Site Plan is consistent with Project Plan No. 9-83008.

The Planning Board bases this finding upon the plan as submitted and upon the Staff Report, pages 8-20.

The Project Plan required the applicant to add a small amount of retail space on the south side of the tunnel at the concourse level to approximate the size of that shown on the north side within the right-of-way. However, the status of the ability to build and operate retail space within the tunnel and the extent of the construction involved was to be resolved at site plan review. MCDOT has developed cost estimates which indicate that the cost of providing retail space along the tunnel as proposed would be approximately \$190 per square foot for the structure alone, not including finishes. The area associated with this cost is 1,000 square feet for a total of \$190,000 in construction costs for the retail space. This is a substantial amount of money for a comparatively small project.

The ability to adjust utility lines vertically under Wisconsin Avenue would be limited as a result of the additional width of the retail space. The air exchange requirements for ventilation create a further burden to constructing the retail space. The Board finds that these constraints impede the applicant's ability to construct the retail space, and therefore provides in Condition #7(e) that the applicant will not be required to construct retail space along the pedestrian tunnel connection.

The Project Plan requires the applicant to reduce the plan to no more than a total of 152,988 square feet and an FAR not to exceed 4.0, and to reduce the total number of trips to 159 in the P.M. peak hour. Condition #6 requires the applicant to adhere to these limitations.

The Project Plan required the applicant to make off-site improvements to the north side of East-West Highway. Condition #3 contains this requirement. However, the Planning Board finds that if 4600 East-West Highway is not developed in the same time period as this project, then the applicant will improve the south side of East-West Highway. The south curb lane of East-West Highway is to be moved northward several feet by this project. For both practical and safety reasons and to create a consistent curb lane, the entire block face should be moved simultaneously.

The Project Plan required at least 10% crafted paving element. Staff would have required such paving if it had understood the Board's earlier directive that crafted paving is an important element for this project and for all Bethesda CBD-2 projects. Applicant has shown carving of flowers in the paving. Condition #8(c) insures that the adequacy of crafted paving will be addressed.

2. The Site Plan conforms to the requirements of the CBD-2 zone.

The Planning Board bases this finding upon the plan as submitted and on the Staff Report, page 21.

3. The location of the buildings and structures, the open spaces, the landscaping and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

The location of the building elements have remained as proposed at Project Plan except that an above grade parking structure behind the Perpetual Building has been deleted.

The open space of the project consists of a major amenity space at the corner of East-West Highway and Wisconsin Avenue which serves as the eastern portal for Metro. An additional public area is a large, wide sidewalk along Wisconsin Avenue north of the existing banking building. Additional green space at the rear of the building will be used for parking and service.

The service aspects of the projects are greatly improved since project plan. Trucks, even large trucks, can enter from East-West Highway and exit to Montgomery Avenue. While it is not desirable to have traffic crossing the East-West Highway sidewalk, the Planning Board concurs with Staff that allowing truck entry at this point and auto entry in the A.M. hours will be acceptable and will produce an adequate, safe and efficient service pattern.

No exiting will occur across East-West Highway sidewalk. Condition #9 adequately addresses the Board's safety concerns with the loading area. Condition #7(g) ensures easy and safe access to the pedestrian tunnel.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed development.

The scale of the proposed building is compatible with the existing building context at the center of the Bethesda CBD and will relate to the taller office buildings across Wisconsin Avenue and to the hotel.

7475 Wisconsin Avenue is surrounded by other CBD-2 zoned property except for CBD-3 zones across Wisconsin Avenue. The proposed building will block views of the large County Parking Garage (#47) from the Bethesda Metro Center area.

7475 Wisconsin Avenue and 4600 East-West Highway have been developed as a consistent concept with high elements on three corners of a full block and low elements in between. This will provide continuity and compatibility.

Date Mailed: February 1, 1985

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20907

(301) 495-4646

January 31, 1985

MONTGOMERY COUNTY PLANNING BOARD

Opinion

Site Plan Review No. 8-84005
4600 East-West Highway

Action: Approval with Conditions (Motion of Comm. Granke,
Seconded by Comm. Heimann, with a Vote of 4-0,
Comm. Keeney Abstaining.)

On August 17, 1984, 4600 Associates submitted an applica-
tion for the approval of a site plan for property in the
CBD-2 zone. The application was designated Site Plan
Review No. 8-84005.

On September 10, 1984, Site Plan Review No. 8-84005
was brought before the Montgomery County Planning Board
for a public hearing. At the public hearing, the Planning
Board heard testimony and received other evidence from the
Staff and the applicant. Except as modified below, the
Planning Board adopts the Staff Report (attached hereto and
made a part hereof). Based on the evidence and testimony
before it, the Planning Board approves Site Plan Review
No. 8-84005, subject to the following conditions:

1. Public Amenity Areas

The applicant will submit for Planning Board approval,
prior to building permit, illustrations and details of
the public amenity areas adequate to show the character
and furnishing of these spaces and will describe the
sources of public space animation. Approximately one-
third of the outdoor public area under the building
will be designed to function as an adjunct space to the
Community Art Space properly equipped for outdoor
displays of sculpture or other artwork, and for small
arts performances, including appropriate lighting.
The public amenity area shall exceed 20% of net lot
and meet the purposes of amenity space as provided in
the Project Plan.

The applicant will delete from the plan the passage-way between the remaining buildings and the new construction. A plan for the use and treatment of this area will be approved by the Planning Board prior to issuance of building permit.

2. The Community Art Space

The applicant will provide for Planning Board approval a management structure for the Community Art Space, including a typical tentative program for the space, to be presented to the Planning Board within one year of issuance of building permit. The management structure will address the participation of various interest groups, the creation of a Board of Directors, hiring of appropriate staff and budget preparation, as well as other factors to assure responsible management of the Center. The Planning Board will undertake a review of the Community Art Space program at the end of two years of operation to see if it is meeting the purposes of amenity space for the Project and Site Plans.

3. Enforcement Agreement and Development Program

The applicant will provide a Site Plan Enforcement Agreement and Development Program prior to approval of the building permit.

4. Underground Utilities

- a. All new utilities which serve 4600 East-West Highway must be located underground.
- b. All utility connections to existing buildings will be located underground.
- c. Transition from underground to overhead service will be provided by the applicant.
- d. Transfer to overhead service must occur as specified by PEPCO. The transition must include necessary paving and patching of existing streets and sidewalks.
- e. Final review of the utility layout will be provided for staff review prior to start of construction of the utilities.

- Along the south curb of East-West Highway from the west property line east to Waverly Street.
- Along the west curb of Waverly Street from East-West Highway south to the south property line.
- Along the north curb of East-West Highway from the extension of the west property line across East-West Highway eastward to the west property line of Waverly House.

5. Streetscape Elements

All streetscape improvements will be implemented by the developer consistent with the approved Bethesda Streetscape Plan. The applicant will submit for staff approval, prior to issuance of building permit, a complete set of streetscape plans locating each street tree, planting area, light pole, signal pole, bench, trash receptacle, crosswalk, or other required streetscape elements. The applicant will indicate the feasibility of locating all of the above streetscape elements in relationship to existing or proposed utilities and will show required conduit necessary for operation of street lighting and traffic signals. Radii of street curb intersections and of driveway curbs will be approved by MCDOT or MSHA.

6. Street Lighting

- a. Bethesda Lantern: The applicant will provide, install, and maintain all Bethesda Lanterns in accordance with the requirements of MCDOT. Final location must be provided for staff review prior to approval of the building permit. Power for the lighting will be provided by Montgomery County.
- b. High Intersection Lighting: MCDOT has agreed to provide, install and maintain the high intersection lighting. The applicant will install electrical conduit and coordinate final location and construction phasing with MCDOT prior to start of construction.

c. **Traffic and Crosswalk Signals:** MCDOT will provide, install and maintain the traffic and crosswalk signals. The applicant will provide a location for signal switching devices. Final location and construction phasing of the traffic and crosswalk signals will be coordinated with MCDOT prior to start of construction.

7. Building Floor Area and Trip Generation

The applicant will reduce the floor area accountable so that it will not exceed 4.0 FAR (Floor Area Ratio). The 4600 East-West Highway project shall be limited to traffic generation of 104 P.M. peak hour trips.

8. Air and Noise Quality

Prior to building permit, the applicant will demonstrate to the satisfaction of M-NCPPC staff that air and noise quality in the public areas will be of a sufficiently high level.

9. Management Organization

The applicant shall enter into agreements to participate in such Management Organization as may be adopted as a requirement by the Montgomery County Planning Board as a part of the Streetscape Program prior to approval of the occupancy permit. Until the Management Organization is established, the applicant shall be responsible for the maintenance, promotion, and security of the public amenity areas constructed by the applicant upon the applicant's property and within public rights-of-way, and for the maintenance of public amenity areas constructed by the applicant upon other privately held property.

10. Staging

Construction of the project must have begun within the zoning ordinance time period requirements or the project plan will be considered void unless the Planning Board extends the time period in accordance with the zoning regulations and the Amendments to the Bethesda CBD Sector Plan recommendation.

11. Covenant

The applicant will enter into a covenant with the County to cover maintenance and liability for non-standard streetscaping improvements within the County and State right-of-way.

12. Water Supply

Authorization and construction of a 12-inch water loop completion in Waverly Street, south of Montgomery Avenue along the railroad right-of-way to Wisconsin Avenue, then south on Wisconsin Avenue to Elm Street, tying into the existing 16-inch water main at that point, or WSSC-approved equivalent will be secured, per WSSC letter of March 30, 1983.

13. Sanitary Sewer

The applicant will secure approval for sanitary sewer connections as required by WSSC prior to issuance of building permit.

14. Stormwater Management

The applicant should submit as soon as possible written verification from the Montgomery County Soil Conservation District that a stormwater management waiver has been granted or will be granted for this project.

15. Subdivision

This Site Plan Approval is conditioned on Approval of a Preliminary Plan of Subdivision, which must be secured prior to issuance of building permit.

16. Vehicular Circulation

The applicant will revise the site vehicular circulation to accommodate all vehicular entrances and exits onto Waverly Street. No vehicular access will be permitted to or from East-West Highway, except for limited access for entrance to the drive-in window until June 1992 or the termination of the lease with Potomac Valley Bank, whichever occurs first. The applicant shall continue to work with Staff to explore alternative solutions to eliminate the need for this limited access. The configuration of the service area and the truck docks for the office building, for the existing uses to remain, and for site trash removal will be designed to allow a 30-foot long truck (20' axle) to turn around on site, eliminating the need of trucks to back into Waverly Street. Trucks longer than 30 feet will not enter the site and will be required to use the western curb side of Waverly Street in the southbound direction, and only at low-volume hours as approved by MCDOT. These revisions will be required prior to building permit and are subject to approval of MCDOT.

17. Public Art

The design, materials, configuration, and construction method of all items proposed in the Site Plan, as well as additional appropriate crafted elements in the floors, ceiling, walls and signage will be detailed for approval by the Planning Board prior to issuance of building permit. The applicant shall provide the following for the review:

a. Identification

Identification of Artists and Artisans on the design team.

b. Examples

Specific illustrations of examples of artists' and artisans' work which are appropriate for this specific site.

c. Collaborative Process

Establish (including appropriate documentation) of a collaborative process (in consultation with staff) which will insure a comprehensive integration of ideas and concepts between the team of Artists/Artisans and the project design team for the purpose of insuring a comprehensive treatment of the art elements identified.

d. Products

Products (which shall be the results of the collaborative process) in the form of a series of drawings, photographs, maquettes, or other appropriate means to illustrate the specific proposed public art and artisanry.

18. Project Plan must be amended to make it consistent with vehicular circulation provision of Site Plan to permit limited access from East-West Highway for Drive-In Window as described in Condition No. 16. Such Project Plan Amendment shall not extend the time period for execution of Site Plan.

Relying on the Staff Report and testimony, as supplemented by the applicant's evidence and testimony, the Planning Board finds:

1. The Site Plan is consistent with Project Plan No. 9-83007, except as modified by conditions of this approval.

The Planning Board bases this finding upon the plan as submitted and upon the Staff Report, pages 7-14.

A. The Project Plan required all vehicular entrances and exits to be from Waverly Street. The applicant's legal obligations resulting from its lease with Potomac Valley Bank require the applicant to provide the bank with vehicular access from East-West Highway for a drive-in window. Condition No. 16 permits limited access from East-West Highway for an entrance to the drive-in window until June 1992, or until the termination of the lease, whichever occurs first.

Permitting this limited access from East-West Highway, however, requires the applicant to amend his approved Project Plan, as required by Condition No. 18.

B. The Project Plan required the applicant to delete the passageway between the remaining buildings and the new construction. In order for the Site Plan to be consistent with the approved Project Plan, Condition No. 1 requires the applicant to delete the passageway. A plan for the use and treatment for this area must be approved by the Planning Board prior to the issuance of building permits.

C. To be consistent with the Project Plan, approval of the Site Plan is limited to a floor area which will not exceed more than 104 P.M. peak hour trips as provided in the approved Project Plan.

D. To ensure compliance with the Project Plan, the applicant will be required to submit to the Planning Board for its approval prior to building permit, illustrations and details of the public amenity area to show the character and furnishings of the space and the sources of the public amenity space.

The Planning Board will review the Community Art Space program at the end of two years to ensure that this Space meets the purposes of the amenity space for the Project Plan and the Site Plan.

2. The Site Plan conforms to the requirements of the CBD-2 Zone.

The Planning Board bases this finding upon the plan as submitted and on the Staff Report, page 15.

3. The location of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient, as modified by the conditions of this approval.

A. The location of the building elements has remained as proposed at Project Plan. The public amenity space for this project will be under the new office block at the ground floor level and will include a unique amenity offering - an indoor Community Art Space - which will be provided rent-free. The applicant will provide ongoing assistance in the operating expenses and management of this Space. The Community Art Space will be a major asset to the public spaces in Bethesda.

The additional review by the Planning Board of the details of the amenity area and the public arts program and of the management structure of the Community Art Space, as provided in Condition Nos. 1, 2 and 17, will ensure adequate and efficient open space.

B. The applicant will be required to provide a large amount of streetscape on both sides of the public right-of-way of East-West Highway in accordance with the Bethesda Streetscape Plan.

C. The vehicular and pedestrian circulation for the site are adequate, safe and efficient.

1. The limited access from East-West Highway for the drive-in window will operate for only a short period of time. The building will not be opened until 1987-1988 and the lease with Potomac Valley Bank terminates at the latest in 1992.

2. In accordance with the approved Project Plan, the narrow passageway between the old and new buildings will be eliminated. It was determined that this passageway would create unsafe and inadequate conditions for pedestrians.

MCPB Opinion
Site Plan Review No. 8-84005
Page Nine

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

This project continues the theme of the 7475 Wisconsin Avenue project by using similar materials and form to create an urban edge along East-West Highway. The project will also visually screen part of Parking Garage #47 from view along East-West Highway.

The uses of this project - office, retail, food service and the Community Art Space -- are compatible with and supportive of the adjacent sites and provide retail continuity.

Date Mailed: November 14, 1985

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan Review #8-84005 (Amendment)

Project 4600 East-West Highway

On May 24, 1985, Keyes, Condon & Florence submitted an application for the approval of a site plan for property in the CBD-2 zone. The application was designated Site Plan Review #8-84005 (Amendment).

On August 15, 1985, Site Plan Review #8-84005 (Amendment) was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

and approves Site Plan Review #8-84005 (Amendment) subject to the following conditions:

1. ~~Public Amenity Areas~~

The applicant will submit ~~for Planning Board approval, prior to building permit, illustrations and details of the public amenity areas adequate to show the character and furnishing of these spaces~~ and will describe the sources of public space animation. Approximately one-third of the outdoor public area under the building will be designed to function as an ~~adjunct space to the~~

~~Community Art Space properly equipped for outdoor displays of sculpture or other artwork, and for small arts performances, including appropriate lighting. The public amenity area shall exceed 20% of net lot and meet the purposes of amenity space as provided in the Project Plan.~~

The applicant will delete from the plan the passageway between the remaining buildings and the new construction. A plan for the use and treatment of this area will be approved by the Planning Board prior to issuance of building permit.

2. The Community Art Space

The applicant will provide for Planning Board approval a management structure for the Community Art Space, including a typical tentative program for the space, to be presented to the Planning Board within one year of issuance of building permit. The management structure will address the participation of various interest groups, the creation of a Board of Directors, hiring of appropriate staff and budget preparation, as well as other factors to assure responsible management of the Center. The Planning Board will undertake a review of the Community Art Space program at the end of two years of operation to see if it is meeting the purposes of amenity space for the Project and Site Plans.

3. Enforcement Agreement and Development Program

The applicant will provide a Site Plan Enforcement Agreement and Development Program prior to approval of the building permit.

4. Underground Utilities

- a. All new utilities which serve 4600 East-West Highway must be located underground.
- b. All utility connections to existing buildings will be located underground.
- c. Transition from underground to overhead service will be provided by the applicant.
- d. Transfer to overhead service must occur as specified by PEPCO. The transition must include necessary paving and patching of existing streets and sidewalks.
- e. Final review of the utility layout will be provided for staff review prior to start of construction of the utilities.

- . Along the south curb of East-West Highway from the west property line east to Waverly Street.
- . Along the west curb of Waverly Street from East-West Highway south to the south property line.
- . Along the north curb of East-West Highway from the extension of the west property line across East-West Highway eastward to the west property line of Waverly House.

5. Streetscape Elements

All streetscape improvements will be implemented by the developer consistent with the approved Bethesda Streetscape Plan. The applicant will submit for staff approval, prior to issuance of building permit, a complete set of streetscape plans locating each street tree, planting area, light pole, signal pole, bench, trash receptacle, crosswalk, or other required streetscape elements. The applicant will indicate the feasibility of locating all of the above streetscape elements in relationship to existing or proposed utilities and will show required conduit necessary for operation of street lighting and traffic signals. Radii of street curb intersections and of driveway curbs will be approved by MCDOT and MSHA.

6. Street Lighting

- a. Bethesda Lantern: The applicant will provide, install, and maintain all Bethesda Lanterns in accordance with the requirements of MCDOT. Final location must be provided for staff review prior to approval of the building permit. Power for the lighting will be provided by Montgomery County.
- b. High Intersection Lighting: MCDOT has agreed to provide, install and maintain the high intersection lighting. The applicant will install electrical conduit and coordinate final location and construction phasing with MCDOT prior to start of construction.
- c. Traffic and Crosswalk Signals: MCDOT will provide, install and maintain the traffic and crosswalk signals. The applicant will provide a location for signal switching devices. Final location and construction phasing of the traffic and crosswalk signals will be coordinated with MCDOT prior to start of construction.

7. Building Floor Area and Trip Generation

The applicant will reduce the floor area accountable so

that it will not exceed 4.0 FAR (Floor Area Ratio). The 4600 East-West Highway project shall be limited to traffic generation of 104 P.M. peak hour trips.

8. Air and Noise Quality

Prior to building permit, the applicant will demonstrate to the satisfaction of M-NCPPC staff that air and noise quality in the public areas will be of a sufficiently high level.

9. Management Organization

The applicant shall enter into agreements to participate in such Management Organization as may be adopted as a requirement by the Montgomery County Planning Board as a part of the Streetscape Program prior to approval of the occupancy permit. Until the Management Organization is established, the applicant shall be responsible for the maintenance, promotion, and security of the public amenity areas constructed by the applicant upon the applicant's property and within public rights-of-way, and for the maintenance of public amenity areas constructed by the applicant upon other privately held property.

10. Staging

Construction of the project must have begun within the zoning ordinance time period requirements or the project plan will be considered void unless the Planning Board extends the time period in accordance with the zoning regulations and the Amendments to the Bethesda CBD Sector Plan recommendation.

11. Covenant

The applicant will enter into a covenant with the County to cover maintenance and liability for non-standard streetscaping improvements within the County and State right-of-way.

12. Water Supply

Authorization and construction of a 12-inch water loop completion in Waverly Street, south of Montgomery Avenue along the railroad right-of-way to Wisconsin Avenue, then south on Wisconsin Avenue to Elm Street, tying into the existing 16-inch water main at that point, or WSSC-approved equivalent will be secured, per WSSC letter of March 30, 1983.

13. Sanitary Sewer

The applicant will secure approval for sanitary sewer

connections as required by WSSC prior to issuance of building permit.

14. Stormwater Management

The applicant should submit as soon as possible written verification from the Montgomery County Soil Conservation District that a stormwater management waiver has been granted or will be granted for this project.

15. Subdivision

This Site Plan Approval is conditioned on Approval of a Preliminary Plan of Subdivision, which must be secured prior to issuance of building permit.

*16. Vehicular Circulation

The applicant will revise the site vehicular circulation to accommodate all vehicular entrances and exits onto Waverly Street. No vehicular access will be permitted to or from East-West Highway, except for limited access for entrance to drive-in window until June 1992 or the termination of the existing lease with Potomac Valley Bank, whichever occurs first. The applicant shall continue to work with Staff to explore alternative solutions to eliminate the need for this limited access. The configuration of the service area and the truck docks for the office building, for the existing uses to remain, and for site trash removal will be designed to allow a 30-foot-long truck (20' axle) to turn around on-site, eliminating the need of trucks to back into Waverly Street. Trucks longer than 30 feet will not be permitted to use the western curb side of Waverly Street and must be accommodated on-site. These revisions will be required prior to building permit and are subject to approval of MCDOT.

17. Public Art

The design, materials, configuration, and construction method of all items proposed in the Site Plan, as well as additional appropriate crafted elements in the floors, ceiling, walls and signage will be detailed for approval by the Planning Board prior to issuance of building permit. The applicant shall provide the following for the review:

a. Identification

Identification of Artists and Artisans on the design tema.

b. Examples

Specific illustrations of examples of artists' and artisans' work which are appropriate for this specific site.

c. ~~Collaborative Process~~

Establish (including appropriate documentation) of a collaborative process (in consultation with staff) which will insure a comprehensive integration of ideas and concepts between the team of Artists/Artisans and the project design team for the purpose of insuring a comprehensive treatment of the art elements identified.

d. ~~Products~~

Products (which shall be the results of the collaborative process) in the form of a series of drawings, photographs, maquettes, or other appropriate means to illustrate the specific proposed public art and artisanry.

18. Project Plan must be amended to make it consistent with vehicular circulation provision of Site Plan to permit limited access from East-West Highway for Drive-In Window as described in Condition No. 16. Such Project Plan Amendment shall not extend the time period for execution of Site Plan.

Relying on the Staff Report and testimony, as supplemented by the applicant's evidence and testimony, the Planning Board finds:

1. The Site Plan is consistent with Project Plan No. 9-83007, except as modified by conditions of this approval.

The Planning Board bases this finding upon the plan as submitted and upon the Staff Report, pages 7-14.

- A. The Project Plan required all vehicular entrances and exits to be from Waverly Street. The applicant's legal obligations resulting from its lease with Potomac Valley Bank require the applicant to provide the bank with vehicular access from East-West Highway for a drive-in window. Condition No. 16 permits limited access from East-West Highway for an entrance to the drive-in window until June 1992, or until the termination of the lease, whichever occurs first.

Permitting this limited access from East-West Highway, however, requires the applicant to amend his approved Project Plan, as required by

Condition No. 18.

- B. The Project Plan required the applicant to delete the passageway between the remaining buildings and the new construction. In order for the Site Plan to be consistent with the approved Project Plan, Condition No. 1 requires the applicant to delete the passageway. A plan for the use and treatment for this area must be approved by the Planning Board prior to the issuance of building permits.
- C. To be consistent with the Project Plan, approval of the Site Plan is limited to a floor area which will not exceed more than 104 P.M. peak hour trips as provided in the approved Project Plan.
- D. To ensure compliance with the Project Plan, the applicant will be required to submit to the Planning Board for its approval prior to building permit, illustrations and details of the public amenity area to show the character and furnishings of the space and the sources of the public amenity space.

The Planning Board will review the Community Art Space program at the end of two years to ensure that this Space meets the purposes of the amenity space for the Project Plan and the Site Plan.

- 2. The Site Plan conforms to the requirements of the CBD-2 Zone.

The Planning Board bases this finding upon the plan as submitted and on the Staff Report, page 15.

- 3. The location of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient, as modified by the conditions of this approval.
- A. The location of the building elements has remained as proposed at Project Plan. The public amenity space for this project will be under the new office block at the ground floor level and will include a unique amenity offering - an indoor Community Art Space - which will be provided rent-free. The applicant will provide ongoing assistance in the operating expenses and management of this Space. The Community Art Space will be a major asset to the public spaces in Bethesda.

~~The additional review by the Planning Board of the details of the amenity area and the public arts~~

program and of the management structure of the Community Art Space, as provided in Conditions No. 1, 2 and 17, will ensure adequate and efficient open space.

- B. The applicant will be required to provide a large amount of streetscape on both sides of the public right-of-way of East-West Highway in accordance with the Bethesda Streetscape Plan.
- C. The vehicular and pedestrian circulation for the site are adequate, safe and efficient.
 - 1. The limited access from East-West Highway for the drive-in window will operate for only a short period of time. The building will not be opened until 1987-1988 and the lease with Potomac Valley Bank terminates at the latest in 1992.
 - 2. In accordance with the approved Project Plan, the narrow passageway between the old and new buildings will be eliminated. It was determined that this passageway would create unsafe and inadequate conditions for pedestrians.
 - 4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

This project continues the theme of the 7475 Wisconsin Avenue project by using similar materials and form to create an urban edge along East-West Highway. The project will also visually screen part of Parking Garage #47 from view along East-West Highway.

The uses of this project - office, retail, food service and the Community Art Space -- are compatible with the supportive of the adjacent sites and provide retail continuity.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD
OPINION

Site Plan Review #8-84005
Project: 4600 East-West Highway
(Art Component)

Date Mailed: June 29, 1989

Action: (Motion was made by Commissioner Floreen, seconded by Commissioner Hewitt, with a vote of 3-0, Commissioners Keeney, Floreen, and Hewitt voting for and no Commissioner voting against. Commissioners Bauman and Henry were absent.)

On August 17, 1984, 4600 Associates submitted an application for the approval of a site plan for property in the CBD-2 zone. The application was designated Site Plan Review #8-84005.

On June 22, 1989, Site Plan Review #8-84005 (Art Component) was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

APPROVAL of the Montgomery County Arts Council as the management entity for the community arts space and APPROVAL of the proposal submitted by the Montgomery County Arts Council.

JBG ASSOCIATES

1250 Connecticut Ave, NW
Washington, DC 20036
(202) 364-6200

Donald A. Brown
Joseph B. Gildenhorn
Benjamin R. Jacobs
Robert H. Braunohler
Lewis Rufford, III
Michael J. Glosserman

Attachment 6

September 19, 1988

Ms. Jan Elicker
Montgomery County Recreation Dept.
Six Montgomery Village Avenue
Suite 550
Gaithersburg, MD 20877

RE: Arts Program, 4600 East-West Highway
and 7475 Wisconsin Avenue

Dear Jan:

In response to your recent request, I am enclosing certain information which I hope will help you prepare for your presentation regarding the Bethesda Public Art Program. I have included excerpts from our site plan submissions to the Maryland-National Capital Park and Planning Commission for 4600 East-West Highway and 7475 Wisconsin Avenue; these describe the various works and include biographical information about the artists. In addition, I have included pertinent information pulled together from other various sources.

The works commissioned by JBG for our two Bethesda projects are as follows:

<u>PROJECT</u>	<u>ARTIST</u>	<u>TITLE</u>	<u>MEDIUM</u>
4600 East-West Highway - Lobby	Patsy Norvell	Glass Jungle	Sandblasted Glass
7475 Wisconsin Avenue - Lower Concourse	Yuriko Yamaguchi	Wonder of Wonders	Cast Bronze on Precast
7475 Wisconsin Avenue - Upper Concourse	Stephen Antonakos	Ceiling Neon for 7475 Wisconsin Ave.	Neon Tubes and Metal Raceways
7475 Wisconsin Avenue - Exterior Tower at Pent-house Level	Stephen Antonakos	Neons for the Tower	Neon Tubes and Metal Raceways

Ms. Jan Elicker
September 19, 1988
Page 2

Please feel free to contact Patsy Norvell, Yuriko Yamaguchi or Stephen Antonakos directly if you would like to discuss their pieces at length.

Best regards, and good luck with your presentation.

Sincerely,



Diane L. Hartley

DLH/pl

Enclosures

cc: Ms. Karen Kumm (w/encls)

bcc: Mr. Herb Behre (w/encls)

7475 WISCONSIN AVENUE

ART DEVELOPMENT PROCESS

The goal of the art program for 7475 Wisconsin Avenue has been to integrate the building's fine arts aspects and its architecture - to endow it with a unique, landmark identity. The art program was shaped to engage and delight the audience: the community, tenants, visitors, pedestrian commuters from the Metro station and people driving by. We selected one artist from the greater Washington, D.C., area and one artist with a national profile, to recognize the importance of both in our community.

The public space opportunities of 7475 Wisconsin Avenue were analyzed and three areas were pinpointed:

The building's corner (tower) elevation, because of its pivotal position at the intersection of three major roadways and because the building is the terminus of Old Georgetown Road.

The street-level entry lobby of the building.

The lower (retail) concourse connecting with the Metro tunnel.

PROCESS: SELECTION OF ARTISTS

Extensive research was done to survey prospective artists. Special attention was given to artists based in the greater Washington area. Presentations were made to JBG and the architects, after which five artists were asked to conceive and present a specific proposal and budget. These five artists were paid a fee for their efforts. On the strength of their proposals, artists Stephen Antonakos and Yuriko Yamaguchi were chosen to work with Keyes Condon Florance, project architects, creating the artworks you see today.

STATEMENT ON "WONDER OF WONDERS"

"Wonder of Wonders" is the story about the myth of all beings who are living in the cycle of constant birth and death. There are no questions and answers; but there is only undeniable fact. It is the living energy which is working underneath. Living itself with the natural force takes shapes and establishes form in the universe. Look at trees, plants, all kinds of animals and insects All look different but stem from the same living energy. How about us as human beings? The earth, the water, the fire, the air and the space -- the essence of all kinds Can we live without them or can we separate from that essence? The earth, the water, the fire, the air and the space are working within us and we are living among them. Let's face this fact. How cannot we become be humble? How cannot we surrender? If we want to have peace on earth, let's be aware of this overwhelming power which exceeds our own intellectual abilities. If we want to have real peace on earth, let's reflect again on the meaning of life by going back to the original state where human lives started.

By Yuriko Yamaguchi

STEPHEN ANTONAKOS

Stephen Antonakos was born in Greece in 1926. In 1930, he emigrated to New York, still his home. Throughout the 1950s, Antonakos worked primarily in collage and assemblage, works he began exhibiting towards the end of that decade. By 1962, neon had become his principal art medium and he was starting to use neon directly on walls and floors, getting away from the traditional pedestal of sculpture and the notion of an artwork as a self-contained object.

Antonakos' neon works are site-responsive, actively addressing their specific architectural context. His neon works have elements of both painting and sculpture, manipulating color and light and articulating structure and form. These works have a classical purity and, in a very idiosyncratic way, are involved with geometry.

For the past twenty years, Antonakos has had one-person exhibitions in major art galleries and museums across the United States and in many European capitals: from Buffalo, Chicago, Forth Worth, Fresno, Miami and New York, to Genoa, Stockholm, Paris, Geneva, Athens and Munich. His permanent installations, created expressly for public locations, include "Red Neon Circle Fragments on a Blue Wall" for the Federal Building in Dayton, Ohio (1978, commissioned by the Government Services Administration); a large outdoor wall work for Manhattan's West 42nd Street (1981, commissioned by the 42nd Street Redevelopment Corporation); and a large, outdoor facade neon for the Center Resident Theater in Seattle, Washington (1983).

NEONS FOR THE TOWER

Antonakos' participation in the development of 7475 Wisconsin Avenue has been in direct response to the facade of the building, particularly the tower-like structure, corner location. His work connects the exterior and interior focal points of the building.

Above the building's roofline, toward the top of the tower, playing off of the faceted "neck" area above the fenestrated shaft, the artist placed a group of clear red neon forms: straight lines, wavy lines, fragments of circles and fragments of squares, mounted directly on the building's exterior walls. The neon tubes are supported by "raceways," aluminum forms 5" x 6" in cross-section, which follow the length and exact form of the neon elements. The raceways also house the wiring and transformers needed to illuminate the clear red neon tubes. At several points, the neon and raceway elements actually extend beyond the building wall and play directly against the sky. The neon elements create a distinctive landmark for the area.

The continuous presence of the red neon elements of the building's tower is blended after sundown with

floodlighting, washing the building's walls to the left and right of the central-corner tower. Therefore, as the natural light fades, the glowing effect of 7475 Wisconsin becomes more pronounced and the upper dome of the building emits a beam of light. Reinforced by the sculptural quality of the raceway supports, the elements are also visible during sunny, daylight conditions.

In the interior lobby of the building, Antonakos has used the ceiling of this public area to suspend a series of raceways. The painted raceways, supporting neon tubes of different colors (clear red, blue and green), create a striking, chromatic configuration of incomplete circles and squares and wavy and straight lines. Illuminated continuously, Antonakos' lobby ceiling work is visually and spatially engaging from all angles, and ties in strongly with the treatment on the building's exterior facade.

Glass Jungle and Pond

The four piece glass sculpture in the lobby was sculpted by New York artist Patsy Norvell. The piece is called Glass Jungle and Pond. The three vertical "jungle" pieces are sandblasted glass screens. The horizontal "pond" is a sandblasted mirror. Below the entire sculpture is a specially designed neon tube designed to highlight the sculpture. Because of the lighting, this art piece looks particularly beautiful at night.

The peice took nearly a year to complete in Norvell's New York studio, while our construction company built the raised slate area and enclosure. The pieces were shipped from New York and installed by the artist one by one.

Attachment 7



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FROM: Molline Smith,
Art Review Panel Coordinator

RE: Bethesda Crescent
SITE PLAN # 81988045D

DATE: December 21, 2012

The Art Review Panel has generated the following meeting minutes based on our discussion of the design concept for this Site Plan on the December 12, 2012. The recommendations provided within this memo should be incorporated into your review and considered prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel to contact me.

Attendance:

Simon Carney (Bethesda Crescent Applicant)
Anne Clinton (Bethesda Crescent Applicant)
Michelle Kim (Bethesda Crescent Applicant)
Laura Smelgus (Bethesda Crescent Applicant)

Meeting Notes

- The applicant will be removing three pieces: Ceiling Neon, The Wonder of Wonders, and Glass Jungle.
- Proposal consists of 1) providing BUP with art studio/gallery space, rent free; 2) reimburse BUP for the cost of upgrading the lighting within the Metro tunnel (approximately \$22,000), 3) contribute \$2,500 toward the tunnel Vision Project, and 4) contribute to the cost of storage and/or relocation of the pieces.
- The proposal should be quality to the public benefits that were provided with the approval of this project.

Panel Recommendations:

- The Applicant shall reconsider the terms of the lease agreement to extend the timeframe to 10-years instead of 5-years.
- The "tunnel vision" plus the 1,200 gallery rental space are included in the exchange for the relocation of the artworks. The BUP committee and the Applicant have discussed a 10-year term in accordance to Mark Kramer (Art Review Panel member, project Architect, and BUP committee member). We are concerned that their proposal is not an equal exchange, as the artworks are assumed to be of a more permanent public benefit. While the proposed package surely accomplishes the original intent of the Public Benefits Package; the proposed condition below only requires the relationship to the public on a "temporary" basis. During the meeting, the Applicant referred to the 1,200 rental space as being "unleasable space". If that is truly the case, than the Art Review Panel would like to retain a more permanent relationship in order to satisfy the original intent of the previously approved Public Benefits Package. We see the

permanent occupancy of the 1,200 rental space by a public entity as a win-win situation for the public and the Applicant.

- The Deaccession Procedures and the Relocation of Public Art (sections 10.2.3 and 10.3, within the Public Arts Trust Policies and Procedures document) should be reviewed for compliance. The following procedures should be elaborated on in the Staff Report of the Site Plan Amendment.
 - o Appraised value of the artwork;
 - o Specific details regarding the size of the studio/gallery space (architectural drawings) and the terms of the lease agreement;
 - o Public/ Artist notification process;
 - o Trade options; and
 - o Financial associated costs incurred to implement the removal and/or disposal of the artwork.
 - o Staff's evaluation of the changes specific to the compliance of the public use space requirement.

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