Summary
- Staff recommends approval with conditions.
- When the Applicant purchased the Property in 2019, it discovered that the existing building was constructed approximately 15,616 square feet larger than was approved in the 1980s: 317,174 square feet versus 301,558 square feet.
- The development was approved before October 29, 2014 and as allowed under Section 59.7.7.1, is being reviewed under the CBD-3 zone using the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.
- The provisions of Section 59.7.7.1 allow an Applicant to request an increase in floor area of up to the lesser of 10 percent or 30,000 square feet, in this case 30,000 square feet. The Applicant is requesting an increase of 19,255 square feet.
- The additional 19,255 square feet includes the 15,616 square feet existing today and 3,639 square feet of new office and retail space.
- The existing underground garage structure and utility vaults in the Old Georgetown Road right-of-way currently prevent the required dedication. The Applicant will execute an easement for future dedication of the necessary area.
- Staff has received no comments on the Application.
SECTION 1: RECOMMENDATION AND CONDITIONS

Project Plan Amendment 91984004A
Staff recommends approval of Project Plan Amendment 91984004A, to increase the maximum gross floor area from 301,558 square feet to 320,813 square feet.

Preliminary Plan Amendment 11979251A
Staff recommends approval of Preliminary Plan Amendment 11979251A, to increase the maximum gross floor area from 301,558 square feet to 320,813 square feet, which includes 309,229 square feet of office uses and 11,584 square feet of retail. The following conditions supersede those of the original approval in their entirety:

1. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

2. Any portion of right-of-way along Old Georgetown Road that cannot be dedicated or that SHA doesn’t require to be dedicated to provide the Sector Plan recommended right-of-way will be subject to an easement for future right-of-way dedication, to be shown on the Certified Site Plan.

3. The Planning Board has reviewed and accepts all recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 30, 2020, with the exception of item 2 regarding right-of-way dedication, addressed by Condition 2 above, and hereby incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan Amendment approval.

4. Prior to the issuance of the first building permit for the square footage included in this application, the Applicant must contribute to MCDOT, $11,136 towards the Old Georgetown Road master-planned two-way separated bikeway. This payment will be placed into the Bethesda Bikeway and Pedestrian Facilities CIP (P500119) and be used to finance bicycle infrastructure improvements in the Bethesda Central Business District (CBD).
Site Plan Amendment 81980028A

Staff recommends approval of Site Plan Amendment 81980028A, to increase the maximum gross floor area from 301,558 square feet to 320,813 square feet, including 15,616 square feet of existing and 3,639 square feet of new office and retail space, renovate a 3,900-square-foot portion of the plaza, and make façade improvements. The following site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required. The following conditions supersede those of the original approval in their entirety:

1. The development must comply with the conditions of approval for Project Plan No. 91984004A and any subsequent amendments. This includes but is not limited to all references to density, public use space and amenities, and transportation conditions.

2. The development must comply with the conditions of approval Preliminary Plan No. 11979251A and any subsequent amendments. This includes but is not limited to all references to density, public use space and amenities and transportation conditions.

3. This Site Plan is limited to a maximum gross floor area of 320,813 square feet of non-residential uses.

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated September 30, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

5. The Applicant must provide Green Cover of no less than the area shown on the Certified Site Plan (1,400 square feet). Any green roof or landscape plantings over structure installed pursuant to this condition must have a minimum soil depth of six inches.
SECTION 2 - SITE DESCRIPTION

Vicinity
The Subject Property is located at 7500 Old Georgetown Road in the Metro Core of the Wisconsin Avenue Corridor of downtown Bethesda, between Commerce and Montgomery Lanes (Property or Subject Property). The Metro Core of Wisconsin Avenue is most noted for the high-rise office buildings that surround the Metrorail station and the nexus of three major highways: Old Georgetown Road, Wisconsin Avenue, and East-West Highway. Other uses in the surrounding area include hotels, ancillary retail, and high-rise residential buildings. Several neighboring properties have recently been approved for and/or are currently under redevelopment including 7607 Old Georgetown Road (820190030), 4 Bethesda Metro Center (11981068B), and in the larger vicinity, 7272 Wisconsin Avenue (820160200) to the south.

Site Analysis
The Subject Property was approved for development under the Zoning Ordinance in effect October 29, 2014, and at that time was zoned CBD-3. The Site falls within the boundary of the 2017 Bethesda Downtown Sector Plan.

The Subject Property is fully built and occupied with office, ancillary retail, health club, and conference center uses. Figures 2 below shows the building as it exists today.
Figure 2 – Clark Building looking west from Wisconsin Avenue (photo taken October 7, 2020)
SECTION 2 - AMENDMENT DESCRIPTION

Previous Approvals
The Planning Board previously approved Project Plan (91984004A), Preliminary Plan (119792510), and Site Plan (819800280) for a total gross floor area of 301,558 square feet of non-residential development. More specifically, the Staff Report to the Site Plan included the following mix of uses in the Clark Building:

1. Metro Plaza Level: 25,591 square feet of commercial uses (excluded from gross floor area as cellar area);
2. Plaza Level: 10,316 square feet of commercial uses;
3. Office Floors: 274,917 square feet; and
4. Penthouse: 16,325 square feet of health club uses.

Accordingly, the CBD-3 Zone allowed for a total of 301,558 square feet of gross floor area (291,242 square feet of office and 10,316 square feet of retail) and 25,591 square feet of non-residential “cellar”¹ uses exempt from the density calculation.

Description of Amendments
In connection with the Applicant’s purchase of the Property in 2019, it was discovered that the Clark Building appeared from initial review of the available plans and other documents to have been constructed and occupied with additional gross floor area beyond what was identified in the CBD-3 Zone development approvals. As illustrated in the plan submittals, the Applicant identified that the Clark Building as built consists of approximately 317,174 square feet of gross floor area, which is an additional 15,616 square feet of gross floor area beyond the approved maximum. The Applicant is seeking to rectify this inconsistency and update the maximum gross floor area as part of these Applications.

The Applicant proposes to increase the maximum gross floor area from 301,558 square feet to 320,813 square feet, including 15,616 square feet of existing and 3,639 square feet of new office and retail space, renovate a 3,900-square-foot portion of the plaza, and make façade improvements.

¹ Pursuant to Section 59-1.4.2 of the Montgomery County Zoning Ordinance (the “Zoning Ordinance”), gross floor area does not include cellar area as defined. Therefore, the cellar area is not calculated with the total floor area ratio (FAR) allowed for the Property.
AMENDMENT ITEM LIST

1. Validation of 16,616 sf of additional sq ft of gross floor area constructed beyond the documented 301,556 sf in the MNCCPC files for an existing total of 317,174 sf;

2. New addition of 3,639 sf of office and retail space is proposed beyond the existing 317,174 sf for a proposed total gross floor area of 320,813 sf (total increase of 19,255 sf);

3. Renovation of a ±3,900 sf area of the hardscape in the southeast portion of the plaza;

4. Conversion of the portion of the 16th floor penthouse (currently ancillary health club & conference center) to office uses including an addition of 1,194 sf as infill at the sw corner;

5. Conversion of the portion of the lobby space (mezzanine) that is office or retail to ancillary health club & conference center with no additional area added;

6. Expansion of the entrance lobby (1,681 sf) & adjustment of the portion of walkway/plaza affected by this change;

7. Facade improvements and addition of windows to the 16th floor with no additional area added; and

8. Expansion of 764 sf retail/office entry, as part of phase 2, included within the new 3,639 sf;

Figure 3 – Site Plan Amendment 81980028A

Figure 4 – Renderings of Proposed Exterior Improvements Looking West from the Plaza
Forest Conservation
This Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1). Forest Conservation Exemption 42020233E was confirmed for the Subject Property on July 6, 2020. The Project meets the particular requirements of the exemption because the proposed activity is to be conducted on a tract of land of less than 1.5 acres with no existing forest, specimen trees, or champion trees. Additionally, the activity does not require more than 10,000 square feet of forest planting.

The Subject Property is located in the Bethesda CBD and within the Little Falls Branch Watershed which drains to Willett Branch, a Use I-P stream. Aside from the watershed. The Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, steep slopes, or specimen trees. There are several street trees along the site at a range of sizes but are generally under 15” diameter at breast height (DBH).

Green Cover
The 2017 Bethesda Downtown Sector Plan includes a number of recommendations to achieve the urban green goals. An important recommendation to this effect is the onsite 35 percent green coverage minimum. The Subject Property has a site area of 36,067 square feet, which results in a green coverage requirement of 12,623 square feet. However, this Application is being processed under the grandfathered CBD-3 Zone rather than the CR Zone typically used for projects within the Bethesda CBD. Additionally, this Application consists of proposed work that primarily relates to interior renovations of an existing building with very minor limits of disturbance to the Property. With these factors in mind, achieving full compliance with the current recommendation of 35 percent green cover is not practical.
The Subject Application and accompanying green cover exhibit does, however, demonstrate efforts by the Applicant to explore opportunities for green cover additions and documents the Property’s contributions towards the Sector Plan goal of improving habitat and health in Downtown Bethesda. As submitted, the Applicant shows a proposed 1,400 square feet of landscape planting over structure, which represents four percent green cover for this Site. While Staff encourages the Applicant to explore opportunities to incorporate additional plantings of at least six-inch depth, as conditioned in this report, Staff also recognizes the structural and programmatic limitations present due to the existing building construction.

**Stormwater Management**

This project will not trigger stormwater management requirements under Chapter 19 of the Montgomery County Code as it is not associated with the construction of a new residential or commercial building and does not disturb more than 5,000 square feet of land area. A signed letter from the Department of Permitting Services – Water Resources Section confirming this exemption was received on September 28, 2020 (Attachment B).
SECTION 3 – ANALYSIS AND FINDINGS

Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, the Project Plan and Site Plan Amendments were reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, since the original Project Plan, Preliminary Plan, and Site Plan were approved in the 1980s. The proposed Amendments do not alter the intent of the previous findings except as modified below.

Project Plan Amendment No. 91984004A
Project Plan Amendment 91984004A, proposes to increase the total gross floor area from 301,558 square feet to 320,813 square feet. The data table (Table 1, below) has been updated to reflect the proposed changes while all other previous findings remain.

| Table 1: 91984004A & 11979251A DATA TABLE |
|---------------------------------------------------|-----------------|-----------------|
| Development Standard                              | Permitted/     | Approved per     | Proposed per     |
|                                                   | Required       | 919840040        | 91984004A &    |
| Property Area (square feet)                       |                 |                 | 11979251A       |
| Gross Tract Area                                  | 18,000 (min)   | 57,356          | 57,356          |
| Previous Dedications                              | n/a            | 21,289          | 21,289          |
| Proposed Dedications                              | n/a            | n/a             | n/a             |
| Net Lot Area                                      | n/a            | 36,067          | 36,067          |
| Density                                           |                 |                 |                 |
| Floor Area Ratio, max. base (Zone CBD-3)          | 6              | 5.25            | 5.5             |
| Floor Area, max. base subtotal (square feet)      | n/a            | 301,558         | 320,813         |
| Floor Area Ratio, max. non-residential            | 6              | 5               | 5.5             |
| Floor Area, max. non-residential (square feet)     | 345,216        | 301,558         | 320,813         |
| Floor Area, min. retail and personal service commercial uses required by CBD-3 for full FAR (%) | 0.3           | 0.3             | 0.3             |
| Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (square feet) | 10,316      | 10,316          | 11,584          |
| Maximum Building Height (feet)                    | 200            | 191             | 191             |
| Minimum Setbacks (feet)                           |                 |                 |                 |
| North Property Line                               | n/a            | 0               | 0               |
| Wisconsin Avenue                                  | n/a            | 0               | 0               |
| South Property Line                               | n/a            | 0               | 0               |
| Woodmont Avenue                                   | n/a            | 0               | 0               |
| Public Use & Amenity Space, Min.                  |                 |                 |                 |
| Percentage Public Use Space                       | 20%            | 20%             | 20%             |
| Total Public Use & Amenity Space                   | 7,213          | 7,213           | 7,213           |
| Parking (site is located in the Bethesda Parking Lot District) | n/a            | 387             | 387             |
Preliminary Plan Amendment No. 11979251A

Except as discussed below, the proposed modifications to the Preliminary Plan will not alter the overall character or impact of the development with respect to the original findings of approval. Preliminary Plan Amendment 11979251A proposes to increase the total gross floor area from 301,558 square feet to 320,813 square feet. The data table (see Table 1) has been updated to reflect the proposed changes.

Per Chapter 50.4.2.D. Required Findings, to approve a preliminary plan the Board must find that:

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

The Project substantially conforms to the recommendations for the Property included in the 2017 Bethesda Downtown Sector Plan. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement.

The 7500 Old Georgetown Road Site is designated as Site 73 on page 99 of the 2017 Sector Plan and is described in more detail on page 100. The Site is within the “Wisconsin Avenue Corridor District,” which is described as the main artery through the center of Downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and Wisconsin Avenue Corridor sections of the Sector Plan:

- **Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.**

  The original approval made possible the construction of a high-rise office building with ground floor retail, one of several buildings that have come to define the Metro Core of the Wisconsin Avenue Corridor as it exists today. The Subject Amendment is in substantial conformance with the original Sector Plan, as amended, and furthers the goals of the current 2017 Bethesda Downtown Sector Plan by allowing the Project flexibility to respond to market conditions.

- **Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.**

  The Project will continue to provide high-density office and street-activating retail uses in the core of Downtown Bethesda, incorporating urban design elements that provide visual interest further defining the skyline in the Wisconsin Avenue Corridor District.

- **Economic competitiveness based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.**

  The Project will continue to provide critical office and retail development within the highest
intensity center in Downtown Bethesda.

- Encourage high-performance buildings and sites nearest the established centers.

The Project was designed and constructed before the expanded energy and green cover requirements of the 2017 Bethesda Downtown Sector Plan. The Applicant proposes 1,400 square feet of landscape planting over structure, which represents four percent green cover for this Site. Staff recognizes the structural and programmatic limitations present due to the existing building construction and recognizes that the original Project was found to be in compliance with all applicable Zoning and Subdivision Regulation requirements. Therefore, the amendments meet the intent of this finding.

The Preliminary Plan Application substantially conforms to the 2017 Bethesda Downtown Sector Plan except for the green cover. The Preliminary Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Site is not subject to an Urban Renewal Plan.

3. Public facilities will be adequate to support and service the area of the subdivision.

The scope of the Preliminary Plan Amendment, which is a net increase of 19,255 square feet of non-residential uses when compared to the original approval, results in no additional impact on public facilities.

Local Area Transportation Review (LATR)

The transportation impact of Preliminary Plan No. 11979251A was evaluated in accordance with the LATR Guidelines in place at the time of approval and transportation capacity was found to be adequate at that time.

The Subject Amendment represents a net increase of 24 morning peak hour person trips and 46 net evening peak hour person trips. Since the Project estimates a net increase of trips that is fewer than 50 in both the morning and evening peak hours, no further analysis is required under the LATR and adequate public facilities exist to serve the Subject Property.
Site Plan Amendment No. 81980028A

Site Plan Amendment 81980028A requests to increase the maximum gross floor area from 301,558 square feet to 320,813 square feet, including 15,616 square feet of existing and 3,639 square feet of new office and retail space, renovate a 3,900-square-foot portion of the plaza, and make façade improvements. Except as discussed below, the proposed modifications to the Site Plan will not alter the overall character or impact of the development with respect to the original findings of approval.

2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.

### Table 2: 81980028A Project Data Table for the CBD-3 Zone

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<tr>
<th>Development Standard</th>
<th>Permitted/Required</th>
<th>Approved per Project Plan Approval</th>
<th>Approved per Site Plan 819800280</th>
<th>Proposed per Site Plan 81980028A</th>
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<td><strong>Site Area (sf.)</strong></td>
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<td>Gross Tract Area</td>
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<td>Previous Dedications</td>
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<td>Proposed Dedications</td>
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<td>Net Lot Area</td>
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<td><strong>Density</strong></td>
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<td>Floor Area, max. base (sf.)</td>
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<td>301,558</td>
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<td>Floor Area Ratio, max. non-residential</td>
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<td>5.25</td>
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<td>Floor Area, max. non-residential (sf.)</td>
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<td>301,558</td>
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<td>Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%)</td>
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<td>Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (sf.)</td>
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<td><strong>Minimum Setbacks (feet)</strong></td>
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<td>Bicycle Parking</td>
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In accordance with Section 59-7.7.1.B.3 and 59-7.7.1.C.2 of the Zoning Ordinance, the Application is being reviewed under the development standards in place on October 29, 2014. The additional density is within the limits set by the CBD-3 zone as well as the density expansion allowed under Section 59-7.7.1.C.2: the lesser of 10 percent of the gross floor area or 30,000 square feet. Since the CBD-3 Zone development approvals permit 301,558 square feet of gross floor area, the grandfathering provisions of the Zoning Ordinance allow the Applicant to expand the Clark Building by up to 30,000 square feet of gross floor area under the prior CBD-3 Zone. The Applicant is only requesting an increase of 19,255 square feet.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

This Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant requested, and received, a full stormwater exemption approval from the Montgomery County Department of Permitting Services Water Resources Division on September 28, 2020.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. An exemption was confirmed for this Site Plan Application on July 6, 2020 under Forest Conservation Exemption No. 42020233E.

SECTION 4 - PUBLIC NOTICE

A notice regarding the Limited Major Amendment to Project Plan No. 91984004A, Preliminary Plan No. 11979251A and Site Plan No. 81980028A was sent to all parties of record by the Applicant on August 10, 2020. The notices gave interested parties 15 days to review and comment per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. As of the time of posting this staff report no comments have been received.

SECTION 5 - RECOMMENDATION AND CONCLUSION

The proposed modifications to the Project Plan, Preliminary Plan and Site Plan will not alter the overall character or impact of the development with respect to the original findings of approvals. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Project Plan Amendment 91984004A, Preliminary Plan Amendment 11979251A and Site Plan Amendment 81980028A with conditions are the beginning of the staff report.

ATTACHMENTS

A. Previous Approvals
B. Agency Letters
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20907
(301) 278-1000

April 25, 1985

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Project Plan Review #9-84004
Project: Clark Enterprises Oldg. Helistop

Action: Approval with Conditions

On December 14, 1984, Robert Nitz submitted an application to amend approved Project Plan #79-1 for property in the CB-1 zone in Bethesda. The application, which was designated Project Plan Review #9-84004, proposed a helistop on the roof of the Clark building.

On January 31, 1985, Project Plan Review #9-84004 was brought before the Montgomery County Planning Board for a public hearing pursuant to Division 59-D-2, Montgomery County Code and Article 28 of the Annotated Code of Maryland. 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, the Montgomery County Planning Board approved Project Plan #9-84004 subject to the following conditions:

1. This approval is restricted to the type, weight, and noise characteristics of helicopter, number of operations, time of day, and flight routes and altitudes as proposed by Applicant to minimize noise exposure.

2. Approval of FAA of revised flight paths, landing pad, and use of facility by the helicopter is required.

3. A permanent log of operations as required in 59-5-2.27(1) must be maintained.

4. The Applicant will submit for staff approval a letter from a certified structural engineer stating that the landing pad and supporting structure is adequate to handle predictable static and dynamic loads from the landing helicopter.

5. The approach route must be from the north only via Wisconsin Avenue from I-495 and must be centered over Wisconsin Avenue.

Montgomery County Planning Board
6. The approach to the pad must leave Wisconsin Avenue between Commerce Lane just before Old Georgetown Road and must enter the pad area by crossing over Old Georgetown Road. The pad approach must avoid coming near Bethesda Place and Garage 49 (yet to be built), as well as the Metro Center Plaza.

7. This Project Plan Amendment is contingent upon approval of a special exception for heliport use.

After considering all of the items listed in Section 59-D-2.42, the Planning Board adopts the staff report dated January 31, 1985 and includes it by reference in this Opinion. Based upon the staff report, the Planning Board finds:

(A) Project Plan #9-84004 would comply with all of the purposes and requirements of the CBD-3 zone.

(B) The application conforms to the approved and adopted sector plan.

(C) Because of its location, size, intensity, design, operational characteristics, and staging, Project Plan #9-84004 is compatible with and not detrimental to existing or potential development in the general neighborhood.

(D) The proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction.

(E) The proposal is more efficient and desirable than could be accomplished by the use of the standard method of development.

In approving Project Plan #9-84004, the Planning Board must point out that the text amendment to permit heliports such as this one clearly gave priority to public rotorcraft facilities over private use facilities. This approval, therefore, must not be construed to preclude a public facility in the area if one were to be proposed.

*(Motion by Commissioner Granke, seconded by Commissioner Keeney with a vote of 3-1-1, Commissioner Holmann abstaining and Commissioner Krahnke opposed.)*
Plan Number: 119792510

Online Documents: [Click here to view Plans & Reports]
Application #: 119792510
Application Type: PRELIMINARY PLAN
Application Name: EDGEMOOR
Site Location: NW QUADRANT OF THE INTERSECTION OF EDGEMOOR LANE AND OLD GEORGETOWN RD.
Size: 0
Master Plan: Bethesda CBD Master Plan
Watershed: Little Falls

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Future Planning Board Action: NO

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Owner

GEORGE HYMAN CONST. CO.  
4930 DEL RAY AVE  
BETHESDA, MD 20014-

Engineer

GREENHORNE & O‘MARA  
86715 KENILWORTH AVE  
RIVERDALE, MD 20740  
Day Phone: (301)277-2121

Related Plans & Documents

Related Applications

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Important Note: The Commission provides the Development Activity Information Center as a convenience to users. We are continuously adding to and updating the development data and documents that are available online. At any point, there may be a document that has not yet been posted or revised. To view the complete record on a development project, users are encouraged to visit the information counter at 8787 Georgia Avenue in Silver Spring. While you are online, if you believe you have found data or documents to be in error or if you cannot find the document you are searching for, please contact us at mcp-
WHEREAS, George Hyman Construction Company is the owner of a 35,601 square foot parcel known as Parcel 'A', Edgemont. The property is located southwest of the corner of Wisconsin Avenue and Old Georgetown Road, in Zone CBD-3. 

WHEREAS, on November 1, 1974, Greenborne & O'Nara, Inc., on behalf of the property owner, filed an application for approval of Preliminary Subdivision Plan (Staff Exhibit #1) for Parcel 'A' and

WHEREAS, the application for approval of Preliminary Subdivision Plan, also known as Preliminary Plan No. 79-51, was presented to the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission by the staff of the Commission on Thursday, July 17, 1975, for its review and action in accordance with Article 62, Section 7-116, Annotated Code of Maryland and Chapter 50, Montgomery County Code (1977 Replacement Volume).

WHEREAS, the staff of the Maryland-National Capital Park and Planning Commission recommended approval with conditions of the application; and

WHEREAS, on July 17, 1975, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Chapter 50, Montgomery County Code, the Montgomery County Planning Board approves subject to the following conditions Preliminary Plan No.79-51:

1. Dedication of relocated Edgemont Lane in accordance with the Adopted Bethesda CBD Sector Plan including the 2790 square foot area west of relocated Edgemont Lane.

2. Provision for road and drainage easements.

BE IT FURTHER RESOLVED, that based upon all the evidence of record and in order to preserve and promote the public interest, the decision of the Montgomery County Planning Board is as follows:

Montgomery County Planning Board
The Board adopts the findings of fact and conclusions presented in the staff report and testimony.

The Board finds that the Preliminary Plan 41-79251 meets the purposes of the Subdivision Ordinance.

The Board finds that, in light of the findings required for the approval obtained January 24, 1980, of the CBD optional method project plan for the project, there exists adequate public facilities in accordance with subsection 50-35(k).

This is to certify that the enclosed 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 O'Malley, seconded by Commissioner Beinhorn, with Commissioners Granke, Beinhorn, Krabbe, Schuman, and Hanson voting in favor of the motion, at its regular meeting held in Silver Spring, Maryland, on Thursday, July 17, 1980.

Thomas E. Countee, Jr.
Executive Director
SRC Mtg.
11/13/79
Page 2

1-79248 - HIGHLANDS OF DARNESTOWN 3 Lots - R-200 Zone
First Citizens Dev. Corp. - Owner

Committee Action:
1. Streets are dedicated.
2. Septic Systems to be revised to keep systems out of slop easements.
3. Traffic study required.

1-79251 - EDGEMOOR 1 Lot - CBD-1 Zone
George Hymas Cost. Co. - Owner

Committee Action:
1. Dedication of Edgemoor Lane relocated.
2. Abandonment of existing Edgemoor Lane.
3. Site plan to go to Planning Board 11-15-79.
4. Plan to be rescheduled after additional plans have been submitted.
5. Parcel of 2,370 sq. ft. to be dedicated to public use.
Plan Number: 819800280

Online Documents: Click here to view Plans & Reports
Application #: 819800280
Application Type: SITE PLAN
Application Name: CLARK ENTERPRISES BLDG.
Site Location: 0 F OF BETHESDA CBD
Size: 1.29 ACRE
Master Plan: Bethesda CBD Master Plan
Watershed: Little Falls

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Future Planning Board Action: No
Approved Development

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Owner: ROBERT METZ, ATTORNEY
Related Plans & Documents: Search for Related Plans & Reports
Related Applications

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20907

 Jul 23, 1990

RESOLUTION

Agenda Date: July 24, 1990

Supplemental Item: #2

Site Plan Review #8-80028
Clark Enterprises Headquarters Building, Bethesda CBO

WHEREAS, on May 21, 1980, Clark Enterprises, filed an application for approval of Site Plan #8-80028 for Parcel "A" Edgewood located on Old Georgetown Road in Bethesda; and

WHEREAS, on Thursday, July 17, 1980, Staff of the M-NCPCC presented Site Plan #8-80028 to the Montgomery County Planning Board of M-NCPCC for its review and action in accordance with Article 59-D, Montgomery County Code;

WHEREAS, Staff of the M-NCPCC recommended discussion of the application; and

WHEREAS, The Montgomery County Planning Board heard testimony and received evidence submitted in the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 59-D, Montgomery County Code, the Montgomery County Planning Board on motion of Commissioner Conklin, seconded by Commissioner Helman, voted unanimously to tentatively approve the site plan, subject to the conditions of the project plan approval that an agreement be reached with WHAFA as indicated and the maintenance agreements be executed; final review of the lighting be considered by the Board; and that the record be left open for receipt of the other material necessary for final approval of the site plan to be granted. The tentative approval of the site plan includes approval of the fountain plan as presented at this meeting as well as the knock-out panel (for the underground crossing under Old Georgetown Road); and

BE IT FURTHER RESOLVED, that based upon all the evidence of record and in order to preserve and promote the public interest, the decision of the Montgomery County Planning Board is as follows:

1. The Board finds that the design for the off-site public amenity plaza (condition 1a, 1b, and 11 on the project plan approval) as indicated in the site plan submission of Sasaki Associates, Inc. dated July 17, 1980, and the preliminary structural drawings for the plaza dated June 9, 1980, is acceptable, subject to further approval by the Planning Board prior to issuance of building permits for the building, provided however,
that in the event agreement is reached with the adjoining property owners for joint construction of the Clark portion of an off-site public amenity plaza and the entire Metro Plaza, the design may be modified in accordance with the Urban Design Study for the Bethesda Metro Center.

2. The Board finds that the additional density granted by the revised project plan application may not be occupied prior to the completion of construction of the plaza, provided however, that in the event construction of the plaza is delayed for either the Metro construction or for joint construction, a performance bond acceptable to the Board may be required for completion of the work, and occupancy of the building would be permitted to proceed if the bond is provided.

3. The Board finds that the applicant has not filed the agreement between WMATA and Clark Enterprises providing for construction of the plaza on WMATA property, as required in condition 1c of the project plan.

4. The Board finds that the applicant has not filed the maintenance agreement required in condition 1d of the project plan.

5. The Board finds that the fountain design as indicated in the sketch for Sancak and Associates, Inc., dated July 17, 1980, is acceptable, subject to review by the Planning Board of working drawings for the fountain, prior to the issuance of permits for construction of the building.

6. The Board finds that the design of the building is consistent with the approved project plan.

7. The Board finds that since the County has no program for replacement of existing street lights on Old Georgetown Road that would coordinate with the new lighting on Edgewood Lane, and whereas the applicant has agreed to provide new street lighting on Old Georgetown Road, for which the County would accept energy and maintenance costs, the Board is concerned with the lack of an overall street and pedestrian lighting plan for the Bethesda Core area and upon presentation to the Board of a conceptual streetscape lighting plan by staff, which includes pedestrian lighting along Old Georgetown Road that staff recommends the applicant should be required to provide, that the Board will review a final lighting plan at final site plan review.

8. The Board finds that the footings and support for a future pedestrian bridge across Edgewood Lane as required in condition 4 of the project plan shall be subject to detailed review by staff prior to issuance to building permits for the building and that the punch-out panel for which consideration was to be given at site plan under condition 4 also, should be made a requirement of site plan approval.
9. The Board finds that the street tree locations indicated in the submitted landscape plan are acceptable, subject to planting of 5 to 1/2 inch caliper trees in accordance with condition 5 in the project plan approval.

10. The Board finds that the amenity deck on the property as indicated in the submitted site plans, is consistent with condition 6 in the project plan approval and is therefore, acceptable.

11. The Board finds that more information on certain of the elements of the plaza design such as, the railings, electrical and tie-down elements, and lower level lighting and sprinkler systems; shall be required at final site plan review.

12. The Board finds that a maintenance agreement with the County for maintenance of the amenity areas within the street right-of-way as required at site plan review in condition 2 of the project plan approval shall be required at final site plan review.

13. The Board finds that the site plan for the building is consistent with the approved project plan, and is acceptable from the perspective of the requirements in the CBD-3 Zone, the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems, and that the site plan is compatible with existing and proposed adjacent development.
January 19, 1981

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Staff, Urban Design Division

SUBJECT: Final Site Plan Review 99-R002X

Clark Enterprises Building

Bethesda CR

January 14, 1980  Project Plan Approval

October, 1980 Tentative Site Plan Approval


December 18, 1980 Board action on fountain design.

On July 24, 1980, the Planning Board tentatively approved the site plan (see attached Resolution dated July 27, 1980) subject to the following agreements provided for in the conditions of approval of the project plan, and still outstanding at the time of the site plan review in July, 1980:

1. An agreement between Clark Enterprises and WMATA providing for implementation of the Metro Plaza.

2. An agreement between Clark Enterprises and the County for maintenance of the amenity areas in the street right-of-way.

3. An agreement by Clark Enterprises to participate in a maintenance corporation for the Metro Plaza.

Despite considerable effort by the parties, including staff, these agreements have not yet been finalized. In addition, an agreement in connection with joint construction of the Metro Plaza is still under negotiation between Clark Enterprises, WMATA, and staff.

In order to provide for joint design and construction of the Metro Plaza, the Board acted on December 18, 1980 to provide staff with the flexibility to modify the fountain design previously approved in July, 1980. Clark Enterprises indicated that the final event is new design for the Plaza will be finalized by the time of final site plan review.
Memo to NCPB
SPX 89-80028
January 19, 1981
Page Two

However, staff maintains that since Clark Enterprises will be responsible for the plaza and fountain amenities, all affected parties should reach consensus on a design, if possible. The modified design is still under discussion with the applicants and at this time, staff and the applicants have not reached consensus on either the modified design or the project plan conditions for the plaza.

In light of the above, additional time is needed to finalize the necessary agreements required by the board as preconditions of final site plan approval, and further discussions are required to finalize joint design and construction of the Metro Plaza.

Staff Recommendation

Postponement of final site plan review until the necessary agreements have been made and project plan conditions met.

Extension of the Project Plan

Postponement of final site plan review will necessitate extension of the project plan, which expires on January 25, 1981. Staff recommends in favor of an extension. This recommendation is the subject of a separate agenda item following that of the site plan (see Agenda item 6B).

Joint Construction of Metro Plaza

Condition #2 of the project plan provided for joint construction of the Clark portion of the facility, public amenities areas, be permitting the site plan for the Metro Plaza to be modified in accordance with the Planning Action for the Bethesda Metro Center. A detailed conceptual design, which is consistent with the Urban Design Study, acceptable to staff, and receives technical details of the layout of the bus level and construction of the deck and fountain, has now been produced by B&K Metro. Three issues remain:

1. the limits of Clark responsibility under the new design;

2. a final list of detail items to be included in the design of both upper and lower levels of the public amenity deck; and

3. final design of the fountain.

Summary

Postponement of final site plan approval is necessary since agreement on these issues has not been reached with the applicant, and also that agreements for implementation of the plaza for maintenance of the deck, and for final design and maintenance of the on-site amenities, have not been finalized.

Claudia.

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

August 6, 1981

MEMORANDUM

TO: Montgomery County Planning Board
FROM: Staff, Urban Design Division
SUBJECT: Site Plan Review 88-80028
Clark Enterprises, Inc., Headquarters Building
Bethesda, CBD

On July 16, 1981, the Board approved the Site Plan in accordance with certain recommendations made by the Staff. One of those recommendations (which the Board finally affirmed) was the two level height entry from the Metro Center Plaza. This action was taken by the Board after extensive discussion between Staff, Applicant, and Board. Subsequent to this approval, Staff has been made aware of severe structural and space allocation problems related to this level.

In good faith, the Applicant modified their plans at the second office level in conformance with Staff recommendations. They then had their structural engineer analyze the effect of this modification on the structural integrity of the building.

In this analysis, it was discovered that the elimination of this space would cause severe problems with respect to wind loads and asymmetrical torque (or twisting) resistance. This analysis was comprehensively run through the computer. The first attempt was to increase the size of the columns throughout the building. This did not produce sufficient resistance to torque (or twisting). They further analyzed putting in larger size reinforcing to strengthen the floor slabs. This was insufficient to provide resistance to twisting. The conclusion finally reached was that the only way to sufficiently address the twisting problem was to build two shear walls within the core of the building. This added additional costs, but the Applicant did not resist the extra costs. However, upon looking at the impact on the layout of the other uses, such as, toilet, mechanical, and storage facilities, it was found that modification here were very problematic and forced the modification of the surrounding corridors and floor areas. This required an almost total redesign and redrawing of the working drawings.

In summary, Staff has assessed the implications and effect of the creation of the two level entry space. The Board also clearly knows how Staff felt about this issue. However, the staff now feels that the Applicant has made an honest and sincere effort...
at conforming to the Board requirement. The Staff has reviewed options for modifications as carefully as time permits and reluctantly concludes that even though it is possible to conform to the two story height requirement it is neither reasonable, prudent, or timely to do so. Staff has made this final recommendation very reluctantly, but in line with the responsibilities which we must maintain within the regulatory process. It is also in light of the fact that we still hold firm to the principle that we should all not be resistant to becoming smarter and better informed and holding fast only to be able to say that we "had our say."

Therefore, Staff recommends that the Site Plan be amended to delete the requirement for a two level entry from the plaza. Suggested language is as follows:

the Board finds that due to extenuating circumstances requiring substantial modifications to the final working drawings which would place a severe hardship upon the Applicant that the two story height will no longer be a requirement.

If for any unforeseen reason the shear wall is a structural requirement, in any event, the Applicant will voluntarily reinitiate the two level entry in full conformance with Board and Staff requirements.

H.B.: jav
cc: R.F. - Action
Doug M-ander
John Matthews
Bob Benson
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
5877 Georgia Avenue • Silver Spring, Maryland 20907

July 11, 1980
Agenda Number: 7
Agenda Date: July 17, 1980

MEMORANDUM

TO: Montgomery County Planning Board
FROM: Staff, Urban Design Division
SUBJECT: Site Plan Review AG-80028
Clark Enterprises, Inc., Headquarters Building
Bethesda MD

On January 24, 1980, the Board approved the project plan subject to the following conditions:

1. Off-Site Amenity Package
   a. The applicant shall construct an off-site public amenity plaza as described in Condition 1, subject to approval by the Planning Board at site plan review, provided however, that in the event agreement is reached with the adjoining property owners for joint construction of the Clark portion of an off-site public amenity plaza and the entire Metro Plaza in accordance with the Urban Design Study for the Bethesda Metro Center, Exhibit 934, the structural design may be modified in accordance with Exhibits 864 and 914 as amended by staff and consistent with the overall design for the Metro Plaza.
   b. The additional amenity granted by the application may not be occupied prior to the completion of construction of the plaza, provided however, that in the event construction of the plaza is delayed for the Metro construction or for joint construction, a performance bond acceptable to the Board may be required for completion of the work, and occupancy of the building would be permitted to proceed if the bond is provided.
   c. The applicant shall file for Planning Board approval at site plan review, an agreement between WMATA and Clark Enterprises providing for the implementation of the public amenity plaza on WMATA property.
   d. To insure the maintenance of the plaza, the applicant shall enter into an agreement with the relevant property owners for joint maintenance of the plaza under a plaza maintenance corporation (see Exhibit 933), or other acceptable agreement, subject to approval by the Planning Board at site plan review.

A-16
Memo to MCPB  
SPR #BE-80028 — 2 —  
July 11, 1980

e. The sole responsibility for implementation of the off-site amenity deck, as shown in Exhibit #46, is that of the applicant and further the liability therefore, rests with the applicant and not with the adjacent owner.

f. Public Amenity Deck - The applicant shall construct a public amenity deck approximately 15,500 sq. ft. in area on WMATA property immediately south of the site, including necessary structural supports and foundations at the lowest level sufficient to support a two story building over a portion of the deck, as an extension of the previously approved, on-site deck at the plaza level, in accordance with Exhibit #44 and #46 as amended by staff.

g. Fountain - The project shall include a fountain as schematically indicated in Exhibits #23 and #24 and #46. The dollar guideline on Exhibit #46 for construction of the fountain is expressed in 1980 dollars and if the fountain design is not furnished by June 1980, provision shall be made for inflation in accordance with the Commerce Department's construction composite cost index.

h. Sculpture - The design of the fountain shall include foundation and supports for a sculpture to be obtained from other sources. The foundation and supports shall be included in the budget amount of $348,000 for the fountain.

i. Plaza Amenity Improvements

   (i) Plaza Landscaping - Ten deciduous trees, 6 to 8 feet tall with a minimum height of 20 to 23 feet at maturity, shall be planted in movable planters. The planters shall incorporate seating into at least two sides. The species and variety of trees shall be approved at time of site plan review.

   (ii) Paving - Sidewalk and plaza paving shall be brick or similar modular, masonry units laid in an approved pattern. The sidewalk and plaza paving shall be predominately brick, but may include concrete or other paving materials to create a visual order and pattern that complements the proposed functions.

   (iii) Shrubbery and ground cover - Shrubbery and ground cover plantings shall be evergreen. Flowering plant materials may be utilized for accent where appropriate. The species, variety, size and spacing shall be approved at site plan review.

   (iv) Site Lighting - Site lighting shall be incorporated into the design of the plaza. The lighting shall generally be pole mounted no less than 10 feet high, nor more than 16 feet high. The site lighting concept should encourage a safe, festive character of variety and delight, utilizing visible and concealed light sources
as appropriate to provide interest and sparkle after dark. The site, type, and number shall be approved at site plan review. Ground level lighting may also be incorporated, especially at such locations as steps and ramps.

(v) Temporary and Permanent Railing - The temporary and permanent railing shall be of similar metal or transparent material, with balusters no greater than 6 inches on center and of sufficient height to provide adequate safety in conformance with building codes.

(vi) Metro Identification Pylon - The location of the Metro identification pylon shall be considered in the design of the plaza, and the location shall be coordinated with Metro.

(vii) Miscellaneous Construction - Electrical outlets and tie-down elements shall be incorporated into the plaza on an approximate 30 by 30 foot grid to permit temporary exhibits, etc.

(viii) Seating - Benches shall be installed at appropriate locations. Bollard-type seating elements shall be located around the fountain.

(ix) Trash Receptacles - Trash receptacles of a design to be approved at site plan review shall be installed at appropriate locations.

(x) At site plan review, consideration should be given to a sky light over the Metro escalators to the bus level.

(xi) Lighting and sprinkler system - The applicant shall install a sprinkler system in accordance with County requirements and lighting system on the ceiling below the amenity deck shown in Exhibit #6.

2. A public works agreement shall be executed between the applicant and the County providing for maintenance of the amenity space on the property and in the adjoining street right-of-way, by the applicant, up to the curb line, as approved by the Planning Board at the time of site plan review.

3. The property shall be recorded in accordance with the subdivision regulations including the following:

a. Right-of-way for Edgemore Lane relocated shall be dedicated, 60 feet wide, in accordance with Montgomery County Department of Transportation requirements.

b. Property on the west side of Edgemore Lane relocated shall be dedicated to the County for public use.

c. Existing Edgemore Lane shall be abandoned between Old Georgetown Road and Edgemore Lane relocated, and all utilities shall be relocated in accordance with appropriate agency requirements.
d. Vehicular access to the site and construction of parking beneath Edgemore Lane relocated shall be approved by Montgomery County Department of Transportation.

e. The applicant shall construct the west curb of Old Georgetown Road in accordance with a County Department of Transportation design and operational plan for the Wisconsin Avenue/Foot-Meat Highway/Old Georgetown Road intersection, based upon Attachment 4 in the November 2, 1979, staff report.

4. The applicant shall construct footings and other support structure for a future pedestrian bridge, westerly across Edgemore Lane relocated, in accordance with a design approved by the Planning Board at site plan review. Consideration shall be given at site plan review to provide a knoll-out panel for an underground crossing under Old Georgetown Road.

5. Deciduous trees, 5 to 10 inch caliper, shall be planted at an interval of approximately 91 feet along the frontage of Old Georgetown Road on both sides of Edgemore Lane. The trees shall be planted flush with the sidewalk and shall be surrounded with a 3-foot by 3-foot, 1-inch tree plate. The species and variety of trees shall be approved at time of site plan review.

6. The amenity deck at the plaza level on the property in the north half of Edgemore Lane abandonment shall be designed in accordance with the Bethesda Metro Center Plaza design as approved by the Planning Board at site plan review. The deck required in the previous approval in the south half of Edgemore Lane abandonment shall be deleted.

STAFF RECOMMENDATION: DISCUSSION

At the time of the staff report, a number of items required at site plan review by the conditions imposed on approval of the project plan were unresolved, preventing staff from recommending approval of the site plan. On the other hand, staff is generally satisfied with the design of both the site plan for the building itself and with the design of the off-site plaza and fountain. Consequently, staff recommends the following:

Public Amenity Plaza

1. Approval of the design for the off-site public amenity plaza (condition 1a, 1b, and 1f) as indicated in the site plan submission of Sasaki Associates, Inc. dated May 19, 1980 and in the preliminary structural drawings for the plaza dated June 9, 1980, subject to further approval by the Planning Board prior to issuance of building permits for the building, provided however, that in the event agreement is reached with the adjoining property owner for joint construction of the plaza portion of an off-site public amenity plaza and the entire Metro Plaza, the design may be modified in accordance with the Urban Design Study for the Bethesda Metro Center.
Memo to MCPR
SPR DA-AD028  - 5 -    July 11, 1980

The applicant shall submit working drawings for Planning Board approval prior to the issuance of building permits, detailing all of the items under condition II, Plaza Amenity Improvements, in the project plan approval, particularly, II (i) temporary and permanent railing, II (vii) electrical outlets and tie-down elements, and II (xii) lighting and sprinkler system.

2. The additional density granted by the revised project plan application may not be occupied prior to the completion of construction of the plaza, provided however, that in the event construction of the plaza is delayed for either the Metro construction or for joint construction, a performance bond acceptable to the Board may be required for completion of the work, and occupancy of the building would not be permitted to proceed if the bond is provided.

3. Staff has not received the agreement between WMATA and Clark Enterprises providing for implementation of the plaza on WMATA property, as required in condition 2.

4. Staff has also not received the maintenance agreement required in condition 7.

5. Staff recommends approval of the fountain design as indicated in the sketches from Sansak and Associates, Inc., dated May 13, 1980, subject to review by the Planning Board of working drawings for the fountain, incorporating staff's comments or any new requirements as required in condition 1, of the project plan, prior to issuance of permits for construction of the building.

Building site plan

Staff recommends approval of the site plan for the building as consistent with the project plan (see attached IIA calculations). However, staff has not received the agreement between Clark Enterprises and the County for maintenance of the amenity trees in the street right-of-way along Old Georgetown Road and Edgemoor Lane, as required in condition 2 of the project plan.

7. The attached letter from Mr. Bigby, Director of MCPR, dated July 3, 1980, indicates the agreement reached between the County, applicant, and staff regarding the provision and maintenance of street trees, lighting, and paving in the street right-of-way along Edgemoor Lane and Old Georgetown Road. Since the County had no program for replacement of existing street lights on Old Georgetown Road that would coordinate with the new lighting on Edgemoor Lane, the applicant has agreed to provide new street lighting on Old Georgetown Road, for which the County would accept energy and maintenance costs. However, staff is concerned with the lack of an overall street and pedestrian lighting plan for the Bethesda area and will present to the Board along with the discussion on the Clark Enterprises site plan on July 17, 1980, a conceptual street and lighting plan which includes pedestrian lighting along Old Georgetown Road that staff recommends the applicant should be required to provide also.
8. The footings and support for a future pedestrian bridge across Edgemoo Lane as required in condition 4 of the project plan shall be subject to detailed review by staff prior to issuance of building permits for the building. Also, staff recommends that the knock-out panel for which consideration was made under condition 4, should be made a requirement of site plan approval.

9. Staff recommends approval of the street tree locations indicated in the submitted landscape plan, subject to planting of 5 to 5½ inch caliper trees in accordance with condition 4 in the project plan approval.

10. Staff recommends approval of the amenity deck on the property as indicated in the submitted site plans, as consistent with condition 6 in the project plan approval.

Preliminary Plan

11. Staff recommends approval of the preliminary plan as consistent with condition 7 in the project plan approval. However, condition 7b in the project to be deleted in the County.

Coordination with the DOA is proceeding in accordance with the requirements in the attached memorandum from Mr. Bohrer dated June 17, 1980.

Environmental Planning Division Recommendations

The recommendations of the Environmental Planning Division are attached. (See memo from Mr. Bohrer dated July 2, 1980.) Of particular concern to the design assessment of the building in recommendation A 2b, redesign of the building entrance. An additional recommendation on the building design is not complete and is under discussion with the applicant. Urban Design staff is opposed to relocation of the seating area under A 2a, but recommends in favor of a 2b, incorporation of a naturalistic treatment in connection with the design of the residential units.

Summary

Staff finds that the site plan is consistent with the previously approved project plan, but that the following agreements which were required at site plan approval at the site plan at this time:

1. the agreement with WPIA regarding the plan including provisions for maintenance;
2. more detailed information regarding the fountain, particularly the location of the future sculpture;
3. more information on certain of the elements of the piazza design such as, the callings, electrical and tie-down elements, and lower level lighting and sprinkler systems; and

4. a maintenance agreement with the County in connection with the amenity areas within the street right-of-way.

Staff believes that these matters must be reviewed by the Board in conjunction with further review of the off-site amenity package, prior to the issuance of permits for the building, taking into consideration the Metro prospectus process, proposals for which are due on September 30, 1980, as this may affect joint development of the public amenity deck.

Staff recommends that the site plan for the building is acceptable from the perspective of the requirements in the CBD-3 zone, the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems, and that the site plan is compatible with existing and proposed adjacent development.
On January 24, 1980, the Board approved the project plan subject to the following conditions:

1. Off-Site Amenity Package
   a. The applicant shall construct an off-site public amenity plaza as described in Condition 1, subject to approval by the Planning Board at site plan review, provided however, that in the event agreement is reached with the adjoining property owners for joint construction of the Clark portion of an off-site public amenity plaza and the entire Metro Plaza in accordance with the Urban Design Study for the Bethesda Metro Center, Exhibit No. 54, the structural design may be modified in accordance with Exhibits 54A and 46B as amended by staff and consistent with the overall design for the Metro Plaza.
   b. The additional density granted by the application may not be occupied prior to the completion of construction of the plaza, provided however, that in the event construction of the plaza is delayed for either the Metro construction or for joint construction, a performance bond acceptable to the Board may be required for completion of the work and occupancy of the building would be permitted to proceed if the bond is provided.
   c. The applicant shall file for Planning Board approval at site plan review an agreement between WMATA and Clark Enterprises providing for the implementation of the public amenity plaza on WMATA property.
   d. To insure the maintenance of the plaza, the applicant shall enter into an agreement with the relevant property owners for joint maintenance of the plaza under a plaza maintenance corporation (see Exhibit No. 33) or other acceptable agreement, subject to approval by the Planning Board at site plan review.
ATTACHMENT A

July 11, 1980

2.

The sole responsibility for implementation of the off-site amenity deck, as shown in Exhibit #64, is that of the applicant and not with the adjacent owner.

f. Public Amenity Deck - The applicant shall construct a public amenity deck approximately 15,500 sq. ft. in area on WMATA property immediately south of the site, including necessary structural supports and foundations at the lower level sufficient to support a two story building over a portion of the deck, as an extension of the previously approved, on-site deck at the plaza level, in accordance with Exhibit #44 and #66 as amended by staff.

g. Fountain - The project shall include a fountain as schematically indicated in Exhibits #11 and #24 and #66. The dollar guideline on Exhibit #66 for construction of the fountain is expressed in 1980 dollars and if the fountain design is not furnished by June 1980, provisions shall be made for inflation in accordance with the Commerce Department's construction composite cost index.

h. Sculpture - The design of the fountain shall include foundation and supports for a sculpture to be obtained from other sources. The foundation and supports shall be included in the budget amount of $148,000 for the fountain.

1. Plaza Amenities Improvements

(i) Plaza Landscaping - Ten deciduous trees, 6 to 8 feet tall with a minimum height of 30 to 35 feet at maturity, shall be planted in movable planters. The planters shall incorporate seating into at least two sides. The species and variety of trees shall be approved at time of site plan review.

(ii) Paving - Sidewalk and plaza paving shall be brick or similar modular, masonry units laid in an approved pattern. The sidewalk and plaza paving shall be predominantly brick, but may include concrete or other paving materials to create a visual order and pattern that complements the proposed functions.

(iii) Shrubbery and Ground Cover - Shrubbery and ground cover plantings shall be evergreen. Flowering plant materials may be utilized for accent where appropriate. The species, variety, size and spacing shall be approved at site plan review.

(iv) Site Lighting - Site lighting shall be incorporated into the design of the plaza. The lighting shall generically be pole mounted no less than 10 feet high, nor more than 16 feet high. The site lighting concept should encourage a safe, festive character of variety and delight, utilizing visible and concealed light sources.
as appropriate to provide interest and sparkle after dark. The size, type and number shall be approved at site plan review. Ground level lighting may also be incorporated, especially at such locations as steps and ramps.

(v) Temporary and Permanent Railing - The temporary and permanent railing shall be of similar metal or transparent material, with balustrades no greater than 6 inches on center and of sufficient height to provide adequate safety in conformance with building codes.

(vi) Metro Identification Pylon - The location of the Metro identification pylon shall be considered in the design of the plaza, and the location shall be coordinated with Metro.

(vii) Miscellaneous Construction - Electrical outlets and tie-down elements shall be incorporated into the plaza on an approximate grid every 30 feet per grid to permit temporary exhibits, etc.

(viii) Seating - Benches shall be installed at appropriate locations. Bollard-type seating elements shall be located around the fountain.

(ix) Trash Receptacles - Trash receptacles of a design to be approved at site plan review shall be installed at appropriate locations.

(x) At site plan review, consideration should be given to a skylight over the Metro escalators to the bus level.

(xi) Lighting and sprinkler system - The applicant shall install a sprinkler system in accordance with County requirements and lighting system on the ceiling below the amenity deck shown in Exhibit #6.

2. A public works agreement shall be executed between the applicant and the County providing for maintenance of the amenity space on the property, in the adjoining street right-of-way, by the applicant, up to the curb line as approved by the Planning Board at the time of site plan review.

3. The property shall be recorded in accordance with the subdivision regulations including the following:
   a. Right-of-way for Edgemoor Lane relocated shall be dedicated, 50 feet wide, in accordance with Montgomery County Department of Transportation requirements.
   b. Property on the west side of Edgemoor Lane relocated shall be dedicated to the County for public use.
   c. Existing Edgemoor Lane shall be abandoned between Old Georgetown Road and Edgemoor Lane relocated, and all utilities shall be relocated in accordance with appropriate agency requirements.
d. Vehicular access to the site and construction of parking beneath Edgemoor Lane relocated shall be approved by Montgomery County Department of Transportation.

e. The applicant shall construct a curbed street on Old Georgetown Road in accordance with the County Department of Transportation design and operational plan for the Wisconsin Avenue/East-West Highway/Old Georgetown Road intersection, based upon Attachment 3 in the November 2, 1979, staff report.

4. The applicant shall construct footings and other support structure for a future pedestrian bridge, westerly across Edgemoor Lane relocated, in accordance with a design approved by the Planning Board at site plan review. Consideration shall be given to site plan review to provide a knock-out panel for an underground crossing under Old Georgetown Road.

5. Deciduous trees, 5 to 8 inches in caliper, shall be planted at an interval of approximately 30 feet along the frontage of Old Georgetown Road and on both sides of Edgemoor Lane. The trees shall be planted in such a way as to provide shade and to be surrounded with a 3-foot by 3-foot cast-in-place tree grate. The species and variety of trees shall be approved at time of site plan review.

6. The amenity deck at the plaza level on the property in the north half of Edgemoor Lane abandonment shall be designed in accordance with the Bethesda Metro Center Plaza design as approved by the Planning Board at site plan review. The deck required in the previous approval in the south half of Edgemoor Lane abandonment shall be deleted.

STAFF RECOMMENDATION: DISCUSSION

At the time of the staff report, a number of items required at site plan review by the conditions imposed on approval of the project plan were unresolved, preventing staff from recommending approval of the site plan. On the other hand, staff is generally satisfied with the design of both the site plan for the building itself and with the design of the off-site plaza and fountain. Consequently, staff recommends the following:

Public Amenity Plaza

1. Approval of the design for the off-site public amenity plaza (condition 1a, 1b, and 11) as indicated in the site plan submission of Swank Associates, Inc. dated May 19, 1980 and in the preliminary structural drawings for the plaza dated June 9, 1980, subject to further approval by the Planning Board prior to issuance of building permits for the building, provided however, that in the event a change is reached with the adjoining property owners for joint construction of the Clark portion of an off-site public amenity plaza and the entire Metro Plaza, the design may be modified in accordance with the Urban Design Study for the Bethesda Metro Center.
The applicant shall submit working drawings for Planning Board approval prior to the issuance of building permits, detailing all of the items—under condition 11, Plaza Amenity Improvements, in the project plan approval, particularly, li (v) temporary and permanent railing, li (vii) electrical outlets and tie-down elements, and li (xl) lighting and sprinkler system.

2. The additional density granted by the revised project plan application may not be occupied prior to the completion of construction of the plaza, provided however, that in the event construction of the plaza is delayed for either the Metro construction or for joint construction, a performance bond acceptable to the Board may be required for completion of the work, and occupancy of the building would be permitted to proceed if the bond is provided.

3. Staff has not received the agreement between MWA and Clark Enterprises providing for implementation of the plaza on MWA property, as required in condition 1c.

4. Staff has also not received the maintenance agreement required in condition 1d.

5. Staff recommends approval of the fountain design as indicated in the sketches from Sasaki and Associates, Inc. dated May 13, 1980, subject to review by the Planning Board of working drawings for the fountain, incorporating the foundation and supports for a sculpture as required in condition 1h of the project plan, prior to the issuance of permits for construction of the building.

Building Site Plan

Staff recommends approval of the site plan for the building as consistent with the project plan (See attached GPA calculations). However, staff has not received the agreement between Clark Enterprises and the County for maintenance of the amenity areas in the street right-of-way along Old Georgetown Road and Edgemoor Lane, as required in condition 2 of the project plan.

7. The attached letter from Mr. Cichy, Director of MCDOT, dated July 3, 1980, indicates the agreement reached between the County, applicant and staff regarding the provision and maintenance of street trees, lighting and paving in the street right-of-way along Edgemoor Lane and Old Georgetown Road. Since the County had no program for replacement of existing street lights on Old Georgetown Road that should coordinate with the new lighting on Edgemoor Lane, the applicant has agreed to provide new street lighting on Old Georgetown Road, for which the County would accept energy and maintenance costs. However, staff is concerned with the lack of an overall street and pedestrian lighting plan for the Bethesda Core area and will present to the Board along with the discussion on the Clark Enterprises site plan on July 17, 1980, a conceptual streetscape lighting plan which includes pedestrian lighting along Old Georgetown Road that staff recommends the applicant should be required to provide also.
Memo to MCB
SPR #8-80028

July 11, 1980

8. The footings and support for a future pedestrian bridge across Edgemoor Lane as required in condition 4 of the project plan shall be subject to detailed review by staff prior to issuance of builder permits for the building. Also, staff recommends that the knock-out panel for which consideration was to be given at site plan under condition 4, should be made a requirement of site plan approval.

9. Staff recommends approval of the street tree locations indicated in the submitted landscape plan, subject to planting of 3 to 5½ inch caliper trees in accordance with condition 3 in the project plan approval.

10. Staff recommends approval of the amenity deck on the property as indicated in the submitted site plans, as consistent with condition 6 in the project plan approval.

Preliminary Plan

11. Staff recommends approval of the preliminary plan as consistent with condition 3 in the project plan approval, however, condition 3b in the project plan should be amended to require property on the west side of Edgemoor Lane be deeded to the County.

Coordination with the DOT is proceeding in accordance with the requirements in the attached memorandum from Mr. Bohrer dated June 17, 1980.

Environmental Planning Division Recommendations

The recommendations of the Environmental Planning Division are attached. (See memo from Mr. Downing dated July 1, 1980.) Of particular concern to the design of the building is recommendation A 2b, redesign of the building entrance. An assessment of the impact of this recommendation on the building design is not complete and is under discussion with the applicant. Urban Design staff is opposed to relocation of C- seating under A 2a, but recommends in favor of B 2a, design of the fountain to achieve an increase in sound level to mask roadway noise, and of B 2b, incorporation acoustical treatment in connection with design of the rest seating units.

Summary

Staff finds that the site plan is consistent with the previously approved project plan, but that the following agreements which were required at site plan are still outstanding, thereby preventing staff from recommending approval of the site plan at this time:

1. the agreement with WHATA regarding the plan including provisions for maintenance;

2. more detailed information regarding the fountain, particularly the location of the future sculpture;
3. more information on certain of the elements of the plaza design such as, the railings, electrical and tie-down elements, and lower level lighting and sprinkler systems; and

4. a maintenance agreement with the County in connection with the amenity areas within the street right-of-way.

Staff believes that these matters must be reviewed by the Board in conjunction with further review of the off-site amenity package, prior to the issuance of permits for the building, taking into consideration the Metro prospectus process, proposals for which are due on September 30, 1980, as this may affect joint development of the public amenity deck.

Staff recommends that the site plan for the building is acceptable from the perspective of the requirements in the CBD-3 zone, the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems, and that the site plan is compatible with existing and proposed adjacent development:

Dated:
Attachments
July 30, 2020

Mr. Mark Etheridge  
Montgomery County - Department of Permitting Services  
255 Rockville Pike, 2nd Floor  
Rockville, MD 20850  

Re:  Exemption of Stormwater Management Requirements Request  
7500 Old Georgetown Road  
Montgomery County, Maryland  
VIKA #VM50437A

Dear Mr. Etheridge:

On behalf of our client, Bethesda Office Owner, LLC (c/o Stonebridge Associates, LLC), and at the requirement of MNCPCC, we have prepared this letter requesting that you confirm in writing that the proposed improvements at 7500 Old Georgetown Road are exempt from all Stormwater Management requirements under Article II,19-31(c). The proposed improvements are located on an existing structure, and the use will continue to be Office/Retail. The proposed improvements are subject to Project Plan, Preliminary Plan, and Site Plan Amendments (91984004A, 11979257A, 81980028A respectively).

The proposed improvements associated with this project include the addition of 3,600 square feet of new office/retail space over top of the existing parking level, renovation of a hardscape plaza area over the existing parking level, and interior/ façade improvements and renovations.

Per Chapter 19, Article II, 19-31c, “The following development activities are exempt from stormwater management requirements under this Article: (c) any development not associated with the construction of a new residential or commercial building if the development does not disturb more than 5,000 square feet of land area.” The proposed development does not propose to disturb any land area. In accordance with Article II,19-31(c), we are requesting confirmation of exemption of stormwater management requirements for the proposed development.

Please confirm that MCDPS acknowledges that this project is exempt from stormwater management requirements by signing below. Copies of the submitted Site Plan are included for your reference. Thank you for your consideration in this request, and please contact me if you have questions or would like to discuss.

Sincerely,

VIKA Maryland, LLC

Michael B Goodman  
Michael B. Goodman, P.E.  
Vice President

If this request is acceptable, please sign below.

* Mark Etheridge  
Mark C. Etheridge, Manager  
Montgomery County Department of Permitting Services – Water Resources Section  

* I agree that as described herein this project, per Chapter 19 of Montgomery County Code, is exempt from stormwater management requirements. If the project does not proceed as described herein then the exemption may no longer be valid.
September 30, 2020

Ms. Katherine Mencarini, Planner Coordinator
Down-County Planning Division
The Maryland-National Capital Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Preliminary Plan No. 11979251A
7500 Old Georgetown Rd

Dear Ms. Mencarini:

We have completed our review of the revised preliminary plan uploaded to eplans on September 8, 2020. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on September 1, 2020. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Significant Plan Review Comments

1. Prior to the issuance of the building permit for the square footage proposed in this application, the applicant will be required to contribute $11,136 towards the Old Georgetown Road master planned, two-way separated bikeways. DOT determined this fee based upon the total cost for all bikeways proposed in the Bethesda Unified Mobility Program (BUMP), the total square footage development contemplated in the Bethesda CBD, and the applicant’s proportion of the overall Bethesda CBD development. This payment will be placed into the Bethesda Bikeway and Pedestrian Facilities CIP (P500119) and be used to finance other bicycle infrastructure improvements in the Bethesda CBD.

2. On the Certified Preliminary Plan, show all available dedication that is not encumbered by the building garage structure or electrical vaults, along the Old Georgetown Road frontage necessary to provide the Sector Plan recommended right-of-way. The remaining portion necessary to meet the Sector Plan requirements will be dedicated with a future preliminary plan.
3. The Applicant shall coordinate with Ms. Beth Dennard at beth.dennard@montgomerycountymd.gov or 240-777-8384 to implement the following recommendations for Transportation Demand Management (TDM) elements on the Subject Property:

   A. The project is in the Bethesda Downtown Sector Plan Area and the Red Subdivision Staging Policy Area. The project proposes to develop less than 40,000 gross square feet. An owner or applicant for a project with less than or equal to 40,000 sf must submit a Level 1 TDM Basic Plan. Approval from the department for a TDM Plan is required prior to issuance of any building permit by the Department of Permitting Services. MCDOT will provide a template for the Basic TDM Plan.

   The components of a Level 1 TDM Basic Plan are:

   i. Appointment of a Transportation Coordinator (TC): Designate an individual responsible to assist and cooperate with the Department's efforts to achieve the NADMS goals and other traffic mitigation and communion goals. Assistance includes distribution of information on commuting options to the on-site population, coordinating with the Department to conduct on-site commuting-related outreach events; and ensuring participation in commuter surveys and attending occasional training sessions for TCs.

   ii. Notification: Each owner is required to notify the Department in writing of the TC's contact information within 30 days of receipt of final Use and Occupancy certificate; and within 30 days of any subsequent change.

   iii. Access to the Project: Each owner must provide space on-site by prior arrangement with the department to allow for the promotion of TDM, including participating in commuter surveys.

   iv. TDM Information: Displays of TDM information must be place in a location visible to employees and other project users.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy
Ms. Katherine Mencarini
Preliminary Plan No. 1979251A
September 30, 2020
Page 3

SharePoint/transportation/directors office/development review/WhelanW/11979251A 7500 Old Georgetown Rd - MCDOT Review Letter 092820.docx

cc: Plan letters notebook

cc-e: Charles Crislip VIKA
      Matthew Gordon SGRW Law
      Stephanie Dickel MNCP&PC
      Sandra Brecher MCDOT CSS
      Beth Dennard MCDOT CSS
81980028A 7500 Old Georgetown Road
Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

“07-BSITE-81980028A-SP3.pdf V2” uploaded on/ dated “7/16/2020”.

As there seems to be minimal impact to the County ROW (per the above site plan), we do not have any comments at this point.
July 14, 2020

Stonebridge Associates, LLC
c/o Doug Firstenberg
7200 Wisconsin Ave. Suite 700
Bethesda, MD 20814

Re: Forest Conservation Exemption Request, Simplified NRI/FSD No. 42020233E
   Property Name: 7500 Old Georgetown Road
   Action Taken: Exemption Confirmed and Simplified NRI/FSD Approved

Dear Doug Firstenberg:

On July 6, 2020, Montgomery County Planning Department Staff received a Simplified Natural Resource Inventory / Forest Stand Delineation “Simplified NRI/FSD” for 7500 Old Georgetown Road. The Simplified NRI/FSD is part of a Chapter 22A-5(s)(1) Exemption Request for an activity on a small property. A Site Plan is being submitted in conjunction with this Forest Conservation Exemption Request.

A Chapter 22A-5(s)(1) Exemption Request is for an activity on a tract of land of less than 1.5 acres with no existing forest, specimen trees, or champion trees. Also, the activity does not require more than 10,000 square feet of forest planting.

The project’s tract area is approximately 0.82 acres. The proposed construction limits of disturbance area is less than 1 acre. No forest, specimen trees or champion trees will be cleared during the project. This activity does not trigger forest planting requirements.

Forest Conservation Exemption Request No. 42020233E for 7500 Old Georgetown Road is confirmed. The Simplified NRI/FSD submitted for the project is approved.

Any changes from the approved Simplified NRI/FSD may constitute grounds to rescind or amend any approval actions taken.

Sincerely,

Stephen Peck
Senior Planner and Inspector
Development Applications and Regulatory Coordination
M-NCP - Montgomery County Planning Department

CC: Charles Crislip, VIKA Maryland, LLC