Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Item No. Date: 11.12.2020

7500 Old Georgetown Road, Project Plan Amendment 91984004A, Preliminary Plan Amendment 11979251A, and Site Plan Amendment 81980028A

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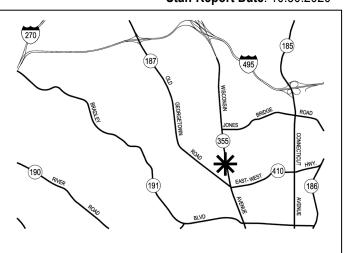
C/L Elza Hisel-McCoy, Chief, DownCounty Planning, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Description

- Project Plan and Preliminary Plan Amendment to increase the total gross floor area from 301,558 square feet to 320,813 square feet;
- Site Plan Amendment 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;
- Located on Old Georgetown Road between Edgemoor Lane and Wisconsin Avenue;
- Current use: office and retail;
- 35,601 (0.82 acres) zoned CR-8.0, C-8.0, R-7.5, H-290'CBD-3);
- 2017 Bethesda Downtown Sector Plan;
- Applicant: Bethesda Office Owner LLC;
- Acceptance date: August 5, 2020.
- Review Basis: Zoning Code in effect prior to October 29, 2014, in accordance with Section 59.7.7.1.B.3, Pre-2014 Chapter 59.

Summary

- Staff recommends approval with conditions.
- When the Applicant purchased of 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.



Staff Report Date: 10.30.2020

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.



Figure 1 – Aerial Map, Site outlined in red

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.

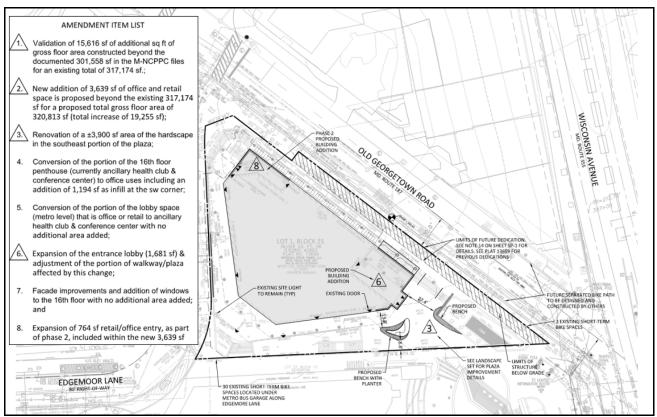


Figure 3 – Site Plan Amendment 81980028A



Figure 4 – Renderings of Proposed Exterior Improvements Looking West from the Plaza



Figure 5 – Renderings of Proposed Exterior Improvements Looking West Wisconsin Avenue

<u>Environment</u>

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.

Development Standard	Permitted/	Approved per	Proposed per
	Required	919840040	91984004A &
			11979251A
Property Area (square feet)			
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	0.3	0.3	0.3
uses required by CBD-3 for full FAR (%)			
Floor Area, min. retail and personal service commercial	10,316	10,316	11,584
uses required by CBD-R2 for full FAR (square feet)			
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

Table 1: 91984004A & 11979251A DATA TABLE

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 nonresidential 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						
Development Standard	Permitted/ Required	Approved per Project Plan Approval	Approved per Site Plan 819800280	Proposed per Site Plan 81980028A		
Site Area (sf.)			•			
Gross Tract Area	18,000 (min)	57,356	57,356	57,356		
Previous Dedications	n/a	21,289	21,289	21,289		
Proposed Dedications	n/a	n/a	n/a	n/a		
Net Lot Area	n/a	36,067	36,067	36,067		
Density						
Floor Area Ratio, max. base	6	5.25	5.25	5.5		
Floor Area, max. base (sf.)	n/a	301,558	301,558	320,813		
Floor Area Ratio, max. non-residential	6	5.25	5.25	5.5		
Floor Area, max. non-residential (sf.)	345,216	301,558	301,558	320,813		
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%)	0.3	0.3	0.3	0.3		
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (sf.)	10,316	10,316	10,316	11,584		
Maximum Building Height (feet)	200	191	191	191		
Minimum Setbacks (feet)						
North Property Line	n/a	0	0	0		
Edgemoor Lane	n/a	0	0	0		
Old Georgetown Road	n/a	0	0	0		
Southern Property Line	n/a	0	0	0		
Public Use & Amenity Space, Min.						
On-Site Public Use Space, % of net lot area	20	20	20	20		
On-Site Public Use Space, sf. total	7,213	7,213	7,213	7,213		
Parking (site is located in the Parking Lot District)	473	387	387	387		
Bicycle Parking	20	20	20	20		

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

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

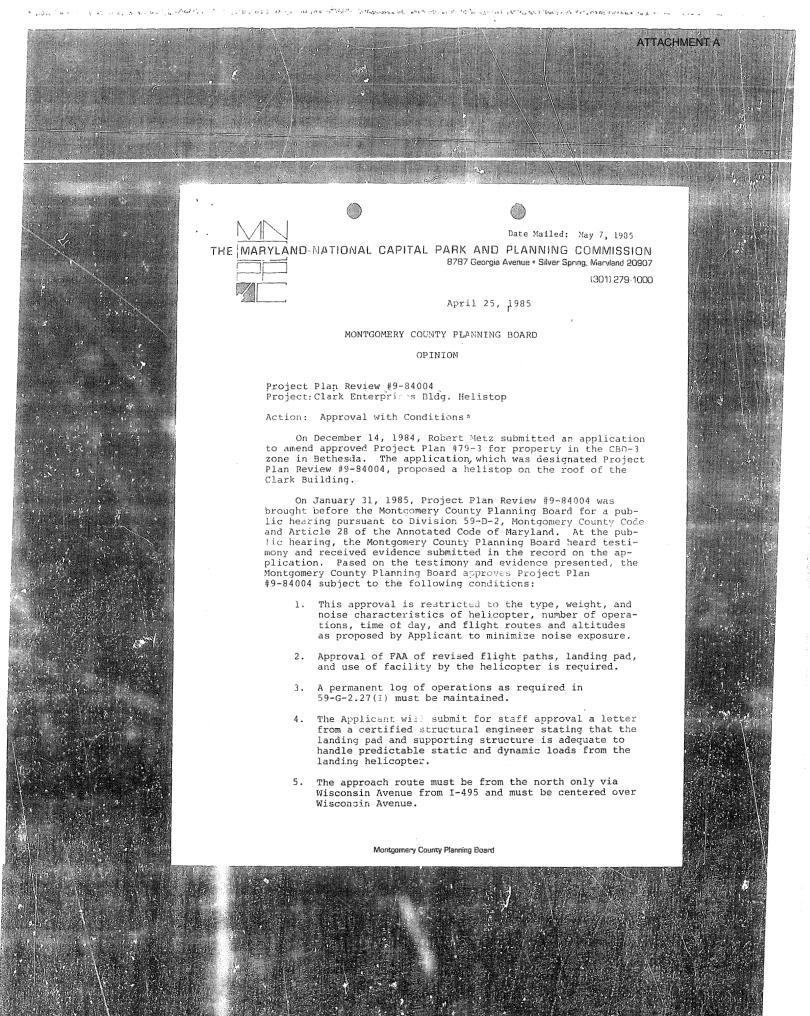
A notice regarding the Limited Major Amendment to Project Plan No. 91984004A, Preliminary Plan No. 11979251A and Site Plan No. 81980028A was sent to all parties of record by the Applicant on August 10, 2020. The notices gave interested parties 15 days to review and comment per Montgomery County Zoning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



MCPB Opinion Project Flan Peview #9-84004 Page Two

> 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.

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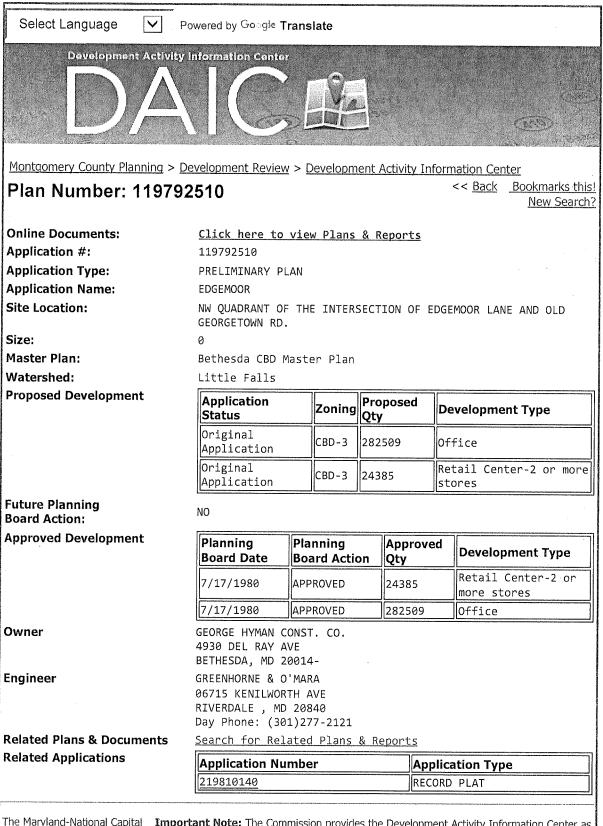
 This Project Plan Amendment is contingent upon approval of a special exception for helistop use.

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 ..ncludes it by reference in this Opinior. 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 helistops 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 Heimann abstaining and Commissioner Krahnke opposed.)



The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910

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 <u>mcp</u>-

to summe

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION 876 Georgia Avenue • Silver Spring, Maryland 20907

(301) 279-1000

MCF8 #80-47

RESOLUTION

WHEREAS, George Hyman Con owner of a 35,601 square foot parcel moor. The property is located south: consin Avenue and Old Georgetown Roa-

WHEREAS, on Nevember 1, Inc. on behalf of the preverty owner a probably of Preliminary Subdivision for the off and

UMEREAS, the application Sch ivision Plan, also km on as Piol p -vented to the Montgomery County F land-National Capital Park and Plane staff of the Commission on Hursday, review and action in accordance with Annotated Code of Marvland and Chapt re50, Monteopery County Code (1977 Feplacement Volume):

ruction Corbany is the nown as Parcel 'A', Edge-st of the corner of Wisand is zonel CBD-3.

), Greenhorne & O'Mara, filed an application for the (Staff t shibit fl)

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GHEREAS, the staff of The and Land- tional Capital Far, and Planning Commission recommended approv 1 with conditions of the opplication; and

WHEREAS, on July 17, 1936. the Monto energy County bard heard testimony and societed evolutions submitted Planning Board heard testimony and in the record on the aforesaid appl sation.

NOW, THEREFORE, BE IT TO DIVED, that pursuant to the provisions of Chapter 50, Montromery County Code, the Hontgomery County Planning Board at roves subject to the following conditions Preliminary Plan #1-7925 :

- Dedication of relation ed Edgemocy. Lane in accordance 1. with the Adopted Beesda CBD Sector Plan including the 2750 square focarea west of relocated Edgemoor Lane.
- 2. Provision for mederal publiche und drainage eas ments.

DT IT FURTHER RESOLVED, that based upon all the evidence of record and in order to pr serve and promote the public interest, the decision of the Mont omery County Planning Board is as follows:

Montgomerly Col. Ty Planning Board

MCPB #80-47

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

The Board finds that the Pressinary Plan #1-79251 meets the purposes of the Subdivision Of Anance.

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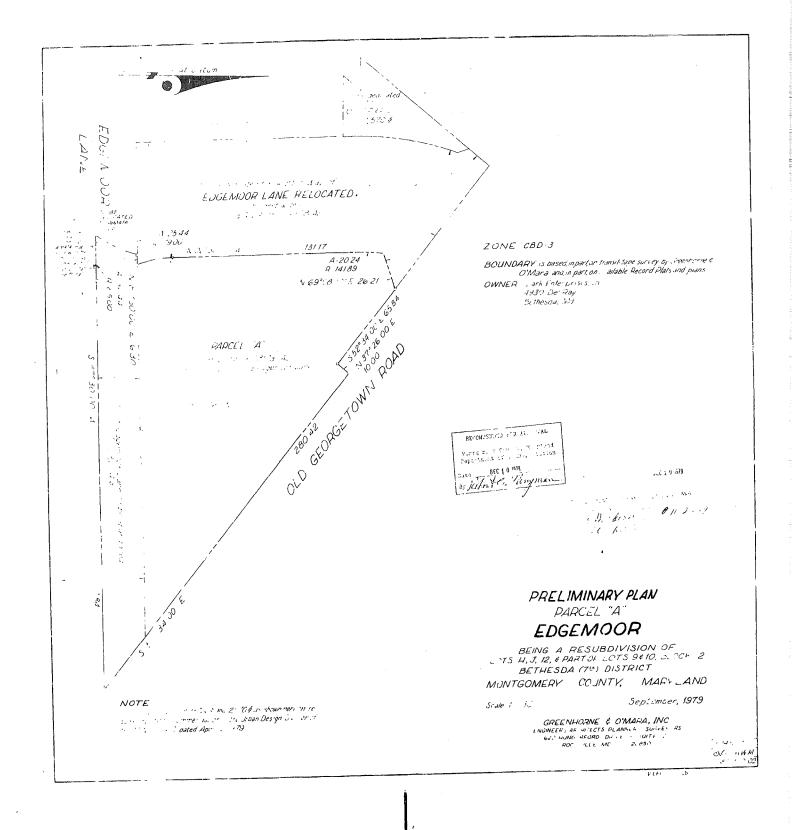
The Board finds that, in 1.5 of the findings re-guired for the approval obtained January 24, 1980 of the CBD optional method project plan for the project, there exists adequate public for litibus in accordance with subsection of the findings re-50-35(k).

Thi is to certify that the correct copy of a resolution adopt planning Board of The Pryland-Nation Planning Board of the Pryland-Nation apital Park and Planning Commission on motion of Commissioner & nkc/seconded by Commissioner Heimann, wit' Commissioners Granke, Heimann, Krahnke, Schuman, and Hanson votigging favor (the motion, a its regular meeting held in Silver (print, Marylane, on Thurslet July 17, 1980.

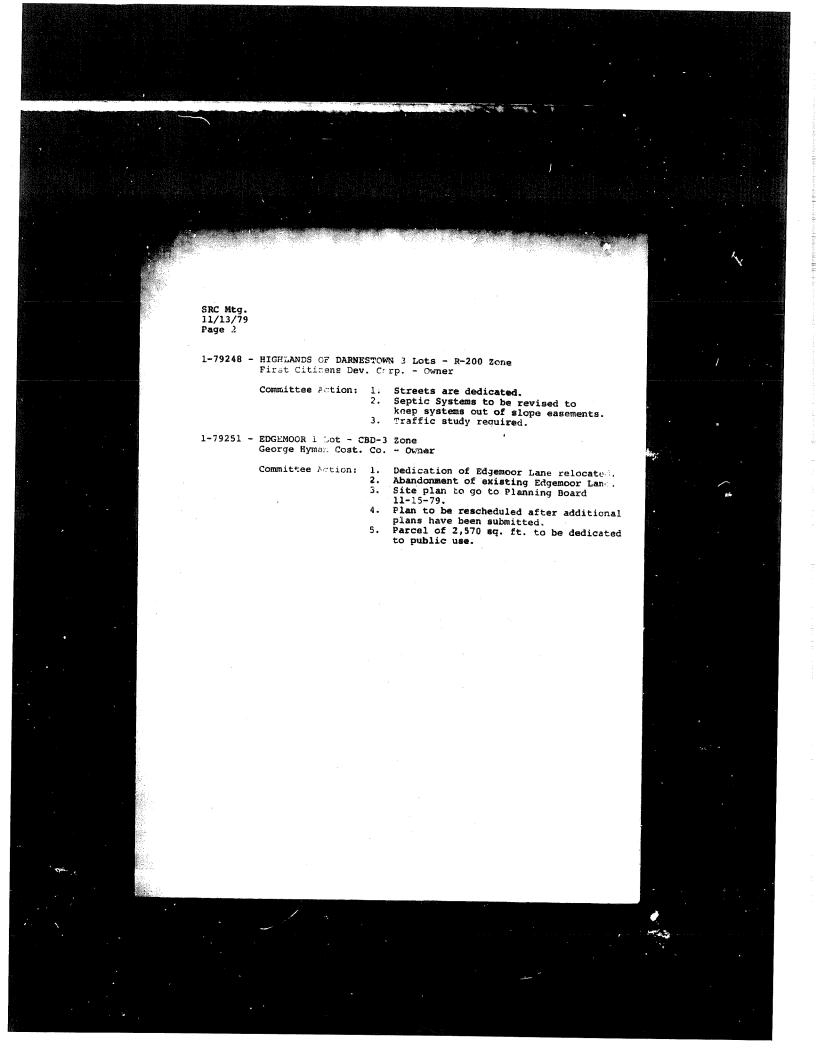
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Thomas I. Countee, Jr. Executive Director

ATTACHMENT A

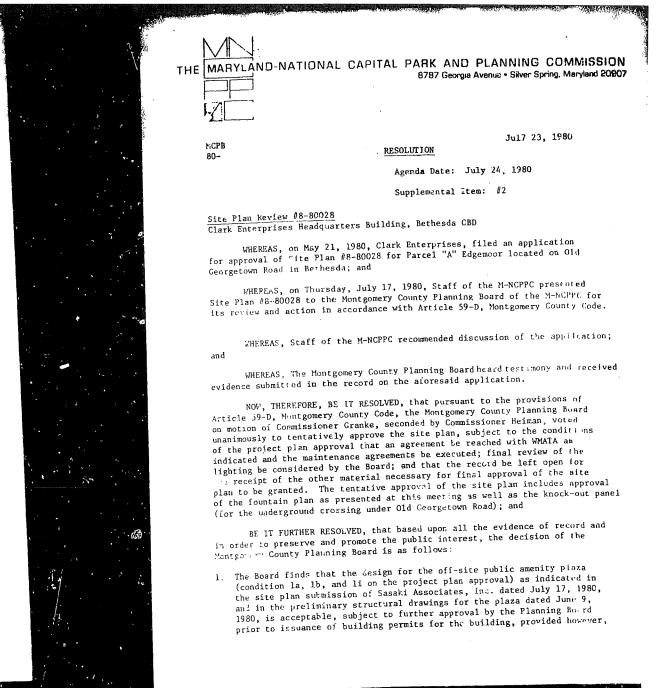


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Spring. While you are online, if you believe you have found data or documents to be in error or if you cannot find the document you are searching for, please contact us at <u>mcp-daichelp@mncppc-mc.org</u>. Given the volume of work that we do, M-NCPPC cannot guarantee that all data or documents will be available online.



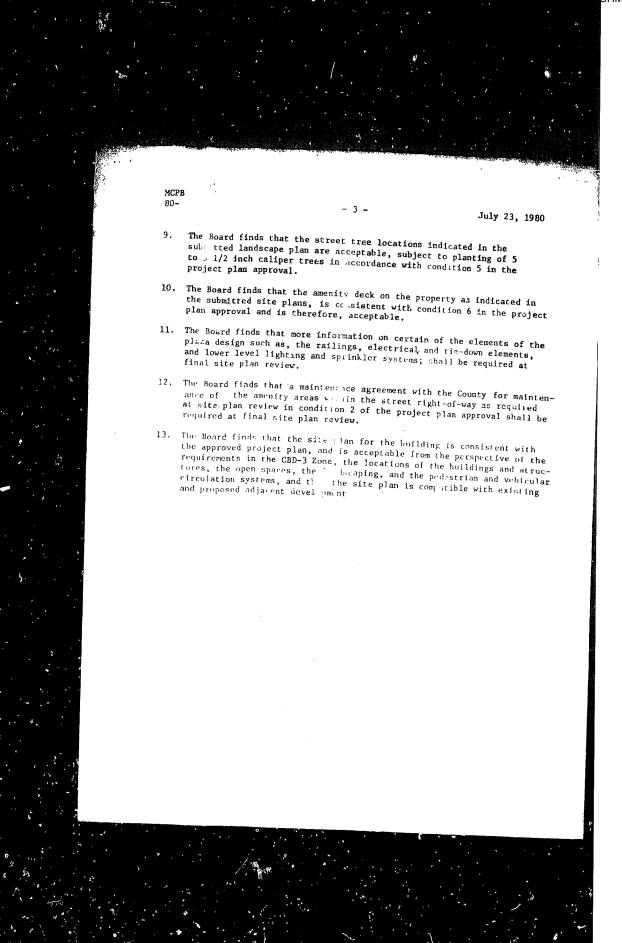


IMENT A

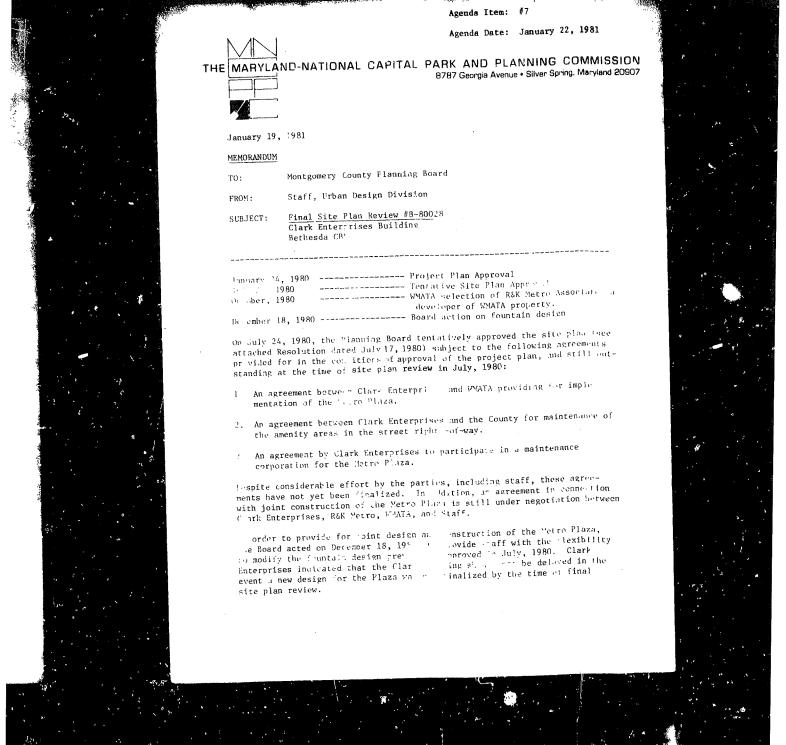
MCPB 80- -2- July 23, 1980
that in the event agreement is reached with the adjoining property owners for joint construction of the Clark portion of an off-site public amenity plaza and the entire Metro Plaza, the design may be modified in accordance with the Urban Design Study for the Bethesda Metro 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 are tilted the agreement between WMATA

8 . Par

- 3. The Board finds that the applicant operation of filed the agreement between WMATA and Clark Enterprises providing for agreementation 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 usign as indicated in the sketches from Sasaki and Associates, Inc. dated toly 17, 1980, is acceptable, subject to review by the Planning Reard 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 $a_{\rm L}$ -oved project plan.
- 7. The Board finds that since the County is no program for replacement of existing street lights on Old Georgee we Road that would coordinate with the new lighting on Edgemoor Lane, and whereas the applicant has agreed to provide new street lighting on Old Georgetown Road, for which the County would accept energy and main enance 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 ¹ staff, which includes pedestrian lighting along Old Georgetown Road that taff recommends the applicant should be required to provide, that the 'oard 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 Edge our 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 block-out panel for which consideration was to be given at site plan under constribution 4 also, should be made a requirement of site plan approval.



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Memo to MCPB SPR #8-80028 January 19, 1981 Page Two

However, staff maintains that since Clark Enterprises will be responsible for the plaza and fountain amenities, all effected parties should reach concensus the plaza and fountain amenicles, all effected parties still under discussion with on a design, if possible. The modified design is still under discussion with the applicant and at this time, staff and the applicant have not reached concensus of 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 In light of the above, additional time is needed to finalize the necessary agreements required by the Board as preconditions of final Lite plan approval, and further discussions are required to finalize joint design and construction

Staff Recommendation

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

stension of the Project Plan

Postponement of final site plan review will necessitate extend n of the project plan, which expires on January 24, 1981. Staff recommends in factor of an extension. This recommendation is the subject of a separate igend item following that of the site plan (see Agenda item #8).

Joint Construction of Metro Plaza

Condition #1 of the project plan provided for joint construction of the tondition at of the project plan provided for point considerant of the clark point of of the estimate, public amenits alara, by permitting a solution for the Metro Plaza to be modified in accordance with the Prior Decomber of tody for the Bethesda Metr Center. A lotailed concentual is don, which is consistent with the Urban Design Study, acceptable to stall, and resolves technical details of the favout of the bus level and construction of the deck and fountain, has now been produced by R&K Metro. Three issues remain:

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

2. a final list of de til items to be include: in the design of both upper and lower lovels of the public amenity deck; and

1. final design of no fountain.

ummary

Postponement of final site plan approval is necessar, since agreement on these Assues has not been reached with the applicant, and also that, agreements for implementation of the plaza, for maintenance of the plaza, and for final design

and maintenance of the on-site amenities, have not been finalized. ILW: D.Y: jas

Attachment

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	YLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSI 8787 Georgia Avenue • Silver Spring, Maryland 20
August 6,	1981
MEMORANDU	4
TO:	Montgomery County Planning Board
FROM:	Staff, Urban Design Division
SUBJECT:	Site Plan Review #8-80028 Clark Faterprises, Inc., Headquart & Polling Bethesda CBD
Board fina Plaza. Th Staff, App aware of so conformance analyze the In this ana a severe pro- resistance, attempt was not produce putting in insufficier	, 1981, the Board approved the Site Plan in accordance with certain tions made by the Staff. One of these recommendations (which the lly affirmed) was the two level height entry from the Metro Center is action was taken by the Board aft r extensive discussion betwoon licant, and Board. Subsequent to this approval, Staff has been inde evere structural and space allocation problems related to this deci- th, the Applicant modified their plans at the second office level in with Staff recommendations. They then had their structural engineer effect of this modification on the structural integrity of the building. lysis, it was discovered that the elimination of this space would cause blem with respect to wind loads and assymetrical torque (or twisting) This analysis was comprehensively run through the computer. The first to increase the size of the columns throughout the building. This did sufficient resistance to torque (or twisting). They further analyzed larger size reinforcing to strengthen the floor slabs. This was still to provide mediations to twisting the twisting prime matery and build alls within the core of the building. This added additional costs, but at did not resist the extra costs. Proveer, upon looking at the impact

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HMENT A

Memo to MCPB SPR #8-80028 August 6, 1981 Page Two

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 way."

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 sovere hardship upon the Applicant that the two story height will no longer be a requirement.

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

UTW:jas cc: R.E. Costian Doug Alexander John Matthews Bob Benson

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION 8787 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 Peview #8-80028 Clark Enterprises, Inc., Headquarters Building Bethesda CBD

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 Methesda Metro Center, Exhibits #44 and #46 as amended by staff and consistant with the overall

b. The additional censity 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 WIATA 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 claza under a plaza maintenance corporation (see Exhibit #33), or other acc. stable agreement, subject to approval by the Planning Board at site plan review.

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Memo to MCPB SPR #8-80028

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.

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f. <u>Public Amenity Deck</u> - The applicant shall construct a public amenity deck approximately '5,500 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 #46 as amended by staff.

g. <u>Fountain</u> - 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 composit cost index.

h. <u>Sculpture</u> - 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 25 feet at maturity, shall be planted in mevable planters. The planters and lincorporate 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 plaze paving shall be brick or similar medular, mascnry 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 in 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 soncept should encourage a safe, festive character of variety and delight, utilizing visible and concealed light sources

Memo to MCP SPR #8-80028

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July 11, 1980

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 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 tiedown elements shall be incorporated into the plaza on an approximate 50 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 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 #46.

2. A public works agreement shall be executed between the applicant and the County providing for maintenance of the amerity 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 Edgemoor more relocated shall be dedicated, 80 feet wide, in accordance with Montgomery County Department of Transfortation requirements.

b. Property on the west side ψ : Edgemoor Lane relocated shall be dedicated to the County for public use.

c. Existing Edgemoor Lane shall be ahandoned between Old Georgetown Road and Igemoor Lane relocated, and all utilities shall be relocated in accordance with appropriate agency requirements. Memo to MCPB SPR #8-80028

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July 11, 1980

d. Vehicular access to the site and construction of parking beneath Edgemoor Lane relocated shall be approved by Montgemery 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/Fast-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 at site plan review to provide a knock-out panel for an underground crossing under Old Georgetown Road.

5. Deciduous trees, 5 to 5^{1}_{2} inch caliper, shall be planted at an interval of approximately 30 reet along the frontage of Old Georgetown Road and on both sides of Edgement Lane. The trees shall be planted flush with the side-walk and shall be surrounded with a 5 foet by 5 foot, cast-iron tree state. 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 it is required at site blan review by the conditions imposed on approval of the project plan were unresolved, preventing staff from recommending approval of the site plan is the otherhand, 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 la, lb, and li) as indicated in the site plan submission of Srsaki 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 Beard 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 amenit plaza and the entire Metro Plaza, the design may be modified in accordance with the tran Design Study for the Bethesda Metro Center. Memo to MCPB SPR #8-80028

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July 11, 1980

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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 ε manent railing, li (vii) electrical outlets and tie-down elements, and li (xi) 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 recorred the agreement between WMATA and Clark Enterprises providing for implementation of the plaza on WMATA property, as required in condition ic.

4. Staff has also not received the maintenance agreement required in con-

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 Flanning Board of working drawings for the fountain, incorporating the foundation and supports for a sculpture as required in condition lb of the project plan, prior to the issuance of permits for construction of the building.

Building Sice Plan

Staff recommends approved of the site plan for the building as consistent with the project plan (See attached GFA calculations). However, staff has not received the agreement between Clark Enterprises and the County for maintenance of the amenity reas 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 'rom Mr. Cichy, Director of MCDOI, dated July 3, 1980, indicates the agreement reached between the County, applicant and staff regarding the provision and ' intenance o' street trees, liquing and paving in the street right-of-way also, Edgemoor Lane and Old Georgetown Road. Since the County had no program 'r replacement of existing street lights on Old Georgetown Road that should co rdinate with the new lighting on Edgemoor Lane, the applicant has agreed to provide new street lighting on Old Georgetown Road, for which the County we do accept energy and maintenance costs. However, staff is concerned with the lack of an overall street and pedestrian lighting plan for the Bethesda C re area and will present to the Board along with the discussion on the Clarb Interprises site plan on July 17, 1980, a conceptual streetscape lighting plan which includes pedestrian lighting along Old Georgetown Road that staff re-immends the applicant should be required to provide also.

Nemo to MCPB SPR #8-80028 - 6 -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 de-Lane as required in condition 4 of the project plan shall be subject to de-tailed review by staff prior to issuance of building 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 9. Staff recommends approval of the street tree locations indicated in the submitted landscape plan, subject to planting of 5 to 5% inch caliper trees in accordance with condition 5 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

Coordination with the DOT is proceeding in accordance with the requirements

in the attached memorandum from Mr. Solver dated June 17, 1980.

Environmental Planning Division Recommendations

The recommendations of the Environmental Planning Division are attached. (See memo from Mr. Downing dated July 2, 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 order discussion with the applicant. Urban Design staff is opposed to relocation of the seating under A 2a, but recommends in favor of B ?a, design of the fountain to achieve an increase in sound level to mask condway noise, and of b 2b, incorporation acoustical treatment in connection with design of the residential units.

Sumary

A CONTRACTOR OF THE OWNER OF

Stat: 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 ap-

1. The agreement with WMATA regarding the plaze including provisions

2. more detailed information regarding the fountain, particularly the location of the future sculpture;

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Nemo to MCPB SPR #8-80028 July 11, 1980 - 7 -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 conn. ion with the amenity areas within the street right-of-way. Staff believes that these matters can 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 build-ings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems, and that the site plan is compatible with exist-ing and proposed adjacent development. 9A:dtb Attachments

THE MARYLANC-NATIONAL CAPITAL PARK AND PLANNING COMMISSION 8787 Georgie Avenue - Silver Spring, Meryland 20907

July 11, 1980

Agenda Number: 7

Agenda Date: July 17, 1980

MEMORANDUM

TO:	Montgomery County Planning Board
FROM:	Staff, Urban Design Division
SUBJECI :	<u>Site Plan Review # j-80028</u> Clark Enterprises, Inc., Headquarters Building Bethesda CBD

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, subjact to approval by the Planning Board at site plan review, provided however, that in the event \circ reement is reached with the adjoining property owners for joint construct n of the Clark portion of an off-site public amenity plaza and the entry for Plaza in accordance with the Urban Design Study for the Beth da Metro Center, Exhibit #34, the structural design may be modified in accordance with the Exhibits #46 as amended by staff and consistant with the overall design for the Metro Plaza.

b. Ine additional density granted by the application may not be occupied prior ' 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 parmitted 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 plaze 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 ± 33), or other acceptable agreement, subject to approval by the Planning Board at site plan review. Memo to MCPB SPR #8-80023

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.

- 2 -

f. <u>Public Amenity Deck</u> - The applicant shall construct a public amenity deck approximately 15,500 sq. ft. in area on WHATA property immediately south of the site, including necessary structural supports and foundations at the lower lavel 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. <u>Fountain</u> - 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 composit cost index.

h. <u>Sculpture</u> - 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. <u>Plaza Amenity Improvements</u>

(i) Plaza Landscoping - Ten deciduous trees, 6 to 8 feet tall with a minimum height of 20 to 25 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 rodular, 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 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 Messo to MCPB SPR #8-80028

July 11, 1980

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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 romps.

- 3 -

(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 tiedown elements shall be incorporated into the plaza on an approximate 50 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 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 #46.

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 Edgemoor Lane relocated shall be dedicated, 80 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. Manno to MCPE SPR #4- SU028

July 11, 1990

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 the west curb of Old Georgetown Road in accordance with a 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 onstruct 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 size plan review. Consideration shall be given at mite plan review to provide a knock-out panel for an underground crossing under Old Georgetown Road.

5. Deciduous trees, 5 to 54 inc' 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 f ush with the side-walk and shall be surrounded with a 5 foot by 5 foot, cast-iron tree grats. The species and variety of trees shall be approved at time of site plan review.

6. The amenity deck is the plaza level on the property in the north half of Edgemoor Lane abandonment shall be designed in accordance with the Bechesda 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 si e plan raview by the conditions imposed on approval of the project plan were unresolved, preventing staff from recommending approval of the site plan. On the otherhand, staff is generally satisfied with the design of both the site plan for the building itself and with the design of the oir-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 la, lb, and li) 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 'ssuance 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. Memo to MCPB SPK #8-80023

July 11, 1970

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The applicant shall submit working drawings for Pianning 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, li (v) temporary and permanent railing, 'i (vii) electrical outlets and tiedown elements, and li (xi) lighting and sprinkler system.

- 5 -

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 MMATA and Clark Enterprises providing for implementation of the plaza on WMATA property, as required in condition lc.

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

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 lh 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 GFA 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 MCDUT, 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 Bethasda Core area and will present to the Board along with the discussion on the Clark Entorprises 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 MCPB SPR #8-80028

July 11, 1990

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 building permits for the building. Also, staff recommends that the knock-out panel for which consideration was to be given at size 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 5 to 5½ inch caliper trees in accordance with condition 5 in the project plan approval.

10. Staff recommends approval of the immenity 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 condiction 3 in the project plan approval, however, condition 3b in the project plan should be amonded to require property on the west side of Edgemoor Lane to 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 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 the 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 ential 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 WMATA regarding the plana including provisions for maintenance;

2. more detailed information regarding the fountain, particularly the location of the future sculpture;

Memo to MCPB SPR #8-80028

July 11, 1980

3. more information on certain of the elements of the plaza design such as, the railings, electrical and tie-down elements, and hower level lighting and sprinkler systems; and

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

Staff believes that these matters can 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.

DA:dtb Attachments

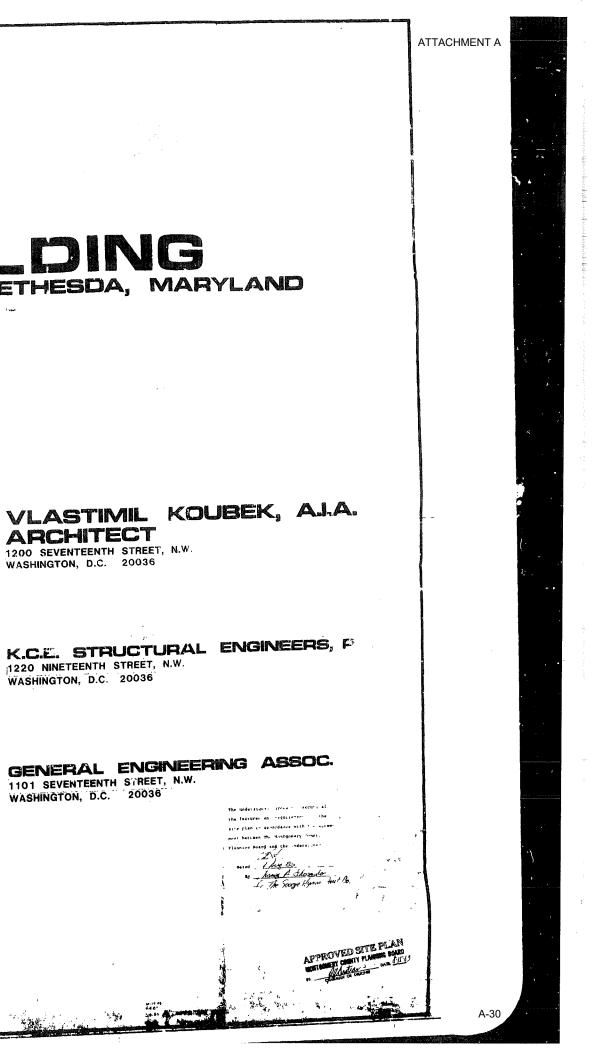
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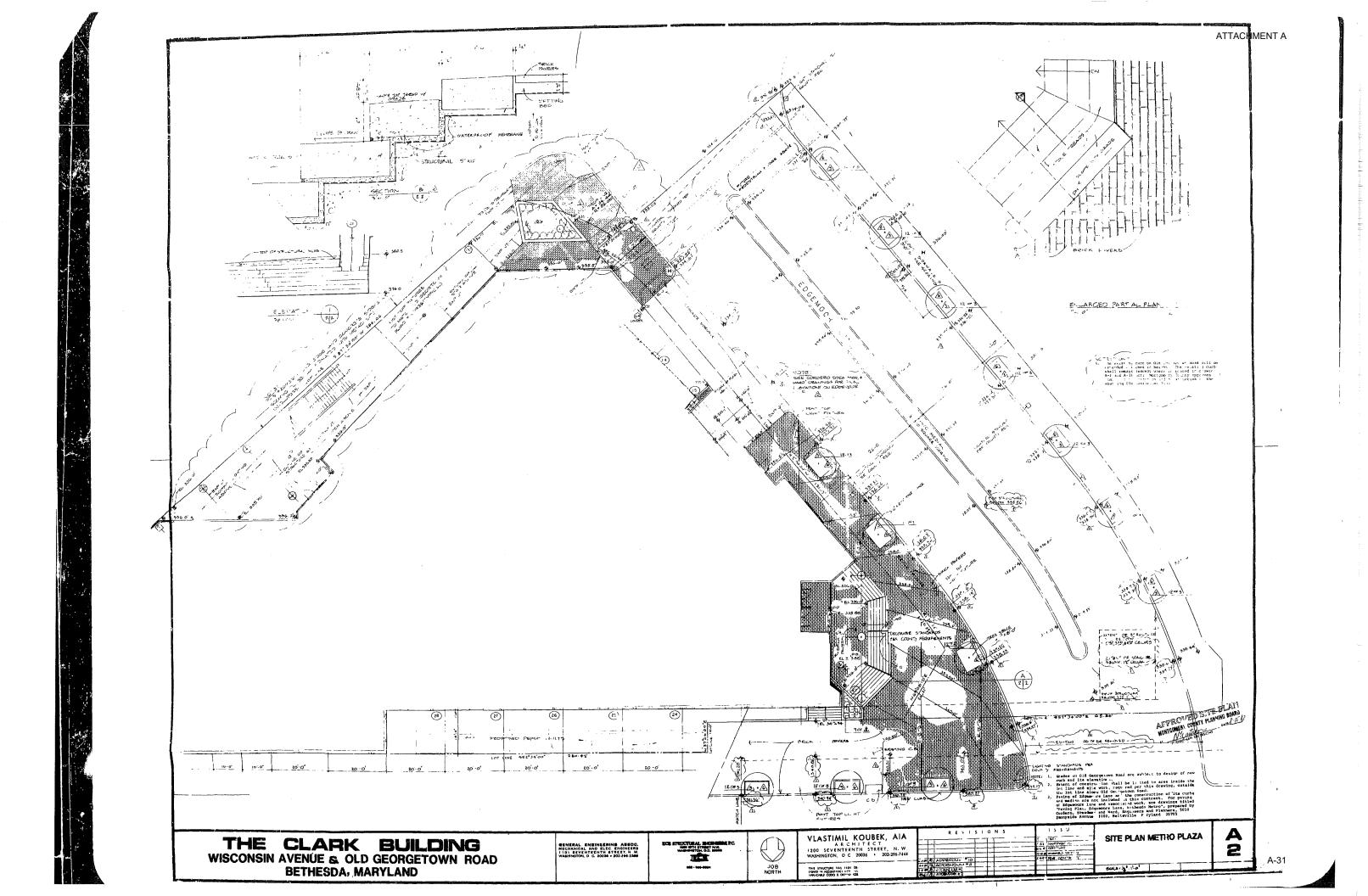
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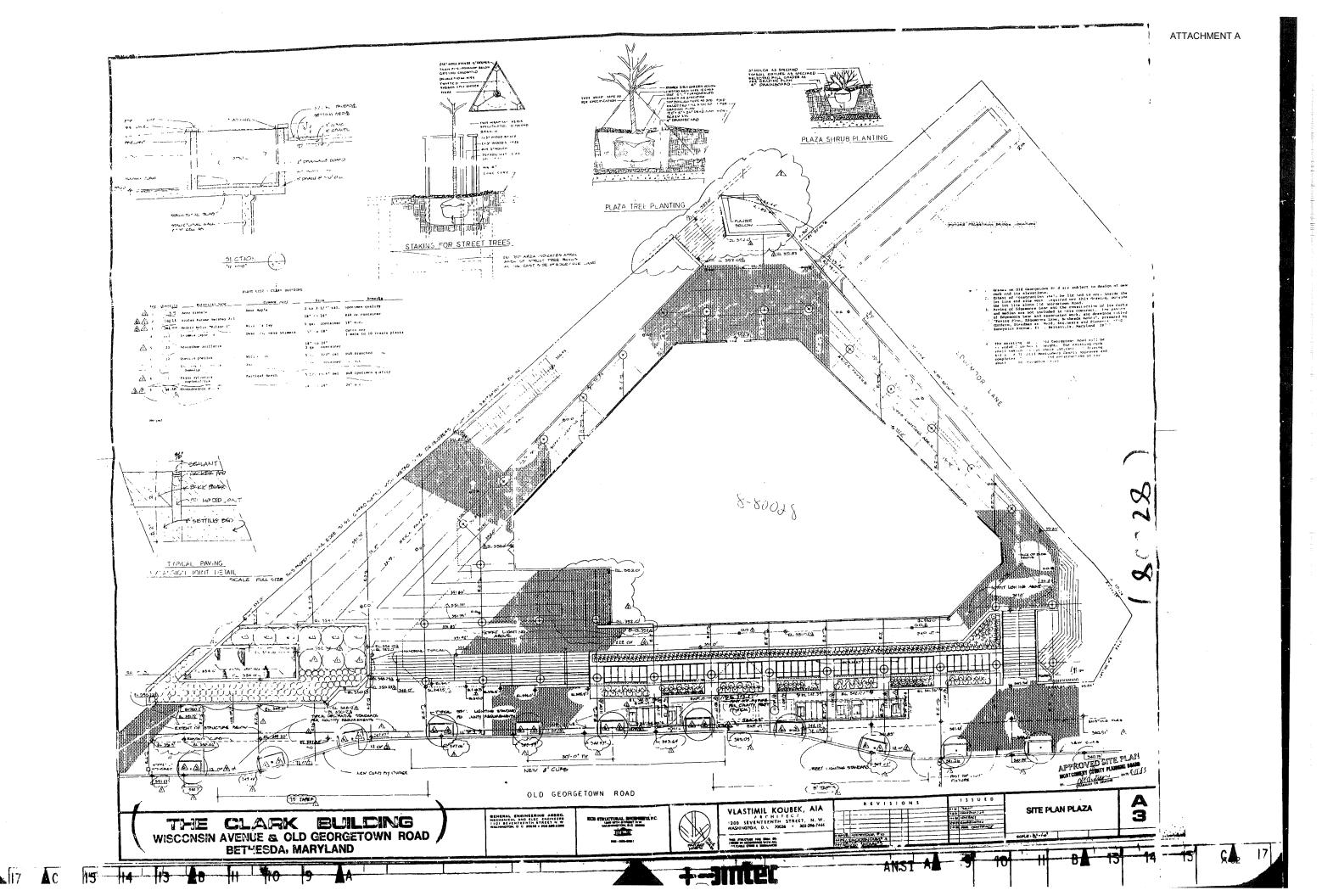
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July 30, 2020

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 MNCPPC, 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 Dic cuts, o-Unafiliated, Social S

Michael B. Goodman, P.E. Vice President

* 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.

If this request is acceptable, please sign below.

* Mark Theridge

September 28, 2020

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

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VIKA Maryland, LLC

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www.vika.com



DEPARTMENT OF TRANSPORTATION

Marc Elrich County Executive Christopher Conklin Director

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

- 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.

Office of the Director

Ms. Katherine Mencarini Preliminary Plan No. 1979251A September 30, 2020 Page 2

- 3. The Applicant shall coordinate with Ms. Beth Dennard at <u>beth.dennard@montgomerycountymd.gov</u> 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 <u>william.whelan@montgomerycountymd.gov</u> 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

DPS-ROW CONDITIONS OF APPROVAL

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-NCPPC - Montgomery County Planning Department

CC: Charles Crislip, VIKA Maryland, LLC