






## MCPB

Item No. 1.c

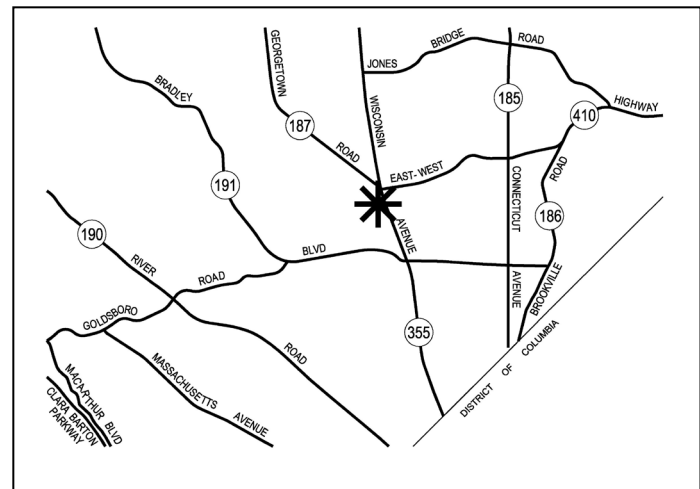
Date: 08.30.2021

### One Bethesda Center Condominiums, Project Plan Amendment 91983005C & Site Plan Amendment 81984006C

-  Grace Bogdan, Planner Coordinator, DownCounty, Grace.Bogdan@montgomeryplanning.org, 301-495-4533
-  Stephanie Dickel, Supervisor, DownCounty, Stephanie.Dickel@montgomeryplanning.org, 301-495-4527
-  Elza Hisel-McCoy, Chief, DownCounty, Elza.Hisel-McCoy@montgomeryplanning.org, 301-495-2115

- Project Plan and Site Plan amendments to reclassify internal GFA for tenant space, construct a new lobby entrance, and redistribute Public Use Space while maintaining 20% requirement;
- Current use: 12 story office building with adjoining residential townhomes;
- Located at the intersection of Hampden Lane and Woodmont Avenue;
- 1.4 acres zoned CR 5.0 C 4.0 R 4.75 H 175 and the Bethesda Overlay Zone (BOZ) in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: Corinthian Bethesda TIC, LLC & Foundation Bethesda TIC, LLC;
- Acceptance date: April 27, 2021.

Staff Report Date: 9.09.2021



### Summary

- Staff recommends approval of the Project Plan Amendment and approval with conditions for the Site Plan Amendment.
- Pursuant to Section 59.7.7.1.B.3 of the Zoning Ordinance, these Amendments were reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, and under the previous CBD -2 Zone.
- The Subject Property was approved for development in 1986 for Project, Preliminary, and Site Plan. The Site is currently developed with a 12-story office building with nine adjoining townhomes.
- The Site was recently amended to allow a portion of the Property to be reallocated into the adjacent Metro Tower property redevelopment, and to redesign the public use space plaza.
- The Applicant proposes to construct a new lobby entrance onto the newly redesigned plaza, and make revisions to the public use space exhibit to accommodate the addition.
- The Applicant proposes a minor building alteration to remove a ground floor mechanical room from FAR calculations. There is no change in use proposed with the Application, and the density remains within the previously approved maximum.
- One administrative extension request was approved to extend the review period from August 26, 2021 to September 27, 2021. Notice was mailed on March 29, 2021. As of the date of this Report, no public correspondence has been received.



## SECTION 1: RECOMMENDATION AND CONDITIONS

### **Project Plan Amendment 91983005C**

Staff recommends approval of Project Plan Amendment 91983005C, to reclassify internal GFA for tenant space, construct a new lobby entrance, and redistribute Public Use Space while maintaining the 20% requirement. The site development elements shown on the latest electronic version of the Project Plan Amendment as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required.

### **Site Plan Amendment 81984006C**

Staff recommends approval of Site Plan Amendment 81984006C, to reclassify internal GFA for tenant space, construct a new lobby entrance, and redistribute Public Use Space while maintaining the 20% requirement. The site development elements shown on the latest electronic version of the Site Plan Amendment as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below. The following Conditions 16, 17, and 18 are in addition to all other previous conditions, which remain in full force and effect:

New Conditions:

16. Permitting and inspection for the mechanical space alteration must be completed prior to U&O of the lobby addition.

17. Fire and Rescue

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 August 22, 2021 and hereby 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 amendments do not conflict with other conditions of Site Plan Amendment approval.

18. Certified Site Plan

Before approval of the Certified Site Plan Amendment the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the MCDPS RPP memo, MCDPS FDA memo, development program, and Site Plan Amendment resolution and all other applicable resolutions on the approval or cover sheet(s).
- b) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c) Modify data table to reflect development standards approved by the Planning Board.



## SECTION 2 - SITE DESCRIPTION

### Vicinity

The Subject Site is located in downtown Bethesda, interior to the following streets: Hampden Lane, Woodmont Avenue, and Elm Street. The surrounding area consists of multiuse, commercial, and residential buildings. The recently approved Metro Tower residential development is located directly east of the Site, and to the north east is the Hampden East project, which was recently approved for a mixed-use high-rise building with ground floor retail.

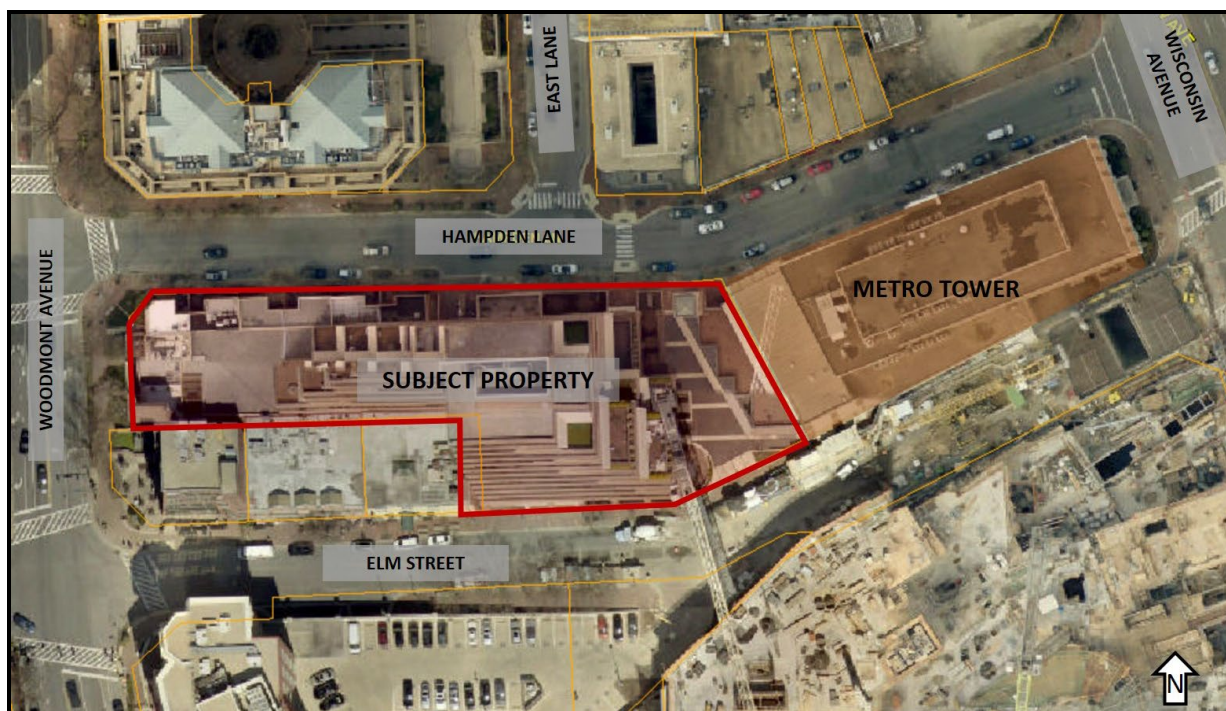


Figure 1 – Aerial Map

### Site Analysis & Previous Approvals

The Subject Property totals 0.94 acres of site area, known as Lot 18 within Block 24-G in the Edgemoor Subdivision, Plat 25751, and is currently developed with a 12-story office building and nine adjoining residential townhouses. The development was constructed in 1986 pursuant to Project Plan, Preliminary Plan and Site Plan approvals from the Planning Board.

In 2016, the Property signed a Zoning Rights Agreement that sold any excess, unbuilt density onsite to a third party. In 2019, as part of the Metro Tower redevelopment, the Preliminary Plan and Site Plan were amended to allow a portion of the Property to be reallocated to the Metro Tower property, essentially reducing the size of the existing lot, site area, and potential density. This portion of land contained a 10,524 square foot building, which is to be demolished and incorporated into the Metro Tower design. Additionally, Metro Tower redesigned the public use space into a new plaza on the Subject Property, which will be constructed along with the Metro Tower redevelopment.

The Site, as amended, is limited to a total of 180,396 sf of density. Based on a recent analysis of the building, the existing building totals approximately 179,597 square feet of development, comprised of 170,739 square feet of office and 8,858 square feet of residential.



### SECTION 3 - AMENDMENT DESCRIPTION

#### Proposal

The Applicant proposes to construct a new lobby entrance fronting onto the newly redesigned public use space, called Metro Tower Plaza. The lobby entrance will be 833 square feet in size and has been designed as an all glass enclosure to create a visual connection and enhance activation between the office use and plaza.

The existing building contains approximately 179,597 square feet of density. To accommodate the new lobby addition within the maximum allowed density of 180,396 square feet, the Applicant proposes to modify an existing 320 square foot ground floor mechanical room, to exclude the space from FAR calculations.<sup>1</sup> This allows the new lobby addition to remain below the maximum density allowed on site, totaling 180,110 square feet.

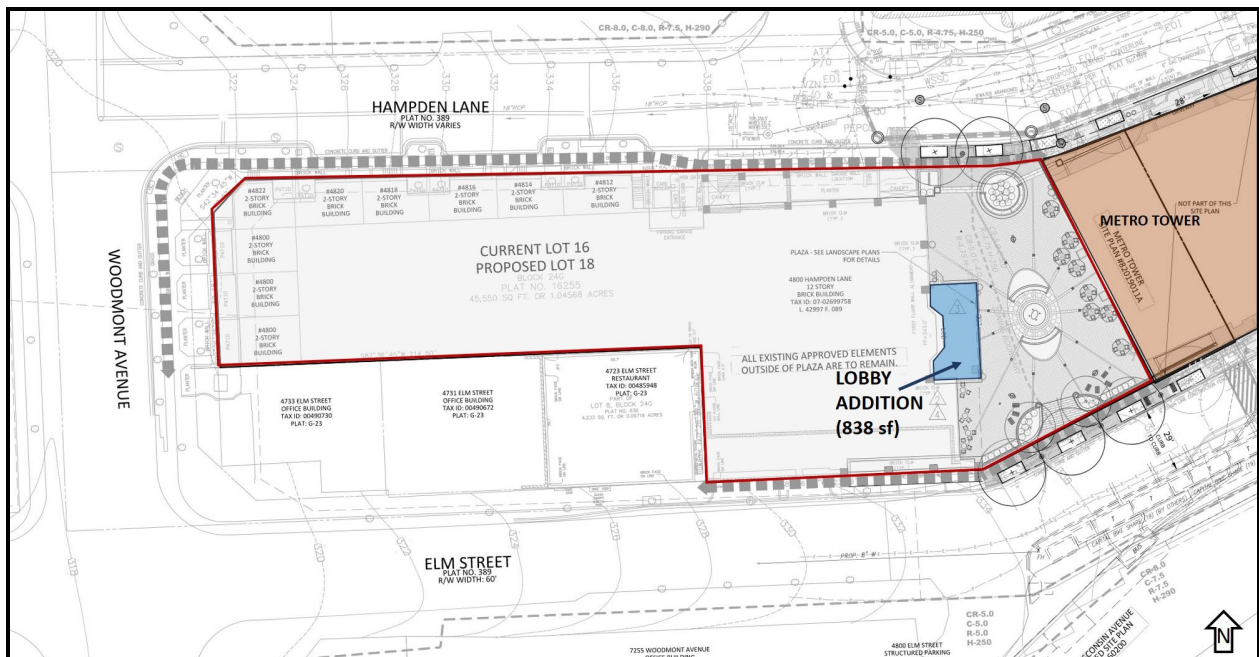


Figure 2 – Proposed Site Plan

The new lobby addition will be located within an area that was previously dedicated as public use space. The Site is required to provide 20% of site area as public use space and as previously approved, the Project exceeded that requirement. The Applicant has revised the exhibit to relocate additional public use space area along the Hampden Lane frontage, and will continue to meet the requirements as shown in Figure 3.

<sup>1</sup> Section 59-A-2.1 of the 2004 Zoning Ordinance states that spaces with mechanical equipment that have a ceiling height of 6'6" or less are excluded from FAR calculations.



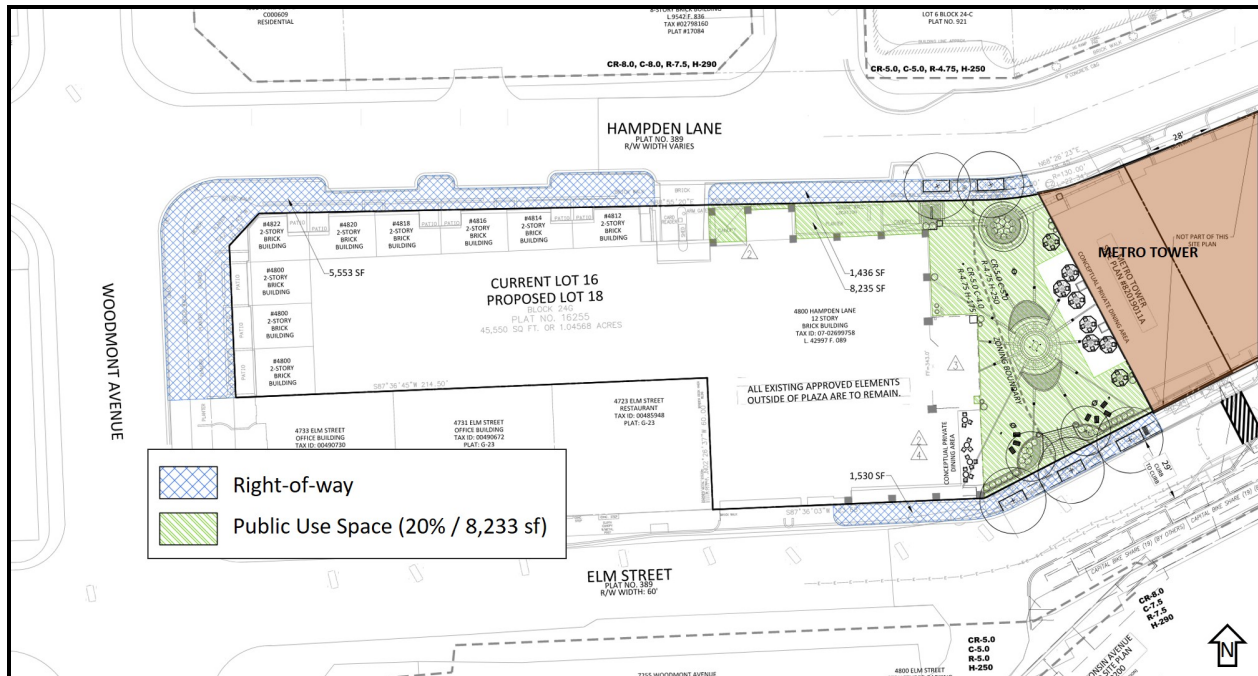


Figure 3 – Revised Public Use Space Plan

#### SECTION 4 – PROJECT PLAN 91983005C ANALYSIS AND FINDINGS

Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, and because the original Project Plan was approved prior to October 29, 2014, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. Pursuant to Section 7.7.1.B.3.a, until October 30, 2029, an applicant may amend a previously approved plan under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment: i) does not increase the approved density or building height, and ii) does not increase the tract area.

The proposed Project Plan Amendment does not increase the previously approved density, use, or building height. Further, the Project Plan Amendment does not alter the intent of the previous findings.

#### SECTION 5 – SITE PLAN 81984006C ANALYSIS AND FINDINGS

Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, and because the original Site Plan was approved prior to October 29, 2014, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. Pursuant to Section 7.7.1.B.3.a, until October 30, 2029, an applicant may amend a previously approved plan under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment: i) does not increase the approved density or building height, and ii) does not increase the tract area.

The proposed Site Plan Amendment does not increase the previously approved density, use, or building height. Further, the Site Plan Amendment does not alter the intent of the previous findings except as modified below.



**81984006C**

2. *The Site Plan meets all of the requirements of the CBD-2 Zone, and is consistent with an urban renewal plan approved under Chapter 56;*

The data table has been updated below to reflect the proposed changes and to show that the Project remains in conformance with the requirements of the CBD-2 zone.

**Table 1: Site Plan 81984006C Data Table**

Property Information				
<b>Subject Property</b>				
CR 5.0 C-4.0 R-4.75 H-175 (CBD-2)		61,159 sf (1.40 ac)		
Prior Dedication <sup>1</sup>		19,996 sf (0.46 ac)		
<b>Site Area</b>		<b>41,165 sf (0.94 ac)</b>		
Section	Development Standard	Permitted/ Required	Previously Approved	Proposed
<b>59-C-6.2</b>				
	Residential Density (GFA/ FAR)	244,636 sf (4)	8,858 sf	8,858 sf (0.14)
	Commercial Density (GFA/FAR)	290,505 sf (4.75)	171,538 sf <sup>2</sup>	171,252 sf (2.80) <sup>3</sup>
	<b>Total FAR/GFA</b>	n/a	<b>180,396 sf</b>	<b>180,110 sf (2.94)</b>
	<b>Public Use Space (min)</b>	20% of site area	20.2% / 8,300 sf	20% / 8,233 sf

<sup>1</sup>These numbers are based off Site Plan Amendment 81984006B, where 4,387 square feet of lot area was transferred to adjacent property, Metro Tower. This resulted in decreased Tract Area from original 67,871 square feet to 61,159 square feet and decreased Site Area from original 45,550 square feet to 41,165 square feet.

<sup>2</sup>Existing built commercial density is below previously approved, at 170,739 square feet.

<sup>3</sup> Applicant is installing a ceiling in existing mechanical room at a height of 6'6" such that this area (320 square feet) will be excluded FAR tabulations per provisions of Section 59-A-2.1 of the 2004 Zoning Ordinance.

3. *The locations of the building and structures, open spaces, landscaping, and recreational facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

As amended, the public open space and pedestrian circulation remain safe, adequate and efficient. The new lobby addition will provide a direct entrance to the building from the newly designed public use space plaza, further activating the space and improving pedestrian circulation to the building.

#### **SECTION 4 - PUBLIC NOTICE**

A notice regarding the Project Plan and Site Plan Amendments was sent to all parties of record by the Applicant on March 29, 2021. The notice gave interested parties 15 days to review and comment on the amended Project Plan and Site Plan per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. Staff received no inquiries regarding the proposed Amendments.

#### **SECTION 5 - RECOMMENDATION AND CONCLUSION**

The proposed modifications to the Project 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 91983005C & Site Plan Amendment 81984006C with conditions at the beginning of the staff report.

**ATTACHMENTS**

- A. Previous Site Plan approval resolutions
- B. Agency Letters



## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

## AMENDMENT

Project Plan Review #9-83005 (Amendment)      Date Mailed: January 4, 1991  
Project: One Bethesda Center/Community Motors Center

Action: Motion was made by Commissioner Floreen, seconded by Commissioner Henry, with a vote of 4-0, Commissioners Bauman, Floreen, Henry, and Hewitt voting for and no Commissioner voting against. Commissioner Keeney was absent.

On September 19, 1990, Stephen J. Orens submitted an application for the approval of an amendment to an approved project plan for property in the CBD-2 zone. The application was designated Project Plan Review #9-83005 (Amendment).

On November 15, 1990, Project Plan Review #9-83005 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. The proposed amendment will result in an unacceptable increase of nine trips which exceeds the capacity for the CBD established in the approved sector plan;
2. A substitution of office uses for the approved residential uses does not meet the goals of the sector plan that "residential development should occur as one of the mix of uses in the core", and
3. A substitution of office uses for the approved residential uses does not meet the requirements of the CBD-2 zone as follows:
  - a. to assist in the development of adequate residential areas for people with a range of different incomes, and
  - b. to provide an incentive for the development of residential uses to meet the needs of those employed within the CBD.

Therefore, the Montgomery County Planning Board disapproves the proposed amendment to Project Plan #9-83005.





## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

**DATE MAILED:** September 26, 2002

**PROJECT PLAN REVIEW #:** 9-83005A

**PROJECT NAME:** One Bethesda Center

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*Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Bryant, with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson, and Wellington voting for.*

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The date of this written opinion is September 26, 2002 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 26, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until October 26, 2004 as provided in Section 59-D-2.7.

On September 19, 2002 Project Plan Review #9-83005A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *As conditioned, the proposal complies with all of the intents and requirements of the zone.*
2. *As conditioned, the proposal conforms to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*
3. *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, the proposal is compatible with and not detrimental to existing or potential development in the general neighborhood.*



4. *As conditioned, the proposal does not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*
5. *The proposal is more efficient and desirable than could be accomplished by the use of the standard method of development.*
6. *The proposal will include moderately priced dwellings units in accordance with Chapter 25A of this code, if the requirements of that chapter apply.*
7. *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either Section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*
  - A. *The Project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic; and/or*
  - B. *The Project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
  - C. *The Project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*
8. *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*
9. *As conditioned, the proposal satisfies any applicable requirements for water quality resource protection under Chapter 19.*

Therefore the Montgomery County Planning Board APPROVES Project Plan #9-83005A, which consists of 182,594 square feet of commercial space and 10 townhouses, with the following conditions:

1. Retain the retail designation for the ground floor (plaza level) portion of the subject 8,400 square feet.
2. All conditions of prior approvals remain in full force and effect, except as they are specially changed by this approval.





## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

**DATE MAILED:** September 26, 2002

**SITE PLAN REVIEW #:** 8-84006A

**PROJECT NAME:** One Bethesda Center

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*Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Bryant, with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson, and Wellington voting for.*

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The date of this written opinion is September 26, 2002, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 26, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On September 19, 2002, Site Plan Review #8-84006A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the--- zone, and is consistent with an urban renewal plan approved under Chapter 56;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure an use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
6. *The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection*



Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-84006A, which consists of 182,594 square feet of commercial space and 10 townhouses, subject to the following conditions:

1. Retain the retail designation for the ground floor (plaza level) portion of the subject 8,400 square feet.
2. All conditions of prior approvals remain in full force and effect, except as they are specially changed by this approval.





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

MCPB No. 19-087  
Project Plan No. 91983005B  
Project Name: One Bethesda Center  
Date of Hearing: July 18, 2019

OCT 01 2019

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review project plan applications; and

WHEREAS, on August 4, 1983, Project Plan No. 919830050, One Bethesda Center, was approved for up to 9,267 sf of Retail, 149,524 sf of Office and 8,272 sf of Residential (with an additional 4,770 sf of residential cellar space) and 4,461 sf of miscellaneous use totaling 171,524 sf (176,295 sf with cellar), located at the northeast quadrant of the intersection of Woodmont Avenue and Elm Street in Bethesda ("Subject Property"); and

WHEREAS, on September 26, 2002, the Planning Board approved an amendment to the Project Plan No. 91983005A for 182,594 sf of commercial space and 10 townhouses on the Subject Property; and

WHEREAS, on April 2, 2019, 7316 Wisconsin LLC. ("Applicant") filed an application for approval of an amendment to the previously approved Project Plan(s) to reduce the gross lot size from 67,873 to 61,058 square feet and reduce the net lot area from 45,552 square feet to 41,062 square feet due to 4,490 square feet being incorporated into the adjacent Metro Tower site ("Project Plan Amendment"); both sites being within the 2017 Bethesda Downtown Sector Plan (Sector Plan); and

WHEREAS, the Applicant's project plan application was designated Project Plan No. 91983005B, One Bethesda Center (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated July 8, 2019, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

Approved as to  
Legal Sufficiency:

*Christina Soria* 9/11/19  
M-NCPPC Legal Department



MCPB No. 19-087  
Project Plan No. 91983005B  
One Bethesda Center  
Page 2

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 18, 2019, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 18, 2019 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Paterson, seconded by Commissioner Cichy, with a vote of 3-0; Chair Anderson and Commissioners Cichy and Paterson voting in favor. Commissioners Dreyfuss and Fani-Gonzales being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan Amendment No. 91983005B One Bethesda Center, to reduce the gross lot size from 67,873 to 61,058 square feet and reduce the net lot area from 45,552 square feet to 41,062 square feet due to 4,490 square feet being incorporated into the adjacent Metro Tower site, subject to the following conditions:

1. All development existing on the new lot is to remain.
2. All references to and requirements for development located on the portion of the site being modified by Site Plan No. 81984006B are no longer required.
3. All other conditions and findings remain valid and in full effect.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference except as modified herein, and upon consideration of the entire record and all applicable elements of §59-D-2.43 (Montgomery County Zoning Ordinance in effect prior to October 30, 2014), the Montgomery County Planning Board, with the conditions of approval, FINDS:

For the One Bethesda Center site, all development existing on the new lot is to remain. All references to and requirements for development located on the portion of the site being modified by Site Plan No. 81984006B are no longer required. All other conditions and findings remain valid and in full effect.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 91983005B, One Bethesda Center submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and



MCPB No. 19-087  
 Project Plan No. 91983005B  
 One Bethesda Center  
 Page 3

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

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7 (Montgomery County Zoning Ordinance in effect prior to October 30, 2014); and

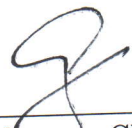
BE IT FURTHER RESOLVED that the date of this Resolution is OCT 01 2019 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, September 19, 2019, in Silver Spring, Maryland.

  
 \_\_\_\_\_  
 Casey Anderson, Chair  
 Montgomery County Planning Board



**ATTACHMENT A**

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Lerch Early and Brewer Chtd.  
7600 Wisconsin Avenue  
Suite 700  
Bethesda, MD 20814

Elliott Rhodeside  
Rhodeside & Harwell  
510 King Street, Suite 300  
Alexandria, VA 22314





# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-088  
 Site Plan No. 81984006B  
 One Bethesda Center  
 Date of Hearing: July 18, 2019

OCT 01 2019

## RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on October 9, 1984, the Planning Board, by the mailing of the Opinion, approved Site Plan No. 819840060, for the American Center Building, located at the northeast quadrant of the intersection of Woodmont Avenue and Elm Street in Bethesda ("Subject Property"), in the November 1982 Approved and Adopted Amendment to the Bethesda Central Business District Sector Plan re; and

WHEREAS, on September 26, 2002, the Planning Board approved an amendment to Site Plan No. 81984006A for 182,594 sf of commercial space and 10 townhouses on the Subject Property; and

WHEREAS, on April 2, 2019, 7316 Wisconsin LLC. ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to reduce the gross lot size from 67,873 to 61,058 square feet and reduce the net lot area from 45,552 square feet to 41,062 square feet due to 4,490 square feet being incorporated into the adjacent Metro Tower site; both sites located within the 2017 Bethesda Downtown Sector Plan (Sector Plan); and

WHEREAS, the application to amend the site plan was designated Site Plan No. 81984006B, One Bethesda Center ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 8, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to  
 Legal Sufficiency

*Christina Sout* 9/11/19

8787 Georgia Avenue, Silver Spring, Maryland 20910

Phone: 301.495.4605 Fax: 301.495.1320

M-NCPPC Legal Department  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org)

E-Mail: [mcp-chair@mncppc-mc.org](mailto:mcp-chair@mncppc-mc.org)



MCPB No. 19-088  
Site Plan No. 81984006B  
One Bethesda Center  
Page 2

WHEREAS, on July 18, 2019, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 18, 2019 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Paterson, seconded by Commissioner Cichy, with a vote of 3-0; Chair Anderson and Commissioners Cichy and Paterson voting in favor. Commissioners Dreyfuss and Fani-Gonzales being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81984006B to reduce the gross lot size from 67,873 to 61,058 square feet and reduce the net lot area from 45,552 square feet to 41,062 square feet due to 4,490 square feet being incorporated into the adjacent Metro Tower site, by adding/modifying the following conditions:<sup>1</sup>

1. All development existing on the new lot, 180,396 square feet, is to remain.
2. All references to and requirements for development located on the portion of the site being modified by this Site Plan Amendment are no longer required.
3. All other conditions and findings remain valid and in full effect.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 81984006B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by*

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



MCPB No. 19-088  
 Site Plan No. 81984006B  
 One Bethesda Center  
 Page 3

*previous amendments, and all findings not specifically addressed remain in effect.*

All references to and requirements for development located on the portion of the site being modified by this Site Plan Amendment are no longer required. All other conditions and findings remain valid and in full effect.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~OCT 01 2019~~ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, September 19, 2019, in Silver Spring, Maryland.

  
 \_\_\_\_\_  
 Casey Anderson, Chair  
 Montgomery County Planning Board



**ATTACHMENT A**

**MR. RICHARD BRUSH, MANAGER**  
MCDPS-WATER RES. PLAN REVIEW  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [rick.brush@montgomerycountymd.gov](mailto:rick.brush@montgomerycountymd.gov)

**MS. LISA SCHWARTZ**  
DHCA  
100 MARYLAND AENUE  
4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [lisa.schwartz@montgomerycountymd.gov](mailto:lisa.schwartz@montgomerycountymd.gov)

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John Collich  
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VIKA Maryland, LLC  
20251 Century Boulevard  
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Germantown, MD 20874

John Torti  
Torti Gallas + Partners  
1300 Spring Street, Suite 400  
Silver Spring, MD 20910

**MR. MARK ETHERIDGE, MANAGER**  
MCDPS-SEDIMENT/STORMWATER  
INSPECTION & ENFORCEMENT  
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Bethesda, MD 20814

Elliott Rhodeside  
Rhodeside & Harwell  
510 King Street, Suite 300  
Alexandria, VA 22314





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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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**DATE:** 22-Aug-21  
**TO:** Jason Evans  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** One Bethesda Center Condominium (OBCC)  
81984006C

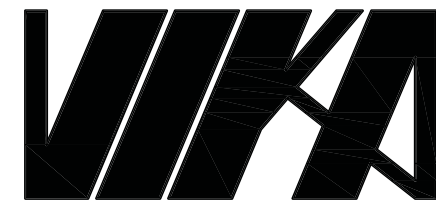
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**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **19-Aug-21** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* Modifications to an existing building \*\*\***





ENGINEERS PLANNERS  
LANDSCAPE ARCHITECTS SURVEYORS  
VIKA MARYLAND, LLC  
20251 CENTURY BOULEVARD SUITE #400  
GERMANTOWN, MARYLAND 20874  
PHONE: (301) 916-4100  
FAX: (301) 916-2262  
GERMANTOWN, MD. TYSONS, VA.

PREPARED FOR:  
Corinthian Bethesda TIC LLC  
Foundation Bethesda TIC LLC  
Suite 2202  
730 5<sup>th</sup> Avenue  
New York, New York 10019

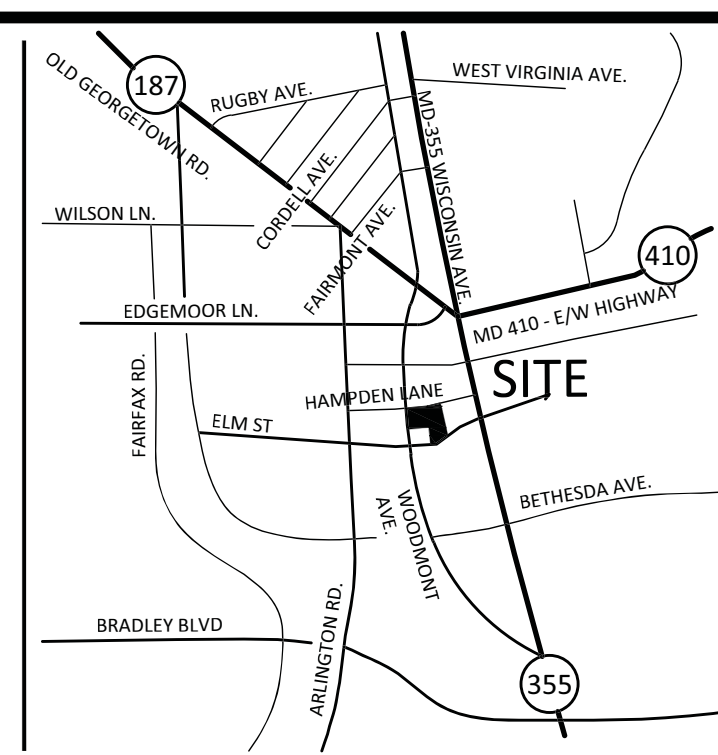
OWNER REPRESENTATIVE:  
Spitzer Enterprises  
555 Madison Avenue  
18th Floor  
New York, New York 10022  
212.765.5170  
CONTACT: Miguel Inacio

## DESIGN CONSULTANTS

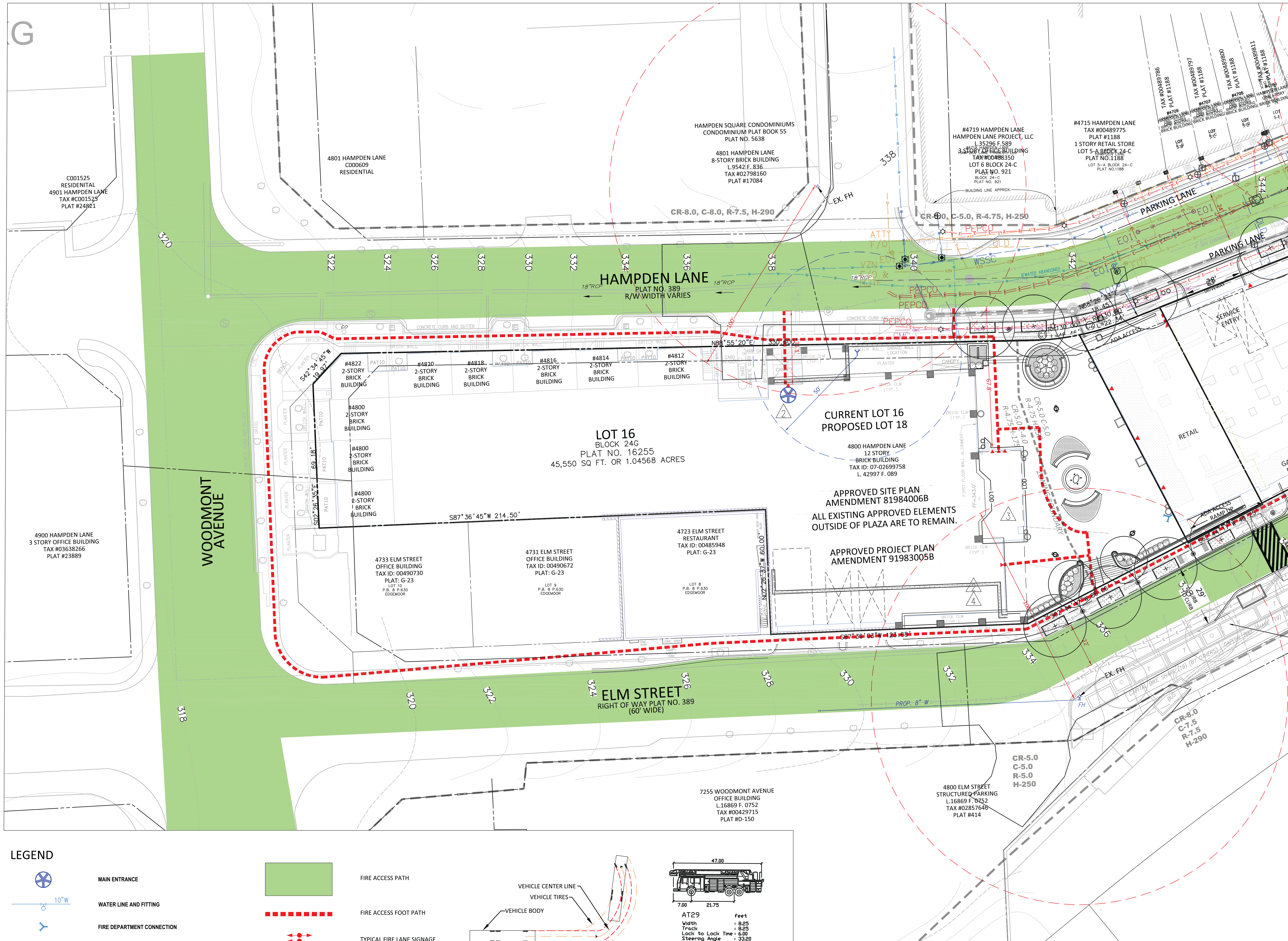
ARCHITECT  
FOX ARCHITECTS  
1240 22nd Street, NW  
Washington, DC 20037  
202.659.0929  
CONTACT: Kate Mooney

ATTORNEY  
LERCH EARLY & BREWER,  
CHTD.  
7600 Wisconsin Avenue  
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Bethesda, MD 20814  
301.841.3834  
CONTACT: Christopher M. Rulien

PLANNER, CIVIL ENGINEER  
VIKA MARYLAND, LLC  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN, MD, 20874  
301.916.4100  
CONTACT: Ian Duke (Land Planner)  
Jason Evans (Civil Engineer)



VICINITY MAP  
SCALE: 1" = 2000'



## FIRE CODE ENFORCEMENT

## Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from commission, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: SAC PK: 43 DATE: 8/22/2021

\*\*\* Modifications to an existing building \*\*\*

## LIST OF CHANGES FOR 81984006C

- USE APPROVED, UNBUILT FAR AND RE-CLASSIFY MINOR INTERNAL GFA FOR REVISED BUILDING DESIGN WITHIN APPROVED DENSITY LIMIT.
- REDISTRIBUTE PUBLIC OPEN SPACE MAINTAINING OVERALL 20% MINIMUM AREA REQUIRED.
- UPDATE ENTRY LOBBY DESIGN AND MINOR BUILDING FACADE ELEMENTS.
- UPDATE HARDSCAPE AND LANDSCAPE IN CONJUNCTION WITH LOBBY AND OPEN SPACE ADJUSTMENTS.

## DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of the Site Plan Approval No. 81984006C, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Corinthian Bethesda TIC LLC  
Contact Person: Miguel Inacio  
Address: 555 Madison Avenue - 18th Floor - New York, New York 10022  
Phone: 212-765-5170  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## FIRE DEPARTMENT ACCESS PLAN

DRAWN BY: KP/SS  
DESIGNED BY: IPD/JS  
DATE ISSUED: 12/31/2020  
VIKA PROJECT: VM50061E  
AGENCY NO.: 81984006C

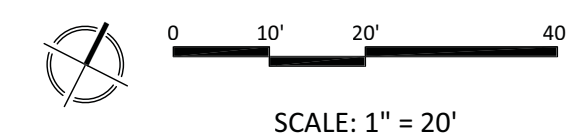
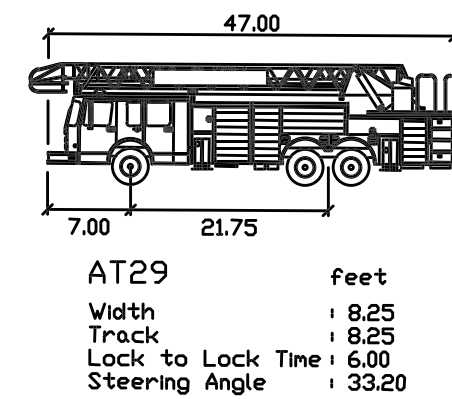
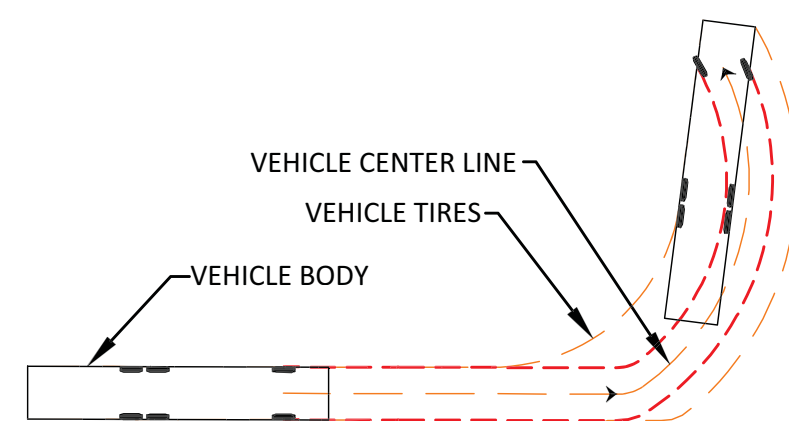
SHEET NO. -----

NOTE: THIS PLAN IS MAKING CHANGES TO AN EXISTING CONDITION UNDER A NEW FIRE DEPARTMENT ACCESS REVIEW.

## LEGEND

- MAIN ENTRANCE
- WATER LINE AND FITTING
- FIRE DEPARTMENT CONNECTION
- EXISTING FIRE HYDRANT
- BUILDING ENTRY
- FIRE TRUCK MOVEMENT (AT 729 TRUCK)

- FIRE ACCESS PATH
- FIRE ACCESS FOOT PATH
- TYPICAL FIRE LANE SIGNAGE



E-FILE STAMP



## **DPS-ROW CONDITIONS OF APPROVAL**

**ATTACHMENT B**  
**May 4, 2021**

### **81984006C One Bethesda Center Condominium (OBCC)**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

**“07-BSITE-81984006C-SP4.pdf”** uploaded on/ dated **“1/15/2021”**.

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.