

#35/14/04-99A 7715 Wisconsin Avenue
Bethesda Theatre Complex MP 35/14/04

Gwen

3/18

11:45

Please call Pete Carney
Bethesda Theatre

301-656-3283

Robin -

Please call him
if/when HAWP is
filed. G.

Approved 2/22/01
by Planning
Board - I'll
tell you details
on Fri.



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Artie L. Harris

Vice President

6401 Golden Triangle Drive • Suite 200 • Greenbelt, Maryland 20770-3203
Phone: 301-220-0100 • Direct Dial: 301-446-2266 • Fax: 301-486-1308
E-mail: aharris@bozzuto.com

Robin -
FAX copy of
staff report
on Dec. 6th.



WASHINGTON COLLEGE

in the State of MARYLAND

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THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

March 31, 2004

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Historic Preservation Supervisor
Countywide Planning Division

Michael Ma, Supervisor
Development Review Division

SUBJECT: Release of Historic Preservation Bond for Bethesda Theatre
(Site Plan#8-00014B)

Staff Recommendation

Release Bond

Normally, the decision to release this bond would be made at a staff level only. However, staff is aware that the Board was very interested in this project and in the fulfillment of the restoration and performing arts goals for the Bethesda Theatre. Thus, staff wanted to get the Board's advice in this matter before proceeding.

Background

Restoration of the Bethesda Theatre for use as a performing arts space was a major amenity of the approved Site Plan for the Bethesda Theater Residential project (now known as the Whitney Apartments.) The Site Plan conditions included a number of provisions to assure that the theater would actually be fully renovated and used for performing arts.

The Planning Board's July 9, 2003 Site Plan Amendment Opinion laid out a number of conditions and timelines for work to be completed (see attachment). The Board also required that a bond of \$1,500,000 be posted to cover costs of completing the interior restoration, including all finishes, administration and supervision of this work, and the contingency funding. The bond was to be made payable to MNCPPC in the event of default.

At the time, there was concern about the applicant's ability to find a tenant to use the theater for a performing arts function and the commitment to completing interior restoration if there was no tenant identified. Thus, a bond was required to assure that the ultimate restoration and use goals would be fulfilled.

Since last summer, the applicant has found an excellent tenant for the theater: the Nederlander Group, which owns and/or operates over 25 theaters around the country and in London. This tenant plans to provide both on and off Broadway live theater performances at the Bethesda Theatre. A copy of the agreement with this tenant is attached.

In addition, the applicant has created a private, non-profit group to be the long-term operators of the Bethesda Theatre. The group is the Bethesda Cultural Alliance, Inc. and a list of the Board Members of this group is attached. The group is receiving both state and county grant funding to assist in the restoration and operation of the Bethesda Theatre.

Discussion

The applicant has provided information documenting that they have completed many of the exterior and interior restoration tasks required in the Site Plan Opinion (see attachment.) Staff toured the property on Friday, March 26th and verified that the major structural and mechanical elements appear to be done. In addition the original theater ceiling has been restored with original colors, the Art Deco murals in the theater space have been restored, molding and trim has been restored, exterior doors are being rebuilt, the front façade/storefront restoration has been completed, and of course the marquee has been completed restored.

In addition, the applicant has prepared detailed plans for the tenant fit-out work and has submitted those plans to DPS for permitting. They anticipate receiving permits in April. The tenant fit-out work includes most of the interior elements such as carpeting and wallpaper, reconfiguring the slope of the seating area in the theater, installing theater seats, etc. These elements of the restoration are not complete – they are in for permits and the applicant expects to have all construction completed by the end of this calendar year. The tenant wishes to begin performances in the Bethesda Theatre next spring.

The applicant has asked staff to release the required bond, given that there is an excellent tenant that has been secured for the theater, that major mechanical and structural work has been completed, that several major restoration elements have been completed, and that the final interior work has been submitted for permits. The applicant has approximately \$300,000 tied up in the bond and would like to apply that money to the interior finish work.

Last summer, staff was very concerned about putting into place assurances that the restoration and performing arts goals for the Bethesda Theatre would be met. At the time, there was no tenant and no clear timetable for the final interior restoration. The bond was seen as a way of assuring that the goals would be met, no matter what.

However, with an excellent tenant in place, work ready to start on the interior finishes (pending DPS permits), state and county grants committed to the projects, and a clear timetable for completion of the interior restoration, staff feels assured that the restoration and performing arts goals for the Bethesda Theatre will be met. This applicant has worked hard to bring this complex project to fruition and has a

long track record of excellent development practices. For these reasons, staff feels that the bond can justifiably be released so that additional funds can be directed to the final restoration tasks.

If the Board is concerned about releasing the bond, staff could ask for the applicant to post a reduced bond and staff would like the Board's thoughts and guidance in this matter.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: July 9, 2003
SITE PLAN REVIEW #: 8-00014B
PROJECT NAME: Bethesda Theater Residential (Amendment)

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

The date of this written opinion is July 9, 2003, (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 August 9, 2003 (which is thirty days from the date of this written opinion. If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1-97-104 is valid, as provided in Section 59-D-3.8. Once the property is recorded, this Site Plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On July 3, 2003, Site Plan Review #8-00014B 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 the approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirements of the CBD-2 and PD-35 zones;*
3. *The location of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and 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;*

SP Opinion #8-00014B

Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-00014B, which consists of extension for the required dates of completion of the restoration of the historic Bethesda Theater, subject to the following conditions:

1. Conditions of all previous approvals remain in full force and effect except as modified by this approval.
2. Restoration Construction Prior to Occupancy
Applicant must complete all elements of the exterior preservation of the theater prior to the issuance of occupancy permit(s) for the apartment tower, as follows:
 - a. Exterior Restoration
Applicant must complete these elements prior to issuance of the 1st occupancy permit:
 - i. Remove existing roof trusses and install new apartment tower trusses while protecting interior finishes;
 - ii. Retain and preserve the decorative brick and cast stone west parapet wall in original location;
 - iii. Remove and replace wood frame roof and floor construction at the west retail areas;
 - iv. Install new structural columns at the north and south elevations to support the new apartment trusses;
 - v. Clean and point the brick on the west, north, and south elevations;
 - vi. Provide level exiting from the Theatre by raising the grade on the north and south sides;
 - vii. Remove and reinstall the original marquee sign including repairing the support structure, sheet metal cladding and lighting to match original configuration;
 - b. Exterior Restoration
Applicant must complete these elements prior to issuance of the 188th occupancy permit or by August 20, 2003:
 - i. Clean and repair existing original aluminum and glass storefront on the west and south elevations, replacing any missing or altered portions of the trim to match the original;
 - ii. Replicate the original storefront materials and detailing on the north elevation with a modification to add an egress door;
 - iii. Restore the existing, original ticket booth, entry doors, and entrance lobby; remove added ceilings and signs and repair existing stone, plaster, metal and wood details while replacing any missing elements to match the original and repainting the original decorative scheme;
 - iv. Replace the steel exit doors, frames and hardware at the north and south elevations;
 - c. Interior Restoration
Applicant must complete these elements of the interior restoration prior to December 31, 2004:
 - i. Remove and replace wood ceiling and floor framing at west retail spaces;
 - ii. Remove the added floor structure, kitchen, and service facilities in the theatre in order to install the apartment tower;
 - iii. Remove all existing mechanical, electrical and plumbing systems;
 - iv. Install new support columns in the north and south retail spaces and along the north wall of the theatre;

SP Opinion #8-00014B

- v. Install a new egress stair and exit corridor from the apartment tower at the north retail space;
- vi. Support and protect theatre ceiling during construction;
- vii. Install all new plumbing, mechanical, and electrical systems;
- viii. Preserve existing plan configurations and finishes of the theater and the lobby subject to necessary modifications in order to accommodate new toilet facilities, accessibility, food service and theatre operations;
- ix. Replicate and supplement lighting as necessary and repair any original remaining light fixtures.

3. Posting of Bond

Applicant must post a bond prior by August 1, 2003 in the amount of \$1,500,000 to cover costs of completing the interior restoration, including all finishes, administration and supervision of this work, and the contingency funding. The bond must be payable to the M-NCPPC in the event of default.

EXCERPTS

THEATRE MANAGEMENT AGREEMENT

THIS THEATRE MANAGEMENT AGREEMENT, made as of the 4th day of March, 2004, by and between, (i) BETHESDA CULTURAL ALLIANCE, INC., a not-for-profit corporation formed under the laws of the State of Maryland, maintaining an office at _____ (hereinafter referred to as "BCA" or "Owner"); and (ii) NEDERLANDER OF BETHESDA LLC, a Delaware limited liability company, maintaining an office at 1450 Broadway, 20th Floor, New York, New York 10018 (hereinafter referred to as "Agent").

WITNESSETH:

WHEREAS, BCA owns a nonprofit theatre known as The Bethesda Theatre, located at 7791 Wisconsin Avenue, Bethesda, Maryland 20814 as more particularly described on Exhibit A attached hereto together with all furniture, fixtures and equipment including, without limitation, the furniture, fixtures and equipment listed on Schedule A-1 hereto, and other personal property used in connection with the operation and maintenance thereof and all easements and other appurtenances relating thereto (collectively, the "Theatre"); and

WHEREAS, the BCA is a nonprofit organization dedicated to bringing high level cultural events to Bethesda, Maryland, and to encouraging the development of new performing artists; and

WHEREAS, BCA desires to engage Agent as its agent to assist in performing services with respect to the maintenance and management of the Theatre since Agent is one of the very few managers that has the necessary prior experience and flexibility to have the Theatre successfully fulfill its nonprofit mission, and because Montgomery County, Maryland has been supportive of the selection of the Agent in to provide such services (see Exhibit ___), Agent has agreed to perform such services in accordance with the terms and conditions of this Agreement including assisting BCA in the furtherance of its non-profit mission.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto for themselves and their respective successors and assigns, agree as follows:

ARTICLE I

APPOINTMENT, AUTHORITY AND COMMUNITY SERVICES

1.01. APPOINTMENT OF AGENT. BCA hereby appoints Agent, and Agent hereby accepts appointment, as its agent to perform services with respect to the operation, maintenance and management of the Theatre and the procuring of live entertainment events at the Theatre consistent with the not-for-profit objectives of BCA relating to the Theatre, including, without limitation, the community services more particularly described below.

1.02. APPOINTMENT OF PERSONAL REPRESENTATIVE. BCA shall designate an individual to serve as the BCA's representative for the Theatre (hereinafter referred to as the "BCA's Rep"). BCA shall have the right to designate a substitute BCA's Rep upon written notice to Agent.

1.03. (A) NON-PROFIT MISSION. BCA intends to renovate and develop the Theatre for the purpose of bringing and presenting high quality performing arts and musical works and encouraging the development of new performing artists and playwrights through its educational programs as well as instilling in the general public a life-long love of and participation in the theater arts. In furtherance of such mission, Agent shall assist BCA in making such high quality performing arts and musical works available to the Theatre masses and in BCA's efforts to reach out to non-traditional theater goers such as local area students, the elderly and culturally-underserved populations. BCA will support the local arts community by serving as a catalyst for high quality theater.

(B) COMMUNITY SERVICES.

(a) Student Internship Programs. BCA requests that Agent assist BCA in developing BCA's internship programs with local high school, college and university theatre departments which shall be designed to provide educational exposure to all facets relating to (i) the operation of live performance venues and (ii) the development of theatre productions from both an artistic and business perspective. With respect to theatre operations, students shall receive hands on experience regarding theatre management including marketing and promotion, sales (group, season and individual), customer relations and patron management, and ongoing facility maintenance. Students will work hand-in-hand with seasoned industry professionals and shall be exposed to most facets of the creative process, ranging from set and costume design and maintenance, choreography, sound and light design and operation, technical show management and rehearsals. Such internship programs shall be coordinated with local not-for-profit theatre groups and educational institutions to coordinate the development of such programs consistent with the goals outlined above.

(b) Educational Seminars. BCA and Agent, in conjunction with local educational institutions, intend to establish and present seminar/education programs accompanying shows presented at the Theatre. Speakers would derive from productions currently performing in the Theatre including the performers, members of the creative team (e.g., set, costume and lighting design, choreographer, director), technical teams and producers. The seminars are intended to compliment the internship program by providing an educational "insiders view" to the local community with respect to every aspect of the theatrical industry. The seminars will also be an important educational tool accompanying selected performances. The seminar format will be interactive in nature, involving audience participation through questions and answers, onstage set walkthroughs, and "hands-on" show and tell.

(C) CIVIC USE. BCA shall use the Theatre for civic and educational use in coordination with the schedule maintained by Agent and in addition to the uses contemplated by Section 1.06(A) hereof. Agent understands that civic and cultural use of the Theatre are an

essential component of BCA's mission. Any use of the Theatre by civic groups shall be subject to applicable rules and regulations of the Theatre as established by BCA and Agent including, without limitation, restrictions on general conduct and the bringing of food and beverages into the Theatre.

Examples of anticipated Civic Use include:

1. Educational Programs. BCA will put on educational programs on drama, theater, and design. Agent shall assist as reasonably requested by BCA.
2. Public Art Gallery Space. Due to the large lobby space, and art-deco interior design, there are many locations for local artists and members of the community to display works of art for exhibition and display. The Theatre's lobby space provides an ideal setting in a superb location for introduction of new artists, unveiling new works, artist "meet and greets", and showcasing a particular theme or art project.
3. Music Recitals. The Theatre's renovation/restoration will result in dramatically improving acoustics throughout the main auditorium. As a result, the Theatre will be ideally suited for music recitals, piano competitions, and small orchestra concerts.
4. Graduations. The Theatre's design and seating layout, accompanied by full ADA support, is ideally suited for high school, college and university graduations.
5. Non-profit Events. The Theatre is ideal for the rehearsal and presentation of local high school or college plays. Since the facility is completely self contained with it's own in-house lighting, rigging, and sound system, coupled with the box office functionality and lobby space, the BCA/Agent feel the Theatre will be actively used by local area schools and colleges.
6. Rehearsal Space. Other performing non profit arts organizations, such as the Washington Ballet, opera and theatre companies often require large, flat rehearsal space when the facility they will ultimately be performing in is

booked with another show. Due to the depth and width of the Bethesda stage platform, the Theatre is well equipped to offer the space as a rehearsal venue for non profits with similar missions.

1.04. **TERM.** The term of Agent's appointment pursuant to this Agreement shall commence on the date of Substantial Completion (as hereinafter defined) of the Theatre by BCA and shall continue in full force and effect until the fifth anniversary date of Substantial Completion (the "Initial Term"); provided, however, unless this Agreement shall be otherwise terminated sooner in accordance with the terms and conditions hereof, the Initial Term shall be automatically extended for an additional five year term (the, "Extended Term") without notice from BCA or Agent unless BCA shall determine in the exercise of its reasonable and good faith judgment that BCA no longer requires the assistance of Agent in the performance of the services provided hereunder or unless Agent shall elect not to continue as Agent hereunder for the Extended Term, in either case, by the giving of written notice by BCA or Agent, as the case may be, to the other party hereto not less than two hundred seventy (270) days' prior to the expiration of the Initial Term which notice, if given by BCA, must also elect whether BCA will agree to honor and be bound by any productions which are scheduled to be held at the Theatre following the expiration date of the this Agreement. Anything contained herein to the contrary notwithstanding, if upon any expiration or termination of the term hereof, including the Extended Term, if any, the Theatre shall be booked for a production which extends beyond such expiration or termination and BCA shall have elected to be bound by such production as provided above, then Agent shall be entitled to receive on an annual basis on the anniversary date of the expiration or termination of this Agreement, a booking fee (the "Booking Fee") in an amount equal to [REDACTED]

[REDACTED] At BCA's expense, Agent shall fully cooperate with BCA for a reasonable period of management transition (including, but not limited to, the provision of all agreements entered into between the BCA and third parties).

For the purposes of the foregoing, the term "Substantial Completion" shall mean the completion of all construction work at the Theatre (other than the completion of minor punch list items the estimated cost of which, in the reasonable judgment of BCA's architect, does not exceed \$10,000 and which will not, in Agent's reasonable judgment, interfere with the operation.

will be paid when due. The arbitrators will make their decision in accordance with the laws of the State of Maryland and the United States.

9.10 ARM'S LENGTH AGREEMENT. Both BCA and Agent have been represented by separate legal counsel and this Agreement is the result of arm's length negotiations.



IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

[BETHESDA CULTURAL ALLIANCE, INC.]

By: *Thomas Groom* Secretary

NEDERLANDER OF BETHESDA LLC

By: *Robert Nederlander, Jr.*
Robert Nederlander, Jr.

Bethesda Theatre Cultural Alliance Board Members

Name	Position	Company & Address	Phone Number	E-mail
Thomas S. Bozzuto	President & Director	The Bozzuto Group 6401 Golden Triangle Dr. Suite 200 Greenbelt, MD 20770	301-446-2200	tbozzuto@bozzuto.com
Eugene M. Smith	V.P. & Director	Smith Payes, LLC 8120 Woodmont Avenue Suite 120 Bethesda, MD 20814	301-613-5183	g_msmith@boo.net
Richard L. Mostyn	Treasurer & Director	The Bozzuto Group 6401 Golden Triangle Dr. Suite 200 Greenbelt, MD 20770	301-446-2220	rmostyn@bozzuto.com
Thomas A. Baum	Secretary & Director	The Bozzuto Group 6401 Golden Triangle Dr. Suite 200 Greenbelt, MD 20770	301-446-2211	tbaum@bozzuto.com
John B. Slidell	Director	The Bozzuto Group 6401 Golden Triangle Dr. Suite 200 Greenbelt, MD 20770	301-446-2212	jslidell@bozzuto.com
Robert Nederlander, Jr.	Director	Nederlander Worldwide 1450 Broadway 20 th Floor New York, NY 10018	212-822-4200	bobn@nederlanderworld.com
Thomas Lewis	Director	Gallagher, Evelius & Jones, LLP 218 North Charles Street Suite 400 Baltimore, MD 21201	410-347-1356	tlewis@geljlaw.com
Robert A. Goldman	Board Member	Montgomery Housing Partnership, Inc. 11160 Veirs Mill Road Suite 503 Wheaton, MD 20902	301-946-0882 ext. 14	rgoldman@mhpartners.org
Marion Hull	Board Member	Montgomery Housing Partnership, Inc. 11160 Veirs Mill Road Suite 503 Wheaton, MD 20902	301-946-0882 ext. 22	mhull@mhpartners.org



March 23, 2004

Mr. Michael Ma
Supervisor,
Development Review Division
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Release of Historic Preservation Bond
Bethesda Theatre Project
Site Plan #8-00014B

Dear Mr. Ma:

This letter is to inform you that Bethesda Theatre, LLC has completed the requirements in the Montgomery County Planning Board Opinion dated July 9, 2003 (Site Plan #8-00014B) related to the interior restoration of the Bethesda Theatre. (See attached copy of Opinion.) Therefore, we are requesting that you release our performance bond by March 31, 2004. We have also attached a letter from the historic architect for the project—Oehrlein & Associates Architects—confirming that the work in the Opinion is complete

We are also happy to inform you that last Fall we reached an agreement with the Nederlander Group, a prominent national theater operator based out of New York City, to manage the Bethesda Theatre. The Nederlander Group, which currently owns and/or operates over 25 theatres around the country and in London, will provide both on and off Broadway live theatre at the Bethesda Theatre.

Recently we entered into a management agreement with the Nederlander Group, a copy of the relevant portions of which is attached hereto. The agreement is for five years, with a five-year extension. As stated in the agreement, in addition to its primary use as an arts venue for on and off Broadway performances, the Theatre will also be used for Community Services (student internship programs and educational seminars) and Civic Use (educational programs, public art gallery space, music recitals, graduations, non-profit events and rehearsal space).

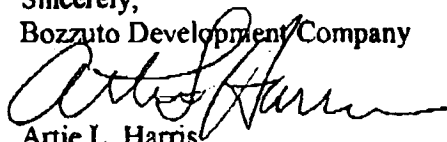
On March 17, 2004, we submitted the construction documents for the tenant fit-out work to DPS and expect to receive permit approval by the end of April. Construction will start immediately thereafter so that the Theatre will be completed in time for the Spring 2005 theatre season.

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We believe, based on the attached architect's letter, that we have completed the interior restoration work secured by the bond. In addition, by entering into the operating agreement with the Nederlander Group, we have met the intent of all prior approvals to operate the Theatre as a performing arts facility. Accordingly, we appreciate your help in processing our bond release request by the end of this month. We look forward to meeting with you on March 26, 2004 at 9:00 a.m. at the Theatre to finalize this release.

Sincerely,
Bozzuto Development Company



Artie L. Harris
Vice President

Attachments

cc: Tom Baum
Martin Howell
Mary Oehrlein
Anne Martin, Esq.
Eugene Smith
Gwen Wright

Oehrlein & Associates Architects

1350 Connecticut Ave., N.W.
Suite 412
Washington, D.C. 20036-1701
202-785-7336
202-785-7334 FAX

22 March, 2004

Michael Ma
Supervisor of the Site/Project Plan Section
Montgomery County Development Review
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Bethesda Theatre Residential Project
Release of historic preservation bond

Dear Mr. Ma:

I am writing on behalf of Bozzuto Development Company to report on the completion of the bond requirements for interior restoration of Bethesda Theatre.

Per the conditions outlined in the Opinion of the Montgomery County Planning Board dated July 9, 2003, Bozzuto has completed the interior restoration requirements as follows:

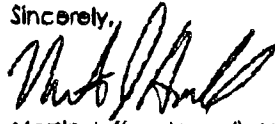
- Item 2-c-i: Remove and replace wood ceiling and floor framing at west retail spaces;
COMPLETE
- Item 2-c-ii: Remove the added floor structure, kitchen, and service facilities in the theatre in order to install the apartment tower;
COMPLETE
- Item 2-c-iii: Remove all existing mechanical, electrical and plumbing systems;
COMPLETE
- Item 2-c-iv: Install new support columns in the north and south retail spaces and along the north wall of the theatre;
COMPLETE
- Item 2-c-v: Install new egress stair and exist corridor from the apartment tower at the north retail space;
COMPLETE
- Item 2-c-vi: Support and protect theatre ceiling during construction;
COMPLETE
- Item 2-c-vii: Install all new plumbing, mechanical, and electrical systems;
The base mechanical, electrical, and plumbing systems have been installed. Additional MEP systems for the office spaces are part of the pending permit revisions for the tenant fit-out work.
- Item 2-c-viii: Preserve existing plan configurations and finishes of the theatre and lobby subject to necessary modifications in order to accommodate new toilet facilities, accessibility, food service and theatre operations;
COMPLETE
- Item 2-c-ix: Replicate and supplement lighting as necessary and repair any original remaining light fixtures.

Oehrlein &
Associates
Architects

1350 Connecticut Ave., N.W.
Suite 412
Washington, D.C. 20036-1701
202-785-7336
202-785-7334 FAX

Lighting at the ceiling of both the Lobby and Auditorium has been installed and is operational. Additional tenant-specific interior lighting for offices, etc. is part of the pending permit revisions for the tenant fit-out work.

Sincerely,



Martin Jeffery Howell, AIA

6401 Golden Triangle Drive
Suite 200
Greenbelt, MD 20770
(301) 220-0100

THE BOZZUTO GROUP

Fax

To: Michael Ma

From: Artie Harris

Fax: (301) 563-3412

Date: March 23, 2004

Re: Bethesda Theatre Project
Release of Historic Preservation Bond

Pages: 14

CC: Martin Howell (202) 785-7334

Mary Oehrlein (202) 785-7334

Anne Martin (301) 654-2801

Eugene Smith (301) 907-4705

Gwen Wright (301) 563-3412

Mr. Ma,

The originals will be sent via overnight mail.

Artie

Gwen, Robert
Kamin
Aug 13.

Please review the
proposed minor revision to
Bethesda Theater SP.

I'll be on leave starting
tomorrow. Can you let me
know if it's OK w/you
today so I can sign off
on this before I leave. Thanks
Michael Ma

Approved
1/16/04 via

Call to: Martin Hall
(2) 785-7336
+ Robert Kronenberg
Green Knight

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

December 22, 2003

Emily J. Vaias
301.961.5174
evaias@linowes-law.com

Mr. Michael Ma
Supervisor of Zoning
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Hand Delivered

Re: Bethesda Theatre – Slight Modification to Theatre Backstage Area
Site Plan No. 8-00014

Dear Mr. Ma:

Pursuant to our conversation of last week, enclosed please find two sets of Tenant Fit-Out Plans showing the proposed change to the north wall of the Bethesda Theatre. Now that the Nederlander Group will be operating the Theatre, they are moving forward with designing the interior of the Theatre space. One item of concern was the ability for them to load and unload stage items from the elevator and to increase the maneuvering space behind the stage. Consequently, they have requested that the stairs that were previously in the northeast corner of the building be relocated slightly west into the triangular portion of the building. This will involve enclosing what was previously an open right triangle and adding a new staircase on the exterior of the building as well. (I have included the old basement plan and first floor plan with the subject area outlined for comparison with the new set of drawings.)

We do not believe that this is a significant change; however, the Department of Permitting Services requests that we seek M-NCPPC signoff approval before proceeding with the permits. Time is of the essence in this matter, as we need to obtain building permits by February 1, 2004 in order to meet Nederlander's deadline of opening in the Fall of 2004. We believe this can be approved administratively with the enclosed plans and would greatly appreciate your review and approval as soon as possible. If you have any questions, please feel free to contact me.

12.12.05
J. KAUFMAN

Weihe Dies
Architecture
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Washington,
tel
fax
e-mail

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Lewis Scully

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O'Brien &

1350 Conne
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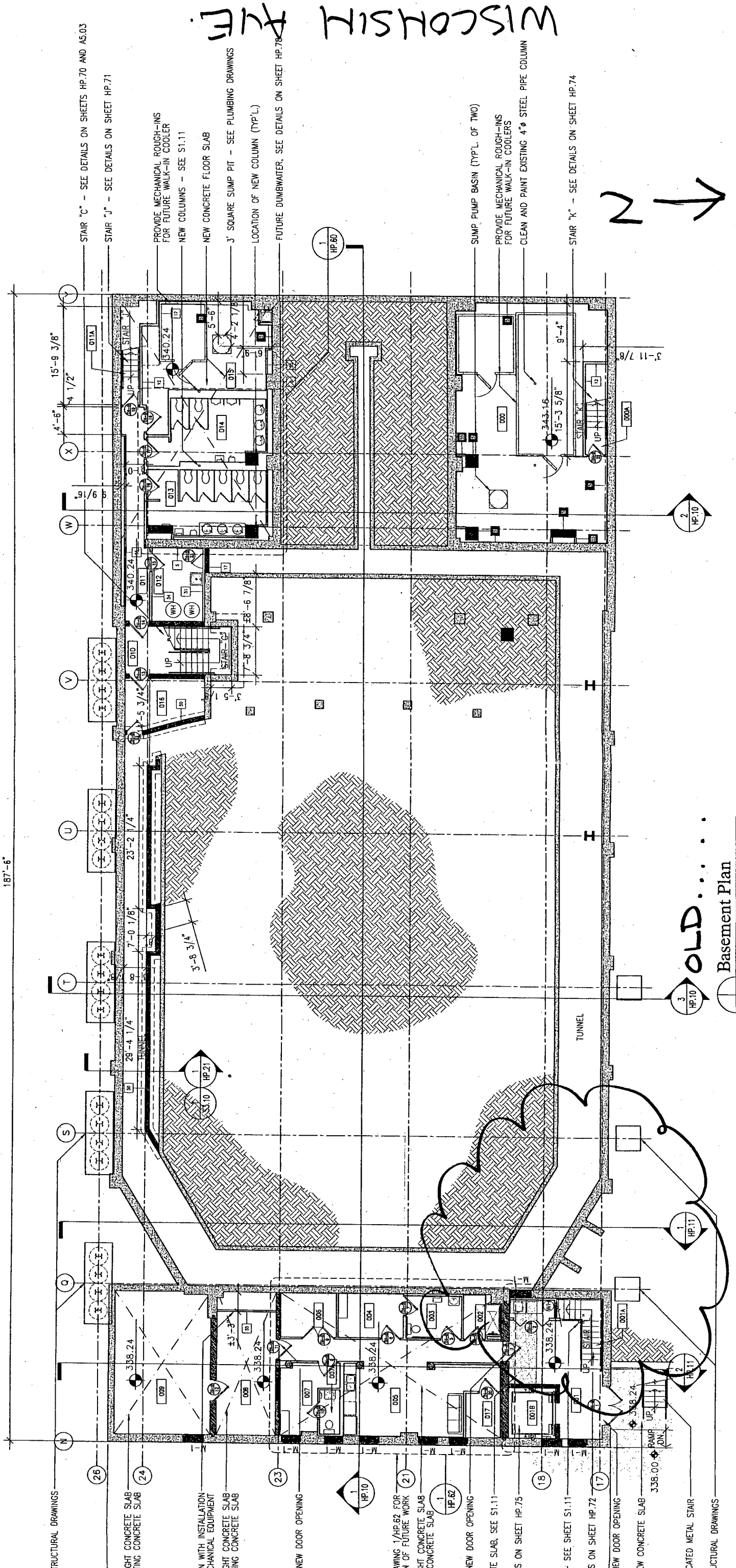
Preservation Legend

- REPLACE DAMAGED AND/OR MISSING BRICK WITH NEW BRICK TO MATCH EXISTING
- REPAIR HOLE IN BRICK, CONCRETE AND/OR STONE WITH MORTAR REPAIR
- REMOVE METAL ANCHOR AND REPAIR HOLE WITH MORTAR REPAIR
- REPAIR CRACK
- DODR NUMBER
- WINDOW NUMBER
- EXISTING BRICK MASONRY WALLS (TYP'L)
- NEW SOLID MASONRY WALLS (TYP'L)
- REMOVE AND RELAY MIS-ALIGNED BRICK
- WALL TYPE/FINISH
- FUTURE WALL TYPE/FINISH

Masonry Repair Notes

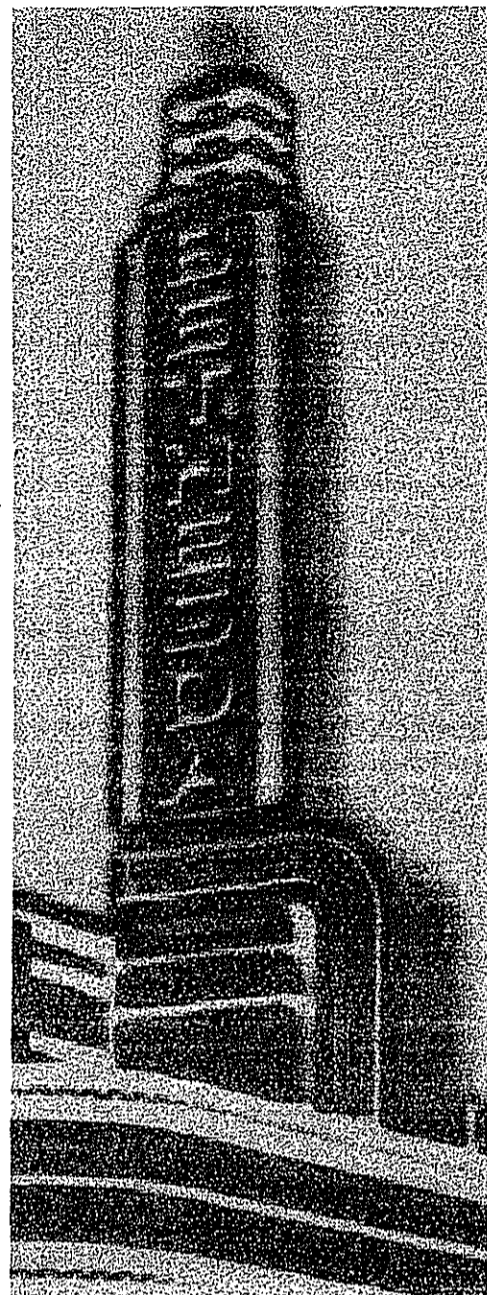
- M-1 FILL EXISTING OPENING WITH SOLID MASONRY THE SAME THICKNESS AS THE EXISTING ADJACENT WALLS
- M-2 FILL EXISTING OPENINGS WITH STORED FACE BRICK TO MATCH ADJACENT ON NEW SOLID MASONRY BACKUP
- M-3 RAKE OUT AND POINT BRICK JOINTS IN THIS AREA
- M-4 CONSTRUCT SOLID MASONRY WALL WITH NEW BRICK ON CHU BACKUP TO MATCH EXISTING. NEW WALL THICKNESS TO BE SAME THICKNESS AS THE EXISTING ADJACENT WALLS.

GENERAL NOTES:
FORM NEW CONCRETE SLABS AND COLUMNS THAT ADJUT THE EXISTING BUILDING TO PREVENT LOAD FROM THE PLASTIC CONCRETE FROM BEING PLACED ON THE EXISTING BUILDING.
WITHIN FIVE FEET OF ANY EXTERIOR BUILDING SURFACE, DO NOT USE TORCHES OR OTHER CUTTING OR DISASSEMBLY METHODS THAT PRODUCE WELD SPLATTER WHICH COULD PERMANENTLY DAMAGE OR STAIN THE FACADES.
CONTRACTOR TO FIELD VERIFY ALL EXISTING DIMENSIONS.
VERTICAL ELEVATIONS SHOWN ARE BASED ON RECORD DOCUMENTATION AND LIMITED SURVEY DATA. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING DIMENSIONS AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ARCHITECT.
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RAKE AND POINT ALL EXTERIOR MORTAR JOINTS.
UNLESS NOTED AS EXISTING, ALL CONSTRUCTION SHOWN IS NEW.
SEE SHEET SS.06 FOR LIMIT SIZES AT ALL NEW OPENINGS.
CLEAN, PRIME AND PAINT ALL EXPOSED STEEL UNITS, ANCHORS, BRACING, ETC.



WISCONSIN A/E

OLD...
Basement Plan
Scale: 1/8" = 1'-0"



Bethesda Theatre Tenant Fit-Out

7719 Wisconsin Avenue
Bethesda, Maryland

Submitted as a revision to Building Permit #275998

Oehrlein &
Associates
Architects

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f. 202.785.7334

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f. 212.765.4142

Bethesda
Theatre
Tenant
Fit Out

7719 Wisconsin Avenue
Bethesda, Maryland

Bethesda Theatre, LLC

c/o Dizdole & Associates, Inc.
6401 Golden Triangle Drive
Suite 200
Greenbelt, MD 20770-3203

75% COORDINATION SET 09.08.03
PRICING SET 11.10.03
REVISED PERMIT SET 12.10.03

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DRAWING LIST

SCALE:

T.01

DRAWING LIST

VICINITY MAP

T.01 DRAWING LIST
T.02 EGRESS DIAGRAM
A1.01 COVER SHEET
A1.01D CODE ANALYSIS

DEMOLITION

D.01 FOUNDATION DEMOLITION PLAN
D.02 BASEMENT DEMOLITION PLAN
D.03 FIRST FLOOR DEMOLITION PLAN
D.04 MEZZANINE DEMOLITION PLAN
D.05 BUILDING SECTIONS
D.06 BUILDING SECTIONS
D.07 BUILDING ELEVATIONS

ARCHITECTURAL

A.01 FOUNDATION PLAN
A.02 BASEMENT PLAN
A.03 FIRST FLOOR PLAN
A.04 MEZZANINE PLAN
A.05 BASEMENT REFLECTED CEILING PLAN
A.06 FIRST FLOOR REFLECTED CEILING PLAN
A.07 MEZZANINE REFLECTED CEILING PLAN
A.08 CEILING FINISH PLAN
A.09 THEATRE RIGGING PLAN AND DETAILS

A.10 BUILDING SECTIONS
A.11 BUILDING SECTIONS

A.15 BUILDING ELEVATIONS
A.16 BUILDING ELEVATIONS

A.20 BUILDING DETAILS
A.21 BUILDING DETAILS
A.22 BUILDING DETAILS
A.23 BUILDING DETAILS
A.24 STAIR DETAILS
A.25 BUILDING DETAILS

A.30 ENTRY AND TICKET BOOTH DETAILS

A.40 STOREFRONT DETAILS
A.41 STOREFRONT DETAILS
A.42 STOREFRONT DETAILS
A.43 STOREFRONT DETAILS
A.44 STOREFRONT DETAILS

A.50 ENLARGED BASEMENT PLANS
A.51 ENLARGED AUDITORIUM PLANS
A.52 ENLARGED SOUTH OFFICE PLAN
A.53 ENLARGED LOBBY PLAN
A.54 ENLARGED NORTH OFFICE PLAN
A.55 ENLARGED STAGE PLAN

A.60 INTERIOR ELEVATIONS AND DETAILS
A.61 INTERIOR ELEVATIONS
A.62 INTERIOR ELEVATIONS
A.63 INTERIOR ELEVATIONS
A.64 INTERIOR ELEVATIONS
A.65 INTERIOR ELEVATIONS
A.65b INTERIOR ELEVATIONS
A.66 INTERIOR ELEVATIONS
A.67 INTERIOR ELEVATIONS
A.68 INTERIOR ELEVATIONS AND DETAILS

ARCHITECTURAL (CONT'D.)

A.70 INTERIOR DETAILS
A.71 INTERIOR DETAILS
A.75 ELEVATOR DETAILS

A.80 DOOR SCHEDULE
A.81 DOOR DETAILS
A.82 DOOR DETAILS
A.83 DOOR DETAILS
A.85 WINDOW SCHEDULE

A.90 INTERIOR FINISH SCHEDULE
A.91 PARTITION SCHEDULE
A.92 PARTITION SCHEDULE

STRUCTURAL

S1 EXISTING FOUNDATION AND BASEMENT FRAMING PLAN
S2 EXISTING FIRST FLOOR FRAMING PLAN
S3 EXISTING MEZZANINE FRAMING PLAN
S4 BATTEN SUPPORT FRAMING PLAN
S5 SECTIONS AND DETAILS
S6 SECTIONS AND DETAILS
S7 STRUCTURAL NOTES AND TYPICAL DETAILS

MECHANICAL

M.01 BASEMENT PLAN
M.02 FIRST FLOOR PLAN
M.03 MEZZANINE PLAN
M.04 SCHEDULES, NOTES AND DETAILS

PLUMBING

P-1 PLUMBING COVER SHEET
P-2 FOUNDATION & BASEMENT PLUMBING PLANS
P-3 1ST FLOOR PLUMBING PLAN
P-4 MEZZANINE PLUMBING PLAN
P-5 PLUMBING RISER DIAGRAMS
P-6 PLUMBING SCHEDULES & DETAILS

ELECTRICAL

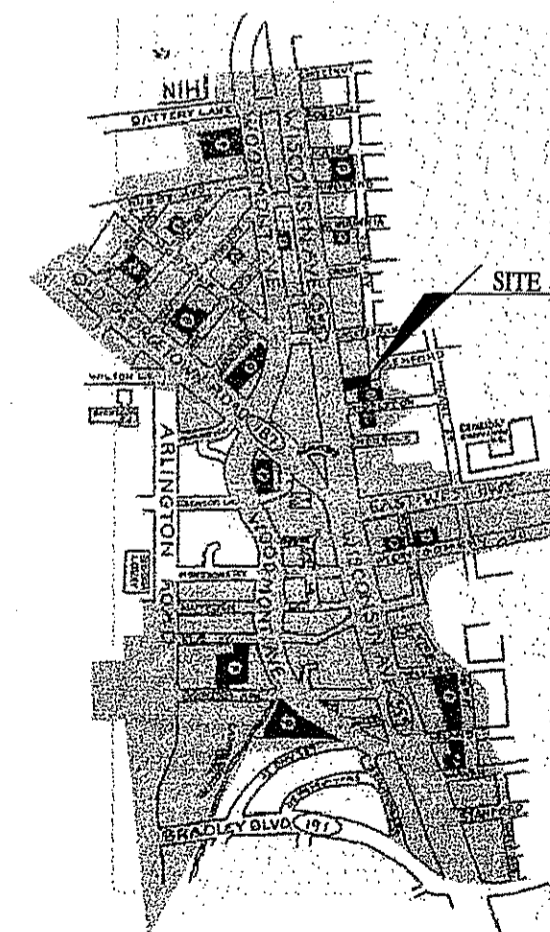
E-1 ELECTRICAL COVER SHEET
E-2 BASEMENT POWER PLAN
E-3 BASEMENT LIGHTING PLAN
E-4 1ST FLOOR POWER PLAN
E-5 1ST FLOOR LIGHTING PLAN
E-6 MEZZANINE POWER PLAN
E-7 MEZZANINE LIGHTING PLAN
E-8 1ST LEVEL THEATRE PERFORMANCE LIGHTING PLAN
E-9 2ND LEVEL THEATRE PERFORMANCE LIGHTING PLAN
E-10 ELECTRICAL RISER DIAGRAM & DETAILS
E-11 ELECTRICAL SCHEDULES
E-12 LIGHTING FIXTURE SCHEDULE

THEATRICAL

TE1.01 DIMMER ROOM AND MAIN LEVEL ELECTRICAL DEVICES
TE1.02 RCP AND SECOND LEVEL ELECTRICAL DEVICES
TE2.01 LIGHTING POWER RISER
TE2.02 LIGHTING CONTROL RISER
TE2.03 THEATRE ELECTRICAL DEVICE ELEVATIONS
TE2.04 THEATRE LIGHTING CONTROL DEVICE ELEVATIONS
TS1.01 SEATING PLAN
TS1.02 FLOOR GEOMETRY PLAN
TO1.01 THEATRE RIGGING AND DRAPERY
TO1.02 THEATRE RIGGING AND DRAPERY

ACOUSTICAL

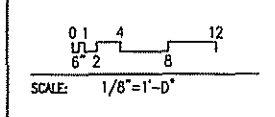
AV00 COVER SHEET
AV01 DETAILS
AV02 THEATRE RCP DEVICE LOCATIONS
AV03 MEZZANINE PLAN DEVICE LOCATIONS
AV04 FIRST FLOOR PLAN DEVICE LOCATIONS
AV05 BASEMENT PLAN DEVICE LOCATIONS
AV06 AUDIO LINE DIAGRAM
AV07 VIDEO SYSTEM & CONTROL SYSTEM LINE DIAGRAMS
AV08 MONITOR SYSTEM
AV09 INTERCOM LINE DIAGRAM
AV10 PLATES, PANELS AND FLOOR BOXES DETAILS
AV11 A/V RACK ELEVATIONS
AV12 THEATRE ELEVATIONS
AV13 A/V BOOTH DETAILS



Vicinity Map
Not to Scale



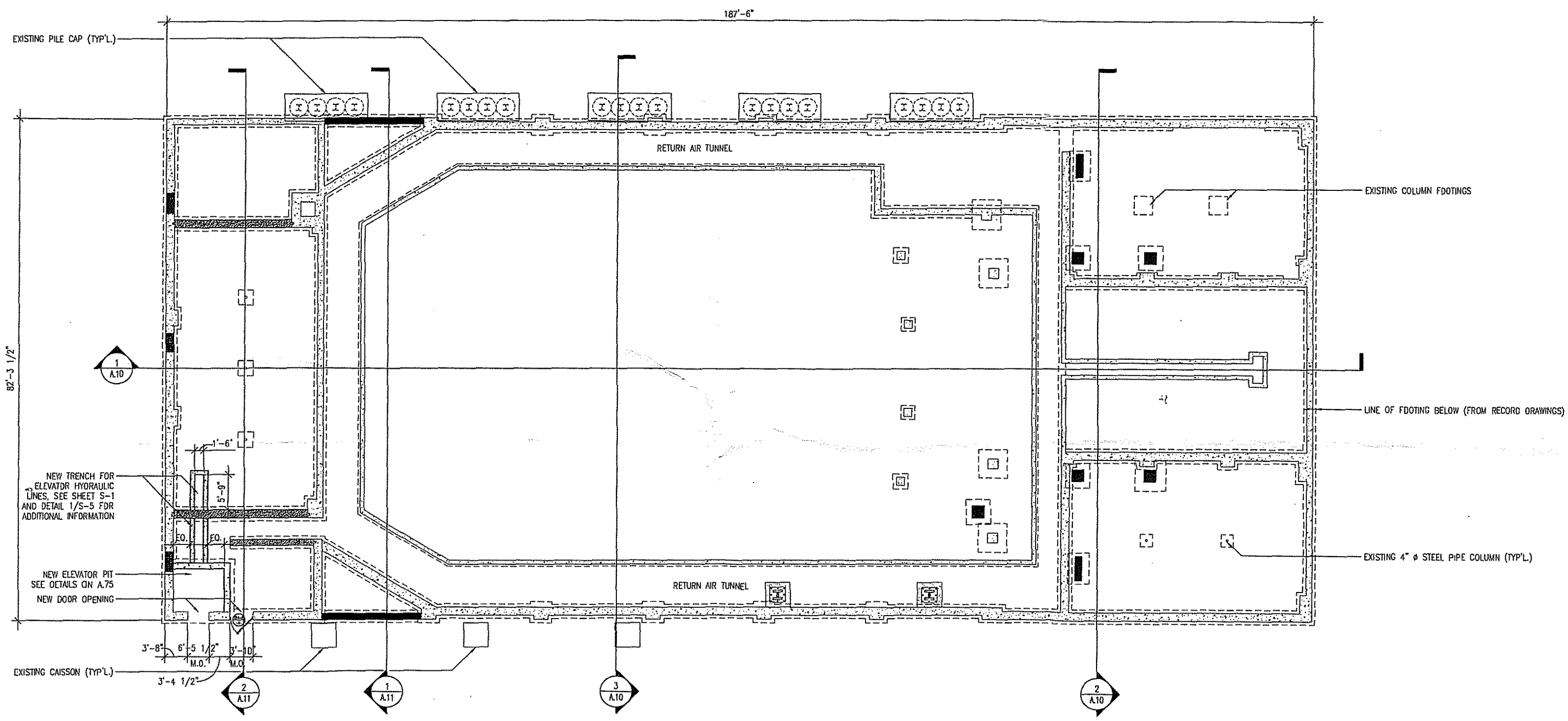
75% COORDINATION SET	09.08.03
PRICING SET	11.10.03
REVISED PERMIT SET	12.10.03



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UNLESS NOTED AS EXISTING, ALL CONSTRUCTION SHOWN IS NEW.
SEE SHEET S-7 FOR LIMIT SIZES AT ALL NEW OPENINGS.
CLEAN, PRIME AND PAINT ALL EXPOSED STEEL, LANCELS, ANCHORS, BRACING, ETC.

Legend

	DOOR NUMBER
	WINDOW NUMBER
	EXISTING BRICK MASONRY WALLS (TYP'L)
	NEW WALL/PARTITION
	PARTITION TYPE, SEE SHEET A.91



Foundation Plan
Scale: 1/8"=1'-0"

NEW TRENCH FOR ELEVATOR HYDRAULIC LINES. SEE SHEET S-1 AND DETAIL 1/S-5 FOR ADDITIONAL INFORMATION

NEW ELEVATOR PIT SEE DETAILS ON A.75
NEW DOOR OPENING

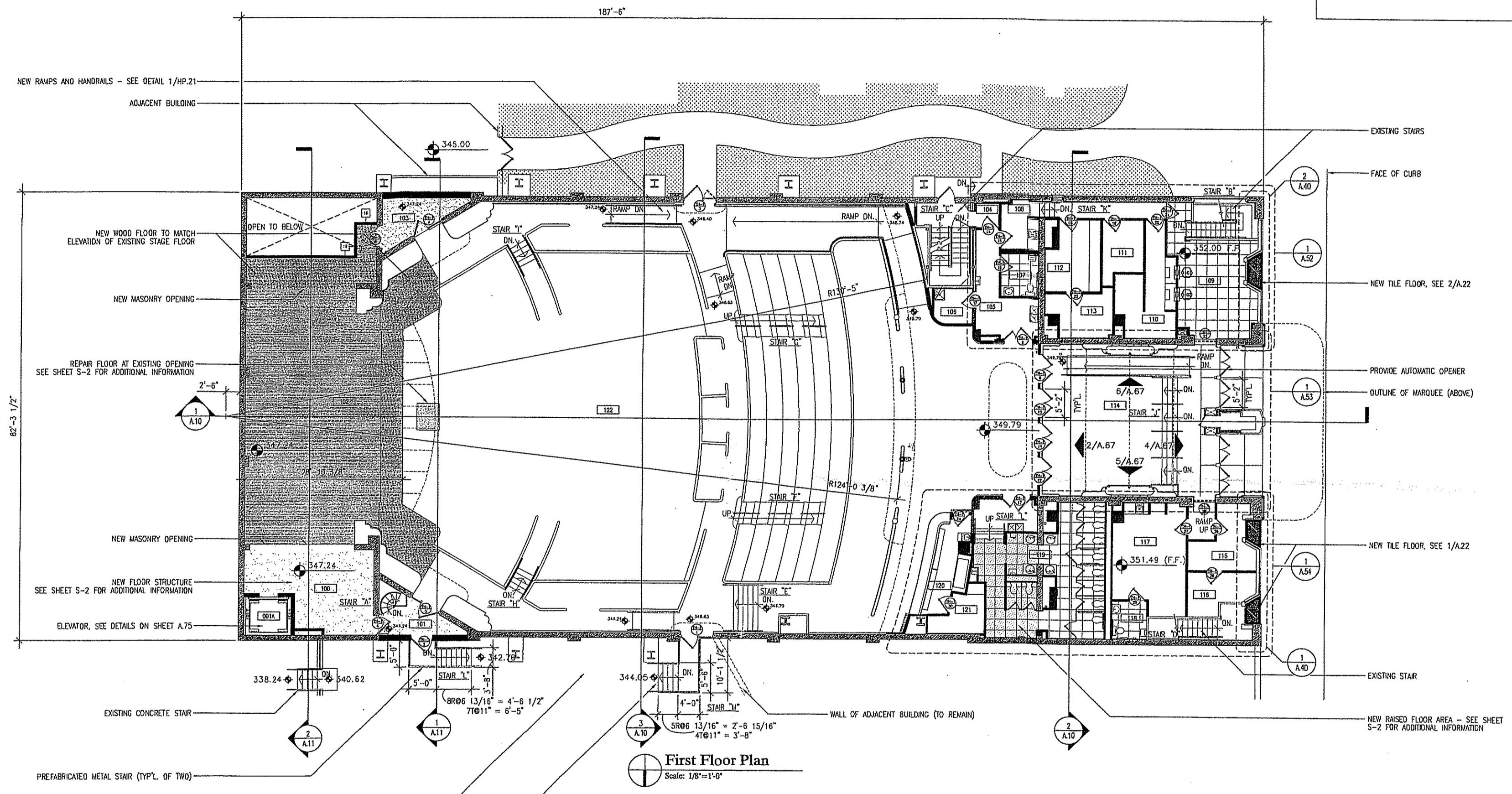


75% COORDINATION SET	09.08.03
PRICING SET	11.10.03
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Legend

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SEE SHEET S-7 FOR LUNEL SIZES AT ALL NEW OPENINGS.
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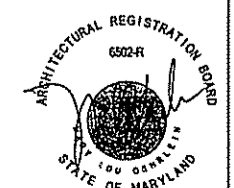


First Floor Plan
Scale: 1/8"=1'-0"

SEE SHEET A.51 FOR ENLARGED AUDITORIUM PLAN
SEE SHEET A.55 FOR ENLARGED STAGE PLAN

CRUSHED GRAVEL SURFACE (TYP'L. IN AREAWAY)
1/2" AGGREGATE, COMPACTED, MIN. 2" THICK OVER BIODEGRADABLE
PREEMERGENCE WEED CONTROL FABRIC (www.biobarrier.com)

NEW HANDRAILS AND GUARDRAILS THROUGHOUT THEATRE (TYP'L. U.N.O.)
SEE DETAIL 1/A.24

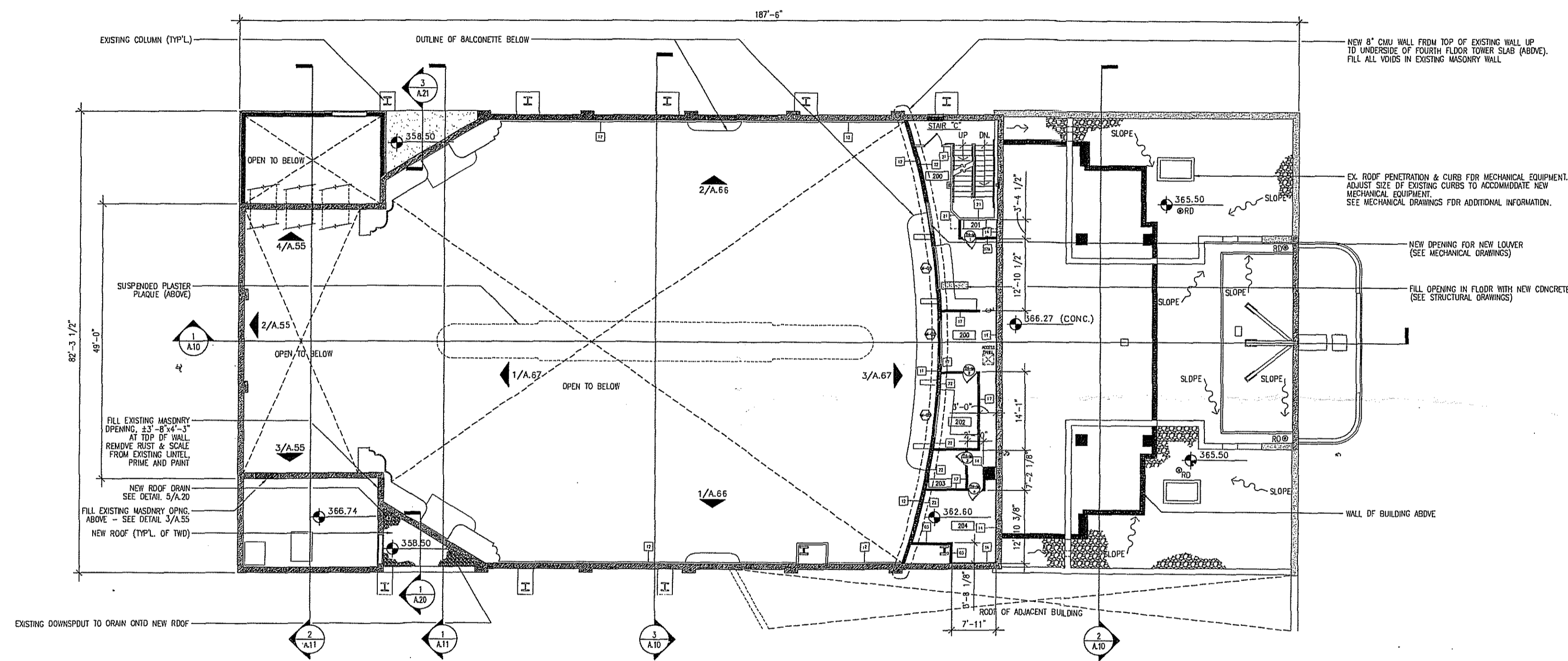


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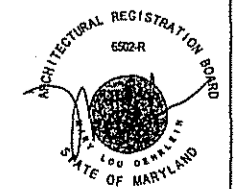
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SEE SHEET 5-7 FOR UNITS, SIZES AT ALL NEW OPENINGS.
CLEAN, PRIME AND PAINT ALL EXPOSED STEEL UNITS, ANCHORS, BRACING, ETC.

Legend

- DOOR NUMBER
- WINDOW NUMBER
- EXISTING BRICK MASONRY WALLS (TYP'L.)
- NEW WALL/PARTITION
- PARTITION TYPE, SEE SHEET A.91



Mezzanine Plan
Scale: 1/8"=1'-0"

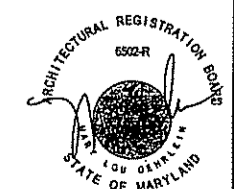
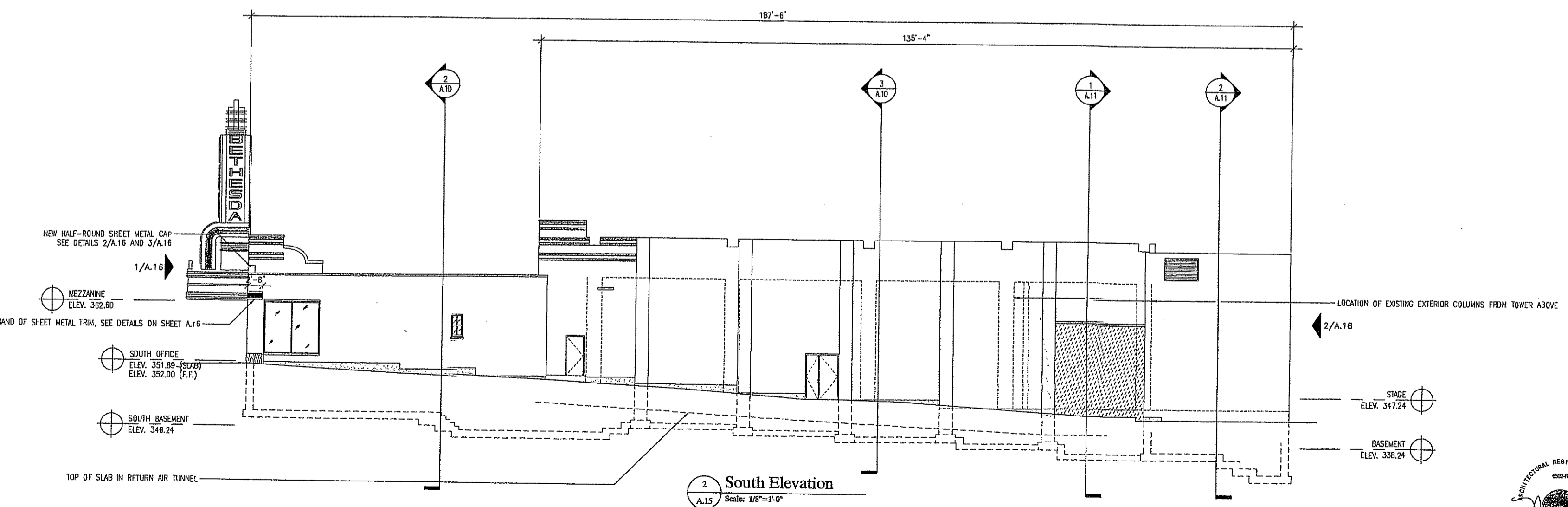
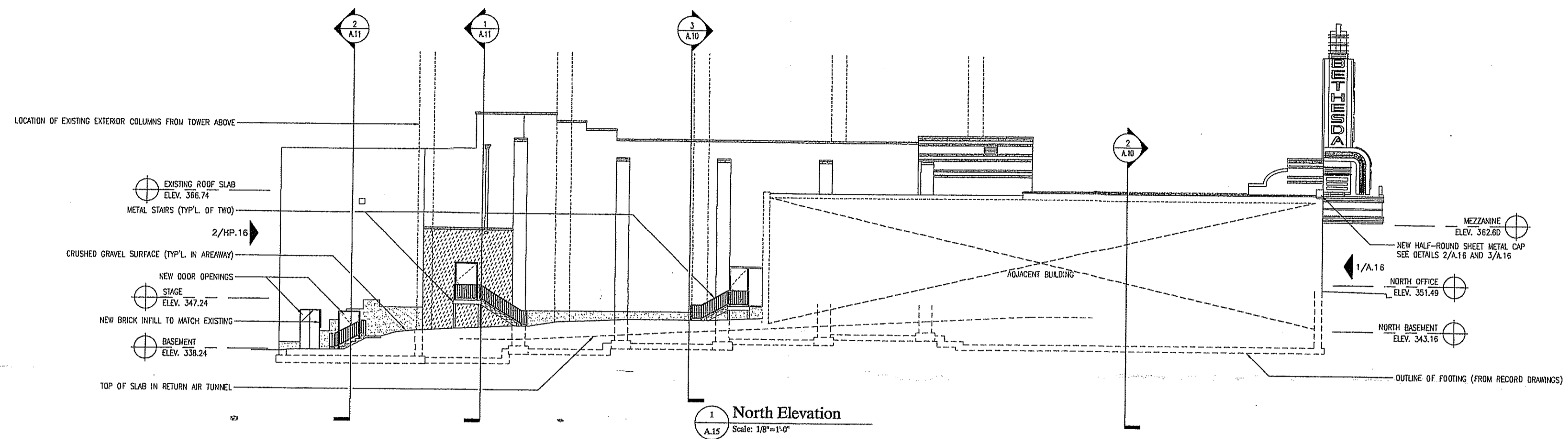


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Legend

- DOOR NUMBER
- WINDOW NUMBER
- EXISTING BRICK MASONRY WALLS (TYP'L)
- NEW WALL/PARTITION
- PARTITION TYPE, SEE SHEET A.91

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CLEAN, PRIME AND PAINT ALL EXPOSED STEEL UNITS, ANCHORS, BRACING, ETC.



LINOWES
AND | **BLOCHER LLP**
ATTORNEYS AT LAW

June 25, 2003

Anne C. Martin
301.961.5127
amartin@linowes-law.com

BY HAND DELIVERY

Ms. Mary Beth O'Quinn
Development Review Division
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Bethesda Theatre Residential, Site Plan No. 8-00014B

Dear Ms. O'Quinn:

Please find enclosed the additional information you requested to supplement the request of the owner/developer of the Bethesda Theatre Residential project, Bethesda Theatre, LLC (the "Applicant"), to amend the timeline to complete the exterior preservation and interior restoration of the Theatre. As we discussed at the site visit conducted on Monday, June 23, 2003, this supplemental information includes the current Delivery Schedule for the high-rise units, an amended Performance Bond Estimate spreadsheet adding additional funds in the event of developer default, and a memorandum from Oehrlein Associates. Because the bond amount was only increased to address the concern regarding a circumstance of developer default, we would respectfully request that the related recommended condition similarly be revised to state that the "Applicant must post a bond prior to the issuance of the 200th occupancy permit in the amount of \$1,400,000, \$750,000 of which is to secure the completion of the interior restoration work and \$650,000 of which is only to address the administration, supervision and finishing work in the event of developer default."

For your reference, we have additionally updated the information provided in our May 19, 2003 correspondence regarding the work which makes up the "exterior preservation of the Theatre," and the "interior restoration" submitted with the Historic Area Work Permit for the Theatre, [with its updated construction status in brackets]:

A. Exterior Preservation

1. Remove existing roof trusses and install new apartment tower trusses while protecting interior finishes. [work completed]
2. Retain and preserve the decorative brick and cast stone west parapet wall in original location. [work completed]

Ms. Mary Beth O'Quinn

June 25, 2003

Page 2

3. Remove and replace wood frame roof and floor construction at the west retail areas. [work completed]
4. Install new structural columns at the north and south elevations to support the new apartment trusses. [work completed]
5. Clean and point the brick on west, north and south elevations. [work completed]
6. Provide level exiting from the Theatre by raising the grade on the north and south sides. [work completed]
7. Clean and repair existing original aluminum and glass storefront on the west and south elevations, replacing any missing or altered portions of the trim to match the original. [shop drawings approved and work expected to begin the first week of July]
8. Replicate the original storefront materials and detailing on the north elevation with a modification to add an egress door. [shop drawings approved and work expected to begin the first week of July]
9. Restore the existing, original ticket booth, entry doors, and entrance lobby. Remove added ceilings and signs and repair existing stone, plaster, metal and wood details while replacing any missing elements to match the original and repainting the original decorative scheme. [work expected to begin in early July]
10. Remove and reinstall the original marquee sign including repairing the support structure, sheet metal cladding and lighting to match original configuration. [work completed]
11. Replace the steel exit doors, frames and hardware at the north and south elevations. [work in progress]

B. Interior Restoration

The interior restoration consists of the following:

Ms. Mary Beth O'Quinn

June 25, 2003

Page 3

1. Remove and replace wood ceiling and floor framing at west retail spaces. [work completed]
2. Support and protect Theatre ceiling during construction. [ceiling protected during construction and restoration work is in progress but completion dependent upon tenancy]
3. Remove the added floor structure, kitchen, and service facilities in the Theatre in order to install the apartment tower. [work completed]
4. Remove all existing mechanical, electrical and plumbing systems. [work completed]
5. Install new support columns in the north and south retail spaces and along the north wall of the Theatre. [work completed]
6. Install a new egress stair and exit corridor from the apartment tower at the north retail space. [work in progress, expect to be completed the first week of July]
7. Install all new plumbing, mechanical and electrical systems. [majority of systems installed in the main Theatre but remainder dependent upon tenancy]
8. Preserve existing plan configurations and finishes of the Theatre and the lobby subject to necessary modifications in order to accommodate new toilet facilities, accessibility, food service and Theatre operations. [configurations and finishes preserved but remainder is dependent upon tenancy]
9. Replicate and supplement lighting as necessary and repair any original remaining light fixtures. [dependent upon tenancy]

As we discussed, the unavoidable delays with the exterior renovations were the result of complications that were more complex, difficult, and expensive than could have been anticipated. In particular, the marquee installation required replacement of all of the steel supports and the concrete decking support, as well as complete repair of the entire marquee sign. These delays with the marquee work consequently created a delay to the storefront work, which is currently in progress.

As stated previously, the Applicant has been using diligent efforts to secure a user for the Theatre within the near future and is hopeful that the Theatre preservation and restoration can move forward as quickly as possible. However, to complete the remaining construction work without having identified a user and the exact design specifications would result in possible re-

Ms. Mary Beth O'Quinn

June 25, 2003

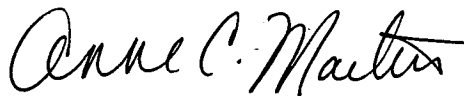
Page 4

construction and unnecessary delay as well as inefficient use of both public and private funds. In addition, the Applicant needs to move forward with the residential occupancy of the Project to support the financing that is driving the overall development. It is important that the residential piece of the Project be occupied as soon as possible so that funding continues to be available to the Applicant to work on completing the Theatre. As an ongoing effort and commitment to find the proper user and complete the Theatre, the Applicant will continue to submit quarterly reports to the Planning Board on its progress to secure an user for the Theatre.

Thank you for your consideration of this matter. Please do not hesitate to contact us if you have any questions.

Sincerely,

LINOWES AND BLOCHER LLP



Anne C. Martin

Enclosures

cc: Mr. Joseph R. Davis
Mr. Michael Ma
Michele Rosenfeld, Esq.
Ms. Gwen Marcus Wright
Mr. Artie L. Harris
Mr. Eugene Smith
Mr. Thomas A. Baum
Ms. Mary A. Oehrlein
Robert H. Metz, Esq.
Emily J. Vaias, Esq.

Bethesda Theatre Project
 High-Rise Building Delivery Schedule
 6/23/2003

Location	Finish Date	Units Delivered	Cumulative Units Delivered
Lobby & Garage	24-Jun	0	0
2nd Floor	9-Jul	13	13
3rd Floor	9-Jul	13	26
4th Floor	9-Jul	21	47
5th Floor	16-Jul	25	72
6th Floor	23-Jul	25	97
7th Floor	30-Jul	25	122
8th Floor	6-Aug	22	144
9th Floor	13-Aug	22	166
10th Floor	20-Aug	22	188
11th Floor	3-Sep	17	205

Value of Theatre Work - Performance Bond Estimate
Bethesda Theatre Project
25-Jun-03

	Contract Amount	% Complete	Completed Value	Remaining work to complete (as of 06-18-03)
Original Contract				
Original Donohoe Contract (See attached Breakdown)	\$2,267,000	85%	\$1,926,950	\$340,050
Allowances	<u>see below</u>			
Total	\$2,267,000			
Change Orders to Date				
Mechanical, Electrical & Plumbing	\$215,000	85%	\$182,750	\$32,250
Storefront, Incl. Doors	\$210,000	60%	\$126,000	\$84,000
Marquee	\$90,000	90%	\$81,000	\$9,000
Underpinning & Structural Repairs	\$70,000	100%	\$70,000	\$0
Replace Retail Roofs/Structural Supports	\$45,000	90%	\$40,500	\$4,500
Other Miscellaneous	<u>\$85,000</u>	95%	\$80,750	\$4,250
Total	\$715,000			
Total w/Change Orders	\$2,982,000			
Work "On Hold" for Tenant Specific Requirements				
Donohoe Contract Allowances (interior finishes)	\$86,000	20%	\$17,200	\$68,800
Rails & Stairs	\$48,000	45%	\$21,600	\$26,400
Theatre Handicap Ramp	\$30,000	15%	\$4,500	\$25,500
Refinish Stage Floor	\$10,000	0%	\$0	\$10,000
Bathroom Fixtures	\$10,000	0%	\$0	\$10,000
Wall Covering	\$48,000	0%	\$0	\$48,000
Misc. MEP	\$35,000	25%	\$8,750	\$26,250
Rear Basement (Green Rooms)	\$25,000	10%	\$2,500	\$22,500
Misc. Retail/Basement Partitions	\$18,000	0%	\$0	\$18,000
North Alley Completion (site work/stairs)	<u>\$20,000</u>	50%	\$10,000	\$10,000
Total	\$330,000			
Total Value of Theatre Work	\$3,312,000	78%	\$2,572,500	\$739,500
Additional Funds In Instance of Developer Default				
County Supervision				\$250,000
Additional Architecture Engineering Supervision				\$50,000
FF&E (See Memo from Oehrlein Assoc. dated 6-23-03)				\$350,000
Bond Amount Estimate				\$1,389,500

Oehrlein & Associates Architects

1350 Connecticut Ave., N.W.
Suite 412
Washington, D.C. 20036-1701
202-785-7336
202-785-7334 FAX

MEMORANDUM

FROM: Mary Oehrlein
DATE: June 25, 2003
RE: Bethesda Theater Completion Status

Base building work yet to be completed is as follows:

Exterior	Fabricate and install storefronts and doors Restore the ticket booth and outer vestibule Restore entrance doors Repair masonry at the storefronts, complete masonry punch list Install roofing and flashing Complete marquee installation Install new egress doors
Interior	Complete the plaster restoration Complete decorative painting at the lobby and house Restore vestibule doors Restore/replicate wood trim Complete the electrical system installation Install lighting Complete the fire suppression system installation Complete mechanical system installation

Estimated Cost: \$474,000

In order to avoid installing work that would later need to be demolished, portions of the project work have been put on hold until the new tenant design and construction drawings are complete. The deferred work is as follows:

- North exist stair and site walls
- Interior floor configuration, ramps and stairs
- Toilet room partitions, plumbing and finishes
- Basement and retail space partitioning and finishes
- Wall fabric
- Carpeting

Estimated Cost: \$ 265,500

Furniture, fixtures and equipment (FF&E) to be completed as part of the tenant construction includes:

- Lighting, dimming and controls
- Sound system
- Theater seating

Estimated Cost: \$350,000



June 19, 2003

Derick Berlage, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Note: These comments were prepared before the hearing of June 19 was postponed. Staff Report refers to Memorandum of June 12. Thanks, LBL

Re: Request for Amendment of Condition
to Site Plan No. 8-00014
Bethesda Theatre Residential

Dear Mr. Berlage:

It is with some dismay that we at the Art Deco Society of Washington write to the Planning Board once again about the Bethesda Theatre Residential project. We have always felt that this was a project that overwhelmed the historic theater. We fought to have the apartment tower on top of the theater set back twice as far as was finally agreed upon by Montgomery County agencies. Although we were not happy with that final decision, we at least took some small comfort in the strict conditions that were set for restoration of the exterior and interior of the theater and its continued use as a theater. These conditions tied the issuing of occupancy permits for the residential portion of the project to stages of completion of the historic restoration.

Now we learn that the developer of the project has fallen behind on these commitments and seeks extension of the time required to fulfill these commitments. In addressing this matter, we would like to make the following comments:

- ◆ First, we remind the Board that this project is a very good deal for the developers. A substantial amount of public land, in the form of a public parking lot and an alley, was given to this project. It is prominently located in downtown Bethesda, near Metro, and is generating extensive publicity. We feel that as much attention should be given to historic preservation as to maximizing the success of this project.
- ◆ It is our understanding that the Historic Preservation Commission was not consulted by the developer or the planning staff in discussing the status of the restoration and the proposed extensions. Preservation organizations such as ourselves count on the HPC to protect historic resources, oversee their restoration, and share updated information with us. We are disappointed that proper procedures were not followed in this case. In the end, the developer's request for more time may have some merit, but the way it has been presented and rushed through procedures raises suspicions about what request will come next.



Derick Berlage
June 19, 2003
Page 2

- ◆ In the case of exterior restoration that is not complete, we would like to know more about what has held up replacement of the storefronts and why the HPC and Planning Board were not notified earlier, since completion of all exterior work should be finished before the first occupancy permit is issued. Because the exterior appearance of the theater is so important to the integrity of the project, we would like this particular requirement to be strictly enforced. We see no immediate reason why the occupancy permits shouldn't wait for more substantial completion of the exterior restoration. In any case, we think extension to the 200th permit, as recommended in the staff report, is far too generous.

- ◆ In the case of interior restoration, we understand the developer's concern that completion of this phase of the project depends on knowing the specific needs of the theater's user. It is essential that the developer find a suitable tenant for the space. We trust that planning staff has studied the developer's required quarterly reports to determine what the problem might be. Perhaps more frequent reports, monthly or bimonthly, are necessary. Another concern of ours is that the space is being priced too high to attract a suitable tenant. Perhaps the staff can assist the developer in reassessing the leasing parameters to open up the space to more potential users. In any case, we realize that more time is needed to lease and restore the space properly and do not object to an extension. However, we are less sure about the details of the \$750,000 bond to be posted prior to issuance of the 200th permit to secure completion of the interior. First, we think the bond should be posted sooner, perhaps at the 105th permit. Second, we would like more information to ensure that \$750,000 is enough to do the job.

- ◆ Finally, we want to ask some specific questions about the permit timing suggested in the Staff Recommendation on pp. 2-3 of the Staff Report.
 - ◆ Item 2a. lists exterior restoration tasks that must be completed prior to issuance of the 105th permit. However, these particular items are stated in the developer's letter of May 19 to have been completed. Shouldn't they therefore be required prior to the first permit?

 - ◆ Similarly, in Item 2c., interior restoration tasks are listed that must be completed prior to issuance of the 105th permit. However, these particular items are also stated in the developer's letter of May 19 to have been completed and should also be required prior to the first permit.



Derick Berlage
June 19, 2003
Page 3

- ◆ In addition, Item 2b. lists exterior restoration tasks that have not yet been completed (according to the May 19 letter) and proposes that they be done prior to issuance of the 200th permit. This seems way too long to us. As stated above, we think the exterior restoration should be completed before the first permit is issued, or at least before a much smaller number.

In summary, we urge the Planning Board to evaluate carefully the applicant's request for extensions of the time required to complete historic restoration of the Bethesda Theatre component of this project. In particular, we think that all exterior restoration should be substantially complete before the first occupancy permit is issued. We understand that interior restoration cannot be completed until a suitable user is found for the theater space. However, we think that extensions should not be too generous, and the applicant should be urged to work harder to find a user and consider a revised leasing plan. Finally, we agree that a bond should be posted to secure completion of the interior restoration work, but we question the proposed timing of this step and the size of the bond.

Thank you for your attention.

Very truly yours,

Linda B. Lyons

Linda B. Lyons, Education Chair and resident of Montgomery County
Phone: 301-654-3924; E-mail: llyons@adsw.org

**E.M.
SMITH**
ASSOCIATES, INC.
Real Estate Advisors

June 25, 2000

Larry Ponsford, Site Plan Supervisor
Development Review Section
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Bethesda Theater Site Plan, # 8-00014

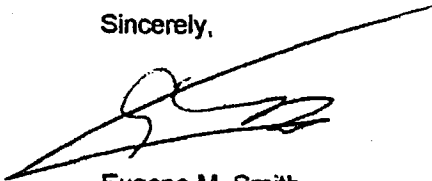
Dear Larry:

Pursuant to the approved Site Plan for Bethesda Theater, condition # 5, this letter shall serve as the first quarterly progress report on our efforts to secure a user for the theater.

We have had preliminary discussions with the current operator of the theater on the possibility of opening a cinema in the renovated theater. No conclusions have been reached on the viability of this option and our discussions are continuing. In addition we have interviewed retail leasing brokers and anticipate engaging a broker within the next two weeks to pursue additional theatre/entertainment users for the theater.

Please feel free to call if you have any questions.

Sincerely,



Eugene M. Smith

Cc: Artie Harris, Bozzuto Homes

Emily Vaias, Linowes and Blocher

**E.M.
SMITH**
ASSOCIATES, INC.
Real Estate Advisors

September 29, 2000

Larry Ponsford, Site Plan Supervisor
Development Review Section
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Bethesda Theater Site Plan, # 8-00014

Dear Larry:

Pursuant to the approved Site Plan for Bethesda Theater, condition # 5, this letter shall serve as the quarterly progress report on our efforts to secure a user for the theater.

We have entered into an exclusive leasing agreement with the Eisner Company, a retail brokerage firm located in Bethesda. The Eisner Co. has been hired to market the theater space to potential entertainment/theater users. Potential users are being identified, marketing materials are being distributed and preliminary discussions are being held with the prospects. We anticipate that their prospecting work will continue over the next several months.

Please feel free to call if you have any questions.

Sincerely,



Eugene M. Smith

Cc: Artie Harris, Bozzuto Homes
Emily Vaias, Linowes and Blocher

**E.M.
SMITH**
ASSOCIATES, INC.
Real Estate Advisors

January 18, 2001

Larry Ponsford, Site Plan Supervisor
Development Review Section
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Bethesda Theater Site Plan, # 8-00014

Dear Larry:

Pursuant to the approved Site Plan for Bethesda Theater, condition # 5, this letter shall serve as the quarterly progress report on our efforts to secure a user for the theater.

The Eisner Company continues to market the theater to potential users. Marketing materials are being distributed and discussions are being held with prospects as they are identified. This marketing effort will continue until a user is selected.

Please feel free to call if you have any questions.

Sincerely,



Eugene M. Smith

Cc: Artie Harris, Bozzuto Homes

Emily Vaias, Linowes and Blocher



February 25, 2003

Ms. Michael Ma
Development Review
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Bethesda Theatre Renovation Update
Site Plan No.: 8-00014

Dear Mr. Ma:

The purpose of this letter is to update you on the construction and leasing activities for the Bethesda Theatre (the "Theatre"). As you may recall, the Theatre is part of a larger project, which was approved by Site Plan No. 8-00014 and consists of the following components:

- Renovation of the historic Theatre;
- High-rise residential building with 205 units located over the Theatre;
- Low-rise residential building with 39 units behind the Theatre;
- Below-grade residential parking garage with 285 spaces;
- An underground County parking garage (with approximately 350 spaces) beneath the low-rise residential building;
- Nine townhouses fronting onto Middleton Lane and Tilbury Street; and
- A public plaza/courtyard area (collectively, the "Project").

We, Bozzuto Development Company (the owner/developer), broke ground on the Project in July 2001 and are expecting to complete construction of the residential components and County garage by September 2003. The Contractor (Donohoe Construction Company) is currently putting the brick skin on the high-rise building and starting to drywall in the low-rise building. Both underground garages have essentially been completed.

With respect to the Theatre, the following is the status of the main components therein:

- Refurbishing of marquee complete. (The steel supports/frame were rusted beyond repair and will have to be replaced before the marquee can be reinstalled.)
- Installation of main auditorium HVAC systems nearly complete.
- Demolition of non-historic flooring, roof over retail spaces and storefronts complete.

- Installation of replica historic storefronts in progress.
- Repairing/clearing of exterior brick nearly completed.
- Below-slab plumbing for bathrooms in basement installed.

We estimate that the exterior renovation of the Theatre will be completed in May 2003. The completion of the interior renovation will depend in large part upon the timing of obtaining a tenant for the space.

Since we purchased the property, approximately twenty months ago, we have been actively seeking a tenant for the Theatre. We are committed to finding a quality "arts" user for the space, but we have learned over this period that: 1) the pool of users is limited; 2) the Theatre has significant physical constraints from the perspective of performing-arts users (such as small stage without wings and flyloft, very limited back of the house support space, no storage space, limited space for the restrooms and kitchen, etc.) that eliminate many users; and 3) each potential user wants the space configured differently.

Early on (before we closed on the land), we hired a theatre/entertainment/retail consultant, Street Sense Retail Advisors located in Bethesda, to help us secure a tenant for the Theatre. With their help, we have been in serious discussions with three prospects.

Prospect 1

Based out of Alexandria, Virginia, this company produces high-quality live music concerts. Their current operation in Alexandria is very successful and they wanted to open a second location in Maryland. We were in discussions with them from May 2001 through December 2001. We had developed detailed construction documents based on their concept and obtained a revised building permit to allow us to construct their improvements. It was a big blow to us when they decided not to move forward with the deal. Their decision to not move forward, we believe, stemmed from the uncertainty of the industry after September 11, 2001.

Prospect 2

Based in Chicago, Illinois, this company runs a very popular supper-club connected with Second City Theatre. We were in discussions with them from March 2002 through September 2002, including performing market studies, preparing schematic layouts and lease negotiations. They were proposing a live jazz music venue in the evenings and corporate events during the day. Unfortunately, they were not able to go forward with the deal.

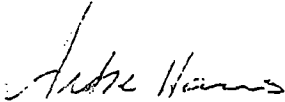
Prospect 3

Based in New York City, this company, and its affiliates, is one of the largest theatre companies in the world with more than thirty theatres in the United States. We have been in discussions with them since the Fall of 2002 and feel they would be a great user for the Theatre. They are very interested in the Washington Metropolitan area, love Bethesda and appreciate the Theatre. We are just completing a two-month schematic design process with them and will follow that with a preliminary pricing exercise and final lease negotiations. Their physical requirements for the Theatre will, as with each potential user, be specifically tailored to their needs and will impact the interior renovations.

Although the above-three prospects have been the most promising, we have been pursuing hundreds of leads to obtain a "quality" user for the Theatre. Accordingly, we hope you can see that we have been spending a significant amount of effort and money to obtain an appropriate user for the Theatre.

Please feel free to contact Gene Smith or me if you have any questions. We look forward to meeting with you and Gwen Wright on February 28, 2003 at 2:00 p.m. to further discuss our progress with the Project.

Sincerely,
BOZZUTO DEVELOPMENT COMPANY



Artie L. Harris
Vice President

cc: Ms. Mary L. Oehrlein
Mr. Eugene Smith
Emily J. Vaias, Esquire
Ms. Gwen Marcus Wright

Wright, Gwen

From: Oquinn, Marybeth
Sent: Thursday, June 19, 2003 10:21 AM
To: Wright, Gwen
Cc: Loehr, Charles; Davis, Joe
Subject: RE: Bethesda Theater Walk-through

Importance: High

Gwen, Meredith Wellington has requested the following information:

1. Binding elements of the zoning case (please give the the case number and I can supply)
2. Cost of the entire project (incl housing)-estimate at the time of site plan approval
3. Cost of the theater renovation--estimate at the time of the site plan approval
4. Itemized list of restoration work to be completed as part of the approval (i.e., required restoration work) (example, is the applicant required to fit out staff restrooms on the lower level, etc.
4. Actual cost to date of theater renovation to date
5. Estimated cost of remaining work
6. Quarterly reports required of the applicant as part of the approval
7. Report from staff inspections

Is is possible to assemble most of this by our meeting on Monday.
I would like to review at the least the documents that define the work required by the applicant, i.e., the extent of the restoration work so that we can make reasonal estimate on the percent complete.

Thanks for your help. Mary Beth

-----Original Appointment-----

From: Wright, Gwen
Sent: Thursday, June 19, 2003 9:56 AM
To: Oquinn, Marybeth
Subject: Accepted: Bethesda Theater Walk-through
When: Monday, June 23, 2003 12:00 PM-1:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where:



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE: MAY 23, 2003

NAME OF PLAN: BETHESDA THEATER RESIDENTIAL

FILE NUMBER: 8-00014B

CURRENT ZONING: CBD-2 / PD-35

PROPOSED NUMBER OF LOTS: 1

TYPE OF PLAN: SITE PLAN AMENDMENT

The above-referenced application has been submitted to this office for consideration and review in accordance with Chapter 50 and 59 of the Montgomery County Code, as applicable, and we are requesting your comments and recommendations on the plan for use by the Planning Board and staff. We would appreciate your comments as soon as possible in order that your views may be taken into consideration.

It is the policy of this office to refer all subdivision, site, and project plans to the citizens association or associations whose boundaries encompass the subject property. We rely on your organization to contact any other concerned association(s) to which you may belong and to notify the individuals within your area who are most directly affected by the proposal. We also rely on your organization to keep our files up-to-date as to your boundaries, officers, and their current mailing addresses, which we need to keep your association informed of proposals submitted to this office. Please contact our Community Relations Office at (301) 495-4600 to update this important information.

A print of the originally submitted plan is enclosed. This plan may change due to specific reviews and stated changes suggested by this agency and other county and state agencies.

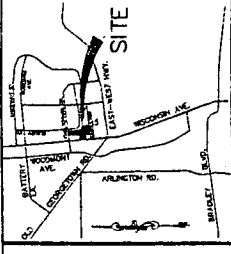
Please contact this office to obtain up-to-date information prior to the scheduling of the plan for final action by the Planning Board. A second letter will be sent to you announcing the date and place of the Planning Board's consideration of this plan.

If we can be of any further assistance to you, please contact this office at (301) 495-4595.

Development Review Division
Montgomery County Department of Park & Planning

BETHESDA THEATRE RESIDENTIAL

BETHESDA, MD



VICINITY MAP
SCALE: 1" = 200'



LOCAL VICINITY MAP
SCALE: 1" = 200'

GENERAL NOTES AND DATA

- THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT PLOT NO. 148, 122 AND IS ZONED R-10 (SITE AREA = 1,831.0 SQ. FT. (42,881 SQ. FT.)).
- THE SURVEY DATA IS BASED ON A PLAN OF SURVEY SUBMITTED TO THE DISTRICT OF COLUMBIA DEPARTMENT OF PLANNING AND ZONING, 1100 K STREET, N.W., WASHINGTON, D.C. 20004, AND IS SUBJECT TO THE 1990 ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA.
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GENERAL SPACE CALCULATIONS	PERMITS	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION
1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.
...

PERMITS	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION
1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.
...

RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION
1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.
...

RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION	RECREATION
1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.	1,831.0 SQ. FT.
...

CALCULATE DEMAND POINTS

UNIT TYPE	# UNITS	D1 TENS	D2 CHILDREN	D3 TEENS	D4 ADULTS	D5 SENIORS
THIS	1.83	1.98	1.42	1.42	1.42	0.23
...
TOTAL DEMAND	14.02	15.64	14.50	218.48	101.17	

CALCULATE SUPPLY POINTS

SYSTEM	DEMAND	DEMAND	DEMAND	DEMAND	DEMAND	DEMAND
PEDESTRIAN SYSTEM	1.40	1.13	2.90	96.97	45.33	
...
TOTAL SUPPLY	13.96	19.90	14.72	227.48	101.17	

DEMAND IN POINTS

DEMAND	DEMAND	DEMAND	DEMAND	DEMAND	DEMAND	DEMAND
14.02	15.64	14.50	218.18	101.17	0.00	0.00
...
3%	0%	0%	0%	0%	0%	0%

SHEET INDEX

NO.	TITLE	DATE
A-1	ARCHITECTURAL	
A-2	...	
A-3	...	
A-4	...	
A-5	...	
A-6	...	
A-7	...	
A-8	...	
A-9	...	
A-10	...	
A-11	...	
A-12	...	
A-13	...	
A-14	...	
A-15	...	
A-16	...	
C-1	CIVIL	
C-2	...	
C-3	...	
C-4	...	

LANDSCAPE ARCHITECTURE

SITE PLAN
DETAIL PLAN
PLANNING NOTES AND SITE FURNITURE
MATERIAL LAYOUT PLAN
HARDSCAPE DETAILS
HARDSCAPE SECTION

CIVIL
SITE & ADJACENT AREA PLAN
CONCEPT PRELIMINARY CONTROL PLAN

COVER SHEET
NOVEMBER 1999
C-0

OWNERS AGREEMENT TO ACQUIRE ALL THE RIGHTS AND INTERESTS IN THE PROJECT AND TO DEVELOP THE PROJECT IN ACCORDANCE WITH THE DISTRICT OF COLUMBIA ZONING REGULATIONS AND THE DISTRICT OF COLUMBIA SUBDIVISION CONTROL ACT.

DATE: 11/11/99

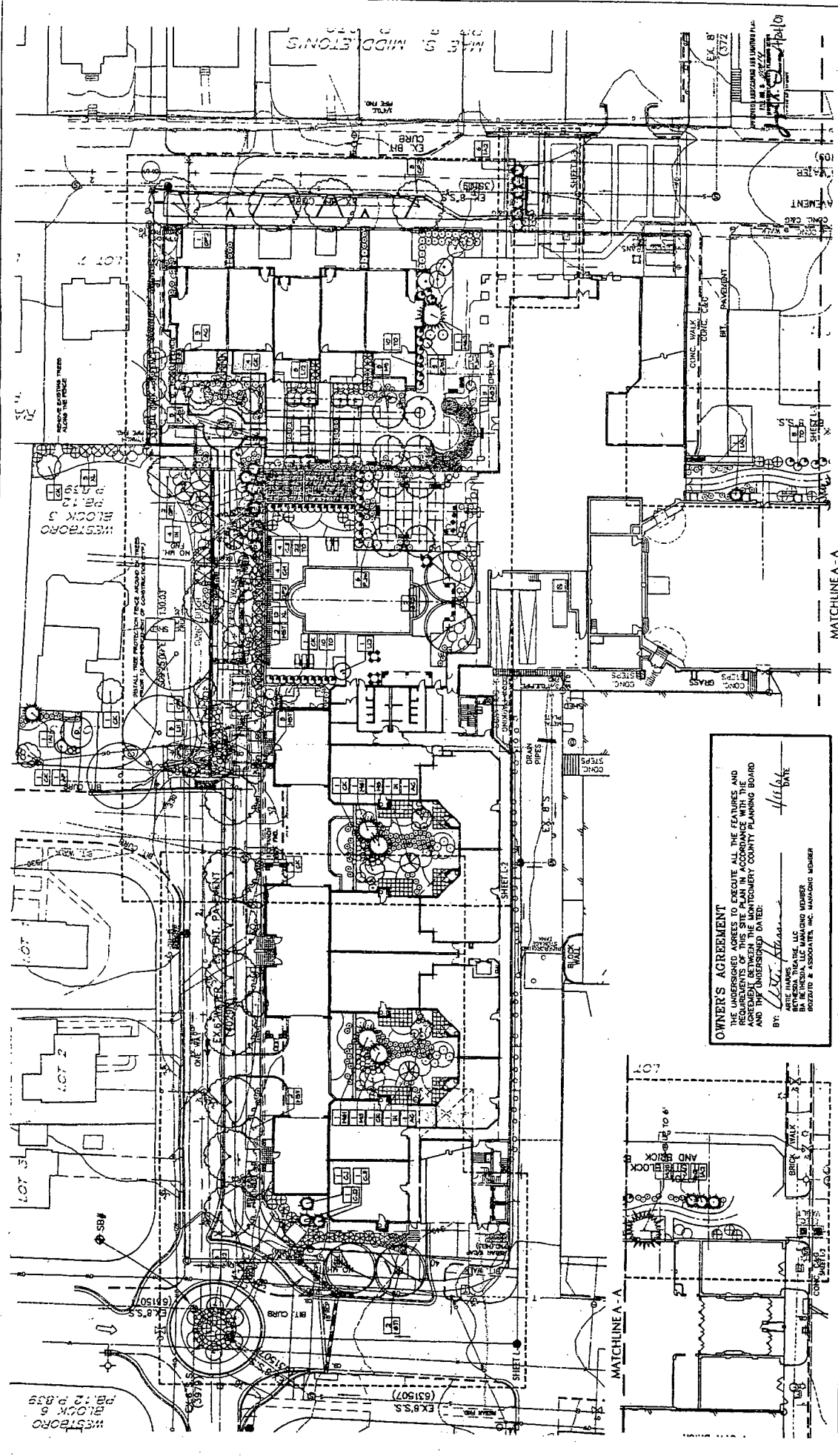
3/6/01

7791 Wisconsin Avenue
Bethesda, MD 20814

SILVER ASSOCIATES, P.A.
1100 K STREET, N.W.
WASHINGTON, D.C. 20004

OWENS & BLOCHER, LLP
1100 K STREET, N.W.
WASHINGTON, D.C. 20004

LEWIS SCULLY GORBY
1100 K STREET, N.W.
WASHINGTON, D.C. 20004



OWNER'S AGREEMENT
 THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND CONDITIONS SHOWN ON THIS PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED DATED: _____ DATE
 BY: *[Signature]*
 JAYNE HANCOCK
 BETHESDA THEATRE, LLC
 7791 WISCONSIN AVENUE
 BETHESDA, MARYLAND 20814
 ROBERTO B. ASSOCIATES, INC. MAIN/PHONE NUMBER

WDG PLANNING
 1000 WISCONSIN AVENUE, SUITE 200
 BETHESDA, MARYLAND 20814
 TEL: 301-462-1100 FAX: 301-462-1101

THE BOKSITO GROUP
 4400 WISCONSIN AVENUE, SUITE 200
 BETHESDA, MARYLAND 20814
 TEL: 301-462-1100 FAX: 301-462-1101

OWREN & ASSOCIATES ARCHITECTS
 4400 WISCONSIN AVENUE, SUITE 200
 BETHESDA, MARYLAND 20814
 TEL: 301-462-1100 FAX: 301-462-1101

SKKA
 4400 WISCONSIN AVENUE, SUITE 200
 BETHESDA, MARYLAND 20814
 TEL: 301-462-1100 FAX: 301-462-1101

SOLVA ASSOCIATES, P.A.
 4400 WISCONSIN AVENUE, SUITE 200
 BETHESDA, MARYLAND 20814
 TEL: 301-462-1100 FAX: 301-462-1101

VHA, INCORPORATED
 4400 WISCONSIN AVENUE, SUITE 200
 BETHESDA, MARYLAND 20814
 TEL: 301-462-1100 FAX: 301-462-1101

Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, MD 20814

SITE PLAN

DATE: 01/04/2004
 04/06/2004
 04/06/2004
 04/06/2004

SCALE: 1"=20'-0"

L-1

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

May 19, 2003

Emily J. Vaias
301.961.5174
evaias@linowes-law.com

BY HAND DELIVERY

Mr. Michael Ma
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Request for Amendment of Condition to Site Plan No. 8-00014
Bethesda Theatre Residential

Dear Mr. Ma:

We represent the owner/developer of the Bethesda Theatre Residential project, Bethesda Theatre, LLC. As you are aware, this Project has been an on-going process since 1996. Over the past seven years, the Applicant has worked to receive Project Plan, Zoning, Abandonment, Preliminary Plan and Site Plan Approvals, in addition to designation on the National Historic Registry. The conclusion of these numerous approvals has been the current construction and development of 249 apartment units, 9 townhouses, 2 underground parking garages, and preservation of the historic Bethesda Theatre (the "Project"). Throughout this process, the Applicant has worked closely with the numerous interested parties to design and develop a Project that is truly an asset to the Bethesda Central Business District area ("CBD") and surrounding communities.

As part of the numerous approvals, the residential portion of the Project has been contingent upon making certain improvements or preservation actions related to the Theatre. Despite diligent and good faith efforts by the Applicant to find an appropriate user for the Theatre, as required by its various approvals, an operating agreement has not yet been signed to finalize the tenancy. Further, as explained by the Applicant in a letter dated February 25, 2003 to you (attached hereto as Exhibit "A"), each potential tenant has had significantly different interior requirements for the Theatre. Therefore, the Applicant has learned that until a tenant is located, it would be costly and wasteful to complete all of the Theatre interior renovations without a firm commitment from a tenant to occupy the space. In addition, the Applicant could not have anticipated the complexity and difficulty of making some of the exterior renovations which has also resulted in unavoidable delays. Consequently, we are respectfully requesting that the Planning Board amend Condition No. 4 of the Site Plan Opinion (dated June 12, 2000) (attached hereto as Exhibit "B") which states as follows:

Michael Ma
May 19, 2003
Page 2

“4. Applicant to complete the exterior preservation of the Theater prior to the first occupancy permit for the apartment tower and the interior restoration prior to the 105th occupancy permit for the apartment tower.”

As part of the information submitted with the Historic Area Work Permit (“HAWP”) for the Theatre, the work which makes up the “exterior preservation of the Theatre,” and the “interior restoration” includes the following [with its construction status in brackets]:

A. Exterior Preservation

1. Remove existing roof trusses and install new apartment tower trusses while protecting interior finishes. [work completed]
2. Retain and preserve the decorative brick and cast stone west parapet wall in original location. [work completed]
3. Remove and replace wood frame roof and floor construction at the west retail areas. [work completed]
4. Install new structural columns at the north and south elevations to support the new apartment trusses. [work completed]
5. Clean and point the brick on west, north and south elevations. [work completed]
6. Provide level exiting from the Theatre by raising the grade on the north and south sides. [work completed]
7. Clean and repair existing original aluminum and glass storefront on the west and south elevations, replacing any missing or altered portions of the trim to match the original. [shop drawings approved and work expected to begin in June]
8. Replicate the original storefront materials and detailing on the north elevation with a modification to add an egress door. [shop drawings approved and work expected to begin in June]
9. Restore the existing, original ticket booth, entry doors, and entrance lobby. Remove added ceilings and signs and repair existing stone, plaster, metal and wood details while replacing any missing elements to match the original and repainting the original decorative scheme. [work expected to begin in June]

Michael Ma
May 19, 2003
Page 3

10. Remove and reinstall the original marquee sign including repairing the support structure, sheet metal cladding and lighting to match original configuration. [sign has been repaired, support structure is being replaced and sign expected to be re-installed in June]
11. Replace the steel exit doors, frames and hardware at the north and south elevations. [work expected to begin in June]

B. Interior Restoration

The interior restoration consists of the following:

1. Remove and replace wood ceiling and floor framing at west retail spaces. [work completed]
2. Support and protect Theatre ceiling during construction. [ceiling protected during construction and restoration work is in progress but completion dependent upon tenancy]
3. Remove the added floor structure, kitchen, and service facilities in the Theatre in order to install the apartment tower. [work completed]
4. Remove all existing mechanical, electrical and plumbing systems. [work completed]
5. Install new support columns in the north and south retail spaces and along the north wall of the Theatre. [work completed]
6. Install a new egress stair and exit corridor from the apartment tower at the north retail space. [new stair reconfigured to exit on south wall of Theatre and is under construction, expect to be completed in June]
7. Install all new plumbing, mechanical and electrical systems. [majority of systems installed in the main Theatre but remainder dependent upon tenancy]
8. Preserve existing plan configurations and finishes of the Theatre and the lobby subject to necessary modifications in order to accommodate new toilet facilities, accessibility, food service and Theatre operations. [configurations and finishes preserved but remainder is dependent upon tenancy]

Michael Ma
May 19, 2003
Page 4

9. Replicate and supplement lighting as necessary and repair any original remaining light fixtures. [dependent upon tenancy]

The Applicant has completed, or believes it can soon complete, the work for seven (7) of the eleven (11) items listed as part of the Exterior Preservation. However, the Applicant has experienced some unavoidable delays with regard to items Nos. 7 and 8 (storefronts); No. 9 (ticket booth, entry doors and entrance lobby); and No. 11 (exit doors). Each of these items is either underway or about to begin, however, the Applicant does not believe it can complete these items prior to the first occupancy for the apartment tower.

The Applicant has completed, or believes it can shortly complete, five (5) of the nine (9) Interior Restoration items. However, Items No. 2 (complete Theatre ceiling); No. 7 (new plumbing, mechanical and electrical system); No. 8 (final configurations and finishes of Theatre and lobby space); and No. 9 (lighting) will not be completed by the time the Applicant is ready to obtain the 105th occupancy permit for the apartment tower.

The Applicant is therefore requesting modification to the above-referenced Site Plan Condition to state as follows:

“Prior to the first occupancy permit for a residential unit in the apartment tower, the Applicant must complete Items Nos. 1 – 6 and No. 11 of the Exterior Preservation of the Theatre and Items No. 1 and Nos. 3 –6 of the Interior Restoration of the Theatre. Further, by December 31, 2003, the Applicant must complete Items Nos. 7 – 10 of the Exterior Preservation of the Theatre. By December 31, 2004, the Applicant must complete the Interior Restoration Items Nos. 2 and 7-9.”

As an ongoing effort and commitment to find the proper user and complete the Theatre, the Applicant will continue to submit quarterly reports to the Planning Board on its progress to secure a user for the Theatre. The Applicant is hopeful that a user can be secured within the near future and that the Theatre preservation and restoration can move forward as quickly as possible. However, to complete the remaining construction work without having identified a user and the exact design specifications would result in possible re-construction and unnecessary delay as well as inefficient use of both public and private funds. In addition, the Applicant needs to move forward with the residential occupancy of the Project to support the financing that is driving the overall development. It is important that the residential piece of the Project be occupied as soon as possible so that funding continues to be available to the Applicant to work on completing the Theatre.

Michael Ma
May 19, 2003
Page 5

Further, the Applicant appreciates the need to find an appropriate user for the Theatre and is firmly committed to doing so. The Applicant, consistent with all the prior approvals and the Sector Plan, recognizes that the use of the Theatre is just as important as its physical characteristics. This use will be an asset for the residential Project as well as for the overall Bethesda CBD.

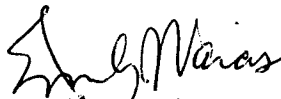
Thank you for your consideration of this request. Because the occupancy for the apartment tower is currently scheduled to begin the second week of June 2003, we would request that this matter be heard by the Planning Board as soon as possible and without the need for Development Review Committee review as we have met with Staff several times and are not asking for any design changes.

We have included herewith a completed Site Plan Application, a check in the amount of \$2,600 (as discussed), two sets of mailing labels for the adjoining and confronting property owners, and 10 sets of the approved Site Plan.

Please contact me if you have any questions.

Sincerely,

LINOWES AND BLOCHER LLP



Emily J. Vaias

EJV:sec

cc: Mr. Charles R. Loehr
Michele Rosenfeld, Esq.
Mr. John Carter
Mr. Artie Harris
Mr. Eugene Smith
Mr. Thomas Baum
Ms. Mary A. Oehrlein
Robert H. Metz, Esq.

Donohoe Contract
 Theatre Work
 Schedule of Values
 Summary

Scope of Work	Value	% Complete	Completed Value	Remaining work to complete
Demolition	325,000	100%	325,000	0
Theatre Protection/Scaffolding	495,000	85%	420,750	74,250
Structural Support/Concrete	220,000	98%	215,600	4,400
Masonry	35,000	85%	29,750	5,250
Finish Carpentry Labor	195,000	100%	195,000	0
Misc. Metals	15,000	60%	9,000	6,000
Waterproofing	88,000	45%	39,600	48,400
Roofing	4,000	90%	3,600	400
Storefront /Repair	5,000	90%	4,500	500
Drywall	12,000	30%	3,600	8,400
Mechanical/Plumbing	68,500	30%	20,550	47,950
Fire Protection	515,000	80%	413,925	101,075
Electrical	46,500	85%	39,525	6,975
Insurance	158,000	85%	134,300	23,700
Fee	3,000	85%	2,550	450
	82,000	85%	69,700	12,300
Total Donohoe Base Contract	\$2,267,000	85%	\$1,926,950	\$340,050

Value of Theatre Work
Bethesda Theatre Project
18-Jun-03

	Contract Amount	% Complete	Completed Value	Remaining work to complete (as of 06-18-03)
Original Contract				
Original Donohoe Contract (See attached Breakdown) Allowances	\$2,267,000	85%	\$1,926,950	\$340,050
	see below			
Total	\$2,267,000			\$340,050
Change Orders to Date				
Mechanical, Electrical & Plumbing	\$215,000	85%	\$182,750	\$32,250
Storefront, Incl. Doors	\$210,000	60%	\$126,000	\$84,000
Marquee	\$90,000	90%	\$81,000	\$9,000
Underpinning & Structural Repairs	\$70,000	100%	\$70,000	\$0
Replace Retail Roofs/Structural Supports	\$45,000	90%	\$40,500	\$4,500
Other Miscellaneous	\$85,000	95%	\$80,750	\$4,250
Total	\$715,000			\$134,000
Total w/Change Orders	\$2,982,000			
Work "On Hold" for Tenant Specific Requirements				
Donohoe Contract Allowances (interior finishes)	\$86,000	20%	\$17,200	\$68,800
Rails & Stairs	\$48,000	45%	\$21,600	\$26,400
Theatre Handicap Ramp	\$30,000	15%	\$4,500	\$25,500
Refinish Stage Floor	\$10,000	0%	\$0	\$10,000
Bathroom Fixtures	\$10,000	0%	\$0	\$10,000
Wall Covering	\$48,000	0%	\$0	\$48,000
Misc. MEP	\$35,000	25%	\$8,750	\$26,250
Rear Basement (Green Rooms)	\$25,000	10%	\$2,500	\$22,500
Misc. Retail/Basement Partitions	\$18,000	0%	\$0	\$18,000
North Alley Completion (site work/stairs)	\$20,000	50%	\$10,000	\$10,000
Total	\$330,000			\$265,450
Total Value of Theatre Work	\$3,312,000	78%	\$2,572,500	\$739,500

Post-It® Fax Note	7671	Date	6/20	# of pages	3
To	Artie Harris	From	moehrlein		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

Bethesda Theater
7715-7723 Wisconsin Avenue

11/24/99

General Background Information

On May 19, 1938, the theater opened to the public as the Boro Theater, with great fanfare and the showing of "Bluebeard's Eighth Wife". The theater was very soon after renamed the Bethesda Theater. Designed as a movie theater by John Eberson, a New York theater architect, the building was constructed by the David L. Stern Construction Co. of Washington. A supplement to the Bethesda Chevy Chase Tribune published two days prior to the theater opening included advertisements by some of the material suppliers for the building, with many in the Washington area, including Rose Brothers Roofing, Fred S. Gichner Iron Works, Washington Wood Working Company, Edmonds Art Stone and Potomac Electric Power Company. The signature sign was provided by Lou Sherman Sign Corporation of Long Island City, New York. The theater was described as a "triumph in modern theater construction", using the most modern materials and construction techniques and exceeding "the requirements of strict State laws in every detail."

Most of the original building materials of the theater remain intact. On the exterior, the original northernmost retail space and storefront has been removed and the existing north storefront has been altered, but the original south storefront is largely intact including the ornamental aluminum trim and enamel panels at the base. The enamel panels have been painted in imitation of green marble to match the remaining original marble at the theater entrance. The original masonry, metal trim, marquee and other finishes of the Wisconsin Avenue (west) facade, the theater entrance and ticket booth also remain and are in generally good condition. At the secondary west elevation and the north, south and east elevations, the original buff and red brick walls remain, but are in only fair physical condition.

At the interior, the original space configuration and most of the original finishes remain intact. Finishes at the lounges and toilet rooms have been replaced, a new enclosure has been constructed at the rear of the auditorium and a new floor structure with platforms has replaced the original continuously sloped floor of the auditorium. Other than these, and other minor alterations, the interior plaster, wood trim, lighting and portions of the original decorative painting remain.

General Description of the Proposed Project

The proposed project will retain and preserve the Wisconsin Avenue facade and the interior of the Bethesda Theater, while constructing a new apartment building above the theater building with mid-rise apartments and townhouses to the rear. The new eleven floor building above the theater will be set back twenty-five feet from the Wisconsin Avenue elevation and will be supported by two story trusses spanning over the theater. The existing roof and roof trusses of the theater will be removed to allow the installation of the new trusses. The original theater ceiling will be retained and protected during construction and ultimately supported from the new

trusses. The Wisconsin Avenue masonry, ornamental metal, storefronts, ticket booth and marquee will be retained and restored. The ornamental brickwork and cast stone of the parapet will be dismantled and reconstructed in a retaining wall at ground level. Other areas of the brickwork at roof of the south, north and east elevations will be removed to allow installation of the new trusses. At the north and south walls the new support columns will be enclosed in new brick with the original brick exposed and restored between. The entire east elevation will be enclosed within the new construction.

At the interior of the building, the proposed project will preserve the original configuration and finishes of the lobby, lounges, foyer and auditorium. Alterations will be limited to those necessary to install new mechanical, electrical and plumbing systems, install fire detection and suppression systems, and replace toilet and food service facilities. The columns supporting the apartment building trusses will be located at the exterior of the building along the north and south walls with the exception of two columns along the north interior wall and columns at the walls of the retail spaces. Only one of the columns will be in the auditorium space. A new corridor will be constructed along the north wall of the north retail space to provide an egress corridor and stair from the apartment building to Wisconsin Avenue. The new storefront at the north will be configured with two door openings flanking a center show window rather than the original configuration, but detailing will match the original south storefront.

Exterior Preservation Treatment

Remove the existing roof trusses at the auditorium and the upper portion of the masonry walls to allow installation of the new apartment tower support trusses. Protect the interior finishes during construction and until the building is weathertight.

Dismantle the decorative brick and cast stone elements at the west parapet wall and store for reconstruction at the south pedestrian walkway retaining wall.

In order to meet current code requirements and correct extensive termite damage, remove the wood frame roof and floor construction at the west retail areas and replace with non-combustible framing and floor system. The roof framing at the entrance, ticket booth and lobby will remain.

Install new structural columns at the north and south elevations to support the new trusses and apartment building construction.

Clean and point the yellow brick and cast stone of the west and south elevations. Clean and point the portions of the red brick to remain exposed at the north and south elevations.

Raise the elevation of the exterior grade at the north and south elevations to provide at level exiting from the theater.

Clean and repair the existing, original aluminum and glass storefront at the west and south elevations. Replace missing and altered portions of the trim to match the original. Replicate the

original storefront materials and detailing at the north, but modified to add an egress door.

Restore the existing, original ticket booth, entry doors and entrance lobby. Remove the added ceilings and signs and repair existing stone, plaster, metal, and wood details. Replace missing elements to match the original. Repaint to match the original decorative scheme.

Remove, store and reinstall the existing original marquee and sign if necessary. Repair the support structure, sheet metal cladding and lighting to match the original configuration.

Replace the steel exit doors, frames and hardware at the north and south elevations.

Reconstruct the west parapet brick and cast stone to form a retaining wall along the south pedestrian walkway.

Interior Preservation Treatment

Remove the wood ceiling and floor framing at the west retail spaces and replace with non-combustible construction.

Support and protect the theater ceiling during installation of the new support trusses and columns.

Remove the added floor structure, kitchen and service facilities in the theater as necessary to install the new structure for the tower.

Remove all of the existing mechanical, electrical and plumbing systems.

Install new support columns located at the north and south retail spaces and along the north wall of the theater.

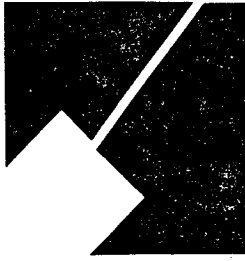
Install a new egress stair and exit corridor from the apartment tower at the north retail space.

Install all new plumbing, mechanical and electrical systems.

Preserve the existing plan configuration and finishes of the theater and lobby space to the extent possible with modifications necessary to accommodate new toilet facilities, accessibility, food service and theater operations. The configuration of the theater floor and seating has not yet been determined.

Replicate the original lighting and supplement with compatible new lighting as necessary. Repair the remaining original light fixtures.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



MEMORANDUM

DATE: February 16, 2001
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief *JRD*
 Development Review Division
FROM: Larry Ponsford AIA AICP *LP*
 Supervisor, Site and Project Plan Review
 301) 495-4576

REVIEW TYPE: Site Plan AMENDMENT
 Project Plan AMENDMENT
APPLYING FOR: Approval of increase in building height of 3'-7"
PROJECT NAME: Bethesda Theater Residential
CASE #: 9-97001A; 8-00014A
REVIEW BASIS: Sec. 59-D-2 and 50-D-3 of the Zoning Ordinance

ZONE: CBD-2, PD-35
LOCATION: Bounded by Wisconsin, Cheltenham, Tilbury and Middleton
MASTER PLAN: Bethesda CBD Sector Plan
APPLICANT: Bozutto / Smith Venture
FILING DATE: January 25, 2001
HEARING DATE: February 22, 2001

STAFF RECOMMENDATION: Approval of increase in building height of 3'-7" to total of 97 feet with the conditions approved previously.

SUMMARY

This amendment proposes solely to add 3'-7" to the building height.
 The approved Site Plan will restore the Bethesda Theater Café and build an apartment tower over it, among other things. The applicant claims that technical and marketing considerations require that the total tower height be raised to 97'-7", or 3'-7" beyond the 94-foot height limit approved by the Planning Board in the Site Plan on March 2, 2000. The zoning allows 143 feet and the CBD Sector Plan recommends a limit of 90 feet.
 No other changes are proposed.

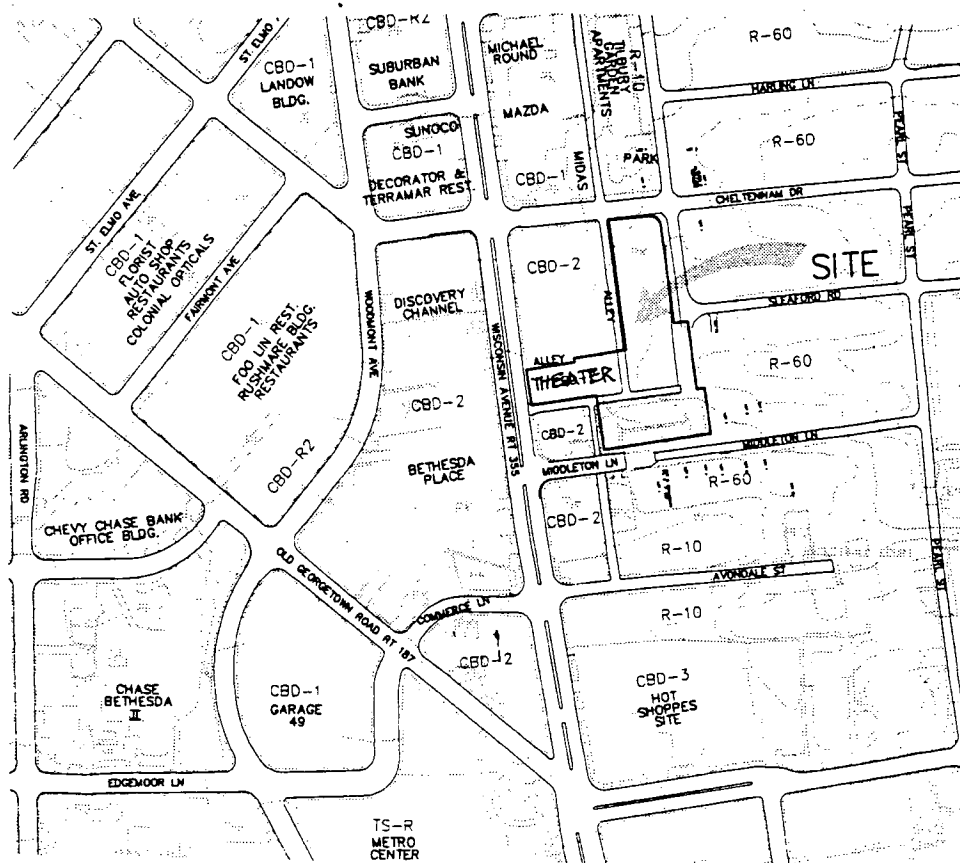
PROJECT DESCRIPTION: Location

The site is part of the block bounded by Wisconsin Avenue, Cheltenham Drive, Tilbury Street and Middleton Lane, in the Bethesda Central Business District. To the east is an existing single family detached neighborhood represented by the East Bethesda Citizens' Association. To the south across Middleton is a commercial business facing Wisconsin, a County parking lot and detached homes along Middleton. To the north across Cheltenham is a business facing Wisconsin and a small MNCPPC park on the corner of Tilbury.

This block contains the Chevy Chase Cars dealership, on either side of the Bethesda Theater Cafe, and the Bethesda Theater Café, all facing Wisconsin. On the rear half of the site are located two parking lot, one controlled by the applicant and the other, Lot 42, owned by the County. The site drops about 12-13 feet from Wisconsin towards Tilbury and drains eastward. Existing Sycamore street trees line Wisconsin, Zelkovas line Cheltenham, White Oaks line Middleton and a mixture of species dominated by White Pines lines Tilbury.

The Bethesda Theater Café is a two-story, Art-Deco style theater now being used for movies with light meals and beverages. The applicant has been working with the Historic Preservation Commission on a program of restoration of the interior and incorporation of certain exterior features into the design of the apartment building to be constructed over the theater.

The west half of the block is zoned CBD-2. The east half of the block is zoned PD-35.



HISTORY : Description of approved plan

The approved Site Plan consists of 249 multi-family dwelling units in two, interconnected buildings, five conventional townhouses facing Middleton, four unconventional townhouses facing Tilbury, a fully-renovated Bethesda Theater Café, an underground garage for the apartments and a 350-car, underground public parking garage and a public pedestrian way through the site connecting the neighborhood to the east with the Bethesda CBD.

The bulk of the apartments are to be built over the theater in a tower configuration 94 feet in height; the remaining multifamily units back up the townhouses facing Tilbury in a four-story configuration with two raised and landscaped courtyards. Part of Tilbury Street is proposed to be abandoned.

Negotiations with the adjacent community focused on protection of the neighborhood from any increase in traffic which might result from the proposal. This effort resulted in the proposal to introduce a traffic circle at the intersection of Tilbury and Cheltenham, in accordance with MCDPWT standards. The circle has been subsequently improved by reconfiguring the standard curb layout to prevent rounding the circle in the incorrect direction.

DISCUSSION OF AMENDMENT

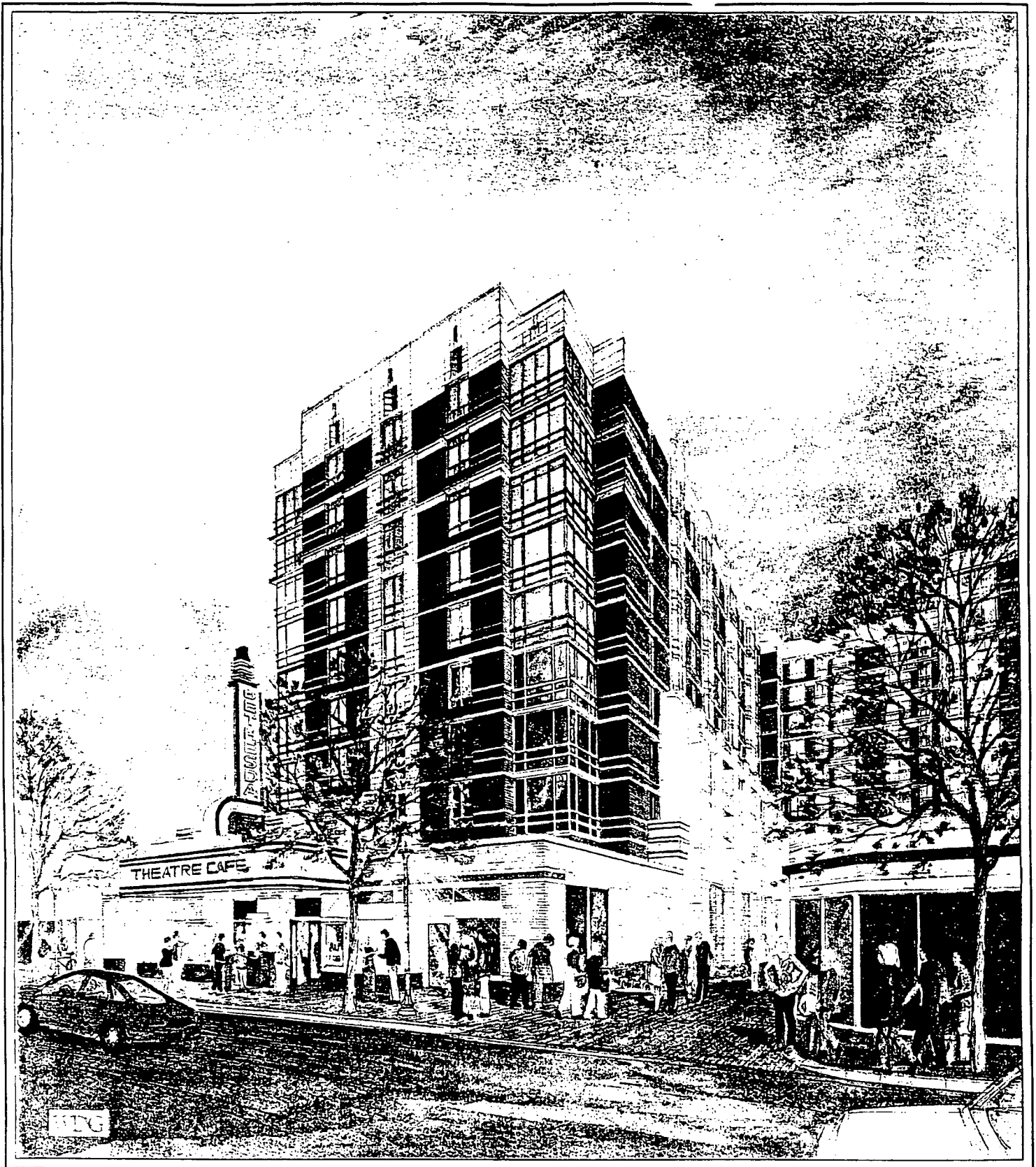
When the Site Plan was approved in 2000, the staff and Board deliberated over the applicant's request to exceed the Master Plan recommended height by four feet, finally approving the increase. The impact was deemed marginal and there was little opposition.

Since the Board approval in March 2000, the applicant has proceeded to detail the building engineering and design plans. In this process he has discovered two things which have precipitated this Amendment request; 1) the space between the ceiling of the restored theater and the underside of the residential floor slab above it was not deep enough to accommodate all the structural framing and mechanical equipment required in this space, and 2) the market for apartments has adopted a new standard for luxury dwellings which requires adding two inches to the previously approved floor-to-ceiling height. The consequences of remedying these two items would be to raise the height a total of 3'7".

Staff was uncomfortable approving the further increase, and asked the applicant to redesign the top of the building to a mansard, sloping roof configuration. This design would have sloped back so that the extra height would not have produced a shadow longer than that of the approved building. The mansard roof would also have allowed the height to be measured differently, which would have resulted in the taller buildings' conformance to the height definition.

Since the Theater restoration is under the purview of the Historic Preservation Commission, the applicant sought approval of the HPC for the mansard roof. HPC staff did not support this design and informed the applicant that the mansard roof would have to be approved by the full Commission. The applicant was faced with the choice of getting the mansard approved by the HPC or getting the extra height approved by the Planning Commission. Thus the subject amendment request.

The applicant has prepared exhibits of the impact of the height on the length of shadow cast by the building, and has presented these exhibits to the neighboring community on three occasions. The applicant reports to staff that the community finds the impact acceptable. Staff also concludes that the impact is acceptable.



Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

APPROVED PLAN
WITH ADDITIONAL
HEIGHT



ALTERNATE ROOF
REJECTED BY
HPC STAFF

MANSAARD ROOF SCHEME

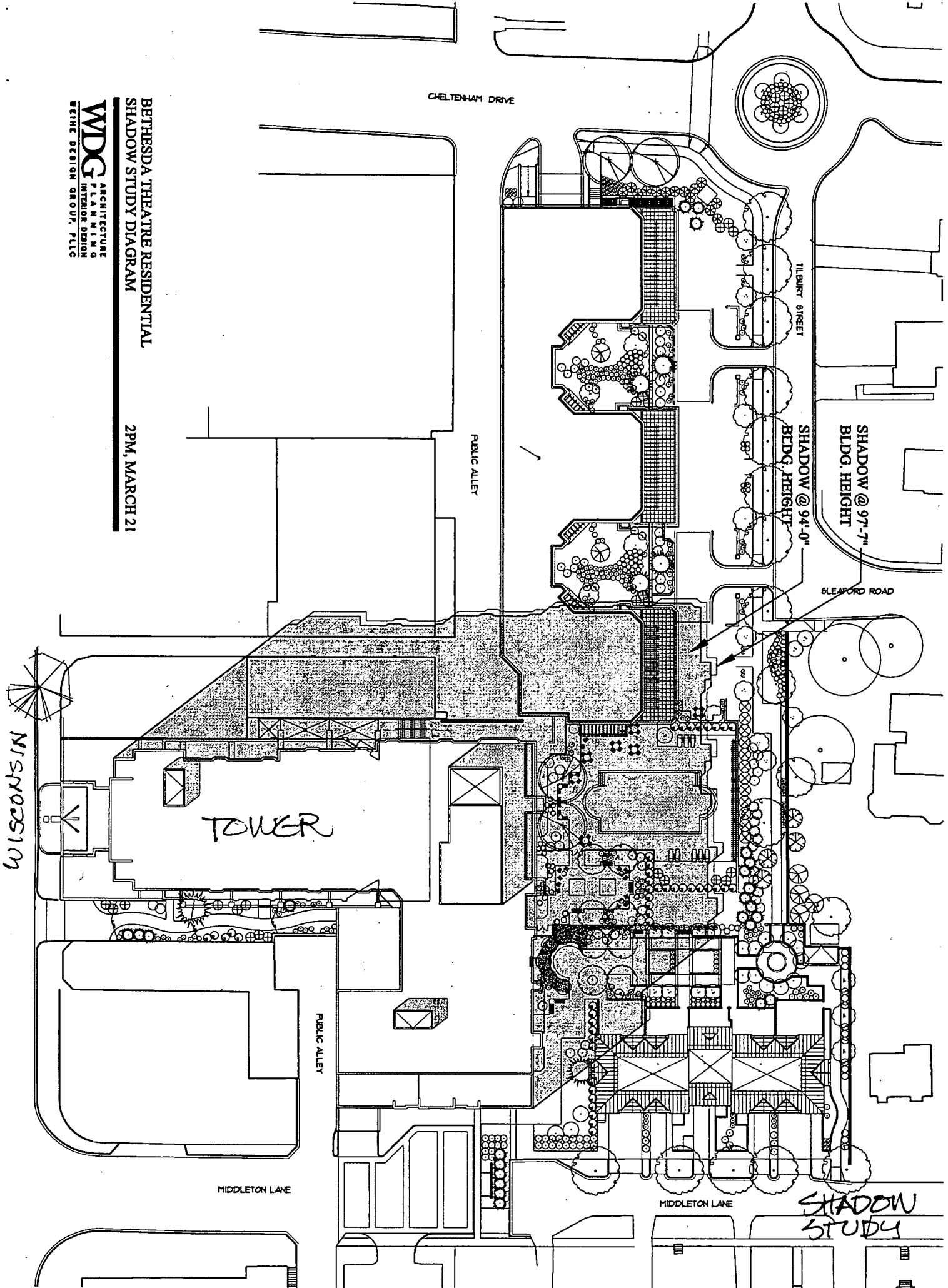
BETHESDA THEATRE RESIDENTS

11.20.2000
WOG ARCH.

BETHESDA THEATRE RESIDENTIAL
SHADOW STUDY DIAGRAM

W.D.G. ARCHITECTURE
P.L.L.C.
INTERIOR DESIGN
FINE DESIGN GROUP, PLLC

2PM, MARCH 21



CHELTEHAM DRIVE

TILBURY STREET

SHADOW @ 97'-7"
BLDG. HEIGHT

GLEANFORD ROAD

PUBLIC ALLEY

TOWER

PUBLIC ALLEY

MIDDLETON LANE

MIDDLETON LANE

SHADOW
STUDY

WISCONSIN

BETHESDA THEATRE RESIDENTIAL
SHADOW STUDY DIAGRAM

2PM, DECEMBER 21

WDG ARCHITECTURE
PLANNING
INTERIOR DESIGN
WEIHE DESIGN GROUP, PLLC

WISNOC51M

MIDDLETON LANE

PUBLIC ALLEY

TOWER

PUBLIC ALLEY

CHELTEMWAM DRIVE

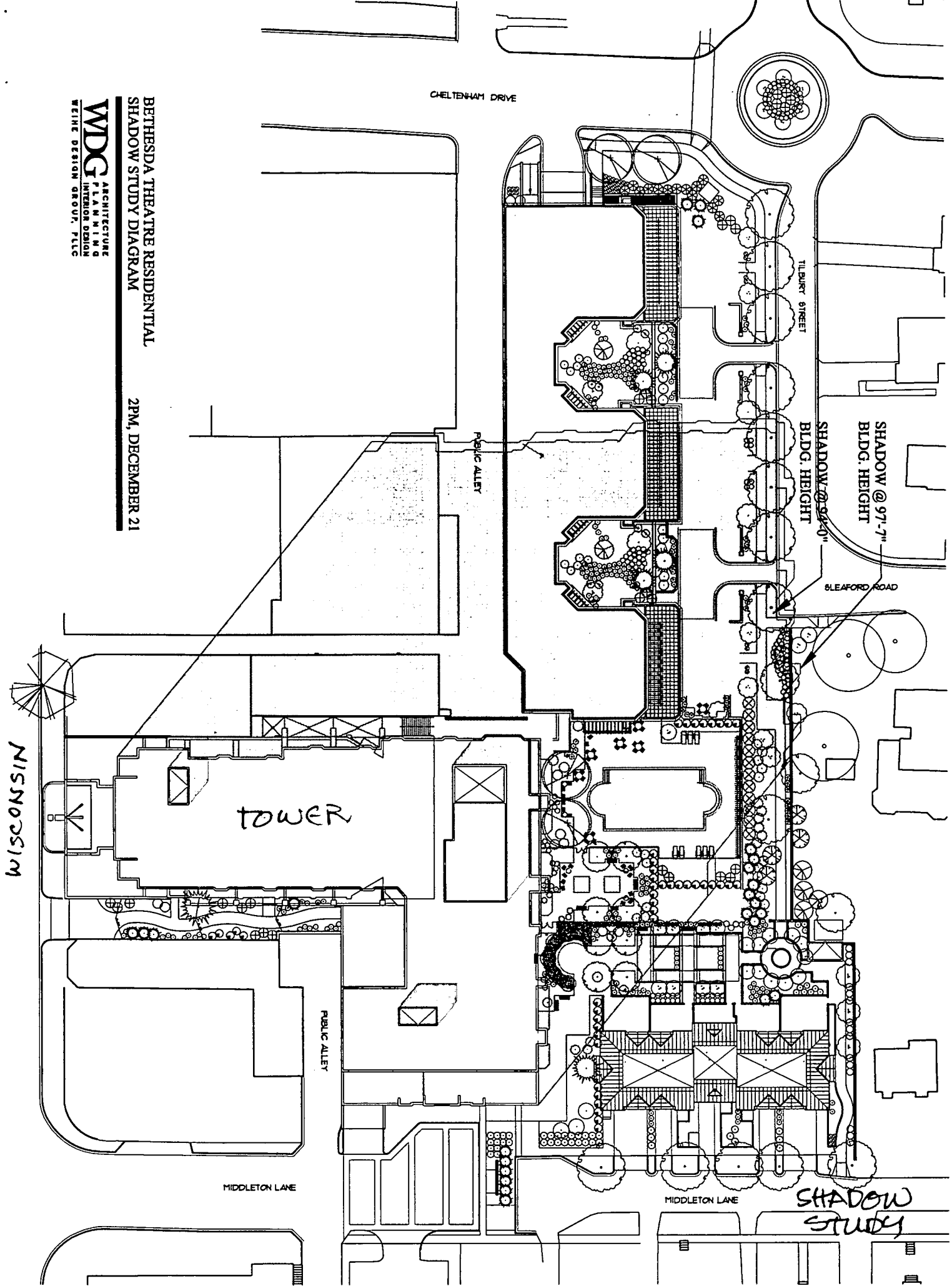
SHADOW @ 97'-7"
BLDG. HEIGHT

SHADOW @ 94'-0"
BLDG. HEIGHT

TILBURY STREET

MIDDLETON LANE

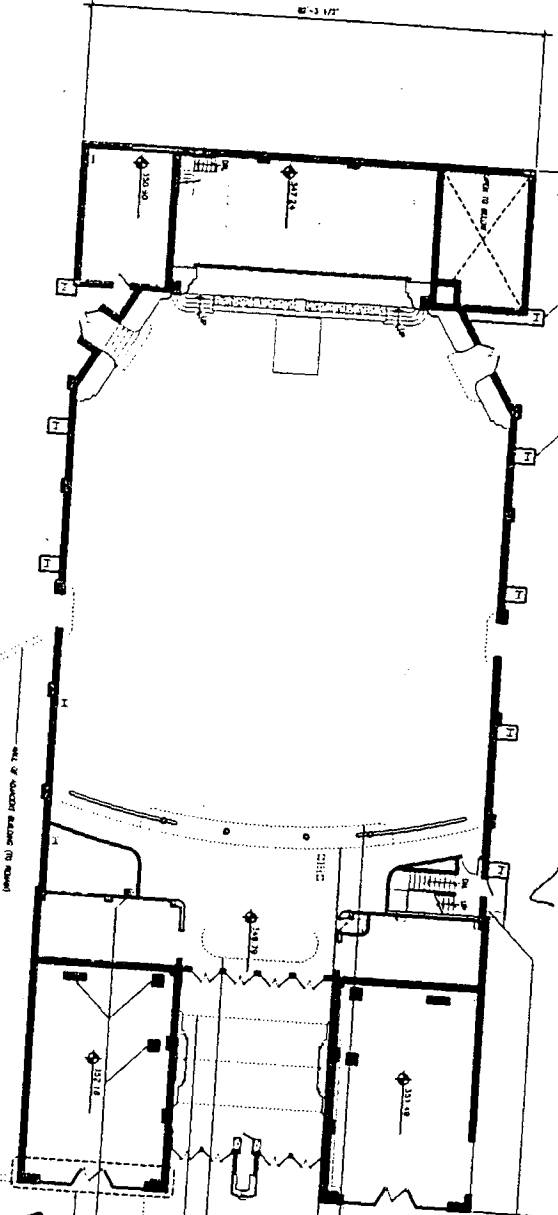
SHADOW STUDY



11/29/01
 Leba D. Beck
 Historic Preservation Commission
 Montgomery County
 APPROVED

MDG:
 MONTGOMERY COUNTY
 DEPARTMENT OF PLANNING AND ZONING
 1100 EAST WISCONSIN AVENUE
 BETHESDA, MARYLAND 20814
 PHONE: (301) 279-7200
 FAX: (301) 279-7201
 WWW: WWW.MDGOVER.GOV

First Floor Plan
 Scale: 1/8" = 1'-0"



PROVIDE
 EXIT TO
 ALLEY &
 DEAD
 END
 INTERIOR
 STAIRWAY

RESTORE
 SINGLE
 ENTRY
 FACADE

Bethesda Theatre
 7777 Wisconsin Avenue
 Bethesda, MD 20814

PROGRESS PRINT
 Schematic First
 Floor Plan
 SCH. 1

PLAN OF
 THEATER

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

<u>Development Standard</u>	<u>PD-35 Permitted/ Required</u>	<u>PD-35 Proposed</u>	<u>CBD-2 Permitted/ Required</u>	<u>CBD-2 Proposed</u>
Existing Site Area (sf):		58,337		31,811
Plus Alley Abandonment		1937		6878
Plus Prior Alley Dedication		2748		1041
Plus Prior Wisconsin Ave Dedication				5083
Gross Tract Area for Density Calculations		63,022	22,000	
Gross Floor Area (sq. ft.):			224,065*	224,065*
Floor Area Ratio (FAR):			5.0	5.0
Density (dwellings/acre)/(total du):	35 / 50	49		
Green Space				
Existing site area		58,337		
Plus alley abandonment		1937		
Plus Tilbury abandonment		3938		
Less 4 ft add'l. alley dedication		1098		
Gross Area		63,114		
Total Green Space(%) (sf)	50 / 31,557	50/31,557		
Public Use Space				
Existing site area				31,811
Plus alley abandonment				6878
Net lot Area				38,689
Public use space (%) (sf)			20 / 7738	7738*
Dwelling Units:				
Townhouse		9		
Multiple-family		40		209
TOTAL		49		209
MPDUs included (either zone ok)			32	32
Building Height (ft.):				
Apartment	45	45	143 / 90**	97
Townhouse	35	35		
Parking:				
Total Residential base	352			
Less Credits (CBD / Metro)	- 51			
Net Parking	301			
Public garage	400			

* FAR 5.0= 208,825 plus theater restoration. Public use total does not include theater.

**Per Bethesda CBD sector Plan

FINDINGS for Project Plan Review:

- (a) *The proposal complies with all of the intents and requirements of the zone.*
- (b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*
- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be 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 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.*
- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*
- (f) *The proposal will include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply. NA*
- (g) *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: NA*
- (h) *The proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*
- (i) *The proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

FINDINGS for Site Plan Review:

- 1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required. The Site Plan is consistent with the Project Plan being reviewed concurrently.*
- 2. *The site plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
- 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 and 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.*

APPENDIX

- 1. Applicant's letter describing the need for Amendments, dated January 22, 2001
- 2. Zoning Ordinance definition of Height of Building
- 3. Applicant's latest quarterly progress report on efforts to secure a user for the Theater, dated January 18, 2001
- 4. Site Plan Opinion for case #8-00014, dated June 12, 2000

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

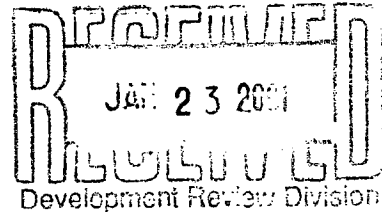
1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

January 22, 2001

Emily J. Vaias
301.650.7074
ejv@linowes-law.com

BY HAND

Mr. Lawrence R. Ponsford
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



Re: Bethesda Theatre Residential
Project Plan and Site Plan Amendments
Project Plan No. 9-97001
Site Plan No. 8-00014

Dear Mr. Ponsford:

On behalf of the Bethesda Theatre LLC, the contract purchaser/applicant in the above-referenced applications (the "Applicant"), we are requesting Amendments to the Project Plan and Site Plan approvals for the Bethesda Theatre Residential Project (the "Project"). With regard to both approvals, the Applicant is asking that the height of the building be increased by 3 feet and 7 inches (3'7"). As construction drawings have progressed for the Project, the height of the building has increased primarily to protect the integrity of the historic Theatre's ceiling. As you may recall, the residential tower sits above the existing Theatre. The structural supports of the tower had to be raised in order to allow adequate space to accommodate the necessary utilities, including a new sprinkler system, mechanical systems, and proper acoustical treatments to isolate sound to and from the Theatre. A portion of the requested increase will also provide for a slightly higher floor-to-floor distance within the units. However, there will be no additional floors added nor will the number of units be increased. Unfortunately, the Applicant did not realize this change would be required until recently when the detailed engineering plans for these systems were completed.

The requested Amendment to both the Project Plan and Site Plan will not have an adverse impact on the adjacent or surrounding properties and would barely be detected from the ground. As part of this submission, we have included a cross section through the Project and shadow studies in the Winter (worst-case scenario) and Spring (average-case scenario) showing the negligible effect of the Amendment. We have also included an elevation showing the front of the building. (There are ten (10) copies of each of these drawings enclosed.)

Mr. Lawrence R. Ponsford
January 22, 2001
Page 2

In order to respect the architectural integrity of the historic Theatre and to properly integrate the new and the old structures, we are requesting approval of this Amendment to both the Project Plan and Site Plan. Although we have included herewith two checks, each in the amount of \$1,100.00 for payment of two amendment filing fees, one for the Site Plan and one for the Project Plan, we further respectfully request a refund of one of these filing fees because the Amendments are being considered concurrently, are minor in nature, and will have a negligible impact on the totality of the Bethesda Theatre Residential Project, the adjacent neighborhood and the surrounding environment.

Lastly, a check in the amount of \$70.00 is included as a sign deposit, as are two sets of mailing labels and the list of adjoining and confronting property owners. If you have any questions, please feel free to contact me.

My best regards.

Very truly yours,

LINOWES AND BLOCHER LLP



Emily J. Vaias

Attachments

cc: Mr. Charles R. Loehr
Mr. Artie L. Harris
Mr. Eugene M. Smith
Robert H. Metz, Esq.

MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

§59-A-2.1

Article 59-A

Handicapped person (adult): A person who is 18 years of age or older and who is determined by a qualified medical authority to have physical or mental impairments that:

- (a) Are expected to be of long continued and indefinite duration;
- (b) Substantially impede the ability to live independently; and
- (c) Are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

Health club: A facility designed to enhance physical conditioning and general health.

Height of building: The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof; to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof; except, that if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. In the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On corner lots exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For lots extending through from street to street, the height may be measured from either curb grade.

Helicopter: See "rotorcraft."

Heliport: A designated area, either at ground level or elevated on a structure, that is used on a regular basis for the landing and takeoff of rotorcraft. A heliport may include major rotorcraft support facilities such as refueling services, maintenance and cargo loading areas, rotorcraft tie-downs and hangars, administration offices, and other appropriate terminal facilities. Heliports shall be designated as either public or private use facilities regardless of ownership:

- (a) **Public use facility:**
 - Open for use to any rotorcraft capable of using the facility regardless of ownership or control of the facility; provided, however, that publicly owned or publicly operated facilities shall demonstrate upon mandatory referral that the standards applicable to privately owned facilities have been met.

**E.M.
SMITH**
ASSOCIATES, INC.
Real Estate Advisors

RECEIVED
JAN 22 2001
MNCPPC

January 18, 2001

Larry Ponsford, Site Plan Supervisor
Development Review Section
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Bethesda Theater Site Plan, # 8-00014

Dear Larry:

Pursuant to the approved Site Plan for Bethesda Theater, condition # 5, this letter shall serve as the quarterly progress report on our efforts to secure a user for the theater.

The Eisner Company continues to market the theater to potential users. Marketing materials are being distributed and discussions are being held with prospects as they are identified. This marketing effort will continue until a user is selected.

Please feel free to call if you have any questions.

Sincerely,



Eugene M. Smith

Cc: Artie Harris, Bozzuto Homes

Emily Vaias, Linowes and Blocher

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: June 12, 2000

SITE PLAN REVIEW: #8-00014

PROJECT: Bethesda Theater Residential

Action: Approval subject to conditions. Motion by Commissioner Bryant, seconded by Commissioner Wellington, with a vote of 4-0, Commissioners Bryant, Hussmann, Perdue and Wellington voting for. Commissioner Holmes was absent.

The date of this written opinion is June 12, 2000, (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 July 12, 2000, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-97104 is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On March 2, 2000, Site Plan Review #8-00014 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. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the CBD-2 and PD-35 zones in which it is located;

3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. Each structure and 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.

The Montgomery County Planning Board APPROVES Site Plan Review #8-00014, which consists of 249 multifamily apartments including 32 MPDUs, 9 townhouses, a 400-car public parking garage and restoration of the Bethesda Theater, subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A, as modified herein.
2. Approval subject to finalization of pending abandonment of portions of Tilbury Street (Case AB 636).
3. If the residents of Sleaford Road who desire to close the street to through traffic obtain the necessary approvals, the applicant agrees to construct a barrier at the west end of Sleaford Road, in accordance with MCDPWT guidelines. If a street closing is not authorized, the applicant agrees to the following actions, subject to MCDPWT approval:
 - a.. Retain the existing one-way north configuration on Tilbury Street, and
 - b. Provide channelization of the intersection of Tilbury Street and Cheltenham Drive (in lieu of the channelization at Tilbury and Sleaford Road) to discourage illegal turns onto Tilbury Street and thence onto Sleaford Road.
4. Applicant to complete the exterior preservation of the theater prior to the first occupancy permit for the apartment tower and the interior restoration prior to the 105th occupancy permit for the apartment tower.
5. Starting on June 1, 2000 applicant shall make quarterly reports to the Board on the progress of his efforts to secure a user for the Theater. Any proposal to change the use from a cinema or performing arts use requires an amendment to the Site Plan.
6. Applicant will comply with the binding elements of Zoning Case LMA G-749 (County Council resolution No. 13-1422), and the conditions of approval of Abandonment Case AB 617 (County Council Resolution No. 13-1420).

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each building shall be completed as construction of each is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Coordination of each section of the development and roads;
 - 6) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Conditions of DPS Stormwater Management Concept approval (waiver) letter
 - b. The development program inspection schedule.
 - c. Street trees along all public streets;
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

G:ASP_STAFF\8-00014

February 16, 2001

MEMORANDUM

TO: Larry Ponsford, Supervisor
Development Review Division

FROM: Gwen Wright, Supervisor
Robin Ziek, Historic Preservation Planner
Historic Preservation Section
Countywide Planning Division

SUBJECT: Site Plan Amendment: Bethesda Theatre Project

Historic preservation planning staff has reviewed the proposed Site Plan Amendment for the Bethesda Theatre Project and has no objection to the proposed revision.

A Historic Area Work Permit for this project was reviewed and approved by the Montgomery County Historic Preservation Commission on 12/15/99. The proposed Site Plan Amendment being reviewed by the Board is consistent with the approved Historic Area Work Permit.

Please note that a very important issue in the HPC's discussion and ultimate approval of the Historic Area Work Permit for this project was the amenities being proffered as part of the optional method development – specifically the preservation of the historic interior of the theater and the retention of a cinema or performing arts use for the building. These amenities are clearly delineated in the Board's Site Plan Opinion dated 6/23/00 [confirming the original Opinion dated 11/24/97.]

We hope that the Board will take the opportunity of this Site Plan Amendment to reiterate their strong direction that the amenities proffered in this project – and on which approvals of the project were based - be strictly adhered to and that historic preservation planning staff be kept involved in monitoring plans for the interior restoration and the cinema or performing arts reuse of the theater.

5



May 13, 2002

Ms. Robin Ziek
Historic Preservation Planner
Department of Park and Planning
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Bethesda Theatre Project

Dear Ms. Ziek:

Martin Howell of Oehrlein & Associates and I enjoyed meeting with you on May 7, 2002. At that meeting, Martin and I reviewed with you the major changes we have made to the design of the theatre since you reviewed the building permit set dated February 9, 2001. I have listed the major changes below:

- ✓ 1. Added a door on the north retail store front to accommodate an egress stair from the basement. (This was necessary to satisfy the building code requirements.) See drawings HP.03, HP.16 and HP.40.
- ✓ 2. Added a handicapped-accessible ramp on the south side of the main theatre space. See drawing HP.03.
- ✓ 3. Added an elevator at the rear of the theatre for deliveries and to provide handicapped-accessible connections between the main stage level and the basement level (where future dressing rooms and office space could be located).
- ✓ 4. Moved the bulk of the bathrooms from the first floor to the basement level. This was required, based on our discussions with several entertainment-space consultants and potential users, to provide for optimal and flexible operation of the theatre. See drawings HP.02, HP.03 and HP.60.

I have enclosed a full set of the updated permit set (that also includes the above-mentioned drawings), dated April 25, 2002, for your records. As you can see, most of the changes are minor and are refinements to the original permit set.

Please sign below to indicate that these changes are acceptable and return one signed copy to me. We are committed to providing a quality renovation of the theatre and have always appreciated your support of us in this matter.

Please contact me if you have any questions or need additional information.

Sincerely,
BOZZUTO DEVELOPMENT COMPANY

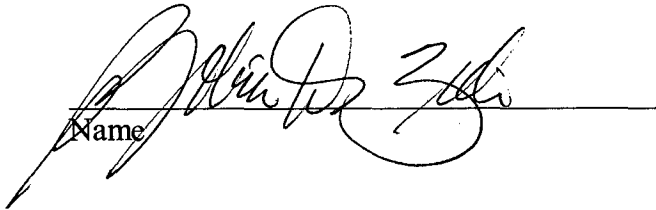


Artie L. Harris
Vice President

Enclosures

cc: Martin Howell
Gene Smith

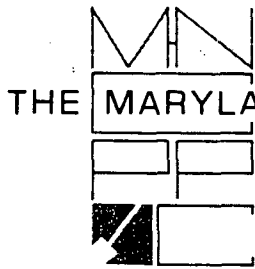
ACCEPTED BY:


Name

5/29/02
Date

to Call Fred Covey about the email comments
← Comments from 1st public meeting.

↳ Add section of Silver Spring COD Survey - ← Sent WR to Bradlee ← review with Council - where on web page?



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

January 29, 2001

Mr. Eugene Smith
BETA Corporation
4801 Hampden Lane, #107
Bethesda, MD 20814

Dear Mr. Smith:

Thank you for contacting the Historic Preservation Commission (HPC) to discuss some changes to the project which was approved by the Commission at their 12/15/99 meeting. At that meeting, the Commission approved the insertion of an exit corridor from the apartments through the north retail space, resulting in two doorways in that retail façade.

Under the current proposal, you would delete that exit corridor and restore the north retail façade to the original condition of one entrance on center, as documented by the original Ebersson drawings which were provided to me by your architect, Ms. Oehrlein. To provide an exit for the apartments above the theater, you propose pairing a new stairway with the existing stairway leading to the basement. This stair is currently reached through a narrow hall which also has a janitor's closet. As shown on the original drawings, this service area was originally hidden from view with a curving wall that paralleled, but was set back from, a low curving wall that separated the seating area from the circulation space. You propose to restore the curving walls on both sides of the theater, but will install the new exit stair on the south side so that egress is provided to the alley. A single steel exit door, flush faced and painted to match existing exit doors, will be installed.

As the proposed changes are consistent with the HPC approval, and would not constitute an essential change to the HAWP in terms of massing or loss of original fabric, I feel that this does not need to go back to the HPC for a revision to the HAWP. **The proposed changes will be shown on the permit set which should be stamped by HPC staff prior to your applying for a building permit with the County. Therefore, you need not file for a revision to your existing Historic Area Work Permit, and this letter serves as confirmation of this for your records.** If you have any further questions, please do not hesitate to call me at (301)563-3408.

Sincerely,

Robin D. Ziek

Historic Preservation Planner

MEMORANDUM

TO: Robin Ziek
FROM: Mary Oehrlein
DATE: January 22, 2001
RE: Bethesda Theater - Tower Exit Stair

As we have discussed, we are proposing moving the apartment tower exit stair that was located at the north side of the theater in the approved concept drawings. We are proposing the change because the original location would have significantly reduced the usable area of the north toilet room, the exit corridor ran through the north retail space and significantly reduced the usable floor area of that space, the location of the stair would have required demolition of a portion of the parapet wall we have agreed to retain in place, and providing the needed exit door at the Wisconsin Avenue elevation of the Theater required alteration of the original storefront design.

The new location for the stair exit at the south wall of the Theater requires providing a new door opening at that elevation, along with an exterior landing and one step to make the transition between the interior floor elevation and the new exterior grade. The new exterior door will be a flush faced, painted steel door, the same as the other existing exit doors at the north and south elevations of the Theater. The exterior landing and step will be formed of concrete, the same as the other existing exit landings and stairs and will be constructed within the depth of the new support columns. See the attached drawing of this area.

At the interior of the Theater, the new stair will be concealed with a curved wall enclosure similar to the original stair and storeroom enclosures shown on the original construction drawings. The original enclosures have been previously demolished and new square walls constructed from storage and kitchen use. The proposed new enclosures will be slightly larger than the original and will conceal the new stair at the south and one of the new support columns at the north. See the attached original and proposed plans

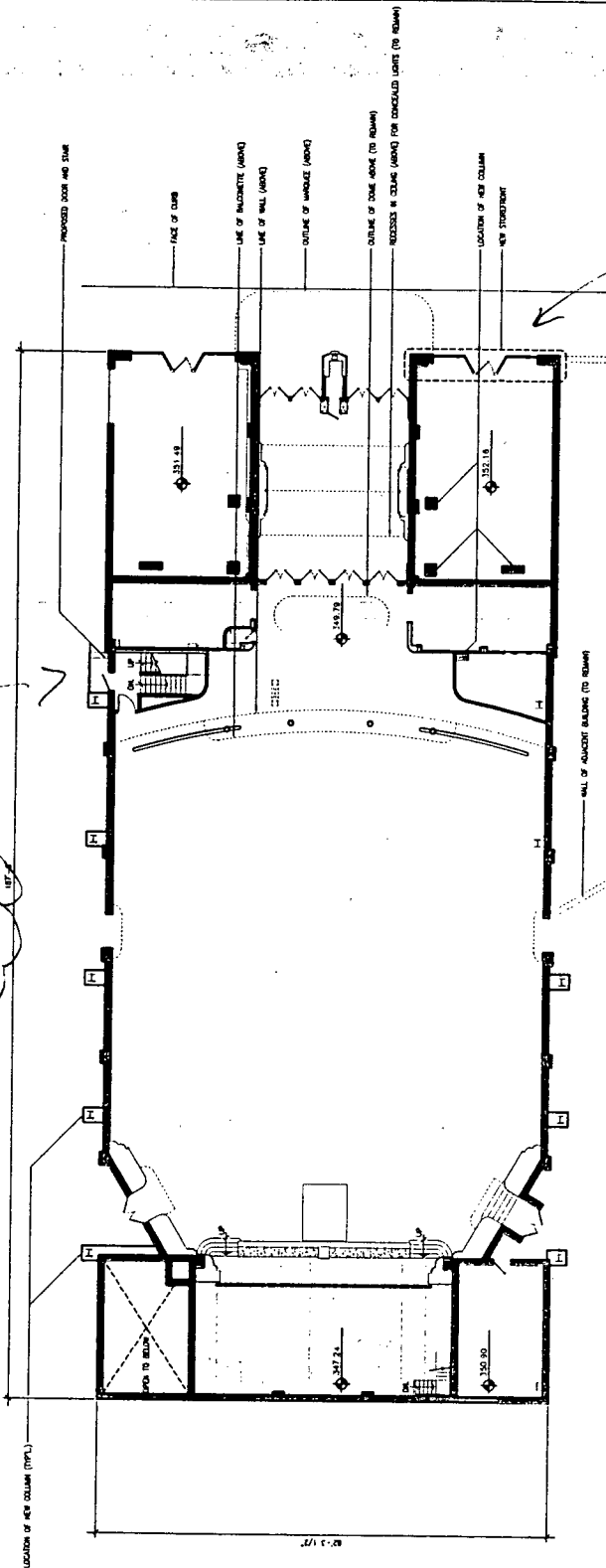
Moving the stair will allow us to located the new toilet facilities at the original/existing locations and allow us to retain the original storefront configuration and restore any remaining original storefront materials.

Please call if you have questions. Thank you for your assistance with this modification.

APPROVED
Montgomery County
Historic Preservation Commission *Staff*

Robin D. Ziek

1/29/01



RESTORE
SINGLE
ENTRY
FACADE

PROVIDE
EXIT TO
ALLEY
&
NEW
INTERIOR
STAIRWAY

First Floor Plan
Scale: 1/8" = 1'-0"

PROGRESS PRINT

Schematic First Floor Plan
Bethesda Theatre
1791 Wisconsin Avenue
Bethesda, MD 20814
SCH. 1

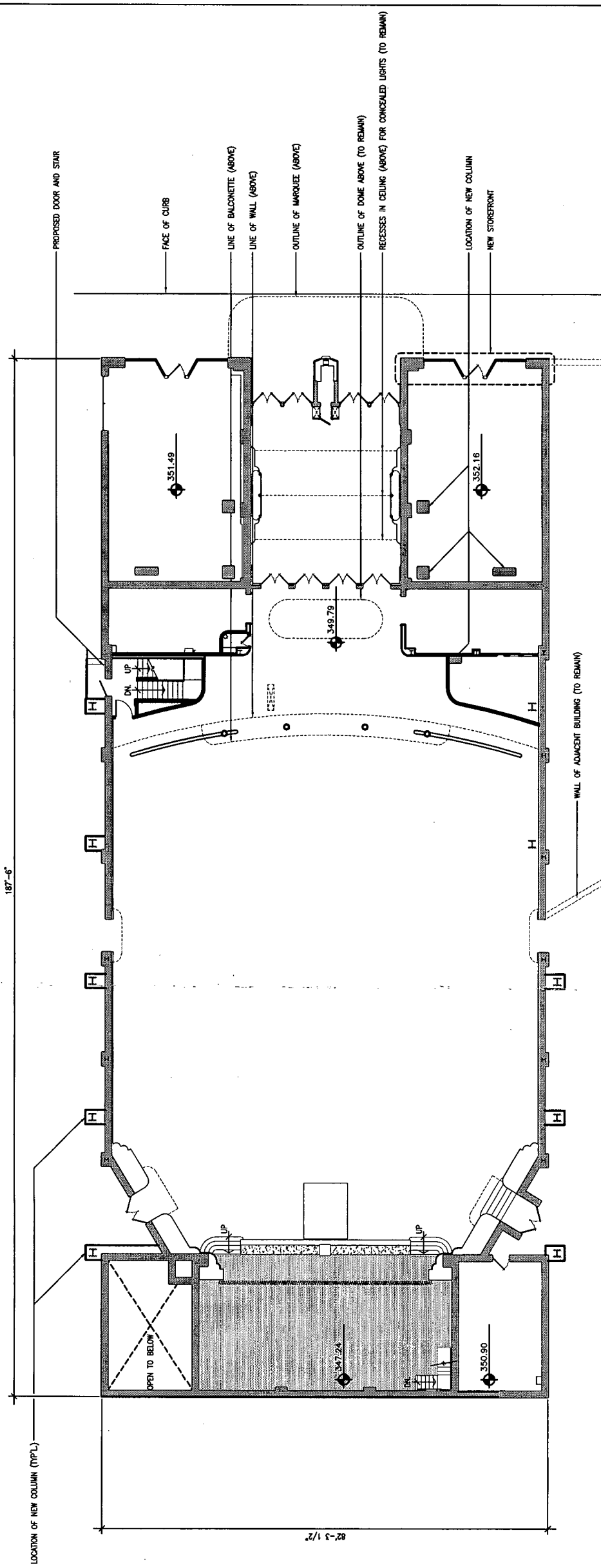
WDC ARCHITECTS
1100 K STREET, N.W.
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1100 K STREET, N.W.
WASHINGTON, D.C. 20004
TEL: 202-331-1100
FAX: 202-331-1101
WWW.WALASSOCIATES.COM

1791 BETHESDA THEATRE
BETHESDA, MD 20814
DATE: 11/29/01

APPROVED
Montgomery County
Historic Preservation Commission
Robin D. Ziek
1/29/01



First Floor Plan
Scale: 1/8"=1'-0"

PROGRESS PRINT

Bethesda Theatre

Schematic First Floor Plan

22 January 2001
Preservation Drawings
Scale: 1/8"=1'-0"
0.1 0.2 0.4 0.6 0.8 1.0

7791 Wisconsin Avenue
Bethesda, MD 20814

SCH. 1

VIKA, INCORPORATED
1000 Wisconsin Ave
Suite 200
Bethesda, MD 20814

SILVER ASSOCIATES, P.A.
1800 Connecticut Ave
Suite 200
Bethesda, MD 20814

SKGA, INCORPORATED
4101 Eastman Highway
Bethesda, MD 20814

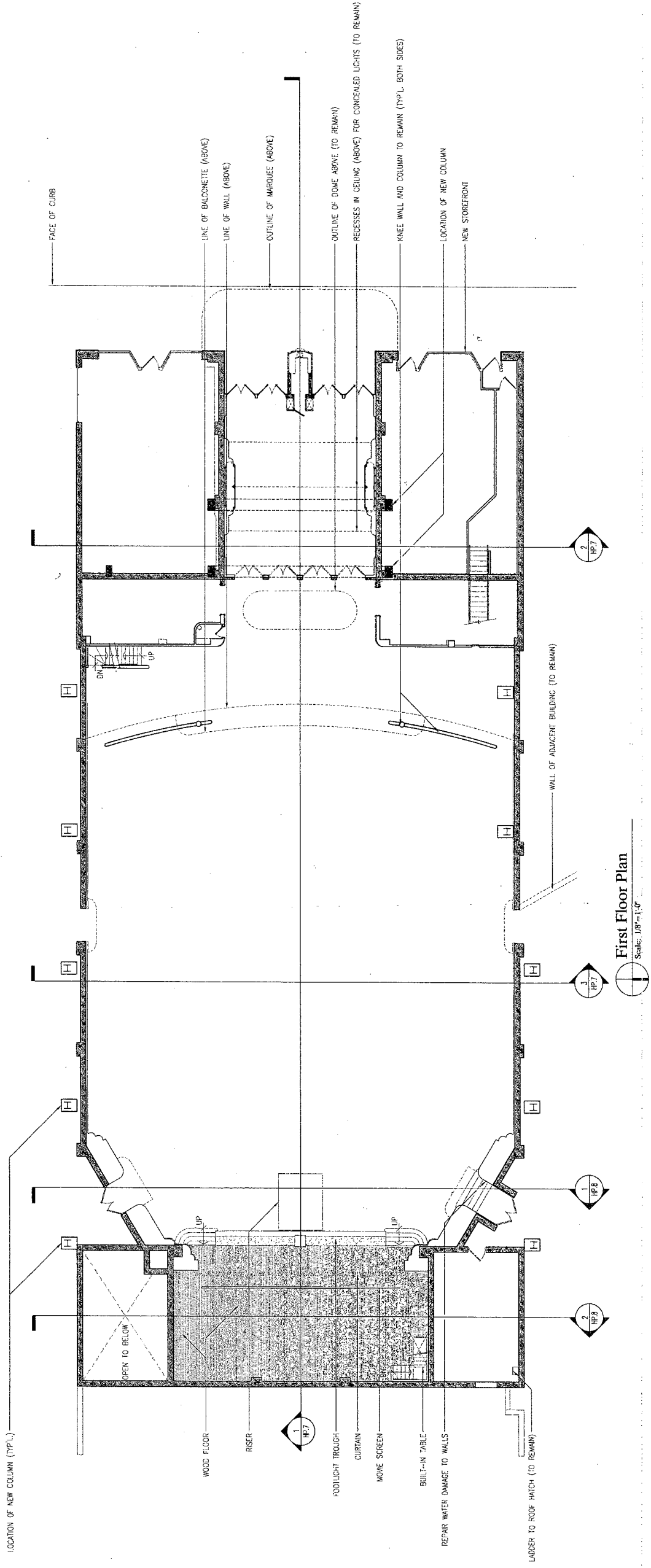
GURLEIN & ASSOCIATES ARCHITECTS
1200 Connecticut Avenue NW
Washington, DC 20036

LEWIS SCULLY GONNET
2000 Old Orchard Road, Suite 120
Bethesda, MD 20814
Tel: 301-228-1200 Fax: 301-228-1201

WDG ARCHITECTS
P.L.L.C.
1200 Connecticut Avenue NW
Washington, DC 20036
Tel: 202-462-1200 Fax: 202-462-1201

E. M. SMITH ASSOCIATES
400 Maryland Drive
Bethesda, MD 20814

THE BOZZUTO GROUP
400 Maryland Drive, Suite 200
Bethesda, MD 20814
Tel: 301-463-1200 Fax: 301-463-1201



First Floor Plan
Scale: 1/8" = 1'-0"

PROGRESS PRINT

10 January, 2000
First Floor
Plan
HP.3
Presaving
Drawings

Scale: 1/8" = 1'-0"
0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10"

Bethesda Theatre
7791 Wisconsin Avenue
Bethesda, MD 20814

VTKA, INCORPORATED
1000 Wisconsin Ave
Suite 200
Bethesda, VA 22022

SHIVERS ASSOCIATES, P.A.
1820 Chesapeake Pike
Dorset, VA 22624

SK&A
Structural Engineers
801 Empire Boulevard
Rockville, MD 20852

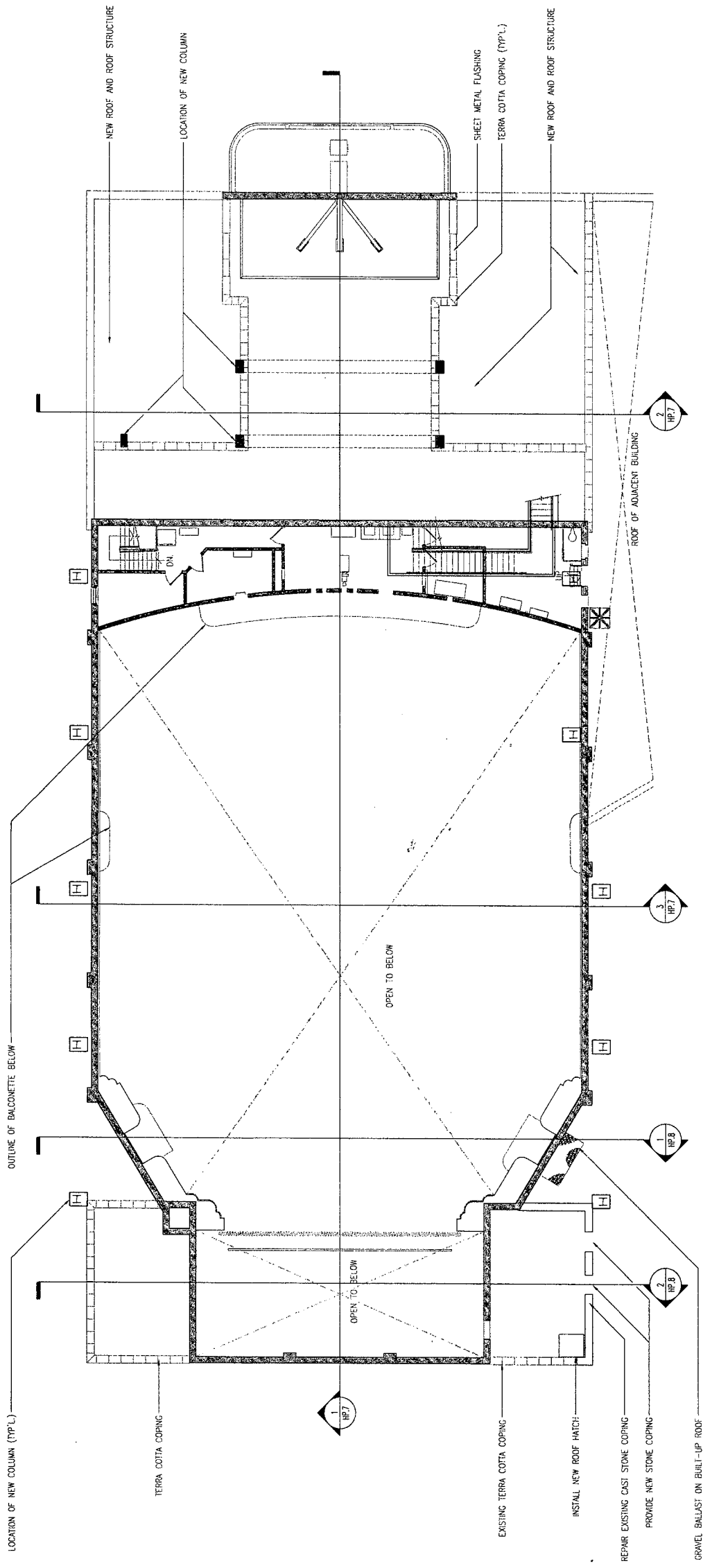
CRUMBLEN & ASSOCIATES ARCHITECTS
130 Connecticut Avenue NW
Washington, D.C. 20036

LEWIS & CLARK ARCHITECTS
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Navy, VA 22091

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Greenbelt, MD 20770

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4901 Hampden Lane
Bethesda, MD 20814

WDG ARCHITECTURE
P.L.L.C.
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WASHINGTON, DC 20005
Tel: 202.897.8320 Fax: 202.483.2198 e-mail: wdg@wdg.com



Projection Level Plan
Scale: 3/16"=1'-0"

PROGRESS PRINT

Projection
Level Plan



Scale: 3/16"=1'-0"
0 1 2 4 6 8

10 January 2007
Preparation
Drawings
HP.4

Bethesda Theatre

7791 Wisconsin Avenue
Bethesda, MD 20814

VINA, INCORPORATED
1000 Wisconsin Drive
Suite 200
Bethesda, VA 22007

SWANSON ASSOCIATES, P.A.
1800 Old Dominion Road
Huntington, VA 22404

SKA
Structural Engineers
8100 Eastman Avenue
Bethesda, MD 20814

CHAMBERLAIN & ASSOCIATES ARCHITECTS
1300 Connecticut Avenue NW
Washington, D.C. 20004

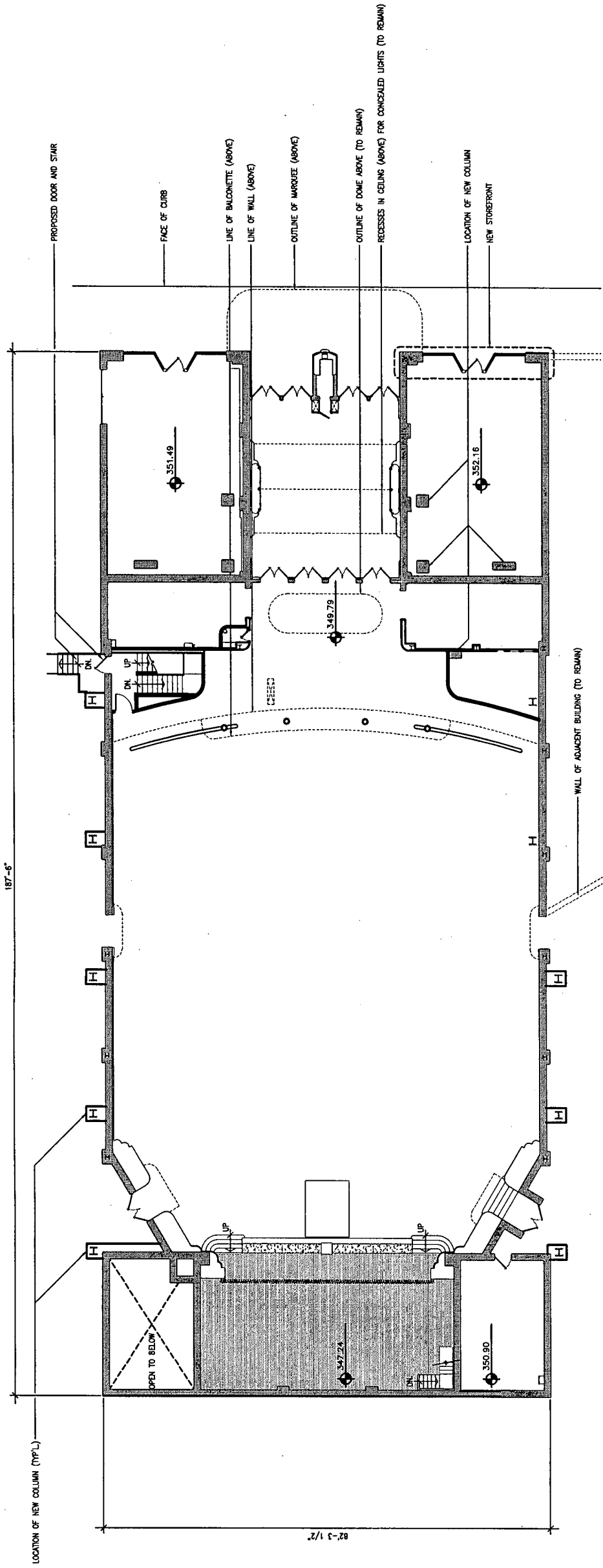
LEWIS SULLY GONNET
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Bethesda, MD 20814

WDG ARCHITECTURE
PLANNING
& INTERIOR DESIGN
1000 Wisconsin Avenue NW, Suite 200
Bethesda, MD 20814
Tel: 301.251.5300 Fax: 301.251.5318 E-mail: wdg@wdg.com

E. M. SMITH ASSOCIATES
480 Maryland Lane
Bethesda, MD 20814

THE BOZZUTO GROUP
840 Cedar Heights, Suite 200
Gaithersburg, MD 20878

1/9/01



First Floor Plan
Scale: 1/8"=1'-0"

WDG ARCHITECTURE
P.L.L.C.
1000 WISCONSIA AVENUE
BETHESDA, MD 20814
301.271.1200

LEWIS SCALY CURNET
LEWIS SCALY CURNET
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BETHESDA, MD 20814
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SKKA
CONSULTING ENGINEERS
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SILVER ASSOCIATES, P.A.
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VICA, INCORPORATED
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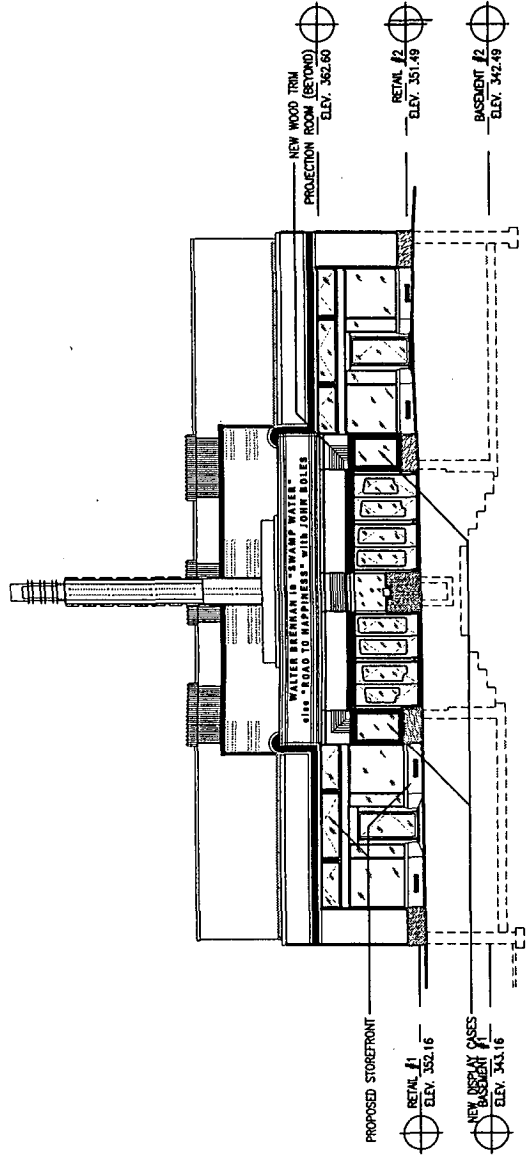
E. H. SMITH ASSOCIATES
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BETHESDA, MD 20814
301.271.1200

THE BOZZUTO GROUP
1000 WISCONSIA AVENUE
BETHESDA, MD 20814
301.271.1200

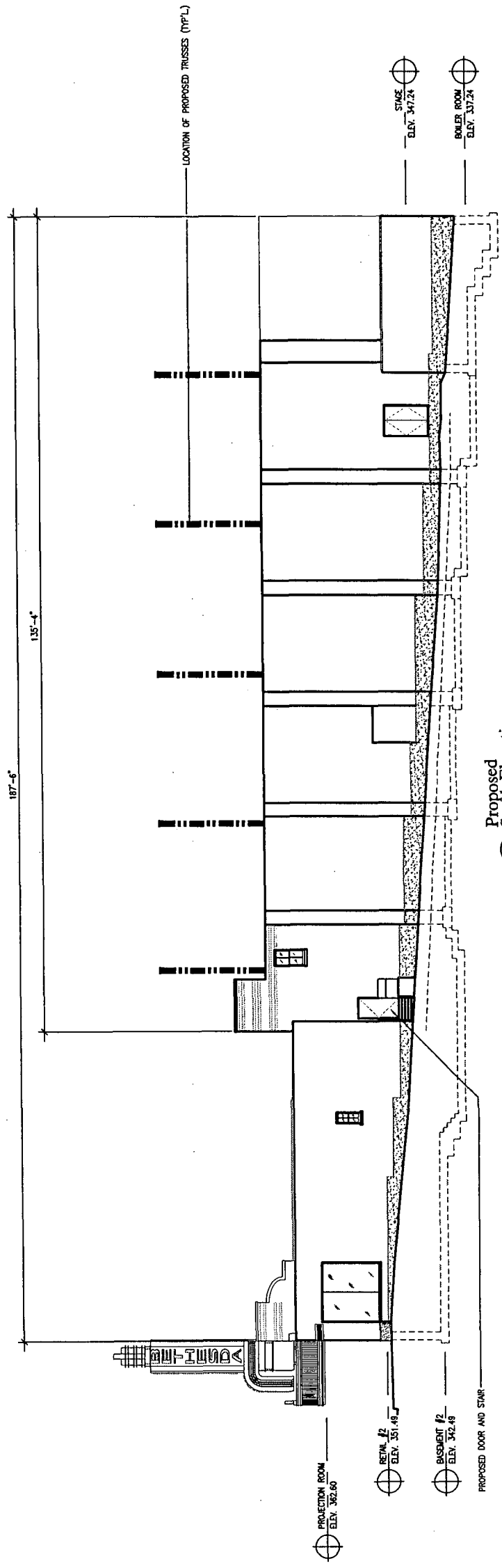
Bethesda Theatre
7791 Wisconsin Avenue
Bethesda, MD 20814

Schematic First
Floor Plan
SCH. 1

Scale: 1/8"=1'-0"
0 2 4 6 8



1
Proposed West Elevation
Scale: 1/8"=1'-0"
SCH2



2
Proposed South Elevation
Scale: 1/8"=1'-0"
SCH2

1/9/01



BETHESDA THEATRE RESIDENTIAL

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

January 9, 2001

Emily J. Vaias
301.650.7074
ejv@linowes-law.com

BY HAND

Ms. Robin Ziek
Maryland-National Capital Park
and Planning Commission
Historic Preservation
1109 Spring Street #801
Silver Spring, Maryland 20910

Re: Bethesda Theatre Residential Project

Dear Ms. Ziek:

Pursuant to our meeting last week, enclosed please find twelve (12) copies of each of the following plans or elevations:

1. Previously approved First Floor Plan (HP.3) and Projection Level Plan (HP.4).

These plans show a stairwell and hallway along the northern retail shop, and two doorways serving this shop.

2. Revised Schematic First Floor Plan (SCH.1) and Schematic Elevations (SCH.2).

These plans show the current proposal to eliminate the northern stairwell and hallway, and to restore the shop front to one doorway.

3. Previously approved Rendered Perspective with flat roof (pink sky).
4. Revised partially Rendered Perspective with mansard roof (white sky).
5. Revised Rendered Front Elevation with mansard roof (blue sky).

As the design process has progressed on this project, the architects have reconfigured the internal stairwells, maintained one entranceway for each retail shop, and replaced the flat roof with a mansard roof. We believe these changes are minor in nature and can be handled administratively.

Ms. Robin Ziek
January 9, 2001
Page 2

If you have any questions, please feel free to contact me. Thank you.

Sincerely,

LINOWES AND BLOCHER LLP

Emily J. Vaias

Emily J. Vaias

EJV:sbw

Enclosures

cc: Mr. Eugene M. Smith
Mr. Artie L. Harris
Ms. Mary L. Oehrlein
Mr. Jeffrey Morris

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

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January 9, 2001

Emily J. Vaias
301.650.7074
ejv@linowes-law.com

BY HAND

Ms. Robin Ziek
Maryland-National Capital Park
and Planning Commission
Historic Preservation
1109 Spring Street #801
Silver Spring, Maryland 20910

Re: Bethesda Theatre Residential Project

Dear Ms. Ziek:

Pursuant to our meeting last week, enclosed please find twelve (12) copies of each of the following plans or elevations:

1. Previously approved First Floor Plan (HP.3) and Projection Level Plan (HP.4).

These plans show a stairwell and hallway along the northern retail shop, and two doorways serving this shop.

2. Revised Schematic First Floor Plan (SCH.1) and Schematic Elevations (SCH.2).

These plans show the current proposal to eliminate the northern stairwell and hallway, and to restore the shop front to one doorway.

3. Previously approved Rendered Perspective with flat roof (pink sky).
4. Revised partially Rendered Perspective with mansard roof (white sky).
5. Revised Rendered Front Elevation with mansard roof (blue sky).

As the design process has progressed on this project, the architects have reconfigured the internal stairwells, maintained one entranceway for each retail shop, and replaced the flat roof with a mansard roof. We believe these changes are minor in nature and can be handled administratively.

Ms. Robin Ziek
January 9, 2001
Page 2

If you have any questions, please feel free to contact me. Thank you.

Sincerely,

LINOWES AND BLOCHER LLP



Emily J. Vaias

EJV:sbw
Enclosures

cc: Mr. Eugene M. Smith
Mr. Artie L. Harris
Ms. Mary L. Oehrlein
Mr. Jeffrey Morris



Thursday, March 2, 2000, 9:30 A.M.

8787 Georgia Avenue, Silver Spring, MD 20910-3760
301-495-4600, www.mncppc.org

The following time schedule is an estimate subject to change without notice, depending on the circumstances affecting each item. On individual agenda items, public testimony is accepted unless otherwise noted and *italics* indicate staff's recommendation for Board action. For information about meetings in progress, call 301-495-1333. For other information, call 301-495-4600 or the TTY (teletypewriter used by people with hearing or speech impairments) at 301-495-1331. The Planning Board encourages the participation of individuals with disabilities in all its programs and services. Meeting agendas and other planning and parks information are available on the Internet - www.mncppc.org

9:30 a.m.

Roll Call
Approval of Minutes
Commissioners' Reports
Directors' Reports
Reconsideration Requests

9:45 a.m.

1. **Mandatory Referral No. 99814-SHA-1** - Metropolitan Avenue (MD 192) from Plyers Mill Road to east of North Kensington Parkway - *Approval with conditions.*
2. **Site Selection: Boys and Girls Club** - South Germantown Recreational Park along the access road between MD 118 and Schaeffer Road, Germantown - *Approval.*
- *3. **Pre-Preliminary Plan Review No. 7-00023 - Mountain View Estates (Resubdivision);** R-200 Zone; 7 lots requested, 7 single-family units; 6.63 acres; eastern terminus of Viewside Drive, approximately 1000 feet east of Norman Drive; North Potomac - *No objection to submission of a preliminary plan application, dependent upon the application complying with all provisions of Chapter 50, Subdivision Regulations.*
- *4. **Preliminary Plan Review No. 1-00045 - Highland Park II;** O-M Zone; 1 lot requested, 26,014 square feet office use; 0.7 acre; south side of East-West Highway (MD 410) and north side of Montgomery Avenue, approximately 100 feet east of Pearl Street; Bethesda CBD - *Approval with conditions.*



CONTINUED ON PAGE 2

- *5. **Site Plan Review No. 8-97008A - Highland Park** (Amendment to previously approved site plan); O-M Zone; 26,014 square feet office use requested; 0.7 acre gross tract area; south side of East-West Highway (MD 410) and north side of Montgomery Avenue, approximately 100 feet east of Pearl Street; Bethesda CBD - *Approval with conditions.*
- *6. **Preliminary Plan Review No. 1-97085 - West Bethesda Park** (Request to revise the previous conditions of approval of the forest conservation plan); R-90 Zone; 56,878 square feet; Paloma Court, approximately 400 feet north of Springer Road; Bethesda-Chevy Chase - *Do not revise the previous conditions of approval.*

12:15 p.m.

LUNCH AND GENERAL MEETING (Third Floor Conference Room)
Program Coordination, Legal, Legislation, and Administrative Items

2:15 p.m.

PLANNING BOARD MEETING CONTINUED (Auditorium)

- 7. **Comprehensive Zoning Ordinance Review - Residential and recreation special exceptions - Discussion.**
- *8. **Project Plan Review No. 9-97001 - Bethesda Theatre Residential** (Extension of validity period requested); CBD-2 and PD-35 Zones; 2.36 acres gross tract area; east side of Wisconsin Avenue (MD 355), approximately 200 feet north of Middleton Lane; Bethesda CBD- *Grant extension.*
- *9. **Preliminary Plan Review No. 1-97104 - Bethesda Theatre Residential** (Request to revise the previous conditions of approval); CBD-2 and PD-35 Zones; 9 townhouse units, 249 multi-family units and 15,597 square foot theater proposed; 2.36 acres; east side of Wisconsin Avenue (MD 355), approximately 200 feet north of Middleton Lane; Bethesda CBD - *Approval to revise the previous conditions of approval, including abandonment of a portion of public right-of-way.*
- *10. **Site Plan Review No. 8-00014 - Bethesda Theatre Residential;** CBD-2 and PD-35 Zones; 9 townhouse units, 249 multi-family units and 15,597 square foot theater proposed; 2.36 acres; east side of Wisconsin Avenue (MD 355), approximately 200 feet north of Middleton Lane; Bethesda CBD - *Approval with conditions.*
- *11. **Record Plats**
- *12. **Site Plan Review No. 8-97025 - Merry Go Round Farm, Phases C, D and E;** RE-2C Zone; 28 single-family units requested; 84.9 acres gross tract area; south side of River Road (MD 190) approximately 2,500 feet southwest of Travilah Road, Potomac - *Approval with conditions.*

*Maryland law and the Planning Board's Rules of Procedure regarding ex parte (outside the record) communications require all discussion, review and consideration of this matter take place only during the Board's public hearing. Telephone calls and meetings with Board members in advance of the hearing are not permitted. Written communications will be directed to appropriate staff members for response.

Notices and Reminders

- Feb. 28 - 8:00 a.m., 2000 Affordable Housing Conference for Montgomery County, "Creating a Housing Policy for the New Millennium," at the Jewish Community Center of Greater Washington, Montrose Road at East Jefferson Street, Rockville
- Mar. 1 - 7:15 p.m., East County Citizens Advisory Board Meeting, 13436 New Hampshire Avenue, Silver Spring
- 2 - 9:30 a.m., Montgomery County Planning Board Meeting, MRO Auditorium
- 3-7 - _____, NACo Legislative Conference, Washington Hilton and Towers, 1919 Connecticut Avenue, N.W., Washington, D.C.
- 6 - 7:15 p.m., UpCounty Citizens Advisory Board Meeting, 12900 Middlebrook Road, Germantown
- 7 - 1:30 p.m., Montgomery County Council Public Hearing, Master Plan Amendment for Historic Preservation - Chevy Chase Historic Resources (Phase 4), Council Hearing Room, 100 Maryland Avenue, Rockville
- 7 - 1:30 p.m., Montgomery County Council Public Hearing on Zoning Text Amendment No. 00-1, Non-Residential Development - CBD-R2 Zone, Council Hearing Room, 100 Maryland Avenue, Rockville
- 7 - 7:00 p.m., Community Meeting and Briefing on the Ovid Hazen Wells Recreational Park Facility Planning for Phase 1B, Clarksburg Recreation Building, 22501 Weems Road, Clarksburg
- 8 - 7:15 p.m., Eastern Area Recreation Advisory Board Meeting, Parkside, 9500 Brunett Avenue, Silver Spring
- 8 - 7:30 p.m., Historic Preservation Commission Meeting, MRO Auditorium
- 9 - 9:30 a.m., Montgomery County Planning Board Meeting, MRO Auditorium
- 9 - _____, Montgomery County Planning Board Worksession #6 on Takoma Park/East Silver Spring Master Plans, MRO Auditorium
- 13 - 7:00 p.m., Silver Spring Citizens Advisory Board Meeting, 4th Floor, City Place, Silver Spring (next to Sports Zone)
- 15 - 9:30 a.m., Full Commission Meeting, MRO Auditorium
- 15 - 7:00 p.m., Northern Area Recreation Advisory Board Meeting, 12900 Middlebrook Road, Germantown
- 16 - 9:30 a.m., Montgomery County Planning Board Meeting, MRO Auditorium
- 16 - 4:00 p.m., Silver Spring Urban District Advisory Committee Meeting, 8435 Georgia Avenue, Silver Spring
- 20 - 7:00 p.m., Western Montgomery County Citizens Advisory Board Meeting, 4805 Edgemoor Lane, Bethesda
- 21 - 7:45 a.m., Bethesda Urban Partnership Board of Directors Meeting, 7906 Woodmont Avenue, Bethesda
- 21 - 7:15 p.m., Mid-County Citizens Advisory Board Meeting, 2424 Reddie Drive, Wheaton

Notices and Reminders - Continued

- Mar. 22 - 7:30 p.m., Historic Preservation Commission Meeting, MRO Auditorium
- 23 - 9:30 a.m., Montgomery County Planning Board Meeting, MRO Auditorium
- 23 - _____, Kemp Mill Master Plan Purpose and Outreach Strategy Report, MRO Auditorium
- 27 - 7:15 p.m., UpCounty Citizens Advisory Board Meeting, 12900 Middlebrook Road, Germantown
- 30 - 1:00 p.m., Montgomery County Planning Board Meeting, MRO Auditorium
- 30 - _____, Montgomery County Planning Board Worksession #7 on Takoma Park/East Silver Spring Master Plans, MRO Auditorium

Notice of Community Meeting and Briefing

Topic: Ovid Hazen Wells Recreational Park Phase 1B Facility Plan
Where: Clarksburg Recreation Building, 22501 Weems Road, Clarksburg
(adjacent to Rocky Hill Middle School)
When: Tuesday, March 7, 2000; 7:00 to 9:00 P.M.

Representatives from the Northern Area Recreation Advisory Board, staff from the Park Development Division of the Montgomery County Park and Planning Department and their Consultant will host a community meeting and briefing for interested residents to discuss the facility planning efforts for the Phase 1B area of the park. The purpose of the meeting is to show the community how this area of the park could be developed and to receive feedback on the proposal. For additional information, please call Rick D'Arienzo at 301-495-2568 or e-mail: rdarienzo@mncppc.state.md.us. Commission web site address: www.mncppc.org

**2000 Affordable Housing Conference for Montgomery County
"Creating a Housing Policy for the New Millennium"**

When: Monday, February 28, 2000, 8:00 A.M. - 3:30 P.M.
Where: At the Jewish Community Center of Greater Washington
Montrose Road at East Jefferson Street, Rockville, Maryland

Speakers include: Deputy Secretary of HUD Saul Ramirez
Author David Rusk

Panels include:
Expiring HUD Contracts: Will Residents Be Left in the Cold?
Smart Growth: Is it Smart for Montgomery County?
Who's Renting Now? Adapting to a Changing Rental Market
Public-Private Partnerships: Is Opportunity Knocking at Our Door?
Gentrifying Neighborhoods: Who's In? Who's Out? Are They Mutually Exclusive?
Perception vs Reality: Is It Public Relations Spin?

Cost of reservations and materials, including lunch, is \$25.00.
To reserve a place call (703) 998-9671.

**Agenda for Montgomery County Planning Board Meeting
Thursday, March 2, 2000, 9:30 A.M.**

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Board Action

Roll Call Approval of Minutes: July 22, 1999 Commissioners' Reports Directors' Reports Reconsideration Requests	
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1. **Mandatory Referral No. 99814-SHA-1**

Metropolitan Avenue (MD 192) from Plyers Mill Road to east of North Kensington Parkway

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. **Site Selection: Boys and Girls Club**

South Germantown Recreational Park along the access road between MD 118 and Schaeffer Road, Germantown

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. **Pre-Preliminary Plan No. 7-00023 - Mountain View Estates
(Resubdivision)**

R-200 Zone; Seven (7) Lots Requested (Single-Family Detached Dwelling Units); 6.6
Acres
Community Sewer and Community Water

Northwest and Southeast Side of the Terminus of Viewside Drive, East of the PEPCO
Transmission Line, Abutting Welcome Lane

Policy Area: North Potomac

APPLICANT: Michael T. Rose Land Inc.
ENGINEER: Site Solutions Inc.

Staff Recommendation: No Objection to the Submission of a Preliminary Plan
Application Dependant Upon the Application Complying with all the Provisions of
Chapter 50, Subdivision Regulations and Approval of the Abandonment of Welcome
Drive.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. **Preliminary Plan No. 1-00045 - Highland Park II**

O-M Zone; One (1) Lot Requested (51,102 Square Feet Office Building); 0.70 Acre Property
Community Sewer and Community Water

South Side of East West Highway, North of Montgomery Street, Approximately 60 Feet East of Pearl Street

Policy Area: Bethesda Central Business District

APPLICANT: East West LLC

ATTORNEY: Wilkes, Artis, Hedrick and Lane

ENGINEER: Macris, Hendricks and Glascock, P.A.

Staff Recommendation: Approval, Subject to the Following Conditions:

- (1) Limit approval of the preliminary plan to a maximum of 51,102 square feet office building and enter into a traffic mitigation agreement with the Planning Board and MCDPW&T to comply with the Bethesda Sector Plan's transportation demand management goals by:
 - (a) Demonstrating the means by which the goal of 37 percent peak-hour, non-auto-driver use by employees will be met
 - (b) Participating in the Bethesda Transportation Management Organization
 - (c) Participating in the Bethesda Share-A-Ride Program, which includes appointment of an Employee Transportation Coordinator
 - (d) Providing for tenant notification of the traffic mitigation provisions
 - (e) Meeting the parking demand for employee car and van pools
 - (f) Providing for bicycle parking to meet demand given the site's location one block from the Capital Crescent Trail
- (2) Dedicate 30 feet along East West Highway to provide a minimum of 60 feet of right-of-way from the center line
- (3) Dedicate 15 feet long Montgomery Avenue to provide a minimum of 40 feet of right-of-way from the center line
- (4) Conditions of MCDPS stormwater management approval
- (5) Access and improvements, as required, to be approved by MCDPW&T prior to recording of plat
- (6) No clearing, grading or recording of plat prior to site plan approval
- (7) Final landscape/streetscape and vehicular circulation plans to be reviewed and approved with site plan
- (8) Necessary easements

4. **Preliminary Plan No. 1-00045 - Highland Park II - Continued**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. **Site Plan Review No. 8-97008A - Highland Park**

(Amendment to previously approved site plan); O-M Zone; 26,014 square feet office use requested; 0.70 acre gross tract area; south side of East-West Highway (MD 410) and north side of Montgomery Avenue, approximately 100 feet east of Pearl Street; Bethesda CBD

APPLICANT: East-West LLC

ENGINEER: Macris, Hendricks & Glascock

Staff Recommendation: Approval with conditions. (See staff report)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. **Request To Revise The Previous Conditions Of Approval For Preliminary Plan No. 1-97085 - West Bethesda Park**

R-90 Zone; Eleven (11) Lots Previously Approved (Single-Family Detached Dwelling Units); 4.26 Acres
Community Sewer and Community Water

Northwest Side of Springer Road, Adjoining Paloma Court

Policy Area: Bethesda - Chevy Chase

APPLICANTS: Natalie Ferris, Stanley and Barbara Gorinson, Bruce and Leslie Lane and Jody and Mark Rasch
ATTORNEY: Shulman, Rogers, Gandel, Pordy and Ecker, P.A.
ENGINEER: Dewberry and Davis

Staff Recommendation: Do Not Revise The Previous Conditions of Approval Enumerated In Planning Board Opinion Dated August 12, 1997.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

LUNCH AND GENERAL MEETING (*Third Floor Conference Room*)

Program Coordination, Legal, Legislation, and Administrative Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Comprehensive Zoning Ordinance Review

Residential and recreation special exceptions

Staff Recommendation: Discussion.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. Project Plan Review No. 9-97001 - Bethesda Theatre Residential

(Extension of validity period requested); CBD-2 and PD-35 Zones; 2.36 acres gross tract area; east side of Wisconsin Avenue (MD 355), approximately 200 feet north of Middleton Lane; Bethesda CBD

APPLICANT: Bozzuto/Smith Venture
ATTORNEY: Linowes and Blocher
ENGINEER: VIKA, Inc.

Staff Recommendation: Grant extension.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. **Request To Revise The Previous Conditions Of Approval For Preliminary Plan No. 1-97104 - Bethesda Theatre Residential**

PD-35 and CBD-2 Zones; Two-Hundred and Fifty-Eight Dwelling Units and Existing Theatre; 2.36 Acres
Community Sewer and Community Water

East Side of Wisconsin Avenue, South of Cheltenham Drive and North of Middleton Lane

Policy Area: Bethesda Central Business District

APPLICANT: Bozzuto/Smith Venture

ATTORNEY: Linowes and Blocher

ENGINEER: VIKA, Inc.

Staff Recommendation: Approval to Revise the Previous Conditions as Follows:

- (1) Submit amended Adequate Public Facilities agreement to limit the residential component to a maximum of Two-Hundred and Fifty-Eight (258) Dwelling Units (Nine (9) Single-Family Attached, Two-Hundred and Nine (209) High Rise Multi-Family and Forty (40) Garden Apartment Multi-Family Dwelling Units)

Conditions Numbered 2- 10 enumerated on the Planning Board Opinion Dated January 12, 1999 remain in full force and effect

- (11) Prior to recording of plat, applicant to obtain final County Council approval of abandonment resolution for the portion of public right-of-way identified as Tilbury Street. Record plat to reference abandonment resolution number

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. **Site Plan Review No. 8-00014 - Bethesda Theatre Residential**

CBD-2 and PD-35 Zones; 9 townhouse units, 249 multi-family units and 15,597 square foot theater proposed; 2.36 acres; east side of Wisconsin Avenue (MD 355), approximately 200 feet north of Middleton Lane; Bethesda CBD

APPLICANT: Bozzuto/Smith Venture
ATTORNEY: Linowes and Blocher
ENGINEER: VIKA, Inc.

Staff Recommendation: Approval with conditions. (See staff report)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. The Following Record Plats are Recommended for APPROVAL, Subject to the Appropriate Conditions of Approval of the Preliminary and/or Site Plans:

NOT AVAILABLE AT TIME OF PRINTING

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. **Site Plan Review No. 8-97025 - Merry Go Round Farm, Phases C, D and E**

RE-2C Zone; 28 single-family units requested; 84.9 acres gross tract area; south side of River Road (MD 190) approximately 2,500 feet southwest of Travillah Road, Potomac

APPLICANT: Merry Go Round Farm
ENGINEER: Loiederman Associates, Inc.

Staff Recommendation: Approval with conditions. (See staff report)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

ART DECO SOCIETY OF WASHINGTON PROTESTS WEAK RULING ON BETHESDA THEATRE

December 31, 1999
For immediate release

The Art Deco Society of Washington, the eighteen-year-old non-profit preservation group that saved the Washington Greyhound Terminal and the Silver Theatre, is condemning the failure of the Montgomery County Historic Preservation Commission to stop a bad development proposal for the 1938 Bethesda Theatre. The Art Deco Society has campaigned for the preservation of this rare Art Deco theatre since 1983. On December 15, 1999, the Montgomery County Historic Preservation Commission doomed the Bethesda Theatre to be swallowed up by a huge apartment building. Over 80% of the historic building will be hidden from view in this development scheme.

The Bethesda Theatre was designed by New York architect John Ebersson, the world-renowned "Dean of American Theatre Architects." Of the thirteen theatres designed in the Washington area by Ebersson, only three remain intact. Of these, the Bethesda Theatre has remained the MOST intact -- until the approval of this scheme.

The Art Deco Society brought in three independent scholarly witnesses to testify against the scheme: Prof. Douglas Gomery of the University of Maryland (award-winning author of numerous books and articles on the history of film and cinema design), Prof. Richard Striner of Washington College (winner of the 1993 Renchard Prize for Historic Preservation and co-author of Washington Deco published by Smithsonian Institution Press), and Prof. Richard Longstreth of George Washington University (President of the Society of Architectural Historians and Chair of Maryland's state review board for the National Register of Historic Places). All of these witnesses opposed the development scheme because it overpowers the Bethesda Theatre and entombs it in another building. Longstreth said that the Bethesda Theatre is reduced to the status of a "cod piece for an apartment house" in the development proposal.

Striner, who served as President of the Art Deco Society from 1982 to 1992, urged the Preservation Commission to send the developers back to the drawing boards. He noted that the Art Deco Society had to fight for almost five years in order to fend off proposals that would have swallowed up most of the Art Deco Greyhound Bus Terminal in downtown Washington. He showed the Preservation Commission slides of a half-dozen proposals that had to be stopped before the developers felt compelled to push their new construction back far enough to make the Greyhound Terminal compromise a decent one.

At first, the Preservation Commission was deadlocked four-to-four, and half the Commissioners supported the Art Deco Society position. But the Chairman, George Kousoulas, voted with the developers. And after a long series of failed motions on both sides an exhausted Commission eventually went along with the development scheme.

Shortly after the hearing Striner observed that too few of the current HPC commissioners appear to have any significant first-hand experience of the arduous long-term nature of historic preservation campaigns and the stalwart support from the public sector that preservationists must be able to count on in order to achieve decent results. "The Montgomery County Historic Commission is now a shadow of its former self," he stated. "If the Commission had been this weak in the 1980s, we would never have saved the Silver Theatre and Silver Spring Shopping Center complex. Without strong support from preservation commissions, the volunteer groups that give the preservation movement its strength get left in the dust. We have a track record spanning over fifteen years of successful preservation accomplishments, but the Montgomery County HPC is in such disarray that they couldn't keep the faith with us. It's a sad commentary, because without our commitment, Montgomery County wouldn't have the Bethesda Theatre or the Silver Theatre at all."

In the aftermath of the Historic Preservation Commission's failure, the Art Deco Society -- which successfully nominated the Bethesda Theatre to the National Register of Historic Places -- intends to launch a campaign for the building's removal from the Register. "The current HPC must be taught a strong but necessary lesson," Striner said. "They have ruined the building and let down the preservation community. So there have to be consequences."

For more information contact: Linda Lyons (301-654-3924)

























An artist's rendering shows the plan by E.M. Smith Associates to restore Bethesda Theatre Cafe, and build 249 apartments, nine townhouses, a 350-car underground parking garage, and a pedestrian walkway. Construction on the \$60 million project is expected to start in May.

Courtesy E.M. Smith Associates

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Planning Board approves change in Theatre Cafe plans

Reassures residents of future use

KENS. GAZETTE
by Scott Herbstman

Staff Writer 2/28/01

The county Planning Board on Thursday approved a change in the plan for a 10-story apartment building over Bethesda Theatre Cafe.

Original plans called for the building to be 94 feet tall, but project developers determined they needed a thicker foundation over the theater to support the apartment building. Developers also wanted to add two inches of ceiling height to each apartment.

As a result, the Planning Board unanimously approved the height increase to 97 feet 7 inches tall.

In addition to restoring the theater, developers will build 249 apartments, nine townhouses, a 350-car underground parking garage, and a pedestrian walkway. Construction on the \$60 million project is expected to start in May.

The board and project developers — Bozzuto Homes of Greenbelt and E.M. Smith Associates of Bethesda — also assured residents that a condition to the project's ap-

proval ensures that Bethesda Theatre Cafe will be used for artful purposes.

Thomas Bertch of Arlington, who does film and tape production, spoke to the Planning Board about the condition of the site plan, which was approved in June, that read, "any proposal to change the use from a cinema or performing-arts use requires an amendment to the site plan."

Members from Save Our Legacy, D.C. Preservation League, Journey Films and Maryland Preservation had signed up to speak Thursday, but ceded their time to Bertch.

He said that while maintaining the theater's use is part of the project approval, economic realities might limit its use.

"No cinema or performing arts space could ever be able to pay a lease rate commensurate with the costs of rebuilding the theater, costs which traditionally are a gift in that they come from some initial capital campaign for which no monetary return is ever expected," he said.

Emily Vaias, an attorney representing the developers, replied that there are no plans to change the theater's use.

"[The condition to maintain the theater's use] has always been

there. We know it's been there ... We're not threatened," she said. "We think it's an asset to the project."

Noting the approval of the height increase, she said, "this is helpful to getting the project going. Now we can move forward full steam ahead."

While Bertch did not challenge the height increase, he said after the meeting that his goal "was to raise this issue [of the theater's use] in the public."

"I believe to honor the theater, the best use is for a performing arts space and not commercial use," he said explaining that for the theater to succeed, public money, endowments, gifts or grants may be necessary.

Planning Board Commissioner Allison Bryant said the issue of funding is outside the scope of the board, but he would not approve a change in the theater's use.

"If there's any attempt to compromise on [the use], I'll become a pit bull," he said.

Planning Board Commissioner Wendy Perdue agreed.

"For me, [the condition on the theater's use] remains. It's there unchanged," she said. "The board members will have long memories."

Courthouse employees seek solutions to parking nightmares in Rockville

KENS. GAZETTE

by Clementina Pope

Staff Writer

2/28/01

Finding parking in downtown Rockville has become a fine art, especially for Montgomery County Circuit Court employees, some of whom are threatening to quit their jobs due to scarce spaces.

About 150 Circuit Court employees, most of them employed by the State of Maryland, arrived at a Feb. 13 meeting with a reporter equipped with protest posters and loud voices to express their outrage over the parking shortage in downtown Rockville.

Some 15 signs were held in the air throughout the meeting, expressing thoughts such as "No employee parking creates a non-functioning court," "Less Growth, More Parking" or simply "Help."

A reporter heading to the meeting showed up almost 15 minutes late because she could not find parking. She finally ended up using the Rockville City Hall lot without registering her vehicle. The garage on Rockville Pike, the Middle Lane surface parking lots and the county garage were full that Tuesday afternoon.

The parking crunch got considerably worse when the site at East Middle Lane and Rockville Pike closed for public parking Feb. 5.

That lot is in the process of becoming home to Rockville Metro Plaza, a three-building office complex under development by Foulger Pratt.

About 330 county employees parked free of charge at the Foulger Pratt site, along with 125 commuters and general visitors to downtown Rockville.

Since then, many county employees have been reassigned to the General Electric garage, which is under construction a few blocks north, and other locations within the city. Moving those employees from the Foulger Pratt site bumped some of the state employees from their regular

parking spots elsewhere.

The Circuit Court employs approximately 700 people, many of whom do not have assigned spaces, but had found them more easily before the Foulger Pratt site closed.

Angela Littleton, a clerk with the court's Family Division, said it is not unusual for her to move her car three times a day.

"In the morning I park in a one-hour space, then I move my car to the four-hour lot if there's a space, and during my lunch break I move it to the jury lot, if there's space," said Littleton, who acquired nine parking tickets between September 1999 and this month.

She is not alone in her struggle to find a space to park her car — legally.

"I have 100 people without parking," said Molly Ruhl, clerk of the Montgomery County Circuit Court. "Fifty of them made arrangements to use public transportation. The others can't do that so they have to go back and fourth to move their cars, some up to four times a day."

Some of the people who say they cannot let go of their cars are mothers with children in day care and individuals who work more than one job.

"I live in Germantown and every morning I need to drop off my son at day care in Gaithersburg than come to work in Rockville," said Abie Mansaray of the court's Civil Division. "After work it's the same thing — first stop in Gaithersburg, then Germantown."

"And what if there's an emergency with my child? A 20-minute ride takes an hour by bus," she said. "I can't do that, I can't come to work by bus."

Though both county and state employees work in the courthouse, it is mostly state employees that have been left without parking.

"I think (state) employees really feel discriminated against," said Loretta Knight, Civil Division manager. "County employees get to park for free, while state employees don't

even get a parking spot."

Bill Mooney, assistant chief administrative officer for Montgomery County, said it is the state's duty to provide for its own.

"The state has always taken the responsibility for securing parking for the court employees," Mooney said. "When we relocated our employees [from the Foulger Pratt site], we relocated everyone who had [parking] permits under the county system."

Mooney said the county participates in a public transportation reimbursement program, but not aggressively.

"That's one of the things we are looking ways to reduce car uses by county employees," Mooney said.

The state employees, however, say they have no one to turn to, no one who will take up their cause.

Some of them say that even if they were willing to pay for parking, spaces are rarely available for an entire day.

Others say they should not have to pay for parking at all.

"Our salary doesn't warrant us to pay for parking," said Maria Marroquin, who works in the License Department.

State employees lament that their salaries are between \$25,000 and \$30,000 a year and cannot cover between \$6 and \$9 a day in parking.

Entry-level clerks make about \$21,000, said Theresa Mozzano, finance office supervisor.

"People think, 'oh, you work for the government,'" Mozzano said. "Yeah, the state, not the federal government."

"To [the state government] a circuit clerk is the same throughout the state," she added. "They don't care if you have to pay \$1 for parking in Garrett County, or \$10 in Montgomery County."

Many employees park in metered zones, one-hour parking spots, or the city-owned Middle Lane lot where free parking is available for four hours.

NEWS RELEASE

Contact: Jeff Penn (301) 330-1244

FOR IMMEDIATE RELEASE: 3/23/01

BETHESDA, MARYLAND

Bethesda Theatre Cafe Closing

On Thursday April 5, 2001, one of Bethesda's most recognizable icons, The Bethesda Theatre Cafe (formerly Bethesda Cinema 'N Drafthouse") will permanently close its doors after nearly two decades in order to make way for major redevelopment of the Wisconsin Avenue property where the theatre is located.

Having first opened as the "BORO" Theatre on May 19th, 1938, the name was changed to the Bethesda Theatre the following year. After approximately 40 years as a showcase of first and second run films the theatre closed. Following renovation, the theatre re-opened on May 13, 1983 under new ownership as The Bethesda Cinema 'N Drafthouse with the film "An Officer And A Gentleman" starring Richard Gere and Debra Winger.

The Cinema 'N Drafthouse concept was unique as it offered patrons the opportunity to sit in comfortable club style seating with tableside service, and order beer, wine and deli style food while enjoying the current movie feature. In 1993, the theatre upgraded its food service capabilities and was renamed The Bethesda Theatre Cafe. Shortly after, the theatre also began featuring Family Matinee movies on the weekends and children's birthday party packages as well.

Although films were the primary attraction at the Theatre Cafe, many other events also took place at the venue. In 1986, weekend midnight movies gave way to a new live stand-up comedy format. "Comedy Late Night" shows were highly successful, offering a theatrical alternative to the typical comedy clubs popular throughout the 1980s. Throughout the period the Theatre Cafe produced shows, it featured then up and coming comedians such as Martin Lawrence, Dave Chappelle, Will Durst, Patton Oswalt, Tommy Davidson and the late Bill Hicks. Soupy Sales and superstar Scottish comedian Billy Connolly also performed special concerts at the theatre.

Other special live events held at the theatre included radio's Doctor Demento celebrating his 20th Anniversary on the air, as well as musical performances by bands such as NRBQ, New Potato Caboose, Jr. Cline & The Recliners, and The Nighthawks. During football season, fans could view Washington Redskins games at the theatre on a huge screen while enjoying the food and beverage service and the ambience of the crowd. Watching the Superbowl at the Theatre Cafe became a tradition for many fans, with the theatre filling up several hours before gametime and hundreds being turned away.

The Bethesda Theatre Cafe has also served its community well over the years, hosting a variety of benefits and Chamber of Commerce events as well as corporate events and private parties. It has been an outlet for local media as well, providing opportunities for many of the areas radio and television stations to broadcast live from the theatre and sponsor various events.

Celebrities have often visited the theatre while in town, taking in various films or events. Some notable figures over the years include Rosie O'Donnell, Yakov Smirnoff, Chrissy Hynde and The Pretenders, Stacy Keach, Daniel Stern, Patrick Ewing, Stevie Wonder, and Monty Python's Graham Chapman.

Owner Pete Carney has enjoyed operating the Theatre Cafe since it opened in 1983. Although he will miss the theatre and the Bethesda community, his future plans are to continue to work in the film and theatre business and he is now considering several projects in the Baltimore Washington area.

The final film presentation at the Bethesda Theatre Cafe will be "The Wedding Planner" starring Matthew McConaughey and Jennifer Lopez, and will run now through closing night April 5, 2001.

For further information, additional press materials, or to schedule an interview or theatre visit, please contact:

Jeff Penn / PROPER ENTERTAINMENT, INC. Tel: (301) 330-1244 Fax: (301) 258-0807 Email: properent@aol.com

Robin -

FYI and for the
Bethesda Theatre
file.

Green

March 22, 2001

Mr. Lawrence R. Ponsford
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Transcription of the Feb. 22, 2001 Planning Board Hearing--Items 14 and 15 (Bethesda Theatre)

Dear Mr. Ponsford:

I purchased a copy of the transcript from Deposition Services. Upon reading, I had the distinct impression that there were some errors so I went and purchased a copy of the tape.

After comparing the transcription and the tape, I discovered that there were more than just "some."

Attached are the results of a meticulous and exhaustive effort to correct the transcript from Deposition Services. Errors made in speaking (or thinking!) were not "corrected", I just fixed errors they made in transcribing.

Why bother? Well **first**, Heaven Forbid that anybody (or the two Commissioners who were absent that day) should try to read the current Official Transcript--some of the corrections are simple: spelling mistakes, capitalization etc., BUT many are not. There are many flat-out wrong words, important missing words, misnamed organizations and all manner of mistakes that would make it hard to know exactly what was said. Perhaps my favorite error is where they have you saying that "any proposal *can* change the use from a cinema..." (see page 6, line 21).

Second, my understanding of this issue was aided immensely by being able to read thru the Planning Staff and HPC files from many, many years ago. I trusted that what I read was a true representation of what was said and done. I would hope that someone else in the future will be able to rely on the record of this Hearing in the same way I trusted letters and memos written in 1984.

Third, I'm not convinced that the issue of the Theatre reuse has been or ever will be really settled. Once the Theatre is permanently attached to the apartment building, the chance that any non-profit arts-orientated organization (that might place the sake of the Theatre above that of the apartment building) will ever obtain ownership is all but zero. Thus, the theatre portion of the project will always remain the economic weak link and be subject to uncertainty as to its tenant.

Lastly, all talk of any easement to the Maryland Historic Trust has been apparently dropped and lets not forget that you, Carolyn, John Carter, Robin, and Gwen and the current Board Members (who would certainly respond as "pit bulls" if Condition 5 were abrogated!!) will not always be around to look out for the structure.

Now, this Hearing may well be the only on-record discussion of the intent (of the project deal) that can be referenced in the far-off future. Carolyn's statement is particularly good when she says: "...the whole project was...designed to have enough economic value that the building could be preserved and this performing arts or cinema use allowed." (page 16), therefore I think the transcript should be dead on if not for now, then for later.

I left the corrections as "corrections" rather than retyping the whole thing so as to show the number and type of errors. I think that if you read my version thru completely, you will agree that the "official" version is seriously compromised. I can also provide a retyped version that would be easier to read if you like. I would, of course, be willing to work with Deposition Services to redo this so that a correct copy can be the official transcript.

Please advise...

Sincerely,

Thomas T. Bertch

cc: HPC and Community Based Planning staff

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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:
PROJECT PLAN REVIEW NO. 9-97001-A :
BETHESDA THEATER RESIDENTIAL :
:
SITE PLAN REVIEW NO. 8-00014-A :
BETHESDA THEATER RESIDENTIAL :
-----X

A hearing in the above-entitled matter was held on
February 22, 2001, commencing at 1:30 p.m., at the Maryland
National Capital Park and Planning Commission, 8787 Georgia
Avenue, Silver Spring, Maryland 20910 before:

BOARD MEMBERS

Wendy Collins Perdue, Chairman
Allison Bryant
Meredith Wellington

Discrepancies with the audio
tape noted...Tom Bertch 3/22/01

COPY

Deposition Services, Inc.

6245 Executive Boulevard
Rockville, MD 20852
(301) 881-3344

2300 M Street, N.W.
Suite 800
Washington, D.C. 20037
(202) 785-1239

A P P E A R A N C E S

Page

Larry Ponsford, Development Review Division

3

Tom ~~Birch~~^{Bertch}

8

Artie Harris

19

P R O C E E D I N G S

1
2 MS. PERDUE: Project Site Review, Bethesda Theater
3 Residential. And we have also site plan review for Bethesda
4 Theater Residential. Are we doing that together?

5 MR. PONSFORD: Yes.

6 (Discussion off the record)

7 MR. PONSFORD: I'm Larry Ponsford with the
8 Development Review Division and with me is Carolyn Hufbauer
9 from Community Based Planning and in the audience is ^{Gwen}~~Lanie~~
10 Wright from Historic Preservations Staff. This is ~~a~~^S site
11 ~~P~~ plan review 8-00014-A and ~~P~~ project ~~P~~ plan 9-97001-A which are
12 amendments to the Bethesda Theater Residential project plan
13 and site plan which you saw earlier in 2000 actually.

14 The amendments are solely for the purpose of
15 adding 3'7" to the height of the building. If you'll turn to
16 your staff report I'll explain that a little bit and you'll
17 see two renderings, the first of which is the one which you
18 approved in 2000 and second of which on the next page is an
19 alternate which ~~had been~~ ^{-- the Applicant} proposed at the urging of staff
20 which would have allowed the roof to be measured a different
21 way because it's a mansard roof and under this measurement
22 technique for the definition of building height which is
23 attached in the appendix there wouldn't have ~~any~~ ^{a -- any exceeding of} ~~of~~
24 ~~any of the~~ ^{the -- any} additional exceeding of the master plan building
25 plan.

1 That was discouraged, that alternate one was
 2 discouraged by the HPC staff and so the applicants had the
 3 choice ^{then to} ~~of~~ either going to the HPC for approval of the
 4 alternate or to go to the Planning Board for approval of ~~the~~
 5 3'7" more so they're here to ask you for that additional
 6 3'7".

7 The ^M/~~Master~~ ^P/~~Plan~~ height ^{is a -- may} ~~which~~ I just ^{mention --} ~~mentioned~~ was
 8 90' and the project was approved at 94' in the year 2000.
 9 The reasons for ^{their} ~~asking~~ for this change really are that the
 10 structural and mechanical requirements for the space between
 11 the ceiling of the preserved theater and the floor above
 12 have grown as they've gotten into the working drawings ^{which I} ~~and~~
 13 ~~as~~ you can see in your ^{think} ~~staff~~ report ^{Section -- your --} there's a section there
 14 that shows a ^{little} ~~space~~ between ~~the~~ ceiling and ~~the~~ floor above
 15 and ~~there's~~ ^{it turns out that the} structural requirements ^{and} ~~for~~ the sprinkler
 16 systems and the mechanical ^{the --} and particularly the
 17 soundproofing all just won't fit in there.

18 And the other reason that they say they want to
 19 increase the height is because of the market standard for
 20 apartments ^{is} ~~now~~ are about 2" higher per floor ^{-- foot floor} height than
 21 they have in their drawings now. ^{So they like to} ~~They~~ would ^{ask for the}
 22 additional height ^{on that basis also.} ~~On that basis also,~~ ^{The} justification
 23 from the staff's perspective for this ^{a -- is} is an unusual one. ^{One--}
 24 ~~This~~ ^{this} is a rare situation where we have the project being
 25 proposed to be built over its amenity, its required amenity,

1 the amenity being the theater so the amenity in the -- in the
 2 conceptual ~~technical~~ sense, I guess you could say, pushes the building
 3 further up into the air.

4 So we feel that there's a reason there for ~~the~~ a little bit
 5 of leniency on the building height. In addition to this, ~~a~~ the
 6 shadow drawings which you can see in your staff report show
 7 a minimal extension of the shadows ~~and of the~~ ^{under} additional
 8 3'7" in height and of course the theater height itself, since
 9 it's an actual historic restoration, is not a variable and
 10 can't be lowered because it's, you know, a restoration, ^{is a restoration.} It's
 11 not ^a renovation, [run on]

12 ^rRemodeling in the theater has to be done the way
 13 it was done the first time so that's not a variable. There
 14 are some conditions which the community asked the applicant
 15 to conform to which are in addition to ~~the~~ conditions
 16 previously approved, ^{and} Carol is passing those out to you ^{now.}

17 Staff, of course, is in agreement with these
 18 ~~conditions~~ ^A and the applicant is too. They have to do with
 19 these four items on the top of your handout, top page of
 20 your handout. The ^A applicant will install and maintain the
 21 landscaped circle at the intersection of Tilbury and
 22 Cheltenham. These are really kind of refinements ~~and~~ ^{or a}
 23 nailing down of things that were maybe unclear in the
 24 previous approval. Second one is the retaining wall at the
 25 curb around the landscaped circle is to be constructed ~~in~~ ^{of a}

1 better material than just ^{exposed} ~~enclosed~~ concrete.

2 And the ^{entrance} ~~interest~~ of the public garage on
 3 Cheltenham is to be right ⁱⁿ ~~in~~ only and left turns from
 4 westbound Cheltenham are to be prohibited. That's not a
 5 change from what was approved ^{, it's} ~~It's~~ just a clarification.
 6 And the penthouse structure would be reduced in size and
 7 I'll get up and show you that now.

8 This view here is ^{the} ~~a~~ view from the back of the
 9 building and the tower of the building is shown ~~on~~ the
 10 background over here and the penthouse of that is ~~in~~ the
 11 ^{mechanical} penthouse at the top of that structure and that penthouse
 12 shows here in ~~the~~ plan. ^{That} ~~The~~ view was from over that way
 13 looking back like this at the project so they are reducing
 14 the size of this penthouse to make the visual impact of the
 15 ^{extra} ~~height~~ less than it would be normally so it's reducing from
 16 the dotted area back to the square-shaped and it's also ^{moving} ~~also~~
 17 southward just a very minor amount, three feet or so.

18 Lastly, I'd just like to call your attention to
 19 the ^A ~~appendix~~ 4, ^C ~~condition~~ number 5 in which the ^B ~~board~~ in its
 20 ^O ~~opinion~~ on this case specified that ⁱⁿ ~~in~~ the second sentence ⁱⁿ
 21 ^{to} ~~any proposal can~~ change the use from a cinema for performing
 22 arts use requires an amendment to the site plan. ^{I'd like}
 23 to state that we're saying this really just to remind the
 24 ^B ~~board~~ and everyone present that ^{that C} ~~the~~ ^{condition} exists and
 25 it's an important part of this approval and that we do have

1 speakers here to comment on that including our ^H/~~Historic~~
2 ~~P~~/~~preservation~~ ^{Staff} ~~guy~~ so that concludes ^{the Staff} ~~that~~ presentation.

3 MS. PERDUE: Any questions of staff? Okay.

4 MS. VIAIS: Emily Viais with Linowes and Blocher
5 and I have with me Artie Harris from Buzzuto and Jeff Marks
6 from ^{ByDesign} ~~By Design~~, the architects and on the last point first
7 actually I'd just say that with regard to the operations of
8 the theater we do obviously recognize and respect that that
9 condition was put on originally and we continue to look for
10 performance arts use for the theater and if there are -- and
11 Gene Smith has been submitting every six months his letters
12 stating that they're still working on that and they
13 understand if it's a different use they have to come back
14 for an amendment.

15 ^{on the side,}
And [^]Gene would be here but his mother passed away
16 on Tuesday so he is sorry he couldn't be here. It's
17 obviously an important day for him here but there more
18 importantly so he's sorry he's not here.

19 So actually I guess Larry covered it very well.
20 We are in need of this 3'7". This project's been through a
21 lot and getting to where it is and we've worked with the
22 neighborhood very closely. We met last night with the East
23 Bethesda Citizens Association, a pretty large group. I guess
24 there were about 45 folks there. And they voted to approve
25 the 3'7" with the conditions ^{which you have} ~~which~~ we will agree to so

1 unless you have any other questions for us we're in
2 agreement with staff's conditions and recommendations.

3 MS. PERDUE: Any questions? We have one speaker,
4 Bertch (unintelligible) -- ceded time from
Thomas ~~Birch~~ who will be ceding his time to George French.

5 Is George here? Martin -- ~~I have~~ I'm having trouble reading the
6 handwriting -- ~~Dobblemeier~~ Doblmeier, Wayne Goldstein and Alex ~~Pedra~~ Padro.

7 MR. ~~BIRCH~~ BERTCH: Good afternoon. My name is Tom ~~Birch~~ Bertch.

8 I live in Arlington, Virginia. I do lighting for film
9 productions and still photography. I'm a member of ^{a number of} ~~^~~
10 organizations that are pertinent to this issue, in
11 particular ~~in~~ the ^T/~~theatrical~~ and ^H/~~historical~~ ^S/~~society~~ of
12 Elmhurst, Illinois, ^{the} ~~Los Angeles Conservatory~~ ^{Conservancy} -- ~~^~~ which is
13 currently working to revitalize the theater district in LA, ^{the} ~~the~~
14 League of Historic Theaters based ⁱⁿ ~~on~~ Baltimore, ^{-- t} ~~^~~ They
15 provide support for those interested in preserving or
16 operating historic theaters, the American Film Institute and
17 the ^{American Cinematheque} ~~America Cinemathech~~ of Hollywood, California.

18 The ^{American Cinematheque} ~~America Cinemathech~~ is a non-profit that
19 ~~purchases, rebuilds,~~ ^{now} ~~^~~ and operates the Egyptian Theater on
20 Hollywood Boulevard. I guess you passed out the -- the
21 Egyptian shows independent [^] foreign and retrospective films
22 and although I'm a member of those and other preservation
23 organizations [^] I am here today representing myself only.

24 As to the question of the additional height for
25 technical ^{reasons,} ~~reason~~ I have no objection. However, I am going

1 to ask that the ^Bboard approval today be contingent upon a
2 discussion and if you will a quid pro quo that I will
3 specifically state ^{near the end of} ~~here in~~ my testimony. On what subject?
4 Well, it's just a little too late to worry about any
5 preservation or construction particulars but it's not too
6 late to be concerned about what the final use of the
7 refurbished theater will be.

8 To review for a moment. Numerous accommodations
9 have been made in the interest of the ^{development} ~~developer~~ to make the
10 project economically feasible. Among them the rezoning of
11 the back lot from single family to townhouse density, an
12 additional density increase through the ^{Optional M} ~~optimal~~ method of
13 ^D ~~development~~, a height variation, permission to remove the
14 theater's roof structure in order to provide for an
15 additional floor with said height restrictions, the
16 inclusion of publicly ^P owned ~~parking~~ ^L lot 42 in the project
17 and the abandonment of adjacent alleys, increased setback of
18 the apartment tower, and ^a ~~the~~ generous MPDU settlement.

19 Now, not all of those accommodations were part of
20 the initial proposal. They have accumulated along the way
21 as the applicant has requested changes to make the project
22 work. Today we are considering another, albeit minor
23 change. Each of those requests was granted by either the
24 HPC or the Planning Board in order that various public
25 interests could be met in return.

1 Among them, density step down between ^{the} business
 2 district and the residents of Westboro. ^{, an} ~~An~~ apartment
 3 complex/resident office building, 340 space public parking
 4 garage, traffic control along Tilbury, a public pedestrian
 5 walkway and ^{of course} the in [^] and [^] out restoration of the theater and,
 6 last but not least, it's continued use as a cinema ~~and~~ ^{or}
 7 performing arts space.

8 Now ^t ~~those~~ words are found all along ^{the} in ~~a~~ 17 year paper
 9 trail of this issue. ^{Their last restatement} ~~The last three statement~~ is as
 10 ~~Condition 5~~ ^B ~~in the~~ ^O board's ~~opinion~~ of June 13th, namely, any
 11 proposal to change the use from a cinema or performing arts
 12 use requires an amendment to the ^S site plan.

13 Now, although the other public amenities are
 14 virtually assured, [^] the one that in my mind is not guaranteed
 15 despite the ^A applicant's previous statement, [^] is ^C condition 5.
 16 In fact, this may be the only difficult condition for the
 17 ^A applicant to meet and yet I believe that this condition is
 18 as equally important as restoring the structure itself.

19 Now, I don't know whether I can do this or not
 20 but I'd like to turn off the clock for a second and ask the
 21 ^B board members or the ^S staff members what their interpretation
 22 of those words "performing arts use" ~~and cinema is~~ -- we all know what a cinema is
 23 "^P performing arts use [^]" actually means. Would I be allowed to
 24 do that?

25 MS. PERDUE: You can give your testimony.

1 BERTCH -- then we'll
 MR. ~~BIRCH~~: ~~I will~~ comment later. Okay. I know
 2 that the ^Aapplicant has just stated there is no reason to
 3 worry but I am concerned. Returning to the Egyptian[^] you can
 4 see some of the photos ~~of that that~~ ^{I have} provided there. I
 5 spent considerable volunteer time in LA ~~doing~~ ^{during the} final year ^{of}
 6 reconstruction and I was one of many who did fundraising for
 7 the campaign to purchase and rebuild. It took the
 8 ~~Cinematheque~~ ^{Cinematheque} 11 years to navigate the financial and regulatory
 9 maze ~~of leaving the~~ ^{leading to} theater ownership and operation and
 10 that was the easy part.

11 Were you to walk into their office today you would
 12 find a dozen young[^] talented[^] enthusiastic staff none making
 13 more than ^a [^] subsistence wage working to keep the theater and
 14 its[^] programs going. So I am somewhat familiar with the
 15 difficulties inherent in these types of projects.

16 Now, admittedly the future of single[^] screen
 17 theaters showing first run films is bleak. During the 90's
 18 most major chains built ^{too many} [^] multiplex operations raising the
 19 number of screens nationwide to over 37,000 from 27,000 just
 20 five years earlier. The industry term for this is over-
 21 screened.

22 As a result of this over-screening a number of
 23 major distributors are either restructuring or have filed
 24 for bankruptcy. Among them Regal, United ~~Artist~~ ^{Artists}, General
 25 Cinemas, Carmike and Edwards. You may have even seen in The

1 Post recently an article indicating that ^{Loews}~~Lowes~~ Cineplex who
2 operates in this area is closing many theaters nationwide to
3 avoid Chapter 11.

4 And, yet, single[^]screen theaters do survive and
5 how is that possible? If you look at this, which is ^{the}~~a~~
6 ^D/~~direct~~ory of the League of Historic Theaters in Baltimore[^],
7 the methods of survival for all 249 listed theaters are
8 remarkably similar. In their history these words appear
9 again and again: [;]~~/~~non-profit, capital campaign, public funds,
10 endowments, grants, membership drives, gifts, bond issuance,
11 government funding, corporate sponsorship, and above all
12 volunteer effort and vows of poverty taken by all concerned
13 for the life of the theater. (no paragraph break)

14 These methods are the tried and true methods by
15 which theaters have been preserved and continue to ^{operate}~~cooperate~~
16 and I am getting nervous because that's not going on with
17 The Bethesda. [¶] My second cause for alarm is of a more
18 economic nature. I did a survey of the 8 remaining local
19 single[^]screen film theaters in the D.C. area. I obtained
20 the lease rates and the average was \$12.30 per square foot
21 per year.

22 When I tried to do a similar lease survey for
23 performing arts I discovered that most of them, including
24 ~~the historical~~ The Source, the Lincoln Theater, the Arena Stage, Wooley
25 Mammoth and the two new Roundhouse locations are or will be

1 paying nothing at all. Actually, I think the Roundhouse is
2 paying a buck a year.

3 In fact, I had to look hard to find locations that
4 pay actual dollars and \$8.00 a square foot per year was
5 about the norm and all of these performance sites are
6 heavily subsidized. If you check out Web Site known as
7 Helen Hayes.Org,[^] you will find 74 performing arts
8 organizations in D.C., 15 in Montgomery County, and there's
9 no lack of performing spaces here in Montgomery County and
10 they are all heavily subsidized.

11 So, of course, here's the rub. Financially
12 tolerable lease rates^{for} [^]cinemas or performing arts uses are
13 well below the going rate for space in Bethesda which is
14 probably about \$30 a square. More importantly, they are far
15 below what it would take to repay the multi-million dollar
16 theater reconstruction if the theater lessee is expected to
17 provide^a [^]return on investment commensurate with the cost of
18 ~~the~~ building.

19 So let me summarize a little bit here. The
20 traditional non-profit based methods of supporting this type
21 of historic resource are unfortunately very absent. Instead
22 of influential civic leaders and a cadre of enthusiastic
23 volunteers out raising money eager to get their historic
24 theater up and running[^] we instead have a commercial realtor
25 [^]"distributing marketing materials and discussing with

1 prospects as they are being identified.[^] That, of course, is
 2 the repetitious quote that comes from the ^{pro forma} ~~performa~~ progress
 3 ~~reports~~ ^{report} being submitted as part of ^C condition 5.

4 Secondly, no cinema or performing arts space could
 5 ever be able to pay a lease rate commensurate with the cost
 6 of rebuilding the theater, costs which traditionally are a
 7 gift in that they come from some initial capital campaign
 8 for which no monetary return is ever expected.

9 Well, what to do. I reviewed all the paperwork
 10 ~~and~~ ⁱⁿ all the files going back to 1984. I have interviewed
 11 many connected to the issue. It's clear to me that the
 12 intent of this deal was that the rest of the project
 13 financially supports [/] not only the restoration of the theater
 14 but provides ^{for its} ~~with~~ continuation as a cinema or performing
 15 arts space even if those uses by their very nature require
 16 permanent subsidy. So this leads to my quid pro quo.

17 First, and this is the quid pro quo for the
 18 approval of the 3'7". First, I suggest that the ^B ~~/~~ board and
 19 ^S ~~/~~ staff reaffirm their commitment to the language in both
 20 letter and spirit ^{of} condition 5 ~~of~~ the cinema ^{or} ~~and~~ performing
 21 arts space ^{unless changed} ~~and let's change~~ by ^S ~~/~~ site ^P ~~/~~ plan ^A ~~/~~ amendment.

22 Second, that the ^B ~~/~~ board and ^S ~~/~~ staff reconfirm that
 23 their intent is now and always has been for the rest of the
 24 project to be ^{the} ~~a~~ benefactor of the theater space and that a
 25 judgment of uneconomical by the ^A ~~/~~ applicant should not be

1 sufficient reason to reject cinema or performing arts usage
2 in favor of some more lucrative commercial venture.

3 Third, that the ~~B~~ board consider requesting that the
4 public be given some ^{period of} ~~some~~ courtesy review before any tenant is
5 finally signed and, fourth, that the ~~B~~ board and ~~S~~ staff work
6 together to solve this potential dilemma.

7 In conclusion, I have debated about presenting
8 this testimony. If the ~~A~~ applicant ever tries to plead out
9 ~~C~~ condition 5 he will surely quote my ~~staff~~ ^{stats} on single ~~screen~~ ^{screen}
10 viability and low lease rates. But, I decided it was better
11 to ~~err on~~ ^{air} the issue now rather than wait until the citizenry
12 is faced with perhaps a poor choice fait ~~de complete~~ ^{accompli.} This
13 project contains nothing more than the latest apartment
14 building. Soon to follow will be the O'Donnell and Encore
15 structures. More parking garages and townhouses ~~is~~ ^{as} part of
16 the incessant infill ~~or~~ ^{are} on the way ~~to~~ ^{too,} but the Bethesda is
17 not just another movie house soon to be replicated.

18 Peter Carney's exemplary efforts over the last 17
19 years to reach out to Bethesda with children's programming
20 and special events usage have made it feel more like home or
21 a community center than just a business. He has shown just
22 how right it was to fight to get this thing on the ~~atlas~~ ^A and
23 the ~~master~~ ^M plan for ~~historic~~ ^H ~~preservation~~ ^P. I believe it
24 deserves to end up more than just ~~plain~~ ^{quaint} business
25 surroundings.

1 And still I'd be glad to hear everyone's personal
2 definition of --

3 Thank you. I'll
4 MS. PERDUE: [^]We've got your testimony and [^]ask
5 ^S/~~staff~~ for their comments and ^A/~~applicants~~ ^{has} opportunity ^{to} ~~for~~
6 rebuttal.

7 MS. HUFBAUER: I think the testimony was very well
8 phrased and I'm here, as you know, representing the
9 Community Based Planning Division and ~~we're starting the~~
10 ^S/~~sector~~ ^P/~~plan~~ and as you know ^I worked on this project for quite
11 a long time and I think it is absolutely correct that our
12 goal here was to, as reflected in the ^S/~~sector~~ ^P/~~plan~~, was to
13 preserve the interior of the theater which would not be
14 preserved by the ^M/~~master~~ ^P/~~plan~~ designation which just
15 preserved ^{the} exterior. ^{Gwen}, of course can amplify on that.
16 [^]It was also to retain a cinema or
17 performing arts use and the language is in the ^S/~~sector~~ ^P/~~plan~~
18 ,Item d, ^{the}
19 on page 74 [^]as one of ~~those~~ recommendations.

20 We did have in mind, I would say at the staff
21 level, ~~because the~~ County Council [^]adopted ~~the~~ document and I
22 don't know the Council's intent but we were definitely
23 thinking of either a cinema use or performing arts, again,
24 live theater. ~~We're~~ ^{We were} thinking of equally valid. And the
25 whole project was developed -- the idea [^]in other words [^]of
26 having ^{an O} optional ^M method projects [^]allowing this building to
27 have a building over it was indeed -- and you'll find the
28 language in the ^S/~~sector~~ ^P/~~plan~~ -- designed to have enough

1 economic value that the building could be preserved and this
2 performing arts or cinema use allowed.

3 So I think that ^{indeed} the history ~~of~~ that the speaker
4 has given is correct [^] that that was part of the intent.
5 Elsewhere in Bethesda, as you know, we have the amenity on
6 what we call the Hot Shoppes ^(unintelligible) ~~right now, the~~ Chevy Chase Bank
7 and they indeed are in the process of building a ^{400 seat} theater
8 which the Round House Company will have the use of ^{-- it's a dollar a} ~~during~~
9 ~~the~~ year and that's of course a very deep subsidy.

10 So I think the problems that this speaker has
11 identified are very real and very troubling. I don't have
12 the answer but I agree that he has put his finger on an
13 important issue that is right at the heart of this project.

14 MR. BRYANT: You said the problem that he
15 identified. I didn't hear him identify a problem. I heard
16 him identify the potential for a problem to exist if in fact
17 we don't hold steady on ^C/~~condition~~ 5 and there's nothing to
18 my knowledge that's come forth which suggests that we're not
19 holding the applicant to ^C/~~condition~~ 5 so I enjoyed the
20 presentation, but, it's either premature or it might even be
21 moot by the time -- well, at this point it's just premature
22 as far as I'm concerned.

23 MS. WELLINGTON: We no longer agree on everything.
24 I'd say that whether it's premature or not [^] it's identifying
25 ~~an~~ ^{a real} issue which is and this is what I would ask staff to sort

1 of explicate. We've said in our agreement that it will be
 2 renovated as public arts use, ~~the~~ ^{or} theater, and as I
 3 understand it, ^A the applicant is complying ~~with~~ that. ~~They~~ ^{That they}
 4 will be renovating it and getting it ~~-- including the~~ ^{in the proper (unintelligible)}
 5 preserving the interior. But what the speaker is raising is
 6 that it's going to take more than that and I guess the
 7 example of what's happened ~~with~~ ⁱⁿ Chevy Chase Bank is probably
 8 very useful because I think what he's saying and I'd ask you
 9 what your views are ^A that there is going to need to be some
 10 sort of agreement between government, the ^A applicant ⁻⁻ who's going to
 11 use ~~it~~ ^{this}, how are they going to identify and get enough
 12 revenues for this thing to actually happen because what he's
 13 saying is ~~his~~ ^{that the} experience ~~throughout~~ ^{across} the country is this is
 14 always subsidized and ~~some government~~ ^{there's some sort of governmental} or private charity
 15 involvement and so far nobody's stepping up to try to get
 16 that going.

17 MR. BRYANT: I do believe ~~it's~~ ^{that's} beyond our purview.
 18 The applicant has ~~the~~ responsibility of preserving the
 19 space, getting ~~the~~ ^a use in there, and I think it's
 20 inappropriate to necessarily ~~for the~~ ^{put a} condition, ~~for the~~
 21 further condition that "the community", whoever that
 22 community is, has to approve the use and the person going in
 23 there. We have to approve the use.

24 MS. PERDUE: It might be appropriate to hear
 25 comments from the applicant.

1 MS. VIAIS: Yeah. As I have said, we do plan to
2 comply and I do think exactly what you're saying is where we
3 are. We are still trying to find a use and I'll let Artie
4 talk to that since he's been involved with trying to find a
5 use there.

6 MR. HARRIS: We are very committed to you having a
7 theatre performing arts use ~~and~~ ^{in the} theater. We have hired [^] specialty
8 retail broker that specializes in entertainment use to help
9 us and to find that use. ~~We've also~~ ^{We're also -- have} talked to the existing
10 operator. One of the things I'd like to say that once we --
11 we will generate more energy for those uses once we get the
12 project under construction because that typically is what
13 happens. We also have been focusing a lot of energy getting ⁻⁻
14 designing that space for a performing arts type of
15 operation.

16 One of the reasons ~~we~~ ^{we've} asked for the height in the
17 building is for providing a 6 inch thick acoustical ^{slab so that if} when we
18 do have this performing arts operation there's a proper
19 sound barrier for that and the residential so we are
20 designing for a performing arts center.

21 We also -- one of the reasons we said was for the
22 mechanical and electrical systems that would support a
23 performing arts or theater center so we are very committed
24 to that. We've spent a lot of energy in the design and for
25 the preservation of ^a ~~the~~ theater so it has that use but I

1 also do insist that once we -- once there's a lot of --
 2 there be a lot of commitment for that ⁻⁻ from that type of use
 3 once we get under construction with the project.

4 As I said, we are very committed ^{to that -- we are very committed} to getting this
 5 project going and that's why we're here today.

6 MR. BRYANT: And I repeat. I think it's
 7 inappropriate to even talk about the quid pro quo in light
 8 of the fact that ^{what --} ~~we~~ look at what we're here for. We're
 9 talking about two amendments. That doesn't mean that what
 10 you said wasn't relevant, it wasn't helpful, and ⁻⁻ true, but,
 11 in terms of what we're responsible for right now we're
 12 responsible for determining if in fact the 3.7 is in fact
 13 something that we can live with and from my perspective,
 14 yes, we can live with it but I also stand noticed that when
 15 the package comes before us again and if there's any attempt
 16 to compromise on ^(unintelligible) condition number 5 that I will be a pit
 17 bull and not let anything happen to [^] condition 5.

18 MS. WELLINGTON: Well, ^{also} I think I understand what
 19 ~~the~~ ^A applicant is saying ⁻⁻ that you're saying really things are
 20 ~~moving~~ ^{going} along according to plan. You're focusing now on
 21 construction aspects, getting the building going, and when
 22 that -- when you start that ^{there'll} then ~~there will~~ be the energy
 23 and the excitement to move to the next phase which is to
 24 make it a reality and although you didn't say it, ^I assume
 25 that that would include approaching ~~the~~ government,

1 approaching staff, approaching County Executive[^] or the
2 County Council, all the different organizations and I can't
3 list all the ^{charitable} organizations, ^{that} ~~who~~ would be interested in
4 turning it into something special which is the sort of
5 spirit of what people understand this amenity will be.

6 (unintelligible)
7 But, I am ~~talking~~ to you in terms of the steps you
8 have to take to make that happen.

9 MS. VIAIS: It was during the ^S/~~sector~~ ^P/~~plan~~, and you
10 may not remember, there was a group called ^A Bethesda Cultural
11 District that represented leaders in the community who were
12 pushing hard to see theaters in Bethesda. I haven't seen
13 them lately but the people are still there. Gene Smith was
14 very active in that group. Bonnie Fogel of the ^{BAPA}, the Bethesda
15 Academy of Performing Arts and, of course, she's getting a
16 theater ^{and a} parking garage. But, I think ^(unintel.) ~~they~~ are there ^{that care}
17 maybe they will, as you say, ^{as} the project is farther along
18 get involved.

19 MR. BRYANT: Well, that's another thing I wanted
20 to build on and that is when you know the character of the
21 people involved I think that you have to also not only take
22 the contract and the condition is a contract but you also
23 have to have ^{sort of} some confidence in the character of the people
24 and Gene Smith and Associates, Inc. have been contracted to
25 find people for the space. I'm familiar with his work. I'm
familiar with his work not only here but in Baltimore and

1 other places around the country and see him ^{as} being quite
2 competent and quite capable of performing ^{this} ~~his~~ service and if
3 he can't find the kind of venue to go in there that becomes
4 "self-supporting" I'm under the impression that he also has
5 at his disposal the wherewithal to approach the various
6 organizations, the various government entities, whatever the
7 case may be and come up with a creative way of still meeting
8 the conditions of ~~C~~ condition number 5 and not compromise this
9 project.

10 MS. PERDUE: We've heard your testimony. This is
11 not -- we're having our discussion. For me, I think as well
12 the ~~C~~ condition 5 remains. ^{It's there} ~~if they're~~ unchanged and I
13 certainly hope I don't have to sit next to a pit bull but in
14 the event that there were some proposal to modify that
15 ~~C~~ condition 5, I think I would ^{simply} ~~make~~ the observation that I
16 think all the ~~B~~ board will have long memories about what
17 accommodations there were so that --

18 MS. VIAIS: We hear you. We get the message. But,
19 as you say, Gene is on the case and as is Artie and it will
20 happen.

21 MS. PERDUE: Any further comments from the ~~B~~ board?

22 MS. WELLINGTON: No.

23 MR. BRYANT: I move that we approve the staff
24 recommendation for the modification to the ~~S~~ site ~~P~~ plan as well
25 as the ~~P~~ project ~~P~~ plan.

1 MS. PERDUE: I think we need two separate motions.

2 MR. BRYANT: The amendment to the ~~S~~ site ~~P~~ plan.

3 MS. WELLINGTON: Second.

4 MS. PERDUE: All in favor.

5 BY ALL: Aye.

6 MR. BRYANT: Amendment to the ~~P~~ project ~~P~~ plan

7 approval.

8 MS. WELLINGTON: Second.

9 MS. PERDUE: All in favor?

10 BY ALL: Aye.

11 MS. PERDUE: Thank you.

12 (Whereupon, the hearing was concluded.)

13

14

15

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C E R T I F I C A T I O N

DEPOSITION SERVICES, INC., hereby certifies that
the attached pages represent an accurate transcription of the
electronic sound recording of the proceedings.

Beverly Jason
Beverly Jason
Transcriber

3/9/01

03\09\01

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January 9, 2001

Emily J. Vaias
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BY HAND

Ms. Robin Ziek
Maryland-National Capital Park
and Planning Commission
Historic Preservation
1109 Spring Street #801
Silver Spring, Maryland 20910

Re: Bethesda Theatre Residential Project

Dear Ms. Ziek:

→ Call Jean to
go over to the
Theatre -
301-907-0324

Pursuant to our meeting last week, enclosed please find twelve (12) copies of each of the following plans or elevations:

1. Previously approved First Floor Plan (HP.3) and Projection Level Plan (HP.4).

These plans show a stairwell and hallway along the northern retail shop, and two doorways serving this shop.

2. Revised Schematic First Floor Plan (SCH.1) and Schematic Elevations (SCH.2).

These plans show the current proposal to eliminate the northern stairwell and hallway, and to restore the shop front to one doorway.

3. Previously approved Rendered Perspective with flat roof (pink sky).
4. Revised partially Rendered Perspective with mansard roof (white sky).
5. Revised Rendered Front Elevation with mansard roof (blue sky).

[Handwritten signature]

Friday

10am

As the design process has progressed on this project, the architects have reconfigured the internal stairwells, maintained one entranceway for each retail shop, and replaced the flat roof with a mansard roof. We believe these changes are minor in nature and can be handled administratively.

Ms. Robin Ziek
January 9, 2001
Page 2

If you have any questions, please feel free to contact me. Thank you.

Sincerely,

LINOWES AND BLOCHER LLP



Emily J. Vaias

EJV:sbw

Enclosures

cc: Mr. Eugene M. Smith
Mr. Artie L. Harris
Ms. Mary L. Oehrlein
Mr. Jeffrey Morris

Can we meet
There for 1/24/07?

1-10-07

~~Don't put an alignment
through the NPS property
with fly-over to city, Dec Prop
Cheatnut.~~

Belknap
Theatre:

What material for the manuscript?

APC
concerns with
new proposal:

Concerned with details. - Composition
before use more of a Deco -

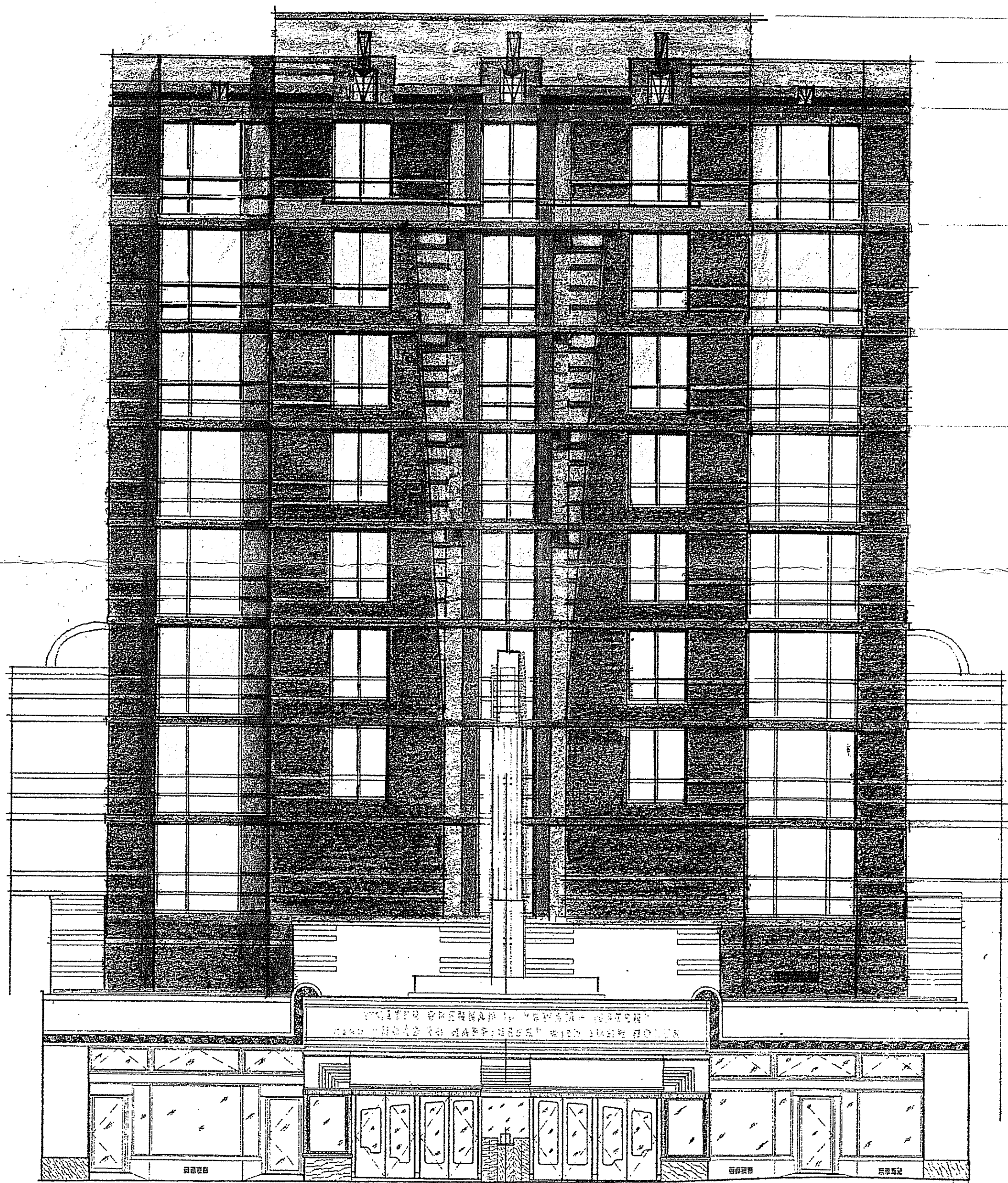
What are the lanterns?

Discuss change for interior
stairs -

Show photos of existing interior
conditions - stairs -
to understand



Do a 50/50 drawing, splicing the
original v the proposed



ROOF

11TH FLR

10TH

9TH

4'-2" 3/4"
10'-7 1/4"
9'-7"
8'-11"
8'-0"

מבני תל אביב
מבני תל אביב

8225

8225

8225

2

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January 9, 2001

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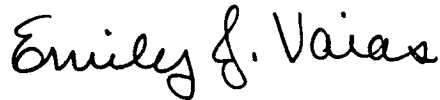
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Ms. Robin Ziek
January 9, 2001
Page 2

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Sincerely,

LINOWES AND BLOCHER LLP



Emily J. Vaias

EJV:sbw

Enclosures

cc: Mr. Eugene M. Smith
Mr. Artie L. Harris
Ms. Mary L. Oehrlein
Mr. Jeffrey Morris



Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814



BETHESDA THEATRE RESIDENTIAL

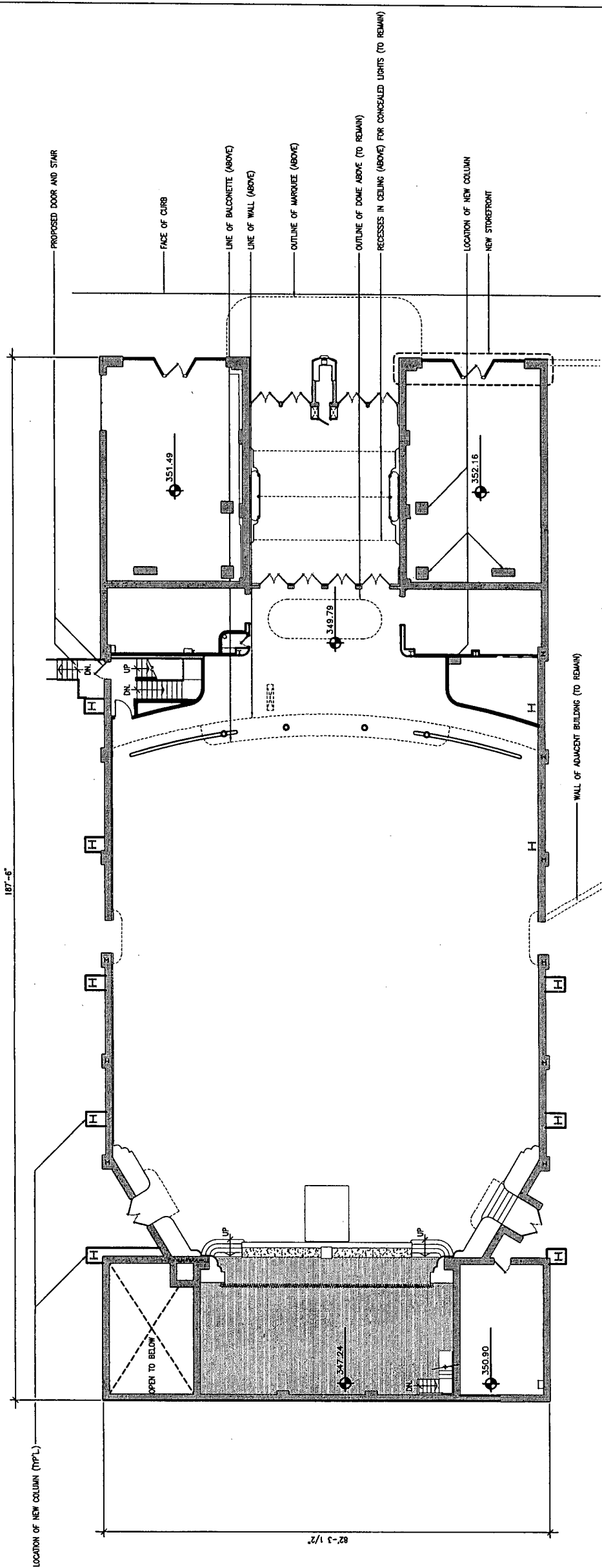


WDG

Current
Proposal

1/9/01

Schematic First Floor Plan
 5 January 2001
 1/8" = 1'-0"
 0 1/2 1 1/2 2 3 4 5 6



First Floor Plan
 Scale: 1/8"=1'-0"

Bethesda Theatre
 7791 Wisconsin Avenue
 Bethesda, MD 20814

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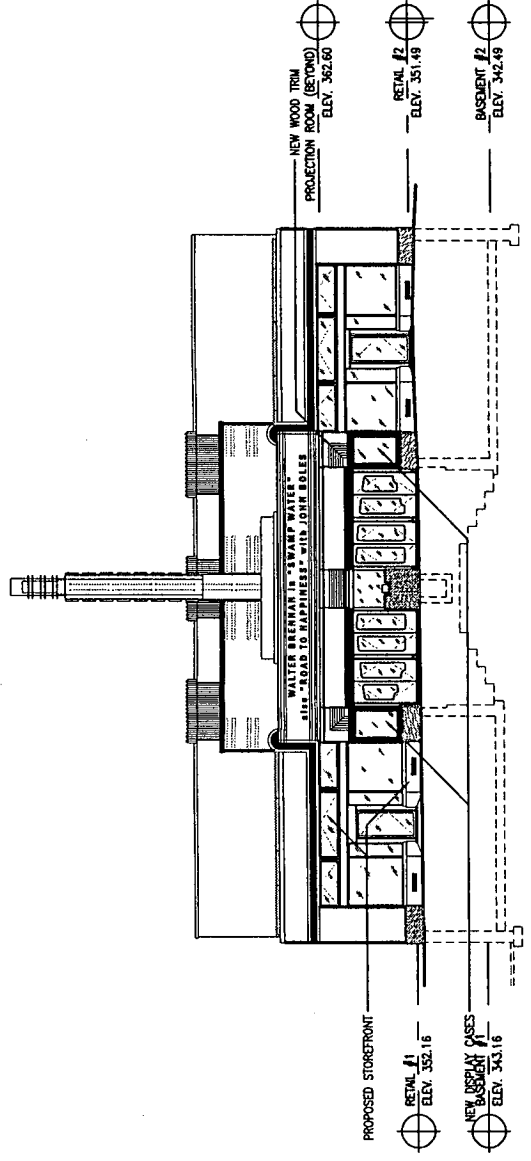
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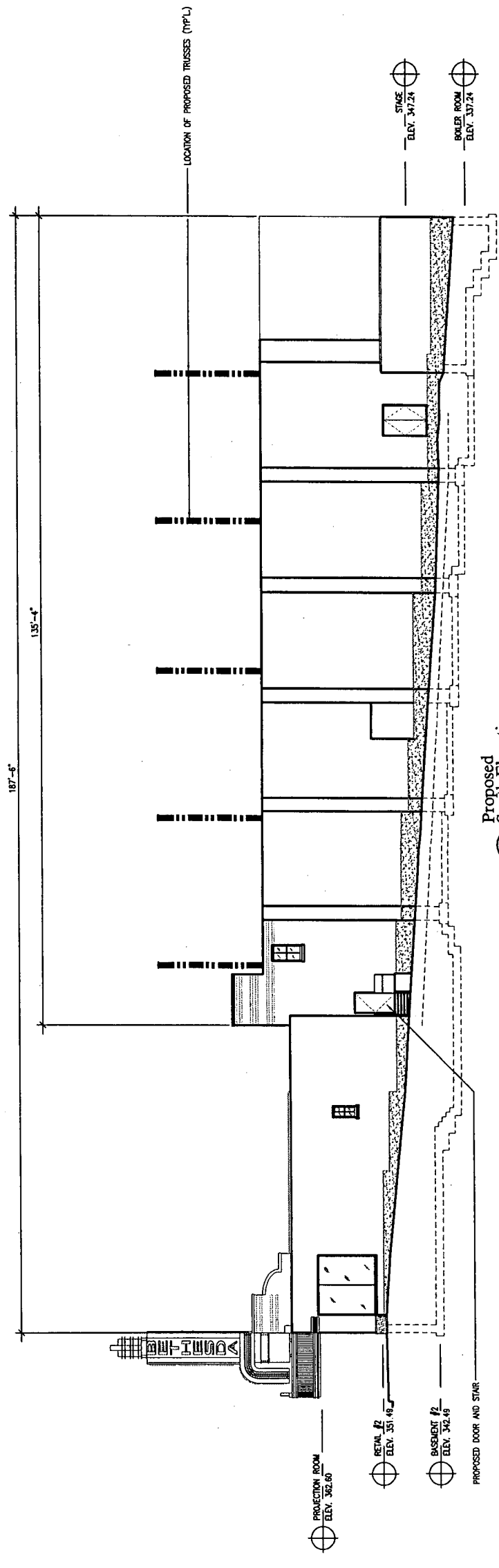
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1 Proposed West Elevation
Scale: 1/8"=1'-0"



2 Proposed South Elevation
Scale: 1/8"=1'-0"

1/9/01

Schematic Elevations
5. 1/9/01
Preparation
Scale: 1/8"=1'-0"
0.1 0.2 0.4 0.6 0.8 1.0

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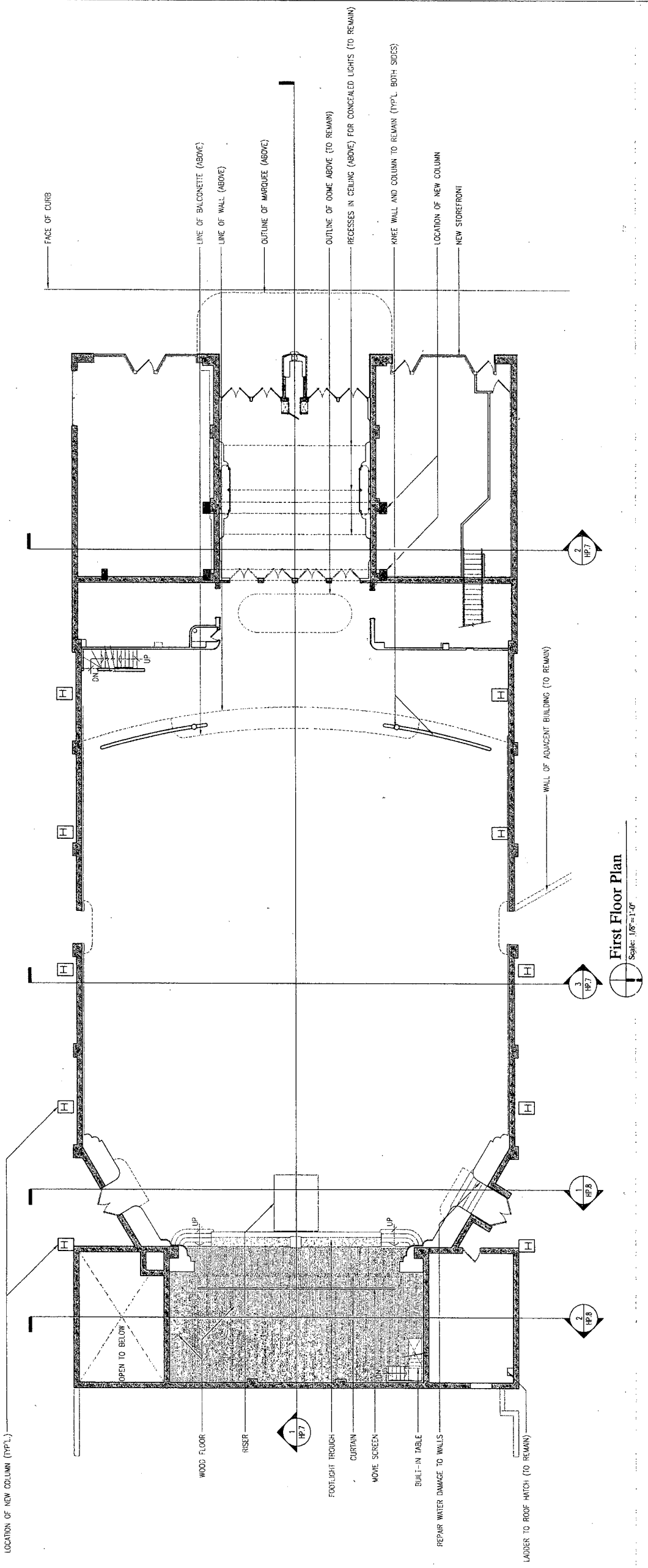
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Previous
Approval



PROGRESS PRINT

First Floor
Plan
10. JANUARY, 2000
Preparator: HP.3
Drawings

Scale: 1/8"=1'-0"
0 1 2 3 4 5 6 8

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7791 Wisconsin Avenue
Bethesda, MD 20814

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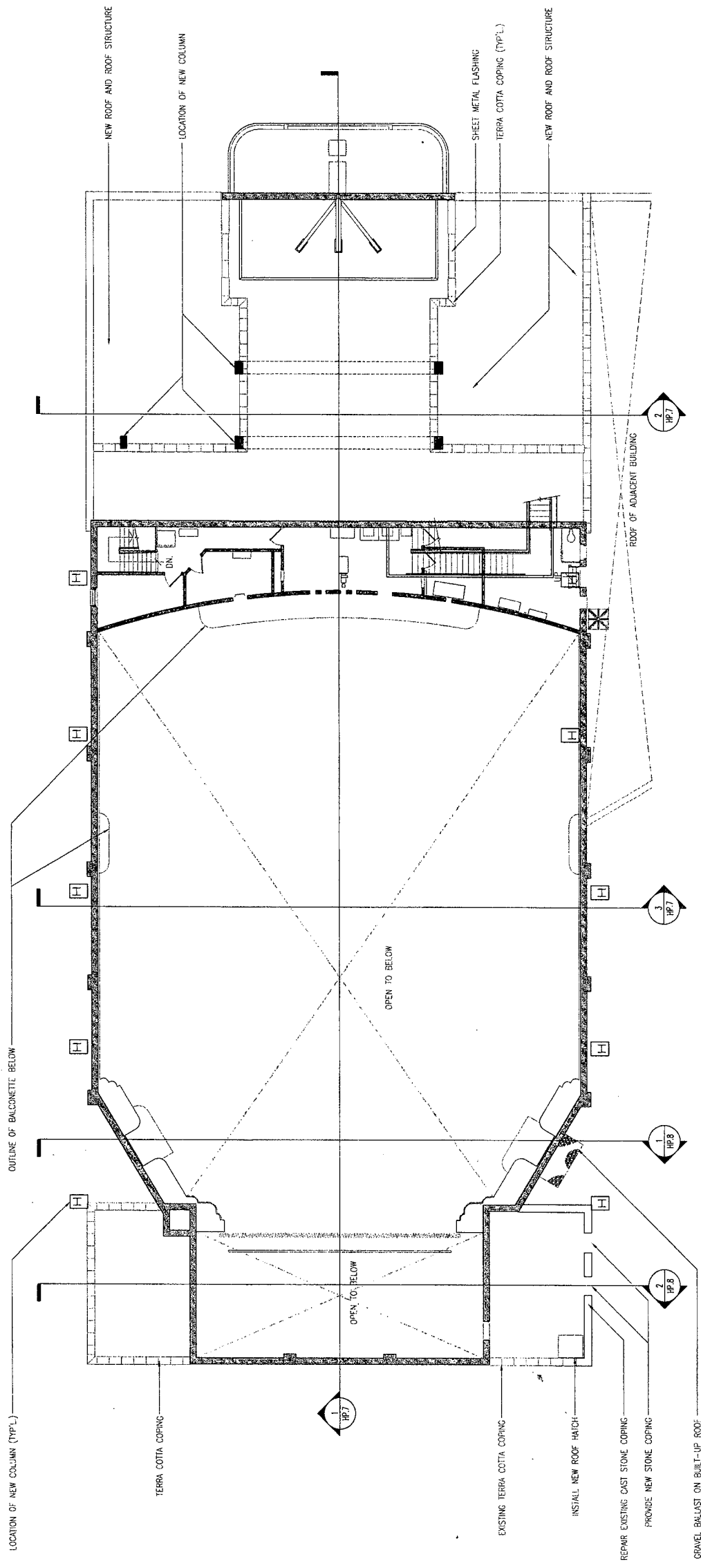
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Projection Level Plan
Scale: 3/16" = 1'-0"

PROGRESS PRINT

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Bethesda Theatre
 7791 Wisconsin Avenue
 Bethesda, MD 20814

Projection Level Plan
 10 January, 2009
 Presentation Drawings
 Scale: 1/8" = 1'-0"
 0 1 2 3 4 5 6

HP.4

Previously
Approved



Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

Current
Proposal



BETHESDA THEATRE RESIDENTIAL

Current
Proposal



WDG

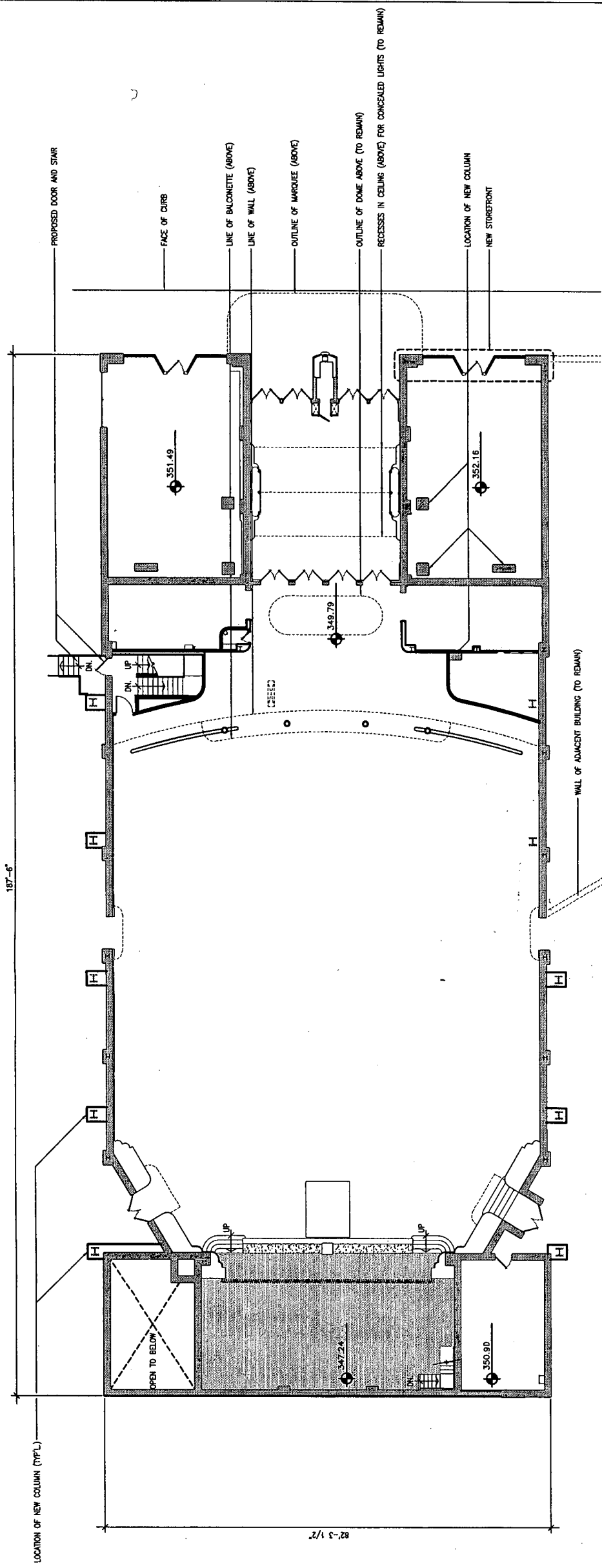
ROMAN HEROSZEWSKI

Bo 22070

301-446-2211

Belvidere
Theatre.

1/2/01



First Floor Plan
Scale: 1/8"=1'-0"

Schematic First Floor Plan
SCH. 1

Bethesda Theatre
7791 Wisconsin Avenue
Bethesda, MD 20814

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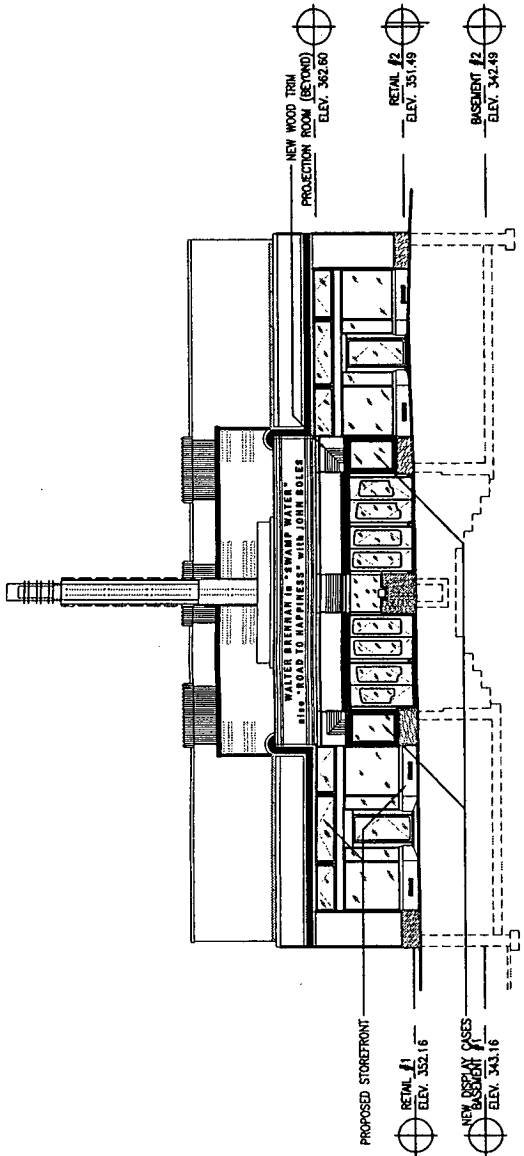
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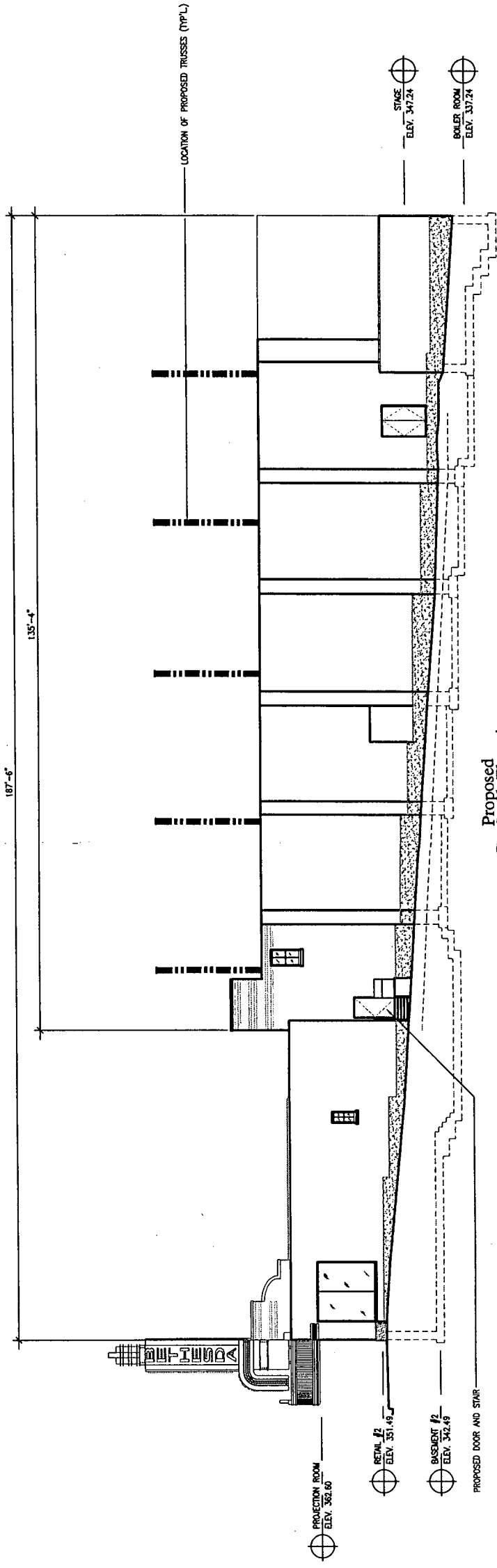
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BETHESDA, MD 20814
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FAX: 301-221-1101



1 Proposed West Elevation

SCALE: 1/8"=1'-0"



2 Proposed South Elevation

SCALE: 1/8"=1'-0"

1/9/01

WDG ARCHITECTURE
 225 Connecticut Avenue, NE, Suite 200
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 Washington, DC 20002
 Tel: 202.331.1100 Fax: 202.331.1101

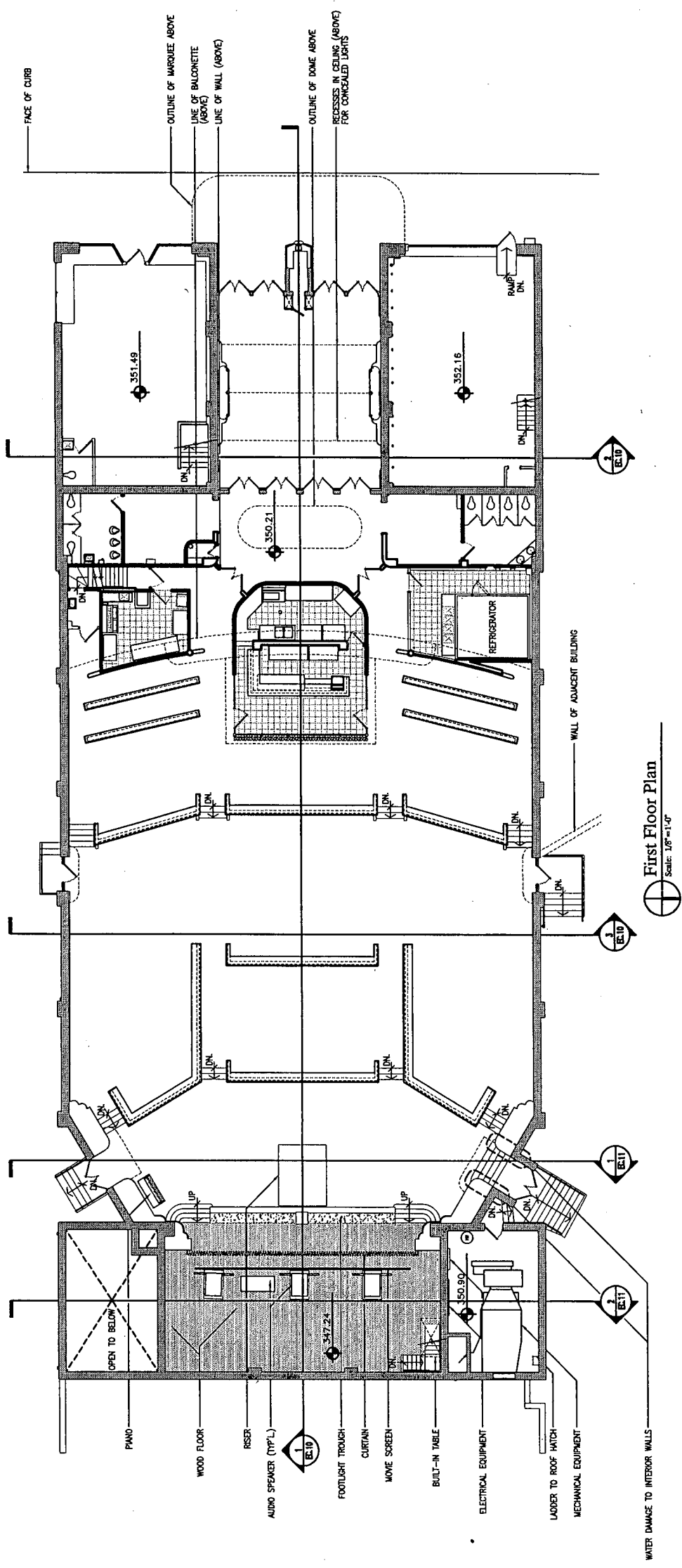
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Bethesda Theatre

7791 Wisconsin Avenue
 Bethesda, MD 20814

Schematic Elevations
 5 January 2001
 0.1 Scale: 1/8"=1'-0"
 Drawing: **SCH.2**



First Floor Plan
Scale: 1/8"=1'-0"

EXISTING CONDITIONS

Bethesda Theatre

First Floor
Plan

5 January, 2000
As Shown
Conditions

Scale: 3/16"=1'-0"
0 1 2 3 4 5 6 7 8

7791 Wisconsin Avenue
Bethesda, MD 20814

EC.3

VINA, INCORPORATED
1400 Connecticut Avenue, N.W.
Washington, D.C. 20004

SILVER ASSOCIATES, P.A.
1000 Connecticut Avenue, N.W.
Washington, D.C. 20004

SEMA, Structural Engineers
800 Connecticut Avenue, N.W.
Washington, D.C. 20004

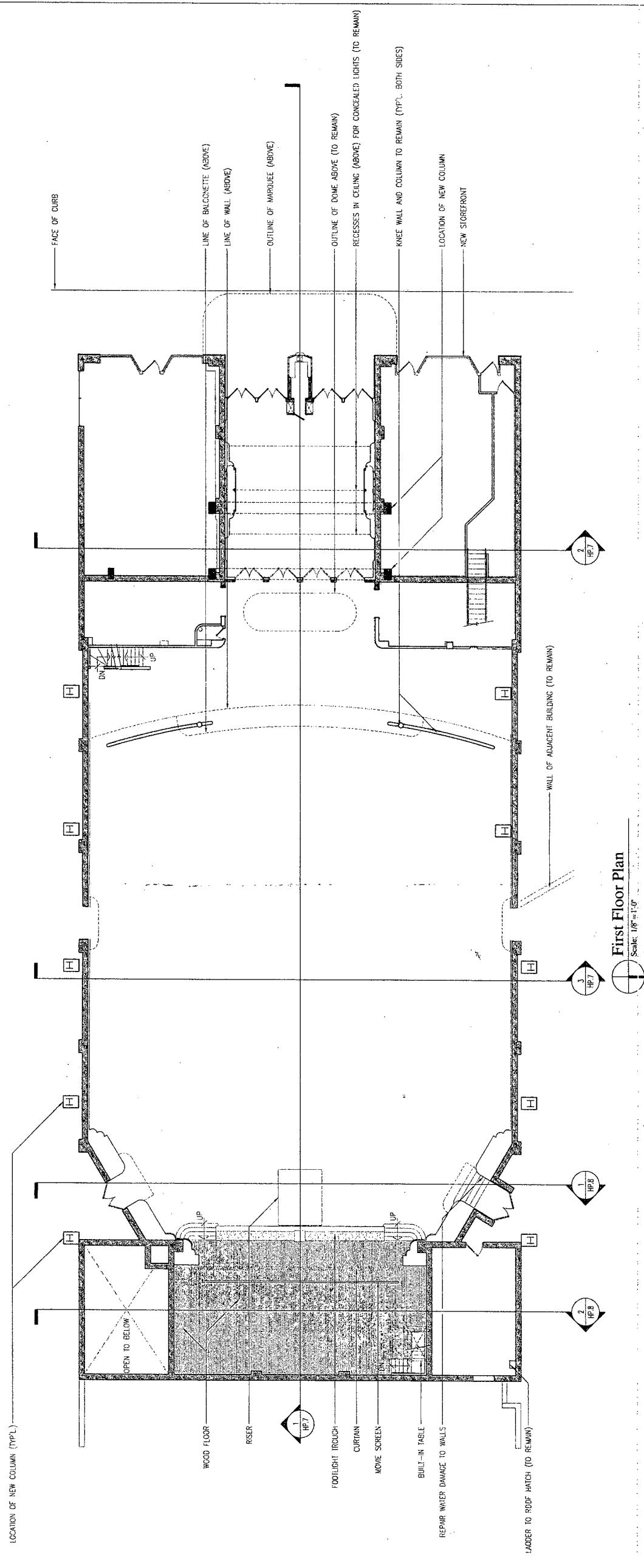
OSBORN & ASSOCIATES ARCHITECTS
1300 Connecticut Avenue, N.W.
Washington, D.C. 20004

LEWIS SCULLY GONNET
1300 Connecticut Avenue, N.W.
Washington, D.C. 20004

WDG ARCHITECTURE
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Washington, D.C. 20004

E. M. SMITH ASSOCIATES
600 North Capitol Street, N.E.
Washington, D.C. 20002

THE BOZUTO GROUP
600 North Capitol Street, N.E.
Washington, D.C. 20002



First Floor Plan
Scale: 1/8" = 1'-0"

PROGRESS PRINT

10 January, 2000
First Floor
Plan
Preparation
Drawings
HP.3

Bethesda Theatre

7791 Wisconsin Avenue
Bethesda, MD 20814

VIVA, INCORPORATED
1400 Wisconsin Ave
Suite 200
Bethesda, VA 22102

SHIVERS ASSOCIATES, P.A.
Civil/Architectural
10020 Concourse Pike
Elkridge, MD 21114

CSBA
Structural Engineers
812 Executive Boulevard
Rockville, MD 20857

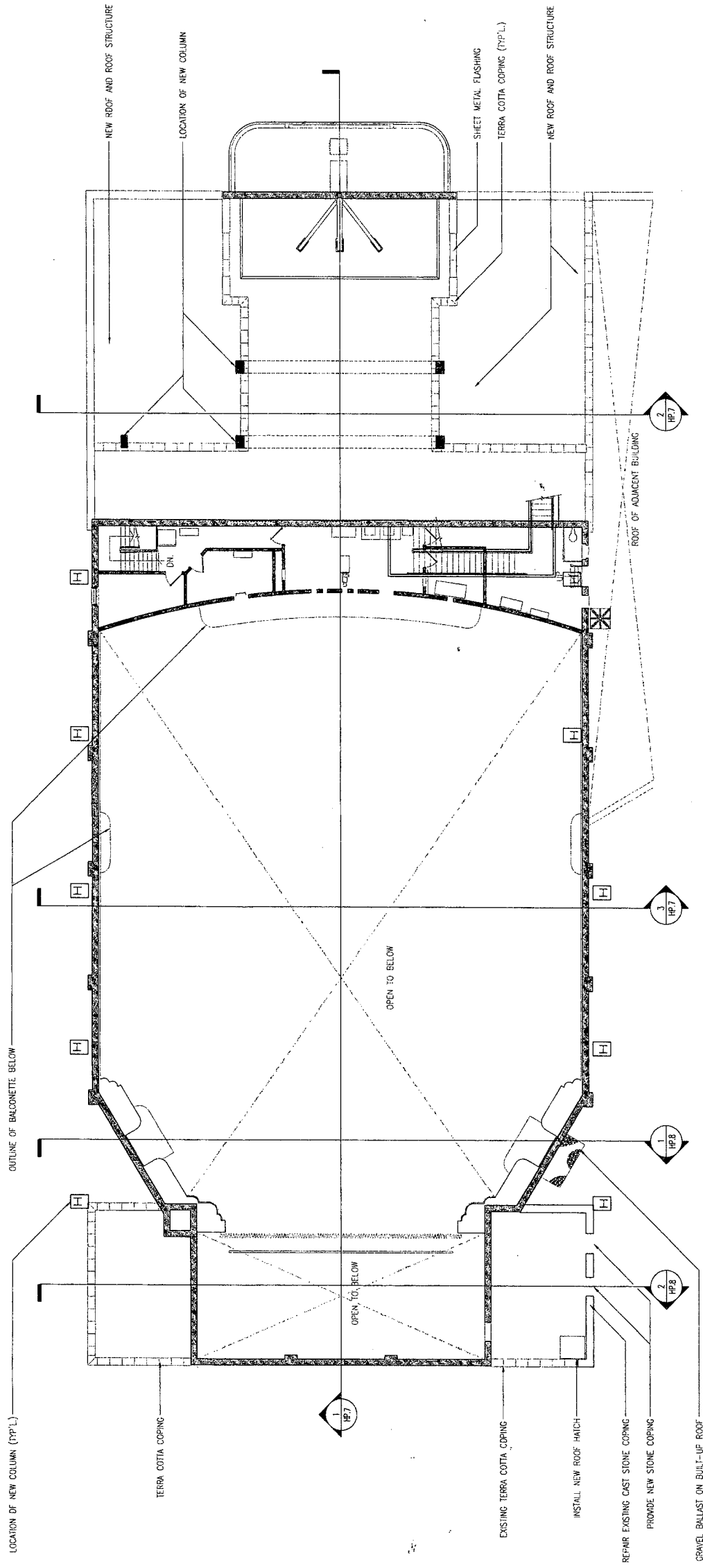
GERBERIN & ASSOCIATES ARCHITECTS
1325 Connecticut Avenue NW
Washington, D.C. 20036

LEWIS CALLEY GUNNET
1000 Wisconsin Avenue
Suite 200
Bethesda, MD 20814

THE BOZZUTO GROUP
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Suite 200
Greenbelt, MD 20770

E. M. SMITH ASSOCIATES
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Bethesda, MD 20814

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INTERIOR DESIGN
1000 Wisconsin Avenue, Suite 200
Bethesda, MD 20814
Tel: 301.462.8300 Fax: 301.462.2748 www.wdg.com



Projection Level Plan
Scale: 3/16" = 1'-0"

PROGRESS PRINT

Projection
Level Plan

10 January, 2009
Preparation
Drawings
HP.4



Scale: 1/8" = 1'-0"
0 1 2 3 4 5 6

Bethesda Theatre

7791 Wisconsin Avenue
Bethesda, MD 20814

VINKA, INCORPORATED
10000 Wisconsin Ave
Suite 200
North Bethesda, MD 20852

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Structural Engineers
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Washington, D.C. 20005

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5230 Old Dominion Road, Suite 100
Manassas, VA 20108

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4801 Hampshire Lane
Bethesda, MD 20814

THE BOZZUTO GROUP
5400 Lakeside, Suite 200
Greenbelt, MD 20770

Bethesda Theatre.

Permit Set.

Sheets stamped

2/14/01

A 1.01

A 1.02

A 2.13

A 2.14

A 2.15

A 2.16

A 3.04

A 3.05

A 3.10

A 3.11 A 3.12

A 3.13

A 3.14

Site - grading plan



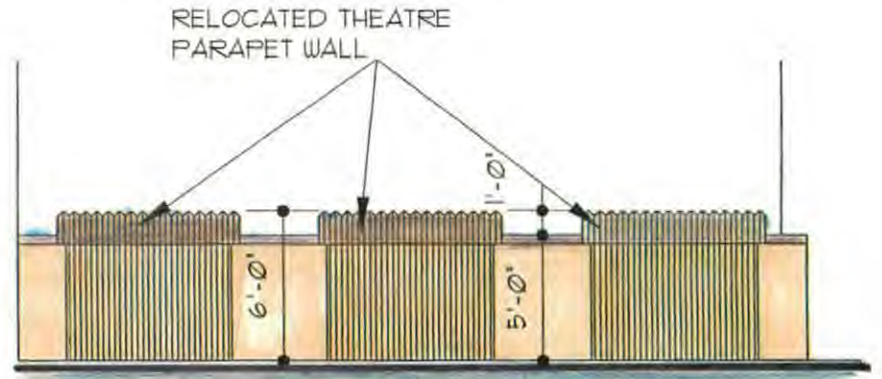
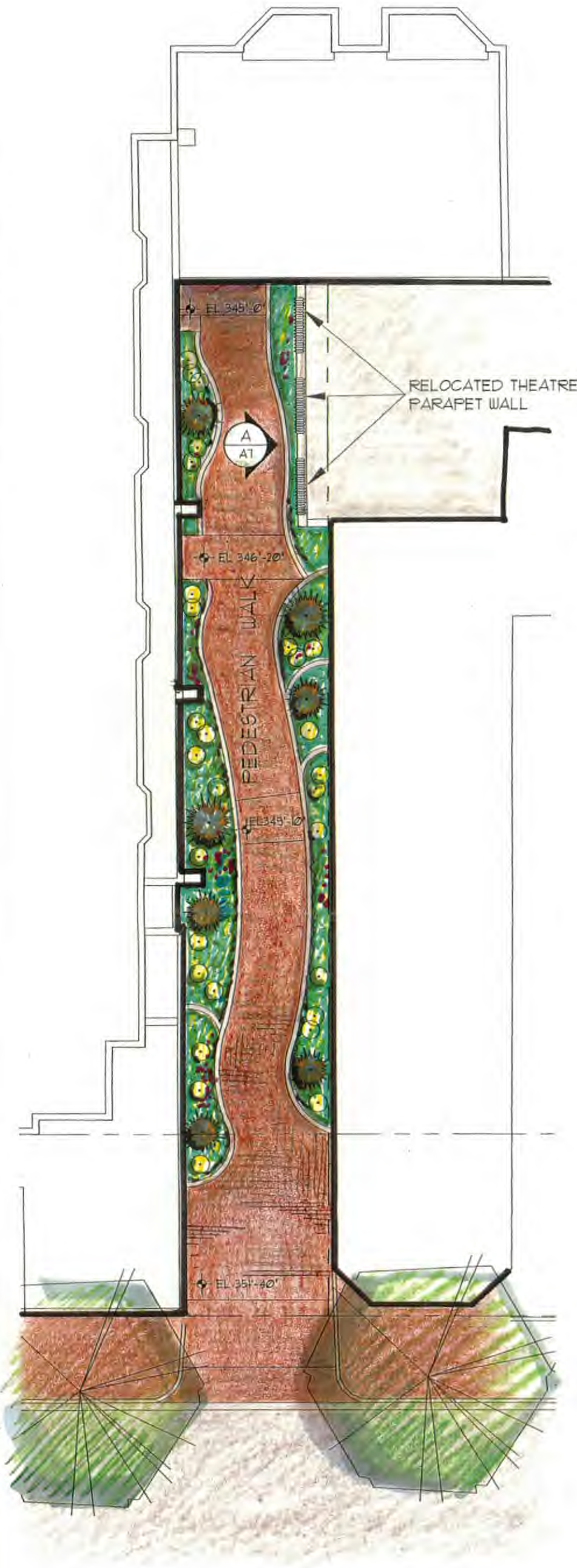
Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814



D. SONG 97





ELEVATION A
 $\frac{1}{8}'' = 1'-0''$

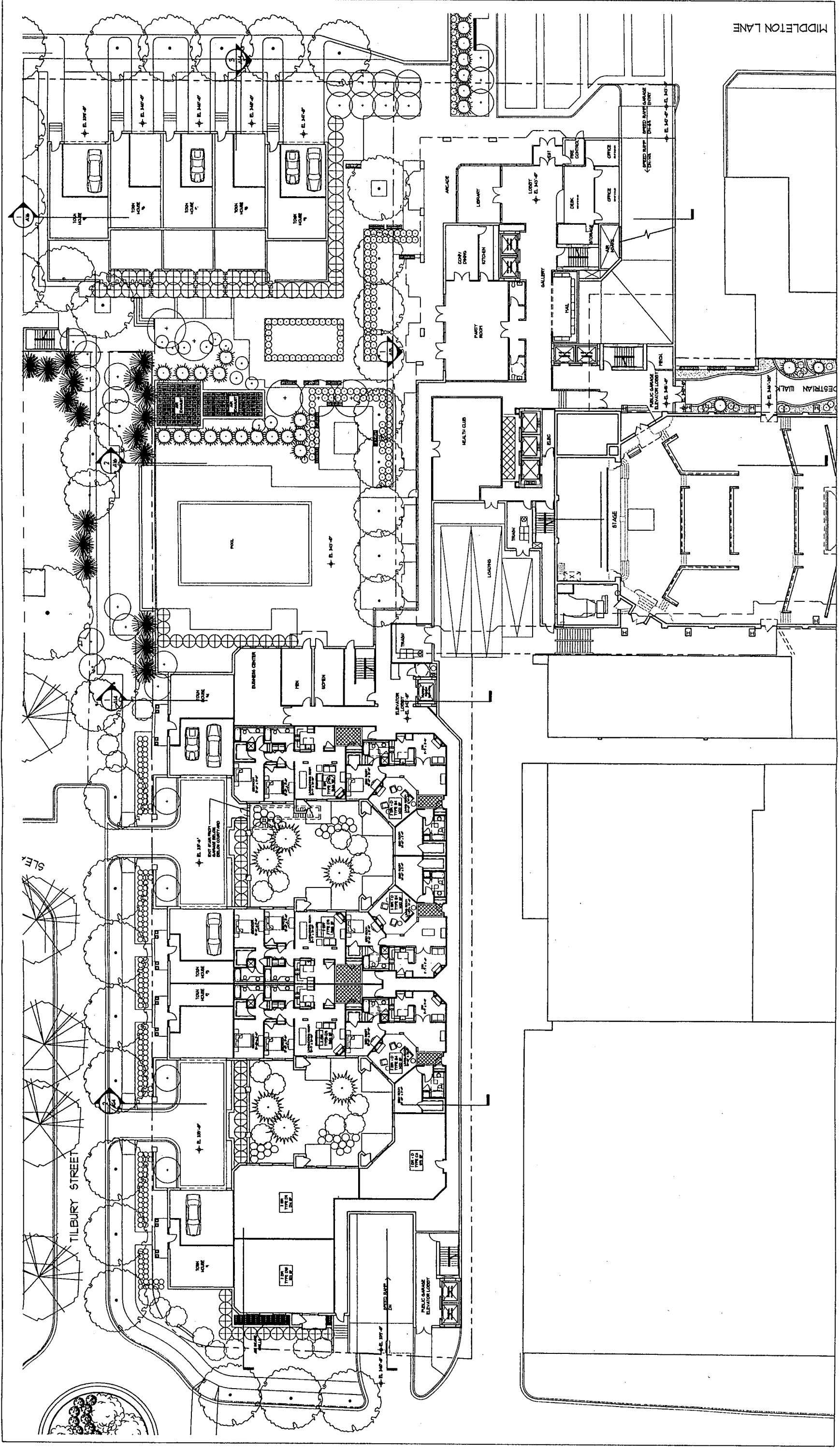
Bethesda Theatre Residential

Bethesda, MD

PEDESTRIAN PATH
 @ THEATRE

12.07.1999
 97012.04

ASK-4



WDG ARCHITECTURE
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 Reston, VA 20190
 Tel: 703.791.3300

VKA, INCORPORATED
 1810 Connecticut Ave.
 Suite 200
 Mdum, VA 22102
 Tel: 703.791.3300

Bethesda Theatre Residential

1ST FLOOR PLAN
TOWER/L-RISE

7791 Wisconsin Avenue
 Bethesda, MD 20814

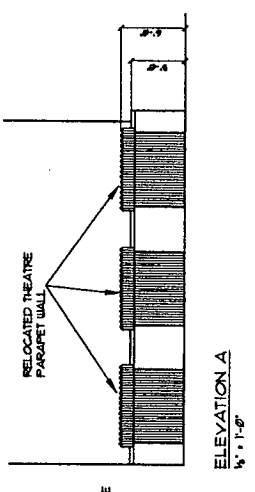
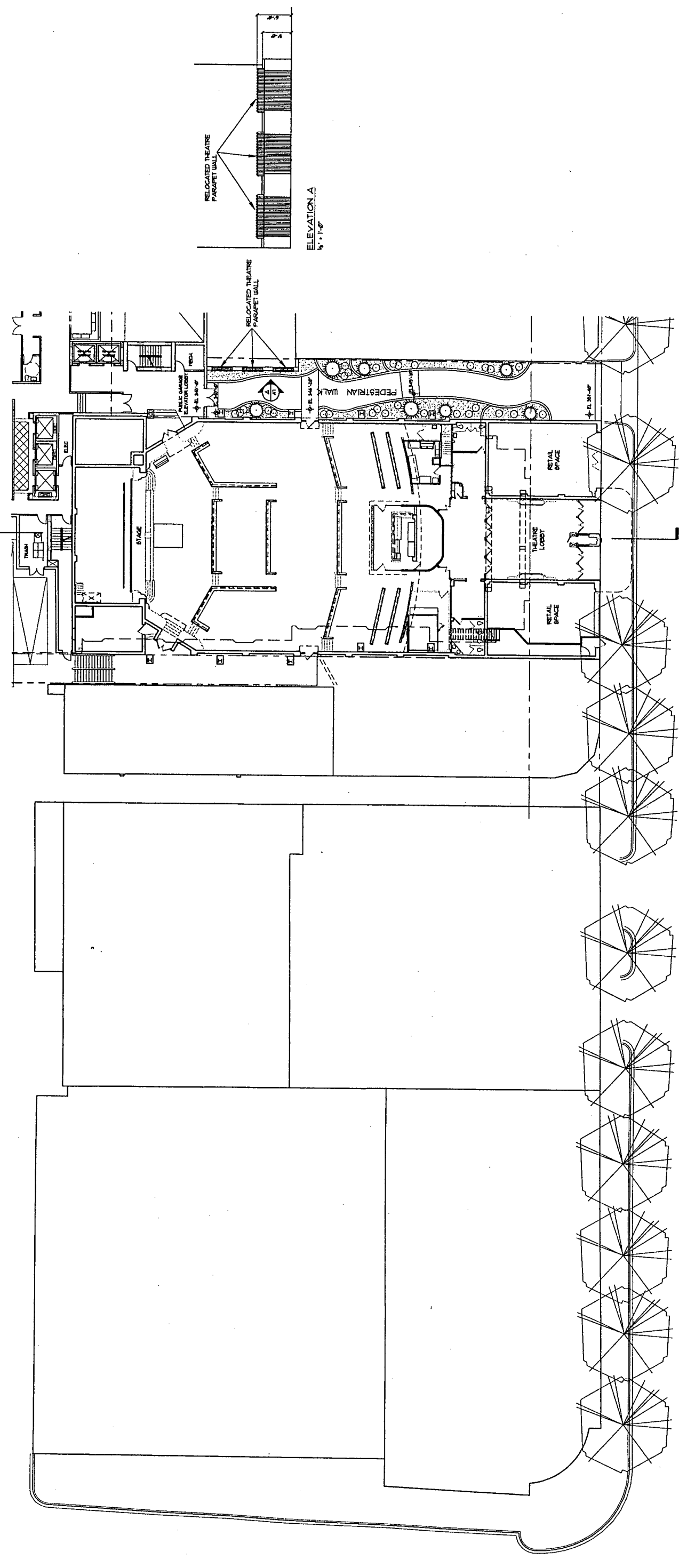
E. M. SMITH ASSOCIATES
 4821 Hampton Lane
 Bethesda, MD 20814
 Tel: 301.271.8000

THE BOZZUTO GROUP
 4401 Oakdale Forest, Suite 200
 Gaithersburg, MD 20878
 Tel: 301.271.8000

Scale: 1/16" = 1'-0"
 0 8 16 32

11.30.1999
 97012/04
 Scheme

A6



WISCONSIN AVENUE

WDG ARCHITECTURE
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 Washington, DC 20007

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VIKA, INCORPORATED
 4110 Connecticut Ave.
 Suite 200
 Bethesda, MD 20814

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 4401 Oakdale Street, Suite 200
 Chevy Chase, MD 20815

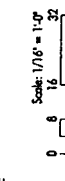
E. M. SMITH ASSOCIATES
 4201 Wisconsin Avenue
 Bethesda, MD 20814

Bethesda Theatre Residential

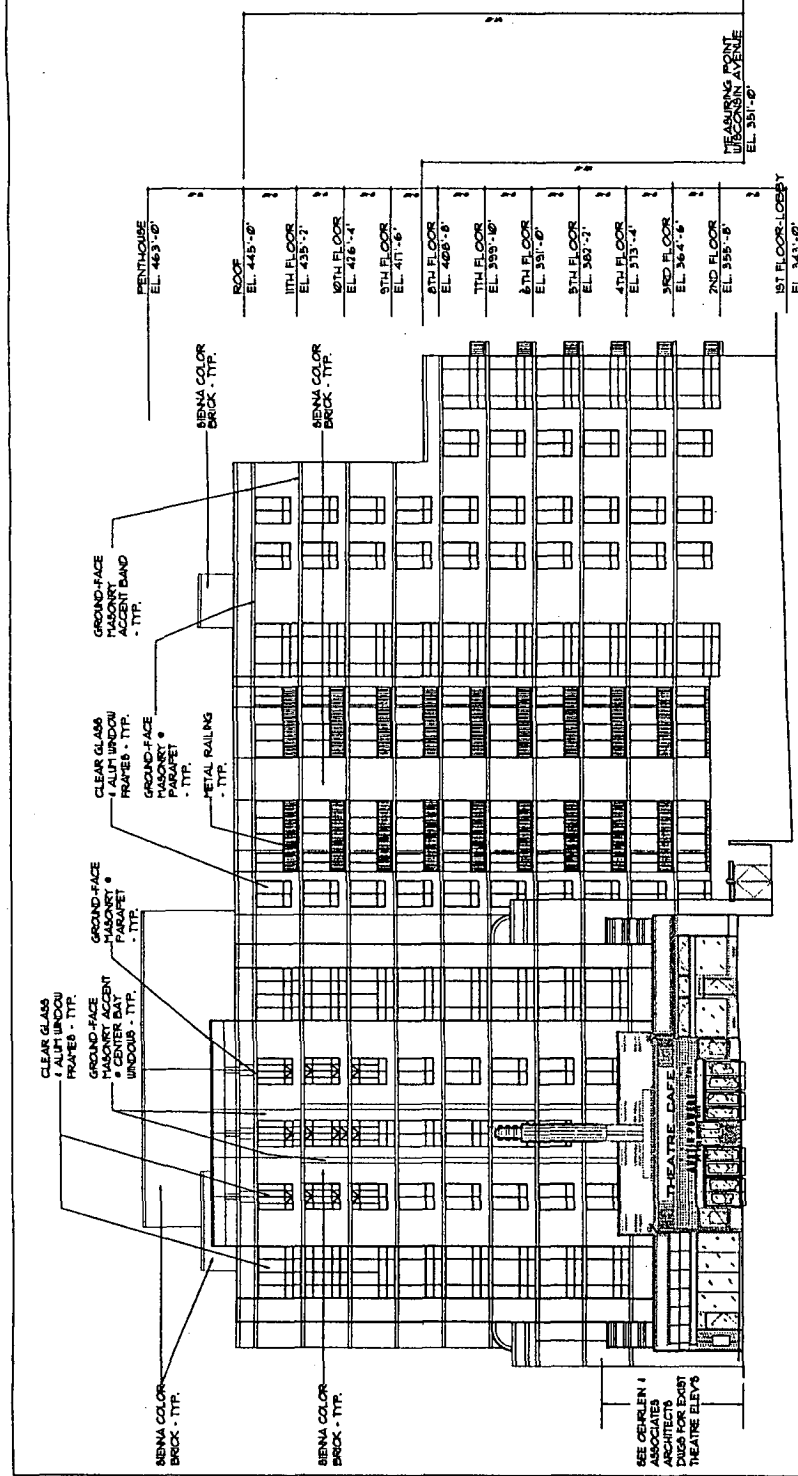
7791 Wisconsin Avenue
 Bethesda, MD 20814

**LOBBY LEVEL-
 THEATRE PLAN**

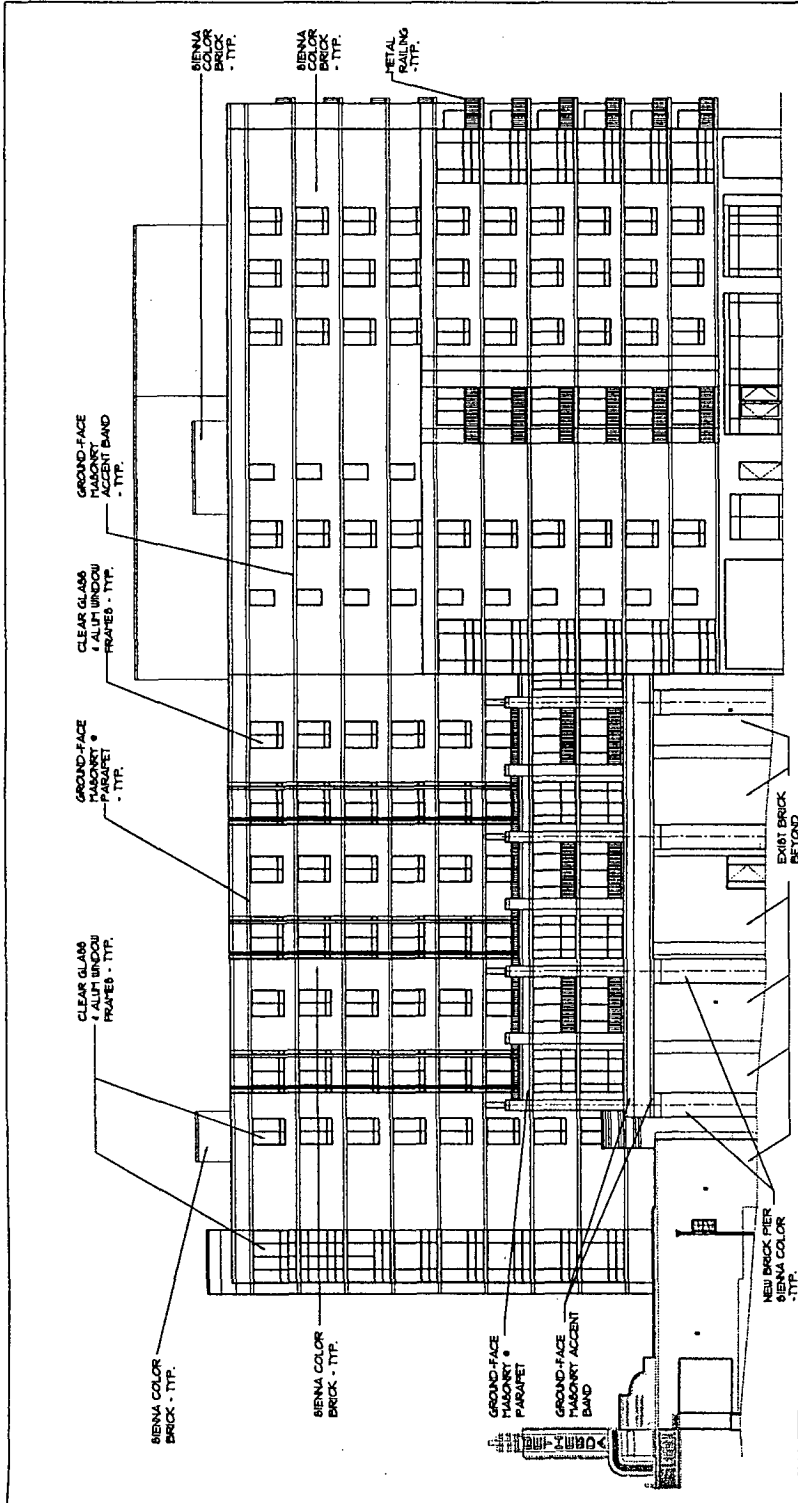
11.30.1999
 97012.04
 Scheme



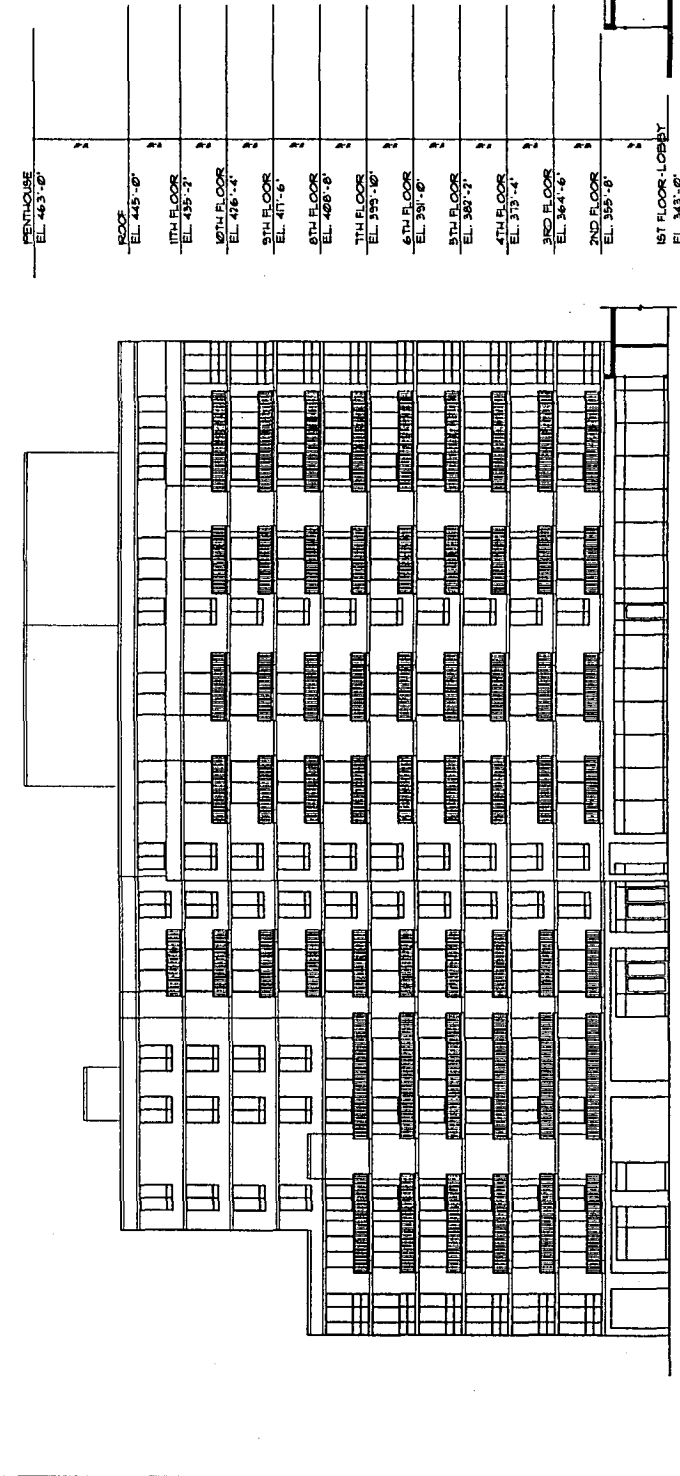
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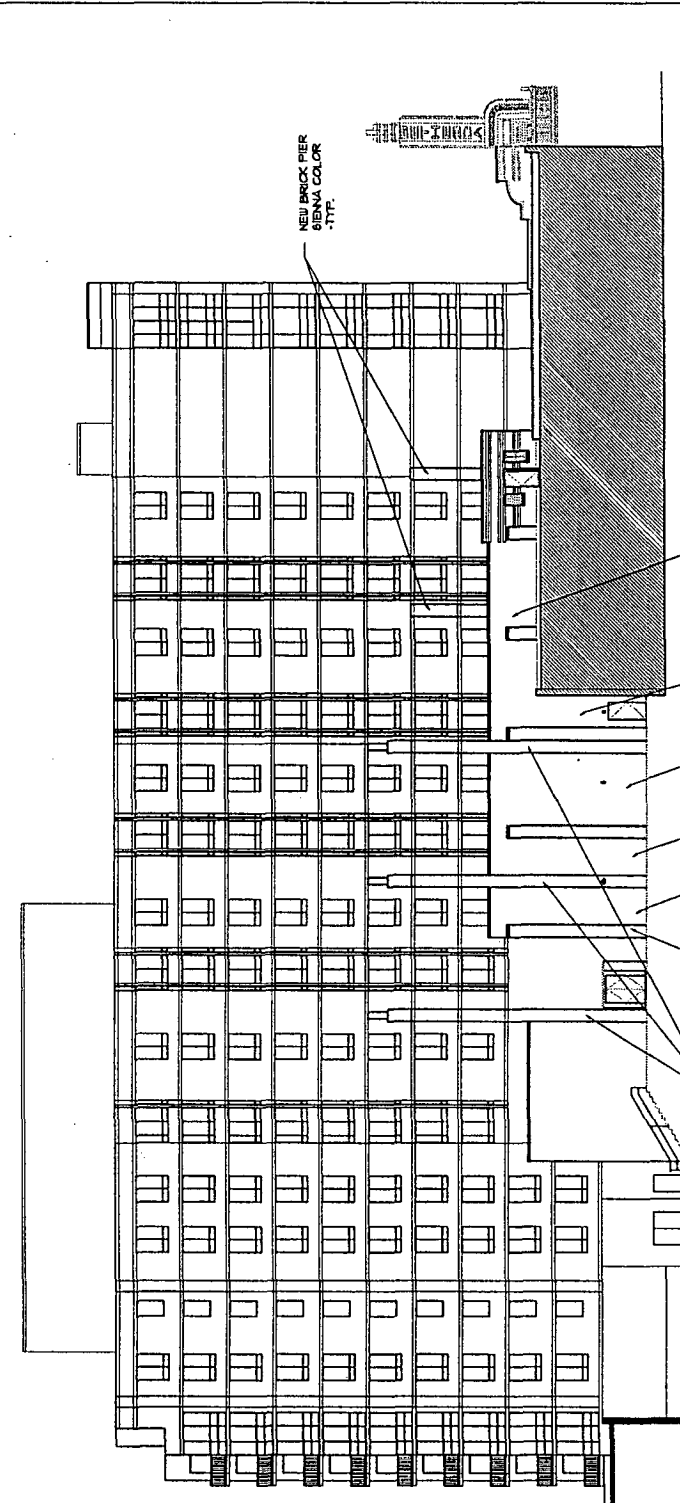
1 WEST ELEVATION



2 SOUTH ELEVATION



3 EAST ELEVATION



4 NORTH ELEVATION PUBLIC GARAGE & LOW-RISE RESIDENTIAL

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Gaithersburg, MD 20878
Tel: 301.221.2200 Fax: 301.221.2201

Bethesda Theatre Residential

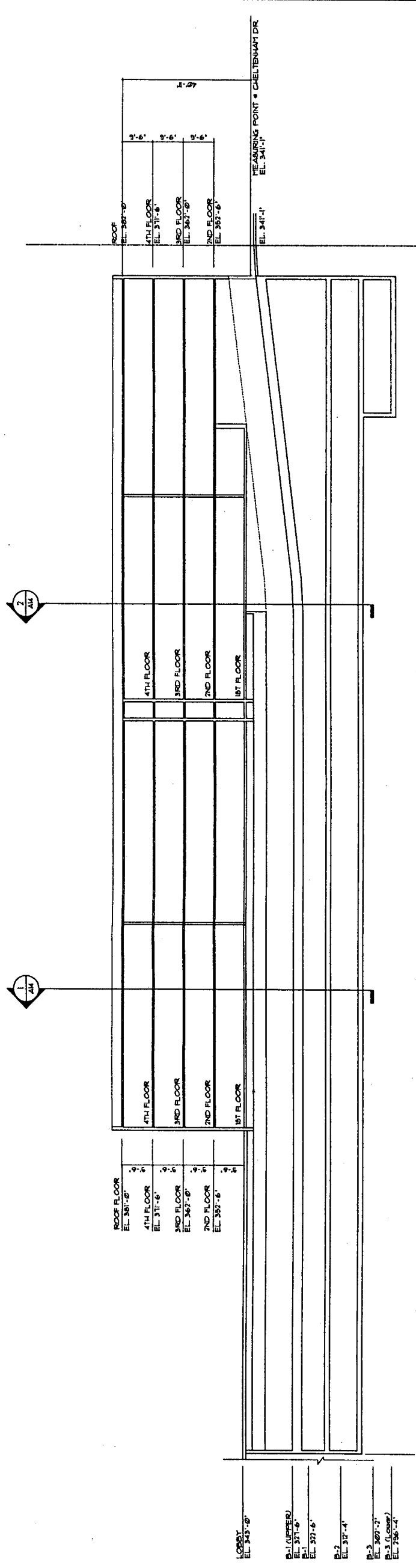
7791 Wisconsin Avenue
Bethesda, MD 20814

**BLDG ELEVATIONS
THEATRE/TOWER**

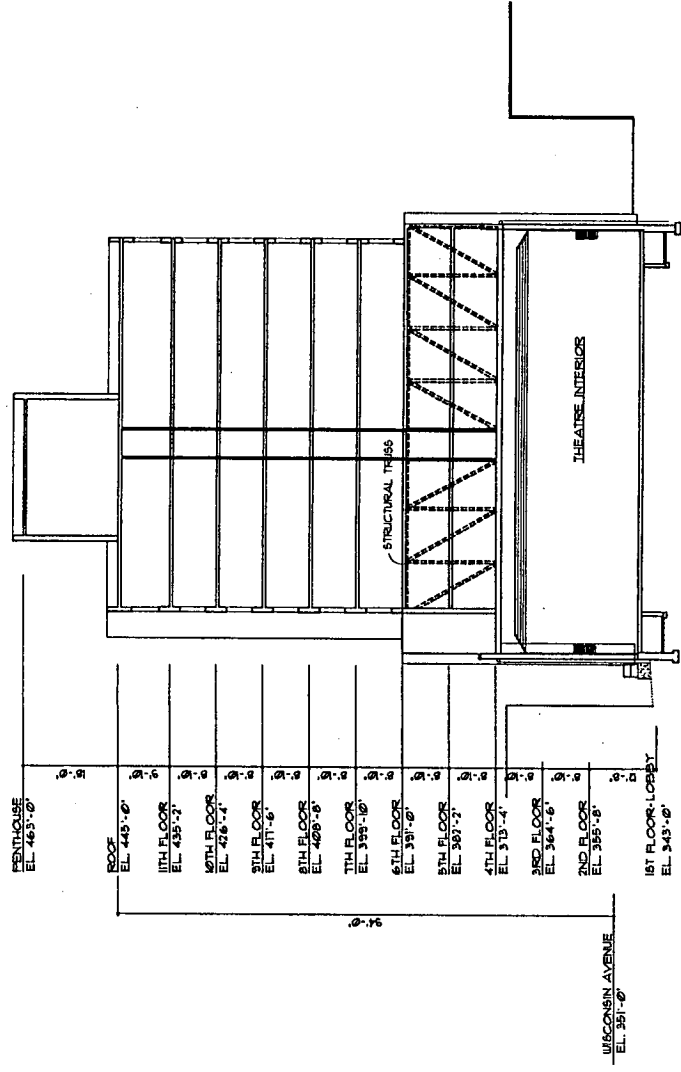
11.30.1977
9701204
Scheme

0 8 16 32

A11



1 SECTION PUBLIC GARAGE & LOW-RISE RESIDENTIAL



2 SECTION THEATRE AND TOWER

WDG ARCHITECTURE
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 Suite 200
 Bethesda, MD 20814

E. M. SMITH ASSOCIATES
 ARCHITECTS
 6000 Old Columbia Road
 Suite 200
 Bethesda, MD 20814

Bethesda Theatre Residential

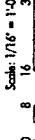
7791 Wisconsin Avenue
 Bethesda, MD 20814

BLDG SECTIONS

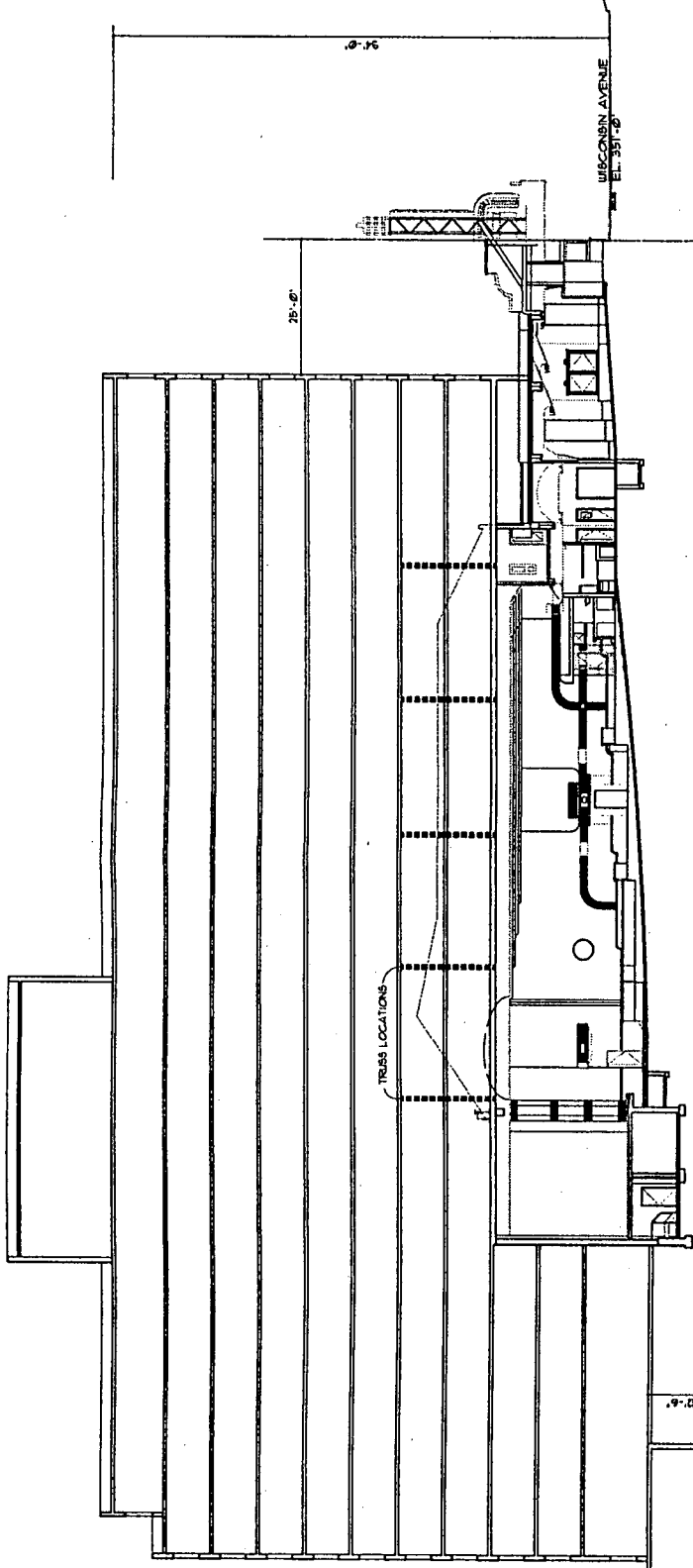
A15

11.23.1999
 9702/04
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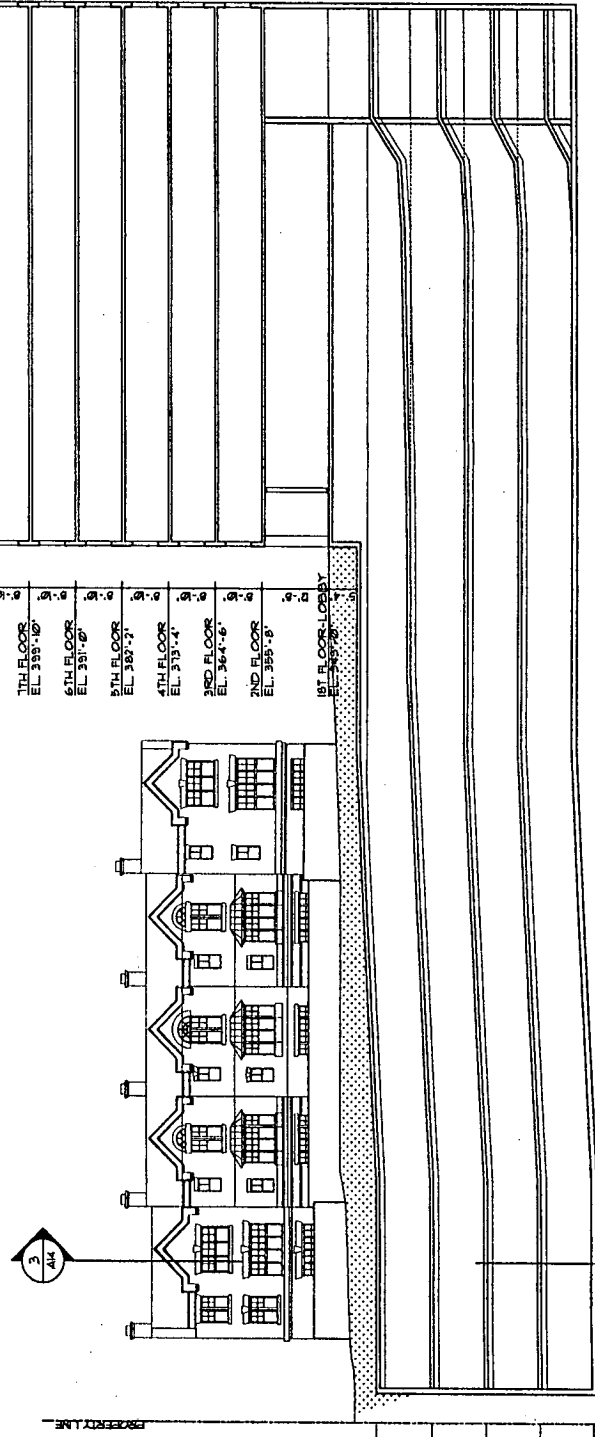


LOBBY	EL. 343'-0"
105	EL. 333'-0"
B-1	EL. 324'-3 1/2"
B-2	
B-3	
B-4	
VOID	
B-1	EL. 311'-6"
B-2	EL. 311'-4"
B-3	EL. 307'-2"



2 SECTION
RESIDENTIAL TOWER & THEATER

ROOF	EL. 448'-0"
10TH FLOOR	EL. 435'-2"
10TH FLOOR	EL. 426'-4"
9TH FLOOR	EL. 411'-6"
8TH FLOOR	EL. 406'-8"
7TH FLOOR	EL. 399'-0"
6TH FLOOR	EL. 393'-0"
5TH FLOOR	EL. 387'-2"
4TH FLOOR	EL. 379'-4"
3RD FLOOR	EL. 364'-0"
2ND FLOOR	EL. 355'-0"
1ST FLOOR-LOBBY	EL. 343'-0"



105	EL. 333'-0"
B-1 PARKING	EL. 321'-6"
B-1 PARKING	EL. 323'-0"
B-2 PARKING	EL. 311'-4"
B-2 PARKING	EL. 313'-4"
B-3 PARKING	EL. 307'-2"
B-3 PARKING	EL. 303'-2"
B-4 PARKING	EL. 291'-0"
B-4 PARKING	EL. 293'-0"

1 SECTION
RESIDENTIAL GARAGE TOWER & TOWNHOUSES

WDG ARCHITECTURE
1205 Connecticut Avenue, NW, Suite 200
Washington, DC 20004
Tel: 202.637.2200 Fax: 202.637.2188 wdg.com

LEWIS SCULLY GIONET
Interior Architects
1411 Columbia Road, Suite 110
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March 19, 2010

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1300 Connecticut Avenue NW
Washington, DC 20004

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Bethesda, MD 20814

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Civil/Structural Engineers
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Bethesda, MD 20814

VIKA, INCORPORATED
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Bethesda, MD 20814

THE ROZZUTO GROUP
460 Columbia Road, Suite 200
Bethesda, MD 20814

E. M. SMITH ASSOCIATES
460 Columbia Road, Suite 200
Bethesda, MD 20814

Bethesda Theatre Residential

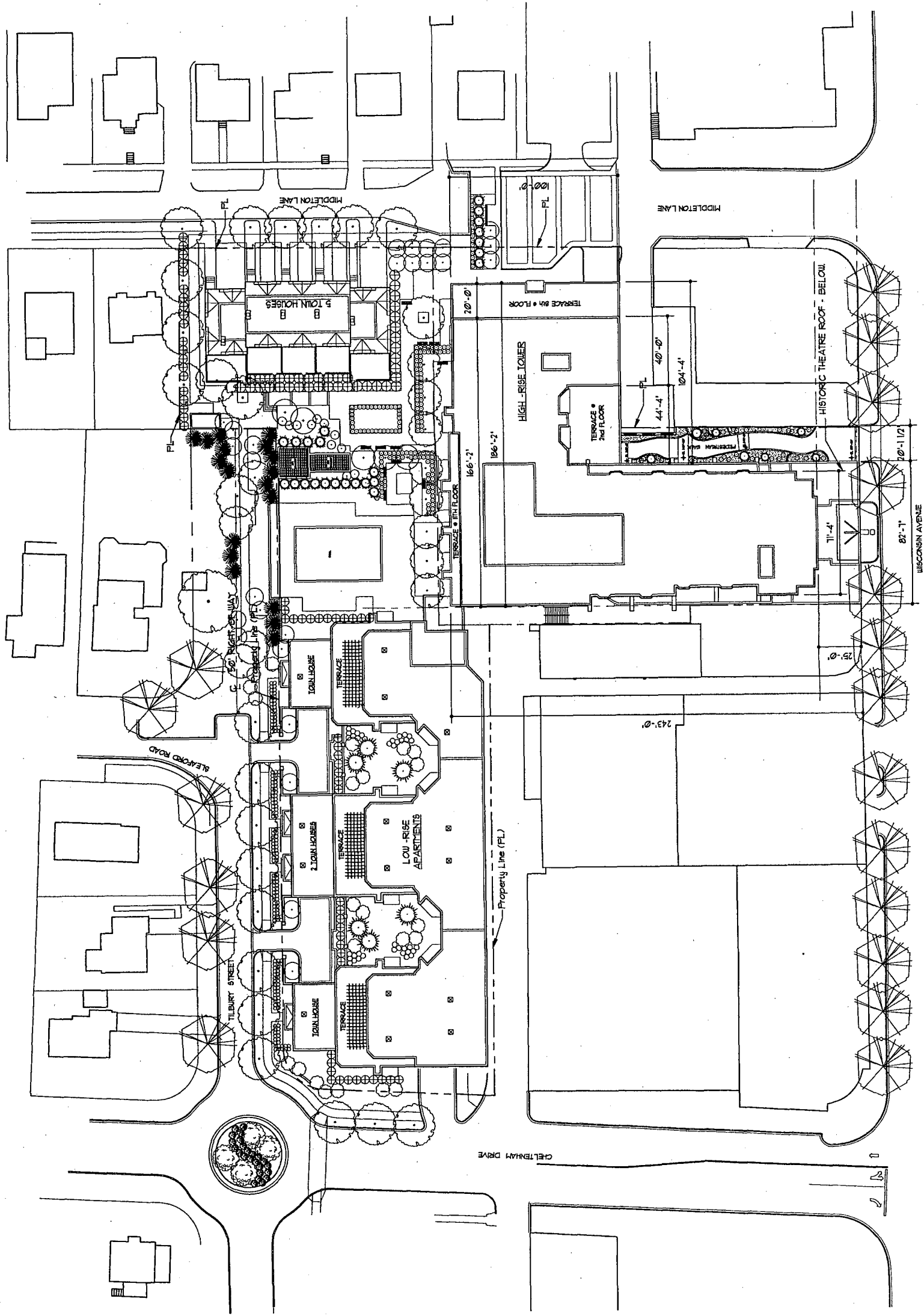
7791 Wisconsin Avenue
Bethesda, MD 20814

BLDG SECTIONS

11.23.1999
9701204
Scheme

Scale: 1/16" = 1'-0"
0 8 16 32

A16



WDG ARCHITECTURE
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 Tel: 202.637.6300 Fax: 202.637.6319 wdg@wdg.com

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THE BOZZUTO GROUP
 4401 Calver Road, Suite 200
 Bethesda, MD 20814

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 4801 Vermont Avenue
 Bethesda, MD 20814

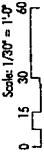
Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, MD 20814

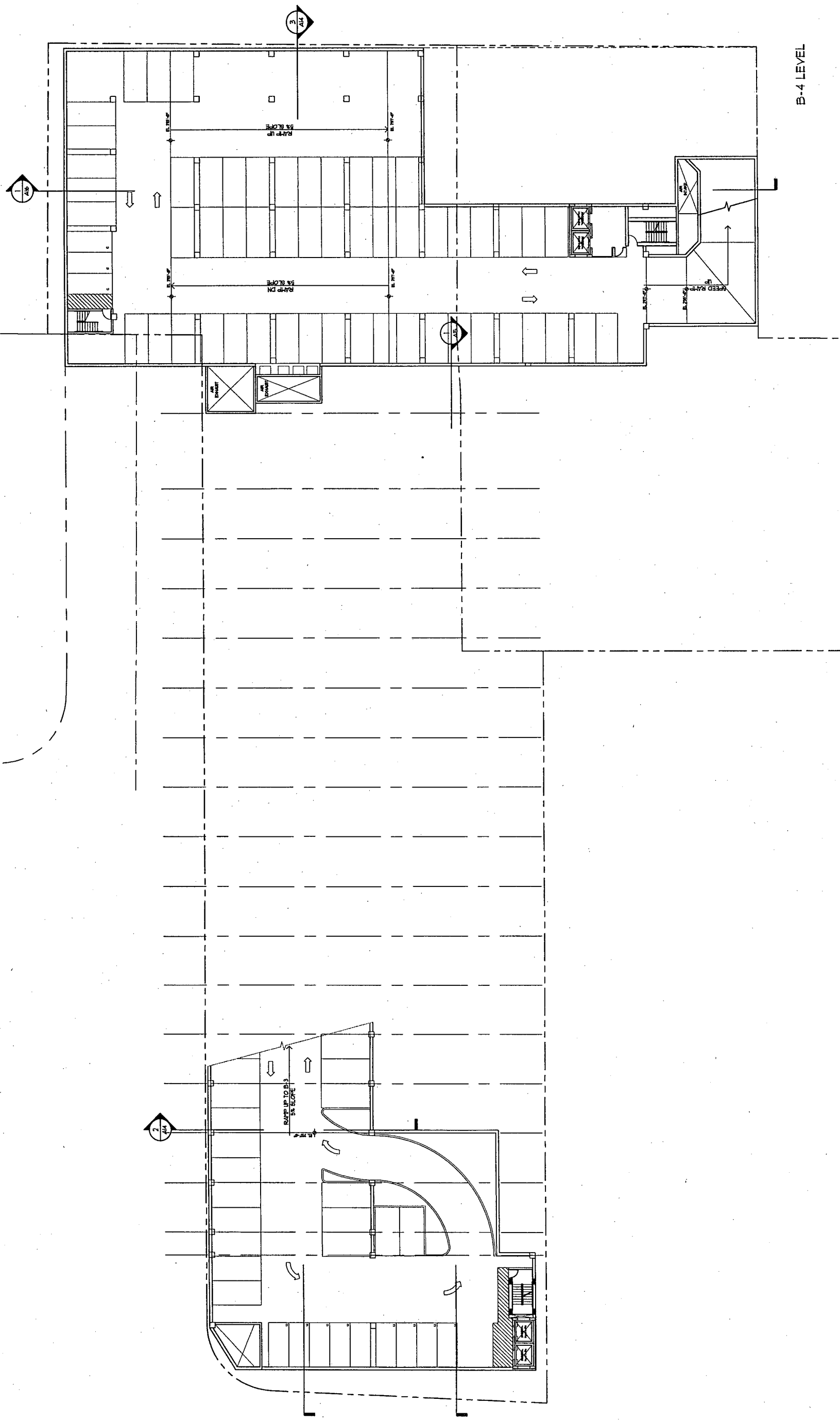
SITE PLAN



11.30.1999
 97012.04
 Scheme



A1



WDG
 ARCHITECTURE
 PLANNING
 INTERIOR DESIGN
 1000 Connecticut Avenue, N.W.
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 Tel: 202.571.8000 Fax: 202.462.3178

LEWIS SCULLY GIONET
 Landscape Architects
 2220 Oak Court
 Chevy Chase, MD 20815
 Tel: 301.951.1212

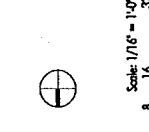
OHRLIN & ASSOCIATES ARCHITECTS
 1350 Connecticut Avenue NW
 Washington, D.C. 20036

SK&A
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 Washington, D.C. 20036

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 MEP Consulting Engineers
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 Washington, D.C. 20036

Bethesda Theatre Residential



B-4 LEVEL

THE BOZZUTO GROUP
 1000 Connecticut Avenue NW
 Washington, D.C. 20036
 Tel: 202.462.3178

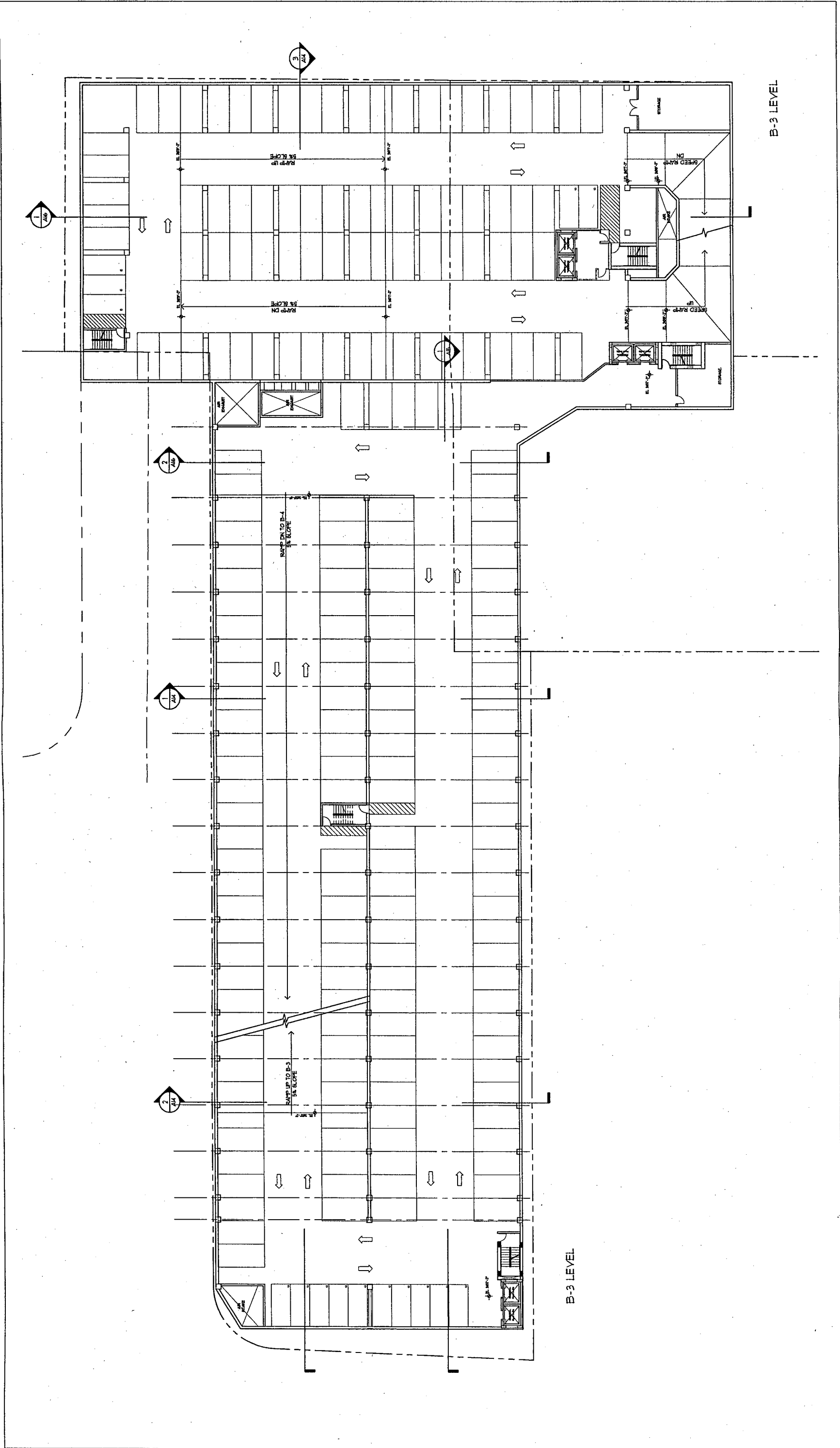
E. M. SMITH ASSOCIATES
 1000 Connecticut Avenue NW
 Washington, D.C. 20036

7791 Wisconsin Avenue
 Bethesda, MD 20814

Scale: 1/16" = 1'-0"

11.30.1999
 970204
 Scheme

A2



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Tel: 301.271.1212

VINKA, INCORPORATED
1800 Columbia Pike
Bethesda, MD 20814
Tel: 301.271.1212

Bethesda Theatre Residential

B-3 LEVEL

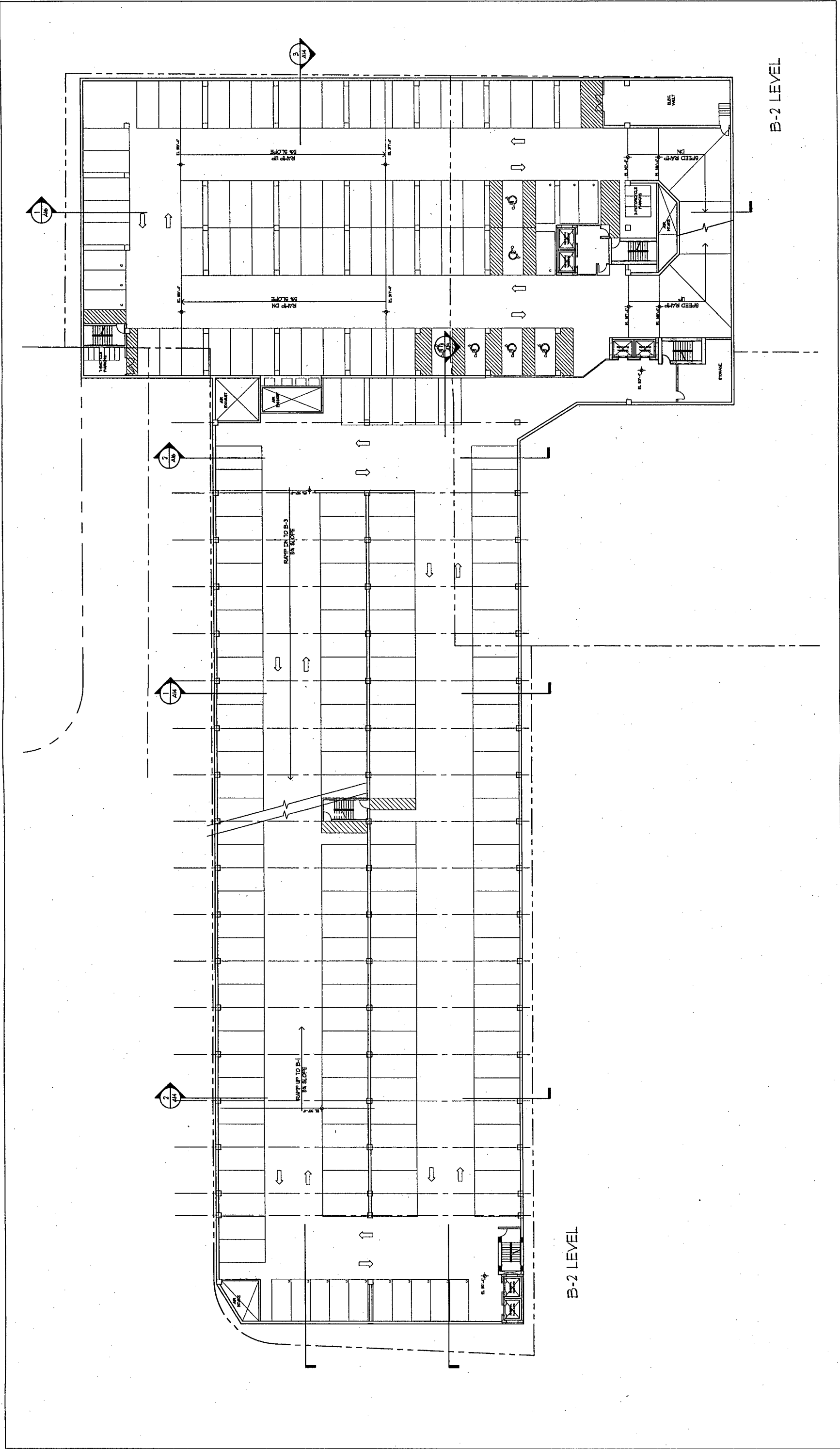
THE BOZZUTO GROUP
6401 Golden Triangle, Suite 200
Bethesda, MD 20814
Tel: 301.271.1212

E. M. SMITH ASSOCIATES
4801 Northpark Lane
Bethesda, MD 20814
Tel: 301.271.1212

7791 Wisconsin Avenue
Bethesda, MD 20814

Scale: 1/16" = 1'-0"
0 8 16 32

11.30.1999
9/10/2004
Scheme
A3



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 222 Connecticut Avenue, NW
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 Tel: 202.527.8300 Fax: 202.462.3119 wdg@aol.com

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 1820 Columbia Road
 Silver Spring, MD 20910

VINKA, INCORPORATED
 8140 Wisconsin Avenue
 Bethesda, MD 20814

Bethesda Theatre Residential



B-2 LEVEL

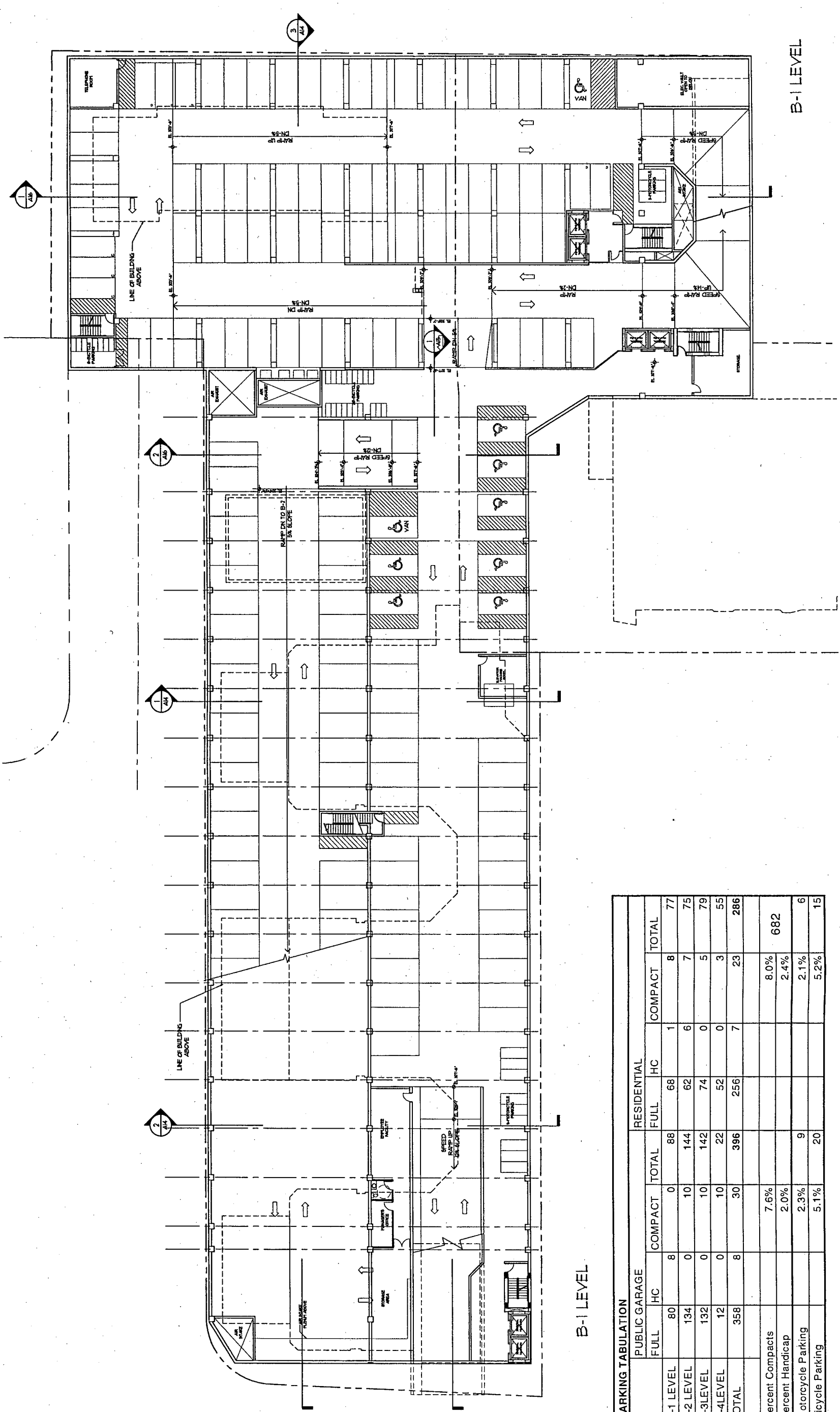
THE ROZUTO GROUP
 6401 Rockledge Lane, Suite 201
 Bethesda, MD 20814

E. M. SMITH ASSOCIATES
 4801 Rockledge Lane, Suite 201
 Bethesda, MD 20814

7791 Wisconsin Avenue
 Bethesda, MD 20814

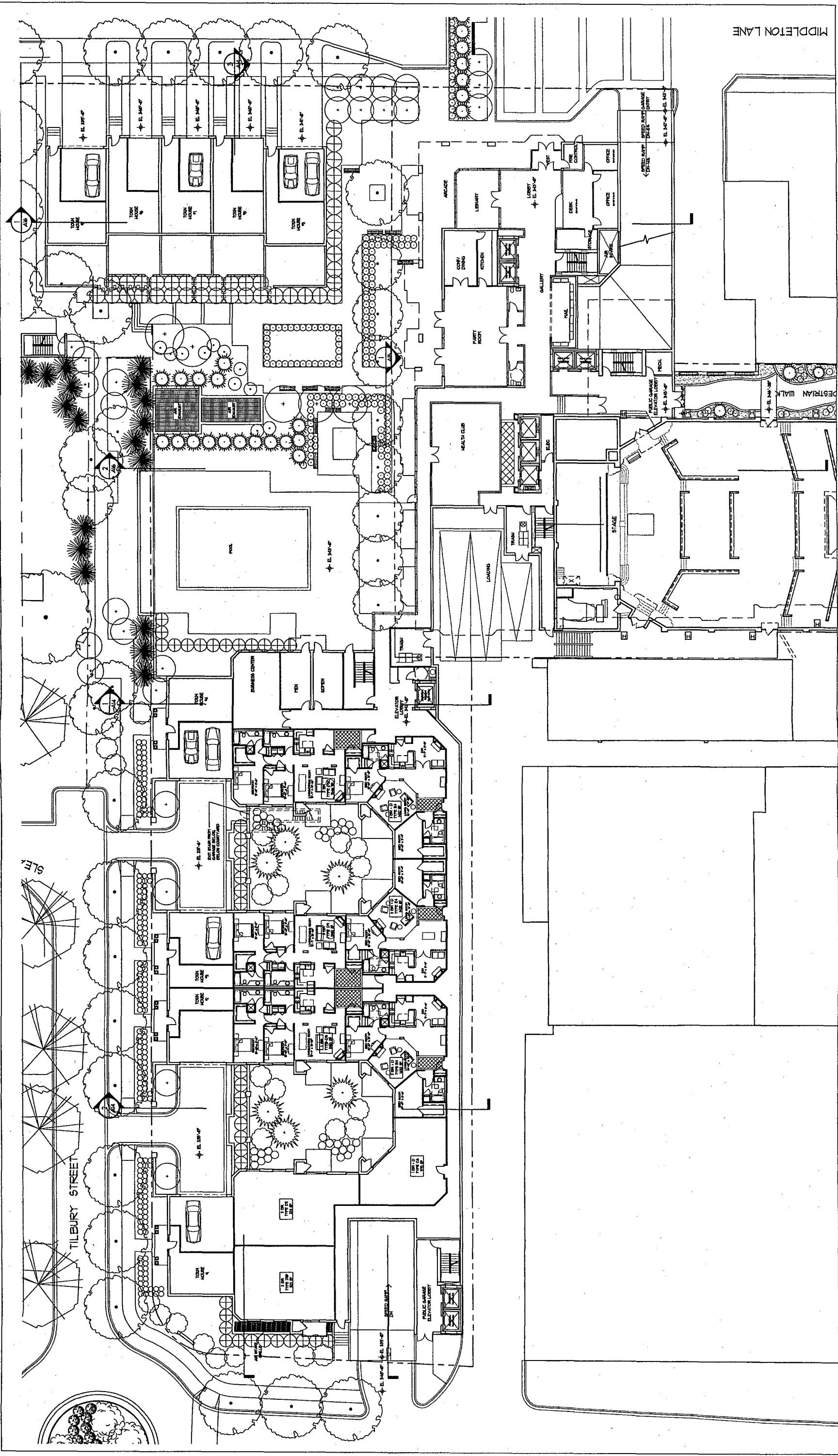
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11.30.1997
 2702204
 Scheme
A4



PARKING TABULATION

	PUBLIC GARAGE		RESIDENTIAL					
	FULL	HC	COMPACT	TOTAL	FULL	HC	COMPACT	TOTAL
B-1 LEVEL	80	8	0	88	68	1	8	77
B-2 LEVEL	134	0	10	144	62	6	7	75
B-3 LEVEL	132	0	10	142	74	0	5	79
B-4 LEVEL	12	0	10	22	52	0	3	55
TOTAL	358	8	30	396	256	7	23	286
Percent Compacts			7.6%				8.0%	682
Percent Handicap			2.0%				2.4%	
Motorcycle Parking			2.3%	9			2.1%	6
Bicycle Parking			5.1%	20			5.2%	15



WDG
 ARCHITECTURE
 P L A N N I N G
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 4401 Oakton Street, Suite 201
 Centreville, VA 20107

Bethesda Theatre Residential

**1ST FLOOR PLAN
 TOWER/L-RISE**

11.30.1999
 9707204
 Scheme

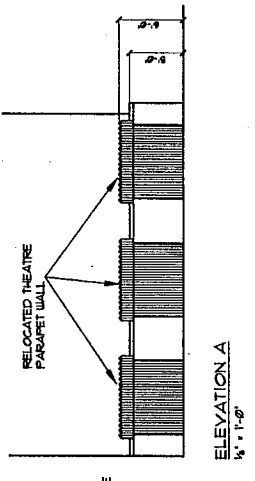
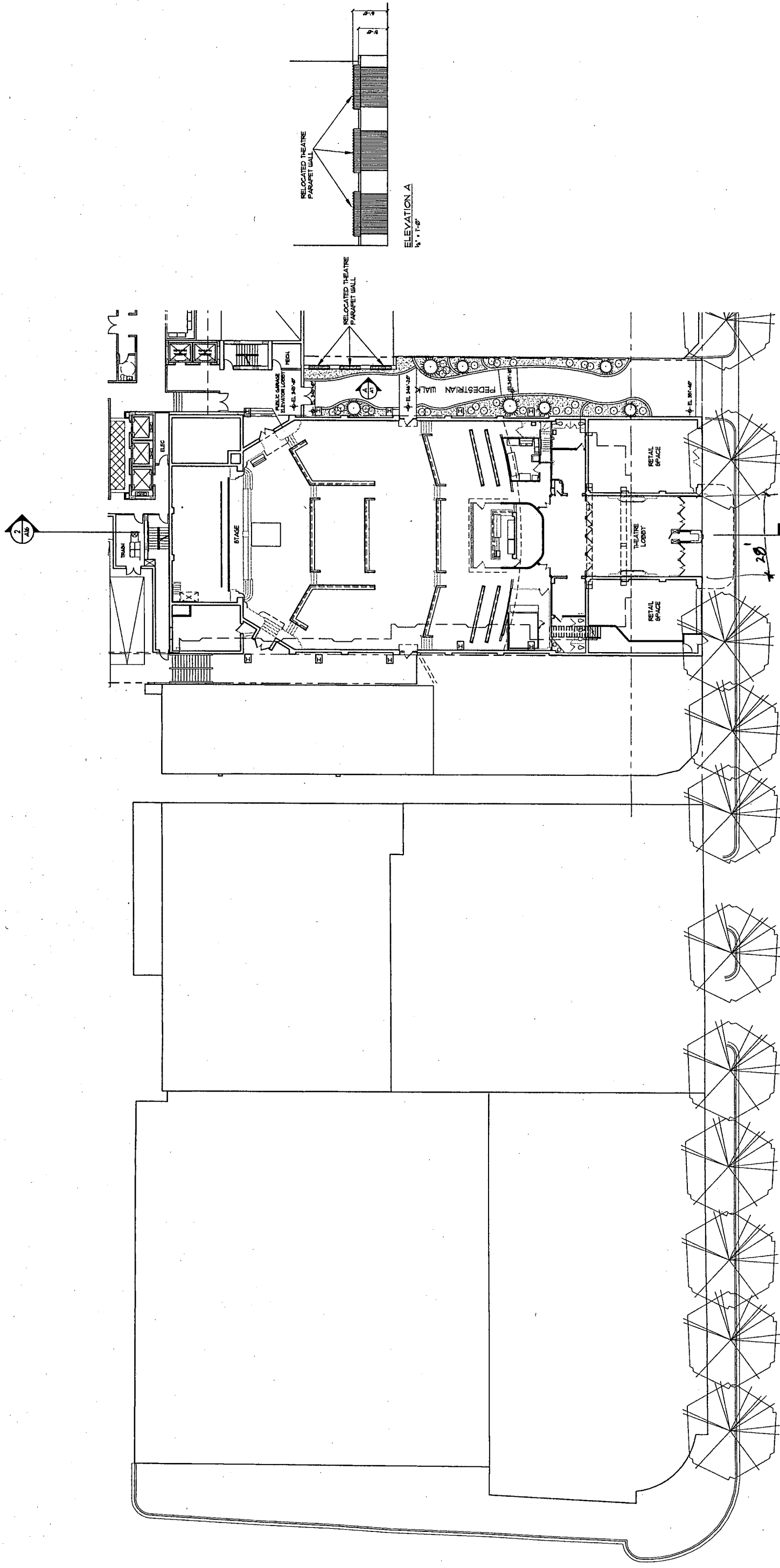
7791 Wisconsin Avenue
 Bethesda, MD 20814

Scale: 1/16" = 1'-0"



0 8 16 32

A6



WISCONSIN AVENUE

WDG
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8100 Greenbelt Drive
Suite 200
Greenbelt, MD 20818

Bethesda Theatre Residential

LOBBY LEVEL-
THEATRE PLAN

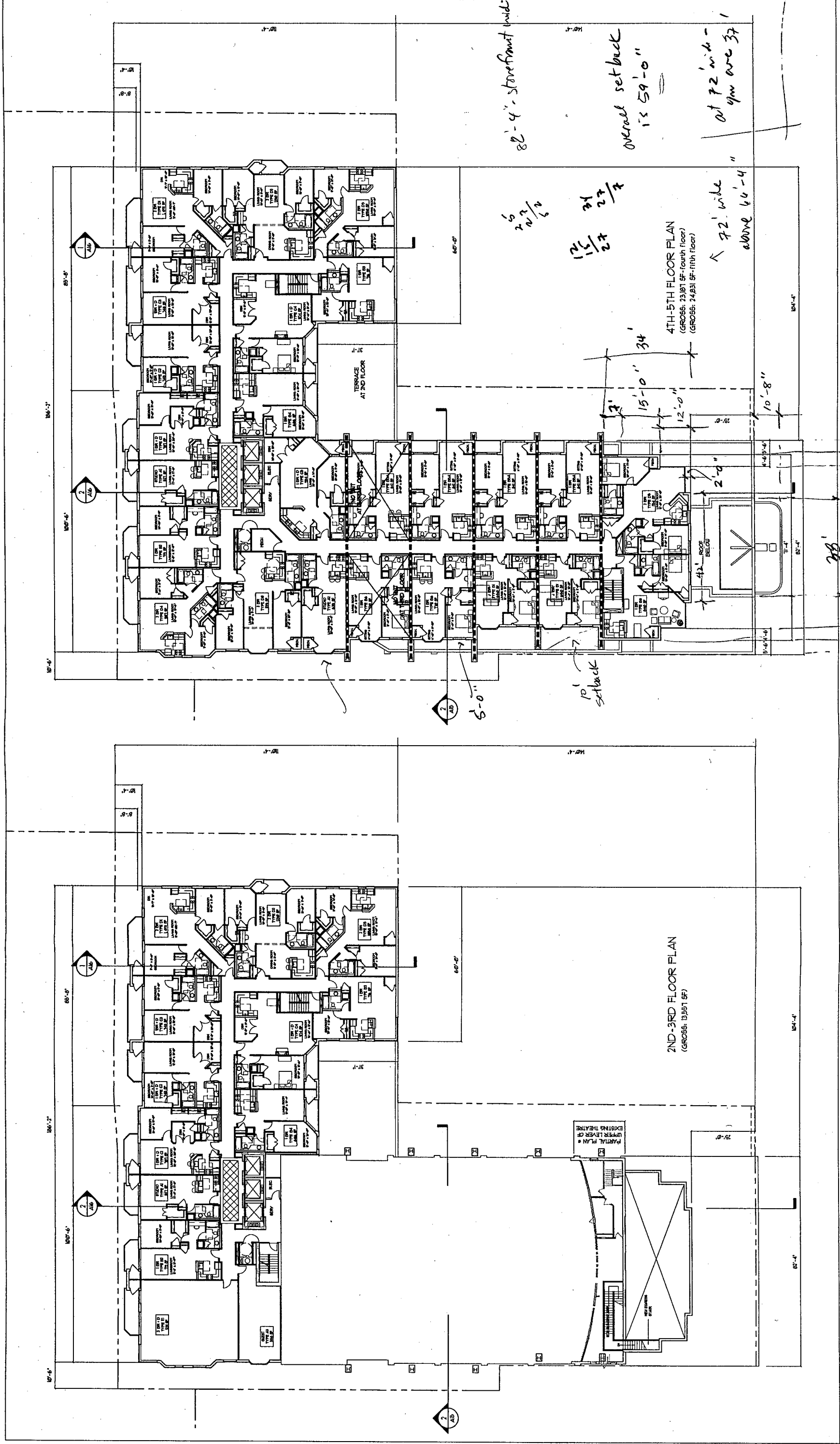
THE BOZZUTO GROUP
640 Lakeshore Drive, Suite 200
Greenbelt, MD 20818

E. M. SMITH ASSOCIATES
6801 Hampshire Lane
Bethesda, MD 20814

7791 Wisconsin Avenue
Bethesda, MD 20814

Scale: 1/8" = 1'-0"
0 8 16 32

11.20.1999
2701204
Scheme
A7



WDG
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1025 Connecticut Avenue, NW, Suite 300
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6401 Golden Triangle, Suite 200
Greenbelt, MD 20770

E. M. SMITH ASSOCIATES
4001 Herndon Lane
Bethesda, MD 20814

Bethesda Theatre Residential

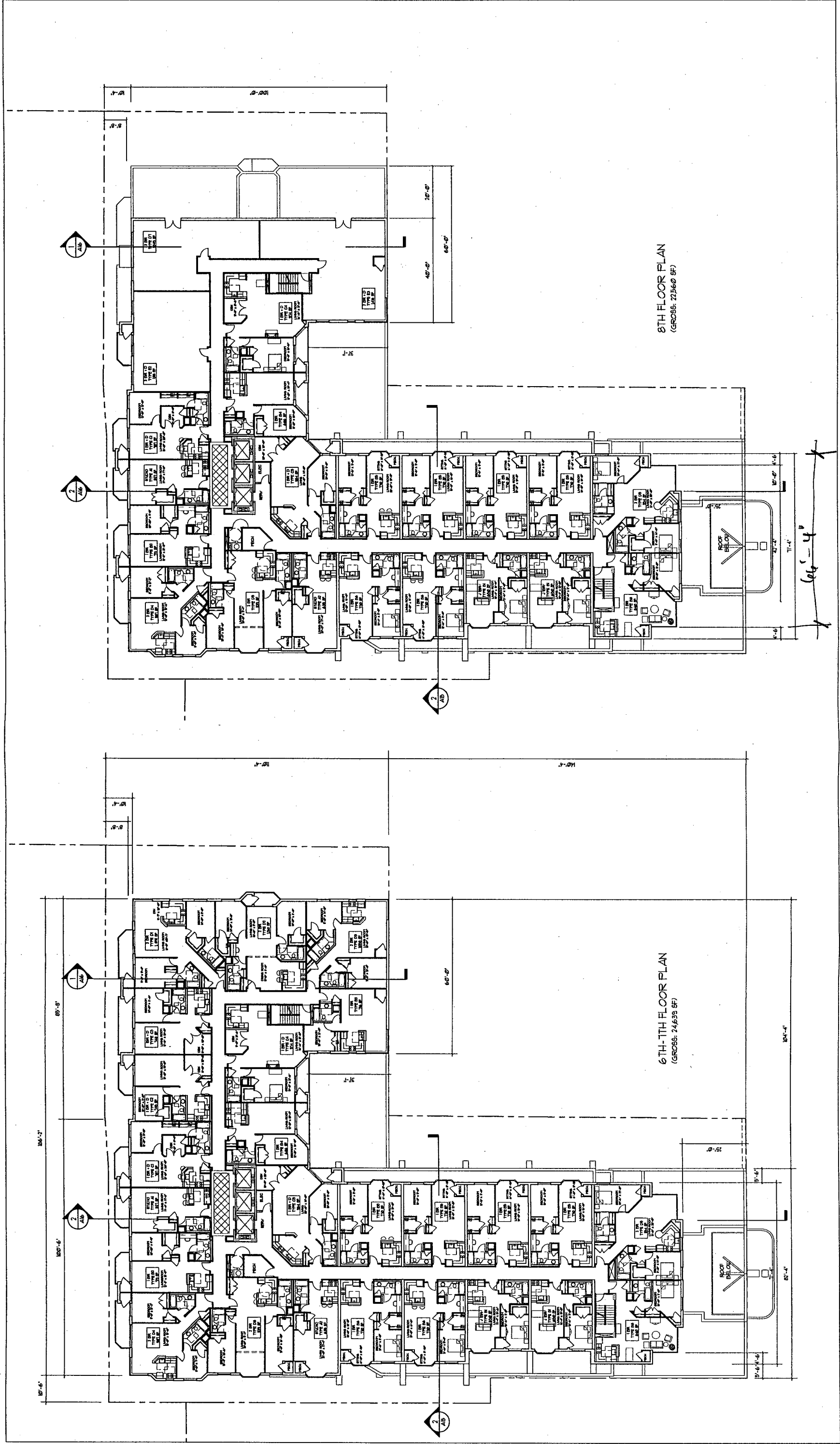
7791 Wisconsin Avenue
Bethesda, MD 20814

**2ND-5TH FLOOR
PLANS - TOWER**

11.30.1999
P701204
Scheme

Scale: 1/16" = 1'-0"
0 8 16 32

A8



8TH FLOOR PLAN
(GROSS: 22,560 SF)

6TH-7TH FLOOR PLAN
(GROSS: 24,639 SF)

WDG ARCHITECTURE
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1022 Connecticut Avenue, NW, Suite 200
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18200 Oakdale Pike
Blair Cl, MD 21042

VJKA, INCORPORATED
1818 Connecticut Drive
Suite 200
Hickory, VA 22102

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

6TH-8TH FLOOR
PLANS - TOWER

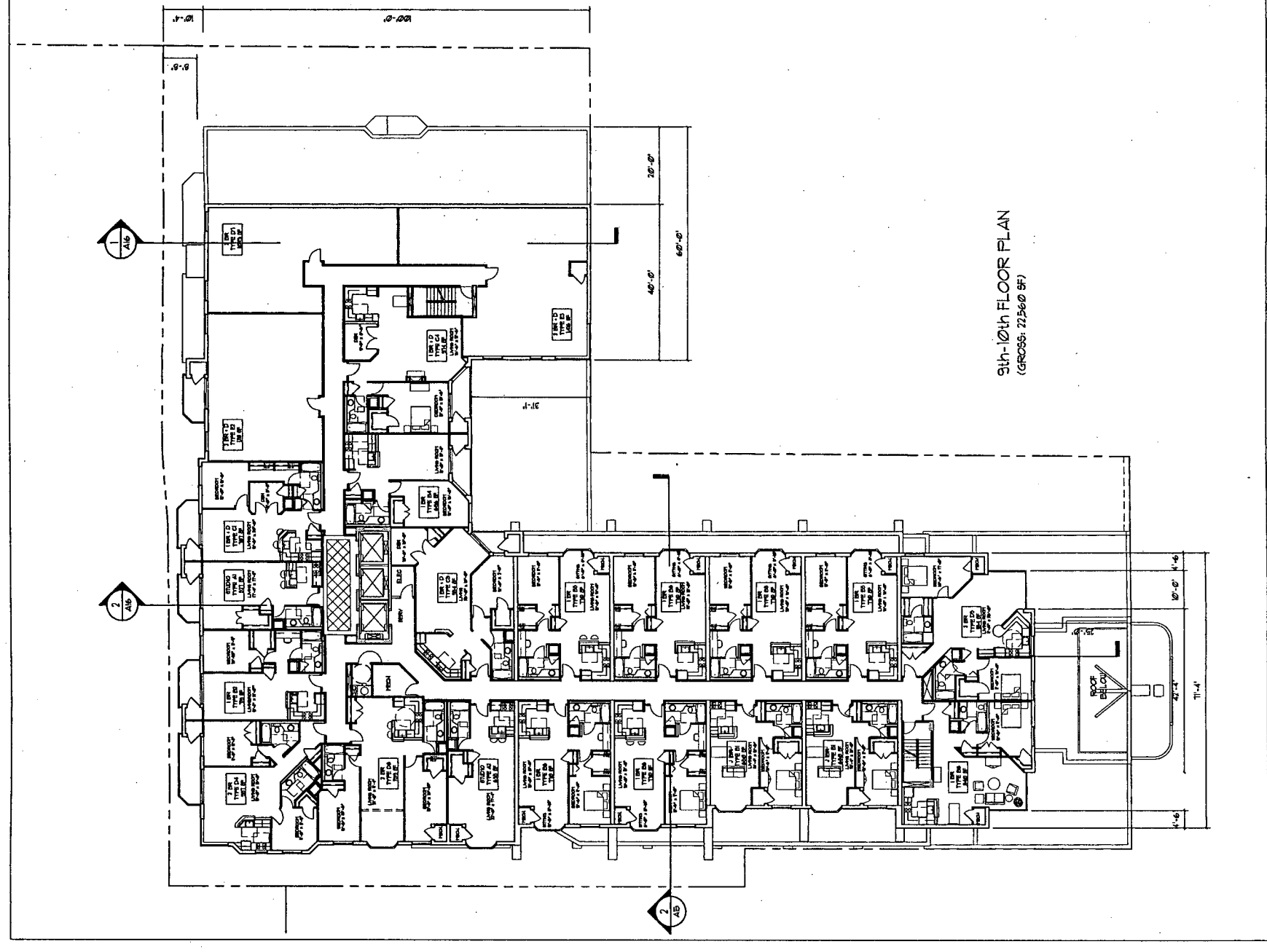
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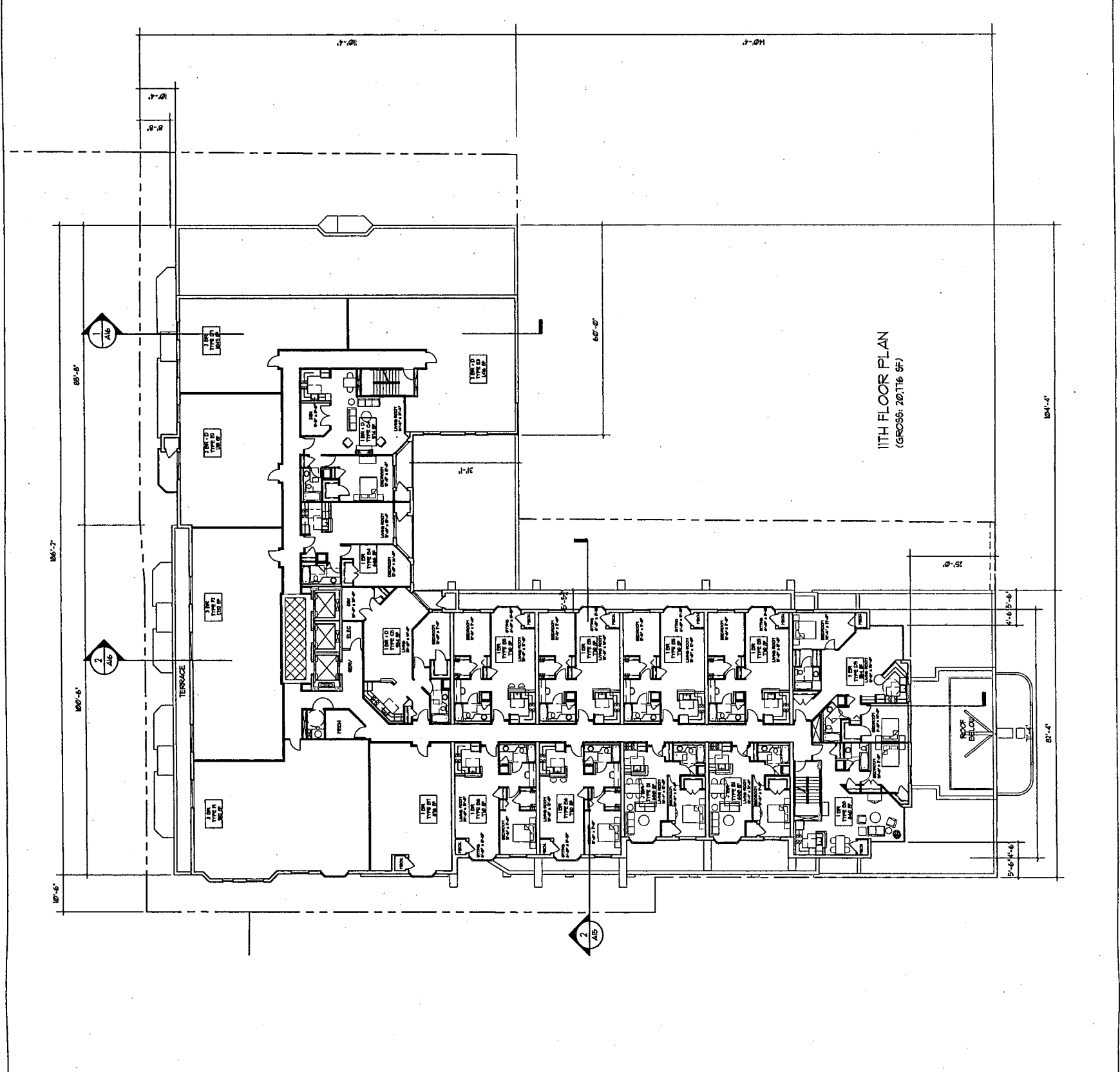
A9

E. M. SMITH ASSOCIATES
6401 Greenway Lane
Bethesda, MD 20814

THE BOZZUTO GROUP
6401 Greenway Lane
Suite 200
Bethesda, MD 20814



9th-10th FLOOR PLAN
(GROSS: 72,560 SF)



11th FLOOR PLAN
(GROSS: 20,116 SF)

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Bethesda Theatre Residential

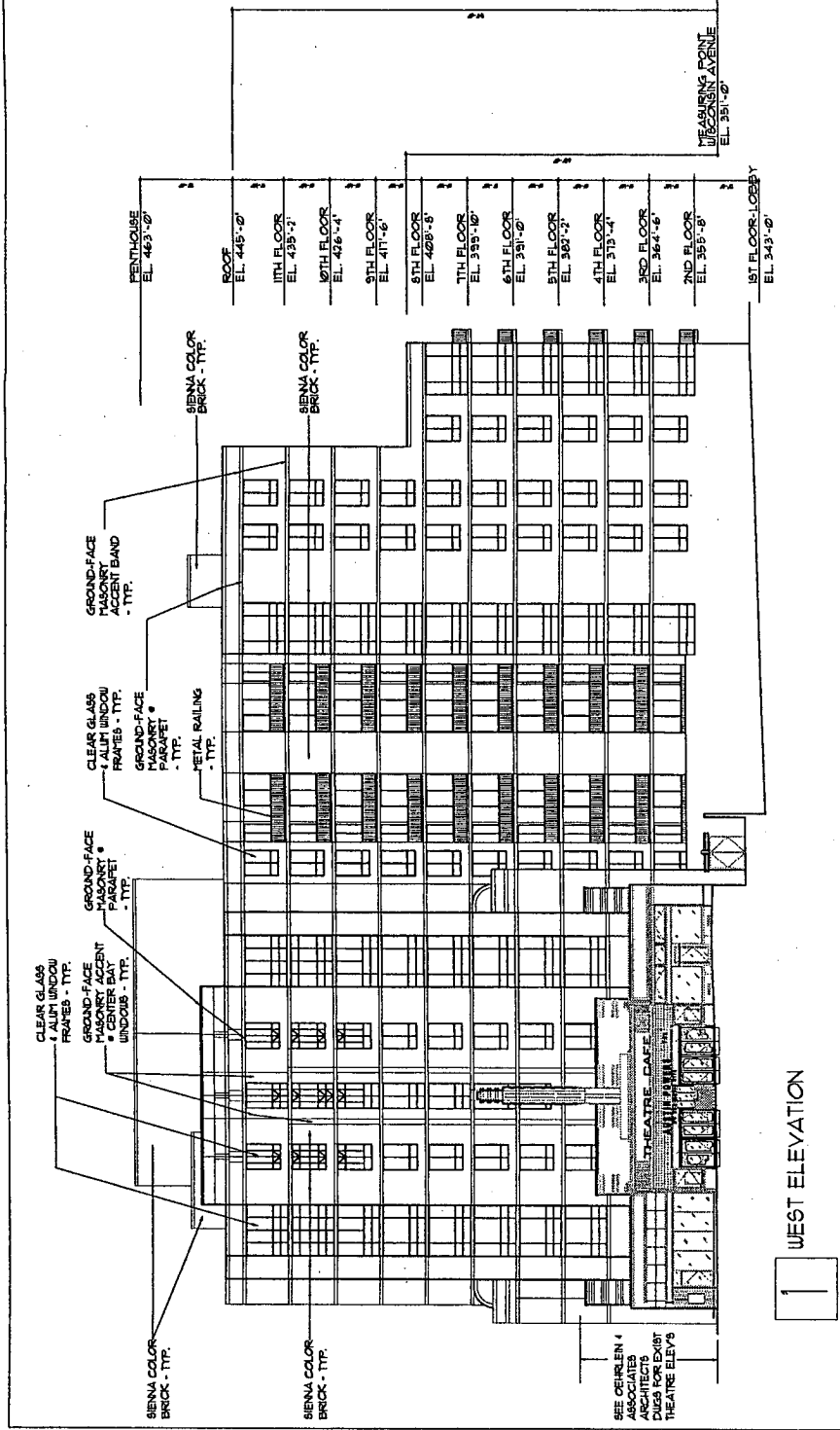
7791 Wisconsin Avenue
Bethesda, MD 20814

9TH-11TH FLOOR
PLANS - TOWER

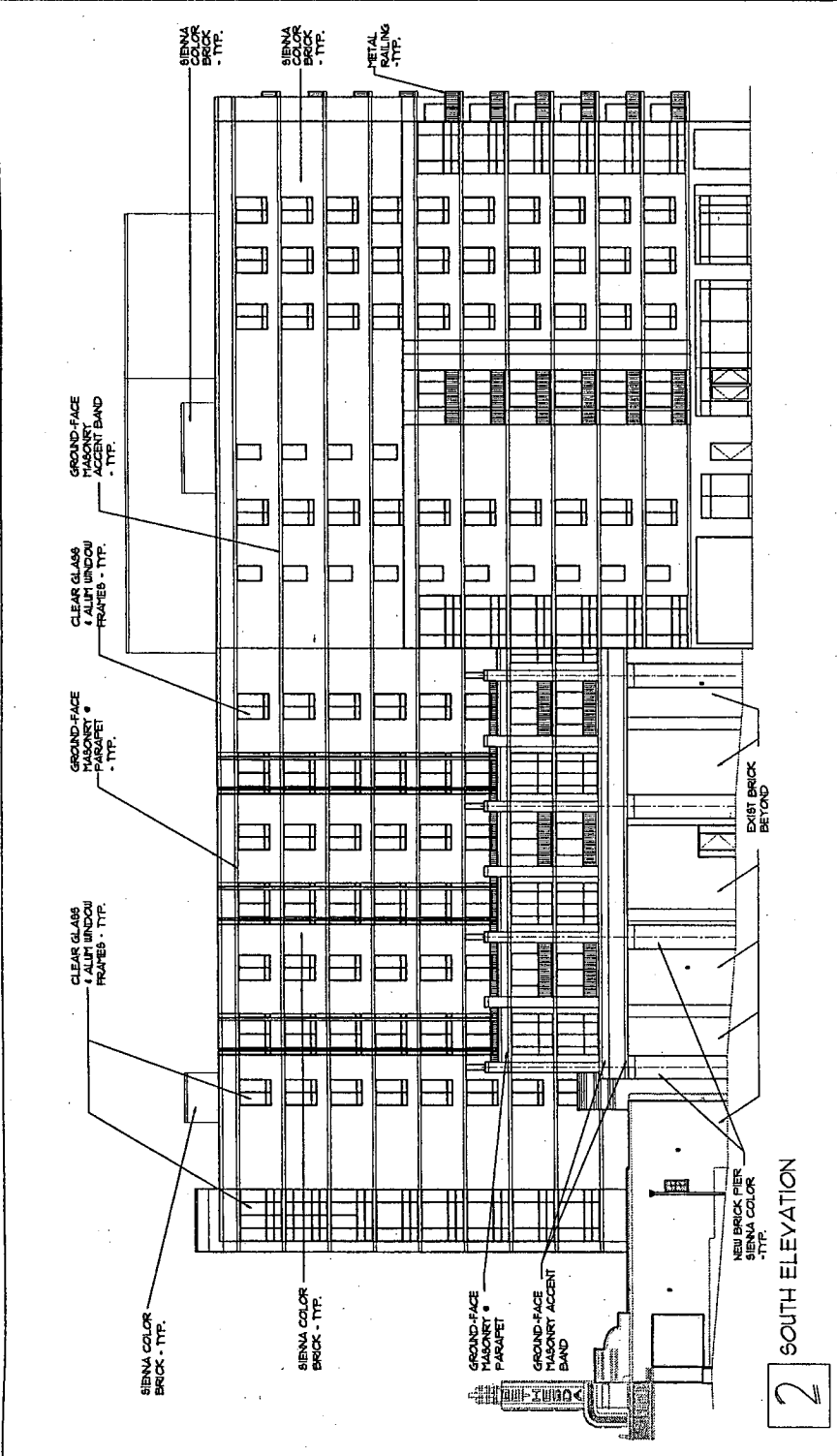
11.20.1999
9702.04
Scheme

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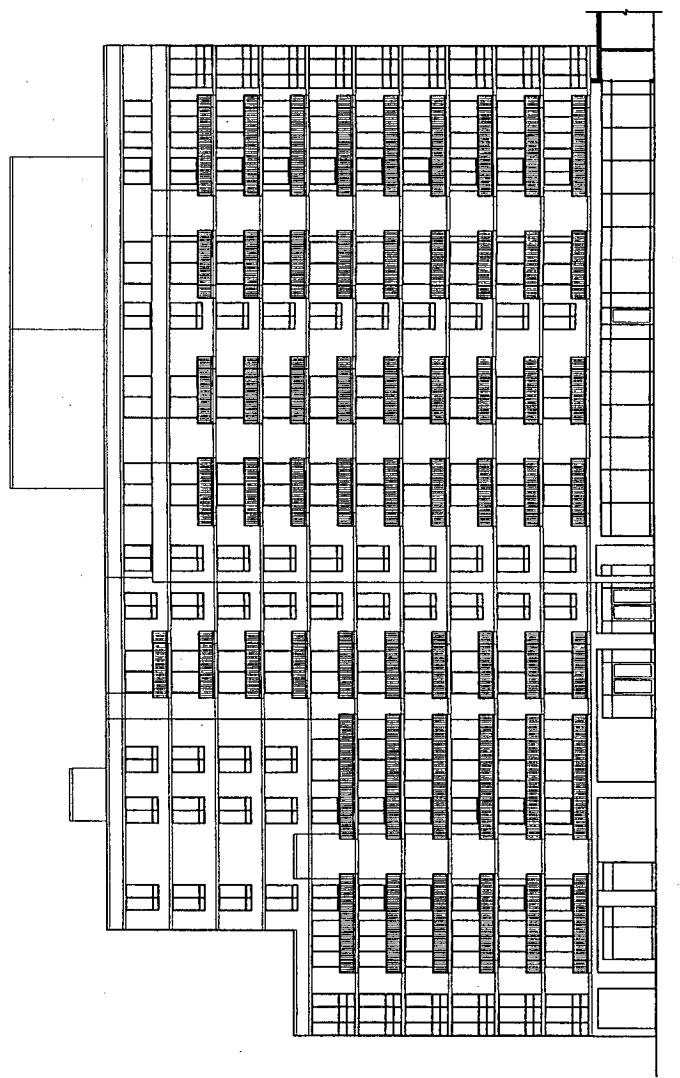
A10



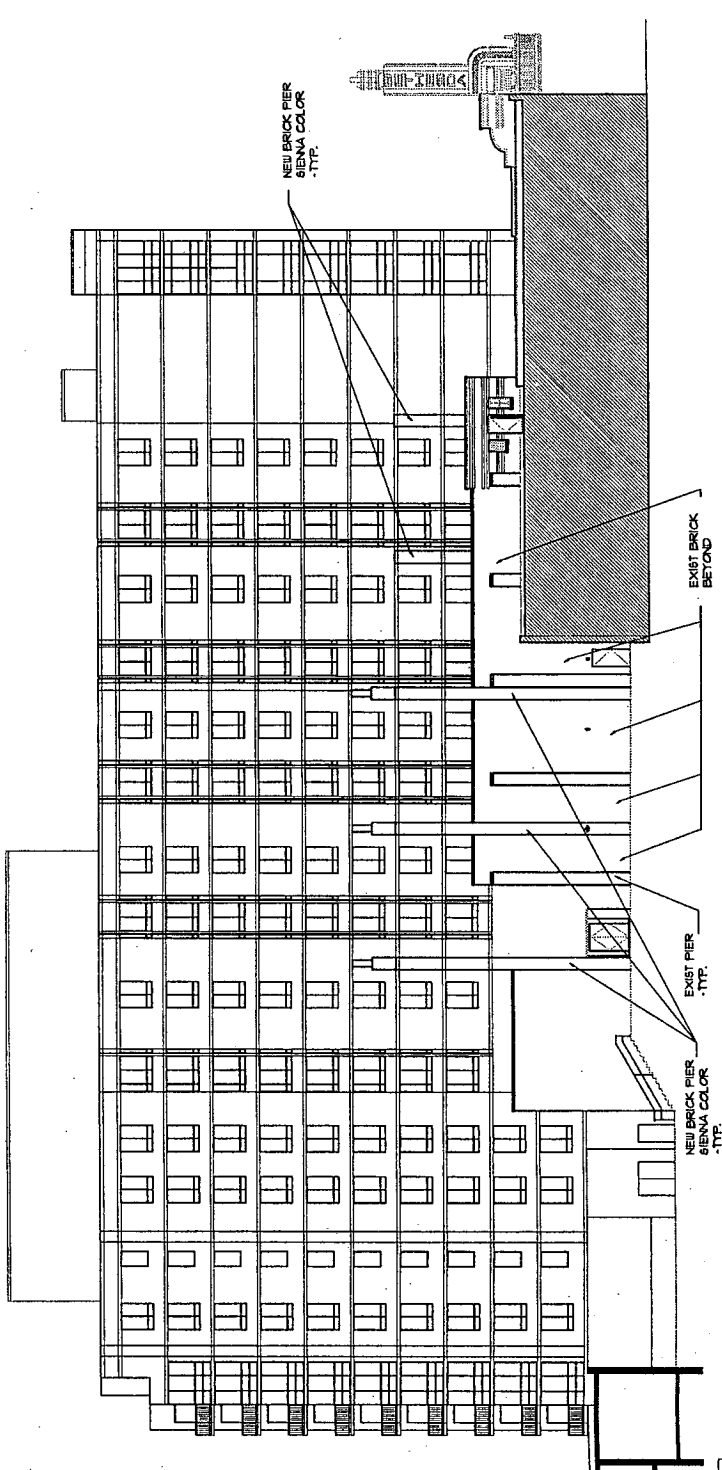
1 WEST ELEVATION



2 SOUTH ELEVATION



3 EAST ELEVATION



4 NORTH ELEVATION & LOW-RISE RESIDENTIAL PUBLIC GARAGE

WDG ARCHITECTURE
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4401 Columbia Road, Suite 200
Greenland, MD 20770

E. M. SMITH ASSOCIATES
4801 Hampshire Lane
Bethesda, MD 20814

Bethesda Theatre Residential

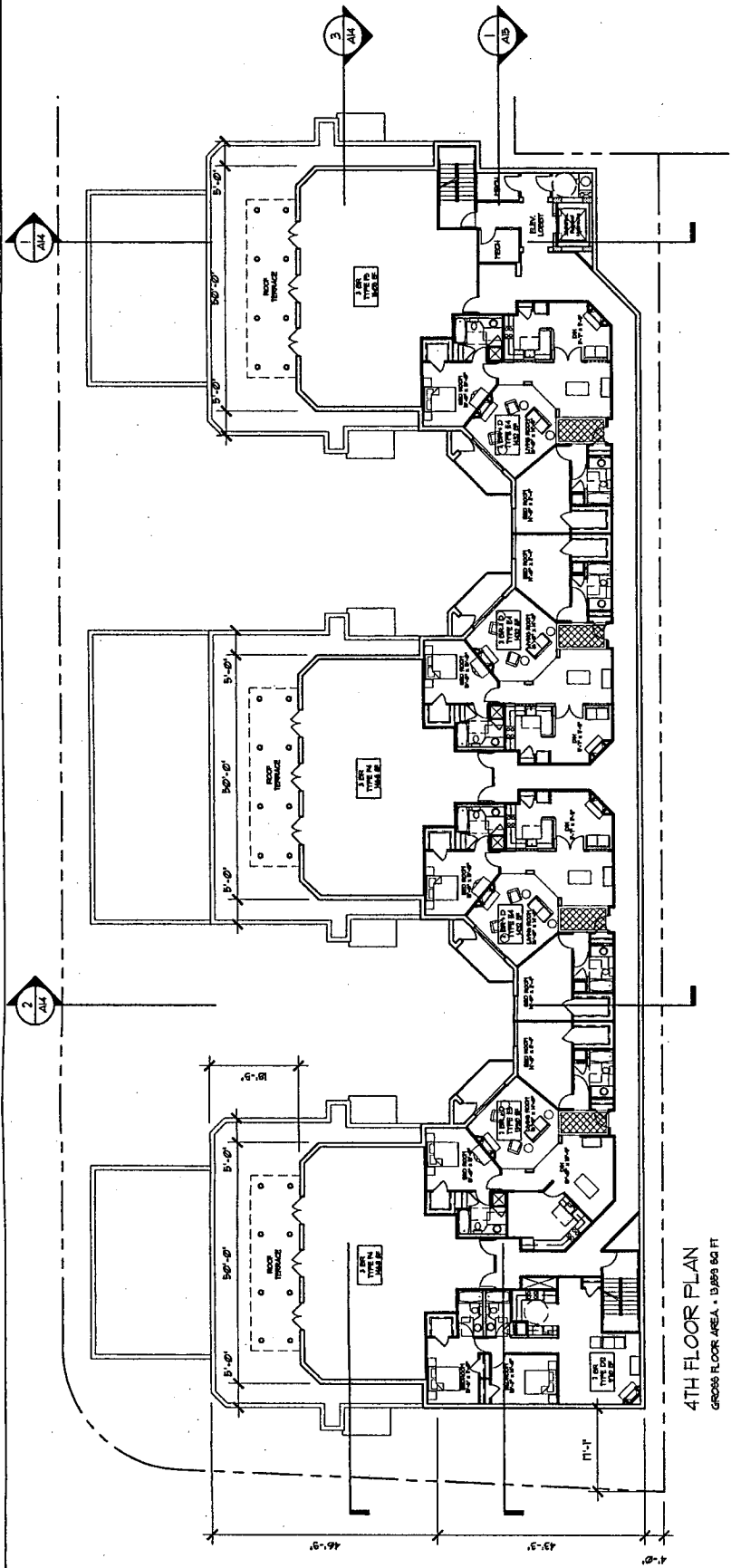
BLDG ELEVATIONS
THEATRE/TOWER

7791 Wisconsin Avenue
Bethesda, MD 20814

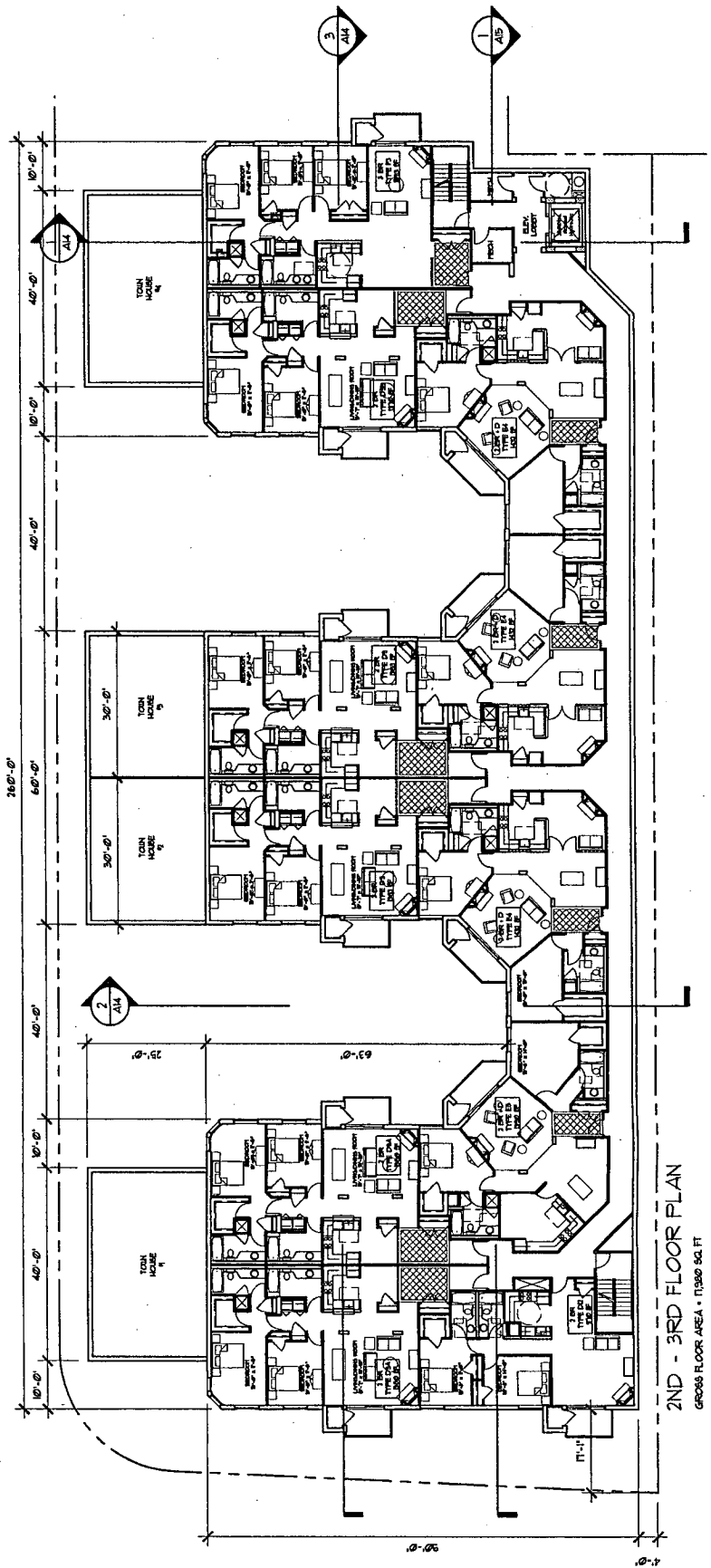
A11

11.30.1979
07/02/04
Scheme





4TH FLOOR PLAN
GROSS FLOOR AREA - 13,893 SQ. FT.



2ND - 3RD FLOOR PLAN
GROSS FLOOR AREA - 11,580 SQ. FT.

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Bethesda Theatre Residential

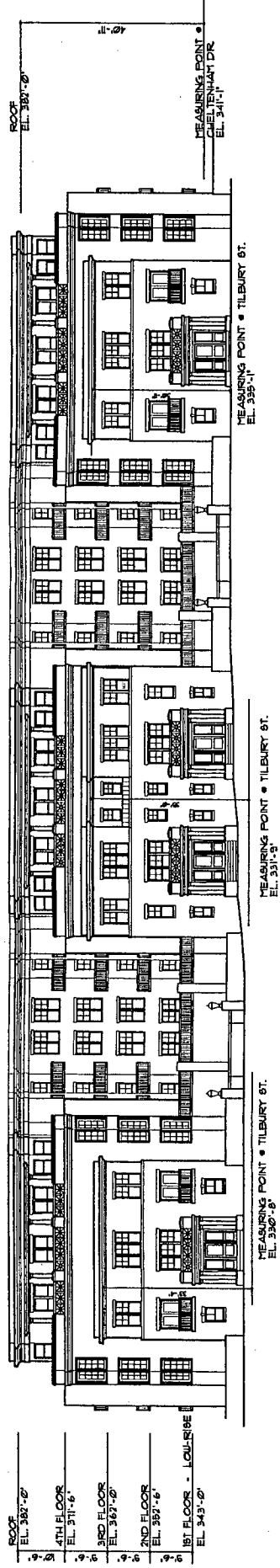
7791 Wisconsin Avenue
Bethesda, MD 20814

2ND-4TH FLOOR
PLANS - L-RISE

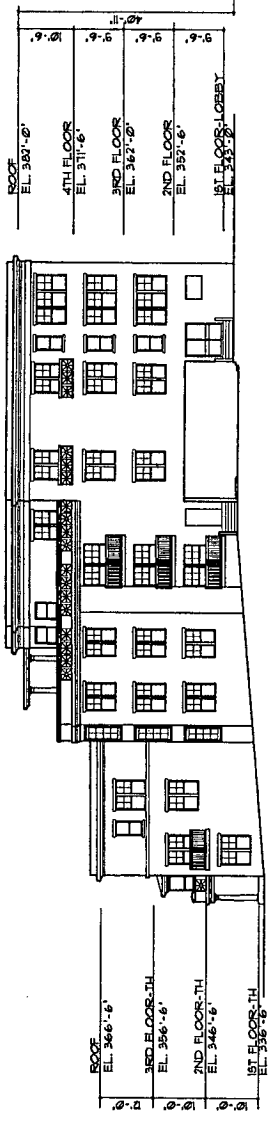
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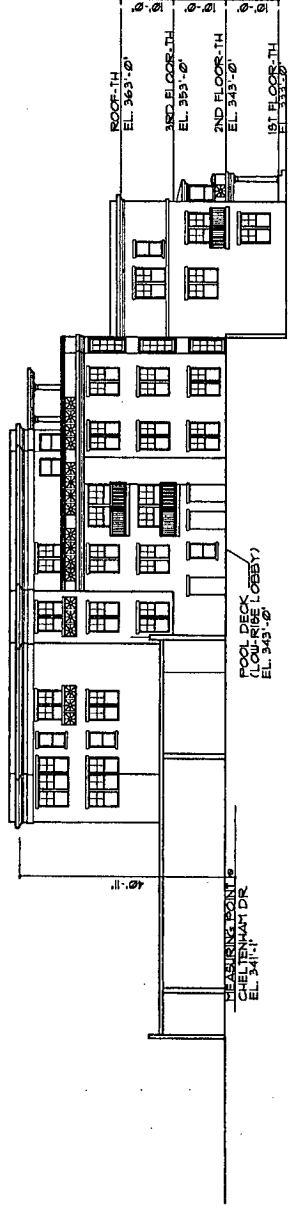
A12



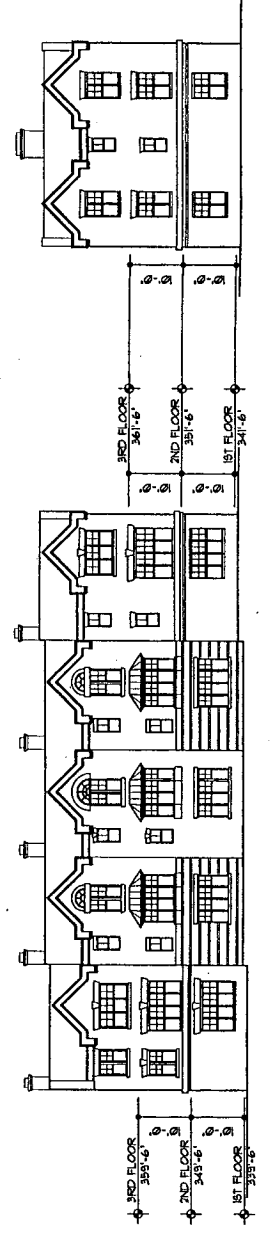
1 WEST ELEVATION - LOW-RISE APARTMENTS



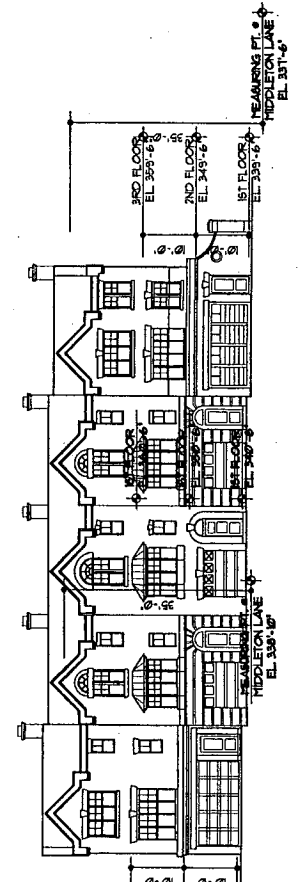
2 NORTH ELEVATION - LOW-RISE APARTMENTS



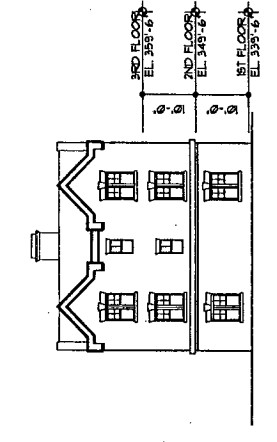
3 SOUTH ELEVATION - LOW-RISE APARTMENTS



5 WEST ELEVATION - MIDDLETON TOWNHOUSES



6 SOUTH ELEVATION - MIDDLETON TOWNHOUSES



7 EAST ELEVATION - MIDDLETON TOWNHOUSES

4 NORTH ELEVATION - MIDDLETON TOWNHOUSES

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Columbia, MD 21070

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Bethesda, MD 20814

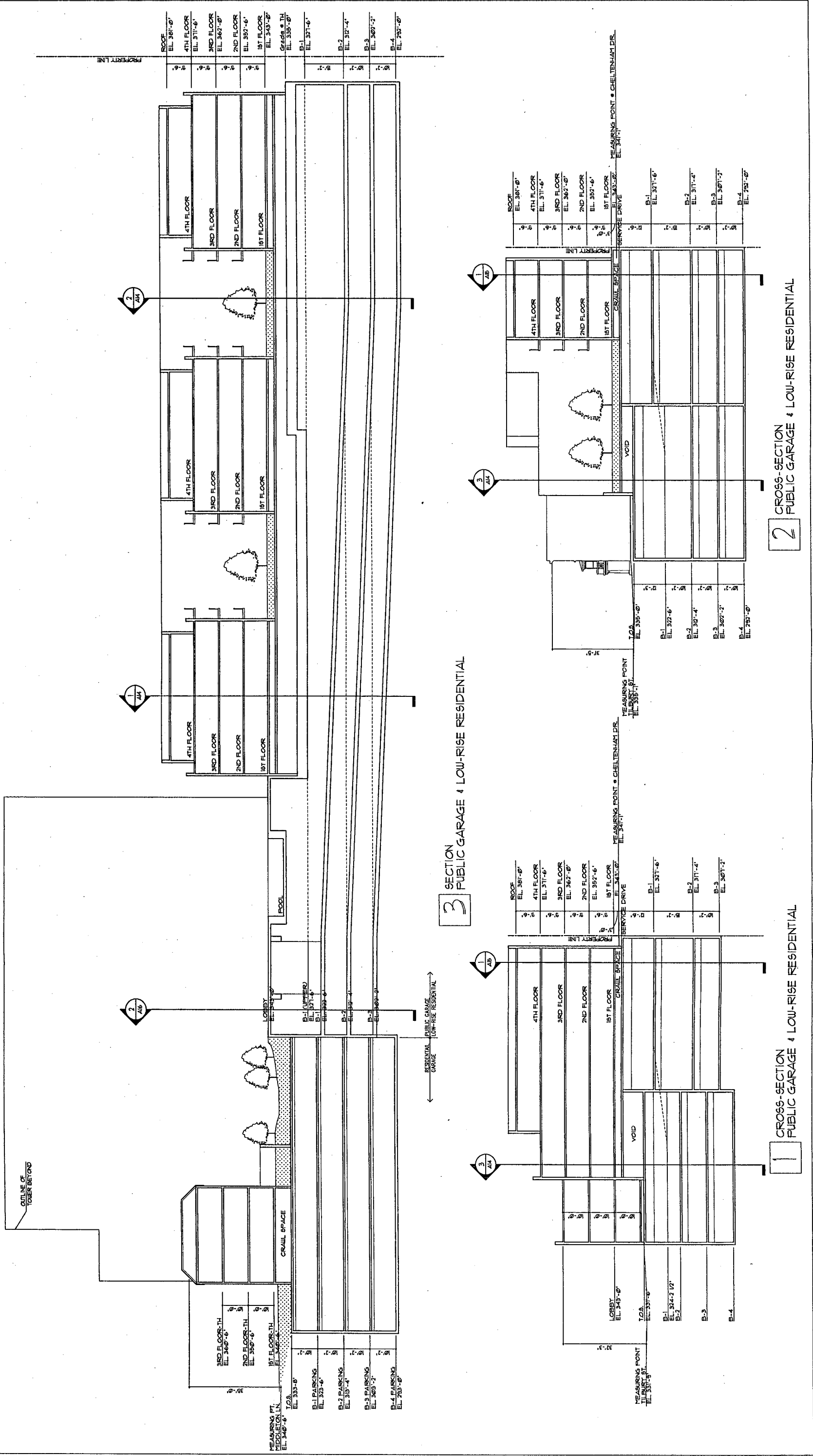
Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

BLDG ELEVATIONS
L-RISE/TOWNHOUSES

11/23/1999
9702.04
Scheme
A13

Scale: 1/16" = 1'-0"
0 8 16 32



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 Beltsville, MD 20814

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 Rockville, MD 20852

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 Consulting Systems
 10200 Oakdale Pike
 Beltsville, MD 21104

VIKA, INCORPORATED
 8800 Greenbelt Drive
 Suite 200
 Millersville, MD 21102

BUILDING SECTIONS

1 CROSS-SECTION PUBLIC GARAGE & LOW-RISE RESIDENTIAL

2 CROSS-SECTION PUBLIC GARAGE & LOW-RISE RESIDENTIAL

3 SECTION PUBLIC GARAGE & LOW-RISE RESIDENTIAL

Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, MD 20814

11.23.1979
 07/22/04
 Scheme

Scale: 1/8" = 1'-0"
 0 8 16 32

A14

1
A/A

2
A/A

ROOF FLOOR
EL. 391'-0"

4TH FLOOR
EL. 371'-6"

3RD FLOOR
EL. 367'-0"

2ND FLOOR
EL. 357'-6"

1ST FLOOR
EL. 357'-6"

ROOF
EL. 391'-0"

4TH FLOOR
EL. 371'-6"

3RD FLOOR
EL. 367'-0"

2ND FLOOR
EL. 357'-6"

1ST FLOOR
EL. 341'-1"

LOBBY
EL. 343'-0"

B-1 (UPPER)
EL. 321'-6"

B-1
EL. 327'-6"

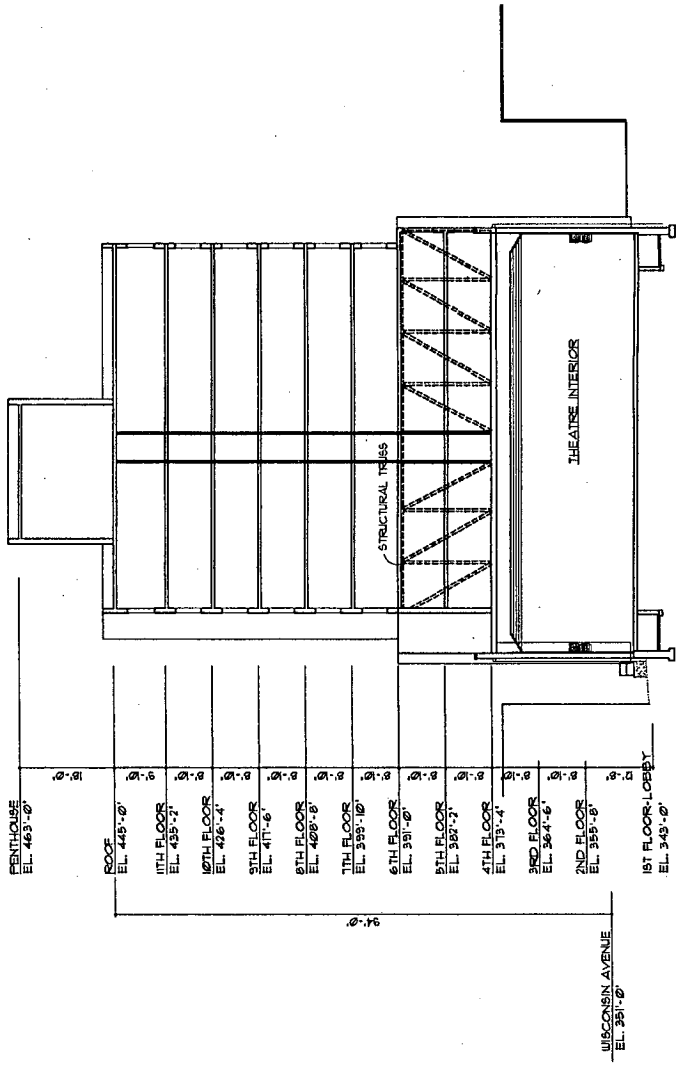
B-2
EL. 319'-4"

B-3
EL. 307'-2"

B-2 (LOWER)
EL. 296'-4"

MEASURING POINT • CHELTENHART DR
EL. 341'-1"

1 SECTION
PUBLIC GARAGE & LOW-RISE RESIDENTIAL



2 SECTION
THEATRE AND TOWER

PENTHOUSE
EL. 463'-0"

ROOF
EL. 445'-0"

11TH FLOOR
EL. 435'-2"

10TH FLOOR
EL. 426'-4"

9TH FLOOR
EL. 417'-6"

8TH FLOOR
EL. 408'-8"

7TH FLOOR
EL. 399'-10"

6TH FLOOR
EL. 391'-0"

5TH FLOOR
EL. 382'-2"

4TH FLOOR
EL. 373'-4"

3RD FLOOR
EL. 364'-6"

2ND FLOOR
EL. 355'-8"

1ST FLOOR-LOBBY
EL. 348'-0"

WISCONSIN AVENUE
EL. 351'-0"

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Bethesda, MD 20814

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

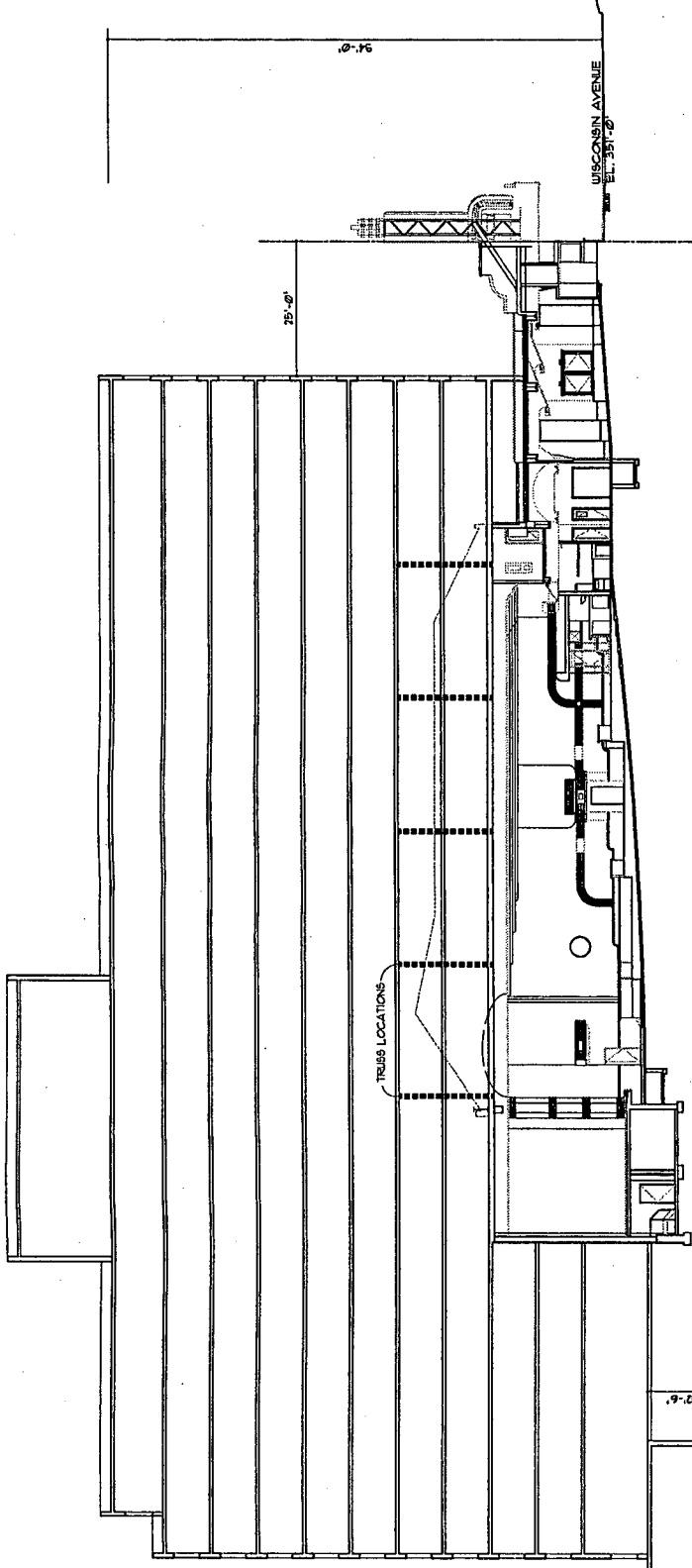
BLDG SECTIONS

11/23/1999
9702/2/04
Scheme
A15

Scale: 1/16" = 1'-0"
0 8 16 32

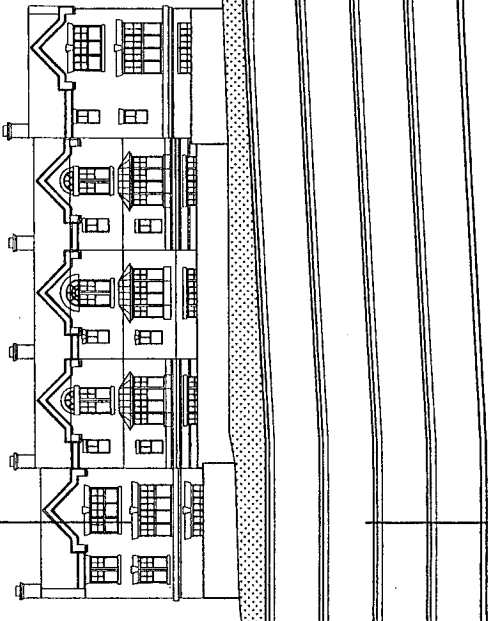
PENTHOUSE	EL. 463'-0"
ROOF	EL. 445'-0"
17TH FLOOR	EL. 435'-7"
16TH FLOOR	EL. 426'-4"
15TH FLOOR	EL. 411'-6"
14TH FLOOR	EL. 402'-8"
13TH FLOOR	EL. 395'-10"
12TH FLOOR	EL. 391'-0"
11TH FLOOR	EL. 382'-7"
10TH FLOOR	EL. 373'-4"
9TH FLOOR	EL. 364'-6"
8TH FLOOR	EL. 355'-8"
1ST FLOOR-LOBBY	EL. 345'-0"
VOID	
LOBBY	EL. 345'-0"
T.O.S.	EL. 333'-8"
B-1	EL. 324'-2 1/2"
B-2	
B-3	
B-4	

B-1	EL. 321'-6"
B-2	EL. 311'-4"
B-3	EL. 307'-7"



2 SECTION
RESIDENTIAL TOWER & THEATER

ROOF	EL. 445'-0"
17TH FLOOR	EL. 435'-7"
16TH FLOOR	EL. 426'-4"
15TH FLOOR	EL. 411'-6"
14TH FLOOR	EL. 402'-8"
13TH FLOOR	EL. 395'-10"
12TH FLOOR	EL. 391'-0"
11TH FLOOR	EL. 382'-7"
10TH FLOOR	EL. 373'-4"
9TH FLOOR	EL. 364'-6"
8TH FLOOR	EL. 355'-8"
1ST FLOOR-LOBBY	EL. 345'-0"



1 SECTION
RESIDENTIAL GARAGE TOWER & TOWNHOUSES

T.O.S.	EL. 333'-8"
B-1 PARKING	EL. 321'-6"
B-1 PARKING	EL. 325'-6"
B-2 PARKING	EL. 311'-4"
B-2 PARKING	EL. 315'-4"
B-3 PARKING	EL. 307'-7"
B-3 PARKING	EL. 303'-7"
B-4 PARKING	EL. 291'-0"
B-4 PARKING	EL. 293'-0"

WDG ARCHITECTURE
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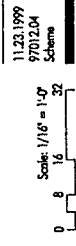
THE BOZZUTO GROUP
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Baltimore, MD 21286

Bethesda Theatre Residential

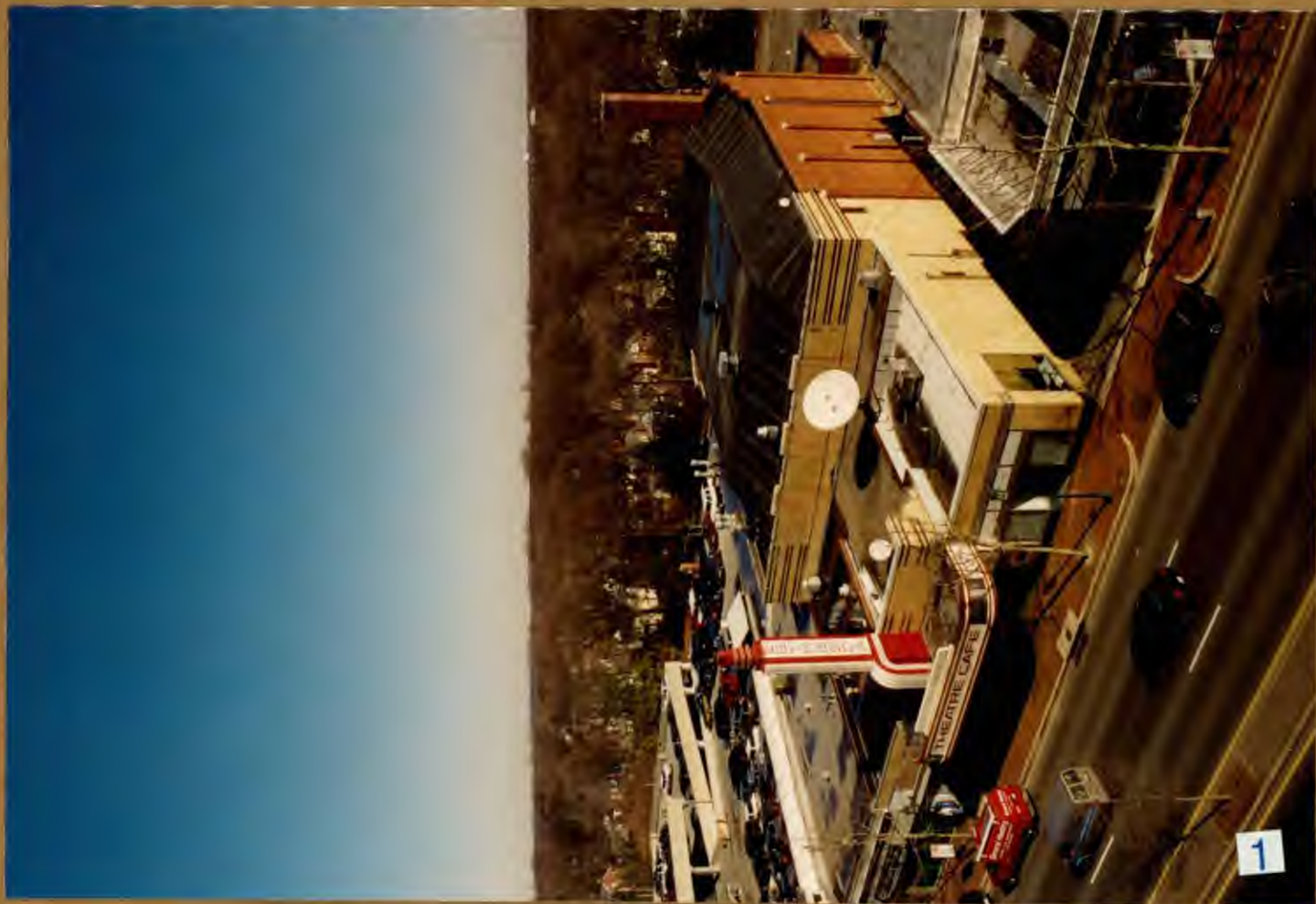
7791 Wisconsin Avenue
Bethesda, MD 20814

BLDG SECTIONS



A16

11/23/1999
97012/24
Scheme





February 23, 2000

MEMORANDUM

TO: Larry Ponsford
Malcolm Shaneman
Development Review Division

FROM: Gwen Wright, Historic Preservation Coordinator
Roz Robin D. Ziek, Historic Preservation Planner
Historic Preservation Section

SUBJECT: HPC Review of #9-97001 - Bethesda Theatre Residential

The HPC reviewed the proposal at its December 15, 1999 meeting, and voted to approve the proposed development with the condition that the secondary parapet be retained in situ, and that the proposal be revised to reflect this.

Prior to submitting the construction documents to the Department of Permitting Services for a building permit, the applicant needs to submit them to HPC staff for reviewing and stamping.

Sent over via e-mail.

Sender: Ponsford

Robin,

Thanks for the offer of input to the staff report and review. The Board date is March 2nd. I'll need your text electronically transferred by COB next Wednesday. As I understand it the applicant has agreed to your request on the parapet and you have agreed to their design. If this is so, your input should be easy and brief. If not, please advise me immediately what I need to do.

Larry

Reply Separator

Subject: Bethesda Theater Cafe development

Author: Ziek

Date: 1/18/00 11:10 AM

Larry,

Let me know how we can support this proposal to the Planning Board...in terms of the site plan review. When are you planning to take it to the Board? I can update you on the HPC review of the proposal, and their approval. The only condition was the retention of the 2nd parapet wall in situ...so they have to revise their plan for the lower apartment floor.

Robin



Montgomery County Government

February 11, 2000

Editor
Montgomery Gazette
1200 Quince Orchard Boulevard
Gaithersburg, Maryland 20878

Dear Editor:

As chair of the Montgomery County Historic Preservation Commission (HPC), I feel it is necessary to respond to the letter, entitled "Buried Alive in Bethesda", which was printed in your February 4th issue.

In mid-December, the HPC approved the construction of a residential building above and behind the Bethesda Theatre, a historically designated Art Deco movie theater on Wisconsin Avenue. The project before us was an interesting one. The developer wished to build to a greater density using the county's optional method procedures. In return for greater density, the developer would provide several amenities including the interior restoration of the theater and its continued operation as a movie theater. The development income from the tower made the restoration feasible and the restored auditorium dictated that the tower's supporting columns would be placed outside the theater's original shell (so they would not plunge through the auditorium). The tower would be placed behind the front facade and sign tower of the original building. As originally proposed, a second decorative wall (the second parapet) above and behind the main facade would be partially removed by new construction, however, the corners would remain in place on either side of the new tower.

The main issue was the placement of the tower: whether generally it was too close to the front of the original building and, specifically, whether removing most of the second parapet would substantially alter the historic resource. After a three hour meeting, at which there was public testimony both against and in favor of the project, the Commission approved a Historic Area Work Permit for the project, with the condition that the second parapet be retained in its original location. This action preserved the entire building except for its utilitarian flat roof.

The preservation of a landmark's interior and the continuation of its original use are two aspects of historicity our County's historic ordinance does not give us the power to protect. The developer's proposal accomplishes these admirable preservation goals, in exchange for a major exterior addition.

Historic Preservation Commission

8787 Georgia Avenue, Silver Spring, MD 20910
(301) 563-3400

Some in the audience took issue with our action and faulted us for not sufficiently protecting the historic theater and advocating its preservation above all else. I prefer to look at the situation differently. In my opinion, both preservation and the community's interests were met with a proposal that offers a restored, operating movie theater. In an era where all too often we are left hanging onto building shells that are relics of their former lives, here we have a genuine victory - preservation of not only bricks and mortar, but also preservation of a community resource and a historic use.

Some have implied that the preservation movement has broken free from its moorings and abandoned the principles and tactics that served it in the past. Others feel preservation is out of touch. The January issue of *Architectural Record* wrote that the appeal to the sanctity [of architectural features] is akin to faith, "basically inexplicable and hence inarguable." *Architecture* magazine argues that preservation is increasingly out-of-touch and "at its worst notices everything except the trains that hit it." By any measure, preservation is seen at a crossroads. The Montgomery County HPC is making efforts to ensure that preservation remains relevant.

The last three years have seen an equal number of important actions by the Commission. Our approval of the demolition of the Silver Spring Armory was a controversial decision but, in my opinion, it accounted for the importance of a vibrant Silver Spring downtown to the health and welfare of the community. As many veterans testified at the time, it would be a hollow victory if the hometown they fought to keep free crumbled around a retained Armory.

Another difficult, but important, Commission recommendation in the recent past was for the designation of Chevy Chase Village as a historic district, despite much opposition. It was an unpopular decision at the time with many residents of Chevy Chase Village, but the overall historic quality and importance of the homes we were looking at easily passed the threshold for designation. We took great effort to incorporate the community's concerns, and educate them about the powers and limitations of our ordinance. Today, I think we have a working historic district that has not been the onerous burden homeowners expected yet reasonably protects the interests of preservation.

And finally we have a Bethesda Theatre that will continue as that - and not just in name. How much more satisfying it will be to not walk past another renovated facade and into a product-laden emporium or swank lobby area occupying the forgotten interior of some landmark, but into a movie palace showing an up-to-the-minute Hollywood film. That will show the true worth and durability of a historic building! If the theater is removed from the National Register of Historic Places, as some hope it will be due to the new tower, I will consider it the Register's loss, not Bethesda's.



George Kousoulas, AIA

Chair

Historic Preservation Commission



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Gazette.Net Letters

Buried alive in Bethesda

February 4, 2000

The Economic Preservation Commission of Montgomery County, a wholly owned subsidiary of Park and Planning Enterprises, in partnership with Montgomery County Government Inc., took a bold new step in how to save the few remaining historic buildings in our county. The answer? Entombment, the creation of an on-site mausoleum.

The experimental subject is the Bethesda Theater. This 61-year-old art deco/art moderne masterpiece is about to have an 11-story apartment building placed over it, completely covering some of the parts that make it a masterpiece.

Not to worry! Think of it as an above-ground time capsule, so that 20 to 40 years from now, when this apartment building has completed its economic life, it can be torn down, and voila, those missing parts can be rediscovered and enjoyed for a few moments until a new building entombs them yet again! It's kind of like Brigadoon, that village which appears for one night every 100 years. Sure, it's an awfully long time between appearances, but isn't it great fun when you do get to see it again?

Think about it! Imagine walking past a beautiful, intact building every day. After a while, you'll probably get bored with it, taking its unique beauty for granted. Wouldn't it be better if part of what makes it beautiful is hidden, not be seen again, except maybe many years in the future?

Suppose I saw the face of a beautiful woman every day. Wouldn't it be better if she had to wear a blindfold or a veil, so that I would only ever be able to see her beautiful mouth or her beautiful eyes, but never both?

Now, for those of you who go to the Bethesda Theater (Bethesda Theatre Cafe) or have seen it, hurry over to feast your eyes on the outside, because, soon, much of it will be buried alive. Imagine that beautiful woman, whose beautiful body will anon be locked in a box for almost forever, so that all you will see is her beautiful face, sticking out of a hole, flying free.

Of course, if you don't make it over in time, you can always look at the pictures, and even share them with your children and grandchildren and great-grandchildren. Maybe art deco or art moderne doesn't excite you. If someday that were to change, even then you will still be able to get a little taste of it, seeing the remaining front of the Bethesda Theater. There are only two art deco theaters in Montgomery County, and just a few more than that in all of these United States. If the Bethesda remnants aren't enough, just go over to Silver Spring and experience the Silver Theater in its complete, unburied form.

Montgomery County has been and always will be about relentless progress. Every day, it's out with the old and in with the new. We can't let past history interfere in any way with the future history we're gloriously marching toward. Especially in a city suffering from as much economic distress as down-at-the-heels Bethesda.

There are a few naive, childlike, Polyannas out there who still believe that the Economic Preservation Commission is actually the so-named Historic Preservation Commission, that its responsibility is the protection and preservation of historic resources. Such silly literalism! The Economic Preservation Commission's foremost duty is to ensure that no developer who encounters a historic building during one of his sacred quests will ever endure anything more than the most minimal economic inconvenience.

The Silver Spring Armory, that malignant Gothic horror, lurked in the path of a parking garage, so it had to be destroyed. The Bethesda Theater, designed as a low rise, three dimensional building, created so much financial burden as to require much of it to be buried alive.

The Montgomery County Executive already has an Office of Economic Development. Such a redundancy should be eliminated by merging the Economic Preservation Commission with it, to send even clearer signals that anyone and anything in Montgomery County Government, Inc. is for sale.

Wayne Goldstein, Kensington

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1/26/00

NOT FOR PUBLIC DISTRIBUTION

In mid-December, the Montgomery County Historic Preservation Commission approved the construction of a residential building above and behind the Bethesda Theatre, a historically designated Art Deco movie theater on Wisconsin Avenue.

The project before us was an interesting one. The developer wished to build to a greater density using the county's optional method procedures. In return for greater density, the developer would provide several amenities including the interior restoration of the theater and its continued operation as a movie theater. The development income from the tower made the restoration feasible and the restored auditorium dictated that the tower's supporting columns would be placed outside the theater's original shell (so they would not plunge through the auditorium). The tower would be placed behind the front facade and sign tower of the original building. A second decorative wall (the second parapet) above and behind the main facade would be partially removed by new construction, however, the corners would remain in place on either side of the new tower.

The main issue was the placement of the tower: whether generally it was too close to the front of the original building and, specifically, whether removing most of the second parapet would substantially alter the historic resource. After a three hour meeting, at which there was public testimony both against and in favor of the project, the Commission approved a Historic Area Work Permit for the project, with the condition that the second parapet be retained in its original location. This action preserved the entire building except for its utilitarian flat roof.

The preservation of a landmark's interior and the continuation of its original use are two aspects of historicity our County's historic ordinance does not give us the power to protect. The developer's proposal accomplishes these admirable preservation goals, in exchange for a major exterior addition - which presented us with the dilemma of issuing a work permit.

Some in the audience took issue with our action and faulted us for not sufficiently protecting the historic theater and advocating its preservation above all else. I prefer to look at the situation differently. In my opinion, both preservation and the community's interests were met with a proposal that offers a restored, operating movie theater. In an era where all too often we are left hanging onto building shells that are relics of their former lives, here we have a genuine victory - preservation of not only bricks and mortar, but also preservation of a community resource and a historic use.

Some have implied that the preservation movement has broken free from its moorings and abandoned the principles and tactics that served it in the past. Others feel preservation is out of touch. The January issue of *Architectural Record* wrote that the appeal to the sanctity [of architectural features] is akin to faith, "basically inexplicable and hence inarguable." *Architecture* magazine argues that preservation is increasingly out-of-touch and "at its worst notices everything except the trains that hit it." By any measure, preservation is seen at a crossroads. The Montgomery County Historic Preservation Commission is making efforts to ensure that preservation remains relevant.

The last three years have seen an equal number of important actions by the Commission. Our approval of the demolition of the Silver Spring Armory was a controversial decision but, in my opinion, it accounted for the importance of a vibrant Silver Spring downtown to the health and welfare of the community. As many veterans testified at the time, it would be a hollow victory if the hometown they fought to keep free crumbled around a retained Armory.

Another difficult, but important, Commission recommendation in the recent past was for the designation of Chevy Chase Village as a historic district, despite much opposition. It was an unpopular decision at the time with many residents of Chevy Chase Village, but the overall historic quality and importance of the homes we were looking at easily passed the threshold for designation. We took great effort to incorporate the community's concerns, and educate them about the powers and limitations of our ordinance. Today, I think we have a working historic district that has not been the onerous burden homeowners expected yet reasonably protects the interests of preservation.

And finally we have a Bethesda Theatre that will continue as that - and not just in name. How much more satisfying it will be to not walk past another renovated facade and into a product-laden emporium or swank lobby area occupying the forgotten interior of some landmark, but into a movie palace showing an up-to-the-minute Hollywood film. That will show the true worth and durability of a historic building! If the theater is removed from the National Register of Historic Places, as some hope it will be due to the new tower, I will consider it the Register's loss, not Bethesda's.

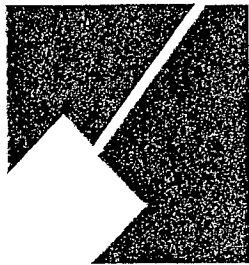
George Kousoulas, AIA
Chair
Montgomery County Historic Preservation Commission

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8-9-10
3-2-00

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: February 25, 2000
TO: Montgomery County Planning Board
VIA: Joe Davis, Chief
Development Review Division
FROM: Larry Ponsford, Supervisor
Planning Department Staff
(301) 495-4576

LRP



REVIEW TYPE: Site Plan Review
Project Plan Extension Review
APPLYING FOR: 249 multifamily apartments, 9 townhouses and a 400-car public garage
PROJECT NAME: Bethesda Theater Residential
CASE #: Site Plan #8-00014, Project Plan Extension 9-97001E
REVIEW BASIS: Sec. 59-D-2 and D-3, Zoning Ordinance
ZONE: CBD-2, PD-35
LOCATION: Bounded by Wisconsin, Cheltenham, Tilbury and Middleton
MASTER PLAN: Bethesda CBD Sector Plan
APPLICANT: Bozutto / Smith Venture
FILING DATE: November 24, 1999
HEARING DATE: March 2, 2000

STAFF RECOMMENDATION: Approval of Extension; Approval of 249 apartments including 32 MPDUs, 9 townhouses, 400-car public parking garage and restoration of Bethesda Theater Café, with the following conditions:

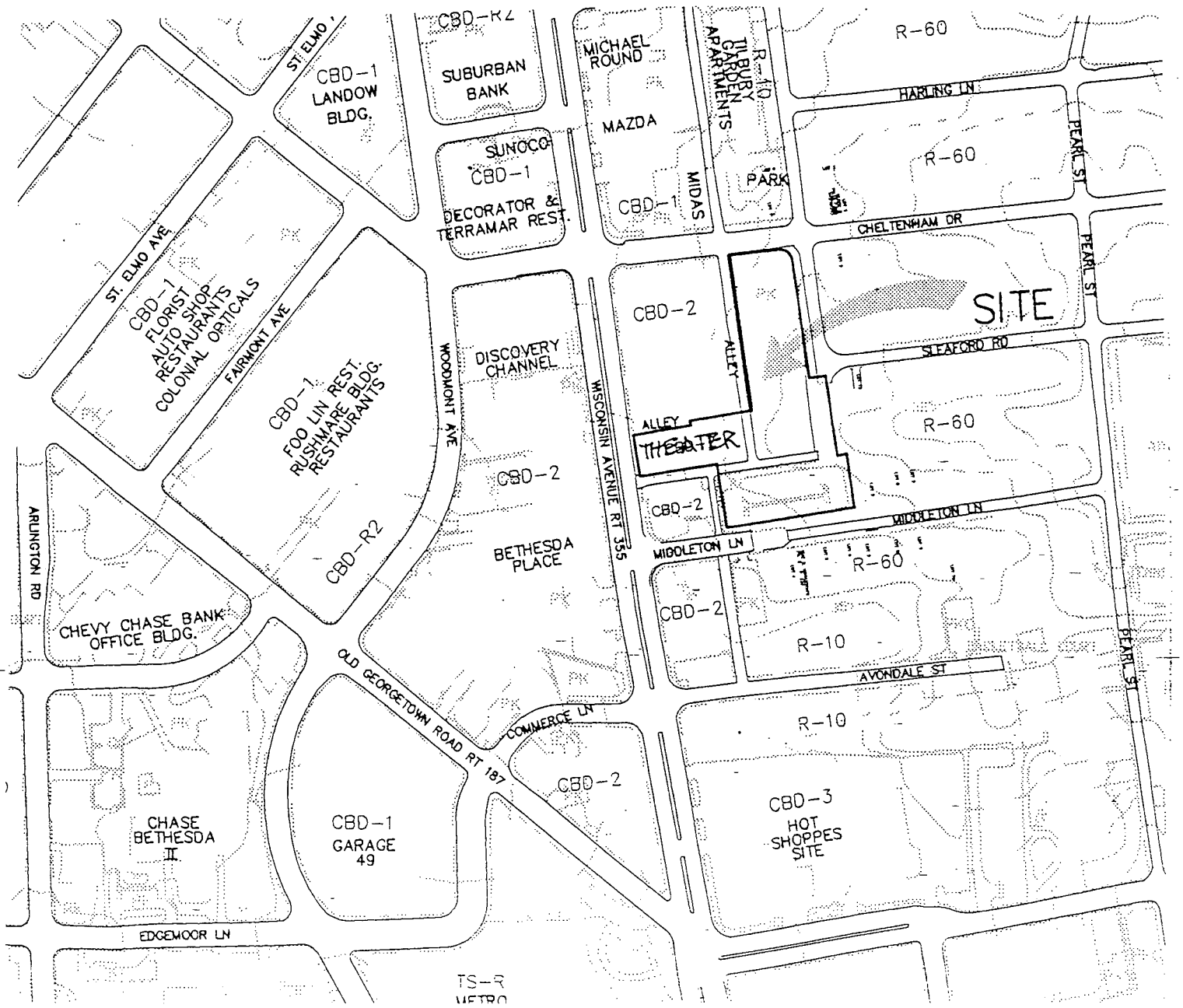
1. Standard Conditions dated October 10, 1995, Appendix A
2. Approval subject to finalization of pending abandonment of Tilbury Street.
3. Further channelization of the intersection of the intersection of Tilbury and Sleaford to further discourage left turns into Sleaford, subject to approval by MCDPS and MCDPWT
4. Applicant to complete the exterior preservation of the theater prior to the first occupancy permit for the tower and the interior restoration prior to the 105th occupancy permit for the tower

PROJECT DESCRIPTION: Site Description

This block contains the Chevy Chase Cars dealership, on either side of the Bethesda Theater Café, and the Bethesda Theater Café, all facing Wisconsin. On the rear half of the site are located two parking lot, one controlled by the applicant and the other, Lot 42, owned by the County. The site drops about 12-13 feet from Wisconsin towards Tilbury and drains eastward. Existing Sycamore street trees line Wisconsin, Zelkovas line Cheltenham, White Oaks line Middleton and a mixture of species dominated by White Pines lines Tilbury.

The Bethesda Theater Café is a two-story, Art-Deco style theater now being used for movies with light meals and beverages. The applicant has been working with the Historic Preservation Commission on a program of restoration of the interior and incorporation of certain exterior features into the design of the apartment building to be constructed over the theater.

The west half of the block is zoned CBD-2. The east half of the block is zoned PD-35.



- Starting on June 1, 2000 applicant shall make quarterly reports to the Board on the progress of his efforts to secure a user for the theater. Any proposal to change the use from a cinema or performing arts use requires an amendment to the Site Plan.

SUMMARY OF ISSUES EXTANT AT TIME OF STAFF REPORT:

ISSUE: Whether Tilbury should become a two-way street

CITIZEN POSITION: It should not; it will result in cut-through traffic and increased traffic

STAFF AND APPLICANT POSITION: It should; very little project traffic will use Tilbury(4 townhouses)

ISSUE: Whether MPDUs will be provided on site or through a payment in lieu, to MCDHCA

APPLICANT POSITION: Payment in lieu is favored. Provision on-site threatens the financial viability of the project

STAFF POSITION: Recommend that the Board express its preference for providing MPDUs on site.

If MCDHCA accepts a payment in lieu of on-site MPDUs, the Board should strongly recommend that MCDHCA provide the MPDUs in the Bethesda CBD Sector Plan area

PROJECT DESCRIPTION: Surrounding Vicinity

The site is part of the block bounded by Wisconsin Avenue, Cheltenham Drive, Tilbury Street and Middleton Lane, in the Bethesda Central Business District. To the east is an existing single family detached neighborhood represented by the East Bethesda Citizens' Association. To the south across Middleton is a commercial business facing Wisconsin, a County parking lot and detached homes along Middleton. To the north across Cheltenham is a business facing Wisconsin and a small MNCPPC park on the corner of Tilbury.



PROJECT DESCRIPTION: Proposal

The proposal consists of 249 multi-family dwelling units in two, interconnected buildings, five conventional townhouses facing Middleton, four unconventional townhouses facing Tilbury, a fully-renovated Bethesda Theater Café, an underground garage for the apartments and a 400-car, underground public parking garage. The Board approved an Optional Method Project Plan which specified, in addition to the Theater renovation, a public pedestrian way through the site connecting the neighborhood to the east with the Bethesda CBD.

The bulk of the apartments are to be built over the theater in a tower configuration 94 feet in height; the remaining multifamily units back up the townhouses facing Tilbury in a four-story configuration with two raised and landscaped courtyards. The apartments feature an outdoor pool and various indoor amenities. Loading for the apartment is accomplished via the existing alley, with access from Cheltenham.

Residents gain access to the apartment garage from Middleton, near the main pedestrian entrance to the apartment tower. A landscaped passageway along the south side of the theater provides a second pedestrian entrance to the apartment lobby. The public parking garage is accessed from Cheltenham.

Stormwater management consist of a waiver of on-site quantity control and a sand filter for quality control, to be located in the abandoned portion of Tilbury.

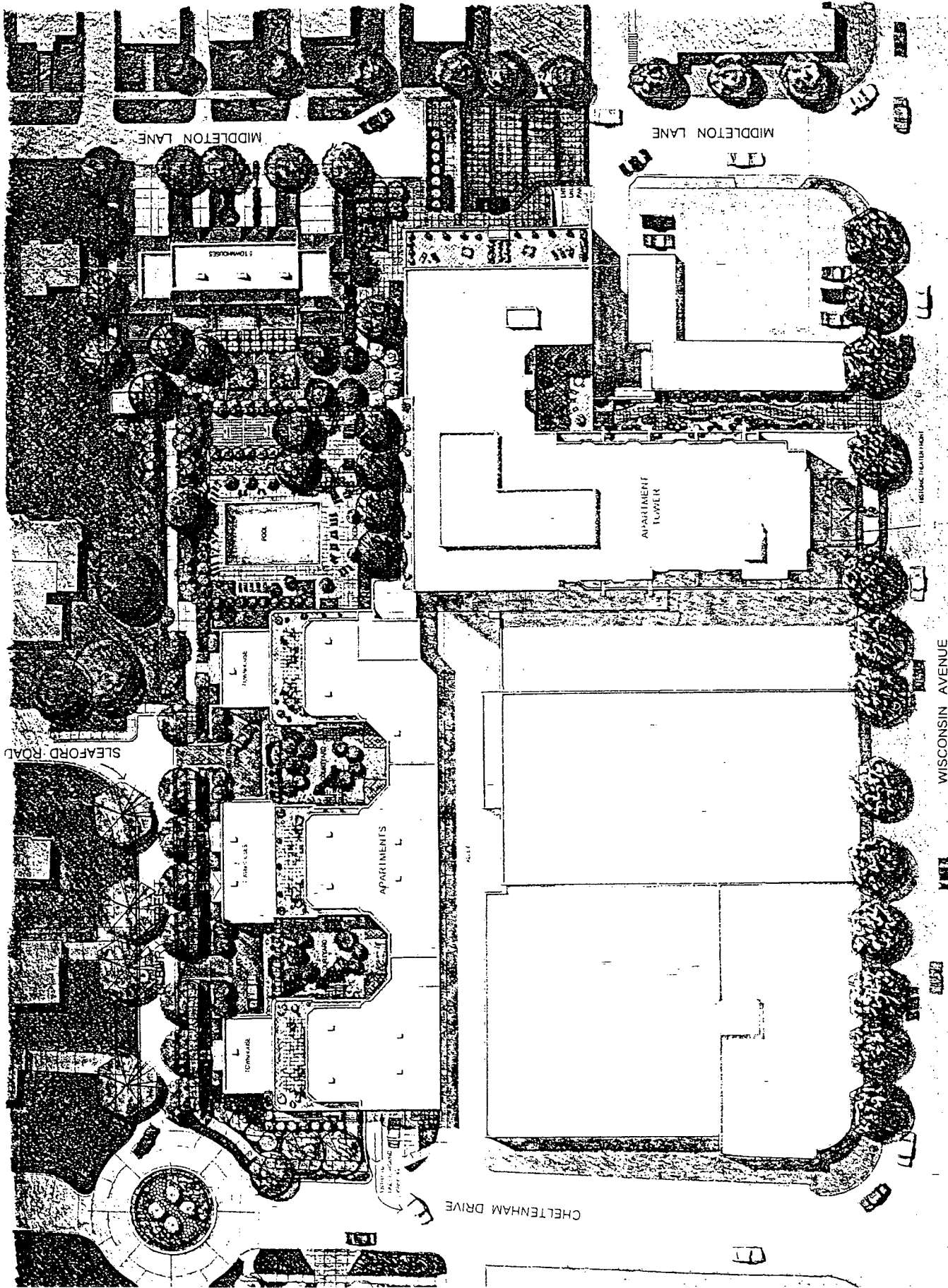
Middleton Lane is closed to through traffic by the introduction of a landscaped barrier across the pavement, to eliminate cut-through traffic into the neighborhood. This device is designed to allow fire emergency vehicles to pass over the south end of the barrier without damage. Special paving is to be applied to Middleton west of the barrier to form a vehicular drop-off turnaround next to the main tower entrance.

By condition of this approval, the curb configuration of the Tilbury/Sleaford intersection is to be further changed to minimize the possibility of drivers on Tilbury short-cutting through the neighborhood via Sleaford. The change prevents left turns into Sleaford from Tilbury.

The public garage is to be accomplished via an agreement between MCDPWT Division of Parking and the applicant. The applicant proposes to replace the existing lots with 400 spaces below grade, allowing the housing to be built on the site of the former lots.

Part of Tilbury Street is proposed to be abandoned; this proposal was approved earlier in the Project Plan review and is now being reviewed and heard concurrently with this Site Plan review.

Negotiations with the adjacent community focused on protection of the neighborhood from any increase in traffic which might result from the proposal. This effort resulted in the proposal to introduce a traffic circle at the intersection of Tilbury and Cheltenham, in accordance with MCDPWT standards. The circle has been subsequently improved by reconfiguring the standard curb layout to prevent rounding the circle in the incorrect direction.



SHP-01

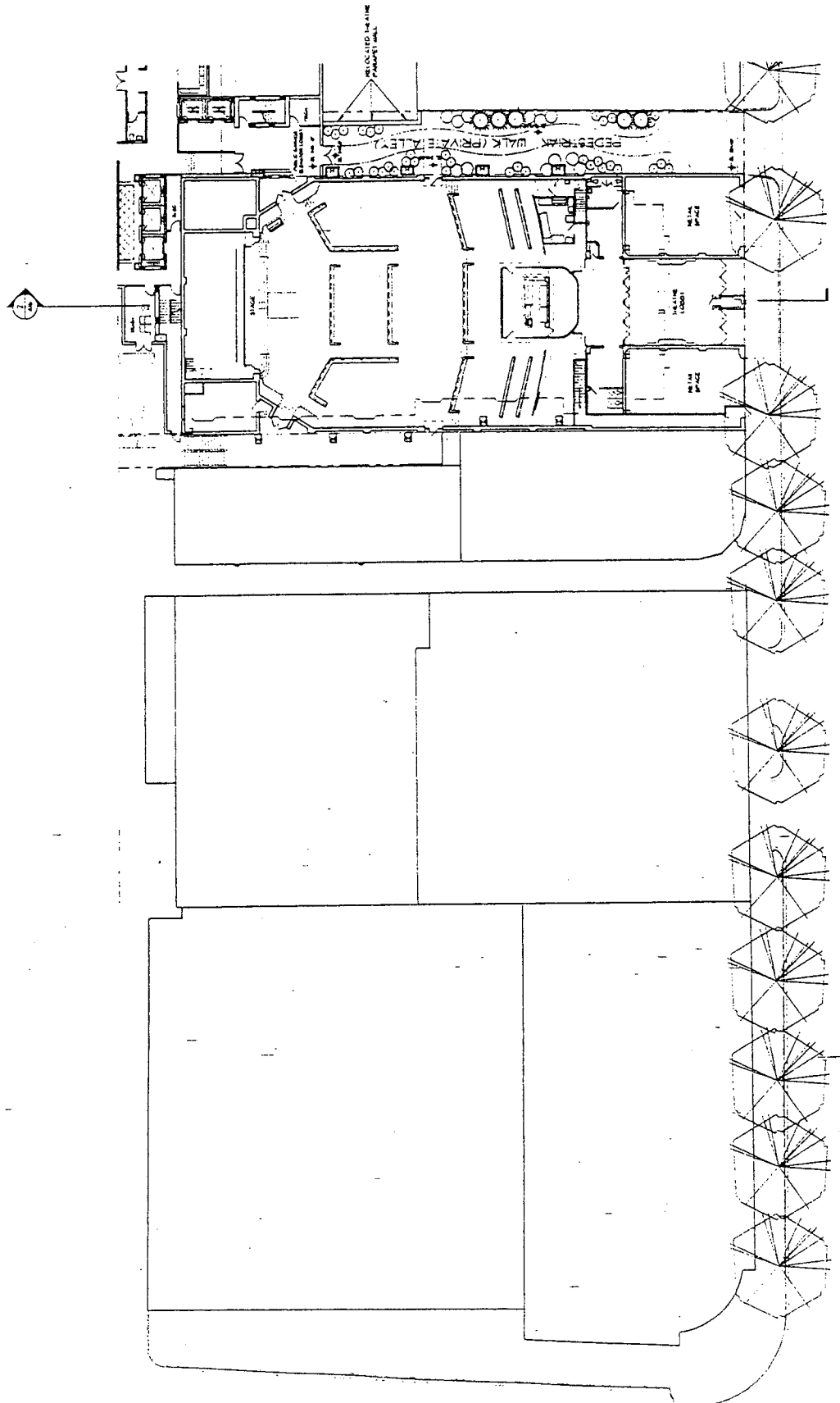
Bethesda Theatre Residential

1001 WISCONSIN AVENUE
BETHESDA, MD 20814

A1

DATE: 08/15/11
SCALE: AS SHOWN

DESIGNED BY: [Faint text]
DRAWN BY: [Faint text]



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 1000 Wisconsin Avenue, N.W.
 Washington, D.C. 20007
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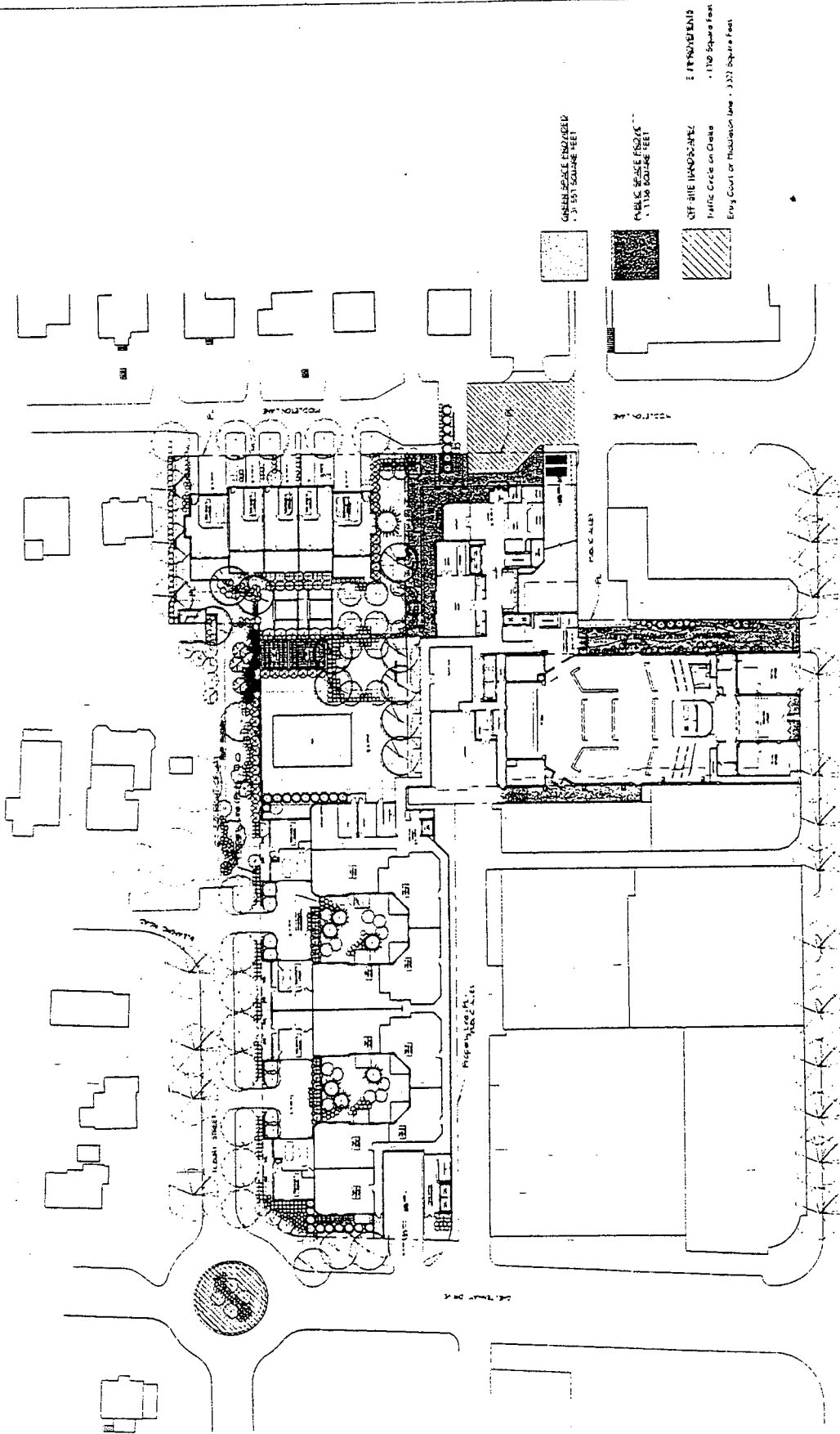
WRA, INCORPORATED
 1000 Wisconsin Avenue, N.W.
 Washington, D.C. 20007
 Phone: (202) 462-1100
 Fax: (202) 462-1101

Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, MD 20814

LOBBY LEVEL
 THEATRE PLAN

2100 AD
 DATE
 A7



COMMON SPACE PROVIDED
 1,357 SQUARE FEET

PUBLIC SPACE PROVIDED
 1,119 SQUARE FEET

OFF-SITE HANDSHELF
 Hand Cradle on Closes
 Entry Court or Hallway Area - 337 Square Feet

SITE PLAN-OPEN
 SPACE DIAGRAM

Bethesda Theatre Residential

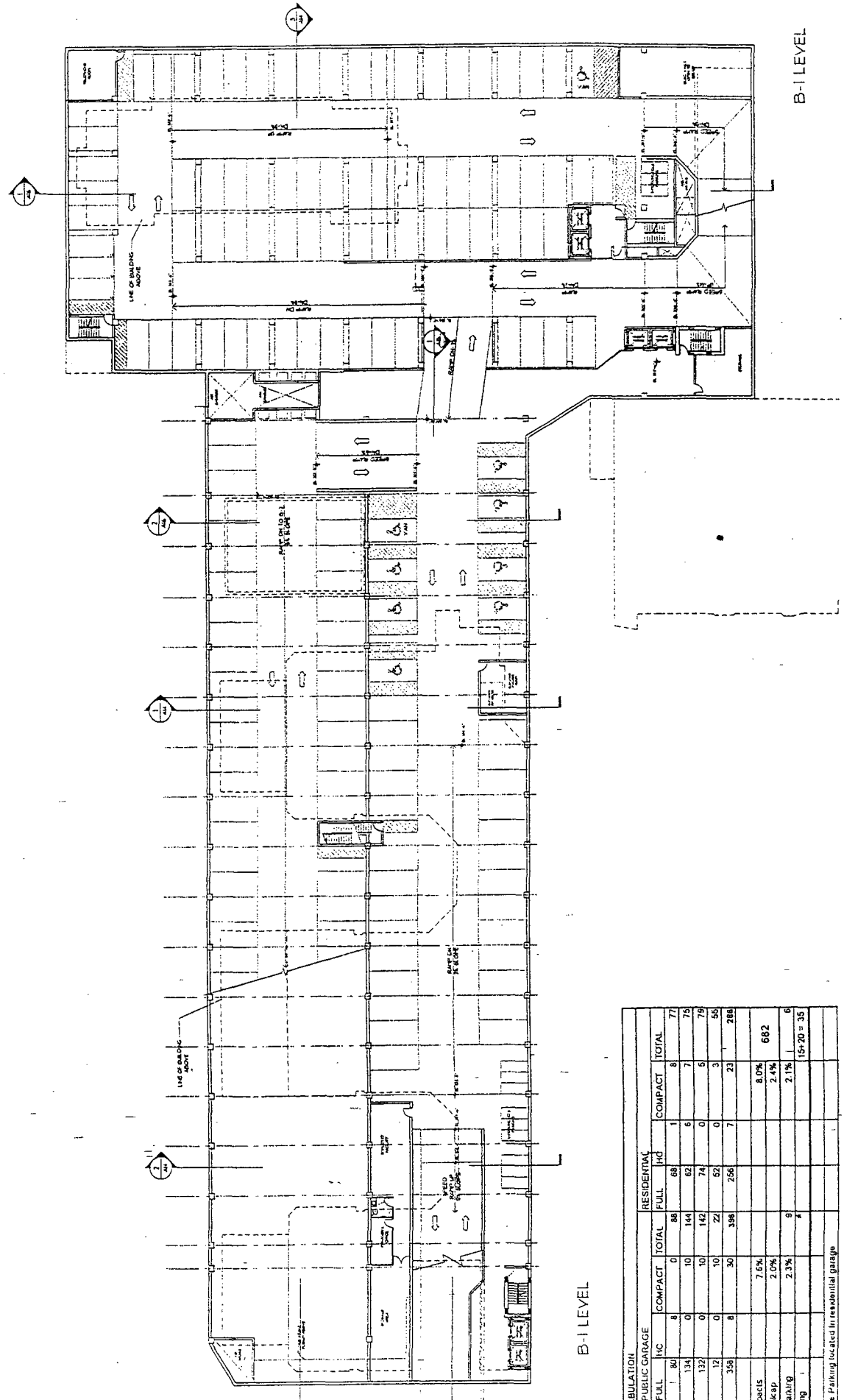
3781 WISCONSIN AVENUE
 BETHESDA, MD 20814

3781 WISCONSIN AVENUE
 BETHESDA, MD 20814

A1A

3781 WISCONSIN AVENUE
 BETHESDA, MD 20814

3781 WISCONSIN AVENUE
 BETHESDA, MD 20814



PARKING TABULATION

	PUBLIC GARAGE		RESIDENTIAL		TOTAL	TOTAL	COMPACT	TOTAL
	FULL	HC	FULL	HC				
B-1 LEVEL	80	8	88	68	1	8	77	
B-2 LEVEL	134	0	144	62	6	7	79	
B-3 LEVEL	132	0	142	74	0	5	79	
B-4 LEVEL	12	0	22	52	0	3	55	
TOTAL	358	8	398	256	7	23	288	
Percent Compacts							8.0%	682
Percent Handicap							2.4%	
Motorcycle Parking							2.1%	6
Bicycle Parking								16-20 = 35

* NOTE:
Public Bicycle Parking located in residential garage

ARCHITECTS: LEHR SCHEFF GOREL
 1000 Wisconsin Avenue, N.W.
 Washington, D.C. 20007
 Phone: 202-331-1111
 Fax: 202-331-1112

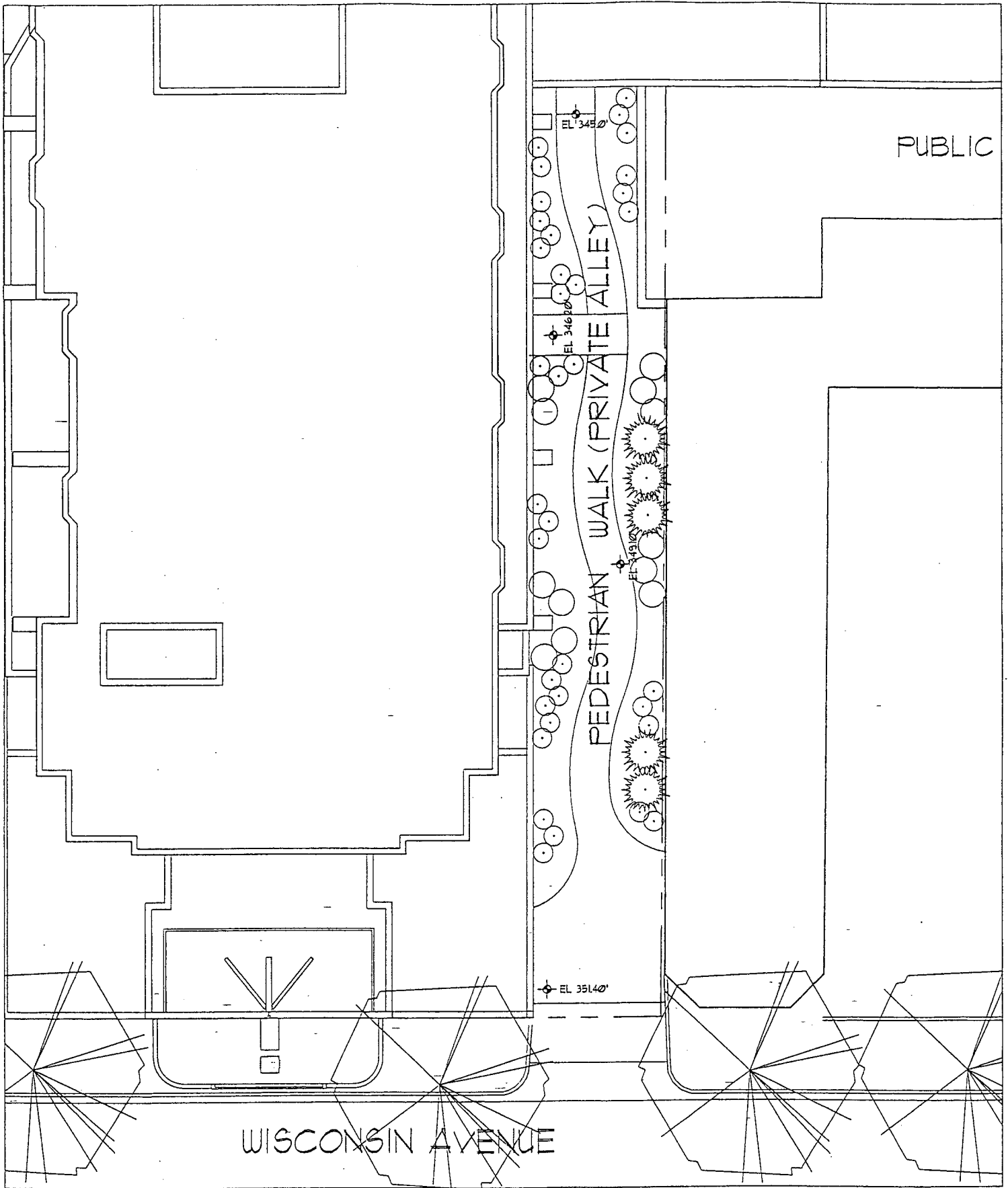
CIVIL ENGINEER: SUE A. SULLER ASSOCIATES, P.A.
 1000 Wisconsin Avenue, N.W.
 Washington, D.C. 20007
 Phone: 202-331-1111
 Fax: 202-331-1112

STRUCTURAL ENGINEER: GRUBBS & ASSOCIATES ARCHITECTS
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 Washington, D.C. 20007
 Phone: 202-331-1111
 Fax: 202-331-1112

ELECTRICAL ENGINEER: E. M. SPAIN ASSOCIATES
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 Washington, D.C. 20007
 Phone: 202-331-1111
 Fax: 202-331-1112

Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, MD 20814



Bethesda Theatre Residential

Pedestrian Alley
@ Existing Theatre

WDG - ARCHITECTURE
PLANNING
INTERIOR DESIGN

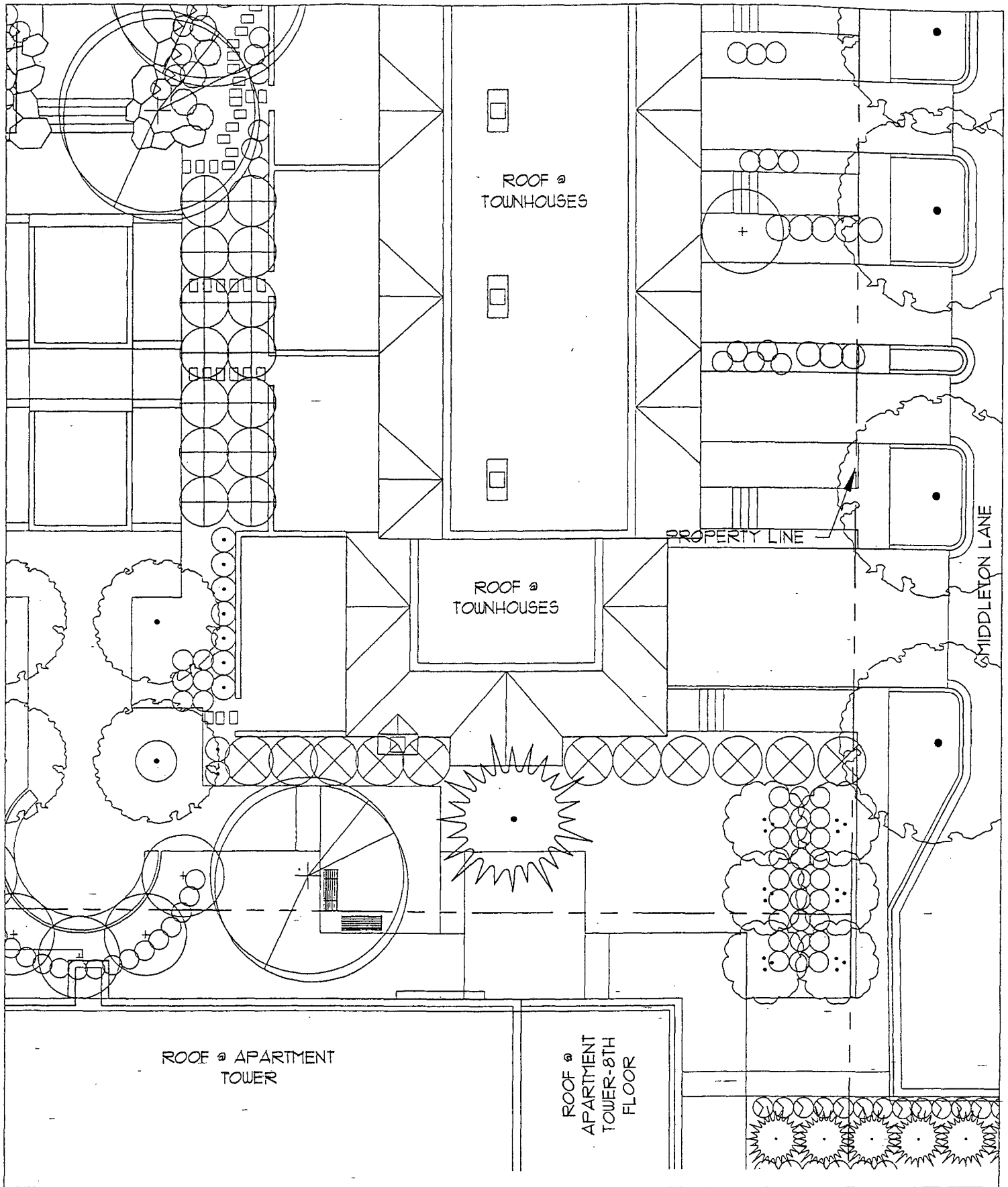
Bethesda, MD

SCALE: 1" = 20'

02.21.2000
97012.04

ASK-5

1025 Connecticut Avenue, NW Suite 300
Washington, DC 20036
tel 202.357.3300 fax 202.463.2198 e-mail wdg@wehe.com



Bethesda Theatre Residential

Public Plaza

WDG ARCHITECTURE
PLANNING
INTERIOR DESIGN

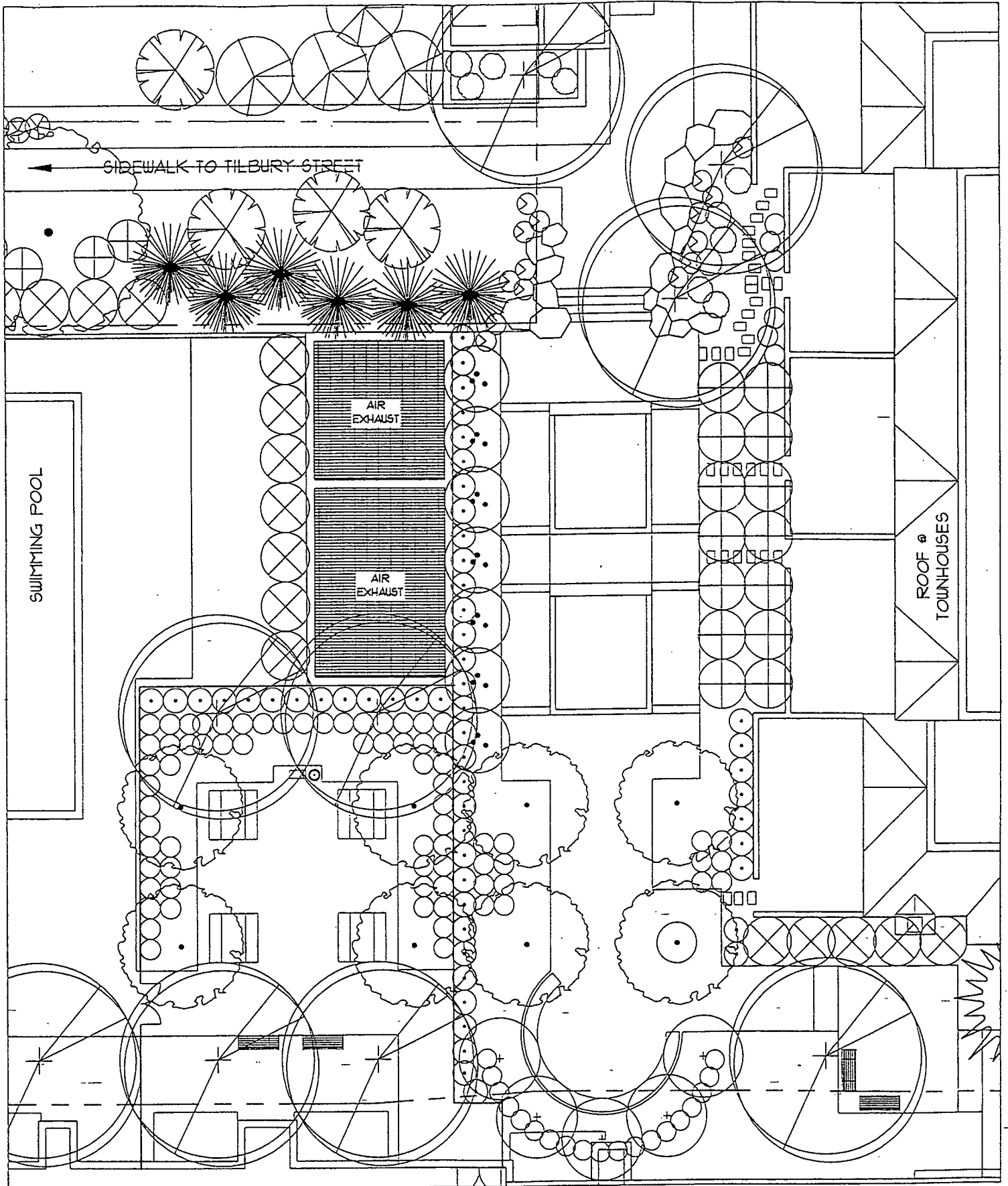
Bethesda, MD

SCALE: 1" = 16'

02.21.2000
97012.04

ASK-6

1025 Connecticut Avenue, NW Suite 300
Washington, DC 20036
tel 202.337.8300 fax 202.463.2198 e-mail wdg@wdg.com



Bethesda Theatre Residential

Public Plaza

WDG

ARCHITECTURE
PLANNING
INTERIOR DESIGN

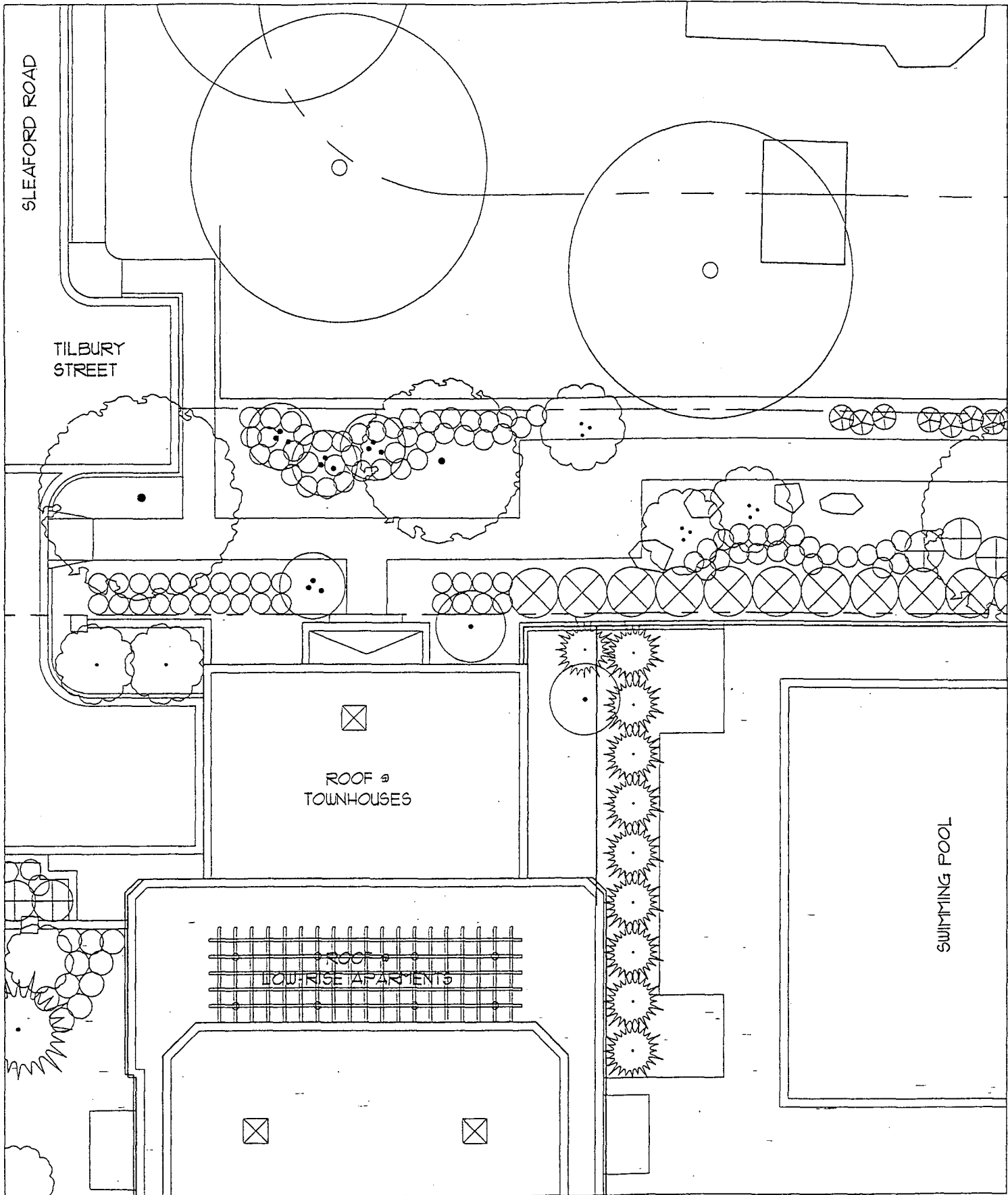
Bethesda, MD

SCALE: 1" = 16'

02.21.2000
97012.04

ASK-7

1025 Connecticut Avenue, NW Suite 300
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Bethesda Theatre Residential

Public Plaza

WDG

ARCHITECTURE
PLANNING
INTERIOR DESIGN

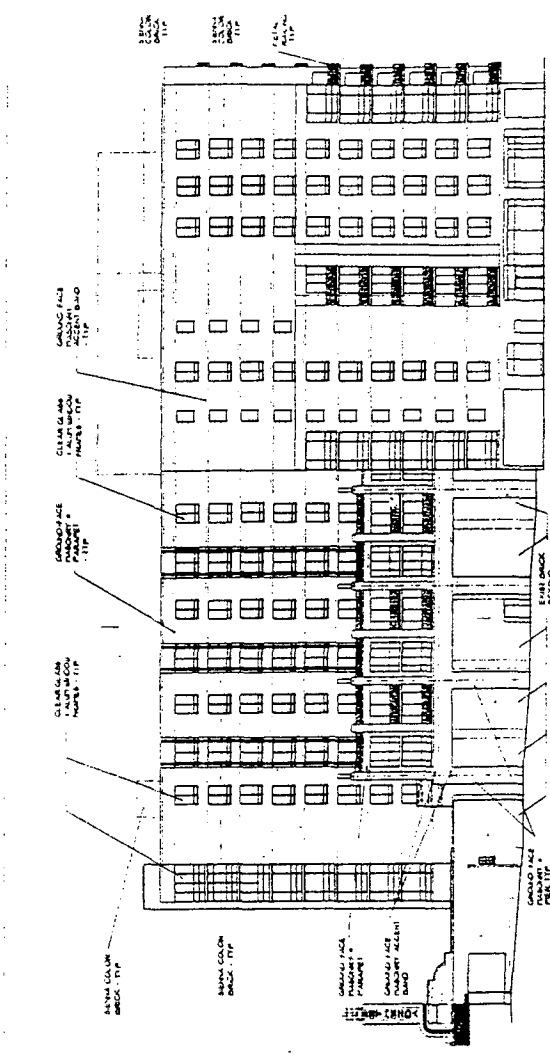
Bethesda, MD

SCALE: 1" = 16'

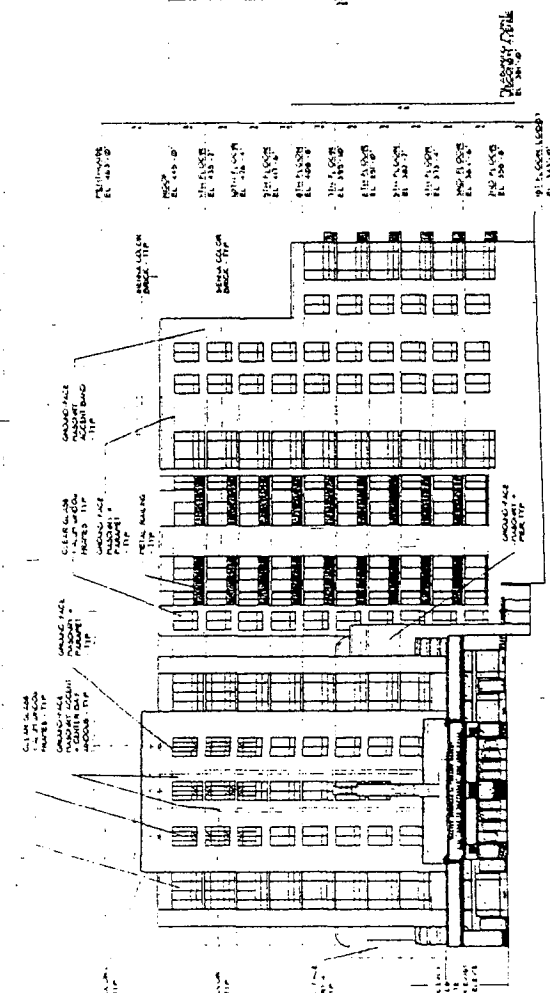
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ASK-8

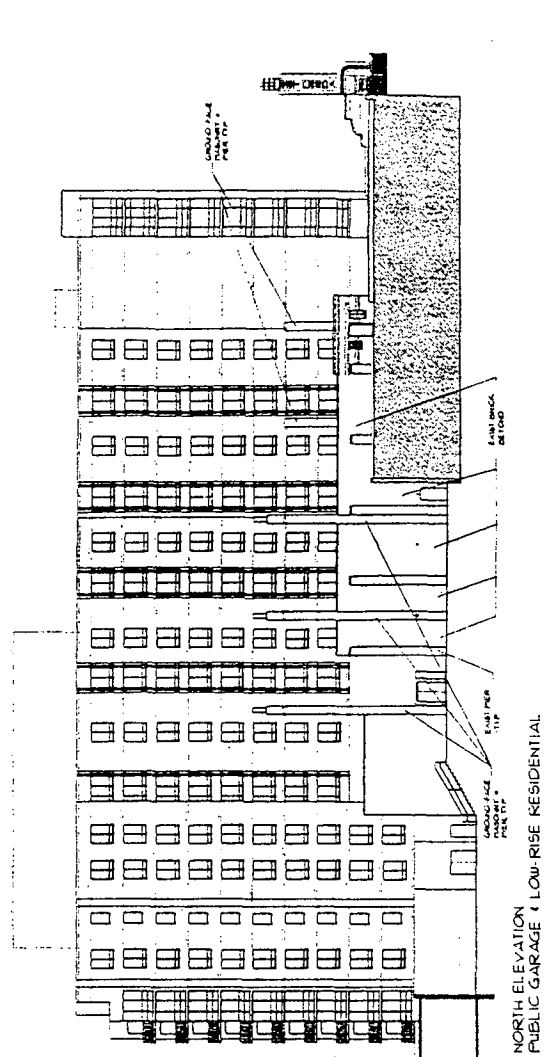
1025 Connecticut Avenue, NW Suite 300
Washington, DC 20036
tel 202.357.9300 fax 202.463.2198 e-mail wdg@wdg.com



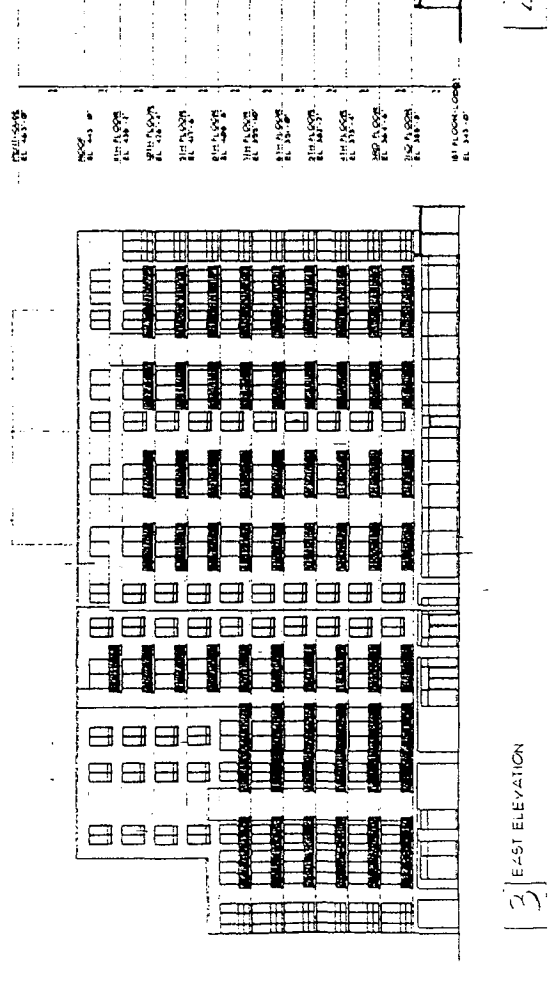
2 SOUTH ELEVATION



3 WEST ELEVATION



4 NORTH ELEVATION
PUBLIC GARAGE : LOW-RISE RESIDENTIAL



3 EAST ELEVATION

Bethesda Theatre Residential

7791 WILSON AVENUE
BETHESDA, MD 20814

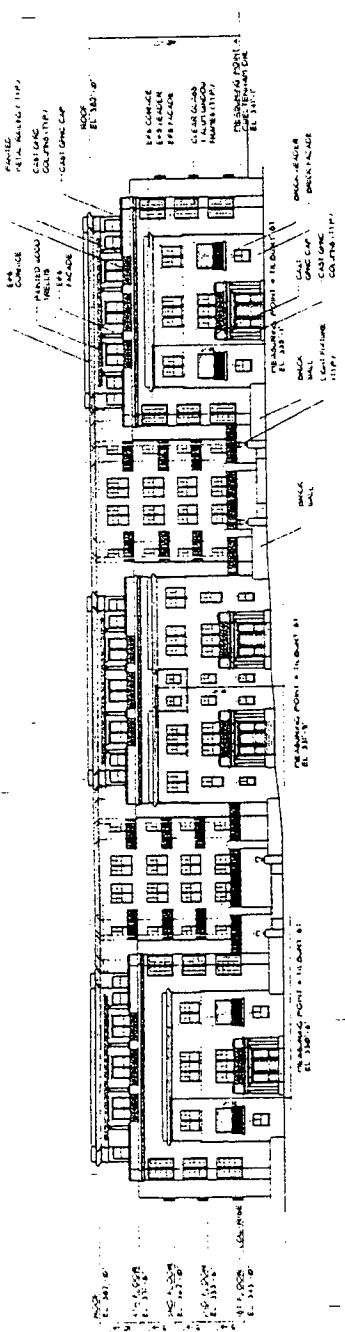
BIDG ELEVATION
THEATRE/TOWER
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E. H. SMITH ASSOCIATES
ARCHITECTS
1100 WILSON AVENUE
BETHESDA, MD 20814

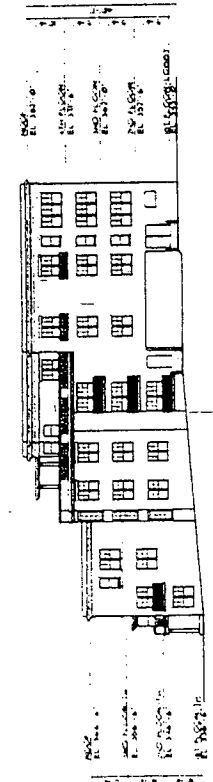
GUMPERT & ASSOCIATES ARCHITECTS
1100 WILSON AVENUE
BETHESDA, MD 20814

SCLA
1100 WILSON AVENUE
BETHESDA, MD 20814

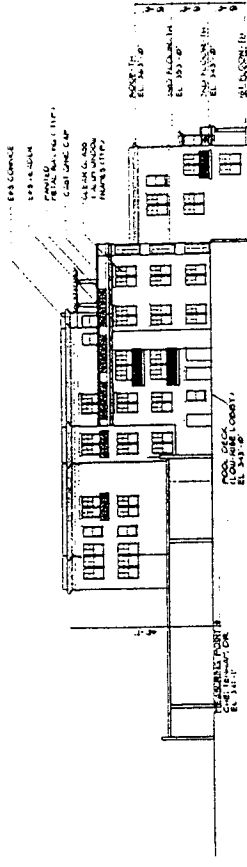
VWA, INCORPORATED
1100 WILSON AVENUE
BETHESDA, MD 20814



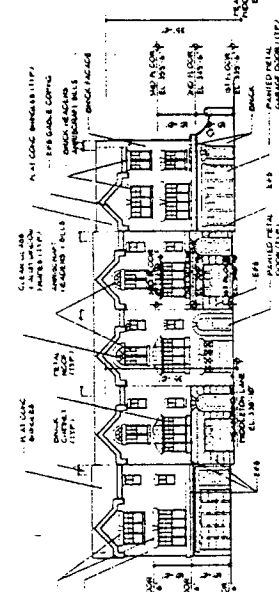
WEST ELEVATION
LOW-RISE APARTMENTS



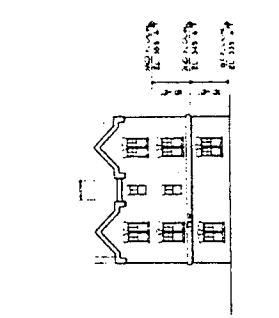
NORTH ELEVATION
LOW-RISE APARTMENTS



SOUTH ELEVATION
LOW-RISE APARTMENTS

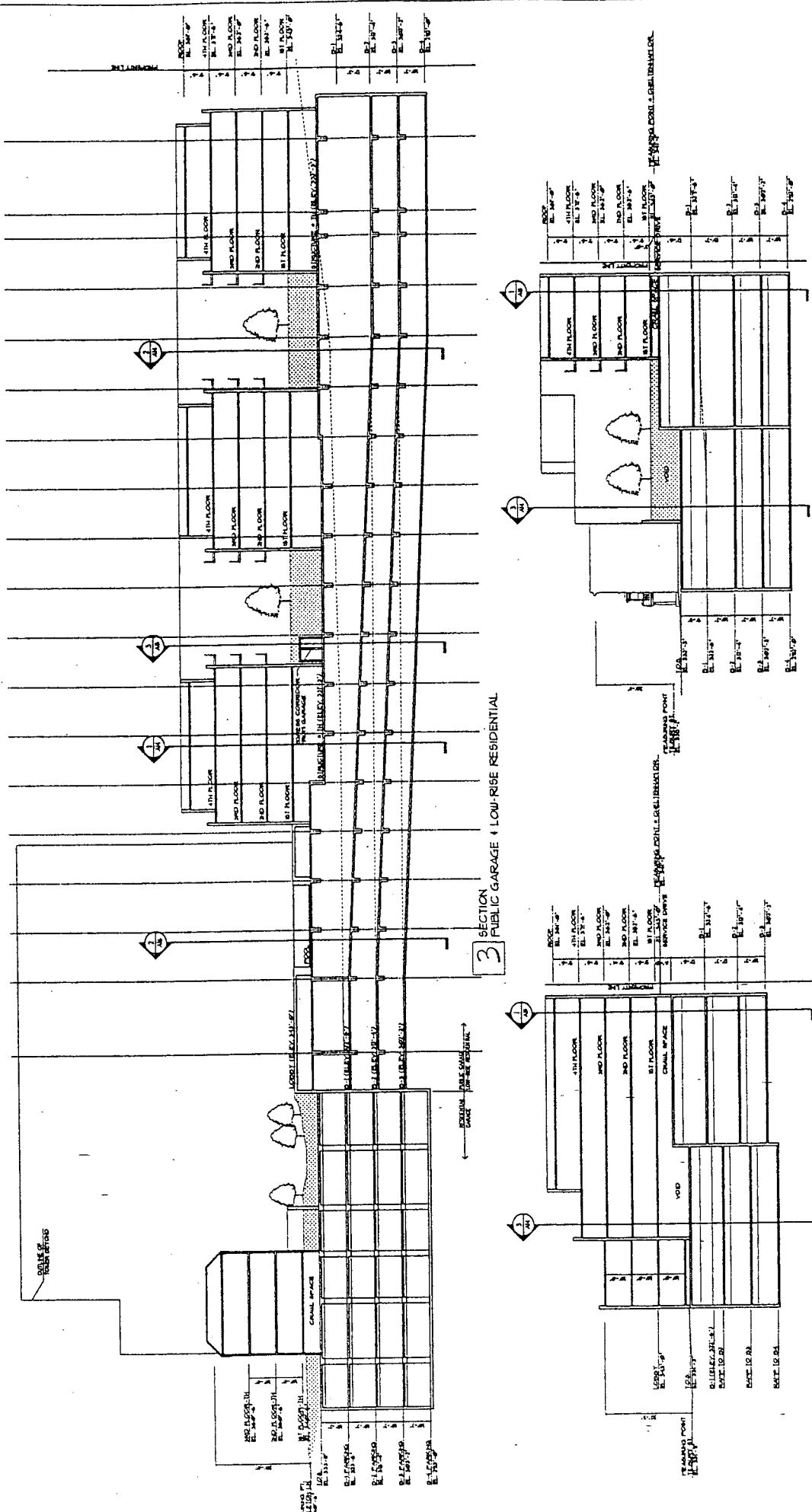


WEST ELEVATION
MIDDLETON TOWNHOUSES



EAST ELEVATION
MIDDLETON TOWNHOUSES

Bethesda Theatre Residential



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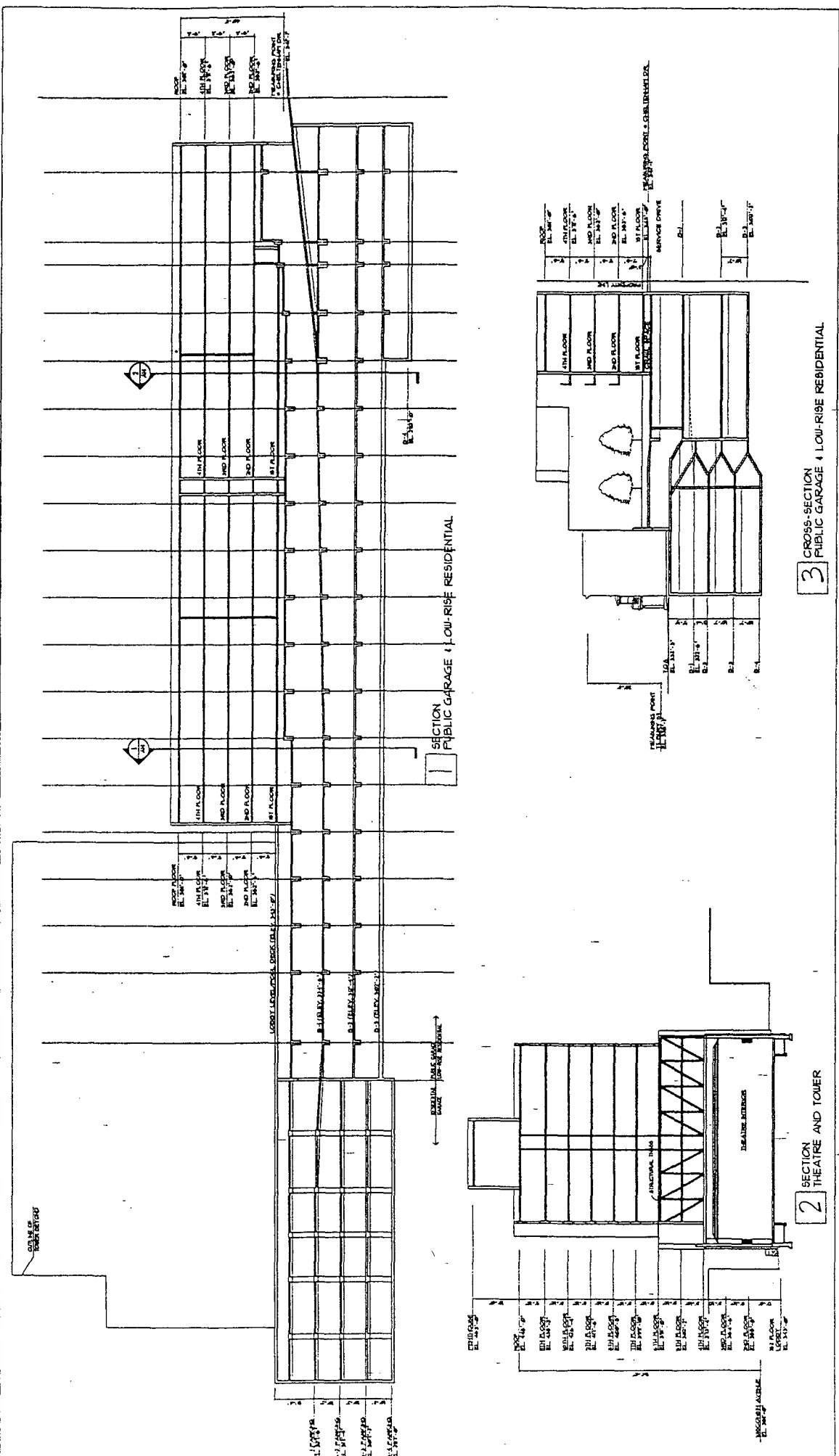
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Bethesda Theatre Residential
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 Bethesda, MD 20814

BIDG SECTIONS
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1 SECTION PUBLIC GARAGE + LOW-RISE RESIDENTIAL

2 SECTION THEATRE AND TOWER

3 CROSS-SECTION PUBLIC GARAGE + LOW-RISE RESIDENTIAL

BDG SECTIONS

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

18480
POLINA
A15

DATE: 01/12/12

SCALE: 1/8" = 1'-0"

OWNER: VIRA, INCORPORATED
18480 Wisconsin Ave.
Bethesda, MD 20814

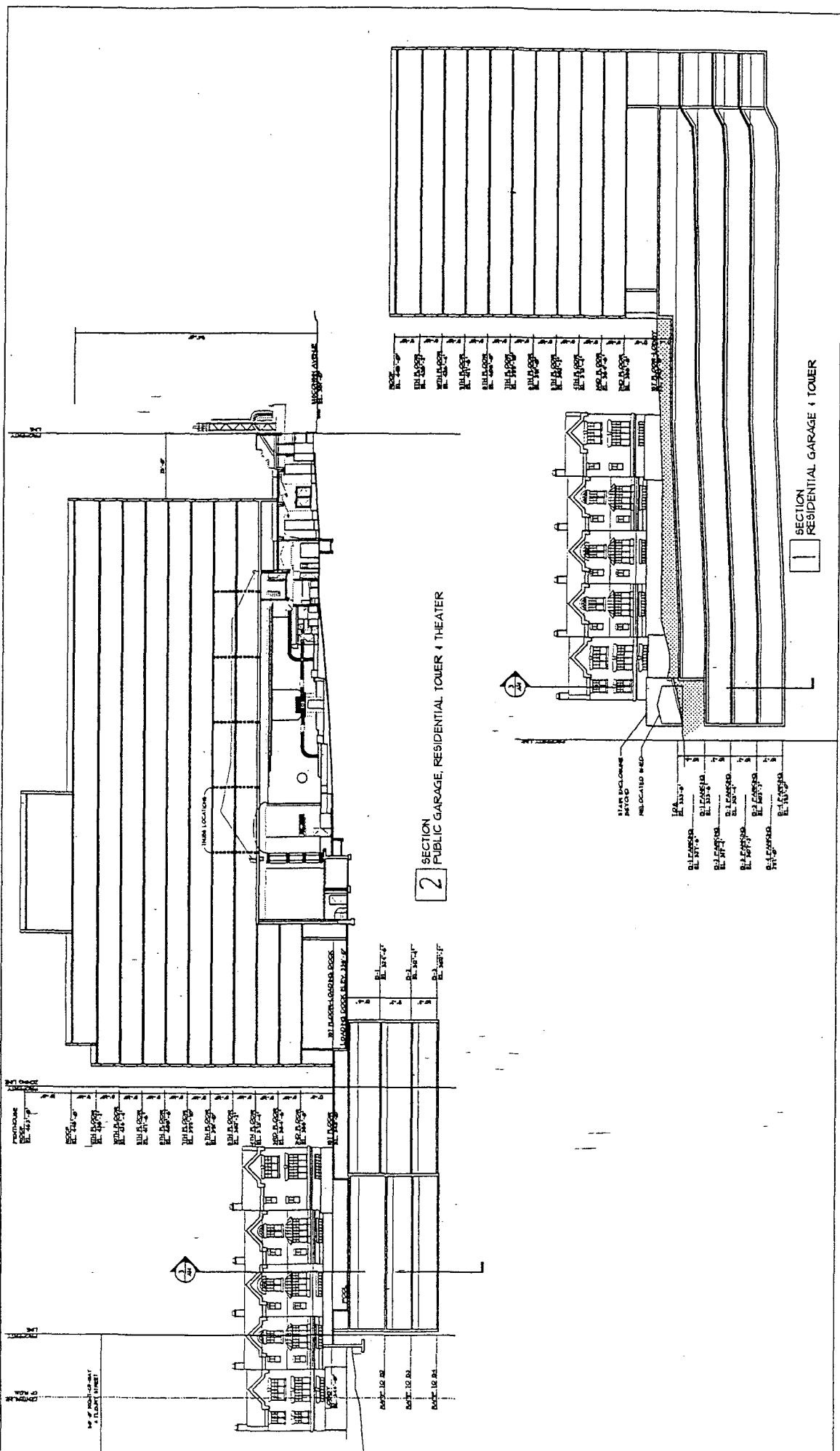
ARCHITECT: SILVER ASSOCIATES, P.A.
18480 Wisconsin Ave.
Bethesda, MD 20814

ARCHITECT: SABA
18480 Wisconsin Ave.
Bethesda, MD 20814

ARCHITECT: GURKHA & ASSOCIATES ARCHITECTS
18480 Wisconsin Ave.
Bethesda, MD 20814

ARCHITECT: E. H. SMITH ASSOCIATES
18480 Wisconsin Ave.
Bethesda, MD 20814

ARCHITECT: VMDG ARCHITECTURE
18480 Wisconsin Ave.
Bethesda, MD 20814



2 SECTION PUBLIC GARAGE, RESIDENTIAL TOWER & THEATER

SECTION RESIDENTIAL GARAGE & TOWER

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

BLDG SECTIONS

A16

VTKA, INCORPORATED
1000 Wisconsin Avenue, N.W.
Washington, D.C. 20007

SEVA
1000 Wisconsin Avenue, N.W.
Washington, D.C. 20007

DEWEZB & ASSOCIATES ARCHITECTS
1000 Wisconsin Avenue, N.W.
Washington, D.C. 20007

LEWIS SCULLY ENGINEERS
1000 Wisconsin Avenue, N.W.
Washington, D.C. 20007

THE BOULDER GROUP
1000 Wisconsin Avenue, N.W.
Washington, D.C. 20007

E. K. SMITH ASSOCIATES
1000 Wisconsin Avenue, N.W.
Washington, D.C. 20007

PROJECT DESCRIPTION: Prior Approvals

On January 7, 1999 the Planning Board approved the Preliminary Plan of subdivision #1-97104, with the following conditions: (see Appendix 2). On November 24, 1997 the Board approved Project Plan 9-97001 (see Appendix 3 for staff report and opinion).

The Preliminary Plan is being amended to accomplish the partial abandonment of Tilbury and the modification of the residential unit type mix. The Project Plan would have expired on November 24, 1999, had it not been for timely filing of a request for extension. Both these applications are being reviewed and heard concurrently with this Site Plan Review.

DISCUSSION OF ISSUES

Will the returning of Tilbury to two-way status have any measurable effect on the amount of unwanted traffic in the neighborhood to the east of the site, particularly on Tilbury itself and on Sleaford? First, the curb is to be reconfigured to prevent southbound drivers on Tilbury from turning left into Sleaford; in other words, the only movement possible through the intersection would be westbound on Sleaford to northbound on Tilbury. This is the situation now, because Tilbury is one-way north. The only change would be to allow owner and visitor access from Tilbury to the four proposed townhouses and their garages.

The Sector Plan calls for townhouses facing Tilbury. The Project and Preliminary plans have already been approved with townhouses facing Tilbury, and the number of units has been reduced from 17 to 4. There is no way to gain access to residences on the west side of Tilbury except from Tilbury. The public garage will not pose a traffic threat to the neighborhood; the exit lane will be signed to prevent right turns out, and the lane itself will be channelized to force drivers to turn left. Further, the intersection of Tilbury and Cheltenham will be signed to identify Tilbury as a dead end, and the intersection of Sleaford and Tilbury will be signed to prevent entry into Sleaford. In addition, by condition of this approval, the channelization of this intersection will be maximized to prevent left turns into Sleaford.

The question whether the inclusion of MPDUs in urban hi-rise construction renders this class of project infeasible is currently being examined by MCDHCA and MNCPPC staff, with structured input from local housing developers. This is a complicated issue, and resolution is dependent on a large number of variables. The only outcome which is predictable at this time is that the answers will be many and complex. Staff recommends that the Board express its preference for providing MPDUs on site. If MCDHCA accepts a payment in lieu of on-site MPDUs, the Board should strongly recommend that MCDHCA provide the MPDUs in the Bethesda CBD Sector Plan area

ANALYSIS: Conformance to Master Plan

The Site Plan conforms with general Sector Plan objectives as well as with specific recommendations and design guidelines for the site.

Cultural District:

The Sector Plan acknowledges in Section 3.1D that Bethesda has begun to develop as a cultural center and recommends strategies to realize the goal of a Bethesda “cultural district.” These strategies include support for optional method amenities that strengthen Bethesda’s historic and arts-related cultural resources. The Bethesda Theatre Café is noted as one of these resources. The exterior of the theater is on the County’s Master Plan for Historic Preservation, but the interior has no such protection.

Section 4.1, the Land Use Chapter, recommends an optional method office development as the mechanism to preserve the interior of the theater and retain a cinema or performance use, with preservation of the interior, including the murals on the walls and ceiling, and a cinema or performing arts activity as the primary public benefit associated with the optional method. Section 9.4, the Historic Resources Plan, states: *“In the event of redevelopment, the building’s tower, marquee, and facade must be retained, as stipulated by the County Council in a Consent Order following designation. In addition to sensitively integrating the exterior features into any new construction, the optional method of development should include retention and renovation of the significant interior features that reflect the Art Deco styling.”*

The Sector Plan recognizes the need for a substantial project to justify the construction and renovation cost of spanning and restoring the theater. To facilitate use of the optional method, the Sector Plan recommended extending the CBD boundary and the CBD-2 Zone line to create a site of the required size. The Site Plan for the Bethesda Theatre Café project conforms with these Sector Plan objectives and recommendations.

Housing and Neighborhoods:

A major Sector Plan goal is to encourage a range of housing types in Bethesda. A related objective is to maintain and enhance the quality of neighborhoods through a variety of strategies including providing transitional land uses on the edges and promoting infill development that complements existing housing. The Sector Plan recommends townhouse and garden apartment development as a compatible transitional land use on the Beta lot and Lot 42 behind the Bethesda Theatre Café, and recommends a PD Zone for the site. The Site Plan achieves this concept. Though the Sector Plan envisioned a commercial structure over the theater, the proposal in the Site Plan for a residential apartment building furthers Sector Plan objectives for variety and choice in housing.

Parking:

Sector Plan parking objectives in Section 5.6 include adding to the supply of public parking in

coordination with new development and ensuring that all parking facilities next to single-family neighborhoods are designed to be compatible with adjacent residences. The Sector Plan recommends combining the privately owned Beta lot with the publicly owned lot 42 by either direct acquisition or joint venture to provide a site for an underground garage with housing above it. The Site Plan conforms to this recommendation by providing 400 public parking spaces in addition to 286 parking spaces to serve the residential portion of the project.

Specific Design Guidelines:

The Site Plan conforms to the Sector Plan design guidelines by the following:

Preserving the existing theater structure with a performance use, and setting new development back from the theater marquee to provide a visual backdrop while locating the new building mass closer to Wisconsin Avenue than to the adjacent residential neighborhood;

Establishing compatibility with the residential neighborhood by stepping down heights;

Providing a compatible, street-oriented townhouse development along Tilbury Street;

Locating parking underground, where it is not seen from the neighborhood;

Creating a landscaped open space system that enhances views from the neighborhood and provides pathways through the site that link the new and existing residences and afford a pleasant pedestrian route to Metro and other CBD destinations;

Designing townhouses with pitched roofs along Middleton Lane to relate to the houses there and an articulated cornice line and other features that establish a residential scale on the Tilbury townhouses and garden apartments.

Master Plan of Highways/Bikeways

The Master Plan of Highways/Bikeways recommends a Class II bikeway on Tilbury. This is to be accomplished within the existing pavement width.

Master Plan of Historic Sites

The exterior of the Bethesda Theater has been placed on the Master Plan for Historic Preservation. The HPC reviewed the proposal at its December 15, 1999 meeting, and voted to approve the proposed development with the condition that the secondary parapet be retained in situ, and that the proposal be revised to reflect this. The parapet has been incorporated into the current proposal, and the apartment tower will be set back 25 feet from the theater facade line.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

<u>Development Standard</u>	<u>PD-35 Permitted/ Required</u>	<u>PD-35 Proposed</u>	<u>CBD-2 Permitted/ Required</u>	<u>CBD-2 Proposed</u>
Existing Site Area (sf):		58,337		31,811
Plus Alley Abandonment		1937		6878
Plus Prior Alley Dedication		2748		1041
Plus Prior Wisconsin Ave Dedication -				5083
Gross Tract Area for Density Calculations		63,022	22,000	
Gross Floor Area (sq. ft.):			224,065*	224,065*
Floor Area Ratio (FAR):			5.0	5.0
Density (dwellings/acre)/(total du):	35 / 50	49		
Green Space				
Existing site area		58,337		
Plus alley abandonment		1937		
Plus Tilbury abandonment		3938		
Less 4 ft add'l. alley dedication		1098		
Gross Area		63,114		
Total Green Space(%) (sf)	50 / 31,557	50/31,557		
Public Use Space				
Existing site area				31,811
Plus alley abandonment				6878
Net lot Area				38,689
Public use space (%) (sf)			20 / 7738	7738*
Dwelling Units:				
Townhouse		9		
Multiple-family		40		209
TOTAL		49		209
MPDUs included(either zone ok)			32	32
Building Height (ft.):				
Apartment	45	45	143 / 90**	94
Townhouse	35	35		
Parking:				
Total Residential base	352			
Less Credits (CBD / Metro)	- 51			
Net Parking	301			
Public garage	400			

RECREATION CALCULATIONS

	<u>tots</u>	<u>child</u>	<u>teens</u>	<u>adults</u>	<u>seniors</u>
Demand Points for 258 units	14.29	15.94	14.78	219.74	103.17
Supply Points					
Pedestrian system	1.43	3.19	2.96	98.88	46.43
Swimming Pool	0.79	3.27	3/03	54.94	15.48
Indoor Community Space	1.43	2.39	4.43	65.92	41.27
Indoor Fitness Facility	0.00	1.59	4.43	65.92	41.27
Picnic/Sitting Area	1.00	1.00	1.50	5.00	2.00
Cheltenham Pk (partial)	9.00	11.00	3.00	7.00	1.00
Total Supply Point	13.64	22.44	19.35	297.66	147.44

FINDINGS for Site Plan Review:

1. *The site plan is consistent with approved Project Plan 9-97001 for the optional method of development.*
2. *The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.*
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 and 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.*

APPENDIX

- A. Standard conditions dated October 10, 1995
- B. Preliminary Plan Opinion
- C. Project Plan ~~Staff Report and~~ Opinion
- D. Request for Extension of Project Plan
- E. Transportation memo Feb. 15, 2000

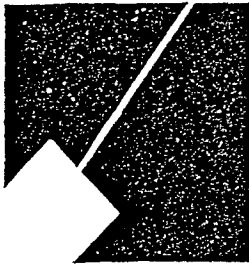
APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each building shall be completed as construction of each is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Coordination of each section of the development and roads;
 - 6) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Conditions of DPS Stormwater Management Concept approval (waiver) letter
 - b. The development program inspection schedule.
 - c. Street trees along all public streets;
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

FILE COPY

Date Mailed: January 12, 1999

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
Motion of Comm. Holmes, seconded by
Comm. Bryant with a vote of 4-0;
Comms. Holmes, Bryant, Hussmann and
Perdue voting in favor. Comm. Richardson
temporarily absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-97104

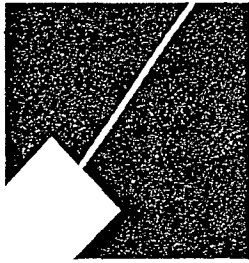
NAME OF PLAN: BETHESDA THEATRE RESIDENTIAL

On 06-27-97, BETA CORPORATION/E.M. SMITH ASSOCIATES submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-2 zone. The application proposed to create 1 lot on 1.44 acres of land. The application was designated Preliminary Plan 1-97104. On 01-07-99, Preliminary Plan 1-97104 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 upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97104 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97104, subject to the following conditions:

- (1) Prior to recording of plat, applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board limiting development to a maximum of 236 dwelling units (214 multi-family and 22 single-family attached dwelling units)
- (2) Compliance with the conditions of approval of the preliminary forest conservation plan approved with Pre-Preliminary Plan No. 7-97036. Applicant must meet all conditions of the final forest conservation plan prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate. Final forest conservation plan to be approved at site plan review
- (3) Record plat to reference the area abandoned under Abandonment Case No. AB-617
- (4) Conditions of MCDPS stormwater management approval dated 08-15-97
- (5) Access and improvements, as required, to be approved by MCDPW&T prior to recording of plat
- (6) Prior to site plan approval, submit final landscape and planting schedule, parking facilities plan and vehicular and pedestrian circulation plan

- (7) No clearing, grading or recording of plat prior to site plan approval
- (8) The validity of the preliminary plan is dependent upon the applicant proceeding with and abiding by the conditions of approval for Project Plan No. 9-97001
- (9) Other necessary easements
- (10) This preliminary plan will remain valid until February 12, 2002 (37 months from date of mailing, which is January 12, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: November 24, 1997

PROJECT PLAN REVIEW #9-97001

PROJECT NAME: Bethesda Theatre Residential

Action: Approval subject to conditions. Motion was made by Commissioner Baptiste , seconded by Commissioner Richardson, with a vote of 4-0 , Commissioners Baptiste, Richardson, Holmes, and Hussmann voting for.

The date of this written opinion is November 24, 1997 (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 December 24, 1997 (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 December 24, 1999, as provided in Section 59-D-2.7.

On September 25, 1997, Project Plan Review #9-97001 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:

- (a) *It would comply with all of the intents and requirements of the zone.*

The intent of the CBD zones (Section 59-C-6.212 of the Zoning Ordinance)

- (1) *"To encourage development in accordance with an adopted and approved master or*

APPENDIX C

increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board.”

The proposed development uses the optional method of development, which permits an increase in density and building height, as recommended by the Bethesda Central Business District Sector Plan. The proposed Plan is in conformance with the Sector Plan as described in detail in Finding (b) below. If the subject Project Plan is approved by the Planning Board, the applicant is required to submit a Site Plan to the Board for its review and approval prior to issuance of a building permit.

- (2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The proposed mixed-use development includes retention of the existing theater and a new apartment building with 187 units. It reflects the needs of the housing market in this area, and also provides a theater use for the residents, shoppers, and workers alike.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

Preservation of the existing theater and integration of the theater into the new building will not only retain a landmark building in the Bethesda CBD but also enhance the urban form along Wisconsin Avenue. Converting the existing alley along the south side of the theater into a landscaped pedestrian walkway between the proposed public parking garage entrance and Wisconsin Avenue will improve the pedestrian circulation system in this area. The height of the proposed building steps down from 94 feet near Wisconsin Avenue to 65 feet in the rear to provide a transition to the adjacent low-density residential neighborhood.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The project proposes a high-density residential development within 1,200 feet of the Bethesda Metro Station. In addition, the proposed public use area along the frontage of the building on Middleton Lane will facilitate pedestrian movement between East Bethesda neighborhood, and the Metro Station.

- (5) *“To promote improved pedestrian and vehicular circulation.”*

As described in Findings (3) and (4) above, the proposed development will provide landscaped pedestrian pathways along the south side of the Theatre and the building frontage on Middleton Lane to improve pedestrian circulation between the residential neighborhood, the proposed public parking garage, Wisconsin Avenue, and the Metro Station. In addition, the existing alleys which are parallel to Wisconsin Avenue and located to the north and south of the Theatre will be widened to improve the vehicular circulation for this development and the adjacent car dealerships alike.

- (6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

The proposed high-rise apartment building consists of 187 units of different sizes and types, varying from studio to two-bedroom with a den. The project will also provide the required 29 MPDUs. With MPDUs and various types of apartments, this development will meet the needs of people with a range of different incomes.

- (7) *"To encourage land assembly and the most desirable use of land in accordance with a sector plan."*

The site is composed of the lot for the existing theater, two smaller lots, rights-of-way of sections of the existing alleys, and part of an outlot. The proposed land assembly is in conformance with the Sector Plan recommendations, and represents a better use of land for a desirable mixed-use development.

Additional intent of the CBD-2 Zone (Section 59-C-6.213(c) of the Zoning Ordinance)

- (1) *"To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; "*

The proposed development is under the CBD-2 zone requirements. It is located among a cluster of CBD-2 zoned properties which are adjacent to CBD-3 zoned properties to the south and CBD-1 zoned properties to the north of Cheltenham Drive. The proposed density, FAR 5, represents an appropriate transition from the core of Bethesda Central Business Districts (CBD-3) to the less dense CBD-1 zoned areas to the north. As described previously, the proposed building height steps down from the Wisconsin Avenue side toward the less dense and intense residential neighborhood to the east and the south to provide a transition in building mass.

- (2) *"To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment."*

The proposed development will add 187 apartment units to the Bethesda CBD. They will meet the needs of those employed within the central business district. Since the site is within 1,200 feet of the Bethesda Metro Station, the future residents of this development will be able to use the Metro facilities to travel to and from places of employment.

Requirements of the CBD-2 Zone

The subject Project Plan is in conformance with the development standards of the CBD-2 zone except:

1. The proposed density (223,855 square feet of floor area or FAR 5.36) exceeds the maximum density permitted for this site (208,825 square feet of floor area or FAR 5.0). The Project Plan should be revised to meet this requirement.
2. The height of the proposed building (94 feet) exceeds the building height limit (90 feet) established by the Sector Plan. This issue is discussed in detail in the Development Issues section above.

The following table demonstrates the conformance of the Project Plan with the development standards under the optional method of development.

PROJECT DATA TABLE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (sq. ft.):	22,000	38,689
Gross Tract Area	22,000	44,771
Gross Floor Area (sq. ft.):	208,825	223,855
Floor Area Ratio (FAR):	5.0	5.36
Public Use Space (sq. ft.) (20%)	7,738	7,738
Dwelling Units:		
Studio		20
One-bedroom Jr		10
One-bedroom		67
One-bedroom with Den		35
Two-bedroom		21
Two-bedroom with Den		5
MPDU-one-bedroom *		19
MPDU-two-bedroom *		10
TOTAL		187

Building Height (ft.):	143 / 90**	94
Setbacks (ft.):		
front yard		
side yard		
rear yard		
Parking ***:		
Total	231	
10% CBD credit	23	
5% Metro credit	<u>11</u>	
Net Total	197	200
standard	191	194
handicapped-accessible	6	6
bicycle (1 / 20)	10	10
motorcycle (2%)	4	4

* Required Number of MPDUs : 187 (total number of units) x 15% = 29

** 143 feet per the Zoning Ordinance, 90 feet per the Sector Plan.

***For the residential portion only. The nonresidential portion will be satisfied by paying Parking District tax.

(b) *It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*

The subject site is covered by the Bethesda Central Business District Sector Plan which was approved and adopted in July 1994. The proposed Bethesda Theatre Residential development helps to implement key Sector Plan Land Use Objectives in section 3.1 and the specific land use and zoning recommendations for the Bethesda Theatre Cafe/Beta site presented in section 4.1 (pp. 79-83). The Community-Based Planning staff recommends the following findings which address the Cultural District theme, Housing and Neighborhoods, and Design Guidelines.

1. “Cultural District” Theme

The Sector Plan acknowledges, in section 3.1D, that Bethesda has begun to develop as a cultural center and recommends strategies to realize the goal of a Bethesda “cultural district.” The objectives for the Metro Core District include “*Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.*”

The Bethesda Theatre Cafe is noted as contributing to a stronger cultural and retail environment. In section 9.4, Historic Resources Plan: Master Plan Sites, the Sector

Plan states: *"In the event of redevelopment, the building's tower, marquee, and facade must be retained, as stipulated by the County Council in a Consent Order following designation. In addition to sensitively integrating the exterior features into any new construction, the optional method of development should include retention and renovation of the significant interior features that reflect the Art Deco styling."*

The Sector Plan envisions an optional method office development as the mechanism to preserve the theater, and recommends preserving the interior of the Theatre, including the murals on the walls and ceiling, and a cinema for performing art activity as the primary public benefit feature associated with an optional method development.

The Project Plan proposes to preserve the Theatre, both the exterior and interior, as the primary public benefit feature for this development which use the optional method of development. The preservation of the theater and associated issues are discussed in detail in Development Issues section (Preservation of the Theatre) above. Retention of the Theatre as a historic structure and a cultural use will complement other uses in the CBD and contribute greatly to the "Cultural District" theme.

2. Housing and Neighborhoods

A prime objective of the Sector Plan, set forth in section 3.1B, is to encourage housing in the Bethesda CBD by increasing the amount, the variety, and the quality. The Plan also seeks to provide an adequate supply of affordable housing (page 34) and notes that there is *"a market demand for rental housing that is of higher quality than available in many of the existing garden and mid-rise projects but priced below high-rise apartments"* (page 33).

Another Sector Plan objective is to maintain and enhance the quality of neighborhoods through a variety of strategies (page 35). These include providing transitional land uses on the edges such as housing, parks, and parking facilities of no more than one story; channeling through traffic away from residential streets; and promoting infill development that complements and is linked to existing housing.

The Project Plan generally conforms with the housing and neighborhood objectives and recommendations of the Sector Plan. Although the Sector Plan envisioned an office building rather than the apartment building proposed in the Project Plan, residential use conforms equally well with Sector Plan objectives. Housing is clearly a compatible use near a residential neighborhood.

To enhance the quality of the neighborhood, a landscaped traffic circle, as part of the overall plan, will be provided at the intersection of Cheltenham Drive and Tilbury

Street to create a gateway feature for the existing neighborhood to the east and for the PD zoned portion of the new development. The circle will also help control the traffic flow at this location. A landscaped area will also be provided at the intersection of Tilbury Street and Sleaford Road to serve the same purposes.

In addition, landscaped pedestrian pathways are proposed along the south side of the Theatre and along the building frontage on Middleton Lane. These pathways will promote safe and convenient pedestrian circulation from the neighborhood and the proposed public parking garage to the CBD as recommended by the Wisconsin Tilbury Special Study.

3. Design Guidelines

The Sector Plan sets forth detailed design guidelines in section 4.1. The Project Plan conforms with these Project Plan related guidelines as follows:

- a. *“Preserve the existing structure and use as recommended in Chapter 9, Historic Resources Plan. Allow new development to be built over the existing structure, set back from the existing marquee. This will provide a visual backdrop for the marquee and will locate the new building mass closer to Wisconsin Avenue than to the residential neighborhoods along Tilbury Street. More specific design review will take place at the time of Project Plan and Historic Area Work Permit review.”*

The Project Plan proposes preserving the existing structure, the cinema or performance use and building a new development over the existing structure. The issue of the relationship to the marquee is discussed in Development Issues section above.

- b. *“Maintain building heights no higher than 90 feet along Wisconsin Avenue to provide a scale compatible with the existing historic structure and marquee and with nearby residential neighborhoods. Provide several step downs in building height from a maximum of 90 feet to a maximum of 65 feet at the rear and a maximum of 45 feet along the east side of the alley. Residential townhouse development should not exceed 35 feet along Tilbury Street and Middleton Lane.”*

The Project Plan proposes that the new apartment building be 94 feet in height along Wisconsin Avenue rather than 90 feet to accommodate the “twelve foot depth of the trusses needed to safely clear span over the existing Theatre.” Staff believes that this four-foot variation in height will be imperceptible and is an acceptable deviation from the guidelines in order to allow the structure necessary to safely bridge the interior of the theater. The

building height will be 65-foot at the rear as recommended by the Guideline.

- e. *“Locate commercial parking either underground or in a structured deck no higher than one level, as measured from adjacent streets. Structured parking should be located so as not to be seen from the nearby single-family neighborhood.”*

The structured parking is entirely underground. It thus has the community benefit of not being visible from the adjacent neighborhood.

- g. *“Provide a park-like open space and a pedestrian pathway from Tilbury Street to Middleton Lane to improve pedestrian access and link the new and existing residences.”*

A tree-lined sidewalk along Tilbury Street will feed into a pedestrian system and landscaped open space leading through the southern portion of the site to Middleton Lane. This pathway and open space will give neighbors a convenient and attractive pathway to Metro and link the new and existing residences.

- h. *“Design residential rooftops to create a residential image by such means as hip roofs, gables, or other types of pitched roof lines. A varied roof line is desirable to improve character and reduce a sense of bulk.”*

The Project Plan proposes that the apartment building have a flat roof, to avoid increasing the height beyond the 94 feet and the penthouse and thus minimum the impact on the adjacent community. The proposed building design, however, does show a varied roof line at different heights to reduce a sense of bulk.

- i. *“Achieve a coordinated architectural character for the office and residential portions of the project that establishes a compatible yet distinct identity for each area.”*

The intent of this guideline is not applicable to this all-residential application.

- j. *“Exempt the property from the right-of-way dedication requirement of 9.5 feet shown in the Street and Highway Plan in order to preserve the historic building.”*

No right-of-way dedication is being requested of the applicant, in conformance with this guideline.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The adjacent properties to the north and south of the site are zoned CBD-2. The Sector Plan recommends the PD zone for the property to the east of the site, which is part of the overall development. This development, which includes a theater use on Wisconsin Avenue between CBD zoned properties and a residential use near the existing and proposed residential neighborhoods, will be compatible with the surrounding properties. The design of the development will include streetscape features and neighborhood protection measures which will enhance the character and quality-of the neighborhood.

- (d) *It would 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.*

1. Traffic Impact

Local Area Transportation Review

A traffic impact study was prepared for the entire Bethesda Theatre Residential development. Staff concurs with the conclusion of the study that the affected intersections in the study area will continue to operate at acceptable levels of service "D" or better for the morning and evening peak periods. "Traffic generated by the Bethesda Theater project will not degrade the level of service at any of the off-site intersections below acceptable levels of service."

The Bethesda Theater combined development of the residential and parking garages is expected to generate 137 trips in the morning peak hour and 198 trips in the evening peak hour. Other future developments included in the background traffic include 252,696 square feet of office buildings and 73,852 square feet of retail developments. These developments are expected to generate a total of 373 trips in the morning peak hour and 480 trips in the evening peak hour.

The total new trips were assigned to the area transportation system and the affected intersections were analyzed for their operational level of efficiency. As indicated before, all affected intersections will operate at levels of service "D" or better.

Policy Area Review/Staging Ceiling Condition

The proposed development is located in the Bethesda CBD policy area which has a remaining capacity of 4,101 jobs and 3,182 housing units as of April 30, 1997.

2. Water and Sewer

There are existing water and sewer mains in the public rights-of-way of surrounding streets: Middleton Lane, Sleaford Road, Tilbury Street, and Cheltenham Drive. In addition, an eight-inch sewer runs through Lots 3 and 4 of Westboro and Outlot A into the north-south alley along the east side of Chevy Chase Car. This sewer serves the existing theater and Chevy Chase Car properties. Eight and ten-inch sewer mains are located in Wisconsin Avenue.

Under the proposed plan, the sanitary sewer, currently running across the parking lot toward Sleaford Road, will be removed and replaced in the alley to the rear of Chevy Chase Car and easterly along Cheltenham Drive to connect to the existing system at that location. The development will be connected via standard water and sewer connections to the existing WSSC systems in these the rights-of-way. WSSC has determined that the existing system is adequate to handle the proposed development.

3. Schools

According to FY 98 Annual Growth Policy, the County Council declares school capacity for school year 1999 to be adequate for anticipated growth during FY 98 in all high school clusters at all grade levels. The Planning Board, in its review of preliminary plans of subdivision in FY 98, must consider school to be adequate for APFO purposes in all clusters.

4. Recreation Facility

The proposed mixed-use development will provide required recreation facilities in accordance with the Recreation Guidelines. The proposed facilities include a swimming pool, community space (party room), indoor fitness (exercise room), and a picnic area. In addition, the future residents can use the existing facilities located in the local park at the intersection of Cheltenham Drive and Tilbury Street.

(e) It would be more efficient and desirable than could be accomplished by the use of the standard method of development.

The use of optional method of development permits a development at a higher density which allows an investment return that justifies retention of the entire structure of the existing Theatre. In addition, the 20% public use space required by

the optional method of development and the proposed neighborhood protection measures will enhance the character of the neighborhood and achieve a better overall development.

- (f) *It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.*

The required number of MPDUs for a CBD zoned development is 15% of the total number of the units in accordance with chapter 25A. This project will provide 29 MPDUs of which 19 are one-bedroom units and 10 two-bedroom units. The MPDUs will be distributed throughout the building.

- (g) *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:*

- (1) *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 Preservation; and/or*
- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

The subject Project Plan shows only one lot for the development, and the entire lot is under the CBD-2 zone. Therefore, this finding is not applicable to this application.

- (h) *Any applicable requirements for forest conservation under Chapter 22A.*

The subject Project Plan is for the CBD-2 zoned portion of the Bethesda Theatre Residential development. The applicant has prepared a Preliminary Forest Conservation Plan for the entire 2.35-acre site, including both the CBD and the PD zoned properties. Under the requirements of Chapter 22A, Forest Conservation, this development is required to provide 0.35 acres of afforestation. The Preliminary Forest Conservation Plan proposes to meet the requirement on site by the provision of 0.35 acres of tree cover, using a combination of large shade trees and ornamental trees.

- (i) *Any applicable requirements for water quality resource protection under Chapter 19.*

A preliminary Stormwater Management Concept for the proposed development has been reviewed and approved by the County Department of Permitting Services (DPS) on August 15, 1997. The Stormwater Management Concept consists of on-site water quality control via a separator/sandfilter or a water quality inlet and a waiver request for water quantity control. A conditional waiver of on-site water quantity control was granted by the DPS as part of the preliminary Concept approval.

The Montgomery County Planning Board APPROVES Project Plan Review #9-97001 which consists of preservation of the existing Bethesda Theatre, a high-rise apartment building, and an underground parking garage subject to the following conditions:

1. Development Ceiling

The proposed development is limited to 208,825 square feet of gross floor area (FAR 5), including the existing theater.

- a. Prior to signature set approval of the Project Plan, the Plan shall be revised to show that the total gross floor area of the development is 208,825 square feet or less.

2. Historic Preservation

As part of the proposed development, the existing structure, both exterior and interior, and a cinema or performance use of the Bethesda Theatre shall be preserved.

- a. A 52-foot setback for the new apartment building is excessive from an urban design perspective, and it appears that an approximately 20-foot setback may be appropriate from an urban design and historic preservation perspective. However, the exact building setback of the proposed apartment building from the existing facade of the Theatre on Wisconsin Avenue shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.

- b. The applicant shall submit a complete set of architectural design development plans for the proposed development as part of the Site Plan submittal. The plan shall include a detailed preservation plan for the Theatre. In addition to sensitively integrating the exterior features of the Theatre into the new construction, the Plan shall also include retention and renovation of the significant interior features that reflect the Art Deco styling.

- c. The structure of the proposed building, which will be constructed on top of the existing Theatre, shall be carefully designed to minimize any negative impact, both structurally and visually, on the portions of the Theatre forward of the apartment facade as well as the interior ceiling, walls, and space of the entire theater.
- d. The design of the proposed resurfacing of the alley facade of the theater shall be further studied and shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
- e. The proposed preservation work related to the Theatre, both exterior and interior, shall be considered as part of the overall development, and shall be completed prior to the occupancy of the proposed apartment building.

3. Public Use Space

The proposed public use space shall be at least 20% of the net lot area of the site. The space shall be easily and readily accessible to the general public and be used for public enjoyment. The following design features, among other things, shall be addressed at the time of Site Plan review:

- a. Within this space such amenities as, but not limited to, landscaping, special paving, seating, lighting, and other appropriate street furniture shall be provided and arranged to enhance the quality of the space, to promote public use, and to facilitate pedestrian movement.
- b. The design of the proposed public use space around the southeastern corner of the site shall be integrated into the design of the landscaped pedestrian plaza within the PD-zoned portion of the development and into the design of the proposed residential entry court on Middleton Lane.

4. Residential Entry Court on Middleton Lane

Special design features, such as special paving, landscaping, lighting, and other street furniture, shall be incorporated into the design of the proposed residential entry court to create a focal point on Middleton Lane and an attractive entry to the proposed apartment complex.

- a. The design of the entry court shall ensure safe and convenient pedestrian movement through this section of Middleton Lane.
- b. The design of the entry court shall include an enhanced street divider on Middleton Lane and shall allow passage of emergency vehicles.

5. Neighborhood Protection Measures / Off-Site Amenity

Appropriate neighborhood protection measures shall be provided by the applicant and be incorporated into the proposed development to enhance the character of neighborhood streets and to better control the traffic flow at certain locations. The final design of these measures shall be reviewed at the time of Site Plan application.

- a. A landscaped roundabout shall be installed at the intersection of Cheltenham Drive and Tilbury Street.
- b. A landscaped area shall be installed at the intersection of Tilbury Street and Sleaford Road.

6. Staging of Amenities

The proposed project will be developed in one phase. All of the proposed amenities, including preservation work on the existing Bethesda Theater, public use space, residential entry court, recreation facilities, and neighborhood protection measures, shall be completed prior to the occupancy of the proposed development.

7. Loading Area

The loading area for the Theatre and the proposed apartment complex shall have three loading spaces on site in accordance with Montgomery County Department of Transportation Policy regarding off-street loading spaces.

8. Connection between Two Dealership Sites

To accommodate the operational needs of the existing Chevy Chase Cars to the north of the site and the new Mitsubishi dealership to the south, the proposed development shall provide a vehicular connection for passenger-type vehicles between these two dealership sites through the proposed underground garage. The applicant shall grant the owner of Chevy Chase Cars a permanent easement to use the garage for this purpose prior to approval of the Site Plan.

9. Required Approvals by the County Council

Prior to Preliminary Plan approval by the Planning Board for the proposed development, the Petition with the County to abandon sections of the alleys and the zoning application for the PD zone shall be approved by the County Council.

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

October 28, 1999 - Resubmitted December 7, 1999

Robert H. Metz
301.650.7012
rhm@linowes-law.com

BY OVERNIGHT DELIVERY

Mr. William H. Hussmann, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Request for Extension of Project Plan No. 9-97001
Bethesda Theater Residential

*OK for 12/7/99
LETTER OF INTEREST
10/28/99*

Dear Mr. Hussmann and Planning Board Members:

On behalf of our client, Bozzuto Development and E.M. Smith Associates, the developer and Applicant for the above referenced project, we are hereby requesting an extension of the validity period of the above referenced Project Plan pursuant to § 59-D-2.7 of the Zoning Ordinance. The above referenced Project Plan was approved by Planning Board Opinion dated November 24, 1997, and is therefore set to expire on November 24, 1999 (twenty-four months thereafter). The Applicant is requesting this extension because there are numerous items that must be resolved prior to submission and approval of a Site Plan.

First, the Applicant is continuing to work with the County to negotiate a final agreement regarding the underground parking garage which the Applicant must construct as part of the overall project. Second, a major part of the Project Plan is preservation of portions of the Bethesda Theater and the Applicant continues to work with the historic preservation architect to design and engineer the potential renovations to the Theater and construction of the ten-story residential project thereon. Further, the Applicant must complete detailed drawings of this effort and submit them for approval to the Historic Preservation Commission. These efforts are still underway. Lastly, the project includes the abandonment of several rights-of-way and there are numerous conditions attached thereto. Therefore, the Applicant respectfully requests an additional 14 months in order to validate the Project Plan by approval of a Site Plan.

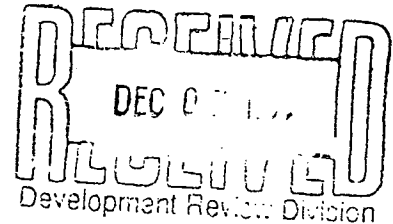
If you have any questions, please feel free to contact me.

My best regards.

Very truly yours,

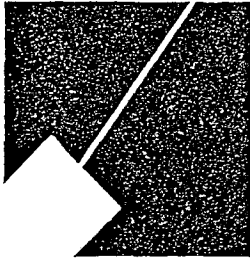
LINOWES AND BLOCHER LLP

Robert H. Metz
Robert H. Metz



cc: Mr. Lawrence R. Ponsford
Mr. Joseph Davis
Mr. Eugene M. Smith
Mr. Artie Harris

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

February 15, 2000

MEMORANDUM

TO: Larry Ponsford, Coordinator
Development Review Division

VIA: Ronald C. Welke, Coordinator
Transportation Planning

FROM: Shahriar Etemadi, Planner
Transportation Planning

SUBJECT: Project Plan # 9-97002E and SP 8-00014 and PP 1-90012R, Bethesda Theater Residential, Bethesda Central Business District (CBD)

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject application.

RECOMMENDATION

Transportation Planning staff recommends the following condition as part of the APF test for transportation requirements related to approval of this application.

Limit the development to 249 apartments and nine (9) townhouses.

Local Area Transportation Review

An original traffic study was prepared for this application on October 16, 1998 and it was determined at the time that all intersections in the area will operate within the Bethesda CBD congestion standard of 1,800 Critical Lane Volume (CLV).

On November 16, 1999, a traffic statement was prepared to determine if the proposed change in the number of housing units on this site will change the impact of this development on the area transportation system. This development was originally approved for 23 townhouses and 216 apartment units. The new proposal changes that to nine (9) townhouses and 249 apartments.

Appendix E

Staff agrees with the conclusion of the new traffic statement that all intersections still operate within the congestion standard of 1,800 CLV. This application meets the requirements of the APF for transportation. The following table shows the results of the new analysis of the affected intersections.

INTERSECTIONS	Existing		Background		Total Future Original		Total Future New	
	AM	PM	AM	PM	AM	PM	AM	PM
Woodmont Ave/Battery Lane	854	686	973	751	977	767	993	782
Wisconsin Ave/Battery Lane/Rosedale Ave	1033	1235	1259	1460	1261	1463	1267	1472
Wisconsin Ave/Cheltenham Drive	821	969	1007	1184	1047	1203	1074	1276
Cheltenham Drive/Tilbury Street	109	109	109	109	143	154	143	154
Wisconsin Ave/Middleton Lane	665	736	848	951	866	965	869	975

Policy Area Review/ Staging Ceiling Analysis

The subject area is located in the Bethesda CBD policy area which has a remaining capacity of 47 jobs and 2,641 housing units as of October 31, 1999. The County Council has passed legislation to allow the conversion of up to 1,500 housing units to jobs in the Bethesda CBD on a 1.5:1 ratio.

SE:cmd

cc: Daniel K. Hardy

February 19, 2000

Mr. Gene Smith
E.M. Smith Associates, Inc.
4801 Hampden Lane
Suite 107
Bethesda, MD 20814

cc: Ms. Carolyn Hufbauer, Maryland-National Capital Park and Planning Commission
Mr. Larry Ponsford, Maryland-National Capital Park and Planning Commission
Mr. I. Dean Ahmad, President, East Bethesda Citizens Association, Inc.

Dear Mr. Smith,

We would like to inform you that the residents of 4600 Sleaford Road have several traffic-related concerns with your proposed site plan for the Bethesda Theater Residential Project (the Project). We are very concerned that the large scope and complexity of the Project will bring a dramatic increase of traffic onto 4600 Sleaford Road.

We are also particularly concerned that the current traffic pattern in-and-around the Project is being reconfigured to bring even more traffic onto 4600 Sleaford Road. Specifically:

- Tilbury Road south of Cheltenham Road is currently One-Way going north. Your proposed site plan shows this block of Tilbury Road to be Two-Way.
- The current 60-car Public Parking Lot enters/exits onto Middleton Lane. Your proposed site plan shows this will be replaced by a 400-car Public Parking Garage that enters/exits onto Cheltenham Road.
- Your proposed site plan makes no provisions to minimize westbound traffic on 4600 Sleaford Road despite the increased traffic the Project is going to generate.

To minimize the impact of the Project on the 4600 Sleaford Road, we propose the following changes to the Project:

- Maintain existing traffic pattern in-and-around the Project
 - Tilbury Road south of Cheltenham Road remains One-Way going north: Your proposal to restrict access at the west end of Sleaford Road will be considerably less effective at keeping the traffic off of our street
 - Public Parking entrance/exit remains on Middleton Lane
 - If entrance/exit remains on Cheltenham Road, no westbound entrance into Public Parking Garage.
 - Tilbury Road at south end of Cheltenham Road intersection be narrowed to one lane with clear signage prohibiting entrance to Tilbury Road
 - Traffic Circle at Sleaford Road/Pearl Street intersection with clear signage prohibiting through-traffic onto 4600 block of Sleaford Road
 - Clear signage at East-West Highway intersections with Chelton Road and Pearl Street prohibiting through-traffic

Handwritten signature

We are not opposed to the Project concept, and several of us have supported this project at key Historic Preservation Commission Hearings. We also appreciate that you have many groups making demands upon you. Now we would ask that you consider our top priority: the safety of our children. There are fourteen children living on the block under the age of ten years old (with more on the way). More cars driving up-and-down the block is not compatible with kids playing ball and learning how to ride two-wheelers. Needless to say, maintaining the safety of our children is the reason for this letter.

The residents of 4600 Sleaford Road respectfully request that you, in conjunction with the Maryland-National Capital Park and Planning Commission, incorporate the changes noted above into the site plan for the Bethesda Theatre Residential Project.

Sincerely,

The Residents of 4600 Sleaford Road

- Name: Miguel De la Cruz Address: 4614 Sleaford
- Name: Steve Wind Address: 4606 Sleaford
- Name: [Signature] Address: 4616 Sleaford
- Name: [Signature] Address: 4612 Sleaford
- Name: Smith, F. F. F. F. F. Address: 4607 Sleaford Rd
- Name: [Signature] Address: 4607 Sleaford Rd
- Name: Jessica F. Chapman Address: 4611 Sleaford Rd
- Name: Michael Chapman Address: 4611 Sleaford Rd
- Name: Barry Wind Address: 4606 Sleaford Rd
- Name: [Signature] Address: 4605 Sleaford Rd
- Name: [Signature] Address: 4603 Sleaford Rd
- Name: [Signature] Address: 4603 Sleaford Rd
- Name: [Signature] Address: 4601 Sleaford Rd
- Name: [Signature] Address: 4617 Sleaford Rd
- Name: Kathleen McDuffie Address: 4615 Sleaford Rd.
- Name: [Signature] Address: 4605 Sleaford Rd
- Name: [Signature] Address: 4604 Sleaford Rd.
- Name: [Signature] Address: 4600 Sleaford Rd.
- Name: Peter Siegel Address: 4600 Sleaford Rd
- Name: [Signature] Address: 4614 SLEAFORD RD

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The residents of 4600 Sleaford Road respectfully request that you, in conjunction with the Maryland-National Capital Park and Planning Commission, incorporate the changes noted above into the site plan for the Bethesda Theatre Residential Project.

Sincerely,

The Residents of 4600 Sleaford Road

Name: Glenn Orlin Address: 4608 SLEAFORD RD

Name: Jane Corwen Orlin Address: 4608 Sleaford Road

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

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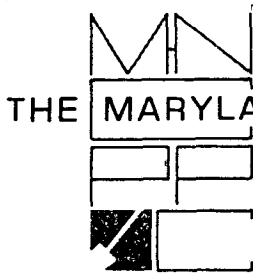
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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

February 16, 2001

MEMORANDUM

TO: Larry Ponsford, Supervisor
Development Review Division

FROM: Gwen Wright, Supervisor
Robin Ziek, Historic Preservation Planner
Historic Preservation Section
Countywide Planning Division

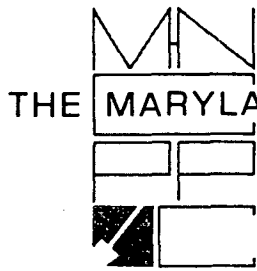
SUBJECT: Site Plan Amendment: Bethesda Theatre Project

Historic preservation planning staff has reviewed the proposed Site Plan Amendment for the Bethesda Theatre Project and has no objection to the proposed revision.

A Historic Area Work Permit for this project was reviewed and approved by the Montgomery County Historic Preservation Commission on 12/15/99. The proposed Site Plan Amendment being reviewed by the Board is consistent with the approved Historic Area Work Permit.

Please note that a very important issue in the HPC's discussion and ultimate approval of the Historic Area Work Permit for this project was the amenities being proffered as part of the optional method development – specifically the preservation of the historic interior of the theater and the retention of a cinema or performing arts use for the building. These amenities are clearly delineated in the Board's Site Plan Opinion dated 6/23/00 [confirming the original Opinion dated 11/24/97.]

We hope that the Board will take the opportunity of this Site Plan Amendment to reiterate their strong direction that the amenities proffered in this project – and on which approvals of the project were based - be strictly adhered to and that historic preservation planning staff be kept involved in monitoring plans for the interior restoration and the cinema or performing arts reuse of the theater.



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

February 16, 2001

MEMORANDUM

TO: Larry Ponsford, Supervisor
Development Review Division

FROM: Gwen Wright, Supervisor
Robin Ziek, Historic Preservation Planner
Historic Preservation Section
Countywide Planning Division

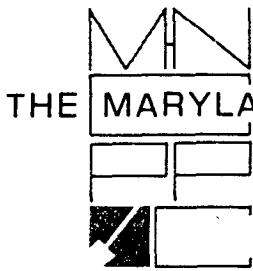
SUBJECT: Site Plan Amendment: Bethesda Theatre Project

Historic preservation planning staff has reviewed the proposed Site Plan Amendment for the Bethesda Theatre Project and has no objection to the proposed revision.

A Historic Area Work Permit for this project was reviewed and approved by the Montgomery County Historic Preservation Commission on 12/15/99. The proposed Site Plan Amendment being reviewed by the Board is consistent with the approved Historic Area Work Permit.

Please note that a very important issue in the HPC's discussion and ultimate approval of the Historic Area Work Permit for this project was the amenities being proffered as part of the optional method development – specifically the preservation of the historic interior of the theater and the retention of a cinema or performing arts use for the building. These amenities are clearly delineated in the Board's Site Plan Opinion dated 6/23/00 [confirming the original Opinion dated 11/24/97.]

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

February 16, 2001

MEMORANDUM

TO: Larry Ponsford, Supervisor
Development Review Division

FROM: Gwen Wright, Supervisor
Robin Ziek, Historic Preservation Planner
Historic Preservation Section
Countywide Planning Division

SUBJECT: Site Plan Amendment: Bethesda Theatre Project

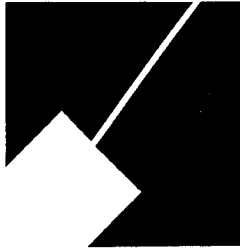
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We hope that the Board will take the opportunity of this Site Plan Amendment to reiterate their strong direction that the amenities proffered in this project – and on which approvals of the project were based - be strictly adhered to and that historic preservation planning staff be kept involved in monitoring plans for the interior restoration and the cinema or performing arts reuse of the theater.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: June 23, 2000

PROJECT PLAN REVIEW: #9-97001E (Extension)

PROJECT NAME: Bethesda Theater Residential

Action: Approval. Motion to approve the application was made by Commissioner Bryant, seconded by Commissioner Perdue, with a vote of 4-0.

The date of this written opinion is June 23, 2000 (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 July 23, 2000 (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 August 23, 2001 (14 months from the date of this written opinion) as requested by the applicant and pursuant to Section 59-D-2.7 of the Zoning Ordinance.

On March 2, 2000, this request to extend the validity period of Project Plan Review #9-97001E 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 request for extension. Based on the testimony and evidence presented and on the staff report which is made a part of the record herein, the Montgomery County Planning Board finds:

- (A) The Applicant timely submitted a written request for extension of the validity period of Project Plan #9-97001.

- (B) The Applicant declared in its request that 14 months would be sufficient time to validate the Project Plan and that this is the minimum additional time required

The Montgomery County Planning Board APPROVES the request for extension of the validity period for Project Plan # 9-97001E subject to the following conditions:

1. The validity Period for Project Plan #9-97001E is extended for fourteen months to August 23, 2001.
2. All other conditions and requirements of Project Plan #9-97001 remain in full force and effect.

G:\PROJOPIN\9-97001E.WPD

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: November 24, 1997
PROJECT PLAN REVIEW #9-97001
PROJECT NAME: Bethesda Theatre Residential

Action: Approval subject to conditions. Motion was made by Commissioner Baptiste , seconded by Commissioner Richardson, with a vote of 4-0 , Commissioners Baptiste, Richardson, Holmes, and Hussmann voting for.

The date of this written opinion is November 24, 1997 (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 December 24, 1997 (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 December 24, 1999, as provided in Section 59-D-2.7.

On September 25, 1997, Project Plan Review #9-97001 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:

- (a) *It would comply with all of the intents and requirements of the zone.*

The intent of the CBD zones (Section 59-C-6.212 of the Zoning Ordinance)

- (1) *"To encourage development in accordance with an adopted and approved master or*

sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board.”

The proposed development uses the optional method of development, which permits an increase in density and building height, as recommended by the Bethesda Central Business District Sector Plan. The proposed Plan is in conformance with the Sector Plan as described in detail in Finding (b) below. If the subject Project Plan is approved by the Planning Board, the applicant is required to submit a Site Plan to the Board for its review and approval prior to issuance of a building permit.

- (2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The proposed mixed-use development includes retention of the existing theater and a new apartment building with 187 units. It reflects the needs of the housing market in this area, and also provides a theater use for the residents, shoppers, and workers alike.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

Preservation of the existing theater and integration of the theater into the new building will not only retain a landmark building in the Bethesda CBD but also enhance the urban form along Wisconsin Avenue. Converting the existing alley along the south side of the theater into a landscaped pedestrian walkway between the proposed public parking garage entrance and Wisconsin Avenue will improve the pedestrian circulation system in this area. The height of the proposed building steps down from 94 feet near Wisconsin Avenue to 65 feet in the rear to provide a transition to the adjacent low-density residential neighborhood.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The project proposes a high-density residential development within 1,200 feet of the Bethesda Metro Station. In addition, the proposed public use area along the frontage of the building on Middleton Lane will facilitate pedestrian movement between East Bethesda neighborhood, and the Metro Station.

- (5) *“To promote improved pedestrian and vehicular circulation.”*

As described in Findings (3) and (4) above, the proposed development will provide landscaped pedestrian pathways along the south side of the Theatre and the building frontage on Middleton Lane to improve pedestrian circulation between the residential neighborhood, the proposed public parking garage, Wisconsin Avenue, and the Metro Station. In addition, the existing alleys which are parallel to Wisconsin Avenue and located to the north and south of the Theatre will be widened to improve the vehicular circulation for this development and the adjacent car dealerships alike.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

The proposed high-rise apartment building consists of 187 units of different sizes and types, varying from studio to two-bedroom with a den. The project will also provide the required 29 MPDUs. With MPDUs and various types of apartments, this development will meet the needs of people with a range of different incomes.

- (7) *“To encourage land assembly and the most desirable use of land in accordance with a sector plan.”*

The site is composed of the lot for the existing theater, two smaller lots, rights-of-way of sections of the existing alleys, and part of an outlot. The proposed land assembly is in conformance with the Sector Plan recommendations, and represents a better use of land for a desirable mixed-use development.

Additional intent of the CBD-2 Zone (Section 59-C-6.213(c) of the Zoning Ordinance)

- (1) *“To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; “*

The proposed development is under the CBD-2 zone requirements. It is located among a cluster of CBD-2 zoned properties which are adjacent to CBD-3 zoned properties to the south and CBD-1 zoned properties to the north of Cheltenham Drive. The proposed density, FAR 5, represents an appropriate transition from the core of Bethesda Central Business Districts (CBD-3) to the less dense CBD-1 zoned areas to the north. As described previously, the proposed building height steps down from the Wisconsin Avenue side toward the less dense and intense residential neighborhood to the east and the south to provide a transition in building mass.

- (2) *“To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.”*

The proposed development will add 187 apartment units to the Bethesda CBD. They

will meet the needs of those employed within the central business district. Since the site is within 1,200 feet of the Bethesda Metro Station, the future residents of this development will be able to use the Metro facilities to travel to and from places of employment.

Requirements of the CBD-2 Zone

The subject Project Plan is in conformance with the development standards of the CBD-2 zone except:

1. The proposed density (223,855 square feet of floor area or FAR 5.36) exceeds the maximum density permitted for this site (208,825 square feet of floor area or FAR 5.0). The Project Plan should be revised to meet this requirement.
2. The height of the proposed building (94 feet) exceeds the building height limit (90 feet) established by the Sector Plan. This issue is discussed in detail in the Development Issues section above.

The following table demonstrates the conformance of the Project Plan with the development standards under the optional method of development.

PROJECT DATA TABLE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (sq. ft.):	22,000	38,689
Gross Tract Area	22,000	44,771
Gross Floor Area (sq. ft.):	208,825	223,855
Floor Area Ratio (FAR):	5.0	5.36
Public Use Space (sq. ft.) (20%)	7,738	7,738
Dwelling Units:		
Studio		20
One-bedroom Jr		10
One-bedroom		67
One-bedroom with Den		35
Two-bedroom		21
Two-bedroom with Den		5
MPDU-one-bedroom *		19
MPDU-two-bedroom *		<u>10</u>
TOTAL		187
Building Height (ft.):	143 / 90**	94

Setbacks (ft.):
 front yard
 side yard
 rear yard

Parking ***:

Total	231		
10% CBD credit	23		
5% Metro credit	<u>11</u>		
Net Total	197	200	
standard	191	194	
handicapped-accessible	6	6	
bicycle (1 / 20)	10	10	
motorcycle (2%)		4	4

* Required Number of MPDUs : 187 (total number of units) x 15% = 29

** 143 feet per the Zoning Ordinance, 90 feet per the Sector Plan.

***For the residential portion only. The nonresidential portion will be satisfied by paying Parking District tax.

(b) It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.

The subject site is covered by the Bethesda Central Business District Sector Plan which was approved and adopted in July 1994. The proposed Bethesda Theatre Residential development helps to implement key Sector Plan Land Use Objectives in section 3.1 and the specific land use and zoning recommendations for the Bethesda Theatre Cafe/Beta site presented in section 4.1 (pp. 79-83). The Community-Based Planning staff recommends the following findings which address the Cultural District theme, Housing and Neighborhoods, and Design Guidelines.

1. “Cultural District” Theme

The Sector Plan acknowledges, in section 3.1D, that Bethesda has begun to develop as a cultural center and recommends strategies to realize the goal of a Bethesda “cultural district.” The objectives for the Metro Core District include “*Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.*”

The Bethesda Theatre Cafe is noted as contributing to a stronger cultural and retail environment. In section 9.4, Historic Resources Plan: Master Plan Sites, the Sector Plan states: “*In the event of redevelopment, the building’s tower, marquee, and facade must be retained, as stipulated by the County Council in a Consent Order*

following designation. In addition to sensitively integrating the exterior features into any new construction, the optional method of development should include retention and renovation of the significant interior features that reflect the Art Deco styling.”

The Sector Plan envisions an optional method office development as the mechanism to preserve the theater, and recommends preserving the interior of the Theatre, including the murals on the walls and ceiling, and a cinema for performing art activity as the primary public benefit feature associated with an optional method development.

The Project Plan proposes to preserve the Theatre, both the exterior and interior, as the primary public benefit feature for this development which use the optional method of development. The preservation of the theater and associated issues are discussed in detail in Development Issues section (Preservation of the Theatre) above. Retention of the Theatre as a historic structure and a cultural use will complement other uses in the CBD and contribute greatly to the “Cultural District” theme.

2. Housing and Neighborhoods

A prime objective of the Sector Plan, set forth in section 3.1B, is to encourage housing in the Bethesda CBD by increasing the amount, the variety, and the quality. The Plan also seeks to provide an adequate supply of affordable housing (page 34) and notes that there is “*a market demand for rental housing that is of higher quality than available in many of the existing garden and mid-rise projects but priced below high-rise apartments*” (page 33).

Another Sector Plan objective is to maintain and enhance the quality of neighborhoods through a variety of strategies (page 35). These include providing transitional land uses on the edges such as housing, parks, and parking facilities of no more than one story; channeling through traffic away from residential streets; and promoting infill development that complements and is linked to existing housing.

The Project Plan generally conforms with the housing and neighborhood objectives and recommendations of the Sector Plan. Although the Sector Plan envisioned an office building rather than the apartment building proposed in the Project Plan, residential use conforms equally well with Sector Plan objectives. Housing is clearly a compatible use near a residential neighborhood.

To enhance the quality of the neighborhood, a landscaped traffic circle, as part of the overall plan, will be provided at the intersection of Cheltenham Drive and Tilbury Street to create a gateway feature for the existing neighborhood to the east and for the PD zoned portion of the new development. The circle will also help control the traffic flow at this location. A landscaped area will also be provided at the

intersection of Tilbury Street and Sleaford Road to serve the same purposes.

In addition, landscaped pedestrian pathways are proposed along the south side of the Theatre and along the building frontage on Middleton Lane. These pathways will promote safe and convenient pedestrian circulation from the neighborhood and the proposed public parking garage to the CBD as recommended by the Wisconsin Tilbury Special Study.

3. Design Guidelines

The Sector Plan sets forth detailed design guidelines in section 4.1. The Project Plan conforms with these Project Plan related guidelines as follows:

- a. *“Preserve the existing structure and use as recommended in Chapter 9, Historic Resources Plan. Allow new development to be built over the existing structure, set back from the existing marquee. This will provide a visual backdrop for the marquee and will locate the new building mass closer to Wisconsin Avenue than to the residential neighborhoods along Tilbury Street. More specific design review will take place at the time of Project Plan and Historic Area Work Permit review.”*

The Project Plan proposes preserving the existing structure, the cinema or performance use and building a new development over the existing structure. The issue of the relationship to the marquee is discussed in Development Issues section above.

- b. *“Maintain building heights no higher than 90 feet along Wisconsin Avenue to provide a scale compatible with the existing historic structure and marquee and with nearby residential neighborhoods. Provide several step downs in building height from a maximum of 90 feet to a maximum of 65 feet at the rear and a maximum of 45 feet along the east side of the alley. Residential townhouse development should not exceed 35 feet along Tilbury Street and Middleton Lane.”*

The Project Plan proposes that the new apartment building be 94 feet in height along Wisconsin Avenue rather than 90 feet to accommodate the “twelve foot depth of the trusses needed to safely clear span over the existing Theatre.” Staff believes that this four-foot variation in height will be imperceptible and is an acceptable deviation from the guidelines in order to allow the structure necessary to safely bridge the interior of the theater. The building height will be 65-foot at the rear as recommended by the Guideline.

- e. *“Locate commercial parking either underground or in a structured deck no*

higher than one level, as measured from adjacent streets. Structured parking should be located so as not to be seen from the nearby single-family neighborhood.”

The structured parking is entirely underground. It thus has the community benefit of not being visible from the adjacent neighborhood.

- g. *“Provide a park-like open space and a pedestrian pathway from Tilbury Street to Middleton Lane to improve pedestrian access and link the new and existing residences.”*

A tree-lined sidewalk along Tilbury Street will feed into a pedestrian system and landscaped open space leading through the southern portion of the site to Middleton Lane. This pathway and open space will give neighbors a convenient and attractive pathway to Metro and link the new and existing residences.

- h. *“Design residential rooftops to create a residential image by such means as hip roofs, gables, or other types of pitched roof lines. A varied roof line is desirable to improve character and reduce a sense of bulk.”*

The Project Plan proposes that the apartment building have a flat roof, to avoid increasing the height beyond the 94 feet and the penthouse and thus minimum the impact on the adjacent community. The proposed building design, however, does show a varied roof line at different heights to reduce a sense of bulk.

- i. *“Achieve a coordinated architectural character for the office and residential portions of the project that establishes a compatible yet distinct identity for each area.”*

The intent of this guideline is not applicable to this all-residential application.

- j. *“Exempt the property from the right-of-way dedication requirement of 9.5 feet shown in the Street and Highway Plan in order to preserve the historic building.”*

No right-of-way dedication is being requested of the applicant, in conformance with this guideline.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The adjacent properties to the north and south of the site are zoned CBD-2. The Sector Plan recommends the PD zone for the property to the east of the site, which is part of the overall development. This development, which includes a theater use on Wisconsin Avenue between CBD zoned properties and a residential use near the existing and proposed residential neighborhoods, will be compatible with the surrounding properties. The design of the development will include streetscape features and neighborhood protection measures which will enhance the character and quality of the neighborhood.

- (d) *It would 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.*

1. Traffic Impact

Local Area Transportation Review

A traffic impact study was prepared for the entire Bethesda Theatre Residential development. Staff concurs with the conclusion of the study that the affected intersections in the study area will continue to operate at acceptable levels of service "D" or better for the morning and evening peak periods. "Traffic generated by the Bethesda Theater project will not degrade the level of service at any of the off-site intersections below acceptable levels of service."

The Bethesda Theater combined development of the residential and parking garages is expected to generate 137 trips in the morning peak hour and 198 trips in the evening peak hour. Other future developments included in the background traffic include 252,696 square feet of office buildings and 73,852 square feet of retail developments. These developments are expected to generate a total of 373 trips in the morning peak hour and 480 trips in the evening peak hour.

The total new trips were assigned to the area transportation system and the affected intersections were analyzed for their operational level of efficiency. As indicated before, all affected intersections will operate at levels of service "D" or better.

Policy Area Review/Staging Ceiling Condition

The proposed development is located in the Bethesda CBD policy area which has a remaining capacity of 4,101 jobs and 3,182 housing units as of April 30, 1997.

2. Water and Sewer

There are existing water and sewer mains in the public rights-of-way of surrounding streets: Middleton Lane, Sleaford Road, Tilbury Street, and Cheltenham Drive. In addition, an eight-inch sewer runs through Lots 3 and 4 of Westboro and Outlot A into the north-south alley along the east side of Chevy Chase Car. This sewer serves the existing theater and Chevy Chase Car properties. Eight and ten-inch sewer mains are located in Wisconsin Avenue.

Under the proposed plan, the sanitary sewer, currently running across the parking lot toward Sleaford Road, will be removed and replaced in the alley to the rear of Chevy Chase Car and easterly along Cheltenham Drive to connect to the existing system at that location. The development will be connected via standard water and sewer connections to the existing WSSC systems in these the rights-of-way. WSSC has determined that the existing system is adequate to handle the proposed development.

3. Schools

According to FY 98 Annual Growth Policy, the County Council declares school capacity for school year 1999 to be adequate for anticipated growth during FY 98 in all high school clusters at all grade levels. The Planning Board, in its review of preliminary plans of subdivision in FY 98, must consider school to be adequate for APFO purposes in all clusters.

4. Recreation Facility

The proposed mixed-use development will provide required recreation facilities in accordance with the Recreation Guidelines. The proposed facilities include a swimming pool, community space (party room), indoor fitness (exercise room), and a picnic area. In addition, the future residents can use the existing facilities located in the local park at the intersection of Cheltenham Drive and Tilbury Street.

- (e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The use of optional method of development permits a development at a higher density which allows an investment return that justifies retention of the entire structure of the existing Theatre. In addition, the 20% public use space required by the optional method of development and the proposed neighborhood protection measures will enhance the character of the neighborhood and achieve a better overall development.

- (f) *It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.*

The required number of MPDUs for a CBD zoned development is 15% of the total number of the units in accordance with chapter 25A. This project will provide 29 MPDUs of which 19 are one-bedroom units and 10 two-bedroom units. The MPDUs will be distributed throughout the building.

- (g) *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:*
- (1) *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 Preservation; and/or*
 - (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
 - (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

The subject Project Plan shows only one lot for the development, and the entire lot is under the CBD-2 zone. Therefore, this finding is not applicable to this application.

- (h) *Any applicable requirements for forest conservation under Chapter 22A.*

The subject Project Plan is for the CBD-2 zoned portion of the Bethesda Theatre Residential development. The applicant has prepared a Preliminary Forest Conservation Plan for the entire 2.35-acre site, including both the CBD and the PD zoned properties. Under the requirements of Chapter 22A, Forest Conservation, this development is required to provide 0.35 acres of afforestation. The Preliminary Forest Conservation Plan proposes to meet the requirement on site by the provision of 0.35 acres of tree cover, using a combination of large shade trees and ornamental trees.

- (i) *Any applicable requirements for water quality resource protection under Chapter 19.*

A preliminary Stormwater Management Concept for the proposed development has been reviewed and approved by the County Department of Permitting Services (DPS) on August 15, 1997. The Stormwater Management Concept consists of on-site water quality control via a separator/sandfilter or a water quality inlet and a waiver request for water quantity control. A conditional waiver of on-site water quantity control was

granted by the DPS as part of the preliminary Concept approval.

The Montgomery County Planning Board APPROVES Project Plan Review #9-97001 which consists of preservation of the existing Bethesda Theatre, a high-rise apartment building, and an underground parking garage subject to the following conditions:

1. Development Ceiling

The proposed development is limited to 208,825 square feet of gross floor area (FAR 5), including the existing theater.

- a. Prior to signature set approval of the Project Plan, the Plan shall be revised to show that the total gross floor area of the development is 208,825 square feet or less.

2. Historic Preservation

As part of the proposed development, the existing structure, both exterior and interior, and a cinema or performance use of the Bethesda Theatre shall be preserved.

- a. A 52-foot setback for the new apartment building is excessive from an urban design perspective, and it appears that an approximately 20-foot setback may be appropriate from an urban design and historic preservation perspective. However, the exact building setback of the proposed apartment building from the existing facade of the Theatre on Wisconsin Avenue shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
- b. The applicant shall submit a complete set of architectural design development plans for the proposed development as part of the Site Plan submittal. The plan shall include a detailed preservation plan for the Theatre. In addition to sensitively integrating the exterior features of the Theatre into the new construction, the Plan shall also include retention and renovation of the significant interior features that reflect the Art Deco styling.
- c. The structure of the proposed building, which will be constructed on top of the existing Theatre, shall be carefully designed to minimize any negative impact, both structurally and visually, on the portions of the Theatre forward of the apartment facade as well as the interior ceiling, walls, and space of the entire theater.
- d. The design of the proposed resurfacing of the alley facade of the theater shall be further studied and shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation

Commission for the proposed development.

- e. The proposed preservation work related to the Theatre, both exterior and interior, shall be considered as part of the overall development, and shall be completed prior to the occupancy of the proposed apartment building.

3. Public Use Space

The proposed public use space shall be at least 20% of the net lot area of the site. The space shall be easily and readily accessible to the general public and be used for public enjoyment. The following design features, among other things, shall be addressed at the time of Site Plan review:

- a. Within this space such amenities as, but not limited to, landscaping, special paving, seating, lighting, and other appropriate street furniture shall be provided and arranged to enhance the quality of the space, to promote public use, and to facilitate pedestrian movement.
- b. The design of the proposed public use space around the southeastern corner of the site shall be integrated into the design of the landscaped pedestrian plaza within the PD-zoned portion of the development and into the design of the proposed residential entry court on Middleton Lane.

4. Residential Entry Court on Middleton Lane

Special design features, such as special paving, landscaping, lighting, and other street furniture, shall be incorporated into the design of the proposed residential entry court to create a focal point on Middleton Lane and an attractive entry to the proposed apartment complex.

- a. The design of the entry court shall ensure safe and convenient pedestrian movement through this section of Middleton Lane.
- b. The design of the entry court shall include an enhanced street divider on Middleton Lane and shall allow passage of emergency vehicles.

5. Neighborhood Protection Measures / Off-Site Amenity

Appropriate neighborhood protection measures shall be provided by the applicant and be incorporated into the proposed development to enhance the character of neighborhood streets and to better control the traffic flow at certain locations. The final design of these measures shall be reviewed at the time of Site Plan application.

- a. A landscaped roundabout shall be installed at the intersection of Cheltenham Drive

and Tilbury Street.

- b. A landscaped area shall be installed at the intersection of Tilbury Street and Sleaford Road.

6. Staging of Amenities

The proposed project will be developed in one phase. All of the proposed amenities, including preservation work on the existing Bethesda Theater, public use space, residential entry court, recreation facilities, and neighborhood protection measures, shall be completed prior to the occupancy of the proposed development.

7. Loading Area

The loading area for the Theatre and the proposed apartment complex shall have three loading spaces on site in accordance with Montgomery County Department of Transportation Policy regarding off-street loading spaces.

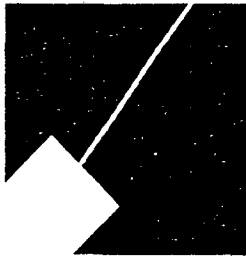
8. Connection between Two Dealership Sites

To accommodate the operational needs of the existing Chevy Chase Cars to the north of the site and the new Mitsubishi dealership to the south, the proposed development shall provide a vehicular connection for passenger-type vehicles between these two dealership sites through the proposed underground garage. The applicant shall grant the owner of Chevy Chase Cars a permanent easement to use the garage for this purpose prior to approval of the Site Plan.

9. Required Approvals by the County Council

Prior to Preliminary Plan approval by the Planning Board for the proposed development, the Petition with the County to abandon sections of the alleys and the zoning application for the PD zone shall be approved by the County Council.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: November 24, 1997
PROJECT PLAN REVIEW #9-97001
PROJECT NAME: Bethesda Theatre Residential

Action: Approval subject to conditions. Motion was made by Commissioner Baptiste, seconded by Commissioner Richardson, with a vote of 4-0, Commissioners Baptiste, Richardson, Holmes, and Hussmann voting for.

The date of this written opinion is November 24, 1997 (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 December 24, 1997 (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 December 24, 1999, as provided in Section 59-D-2.7.

On September 25, 1997, Project Plan Review #9-97001 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:

(a) *It would comply with all of the intents and requirements of the zone.*

The intent of the CBD zones (Section 59-C-6.212 of the Zoning Ordinance)

(1) *"To encourage development in accordance with an adopted and approved master or*

increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board.”

The proposed development uses the optional method of development, which permits an increase in density and building height, as recommended by the Bethesda Central Business District Sector Plan. The proposed Plan is in conformance with the Sector Plan as described in detail in Finding (b) below. If the subject Project Plan is approved by the Planning Board, the applicant is required to submit a Site Plan to the Board for its review and approval prior to issuance of a building permit.

- (2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The proposed mixed-use development includes retention of the existing theater and a new apartment building with 187 units. It reflects the needs of the housing market in this area, and also provides a theater use for the residents, shoppers, and workers alike.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

Preservation of the existing theater and integration of the theater into the new building will not only retain a landmark building in the Bethesda CBD but also enhance the urban form along Wisconsin Avenue. Converting the existing alley along the south side of the theater into a landscaped pedestrian walkway between the proposed public parking garage entrance and Wisconsin Avenue will improve the pedestrian circulation system in this area. The height of the proposed building steps down from 94 feet near Wisconsin Avenue to 65 feet in the rear to provide a transition to the adjacent low-density residential neighborhood.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The project proposes a high-density residential development within 1,200 feet of the Bethesda Metro Station. In addition, the proposed public use area along the frontage of the building on Middleton Lane will facilitate pedestrian movement between East Bethesda neighborhood, and the Metro Station.

- (5) *“To promote improved pedestrian and vehicular circulation.”*

As described in Findings (3) and (4) above, the proposed development will provide landscaped pedestrian pathways along the south side of the Theatre and the building frontage on Middleton Lane to improve pedestrian circulation between the residential neighborhood, the proposed public parking garage, Wisconsin Avenue, and the Metro Station. In addition, the existing alleys which are parallel to Wisconsin Avenue and located to the north and south of the Theatre will be widened to improve the vehicular circulation for this development and the adjacent car dealerships alike.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

The proposed high-rise apartment building consists of 187 units of different sizes and types, varying from studio to two-bedroom with a den. The project will also provide the required 29 MPDUs. With MPDUs and various types of apartments, this development will meet the needs of people with a range of different incomes.

- (7) *“To encourage land assembly and the most desirable use of land in accordance with a sector plan.”*

The site is composed of the lot for the existing theater, two smaller lots, rights-of-way of sections of the existing alleys, and part of an outlot. The proposed land assembly is in conformance with the Sector Plan recommendations, and represents a better use of land for a desirable mixed-use development.

Additional intent of the CBD-2 Zone (Section 59-C-6.213(c) of the Zoning Ordinance)

- (1) *“To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; “*

The proposed development is under the CBD-2 zone requirements. It is located among a cluster of CBD-2 zoned properties which are adjacent to CBD-3 zoned properties to the south and CBD-1 zoned properties to the north of Cheltenham Drive. The proposed density, FAR 5, represents an appropriate transition from the core of Bethesda Central Business Districts (CBD-3) to the less dense CBD-1 zoned areas to the north. As described previously, the proposed building height steps down from the Wisconsin Avenue side toward the less dense and intense residential neighborhood to the east and the south to provide a transition in building mass.

- (2) *“To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.”*

The proposed development will add 187 apartment units to the Bethesda CBD. They will meet the needs of those employed within the central business district. Since the site is within 1,200 feet of the Bethesda Metro Station, the future residents of this development will be able to use the Metro facilities to travel to and from places of employment.

Requirements of the CBD-2 Zone

The subject Project Plan is in conformance with the development standards of the CBD-2 zone except:

1. The proposed density (223,855 square feet of floor area or FAR 5.36) exceeds the maximum density permitted for this site (208,825 square feet of floor area or FAR 5.0). The Project Plan should be revised to meet this requirement.
2. The height of the proposed building (94 feet) exceeds the building height limit (90 feet) established by the Sector Plan. This issue is discussed in detail in the Development Issues section above.

The following table demonstrates the conformance of the Project Plan with the development standards under the optional method of development.

PROJECT DATA TABLE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (sq. ft.):	22,000	38,689
Gross Tract Area	22,000	44,771
Gross Floor Area (sq. ft.):	208,825	223,855
Floor Area Ratio (FAR):	5.0	5.36
Public Use Space (sq. ft.) (20%)	7,738	7,738
Dwelling Units:		
Studio		20
One-bedroom Jr		10
One-bedroom		67
One-bedroom with Den		35
Two-bedroom		21
Two-bedroom with Den		5
MPDU-one-bedroom *		19
MPDU-two-bedroom *		<u>10</u>
TOTAL		187

Building Height (ft.):	143 / 90**	94
Setbacks (ft.):		
front yard		
side yard		
rear yard		
Parking ***:		
Total	231	
10% CBD credit	23	
5% Metro credit	<u>11</u>	
Net Total	197	200
standard	191	194
handicapped-accessible	6	6
bicycle (1 / 20)	10	10
motorcycle (2%)	4	4

* Required Number of MPDUs : 187 (total number of units) x 15% = 29

** 143 feet per the Zoning Ordinance, 90 feet per the Sector Plan.

***For the residential portion only. The nonresidential portion will be satisfied by paying Parking District tax.

(b) *It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*

The subject site is covered by the Bethesda Central Business District Sector Plan which was approved and adopted in July 1994. The proposed Bethesda Theatre Residential development helps to implement key Sector Plan Land Use Objectives in section 3.1 and the specific land use and zoning recommendations for the Bethesda Theatre Cafe/Beta site presented in section 4.1 (pp. 79-83). The Community-Based Planning staff recommends the following findings which address the Cultural District theme, Housing and Neighborhoods, and Design Guidelines.

1. “Cultural District” Theme

The Sector Plan acknowledges, in section 3.1D, that Bethesda has begun to develop as a cultural center and recommends strategies to realize the goal of a Bethesda “cultural district.” The objectives for the Metro Core District include “*Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.*”

The Bethesda Theatre Cafe is noted as contributing to a stronger cultural and retail environment. In section 9.4, Historic Resources Plan: Master Plan Sites, the Sector

Plan states: *“In the event of redevelopment, the building’s tower, marquee, and facade must be retained, as stipulated by the County Council in a Consent Order following designation. In addition to sensitively integrating the exterior features into any new construction, the optional method of development should include retention and renovation of the significant interior features that reflect the Art Deco styling.”*

The Sector Plan envisions an optional method office development as the mechanism to preserve the theater, and recommends preserving the interior of the Theatre, including the murals on the walls and ceiling, and a cinema for performing art activity as the primary public benefit feature associated with an optional method development.

The Project Plan proposes to preserve the Theatre, both the exterior and interior, as the primary public benefit feature for this development which use the optional method of development. The preservation of the theater and associated issues are discussed in detail in Development Issues section (Preservation of the Theatre) above. Retention of the Theatre as a historic structure and a cultural use will complement other uses in the CBD and contribute greatly to the “Cultural District” theme.

2. Housing and Neighborhoods

A prime objective of the Sector Plan, set forth in section 3.1B, is to encourage housing in the Bethesda CBD by increasing the amount, the variety, and the quality. The Plan also seeks to provide an adequate supply of affordable housing (page 34) and notes that there is *“a market demand for rental housing that is of higher quality than available in many of the existing garden and mid-rise projects but priced below high-rise apartments”* (page 33).

Another Sector Plan objective is to maintain and enhance the quality of neighborhoods through a variety of strategies (page 35). These include providing transitional land uses on the edges such as housing, parks, and parking facilities of no more than one story; channeling through traffic away from residential streets; and promoting infill development that complements and is linked to existing housing.

The Project Plan generally conforms with the housing and neighborhood objectives and recommendations of the Sector Plan. Although the Sector Plan envisioned an office building rather than the apartment building proposed in the Project Plan, residential use conforms equally well with Sector Plan objectives. Housing is clearly a compatible use near a residential neighborhood.

To enhance the quality of the neighborhood, a landscaped traffic circle, as part of the overall plan, will be provided at the intersection of Cheltenham Drive and Tilbury

Street to create a gateway feature for the existing neighborhood to the east and for the PD zoned portion of the new development. The circle will also help control the traffic flow at this location. A landscaped area will also be provided at the intersection of Tilbury Street and Sleaford Road to serve the same purposes.

In addition, landscaped pedestrian pathways are proposed along the south side of the Theatre and along the building frontage on Middleton Lane. These pathways will promote safe and convenient pedestrian circulation from the neighborhood and the proposed public parking garage to the CBD as recommended by the Wisconsin to Tilbury Special Study.

3. Design Guidelines

The Sector Plan sets forth detailed design guidelines in section 4.1. The Project Plan conforms with these Project Plan related guidelines as follows:

- a. *“Preserve the existing structure and use as recommended in Chapter 9, Historic Resources Plan. Allow new development to be built over the existing structure, set back from the existing marquee. This will provide a visual backdrop for the marquee and will locate the new building mass closer to Wisconsin Avenue than to the residential neighborhoods along Tilbury Street. More specific design review will take place at the time of Project Plan and Historic Area Work Permit review.”*

The Project Plan proposes preserving the existing structure, the cinema or performance use and building a new development over the existing structure. The issue of the relationship to the marquee is discussed in Development Issues section above.

- b. *“Maintain building heights no higher than 90 feet along Wisconsin Avenue to provide a scale compatible with the existing historic structure and marquee and with nearby residential neighborhoods. Provide several step downs in building height from a maximum of 90 feet to a maximum of 65 feet at the rear and a maximum of 45 feet along the east side of the alley. Residential townhouse development should not exceed 35 feet along Tilbury Street and Middleton Lane.”*

The Project Plan proposes that the new apartment building be 94 feet in height along Wisconsin Avenue rather than 90 feet to accommodate the “twelve foot depth of the trusses needed to safely clear span over the existing Theatre.” Staff believes that this four-foot variation in height will be imperceptible and is an acceptable deviation from the guidelines in order to allow the structure necessary to safely bridge the interior of the theater. The

building height will be 65-foot at the rear as recommended by the Guideline.

- e. *“Locate commercial parking either underground or in a structured deck no higher than one level, as measured from adjacent streets. Structured parking should be located so as not to be seen from the nearby single-family neighborhood.”*

The structured parking is entirely underground. It thus has the community benefit of not being visible from the adjacent neighborhood.

- g. *“Provide a park-like open space and a pedestrian pathway from Tilbury Street to Middleton Lane to improve pedestrian access and link the new and existing residences.”*

A tree-lined sidewalk along Tilbury Street will feed into a pedestrian system and landscaped open space leading through the southern portion of the site to Middleton Lane. This pathway and open space will give neighbors a convenient and attractive pathway to Metro and link the new and existing residences.

- h. *“Design residential rooftops to create a residential image by such means as hip roofs, gables, or other types of pitched roof lines. A varied roof line is desirable to improve character and reduce a sense of bulk.”*

The Project Plan proposes that the apartment building have a flat roof, to avoid increasing the height beyond the 94 feet and the penthouse and thus minimum the impact on the adjacent community. The proposed building design, however, does show a varied roof line at different heights to reduce a sense of bulk.

- i. *“Achieve a coordinated architectural character for the office and residential portions of the project that establishes a compatible yet distinct identity for each area.”*

The intent of this guideline is not applicable to this all-residential application.

- j. *“Exempt the property from the right-of-way dedication requirement of 9.5 feet shown in the Street and Highway Plan in order to preserve the historic building.”*

No right-of-way dedication is being requested of the applicant, in conformance with this guideline.

- (c) ***Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.***

The adjacent properties to the north and south of the site are zoned CBD-2. The Sector Plan recommends the PD zone for the property to the east of the site, which is part of the overall development. This development, which includes a theater use on Wisconsin Avenue between CBD zoned properties and a residential use near the existing and proposed residential neighborhoods, will be compatible with the surrounding properties. The design of the development will include streetscape features and neighborhood protection measures which will enhance the character and quality of the neighborhood.

- (d) ***It would 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.***

1. Traffic Impact

Local Area Transportation Review

A traffic impact study was prepared for the entire Bethesda Theatre Residential development. Staff concurs with the conclusion of the study that the affected intersections in the study area will continue to operate at acceptable levels of service "D" or better for the morning and evening peak periods. "Traffic generated by the Bethesda Theater project will not degrade the level of service at any of the off-site intersections below acceptable levels of service."

The Bethesda Theater combined development of the residential and parking garages is expected to generate 137 trips in the morning peak hour and 198 trips in the evening peak hour. Other future developments included in the background traffic include 252,696 square feet of office buildings and 73,852 square feet of retail developments. These developments are expected to generate a total of 373 trips in the morning peak hour and 480 trips in the evening peak hour.

The total new trips were assigned to the area transportation system and the affected intersections were analyzed for their operational level of efficiency. As indicated before, all affected intersections will operate at levels of service "D" or better.

Policy Area Review/Staging Ceiling Condition

The proposed development is located in the Bethesda CBD policy area which has a remaining capacity of 4,101 jobs and 3,182 housing units as of April 30, 1997.

2. Water and Sewer

There are existing water and sewer mains in the public rights-of-way of surrounding streets: Middleton Lane, Sleaford Road, Tilbury Street, and Cheltenham Drive. In addition, an eight-inch sewer runs through Lots 3 and 4 of Westboro and Outlot A into the north-south alley along the east side of Chevy Chase Car. This sewer serves the existing theater and Chevy Chase Car properties. Eight and ten-inch sewer mains are located in Wisconsin Avenue.

Under the proposed plan, the sanitary sewer, currently running across the parking lot toward Sleaford Road, will be removed and replaced in the alley to the rear of Chevy Chase Car and easterly along Cheltenham Drive to connect to the existing system at that location. The development will be connected via standard water and sewer connections to the existing WSSC systems in these the rights-of-way. WSSC has determined that the existing system is adequate to handle the proposed development.

3. Schools

According to FY 98 Annual Growth Policy, the County Council declares school capacity for school year 1999 to be adequate for anticipated growth during FY 98 in all high school clusters at all grade levels. The Planning Board, in its review of preliminary plans of subdivision in FY 98, must consider school to be adequate for APFO purposes in all clusters.

4. Recreation Facility

The proposed mixed-use development will provide required recreation facilities in accordance with the Recreation Guidelines. The proposed facilities include a swimming pool, community space (party room), indoor fitness (exercise room), and a picnic area. In addition, the future residents can use the existing facilities located in the local park at the intersection of Cheltenham Drive and Tilbury Street.

(e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The use of optional method of development permits a development at a higher density which allows an investment return that justifies retention of the entire structure of the existing Theatre. In addition, the 20% public use space required by

the optional method of development and the proposed neighborhood protection measures will enhance the character of the neighborhood and achieve a better overall development.

- (f) ***It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.***

The required number of MPDUs for a CBD zoned development is 15% of the total number of the units in accordance with chapter 25A. This project will provide 29 MPDUs of which 19 are one-bedroom units and 10 two-bedroom units. The MPDUs will be distributed throughout the building.

- (g) ***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:***

- (1) ***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 Preservation; and/or***
- (2) ***The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or***
- (3) ***The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.***

The subject Project Plan shows only one lot for the development, and the entire lot is under the CBD-2 zone. Therefore, this finding is not applicable to this application.

- (h) ***Any applicable requirements for forest conservation under Chapter 22A.***

The subject Project Plan is for the CBD-2 zoned portion of the Bethesda Theatre Residential development. The applicant has prepared a Preliminary Forest Conservation Plan for the entire 2.35-acre site, including both the CBD and the PD zoned properties. Under the requirements of Chapter 22A, Forest Conservation, this development is required to provide 0.35 acres of afforestation. The Preliminary Forest Conservation Plan proposes to meet the requirement on site by the provision of 0.35 acres of tree cover, using a combination of large shade trees and ornamental trees.

- (i) *Any applicable requirements for water quality resource protection under Chapter 19.*

A preliminary Stormwater Management Concept for the proposed development has been reviewed and approved by the County Department of Permitting Services (DPS) on August 15, 1997. The Stormwater Management Concept consists of on-site water quality control via a separator/sandfilter or a water quality inlet and a waiver request for water quantity control. A conditional waiver of on-site water quantity control was granted by the DPS as part of the preliminary Concept approval.

The Montgomery County Planning Board APPROVES Project Plan Review #9-97001 which consists of preservation of the existing Bethesda Theatre, a high-rise apartment building, and an underground parking garage subject to the following conditions:

1. Development Ceiling

The proposed development is limited to 208,825 square feet of gross floor area (FAR 5), including the existing theater.

- a. Prior to signature set approval of the Project Plan, the Plan shall be revised to show that the total gross floor area of the development is 208,825 square feet or less.

2. Historic Preservation

As part of the proposed development, the existing structure, both exterior and interior, and a cinema or performance use of the Bethesda Theatre shall be preserved.

- a. A 52-foot setback for the new apartment building is excessive from an urban design perspective, and it appears that an approximately 20-foot setback may be appropriate from an urban design and historic preservation perspective. However, the exact building setback of the proposed apartment building from the existing facade of the Theatre on Wisconsin Avenue shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
- b. The applicant shall submit a complete set of architectural design development plans for the proposed development as part of the Site Plan submittal. The plan shall include a detailed preservation plan for the Theatre. In addition to sensitively integrating the exterior features of the Theatre into the new construction, the Plan shall also include retention and renovation of the significant interior features that reflect the Art Deco styling.

- c. The structure of the proposed building, which will be constructed on top of the existing Theatre, shall be carefully designed to minimize any negative impact, both structurally and visually, on the portions of the Theatre forward of the apartment facade as well as the interior ceiling, walls, and space of the entire theater.
- d. The design of the proposed resurfacing of the alley facade of the theater shall be further studied and shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
- e. The proposed preservation work related to the Theatre, both exterior and interior, shall be considered as part of the overall development, and shall be completed prior to the occupancy of the proposed apartment building.

3. Public Use Space

The proposed public use space shall be at least 20% of the net lot area of the site. The space shall be easily and readily accessible to the general public and be used for public enjoyment. The following design features, among other things, shall be addressed at the time of Site Plan review:

- a. Within this space such amenities as, but not limited to, landscaping, special paving, seating, lighting, and other appropriate street furniture shall be provided and arranged to enhance the quality of the space, to promote public use, and to facilitate pedestrian movement.
- b. The design of the proposed public use space around the southeastern corner of the site shall be integrated into the design of the landscaped pedestrian plaza within the PD-zoned portion of the development and into the design of the proposed residential entry court on Middleton Lane.

4. Residential Entry Court on Middleton Lane

Special design features, such as special paving, landscaping, lighting, and other street furniture, shall be incorporated into the design of the proposed residential entry court to create a focal point on Middleton Lane and an attractive entry to the proposed apartment complex.

- a. The design of the entry court shall ensure safe and convenient pedestrian movement through this section of Middleton Lane.
- b. The design of the entry court shall include an enhanced street divider on Middleton Lane and shall allow passage of emergency vehicles.

5. Neighborhood Protection Measures / Off-Site Amenity

Appropriate neighborhood protection measures shall be provided by the applicant and be incorporated into the proposed development to enhance the character of neighborhood streets and to better control the traffic flow at certain locations. The final design of these measures shall be reviewed at the time of Site Plan application.

- a. A landscaped roundabout shall be installed at the intersection of Cheltenham Drive and Tilbury Street.
- b. A landscaped area shall be installed at the intersection of Tilbury Street and Sleaford Road.

6. Staging of Amenities

The proposed project will be developed in one phase. All of the proposed amenities, including preservation work on the existing Bethesda Theater, public use space, residential entry court, recreation facilities, and neighborhood protection measures, shall be completed prior to the occupancy of the proposed development.

7. Loading Area

The loading area for the Theatre and the proposed apartment complex shall have three loading spaces on site in accordance with Montgomery County Department of Transportation Policy regarding off-street loading spaces.

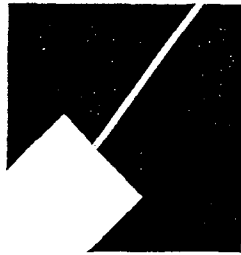
8. Connection between Two Dealership Sites

To accommodate the operational needs of the existing Chevy Chase Cars to the north of the site and the new Mitsubishi dealership to the south, the proposed development shall provide a vehicular connection for passenger-type vehicles between these two dealership sites through the proposed underground garage. The applicant shall grant the owner of Chevy Chase Cars a permanent easement to use the garage for this purpose prior to approval of the Site Plan.

9. Required Approvals by the County Council

Prior to Preliminary Plan approval by the Planning Board for the proposed development, the Petition with the County to abandon sections of the alleys and the zoning application for the PD zone shall be approved by the County Council.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: June 12, 2000

SITE PLAN REVIEW: #8-00014

PROJECT: Bethesda Theater Residential

Action: Approval subject to conditions. Motion by Commissioner Bryant, seconded by Commissioner Wellington, with a vote of 4-0, Commissioners Bryant, Hussmann, Perdue and Wellington voting for. Commissioner Holmes was absent.

The date of this written opinion is June 12, 2000, (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 July 12, 2000, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-97104 is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On March 2, 2000, Site Plan Review #8-00014 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. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the CBD-2 and PD-35 zones in which it is located;

3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. Each structure and 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.

The Montgomery County Planning Board APPROVES Site Plan Review #8-00014, which consists of 249 multifamily apartments including 32 MPDUs, 9 townhouses, a 400-car public parking garage and restoration of the Bethesda Theater, subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A, as modified herein.
2. Approval subject to finalization of pending abandonment of portions of Tilbury Street (Case AB 636).
3. If the residents of Sleaford Road who desire to close the street to through traffic obtain the necessary approvals, the applicant agrees to construct a barrier at the west end of Sleaford Road, in accordance with MCDPWT guidelines. If a street closing is not authorized, the applicant agrees to the following actions, subject to MCDPWT approval:
 - a.. Retain the existing one-way north configuration on Tilbury Street, and
 - b. Provide channelization of the intersection of Tilbury Street and Cheltenham Drive (in lieu of the channelization at Tilbury and Sleaford Road) to discourage illegal turns onto Tilbury Street and thence onto Sleaford Road.
4. Applicant to complete the exterior preservation of the theater prior to the first occupancy permit for the apartment tower and the interior restoration prior to the 105th occupancy permit for the apartment tower.
5. Starting on June 1, 2000 applicant shall make quarterly reports to the Board on the progress of his efforts to secure a user for the Theater. Any proposal to change the use from a cinema or performing arts use requires an amendment to the Site Plan.
6. Applicant will comply with the binding elements of Zoning Case LMA G-749 (County Council resolution No. 13-1422), and the conditions of approval of Abandonment Case AB 617 (County Council Resolution No. 13-1420).

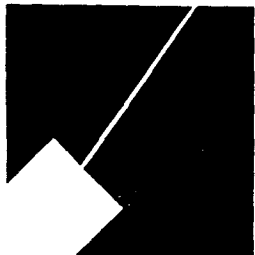
APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each building shall be completed as construction of each is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Coordination of each section of the development and roads;
 - 6) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Conditions of DPS Stormwater Management Concept approval (waiver) letter
 - b. The development program inspection schedule.
 - c. Street trees along all public streets;
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

G:ASP_STAFF\8-00014

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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: Dec. 21, 1999

MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

206326

FROM: fw Gwen Wright, Coordinator
Historic Preservation

SUBJECT: Historic Area Work Permit

The Montgomery County Historic Preservation Commission has reviewed the attached application for an Historic Area Work Permit. This application was:

Approved

Denied

Approved with Conditions: _____

(1) The 2nd parapet at approximately 52' east of the property line along Wisc. Ave. shall be retained in situ.

and HPC Staff will review and stamp the construction drawings prior to the applicant's applying for a building permit with DPS; and

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE APPROVED HISTORIC AREA WORK PERMIT (HAWP).

Applicant: Beta Corporation (Eugene Smith, Agent)

Address: 4801 Hampton Lane, #107 Bethesda, MD. 20814

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the DPS Field Services Office at (301)217-6240 prior to commencement of work and not more than two weeks following completion of work.

Re: Bethesda Theater Master Plan Site # 35/14-4



HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: Eugene M. Smith

Daytime Phone No.: 301-907-0324

Tax Account No.: 07-00539313

Name of Property Owner: BETA Corporation, c/o Eugene Smith Daytime Phone No.:

EM Smith Associates
Address: 4801 Hampden Lane, #107 Bethesda MD 20814
Street Number City Street Zip Code

Contractor: TO BE DETERMINED Phone No.:

Contractor Registration No.:

Agent for Owner: Robert H. Metz, Esquire Daytime Phone No.: 301-650-7012

LOCATION OF BUILDING/PREMISE

House Number: 7715 Street: Wisconsin Avenue

Town/City: Bethesda Nearest Cross Street: Cheltenham Drive and Middleton Lane

Lot: 1 Block: 2 Subdivision: Westboro

Libar: Folio: Parcel:

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

CHECK ALL APPLICABLE:

- Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
Revision Repair Revocable Fence/Wall (complete Section 4) Other:

1B. Construction cost estimate: \$ 1,500,000.00

1C. If this is a revision of a previously approved active permit, see Permit # N/A

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. Type of sewage disposal: 01 [X] WSSC 02 [] Septic 03 [] Other:

2B. Type of water supply: 01 [X] WSSC 02 [] Well 03 [] Other:

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height feet inches

3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On party line/property line Entirely on land of owner On public right of way/easement

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent

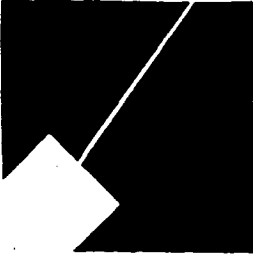
Date: November 24, 1999

Approved: X w/conditions For Chairperson, Historic Preservation Commission

Disapproved: Signature: Date: Dec. 15, 1999

Application/Permit No.: 06326 Date Filed: 11/24/99 Date Issued:

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: Dec 21, 1999

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: *GW* Gwen Wright, Coordinator
Historic Preservation Section

SUBJECT: Historic Area Work Permit Application - Approval of Application/Release of
Other Required Permits

Enclosed is a copy of your Historic Area Work Permit application, approved by the Historic Preservation Commission at its recent meeting, and a transmittal memorandum stating conditions (if any) of approval.

You may now apply for a county building permit from the Department of Permitting Services (DPS) at 250 Hungerford Drive, second floor, in Rockville. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DPS before work can begin.

W When you file for your building permit at DPS, you must take with you the enclosed forms, as well as the Historic Area Work Permit that will be mailed to you directly from DPS. These forms are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DPS at 301-217-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, please contact the Historic Preservation Commission staff at 301-563-3400.

Please also note that you must arrange for a field inspection for conformance with your approved HAWP plans. Please inform DPS/Field Services at 301-217-6240 of your anticipated work schedule.

Thank you very much for your patience and good luck with your project!

W Please bring your permit sets (plus 1 extra) to HPC staff for ^{for our files} stamping prior to submitting for building permit w/ DPS. Please call ahead.
Thanks.

Robin

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 7715 Wisconsin Avenue	Meeting Date: 12/15/99
Applicant: BETA Corporation (Eugene Smith, Agent)	Report Date: 12/8/99
Resource: Bethesda Theater, <i>Master Plan</i> Site #35/14-4	Public Notice: 12/1/99
Review: HAWP	Tax Credit: Yes
Case Number: 35/14-4-99A	Staff: Robin Ziek

PROPOSAL: Rehabilitation and New Construction

RECOMMEND: Approval *w/ condition: 2nd parapet will be retained in situ*

PROJECT DESCRIPTION

RESOURCE: Master Plan Site #35/14-4, Bethesda Theater
 STYLE: Art Moderne
 DATE: 1938

The applicant came to the HPC for a Preliminary Consultation on 6/11/97. At that point, the applicant presented a schematic design for the new residential tower which they propose to build above the historic theater. The proposed project area includes the Bethesda Theater site, the existing parking lot behind the theater, as well as the public parking lot #42 to the rear and south of the theater. The HPC review is limited to the Bethesda Theater site.

This project is being developed under the Optional Method with review by the Planning Board. Under the Optional Method, certain public amenities must be provided. In this case, restoration of the theater interior is the primary public amenity. The HPC has review authority over the exterior of the theater, but does not have review authority over the interior work

At the Preliminary Consultation (see Circle 16, and transcripts attached), the HPC endorsed the basic concept, but noted that there were numerous details to be worked out. One of the primary issues concerned the proposed setback for the new construction: 20' from the front facade of the Theater to the front facade of the new residential tower. Several commissioners felt that the new structure should be set further back, but not too far back from Wisconsin Avenue that the new structure would be an anomaly in the developing urban street scape.

SITE HISTORY

The Bethesda Theater was built in 1938, and is listed in the National Register for Historic Places. This brick theater was designed by the New York architectural firm of John Eberson, who also designed the Silver Theatre in Silver Spring. Stylistically, and under the broad heading of Art

Deco, the Bethesda Theater is an example of Streamline Moderne commercial architecture. The theater was commissioned by Sidney B. Lust, a well-known theater operator, and was originally named the "Boro" Theater. In 1939, the name was changed to the Bethesda Theater, and that is the name on the marquee tower today.

The structure is a combination of decorative and utility brick. The Wisconsin Avenue facade is built of blond brick, with bands of black brick highlighting 2 low parapet walls, one directly behind the sign tower, and the other (ca. 50' back from the facade) screening the roof over the auditorium. The rear and sides of the theater structure are built of red utilitarian brick. The theater entrance is defined by the theater marquee and the tall marquee tower with BETHESDA in neon letters. There is a central ticket booth, trimmed in grooved aluminum, with two flanking theater entrances. These are further bracketed with two aluminum-trimmed movie notice cases. The entire composition is completed with flanking one-story commercial space (two storefronts originally to the north, and one storefront to the south) which utilizes aluminum trim and echoes the green marble base of the theater proper.

The marquee projects over the sidewalk approximately 10-1/2', at the height of the storefront parapets to either side. The marquee tower with the theater name rises above the entrance, with a low parapet wall rising behind it to give the theater greater emphasis. This decorative parapet wall is blond brick with accent stripes of black brick, and is supported at the corners with curving "returns".

The theater lobbies and the storefronts are all one-story spaces. After one passes into the entrance lobby, there is a second lobby beyond which provides access to service spaces as well as the theater auditorium itself. The auditorium roof rises to a greater height than either lobby, and is apparent on the exterior behind the secondary parapet wall. This parapet wall is made of blond brick with black stripes, with curving decorative elements. It echoes the design of the first parapet wall, but mostly serves to screen the auditorium roof from public view.

The interior of the theater is essentially in original condition, except for the seating configuration which has been altered to accommodate a relaxed dining facility. The two flanking storefronts are leased commercial space, although the north store is currently empty. There have been some alterations to the storefronts over time, but the original aluminum decorative work is still apparent, and some of the original finishes may have been covered up rather than removed in earlier renovations.

PROJECT PROPOSAL

The proposal involves the development of the Theater site and adjacent land at different residential densities, as well as the construction of an underground parking lot which will include public and private parking. The residential tower above the Theater has 11 floors with an average of 20 apartments per floor. The area behind the theater will be developed with town houses and a low-rise apartment building.

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There are several access points to the underground parking, but the main pedestrian entrance would be through the existing theater alley on the south side of the theater (see Circle 17). Rehabilitation efforts focus on the interior of the Theater, the exterior of the adjacent storefronts, and include the Theater alley wall. Alterations include the following:

- 1) Construct the residential tower 25' back from the front wall of the Theater (see Circle 17, 18).
- 2) Demolish most of the secondary parapet, and relocate the decorative elements to the alley (see Circle 37, 33).
- 3) Install 5 columns in the alley adjacent to, but not touching, the alley wall to support the residential tower above (see Circle 19).
- 4) Encapsulate the rear elevation of the Theater (see Circle 27).
- 5) Remove all non-original elements on the storefronts, and restore the storefronts for commercial use. A new door will be installed at the north end of the north storefront for egress from the residential tower above (see Circle 37).
- 6) Change the grade at the alley from a sloping surface to a level surface, and provide on-grade egress from the Theater side entrance.
- 7) Develop the alley as a pedestrian entrance to the underground parking facility, and promote public use of the space (see Circle 33). Incorporate and expose the original Theater wall.

STAFF COMMENTS

The applicant has responded to HPC and staff concerns throughout the process. The project has evolved into one which supports the primary focus of this site as the Bethesda Theater. Staff notes that the proposal is consistent with the County Council's designation of the Bethesda Theater (see Circle 47, 48), and with the County Council's Consent Agreement regarding their desire to especially preserve the Theater front facade (see Circle 49). Opposition to the proposed setback has been expressed by the Art Deco Society of Washington, and the HPC has received letters from the community expressing concern about this issue.

Staff notes that the applicant has responded with an increase to the proposed setback from 20' to 25'. This distance is measured from the front wall of the Theater to the front wall of the residential tower. The Theater marquee actually projects an additional 10-1/2' over the sidewalk, and includes the marquee sign itself. Therefore, the Theater presence is much greater than the 25' dimension might indicate.

In addition, the applicant has taken care to design the new residential tower as a backdrop for the Theater. By utilizing elements such as open corners and setbacks, the tower defers to the

Theater without replicating any specific element. The effect of the setbacks is substantial (see Circle 18). At the point* where the new tower is closest to the Theater at the 25' setback, the Theater is 38' wide and the central portion of the residential tower is 42' wide. The residential tower then steps back an additional 2' to an increased width of 62'; and it steps back an additional 12' to a width of 72', which is the proposed width at the secondary parapet (52' from the front edge of the Theater). With an additional 7', at 59' back from the street, the tower reaches a maximum width with the extension over the alley at the lower two floors. The extension to the south is offset, however, by the setback on the north side of 10'. All of these setbacks occur within the overall width of the Theater which is 82'-4", and the tower never reaches this width.

As the new building moves higher, it continues to jog in width on both the north and south sides (see Circle 18); it is the widest at the 4th and 5th floor levels. For the floors above (6-11th), the building is 66'-4" wide, and is centered over the historic structure which is 82'-4" wide, including the historic storefronts. One should note, too, that the original design of the historic structure also uses the first parapet wall to give more emphasis and an apparent greater width to the Theater for the interior entrance lobby is only 28' wide, but the apparent width of the Theater at the first parapet is 38' wide.

In consideration of the proposed new setback it may be useful to refer to the new development behind another Art Deco building - the Greyhound Station in Washington, D.C. At that site, the new structure sits 30' back from the front edge of the building, a distance which was viewed as satisfactory to provide a 3-dimensional understanding of the original station building.

Staff notes that the applicant acknowledges the secondary parapet as an original element by retaining a fragment of it *in situ*, and by reusing these decorative elements in a new location as a wall which echoes it's original usage as a visual barrier (see Circle 23, 33).

The largest single intrusion at ground level will be the alterations to the alley, including the insertion of 5 new columns down the alley length, and changing its character from a marginal public way to a widely used public way. Contrary to the earlier proposal, the applicant proposes to leave the red brick alley wall exposed, making necessary repairs to the masonry. Staff feels that this is appropriate, and important to preserve the design distinction between the decorative blond and black brick of the front elevation and the utilitarian red brick along the sides.

The proposed installation of the new columns will be mitigated if they are set off of the alley wall, and constructed as distinctive new elements. Staff notes that the change in character of the alley will require new lighting, additional landscaping is proposed, and the change in grade. Acknowledging that this is a secondary element to the Theater, and noting that the actual Theater wall will be preserved, staff feels that the proposed alterations may be viewed as "changes over time". The HPC may wish to comment on different design elements in the alley, including the proposed installation of poster boards, landscape elements and signage.

* All figures are scaled from the drawing and should not be taken as accurate to the inch.

As part of the project plan, the rehabilitation of the historic theater interior is considered the public amenity and is considered a "trade-off" for increased development options at the site. While the HPC doesn't have review authority for the interior, staff feels it is important to recognize the overall achievement of the project which is the retention as well as rehabilitation of the Theater interior as well as the major portions of the Theater exterior.

The Theater experience for the public begins at the street, with architectural elements which highlight the entrance to the Theater; the ticket booth and marquee sign tower are at the center of the composition. Once inside the Theater, one moves further away from daylight and "reality" into the movie world. The inner lobby has no windows, and provides a transition with special lighting features from the entrance lobby into the Theater auditorium. In the auditorium, the ceiling soars and there are additional lighting effects in the ceiling as well as around the walls. The Theater world may be seen as separate and apart from the reality on the street.

The retention of the Theater is important for the County, yet the County could not mandate this rehabilitation *per se* through Chapter 24A. It is notable that the Theater has been in operation continuously since 1938 and is in good and mostly original condition. This stands in contrast to the Silver Theatre in Silver Spring where there has been considerable damage to the original fabric. At the Bethesda Theater, the applicant proposes going to great lengths to preserve original fabric, including using a construction method which retains the original ceiling during the construction process, and suspends it from the new trusses which will hold up the residential tower.

Staff applauds the retention of the Theater interior and strongly suggests that the applicant provide a preservation easement on the interior as additional protection for this historic interior which is not protected under Chapter 24A. The Planning Board conditions protect the Theater in the immediate future, as the rehabilitation of the Theater interior is a condition of approval for the Project Plan. However, such approvals may be changed in the future, or reconsidered over time. Staff feels that the best way to assure the preservation of the Theater interior is through a preservation easement. This could be donated to the Maryland Historical Trust, or to the County; both groups are easement holding organizations and currently hold preservation easements.

STAFF RECOMMENDATION

Staff recommends, **with the following conditions**, the Commission find this proposal consistent with the purposes of Chapter 24A-8(b)2:

The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site, or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter;

and with *Secretary of the Interior's Standards for Rehabilitation #2*:

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

CONDITIONS:

1. Applicant establish a preservation easement to protect the interior of the Theater in perpetuity, prior to the County's issuing the Certificate of Occupancy.

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the DPS Field Services Office at (240) 777-6240 prior to commencement of work and not more than two weeks following completion of work.



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
250 HUNGERFORD DRIVE, 2nd FLOOR, ROCKV... MD 20850
301/217-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: Eugene M. Smith

Daytime Phone No.: 301-907-0324

Tax Account No.: 07-00539313

Name of Property Owner: BETA Corporation, c/o Eugene Smith Daytime Phone No.:

EM Smith Associates
Address: 4801 Hampden Lane, #107 Bethesda MD 20814
Street Number City State Zip Code

Contractor: TO BE DETERMINED Phone No.:

Contractor Registration No.:

Agent for Owner: Robert H. Metz, Esquire Daytime Phone No.: 301-650-7012

LOCATION OF BUILDING/PREMISE

House Number: 7715 Street: Wisconsin Avenue

Town/City: Bethesda Nearest Cross Street: Cheltenham Drive and Middleton Lane

Lot: 1 Block: 2 Subdivision: Westboro

Liber: Folio: Parcel:

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

CHECK ALL APPLICABLE:

- Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
Revision Repair Revocable Fence/Wall (complete Section 4) Other:

1B. Construction cost estimate: \$ 1,500,000.00

1C. If this is a revision of a previously approved active permit, see Permit # N/A

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. Type of sewage disposal: 01 [X] WSSC 02 [] Septic 03 [] Other:

2B. Type of water supply: 01 [X] WSSC 02 [] Well 03 [] Other:

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height feet inches

3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On party line/property line Entirely on land of owner On public right of way/easement

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Robert H. Metz
Signature of owner or authorized agent

November 24, 1999
Date

Approved: For Chairperson, Historic Preservation Commission

Disapproved: Signature: Date:

Application/Permit No.: 206326 Date Filed: 11/24/99 Date Issued:

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**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE
REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.**

1. WRITTEN DESCRIPTION OF PROJECT

a. Description of existing structure(s) and environmental setting, including their historical features and significance:

See Exhibit "A"

b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:

See Exhibit "A"

2. SITE PLAN (Exhibit "B")

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS (Exhibit "C")

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

- a. *Schematic construction plans*, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

4. MATERIALS SPECIFICATIONS (Exhibit "D")

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS (Exhibit "E")

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

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LIST OF ADJOINING AND CONFRONTING OWNERS

TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
WESTBORO				
07-00539313	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203-0995	1	2
07-00539517	F&H Limited Partnership c/o Henry A. Bowis	974 Millwood Lane Great Falls, VA 22066	2	2
07-00539506	F&H Limited Partnership c/o Henry A. Bowis	974 Millwood Lane Great Falls, VA 22066	7	2
07-01926671	F&H Limited Partnership c/o Henry A. Bowis	974 Millwood Lane Great Falls, VA 20066	8	2
07-00539324	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	Outlot A	2
07-00539335	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	1	2
07-00539346	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	2	2
07-00539357	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	3	2
07-00539368	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	4	2
07-00539370	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	5	2
07-00539381	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	6	2
07-00540254	Maryland National Capital Park & Planning Commission	8787 Georgia Avenue Silver Spring, MD 20910	7	1
07-00539563	Community Motors, Inc.	16041 Partnership Road Poolesville, MD 20837-3622	8	1
07-00539745	7809 Wisconsin Avenue Assoc. Ltd. Ptshp. c/o CVS #1831-02 Prop. Tax	1 CVS Drive Woonsocket, RI 02895-6146	16	1
07-00539767	7809 Wisconsin Avenue Assoc. Ltd. Ptshp. c/o CVS #1831-02 Prop. Tax	1 CVS Drive Woonsocket, RI 02895-6146	Pt Outlot A	1
07-00539791	Paul G. Spillane & Jill D. Pascoe	4616 Sleaford Rd. Bethesda, MD 20814	13	3
07-00540345	Kathleen L. McDuffie	4615 Sleaford Rd. Bethesda, MD 20814	1	5
07-00539437	Guy M. Clavel & Martine Combemale	7711 Tilbury St. Bethesda, MD 20814	2	5
07-00540094	Mark Nail	4614 Cheltenham Drive Bethesda, MD 20814	3	5
07-00540664	Kelly D. & K.M. Ouderkirk	4617 Cheltenham Drive Bethesda, MD 20814-3509	1	6

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TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
WOODMONT				
07-00551018	Charles H. Goldberg tr. et al.	9708 Meyer Point Drive Potomac, MD 20854	613	
07-00550936	Boyce L. & M.A. Blackwell	6700 Tulip Hill Terr. Washington, D.C. 20816	Pt 533 & 532	
07-00551257	F&H Limited Partnership c/o Henry A. Bowis	974 Millwood Lane Great Falls, VA 22066	Pt 527, 528, 529	
07-00552638	Thomas W. Perry, Jr.	6 West Melrose Street Chevy Chase, MD 20815	Pt 530, 531, 532	
07-00416405	Manor Inn Bethesda, Inc.	3299 K Street, N.W., #700 Washington, D.C. 20007-4438	N131	HN22
07-00420704	Marcelle C. Steinberg et al tr c/o Steve Steinberg	3538 Raymoor Rd. Kensington, MD 20895	N140	HN22
07-02688378	Bethesda Place Ltd. Ptnshp & Safeway Stores Holding Corp.	5530 Wisconsin Ave., #1000 Chevy Chase, MD 20815	N185	HN22
RABNER'S SUB.				
07-00425193	Margaret G. H. Gilece	1234 Cherry Tree Ln. Annapolis, MD 21403	1	
07-00430510	Montgomery County, EOB	101 Monroe Street Rockville, MD 20850	2	
07-00430510	Montgomery County, EOB	101 Monroe Street Rockville, MD 20850	3, 4, 5, 6	
07-00432096	D. Gay Walde	P.O. Box 719 Glen Echo, MD 20812	7	
CIVIC ASSOCIATIONS & HOMEOWNERS				
41	East Bethesda Citizens Assn. c/o Dean Ahmad, pres.	4323 Rosedale Avenue Bethesda, MD 20814 301-951-0539		
42	East Edgemoor Property Owners Assn. c/o Lawrence Funt/Pres.	4905 Edgemoor Ln Bethesda, MD 20814 301-652-4857		
48	Battery Park Citizens Assn. c/o David Hayzlett/Pres.	8011 Maple Ridge Road Bethesda, MD 20814 301-654-7178		
263	Battery Lane Tenants Assn. c/o Steven Williams	c/o Alden Management Corp. 4858 Battery Lane Bethesda, MD 20814 301-656-1306		
669	Bethesda Coalition c/o Dennis Wood/Pres.	4109 Woodbine Street Chevy Chase, MD 20815 (h) 301-656-8042 (w) 301-951-5546		

TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
717	Spanish Speaking People of Bethesda c/o Pedro Porro/Pres.	5729 Bradley Blvd. Bethesda, MD 20814 (h) 301-320-3761 (o) 202-622-1918		
675	Greater Bethesda-Chevy Chase Coalition c/o Cathie Titus/Co-Chair	8616 Fenway Drive Chevy Chase, MD 20817 301-365-2930		
368	Riviera of Chevy Chase Condo. Assn. Jose Alfonso, President	4242 East-West Hwy. # 819 Chevy Chase, MD 20815 301-657-2211		
708	Old Georgetown Road Coalition Michelle Ratcliffe, President	9302 Jesup Ln. Bethesda, MD 20814 301-530-1449		
	Residents to Preserve East Bethesda c/o Stephen Long	4521 Middleton Lane Bethesda, MD 20814		
	Linda Lyons Art Deco Society	3922 Oliver Street Chevy Chase, MD 20815		
	Robert H. Metz, Esquire	Linowes and Blocher LLP 1010 Wayne Avenue, 10 th Fl. Silver Spring, MD 20910		
	Emily J. Vaias, Esquire	Linowes and Blocher LLP 1010 Wayne Avenue, 10 th Fl. Silver Spring, MD 20910		
	Robert R. Harris, Esquire	Wilkes, Artis, Hedrick & Lane 3 Bethesda Metro Center #800 Bethesda, MD 20814-5329		

Bethesda Theater
7715-7723 Wisconsin Avenue
11/24/99

General Background Information

On May 19, 1938, the theater opened to the public as the Boro Theater, with great fanfare and the showing of "Bluebeard's Eighth Wife". The theater was very soon after renamed the Bethesda Theater. Designed as a movie theater by John Eberson, a New York theater architect, the building was constructed by the David L. Stern Construction Co. of Washington. A supplement to the Bethesda Chevy Chase Tribune published two days prior to the theater opening included advertisements by some of the material suppliers for the building, with many in the Washington area, including Rose Brothers Roofing, Fred S. Gichner Iron Works, Washington Wood Working Company, Edmonds Art Stone and Potomac Electric Power Company. The signature sign was provided by Lou Sherman Sign Corporation of Long Island City, New York. The theater was described as a "triumph in modern theater construction", using the most modern materials and construction techniques and exceeding "the requirements of strict State laws in every detail."

Most of the original building materials of the theater remain intact. On the exterior, the original northernmost retail space and storefront has been removed and the existing north storefront has been altered, but the original south storefront is largely intact including the ornamental aluminum trim and enamel panels at the base. The enamel panels have been painted in imitation of green marble to match the remaining original marble at the theater entrance. The original masonry, metal trim, marquee and other finishes of the Wisconsin Avenue (west) facade, the theater entrance and ticket booth also remain and are in generally good condition. At the secondary west elevation and the north, south and east elevations, the original buff and red brick walls remain, but are in only fair physical condition.

At the interior, the original space configuration and most of the original finishes remain intact. Finishes at the lounges and toilet rooms have been replaced, a new enclosure has been constructed at the rear of the auditorium and a new floor structure with platforms has replaced the original continuously sloped floor of the auditorium. Other than these, and other minor alterations, the interior plaster, wood trim, lighting and portions of the original decorative painting remain.

General Description of the Proposed Project

The proposed project will retain and preserve the Wisconsin Avenue facade and the interior of the Bethesda Theater, while constructing a new apartment building above the theater building with mid-rise apartments and townhouses to the rear. The new eleven floor building above the theater will be set back twenty-five feet from the Wisconsin Avenue elevation and will be supported by two story trusses spanning over the theater. The existing roof and roof trusses of the theater will be removed to allow the installation of the new trusses. The original theater ceiling will be retained and protected during construction and ultimately supported from the new

trusses. The Wisconsin Avenue masonry, ornamental metal, storefronts, ticket booth and marquee will be retained and restored. The ornamental brickwork and cast stone of the parapet will be dismantled and reconstructed in a retaining wall at ground level. Other areas of the brickwork at roof of the south, north and east elevations will be removed to allow installation of the new trusses. At the north and south walls the new support columns will be enclosed in new brick with the original brick exposed and restored between. The entire east elevation will be enclosed within the new construction.

At the interior of the building, the proposed project will preserve the original configuration and finishes of the lobby, lounges, foyer and auditorium. Alterations will be limited to those necessary to install new mechanical, electrical and plumbing systems, install fire detection and suppression systems, and replace toilet and food service facilities. The columns supporting the apartment building trusses will be located at the exterior of the building along the north and south walls with the exception of two columns along the north interior wall and columns at the walls of the retail spaces. Only one of the columns will be in the auditorium space. A new corridor will be constructed along the north wall of the north retail space to provide an egress corridor and stair from the apartment building to Wisconsin Avenue. The new storefront at the north will be configured with two door openings flanking a center show window rather than the original configuration, but detailing will match the original south storefront.

Exterior Preservation Treatment

Remove the existing roof trusses at the auditorium and the upper portion of the masonry walls to allow installation of the new apartment tower support trusses. Protect the interior finishes during construction and until the building is weathertight.

Dismantle the decorative brick and cast stone elements at the west parapet wall and store for reconstruction at the south pedestrian walkway retaining wall.

In order to meet current code requirements and correct extensive termite damage, remove the wood frame roof and floor construction at the west retail areas and replace with non-combustible framing and floor system. The roof framing at the entrance, ticket booth and lobby will remain.

Install new structural columns at the north and south elevations to support the new trusses and apartment building construction.

Clean and point the yellow brick and cast stone of the west and south elevations. Clean and point the portions of the red brick to remain exposed at the north and south elevations.

Raise the elevation of the exterior grade at the north and south elevations to provide at level exiting from the theater.

Clean and repair the existing, original aluminum and glass storefront at the west and south elevations. Replace missing and altered portions of the trim to match the original. Replicate the

original storefront materials and detailing at the north, but modified to add an egress door.

Restore the existing, original ticket booth, entry doors and entrance lobby. Remove the added ceilings and signs and repair existing stone, plaster, metal, and wood details. Replace missing elements to match the original. Repaint to match the original decorative scheme.

Remove, store and reinstall the existing original marquee and sign if necessary. Repair the support structure, sheet metal cladding and lighting to match the original configuration.

Replace the steel exit doors, frames and hardware at the north and south elevations.

Reconstruct the west parapet brick and cast stone to form a retaining wall along the south pedestrian walkway.

Interior Preservation Treatment

Remove the wood ceiling and floor framing at the west retail spaces and replace with non-combustible construction.

Support and protect the theater ceiling during installation of the new support trusses and columns.

Remove the added floor structure, kitchen and service facilities in the theater as necessary to install the new structure for the tower.

Remove all of the existing mechanical, electrical and plumbing systems.

Install new support columns located at the north and south retail spaces and along the north wall of the theater.

Install a new egress stair and exit corridor from the apartment tower at the north retail space.

Install all new plumbing, mechanical and electrical systems.

Preserve the existing plan configuration and finishes of the theater and lobby space to the extent possible with modifications necessary to accommodate new toilet facilities, accessibility, food service and theater operations. The configuration of the theater floor and seating has not yet been determined.

Replicate the original lighting and supplement with compatible new lighting as necessary. Repair the remaining original light fixtures.

Bethesda Theater Residential Project and Materials Description

The Bethesda Theater Project consists of the construction of 258 residential housing units, an underground parking garage for 686 cars, and the restoration of the Bethesda Theater. The residential units are contained in an eleven story tower of 209 units, a four story mid-rise structure of 40 units and nine townhouses. The underground parking garage is divided into a 400 car Montgomery County Parking Facility and a 286 portion serving the residential units. The eleven story residential building has been organized to allow the character of the Theater below to be readily visible. The wing over the Theater is set 25 feet back from the Wisconsin Avenue Theater facade and is carried by a series of two story trusses over the Theater. The wing perpendicular to Wisconsin Avenue carries down to grade and is entered from Middleton Lane.

The residential building primary facade materials are a burnt sienna brick, with variations in tone and light toned aluminum windows with clear glass. The facades feature accents of medium grey ground face masonry. The Wisconsin Avenue facade is centered on the Theater facade, and it contains a vertical feature, accent reveals, and parapet of ground face masonry units. Horizontal banding is achieved with changes in the masonry coursing and/or variation of the grey tone. Windows located at the corners span from floor to floor and turn the corners to create an open appearance. The columns carrying the trusses that support the residential building are clad in the same brick as the building above on the south facing facade. There are balconies on the south wall on floors 3 and 4, where the trusses are located, with open aluminum picket-type railings. Projected floor to ceiling windows occur at the living rooms of the units on the upper floors of the south facade. The north facade over the Theater has the same projected windows on the upper floors as the south facade, and there are no balconies on the lower floors. The columns supporting the trusses and the trusses themselves are clad in the same brick as the body of the building. The east facade facing Tilbury Street and the portion of the south facade on Middleton Lane continue with the same materials and features. The majority of the units with balconies occur at these two locations. There are also setbacks at the 8th floor on the south and the 11th floor of the east.

MEMORANDUM

TO: Perry Kephart
Historic Preservation Division

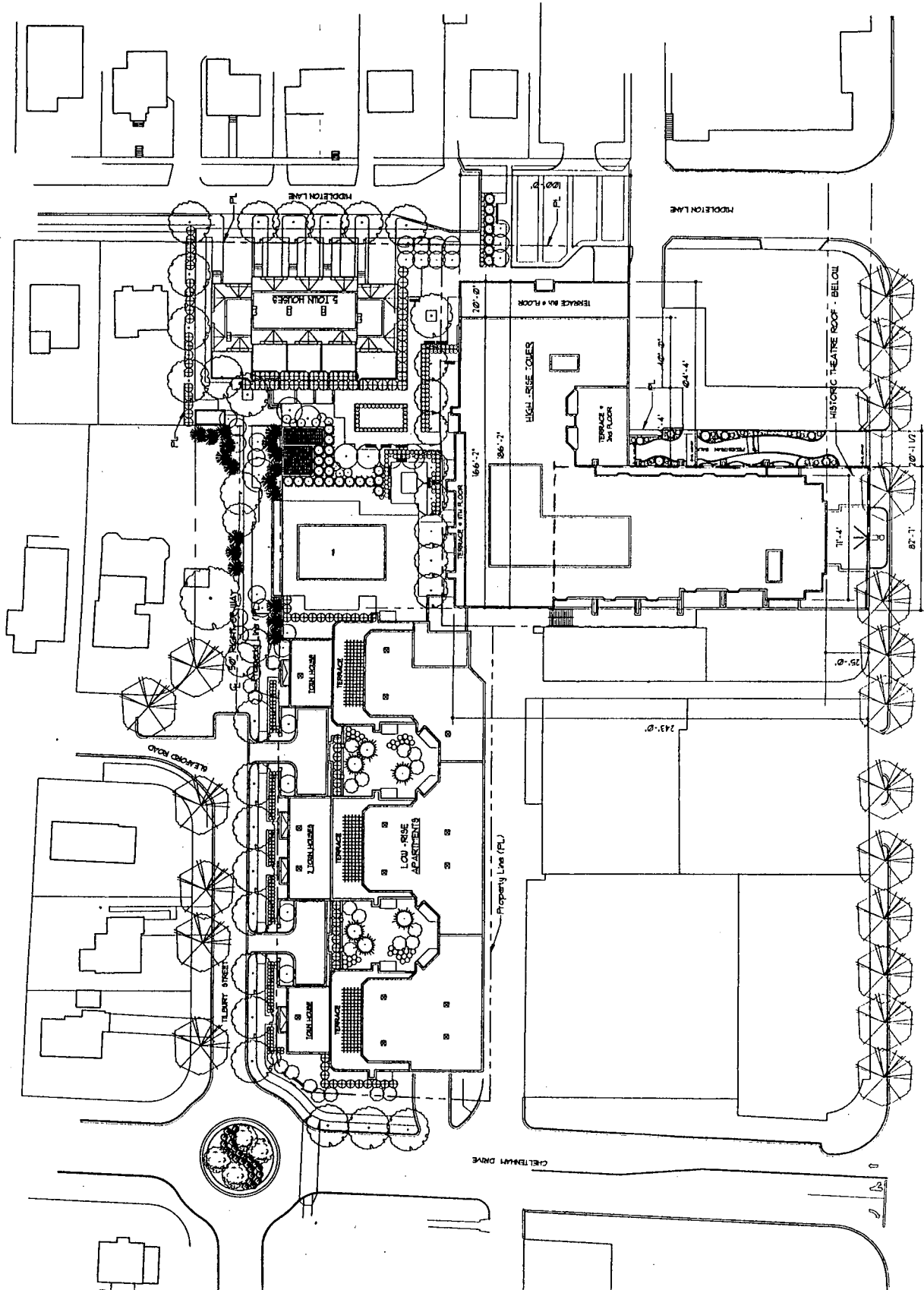
FROM: *rwz* Robin Ziek
Historic Preservation Division

SUBJECT: Bethesda Theatre/Cafe Residential Development

DATE: July 21, 1997

I have reviewed the Preliminary Plan with the comments from the HPC in mind. The HPC met on June 11, 1997 and discussed this project with the applicant in a Preliminary Consultation. At that time, there was a general consensus that the proposal would provide an amenity to the community, in terms of the long-term preservation of the interior of the theatre as well as the exterior. However, there were some concerns:

1. The HPC split on the proposed 20' setback. 1/3 of the commissioners had no problem with this. The other 2/3s wanted to see a greater setback, although no number was specified.
2. The design of the elevations was too repetitious and generic. The HPC hoped for a more imaginative design, with varying use of balconies. They did not want to see attached balconies which are reminiscent of highway motels.
3. The HPC was also split on the proposed residing of the alley side of the theatre. Several of the commissioners felt strongly that the alley facade was also important to the theatre design, establishing, as it were, a hierarchy of the primary importance of the facade, and the secondary importance of the alley.



SITE PLAN
 11/24/99
 970124
 Scheme

Scale: 1/8" = 1'-0"
 0 15 30 45

7791 Wisconsin Avenue
 Bethesda, MD 20814

Bethesda Theatre Residential

SILVER ASSOCIATES, P.A.
 1100 Connecticut Ave
 Washington, DC 20036

SK&A
 1100 Connecticut Ave
 Washington, DC 20036

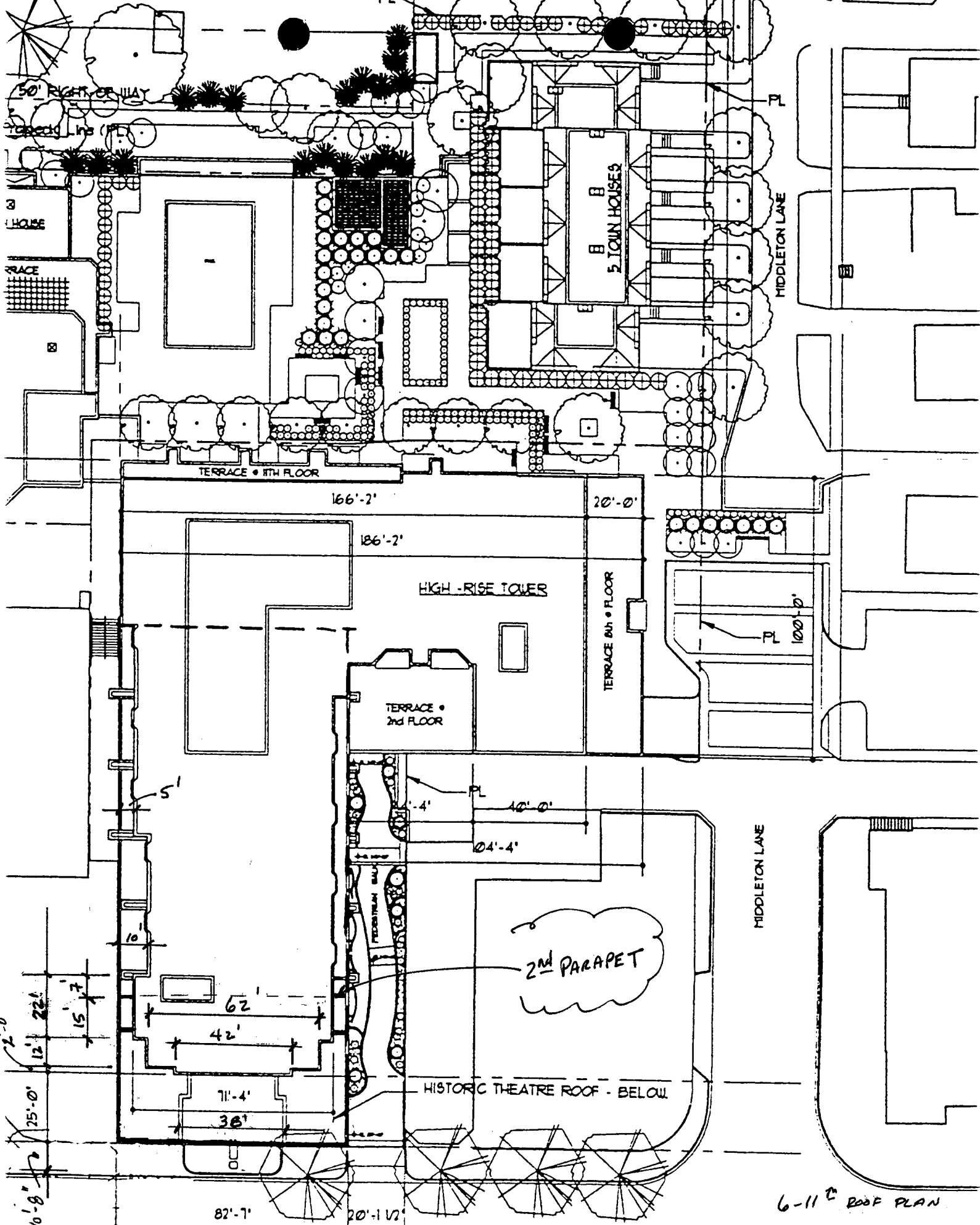
GERHLEN & ASSOCIATES ARCHITECTS
 1100 Connecticut Ave
 Washington, DC 20036

E. H. SMITH ASSOCIATES
 1100 Connecticut Ave
 Washington, DC 20036

A1

17

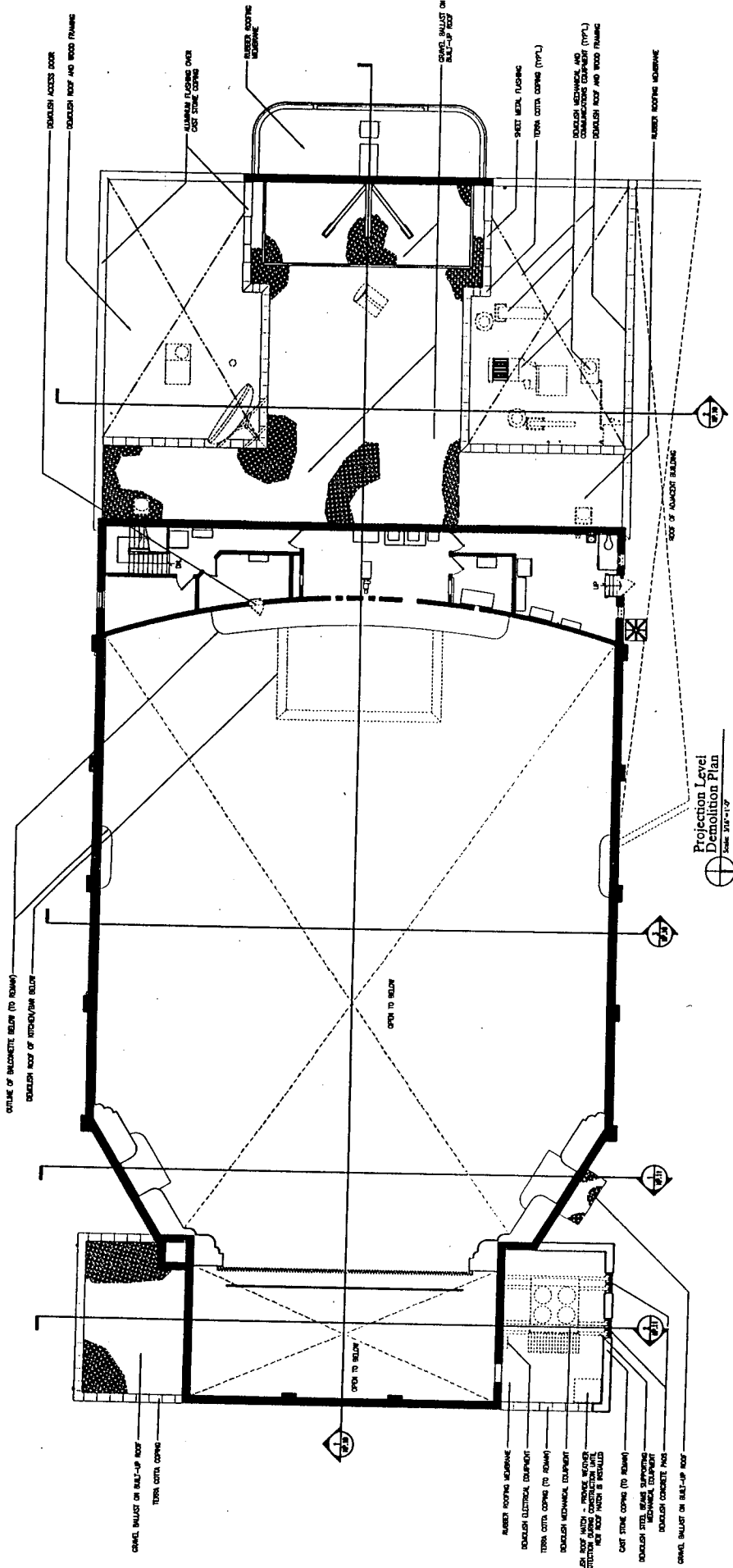
Exhibit "B"



WISCONSIN AVENUE
STORE | THEATER MAIDUEE | STORE

SETBACKS

6-11th FLOOR PLAN



Projection Level
Demolition Plan
Scale: 1/8" = 1'-0"

Projection Level
Demolition Plan
2

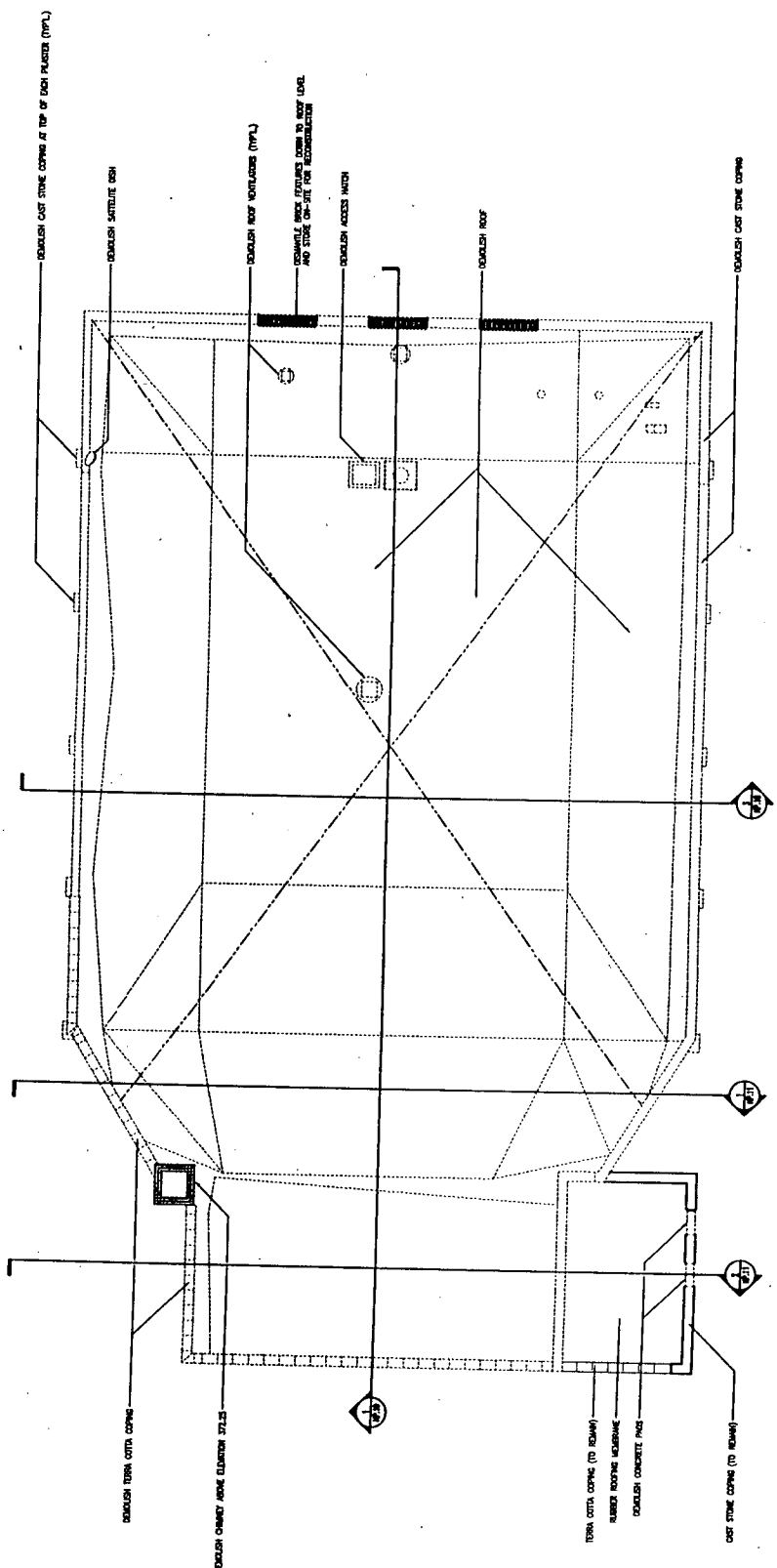
Bethesda Theatre
7793 Wilcocks Avenue
Bethesda, MD 20814

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Arlington, VA 22209
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THE ARCHITECT GROUP
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Fax: 703-261-1112



Roof Demolition Plan
Scale: 1/8" = 1'-0"

WDG ARCHITECTS
 1101 WILCOXVILLE AVENUE
 BETHESDA, MD 20814
 PHONE: 301-414-1101

CLIENT'S ARCHITECT
 1101 WILCOXVILLE AVENUE
 BETHESDA, MD 20814
 PHONE: 301-414-1101

DATE
 11/11/88

SCALE
 1/8" = 1'-0"

PROJECT
 ROOF DEMOLITION

NO. OF SHEETS
 3

SHEET NO.
 3

DATE
 11/11/88

BY
 [Signature]

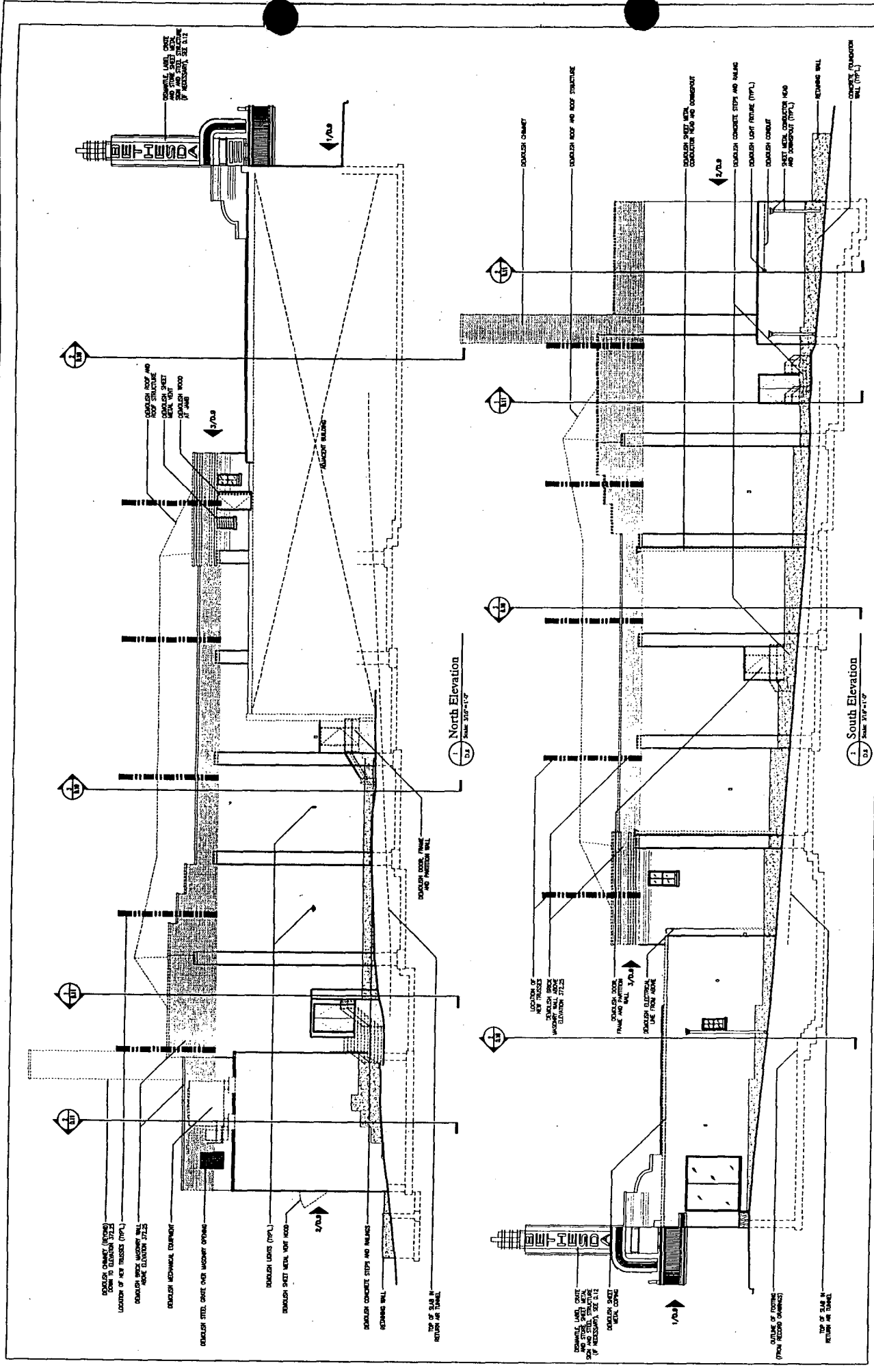
CHECKED BY
 [Signature]

Bethesda Theatre

Roof Demolition Plan

1101 WILCOXVILLE AVENUE
 BETHESDA, MD 20814

3



Bethesda Theatre

Building Elevations

1795 Wisconsin Avenue
Bethesda, MD 20814

Scale: 1/8" = 1'-0"

Sheet No. 4

DATE: 10/1/78

DRAWN BY: [Name]

CHECKED BY: [Name]

DESIGNED BY: [Name]

PROJECT NO. [Number]

OWNER: [Name]

ARCHITECT: [Name]

1795 Wisconsin Avenue
Bethesda, MD 20814

Scale: 1/8" = 1'-0"

Sheet No. 4

DATE: 10/1/78

DRAWN BY: [Name]

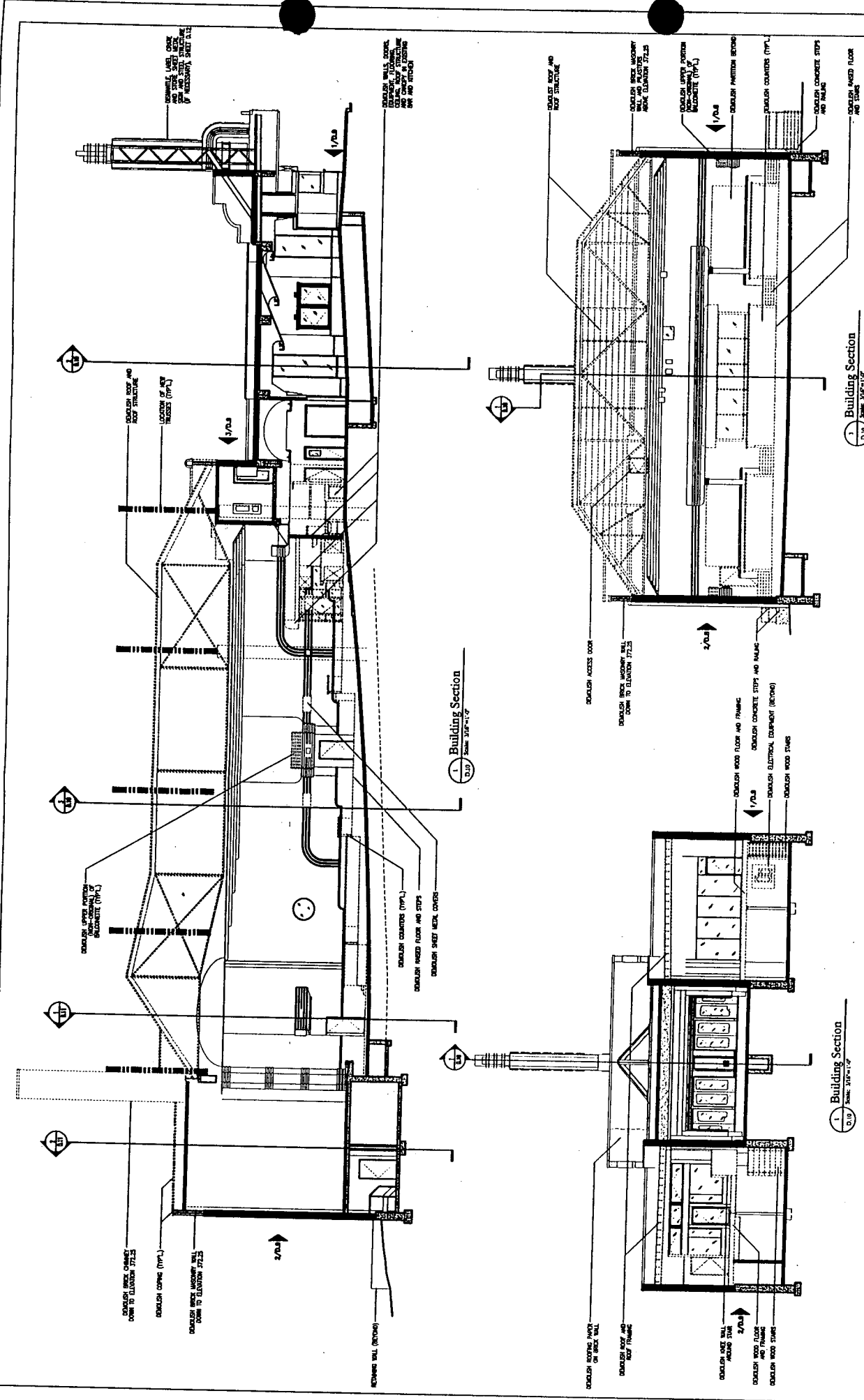
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DESIGNED BY: [Name]

PROJECT NO. [Number]

OWNER: [Name]

ARCHITECT: [Name]



1 Building Section
Scale: 3/8"=1'-0"

1 Building Section
Scale: 3/8"=1'-0"

1.1 Building Section
Scale: 3/8"=1'-0"

WDC ARCHITECTS
1100 K STREET, N.W.
WASHINGTON, D.C. 20004

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SKLA
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WASHINGTON, D.C. 20004

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WASHINGTON, D.C. 20004

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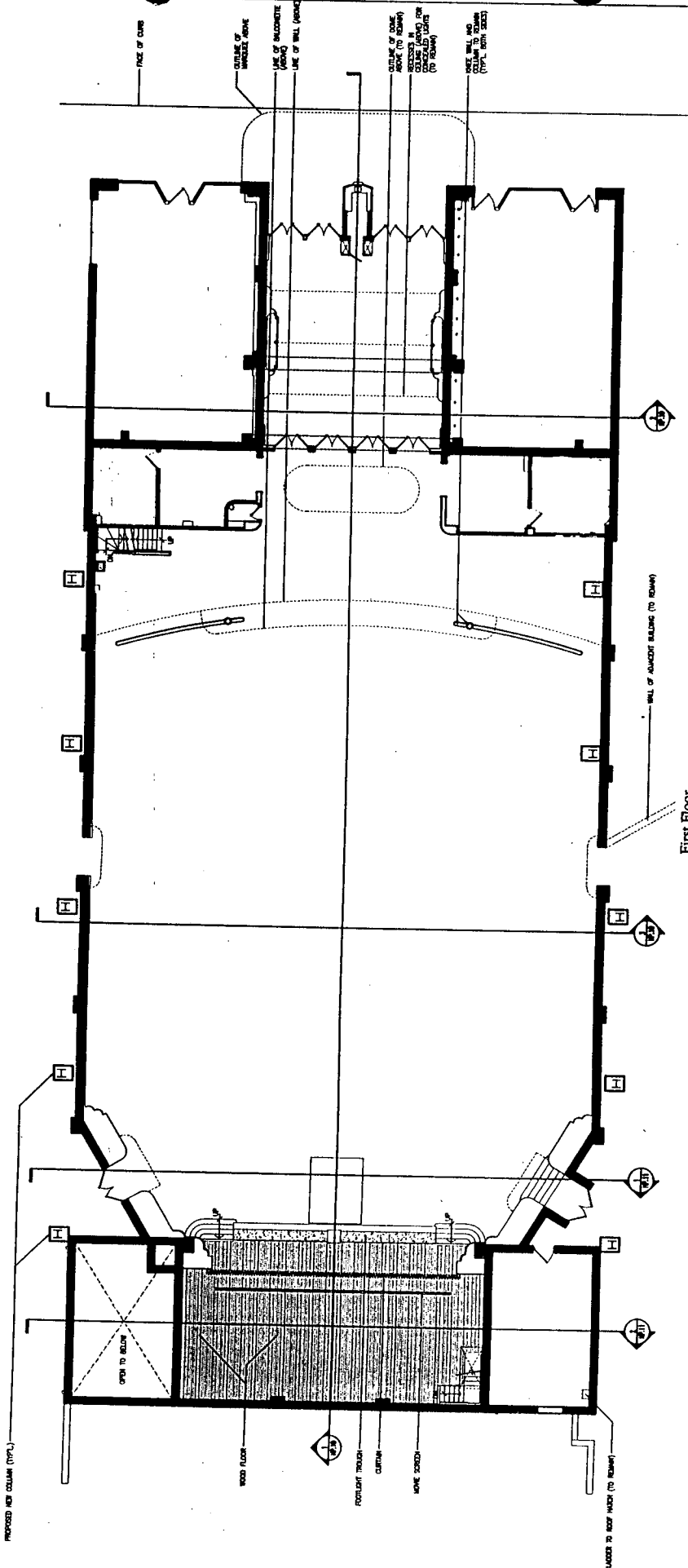
SKLA ARCHITECTS, P.A.
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Bethesda Theatre
7700 BETHESDA AVENUE
BETHESDA, MD 20814

Building Sections
12 December, 1998
Scale: 3/8"=1'-0"
D.W. SKANE 3/8"=1'-0"

6



First Floor Demolition Plan
 SCALE: 1/8" = 1'-0"

WDG ARCHITECTS
 1721 WILCOXVILLE AVENUE
 BETHESDA, MD 20814
 TEL: 301-279-1100

OWNER & ARCHITECTS ASSOCIATES
 S.E.A.
 1721 WILCOXVILLE AVENUE
 BETHESDA, MD 20814
 TEL: 301-279-1100

PLANNING ASSOCIATES, P.A.
 1721 WILCOXVILLE AVENUE
 BETHESDA, MD 20814
 TEL: 301-279-1100

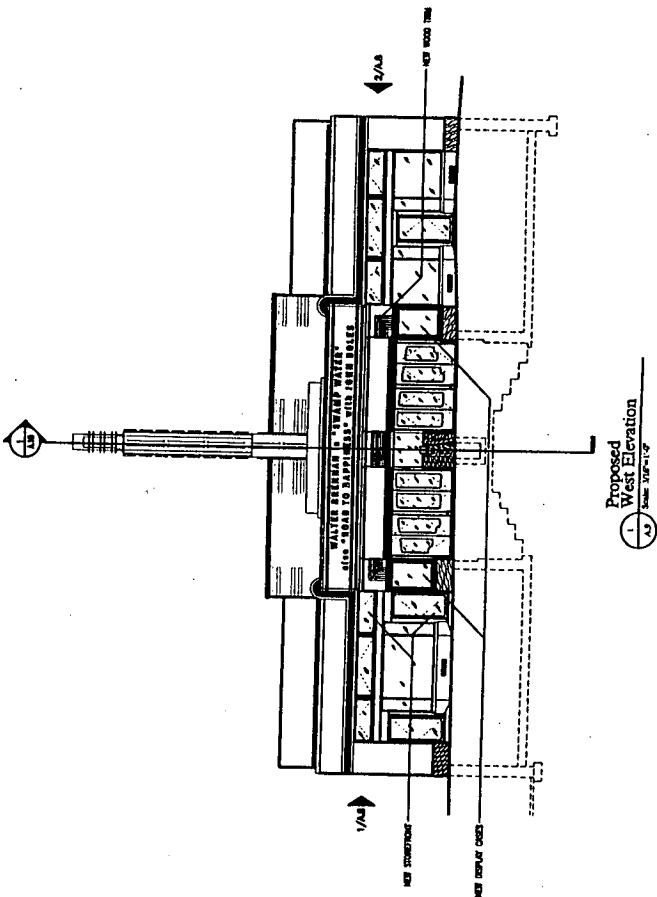
YEA, INCORPORATED
 1721 WILCOXVILLE AVENUE
 BETHESDA, MD 20814
 TEL: 301-279-1100

DATE: 10/1/88
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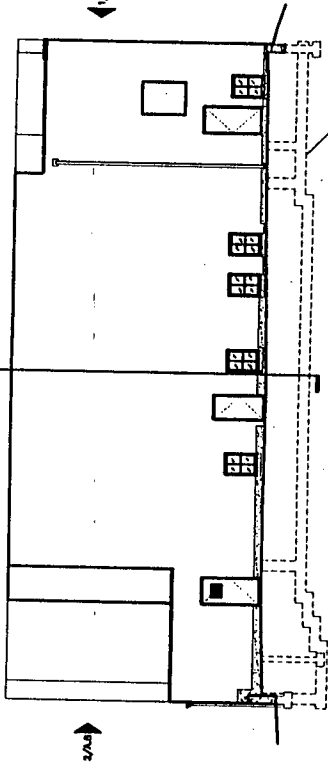
Bethesda Theatre

1721 WILCOXVILLE AVENUE
 BETHESDA, MD 20814

Proposed First Floor Plan
 24 November 1988
 Drawing No. 7



Proposed West Elevation
1 AS
SEEING TOP VIEW



East Elevation
1 AS
SEEING TOP VIEW

DASHES OF EXTERIOR FROM EXISTING DRAWINGS

WDG ARCHITECTS
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TEL: 301-279-1111
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LENN KALLS, COUNTY
LENN KALLS, COUNTY
LENN KALLS, COUNTY
LENN KALLS, COUNTY

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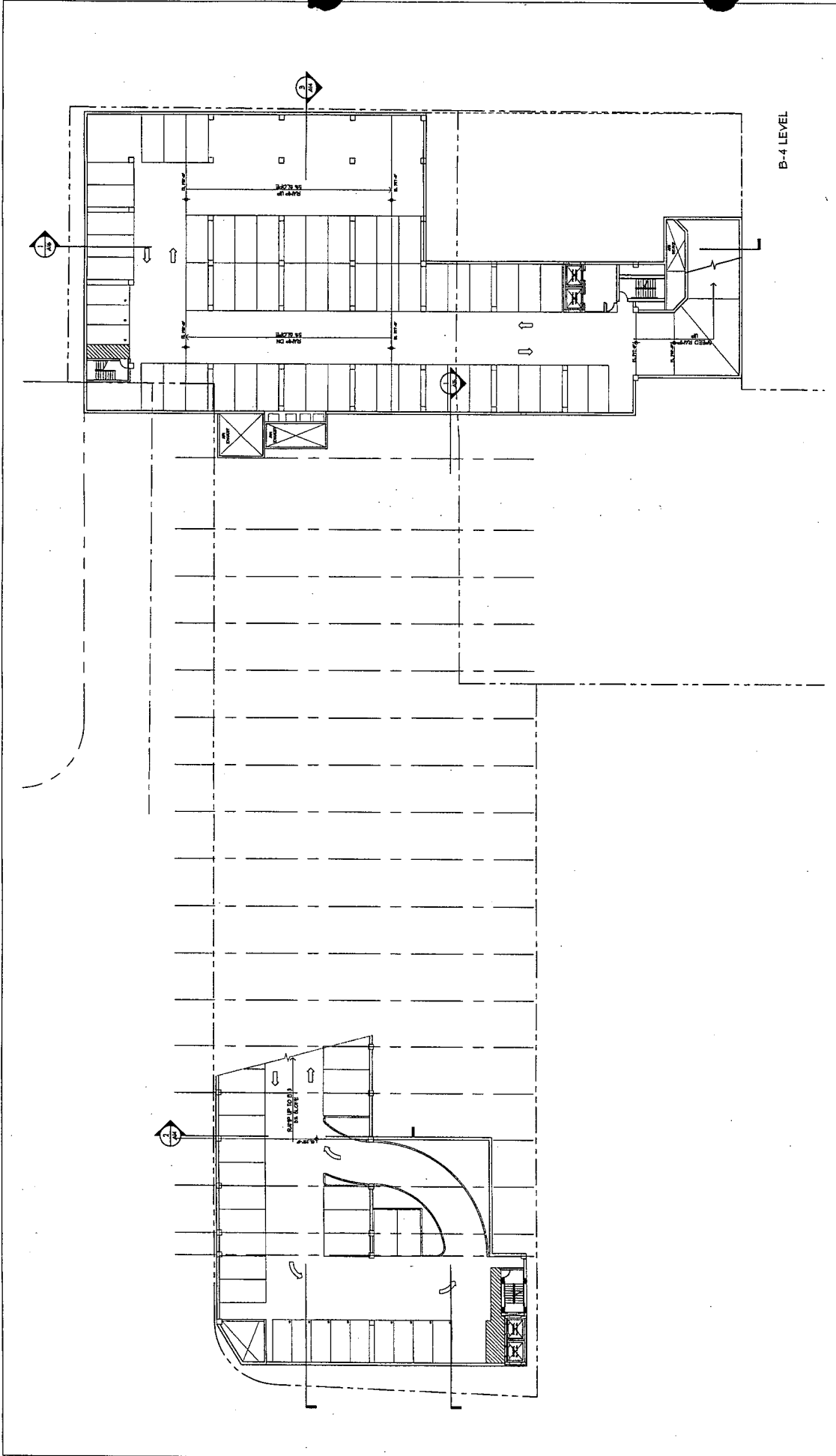
Building Elevations

8



Bethesda Theatre

1775 W. BROADWAY, SUITE 100
BETHESDA, MD 20814



B-4 LEVEL



Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

A2

VIVA, INCORPORATED
Architects
1000 Wisconsin Ave.
Bethesda, MD 20814

SILVER ASSOCIATES, P.A.
Architects
1000 Wisconsin Ave.
Bethesda, MD 20814

SKGA
Architects
400 Wisconsin Ave.
Bethesda, MD 20814

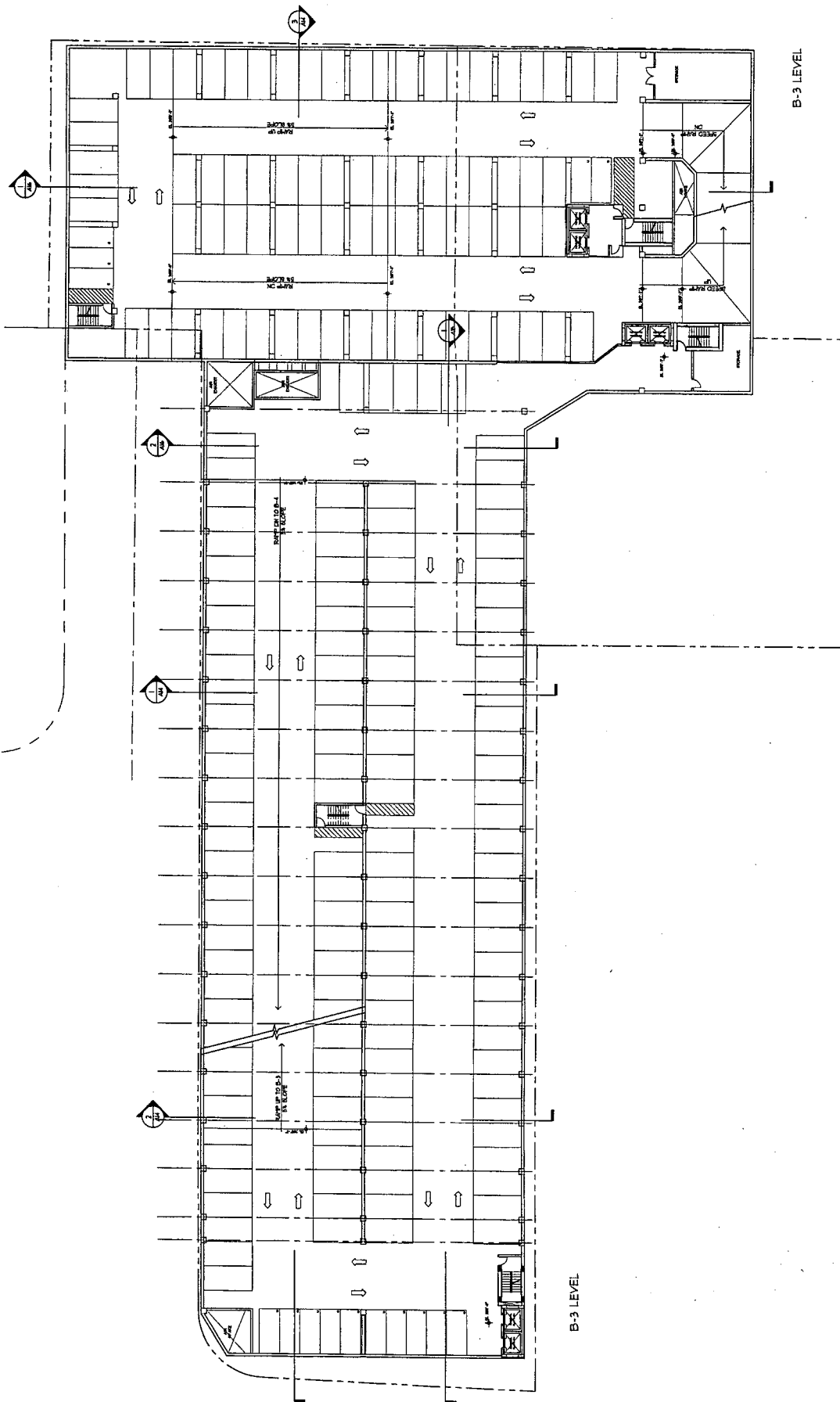
CHARLEN & ASSOCIATES ARCHITECTS
Architects
1000 Wisconsin Ave.
Bethesda, MD 20814

LEWIS SCULLY GORNET
Architects
1000 Wisconsin Ave.
Bethesda, MD 20814

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THE BRILLIANT GROUP
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E. M. SMITH ASSOCIATES
 E. M. Smith Associates
 1000 Wisconsin Avenue, N.W.
 Washington, D.C. 20007
 Phone: (202) 331-0339, Fax: (202) 331-0338

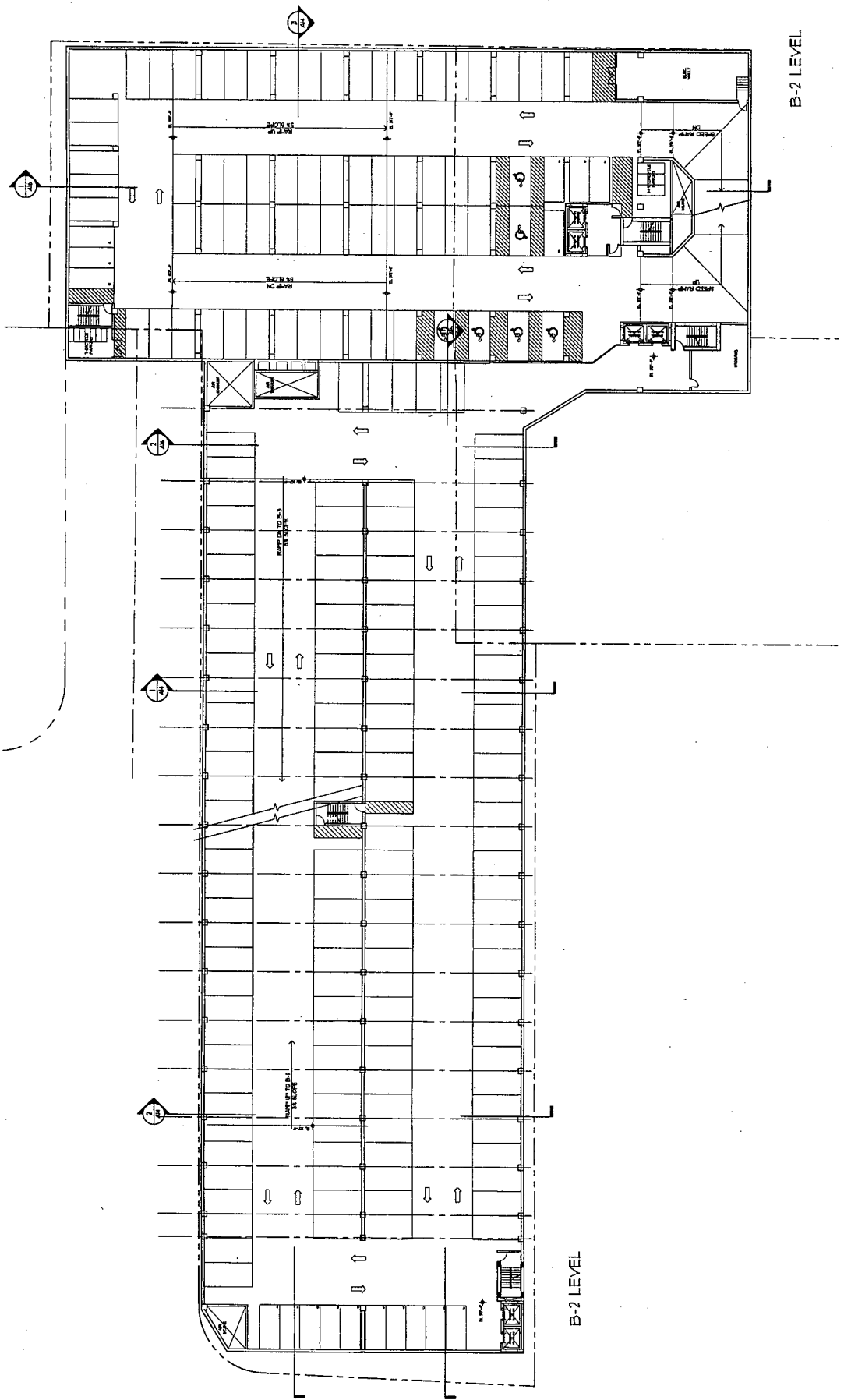
Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, MD 20814

B-3 LEVEL

Scale: 1/16" = 1'-0"

Sheet: A3



WDC ARCHITECTS
 1100 15th St, N.W.
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 (202) 462-1000

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 (202) 462-1000

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 Washington, D.C. 20004
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SEA
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 (202) 462-1000

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 Washington, D.C. 20004
 (202) 462-1000

VTKA, INCORPORATED
 1000 15th St, N.W.
 Washington, D.C. 20004
 (202) 462-1000

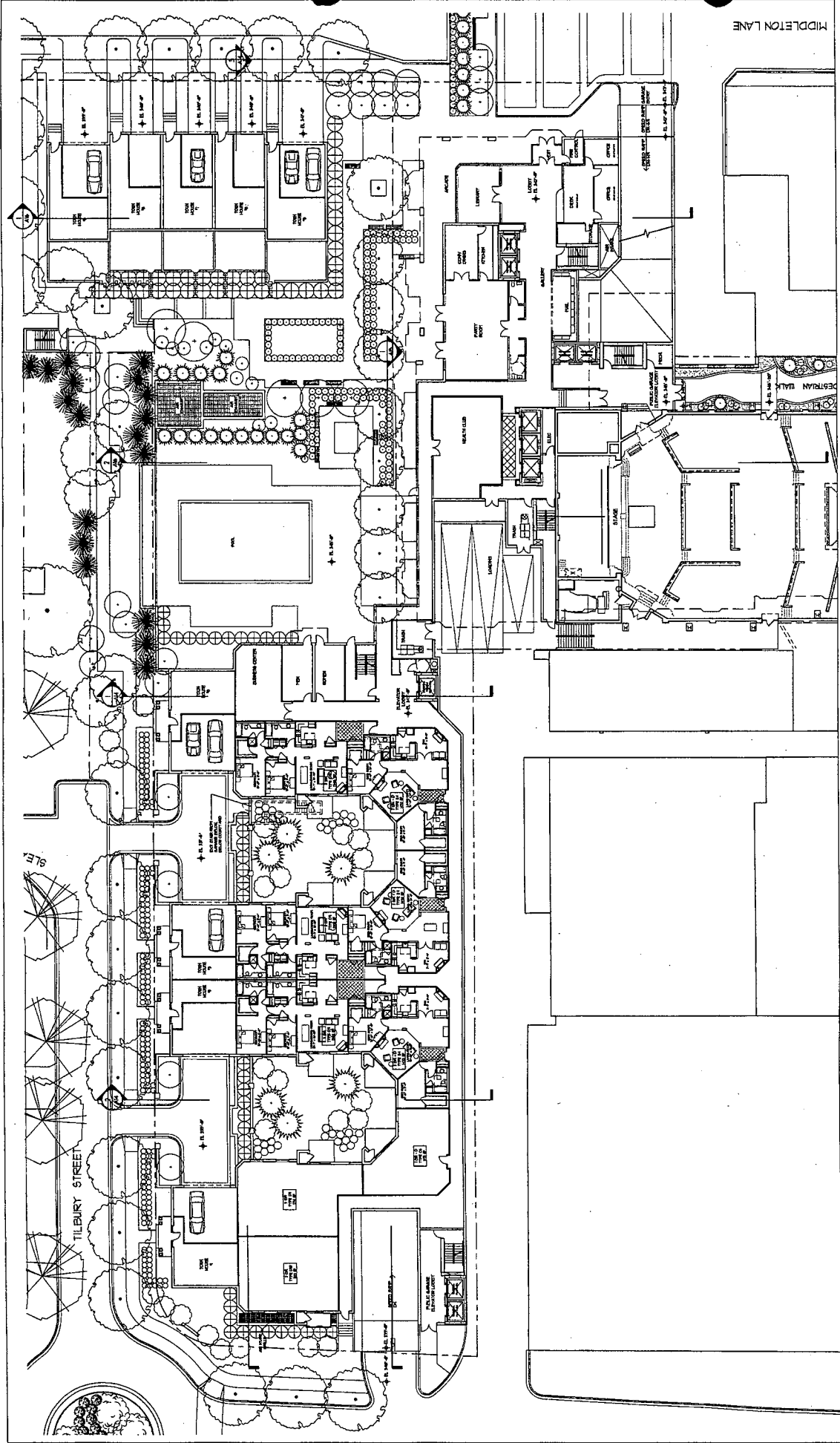
THE BOZEMO GROUP
 1000 15th St, N.W.
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 (202) 462-1000

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 1000 15th St, N.W.
 Washington, D.C. 20004
 (202) 462-1000

Bethesda Theatre Residential
 7791 Wisconsin Avenue
 Bethesda, MD 20814

B-2 LEVEL
 1000 15th St, N.W.
 Washington, D.C. 20004
 (202) 462-1000

A4



1ST FLOOR PLAN
TOWER/L-RISE
11.20.1999
ARCHITECT
SCALE



Bethesda Theatre Residential

7793 WILCOXVILLE AVENUE
BETHESDA, MD 20814

Scale 1/8" = 1'-0"

11.20.1999

ARCHITECT

SCALE

11.20.1999

ARCHITECT

SCALE

11.20.1999

ARCHITECT

SCALE

11.20.1999

ARCHITECT

SCALE

11.20.1999

ARCHITECT

SCALE

11.20.1999

ARCHITECT

SCALE

11.20.1999

ARCHITECT

SCALE

11.20.1999

ARCHITECT

WDG ARCHITECTS
A L C N A I C
INTERIOR DESIGN
WASHINGTON, DC

LENN SCALY CORP
ARCHITECTS
WASHINGTON, DC

OSCAR
COUNTY DESIGN
WASHINGTON, DC

OSCAR
COUNTY DESIGN
WASHINGTON, DC

OSCAR
COUNTY DESIGN
WASHINGTON, DC

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WASHINGTON, DC

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COUNTY DESIGN
WASHINGTON, DC

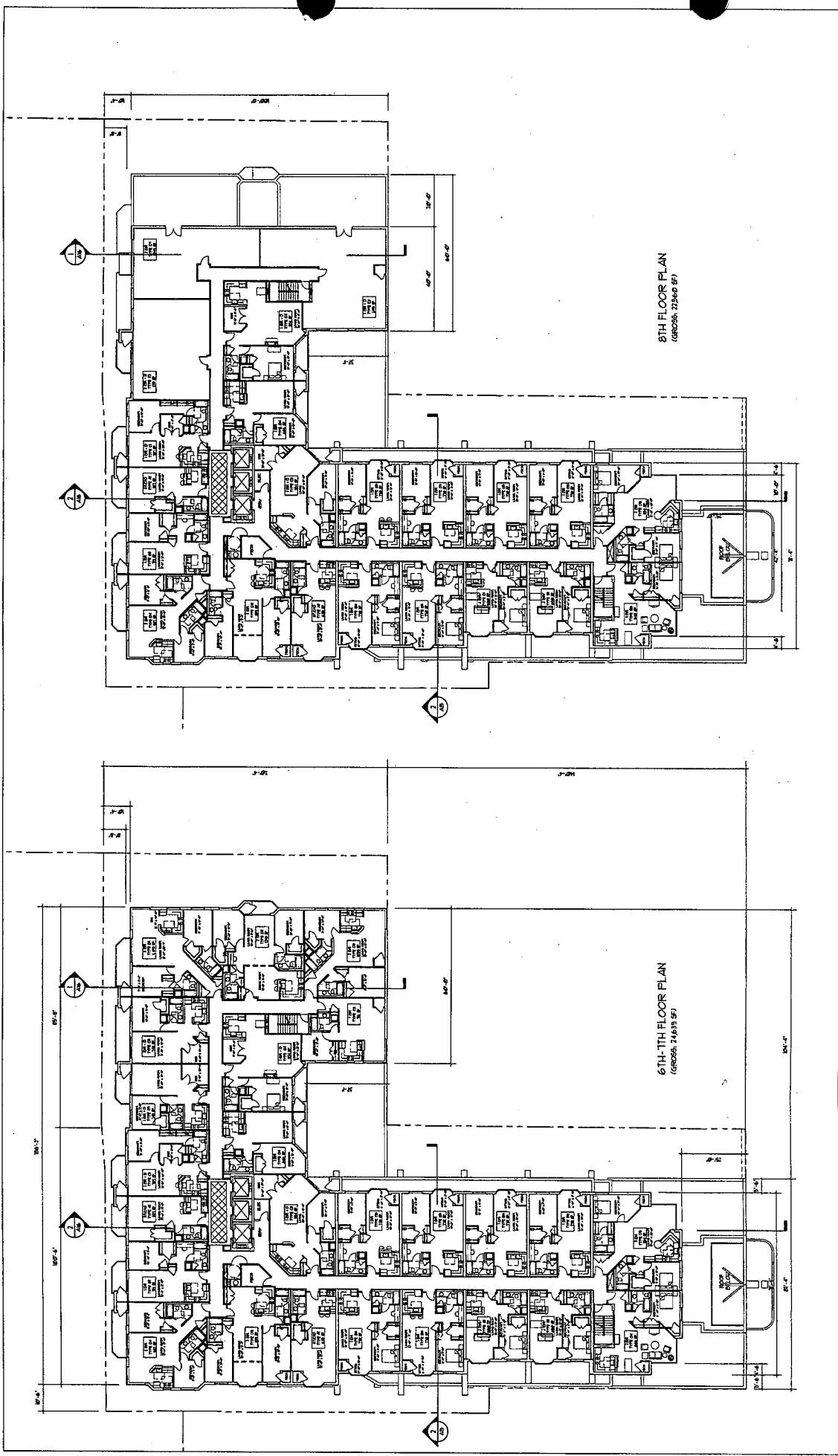
OSCAR
COUNTY DESIGN
WASHINGTON, DC

OSCAR
COUNTY DESIGN
WASHINGTON, DC

OSCAR
COUNTY DESIGN
WASHINGTON, DC

OSCAR
COUNTY DESIGN
WASHINGTON, DC

OSCAR
COUNTY DESIGN
WASHINGTON, DC



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 Washington, D.C. 20036

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SKA
 CONSULTANTS
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 Washington, D.C. 20036

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 ARCHITECTS
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 Washington, D.C. 20036

VINCA, INCORPORATED
 ARCHITECTS
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 Washington, D.C. 20036

The Buzzard Group
 ARCHITECTS
 1000 17th St. N.W.
 Washington, D.C. 20036

E. H. SMITH ASSOCIATES
 ARCHITECTS
 1000 17th St. N.W.
 Washington, D.C. 20036

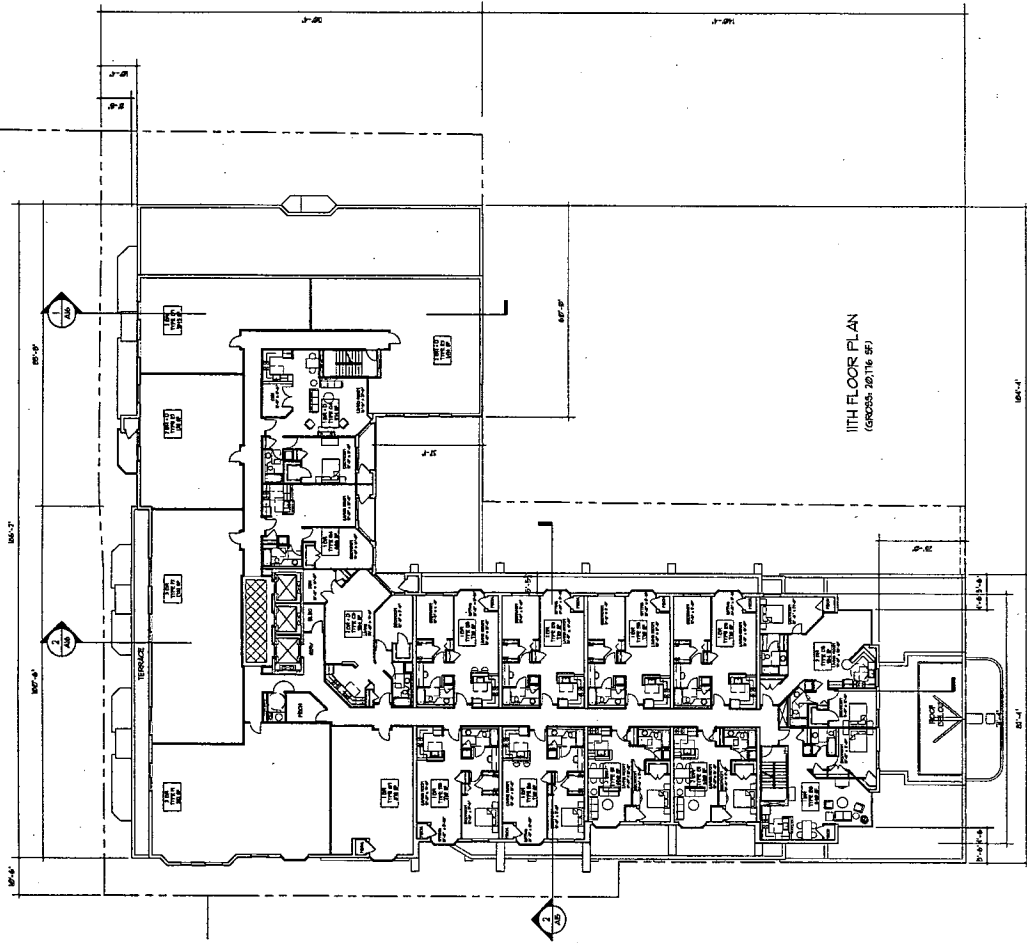
7791 Wisconsin Avenue
 Bethesda, MD 20814

6TH-8TH FLOOR PLANS - TOWER

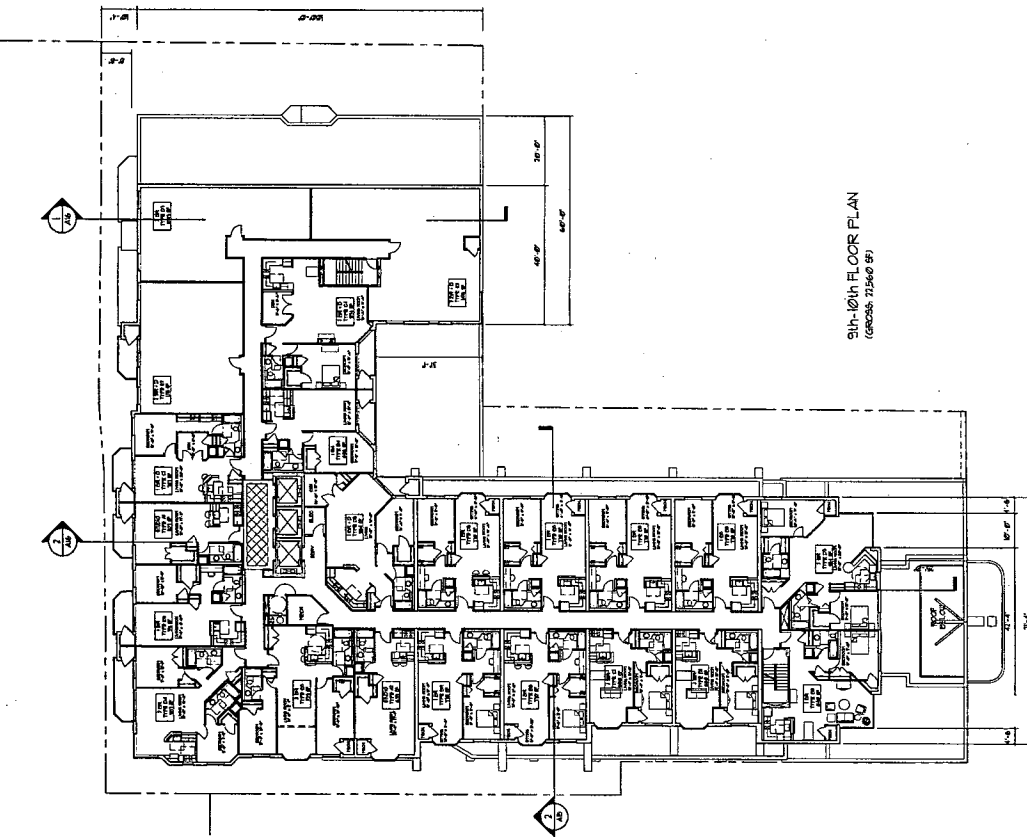
11.03.2009
 9702244
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A9

35



11TH FLOOR PLAN
(GROSS: 260,176 SF)



10th FLOOR PLAN
(GROSS: 215,609 SF)

WDG ARCHITECTS
P.L.L.C.
1100 WISCONSIA AVENUE
BETHESDA, MD 20814
TEL: 301-251-1100
WWW.WDGA.COM

9TH-11TH FLOOR PLANS - TOWER A10
11.20.09
9/27/04
Scale: 1/8" = 1'-0"

Bethesda Theatre Residential
7791 Wisconsin Avenue
Bethesda, MD 20814

ORSHAN & ASSOCIATES ARCHITECTS
1000 WISCONSIA AVENUE
BETHESDA, MD 20814
TEL: 301-251-1100

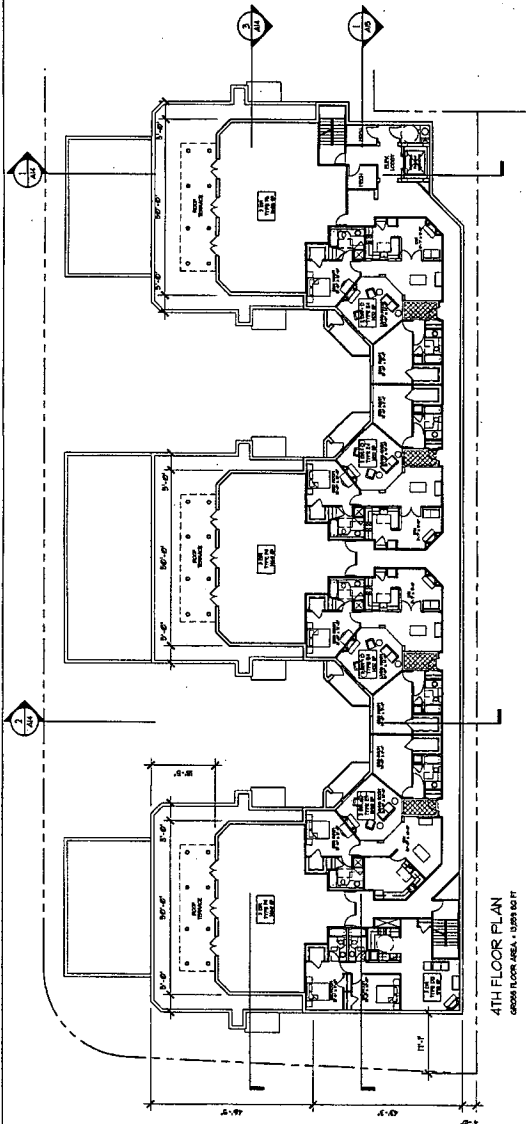
SHAW ASSOCIATES, P.A.
1000 WISCONSIA AVENUE
BETHESDA, MD 20814
TEL: 301-251-1100

VEKA, INCORPORATED
1000 WISCONSIA AVENUE
BETHESDA, MD 20814
TEL: 301-251-1100

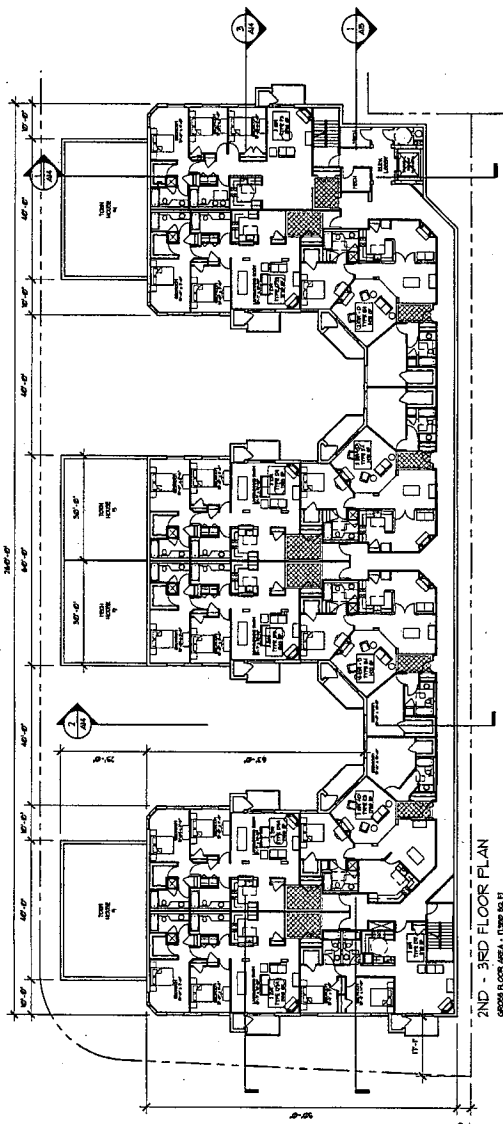
LEWIS SCULLY GORMY
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TEL: 301-251-1100

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BETHESDA, MD 20814
TEL: 301-251-1100

E. H. SMITH ASSOCIATES
1000 WISCONSIA AVENUE
BETHESDA, MD 20814
TEL: 301-251-1100



4TH FLOOR PLAN
GROSS FLOOR AREA - 13,293 SQ. FT.



2ND - 3RD FLOOR PLAN
GROSS FLOOR AREA - 13,293 SQ. FT.

2ND-4TH FLOOR
PLANS - L-RISE
13.28.99
P70204
Scale: 1/8" = 1'-0"
Sheet

A12

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

WICA, INCORPORATED
1000 W. 15th St.
Bethesda, MD 20814

SUPER ASSOCIATES, P.A.
1000 W. 15th St.
Bethesda, MD 20814

SMA
1000 W. 15th St.
Bethesda, MD 20814

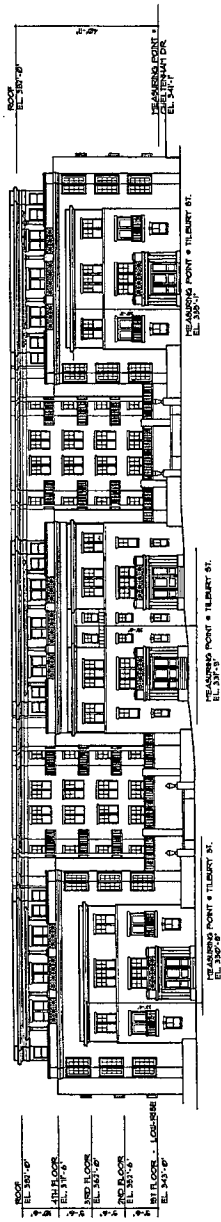
DEWILDE & ASSOCIATES ARCHITECTS
1000 W. 15th St.
Bethesda, MD 20814

LEWIS SCULLY GRIFFIN
1000 W. 15th St.
Bethesda, MD 20814

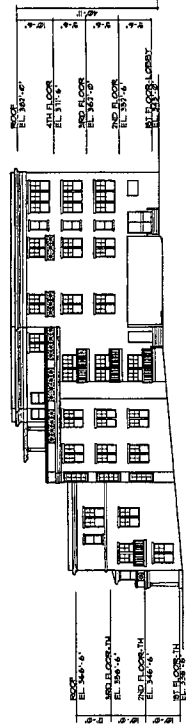
WDG
1000 W. 15th St.
Bethesda, MD 20814

E. M. SMITH ASSOCIATES
1000 W. 15th St.
Bethesda, MD 20814

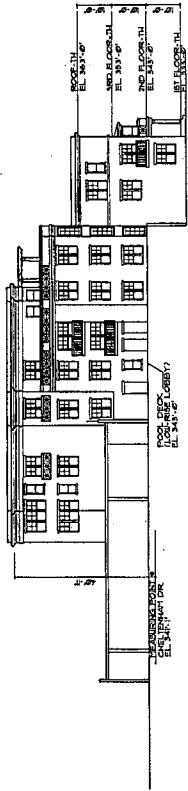
THE RIZZUTO GROUP
1000 W. 15th St.
Bethesda, MD 20814



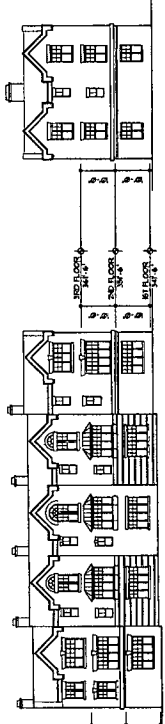
1 WEST ELEVATION -
LOW-RISE APARTMENTS



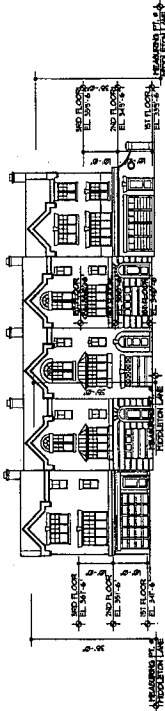
2 NORTH ELEVATION -
LOW-RISE APARTMENTS



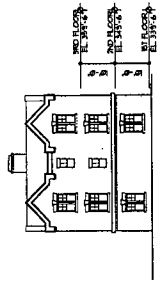
3 SOUTH ELEVATION -
LOW-RISE APARTMENTS



4 NORTH ELEVATION -
MIDDLETON TOWNHOUSES



6 SOUTH ELEVATION -
MIDDLETON TOWNHOUSES



7 EAST ELEVATION -
MIDDLETON TOWNHOUSES

WDG ARCHITECTIVE & INTERIOR DESIGN
11231 WYOMING AVE. SUITE 100
BETHESDA, MD 20814
TEL: 301-291-1000
WWW.WDGA.COM

LEWIS SULLY GORNEY
11231 WYOMING AVE. SUITE 100
BETHESDA, MD 20814
TEL: 301-291-1000
WWW.LSGARCHITECTS.COM

OSHELM & ASSOCIATES ARCHITECTS
11231 WYOMING AVE. SUITE 100
BETHESDA, MD 20814
TEL: 301-291-1000
WWW.OSAARCHITECTS.COM

SAVITZ ASSOCIATES, P.A.
11231 WYOMING AVE. SUITE 100
BETHESDA, MD 20814
TEL: 301-291-1000
WWW.SAVITZASSOCIATES.COM

VIKA, INCORPORATED
11231 WYOMING AVE. SUITE 100
BETHESDA, MD 20814
TEL: 301-291-1000
WWW.VIKAINC.COM

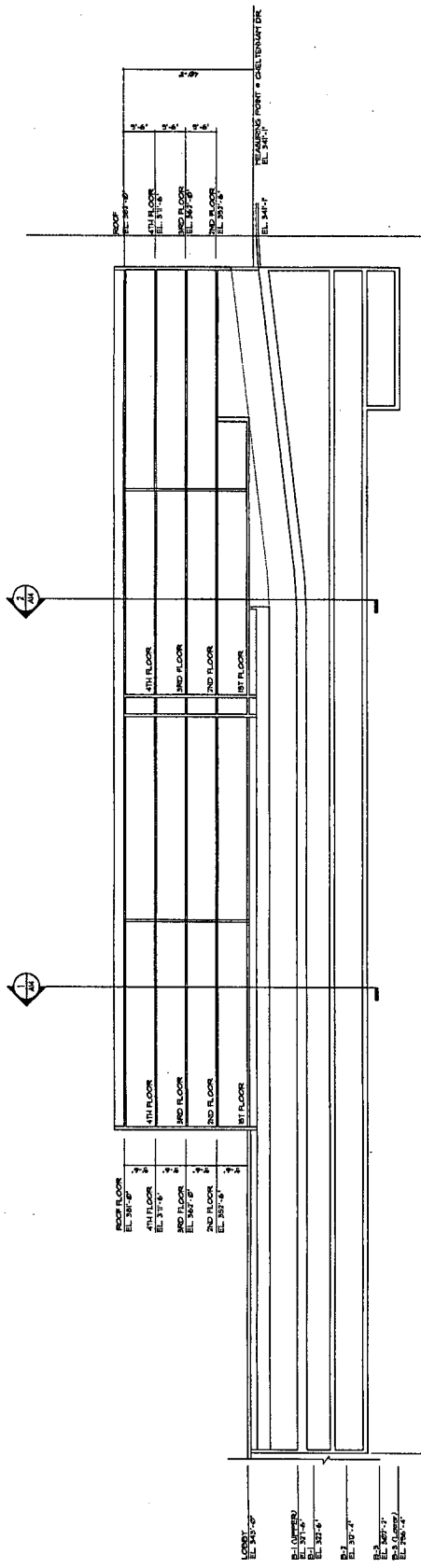
E. M. SMITH ASSOCIATES
11231 WYOMING AVE. SUITE 100
BETHESDA, MD 20814
TEL: 301-291-1000
WWW.EMSMITHASSOCIATES.COM

THE BOZZUTO GROUP
11231 WYOMING AVE. SUITE 100
BETHESDA, MD 20814
TEL: 301-291-1000
WWW.BGARCHITECTS.COM

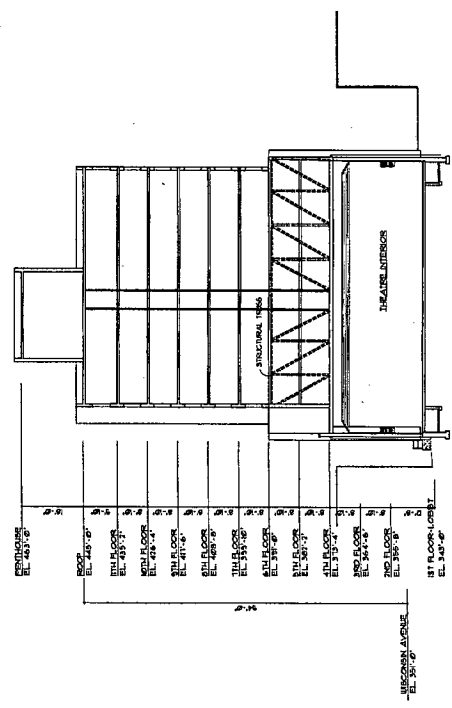
Bethesda Theatre Residential
7793 WILCOXVILLE AVENUE
BETHESDA, MD 20814

11231 WYOMING AVE. SUITE 100
BETHESDA, MD 20814
Scale: 1/8" = 1'-0"

BIDG ELEVATIONS
L-RISE/TOWNHOUSES
A13



SECTION PUBLIC GARAGE + LOW-RISE RESIDENTIAL



SECTION 2 THEATRE AND TOWER

BIDG SECTIONS
1/21/99
5/12/00
Scale: 1/8" = 1'-0"
A15

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

WICK, INCORPORATED
1400 GOLF RD
BETHESDA, MD 20814

SILVER ASSOCIATES, P.A.
1400 GOLF RD
BETHESDA, MD 20814

S&A
1400 GOLF RD
BETHESDA, MD 20814

OSWALD & ASSOCIATES ARCHITECTS
1400 GOLF RD
BETHESDA, MD 20814

LEWIS SCULLY GRINET
1400 GOLF RD
BETHESDA, MD 20814

E. M. SMITH ASSOCIATES
401 WOODBINE
BETHESDA, MD 20814

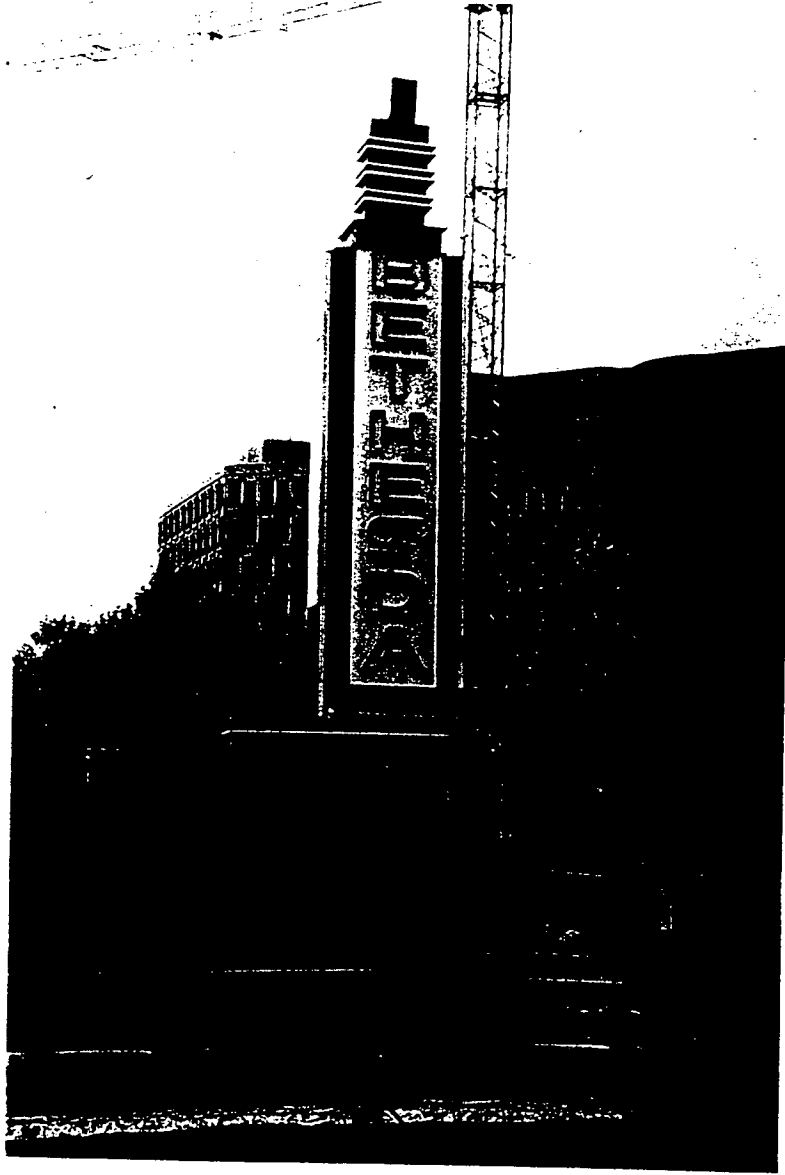
THE BOZZUTO GROUP
401 WOODBINE
BETHESDA, MD 20814



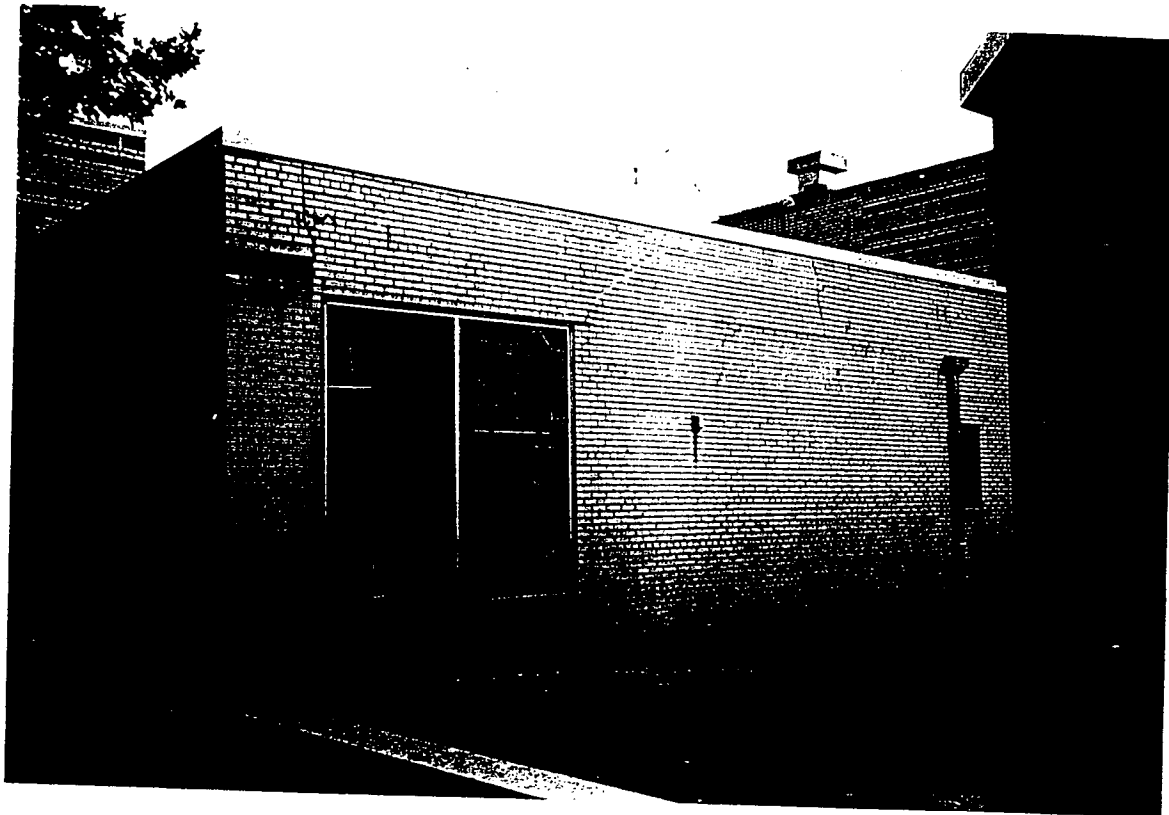
Wisconsin Ave (west) marquee, ticket booth + storefront.



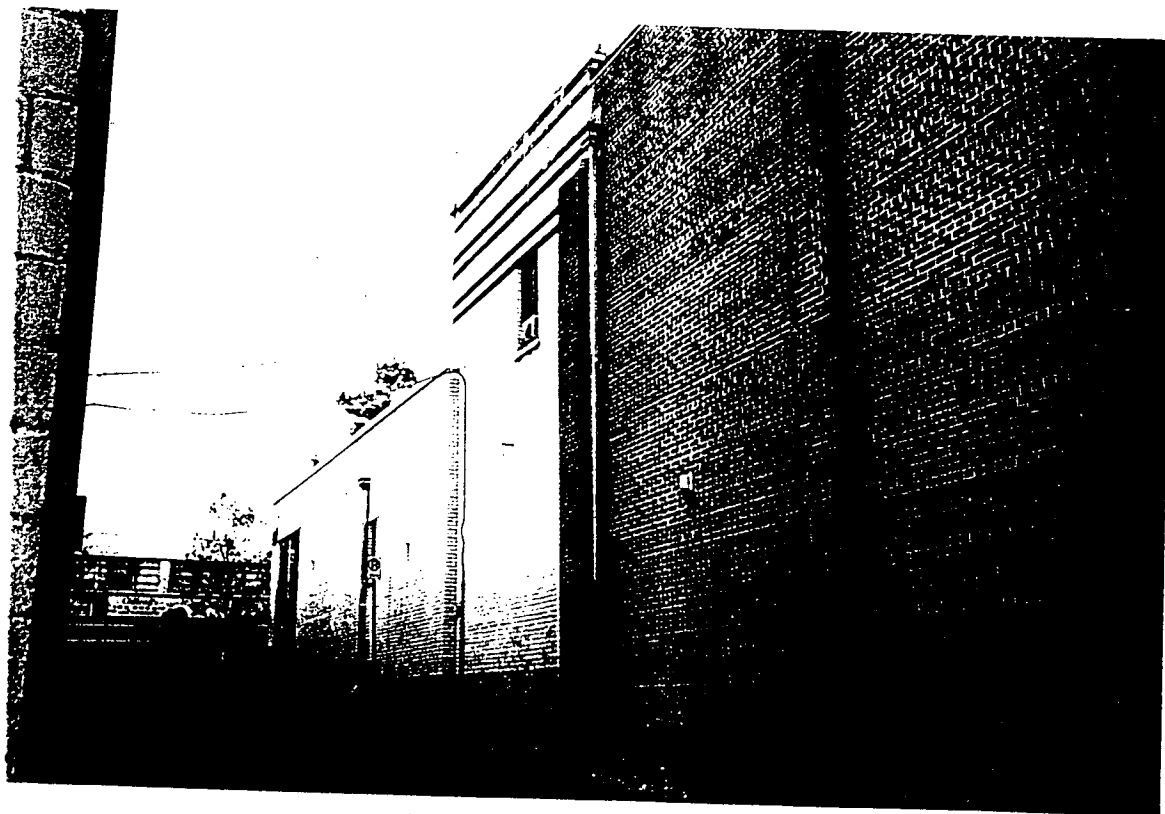
Wisconsin Ave. (west) storefront detail.



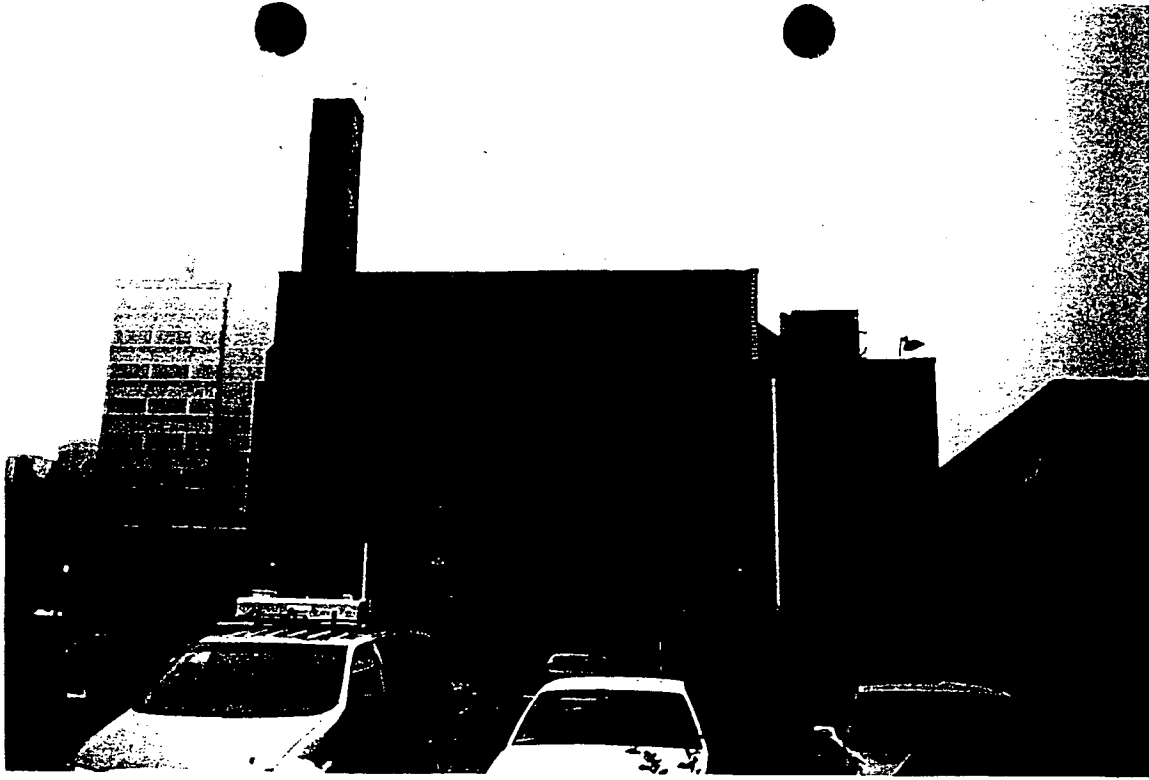
Wisconsin Avenue sign.



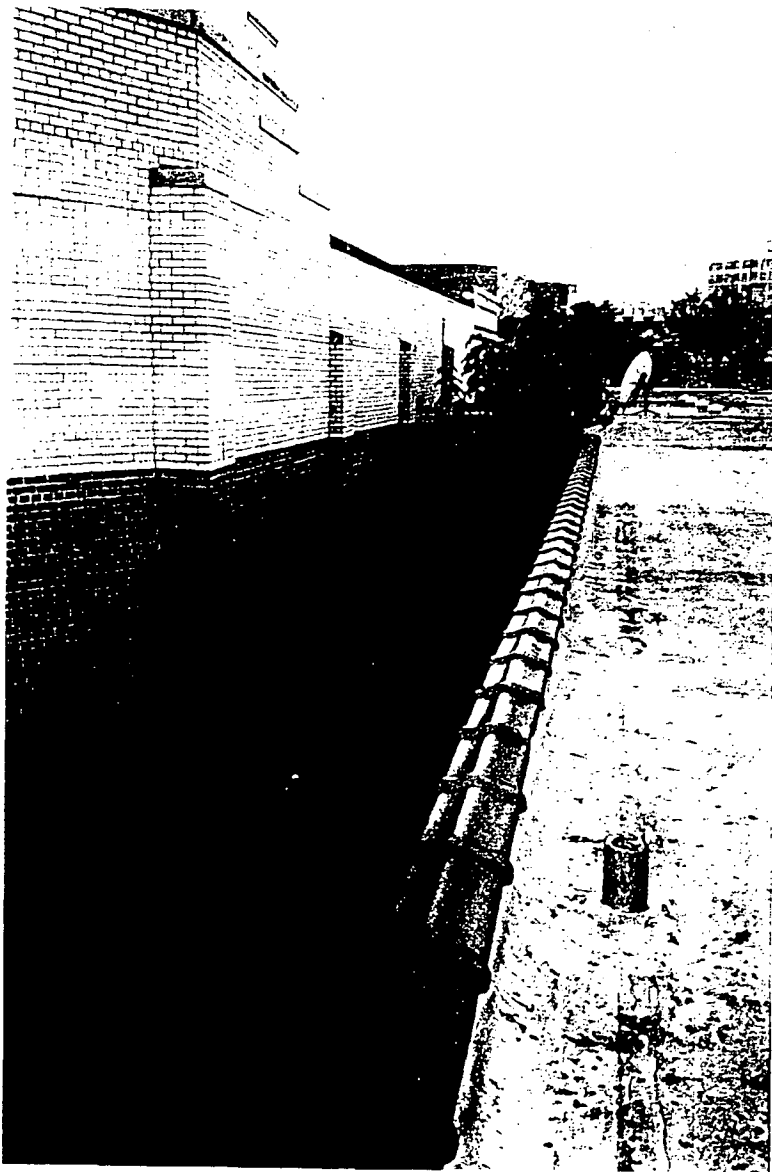
South elevation , west portion.



South elevation looking west.



East elevation



*North elevation
looking west.*

<u>Site</u>	<u>Name</u>	<u>Location</u>	<u>Associated Acreage</u>
-------------	-------------	-----------------	---------------------------

35/14-2 Madonna of the Trails

- Erected on Wisconsin Avenue in 1929, the Bethesda Madonna is one of twelve statues commissioned by the Daughters of the American Revolution (DAR) to commemorate this Country's westward pioneer movement. The statues stretch from Bethesda, Maryland to Upland California and are dedicated to the spirit and contributing American pioneer women.
- Designated on the Master Plan without an environmental setting as part of an amendment adopted in 1981, the Bethesda Madonna was subsequently removed from its original location during the construction of the Metro system. Following the completion of construction, the Madonna was returned to a site on the north side of the Bethesda Post Office. The statue and its immediate surroundings will be maintained in perpetuity as part of the Bethesda Metro Center's Site Plan Enforcement Agreement 8-81075.

<u>Site</u>	<u>Name</u>	<u>Location</u>	<u>Associated Acreage</u>
35/14-4	Bethesda Theater Complex (Cinema 'n Draft House)	7715-7723 Wisconsin Avenue	17,497 sq. ft.

- 1938--Art Deco movie theater complex featuring symmetrical single bay store facades of blond brick banded at the upper level with courses of black. The store fronts flank a marquee topped by a distinctive tower reminiscent of a stylized New York City skyscraper.
- One of two theaters in the County designed by the firm of noted theater architect, John Ebersson, the complex is a good, representative example of Ebersson's work in neighborhood theater design.
- This site is designated with the entire 17,497 sq. ft. parcel as the environmental setting. If redeveloped, the intention of designation is to seek the preservation and integration of the theater's significant exterior architectural features including the marquee, distinctive marquee tower and the complex's banded brick facades as well as preserve primary views of the marquee and tower from the street.
- The amendment further recognizes a public interest in retaining the theater's use and in preserving original/historic, interior features. If redeveloped under an

MASTER PLAN DESIGNATION

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optional method, it may be appropriate to identify preservation of these additional resources as potential amenities to the project if demonstrated to be in the overall public interest.

<u>Site</u>	<u>Name</u>	<u>Location</u>	<u>Associated Acreage</u>
35/14-5	Bethesda Post Office	7400 Wisconsin Avenue	13,211 sq.ft.

- Constructed in 1938 by the Sofarelli Brothers of Jamaica, New York, this single story, native stone building is neo-colonial in design and features a hipped roof with cupola and arched windows.
- One of a limited number of public buildings in the County constructed under the aegis of the Work Progress Administration (WPA). As a representative example of WPA construction the building provides a physical link for the County with this important program and period in American history.
- This amendment recognizes that the Post Office, because of its scale, prominent location, and distinctive building material, has emerged as a landmark along Wisconsin Avenue. The site's importance as a public space will be further enhanced with the return of the Bethesda Madonna of the Trails. This amendment therefore designates the site's entire 13,211 sq. ft. parcel as the environmental setting.

<u>Site</u>	<u>Name</u>	<u>Location</u>	<u>Associated Acreage</u>
35/14-6	Wilson's Store & Post Office (Community Paint and Hardware)	7250 Wisconsin Avenue	22,039 sq.ft.

- Circa 1890 - Two-story, stucco over clapboard, frame commercial structure with one-story glass enclosed, shed-roofed porch and street-oriented flat facade featuring bracketed, decorative cornice.
- Architecturally the epitome of the turn-of-the-century village store, Wilson's Store and Post Office, known today as Community Paint and Hardware is believed to be the first commercial structure in the CBD and the only remaining vestige of Bethesda's 19th century commercial beginnings.

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ORDERED, that the Intent of Council Resolution No. 10-2065 was to include the entire building and site but not to require the Historic Preservation Commission, in the future exercise of its discretion, to preserve the entire building or require its continued use as a theater. The Council's intent^{*} ~~was~~ to preserve the facade, marquee and marquee tower and to provide a basis for architectural review of any new construction on the site in order to control the environmental setting of the

facade, marquee and tower. The retention of the building's use as a theater or its interior features is not within the scope of the Master Plan designation.

* in the event of redevelopment, whether under the standard or optional method, was ~~simply~~

agreed to by
PHEP - Council
11/5/87

CONSENT AGREEMENT

49



Wisconsin Ave (west) marquee, ticket booth + storefront.



Wisconsin Ave. (west) storefront detail.

Exhibit "E"

Bethesda Theater.

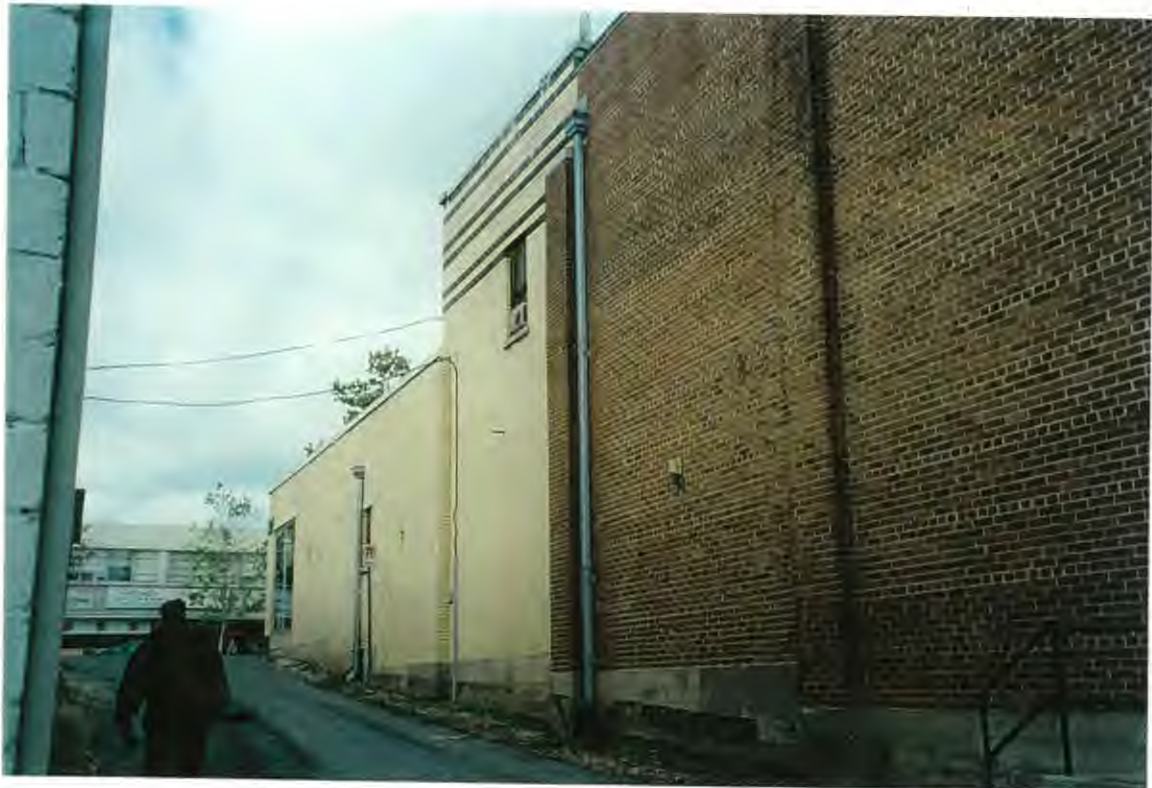


Wisconsin Avenue sign.

Bethesda Theater



South elevation , west portion.



South elevation looking west.

Bethesda Theater



East elevation



*North elevation
looking west.*

Bethesda Theater

LIST OF ADJOINING AND CONFRONTING OWNERS

TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
WESTBORO				
07-00539313	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203-0995	1	2
07-00539517	F&H Limited Partnership c/o Henry A. Bowis	974 Millwood Lane Great Falls, VA 22066	2	2
07-00539506	F&H Limited Partnership c/o Henry A. Bowis	974 Millwood Lane Great Falls, VA 22066	7	2
07-01926671	F&H Limited Partnership c/o Henry A. Bowis	974 Millwood Lane Great Falls, VA 20066	8	2
07-00539324	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	Outlot A	2
07-00539335	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	1	2
07-00539346	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	2	2
07-00539357	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	3	2
07-00539368	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	4	2
07-00539370	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	5	2
07-00539381	BETA Corporation c/o NationsBank NA	P.O. Box 995, MD43021707 Baltimore, MD 21203	6	2
07-00540254	Maryland National Capital Park & Planning Commission	8787 Georgia Avenue Silver Spring, MD 20910	7	1
07-00539563	Community Motors, Inc.	16041 Partnership Road Poolesville, MD 20837-3622	8	1
07-00539745	7809 Wisconsin Avenue Assoc. Ltd. Ptnshp. c/o CVS #1831-02 Prop. Tax	1 CVS Drive Woonsocket, RI 02895-6146	16	1
07-00539767	7809 Wisconsin Avenue Assoc. Ltd. Ptnshp. c/o CVS #1831-02 Prop. Tax	1 CVS Drive Woonsocket, RI 02895-6146	Pt Outlot A	1
07-00539791	Paul G. Spillane & Jill D. Pascoe	4616 Sleaford Rd. Bethesda, MD 20814	13	3
07-00540345	Kathleen L. McDuffie	4615 Sleaford Rd. Bethesda, MD 20814	1	5
07-00539437	Guy M. Clavel & Martine Combemale	7711 Tilbury St. Bethesda, MD 20814	2	5
07-00540094	Mark Nail	4614 Cheltenham Drive Bethesda, MD 20814	3	5
07-00540664	Kelly D. & K.M. Ouderkirk	4617 Cheltenham Drive Bethesda, MD 20814-3509	1	6

TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
WOODMONT				
07-00551018	Charles H. Goldberg tr. et al.	9708 Meyer Point Drive Potomac, MD 20854	613	
07-00550936	Boyce L. & M.A. Blackwell	6700 Tulip Hill Terr. Washington, D.C. 20816	Pt 533 & 532	
07-00551257	F&H Limited Partnership c/o Henry A. Bowis	974 Millwood Lane Great Falls, VA 22066	Pt 527, 528, 529	
07-00552638	Thomas W. Perry, Jr.	6 West Melrose Street Chevy Chase, MD 20815	Pt 530, 531, 532	
07-00416405	Manor Inn Bethesda, Inc.	3299 K Street, N.W., #700 Washington, D.C. 20007-4438	N131	HN22
07-00420704	Marcelle C. Steinberg et al tr c/o Steve Steinberg	3538 Raymoor Rd. Kensington, MD 20895	N140	HN22
07-02688378	Bethesda Place Ltd. Ptnshp & Safeway Stores Holding Corp.	5530 Wisconsin Ave., #1000 Chevy Chase, MD 20815	N185	HN22
RABNER'S SUB.				
07-00425193	Margaret G. H. Gilece	1234 Cherry Tree Ln. Annapolis, MD 21403	1	
07-00430510	Montgomery County, EOB	101 Monroe Street Rockville, MD 20850	2	
07-00430510	Montgomery County, EOB	101 Monroe Street Rockville, MD 20850	3, 4, 5, 6	
07-00432096	D. Gay Walde	P.O. Box 719 Glen Echo, MD 20812	7	
CIVIC ASSOCIATIONS & HOMEOWNERS				
41	East Bethesda Citizens Assn. c/o Dean Ahmad, pres.	4323 Rosedale Avenue Bethesda, MD 20814 301-951-0539		
42	East Edgemoor Property Owners Assn. c/o Lawrence Funt/Pres.	4905 Edgemoor Ln Bethesda, MD 20814 301-652-4857		
48	Battery Park Citizens Assn. c/o David Hayzlett/Pres.	8011 Maple Ridge Road Bethesda, MD 20814 301-654-7178		
263	Battery Lane Tenants Assn. c/o Steven Williams	c/o Alden Management Corp. 4858 Battery Lane Bethesda, MD 20814 301-656-1306		
669	Bethesda Coalition c/o Dennis Wood/Pres.	4109 Woodbine Street Chevy Chase, MD 20815 (h) 301-656-8042 (w) 301-951-5546		

TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
717	Spanish Speaking People of Bethesda c/o Pedro Porro/Pres.	5729 Bradley Blvd. Bethesda, MD 20814 (h) 301-320-3761 (o) 202-622-1918		
675	Greater Bethesda-Chevy Chase Coalition c/o Cathie Titus/Co-Chair	8616 Fenway Drive Chevy Chase, MD 20817 301-365-2930		
368	Riviera of Chevy Chase Condo. Assn. Jose Alfonso, President	4242 East-West Hwy. # 819 Chevy Chase, MD 20815 301-657-2211		
708	Old Georgetown Road Coalition Michelle Ratcliffe, President	9302 Jesup Ln. Bethesda, MD 20814 301-530-1449		
	Residents to Preserve East Bethesda c/o Stephen Long	4521 Middleton Lane Bethesda, MD 20814		
	Linda Lyons Art Deco Society	3922 Oliver Street Chevy Chase, MD 20815		
	Robert H. Metz, Esquire	Linowes and Blocher LLP 1010 Wayne Avenue, 10 th Fl. Silver Spring, MD 20910		
	Emily J. Vaias, Esquire	Linowes and Blocher LLP 1010 Wayne Avenue, 10 th Fl. Silver Spring, MD 20910		
	Robert R. Harris, Esquire	Wilkes, Artis, Hedrick & Lane 3 Bethesda Metro Center #800 Bethesda, MD 20814-5329		

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

November 24, 1999

Emily J. Vaias
301.650.7074
ejv@linowes-law.com

BY HAND

Historic Area Work Review Work Permit Reviewer
Department of Permitting Services
255 Rockville Pike
Rockville, Maryland 20850

Re: Historic Area Work Permit for the Bethesda Theater

Dear Historic Area Work Permit Staff:

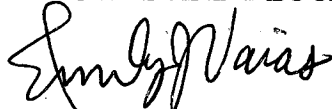
Enclosed please find a completed Application for Historic Area Work Permit with all required exhibits. We have also included two sets of mailing labels. We understand that the Historic Preservation Commission will hear this case at its December 15, 1999 hearing.

If you have any questions or need any additional information, please feel free to contact me.

Thank you.

Sincerely,

LINOWES AND BLOCHER LLP



Emily J. Vaias

EJV:sbw

Attachments

cc: Ms. Gwen Wright
Ms. Robin Ziek
Mr. Eugene M. Smith
Mr. Artie Harris
Ms. Mary L. Oehrlein

Received

11/24/99

1:17 p.m.

IMANAGE: 168548 v.1 03513.0001
Cre. 11/24/99 9:40 AM Orig. Typ.SBW Ed. 11/24/99 9:40 AM

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

December 7, 1999

Emily J. Vaias
301.650.7074
ejv@linowes-law.com

BY HAND DELIVERY

Ms. Robin Ziek
Historic Preservation Staff
MNCPPC
1109 Spring Street
Silver Spring, Maryland 20910

Re: Bethesda Theatre Project
HAWP Renderings and Plans

Dear Ms. Ziek:

Enclosed, per your request, please find 12 copies each of the following plans/drawings:

- 1) Rendering of front elevation of the Theatre.
- 2) Rendering looking southbound on Wisconsin Avenue.
- 3) Rendered Site Plan.
- 4) 1st Floor Plan-Tower/L-Rise.
- 5) Lobby Level Theatre Plan.
- 6) Bldg. Elevations-Theatre/Tower.
- 7) Bldg. Sections (A15).
- 8) Bldg. Sections (A16).

If you have any questions, or need any additional materials, please feel free to contact me.
Thank you for your cooperation.

Very truly yours,

LINOWES AND BLOCHER LLP



Emily J. Vaias

cc: Gene Smith
Artie Harris
Mary Oehrlein
Jeff Morris

IMANAGE: 170233 v.1 03513.0001
Cre. 12/07/99 3:04 PM Orig. Typ.EJV Ed. 12/07/99 3:04 PM

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

December 8, 1999

Emily J. Vaias
301.650.7074
ejv@linowes-law.com

BY HAND DELIVERY

Ms. Robin Ziek
Historic Preservation Staff
MNCPPC
1109 Spring Street
Silver Spring, Maryland 20910

Re: Bethesda Theatre Project
HAWP Renderings and Plans

Dear Ms. Ziek:

Enclosed please find 12 copies of the Pedestrian Path @ the Theatre site plan and elevation. This was inadvertently left out of the previous package.

If you have any questions, or need any additional materials, please feel free to contact me. Thank you for your cooperation.

Very truly yours,

LINOWES AND BLOCHER LLP



Emily J. Vaias

cc: Gene Smith
Artie Harris
Mary Oehrlein
Jeff Morris

IMANAGE: 170282 v.1 03513.0001
Cre. 12/07/99 4:31 PM Orig. Typ.EJV Ed. 12/07/99 4:31 PM



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

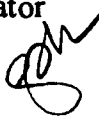
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

July 25, 1997

MEMORANDUM

TO: Joe Davis
Malcolm Shaneman
Development Review Division

FROM: Gwen Wright, Historic Preservation Coordinator
Perry Kephart, Historic Preservation Planner
Historic Preservation Section 

SUBJECT: Review of Subdivision Plans

We have reviewed the following subdivision plans and found them not to involve any identified historic resources:

#7-97037 Hardy Property
#7-98001 Edson Lane Property

#1-83140 Barman Property
#1-97096 Gateway West

The following subdivision plans involve identified historic resources.

#1-84120 Darnestown Property (Archdiocese of Washington) - The holding includes the site #24/20, **Darne-Purdum Farm**, that was removed from the Locational Atlas - no impact.

#1-97103 Islamic Center of Maryland - This property includes the site #22/5, **Caven-Sabine Farm**, that was removed from the Locational Atlas - no impact.

#7-97036 Bethesda Theater Cafe Residential
#1-97104 Bethesda Theater Cafe Residential
#9-97001 Bethesda Theater Cafe Residential - This property involves Master Plan. Site #35/14-4, **Bethesda Theater**. The Historic Preservation Commission met with the applicant on June 11, 1997 and discussed this project with the applicant in a Preliminary Consultation as outlined in the attached

memorandum. The Site Plan will be scheduled for HPC review of a Historic Area Work Permit application after approval of the Project Plan, but before proceeding to Site Plan Review, with written comments forwarded to M-NCPPC.

MEMORANDUM

TO: Perry Kephart
Historic Preservation Division

FROM: Robin Ziek
Historic Preservation Division

SUBJECT: Bethesda Theatre/Cafe Residential Development

DATE: July 21, 1997

I have reviewed the Preliminary Plan with the comments from the HPC in mind. The HPC met on June 11, 1997 and discussed this project with the applicant in a Preliminary Consultation. At that time, there was a general consensus that the proposal would provide an amenity to the community, in terms of the long-term preservation of the interior of the theatre as well as the exterior. However, there were some concerns:

1. The HPC split on the proposed 20' setback. 1/3 of the commissioners had no problem with this. The other 2/3s wanted to see a greater setback, although no number was specified.
2. The design of the elevations was too repetitious and generic. The HPC hoped for a more imaginative design, with varying use of balconies. They did not want to see attached balconies which are reminiscent of highway motels.
3. The HPC was also split on the proposed residing of the alley side of the theatre. Several of the commissioners felt strongly that the alley facade was also important to the theatre design, establishing, as it were, a hierarchy of the primary importance of the facade, and the secondary importance of the alley.

Dec 13, 1989

= Talking to Cliff Royalty
condition of assessment

Consent Order by One County + Beta Corporation

~~Agreement~~

Feb 4, 1988.

= Bob Metz will speak up on this.

Date: 12/15/99

Sender: "Hayes Doug" <hayes_doug@bah.com>

To: Wright

Priority: Normal

Subject: HAWP for the Bethesda Theatre Complex, HPC Case No. 35/14/04

Re: HAWP for the Bethesda Theater Complex
HPC Case No. 35/14/04-99A

Dear Ms. Wright.

I am writing to contribute to the upcoming deliberations regarding the Bethesda Theater Complex. Because my wife and I will not be able to attend the public meeting on December 15, 1999, I ask that you take the following comments into consideration.

My wife and I are residents of the community immediately east of the proposed theater redevelopment project. We support historic preservation in general and believe that the proposed development fully meets the needs of the greater community in terms of both preservation of the theater and the very important concerns of the adjacent neighborhoods and Bethesda community-at-large.

We strongly believe that the proposed development fairly addresses all of the needs of the community, including historic preservation of the theater, that were developed during the overall Sector Plan process. It is important for the Planning Commission HPC to understand that the proposed development is the outcome of years of cooperative work between the community and the developer to acknowledge all of the concerns and needs of all stakeholders involved in the development plan. Put simply, the proposed development is a win-win proposition for the community. It adequately addresses the historic preservation of the theater, while also garnering the support of the immediate community most directly impacted by the project.

The Art Deco Society of Washington's position calling for a 54-foot setback from Wisconsin Avenue for the apartment building will necessarily move the proposed apartment building toward the adjacent neighborhoods and higher vertically to the detriment of those neighborhoods. We believe that the planned 25-foot setback is appropriate because it meets the needs of the community, and adequately preserves the theater facade and the interior of the theater.

A position that all other concerns of the community must be subsumed to the rather one-sided desires of the Art Deco Society of Washington is short sighted. In fact, we believe it is likely that if this development is not approved, another development that the neighboring community would not favor, and that would not go as far in terms of actual preservation and renovation of the *whole* theater as the current proposal, is likely.

Please take into consideration the 5 years that the community has worked with the developer to create a plan good for the community as a whole during your deliberations.

Doug & Kathryn Hayes
4519 Middleton Lane
Bethesda MD 20814

Date: 12/15/99
Sender: "Greenberg Liza" <lgreenberg@urac.org>
To: Wright
cc: "Greenberg Liza" <lgreenberg@urac.org>
Priority: Normal
Subject: HPC Case Number 35/14/04-99A

Dear Ms. Wright -

This email is in regard to the case number noted in the title, the HAWP for the Bethesda Theatre Complex. Unfortunately I will not be able to attend the hearing tonight. I currently am a homeowner on Middleton Lane, and would like to express my support for the project as currently proposed by the E.M. Smith Associates.

I recently had the opportunity to review the project in depth at a meeting between Mr. Smith and the Middleton Lane residents. I am very pleased with the blend of apartment and townhouses in the project, and with the extensive efforts that have been made to preserve the historic appearance of the Bethesda Theater. The project shows an outstanding collaborative approach between the developer, preservationists, and the local homeowners. The project will help the neighborhood to preserve its residential character while preserving a local landmark. The landscaping proposed with the project enhances the project significantly.

As someone who has attended the theater since I was a child growing up in Washington, D.C., I support efforts to preserve the theater. Given the growth and development of the Wisconsin Avenue corridor, however, preservation must also co-exist with projects that contribute to the appropriate development of the neighborhood. This proposal meets both objectives.

Thank you for the chance to have input.

Liza Greenberg
4503 Middleton Lane
Bethesda, MD 20814
(301) 215-8348

Dec. 15, 1999

The Honorable George Koussoulas
Chair - HPC

Dear Sir,

Please do not allow the 10
story apartment as it is now
planned to obscure the Bethesda
Theater. I understand that you
have the ability to restrict the
extent of the overbuild on the
proposed setbacks. I urge you
to use it.

Yours sincerely,
Dwight Fairchild,
President of Marketing
(703) 784-1039

BARBARA A. FAKOURY

ATTORNEY AT LAW
10347 DEMOCRACY LANE
FAIRFAX, VIRGINIA 22030

SATELLITE OFFICE:
108 N. ST. ASAPH STREET
ALEXANDRIA, VIRGINIA 22314

(703) 385 5755
FAX (703) 383-3116
E-MAIL: BEAK@EROLS.COM

December 11, 1999

The Honorable George Kousoulas VIA FACSIMILE AND FIRST
Chair, Historic Preservation Commission CLASS MAIL
8787 Georgia Avenue
Silver Spring, Maryland 20910

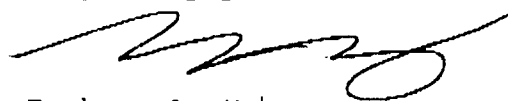
Re: The Bethesda Theatre

Dear Mr. Kousoulas:

I am a member of the Art Deco Society of Washington. I am writing to let you know that I oppose the proposed configuration for the construction of the apartment building slated to go in behind the Bethesda Theatre. I concur with the Art Deco Society of Washington's position on the details relating to the location of this building vis-a-vis the Bethesda Theatre. I strongly encourage you to do what you can to see that the voices of the art deco experts in the Society are heeded in this construction endeavor.

Thank you very much.

Very truly yours,



Barbara A. Fakoury

cc: Art Deco Society of Washington

BARBARA A. FAKOURY

ATTORNEY AT LAW
10347 DEMOCRACY LANE
FAIRFAX, VIRGINIA 22030

SATELLITE OFFICE:
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ALEXANDRIA, VIRGINIA 22314

(703) 385-5755
FAX (703) 383-3116
E-MAIL: BFAK@EROLS.COM

FAX TRANSMITTAL FORM

Please Deliver To: The Honorable George Kousoulas
FAX Number: 301-563-3412
Phone Number:
Date: 12/11/99
Regarding: The Bethesda Theatre
Number of Pages including cover: 2
Comments:

[If there are any problems with this transmission or it appears to be incomplete, please call 703-385-5755 immediately.]

The information contained in and transmitted with this facsimile cover sheet constitutes confidential information, and is privileged pursuant to the attorney-client privilege and the work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any oral or written dissemination, distribution or copying of this communication is strictly prohibited.

6510 41st Ave.,
University Park, MD 20782
11 December 1999

The Honorable George Kousoulas
Chair Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Kousoulas:

I am writing to you on behalf of the Bethesda Theater. I understand that there is a project afoot to destroy the beauty of this unique theater by erecting an apartment building virtually on top of it. I hope that there is something that the Historic Preservation Commission can do to prevent this.

I wish that I had the equipment to fax you several photographs I have taken of the the front of the Bethesda over the years. I am not a great photographer, but every photo I have taken of the Bethesda has been breathtaking. It is so well-designed that it is beautiful from every angle. It has one of the prettiest facades of any theater in the Metro Area. The late architectural historian Jane Preddy, in her 1989 study of John Eberson's Art Deco theaters, had this to say about it: "Its 'ship's mast' vertical and sweeping marquee make it an excellent example of Eberson's Tropical Deco style." Any encroachment on this would be a disaster.

It seems to me that Bethesda does not need more high-rise apartment and office buildings. What it does need is to preserve what little is left of its past. I hope that you will consider requiring sufficient setback of the apartment building to maintain the facade of the theater. If there is anything else that I can do to assist the Commission in its study of the Bethesda Theater, please let me know. I can be reached at 301-927-5480 or by e-mail at: rkheadl@aol.com.

Thank you.

Sincerely,

/s/ Dr. Robert K. Headley
(Author of *Motion Picture Exhibition
in Washington D.C.*, Mcfarland & Co.,
Inc., 1999)

FAX

DATE: Monday, December 13, 1999

TO: George Kousoulas, Montgomery Co. Historic
Preservation Commission

FAX: 301 301-563-3412

FROM: Headley

PAGES: 2

MEMO

Good evening, for the record my name is Benjamin King. I live at 4815 Bradley Boulevard, Chevy Chase. I am a past president of the Chamber of Commerce, a present member of the Economic Advisory Council and the present vice chair of The Bethesda Urban Partnership. I also served on the Sector Plan Committee for the Central Business District. I speak to you this evening as a private citizen. One who has lived in the area for 66 years, and patronized the Bethesda Theatre since 1947. To me its Art Deco Façade has always symbolized progress.

When I served on the Sector Plan Committee we were most interested in three things concerning this property:

First – to preserve the integrity of the theatre marquis.

Second - to increase the Residential Capacity (to improve night pedestrian activity)

Third – to provide a buffer between Commercial Wisconsin Ave. and the Residential Community of East Bethesda.

The project you have before you not only accomplishes these three important factors, but does them very well. In addition it will

restore the inside of the theatre to its original splendor (at a cost of almost two million dollars). This is a win/win project for Bethesda.

I would be remiss if I didn't mention the developer, Gene Smith, and his long standing commitment and involvement in the beautification and cultural growth of Bethesda.

We in Bethesda have a rare opportunity to work with a developer who has demonstrated a willingness to go the extra mile to preserve and enhance the beauty and history of Bethesda.

I hope that you will consider these factors and approve this project in its entirety which will guarantee the preservation and enhancement of the Bethesda Theatre and at the same time continue progress in Bethesda.

Thank you ,

Benjamin King

~~My name is Tom Bertch~~ I am a member of the American Film Institute and the American Cinematheque (also a Hollywood-based organization with a mission similar to AFI). I was a member of the team that recently completed the restoration and re-opening of the Egyptian Theatre on Hollywood Blvd. in Los Angeles. *Now owned AND operated by the American Cinematheque*

I work in the film industry and have lived in the DC area for 20 years. I have witnessed the loss of many one-of-a-kind theatres: the Circle, the Key, the Biograph and the MacArthur to name perhaps the most painful losses. I would like to ~~greatly~~ thank members of the Historic Preservation Commission and other members of the Montgomery County Government for their efforts to preserve both the exterior and the interior of the Bethesda Theatre.

I have read the HPC Commission Staff Report and ~~am~~ *like to speak* in opposition to the appalling suggestion that "most of the secondary parapet be demolished... relocating decorative elements to the alley". Now if the architect wants to include motifs from the old structure in the new, that's great but in my experience with the Egyptian and in many years of hands-on renovation, it is much cheaper and easier to copy an old design than to remove and re-install an existing piece of brickwork.

Perhaps this suggestion was meant as some well-intentioned "compensation" for covering the area - if so, then please don't do preservation this kind of "favor". It is not preservation - it's an insult - I remember how when the original Old Ebbitt grill was demolished, the developer offered to move the stuffed animals (that were mounted over the bar) to the new location as "consolation!"

When the DC Greyhound bus station was rudely entombed, the underlying structure was left essentially intact and thus later (when reason prevailed), the original design was able to be restored. I believe that is what should be done and here is my reasoning:

I have an engineering degree - I come from a family of builders - my grandfather was a finish carpenter, my father a housing contractor and my mother's second husband a steel contractor responsible for hundreds of buildings and bridges across the Midwest. I've spent many hours on construction sites. I have ~~witnessed~~ *seen* construction "quality" go from marvelous to merely adequate to pathetic and often laughable in a span of only 45 years.

Now I'm sure this developer (like all others) will tell you that this will be a "quality building" but the truth is that present day builders don't know the meaning of that word. With the possible exception of some high-end office buildings, all new construction (and especially apartments and town houses) ~~looks a little funky in 10 years (or less)~~ *degenerates quickly*. In 20 years, these structures are mechanically problematic, and within 30 years the owners gut or demolish if for no other reason than to create a fresh revenue stream from the property.

Now I won't be around in thirty years but if the HPC ~~can see its way clear~~ *will* to recommend that the secondary parapet be left untouched, then maybe when this structure gets removed, the next owner will at least have the option of restoring the original look. What you destroy now it will be gone forever. *Regardless of the set back issue outcome*

In summary, I do thank the developer for his efforts to retain the theatre but as an engineer I see no reason why if this wall has to be covered, ~~that it cannot at least be left untouched for what will certainly be some future time.~~ *that it cannot at least be left untouched* I think this isn't much to ask and I implore the HPC to do its duty by recommending against item (2) *Regardless of the set back outcome*

Thomas T. Bertch
703-920-1539

IT CANNOT AT LEAST BE LEFT

Why if this wall has to be covered it cannot at least be left untouched for the future. I think this isn't much to ask and I implore the HPC to do its duty by recommending against item 2 regardless of the outcome of the set back issue

LINDA

- DID DO A WRITE
UP - MIGHT BE
USEFUL - NOT
DESPERATE TO GIVE
THIS BUT CAN DO
SO IF NEEDED -
RUNS 3

TOM

THOMAS T. BERTCH

FILM & VIDEOTAPE PRODUCTION

P.O. Box 4727

Arlington, Virginia 22204

703 • 920 • 1539

Sept 6, 1999

RE: Ownership of the Bethesda Theatre Cafe

On Saturday September 4th, I went to see Bernard Sidney Lust (Jr.) (grandson of original owner Sidney Lust) at his home in Columbia, Maryland - 6934 Tolling Bells Court - just off Route 32.

No advanced warning - I just appeared out of the blue - I was warmly recieved - maybe it was the fact that I was waving a copy of Robert Headley's recently published "Motion Picture Exhibition in Washington, D.C." as I stood at the door. Bernard had given Mr. Headley some photos 4 years ago and was still waiting for the publication - a fact I learned from Mr. Headley the previous week.

A moderate house in a typical Columbia development - the small plain white cargo van in the drive reads "Advanced Audio-Visual Presentation Limited" which is the business that Bernard and his brother Bradley (Laurel) operate.

I presented myself as a longtime patron of the Bethesda Theatre and as a film enthusiast concerned with its' fate. I made no mention of the ADSW nor of the "setback" issue. Myself, Bernard, his wife and his young son sat around the kitchen table while he (Bernard) went thru the Headley book page-by-page relating stories of each theatre his grandfather owned...

WHAT I LEARNED:

- The Beta Corporation operates the business (now only property rental and no other theatre property is still owned - the Bethesda is the last to go) and profits are paid into the Trust to the benefit of Sidney and Bernard (Sr.) descendents. Since Bernard Sr. had a sister (Geraldine), it is possible that there are more than two families benefiting from the Trust but I didn't push my luck in asking for further details.
- The Bethesda Theatre is "under contract" for a sale price of just under 10 million. Just for laughs, I pulled out my mortgage payment table: a 10 Mil loan at 8% for 30 years translates to a monthly payment of \$73,380 for principal and interest alone - 7 times as much as Pete Carney is paying.
- I asked if "all bids were closed" and he said I was welcome to call Mr. Garten (to make an offer)...
- Signing of the deal is "imminent" - meaning what I asked? "...weeks not months".
- I asked if the inside of the Theatre was "protected" by any written deal with the County. He said "yes" but then proceeded to state that they had looked into "twinning" the place which would certainly have destroyed the Theatre... I was unconvinced about there being any written interior deal.
- When I stated that to me the "best-of-all-possible-worlds" would be one in which the Theatre remained a stand-alone structure, completely refurbished and dedicated to revival film fare, he sincerely asked "WHY!?"
To be sure, he's proud of his grandfather's accomplishments and I sensed genuine nostalgia for the times he spent in the old theatres BUT in his words: "... the 'Highest and Best Use' of this property is not(!) this theatre". He also on several occasions complained about

THOMAS T. BERTCH

FILM & VIDEOTAPE PRODUCTION

P.O. Box 4727

Arlington, Virginia 22204

703 • 920 • 1539

infringement on his "owner's rights". As to the face, tower and markee, he feels that they are undistinguished and of little architectural value.

When I asked why the price (for prime Bethesda property) was so low, he referred to the Theatre as an "albatross" on the (value) of the land and stated that if it had not been for the deal with the County, the property would have been cleared...

- Something else I heard: He believes that only the tower is protected by the preservation deal and not the markee - I didn't argue the point because I don't in fact know BUT if someone at Beta or the new owners believe this, there might be a day when it "disappears" like the chimney at the Silver... probably worth looking into...
- I would liked to have asked how the sales contract depended on the outcome of the setback issue but decided not to.

IN SUMMARY:

In my family, my dad's Estate went to his second wife - when she died most of it went to her relatives so I went to see Bernard Lust Jr. hoping that just maybe he and Bradley had "missed the inheritance boat" somewhere along the line and thus might be useful "allies" ... but this was not the case.

Bernard was perfectly knowledgeable on this issue and although Mr. Garten is clearly acting in a fiduciary capacity for the families, it's Bernard Lust Jr. who is in charge ... smart, generous, friendly - in no way the "sterotypical developer" but just not willing to put preservation ahead of this deal.

Tom Bertch

PS: Page three contains information that may be useful in the future to ADSW persons seeking ownership info on a particular property

THOMAS T. BERTCH**FILM & VIDEOTAPE PRODUCTION**

P.O. Box 4727

Arlington, Virginia 22204

703 • 920 • 1539

gene smith

Sept. 7, 1999

RE: Ownership of Bethesda Theatre and Cafe

5/20/48 Beta Corporation formed in the State of Maryland

- Purpose: "To purchase, construct, establish, lease or otherwise acquire, equip, maintain ... or otherwise deal in and with theatres..."

- Directors: Sidney B. Lust, Celia Lust and Bernard Lust (son)

SOURCE: (microfilm) Reel # 274, Folio 410 from "Department of Assessments and Taxation" - Room 801 - 301 West Preston Street - Baltimore MD

5/31/51 Sidney and Celia Lust transfer theatre property to Beta Corporation

- Beta assumes outstanding mortgage of \$170,600

- recorded 10/11/54

SOURCE: Land Records Office - Room 218 - Mgt County Judicial Center - 50 Maryland Avenue - Rockville - see Liber ("book") 1976, Folio 184

8/12/54 Sidney Lust Will executed

- Estate of Sidney Lust to be held in Trust to the benefit of wife Celia

- Bernard S. Lust to receive income of Trust upon attaining age of 21 and to receive the corpus of the Trust at age 35

- Article 17 directs Trustees: "...it is my desire that the Theatre business which I have established and operated be continued".

SOURCE: District of Columbia Register of Wills - Probate Division - Record Room - 500 Indiana Avenue NW - Room 5000

7/9/55 Sidney B. Lust death3/12/83 Change of Resident Agent of Beta and change of address

- current President/Secretary: Herbert S. Garten

- current VP/Treasurer: Sheldon S. Dagurt

- Directors: Herbert Garten, Allen Snook, Malcolm Loeb, Sheldon Daugert Bertram Loeb (as of 3/18/83)

SOURCE: Department of Assessments and Taxation - Room 801 - 301 West Preston Street - Baltimore MD



Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814



D. SONG 99



WDG ARCHITECTURE
 200 Columbia Avenue, Suite 202
 Bethesda, MD 20814
 301.271.1233

DEWELEN & ASSOCIATES ARCHITECTS
 1411 Connecticut Avenue, Suite 202
 Washington, DC 20004
 202.775.1724

SKSA
 1400 Connecticut Avenue, Suite 202
 Washington, DC 20004
 202.775.1724

SILVER ASSOCIATES P.A.
 1400 Connecticut Avenue, Suite 202
 Washington, DC 20004
 202.775.1724

YISA, INCORPORATED
 1400 Connecticut Avenue, Suite 202
 Washington, DC 20004
 202.775.1724

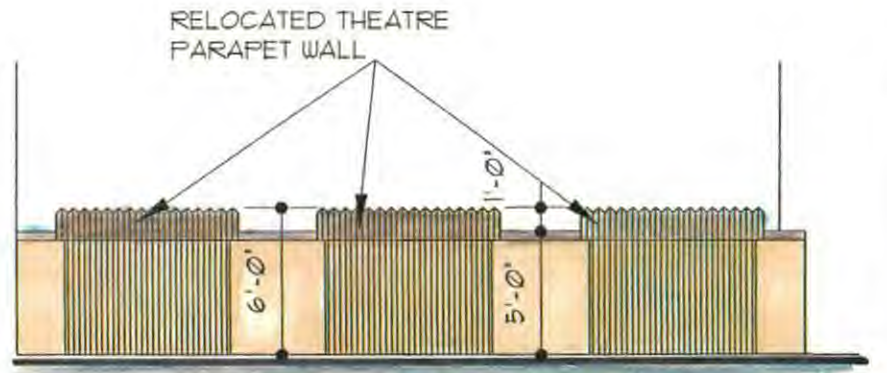
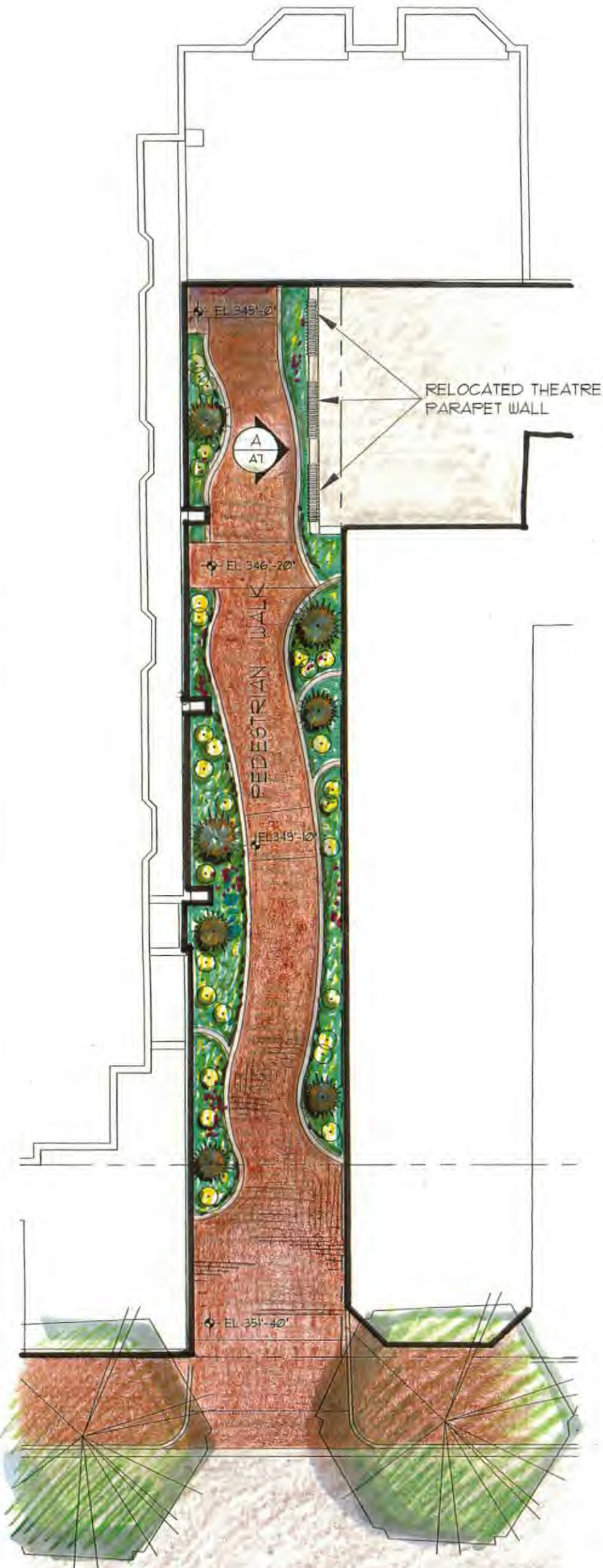
Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, MD 20814

SITE PLAN

Scale: 1/8" = 1'-0"

A1

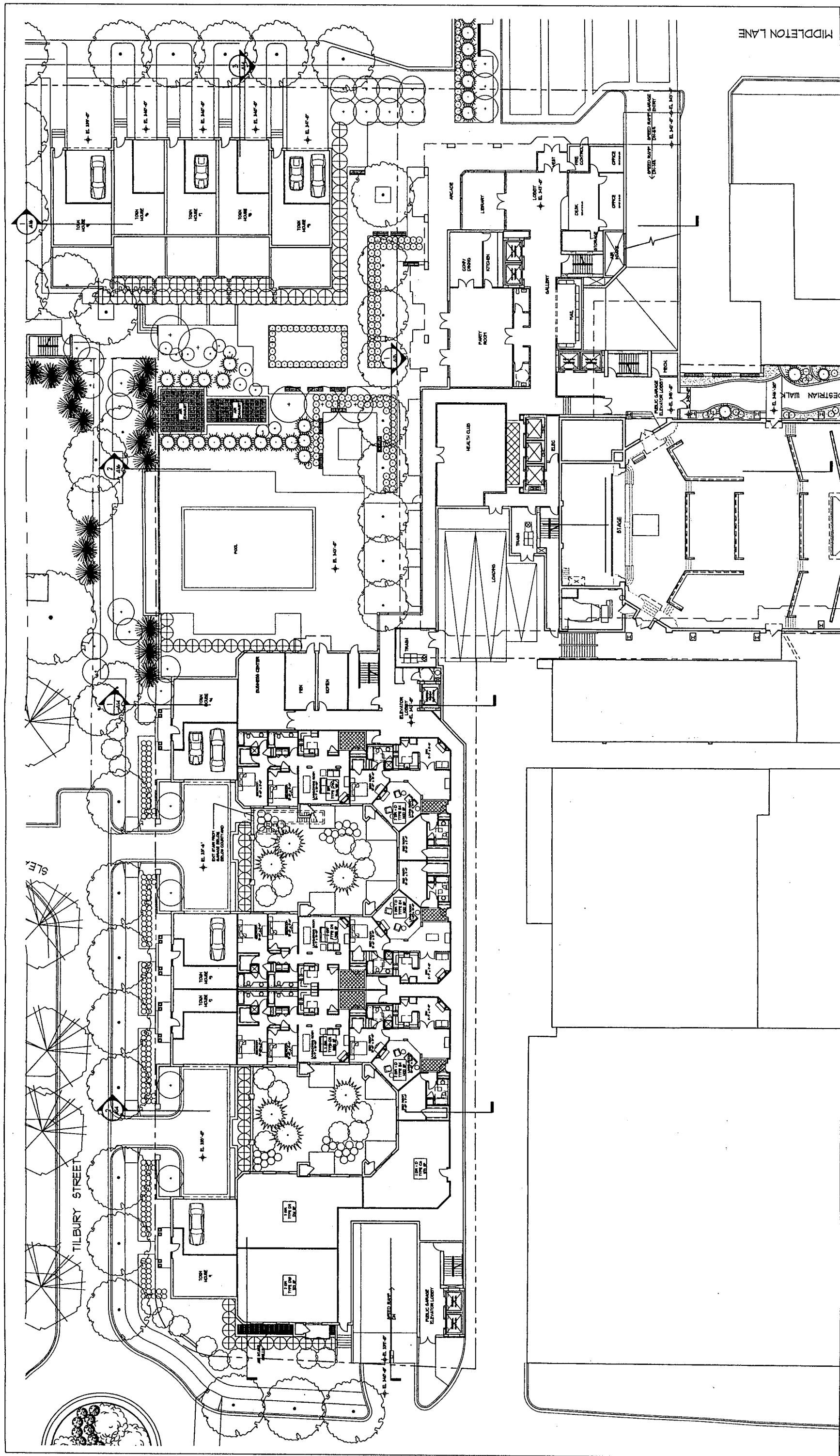


ELEVATION A
 $\frac{1}{8}'' = 1'-0''$

Bethesda Theatre Residential

Bethesda, MD

PEDESTRIAN PATH
 @ THEATRE



WDG
 ARCHITECTURE
 P L A N N I N G
 INTERIOR DESIGN
 1000 Connecticut Avenue, N.W., Suite 200
 Washington, D.C. 20036
 Tel: 202.462.2000 Fax: 202.462.3178 e-mail: wdg@wdg.com

LEWIS SCULLY GONET
 Consulting Engineers
 8200 Oak Carleton Road, Suite 120
 North Potomac, MD 20884
 Tel: 301.477.1111

DEHRLIN & ASSOCIATES ARCHITECTS
 1300 Connecticut Avenue NW
 Suite 112
 Washington, D.C. 20036
 Tel: 202.462.2000

SK&A
 Consulting Engineers
 4101 Eastman Boulevard
 Bethesda, MD 20814
 Tel: 301.228.3300

SILVER ASSOCIATES, P.A.
 Consulting Engineers
 12820 Chantilly Pike
 East Chazy, MD 21712
 Tel: 410.326.1111

VIKA, INCORPORATED
 1100 Connecticut Ave.
 Suite 200
 Murray, VA 22122
 Tel: 703.861.1111

THE BOZZUTO GROUP
 6401 Guilford Avenue, Suite 200
 Chevy Chase, MD 20815
 Tel: 301.424.2000

E. M. SMITH ASSOCIATES
 4801 Newland Lane
 Bethesda, MD 20814
 Tel: 301.424.2000

Bethesda Theatre Residential

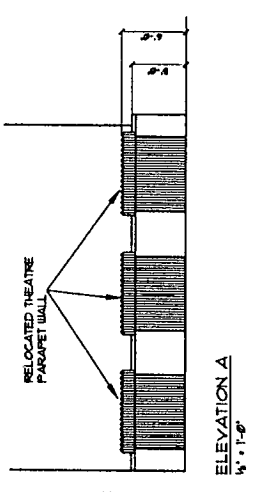
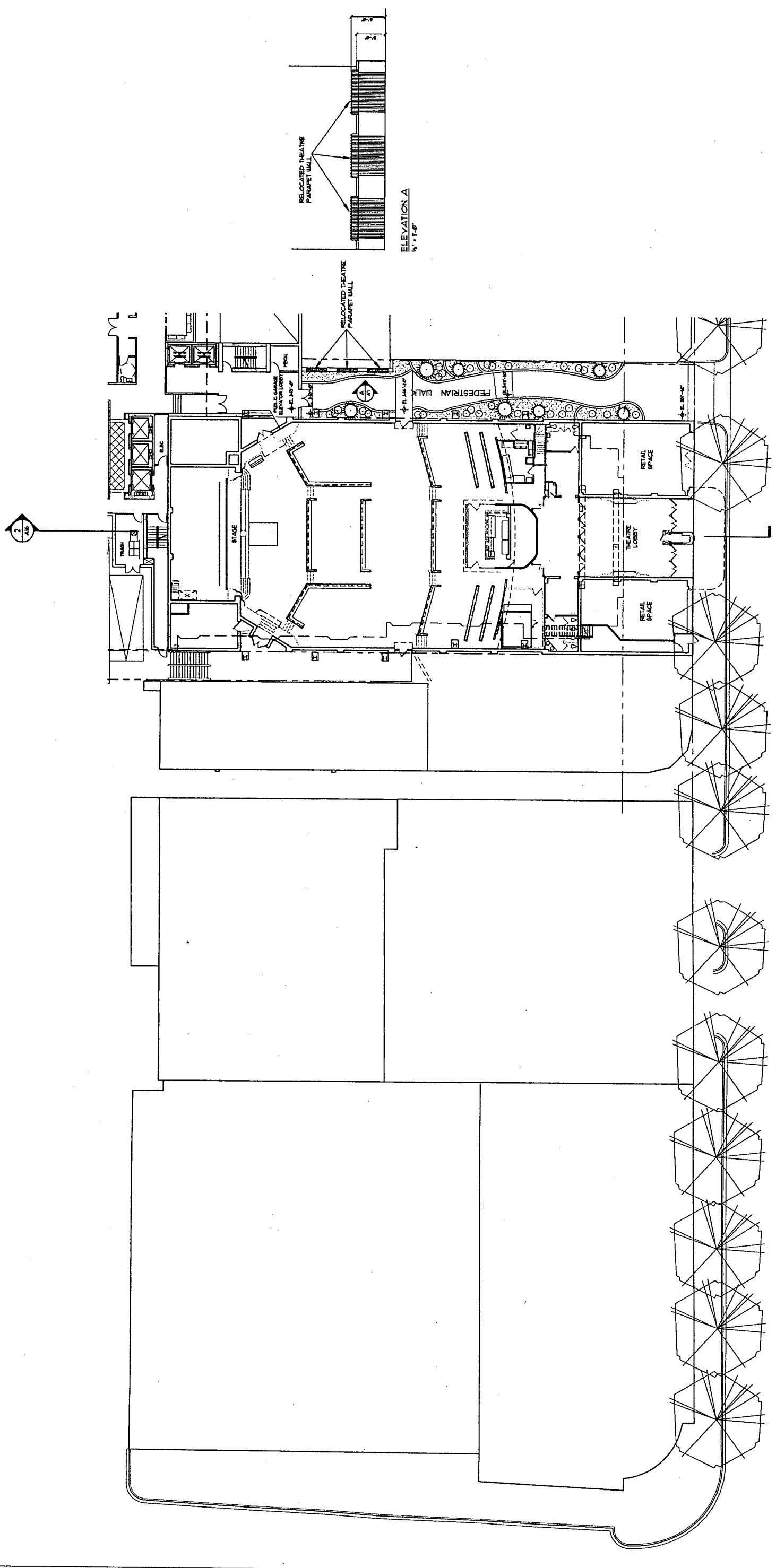
**1ST FLOOR PLAN
 TOWER/L-RISE**

7791 Wisconsin Avenue
 Bethesda, MD 20814

11.30.1999
 97012.04
 Scheme

Scale: 1/16" = 1'-0"
 0 8 16 32

A6



WISCONSIN AVENUE

WDG
ARCHITECTURE
1025 Connecticut Avenue, NW, Suite 200
Washington, DC 20036
Tel: 202.637.8200 Fax: 202.462.5176 e-mail: wdga@comcast.net

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Architects
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Washington, DC 20004

DEHRLIN B. ASSOCIATES ARCHITECTS
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Washington, DC 20004

SK&A
Consulting Structural Engineers
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Washington, DC 20004

SILVER ASSOCIATES, P.A.
Consulting Engineers
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Bristow, VA 22132

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THE BOZZUTO GROUP
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Bethesda, MD 20814

E. M. SMITH ASSOCIATES
6401 New Hampshire Avenue, Suite 200
Bethesda, MD 20814

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

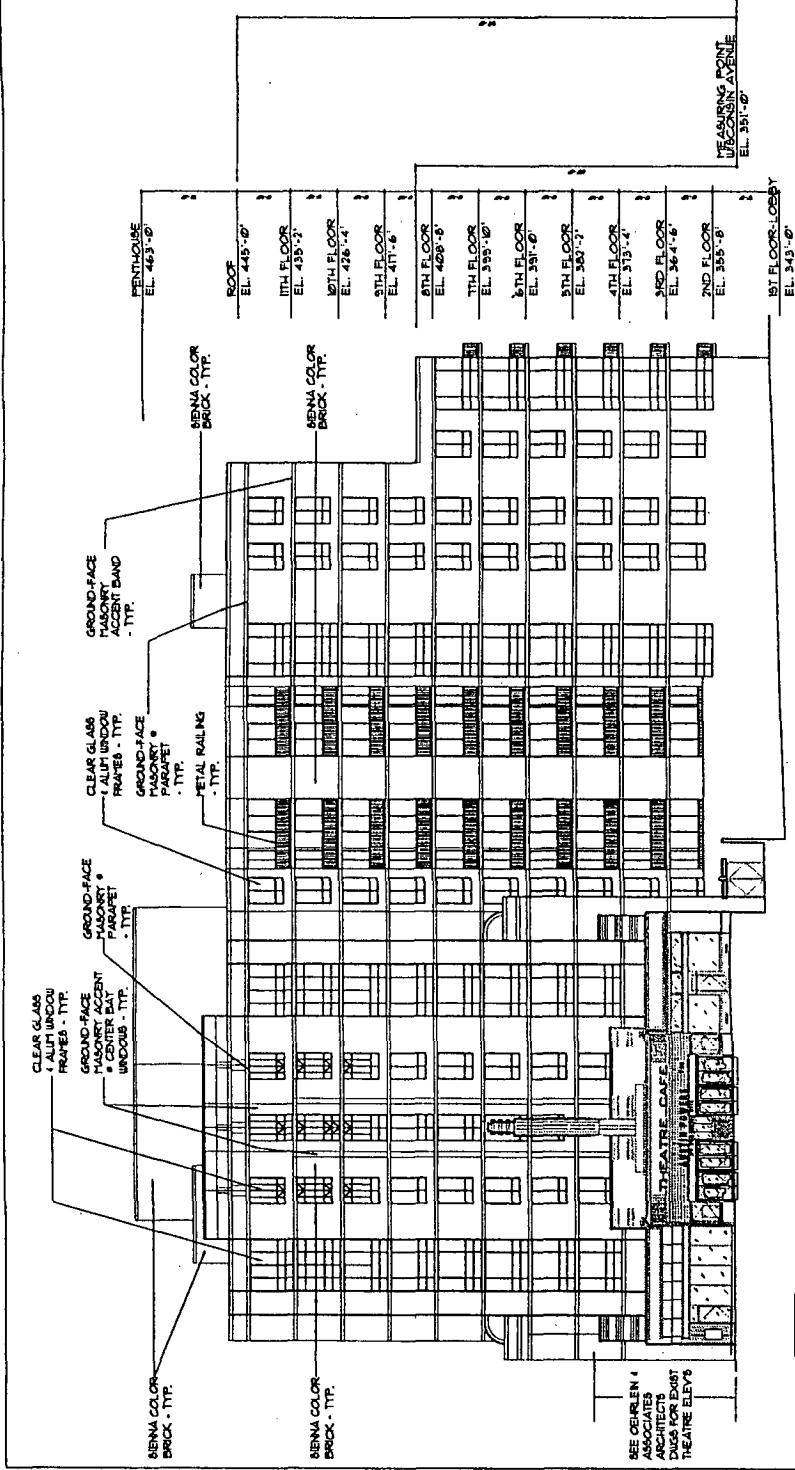


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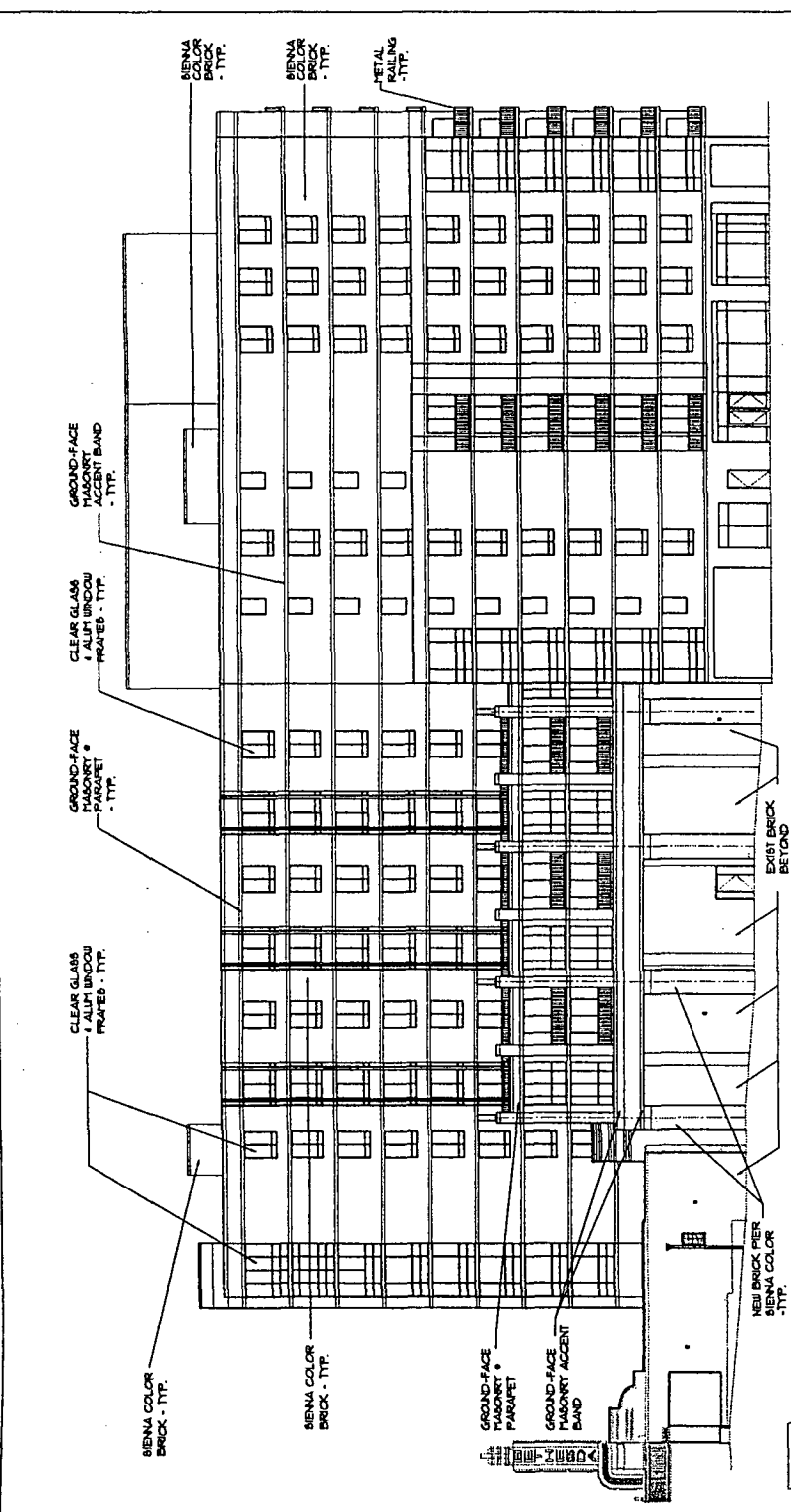
**LOBBY LEVEL-
THEATRE PLAN**

11.30.1999
97012.04
Scheme

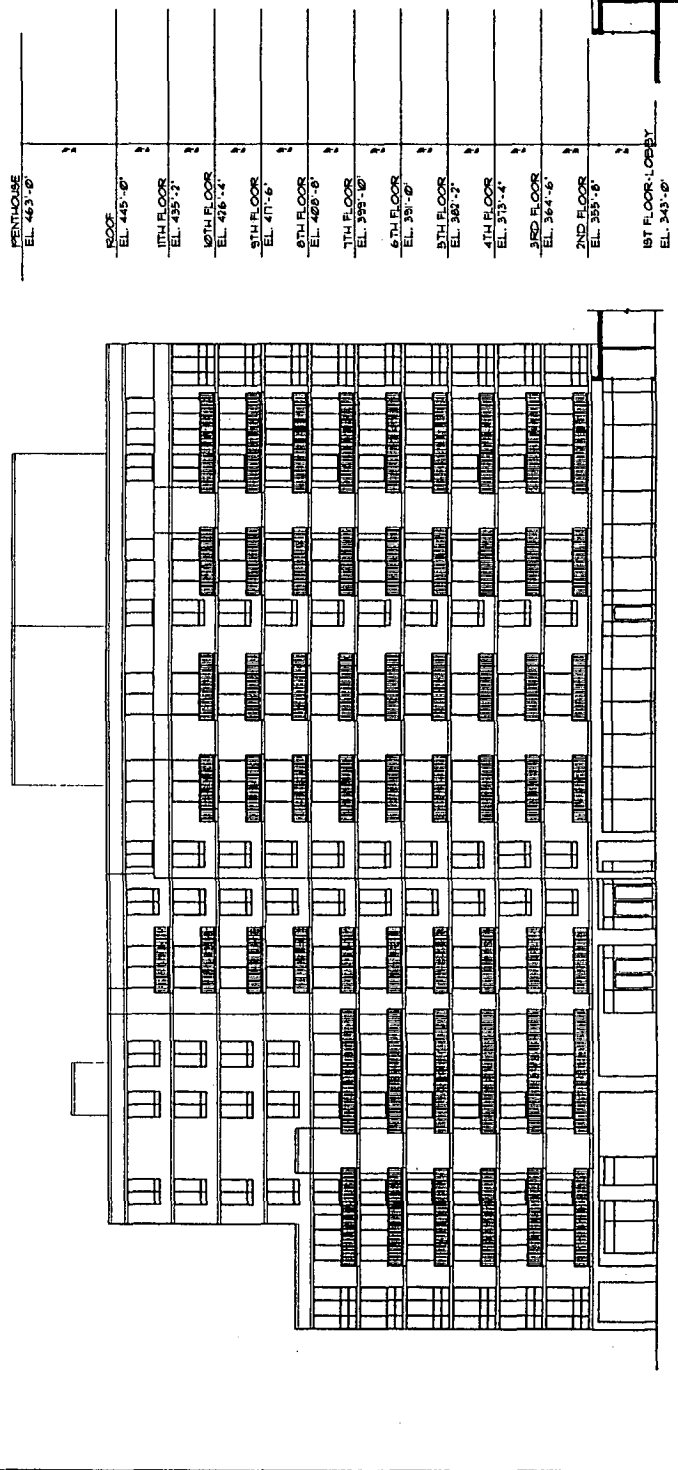
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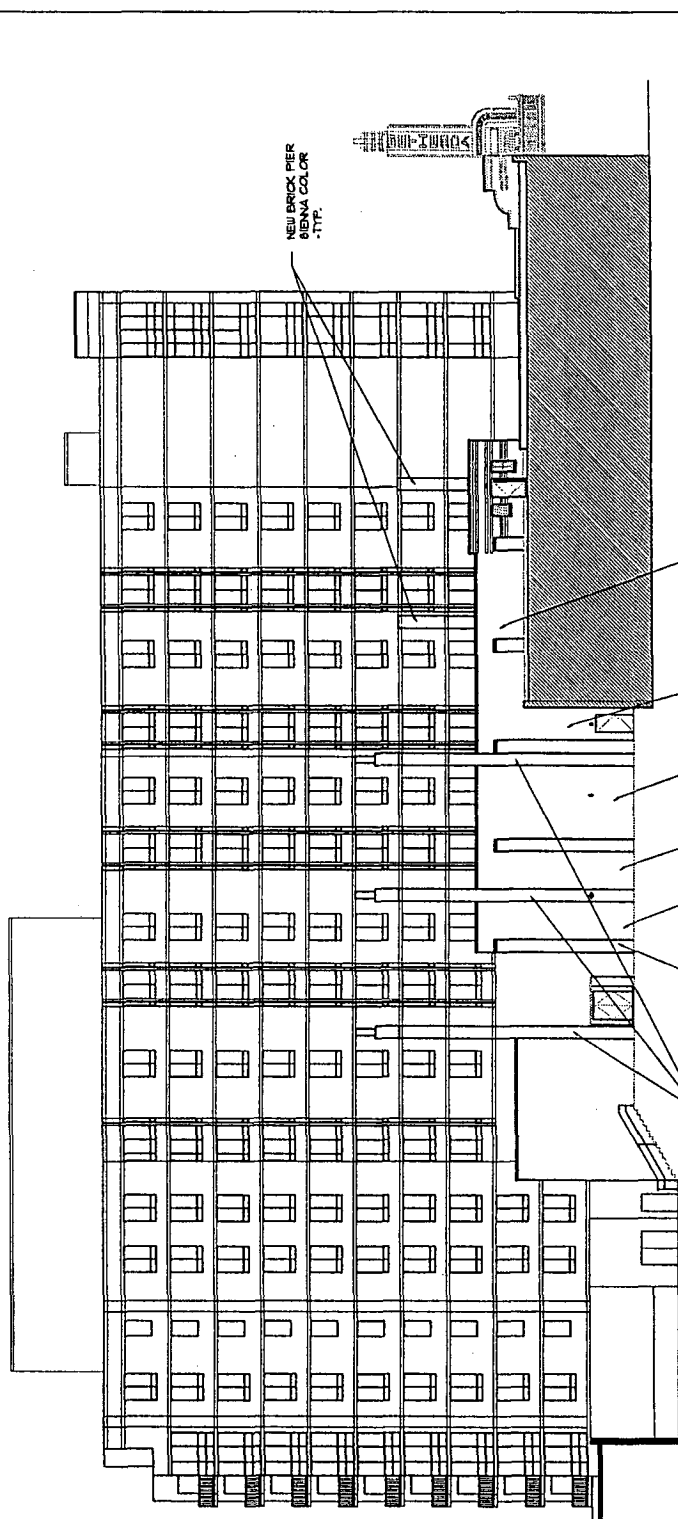
1 WEST ELEVATION



2 SOUTH ELEVATION



3 EAST ELEVATION



4 NORTH ELEVATION PUBLIC GARAGE & LOW-RISE RESIDENTIAL

WDG ARCHITECTURE
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Arling, VA 22202

VIKA, INCORPORATED
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Arling, VA 22202

THE BOZZUTO GROUP
401 Northpark Lane, Suite 200
Greenbelt, MD 20770

E. H. SMITH ASSOCIATES
401 Northpark Lane
Greenbelt, MD 20770

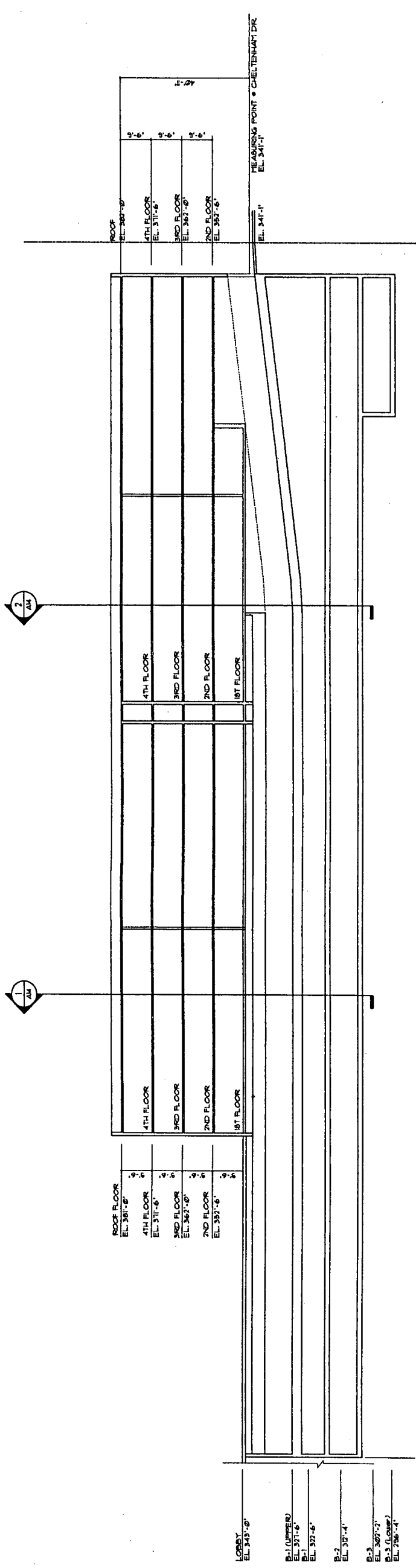
Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

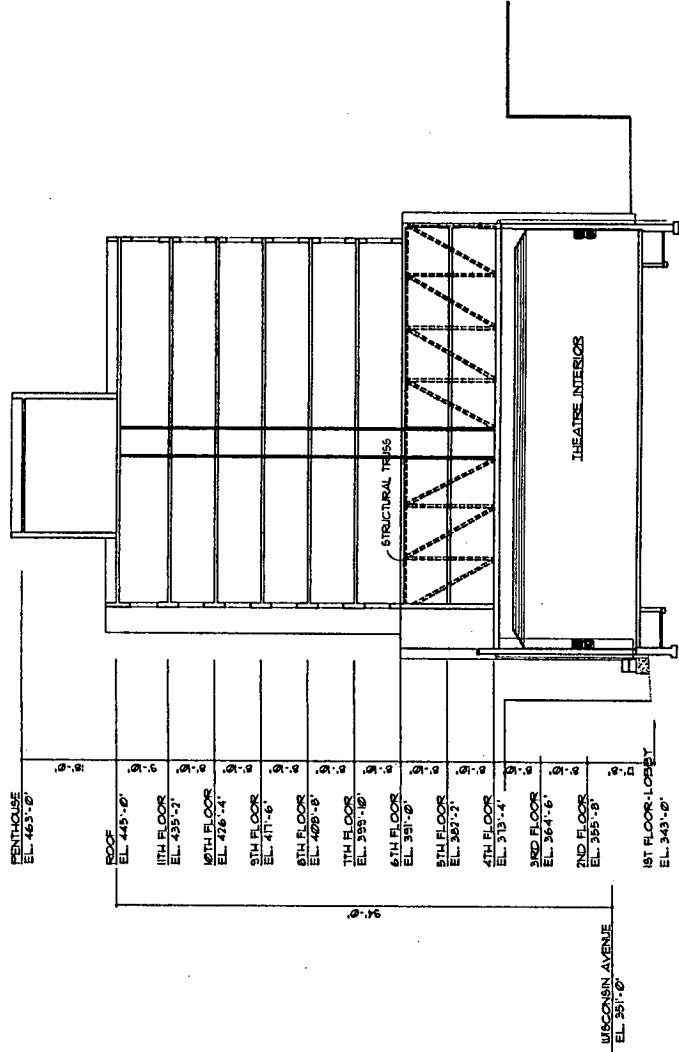
BLDG ELEVATIONS
THEATRE/TOWER

11.30.1997
97022A
Scheme
A11





1 SECTION PUBLIC GARAGE & LOW-RISE RESIDENTIAL



2 SECTION THEATRE AND TOWER

WDG ARCHITECTURE
 W. A. R. T. H. &
 D. L. E. I. S. T. E. R.
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: 202.637.2200 Fax: 202.462.1199 wdg@wdg.com

LEWIS SCULLY GIONET
 Landscape Architects
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SKBA
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 10000 Clarks Lane
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 6110 Connecticut Ave.
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 Washington, D.C. 20036

E. M. SMITH ASSOCIATES
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036

Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, MD 20814

BLDG SECTIONS

A15

11.23.1999
 9/02/04
 Scheme

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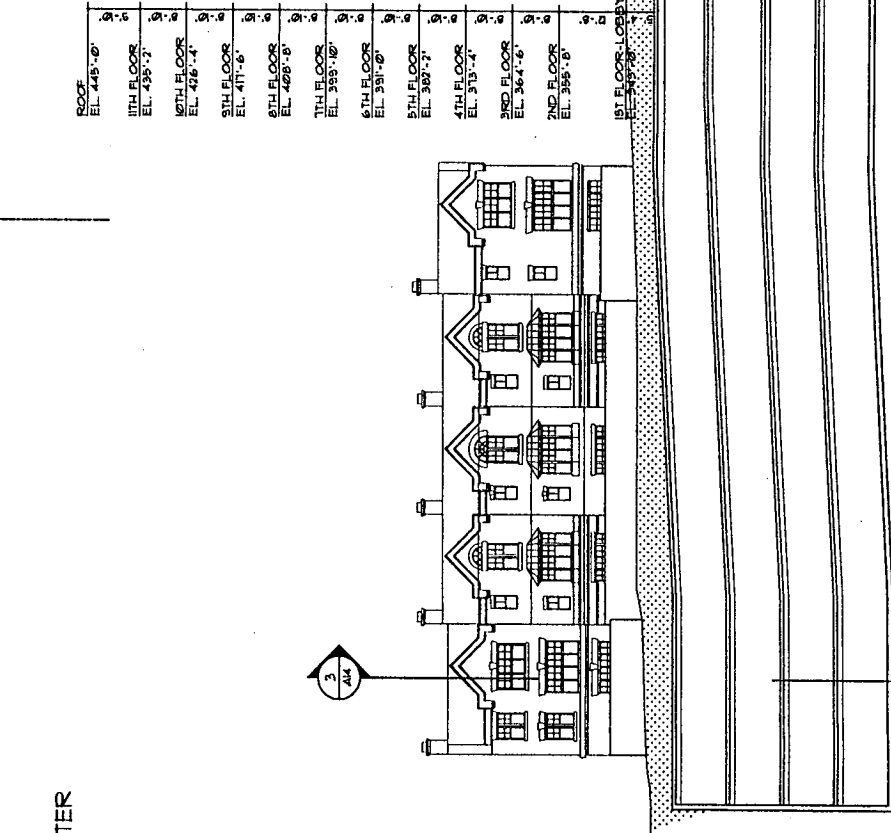
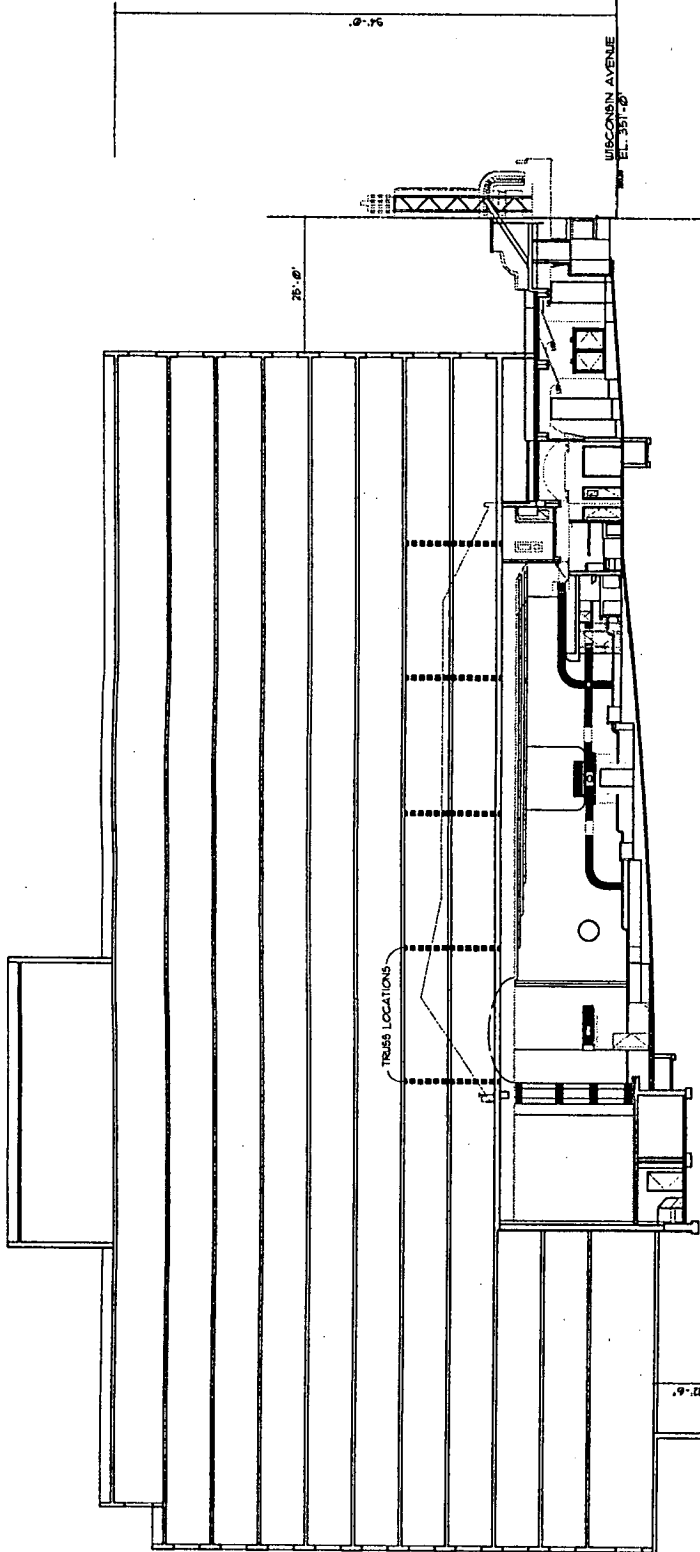
PENTHOUSE	EL. 443'-0"
ROOF	EL. 443'-0"
17TH FLOOR	EL. 439'-7"
16TH FLOOR	EL. 426'-4"
15TH FLOOR	EL. 411'-6"
14TH FLOOR	EL. 408'-0"
13TH FLOOR	EL. 395'-0"
12TH FLOOR	EL. 391'-0"
11TH FLOOR	EL. 387'-7"
10TH FLOOR	EL. 375'-4"
9TH FLOOR	EL. 364'-0"
8TH FLOOR	EL. 355'-0"
7TH FLOOR	EL. 343'-0"
6TH FLOOR	EL. 335'-0"
5TH FLOOR	EL. 323'-0"
4TH FLOOR	EL. 317'-4"
3RD FLOOR	EL. 317'-4"
2ND FLOOR	EL. 307'-7"
1ST FLOOR-LOBBY	EL. 303'-0"
LOBBY	EL. 343'-0"
VOID	EL. 335'-0"
B-1	EL. 371'-0"
B-2	EL. 317'-4"
B-3	EL. 307'-7"
B-4	EL. 307'-7"

2 SECTION
RESIDENTIAL TOWER & THEATER

ROOF	EL. 443'-0"
17TH FLOOR	EL. 439'-7"
16TH FLOOR	EL. 426'-4"
15TH FLOOR	EL. 411'-6"
14TH FLOOR	EL. 408'-0"
13TH FLOOR	EL. 395'-0"
12TH FLOOR	EL. 391'-0"
11TH FLOOR	EL. 387'-7"
10TH FLOOR	EL. 375'-4"
9TH FLOOR	EL. 364'-0"
8TH FLOOR	EL. 355'-0"
7TH FLOOR	EL. 343'-0"
6TH FLOOR	EL. 335'-0"
5TH FLOOR	EL. 323'-0"
4TH FLOOR	EL. 317'-4"
3RD FLOOR	EL. 317'-4"
2ND FLOOR	EL. 307'-7"
1ST FLOOR-LOBBY	EL. 303'-0"

T.O.S.	EL. 333'-0"
B-1 PARKING	EL. 371'-0"
B-1 PARKING	EL. 323'-0"
B-2 PARKING	EL. 317'-4"
B-2 PARKING	EL. 317'-4"
B-3 PARKING	EL. 307'-7"
B-3 PARKING	EL. 307'-7"
B-4 PARKING	EL. 793'-0"

1 SECTION
RESIDENTIAL GARAGE TOWER & TOWNHOUSES



WDG ARCHITECTURE
P.L.L.C.
INTERIOR DESIGN
1225 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20004
Tel: 202/637-1719 Fax: 202/637-1718

LEWIS SCULLY GONNET
4601 Oakdale Road, Suite 110
Newport News, VA 23602

DEHRLIN & ASSOCIATES ARCHITECTS
1350 Connecticut Avenue, N.W.
Washington, D.C. 20004

SK&A
Consulting Engineers
1000 North Washington Blvd.
Bethesda, MD 20814

SILVER ASSOCIATES, P.A.
Consulting Engineers
1000 North Washington Blvd.
Bethesda, MD 20814

VIKA, INCORPORATED
1100 Connecticut Drive
Bethesda, MD 20814

THE BOZZUTO GROUP
4401 Oakdale Road, Suite 200
Greenbelt, MD 20740

E. M. SMITH ASSOCIATES
4801 Northgate Lane
Bethesda, MD 20814

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, MD 20814

BLDG SECTIONS

A16

11.23.1999
9701204
Scheme

Scale: 1/16" = 1'-0"
0 8 16





Bethesda Theater
Preservation Scope of Work
11/12/99

Exterior

Remove the existing roof trusses at the auditorium and the upper portion of the masonry walls to allow installation of the new apartment tower support trusses. Protect the interior finishes during construction and until the building is weathertight.

In order to meet current code requirements, remove the wood frame roof and floor construction at the west retail areas and replace with non-combustible framing and floor system. The roof framing at the entrance, ticket booth and lobby will remain.

Install new structural columns at the north and south elevations to support the new trusses and apartment building construction.

Clean and point the yellow brick and cast stone of the west and south elevations. Clean and point the portions of the red brick to remain exposed at the north and south elevations.

Raise the elevation of the exterior grade at the north and south elevations to provide at level exiting from the theater.

Clean and repair the existing, original aluminum and glass storefront at the west and south elevations. Replace missing and altered portions of the trim to match the original. Replicate the original storefront materials and detailing at the north, but modified to add an egress door.

Restore the existing, original ticket booth, entry doors and entrance lobby. Remove the added ceilings and signs and repair existing stone, plaster, metal, and wood details. Replace missing elements to match the original. Repaint to match the original decorative scheme.

Remove, store and reinstall the existing original marquee and sign if necessary. Repair the support structure, sheet metal cladding and lighting to match the original configuration.

Replace the steel exit doors, frames and hardware at the north and south elevations.

Interior

Remove the wood ceiling and floor framing at the west retail spaces and replace with non-combustible construction.

Remove the theater ceiling to allow installation of the new support trusses and columns.

Remove the added floor structure, kitchen and service facilities in the theater as necessary to install the new structure for the tower.

Remove all of the existing mechanical, electrical and plumbing systems.

Install new support columns located at the north and south retail spaces and along the north wall of the theater.

Install a new egress stair and exit corridor from the apartment tower at the north retail space.

Install all new plumbing, mechanical and electrical systems.

Preserve the existing plan configuration and finishes of the theater and lobby space to the extent possible with modifications necessary to accommodate new toilet facilities, accessibility, food service and theater operations.

Replicate the original theater ceiling configuration. Replicate the original decorative painting at the interior of the theater.

The configuration of the theater floor and seating has not yet been determined.

Replicate the original lighting and supplement with compatible new lighting as necessary. Repair the remaining original light fixtures.



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&
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Calendar
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WORK IN PROGRESS

**When (a Little) Less is
(a Lot) More...**

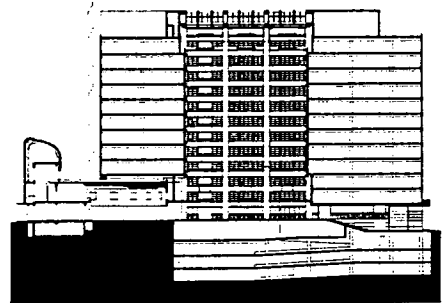
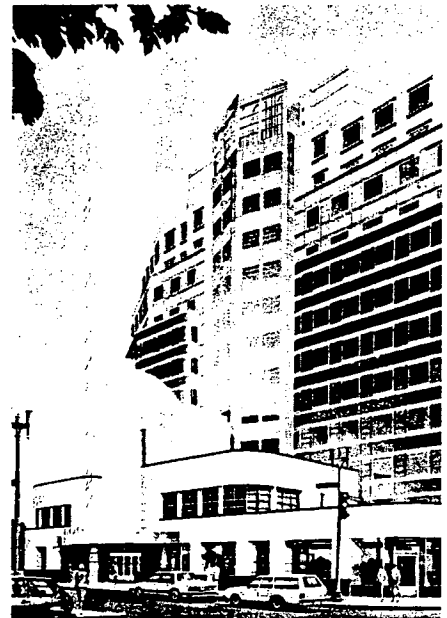
Racy New Life for the Greyhound Terminal

It shouldn't happen to a dog, certainly not to an Art Moderne Greyhound, but over a decade ago the landmark bus terminal at 11th Street and New York Avenue NW disappeared behind a "modernizing" screen wall. Then, in 1985, it was abandoned and sold by the bus company. The following year, however, the structure was designated a local landmark; in mid 1991 the sleek terminal will reopen as the focal point of a 450,000 square foot office and retail complex designed by Keyes Condon Florence.

Given the development value of the site and the importance of the building to the preservation community, conflicts were inevitable. After numerous unsuccessful proposals by several architect/developer teams, including the first design presented by KCF, the key was found in that architectural cliché: less is more. Owner/developer Manufacturers Real Estate accepted a little less building area (8.92 FAR instead of the allowable 10), and Washington will get a lot more: a carefully and enthusiastically restored landmark and a handsome, sympathetically designed new office building.

The lower FAR permitted the architects to avoid the facadism so prevalent in large downtown projects incorporating small historic structures. The limestone, terracotta and glass terminal, designed by Arrasmith of the Kentucky firm Wischmeyer, Arrasmith & Elswick will be preserved in its entirety, standing proudly on New York Avenue as it has since 1940. The waiting room behind the terminal, a 90' diameter semicircle, has been encased in the new office structure. The only change in its appearance is the transformation of small columns at the perimeter into piers husky enough to carry the new structure above; finishes and details of the original columns have been replicated. Only the canopied bus bays have been lost; sculptures of period buses in angled niches will recall this original activity.

Continued on page 5



Top:
1100 New York Avenue, designed by
Keyes Condon Florence Architects for
Manufacturers Real Estate.

Bottom:
Section through the building showing the
existing terminal and new construction.

WORK IN PROGRESS

Less is More for 1100 New York Avenue

Continued from page 1

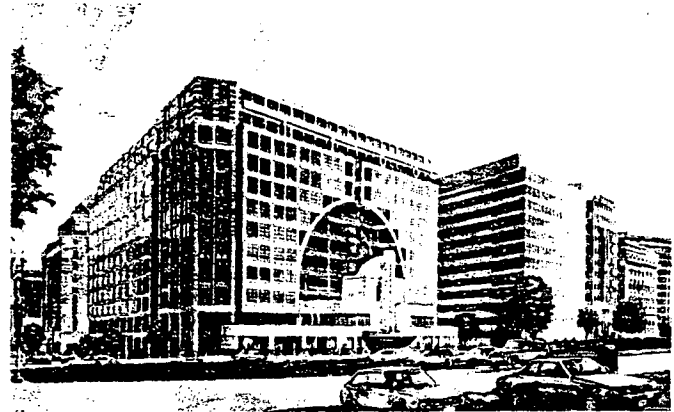
When decorative wall panels in the waiting room clerestory proved unsalvageable, the owners commissioned a series of new paintings on the theme of bus travel in America. Historic details and hardware have been retained in the upper floors of the terminal, which will become rental space, and in the vestibule of the basement which will house a health club. Other preservation efforts include preparation of HABS-quality drawings of the terminal, and production of a documentary film tracking the restoration process.

KCF found design opportunities for the new structure in the large scale gestures and urbane materials which characterize the historic terminal and its era. Setbacks, variation of materials and detailing along the New York Avenue elevation of the new building relate it to the terminal, while the other three sides show the block forms typical of downtown Washington. The architects have enthusiastically embraced the motifs of the Greyhound era with fluted aluminum spandrels (which recall the panels used on older buses), Art Deco derived lights and storefronts at street level. An interior atrium — introduced to avoid unmarketable depth of inner space — is conceived as a top-lit "great hall" with daylight diffused through pebble glass lay lights. Metal column finishes and fluted plaster spandrels recall the exterior skin. The street level circulation promises a varied spatial experience as the pedestrian enters from New York Avenue beneath the canopy of the historic terminal, crosses through the broad former waiting room and passes into the vertically proportioned atrium, finally to reach H Street via a monumental stair derived from the staircase of the Corcoran Museum.

KCF's project team includes: Colden Florance, FAIA, Phil Esocoff, AIA, Michael Kearney, AIA and Maynard Ball, AIA.

The Vitetta Group Studio Four, under Hyman Myers, AIA, of Philadelphia has served as preservation consultant. Tadjer Cohen Edelson provided structural engineering services, while Shefferman and Bigelson were mechanical and electrical consultants. General Contractor is A.S. McGaughan Company, Inc. ■

Joan Stouffer Scharnberg, AIA, is an architect with Notter Finegold + Alexander. She welcomes suggestions for future "Works in Progress" articles, and can be reached at 202-296-2700.



Above: An early proposal by KCF for the office building based on the full allowable FAR.

COPYRIGHTS

Increased Protection for Architectural Works

I imagine that your architectural and construction firm has designed a one-of-a-kind home for one of its clients. You've protected your copyright in the plans by placing copyright notice on the plans and even registered them with the U.S. Copyright Office. You begin construction on the house. Before construction is even finished, however, less than a block away a competing builder starts to build a house that looks identical to the one you designed. In fact, you discover that the other builder simply pirated your design by photographing your house while it was under construction.

Do you have the right to go to court to enjoin construction of this copycat house? Under previous U.S. copyright law, the answer was no.

This situation has now changed. Under the new Architectural Works Copyright Protection Act, copyright protection is now extended to architectural designs *embodied in buildings*. Architects whose designs are pirated can now sue to enjoin construction - or even to require the destruction - of a building based on their protected designs. However, the copyright owner cannot prevent others from making paintings or photographs of a constructed building, or prevent the owner of the building from altering or even destroying the building. In addition, the new Act does *not* preempt state or local laws regarding landmarks, historic preservation, zoning or building codes. ■

Reprinted from Dechert Price & Rhoads "Copyright Law Update," December 1990. (DCIAIA News will run an expanded article in an upcoming issue.) Contact John P. Luneau (202)994-2856 for additional information.

METROPOLITAN WASHINGTON BUSINESS PROPERTIES

The Monthly Magazine to Re-Let & New Business Properties

March 1989



Manufacturers Real Estate presents the only Art Deco building in downtown D.C. which will serve as the gateway to a state-of-the-art office building.

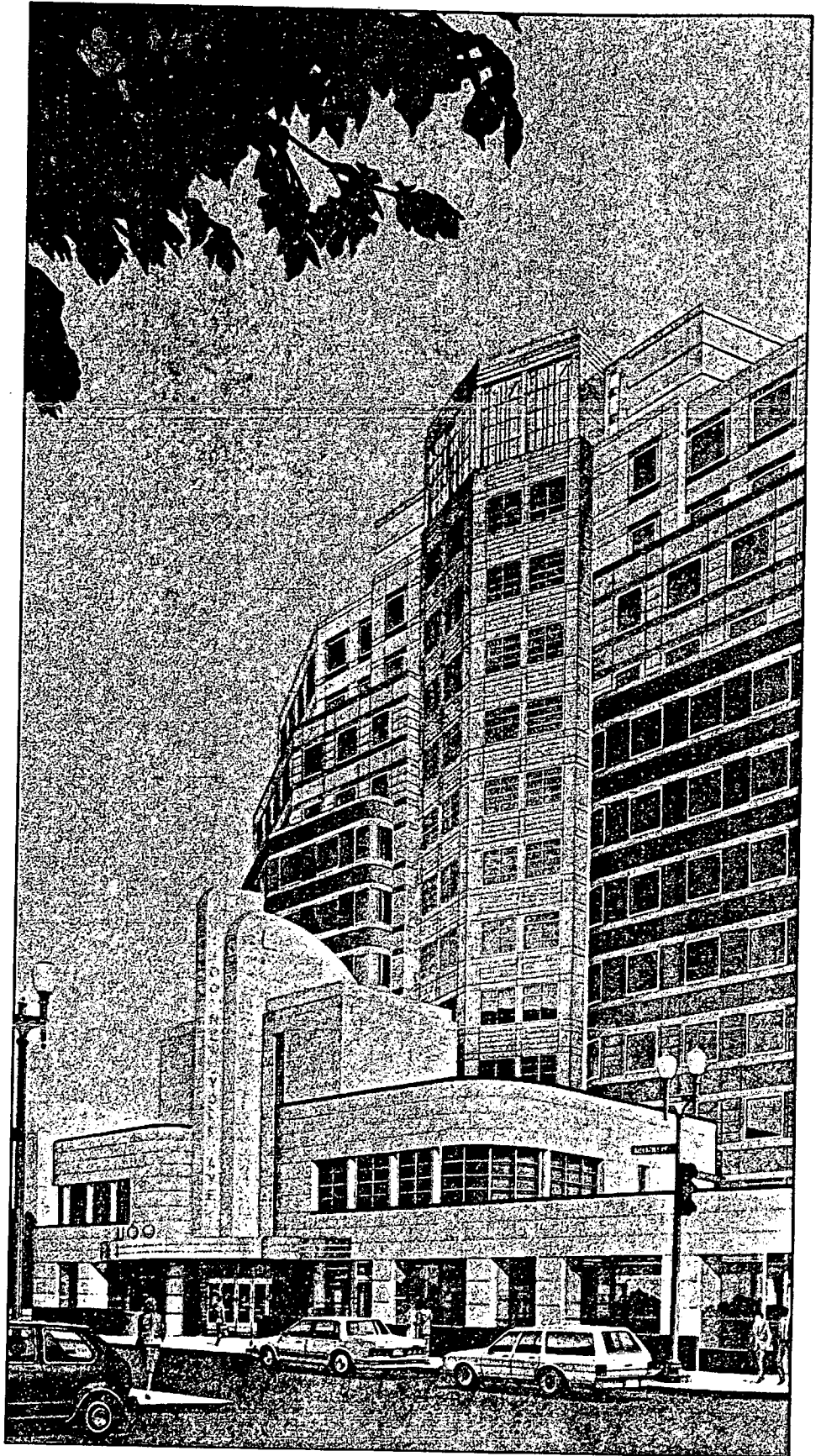
see page 10

Telephone tag can be a thing of the past
with AT&T's Voice Messaging System ... see page 38

Do you know how to plan for perfection?
Our step-by-step Design Primer will show
you how...see page 50

Manufacturers
Real Estate...

**PRESERVING
THE PAST
FOR
THE FUTURE**



Earlier this year Manufacturers Real Estate oversaw the uncovering of the ten-year old facade from the Old Greyhound Bus Terminal, revealing a national historic landmark that will be painstakingly restored and adaptively reused to serve as another of Manufacturers Real Estates' first-class developments. This nationally-known Washington landmark will be the focal point of 1100 New York Avenue.

Manufacturers Real Estate, a division of The Manufacturers Life Insurance Company of Toronto, is proud to be overseeing the restoration of the Greyhound Terminal and construction of a 12-story office building. "We feel confident that Keyes Condon Florence's design will be welcome in Washington," said Sidney F. Dakin, vice president of The Manufacturers Life Insurance Company and head of its real estate division. "They have truly blended a historically significant building with state-of-the-art office facilities."

The Greyhound Terminal will

The development project will be exemplary because it will include an outstanding restoration of a historic building - one of the most important examples of the streamlined Art Deco style in D.C. - with a sophisticated new development.

serve as the main entrance lobby off New York Avenue. It was originally designed as a hall for people to meet and congregate, and then to continue on their journeys. After restoration it will serve as the gateway to a 12-story atrium, the heart of the new building.

The development project will be exemplary because it will include an outstanding restoration of a historic building - one of the most important examples of the streamlined Art Deco style in D.C. - with a sophisticated new development. In 1987, the Greyhound Terminal won landmark status after years of vigorous preservation advocacy. The battle was hard won because the original structure was covered in 1976.

The preservation development compromise, which was unveiled to the D.C. Historic Preservation Board last year, has been endorsed by the city's preservation community. "It took about five years of arm wrestling to save this building," said Richard Striner, president of the Art Deco Society of Washington. "But the Greyhound Terminal is the most important example of its building type in the nation. We are delighted with the cordial working relationship established with Manufacturers. Only a development firm with long-term vision can turn what seems to be a development problem into a unique opportunity."

After removal of the facade, the Greyhound Terminal's exterior of limestone and black terracotta will be restored and the interior will be refurbished with carefully restored plaster ceilings and patterned terrazzo floors. Historic moldings and lighting fixtures will be authentically reproduced from archival drawings. As the lobby to the new building, the terminal will contain generous seating areas for those desiring to appreciate the beauty and historical significance of the building.

"It took about five years of arm wrestling to save this building," said Richard Striner, president of the Art Deco Society of Washington. "But the Greyhound Terminal is the most important example of its building type in the nation."

The 12-story atrium will have the feel of the terminal's streamlined Art Deco style. An ornamental glass ceiling will allow daylight to filter into the building. The atrium walls will consist of glass and a richly grained wood with marble columns adding grace and elegance to the atrium. Subtle details such as aluminum and copper trim recall the sumptuous Art Deco interiors of Rockefeller Center.

continued on page 12

1100 New York Avenue will have 455,000 square feet of space. In addition to the 38,000 square foot floors, the building will include approximately 30,000 square feet of premium retail space and four levels of underground parking for approximately 400 vehicles.

Manufacturers Real Estate is developing the building as a complete business environment. 1100 New York Avenue will offer valet parking and full concierge service in the lobby. An exclusive 4,000 square foot Rooftop Terrace available for private receptions will overlook New York Avenue. The building will also include a fully equipped and staffed Fitness Center and Conference Center.

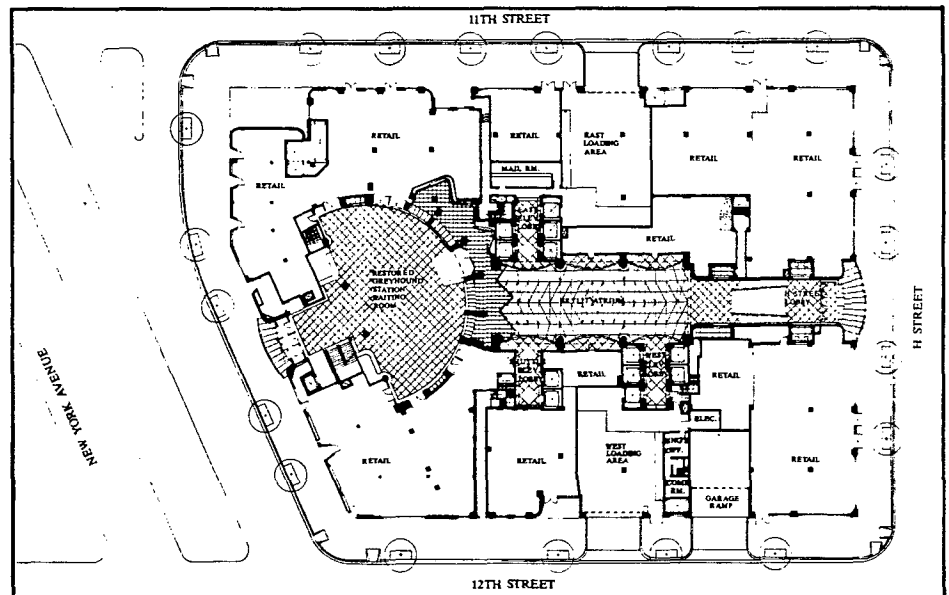
1100 New York Avenue is superbly situated on an entire city block in the new mid-town bounded by 12th, H and 11th Street, an area which is growing in stature as Washington's business district expands east.

The building is adjacent to the Washington Convention Center and one block from the Metro Center and subway station. It is close to the Grand Hyatt, Crowne Plaza and Ramada Renaissance hotels, as well as fine restaurants and fashionable shopping.

Keys Condon Florance has taken great pains and Manufacturers has spared no expense to assure that the new building accurately reflects the grandeur of the Art Deco era. The new building's exterior will compliment the Greyhound Terminal. Lake Placid Blue granite will be used in both polished and flamed finishes. Details such as fluted aluminum spandrel panels and medallions, extractions of logos or graphics from the buses of the era, emulate the 1930's look.

The importance of the Greyhound Terminal cannot be overstated. "We too recognize the historical significance of the Greyhound Terminal and what it means to Washington and wanted to reflect that era in the restoration," said Dakin.

Manufacturers Real Estate's attentive restoration and planned reuse of the terminal, a nationally significant building, preserves it for the joy and benefit of future generations.



"We too recognize the historical significance of the Greyhound Terminal and what it means to Washington and wanted to reflect that era in the restoration," said Dakin.

Manufacturers buildings combine the best in available materials, location, architectural design and state-of-the-art mechanical equipment to provide an unsurpassed office environment for its tenants. Manufacturers Real Estate decided early on that to best control the quality of its properties, it would also have to be the developer.



BARBARA A. FAKOURY

ATTORNEY AT LAW
10347 DEMOCRACY LANE
FAIRFAX, VIRGINIA 22030

SATELLITE OFFICE:
108 N. ST. ASAPH STREET
ALEXANDRIA, VIRGINIA 22314

(703) 385-5755
FAX (703) 383-3116
E-MAIL: BFAK@EROLS.COM

December 11, 1999

The Honorable George Kousoulas VIA FACSIMILE AND FIRST
Chair, Historic Preservation Commission CLASS MAIL
8787 Georgia Avenue
Silver Spring, Maryland 20910

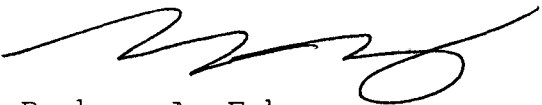
Re: The Bethesda Theatre

Dear Mr. Kousoulas:

I am a member of the Art Deco Society of Washington. I am writing to let you know that I oppose the proposed configuration for the construction of the apartment building slated to go in behind the Bethesda Theatre. I concur with the Art Deco Society of Washington's position on the details relating to the location of this building vis-a-vis the Bethesda Theatre. I strongly encourage you to do what you can to see that the voices of the art deco experts in the Society are heeded in this construction endeavor.

Thank you very much.

Very truly yours,



Barbara A. Fakoury

cc: Art Deco Society of Washington



ART DECO SOCIETY of WASHINGTON

June 4, 1999

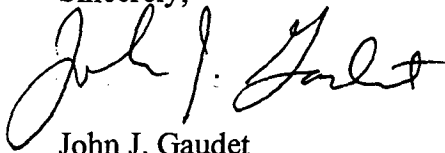
Hon. George Kousoulas
Chair-Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Kousoulas,

Thought you'd like to see some publicity the ADSW received recently on the issue of the Bethesda Theatre. As you know, we believe that the development can continue, but that the apartments being built over it should be moved back so as to preserve the historical integrity of the building.

Also, please find enclosed a copy of the flyer we are using. We will keep in touch with you on this matter. Thanks for your attention.

Sincerely,



John J. Gaudet
Member, Preservation Committee

P.S. We are calling our campaign S.H.A.R.K. ("Save Historical Architecture from Redevelopment Killer")

Replied 7/20/99

MONTGOMERY

Weekly

THURSDAY, MAY 27, 1999

Panned by Preservationists

Bethesda Plan Called Threat to Appearance Of Landmark Theater

By FERN SHEN
Washington Post Staff Writer

A development proposal that includes building a 10-story apartment complex on top of the historic Bethesda Theater is being panned by historic preservationists, who say the current design will ruin the look of the downtown landmark.

"To engulf the theater this way, you'll just hardly know there is a historic theater there," said Linda Lyons, preservation chairman of the Art Deco Society of Washington.

"This is among the really good examples of art deco in the area. The architect had a

national reputation," said Lyons, of the Village of Chevy Chase. "Plus, it represents a time when downtown Bethesda was really growing and thriving."

The proposal, by developer E.M. Smith Associates, of Bethesda, calls for 187 apartments on top of the theater, 27 multifamily units behind it and 21 town houses beside it. Underground parking places also are planned.

The current design includes an apartment facade that is set back from the theater facade by about 20 feet. The Art Deco Society wants the front of the apartment to be at least 52 feet back so it does not visually overpower the building.

Eugene Smith, who heads the development company, could not be reached earlier this week for comment, but he has said he believes the 20-foot setback will not interfere with the 1930s-style look of the theater's facade. He has also said that the smaller setback is necessary to make the

project economically feasible.

In documents filed with the Montgomery County Planning Board, the developer's architects, Oehrlein & Associates of Washington, argue that the current design "will ensure the long-term preservation of both the exterior and the interior" of the theater.

The proposal, the architects wrote, "will retain and preserve the Wisconsin Avenue facade, the marquee, and the marquee tower, the primary character-defining elements of the building."

Some residents, including the East Bethesda Citizens Association, have said that they have no problem with the design and that they like the project's emphasis on residential rather than commercial uses.

The 61-year-old movie theater, designed by architect John Ebersohn, was recently listed on the National Register of Historic

See BETHESDA, Page 2, Col. 1

Preservationists Oppose Proposal

BETHESDA, From Page 1

Places. Current activities in the building, a movie theater and restaurant operating as the Bethesda Theater Cafe, are not threatened by the developer's plans, Lyons said.

Despite the Art Deco Society's objections, the Montgomery County Planning Board has given preliminary approval to the current design. The preservationists now are focusing on the Montgomery

County Historic Preservation Commission, whose approval the developers need next if the plan is to move forward. Because the building has been declared a county landmark, its facade cannot be altered without the commission's permission.

The commission has not yet scheduled a public hearing on the matter.

If the current design gets the green light from the commission, it would still require final approval

from the county Planning Board to move ahead.

Meanwhile, the Art Deco Society has launched a campaign to drum up public support for the theater, passing out leaflets in front of the Bethesda Metro station and on Wisconsin Avenue across from the theater. Members are soliciting signatures for a petition to present to the preservation commission. The group calls their effort Save Historical Architecture From Redevelopment Killers, or SHARK.

Art Deco group presses for changes to apartment plans

by Myra Mensh Patner
Staff Writer

Art Deco Society of Washington renewed its campaign Saturday to force a Bethesda developer to change his design for an apartment complex that will be built over top of the historic Bethesda Theatre Cafe at 7719 Wisconsin Ave.

Members of the society set up an Art Deco-style booth across from the theater cafe Saturday and handed out literature designed to press the public to ask Montgomery County's Historic Preservation Society and Planning Board to change the design.

The society wants the apartment house, with its 187 units that will be built on top of the theater cafe, to be set back at least 52 feet from Wisconsin Avenue to best preserve the Art Deco facade.

The developer's blueprint shows the building set 20 feet from the facade.

No date has been set for a public hearing or decision on the issue, which will come from the county's Historic Preservation Commission before the developer can obtain a permit for the project.

Gene Smith, president of Bethesda-based E.M. Smith Associates, which is developing the project for Baltimore-based Beta Corp., has said in the past he has no intention of changing his plans.

He declined comment Tuesday.

Linda Lyons, chairman of the society's preservation committee and the person who organized Saturday's literature handout, said she renewed her campaign because May has been declared Preservation



Galen A. Lentz/GAZETTE

John Gaudet hands out flyers Saturday to save the Bethesda Theatre Cafe. Gaudet is part of a group trying to have plans modified for a 187-unit apartment building planned for the rear of the building.

Month by the National Registry of Historic Places.

In addition, today marks the day the theater opened 61 years ago, Lyons said.

"We feel our timing was right, and we really convinced people on Saturday," said Lyons, who added that she spoke to dozens of passers-by on the topic of the theater.

She also handed out graphic posters designed by the society that

depict a huge shark devouring the theater cafe. The group has named its campaign SHARK, Save Historical Architecture from Redevelopment Killer.

Smith obtain preliminary Planning Board approval Jan. 7 to build the 10-story apartment house. The project also includes 27 multi-family units behind the theater and 21 townhouses along the side of the property.

Don't let development swallow the Bethesda Theatre



Three ways to destroy a historic building:

- knock the building down - demolition
- let the roof leak for a long time - demolition by neglect
- build something on it so huge that it's swallowed - demolition by re-design

The Bethesda Theatre needs your support.

The owner is planning to put a 10-story apartment building on top of (!!) the Bethesda Theatre with only a 20-foot setback. This historic building needs to sit on the street and be itself - not lost or engulfed by an overpowering high-rise building set too close to the street.

The Theatre and the economically dynamic Woodmont Triangle will be overshadowed by such an enormous addition, BUT by moving the front of the new construction further back from the sidewalk, the Theatre can continue to have a distinctive presence and avoid being totally "swallowed." Development can still continue...

THE BETHESDA THEATRE IS A LANDMARK

- Built in 1938 by the celebrated theatre architect John Eberson.
- One of the few remaining examples of Art Deco period theatres.
- 1985 – placed on Montgomery County's Master Plan for Historic Preservation.
- 1999 – Listed on the National Register of Historic Places.

There is still time to act !!

The Art Deco Society of Washington, a regional preservation organization, needs you and your friends and neighbors. Contact us at 202-298-1100. Express your concern directly to county officials (see addresses and sample letters on the back).

Visit the Art Deco Society of Washington's Web Site: www.adsw.org

**Help save the Bethesda Theatre !
Write to each county official listed below.**

Be sure to include your address. It shows that you are local and allows them to write back to you.

Hon. Douglas Duncan
County Executive
101 Monroe Street
Rockville, MD 20850

Hon. George Kousoulas
Chair-Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Hon. Isaiah Leggett
President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Hon. William Hussman
Chair
County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Sample Letter # 1

Dear _____,

Please oppose the plan to build an apartment building on top of the Bethesda Theatre with only a 20-foot setback. The Theatre is a long-standing cultural landmark of Montgomery County, and can be properly preserved only if the new construction is set considerably further back... I look forward to hearing from you on this issue.

Sincerely,
Your name and address

Sample Letter # 2

Dear _____,

I am opposed to the plan to put an apartment building on top of the Bethesda Theatre with only a 20-foot setback. The new development should be set further back to preserve the character of the theatre, and honor it's position on the National Register of Historic Places.

Please let me know your stance on this.

Sincerely,
Your name and address

Sample Letter # 3

Dear _____,

Please save the Bethesda Theatre! The proposed development will overwhelm this historic building if it is set back only 20 feet. The new construction should be set back considerably further thus preserving the Theatre's presence while still allowing development to proceed.

I look forward to your response.

Sincerely,
Your name and address

ART DECO SOCIETY OF WASHINGTON

P.O. Box 11090, Washington, D.C. 20008

202-298-1100

www.adsw.org

July 2, 1999

Hon. George Kousoulas
Chair, Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Kousoulas:

Please save the Bethesda Theatre! The proposed apartment building will overwhelm this historic building if it is set back only 20 feet. The new construction should be set back considerably further, thus preserving the Theatre's presence while still allowing the development to proceed.

Kindly let me know your position on this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martha Newman".

Martha Newman
5225 Pooks Hill Road, Apt. 1311N
Bethesda, MD 20814

Replied 7/19/99 RDZ

May 18, 1999

Hon. George Kousoulas
Chair-Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Hon. Kousoulas:

I am opposed to the plan to put an apartment building on top of the Bethesda Theatre. A 20-foot setback is not enough space to preserve the integrity of this historic landmark! The new development should be set further back to preserve the character of the theatre, and honor its position on the National Register of Historic Places.

Please let me know your position on this matter.

Sincerely,



Catherine A Offutt

10405 Montrose Ave., #302

Bethesda, MD 20814

Replied 7/19/99 RDZ

Date: May 15, 1999

Dear Honorable George Kourkoulas:

Please oppose the plan to build an apartment building on top of the Bethesda Theatre with only a 20-foot setback. The Theatre is a long-standing cultural landmark of Montgomery County, and can be properly preserved only if the new construction is set considerably further back... I look forward to hearing from you on this issue.

Sincerely yours,

Hadi Nasr
Name
7000 Exeter Rd.
Address
Bethesda, MD 20814
301 986 1393
Phone

KeyWord
7/20/99

2001 North Adams Street
Apartment 1003
Arlington, VA 22201
July 16, 1999

Hon. George Kousoulas
Chair, Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Kousoulas:

Please save the Bethesda Theater. The proposed development will overwhelm this historic building if it is set back only 20 feet. The new construction should be set back considerably further, thus preserving the theater's presence while still allowing development to proceed.

I look forward to hearing from you on this issue.

Sincerely,

William L. Turner, Jr.
William L. Turner, Jr.

Replied 2/21/99
202

Date: MAY 15, 99

Dear HON. George Koussoulas

Please oppose the plan to build an apartment building on top of the Bethesda Theatre with only a 20-foot setback. The Theatre is a long-standing cultural landmark of Montgomery County, and can be properly preserved only if the new construction is set considerably further back... I look forward to hearing from you on this issue.

Sincerely yours,

ANDREW SPEKKE
Name
4403 BRADLEY LN.
Address
CHEVY CHASE, MD 20815
(301) 657-8011
Phone

Replied 7/20/99

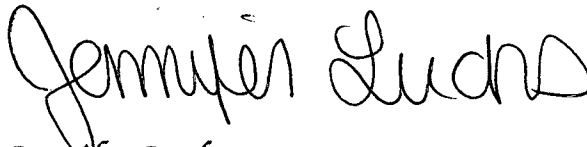
May 18, 1999

Hon. George Kousoulas
Chair-Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Md. 20910

Dear Mr. Kousoulas:

Please save the Bethesda Theater! The proposed development will overwhelm this historic building if it is set back only 20 feet. The new construction should be set back considerably further thus preserving the Theater's presence while still allowing development to proceed.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Lucks". The signature is written in black ink and is positioned above the typed name.

Jennifer Lucks
Rockville, Md.

ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

FILE NUMBER: 990838 DATE RECEIVED: 07/09/99

CORRESPONDENCE TYPE: Ltr DATE OF LETTER: 05/18/99

AGENDA DATE:

TO: Hussmann

FROM: Catherine A Offutt

SUBJECT:
Citizen opposes plan to build an apartment building on top of the
Bethesda Theatre

TRANSMITTED TO: Loehr/BH

COPIES TO:

Davis Larry

DATE DUE:

[] PREPARE REPLY FOR CHAIRMAN'S SIGNATURE

[] REPLY; CC TO CHAIRMAN

REMARKS FROM CHAIRMAN'S OFFICE:
Pls include in Case File

PLANNING DIRECTOR'S OFFICE

DATE RECEIVED BY PDO:

DATE SENT TO DIVISION:

RESPONSIBLE STAFF:

DIVISION:

REMARKS FROM DIRECTOR'S OFFICE:

RECEIVED
JUL 14 1999
RECEIVED
Development Review Division

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

RECEIVED
JUL 9 1999

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

RECEIVED
JUL 9 1999
990838

SILVER SPRING, MD.

May 18, 1999

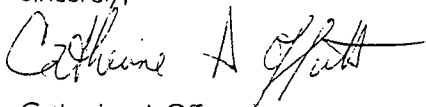
Hon. William Hussman
Chair
County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Hon. Hussman:

I am opposed to the plan to put an apartment building on top of the Bethesda Theatre. A 20-foot setback is not enough space to preserve the integrity of this historic landmark! The new development should be set further back to preserve the character of the theatre, and honor it's position on the National Register of Historic Places.

Please let me know your position on this matter.

Sincerely,



Catherine A Offutt

10405 Montrose Ave., #302

Bethesda, MD 20814

EWEN WRIGHT
LARRY P.

11H

ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

FILE NUMBER: 990890 DATE RECEIVED: 07/21/99

CORRESPONDENCE TYPE: Ltr DATE OF LETTER: 07/16/99

AGENDA DATE:

TO: Hussmann

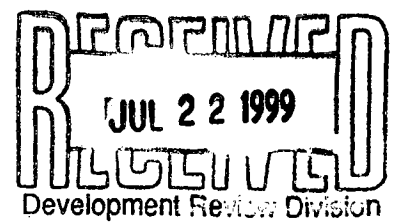
FROM: William L Turner, Jr

SUBJECT:
Citizen urges MCPB to save the Bethesda Theatre

TRANSMITTED TO: Loehr/BH

COPIES TO: Davis *Larry*

DATE DUE:



[] PREPARE REPLY FOR CHAIRMAN'S SIGNATURE

[] REPLY; CC TO CHAIRMAN

REMARKS FROM CHAIRMAN'S OFFICE:
Place in case file

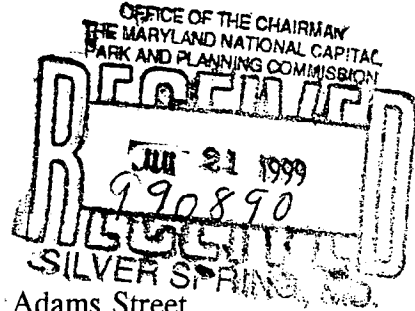
PLANNING DIRECTOR'S OFFICE

DATE RECEIVED BY PDO: DATE SENT TO DIVISION:

RESPONSIBLE STAFF:

DIVISION:

REMARKS FROM DIRECTOR'S OFFICE:



2001 North Adams Street
Apartment 1003
Arlington, VA 22201
July 16, 1999

Hon. William Hussman
Chair
County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hussman:

Please save the Bethesda Theater. The proposed development will overwhelm this historic building if it is set back only 20 feet. The new construction should be set back considerably further, thus preserving the theater's presence while still allowing development to proceed.

I look forward to hearing from you on this issue.

Sincerely,

William L. Turner, Jr.
William L. Turner, Jr.

Feb. 18, 1999

Berkshire Institute

MD. SHPO has signed off on NR nomination, & sent it
off to the Feds!

Call Peter K. (about PB
& Kennington)

issues

setback & missing

N to Grayhound Bldg

Longstrech to speak about listing & De-listing

GCC = governor's consulting Committee
see NR nominations.

* Send copy of application to Port Deco Society ASAP.

1. Legal Authority does rest of the HPC.

2. Urban Planning issue -

N to Grayhound Bus Station.

* Call Sam & talk about the opposition - & talk about an agreement -
getting together of the Port Deco Soc.

about moving density around ...

* check of Carolyn about diff in envelope for residential vs. Office.

Set up opportunity for Mary Oerhleim to
go see the Silver Theatre
for // call Dan S.

Also for taking down Meist & then put
back

⌘ Ceiling comes out & then
is reconstructed.

ASK George what he thinks.

moehrlein@oehrlein.com

Nov. 30, 1999

Belaska Theatre.

1. Ceiling in Theatre:

- spray protective coating on top of the ceiling to waterproof it - Ceiling will be open to the elements for a certain period of time: 2-3 mos.

✓ Talk w/ Dan Schuerman

caste iron waste lines above ceiling. No water lines.

+ sprinkler ceiling. - sucked from below.

= Include copy of transcripts from Prelim. Consults

- Interior Casement.

= Please go see the site.

} = mention Master Plan
= Prelim

District In town
Low Reporter
17 PLR 1141
(1998)

Nov. 24, 1999

Dec. 15, 1999

Bethesda Theatre

- One speaker speaks strongly for retention of original parapet in situ.

Greyhound Set. back = 47' (not so!).

37.
12
49

① Propose to deny - Sue Valesquez 4
2nd - Doug Herbst 4 (Fails) go back to 2nd parapet so!

② Propose to deny & ask the developer to design something more compatible:

Mike Sakalov
Kent Ba...

Sue Valesquez 2nd



Agenda for Montgomery County Planning Board Meeting

Thursday, January 7, 1999, 1:00 P.M.

8787 Georgia Avenue, Silver Spring, MD 20910-3760

301-495-4600, www.mncppc.org

35/14-4

The following time schedule is an estimate subject to change without notice, depending on the circumstances affecting each item. For meeting information, please call the Planning Board Hotline, 301-495-1333. For other information, please call 301-495-4600, TTY 301-495-1331. Public testimony will be taken on items unless otherwise noted. Words in all capitals indicate staff's recommendation. The Planning Board encourages the participation of individuals with disabilities in all our programs and services. Please call 301-495-4600 or TTY 301-495-1331, for assistance. This agenda, planning and parks information are now available on the Internet at www.mncppc.org. *Printed on recycled paper.*

- 1:00 p.m.** Roll Call
 Approval of Minutes
 Commissioners' Reports
 Directors' Reports
 Reconsideration Requests
- 1:15 p.m.**
- *1. **Site Plan Review No. 8-99011 - Cameron II at Milestone**; R-30 Zone; 576 Multi-Family Dwelling Units Requested; 32.57 Acres Gross Tract Area; Northeast Quadrant of Shakespeare Boulevard and Ridge Road; Germantown East - APPROVAL WITH CONDITIONS.
 - *2. **Preliminary Plan Review No. 1-99033 - Decoverly Hall South**; R&D Zone; 1 Lot Requested; 10.84 Acres; West Side of Shady Grove Road, Approximately 1,000 Feet South of Key West Avenue; Shady Grove - APPROVAL, PURSUANT TO THE FY99 ANNUAL GROWTH POLICY ALTERNATIVE REVIEW PROCEDURES FOR EXPEDITED DEVELOPMENT APPROVAL ("PAY-AND-GO"), WITH CONDITIONS.
 - *3. **Site Plan Review No. 8-99014 - Decoverly Hall South**; R&D Zone; 235,000 Square Feet Commercial Office Requested; 10.84 Acres Gross Tract Area; West Side of Shady Grove Road, Approximately 1,000 Feet South of Key West Avenue; Shady Grove - APPROVAL WITH CONDITIONS.
 4. **Zoning Text Amendment No. 98025** - Amend the Zoning Ordinance to Modify the Parking Requirements and Amend the Permitted Amount of Industrial Area in the Town Sector Zone - APPROVAL.
 5. **Proposed Text Amendment** - Amend the Zoning Ordinance to Add Radio and TV Studios as a Permitted Use in the CBD-1, CBD-2, and CBD-3 Zones, Standard and Optional Methods - APPROVAL TO TRANSMIT TO COUNTY COUNCIL FOR INTRODUCTION.
 6. **October 1998 Water and Sewer Plan Amendments** - TRANSMIT PLANNING BOARD RECOMMENDATIONS TO COUNTY COUNCIL.
 7. **Lane Use Factors in Local Area Transportation Review (LATR) Guidelines**; Board Review of Previous Action - MAINTAIN CURRENT PROCEDURES.
 - *8. **Preliminary Plan Review No. 1-99027- Chestnut Hills**; R-60 Zone; 6 Lots Requested; 1.0 Acres; South Side of Wheaton Lane, Approximately 900 Feet East of Inwood Avenue; Kensington-Wheaton - APPROVAL WITH CONDITIONS.

400

~~9. Preliminary Plan Review No. 1-97104 - Bethesda Theater Cafe; CBD-2 and R-60 Zones; 236 Units Requested; 1.44 Acres; East Side of Wisconsin Avenue, South of Cheltenham Drive, West of Tilbury Street and North of Middleton Lane; Bethesda CBD - APPROVAL WITH CONDITIONS.~~

*10. Record Plats

5:00 PM DINNER

- 7:30 p.m. 11. **Amendment to the Master Plan for Historic Preservation** - Chevy Chase Area Individual Sites - PUBLIC HEARING.
12. **South Germantown Recreational Park** - Worksession #3, Proposed Draft Master Plan Amendment; Maryland Soccer Foundation Inc. Business Plan; and Capital Improvements Program Amendment for Non-Soccer Recreational Uses - DISCUSSION.
(NOTE: No Public Testimony will be Taken at This Time.)

NOTICES AND REMINDERS

- Jan. 1 - Holiday , NEW YEAR'S DAY
- 6 - 7:15 p.m., East County Citizens Advisory Board Meeting, Eastern Montgomery Regional Services Center, 13436 New Hampshire Avenue
- 7 - 1:00 p.m., Montgomery County Planning Board Meeting, MRO Auditorium
- 7 - 7:30 p.m., MCPB Public Hearing on Historic Preservation Master Plan Amendment, Chevy Chase Area Individual Sites, MRO Auditorium
- 11 - 7:00 p.m., Silver Spring Regional Citizens Advisory Board Meeting, 8818 Georgia Avenue, Silver Spring
- 11 - 7:45 p.m., Growth Management Discussion Sponsored by Montgomery County Civic Federation, E.O.B. Auditorium, 101 Monore Street, Rockville, MD
- 13 - 7:30 p.m., Historic Preservation Commission Meeting, MRO Auditorium
- 14 - 9:30 a.m., Montgomery County Planning Board Meeting, MRO Auditorium
- 14 - 7:30 p.m., MCPB Worksession #2, North and West Silver Spring Master Plan, MRO Auditorium
- 18 - Holiday , MARTIN LUTHER KING JR'S BIRTHDAY
- 19 - 7:45 a.m., Bethesda Urban Partnership Board of Directors Meeting, 7908 Woodmont Avenue
- 19 - 7:00 p.m., Western Montgomery County Advisory Board Meeting, Bethesda-Chevy Chase Services Center
- 19 - 7:15 p.m., Mid-County Citizens Advisory Board Meeting, 2424 Reddie Drive
- 20 - 9:30 a.m., Full Commission Meeting, PRA Auditorium

*Maryland law and the Planning Board's Rules of Procedure regarding ex parte (extra record) communications require all discussion, review and consideration of this matter take place only during the Board's public hearing. Telephone calls and meetings with Board members in advance of the hearing are not permitted. Written communications will be directed to appropriate staff members for response.

NOTICES AND REMINDERS (Continued)

- 20 - 7:00 p.m., Northern Recreation Board Meeting, Upcounty Services Center
- 20 - 7:00 p.m., Montgomery Village Local Park Facility Planning Public Meeting, Goshen Elementary School, 8701 Warfield Road, Gaithersburg, MD
- 21 - 9:30 a.m., Montgomery County Planning Board Meeting, MRO Auditorium
- 21 - 9:45 a.m., MCPB Worksession #6 on Silver Spring CBD Sector Plan, MRO Auditorium
- 21 - 4:00 p.m., Downtown Silver Spring Urban District Advisory Committee Meeting, Lee Building, 2nd Floor Conference Room
- 25 - 7:00 p.m., CALEA Public Hearing on Montgomery Park Police Accreditation, MRO Auditorium

**Notice of Public Hearing
Amendment to Master Plan for Historic Preservation**

Chevy Chase Area Individual Sites

**Thursday, January 7, 1999, 7:30 p.m.
Montgomery Regional Office Auditorium
8787 Georgia Avenue
Silver Spring, MD 20910**

**Help Wanted Signs and Growth Management
In Search of the Missing Link
A Discussion Sponsored by the Montgomery County Civic Federation**

**January 11, 1999, 7:45 p.m.
Auditorium, Executive Office Building
101 Monroe Street, Rockville, MD**

A tight labor market and what it means for the County, and what organizations like the County Workforce Development Corporation and A Greater Washington are doing about it.

Speakers: William H. Hussmann, Chairman, MC Planning Board
Bruce Adams, President, A Greater Washington
Ms. Roberta Schulman, President, Workforce Development Corp.

**Montgomery Village Local Park
Facility Planning Public Meeting**

**January 20, 1998, 7:00 p.m. - 9:00 p.m.
Goshen Elementary School
8701 Warfield Road, Gaithersburg, MD**

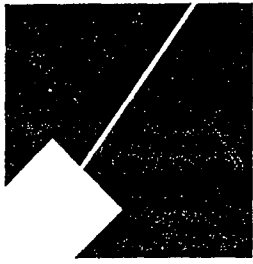
For more information, please contact Rick D'Arienzo, Project Manager at (301) 495-2568

**You're Invited to Testify at the
Public Hearing on Park Police Accreditation**

**Monday, January 25, 1999, 7:00 p.m.
Montgomery Regional Office Auditorium
8787 Georgia Avenue
Silver Spring, MD 20910**

The Commission on Accreditation for Law Enforcement Agencies, Inc. will hold a public hearing on January 25 as part of a formal assessment of the Montgomery County Division of the Maryland-National Capital Park Police as part of its application for national accreditation. Individuals may sign up at the hearing to speak for up to five minutes. In addition, on Tuesday, January 26, from 1:00 to 5:00 p.m., CALEA assessors will take phone calls, 301-929-7800, from anyone who would like to comment. Park Police Chief Elizabeth Kreiter encourages residents, civic organizations and others to testify at the public hearing.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING #9 P.B. 1/7/99

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: December 31, 1998

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Acting Chief, Development Review Division
FROM: A. Malcolm Shaneman, Development Review Division

REVIEW TYPE : Preliminary Plan of Subdivision
APPLYING FOR: Two Hundred and Fourteen Multi-Family Units and Twenty One Single-Family Attached Dwelling Units

PROJECT NAME: Bethesda Theatre Residential
CASE NO. 1-97104
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations
Approved and Adopted Bethesda Central Business District Sector Plan

ZONE: CBD-2 and PD-22
LOCATION: Northeast Side of New Hampshire Avenue (MD 650),
Approximately 1,800 Feet Northwest of the Intersection with
Columbia Pike (US 29), Behind the White Oak Library

MASTER PLAN: Fairland - White Oak

APPLICANT: Beta Corporation
FILING DATE: June 27, 1997
HEARING DATE: January 7, 1999

STAFF RECOMMENDATION: Approval Subject to the Following Conditions:

- (1) Prior to recording of plat, applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board limiting development to a maximum of 236 dwelling units (214 multi-family and 22 single-family attached dwelling units)

- (2) Compliance with the conditions of the preliminary forest conservation plan approved with Pre-Preliminary Plan No. 7-97036. Applicant must meet all conditions of the final forest conservation plan prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate. Final conservation plan to be approved with site plan
- (3) Record plat to reference area of abandonment under Abandonment Case No. AB-617
- (4) Conditions of MCDPS stormwater management approval dated 8-15-97
- (5) Access and improvements, as required and approved by MCDPW&T, prior to recording of plat
- (6) Prior to site plan approval, submit final landscape and planting schedule, parking facilities plan and vehicular and pedestrian circulation plan
- (7) No clearing, grading or recording of plat prior to site plan approval
- (8) The validity of the preliminary plan is dependent upon the applicant proceeding with and abiding by the conditions of approval for Project Plan No. 9-97001
- (9) Necessary easements

PROJECT LOCATION:

The site is located east of Wisconsin Avenue between Middleton Lane and Cheltenham Drive, next to the Chevy Chase Cars automobile dealership and service center. A small portion of the site, approximately 0.8 acres is classified in the CBD-2 zone. The remaining area of 1.4 acres was previously zoned R-60. This portion of the site was subsequently rezoned to PD-22 by the District Council, Zoning Application G-749.

Current uses on the property include a surface area parking lot and the Bethesda Theatre Café. The Bethesda Theatre Café has a historic design and a use that contribute to the "cultural district" theme supported by the Sector Plan.

PROJECT DESCRIPTION:

The project consists of maintaining the Bethesda Theatre Café and constructing a multi-family apartment complex of 187 units above the existing structure. The second and third portion of the development consists of an additional multi-family structure of 27 units. The final portion of development is comprised of 21 single-family attached dwelling units. The proposal also includes a parking garage which is, in part, a public facility and also an on-site facility for the residences. To facilitate this development, abandonment of portions of an adjoining alley was required. Abandonment of this right of way was proposed to, and approved by, the County Council under Abandonment Resolution 13-1420.

CONFORMANCE TO SECTOR PLAN

The subject property is located within the boundaries of the Bethesda Central Business District. The proposed development is found at the northern end of the Sector Plan's "Metro Core District". The proposed residential project will assist to achieve the Sector Plan objective of encouraging residential housing within the Central Business District. Preservation of the Bethesda Theatre Café was also emphasized in the sector plan, implementing the "cultural district" theme.

PREVIOUS PLANNING BOARD ACTION

The Planning Board hearing of September 25, 1997 considered four separate cases involving this site. The first, zoning application G-749, requested rezoning to the Planned Development Zone (PD). The second was Project Plan 9-97001, dealing with the specifics of the development. The third, the Planning Board's review of the abandonment request. This was presented for Board review under Montgomery County Department of Public Works and Transportation Docket No. AB 617. The final application for Board consideration was Pre-Preliminary Plan No. 7-97036. This application illustrated the development scenario, should all the submitted proposals be implemented.

At the Planning Board's public hearing, opposition to the applications was presented by representatives of Chevy Chase Cars, an abutting and affected property owner. An appeal has been filed, objecting to the County Council's abandonment approval of the alley way abutting the two properties.

The Planning Board, having heard testimony presented by staff and concerned individuals, recommended approval of the cases before them. The approved minutes of the September 25, 1997 hearing have been attached to this memorandum.

ISSUES TO DATE:

The only outstanding issue to date known to staff regards the concerns raised earlier by the abutting property owner, Chevy Chase Cars. Representatives of Chevy Chase Cars have stated that the abandonment of the 8,815 square feet of abutting alley way would have an adverse impact on the operations of Chevy Chase Cars and on the surrounding community. At the time of this report, staff had not received any further correspondence regarding this issue. If additional information becomes available, staff will forward it to the Board under separate cover.

Staff has contacted both the Maryland State Highway Administration and the Montgomery County Department of Public Works and Transportation to advise them of the concerns raised by Chevy Chase Cars. Considering the low volume of traffic generated by the dealership and the likely installation of a traffic signal at the intersection of Wisconsin Avenue and Commerce Lane

an interim adjustment to the traffic patterns on southbound Wisconsin Avenue is not justified, at this time.

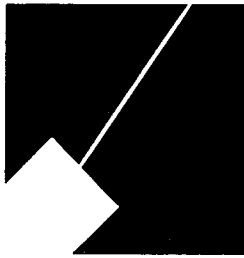
The abandonment of the alley way results in changes to the current traffic circulation around the site, primarily between Cheltenham Drive and Middleton Lane. Traffic movements are hampered by peak-hour restrictions of left turns from southbound Wisconsin Avenue onto Middleton Lane. Traffic wishing to travel east on Middleton Lane, from the north, must turn onto Woodmont Avenue south to Montgomery Lane, north to Wisconsin Avenue and turn right on Middleton Lane.

This interruption of circulation will only exist during the construction phase of the parking garage. A permanent easement through the garage will be established once the use and occupancy permit is granted by the County. A condition to this effect was adopted by the County Council as part of the abandonment resolution.

ATTACHMENTS

Vicinity Map	5
Proposed Development Plan	6
Approved Minutes of September 25, 1997	7 - 9
Applicants Response to Development Review Committees Concerns Regarding Access and Background Information on Abandonment	10 - 40
Transportation Planning Division Analysis	41

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: September 19, 1997
TO: Montgomery County Planning Board
VIA: Charles Loehr, Chief *CL*
Development Review Division
FROM: Michael Ma
Planning Department Staff
(301) 495-1322
SUBJECT: Draft Planning Board opinion for Project Plan 9-97001
Bethesda Theatre Residential

Attached is the draft Planning Board opinion for Project Plan 9-97001 for the proposed Bethesda Theatre Residential development. The conditions shown on the draft opinion reflect changes to the recommended conditions listed in the Recommendation section of the Staff Report for the Project Plan dated September 10, 1997. The changes are indicated by **add** for the added language and **delete** for the deleted conditions.

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

draft

DATE MAILED:

PROJECT PLAN REVIEW #9-97001

PROJECT NAME: Bethesda Theatre Residential

Action: Approval. Motion to approve the application was made by Commissioner _____, seconded by Commissioner _____, with a vote of ____.

The date of this written opinion is (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 (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 ____ as provided in Section 59-D-2.7.

On September 25, 1997, Project Plan Review #9-97001 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:

- (a) It would comply with all of the intents and requirements of the zone.
- (b) It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.
- (c) Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.

- (d) It would 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.
- (e) It would be more efficient and desirable than could be accomplished by the use of the standard method of development.
- (f) It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.
- (g) 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:
 - (1) 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 Preservation; and/or
 - (2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or
 - (3) The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.
- (h) Any applicable requirements for forest conservation under Chapter 22A.
- (i) Any applicable requirements for water quality resource protection under Chapter 19.

The Montgomery County Planning Board APPROVES Project Plan Review #9-97001 which consists of preservation of the existing Bethesda Theatre, a high-rise apartment building, and an underground parking garage subject to the following conditions:

1. Development Ceiling

The proposed ~~mixed-use~~ development is limited to 208,825 square feet of gross floor area (FAR 5), including the existing theater.

- a. Prior to signature set approval of the Project Plan, the Plan shall be revised to show

that the total gross floor area of the development is 208,825 square feet or less.

2. Historic Preservation

As part of the proposed development, the existing structure, both exterior and interior, and a cinema or performance use of the Bethesda Theatre shall be preserved.

- a. A 52-foot setback for the new apartment building is excessive from an urban design perspective, and it appears that an approximately 20 feet setback may be appropriate ~~from an urban design and historic preservation perspective. However,~~ the exact building setback of the proposed apartment building from the existing facade of the Theatre on Wisconsin Avenue shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
- b. The applicant shall submit a complete set of ~~final~~ architectural design development plans for the proposed development as part of the Site Plan submittal. The plan shall include a detailed preservation plan for the Theatre. In addition to sensitively integrating the exterior features of the Theatre into the new construction, the Plan shall also include retention and renovation of the significant interior features that reflect the Art Deco styling.
- c. The structure of the proposed building, which will be constructed on top of the existing Theatre, shall be carefully designed to minimize any negative impact, both structurally and visually, ~~on the theater's facade~~ the portions of the Theatre forward of the apartment facade as well as the interior, ~~roof,~~ ceiling, walls, and ~~interior~~ space of the entire theater.
- d. The design of the proposed resurfacing of the alley facade of the theater shall be further studied and shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit ~~positively integrated into the new project as a historic artifact or as recommended~~ by the Historic Preservation Commission for the proposed development.
- e. The proposed ~~renovation or restoration~~ of preservation work related to the Theatre, both exterior and interior, shall be considered as part of the overall development, and shall be completed prior to the occupancy of the proposed apartment building.

3. Public Use Space

The proposed public use space shall be at least 20% of the net lot area of the site. The space shall be easily and readily accessible to the general public and used for public enjoyment. The following design features, among other things, shall be addressed at the time of Site Plan

DEVELOPMENT REVIEW COMMITTEE

NOVEMBER 9, 1998

MEETING TO BE HELD IN THE THIRD FLOOR CONFERENCE ROOM

1-99028	BUCKLODGE 5 lots proposed (126 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:	ZONE: RDT Eleanor Cross Maddox Engineers Lower Seneca Basin/7	9:30
8-99012	LAYHILL GROVE 9 SFD's proposed (3.08 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA: SITE PLAN REVIEWER:	ZONE: R-90 Sterling Mehring CAS Engineering Kensington-Wheaton/5 Linda Komes	9:50
8-99007 1-99020	NORTH GERMANTOWN, PARCEL 'J' 9,897 sf day care center proposed (1.5 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA: SITE PLAN REVIEWER:	ZONE: C-T Kindercare Fowler Associates Germantown/3 Linda Komes	10:20
1-99023	GRAY PROPERTY 1 lot proposed (.5627 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:	ZONE: R-200/TDR Michael Gray Burton & Associates Germantown/3	10:50
7-99007	WASHINGTON WALDORF SCHOOL 1 lot proposed (17.08 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:	ZONE: LDRC Washington Waldorf School Chester Engineers Olney/5	11:10
1-97104	BETHESDA THEATRE RESIDENTIAL 1 lot proposed (.91 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:	ZONE: CBD-2 Beta Corporation VIKA Bethesda-Chevy Chase/2	11:30
BREAK 12:00 - 1:30			
8-99008	AMBERLEA FARMS 73 units proposed (44.25 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA: SITE PLAN REVIEWER:	ZONE: R-200/TDR Hollywood/Bell Mgt Group Charles P. Johnson Associates Travillah/4 Wynn Withans	1:30
1-99029	WILGUS EAST 1 lot proposed (8.7 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:	ZONE: O-M/C-O/R-200 Wilgus Associates LP Greenhome & O'Mara North Bethesda-Garrett Park/2	2:00
1-99033	DISCOVERLY HALL SOUTH 2 lots proposed (10.84 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:	ZONE: R&D Foulger Pratt Macris, Hendricks & Glascock Gaithersburg/3	2:20
1-99025	FAIRLAND ACRES 2 lots proposed (3.7 acres) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:	ZONE: R-200 Nanci Puwalksi West Consulting Fairland/6	2:40

NEXT DRC NOVEMBER 23, 1998



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

11:30 a.m.

November 3, 1998

MEMORANDUM

TO: Joe Davis
Malcolm Shaneman
Development Review Division

FROM: Gwen Wright, Historic Preservation Coordinator
Robin D. Ziek, Historic Preservation Planner
Historic Preservation Section

SUBJECT: Review of Subdivision Plans - DRC Meeting November 9, 1998

We have reviewed the following subdivision plans and found them not to involve any identified historic resources:

- #1-99020 North Germantown, Parcel "J"
- 8-99007
- #1-99023 Gray Property
- #1-99025 Fairland Acres
- #1-99028 Bucklodge
- #1-99029 Wilgus East
- #1-99033 Decoverly Hall South

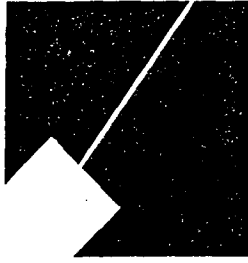
- #7-99007 Washington Waldorf School

- #8-99008 Amberlea Farms
- #8-99012 Layhill Grove

The following cases involve identified historic resources:

#1-97104 **Bethesda Theatre Residential** - This is Master Plan Site #35/14-4. The proposal for construction above the historic theatre will have to be scheduled for HAWP review by the HPC.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Yes.
MP ~~35~~ SITE # 35/14-4

FROM: Development Review Division, M-NCPPC

NAME: BETHESDA THEATER RESIDENTIAL

FILE No.: 1-97104

Enclosed please find the information checked below. This material will be discussed at the Development Review Committee meeting of 11/9, 1998 (no meeting scheduled if blank).

- New Preliminary Plan application with supporting material as appropriate
- Supporting material for previously reviewed Preliminary Plan
- Revised Preliminary Plan drawing
- New Pre-Preliminary Plan application
- Request for Waiver
- Discussion Item
- Comments due by _____
- Planning Board date (if available) _____ (date subject to change)

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044

October 21, 1998

Robert H. Metz
301.650.7012



BY HAND

Mr. Joseph R. Davis
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Bethesda Theatre - Preliminary Plan No. ~~7-97036~~ 1-97104

Dear Mr. Davis:

In accordance with our telephone conversation of last week, I am forwarding to you with this letter 45 copies of the updated Preliminary Plan and seven copies of the traffic report prepared by Wells & Associates following consultation with your Transportation Division. Since this project started over two years ago, your Planning Board approved our Pre-Preliminary Plan of Subdivision authorizing us to file the above-captioned Preliminary Plan. It also approved Project Plan No. 9-97001, recommended approval of Zoning Application No. G-749 and recommended approval of the Department of Public Works and Transportation Docket No. AB-617 which abandoned several of the alleys surrounding the Bethesda Theatre. The Hearing Examiner recommended approval of Zoning Application No. G-749 which was eventually approved by the Montgomery County Council. The Hearing Examiner also recommended the approval of the abandonment Docket No. AB-617 as well as did the County Executive and the County Council approved the same.

The Project Plan was appealed into the Circuit Court but dismissed by the Appellants on the date that the briefs were required to be filed in the case. The Appellants now have filed an appeal of abandonment AB-617 which is now pending in the Circuit Court.

The updated Preliminary Plan that is filed with this letter sets forth the minor changes to the Plan that were made during the numerous approval procedures as outlined above.

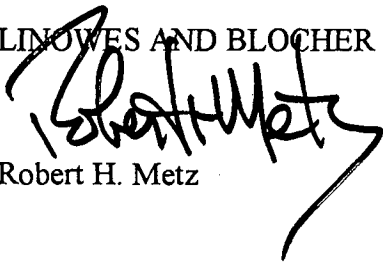
I am also forwarding to you a list of adjoining and confronting property owners and community and civic associations, two sets of mailing labels and the Notice dated October 19, 1998.

Mr. Joseph R. Davis
October 21, 1998
Page 2

My best regards.

Very truly yours,

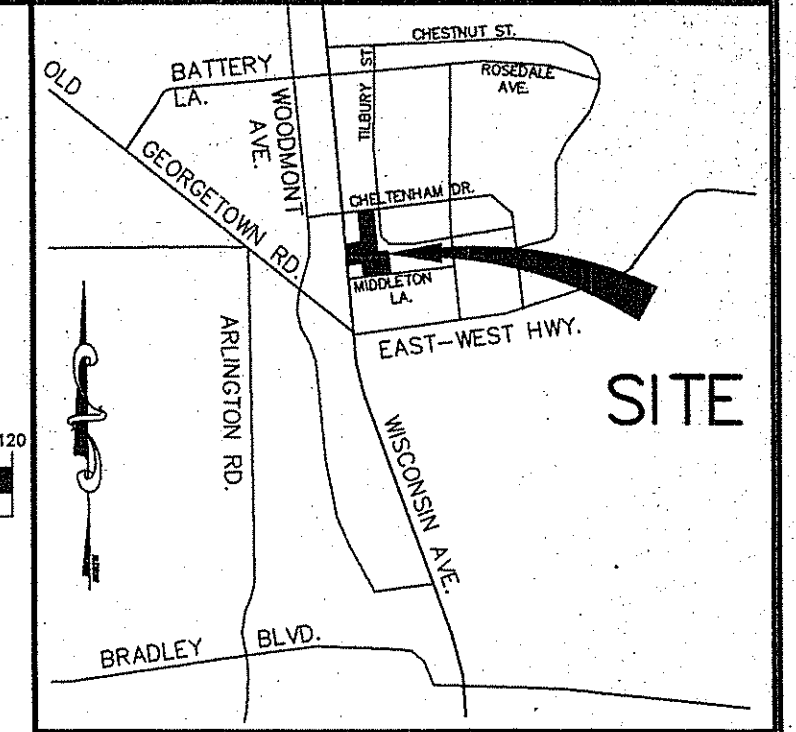
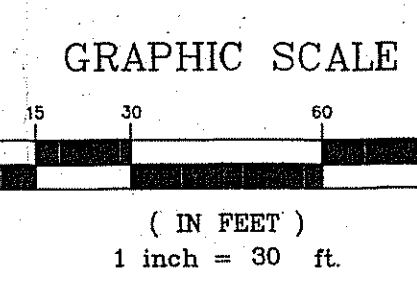
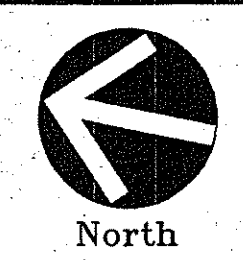
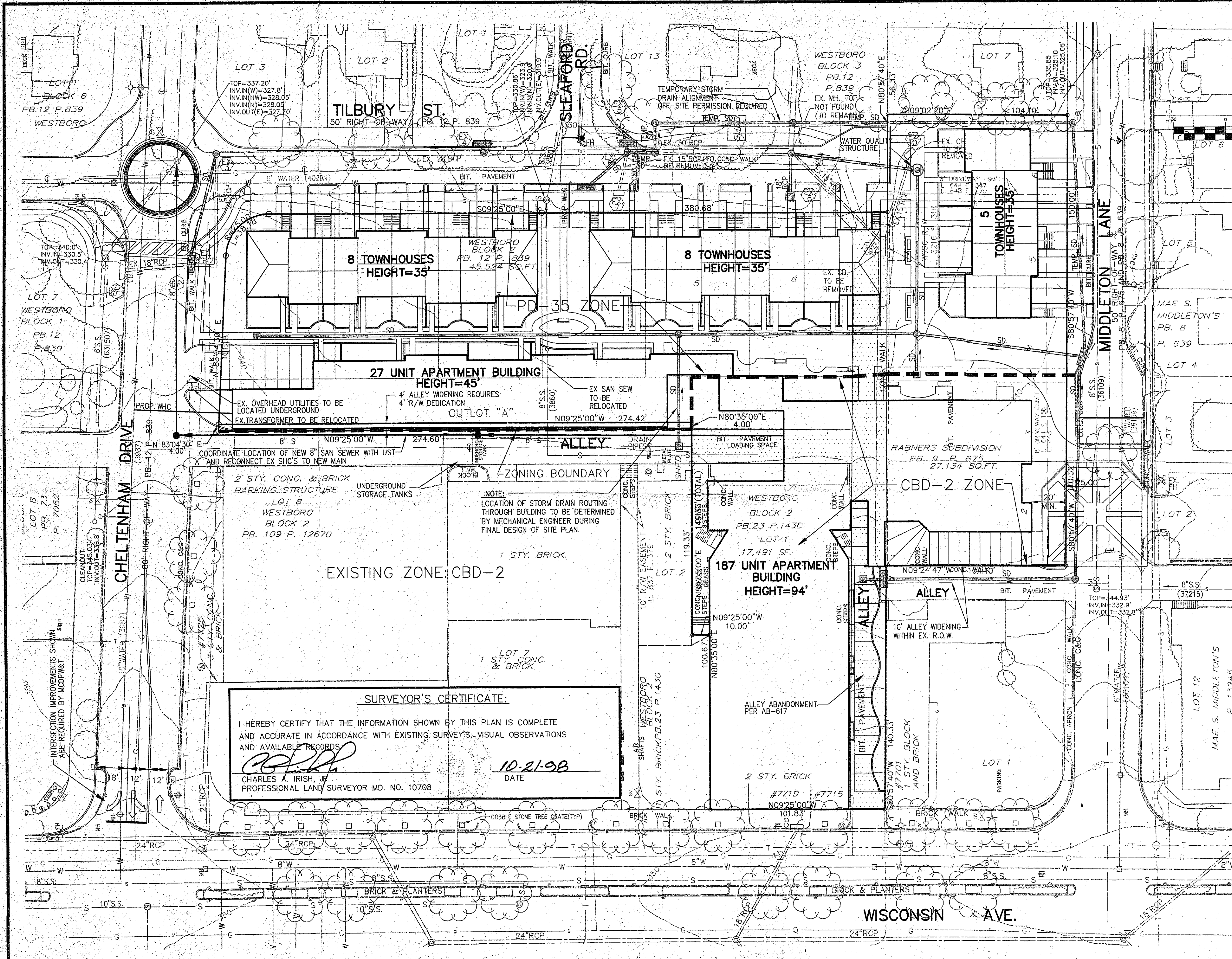
LINOWES AND BLOCHER LLP


Robert H. Metz

RHM:sbw

Enclosures

cc: Mr. Eugene M. Smith
Brian J. Gibbons, Esquire



VICINITY MAP
SCALE: 1" = 200'

GENERAL NOTES AND SITE DATA

- THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT NO. HN 122 AND IS ZONED PD-35 (SITE AREA=1.38370 AC) & CBD-2 (0.99918 AC).
- THE HORIZONTAL DATUM IS BASED ON A PLAT OF SUBDIVISION ENTITLED "WESTBORO, BLOCKS 1,2,3,5, AND 7" RECORDED IN PLAT BOOK 12 PLAT NO. 839 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THE PLAT REFERS TO WSSC TRAVERSE STATION NO. 7778 AS A REFERENCE POINT.
- | | PD-35 | CBD-2 | TOTAL |
|-----------------------|-------------|-------------|-------------|
| SITE AREA: | 1.38370 AC. | 0.88818 AC. | 2.27188 AC. |
| LESS ALLEY DEDICATION | .02521 AC. | -0- | 2.24667 AC. |
- EXISTING TOPOGRAPHY AND EXISTING FEATURES SHOWN HEREON WAS TAKEN FROM AN AERIAL SURVEY PREPARED BY POTOMAC AIR SURVEYS AND FIELD EDITED BY VIKI, INC., SEPTEMBER, 1998. EXISTING CONTOUR INTERVAL IS 2'.
- TOTAL PUBLIC ROAD AND ALLEY ABANDONMENT AREA IS 0.20237 ACRES. TOTAL PUBLIC ALLEY DEDICATION IS .02521 AC.
- | | PD-35 | CBD-2 | TOTAL |
|-------------------|------------|------------|------------|
| MINIMUM LOT AREA: | N/A | 22,000 SF. | 22,000 SF. |
| REQUIRED: | N/A | 22,000 SF. | 22,000 SF. |
| PROVIDED: | 59,176 SF. | 38,689 SF. | 97,865 SF. |
- | | PD-35 | CBD-2 | TOTAL |
|---------------------------|-------|-----------|-----------|
| MINIMUM PUBLIC USE SPACE: | N/A | 7,738 SF. | 7,738 SF. |
| REQUIRED: | N/A | 7,738 SF. | 7,738 SF. |
| PROVIDED: | N/A | 7,950 SF. | 7,950 SF. |
- | | PD-35 | CBD-2 | TOTAL |
|----------------------|------------------------------|-------|-----------|
| MINIMUM GREEN SPACE: | N/A | N/A | 29,588 SF |
| REQUIRED: | 29,588 SF (50% OF SITE AREA) | N/A | 29,588 SF |
| PROVIDED: | 29,588 SF | N/A | 29,588 SF |
- | | PD-35 | CBD-2 | TOTAL |
|------------------|--|-------------------|-------|
| MAXIMUM DENSITY: | 35 DU/AC=50 DU (WITHOUT PROVISIONS FOR MPDU BONUS DENSITY) | 200 DU/AC =205 DU | |
| ALLOWABLE: | 35 DU/AC=50 DU (WITHOUT PROVISIONS FOR MPDU BONUS DENSITY) | 200 DU/AC =205 DU | |
| PROVIDED: | 48 DU (21TH AND 27 APT) | 182 DU/AC =187 DU | |
- | | PD-35 | CBD-2 | TOTAL |
|------------|-------|-------|-------|
| FAR: | N/A | 5.0 | |
| ALLOWABLE: | N/A | 5.0 | |
| PROVIDED: | N/A | 5.0 | |
- | | PD-35 | CBD-2 | TOTAL |
|--------------------------|--------------------------------|---------|-------|
| MAXIMUM BUILDING HEIGHT: | TOWNHOUSE-35' | 143/90' | |
| REQUIRED: | TOWNHOUSE-35'
APARTMENT-45' | 143/90' | |
| PROVIDED: | TOWNHOUSE-35'
APARTMENT-45' | 94' | |
- * AS RECOMMENDED IN THE MASTER PLAN/SECTOR PLAN.
- | | PD-35 | CBD-2 | TOTAL |
|-------------------------|-----------|------------|------------|
| PARKING: | | | |
| TOTAL REQUIRED FOR TH: | 42 SPACES | | 42 SPACES |
| TOTAL PROVIDED FOR TH: | 42 SPACES | | 42 SPACES |
| TOTAL REQUIRED FOR APT: | 41 SPACES | 231 SPACES | 272 SPACES |
| LESS 10% CBD: | 37 SPACES | 208 SPACES | 245 SPACES |
| LESS 5% METRO: | 35 SPACES | 198 SPACES | 233 SPACES |
| TOTAL PROPOSED FOR APT: | 35 SPACES | 198 SPACES | 233 SPACES |

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE INFORMATION SHOWN BY THIS PLAN IS COMPLETE AND ACCURATE IN ACCORDANCE WITH EXISTING SURVEYS, VISUAL OBSERVATIONS AND AVAILABLE RECORDS.

Charles A. Irish
CHARLES A. IRISH, L.P.
PROFESSIONAL LAND SURVEYOR MD. NO. 10708

DATE: 10-21-98

A STORMWATER MANAGEMENT CONCEPT PLAN HAS BEEN FILED WITH MCDPS. A WAIVER FOR QUANTITY CONTROL HAS BEEN APPROVED. QUALITY CONTROL WILL BE PROVIDED BY THE USE OF WATER QUALITY STRUCTURES.

THIS SITE IS SUBJECT TO THE CONDITIONS OF APPROVAL OF THE PROJECT PLAN #9-97001, ZONING MAP AMENDMENT G-749, AND ABANDONMENT AB-617.

REVISIONS	
9/2/97	REVISED PLAN AND TABULATION
9/17/97	ADJUSTED TOWNHOUSE LOCATIONS AND ALLEY
10/21/98	ADDRESS DP CONDITIONS

Architects:
WeinDesignGroup
Architecture Planning Interior Design Space Planning
1666 K Street, NW Suite 1000 Tenth Floor
WASHINGTON, D.C. 20006 (202) 657-8300

Engineer:
Vika
ENGINEERS PLANNERS LANDSCAPE ARCHITECTS SURVEYORS CONSTRUCTION INSPECTORS
Vika Incorporated
8180 GREENSBORO DRIVE SUITE 200 McLEAN, VIRGINIA 22102
(703)442-7600 FAX (703)781-2787
McLEAN, VA FREDERICK, MD

Attorney:
BLOCHER LLP
ATTORNEYS AT LAW
LINOWES AND
1010 Wayne Avenue
Tenth Floor
Silver Spring, MD
20910-5600
(301)588-8580

Bethesda Theater
Residential
7791 Wisconsin Avenue
Bethesda, Md. 20814
Bethesda (7th) Election District

Applicant:
Beta Corporation
2300 Charles Center
36 South Charles Street
Baltimore, Md. 21201
Developer:
E.M. Smith Associates, Inc.
4801 Hampden Lane Suite 407
Bethesda, Md. 20814

PRELIMINARY PLAN
#1-97104
REVISED PLAN
DATE: OCT 23 1998
DECEMBER, 1997
1 OF 1

DWG: 597202 DATE: 10/21/98 TIME: 1:00 PM. INCH

DRAFT

MEMORANDUM

TO: Sherry Glazer, County Attorney's Office
FROM: Robin D. Ziek, Historic Preservation Commission
SUBJECT: HAWP review for 10218 Carroll Place, Kensington
DATE: November 2, 1998

Just to review the HAWP schedule which the HPC will follow, as per holding the Public Record open for additional input on this proposal:

- October 28, 1998: *+ 30 days.* HPC holds record open, asking for statements from interested parties stating their position regarding this application: due November 27, 1998.
- November 27, 1998 All statements/additional information due at HPC offices by close of business.
- November 30, 1998 *+ 15 days* HPC staff copies and distributes all material received to interested parties; noting that responses to this material will be due back in the HPC offices on December 14, 1998.
- ~~December 14, 1998~~ All responses to additional information due at HPC offices. HPC staff to copy and distribute to all interested parties.
- ~~December 16, 1998~~ HPC continues consideration of the HAWP application, including additional information/statements received, at the regularly scheduled HPC meeting, in accordance with notification procedures outlined in the Executive Regulations.

puts this into January 13

MONTGOMERY COUNTY
HISTORIC PRESERVATION COMMISSION
MEETING

Wednesday
June 11, 1997

Commission Members:

George Kousoulas, Chairman
Martha Lanigan, Vice Chairman
Tom Trumble, Commissioner
Paula Bienenfeld, Commissioner
David Hondowicz, Commissioner
Susan Soderberg, Commissioner
Holt Jordan, Commissioner
Emily Eig, Commissioner

HPC Staff Members:

Gwen Wright, Historic Preservation Coordinator
Perry Kephart, Historic Preservation Planner
Robin Ziek, Historic Preservation Planner

JOHNSON & WARREN
Reporting and Transcribing
Upper Marlboro, Maryland
(301) 952-0511

1 CHAIRMAN KOUSOULAS: Okay. Before we go on with
2 that, we have a speaker in the audience, and maybe we should
3 get her comments so they can be a part of the discussion.

4 MR. METZ: Okay.

5 CHAIRMAN KOUSOULAS: Linda Lyons?

6 MS. LYONS: Yes.

7 (Pause.)

8 * MS. LYONS: I did write this text before I had a
9 chance to see some of the materials that were presented
10 tonight.

11 My name is Linda Lyons. I am here as Chair as the
12 Preservation Committee of the Art Deco Society of
13 Washington. I'm also a resident of Montgomery County.

14 You have before you tonight a preliminary
15 consultation on a site that has been the subject of much
16 discussion, debate, negotiation and legislation in the past.
17 Although it is my intent to focus on the current proposal
18 for the Bethesda Theater site, we cannot ignore earlier
19 schemes that the Art Deco Society was asked to review in
20 past years. These will be referred to as I comment on three
21 aspects of the current project.

22 First, the proposed setback of the new
23 construction above the theater to only 20 feet from the
24 building line; second, the apparent plan to resurface much
25 of the theater in new materials; and third, additional

1 details that we believe do not serve the goals of historic
2 preservation.

3 The Art Deco Society is primarily concerned about
4 the 20-foot setback, which we feel will obscure the identity
5 of this historic resource and make it seem encapsulated into
6 the new construction or, at best, a decorative appendage.
7 The view from Wisconsin Avenue presents two parapet walls;
8 one directly behind the marquee and tower, and the second
9 approximately 50 feet back where the auditorium walls rise
10 above the entrance marquee and lobby of the theater.

11 Both walls are faced with blonde brick, and have
12 decorative details of horizontal black stripes, and on the
13 second wall, toothed brick.

14 We believe that the second wall is a better place
15 for the new construction to rise above the theater, just as
16 the auditorium roof does now. Indeed, this was the setback
17 under discussion for many years, including, according to our
18 files, during the development and finalization of the
19 Bethesda Central District -- Central Business District
20 Master Plan which was approved in 1994.

21 I've also presented to you copies of section
22 drawings of the proposed complex that I had available to me,
23 first from the owner's presentation as it was given to the
24 -- to the Commission; B, a set prepared by the owner's
25 architect in 1993 for discussions in which the Art Deco

1 Society participated; and C, the final draft of the Bethesda
2 Central Business District Master Plan.

3 Frankly, I don't think we're really seeing or
4 hearing anything tonight that suggests or justifies moving
5 the setback forward of the second parapet. Not so long ago,
6 It was agreed by all concerned that this was the best
7 location for the new construction.

8 Project such as this succeed when new construction
9 is joined to the historic building in the smallest way
10 possible. From the street, the project should appear as two
11 buildings that were built at different times, but exist in
12 adjacent harmony. The new construction should not swallow
13 this historic resource. This would be best accomplished by
14 keeping the setback at the second parapet wall, in our
15 opinion.

16 In addition, we're hearing discussion about the
17 urban character, or urban design prospective, of the future
18 Bethesda, and whether a 20-foot setback would make a better
19 presentation to the street. Art Deco Society doubts it.

20 The real urban element of this particular project
21 will be its authentic art deco movie theater, and how
22 fortunate Bethesda is to have one. It will be more urban
23 for the new construction above the theater to be respectful
24 and spring from the second parapet, than to be pulled
25 forward and compete with it.

1 Our second concern is the apparent resurfacing of
2 the theater building. And again, I -- it seems to be an
3 evolution. It's never good historical preservation to make
4 the original and the new to appear seamless or
5 indistinguishable. It's not honest, and it's not urban.

6 This is particularly true in the alley on the
7 south side of the theater that is to become a pedestrian
8 walkway. Here's where the viewer sees most clearly how the
9 theater was thought out and constructed. The shift to
10 utilitarian red brick, which is really another indication of
11 where we might want to think about putting the setback,
12 signals that although, quote, the show starts on the
13 sidewalk, to paraphrase a recent architectural history of
14 movie theaters, there's also a back of the house.

15 Now that this alley is itself to become a
16 sidewalk, it can be a place to tell the story of the
17 theater's latest adventure. A careful choice of surfacing
18 materials, either the rehabilitated originals or sympathetic
19 replacements, can reveal and explain the new construction.

20 Well, again, I see that this part of the project
21 is in evolution.

22 Our third concern rests primarily in design
23 details that we see -- we saw in the view drawings of --
24 that we -- that were available to us; one of which I copied
25 into my handout sheet as D. While I'm in no way endorsing

1 the 20-foot setback, I notice that in that particular
2 rendering, a portion of the first parapet wall seems to have
3 been obliterated, raising concerns about how the final
4 design of the project will be handled. As an example, in
5 section drawing A, and a photograph that I copied from the
6 Bethesda Master Plan, which is E, that first parapet wall
7 ends in stylish, curving returns at the theater entrance
8 edgues -- and I should've really -- just take a look.

9 Well, it should be right there. And they don't
10 seem to be in the current plans. It seems to us that that
11 ought to really be retained as part of the original design
12 of the theater.

13 As I say, they don't seem to be included. I
14 expres our view, again, that this project should not
15 swallow, encapsulate or obscure the Bethesda Theater
16 building, but rather make it the star of the show, and honor
17 it.

18 This particular comment is just an example of
19 others that could be made about design details that might
20 obscure the distinction between the original theater
21 building and the new construction. They don't serve the
22 goals of historical preservation, and in our view would not
23 produce a successful product.

24 Thank you.

25 CHAIRMAN KOUSOULAS: Thank you. Okay, who on the

1 Commission would like to begin?

2 (No response.)

3 CHAIRMAN KOUSOULAS: Or, maybe, I'll begin.

4 I have a few comments. One of them I'll toss out
5 quickly, because it doesn't pertain to what we are really
6 looking at, but it does sort of bother me and I'll forget
7 about it as the discussion goes on.

8 It's the entry court. Are you -- on Middleton.
9 That square area, is that portion of the road being
10 abandoned and becoming a part of your project, or?

11 MR. SILVERMAN: No, the -- no, it's not being
12 abandoned. We were just -- the intent here was to identify
13 the entrance and maybe do special paving --

14 CHAIRMAN KOUSOULAS: Yeah, I -- I think that
15 that's a big mistake. I think however wonderful this
16 project may end up being, it should always defer to the city
17 around. And Middleton is a public way in Bethesda, and --

18 MR. SILVERMAN: Well, this -- this is -- it's a
19 closed street.

20 CHAIRMAN KOUSOULAS: Okay.

21 MR. SILVERMAN: This barrier separates the
22 residential portion of Middleton from the commercial.

23 CHAIRMAN KOUSOULAS: Okay.

24 MR. SILVERMAN: And what we were doing actually is
25 expanding this barrier to get a larger green area. And so,

1 this will be the -- all you can go in here is the building,
2 or there's a County parking garage to the right. And we
3 felt that a change in the paving here might be a very
4 positive --

5 CHAIRMAN KOUSOULAS: Okay. On to the theater.

6 Several year ago when we were looking at it, I was
7 always kind of uncomfortable with the set -- the further
8 setback. It seemed that the tower was detached from the
9 finial. The -- it was very hard to place where the building
10 was in the landscape. It wasn't a part of Wisconsin Avenue;
11 it was floating back 50, 60 feet, somewhere back there. It
12 was also somewhat disconnected from the finial.

13 It seemed to be the the least comfortable
14 rendering that we saw, and I think we saw -- I mean, not
15 this building, but this relationship at this time, also.

16 A lot of the details that are being obscured, or
17 this curved details in the first parapet I can understand.
18 But the second parapet is very far back, and except from the
19 corner looking across the car lot, basically to the
20 southeast I guess, southeast corner, you really can't see it
21 that much anymore.

22 You don't see it from across the street. You
23 really don't see it down from Chevyland. You see it only --
24 the finial -- not the finial; the parapet in back, the
25 second one.

1 Well, you have to be way across the street. By
2 discovery, you can see it definitely when you're to the
3 south of the site and you're looking across the empty lot,
4 or the vacant lot of the car dealer -- the smaller car
5 dealership. But from Chevyland, it's harder to see from
6 that direction.

7 But anyway, I think we need to keep the importance
8 of that second parapet in proper perspective here.

9 So I would be in favor of the 20-foot setback
10 you're showing here. Or if it needs to be slightly more
11 just to retain the curved details and whatever, I think
12 maybe we're talking a handful of feet. I wouldn't going
13 into -- let's hear some more discussion before we get
14 into --

15 MR. SILVERMAN: Sure. The only thing I would like
16 to say is, it is our intent to keep the first parapet.
17 That's just a drawing at this point that didn't quite
18 reflect it. But it's our intent to keep that first parapet
19 the way it is; the way it comes around the corner and faces
20 -- this will continue to curve down the way it is now.
21 We're not planning to touch that.

22 MR. JORDAN: So is that curved parapet, is that
23 within the 20 feet?

24 MR. SILVERMAN: Yes.

25 MR. TRUMBLE: Yeah, I guess -- go ahead.

1 CHAIRMAN KOUSOULAS: Yeah, I think in general the
2 massing of the project is fine. I'm a bit concerned about
3 some of the detailing, more of the detailing that I see on
4 this rendering, which is a lot looser than those.

5 But for instance, and I guess that you've
6 mentioned that the banding here is going to be -- courses of
7 darker brick, rather than what could be a pre-cast inset or
8 something, or a slab projecting through the wall.

9 I think it's important that the details that you
10 do come up with follow through on the building. Some of the
11 detailing that's showing through on the Metropolitan is
12 pretty good. I mean, around the parking garage, and the
13 stuff facing the parking garage, the colors of the brick.
14 It just seems to be pretty close to what's going on here.

15 There's some other detailing on the Metropolitan
16 that I think belongs on the Metropolitan and doesn't belong
17 on this project, and I would hope that you'd be very careful
18 to kind of keep the project separate and look forward, and
19 then make sure that this one really relates to the theater.

20 I'm concerned as to how dark that new brick will
21 get in relation to the older brick. I think it should be a
22 very subtle distinction. It should basically be a blonde-
23 ish brick and not a pink brick or a tan brick or a brown
24 brick. It shouldn't start getting that dark, I don't think.

25 I like the idea of the fiberglass panels, picking

1 up some of that motif. The -- the railings that are showing
2 up here, I just don't think have anything to do with this
3 kind of building. One of the problems with modern apartment
4 buildings, I feel, is the use of balconies that kind of
5 project off of every apartment kind of equally, and older
6 apartment buildings tend to just sprinkle the balconies a
7 bit more carefully depending on the massing of the building;
8 not everyone got a balcony.

9 We don't want to have skyline towers here where
10 every unit has its own pre-formed metal railing.

11 Also, the cornice that's showing up here. I think
12 if you look at the theater, at least in this type of art
13 deco, the cornice quite often wasn't distinguished by
14 massing or detailing or anything; it was distinguished by
15 surface color. I mean, here you basically have a plane that
16 would run off forever if it didn't have the brick bands.

17 But the cornice you're showing up here has a
18 little bit of a -- some sort of inverted, canted motif to it
19 that I think maybe the building should, the way this
20 building is, the tower end should look to how the movie
21 theater building ends, which is more of a plane, and dealing
22 -- treating the surface in a special way, and not modifying
23 the geometry of the surface.

24 I'll leave it at that for now. Maybe that gets
25 things going.

1 MR. TRUMBLE: I guess the Chairman and I are
2 probably the only two members of the Commission that go by
3 the thater on a daily basis. I had lunch across from it
4 today.

5 I must tell you that I've lived and worked in the
6 Bethesda area for 25 years, and I have seen northwest
7 Washington and Bethesda Avenue along the Wisconsin corridor
8 chagne significantly, into what some have referred to as the
9 K-Stree-ization of the area.

10
11 And I am more in favor if an increased setback for
12 a couple of reasons. That side of Wisconsin Avenue in
13 Bethesda has not yet turned into the wall of buildings that
14 the opposite side has. Beginning at the intersection of
15 Wisconsin and Old Georgetown/East-West, if you go up the
16 west side, I guess it would be, you go to the Discover
17 Building. And the buildings behind it, and I think of the
18 Woodmont Building and then the apartment that George
19 mentioned, they're beginning to develop an urban wall there,
20 a canyon effect.

21 That is not true on the other side. If you think
22 about it for a moment, there's the funeral and and there's
23 -- there's the Chevy Chase car dealership. There is the
24 bank, which is, what, four or five stories tall at the most.
25 And you continue on up the street.

1 I find that large, 200-foot buildings standing
2 along the street is oppressive. I must also tell you that
3 the design you have does look as if the apartment building
4 is eating the theater. And I don't find that especially
5 aesthetic. I believe that more deference to a building
6 which is the better part of 60 years of age is due in a
7 project like this. I don't know the magic number for the
8 setback.

9 But as I look at the -- as I look at the two
10 pictures you have here, the straight-on picture and the
11 tower is essentially eaten. I mean, you can come and look at
12 it from my perspective. It is just eaten. You have to know
13 it's there to know it's there.

14 The one where you're looking at the side view,
15 there just isn't the offset, there isn't the distance --
16 there isn't the track record, or the historic record, of the
17 existence of the theater. In some sense, the theater is
18 almost held hostage by that overwhelming building.

19 I understand that you're putting some
20 architectural details into the building itself to echo the
21 theater, but they're, at least to my eye, relatively obscure
22 and don't contribute a great deal.

23 I would feel a lot better if the thing was set
24 back. I would also feel a lot better if the notion of that
25 alleyway was preserved. There is some -- there is some

1 utility to seeing the way in which a city progresses. And
2 downtown Bethesda is really losing its sense of where it
3 was. And I suspect that before I leave the Air Rights
4 Building where I work right now, any concept of what
5 Bethesda was 25 years ago will be gone.

6 Oh, there'll be the odd Tastee Diner, I suspect,
7 and perhaps a facade here and a facade there. But what is
8 going to distinguish Bethesda from K Street? What's going
9 to distinguish Bethesda, for that matter, from Northwest
10 Washington?

11 When I first moved into Tenleytown, there were a
12 series of essentially two-story buildings that went all up
13 and down there before the Metro came in. That's gone. And
14 if you were to be a Rip Van Winkle and return to the area
15 where the Maza Gallery is now, you wouldn't know where you
16 were, or what was ever there.

17 Now, what happens to Bethesda? We're losing all
18 of it's -- we're losing all of its history. And I would
19 argue that what little is left ought to be given more
20 deference than is in this project.

21 MS. BIENENFELD: Yeah, I wanted to just talk about
22 the front facade. The theater is streamlined, but at least
23 from what I can see from your drawing, the front with the
24 windows look like they have an awful lot of detail. And it
25 seems to me like it should look more like a streamlined -- I

1 mean it's -- obviously it's modern, but something
2 streamlined or something flatter. To me, it just looks like
3 the time period that's being portrayed in the new structure
4 just seems sort of out of sync with the idea of
5 streamlining. It seems like there's an awful lot of detail.

6 MR. JORDAN: I would agree with that. I think
7 that there is -- I think that's the one thing that kind of
8 bothers me a little bit about that. And as far as the
9 setback is concerned, I realize that you're probably trying
10 to keep a minimum square footage. And I don't know what's
11 the magical number with the 90 feet. I'd almost rather see
12 the thing get a little bit higher and the setback pushed
13 back a little bit to give that streamlined effect. I don't
14 know if that's possible, but that's my comment.

15 CHAIRMAN KOUSOULAS: I think -- you know -- if you
16 looked for some ideas, if you look at buildings of that era,
17 quite often the panel between the windows -- is that brick
18 now, below the windows?

19 MR. LIEBMANN: No, that would be -- it could be a
20 few things. It could be metal -- that's showing -- would
21 be like a ceramic polymer to look like metal.

22 CHAIRMAN KOUSOULAS: Okay. Yeah, I think things
23 like that, because typically that's what was done. They
24 didn't bother to carry the weight of the spandle (ph.) At
25 that time. I mean, they came up with better solutions. The

1 Empire State Building is a classic example where it was an
2 expedient way to build the thing faster.

3 MS. LANIGAN: I'd like to say that I agree with
4 and wholeheartedly endorse the comments of the Art Deco
5 Society. I know the Society worked real hard to try to not
6 have the Greyhound bus terminal in D.C. be swallowed up by a
7 huge building, and they made a lot of progress here. But if
8 you look at it, it still is kind of swallowed up, and I
9 would hate to see this happen in this case.

10 I agree that it is important that the setback be
11 at least to the second parapet. I think that's an important
12 architectural feature. If you -- from the side -- I think
13 the side of the building is important, the color
14 differentiation of the brick.

15 This -- this -- it's an attractive design for your
16 living space, I will agree to that. However, it makes the
17 theater look like a hotel lobby. And what we are trying to
18 preserve here is the theater, and again I agree with the
19 comments from the Art Deco Society that the theater -- the
20 force of -- the presence of the theater should be
21 strengthened instead of overtaken.

22 (Pause.)

23 MS. SODERBERG: I have really no problem with your
24 design there. I think it's very interesting. I do,
25 however, agree that the setback should be further than 20

1 feet. And I'm very interested in that dental type work on
2 the second parapet. I think that's rather strange, but --
3 but it is characteristic of that particular structure. And
4 even if you had to move the new building forward, I think
5 you should try to save that.

6 And I had another comment on the storefront; the
7 effect that the doorway to the apartment building will be in
8 the north storefront.

9 And I really wouldn't like to see that made
10 different. I know it's already been changed. But if it
11 would be possible to keep it -- to try to reconstruct that
12 storefront the same as it -- as it was originally, and just
13 put the doorway in there, not make a big deal of it, I think
14 that the people living in the apartment would probably like
15 that. They wouldn't want to draw attention to the fact that
16 there is a sidewalk street-level entrance to their apartment
17 building, to other people.

18 And I totally agree with the other comments that
19 have gone forward. This is a very important structure. And
20 -- and it's important to make it historic -- of the show.

21 Thank you.

22 MR. TRUMBLE: Can I ask you a question? What's
23 going to happen to the Chevy dealer, with the -- whatever
24 Chevy's automobile.

25 I mean, there's the little -- there's the large

1 section which has recently been refaced. I assume that
2 stays, is that right?

3 VOICE: Everything stays.

4 MR. TRUMBLE: And then the smaller section, which
5 is -- okay.

6 MR. SMITH: Are you referring to the adjacent
7 Chevyland site?

8 MR. TRUMBLE: Actually, I was wondering about the
9 parts to the south of your structure.

10 MR. METZ: That's going to be changed to a
11 Mitsubishi dealership, and improved.

12 MR. TRUMBLE: All that could be done is improved.

13 MR. METZ: I know. We're not sure what they're
14 going to do to improve it, but they're going to make
15 improvements to it.

16 MR. TRUMBLE: But that will remain --

17 MR. METZ: Yes.

18 MR. TRUMBLE: -- at least for the foreseeable
19 future --

20 MR. METZ: Yeah, there's a very long-term lease on
21 it. And we tried to acquire it, and could not.

22 MR. TRUMBLE: Okay.

23 MR. SILVERMAN: Yeah, this building remains, and
24 this has in a sense been renovated to date.

25 MR. TRUMBLE: And are you taking over the -- never

1 mind. I see you've -- that's -- the one street's already
2 blocked off, I've forgotten the name of it.

3 And that's the funeral home next to South, right?

4 MR. SILVERMAN: Right, that's the funeral home.

5 MR. TRUMBLE: And is the -- the one store is
6 currently occupied, the southern store.

7 MR. SILVERMAN: Right.

8 MR. TRUMBLE: Is that going to remain
9 commercial --

10 MR. SILVERMAN: Yes.

11 MR. TRUMBLE: -- or both of them will? Both of
12 them will remain commercial? I thought that one of them was
13 turning into a front door for your apartment --

14 MR. SILVERMAN: No, no, actually. You can see on
15 the plan here that this is -- from the apartment building
16 above, it's really one of the two stairways out. One is in
17 the lobby and comes out on Middleton, and the other one,
18 since we can't get out to the north since we're land-locked
19 there, it's just an emergency exit stair. It's really not
20 an entrance to the building; it's just an emergency exit out
21 at grade, from the building.

22 MR. TRUMBLE: And the property immediately to the
23 north of that, which is now, I believe, unoccupied, is that
24 right?

25 MR. METZ: No, that part store is for Chevyland.

1 MR. TRUMBLE: Okay, that's not -- that's not for
2 lease now, or?

3 MR. METZ: No. That's occupied space.

4 MR. SILVERMAN: You see, our site only includes
5 the little green -- is our site, which is access -- exit
6 from the theater itself. The portion that's in green is
7 part of our property, but everything that's in gray here is
8 not part of our property.

9 (Pause.)

10 CHAIRMAN KOUSOULAS: Emily?

11 MS. EIG: Well, I, like Commissioner Lanigan,
12 support the Art Deco Society's position. I think that you
13 have not presented us with a reason why you should go
14 forward 20 feet. And although I certainly understand
15 Commissioner Kousoulas' comment about from an urban design
16 perspective that we might want to pull the building forward,
17 from a preservation perspective, I see in this case as
18 predominant that the retention of that second parapet wall
19 is the least we could do to preserve this.

20 And, failing to sort of show us a rationale
21 otherwise -- you know -- maybe you should consider that for
22 your next presentation as to really explaining why you want
23 to come up for it, other than to maximize the amount of
24 space that you want to have, it would be something that we
25 should -- could hear, and we should hear.

1 Because I think that we do gain by the interior of
2 the theater being preserved, though I am unclear.

3 Are you -- I'm unclear as to your plans here. And
4 forgive me if I have just simply not understood.

5 But you're retaining this building and
6 encapsulating it, or are you just retaining the interior
7 core and constructing around it?

8 MR. METZ: We're retaining the building and
9 building over it.

10 MS. EIG: Retaining the utilitarian brick walls --
11 will be gone, though, on the sides. Is that right, or are
12 they going to stay there?

13 MR. METZ: (Response inaudible.)

14 MS. EIG: They will be there. You will -- you
15 actually create a truss system above and around the
16 building, and keep the building there? Okay. All right. I
17 just wanted to be clear as to what was happening.

18 So that the -- and would the -- the second parapet
19 be retained regardless of where your setback is, or not? I
20 mean, the roof of the structure is going to be retained, or
21 not?

22 MR. METZ: No, it is --

23 MS. EIG: The roof is gone, okay.

24 MR. METZ: The roof is gone. The ceiling --

25 MS. EIG: The walls will be there, the exterior

1 walls will be in place?

2 MR. METZ: Yes.

3 MR. SILVERMAN: And the finished ceiling.

4 MS. EIG: And the finished ceiling. But the roof
5 will be --

6 MR. METZ: Gone.

7 MS. EIG: -- gone. And the parapet wall, the
8 second parapet wall, will be gone?

9 MR. METZ: Gone.

10 MS. EIG: Okay. Under your scheme.

11 See, I think I could live with the roof going,
12 under what you're proposing, because of the retention of the
13 interior. But I am not yet convinced that the setback
14 should cause the reduction -- I mean -- cause the
15 elimination of the second parapet wall.

16 It was a decorative feature -- I think, should be
17 preserved.

18 As to the design, I, too, agree. I think that the
19 apartment building itself should be a little more
20 sympathetic, or compatible, to the streamline moderne
21 appearance of the theater. And I, too, would, as
22 Commissioner Kousoulas said -- you know -- prefer a brick
23 that, while different, I think it needs to be something that
24 is more in keeping, color-wise. And I think you haven't
25 really started to address that, and I understand that. I'm

1 just suggesting that's the direction that -- you know -- I
2 would go. I'd follow his advice in that.

3 And I'm a little concerned, and maybe you can help
4 with this. I know you have a model that sort of shows
5 what's there. But I think it was said to us that the height
6 of what is allowed is the same as the Discovery Building?
7 No, it's 90 feet on that side?

8 MR. METZ: The Discovery Building is 143.

9 MS. EIG: One-forty -- right. I would like to see
10 in your next presentation some sketches that would show what
11 has been approved for -- just massing, for the other sites
12 and heights, so we can see, well, what you're proposing will
13 fit into the future.

14 MR. METZ: For instance, right to the south of us,
15 the Hot Shoppe site is being redeveloped, and those
16 buildings will be 200 feet.

17 MS. EIG: I'd like to -- i'd like to see that, you
18 know.

19 MR. METZ: We tried to get plans to include that
20 in our -- on this model, and we're unable to do that.

21 MS. EIG: Well, I guess I don't even -- I don't
22 need to have the actual plans. That would obviously be
23 great for all of us, and I'm sure your architect would
24 appreciate that as well.

25 But I think if we could just see -- you know --

1 just a very simple, sketched out sort of massing study of
2 what has been approved for the site.

3 VOICE: By the time we come back --

4 MR. METZ: Yeah, we either have what they submit,
5 or else what theme we had thought about doing, but what's in
6 the sector plan now for that site, which is very massive and
7 big. And I thought we'd wait to see what was actually
8 proposed. But, if not, we could always put that approved
9 sector plan diagram in there.

10 MS. EIG: I'd like the other Commissioners to see
11 this, I think, that the protection of the historic building
12 is our main objective here. And there are other people who
13 are going to have lots of other people who have lots of
14 other points of view, as you go through your development
15 process.

16 And the fact that there is an understanding that
17 it is not inappropriate for there to be a large building on
18 this site, as long as it's set back to a -- to some point
19 that is found to be acceptable, is a big concession right
20 away. And, you know, there's the opportunity, with the
21 right setback, to be successful.

22 MS. WRIGHT: Could I comment on that real
23 briefly? I just -- and I think Robin really tried to cover
24 this in the staff report. But this is a very unusual
25 designation.

1 The designation was for the whole building, but
2 basically the County Council said if this went through --
3 they were essentially directing the HPC to say you can't
4 preserve any part of this building except the front facade.

5 They didn't say what that front facade constituted
6 beyond -- they didn't mention whether it included the second
7 parapet wall or not. But they talked about the fact that if
8 a standard method development project, or even an optional
9 method development project came through on this site, that
10 really what the Commission has authority to review is how
11 that facade is integrated into the new development.

12 It was -- the result of that, just to give you a
13 little history on how that came about, was that this was a
14 very -- the designation was heavily opposed by the owner.
15 And it was, after the County Council designated the
16 property, there was essentially the threat of a lawsuit.
17 And the Council entered into a consent agreement, after the
18 actual designation had taken place.

19 The owners at that time had wanted to literally
20 only have the front facade of the building designated, and
21 the Council didn't feel that was appropriate because they
22 wanted the review of how new architecture could be
23 integrated with the building, to be something this
24 Commission would review.

25 So, they put together the consent agreement that's

1 in your packet that talks about the fact that the goal of
2 designation here is to preserve the front facade and to
3 integrate it with new architecture. So I think Robin made
4 the point that -- and I want to give the applicants here a
5 little additional credit for what they're accomplishing
6 here.

7 Essentially, if they wish to come up with another
8 set of amenities, other than preservation of the theater,
9 and offer that, they could come forward with a project that
10 essentially tore down the building and built the new
11 building behind it, and put a health club or something in
12 the ground floor as a public amenity. And instead, they've
13 really heard from the community that the theater -- not only
14 its preservation as an architectural piece, but its function
15 as a theater, was very important to the community. And that
16 that was something that they wanted to have retained.

17 So I want to give them a little credit for doing
18 that.

19 And also say that this has been an extremely
20 complex project. As much as this Commission is interested
21 in setting this building back, the folks that live in the
22 houses to the rear are pushing that building forward. They
23 don't want a 90-foot building at -- you know -- within --
24 casting shadows on their yards, and so forth.

25 So the folks here are sort of being caught between

1 two forces; with the residential folks saying move the whole
2 thing smack up to the front of Wisconsin Avenue, and the
3 Commission saying push it as far back as possible.

4 And -- you know -- again, I think all the comments
5 that have been made have been very valid, but I wanted the
6 Commission to have maybe a little more, this -- I don't know
7 -- the sense of what the challenges have been with this
8 project.

9 MR. METZ: Hopefully, you will find that what
10 we've shown you tonight is a genuine attempt to compromise
11 between the two pressures. And as we go through the
12 development process, hopefully by that time, we'll come to
13 an understanding where we both have the support of the East
14 Bethesda community as well as you all.

15 CHAIRMAN KOUSOULAS: You need to be on the record.
16 If you could get near a mike?

17 (Pause.)

18 MS. LYONS: I would merely say that in regard to
19 the law suit that the Art Deco Society, which was involved
20 in the law suit, agreed to that consent order very
21 reluctantly. And in some ways in our minds, it's not
22 necessarily a hundred percent closed.

23 But, it's also interesting to note in Ward
24 Bucher's new dictionary of Historic Preservation, published
25 by Preservation Press, I looked at the definition of facade

1 almost casually and was fascinated to find that, in recent
2 times, facade refers to all sides of the building; although
3 in centuries past, it was taken to mean the front of the
4 building. But that's not the way it's taken today.

5 MR. METZ: I would just like to add that the Art
6 Deco Society, in that consent agreement, was pushing for
7 exactly the 50-foot setback and so forth, and that was not
8 accepted.

9 MS. EIG: Well, I did understand that this issue
10 of facade, not of being that clear as to what that was. And
11 in the spirit of compromise, I think perhaps something that
12 I would suggest that you might entertain is the -- perhaps
13 the reconstruction of that parapet wall closer up.

14 I think that it's an interesting architectural
15 element that -- you know -- if I were doing design review of
16 the building today, I, like Chairman Kousoulas, would've
17 moved that more forward. Because I think that it would've
18 been more successful, in terms of urban design. But that's
19 not -- you know -- the point. But perhaps there is
20 something there.

21 MR. METZ: That's why we're here tonight, to hear
22 that and see what we can do to integrate your comments.

23 MR. HONDOWICZ: First of all, it wasn't a
24 coincidence that I wait until the end to try to speak. I
25 really was very much interested in hearing what all the

1 Commissioners, particularly, had to say on this as well,
2 because I've been sort of bouncing around.

3 First of all, based on my initial perceptions from
4 having read through the staff report, and the presentations
5 and all, I truly do believe it's appropriate to focus on the
6 setback issue, first of all, just as an issue. I can
7 understand why the consent agreement is the way it is.

8 I drive through this area a lot. I'm down there
9 at least once a month for a meeting at American City --

10 And this area has been used by the County
11 Democratic Party in the past for events, so I've had some
12 familiarity with it. And it always seems to me, what you
13 can see directly on Wisconsin Avenue as you're driving by
14 very quickly on that very congested roadway is really where
15 all the attention is. So, while I normally would be
16 interested in the sides and so forth, I clearly think the
17 County Council would like us to focus on the front. And
18 that's a logical focus as well.

19 In terms of where the setback is, I bounce back
20 and forth. I really saw strong merit in both what the
21 Chairman had to say and what Commissioner Trumble had to
22 say. I would say that -- you know -- maybe I have a
23 different view because I don't actually live in Bethesda,
24 but just the general, canyon-type nature to use the word
25 from my colleague to the left. It doesn't necessarily

1 bother me, in that that's what I think of that area as. And
2 I see nice contrasts, and I drive from 355 where I live, in
3 Gaithersburg, down. And to me, that variety along the
4 entire Route 355 is one of the things that makes this County
5 a great place to live.

6 But with that said, I really haven't made up my
7 mind on the setback. So I'll be interested in whatever you
8 come back with us -- I mean, come back, to ultimately submit
9 for a HAWP. I could probably go with it either way.

10 I would say that if I had to make a decision now,
11 given the comments I previously made about the focus, and
12 what the residents are concerned about, integrating that all
13 together, I would be willing to sort of lean towards the
14 Chairman's point of view and focus on the 20 foot. I don't
15 blindly go along with nearby residents on an issue, because
16 you have to look at what's best for the County as well.
17 But, being sort of undecided, thinking that community
18 support is important --

19 And while my initial reaction was that it did sort
20 of swallow up the theater, I didn't think it's necessarily
21 swallowed up in a negative sense. I sort of got the initial
22 impression from looking at it that -- at least in thinking
23 about it, that the way it's laid out now sometimes sort of
24 makes you focus a bit on the theater, because you really do
25 have a contrast between this tiny little thing in front and

1 this huge thing behind it. It's kind of like looking at a
2 frigate right next to an aircraft carrier.

3 So, I haven't made any -- I really can't, from my
4 particular point of view, say that I definitely agree with
5 one of the two perspectives on the Commission. But if push
6 came to shove, because I don't think it's necessarily about
7 swallowing, if that's such a thing, I could live with the 20
8 foot, for whatever degree it helps you.

9 But that's my thinking on this so far.

10 CHAIRMAN KOUSOULAS: One thing that just occurred
11 to me, detail-wise, that might work, before it's successful
12 to get a couple of the Commissioners' concerns about the
13 stream-lined feel of the massing.

14 Corner windows. I mean, if you look at the
15 rendering. The corners here look fairly massive, and quite
16 often there would be windows that -- glass that wrap the
17 corner. That was pretty typical of the era. I don't know
18 if it's showing up there on the new facades or not.

19 Yeah, let me just speak to that for a second. One
20 -- and I do apologize. When these sketches were done, it
21 was really as an overall massing concept. It was really an
22 interpretation of the model so people in the community could
23 understand it.

24 CHAIRMAN KOUSOULAS: Sure.

25 And we really didn't have the time to focus. But

1 it's -- what this is trying to show was this relationship,
2 and what 90 feet -- 94 foot high is, and where the base is.
3 And that was really the intent.

4 But it's not an office building, so we just -- you
5 know -- it was really just a feel for a massing diagram.
6 This is one step further, and it's obviously, as you've
7 said, not final. But this does show a lot more glass at the
8 corners, these corners are camphored.

9 And it's a lot lighter look, I think. And it's
10 not just so -- so boxy as this represents. And the
11 balconies are much more integrated on the side. These
12 balconies are actually enclosed balconies and they're much
13 more like bay windows. So there's, I think, a total
14 different feel to where we're going now than this initial
15 sketch, but.

16 And the only other thing I want to add is, I
17 think, initially in the sector plan, you might see that --
18 that Bethesda, obviously east Bethesda, there's a tremendous
19 transition from the east of Wisconsin Avenue to west of
20 Wisconsin Avenue. And with this all being CBD-2, this was
21 all originally 143-foot height for CBD-2.

22 Throughout the sector plan process, and when there
23 were original designs for the setback and with the theater,
24 the building on top of this was 143 feet high. And it
25 finally got approved to drop the side down to 90 to ask, as

1 a transition to these east Bethesda neighborhood. So I
2 think there's been a gesture that, that -- you know -- when
3 the original 50 feet was proposed, it was also based on 143-
4 foot-high building. And now that it is smaller,
5 proportionally you think you could get a little closer,
6 also.

7 CHAIRMAN KOUSOULAS: Thank you. The other thing,
8 I think Commissioner Eig's comment about what do to if you
9 do, in the end, set back 20 feet or whatever, but how to
10 treat the existing second parapet, I guess incorporate it
11 into the bottom wall there. I think that's good advice.

12 I guess you have the sense of the Commission at
13 this point. I think you -- if you want to pursue 20 feet,
14 you -- make a very good case as to why 20 makes sense.

15 Because personally, I think it does. But it -- I
16 think it needs to be made visually, more clearly.

17 Is there any other?

18 MS. EIG: I think we should add that, as Gwen
19 said, I think, that every member of the Commission is very
20 happy that the theater is being preserved and restored, as
21 it might be. I think that's something that you should know
22 the we like.

23 MR. TRUMBLE: I just want to pass on -- this
24 evening I had unexpected friends who returned to the
25 Washington area after 20 years; they were living in Fort

1 Collins. And they worked in Bethesda about 20 years ago.

2 And they were driving down Wisconsin Avenue. And
3 the one thing they mentioned was not the wonderful new
4 Discovery Building, not the wonderful new apartments, but,
5 gee, the theater is still there.

6 I hope you'll keep that in mind when you're
7 dealing with that theater, because it means a lot to people.

8 It has become, in its own way, a kind of landmark,
9 or kind of -- almost a kind of signature for downtown
10 Bethesda. And I think it deserves to have a very special
11 place in the future development of Bethesda.

12 CHAIRMAN KOUSOULAS: But to sort of keep -- sort
13 of the development of Bethesda in perspective, because it's
14 clearly not what it was 20 years ago, I'll trot out the art
15 deco monuments, the Empire State Building and the Waldorf
16 Astoria; clearly, the Waldorf Astoria Hotel, one of the most
17 famous hotels in the world.

18 The Waldorf Astoria, the original Waldorf Astoria,
19 was a combination of two hotels, hence the hyphen. And they
20 were located on 34th Street and Fifth Avenue in Manhattan.
21 And they were -- at the time, it was the most famous, the
22 most opulent hotel in the city, maybe in America, and
23 because they were two connected hotels, they were connected
24 by a passage between the two called -- alley.

25 They tore down the Waldorf Astoria so they could

1 build the Empire State Building at 34th and Fifth, and they
2 built a new Waldorf Astoria up on Park Avenue, complete with
3 a new Peacock Alley.

4 The new Waldorf Astoria, of course, is about 800
5 feet tall and maybe ten times the size of the original. So
6 I think we need to keep growth and change in perspective
7 here, and really hold onto what's important in this project.

8 And that because the -- I mean, because Wisconsin
9 Avenue will become more like 90 feet along its path, and --

10 MR. HONDOWICZ: Yeah, I'd like just that -- the
11 example the Chairman made suddenly popped into my mind. The
12 first time I had a chance, during the time I lived in Texas,
13 to go down to San Antonio and look at the Alamo.

14 I mean, there's the ultimate example of contrast.
15 You have this small, little old structure, and then all the
16 huge city of San Antonio around it, were just (sic.) totally
17 different than what it used to be. And yet, I don't -- I
18 believe that if anything, the cityscape, the way things are
19 developing around the Alamo, helps you focus on the Alamo
20 that really sort of -- you can't notice the Alamo, then you
21 must truly be blind.

22 And that's sort of, I guess, the impression that
23 perhaps I'm getting from the way you're weighing things out,
24 which is why I'm not necessarily concerned with the current
25 setback.

1 MR. METZ: Thank you all very much.

2 CHAIRMAN KOUSOULAS: Thank you for all coming in.
3 Okay, the next item is the continuation of staff
4 items.

5 MS. WRIGHT: Great. We have a couple of
6 additional items to just briefly report on. There was an
7 event today at 3 o'clock with the governor at the Tastee
8 Diner, to celebrate the fact that the State is providing a
9 grant to help with the relocation of the Tastee Diner. This
10 is something the HPC has reviewed as a preliminary
11 consultation in the past, the idea of moving it,
12 essentially, behind Industrial Photo.

13 And that was also something contemplated in the
14 designation of the diner. And it's looking like that may
15 move forward in the near future, and it looks like they have
16 some good design ideas. I've encouraged them to come back
17 for another preliminary consultation as soon as they can.

18 Couple of upcoming events. We have, on July 11th
19 -- I know I gave you all a calendar for June, but I'm going
20 to tell you a couple of July events. We're going to have a
21 dedication of a plaque at the Jessup-Blair park, which is a
22 plaque commemorating Jubal Early's raid on Washington. And
23 there will also be a plaque the same day at Acorn Park
24 commemorating it.

25 And then, the next day, which is the 12th, which



Wisconsin Ave (west) marquee, ticket booth + storefront.



Wisconsin Ave. (west) storefront detail.

Bethesda Theater.



Wisconsin Avenue sign.

Bethesda Theater



South elevation, west portion.



South elevation looking west.

Bethesda Theater



East elevation



*North elevation
looking west.*

Bethesda Theater











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