



MAY 23 2016

MCPB No. 16-009
 Sketch Plan No. 320150050
 Artery Plaza
 Date of Hearing: May 12, 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; 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 a sketch plan for construction of up to 586,611 square feet of total floor area consisting of up to 543,170 square feet of office uses and up to 43,441 square feet of nonresidential uses (retail, restaurant, or service) on 3.02 acres of CR-5.0 C-5.0 R-5.0 H-45 zoned-land, 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, Applicant's sketch plan application was designated Sketch Plan No. 320150050 Artery Plaza ("Sketch Plan" 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 binding elements and 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 binding elements and conditions, by the vote certified below.

Approved as to
 Legal Sufficiency:

Christina Sount 5/4/16
 M-NCPPC Legal Department

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320150050, Artery Plaza, for up to 586,611 square feet of floor area, consisting of up to 543,170 square feet of office uses and up to 43,441 square feet of nonresidential uses (retail, restaurant, or service) on the Subject Property, subject to the following binding elements and conditions.¹ All conditions imposed by the approval of Project Plan No. 919810090, as amended, are superseded by the conditions contained herein.

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density
The development is limited to a maximum 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. Height
The development is limited to the maximum height of 145 feet, as measured from the approved building height measuring point in compliance with Section 59-4.1.7.C.2.
3. Public Amenity Space
The Applicant must operate the art gallery in the lobby of 7200 Wisconsin Avenue for public viewing on weekdays from 8:00 a.m. to 6:00 p.m., holidays excepted. Future changes to the hours of operation may be approved by the Planning Director or his or her designee.
4. Incentive Density
The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Total points must equal

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.2.a. The requirements of Division 59-4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at site plan approval.

- a. Major Public Facilities, achieved through provision of the Applicant's share of the cost of the on-street alignment of the Capital Crescent Trail on the north side of Bethesda Avenue;
- b. Transit Proximity, achieved through proximity to a Metrorail station;
- c. Connectivity and Mobility, achieved through provision of fewer than the maximum parking spaces;
- d. Quality of Building and Site Design, achieved through ground floor transparency, exceptional design, and structured parking; and
- e. Protection and Enhancement of the Natural Environment, achieved through purchase of building lot terminations, vegetated roof, and vegetated wall.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 3.02 acres zoned CR-5.0 C-5.0 R-5.0 H-145. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Data Table

Table 1-Sketch Plan Project Data Table			
Section	Development Standard	Permitted/ Required	Approved
59 – 4	Gross Tract Area (sf)	n/a	131,545
4.5.4.B.2.b	Density CR-5.0, C-5.0, R-5.0, H-145		
	Commercial FAR/GFA	5.0/657,725	4.46/586,611
	Residential FAR/GFA	5.0/657,725	0/0
	TOTAL FAR/GFA	5.0/657,725	4.46/586,611
4.5.4.B.2.b	Building Height (feet) C-R5.0, C-5.0, R-5.0, H-145	145	145
4.5.4.B.3	Minimum Setback (feet) From R.O.W.	0	0
4.5.4.B.1	Open Space Public Open Space (%/sq. ft.)	10/10,450	12.7/13,235
6.2	Parking (spaces) Non-residential uses	959-1,928	959

The intent of the CR zone is to:

- a) *Implement the recommendations of applicable master plans.*

As discussed in Finding 2 below, the Application substantially conforms to the recommendations of the Sector Plan and the Minor Master Plan Amendment. The Application responds to the Sector Plan's main goals, including providing employment opportunities in close proximity to transit, infill development that contributes to the vibrancy and success of downtown Bethesda, and contribution to the cost to construct the on-street alignment of the Capital Crescent Trail, as recommended in the Minor Master Plan Amendment.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The existing office building at 4733 Bethesda Avenue, which has one ground-floor retail space, was constructed in 1965, before the current Sector Plan was adopted. The redeveloped office building will provide expanded, more prominent ground-floor retail uses, thereby providing a mix of uses.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Application provides additional employment opportunities and commercial services in close proximity to transit, to meet the needs of workers and residents of the CBD. The additional office space will complement and support the existing businesses in the surrounding area. The location of the office building, within 1,000 feet of the Bethesda Metrorail station, will encourage utilization of transit for work trips. Additionally, the ground floor retail space provides opportunities for various businesses to operate within the Metro Core area of the CBD, as defined in the Sector Plan. The streetscape improvements will enhance the pedestrian connection between existing retail and office uses along Wisconsin Avenue and Bethesda Row.

No parking will be provided between the buildings and the street.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Application will provide new office and retail uses close to transit, complementing the surrounding residential and commercial uses. The surrounding properties are largely developed with high-density, high-rise buildings. As such, the 14-story office building will complement the 12-story office building that will remain on the Subject Property and will fit into the existing character of the area.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

Although the Application does not include any residential development, it will provide a desirable mix of uses that will support the surrounding development. The vast majority of recent development in Bethesda has been residential, including the development closest to the Subject Property. The approved office development will provide additional opportunities for those who live in the CBD to work in close proximity to their residences.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

As discussed in Finding 6 below, the Application will provide the required public benefits from a minimum of five categories to achieve the desired incentive density above the standard method limit.

b. General Requirements

i. *Building Height Measurement*

Under Section 4.1.7.C.2, the building height of each street-fronting building must be measured from the approved curb grade opposite the middle of the front of each building. The site plan shows a building height measurement location on Wisconsin Avenue, in a location removed from the front of the approved building. Condition No. 3 requires the building to be measured in compliance with Section 4.1.7.C.2.

ii. *Site Access*

The existing driveways provide well-integrated access from Bethesda Avenue to the Subject Property, and they will continue to do so for the approved building also.

iii. *Parking, Queuing, and Loading*

The approved office building and the existing office building will share a parking garage and loading spaces for adequate off-street parking and loading.

iv. *Open Space and Recreation*

The Application has a 10 percent public open space requirement, which yields a requirement of 10,450 square feet of open space. The Application provides 13,235 square feet of public open space. A portion of the public open space will be provided in the previously approved, and now existing, Artery Plaza at the intersection of Wisconsin Avenue and Bethesda Avenue. This plaza will be improved with new landscaping, benches, tables, chairs, umbrellas, and a colorful fabric shade for the existing trellis.

v. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by office employees, business owners, and visitors. The Application will transform existing streetscape along the frontage on Bethesda Avenue with new street trees, improved sidewalk, and street lighting.

- 2. The Sketch Plan substantially conforms to the recommendations of the Sector Plan and Minor Master Plan Amendment.*

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.

- 3. The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

- 4. The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Application has been designed to ensure that it is physically compatible with, and not detrimental to, existing and future development surrounding the Subject Property. The building has been designed at an appropriate scale for the surrounding area. The Metro Core District of the Sector Plan, where the Subject Property is located, is slated for the highest densities and most intensive employment uses in the Sector Plan area. The building will be 14 stories tall, in an area that contains numerous other high-rise buildings. The

building will be built up to the sidewalk with entrance doors that open onto it, in conformance with Sector Plan goals.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Application will significantly improve the pedestrian and bicyclist access and circulation within the CBD. Streetscape improvements along the Subject Property's frontage on Bethesda Avenue will provide for a safer and more efficient pedestrian environment. In addition, the Applicant will contribute to the Application's share of the cost of the on-street alignment of the Capital Crescent Trail on the north side of Bethesda Avenue.

The Application will also maintain satisfactory vehicular circulation by not adding curb cuts along Bethesda Avenue. Adequate parking will be provided on-site to accommodate all users of the Subject Property, and access to parking and loading is located to minimize pedestrian-vehicular conflicts.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

Table 2- Sketch Plan Public Benefits Calculations

Public Benefit	Incentive Density Points		
	Total Points Possible	Requested	Approved in Concept
4.7.3.A: Major Public Facilities	70	7.6	7.6
4.7.3.B: Transit Proximity	50	40	40
4.7.3.C: Connectivity and Mobility			
Minimum Parking	10	10	10
4.7.3.E: Quality of Building and Site Design			
Architectural Elevations	20	20	20
Exceptional Design	10	7.5	7.5
Structured Parking	20	14.1	14.1
4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	30	2.5	2.5
Vegetated Wall	10	5	5
Vegetated Roof	15	10	10
TOTAL	100 (Minimum Required)	116.7	116.7

Major Public Facilities

In accordance with the Minor Master Plan Amendment, the Application will contribute its share of the cost of the on-street alignment of the Capital Crescent Trail on the north side of Bethesda Avenue. The Planning Board approves 7.6 points in concept.

Transit Proximity

The Subject Property is located within ¼ mile of the entrance to the Bethesda Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board approves 40 points in concept.

Connectivity and Mobility

Minimum Parking: The Application provides fewer than the maximum number of allowed parking spaces. The maximum number of allowed spaces is 1,928, but the Application will provide 959 spaces. The Planning Board approves ten points in concept.

Quality of Building and Site Design

Architectural Elevations: The building is designed to provide ground-floor transparency. The ground-floor façade is primarily glass, readily allowing

views into and out of the building. The building will have at least three public entry doors on Bethesda Avenue serving the retail spaces and the office lobby. The Certified Site Plan will document these and other design elements and substantial conformance with the building design will be required of the Applicant. The Planning Board approves 20 points in concept.

Exceptional Design: Incentive density of up to five points is appropriate for development that meets at least four of the following criteria, and ten points for development that meets all of them:

- Provides innovative solutions in response to the immediate context
- Creates a sense of place and serves as a landmark
- Enhances the public realm in a distinct and original manner
- Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way
- Uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable on a problematic site
- Integrates low-impact development methods into the overall design of the site and buildings, beyond green building or site requirements.

The building design is a unique response to the urban and architectural setting of the Subject Property. The design focuses on achieving a richly articulated massing, broken down into a series of different volumes that reduce the perceived scale of the overall building from the public realm through the use of setbacks and a cantilevered section above the adjacent two-story retail building. This sculptural treatment of an infill site accentuates the importance of the corner of Woodmont and Bethesda Avenues, creating an iconic building that defines the Subject Property while acting as a transition between the taller buildings towards the north and east and the lower ones towards the south and west.

The expression of multiple volumes is highlighted by the use of two different architectural envelopes for the upper volumes and a unique retail storefront design for the building base. The building will rely on quality materials and innovative façade systems, like curtain wall and decorative rain screen panel systems, to ensure lasting performance and aesthetic appeal.

A major goal of the Application is to create high quality retail space with a generous floor to ceiling height that will appeal to many different businesses. The base will be pedestrian-oriented, with entrances at grade with the sidewalk.

The Planning Board approves 7.5 points in concept.

Structured Parking: The Application earned 14.1 points for structured parking consisting of 564 above-grade spaces and 395 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade. The Planning Board approves 14.1 points in concept.

Protection and Enhancement of the Natural Environment

Building Lot Termination: The Applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. With these parameters, the Applicant must purchase 0.28 BLTs. The Planning Board approves 2.5 points in concept.

Vegetated Roof: The Application earned 10 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 60% of the total roof excluding space for mechanical equipment. The Planning Board approves ten points in concept.

Vegetated Wall: A vegetated wall will be placed on the exterior wall of the existing above-grade parking garage that is part of the existing office building at 7200 Wisconsin Avenue. The vegetated wall will screen the parking garage from the approved office building. The green screen is located on a blank garage façade. The green screen will cover 30% of the blank wall. The green screen will be comprised of a three-dimensional welded wire trellis system that will be attached to the garage face. Two different species of vine will be planted on the green screen. American wisteria is a deciduous vine with purple blooms that emerge during early summer. Boston Ivy is an evergreen climbing vine. The Planning Board approves five points in concept.

7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

The new development included in the Application will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan and Minor Master Plan Amendment, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and


BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Artery Plaza Sketch Plan 320150050, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board 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 * * * * *

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