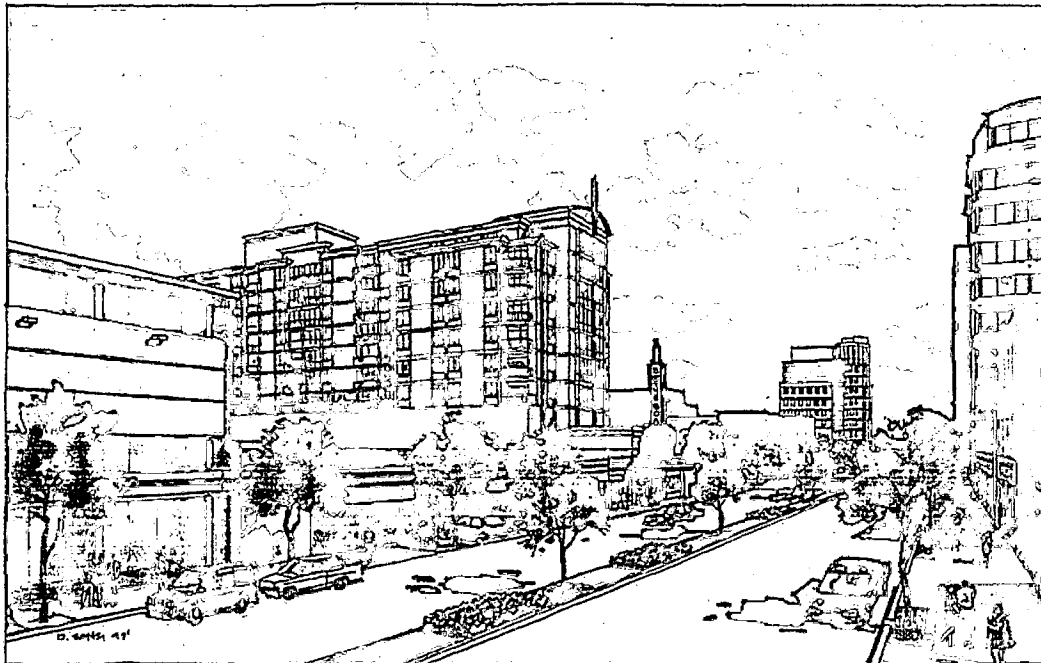


Bethesda Theatre Residential

**APPLICATION FOR:
PROJECT PLAN
CBD-2 OPTIONAL METHOD DEVELOPMENT**

DEVELOPMENT PLAN: PD-35



prepared by:
Applicant: Beta Corporation
Developer: E.M. Smith Associates

June 1997

BETHESDA THEATRE RESIDENTIAL PROJECT

**PROJECT PLAN FOR CBD-2 OPTIONAL METHOD
APPLICATION**

AND

**DEVELOPMENT PLAN FOR PD-35 LOCAL MAP
AMENDMENT APPLICATION**

JUNE 1997

DEVELOPMENT TEAM

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I. INTRODUCTION

The Bethesda Central Business District Sector Plan, approved and adopted July 1994 (the "Sector Plan"), envisioned a lively and integrated CBD area with transition projects lining the fringes to protect the existing single-family neighborhoods. Furthermore, due to the proximity to Metro, properties within and adjoining the CBD were intended for high density uses to best utilize the public transit options available. The Sector Plan did not however, anticipate the possibility of adding over 200 residential units to the area while preserving the historic landmark known as the Bethesda Theatre, and creating a pedestrian plaza and throughway to connect the neighborhoods to the core of the CBD, while also providing much needed public parking for the area by constructing a 400-space underground garage .

The Applicant in the subject local map amendment and project plan applications proposes to do all of the above and more. That is, through the subject PD-35 zoning application and accompanying CBD-2 optional method project plan application, Applicant in cooperation with Montgomery County, and in furtherance of the County's Sector Plan goals, intends to construct a 10-story apartment building on top of the Bethesda Theatre, a 4-story garden apartment building, and 22 townhouses along with a pedestrian plaza and promenade, as well as an underground parking garage. This proposed Project meets all of the requirements of the CBD-2 zone as well as the PD-35 zone, is in conformance with the relevant Sector Plan and will provide the County and Bethesda with numerous amenities and benefits.

Some of the specific benefits that the Project will achieve include the following:

1. The Project represents joint development of the Beta sites and the Bethesda Parking District Lot 42 under CBD-2, Optional Method. This will facilitate an important goal of the Sector Plan to preserve the Bethesda Theatre, an important historic resource and downtown Bethesda landmark.
2. A 100% residential development. This is an unexpected bonus for downtown Bethesda because an office building was originally contemplated for this site. The addition of multi-family apartments and townhouses will strengthen the mixed use, 24-hour environment of the area. In addition, housing on this Project will greatly improve the transition, traffic and compatibility issues for the East Bethesda single family community.
3. The pedestrian environment will be greatly enhanced with the provision of landscaped public walkways and seating areas from Cheltenham Drive and Tilbury Street through the development to Middleton Lane, and into the CBD.
4. The provision of high rise rental apartment units, four story garden type units, for sale townhouses and MPDU's will add to the diversity of housing choices within the downtown.
5. Through a public/private initiative with Montgomery County, the Project will include a three level 400 car underground public parking garage. The public garage will serve to

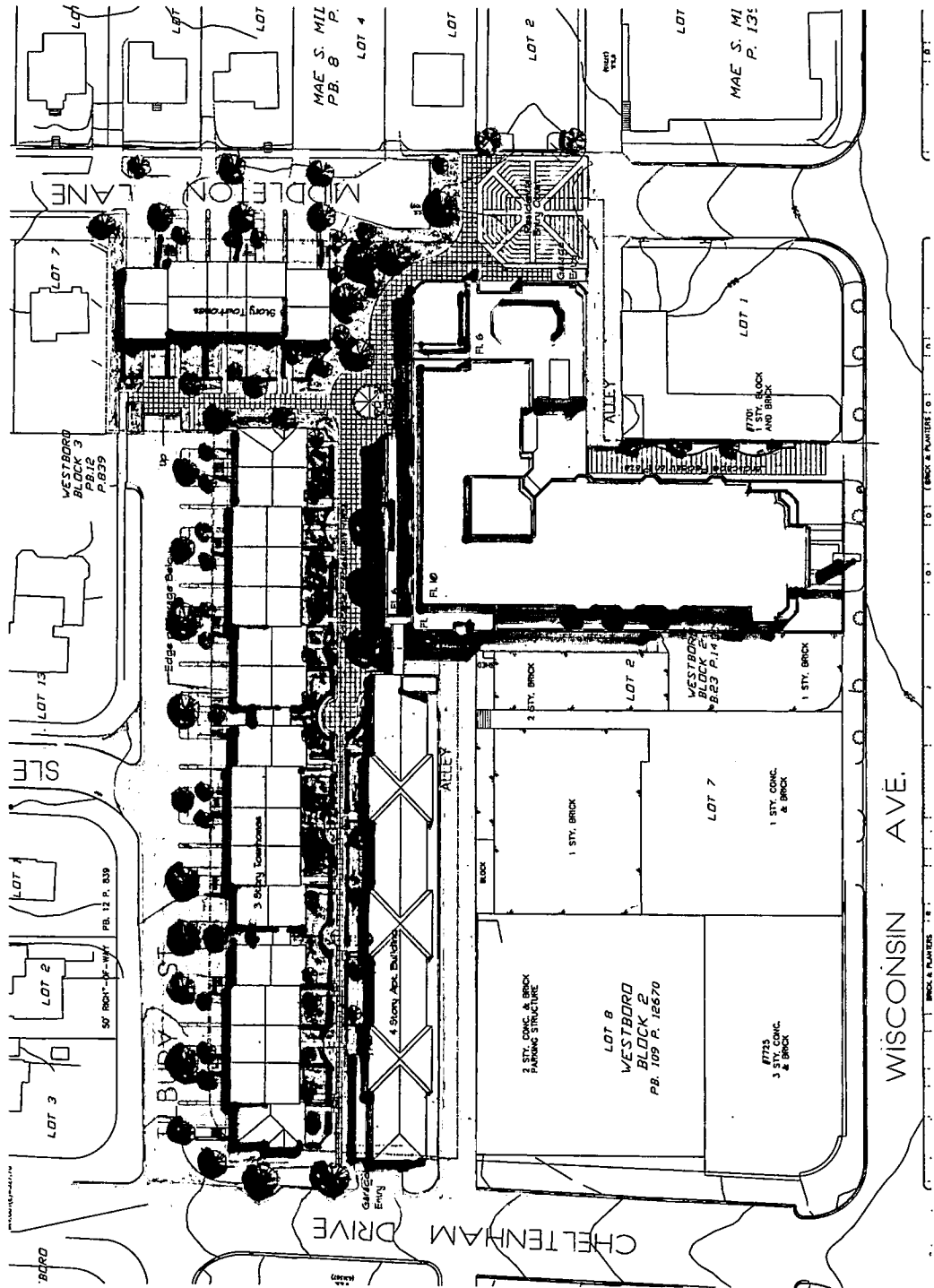
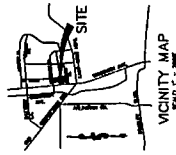
meet the increasing parking demands of area businesses as well as, the demands from the nearby and burgeoning, restaurant and retail district of Woodmont Triangle. A new landscaped pedestrian arcade linking the garage and Wisconsin Avenue, will provide parking patrons a convenient and pleasant path to their destinations.

6. Parking for the apartments will also be contained in an underground garage. Both garages will not be seen from the nearby single family neighborhood, thereby enhancing the urban character of the area.

7. The facade of the apartment building will have a prominent presence on Wisconsin Avenue, reinforcing the urban scale and Sector Plan objectives for this important promenade. The design of the building, however, is respectful of and pays homage to the design of the historic Bethesda Theatre. The facade of the apartment building will be set back 20 feet from the Wisconsin Avenue elevation of the Theatre, providing an appropriate setting and backdrop for the Theatre marquee and the landmark "BETHESDA" sign pylon. The architectural style of the apartment building will complement and be compatible with the Theatre and will incorporate design elements and details reminiscent of the Theatre's art deco design.

8. The Project buffers the East Bethesda neighborhood from more intense commercial uses in the CBD. Also, the design of the Project screens the rear of Chevyland from the adjacent neighborhood and provides a wonderful three dimensional transition from the commercial character of Wisconsin Avenue to the single family sections of Tilbury, Sleaford and Middleton Lane.

What follows are a series of renderings depicting the views from around the Project. The series begins with a view from Wisconsin Avenue, moves east along Cheltenham Drive, then into the courtyard between the 4-story apartments and the townhouses, then a view along Tilbury Street, and finishing along Middleton Lane.



Site Plan

Beta Corporation
38 South Charles Street
Bethesda, Md. 20801

E.M. Smith Associates
600 Northampton Street
Bethesda, Md. 20814

Bethesda Theatre Residential

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Bethesda, Md. 20814

Weihe Design Group
Architecture
Planning & Design
1000 K Street, Washington, D.C. 20006 (202) 547-2200

SCALE: 1"=50'
DATE: 11/19/81
PROJECT: 811211



D. SANKA 97



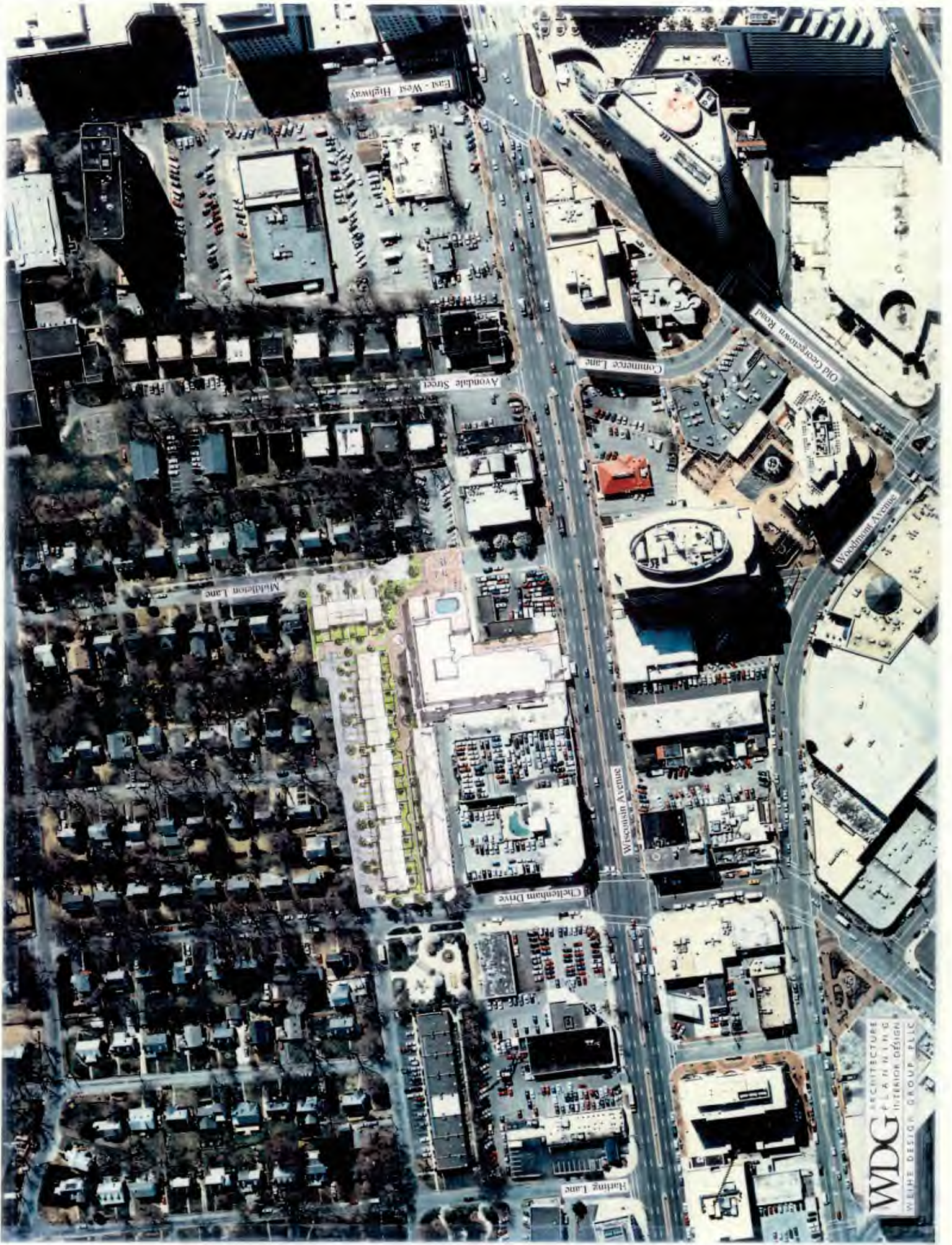
P. 5019 911





D. SONG 1/17





WDG ARCHITECTURE
PLANNING
INTERIOR DESIGN
WEIHE DESIGN GROUP PLLC

II. PROJECT DESCRIPTION

The proposed Project applications request approval of a PD-35 and CBD-2 optional method project for property located in and around the Bethesda CBD on Wisconsin Avenue between Cheltenham Drive to the north and Middleton Lane to the south and includes the Bethesda Theatre (hereinafter referred to as the "BETA Property"). The Project will include 187 apartment units in a high-rise, 27 four-story garden apartments, 22 townhouses, underground parking (including a 400 space public garage), and preservation and integration of the historic Bethesda Theatre. In addition, there will be a pedestrian plaza connecting the East Bethesda neighborhood to downtown Bethesda, a park-like open space through the site, and a pedestrian arcade providing access from the public garage and apartment building to Wisconsin Avenue.

The Project will encompass several lots within and adjacent to the Bethesda CBD. These include a portion of Public Parking Lot 42 ("Lot 42"), the Bethesda Theatre site, and the BETA rear lot, for a total acreage of 2.35 acres. This also includes abandoned public alleys and rights-of-way which are interspersed among these lots and will be incorporated into the Project. (See Exhibit D; also note that a Petition for Abandonment of the necessary alleys and rights-of-way was filed on June 25, 1997).

As mentioned, there are two zones which will make up the Project. The CBD-2 portion of the Project includes the Bethesda Theatre site and a portion of Lot 42, as well as two of the alleys which will be abandoned. The total CBD-2 gross acreage will be 1.0278 acres, or 44,771 square feet. (Exhibit E) The site area for the PD-35 site is 1.44442 acres, or 62,919 square feet, and consists of the BETA rear lot, a portion of Lot 42, and a portion of abandoned alleys and rights-of-way (See Exhibit D). This justification statement covers both zones and is intended to serve as part of the application materials for the CBD-2 Project Plan and the PD-35 local map amendment.

The CBD-2 portion of the Project will be developed under the optional method pursuant to Zoning Ordinance §§ 59-C-6.215 *et. seq.* It will include an "L" shaped, 10-story (94 foot) apartment building constructed over top of the existing Bethesda Theatre. The proposed construction will preserve the existing Bethesda Theatre by spanning the width of the Theatre with 12-foot steel trusses. This extraordinary and unusual structural component of the Project necessitates 94 feet in height, which is slightly higher than the 90' height recommended in the Sector Plan, but is substantially lower than the 143 feet permitted by the CBD-2 zone. The Wisconsin Avenue facade of the 10-story building will be setback 20 feet from the marquee of the Bethesda Theatre to provide an appropriate backdrop for the historic Theatre's sign and marquee. The materials and design of the building will complement and be compatible with the existing materials and design of the Theatre.

In accordance with the Sector Plan Guidelines, the high-rise building will step down to 65 feet at the rear and along Middleton Lane (See Exhibit M10). The main entrance and lobby to the building will be off of Middleton Lane with a special paved area and turn around to be maintained by the Applicant. (Exhibit M1)

The PD-35 portion of the Project will consist of the 4-story garden apartments and 22 townhouse units. The garden apartments will be connected to the high rise apartments at the lobby level via a corridor. The garden apartment building will be 45 feet in height and will back onto the existing alley running to Cheltenham Drive. The entrance to the garden apartments will be from the pedestrian plaza or through the high-rise lobby area. Seventeen of the townhouses will front onto Tilbury Street and 5 onto Middleton Lane. They will be 3 story townhouses with a maximum height of 35 feet with garages. An attractively landscaped pedestrian pathway will be incorporated into the Project to connect the East Bethesda neighborhood and the new residents to downtown Bethesda. (Exhibit M1)

The development incorporates ground level pedestrian access ways and passive recreation areas for the residents of the apartment building, the users of the public parking garage, as well as the neighboring community. A swimming pool for residents is provided on the roof of the high-rise at the sixth floor on the eastern edge of the Project closest to Middleton Lane. An exercise facility will also be provided in the building. (Exhibits M2 and M8)

Vehicular Access And Service

Garage access to the apartment building is off of Middleton Lane adjacent to the main entry of the building. This will be a two way ramp going under the building to a three level underground parking garage for approximately 240 cars. Vehicular service for loading, trash and other delivery vehicles will be via the public alley off of Cheltenham Drive. One large loading space of 12'x50' and two smaller (12'x30') loading spaces will be provided.

As part of this Project there is a three level underground public parking facility which will be leased to Montgomery County. The entrance to this approximately four hundred car garage is from Cheltenham Drive at the western edge of the site adjacent to the public alley. This entrance will be designed and signed to prohibit right hand turns out of the garage onto Cheltenham Drive and to prohibit left turns into the garage from Cheltenham Drive westbound.

The townhouses will all have individual garages of either one or two car widths with access either off Tilbury Street or Middleton Lane. We are proposing that Tilbury become two way in order to provide access to the units which front onto Tilbury Street. (Exhibit N)

The lobby level of the high-rise building will be located off Middleton Lane. All the public spaces for the building such as the main lobby seating area, mail room, business center, health club, and party room are located here with direct access to the outdoor public pedestrian plaza. All the service areas for the building and Theatre are located at this level off the public alley to the north. This level also contains the enclosed glass link to the four story apartment building. (Exhibit M2)

III. PROPERTY DESCRIPTION

The Property comprises approximately 2.35 acres of land bounded on the west by Wisconsin Avenue, on the south by Middleton Lane, on the east by Tilbury Street and the north by Cheltenham Drive. The site encompasses essentially the entire block as described above with

the exception of the Chevy Chase Chevrolet uses at the northwest and southwest corners of the block. (Exhibit D) The topography on this site is moderate with the entire site draining from west to east. The highest elevation of the site is along Wisconsin Avenue with elevations of approximately 351. The eastern edge of the site along Tilbury Street is the lowest portion of the site with elevations between 337 at the northern edge to 339 at the southern edge sloping to approximately 329 at the lowest point of the site adjacent to Lot 13, Block 3 Westboro. These elevations, as well as the existing site improvements are shown on Exhibit I.

Current improvements on this site include the Bethesda Theater Café fronting on Wisconsin Avenue and two surface parking lots located along Middleton Lane and Tilbury Street. In addition, this site also includes alleys bisecting this block in a north-south and east-west direction. Portions of these alleys, as well as portions of Cheltenham Drive and Middleton Lane are proposed for abandonment and have been included in the site area. These are shown on Exhibit F. The site area is composed of Lots 1 - 6 and Outlot A of Block 2 Westboro as shown on Plat Book 12 - Plat 839, and Lot 1, Block 2 Westboro shown on Plat Book 23 - Plat 1430, all owned by Beta Corporation and Lots 2 - 6 of Rabner's Subdivision from Plat Book 9 - Plat 675 as owned by Montgomery County, Maryland. These areas encompass 2.06951 acres of land, as described above. In addition, the site area also includes 0.28288 acres of land proposed for abandonment and shown on Exhibit D resulting in a total site acreage of 2.35239.

This site acreage is currently composed of property in two zones. There are 0.90797 acres on the western portion of the site, shown on Exhibit D, Site Area, as currently zoned CBD-2. The remaining portion of the site area 1.44442 acres, the eastern portion of the site also shown on the forementioned exhibit, is currently zoned R-60. The property currently zoned R-60 is proposed hereunder for a local map amendment for rezoning to PD-35 zone. The CBD-2 zoned property is proposed hereunder for a project plan under the optional method of development.

The calculation of allowable FAR for the CBD-2 portion of the site is based upon gross tract area. In addition to including the site area, the gross tract area also includes land previously dedicated by predecessors in title to the subject property. The gross tract area for the CBD-2 portion of the site is 1.02780 acres and is shown on Exhibit E.

As an urban central business district site, the property is currently adequately served by public utilities, including storm drainage, sewer, water, gas, electric and telephone service. These facilities are included in the existing rights-of-way surrounding the property and are shown on Exhibit C.

The surrounding public rights-of-way are fully developed with the exception of approximately 140 feet of frontage along the southern limits of Tilbury Street. This area is a dedicated right-of-way; however, it is not improved with a public roadway, and includes only sidewalk and storm drainage improvements.

Approximately 90% of the site area is currently impervious. The existing vegetation located along the eastern property line includes mainly 4 inch to 8 inch diameter White Pine with a few scattered 14 - 16 inch Locust trees. A 36 inch Elm tree and 20 inch Oak tree are located

adjacent to the public parking lot to the South of the site. A few large Elm trees and a Black Walnut are located in the Tilbury Street right-of-way immediately adjacent to the northeast corner of the County parking facility. Street trees surrounding the property include Willow Oaks along Middleton Lane, Sycamore trees along Wisconsin Avenue, Zelkova along Cheltenham Drive and Sweet Gum along Tilbury Street. Due to the limited pervious area on the site, there are no forested areas on this property or immediately adjacent to the property as defined in the Maryland National Capital Park & Planning Commission Trees Technical Manual. (Exhibit I)

IV. SECTOR PLAN CONFORMANCE (See Exhibit L)

The Bethesda Theatre Residential development lies within the Approved and Adopted Bethesda Central Business District Sector Plan dated July 1994. The Project is located on the east side of Wisconsin Avenue midway between Middleton Lane to the south and Cheltenham Drive to the north in the Metro Core area of the Sector Plan.

Among the goals of the Sector Plan is the desire to continue well designed redevelopment within the Metro Core area, to encourage infill development, encourage and maintain a wide range of housing types, enhance Bethesda as an appealing environment for working, shopping, and entertainment, and provide a safe and functional transportation system.

Of particular note in the Metro Core District is to allow for an optional method development above the historic Bethesda Theatre to help ensure preservation of the exterior of the Theatre as well as its interior elements.

Applicant's proposed redevelopment of the Theatre site positively addresses all of the goals stated above. However, the complexities of a Bethesda Theatre development requires further explanation as stated on Page 80 in the Sector Plan.

In order to qualify for the 22,000 square feet minimum lot area required for an Optional Method Development, the Theatre Site (17,497 square feet) has been combined with a small portion of the Beta Parking Lot, the public alley behind the Theatre, and the west portion of Lot 42 for a total CBD-2 land area of 44,431 square feet. This would allow for an overall development at a FAR of 5.0 or 223,854 square feet. (Exhibits D and E)

The remainder of both the Beta parking lot and the eastern portion of Parking Lot 42 are currently zoned R-60. The Sector Plan recommends the floating zone of PD-22 be allowed for this area, including 24,000 square feet of office space and up to 15 housing units on the Beta lot, along with up to 8 housing units on Parking Lot 42.

In lieu of providing any office development for this area, Applicant is proposing a 100% residential development of equal massing and approximate similar gross floor area. The plan provides for 27 apartments on the western portion of the BETA lot along with 22 townhouses facing the Tilbury and Middleton Lane portions of the site. The substitution of residential for

office requires a higher PD Zone to meet the density calculations required under the Zoning Ordinance. A PD-35 designation would accomplish this objective.

The above solution provides significant compatibility with the Sector Plan guidelines as a complete residential development creates an even better buffer and transition from the commercial areas of Wisconsin Avenue to the single family neighborhood to the east. This solution also allows for a totally underground public parking garage for the community.

This plan submitted by the Applicant allows an investment return that justifies retention of the entire Theatre structure and the construction of a structural platform above the Theatre in order to preserve the interior features.

In addition to the above goals and objectives, the Sector Plan includes more detailed discussion about which specific guidelines apply to the redevelopment of this site, including several specific guidelines and objectives. Such as:

a. Preserve the existing structure and use as recommended.

The proposed Project retains the Bethesda Theatre in its present use and will be preserving the interior of the building. The new apartment building proposed on top of the Theatre will be set back 20 feet from the marquee in order to provide an appropriate backdrop for Theatre. (Exhibit M10)

b. Maintain building heights no higher than 90 feet along Wisconsin Avenue. Provide several steps in building 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 proposed Project will be 94 feet tall along the Wisconsin Avenue frontage. This four-foot increase in height over the 90 feet recommended in the Sector Plan is due to the twelve foot depth of the trusses needed to safely clear span over the existing Theatre. The number of floors typically associated with a 90 foot high rise residential building remains the same. Again the 4 foot increase is for structural reasons only and will be virtually imperceptible in the urban landscape of the area. In addition, the mechanical penthouse area provided with this residential development is less than that of an office building, which was originally contemplated for this site. (Exhibit M10)

The proposed high rise steps down to 65 feet at the rear, and the garden apartments to the east of the alley will be 45 feet in height. The three story townhouses provided are all within the 35 foot height limit of the PD-35 zone.

c. Provide street oriented townhouse development with front doors facing surrounding streets, to achieve compatibility. Allow a 15 foot minimum setback from the street curb.

The proposed development provides for street oriented townhouses on the PD-35 portion of the site. Seventeen townhouses face on Tilbury Street and five face onto Middleton Lane. All of the townhouses have either a one or two car garage facing the street and will be a minimum of 18 feet from the street curb to accommodate a sidewalk and landscaping.

d. Allow no more than three continuous attached townhouses with the same front building line in order to maintain a compatible relationship with adjacent single family properties.

Each townhouse grouping has no more than 3 townhouses with the same building front line, allowing for variation in the building setbacks and compatibility with the surrounding neighborhood.

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 residential neighborhood.

As previously mentioned, parking for the high-rise apartments and garden apartments will be in the underground parking garage. This underground facility will also provide public parking in a County operated garage. This parking area will not be visible nor will it have a negative impact on the surrounding residential neighborhood.

f. Locate required open space in a manner that expands the existing open areas and provides attractive views from the adjacent residential neighborhood.

The proposed Project provides for attractive open space in several locations. On Middleton Lane, the landscaped road barrier area has been increased and enhanced with additional landscaping features. In addition, the vehicular turn around area for the apartment building on Middleton Lane will be constructed with special paving materials enhancing the visual character of the area.

A landscaped pathway has been provided from Cheltenham Drive to Middleton Lane. This pathway connects to the larger landscaped public walkway from the southern end of Tilbury Street towards the west to Middleton Lane and on to Wisconsin Avenue. This walkway and plaza system will be an attractive asset to the East Bethesda Neighborhood.

In addition, an existing alley to the east of the Theatre will be converted to a 20 foot wide landscaped pedestrian arcade. This will allow for a pleasant walkway from the public parking garage and will serve as a secondary entrance into the apartment building. (Exhibit M1)

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.

As stated above, the proposed Project provides for parklike open space between the townhouses and the high rise apartment building creating a focal point for the Project. The landscaped pedestrian walkways provide a pleasant link for the existing and proposed residents.

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 proposed development uses pitched and gabled roofs on the townhouses to be compatible with the adjacent single family houses. Portions of the four story wing of the apartment building will also have hipped roof components in order to reduce the mass of the building. Balconies and a change in the front building line will further add to the residential character of the building. The high rise portion of the apartment building will have a flat roof in order to minimize the height impact on the surrounding community.

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 townhouses fronting on Tilbury Street and Middleton Lane will be compatible in scale with the adjacent neighborhood. The elimination of the office use serves to enhance the compatibility objectives of the Sector Plan.

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.

The proposed Project concurs with the above requirement.

The Sector Plan recommends that this site be developed as an office building under the optional method in order to insure the retention of the Theatre. In light of current market conditions however, Applicant is able to redevelop this site as a residential project and still preserve the Theatre. This potential for additional residential in the Metro Core area is also recommended in the Sector Plan. In addition, this use will provide East Bethesda residents a better transition to their neighborhood and a lesser generator of traffic than the office use would have.

Another expressed goal of the Sector Plan is to provide a range of housing opportunities that continue to serve a broad spectrum of the population. High and middle income apartment housing would provide built-in purchasing power for local retail establishments while not substantially contributing to the demand for commuter parking. The approximately 236 units provided with this development is a major step toward attaining this goal. A diversity of unit types and sizes, including townhouses, have been incorporated to further enhance the housing opportunities. In addition, 15% of the apartment units will be moderately priced dwelling units to help maintain the board range of housing for a variety of income levels.

V. ZONING STANDARDS CONFORMANCE

A. CBD-2 Portion Of Project

1. CBD-2 Purpose Clause

Section 59-C-6.212 of the Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

To encourage development in accordance with an adopted and approved master or sector plan by permitting an increase in density and intensity where it is in conformity with the sector plan and the site plan is approved on review by the Planning Board.

The optional CBD Project Plan is in conformance with the Bethesda CBD Sector Plan objectives to encourage infill development that complements the underlying physical form of Bethesda. The Sector Plan allows optional method residential use at 5.0 FAR for CBD-2 sites in the Metro Core as a means of encouraging housing development and provides an additional bonus of unexpected high density residential housing in the CBD.

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 residential development, along with retention of the Bethesda Theatre, focuses on the need for housing in the area and will provide substantial new housing and maintain the Theatre. Both are compatible and desirable to further meet the needs of workers, shoppers, and residents of the area on a 24 hour basis. In addition, the proposed 400 space underground public garage will serve the Sector Plan objectives to meet increased parking demands in the area.

To encourage designs which produce a desirable relationship between the individual buildings in the CBD, between the buildings and the circulation system, and between the CBD and adjacent areas.

The design, massing, detailed articulation and landscaping of the Bethesda Theatre Residential Development will provide a strong identity for the Project and the area. The Project relates in scale to its neighbors in the CBD, including those commercial projects across Wisconsin Avenue to the west. The 94 foot height of the building is compatible to those commercial structures. As the building steps down in the rear to 65 feet, it provides a transition to the adjacent residential neighborhood.

As a further transition in scale to the houses on Tilbury, Sleaford and Middleton Lane, Applicant has provided three story townhouses with enclosed garages at a height of 35 feet. The

45-foot, four story garden apartment component located directly behind Chevyland provides yet another transition in height and buffer for the neighborhood to the east.

Lastly, the pedestrian linkages through the Project will strengthen and enhance the circulation system in the area and between the eastern neighborhood and the CBD.

To promote the effective use of transit facilities in the Central Business District and pedestrian access thereto.

The proposed development is within 1,200 feet of the Bethesda Metro Station and has provided on site improvements to facilitate pedestrian access and the use of transit facilities. (Exhibit K)

To promote improved pedestrian and vehicular circulation.

Two major pedestrian links have been provided through the new development which will enhance pedestrian access to and from the existing and new neighborhood. These will create a much more pleasurable walk to downtown Bethesda from the East Bethesda residential neighborhood.

Vehicular entrance for the residents of the apartment building is via Middleton Lane. Vehicular access to the underground public parking garage is located at the western edge of the site on Cheltenham Avenue. The townhouses have enclosed garages with access from the front on both Tilbury Street and Middleton Lane.

To assist in the development of adequate residential areas for people with a range of different incomes.

The proposed 214 apartment units and 22 townhouses will add substantially to the residential component mix of downtown Bethesda. The proposed mix of apartment sizes and types along with the 28 MPDU's will provide housing for people with a range of incomes. The Project adds more housing choices to Bethesda by providing high-rise rental units, garden apartments, and fee simple townhouses.

To encourage land assembly and the most desirable use of land in accordance with the Sector Plan.

The proposed development is composed of several different parcels including building on the air rights over the Beta owned existing Bethesda Theatre, a surface parking lot owned by the Beta Corporation, a Montgomery County Parking lot and the abandonment of alleys. This creative use of land assembly is consistent with the goals of the Sector Plan for this site and is a prime example of a successful public-private partnership to accomplish the larger goals of the community.

Additional purposes of the CBD-2 Zone are:

To provide a density and intensity of development which will permit an appropriate transition from the cores of CBD's to the less dense peripheral areas within and adjacent to the districts.

The proposed development is in keeping with the densities and massing allowed in the CBD-2 zone. As previously mentioned, the high-rise steps down in height at the rear. The apartment building, at 45 feet, and the townhouses, at 35 feet, provide comparable density and intensity to be a transition to the existing neighborhood.

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 provide for 187 additional residential units within the CBD-2 area along with an additional 27 apartments and 22 townhouses on the adjacent PD-35 portion of this Property, thus will encourage the use of transit facilities in the area. This housing is within 1,200 feet of and will meet the County's transit utilization goals. In addition, this housing within the Metro core, will provide an attractive housing option for employees of the downtown and others seeking a close in location to Metro.

2. CBD-2 Development Standards

As to the development standards of the CBD-2 Zone, below is a site tabulation chart showing the required and proposed development standards. As evidenced by this chart, the Project meets all of the standards of the CBD-2 Zone. (Exhibit A)

CBD-2 SITE DATA:

CBD-2 Gross Lot Area:	44,771 sq. ft.
@ 5.0 FAR =	223,855 sq. ft.
Less Existing Theatre Area =	<u>-15,597 sq. ft.</u>
Allowable Gross Floor Area =	208,258 sq. ft.
Provided Gross Floor Area =	208,258 sq. ft.

Gross Lot Area =	44,771 sq. ft.
Less Dedications =	<u>-5,220 sq. ft.</u>
Net Lot Area:	39,551 sq. ft.

Building Height Allowed: 143 ft. per zone; 90 ft. per Sector Plan
Building Height Provided: 94 ft.

No. of Units Allowed: @200 DU/acre = 205 units
No. of Units Provided: 187 DU

No. of MPDU's Required and Provided @ 15% = 28

Unit Breakdown:	Eff = 20
	1 Br. = 93
	1 Br. + D = 35
	2 Br. = 35
	<u>2 Br. + D = 4</u>
Total	187 Units (high-rise building)

Parking Required:	231 spaces
Less 10% CBD Credit:	<u>-23 spaces</u>
Subtotal	208 spaces
Less 5% Metro Credit:	<u>-10 spaces</u>
Total Parking Required:	198 spaces
Parking Provided:	198 spaces

Public Use Space Required @ 20% of net lot area = 7,911 sq. ft.
Public Use Space Provided @ 20% = 8,000 sq. ft.

3. Project Amenities

The CBD-2 zone, optional method process, also requires the Project Plan to reflect public amenities as part of the application. Clearly, the major public amenity is the retention and preservation of the Bethesda Theatre, however, there are also additional amenities being provided.

a. Bethesda Theatre Preservation

A substantial amenities package is associated with the Bethesda Residential Project Plan. First and foremost is the retention and preservation of the historic Bethesda Theatre as an important Bethesda landmark. As noted in the Bethesda Sector Plan, the Bethesda Theatre has a historic design and a use that contributes significantly to the "cultural district" theme supported by the Sector Plan. The attractive interior design reflects quality art deco styling. (Exhibit L)

As part of this Project Plan, the Wisconsin Avenue facade and the interior of the Bethesda Theatre will be retained and preserved, while constructing a new apartment building above the Theatre building and townhouses to the rear. The new 94 foot high building above the Theatre will be set back twenty feet from the Wisconsin Avenue elevation and will be supported by twelve foot deep trusses spanning over the top of the Theatre. The existing roof and roof trusses will be removed to allow installation of the new trusses, and the existing interior ceiling hung from the new trusses. (Exhibit P)

The exterior of the Theatre frontage along Wisconsin Avenue is protected by historic resource designation, however, the rear and interior of the Theatre are not generally within the

jurisdiction of the Historic Preservation Commission ("HPC"). Consequently, the Applicant has, in accordance with one of the goals of the Bethesda Sector Plan for this site, agreed to retain and preserve the interior of the Theatre as well as the front exterior facade on Wisconsin Avenue. (Exhibit P).

At the interior of the building, the proposed Project will preserve the existing configuration and finishes of the lobby, lounge, foyer and auditorium. The only proposed alterations of the interior are the installation of a fire suppression system and the improvement of access for disabled patrons. Columns supporting the new trusses will likely be located at the interior of the west portion of the north wall of the auditorium because of exterior space restrictions. The size, location, number and detailing of the new columns has not yet been determined. (Exhibit P)

b. Wisconsin Avenue Pedestrian Arcade

The twenty-foot wide vehicular alley adjacent to the south side of the Theatre will be closed and converted to a landscaped, brick paved pedestrian arcade. At the east end of this walkway, public elevators and a stairwell will provide access to the underground public parking garage as well as to a secondary entrance into the lobby of the apartment building. The arcade also allows for emergency egress from the Theatre and will probably be used to provide a ticket line area and waiting area to enter the Theatre. Accent lighting, benches and other landscape features will be provided along this walkway. A screen wall will be provided at the south end of this walkway to screen the rear of the existing auto repair building from the pedestrian activity.

c. East Bethesda Pedestrian Pathway

One of the guidelines for this site in the sector plan is to provide a park like open space and pedestrian way from Tilbury Street to Middleton Lane. To accomplish this, a linear park entering from the southern end of Tilbury extending through the Project and townhouses and on to Middleton Lane heading towards Wisconsin Avenue and the CBD will be provided. This heavily landscaped passive recreation area will feature a trellised gazebo as a focal point of this space. There is also a pedestrian path entering from Cheltenham Drive to the north and crossing the entire length of the site terminating at the gazebo.

d. Public Parking Garage

This is a public/private development that provides for a three level underground Montgomery County public parking garage for approximately 400 cars which will be a tremendous asset for this section of downtown Bethesda and will truly be an amenity for the area. This underground facility will provide much needed additional parking for area businesses and the burgeoning restaurant and other retail market in the Woodmont triangle area. Also, since the garage is completely underground, there will be no visual impact on the adjacent residential community.

e. Middleton Lane

Currently, Middleton Lane is blocked for through traffic by a small green strip. As part of the Project, Applicant will enlarge and enhance this green area to create focal point in this area. In addition, Applicant will install special paving in Middleton to highlight the entrance to the high-rise and improve the pedestrian accessibility of the area.

4. Additional Findings Required For CBD-2 Approval

Pursuant to Zoning Ordinance § 59-D-2.42, the Planning Board must find that the proposed Project meets the following requirements in addition to those set forth above:

A. It would comply with all of the intents and requirements of the zone.

As stated above, Applicant believes that the proposed Project meets all of the purpose clause elements of the CBD-2 zone as well as the relevant development criteria.

B. It would conform to the approved and adopted Sector Plan.

The relevant Sector Plan sets forth a conceptual plan for the Property very similar to that proposed by Applicant. The major difference is that Applicant is proposing a 100% residential project which could not have been anticipated at the time of the Sector Plan. Clearly, the Sector Plan supported the concept of building more residential units within and adjoining the CBD area. Consequently, because the Project Plan meets the design guidelines of the Sector Plan, and simply changes the expected use from office to residential, it conforms to the Sector Plan.

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 adjoining neighborhood of East Bethesda consists of single family homes on small lots. The proposed Project is compatible with this neighborhood, as well as the commercial area of Wisconsin Avenue by keeping the higher density and intensity structures towards Wisconsin Avenue and reducing the bulk and massing of the buildings as they approach the residential development. These factors, coupled with the extensive amenity package being proposed by Applicant will assure that the Project will not be detrimental to the neighborhood.

D. It would not overburden existing public services.

There are sufficient public services within and surrounding the CBD to serve the Project without overburdening these services. In addition, with regard to traffic and surrounding roadways, an LATR analysis was completed which demonstrates that all of the study intersections will continue to operate at acceptable levels of service during both the a.m. and p.m. peak hours. (Exhibit O)

E. It would be more efficient and desirable than could be accomplished by the use of the standard method of development.

The standard method of development would not provide sufficient density and accompanying economic return to allow for preservation of the Theatre. Furthermore, the standard method would not produce the extensive (20%) public use space nor would it facilitate or encourage the large pedestrian plazas and arcades that grace this Project.

F. It would include moderately priced dwelling units.

The Project proposes to include the required 15% MPDUs.

G. When a project plan includes more than one lot . . . and is shown to transfer public open space or development density from one lot to another

Not Applicable.

H. Forest Conservation requirements.

Applicant meets requirements. (Exhibit G)

I. Water quality resource protection.

Applicant will meet requirements.

B. PD-35 Portion of Project

1. PD-35 Purpose Clause

The proposed Project with its accompanying Development Plan meets the standards of PD-35 Zone in all respects. With regard to the purpose clause (§59-C-7.11), the Plan meets these criteria as follows (Exhibit B):

A. It is the purpose of this zone to implement the General Plan and the area master plans by permitting unified development consistent with densities proposed by master plans.

The proposed project will create a unified development which is consistent with the Sector Plan recommendations in terms of density or massing of the buildings. That is, although the Sector Plan suggested that PD-22 would be appropriate for this site, it does not set this as a limit and furthermore, this designation anticipated office use which has been completely eliminated from the current proposal. Consequently, with a 100% residential project, which will be housed in buildings of similar massing as proposed in the Sector Plan, the Project meets this requirement.

B. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a matter of right under conventional zoning categories.

Clearly, as stated above, the proposed overall project has achieved a flexibility of design that permits integration of the Project into the existing CBD as well as providing a buffer and transition to the adjoining East Bethesda neighborhood. The increase in residential use for the site, to 100% residential, makes the property even more compatible with the surrounding areas. Lastly, the PD development permitted a much more efficient and convenient project that provides numerous amenities, such as the pedestrian plaza, that would not otherwise have arisen under a development by right.

C. In so doing, it is intended that the zoning category be utilized to implement the General Plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.

As mentioned, the proposed Project will implement the goals of the Sector Plan and provide the additional bonus of developing more residential units in the Bethesda CBD than anticipated. One of the overall policies of the County is to provide a greater density of housing near Metro sites and in CBDs and use of the PD Zone at this site accomplishes that goal.

D. Development must be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development.

By providing an attractive landscaped pedestrian plaza with focal points and destination areas, the plan will facilitate and encourage interaction between the existing community and that of the new residents. Additionally, by providing more housing adjacent to the CBD, more people will have the option of living in the area and thus may interact more with those working and living in the area. As part of the overall plan for the Bethesda Theater residential project, the PD portion of the site will provide visual character and identity distinct from the surrounding developments.

E. It is intended that development in this zone produce a balance and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area Master Plan, and related public and private facilities.

The proposed Development Plan for the PD-35 site is for all residential units. (Exhibit B) This will include 27 garden apartment units and 22 fee simple townhouses. Because the site is so

close to the Bethesda CBD, there is no need for separate commercial uses within the property, and such uses might not be compatible with the surrounding neighborhood.

F. To provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.

Within the PD portion of the Project, there will be 27 rental garden apartments and 22 single-family townhomes. In addition, the adjoining high-rise building will offer 189 apartment rental units.

G. To preserve and take the greatest possible aesthetic advantage and trees and, in order to do so, minimize the amount of grading necessary for construction of a development.

At the current time, the property is being used as a surface parking lot and there is very little vegetation. However, the Applicant will take precautions to preserve trees including minimizing grading to protect trees located on adjacent properties. (Exhibit I)

H. To encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.

The open space provided on the proposed Project is much more than simply yard space or setback areas. These open spaces were carefully designed to draw pedestrians through the site to the Bethesda CBD. The public plaza and pathway, with its gazebo and other design features will provide meeting places as well as places for relaxation and social activity. Physical and aesthetic integration of the uses and activities for the plan will be achieved through the proposed open space areas. (Exhibit M1)

I. To encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities and thereby minimize reliance upon the automobile as a means of transportation.

As mentioned above, the pedestrian pathways planned through the site are separated from vehicular movements and link the East Bethesda residential neighborhood with the downtown Bethesda CBD. This connection should help to draw people to the CBD as well as to the nearby

Metro Station, alleviating much dependence upon the automobile.

J. Encourage development on such a scale in terms of area of land and numbers of dwelling units such that it offers opportunities for a wider range of related residential and non-residential uses.

Because the PD site is intended as a transition from the Bethesda CBD and the East Bethesda residential neighborhood, it is proposed in the Sector Plan and by this Application as a purely residential use. However, even with this limitation, the Applicant has managed to provide a range of housing options such that people may chose between a fee-simple townhouse or a garden apartment unit, or looking to the overall project, a high rise apartment.

K. To achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

The residents of the surrounding community as well as the future residents of the Project, will benefit greatly from the proposed plan in terms of safety, convenience and amenity. As explained, the existing property is now used for a surface parking lot and offers little, if any, beneficial use to the surrounding community. The Applicant proposes to create a pedestrian pathway and plaza which will make travel to and from the CBD by foot much safer and convenient than under current conditions. Additionally, these pathways are integrated into the plan such that there will not be a feeling of seclusion along the pathways and residential units will be nearby. The amenities provided to the residents include this pathway, a public parking garage, and the preservation of the Bethesda Theater on the CBD portion of the Project.

L. Based on all of the above, the application is proper for the comprehensive and systematic development of the County and is capable of accomplishing the purposes of the Zone and furthermore is in substantial compliance with the relevant Sector Plan.

The Project meets all of these goals and objectives.

2. Development Standards of PD-35

As can be seen from the Site Data chart below, the Project meets the development standards of the PD-35 zone. (Exhibit B)

PD-35 Site Data

PD - 35 Site Area: 62,919 sq. ft.

@ 35 Units/Acre = 50 Units allowed (base density; Applicant not requesting MPDU bonus density)

Units Provided: 22 Townhouses
27 Apartments

Unit Mix:
1 BR = 5
2 BR = 19
2 BR + D = 3

Total Units Provided: 49 Units

Required Green Space @ 50% = 31,460 sq. ft.
Provided Green Space @ 50% = 31,460 sq. ft.

Townhouse Max. Bldg. Ht. Allowed: NA (Sector Plan recommends 35 feet)
Townhouse Bldg. Ht. Provided: 35 Feet

Apartment Bldg. Height Allowed: NA (Sector Plan recommends 45 feet)
Apartment Bldg. Ht. Provided: 45 Feet

Parking Required for Townhouses: @ 2/Unit = 44 Spaces
Parking Provided: 44 Spaces

Parking Required for Apartments:	41 spaces
Less 10% CBD Credit:	<u>-4 spaces</u>
Subtotal	37 spaces
Less 5% Metro Credit:	<u>-2 spaces</u>
Total Parking Required	35 spaces

Parking Provided 35 spaces

3. Additional PD-35 Criteria

The Project meets the additional criteria of the PD-35 zone as follows:

1. The Sector Plan shows the subject property as a PD Zone piece with a density of at least 22 dwelling units to the acre and allows for additional office space. (Exhibit L)
2. The proposed PD-35 site does not contain sufficient area to construct 50 or more dwelling units, however, it will, in conjunction with the adjoining CBD proposal, result in preservation of the Bethesda Theatre, which is a historic structure. Lastly, the property is also recommended for the PD Zone in the Sector Plan.
3. Waiver regarding minimum percentage of multi-family uses. Pursuant to §59-C-7.1 of the Zoning Code, in a PD-35 Zone with less than 200 units, a minimum of 50% of the units must be multi-family units over four stories. This minimum percentage, however, can be waived if the District Council finds that a proposed development is "(a) more desirable for stated environmental reasons than development in accordance with these limits, or (b)

achieves goals, policies or recommendations stated in an approved and adopted master or sector plan." Under the relevant Sector Plan, the height limits established for the PD site would not permit development over four stories. That is, the townhouses along Tilbury and Middleton Lane must not exceed 35 feet and the garden apartments on the east side of the alley cannot exceed 45 feet. Therefore, because the proposed development achieves the goals and policies of the Sector Plan in creating a transition between the East Bethesda neighborhood and the CBD, a waiver is requested of this minimum requirement such that the 49 units on the PD site will consist of 27 garden apartment units and 22 townhouses.

4. The requested density is for a PD-35 Zone to permit 35 dwelling units per acre on the site. The Applicant believes this meets with the intent of the Sector Plan with regard to buffering the East Bethesda neighborhood. More specifically, the Sector Plan envisioned office uses on the property and set forth height limits for all of the buildings. Applicant has adhered to these height limits and has simply converted the 45 foot tall building on the east side of the alley to residential use which, combined with the 22 townhouses, requires an increased density of 35 units to the acre. This increase does not adversely affect the neighborhood and is actually beneficial in providing additional residential near the CBD and adjacent to the neighborhood. It should be noted that the Applicant is not requesting an increase in density based on the permitted MPDU bonus.
5. The proposed PD-35 development and residential use will be compatible with the existing and proposed uses adjacent to and in the vicinity of the Project. As mentioned, the heights of the buildings have been limited to those recommended in the Sector Plan in an effort to buffer the East Bethesda neighborhood from the Bethesda CBD. In addition, all uses on the property will be residential in nature, a compatible use with the adjacent residential areas. Furthermore, the policy of providing higher density housing near CBDs and Metro stations is accomplished by the proposed Plan. Lastly, because the site is within close proximity to the Central Business District, there are no required setbacks.
6. The Project will provide 50% green area.

VI. ENGINEERING ISSUES

A. Stormwater Management

As discussed above, the site is currently predominately impervious, approximately 90%. Surface run-off drains generally in a west to easterly direction across the site. All of the run-off from the site is picked up in an enclosed storm drainage system at various points within the block, and is all piped to a central location at the edge of the property in Tilbury Street, adjacent to Lot 13, Block 3 Westboro. From this point, it is piped in an underground 36 inch concrete storm drain pipe easterly along the rear of the lots, on the southerly side of Sleaford Road. An analysis of the existing conditions revealed both the drainage areas to this point and the anticipated run-off from a standard ten year design storm to this point. The pre-development run-off based, on County criteria, is 66.1 cfs utilizing the existing zoning for all portions of the watershed, other than the site area, and utilizing the current impervious areas on the site. The downstream

enclosed storm drain pipe system running along the rear of the lots by the south side of Sleaford Road has been analyzed and determined that it has more than adequate capacity to handle this anticipated flow. (Exhibit C)

Changes to the water shed that would be anticipated under the proposed development scenario of this Project were also analyzed. The proposed Project will result in a decrease in the amount of impervious surfaces on the site. As such, the anticipated run-off from the standard ten year design storm will be decreased to 65.4 cfs. Obviously as discussed above, since the existing 36" storm drain outfall pipe system has more than adequate capacity to handle the existing flow and since the flow after the proposed development will in fact be decreased, this outfall analysis has proven that the existing pipe system is adequate to handle the proposed development with respect for storm drainage. Accordingly, a waiver of the County's requirements for on-site stormwater management quantity control is being sought. This waiver request is being filed concurrent with the zoning application to the Montgomery County Department of Permitting Services. It is anticipated that, in consideration for granting this waiver, the County will require the Applicant to contribute a waiver fee in accordance with accepted County criteria for the County's use in improving streams throughout the watershed. The Applicant has agreed to make this contribution in lieu of providing on-site stormwater management quantity control.

Currently, the stormwater run-off from the site is untreated and is essentially raw run-off from the paved surfaces collected in an enclosed storm drain system. The proposed development will significantly increase the quality of this run-off through providing on-site quality control for all of the run-off from the site. This will be provided through the use of a stormwater management quality control structure, such as a "stormceptor" immediately upstream of the discharge point from the site. All of the run-off from the proposed development will be collected and treated by running through this quality control structure. Additionally, some of the run-off outside the site area within this water shed will also be collected and routed through this control structure, thereby further increasing the quality of storm run-off in conjunction with this development.

B. Storm Drainage

From the site drainage perspective, the entire block drains from west to east and predominately north to south with the single point of drainage outfall from the site being located in a 36 inch underground concrete pipe in the rear of the lots along the south side of Sleaford Road. This pipe was installed in the mid 1960's by the WSSC in a public easement. Under this proposal, drainage to this point will not be increased, however it will be treated for quality.

As discussed above, the existing storm drainage is currently collected within the site and funneled through an enclosed system to the discharge point adjacent to Lot 13. Under the proposed condition, the building will effectively block the surface flow of run-off in the two abandoned alleys. Storm drain inlets will be installed in these alleys in front of the building intercepting the run-off in the alleys. This will then be piped either through the building, or back out of the alleys and around the building, to the quality control structure described above. Run-off will then be piped from the quality control structure to the existing discharge point at Lot 13.

The roadway at Tilbury Street will be reconstructed with curb and gutter and an enclosed storm drainage system connecting to the existing enclosed system in Tilbury Street. (Exhibit C)

C. Water And Sewer

WSSC currently has water and sewer mains in the public rights-of-way surrounding the property. An eight inch sanitary sewer is located in Middleton Lane, Sleaford Road and Tilbury Street and a six inch sewer is located on the north side of Cheltenham. In addition, an eight inch sewer runs through Lots 3 & 4 Westboro and Outlot A into the north-south alley at the rear of Chevy Chase Chevyland. This sewer serves the existing Theatre and the Chevyland property. Eight and ten inch sewer mains are located in Wisconsin Avenue. Water mains exist in all of the roadways surrounding the property. Water mains in Middleton Lane and Tilbury Street are six inches, the water main in Cheltenham Drive is ten inches and in Wisconsin Avenue is eight inches.

Under the proposed Project, the sanitary sewer, currently running across the parking lot towards Sleaford Road, will be removed and replaced in the alley to the rear of Chevy Chase Chevrolet and easterly along Cheltenham Drive to connect to the existing system at that location. The Project will be connected via standard water and sewer connections to the existing WSSC system in these rights-of-way. WSSC has determined that the existing system is adequate to handle the proposed development. (Exhibit C)

D. Sediment And Erosion Control

During the site plan and final engineering phase of the design of this Project, a Sediment Erosion Control Plan will be prepared and submitted to the Montgomery County Department of Permitting Services for their review and approval. This plan will indicate the temporary construction techniques to be employed to ensure that the adjacent properties are not damaged by siltation or erosion during the construction process. Due to the fact that an underground parking garage is anticipated under essentially the entire site, it is anticipated that this erosion control plan will indicate protection of the construction perimeter and a sediment tank in the excavation to catch sediment and filter it during the construction process. Once the site has been brought up to grade, it is anticipated inlet protection will be provided in all inlets tributary to the surface run-off from the Project. Once the site has been stabilized, the inlet protection will be removed. This plan will be submitted to the Montgomery County Department of Permitting Services for their review and approval.

E. Site Access

Portions of the existing alleys are proposed for abandonment in conjunction with this project. The portions of the alleys that are slated for abandonment are those that primarily serve the rear access to the Theatre site and the existing parking lots. These access requirements will be replaced through the proposed Project. The portions of existing alleys not proposed for abandonment, are those portions that primarily serve the Chevy Chase Chevrolet facility at the northwest and southwest corners of the block. Access to those facilities will be maintained in the non-abandoned alleys. (Exhibit F)

As shown on the Vehicle Turning Movement Plan (Exhibit N), loading access to the proposed facility will be provided through the north-south alley access from Cheltenham Drive. The turnaround will be provided at the end of this alley to accommodate delivery vehicles. Larger vehicles will be required to back into this alley for loading requirements.

The primary vehicular access for both the residents of the highrise and garden apartment, as well as the public parking facility to be leased to the County, will be through the underground parking garage. The residents will access through the entrance off Middleton Lane and the public will utilize the entrance and exit from Cheltenham. Right turns out of the Cheltenham garage exit as well as left turns from westbound Cheltenham into the garage, will be prohibited in order to discourage cut through traffic through the local community.

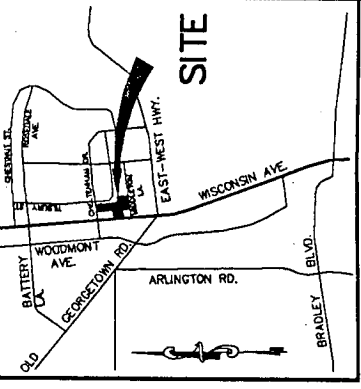
Access to the townhouses will be provided through individual surface garage entrances located on the ground floor of each townhouse. The units along Tilbury will access the site via Cheltenham to drive to Tilbury. The units fronting on Middleton Lane will access the site via west bound Middleton Lane as the east bound movement is currently restricted at the entry to the County parking lot. This restricted entry will be maintained and enhanced in a larger landscaped plaza and vehicle court as shown on the site plan. (Exhibit M1)

VII. CONCLUSION

Applicant respectfully requests that the Montgomery County Planning Board grant approval of the submitted Project Plan for an optional method development under the CBD-2 zone. (Exhibit A) As explained above, the Project meets the intents and purposes of the CBD-2 zone as well as the goals and objectives of the Sector Plan.

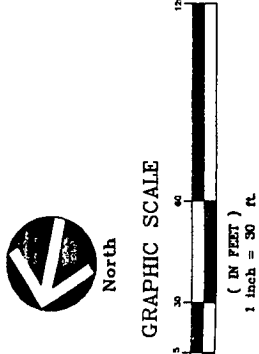
Applicant similarly request that the Montgomery County Planning Board make a recommendation of approval to the Hearing Examiner regarding the requested local map amendment rezoning a portion of the Project to the PD-35 zone subject to the Development Plan. (Exhibit A) Applicant has set forth above the criteria for such an approval and explained how the Project meets the necessary standards. Furthermore, Applicant requests that the Hearing Examiner likewise make a favorable recommendation to the District Council for rezoning of the property.

A



SITE

VICINITY MAP
SCALE: 1" = 2000'



- GENERAL NOTES AND SITE DATA**
1. THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT NO. HN 122 AND IS ZONED CBD-2 (SITE AREA=0.90797 AC)
 2. 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.

3. SITE AREA: CBD-2 0.90797 AC.

4. 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'.

5. THE PROPERTY IS TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS. THE PROPERTY IS PRESENTLY CLASSIFIED IN WATER AND SEWER CATEGORIES W-1 AND S-1, RESPECTIVELY.

6. TOTAL PUBLIC ROAD AND ALLEY ABANDONMENT AREA IS 0.28288 ACRES.

7. MINIMUM LOT AREA: CBD-2 22,000 SF
PROVIDED: 39,551 SF

8. MINIMUM PUBLIC USE SPACE: 7911 SF (2078)
PROVIDED: 8000 SF

9. MINIMUM GREEN SPACE: N/A
PROVIDED: N/A

10. MAXIMUM DENSITY: 200 DU/AC-205 DU
ALLOWABLE: 182 DU/AC=187 DU

11. F.A.R.* 5.0
ALLOWABLE: 5.0
PROVIDED: 5.0

* DENSITY AND FAR BASED ON GROSS TRACT AREA OF THE CBD-2 ZONE (44,771 SF) INCLUDING AREA PREVIOUSLY DEDICATED.

12. MAXIMUM BUILDING HEIGHT: 145/90***
PROVIDED: 94'

*** AS RECOMMENDED IN THE MASTER PLAN/SECTOR PLAN.

13. MINIMUM SETBACKS: N/A
ALLOWABLE: VARIES
PROVIDED: N/A

14. MINIMUM NUMBER OF MPDU'S IS 15% OF TOTAL UNITS OR 15% x 187 UNITS=28 UNITS.

15. PARKING: 231 SPACES
TOTAL REQUIRED: 208 SPACES
LESS 10% CBD CREDIT: 188 SPACES
TOTAL PROVIDED: 198 SPACES
LESS 5% METRO CREDIT: 198 SPACES

16. A STORMWATER MANAGEMENT CONCEPT PLAN HAS BEEN FILED WITH MCDPS. A WAIVER FOR QUANTITY CONTROL HAS BEEN REQUESTED. QUALITY CONTROL WILL BE PROVIDED BY THE USE OF STORMCEPTORS.

REVISIONS

PROJECT PLAN EXHIBIT # A

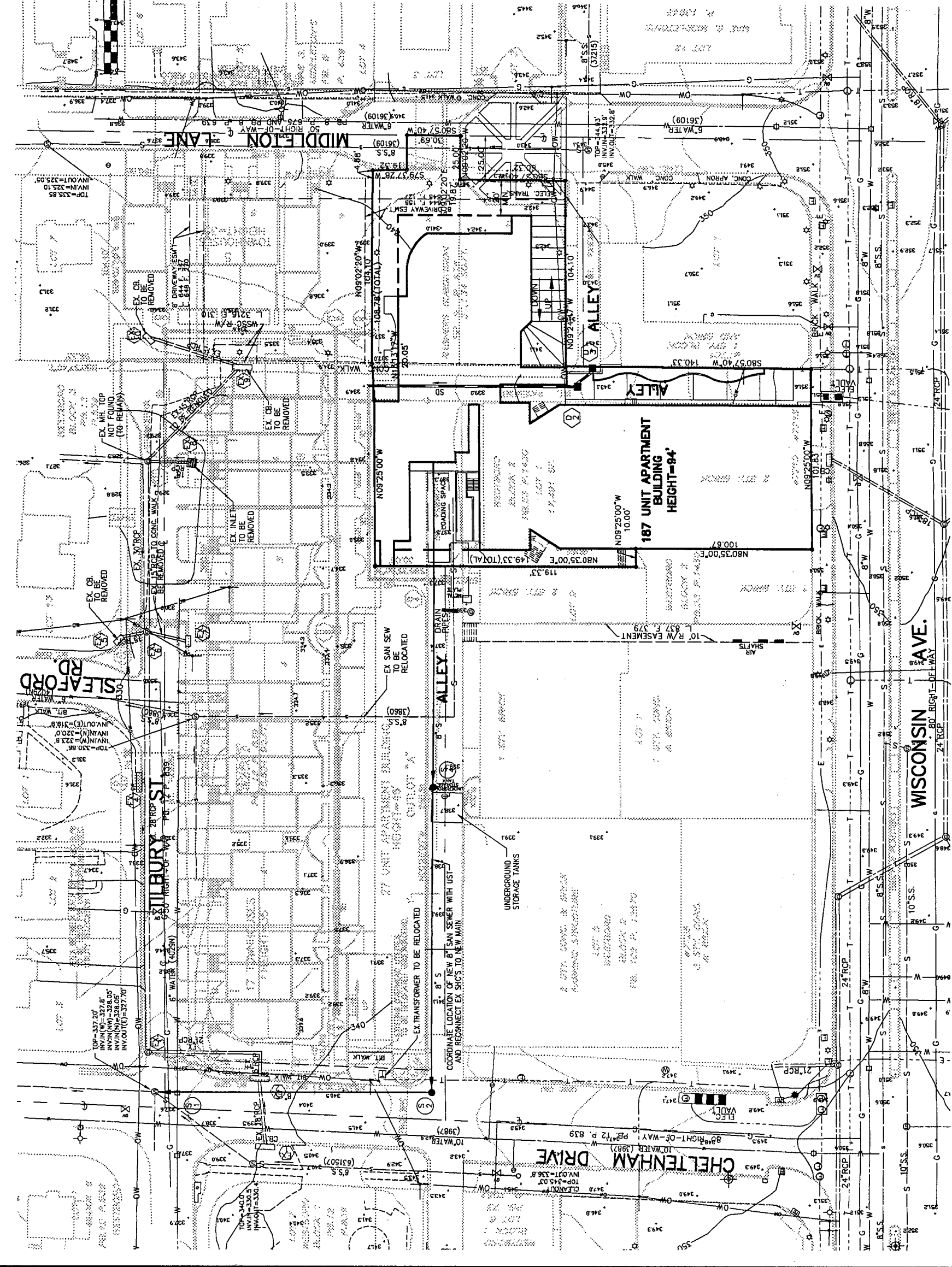
Applicant: Beta Corporation
2300 Charles Center
Baltimore, Md. 21201
Developer: E.M. Smith Associates, Inc.
4801 Hampden Lane, Suite 407
Bethesda, Md. 20814

Bethesda Theatre Residential
7791 Wisconsin Avenue
Bethesda, Md. 20814
Bethesda (7th) Election District

Attorney: LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW
1010 Wayne Avenue
Tenth Floor
Silver Spring, MD
20910-5600
(301)568-8500

Engineer: VIKI
PROFESSIONAL LANDSCAPE ARCHITECTS & PLANNERS
1100 WOODBORO DRIVE, SUITE 500 BUCKLE, VIRGINIA 22122
(703) 767-7767
FALLS CHURCH, VA

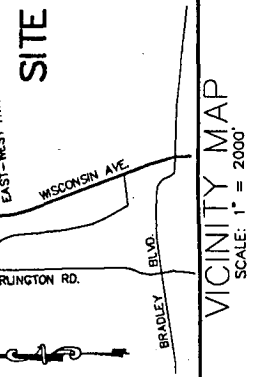
Architects: Wellme Design Group
Architecture Planning Interior Design Space Planning
1608 K Street, NW Suite 1000 Third Floor
WASHINGTON, D.C. 20006 (202) 807-8300



B

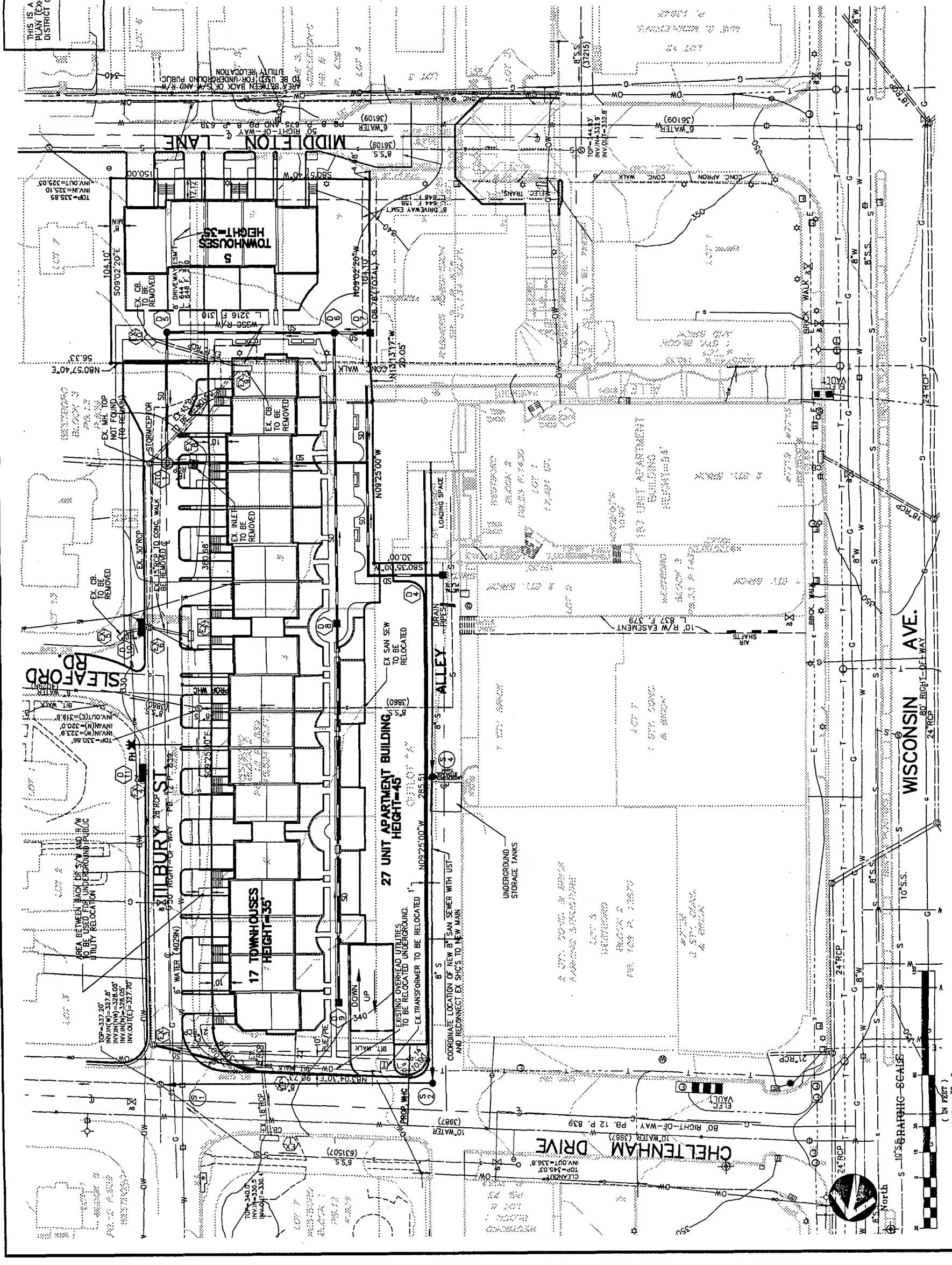
CERTIFICATION:
 THIS IS A TRUE COPY OF THE SCHEMATIC DEVELOPMENT PLAN (EXHIBIT NO. _____) APPROVED BY THE DISTRICT COUNCIL ON _____ BY RESOLUTION NO. _____ IN LMA APPLICATION NO. _____

HEARING EXAMINER _____



GENERAL NOTES AND SITE DATA

- THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT NO. HN 122 AND IS ZONED R-60 (SITE AREA=1.44442 AC). A ZONING APPLICATION TO REQUEST REZONING R-60 TO PD-35 HAS BEEN FILED WITH THIS PLAN.
- 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
- SITE AREA: 1.44442 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, 1996. EXISTING CONTOUR INTERVAL IS 2'.
- TOTAL PUBLIC ROAD AND ALLEY ABANDONMENT AREA IS 0.28288 ACRES.
- MINIMUM LOT AREA: N/A
 REQUIRED: N/A
 PROVIDED: 62,919 SF.
- MINIMUM PUBLIC USE SPACE: N/A
 REQUIRED: N/A
 PROVIDED: N/A
- MINIMUM GREEN SPACE: 31460 SF (50% OF SITE AREA)
 REQUIRED: 31460 SF
- MAXIMUM DENSITY: 35 DU/AC=50 DU (WITHOUT PROVISIONS FOR MPDU BONUS DENSITY)
 PROVIDED: 49 DU (22 TH AND 27 APT)
- EABL: N/A
 ALLOWABLE: N/A
 PROVIDED: N/A
- MAXIMUM BUILDING HEIGHT: TOWNHOUSE-35*
 APARTMENT-45*
 TOWNHOUSE-35*
 APARTMENT-45*
- * AS RECOMMENDED IN THE MASTER PLAN/SECTOR PLAN.
- PARKING: 44 SPACES
 TOTAL REQUIRED FOR TH: 44 SPACES
 TOTAL PROVIDED FOR TH: 44 SPACES
 TOTAL REQUIRED FOR APT: 41 SPACES
 LESS 10% CBD: 37 SPACES
 LESS 5% METRO: 35 SPACES
 TOTAL PROPOSED FOR APT: 35 SPACES
- A STORMWATER MANAGEMENT CONCEPT PLAN HAS BEEN FILED WITH MCDPS. A WAIVER FOR QUANTITY CONTROL HAS BEEN REQUESTED. QUALITY CONTROL WILL BE PROVIDED BY THE USE OF STORMCEPTORS.



DEVELOPMENT PLAN EXHIBIT # B

Applicant: Beta Corporation
 2300 Charles Street
 Baltimore, Md. 21201

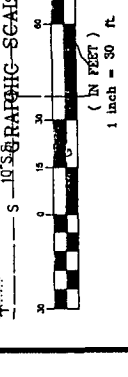
Developer: E.M. Smith Associates, Inc.
 4801 Hampden Lane, Suite 407
 Bethesda, Md. 20814

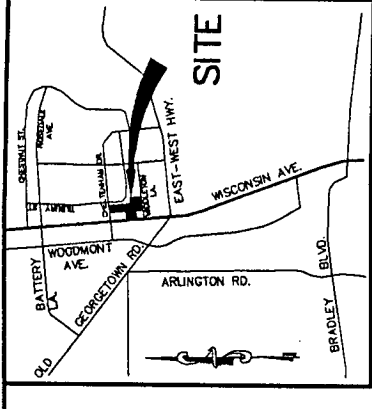
Bethesda Theatre Residential
 7791 Wisconsin Avenue
 Bethesda, Md. 20814
 Bethesda (7th) Election District

Attorney: LINOWES AND BLOCHER LLP
 ATTORNEYS AT LAW
 1010 Wayne Avenue
 Tenth Floor
 Silver Spring, MD
 (301)998-8880

Engineer: VIKI
 CIVIL ENGINEERS, ARCHITECTS & SURVEYORS & CONSTRUCTION INSPECTORS
 8110 GREENBROOK AVE., WASHINGTON, DC 20015
 (703)242-7800 FAX (703)242-2787
 WASHINGTON, VA

Architects: Welle Design Group
 Architecture Planning Interior Design Space Planning
 1646 E Street, N.W. Suite 1000 Tenth Floor
 WASHINGTON, D.C. 20005 (202) 807-8500





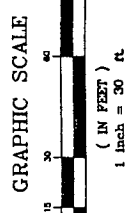
VICINITY MAP
SCALE: 1" = 2000'

LEGEND

- ELECTRIC BOX
- LIGHT POLE
- WATER VALVE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- GAS VALVE
- UTILITY POLE
- FIRE HYDRANT
- TRAFFIC CONTROL BOX
- WATER METER
- FENCE LINE
- OVERHEAD WIRES
- WATER LINE
- SANITARY SEWER LINE

CONCEPT CIVIL UTILITY NOTES

1. THE EXISTING SANITARY SEWER BETWEEN TILBURY STREET AND THE ALLEY IS TO BE RELOCATED TO ALLOW FOR THE UNDERGROUND PARKING GARAGE CONSTRUCTION. THIS RELOCATION IS TO OCCUR IN THE ALLEY, CHELTENHAM DRIVE, AND TILBURY STREET. THIS RELOCATION MAY IMPACT OTHER EXISTING UTILITIES AND SUBSURFACE STRUCTURES SUCH AS UNDERGROUND STORAGE TANKS. THIS RELOCATION, AS WELL AS THE NEW WATER AND SEWER MAINS ARE TO BE CONSTRUCTED UNDER A MEMORANDUM OF UNDERSTANDING (MOU) FOR THE WSSC.
2. THE PROPOSED NEW BUILDINGS ARE TO BE CONNECTED TO EXISTING AND/OR RELOCATED WATER AND SEWER MAINS AS SHOWN HEREIN, IN ACCORDANCE WITH THE WSSC REGULATIONS.
3. ALL STORM RUNOFF IS TO BE COLLECTED AND PIPED TO THE "STORMCEPTOR" DUALITY CONTROL STRUCTURES, AND THEN DISCHARGE INTO THE EXISTING ENCLOSED DRAINAGE SYSTEM IN THE REAR YARDS OF THE LOTS ALONG THE SOUTH SIDE OF SLEAFORD ROAD. A WAIVER OF THE QUANTITY CONTROL REQUIREMENTS IS BEING SOUGHT FROM MONTGOMERY COUNTY BASED ON THE LACK OF INCREASE IN RUNOFF FROM THIS DEVELOPMENT.
4. PROPOSED BUILDING TAKEN FROM PRELIMINARY ARCHITECTURAL PLAN PREPARED BY WEIHE DESIGN GROUP, DATED JUNE 17, 1997.



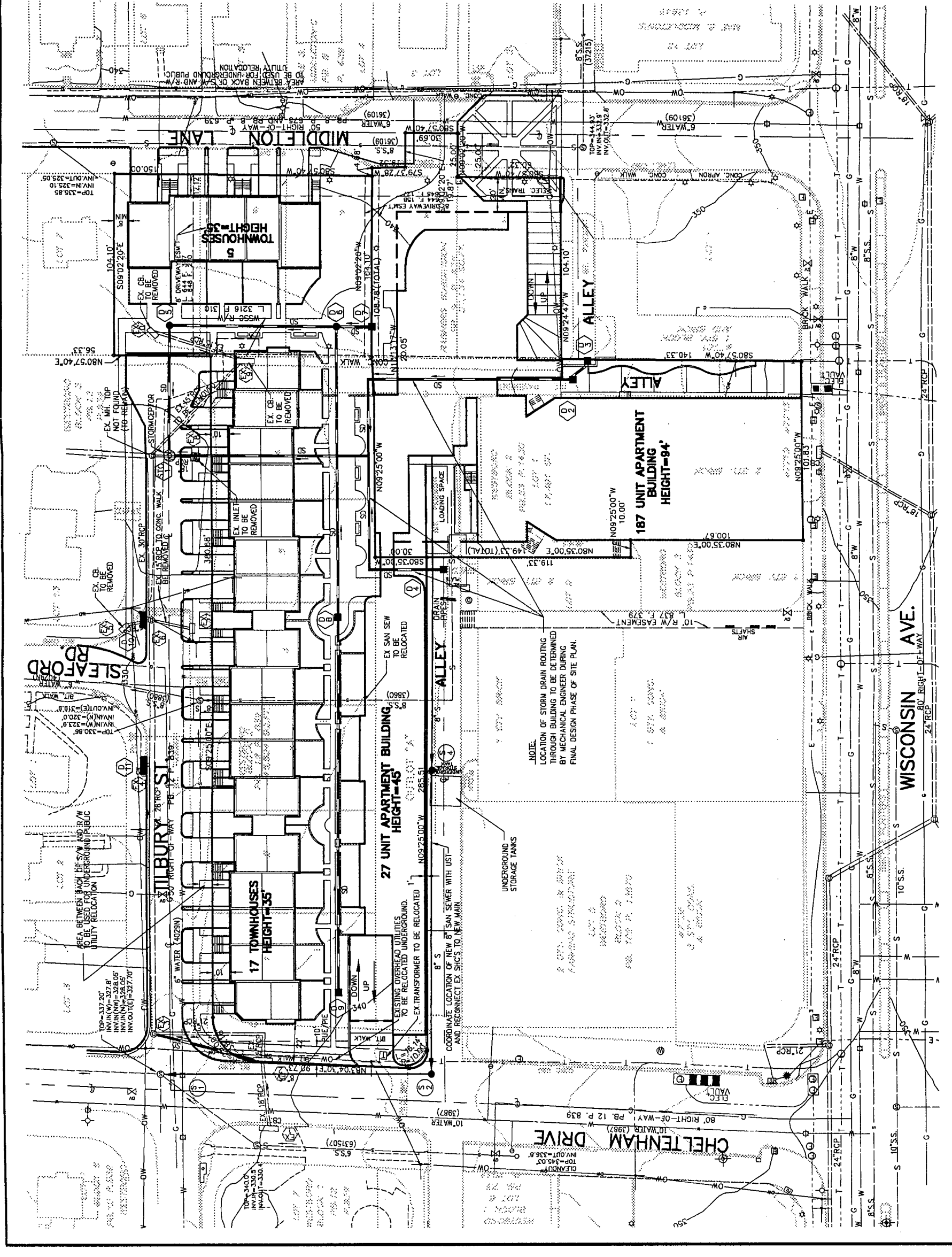
REVISIONS

CONCEPT CIVIL UTILITIES EXHIBIT # C

Applicant: **Beta Corporation**
2300 Charles Center
380 South Charles Street
Baltimore, Md. 21201

Developer: **E.M. Smith Associates, Inc.**
4801 Hampden Lane, Suite 407
Bethesda, Md. 20814

JUNE, 1997
1 OF 1



Attorney: **LINOWES AND BLOCHER LLP**
ATTORNEYS AT LAW
1010 Wares Avenue
North Potomac
Silver Spring, MD
20910-5600
(301)588-6580

Bethesda Theatre Residential
7791 Wisconsin Avenue
Bethesda, Md. 20814
Bethesda (7th) Election District

Engineer: **VIA**
CONSULTING ENGINEERS & ARCHITECTS
1140 CROFTWOOD DRIVE, SUITE 200
FARMERS MARKET
BETHESDA, MD 20814
(301) 588-6580

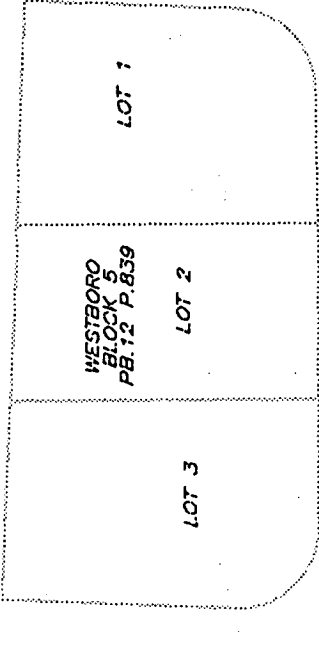
Architects: **Weihe Design Group**
Architecture Planning Interior Design Space Planning
WASHINGTON, D.C. 20008 (202) 807-8800

D

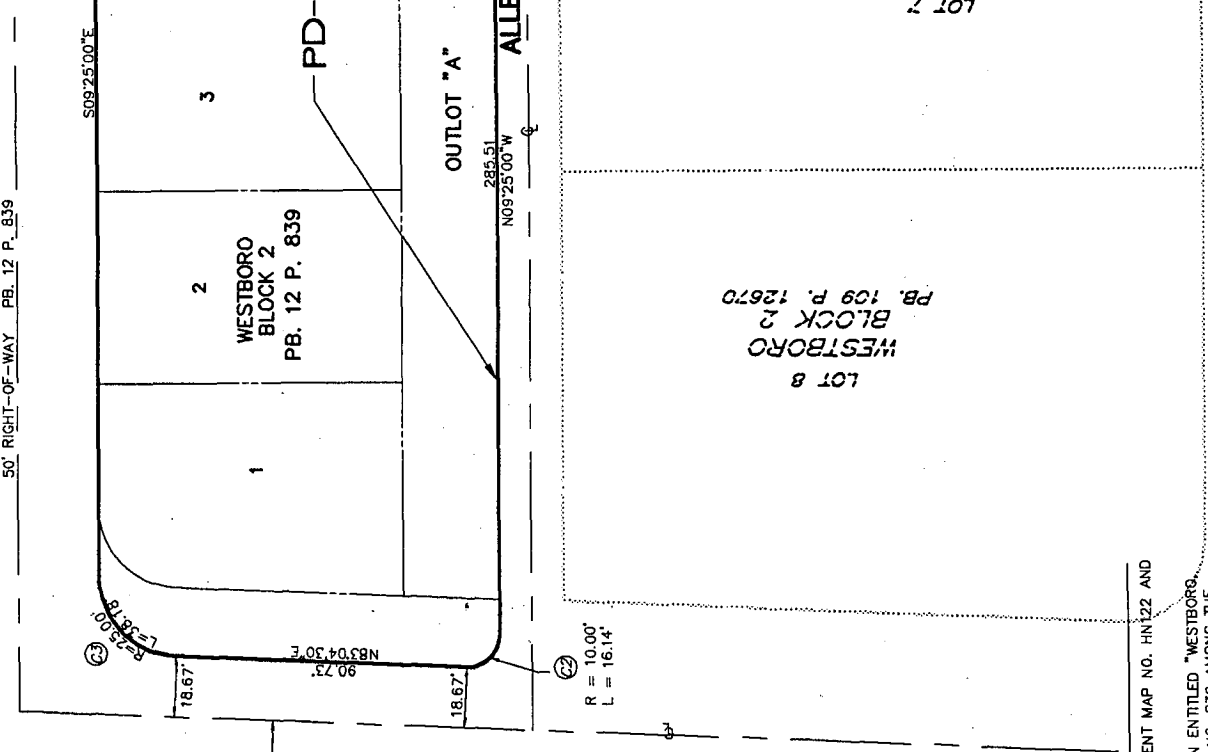
SITE AREA TABULATION:
 PD-35 ZONE 62,919 SQUARE FEET OR 1.4444215 ACRES
 CBD-2 ZONE 39,551 SQUARE FEET OR 0.90797 ACRES
 TOTAL AREA 102,470 SQUARE FEET OR 2.35239 ACRES

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	10.00'	16.14'	10.44'	14.45'	N36°49'45"E	92°29'30"
C2	25.00'	36.18'	23.94'	34.58'	S53°10'15"E	87°30'30"
C3	10.00'	16.14'	10.44'	14.45'	N36°49'45"E	92°29'30"



TILBURY ST.
 50' RIGHT-OF-WAY PB. 12 P. 839



NOTES

- 1.) THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT MAP NO. HNT22 AND IS ZONED CBD2 AND PD-22.
- 2.) THE HORIZONTAL DATUM IS BASED ON A PLAT OF SUBDIVISION ENTITLED "WESTBORO BLOCKS 1, 2, 3, 5, 6, & 7" RECORDED IN PLAT BOOK 12 AS PLAT NO. 839 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THE PLAT REFERS TO W.S.S.C. TRAVERSE STATION NO. 7778 AS A REFERENCE POINT.

Architect:
Wetline Design Group
 Architecture Planning Interior Design Space Planning
 1468 X Street, NW Suite 1000 Tenley Floor
 Washington, D.C. 20008 (202) 857-8500

Engineer:
VIA
 CIVIL ENGINEERING ARCHITECTURE SURVEYING & ENVIRONMENTAL SCIENCE
 1114 GORHAM AVE. # 200 FARMERS MARKET
 BALTIMORE, MD 21201 (410) 528-7877

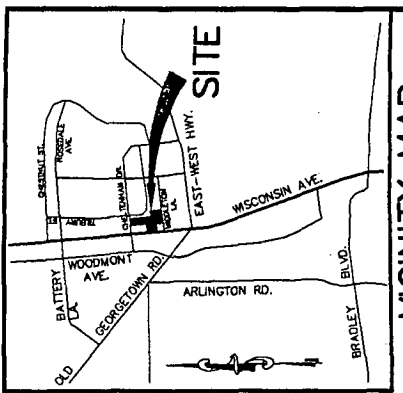
Attorney:
LINOWES AND BLOCHER LLP
 ATTORNEYS AT LAW
 1010 Wayne Avenue
 10th Floor
 Silver Spring, MD
 20910-5600
 (301) 588-8880

Bethesda Theatre Residential
 7791 Wisconsin Avenue
 Bethesda, Md. 20814

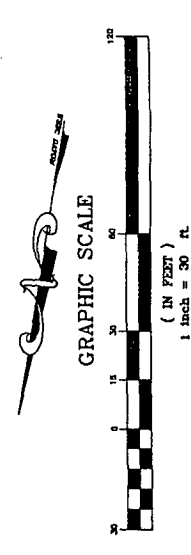
Applicant:
Beta Corporation
 2300 Charles Center
 90 South Charles Street
 Baltimore, Md. 21201

Developer:
E.M. Smith Associates, Inc.
 4801 Hampden Lane Suite 407
 Bethesda, Md. 20814

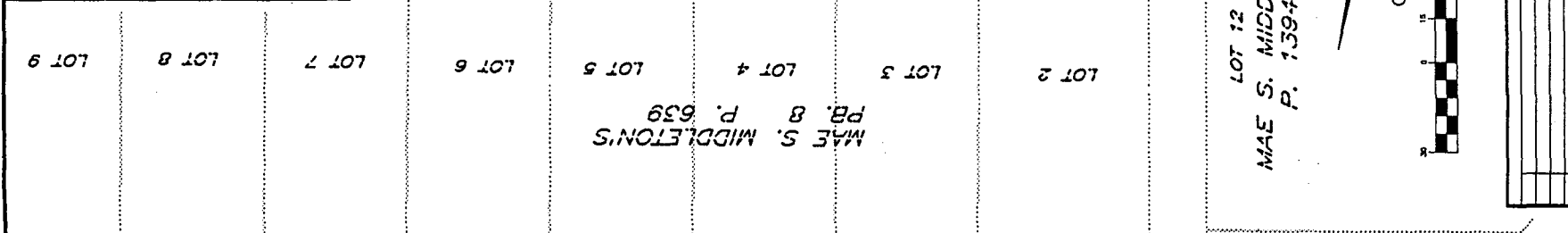
SITE AREA EXHIBIT # D



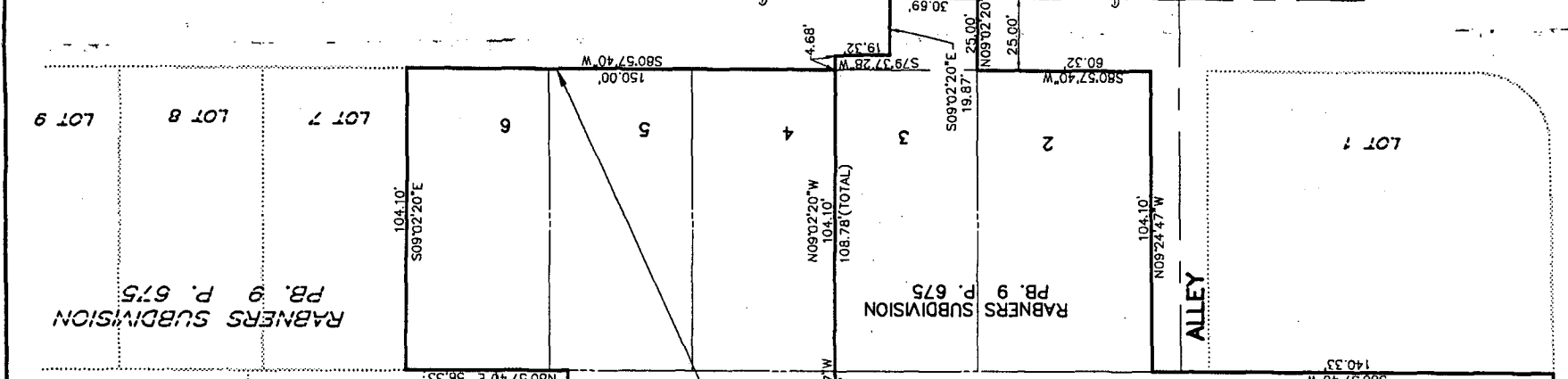
VICINITY MAP
 SCALE: 1" = 2000'



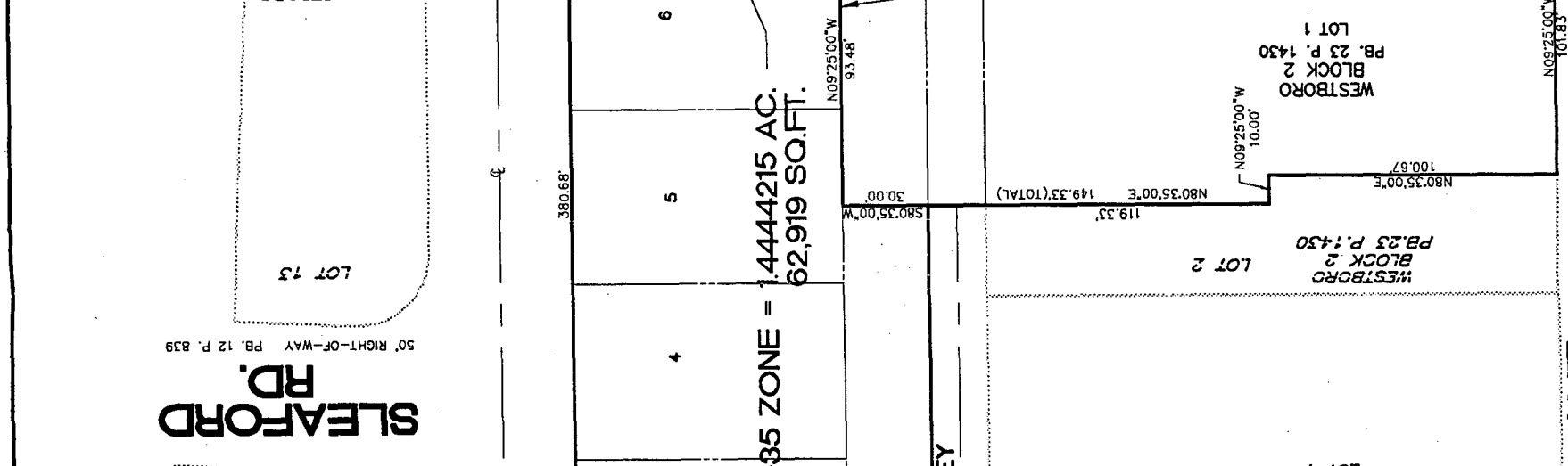
MAE S. MIDDLETON'S
 P. 13945



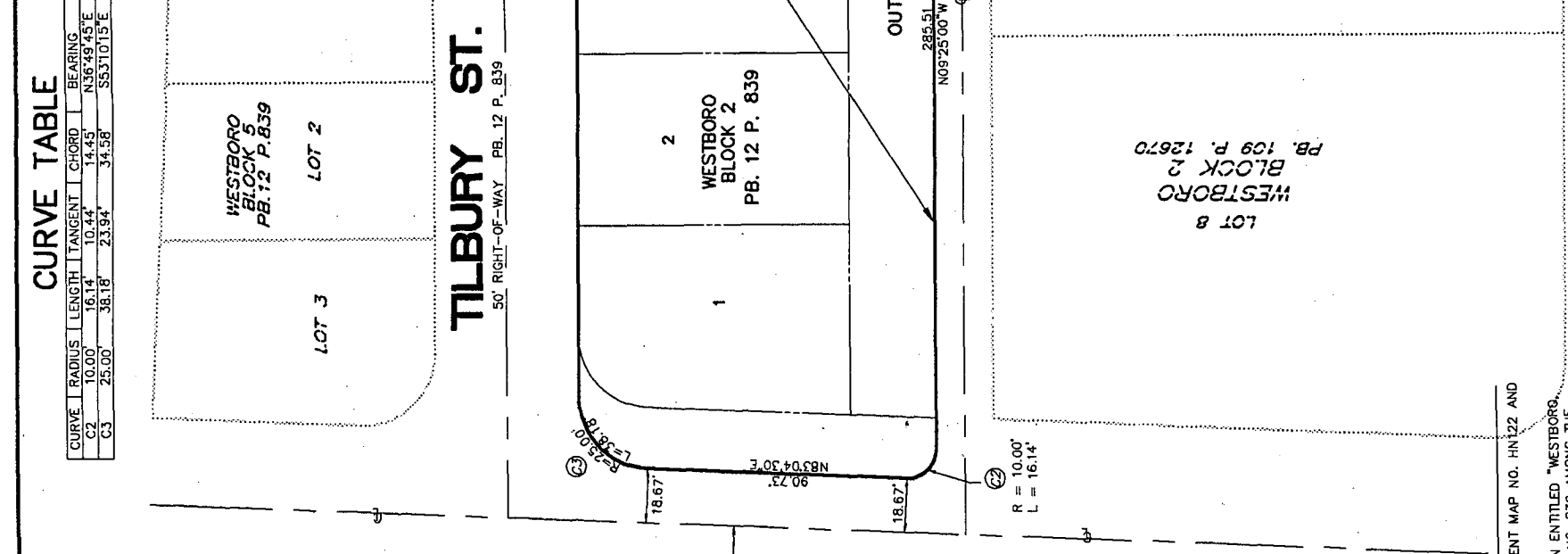
MIDDLETON LANE
 50' RIGHT-OF-WAY PB. 9 P. 875 - PB. 8 P. 839



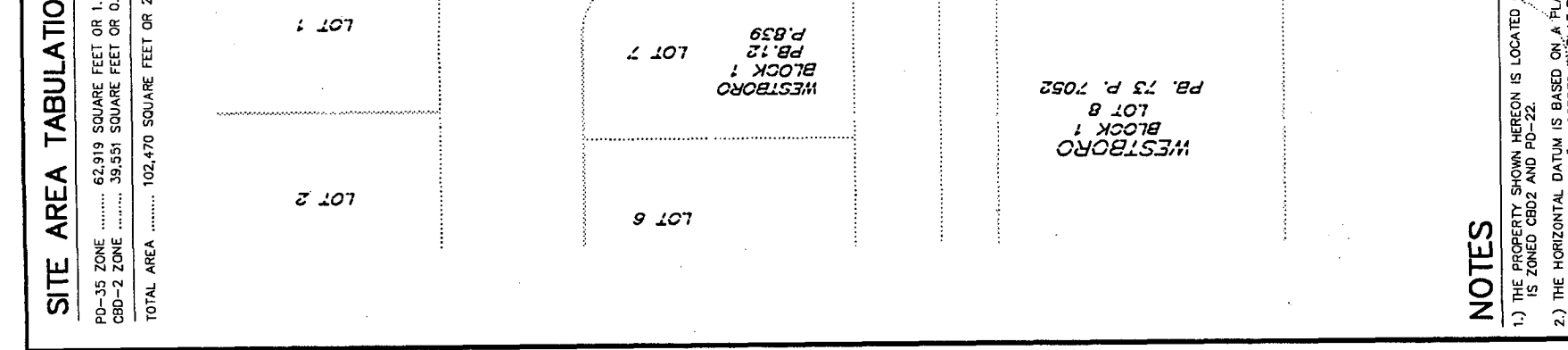
RABNERS SUBDIVISION
 PB. 9 P. 675



WESTBORO BLOCK 3
 PB. 12 P. 839

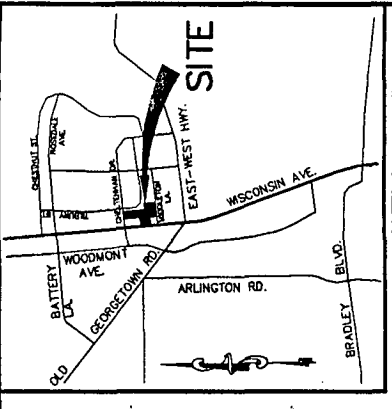


WESTBORO BLOCK 2
 PB. 12 P. 839

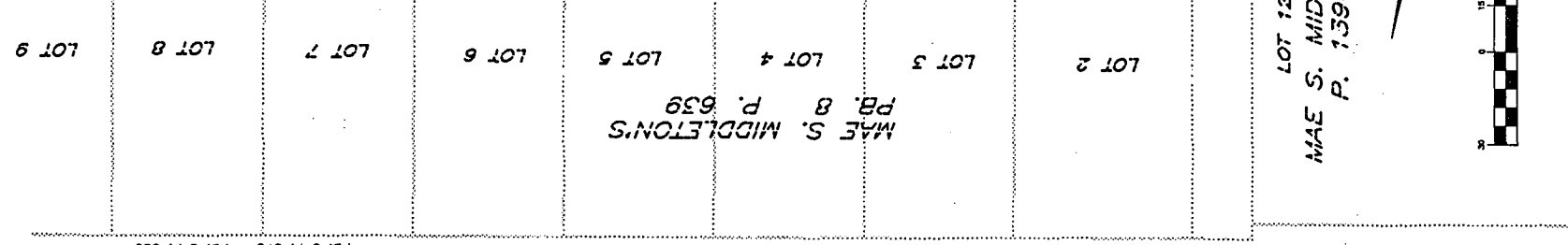




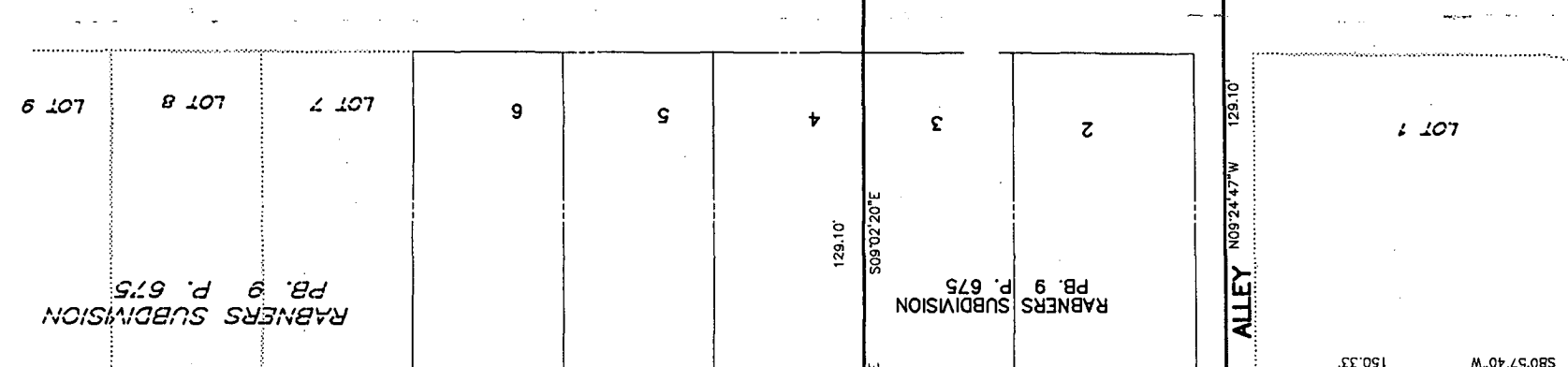
E



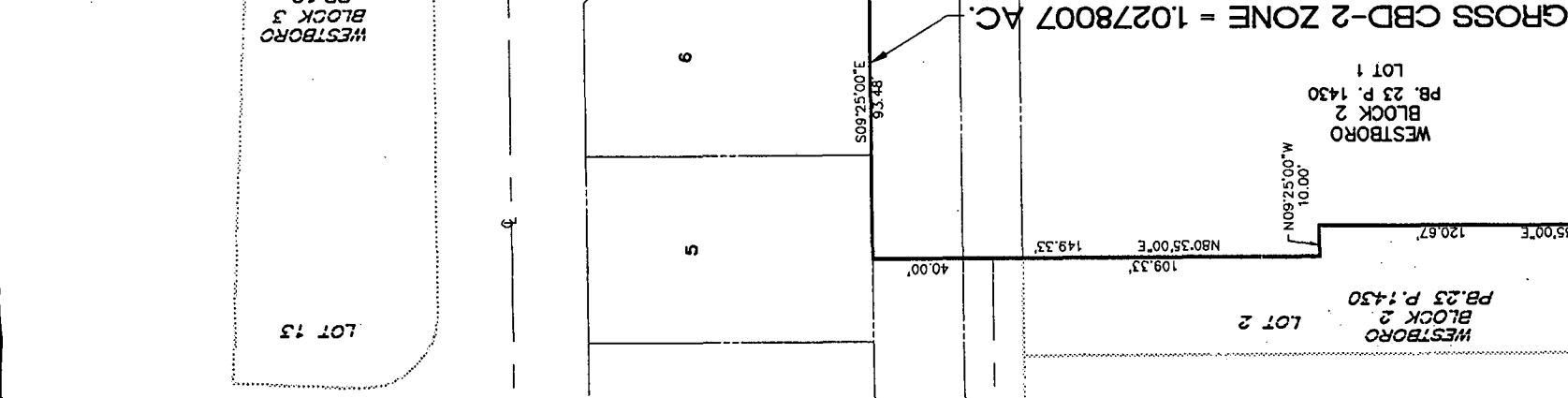
VICINITY MAP
SCALE: 1" = 2000'



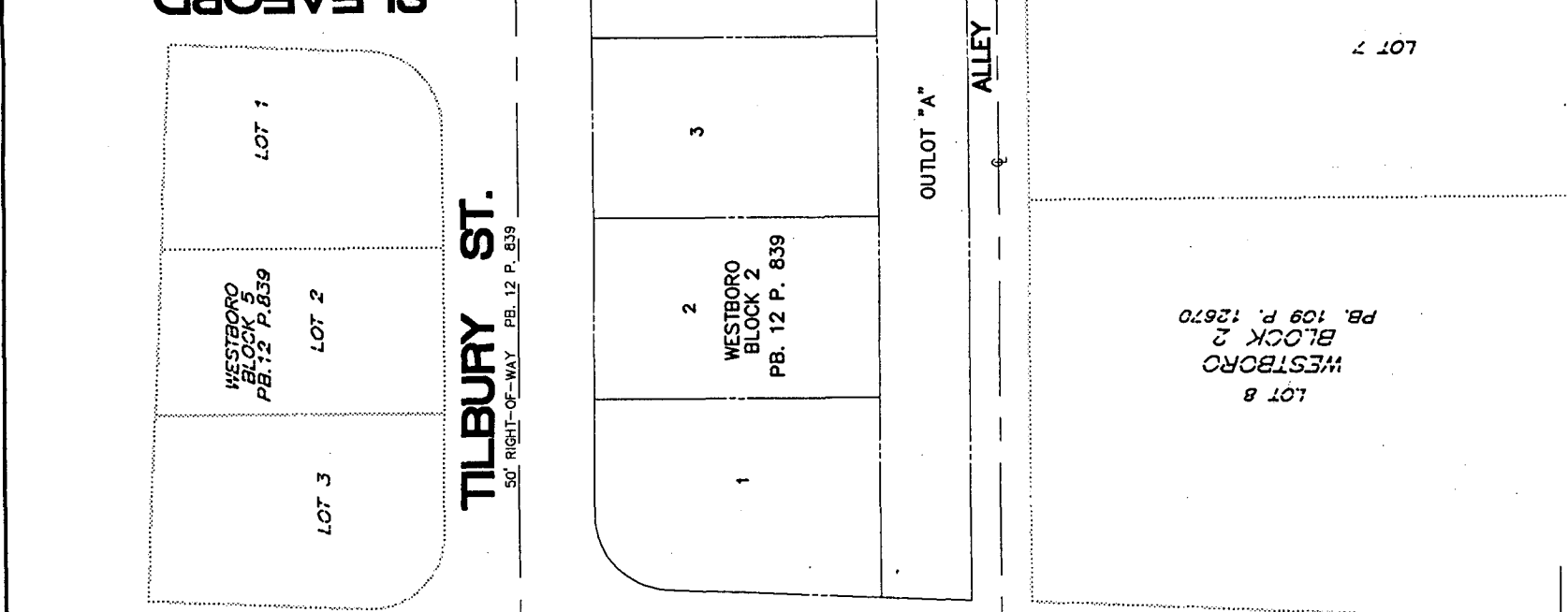
MIDDLETON LANE
50' RIGHT-OF-WAY PB. 9 P. 875 - PB. 8 P. 639



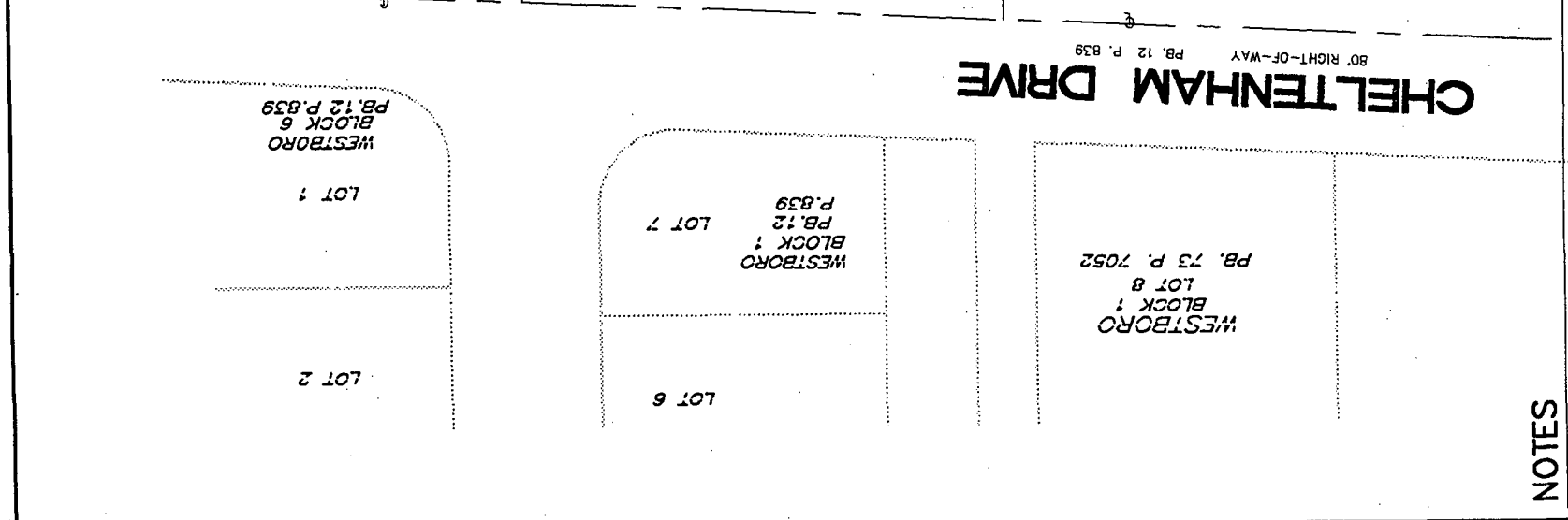
RABNERS SUBDIVISION
50' RIGHT-OF-WAY PB. 9 P. 675



WESTBORO BLOCK 2
50' RIGHT-OF-WAY PB. 12 P. 839



WESTBORO BLOCK 5
50' RIGHT-OF-WAY PB. 12 P. 839



WESTBORO BLOCK 6
50' RIGHT-OF-WAY PB. 12 P. 839

CBD-2 GROSS TRACT AREA EXHIBIT # E

JUNE, 1997
1 OF 1

Applicant:
Beta Corporation
2300 Charles Center
36 South Charles Street
Baltimore, Md. 21201

Developer:
E.M. Smith Associates, Inc.
4801 Harpenden Lane Suite 407
Bethesda, Md. 20814

Bethesda Theatre Residential
7791 Wisconsin Avenue
Bethesda, Md. 20814

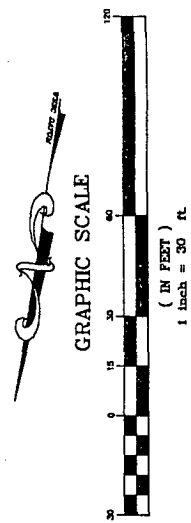
Attorney:
LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW
1010 Wayne Avenue
Tenth Floor
Silver Spring, MD
20910-5600
(301)588-8860

Engineer:
VIA
1100 CANTONMENT DR. SUITE 200
BETHESDA, MD 20814
(301) 588-8860

Architect:
Wellne Design Group
Architecture Planning Interior Design Space Planning
196 K Street, NW Suite 1000 Tenb Floor
Washington, D.C. 20008 (202) 897-8500

NOTES

- 1.) THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT MAP NO. H1122 AND IS ZONED CBD2 AND PD-22.
- 2.) THE HORIZONTAL DATUM IS BASED ON A PLAT OF SUBDIVISION ENTITLED "WESTBORO, BLOCKS 1, 2, 3, 5, 6, & 7" RECORDED IN PLAT BOOK 12 AS PLAT NO. 839 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THE PLAT REFERS TO W.S.S.C. TRAVERSE STATION NO. 7778 AS A REFERENCE POINT.



REVISIONS

NO.	DESCRIPTION

50' RIGHT-OF-WAY PB. 9 P. 675

50' RIGHT-OF-WAY PB. 12 P. 839

80' RIGHT-OF-WAY PB. 12 P. 839

80' RIGHT-OF-WAY PB. 12 P. 839

80' RIGHT-OF-WAY PB. 12 P. 839

80' RIGHT-OF-WAY PB. 12 P. 839



F

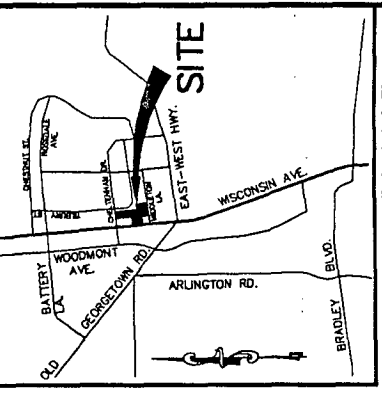
ABANDONMENT TABULATION:

MIDDLETON LANE 882 SQUARE FEET OR 0.01979 ACRES
 CHELTENHAM DRIVE 2645 SQUARE FEET OR 0.06072 ACRES
 ALLEYS 8815 SQUARE FEET OR 0.20237 ACRES

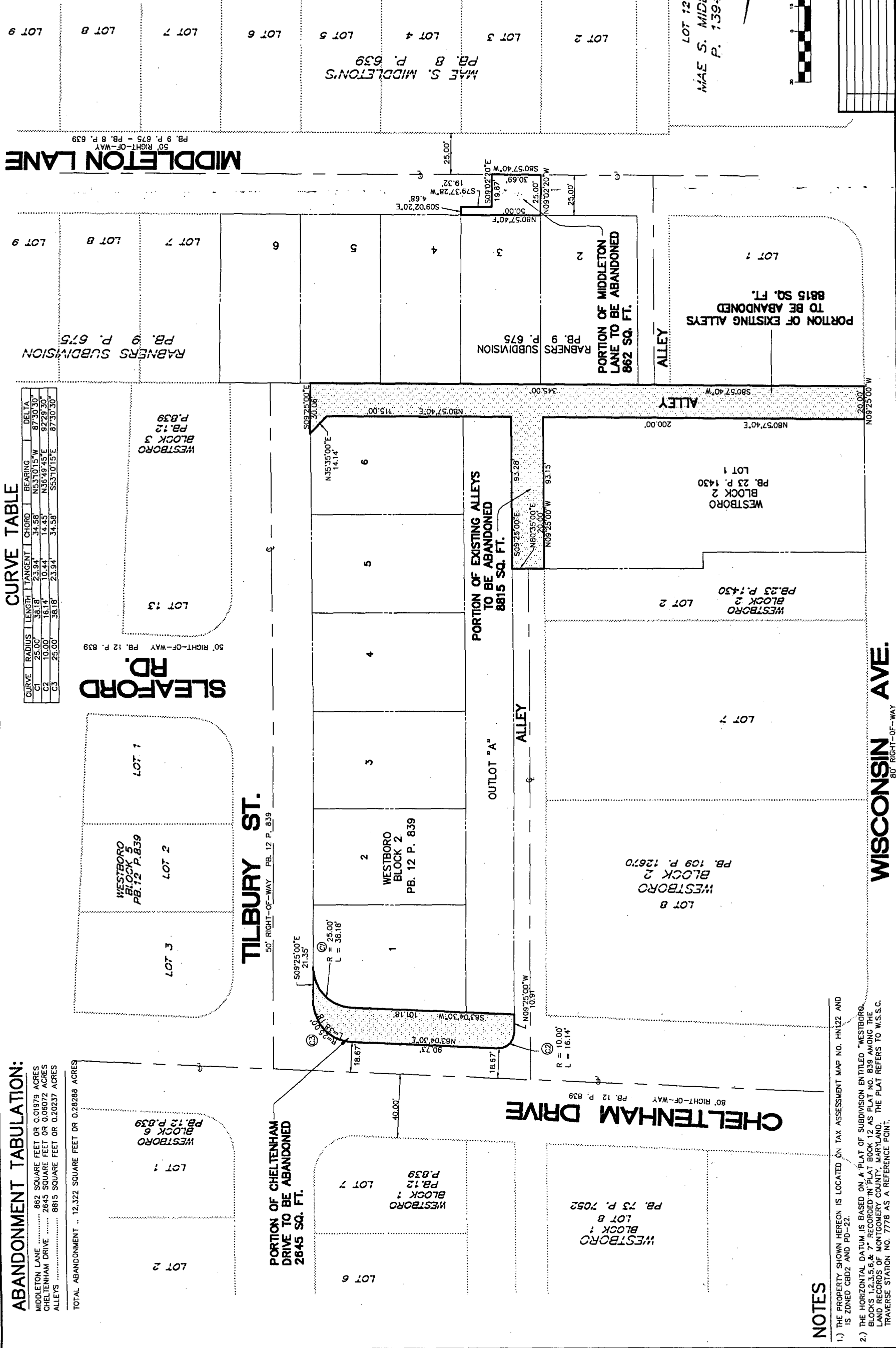
TOTAL ABANDONMENT .. 12.322 SQUARE FEET OR 0.28288 ACRES

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	25.00'	38.18'	23.94'	34.58'	N53°10'15"W	87°30'30"
C2	10.00'	16.14'	10.44'	14.45'	N35°49'45"E	92°29'30"
C3	25.00'	38.18'	23.94'	34.58'	S53°10'15"E	87°30'30"



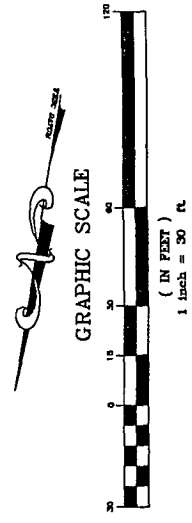
VICINITY MAP
SCALE: 1" = 2000'



NOTES

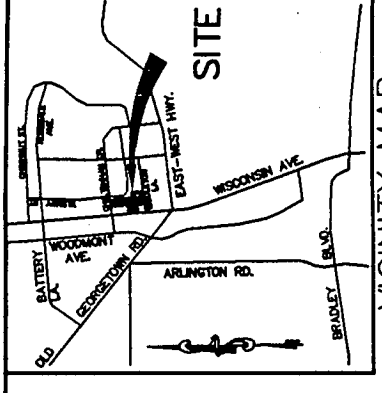
- 1.) THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT MAP NO. HN122 AND IS ZONED CBD2 AND PD-22.
- 2.) THE HORIZONTAL DATUM IS BASED ON A PLAT OF SUBDIVISION ENTITLED "WESTBORO, BLOCKS 1, 2, 3, 4, 5, 6 & 7," RECORDED IN PLAT BOOK 12 AS PLAT NO. 839, AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THE PLAT REFERS TO W.S.C. TRAVERSE STATION NO. 7778 AS A REFERENCE POINT.

<p>Architect: Weilhe Design Group Architecture Planning Interior Design Space Planning 1506 K Street, NW, Suite 1000, Washington, DC 20004 (202) 857-8500</p>	<p>Engineer: VIA INCORPORATED 1100 W. WISCONSIN AVE., SUITE 212 BETHESDA, MD 20814 (301) 588-8880</p>	<p>Attorney: LINOWES AND BLOCHER, LLP ATTORNEYS AT LAW 1010 Wayne Avenue Tenth Floor Silver Spring, MD 20910-5600 (301) 588-8880</p>
<p>Wisconsin Ave. 80' RIGHT-OF-WAY</p>		
<p>Bethesda Theatre Residential 7791 Wisconsin Avenue Bethesda, Md. 20814</p>		
<p>Applicant: Beta Corporation 2300 Chase Center 38 South Charles Street Baltimore, Md. 21201</p> <p>Developer: E.M. Smith Associates, Inc. 4801 Hampden Lane Suite 407 Bethesda, Md. 20814</p>		
<p>AREAS PROPOSED FOR ABANDONMENT EXHIBIT # F</p>		
<p>JUNE, 1997 1 OF 1</p>		





G



VICINITY MAP
SCALE: 1" = 2000'

- LEGEND**
- LARGE SHADE TREE
10' AVERAGE RADIUS CANOPY
● 20 YEAR
 - ⊕ ORNAMENTAL TREE
8' AVERAGE RADIUS CANOPY
● 20 YEAR

FOREST CONSERVATION WORKSHEET

TOTAL AREA OF TRACT: 2.35239 acres
 AREA WITHIN 100 YEAR FLOODPLAIN (X): 400 ac. D.A. or Use III/II-P waters): .8 acres
 AREA OF LAND TO BE USED FOR AGRICULTURE: -0- acres
 AREA WITHIN ROW/EASEMENT FOR WHICH WSSC OR MCDOT/SHA WILL BE RESPONSIBLE: .8 acres
 NET TRACT AREA (A-B-C-D): 2.35239 acres
 LAND USE CATEGORY: PD-35 Mixed Use / CBD-2 Commercial-Industrial
 AFFORESTATION THRESHOLD (% from Table 3 (15% x E): 0.35 acres
 CONSERVATION THRESHOLD (% from Table 3 (15%/20% x E): 0.30 (0.288 / 0.014)
 EXISTING FOREST COVER: .8 acres
 FOREST COVER ABOVE AFFORESTATION THRESHOLD (I-G): .8 acres
 FOREST COVER ABOVE CONSERVATION THRESHOLD (I-H): .8 acres

CALCULATION OF BREAK-EVEN POINT (forested acres to be saved for no planting requirements):
 L IF K50 AND LG BREAK-EVEN POINT EQUALS I: .8 acres
 SUR I-K, THERE IS NO BREAK-EVEN POINT AND AFFORESTATION PLANTING IS REQUIRED.
 REFER TO P. IF K>0, BREAK-EVEN POINT EQUALS (K x 20%) + H: .8 acres

FOREST COVER TO BE RETAINED: .8 acres
 TOTAL AREA OF FOREST TO BE CLEARED: .8 acres
 (IF N IS GREATER THAN I-L, REFORESTATION PLANTING IS REQUIRED. SEE Q-2, BELOW.)

CALCULATION OF AFFORESTATION REQUIREMENT:
 P. AFFORESTATION REQUIREMENT: G-I = 0.35 acres

CALCULATION OF REFORESTATION REQUIREMENT:
 Q. AREA OF FOREST ABOVE CONSERVATION THRESHOLD TO BE CLEARED (N-O): .8 acres
 AREA OF FOREST BELOW CONSERVATION THRESHOLD TO BE CLEARED (N-O): .8 acres
 FORESTED AREA ABOVE CONSERVATION THRESHOLD TO BE SAVED (M-H): .8 acres
 PLANTING REQUIRED FOR CLEARING ABOVE THRESHOLD: Q x 1/4 = .8 acres
 PLANTING REQUIRED FOR CLEARING BELOW THRESHOLD: R x 2 = .8 acres
 CREDIT FOR FOREST SAVED ABOVE CONSERVATION THRESHOLD(S): .8 acres
 TOTAL REFORESTATION REQUIREMENT: T + U - V = .8 acres

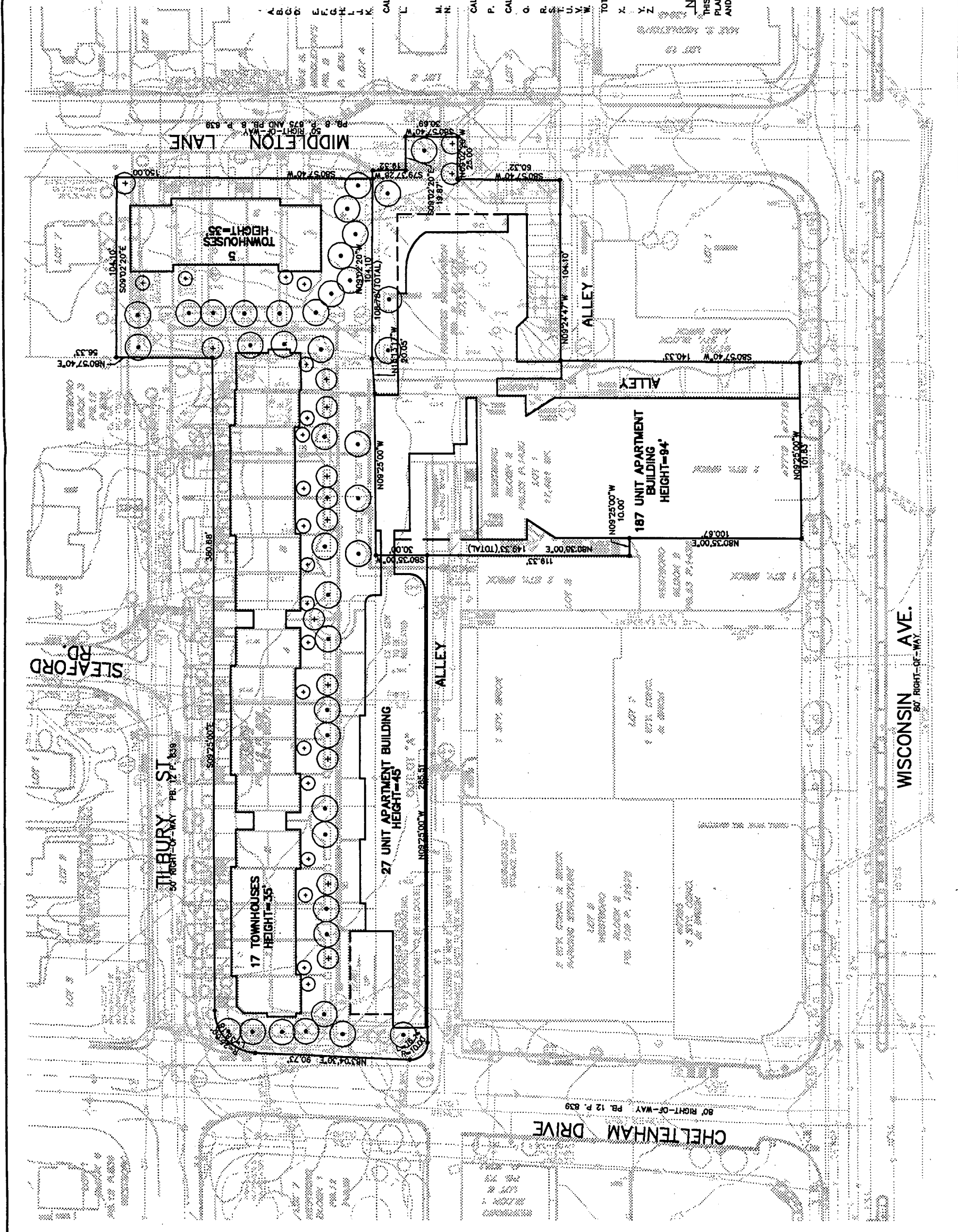
TOTAL PLANTING REQUIREMENT:
 X. AFFORESTATION AND REFORESTATION: P + W = 0.35 acres
 ("Trees Covered" per Section II, B (1))

Y. CREDIT FOR TREES AND LANDSCAPING: 0.35 acres
 TOTAL FOREST PLANTING REQUIREMENT: X - Y = 0.35 acres or 15,246 sq. ft. =
 40 Large Shade Trees @ Avg. 10'R (314 sq. ft. ea.)
 and 13 ornamental trees @ Avg. 8'R (200 sq. ft. ea.) @20 Yr. growth

NOTE:
 THIS PLAN SHOWS THE MINIMUM TREES REQUIRED TO MEET THE FOREST PLANTING REQUIREMENT. ADDITIONAL LANDSCAPING WILL BE PROVIDED AND SHOWN ON SITE PLAN.



GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.



PRELIMINARY FOREST CONSERVATION PLAN EXHIBIT # G

JUNE, 1997
1 OF 1

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

Bethesda Theatre Residential
 7791 Wisconsin Avenue
 Bethesda, Md. 20814
 Bethesda (7th) Election District

Attorney: LINOWES AND BLOCHER LLP
 ATTORNEYS AT LAW
 1010 Wayne Avenue
 Sixth Floor
 Silver Spring, MD
 20910-6600
 (301) 948-8660

Engineer: **VIA**
 VITA ARCHITECTS AND PLANNERS ARCHITECTURE CONSTRUCTION INTERIORS
 8148 DEERWOOD DR. SUITE 200 WASHINGTON DC 20012
 (703) 421-2000 FAX (703) 421-2707
 WELLSVILLE, VA BETHESDA, MD

Architects: **Wellbe Design Group**
 Architecture Planning Interior Design Space Planning
 1000 E. Street, 20th Floor
 Washington, D.C. 20003 (202) 462-1000

WISCONSIN AVE.
80' RIGHT-OF-WAY

CHELLENHAM DRIVE
80' RIGHT-OF-WAY PB. 12 P. 839

WILBURY ST
30' RIGHT-OF-WAY PB. 17 P. 839

SLEAFORD RD.

MIDDLETON LANE
80' RIGHT-OF-WAY PB. 8 P. 839

17 TOWNHOUSES
HEIGHT=35'

27 UNIT APARTMENT BUILDING
HEIGHT=45'

187 UNIT APARTMENT BUILDING
HEIGHT=64'

ALLEY

ALLEY

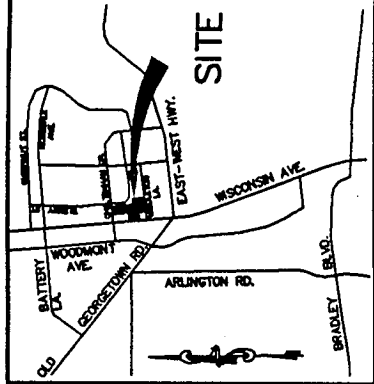
ALLEY

H



NRI/FSD NOTES

1. THERE ARE NO FORESTED AREAS LOCATED ON THIS PROPERTY AS DEFINED IN MNCPC TREES TECHNICAL MANUAL.
2. EXISTING SOILS ON THIS SITE ARE CLASSIFIED AS URBAN LAND.
3. THERE ARE NO SLOPES ON THIS SITE GREATER THAN 15%.
4. NO SEPARATE FIELD DATA SUMMARY SHEETS WERE PREPARED WITH THIS NRI/FSD, ALL EXISTING VEGETATION INFORMATION ASSOCIATED WITH THIS PROPERTY IS AS SHOWN ON THIS PLAN.



LEGEND

- EXISTING ELECTRIC BOX
 - EXISTING ELECTRIC SIGN
 - EXISTING WATER VALVE
 - EXISTING ELECTRIC MANHOLE
 - EXISTING FUEL FILL LIDS
 - EXISTING TELEPHONE MANHOLE
 - EXISTING STORM DRAIN STRUCTURE
 - EXISTING STORM DRAIN MANHOLE
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING GAS VALVE
 - EXISTING UTILITY POLE
 - EXISTING FIRE HYDRANT
 - EXISTING TRAFFIC POLE
 - EXISTING TRAFFIC CONTROL BOX
 - EXISTING PARKING METER
 - EXISTING WATER METER
 - EXISTING FENCE LINE
 - EXISTING OVERHEAD WIRES
 - EXISTING WATER LINE
 - EXISTING SANITARY SEWER LINE
 - EXISTING STORM DRAIN LINE
 - EXISTING TELEPHONE PEDESTAL
 - EXISTING TREE LINE
 - EXISTING SPOT ELEVATION
 - EXISTING CONTOUR
- TREE SPECIES:** SYC-SYCAMORE
WP-WHITE PINE
LOC-LOCUST
SG-SWEET GUM
POP-POPLAR
MUL-MULBERRY
WO-MILLOW OAK

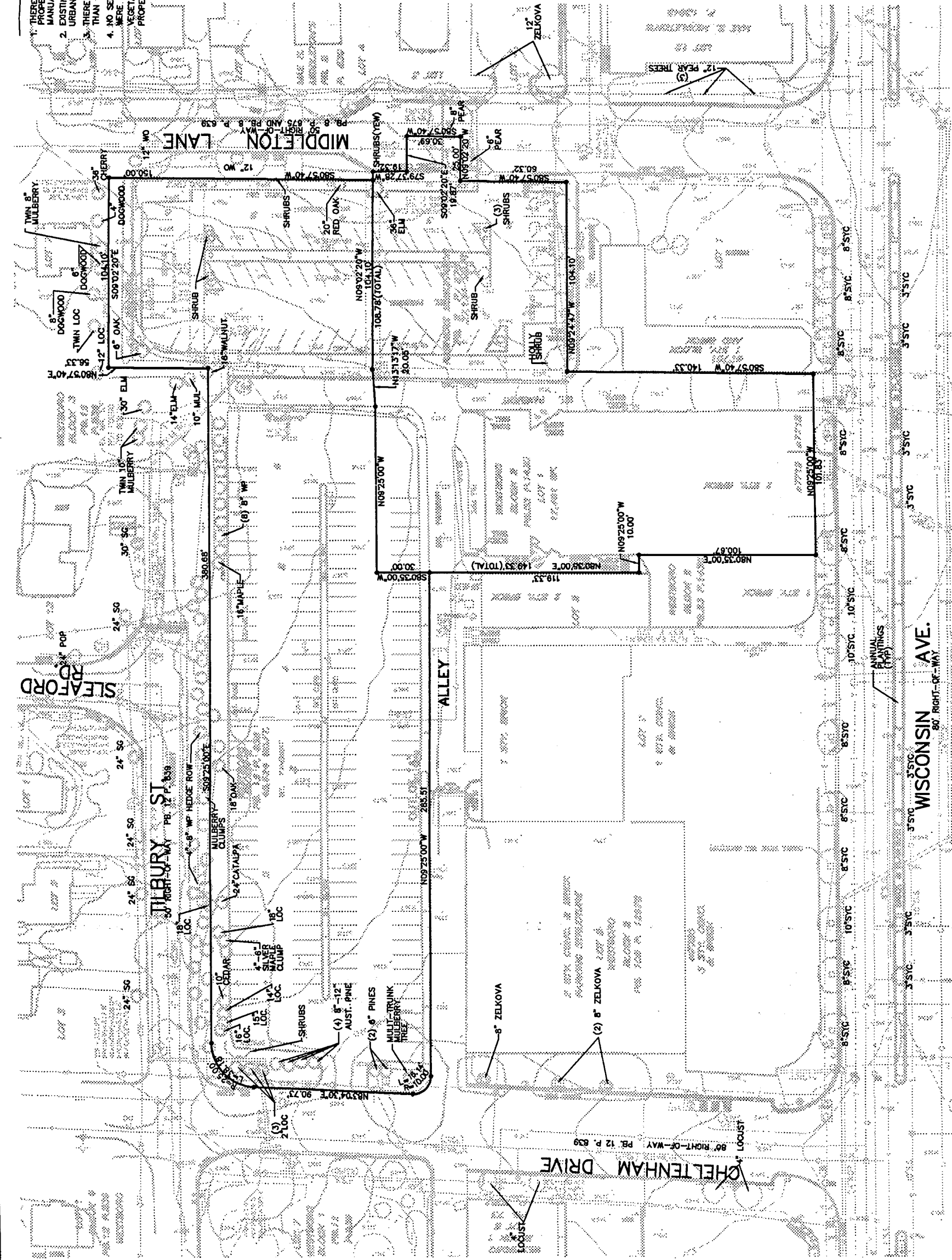
BETHESDA THEATRE PROPERTY STAND CONDITION NARRATIVE

THE SUBJECT PROPERTY IS COMPRISED OF THE EXISTING BETHESDA THEATRE BUILDING AND TWO ADJACENT PARKING LOTS LOCATED TO THE WEST OF THE THEATRE. THE TOTAL SUBJECT PROPERTY EQUALS 2.35239 ACRES, OF WHICH 90% OR 2.11715 ACRES IS CURRENTLY IMPERVIOUS. EXISTING VEGETATION IS PRIMARILY LOCATED ALONG THE EASTERN PROPERTY LINES OF THE EXISTING PARKING LOTS BEHIND THE THEATRE. THIS VEGETATION INCLUDES MAINLY 4"-8" DBH WHITE PINE AND A FEW SCATTERED 14"-16" LOCUST TREES. A LARGE 36" DBH ELM AND 20" OAK TREE ARE LOCATED ADJACENT TO THE PUBLIC PARKING LOT TO THE SOUTH OF THE THEATRE. A FEW LARGE ELM TREES AND A BLACK WALNUT ARE LOCATED NORTH OF THIS LOT, BUT OUTSIDE THE ACTUAL PROPERTY LIMITS.

IN SUMMARY, THERE ARE NO FORESTED AREAS LOCATED ON THE SUBJECT PROPERTY AS DEFINED IN THE MNCPC TREES TECHNICAL MANUAL.



GRAPHIC SCALE
(IN FEET)
1 inch = 50'



Architects:

Welbe Design Group
Architectural Planning Interior Design Space Planning
1000 E. Broad St. Suite 200
Baltimore, MD 21202 (410) 527-8800

Engineer:



REGISTERED PROFESSIONAL ARCHITECTS & ENGINEERS CONSULTANTS INCORPORATED
1100 GREENSBORO HWY. SUITE 200 (FLOOR 2)
GREENSBORO, NC 27409 (336) 737-7377
MEMBER, NAI

Attorney:

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW
1010 Wayne Avenue
Fifth Floor
Silver Spring, MD
20910-6000
(301) 688-8660

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814
Bethesda (7th) Election District

Applicant:

Beta Corporation
2900 Charles Center
36 South Charles Street
Baltimore, Md. 21201

Developer:

E.M. Smith Associates, Inc.
4801 Hampden Lane Suite 407
Bethesda, Md. 20814

NRI/FSD PLAN

EXHIBIT # 1

JUNE, 1997

1 OF 1



J

NOTES

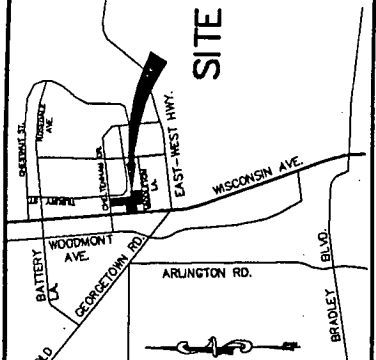
- 1.) THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT MAP NO. HNI22 AND IS ZONED R-60.
2.) THE HORIZONTAL DATUM IS BASED ON A PLAT OF SUBDIVISION ENTITLED "WESTBORO, BLOCKS 1, 2, 3, 4, 5, 6, 7, RECORDED IN PLAT BOOK 12 AS PLAT NO. 839. AMONG THE PLAT RECORDS OF MONTGOMERY COUNTY, MARYLAND, THE PLAT REFERS TO W.S.S.C. TRAVERSE STATION NO. 7778 AS A REFERENCE POINT.

AREA TABULATION:

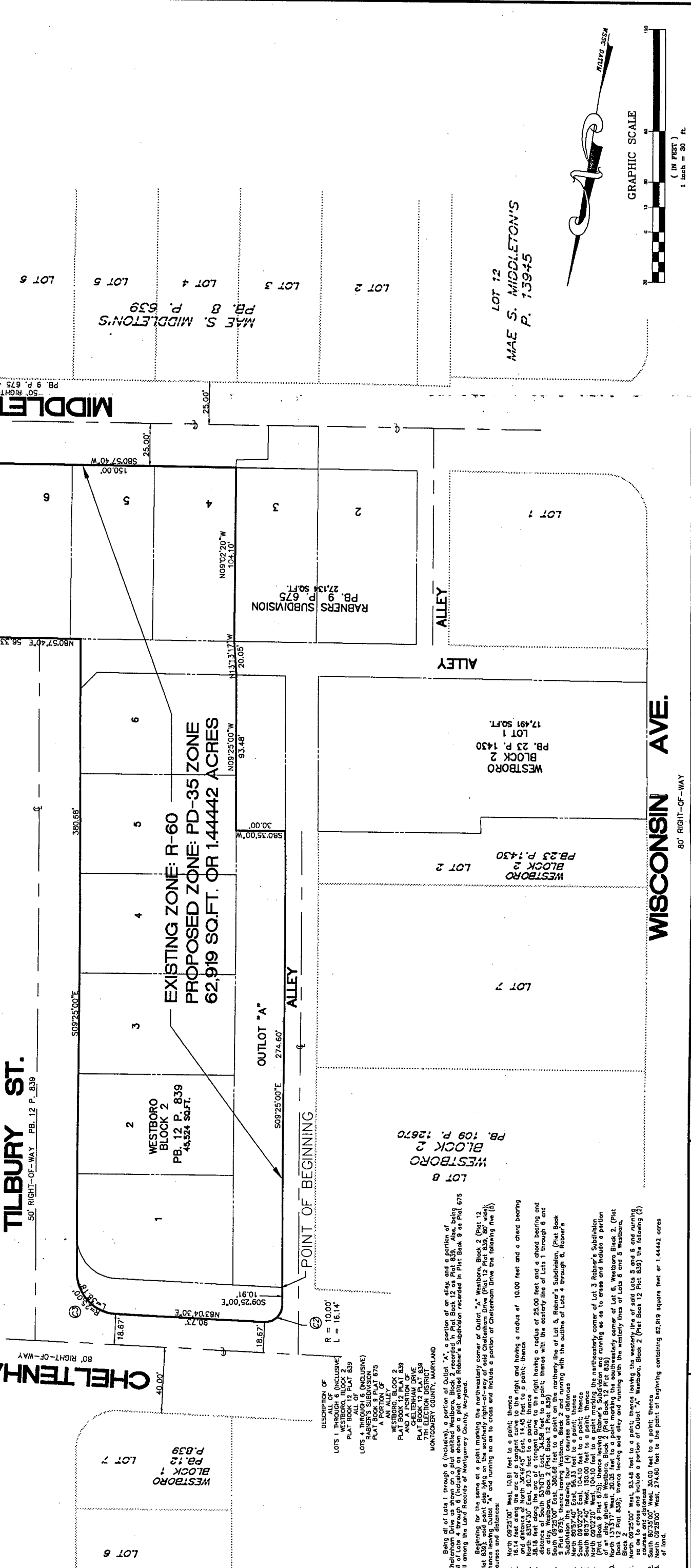
PROPOSED PD-35 ZONE - 62,919 SQUARE FEET OR 1.44442 ACRES

CURVE TABLE

Table with 6 columns: CURVE, RADIUS, LENGTH, TANGENT, CHORD, BEARING. Contains data for curves C1, C2, and C3.



VICINITY MAP SCALE: 1" = 2000'



Administrative section containing: ARCHITECTS (Welle Design Group), ENGINEER (VIA), ATTORNEY (Linowes and Blocher), APPLICANT (Beta Corporation), DEVELOPER (E.M. Smith Associates, Inc.), EXHIBIT # J, IDENTIFICATION PLAT, DATE (JUNE, 1987), and SHEET NUMBER (1 OF 1).

Architects: Welle Design Group, Architecture Planning, Interior Design, Space Planning, 1806 S Street, NW Suite 1000 Tenth Floor, WASHINGTON, D.C. 20006 (202) 607-8500

Engineer: VIA, INCORPORATED, 2100 GREENBROOK DRIVE, SUITE 200 WELLSVILLE, VIRGINIA 22194 (703) 831-7070

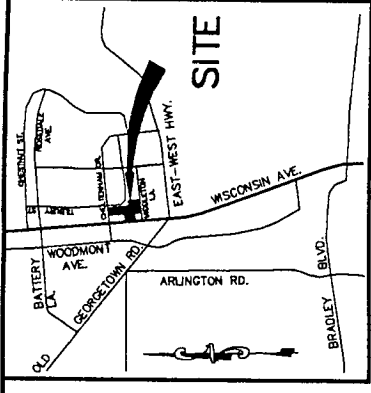
Attorney: LINOWES AND BLOCHER LLP, ATTORNEYS AT LAW, 1010 Wayne Avenue, Tenth Floor, Silver Spring, MD 20910-5600 (301) 988-8580

Applicant: Beta Corporation, 2900 Charles Center, Baltimore, Md. 21201
Developer: E.M. Smith Associates, Inc., 4801 South Hampden Lane, Suite 407, Bethesda, Md. 20814

EXHIBIT # J
IDENTIFICATION PLAT
JUNE, 1987
1 OF 1



K



VICINITY MAP
SCALE: 1" = 2000'

DIGITAL MAP COMPILED BY:

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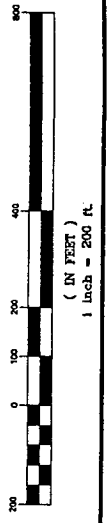
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COUNTY DEPARTMENT OF PARK AND PLANNING,
(301) 495-4700.

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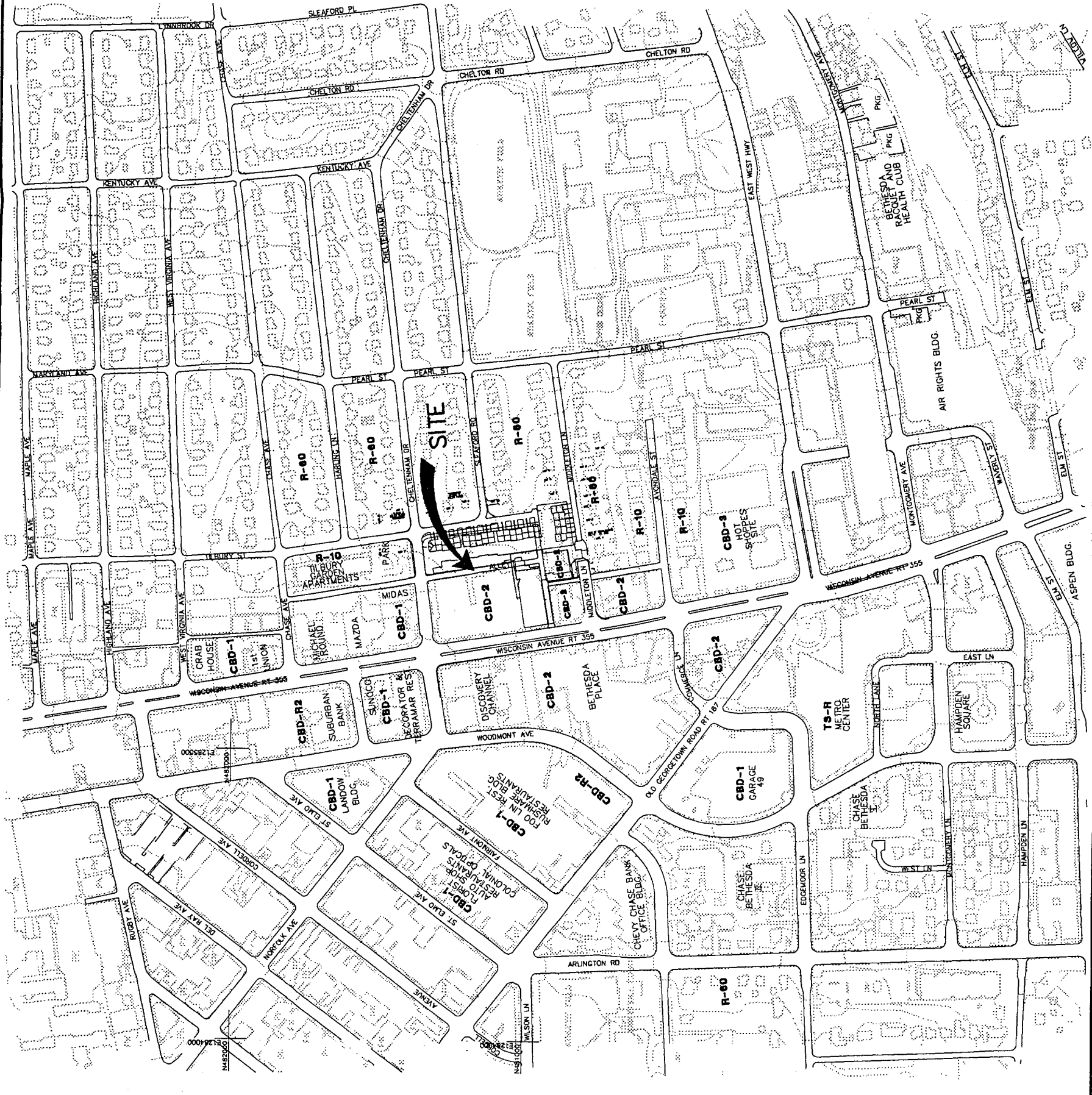
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COUNTY DEPARTMENT OF PARK AND PLANNING.



GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft



LOCAL
VICINITY MAP
EXHIBIT # K



Applicants:
Beta Corporation
36 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

**Bethesda Theatre
Cafe Residential**
7791 Wisconsin Avenue
Bethesda, Md. 20814
Bethesda (7th) Election District

Attorney:
LINOWES AND BLOCHER LLP
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1010 Kays Avenue
7th Floor
Silver Spring, MD
20910-5800
(301) 988-8360

Engineer:
VHA
CONSTRUCTION SERVICES ARCHITECTS ENGINEERS CONSTRUCTION INSPECTORS
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20014-5800
(301) 442-3800 & FAX (301) 442-3787
WELLSVILLE, VA BETHESDA, MD

Architects:
Wetzel Design Group
Architecture Planning Interiors Design Space Planning
1684 K Street, NW Suite 1000 Third Floor
WASHINGTON, D.C. 20006 (202) 857-8200



APPROVED

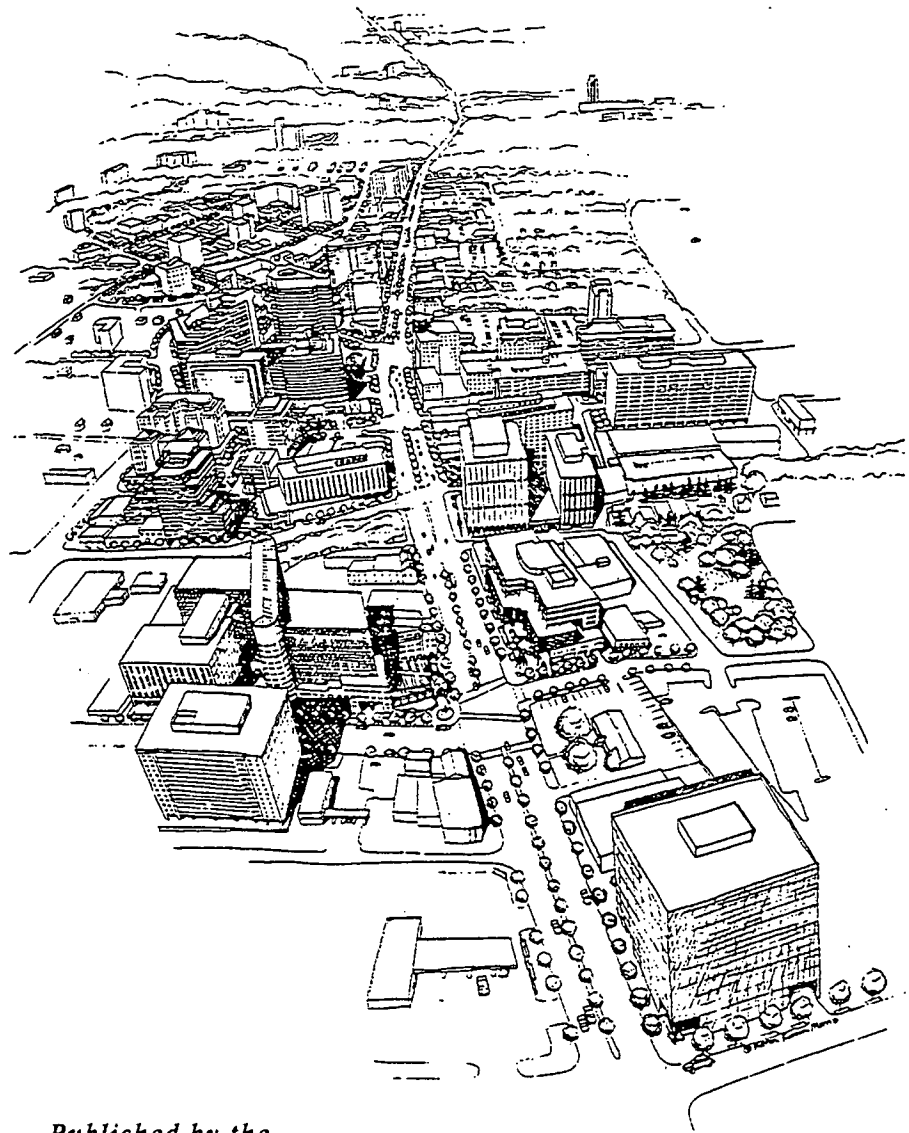
AND

ADOPTED

JULY 1994

THE BETHESDA CENTRAL BUSINESS DISTRICT

SECTOR PLAN



INTERIM

REFERENCE

EDITION

Published by the

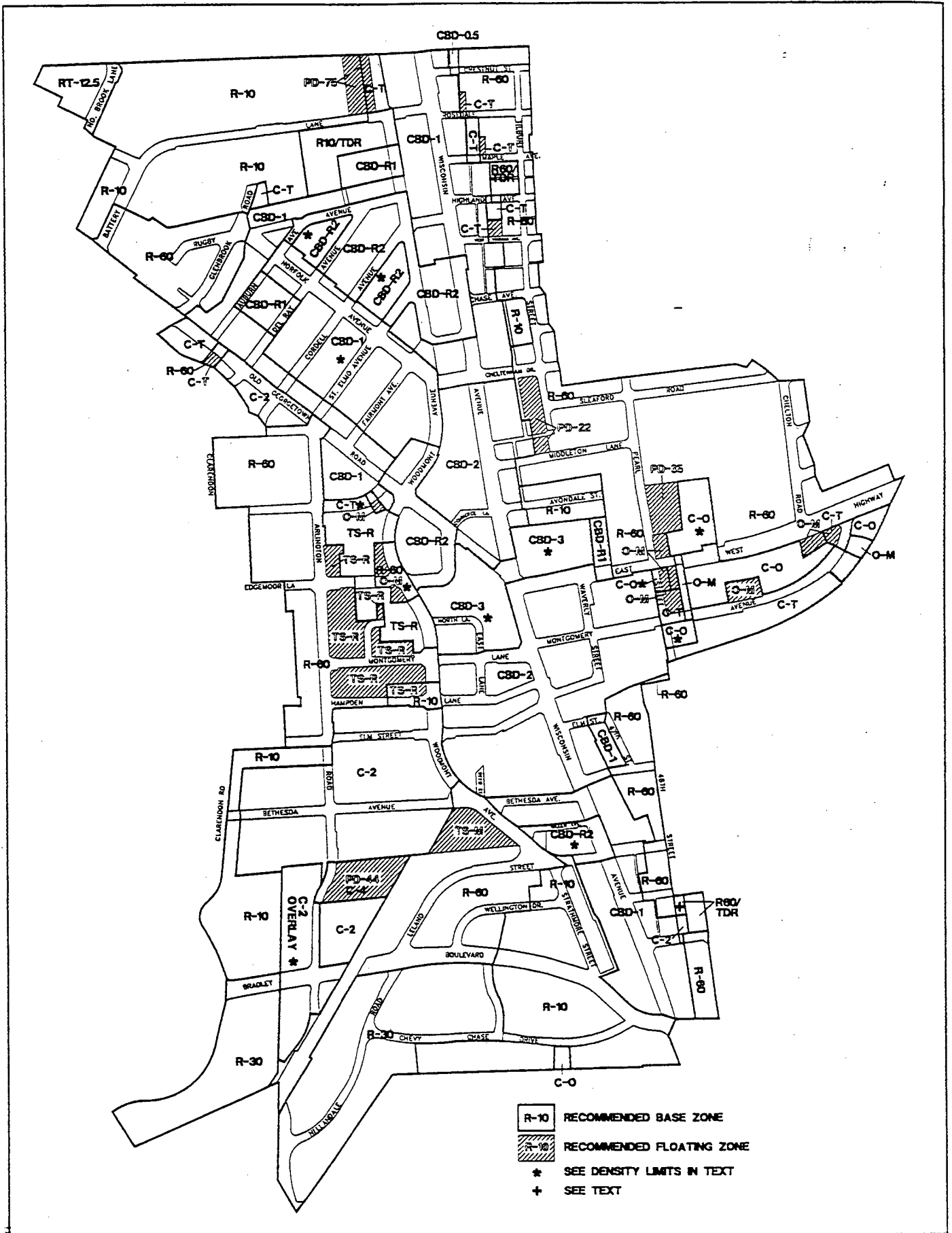


MONTGOMERY COUNTY PLANNING DEPARTMENT
8787 Georgia Avenue ■ Silver Spring, Maryland 20910-3760

Exhibit "L"

Zoning Plan

Figure 4.3



B. Chapter Organization

The Land Use Plan is organized by district. (See Figure 4.4.) Within each section there is first a description of the district, followed by a list of objectives, a series of recommendations, and a set of urban design guidelines. In the Metro Core District, the text combines recommendations and design guidelines for the district as a whole, followed by those for several key properties.

Figures presenting future land use and recommended zoning occur in each section. The land use plans reflect expected changes to some land uses and retention of others, presenting an estimate of the long term land uses that could occur, given the Sector Plan recommendations. Changes will occur as owners respond to the variety of land use choices available as a result of the zoning on the property. While in some cases owners will choose to redevelop at the highest density allowed, in other cases owners will retain the existing use or build to a lower density:

The graphic symbols in the land use plans represent either employment or residential uses. For vacant parcels, the symbol that corresponds to the existing zoning is used on the existing land use map (Figure 4.1). The following categories of land uses are shown on the map of existing land uses and on the land use plans for each district:

Office, Medium to High Density: Includes predominately office use of 2 FAR or more.

Office, Low Density: Includes predominately office use of less than 2 FAR in a building of four or more floors.

Retail and Service: Includes retail or service businesses on the ground floor of a building with less than 2 FAR and up to three floors.

Hotel: Includes both commercial and residential hotels.

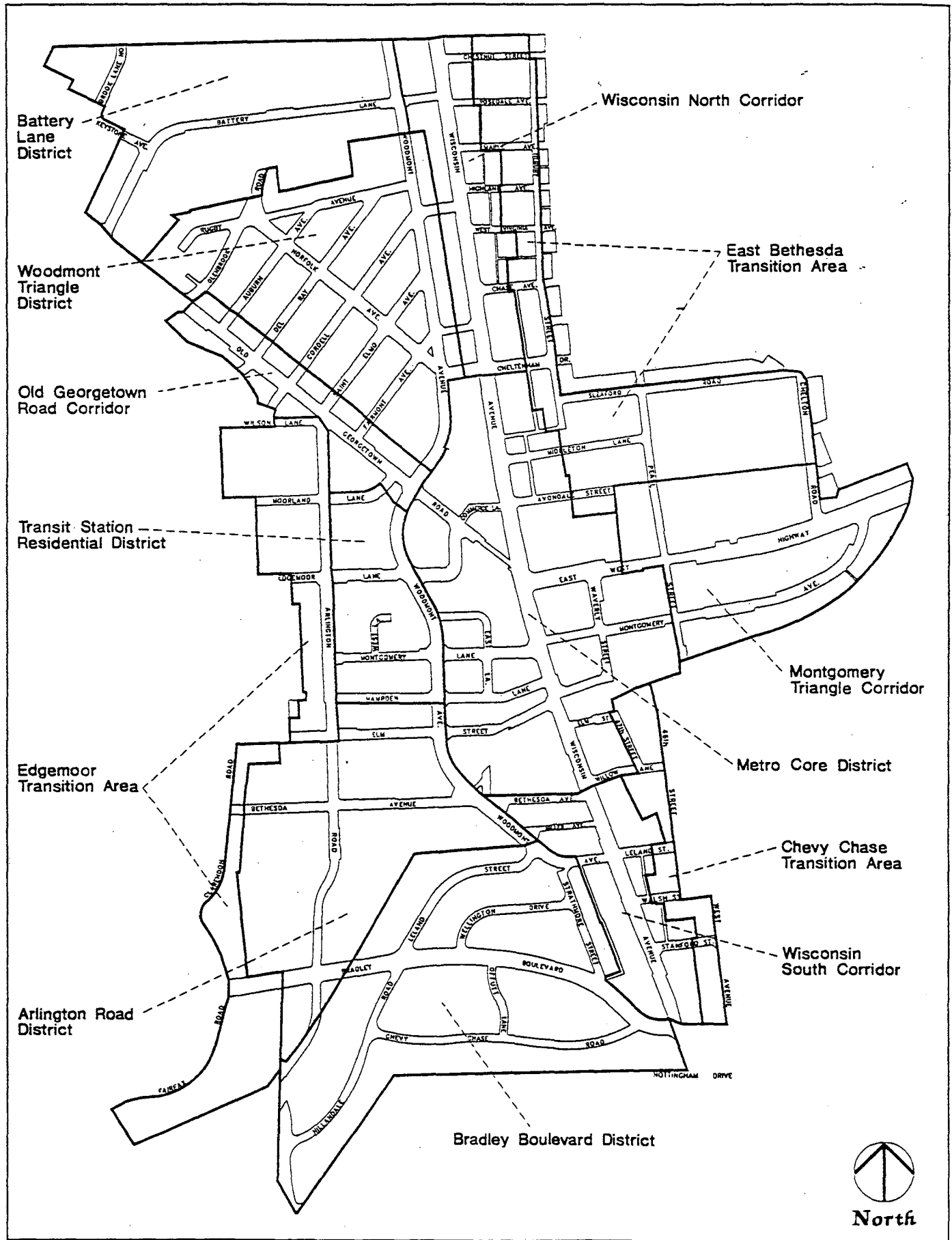
High-Rise or Garden Apartment: Includes predominately residential use in a multi-story building, not including townhouse structures.

Townhouse: Includes predominately residential use in a townhouse-style structure.

Single-Family Detached: Includes single-family structures in an area zoned for single-family detached housing.

Mixed Use: Includes both residential and employment uses where either use occupies at least 33 percent of the floor area.

The letters indicate parks (P), open space (OS), public or special exception parking sites (PP), and institutional or public uses (I). The zoning plans designate recommended zones for specific sites. Where there is a floating zone, it is indicated in parentheses below the base Euclidean zone.



In addition to land use and zoning recommendations, each section includes an illustration of the Urban Design Guidelines for the district. The guidelines are intended to direct infill development and redevelopment to achieve a coherent and compatible urban form. Guidelines are applied as part of the process for approving new development or redevelopment. They address the following features:

Building Line: An edge created by a building wall or facade. The location of the building line next to the sidewalk is a key element in achieving an attractive and lively pedestrian environment.

Urban Open Space: Plazas, courtyards, landscaped areas, wide sidewalks, and other pedestrian passages. The Plan recommends an inner network of such spaces, the Discovery Trail, in the Metro Core District.

Green Open Space: Public parks or private landscaped spaces with play equipment, picnic areas, and/or passive lawn areas. The Plan recommends an outer network of such spaces at the edge of the CBD.

Mixed Street: A street which emphasizes pedestrian circulation while allowing limited, slow vehicular traffic.

Primary Pedestrian Paths: A major route for people to walk, often to sites within the Metro Core.

Local Pedestrian Paths: A minor route for people to walk, often to sites outside the Metro Core.

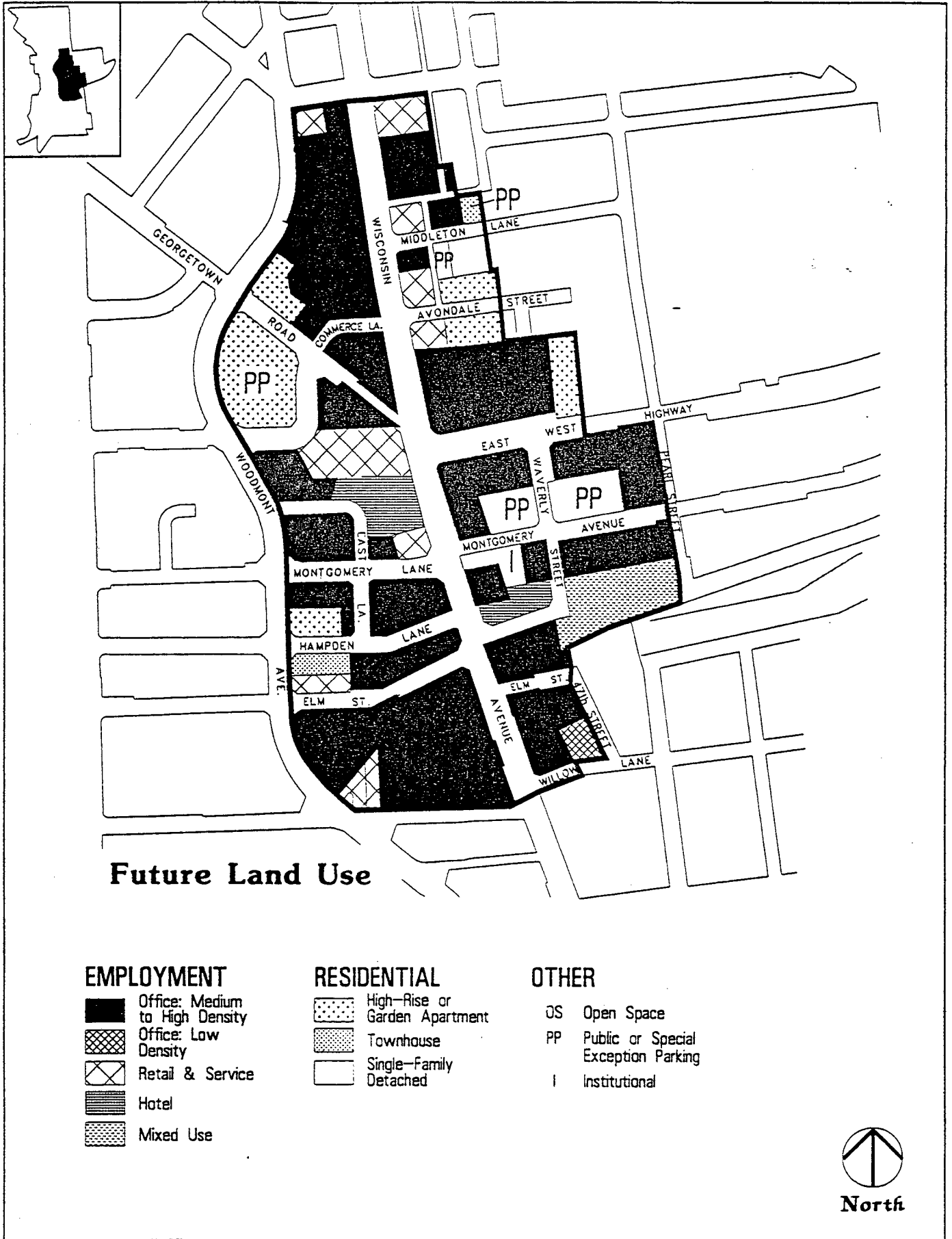
Gateways: Symbolic entrances to the CBD or to a district, which should be enhanced by special architectural or landscape treatment.

4.1 THE METRO CORE DISTRICT

A. Description






The Metro Core District is the center of downtown Bethesda. The Core contains the highest intensities of building and the largest concentration of employees. It is also a major transportation hub. The district extends from Cheltenham Drive on the north to Bethesda Avenue on the south, and from Woodmont Avenue on the west to Pearl Street on the east. Portions of the Metro Core are located near existing single-family residential areas.

The Metro Core is primarily a commercial area, containing both retail and office uses. Among numerous large office buildings are older ones predating the 1976 Plan, such as the Air Rights Building, the buildings at the Bethesda Metro Center, and newer office buildings from the "competition" of the 1980's. The primary types of retail are restaurants (26 percent) and professional services (24 percent). Professional services include banking and real estate. The area also contains the Bethesda Theatre Cafe and the United Artists Cinemas. Chevy Chase Chevyland provides auto sales. There are three hotels: Hyatt, Marriott, and Manor Inn. The largest residential uses






Future Land Use

EMPLOYMENT

-  Office: Medium to High Density
-  Office: Low Density
-  Retail & Service
-  Hotel
-  Mixed Use

RESIDENTIAL

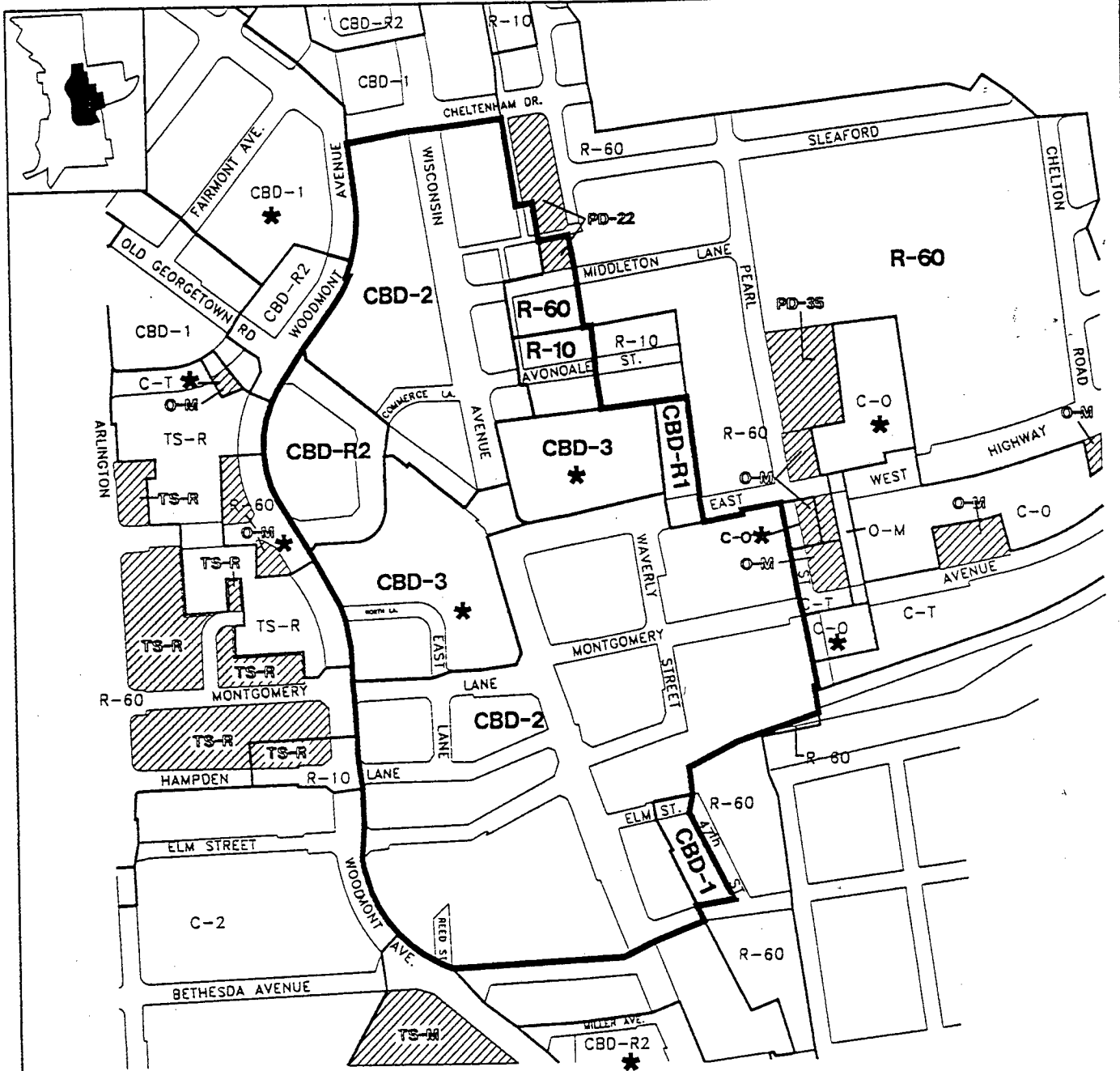
-  High-Rise or Garden Apartment
-  Townhouse
-  Single-Family Detached

OTHER

- OS Open Space
- PP Public or Special Exception Parking
- I Institutional



North



- R-10 RECOMMENDED BASE ZONE
- RECOMMENDED FLOATING ZONE
- * SEE DENSITY LIMITS IN TEXT
- + SEE TEXT

Recommended Zoning



in the Metro Core are Bethesda Place, Hampden Square, Waverly House, and some townhouses. A Safeway grocery store is located in the Bethesda Place complex.

The Metro Core District, consistent with adopted planning principles, has the tallest buildings. Building heights step down from the 200-foot Clark Building to the surrounding 143-foot heights allowed in the CBD-2 Zone. Buildings at Bethesda and Wisconsin Avenues provide a gateway open space at the corner. A number of potentially high-density sites remain to be developed. Two with approved projects are the Lorenz property and Garage 49, a mixed-use project. Major redevelopment potential remains on the Hot Shoppes site, Miller property, and properties along Commerce Lane. Some smaller sites have potential for low-density standard method development.

The Bethesda Metro Center provides a focus of activity, a town center, by providing a mix of uses and a major community gathering place. The hotel, food court, and transit station attract people, and there are often community and entertainment events. Daytime and evening use of restaurants, shops, and cinemas add activity to the center. The surrounding area contains projects with smaller plaza spaces, many of which are interconnected to form a "Discovery Trail" network to the west of Wisconsin Avenue. The upgraded streetscape and plazas, which follow the "garden" design theme and provide public art, have created a high-quality urban district in the heart of Bethesda.

B. Objectives

1. Strengthen the Metro Core as the center of Bethesda, with greatest emphasis on and around the Metro Center and plaza.
2. Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.
3. Develop a compact core that places the highest intensity in the center, provides distinctive infill buildings, and steps down to lower densities and heights near the edge of the district.
4. Emphasize employment near Metro transit to complete Metro Core development.

C. Recommendations and Urban Design Guidelines

1. METRO CORE DISTRICT RECOMMENDATIONS AND DESIGN GUIDELINES

The land use recommendations for the Metro Core District emphasize employment land uses, but include potential for some additional residential uses. (See Figure 4.5.) Major new optional method projects would generate substantial public benefits and amenities, possibly including a professional theater. Although this subsection discusses most of the properties in the Metro Core District, sub-sections 2 through 7 address specific major properties. (See recommended zoning in Figure 4.6.)

The Sector Plan recommends optional method employment uses on most CBD-2 sites, at 4 FAR. Optional method residential use is also allowed at 5 FAR. Some new housing may be provided, since the CBD-2 Zone allows a high percentage of commercial use as an incentive in mixed-use projects.

On the Garage 49 site, owned by Montgomery County, the Plan recommends the CBD-R2 Zone. A predominately residential mixed-use project was approved for this site in the 1980's. An amended site plan has been submitted to increase the amount of affordable housing within the project, retain a small office building for County government use, and retain the approved day care center.

On the parking deck of the second Air Rights Building, the Plan recommends a small residential building, if compatibility with the adjacent single-family area is maintained. Development should have a maximum height of 90 feet, stepping down to 60 feet toward Pearl Street. The building height should include the existing parking structure. There should be no development on that portion of the deck that abuts the single-family detached houses along Elm Street.

Larger office projects could occur on the Lorenz site, the Hot Shoppes site, along Wisconsin Avenue going north to Cheltenham Drive, and on the Miller property at Elm Street and Woodmont Avenue, discussed below. In the block containing the Metro Center, individual properties should be permitted to develop under the CBD-3 optional method, provided that the overall density of the area retains an average of 4 FAR, including streets, open space, and public facilities. A number of smaller sites would also qualify for optional office development or standard method development.

The Metro Core District should be "infill" in nature and all development should follow the general Sector Plan urban design objectives and principles identified in Section 3.2. The following additional guidelines apply to the Metro Core District (see Figure 4.7):

- a. Reinforce Metro Center as the focus of urban activity. Adjacent properties should develop in a manner that complements the activities and urban open space at Metro Center.
- b. Maintain a compact development with the tallest buildings concentrated in the center. Development at perimeter locations of the Metro Core should step down in height to achieve a more gradual transition and better compatibility with the adjacent areas.
- c. Locate new open space to tie into the existing "Discovery Trail" network and to expand the pedestrian connections. Where appropriate, locate new open space in a manner that reinforces the gateways and provides a transition between districts.
- d. Step down the building height to six floors along East-West Highway for the McDonald's property on Pearl Street.

Street should be located on the eastern end of the triangular site. A lower building should face Woodmont Avenue.

- b. Step down building heights to six floors along Woodmont Avenue to achieve a transitional building height at the western edge of the Core District, similar to existing optional method projects to the north. A building height of six floors along Woodmont Avenue is compatible with the three-floor height restrictions of the C-2 Zone across Woodmont Avenue.
- c. Orient storefront retail and/or restaurant uses along Woodmont Avenue to complement existing retail across the street. Extension of retail along Elm Street will create a link with Metro Core District retail activity and with the "Discovery Trail."
- d. Establish 15-foot building setbacks from the right-of-way along Woodmont Avenue to accommodate both pedestrians and the Class 1 Bikeway recommended along Woodmont Avenue.
- e. Locate driveway access to rear service areas and underground parking in locations that do not negatively affect traffic flow and pedestrian use of public spaces.
- f. Locate on-site open space along Elm Street at the northeastern corner of the site to connect with the "Discovery Trail," the existing series of mid-block open spaces. The open space should also provide a pedestrian connection to the Capital Crescent Trail and a bicycle storage area, as identified in Section 5.5, Bicycle Network Plan.
- g. Locate some open space along the Capital Crescent Trail if an optional method project is provided along Woodmont Avenue at Bethesda Avenue.

**7. BETHESDA THEATRE CAFE AND CHEVYLAND BLOCK:
RECOMMENDATIONS AND DESIGN GUIDELINES**

The Bethesda Theatre Cafe has a historic design and a use that contribute significantly to the "cultural district" theme supported by the Sector Plan. The attractive interior design reflects Art Deco styling. The theater has a screen and a stage suitable for a variety of performing arts programs. The building's exterior is protected by historic resource designation. (See Section 9.4, Master Plan Sites.)

Chevy Chase Chevyland was established in 1939 by the Bowis family, which still owns the property. Though placement on the Locational Atlas has been suggested, the Plan does not recommend historic designation because of substantial alterations. (See Section 9.5, Sites under Consideration for Historic Designation.) The site contains three parcels of 22,000, 27,498, and 7,307 square feet.

The Sector Plan recommends confirming the CBD-2 Zone and allowing optional method office development on the Theatre Cafe and Chevyland sites. The Plan recommends preserving the interior design of the theater and retaining a cinema or

performance use. The owners of the Chevyland site are encouraged to consider a joint development with the theater owners to save the theater interior. A special Wisconsin to Tilbury Study analyzed the relationship between these sites and the East Bethesda Transition Area. (See Appendix C.)

The complexities of a possible Bethesda Theatre Cafe development require further explanation.

The Beta Corporation owns the theater site (within the CBD and zoned CBD-2) and the parking lot to the east (outside the CBD and zoned R-60). The property within the CBD has less than the 22,000 square feet required for the optional method, but a project could qualify by combining with adjacent properties in one of two ways: 1) submit a joint application with properties to the north or south, or 2) submit a joint application with Public Parking Lot 42 for an area of about 42,457 square feet.

Land use and zoning recommendations to allow the second alternative for development of the Beta Corporation property include:

- a. Extend the CBD boundary and the CBD-2 Zone line 50 feet across an existing public alley right-of-way into the Beta Corporation parking lot for the area immediately to the east of the theater site only.
- b. Extend the CBD-2 Zone line south across Public Parking Lot 42, which already lies within the CBD boundary.
- c. Allow an optional method project to be built over the public alleys, although it may be necessary to maintain pedestrian or vehicle access to serve the project and adjacent properties. Access requirements, consideration of abandonment of the alley, and efforts to minimize cut-through traffic in the East Bethesda neighborhood should be determined at the time of Project Plan.
- d. Preserve the interior of the theater, including the murals on the walls and ceiling, and a cinema or performing arts activity as the primary public benefit associated with a joint optional method development.
- e. Retain the existing R-60 Zone as the base zone for the Beta parking lot. A special exception for commercial parking would not be inconsistent with Sector Plan objectives if redevelopment does not occur.
- f. Recommend residential development of the Beta parking lot. The floating PD-22 Zone, which allows up to 22 housing units, would be an appropriate zone. (Amendments to the PD Zone are described in Section 10.1.) Preliminary site analysis suggests that about 20 housing units may be suitable on this site. Alternatively, if an optional method project is built on the adjacent property that preserves the theater interior, a mixed-use project with up to 24,000 square feet of office and up to 15 housing units may be provided on the Beta parking lot. Any office structure must be placed along the public alley and height guidelines must be maintained.

- g. Retain the R-60 Zone on the portion of Parking Lot 42 outside the CBD. The floating PD-22 Zone, which allows up to eight housing units, would be an appropriate zone. Preliminary analysis based on the design guidelines suggests that about five units may be suitable on this site. Any unit within the PD Zone fronting on Middleton Lane should be residential in use and design. Any office use fronting on Middleton Lane should be located within the CBD-2 Zone.

The above recommendations would allow several parcels to be combined as follows: the theater site (17,497 square feet), a small portion of the Beta Corporation outlot now used for parking (3,300 square feet), public alleys that were dedicated with the original plat approval in 1937 (8,460 square feet), and the west portion of Lot 42 to be zoned CBD-2 (13,200 square feet). The total land area of 42,457 square feet would permit a 4 FAR optional method project of up to 169,828 square feet, including 12,500 square feet for the theater. The net new office space would be 157,328 square feet. If the Beta Corporation built townhouse-scale offices along the alley on their parking lot, up to 24,000 square feet of office area could be added. (See Figure 4.11.)

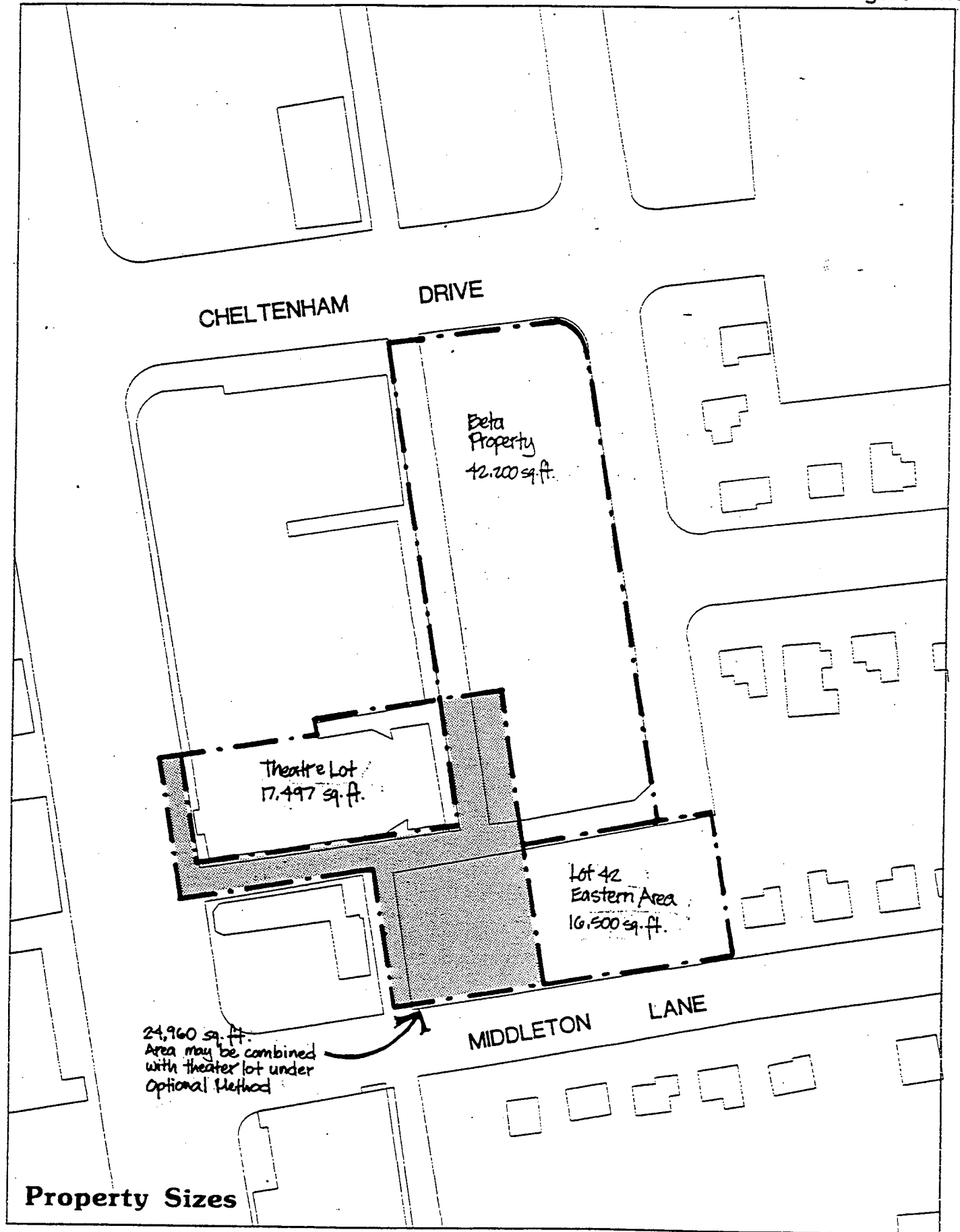
Joint development of the Beta Corporation and Parking District properties is the most likely means of preserving all of the Bethesda Theatre Cafe, including the interior design and performing arts activity. Both the interior and exterior make this historic Art Deco structure an important resource for Montgomery County residents. The recommendations benefit the Beta Corporation by allowing an optional method project of about 157,000 square feet plus the theater rather than a standard method project of 48,000 square feet. The Parking District gains a larger area for a structure to serve the expected growth in parking demand in the Metro Core District. The nearby residential community gains an assurance of underground parking rather than a multi-story deck and the limitation of building height to 90 feet, stepping down to 65 feet at the rear. They also benefit from residential and possibly some office town-houses as an appropriate transition land use to complement the east facade of the theater building and buffer the auto dealership or other future office development.

The Plan recommendation seeks to allow an investment return that justifies retention of the entire theater structure. To preserve the theater interior beneath a multi-story office building requires a structured platform over the theater space, with office space built on the platform. The added cost of the platform and measures to protect and restore the theater interior require a substantial project to create a reasonable investment return. The recommended density is intended to provide a good incentive for the project. Reduction in the permitted density could lead the Beta Corporation to abandon the optional method project and build a standard method office building.

A standard method building of about 48,000 square feet would be possible. The small area of the Beta parking lot recommended for the CBD-2 Zone could not be included in a building permit application since the property is separated by a public alley. Use of public alley dedication is also not permitted in standard method development. Any demolition would require approval by the Historic Preservation Commission. While the front of the theater would be preserved, it is likely that the rear and the interior would be demolished. The community would have lost an intact,

Bethesda Theatre Cafe, Beta Lot, Lot 42

Figure 4.11



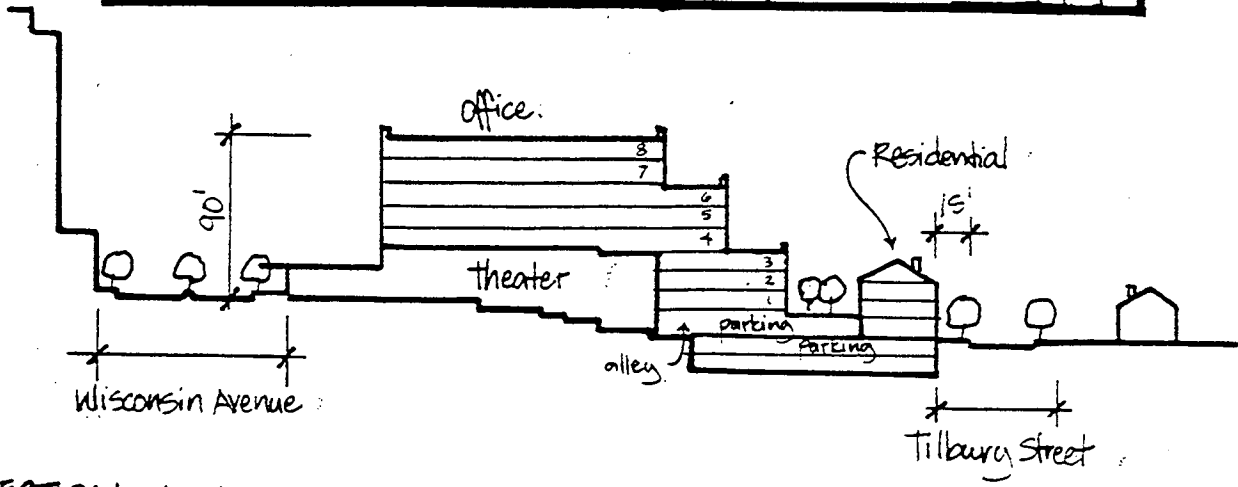
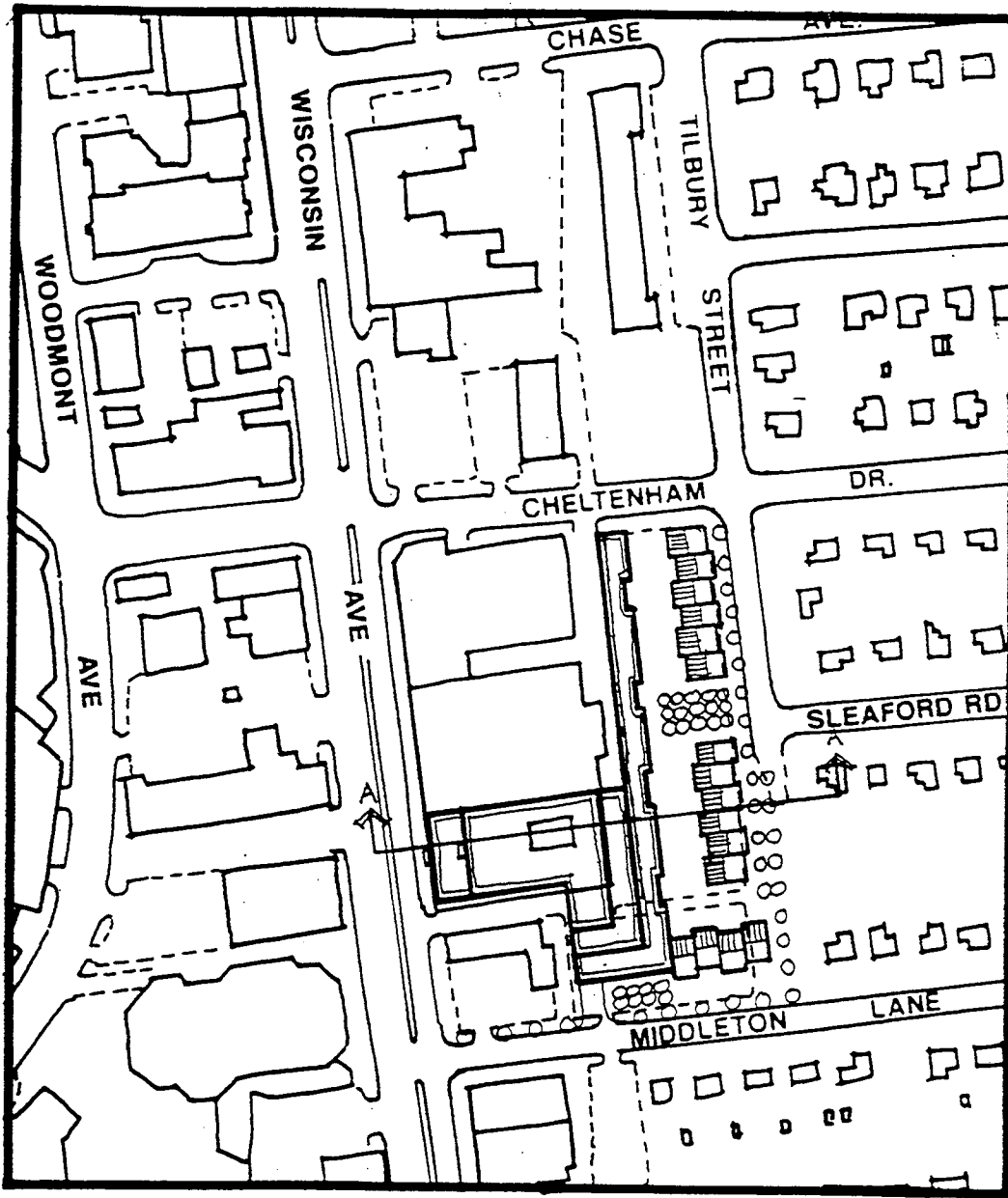
functioning theater and all but the facade and marquee of a historic resource if a standard method project were built.

In addition to the general objectives and principles in Section 3.2, the following specific guidelines apply to a development on the Bethesda Theatre Cafe/Beta Lot/Lot 42 properties (see also Figure 4.12):

- 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.
- 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.
- c. Provide a street-oriented townhouse development with front doors facing surrounding streets, to achieve compatibility. Allow a 15-foot minimum setback from the street curb.
- d. Allow no more than three continuous attached townhouses with the same front building line in order to maintain a compatible relationship with adjacent single-family properties. The variations in building line must be at least two feet. The illustrative site plan in Figure 4.12 is for design guidance only.
- 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.
- f. Locate required open space in a manner that expands the existing open areas and provides attractive views from the adjacent residential 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.
- 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.

Bethesda Theatre Cafe: Illustrative

Figure 4.12



SECTION A-A

- 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. Any frontage of the office building on Middleton Lane and any portion of the office structure adjoining Cheltenham Drive should be compatible in scale, style, and materials with residential townhouses to achieve maximum integration with the East Bethesda neighborhood.
- 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.

The following additional guidelines apply to the Chevy Chase Chevyland site:

- a. Maintain building heights no higher than 90 feet along Wisconsin Avenue, stepping down to 60 feet at the rear, to ensure compatibility with nearby residential areas.
- b. Respond to the view from the residential neighborhood in the design of the building and avoid a blank wall at the rear through such features as massing, fenestration, and design details.
- c. Review alley access requirements at the Project Plan stage.
- d. Dedicate 9.5 feet of right-of-way, in conformance with the Street and Highway Plan, only at the time that replacement of the existing buildings occurs.

4.2 THE TRANSIT STATION RESIDENTIAL DISTRICT

A. Description

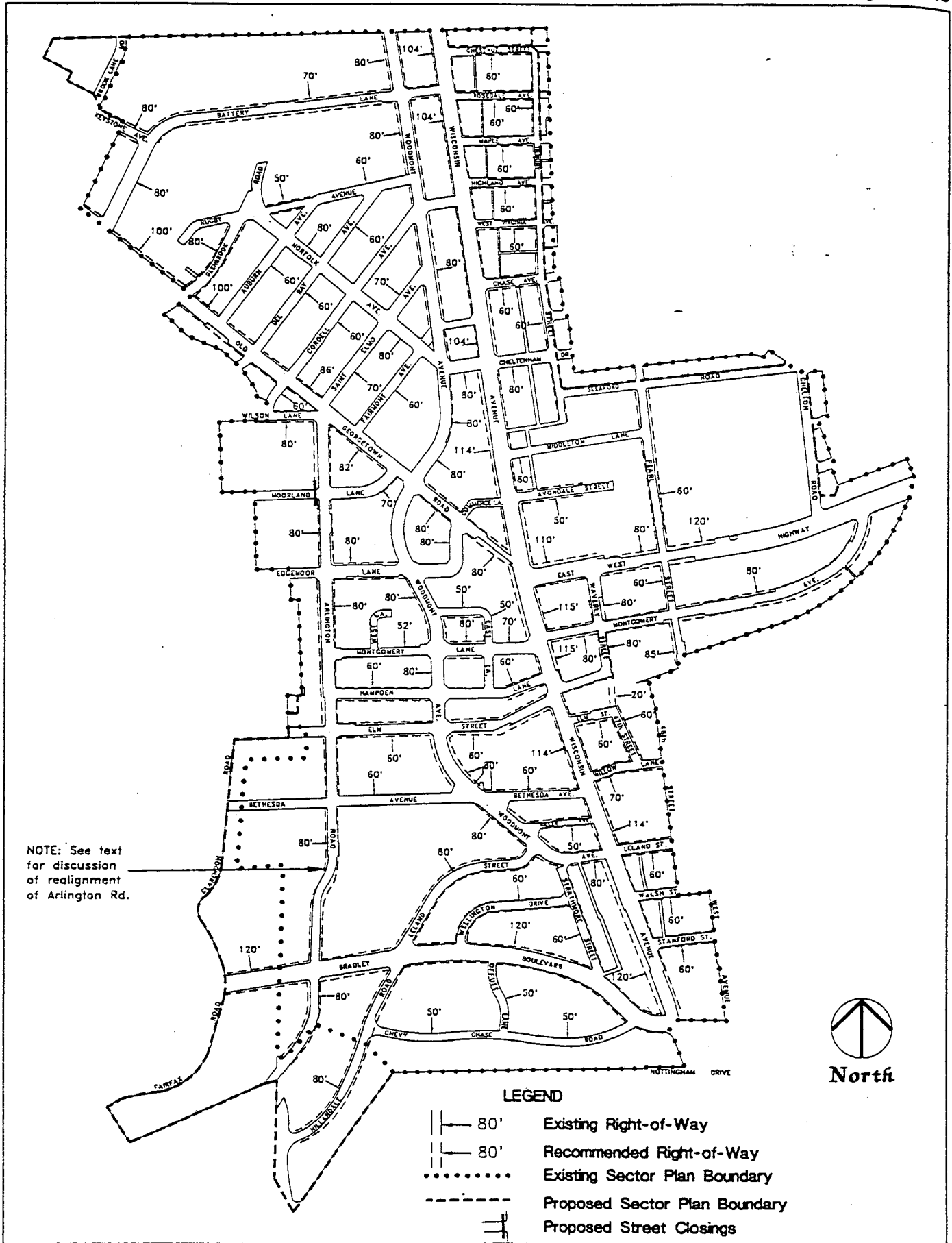
The Transit Station Residential (TS-R) District is partially developed with high-rise residential buildings. Part of it remains an area of single-family houses. Houses used as offices are located along both Montgomery Lane and Arlington Road. The district is located between Woodmont Avenue and Arlington Road and extends from Hampden Lane to Moorland Lane.

The form of new development has been mid- to high-rise apartments. Since the TS-R Zone has required 50 percent green space, buildings have been forced to rise vertically rather than spread horizontally. The 1976 Sector Plan established height limits which step down from 12 floors along Woodmont Avenue to 5 floors along Arlington Road.

The TS-R District continues to be in transition, in response to the requirements of the Sector Plan. Three major TS-R projects have been built: The Chase, The Christopher, and Chase II of Bethesda. Most houses along Arlington Road have been converted to offices, with their use limited to a few professional office categories. Some properties along Montgomery Lane are also in office use. The housing study

Street and Highway Plan

Figure 5.9



NAME: Bethesda Theatre Complex (Bethesda Theatre Cafe) (#35/14-4)

ADDRESS: 7715-7723 Wisconsin Avenue

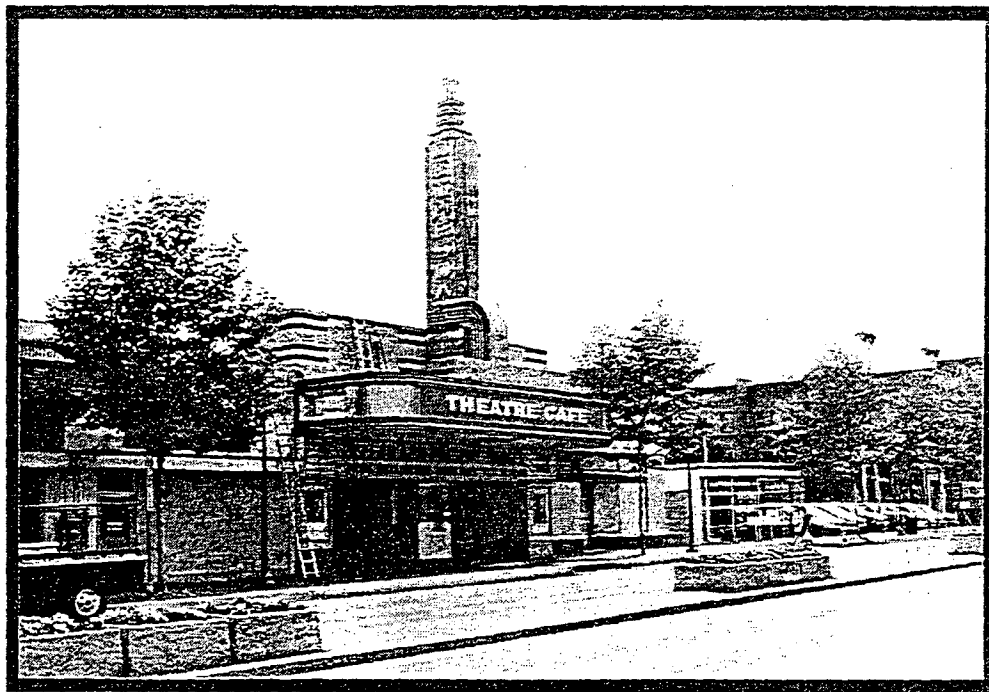
HISTORY/DESCRIPTION: This Art Deco movie theater was designed in 1938 by John Ebersson, a nationally noted theater architect. Its distinctive tower, marquee, and banded brick facade are characteristic of this style of architecture.

CURRENT USE: Movie theater/restaurant

PLANNING ISSUES: The site is in the CBD-2 Zone. 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 Land Use chapter includes redevelopment guidelines.

STATUS: *On Master Plan for Historic Preservation.*

ENVIRONMENTAL SETTING: Entire parcel of 17,497 square feet.



FRM

APPROVED

AND

ADOPTED

JULY 1994

THE BETHESDA CENTRAL BUSINESS DISTRICT

SECTOR PLAN

TECHNICAL APPENDIX

INTERIM

REFERENCE

EDITION

Published by the



MONTGOMERY COUNTY PLANNING DEPARTMENT
8787 Georgia Avenue ■ Silver Spring, Maryland 20910-3760

APPENDIX C: WISCONSIN TO TILBURY SPECIAL STUDY

A. Background

Staff released a Blended Plan in December 1992, which responded to testimony received at the Public Hearing with a set of land use and zoning proposals for the Metro Core District, Woodmont Triangle District, and Wisconsin North and South Corridors. After release of the Blended Plan, the East Bethesda Citizens Association (EBCA) requested a comprehensive study of the area from Wisconsin Avenue to Tilbury Street and from Chestnut Street to Avondale Street. They were concerned about the density, total number of dwelling units, and height of potential Wisconsin Avenue development resulting from Blended Plan recommendations. They were also concerned about a possible increase in cut-through traffic and overflow parking in their neighborhood.

Staff initiated a Special Study in response to EBCA's request. Staff agreed that such a comprehensive review of the entire area would improve communication during the process of refining recommendations for the Bethesda Theatre Cafe in the Metro Core District, Wisconsin North Corridor, and East Bethesda Transition Area and also clarify the interrelationship between recommendations for these areas in the Approved and Adopted Plan. (See Figure C.1 for the Special Study Area.)

B. Analysis

The Special Study included an analysis of existing land uses and zoning, functional land use areas, and the traffic impact of Blended Plan development on the East Bethesda neighborhood. (See Figure C.2.) It examined the pattern of home ownership between Chestnut Street and West Virginia Avenue. It also compared County objectives with citizen concerns to recognize areas of conflict and, more importantly, to highlight areas of potential agreement.

The latter was a particularly useful feature of the study, since the Plan must balance County, property owner, and resident interests. From the County perspective, the CBD zoning and the CBD Boundary have been in place since 1976. It is County policy that areas near Metro stations with CBD zoning develop at higher densities. Both owners and residents have known of the density potential of this area for many years. From the residents' perspective, the juxtaposition of high-rise commercial buildings and single-family houses will occur in a very narrow area, less than a block from Tilbury Street and the adjacent neighborhood, with little room for physical buffers. The activities, traffic, and visual impact of such development may adversely affect the neighborhood.

Despite the different orientation of the parties, the Special Study identified the following common County and community objectives for the study area:

1. Ensure that land uses next to single-family neighborhoods are compatible with residential life.

2. Provide community-serving retail.
3. Ensure descending heights from Metro Center north to Chestnut Street and from Wisconsin Avenue east to Tilbury Street.
4. Preserve the Bethesda Theatre Cafe interior for cultural and community uses, if possible, and provide housing as a transition use on the adjacent parking lots.
5. Ensure the stability of land uses in the transition area to preserve East Bethesda as a single-family neighborhood.
6. Protect the neighborhood from cut-through traffic and overflow parking.
7. Encourage safe and pleasant pedestrian circulation from the neighborhood to the CBD.

C. Recommendations

The Final Draft Plan recommendations reflect the attempt to find common ground between County, property owner, and neighborhood considerations. The Plan includes a series of related proposals for the Special Study Area. Though the recommendations are presented within the separate Metro Core District, Wisconsin North Corridor, and East Bethesda Transition Area sections of the text, the relationship between development in the three districts should be emphasized in all future planning. (See Figures C.3 - C.7.)

On the Bethesda Theatre Cafe site, the Plan recommendations allow a level of development that will enable the owners to preserve the theater's interior and a performance use. To respect the proximity of single-family houses, the guidelines recommend a maximum 90-foot height stepping down to 65 feet in the rear (rather than the CBD-2 143-foot maximum). Height guidelines also apply to the Chevy Chase Chevyland site just to the north. The Plan encourages development of residential townhouses on the Beta Lot and Public Parking Lot 42, with the possibility of office townhouses along the north-south alley, to create an appropriate transition with the neighborhood. Underground parking is recommended to satisfy public and private needs in a manner that will have minimal neighborhood impact.

Along Wisconsin Avenue from Cheltenham Drive to the south side of Chestnut Street, the Plan recommends confirming the existing CBD-1 zoning and allowing the optional method of development only for mixed-use projects that include a minimum of 67 percent housing. With community-serving retail at ground level, predominantly residential structures will complement the adjacent residential neighborhood. The recommendations establish the long-term potential for the Wisconsin Avenue corridor, though it is not anticipated that more than one project with about 100 dwelling units will be built within the next ten years.

Plan guidelines will ensure that development along Wisconsin Avenue is sensitive to the proximity of single-family houses. Guidelines include designing

buildings at a height less than the maximum allowed in the CBD-1 Zone (75 feet rather than 90 feet), stepping down to the 35 feet of the R-60 Zone. The recommended heights are an appropriate balance between allowing 3 FAR projects within the CBD and protecting the neighborhood. Additional guidelines will ensure attention to the appearance of the new buildings as seen from the neighborhood. Rear access to the buildings from existing alleys will encourage a circulation pattern that will avoid the neighborhood. Redevelopment of the Wisconsin Avenue sites south of Chestnut Street can provide an opportunity to enhance pedestrian linkage with the neighborhood, with additional street tree planting and upgraded sidewalks.

On the north side of Chestnut Street, the Plan recommends retaining the CBD-1 Zone on the first two lots east of Wisconsin Avenue and rezoning the third lot CBD-0.5 to reduce the potential for redevelopment. The Plan seeks to retain the existing structure and use as the most compatible transition to the single-family neighborhood. The Planning Board recommended CBD-0.5 on all three properties, but the County Council elected to apply the CBD-0.5 Zone only to the third property. (See Figures C.6 and C.7.)

The Plan supports cooperative measures between East Bethesda residents and the Department of Transportation to discourage cut-through traffic associated with new development. The traffic analysis resulted in the proposal to study a morning limitation on use of Pearl Street by vehicles coming from East-West Highway and destined for locations beyond Our Lady of Lourdes Church. The Plan also recommends strengthening the East Bethesda parking permit program to protect residents on streets next to the CBD from spill-over parking. All required parking must be provided for new development within the CBD, either on site or in Bethesda Parking District facilities.

A primary Sector Plan objective for the East Bethesda Transition Area is to ensure stable land uses to preserve East Bethesda as a single-family neighborhood. The Special Study analysis resulted in a Plan recommendation to confirm the R-60 zoning on most lots between Chestnut Street and West Virginia Avenue as the best way to ensure stability. (See Figures C.6 and C.7.)

Some property owners believe the area between Chestnut Street and Maple Avenue is unsuitable for single-family living because they perceive an increase in crime and disturbances from adjacent commercial uses and vehicles. They recommend that the area be rezoned to a higher density to encourage redevelopment. However, because the lots are narrow in that section, densities are already fairly high and would have to be increased considerably to make redevelopment attractive. It is not clear that redevelopment would promote stability because it would eliminate an existing source of moderately priced homes.

The analysis of the ownership pattern for single-family houses in the Chestnut Street to Maple Avenue section revealed a slightly higher number of renter-occupied houses compared with owner-occupied. This factor sometimes indicates poor maintenance by absentee landlords, but in this area many renter-occupied houses are well maintained. A group of homeowners and renters in this section demonstrates a strong commitment to retaining the single-family character of the neighborhood. They have formed a committee to monitor code enforcement and have had some success.

Two or three houses have recently been purchased and renovated by new owners for single-family use. The trends toward home ownership, neighborhood involvement, and code enforcement are signs of stability, which the Plan seeks to reinforce.

On Highland and West Virginia Avenues, just as in the Chestnut Street to Maple Avenue section, the deciding factor in recommending the R-60 Zone for most lots was the conclusion that continued single-family zoning was most likely to ensure stability. In the long run, townhouses would have enough value to provide a stable land use. In the short run, however, this area appears stable now, and the uncertainty during the period of assembly might contribute to rather than prevent instability. Once zoned to allow higher density use, the motivation to maintain the properties might be weaker and there could be pressure to tear down houses to create parking lots.

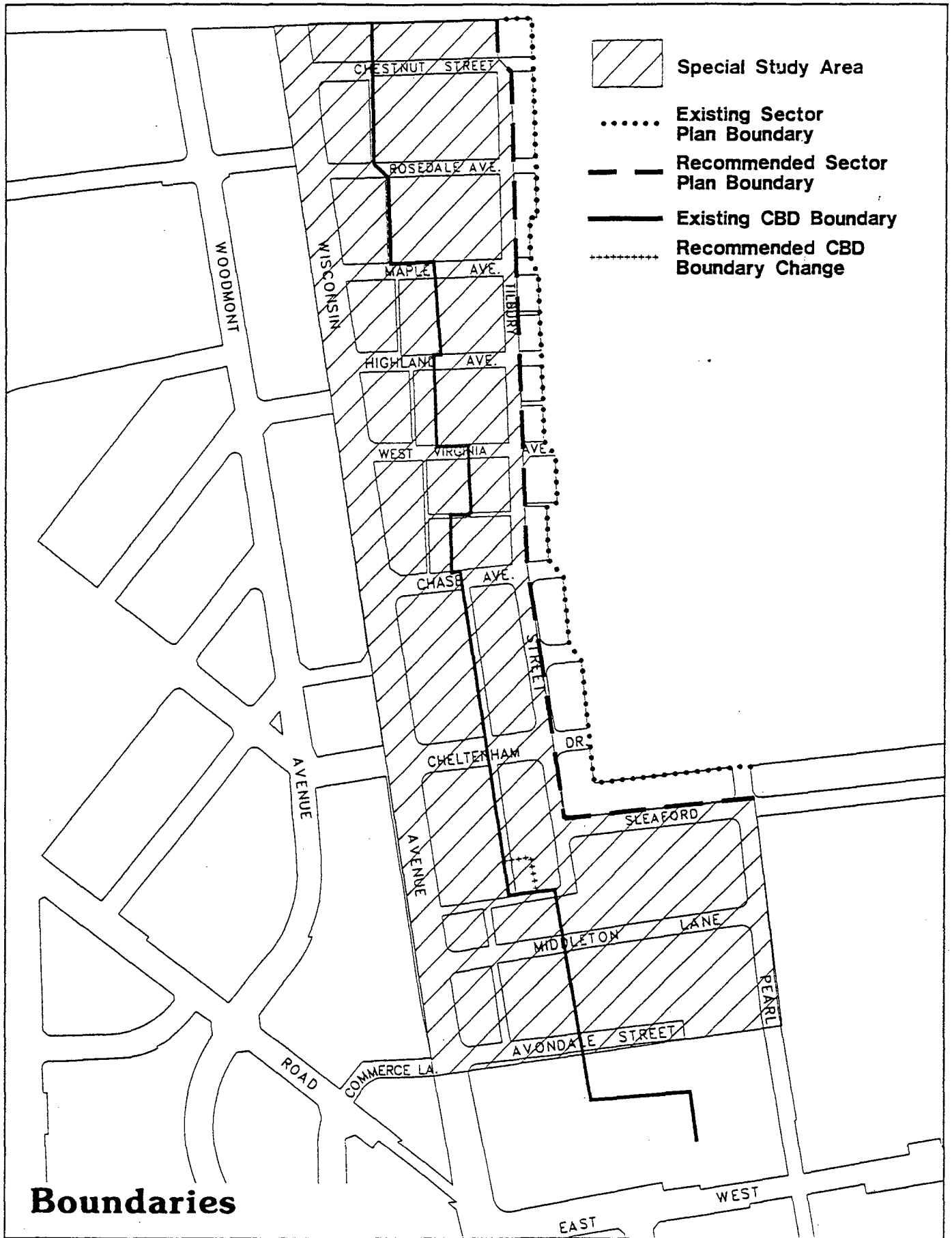
On certain lots, the Plan confirms the existing C-T Zone and retains the 1976 Plan recommendation for C-T zoning on two other lots. The Plan also recommends the C-T Zone for two additional lots. The Plan recommends designating Lot 16, Block 3, on Rosedale Avenue, as suitable for C-T zoning. Lot 16 is next to an alley between Chestnut Street and Maple Avenue. The CBD line runs down this alley, crosses Rosedale Avenue in front of Lot 16, and then runs south down the alley between Rosedale and Maple Avenues. The location of the house, next to one alley and facing another and a parking lot, is not attractive for single-family living. The adjacency of the CBD line fits the purpose clause of the C-T Zone to provide a transition between one-family residential areas and high-intensity commercial development.

On the north side of Maple Avenue in Block 7 there are three identical brick houses east of the alley abutting O'Donnell's parking lot. The first two properties (Lots 15 and 16) are zoned C-T and are owned by contracting firms. The Plan recommends designating Lot 17 as suitable for the C-T Zone. Lots 16 and 17 share a deeded driveway, which, the owners of Lot 17 contend, creates an incompatible relationship between residential use on their property and commercial use on the adjoining one. Lot 17 also faces the entrance to Public Parking Lot 25 and therefore does not enjoy the landscaping screening that creates a buffer for houses on the rest of Maple Avenue. The designation of Lot 17 as suitable for C-T use would conform to the purpose clause of the zone, providing a transition between single-family residential houses to the north and east and the CBD to the south, and would address the problem of the shared driveway and proximity to the parking lot entrance.

On Public Parking Lot 25, the Plan recommends a new structure if future additional parking is needed. The structure would be limited to one story above grade, with additional parking below grade, and the site would be landscaped. The Plan also recommends that townhouses could be provided on this site, under the R-60/TDR Zone, with a density of 15 dwelling units per acre. The Plan recommends urban design guidelines to ensure that a potential townhouse development is compatible with the adjacent single-family detached houses.

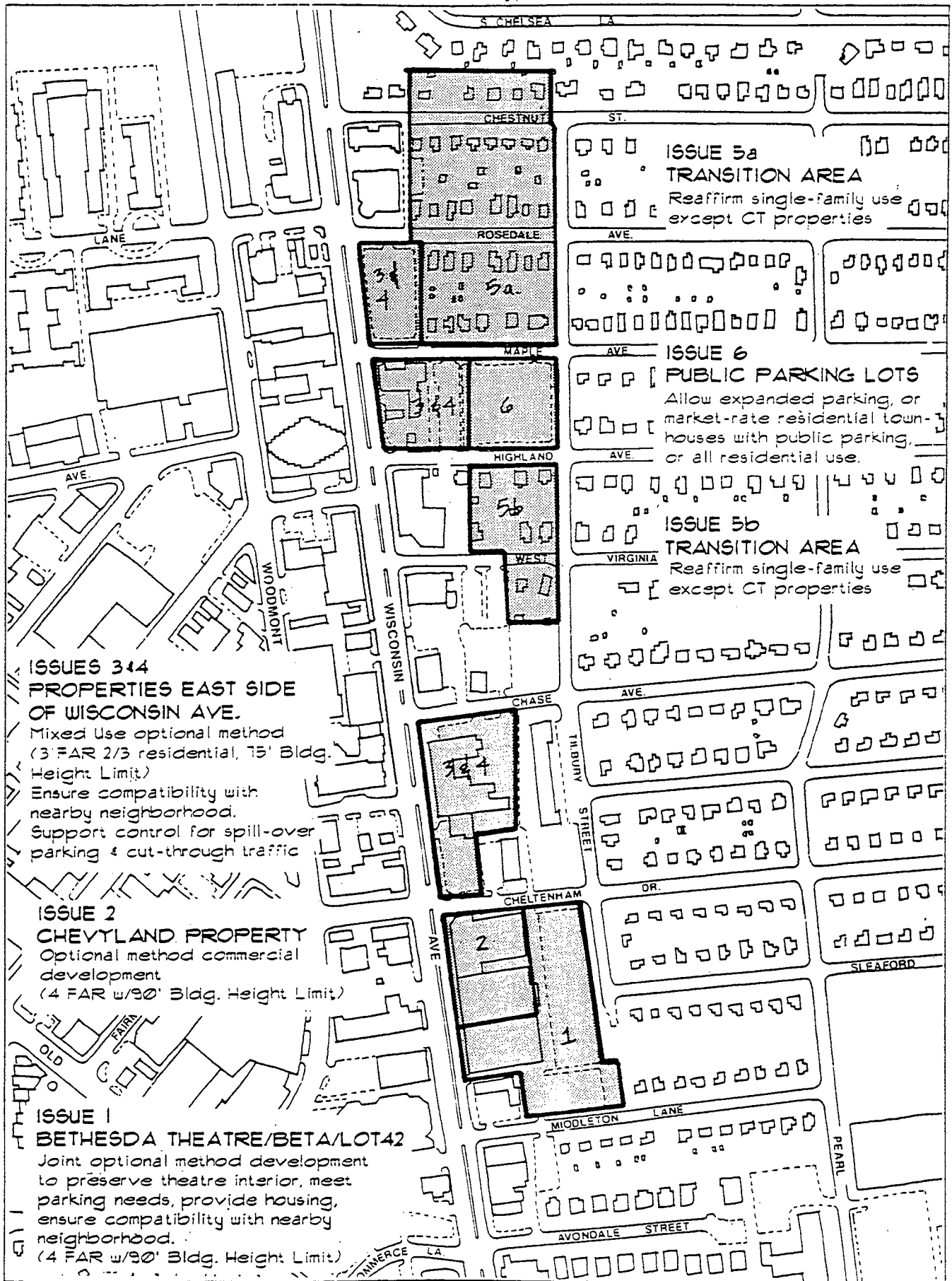
Wisconsin to Tilbury Special Study Area

Figure C.1



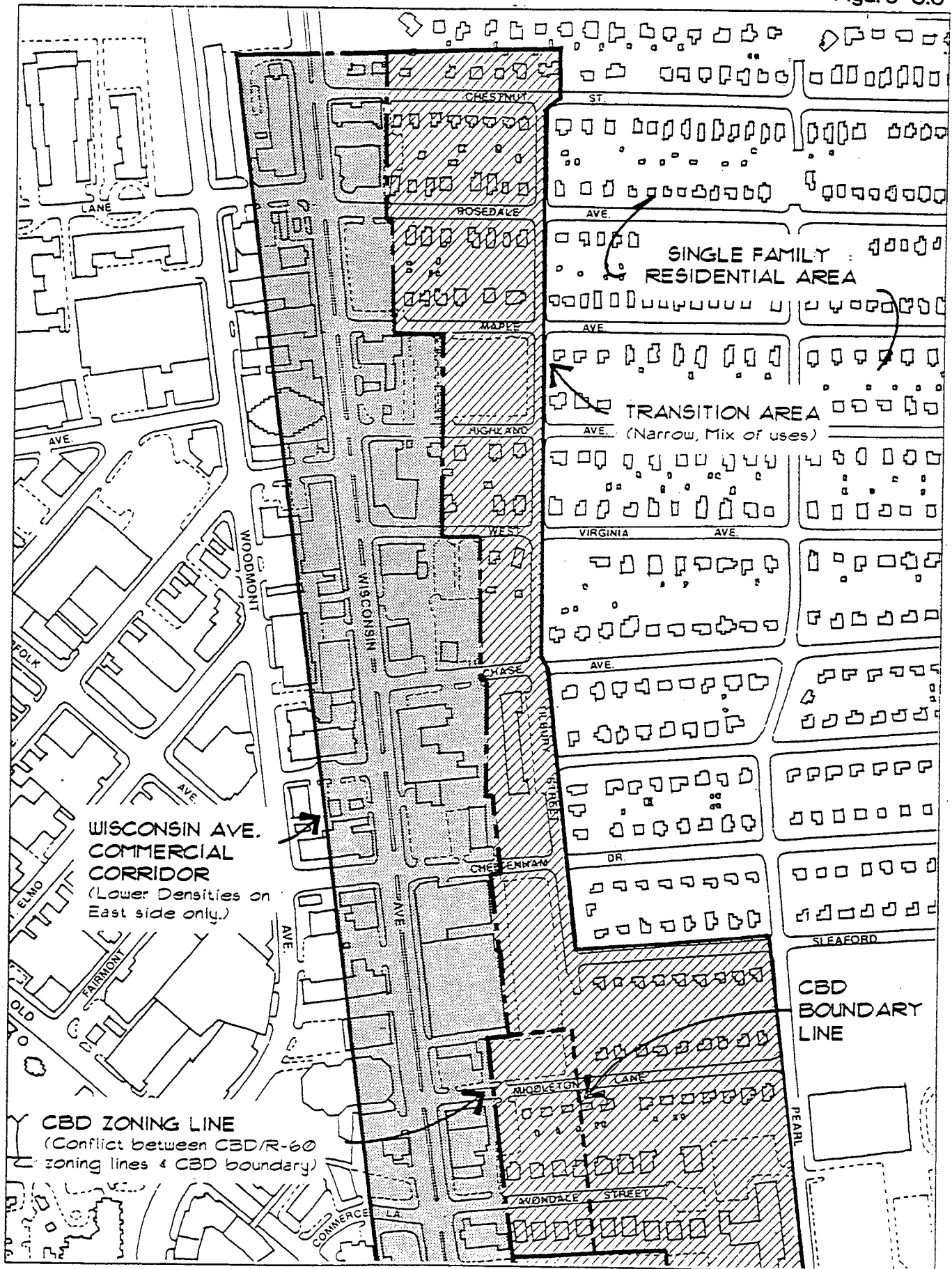
Wisconsin To Tilbury Special Study Area: Issues and Recommendations

Figure C.2



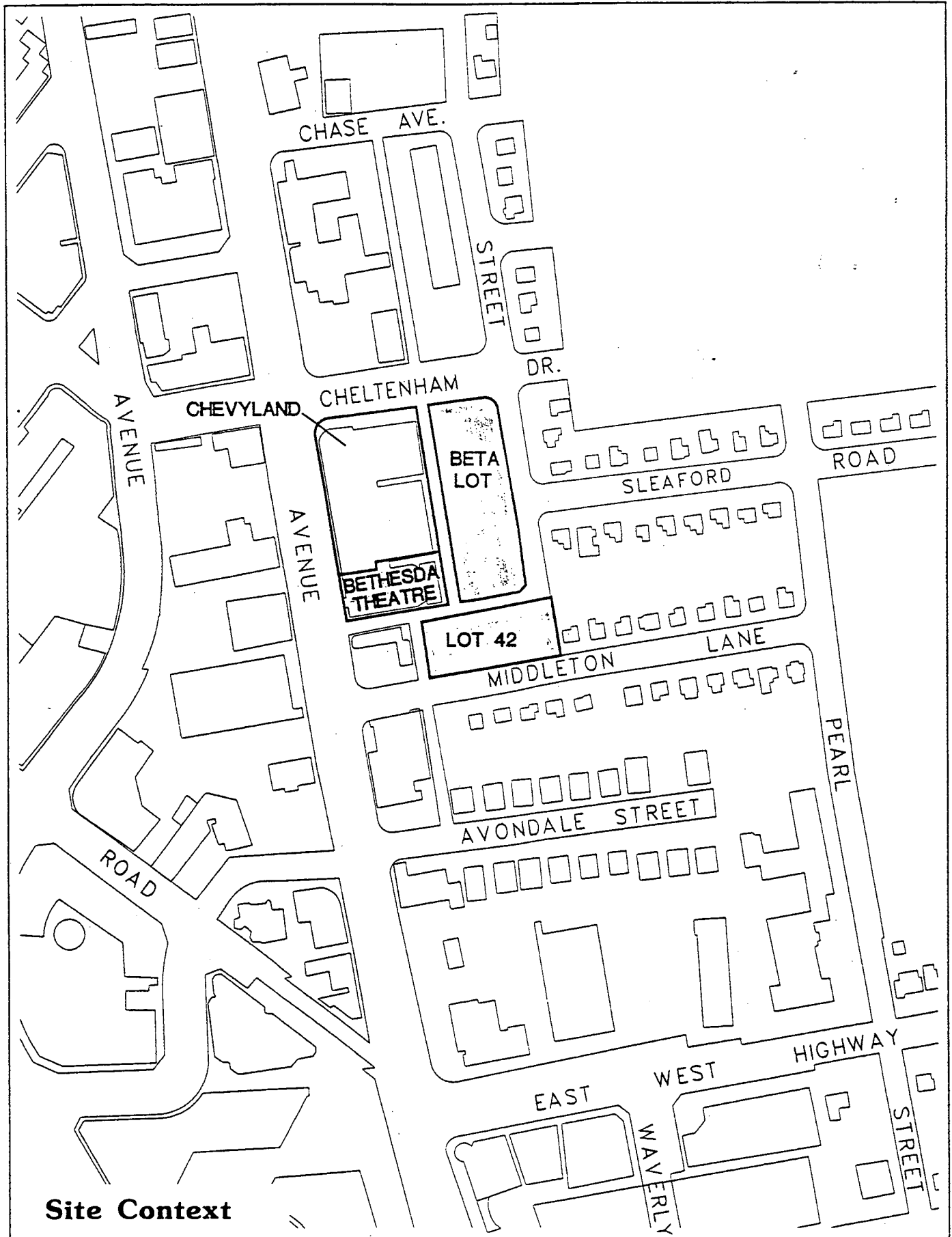
Wisconsin to Tilbury Special Study Area: Land Use Analysis

Figure C.3



Bethesda Theatre, Beta Lot, Lot 42, Chevyland

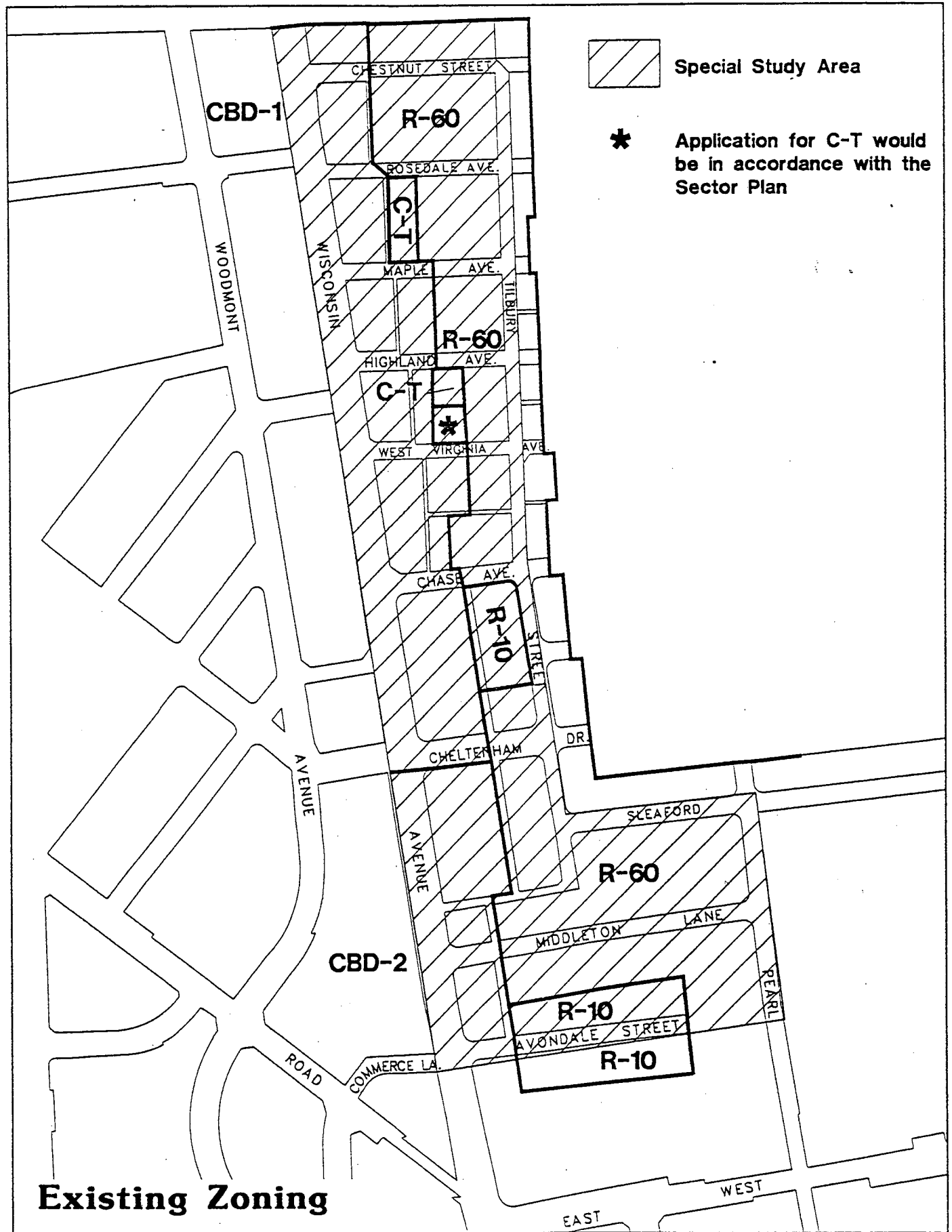
Figure C.4



Site Context

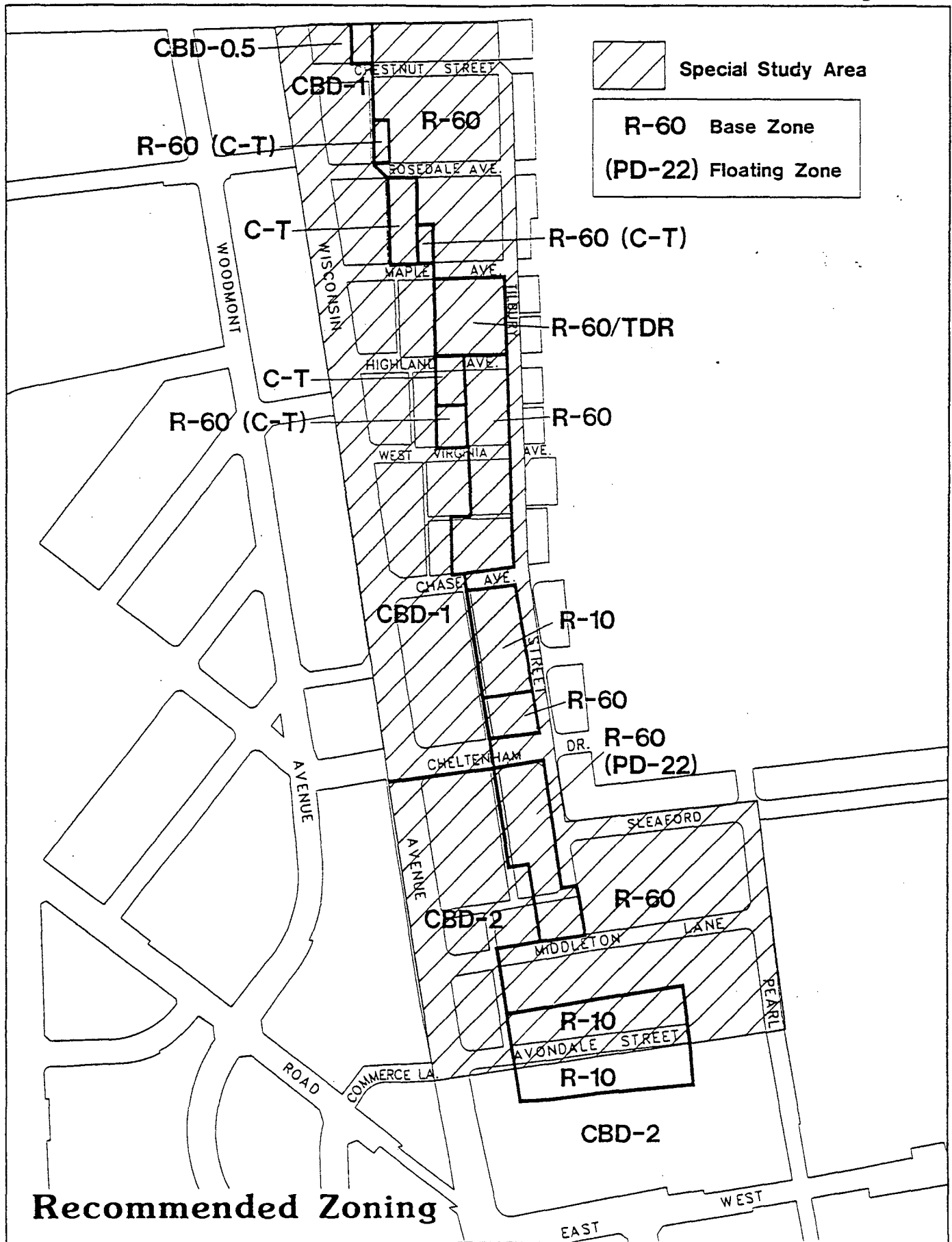
Wisconsin to Tilbury Special Study Area

Figure C.5



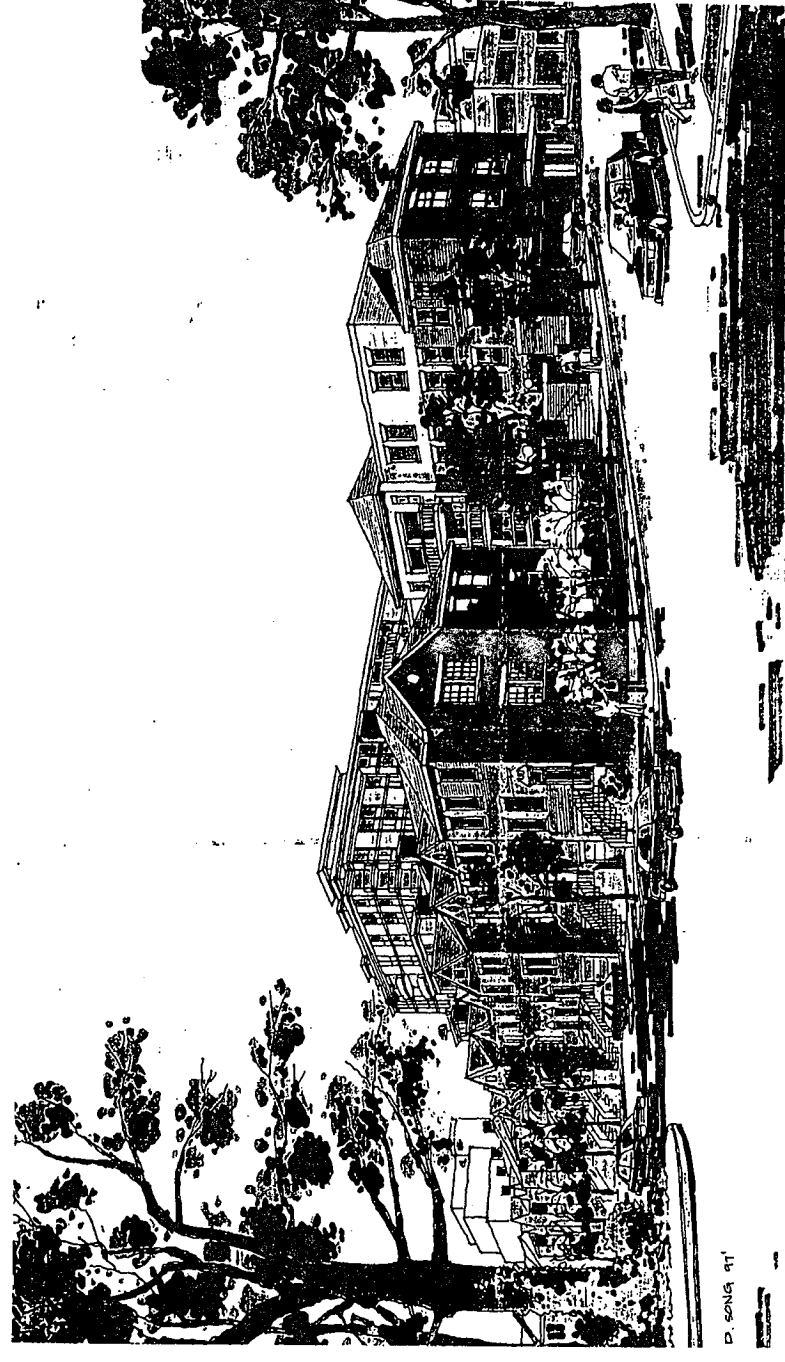
Wisconsin to Tilbury Special Study Area

Figure C.6

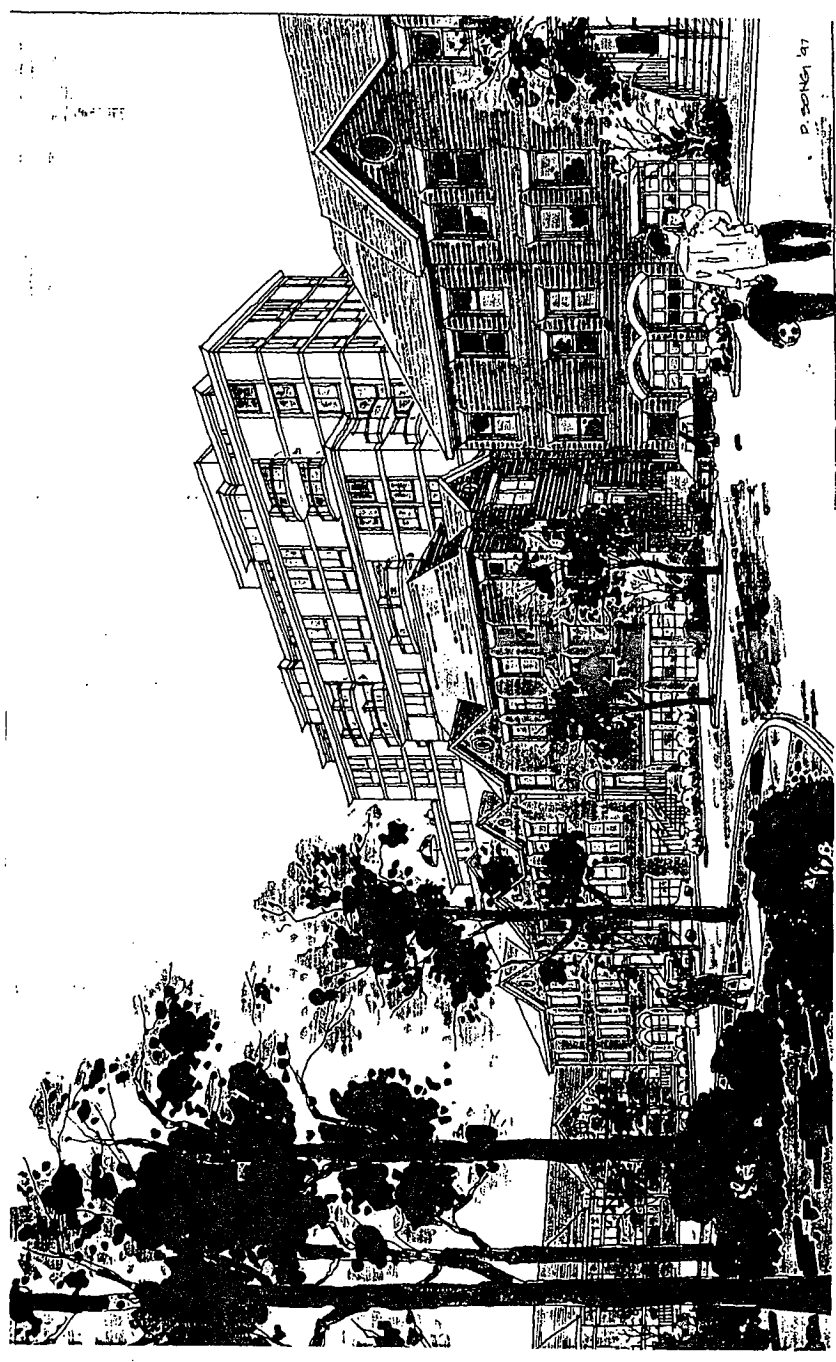




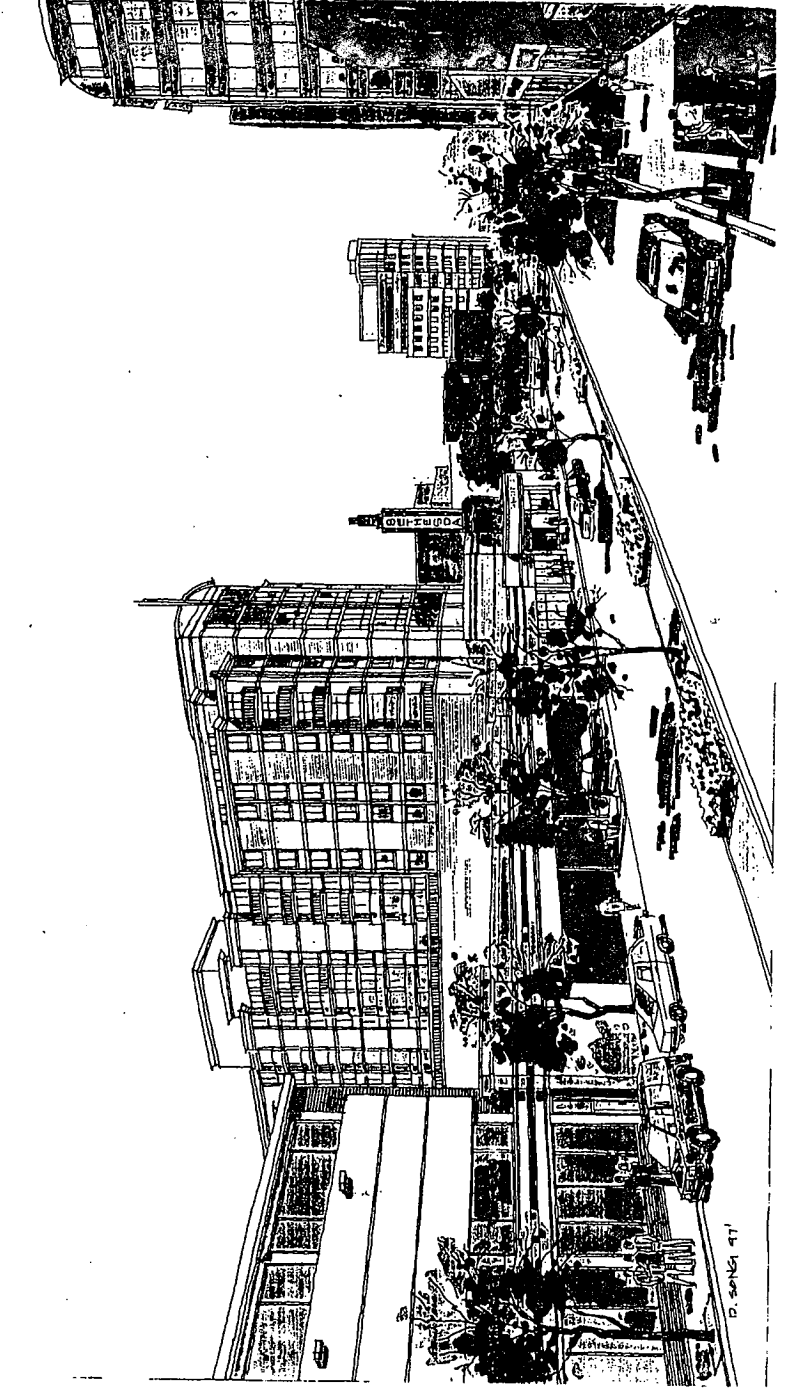
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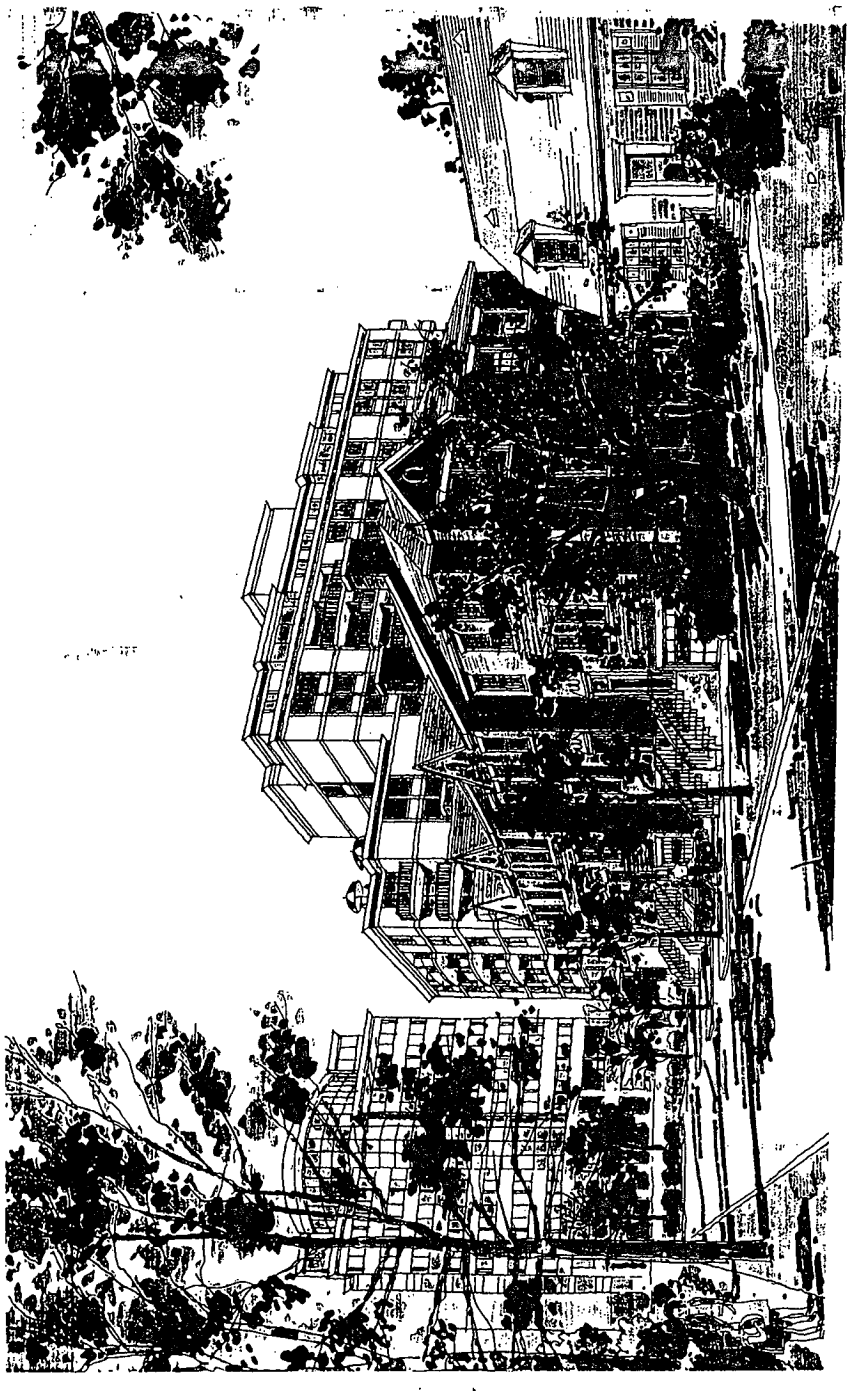
VIEW FROM CHELTENHAM DRIVE



VIEW FROM SLEAFORD ROAD



VIEW FROM WISCONSIN AVENUE



VIEW FROM MIDDLETON LANE

SCALE: 1"=30'

JUNE 27, 1957

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Interior Design
Space Planning

1688 K Street, Washington, D.C. 20006 (202) 857-6000

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Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

Beta Corporation

36 South Charles Street
Baltimore, Md. 21201

E.M. Smith Associates

4801 Hampden Lane
Bethesda, Md. 20814

EXHIBIT M

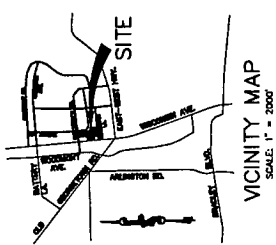
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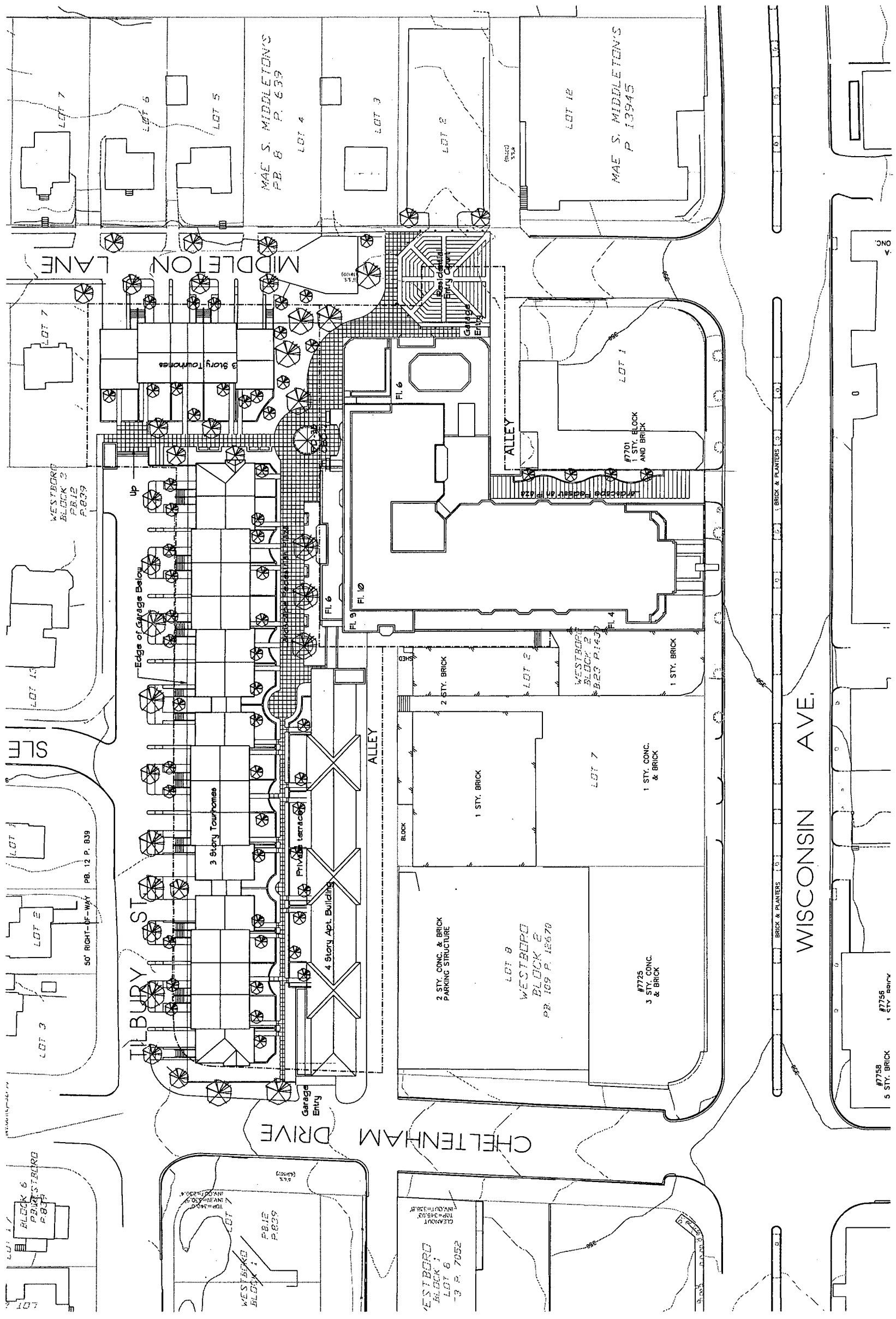
Cover Sheet

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VICINITY MAP
SCALE: 1" = 200'



Site Plan

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Bethesda, Md. 20814

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

SCALE: 1" = 30'

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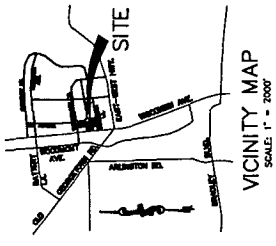
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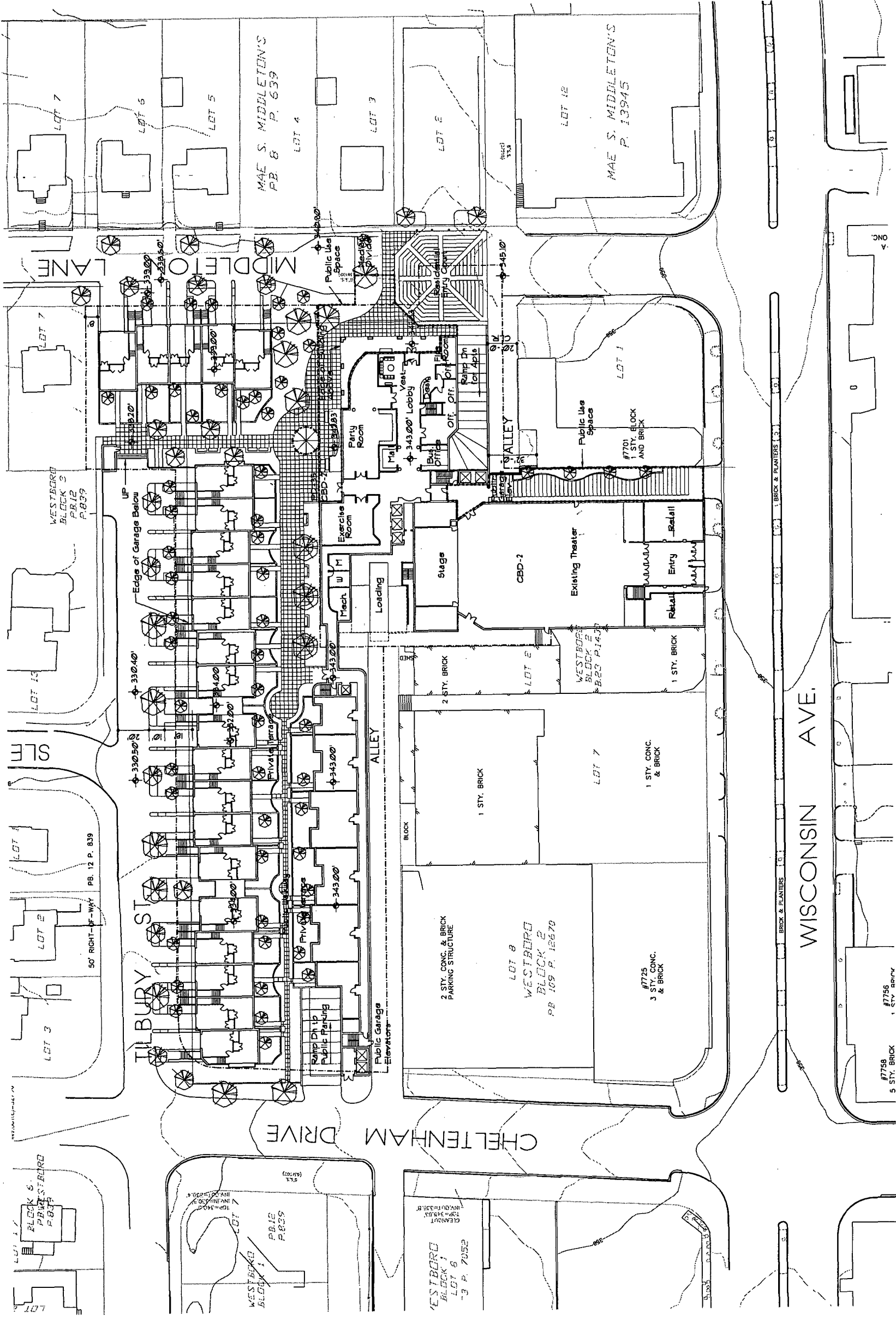
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VICINITY MAP
SCALE: 1" = 200'



Lobby Floor

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E.M. Smith Associates
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Bethesda, Md. 20814

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2 of -

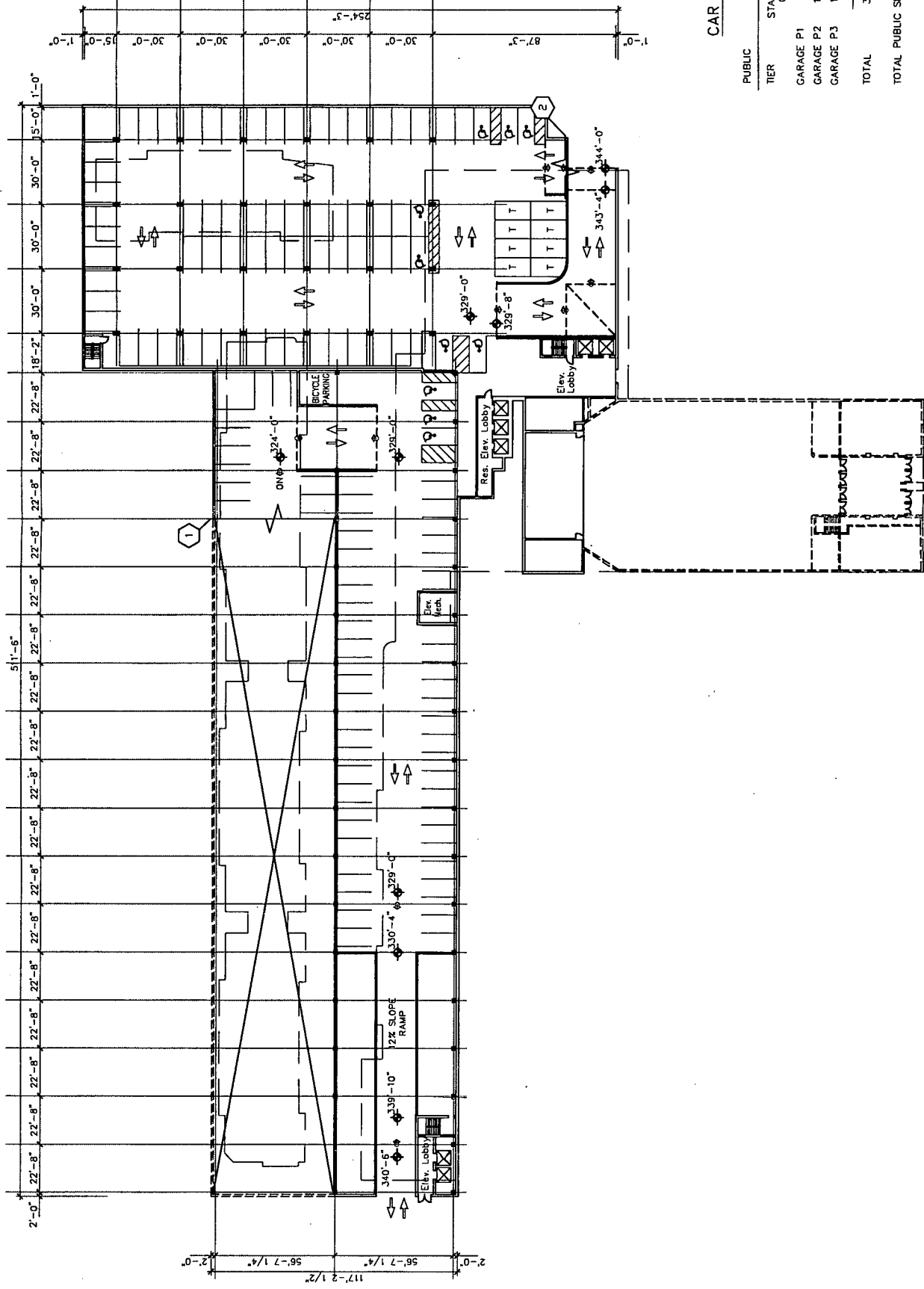
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Space Planning
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Bethesda Theatre Residential
7791 Wisconsin Avenue
Bethesda, Md. 20814





CAR COUNT

TIER	PUBLIC				RESIDENTIAL			TOTAL
	STANDARD CAR	ACCESSIBLE PARKING	SMALL CAR PARKING	TANDEM PARKING	STANDARD CAR	ACCESSIBLE PARKING	TANDEM PARKING	
GARAGE P1	61	3	0	8	60	7	8	139
GARAGE P2	144	3	20	8	72	0	8	247
GARAGE P3	143	3	20	14	71	0	14	251
TOTAL	348	9	40	30	203	7	30	637

TOTAL PUBLIC SPACES = 397
TOTAL RESIDENTIAL SPACES = 240

SCALE: 1"=30'

DATE: 27.11.97

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Design
Space Planning

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walker

Walker Parking
Consultants/Engineers, Inc.

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

P-1 Floor Plan

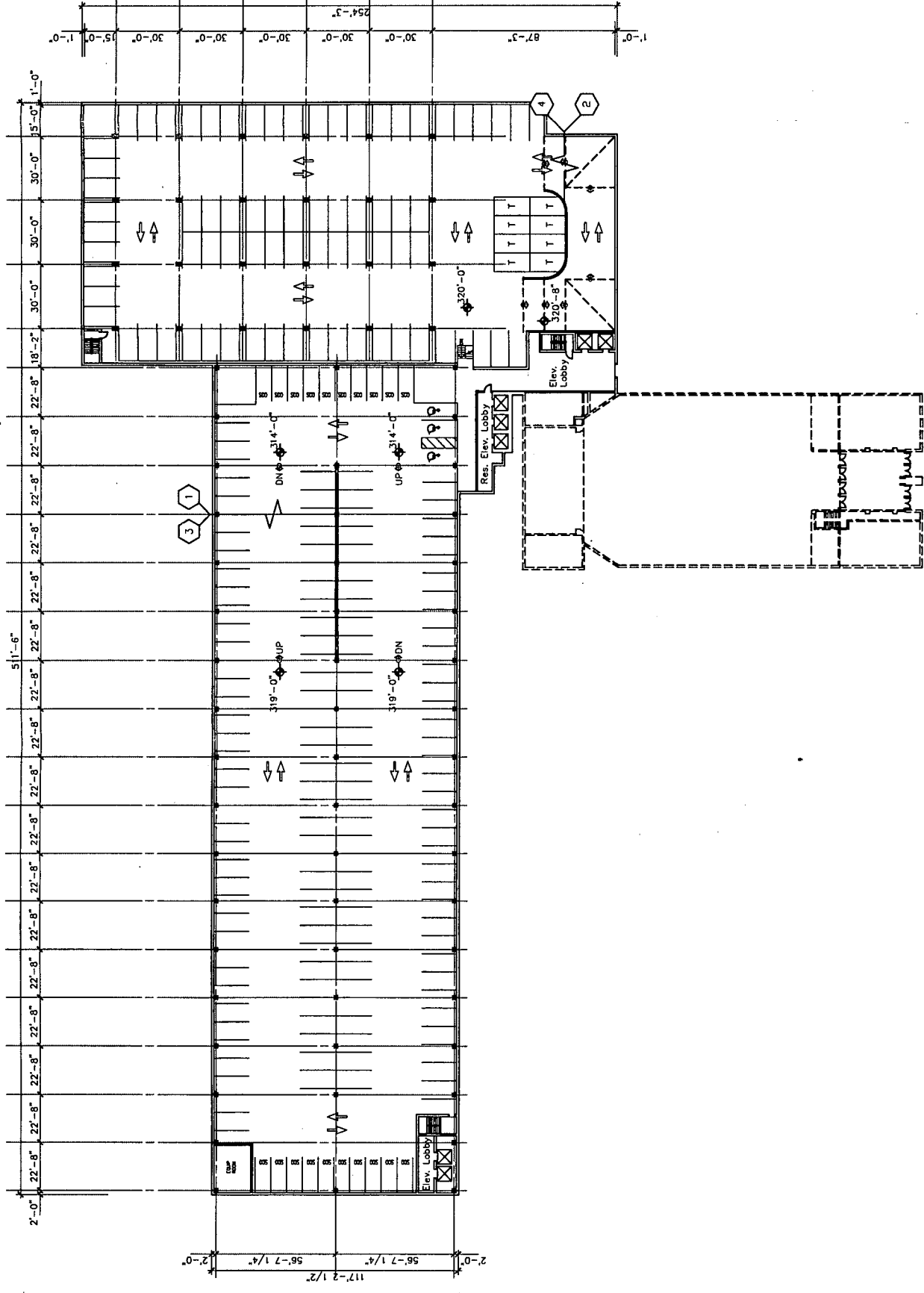
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36 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

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walker
Walker Parking
Consultants/Engineers, Inc.

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7791 Wisconsin Avenue
Bethesda, Md. 20814

P-2 Floor Plan

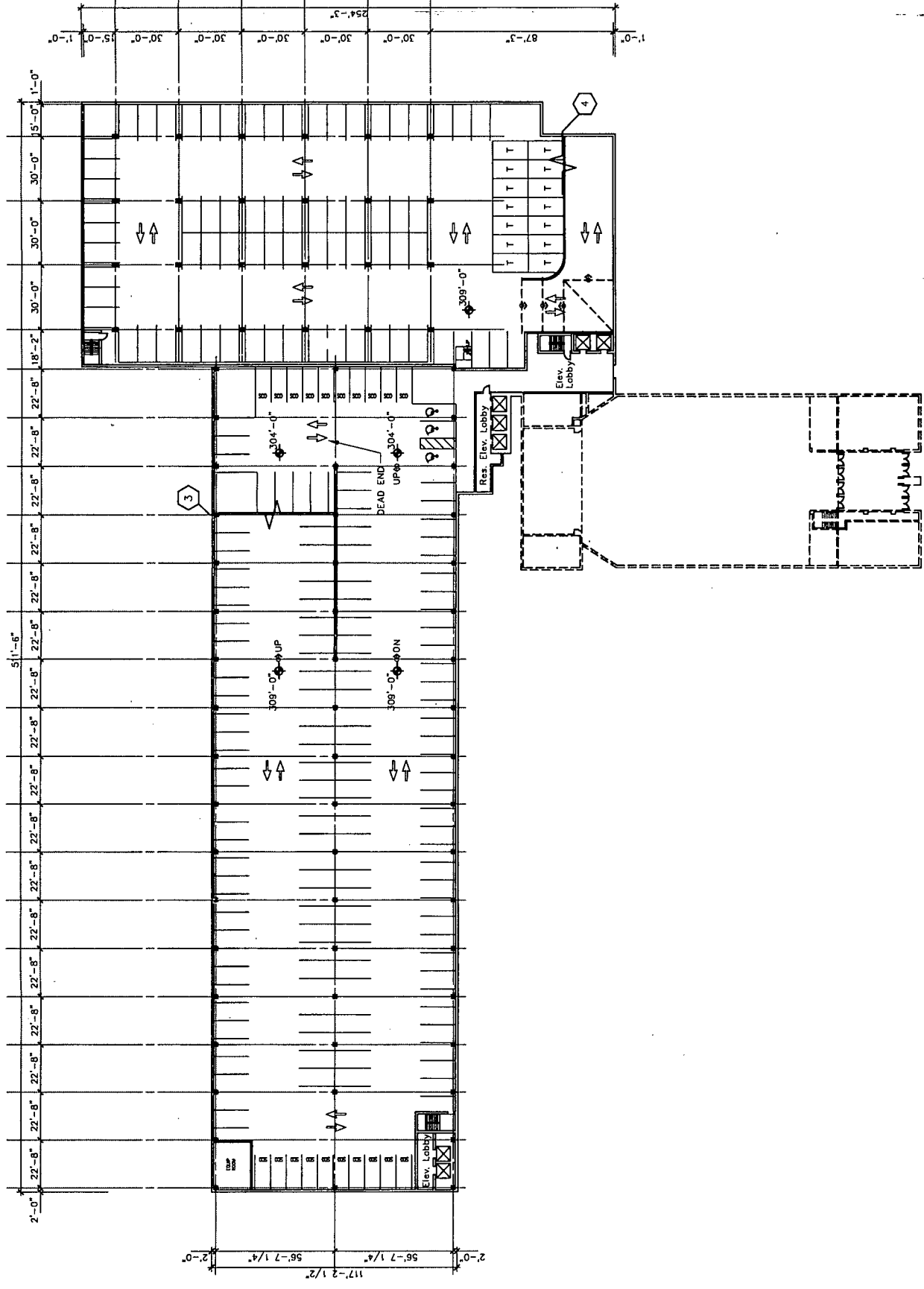
Beta Corporation
36 South Charles Street
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4801 Hampden Lane
Bethesda, Md. 20814

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4 of **-**

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SCALE: 1"=30'

JUNE 27, 1987

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walker

Walker Parking
 Consultants/Engineers, Inc.

Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, Md. 20814

P-3 Floor Plan

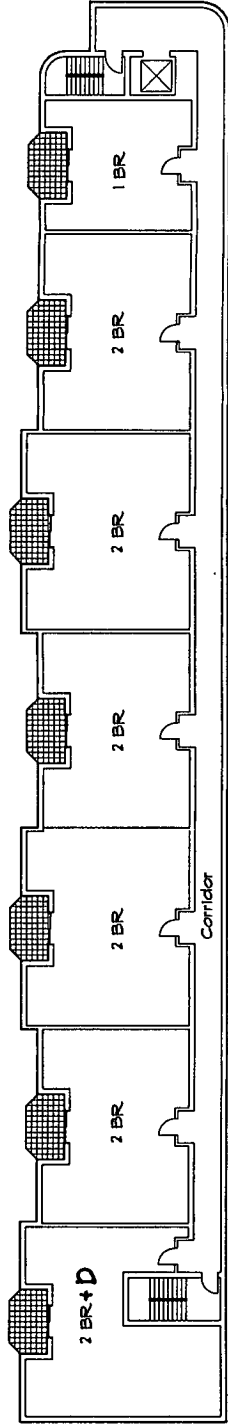
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 Baltimore, Md. 21201

E.M. Smith Associates
 4801 Hampden Lane
 Bethesda, Md. 20814

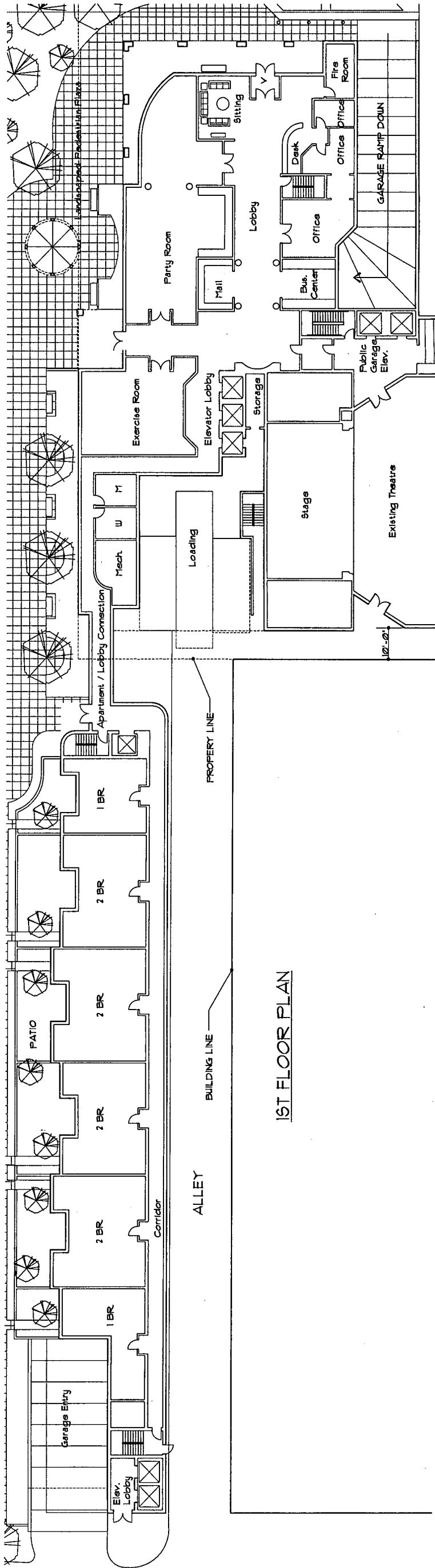
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2ND-4TH FLOOR PLAN



1ST FLOOR PLAN

SCALE: 1"=30'

June 27, 1997

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1388 K Street, Washington, D.C. 20005 (202) 837-8300

Bethesda Theatre Residential

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Bethesda, Md. 20814

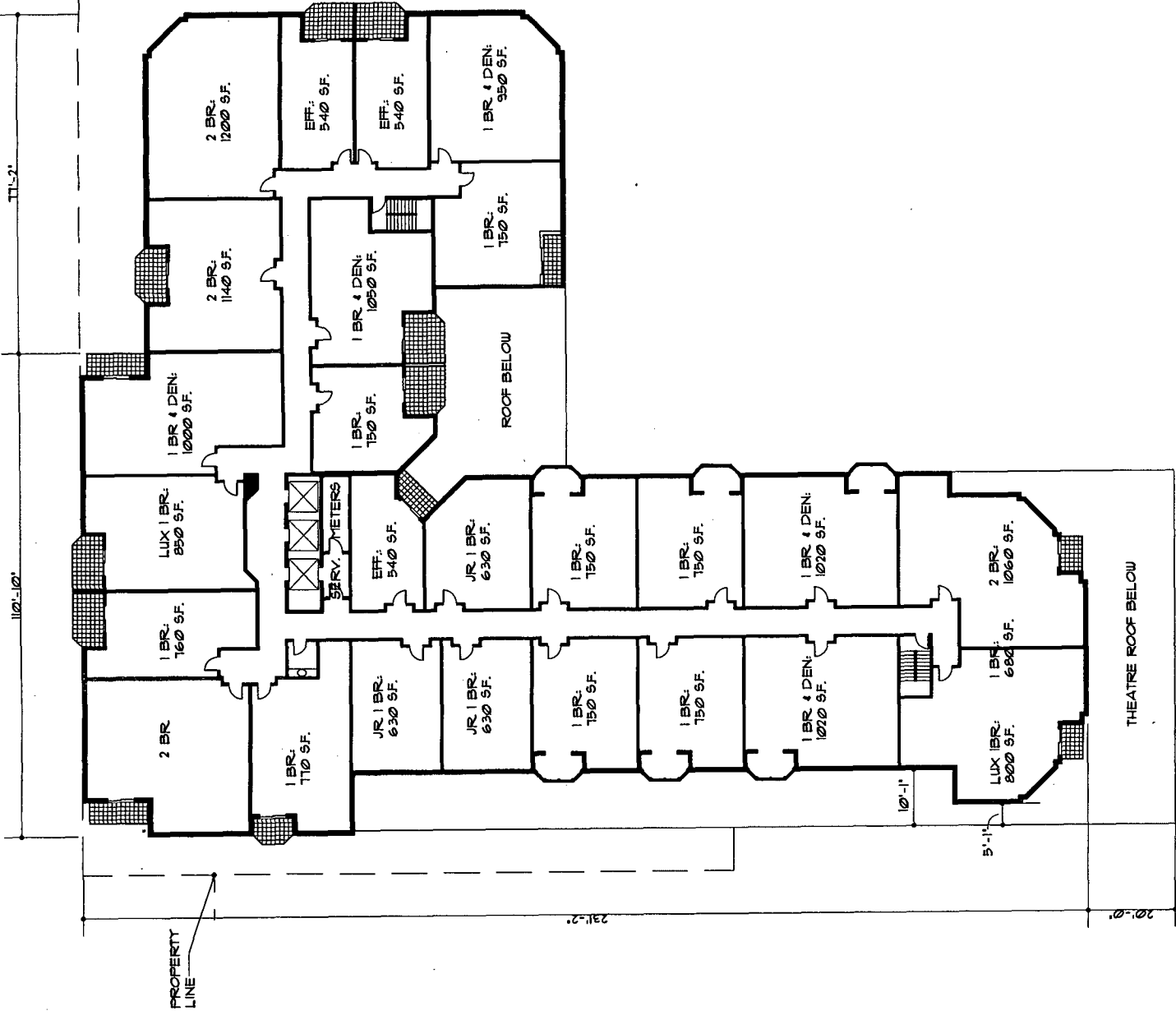
Apartment Floor Plans

Beta Corporation
36 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

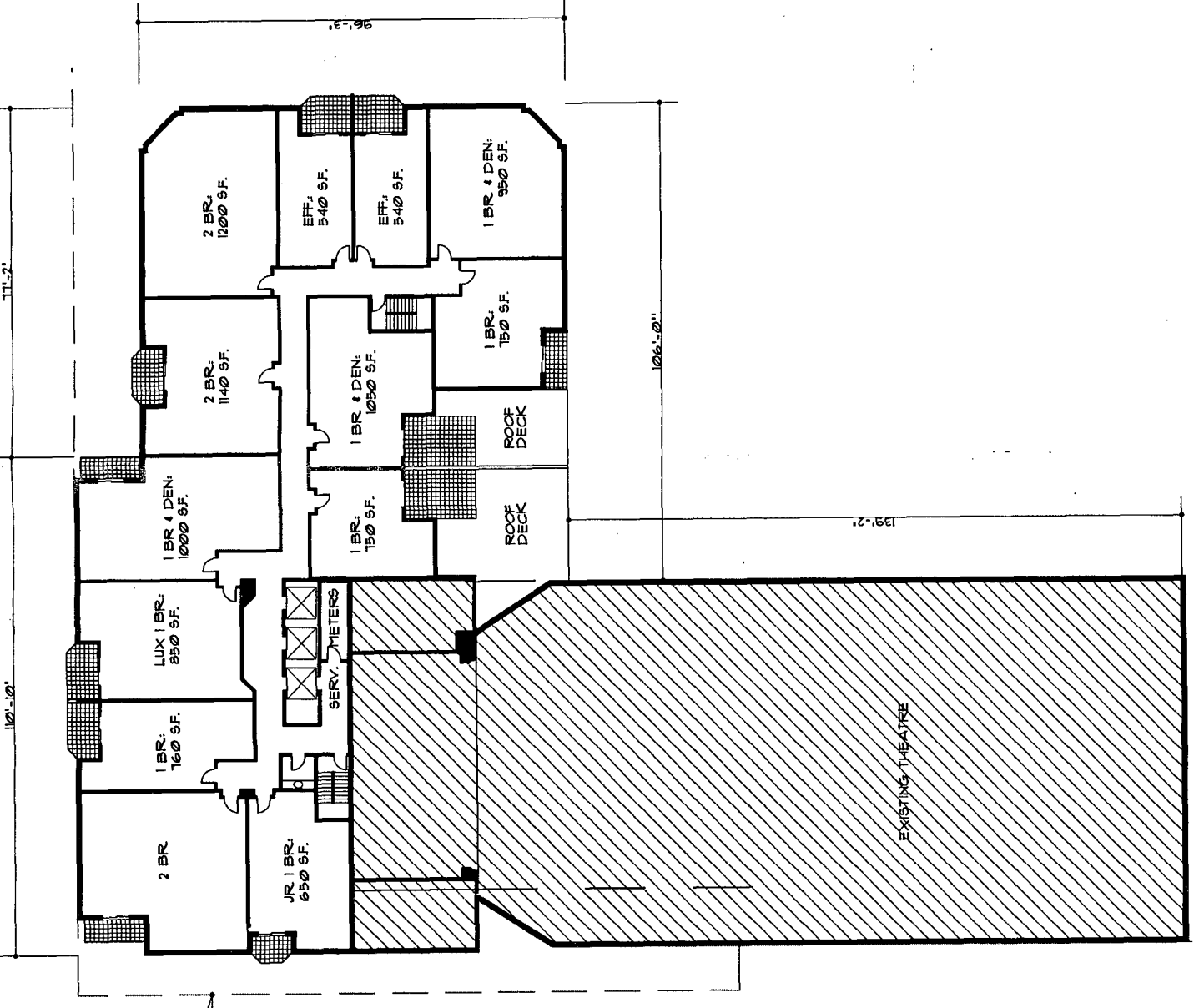
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6
of -

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4TH THRU 6TH FLOORS
FLOORS 4 5/6 (1 1/2 UNITS PER FLOOR)



1ST THRU 3RD FLOORS
FLOORS 1 2 3 (12 UNITS PER FLOOR)

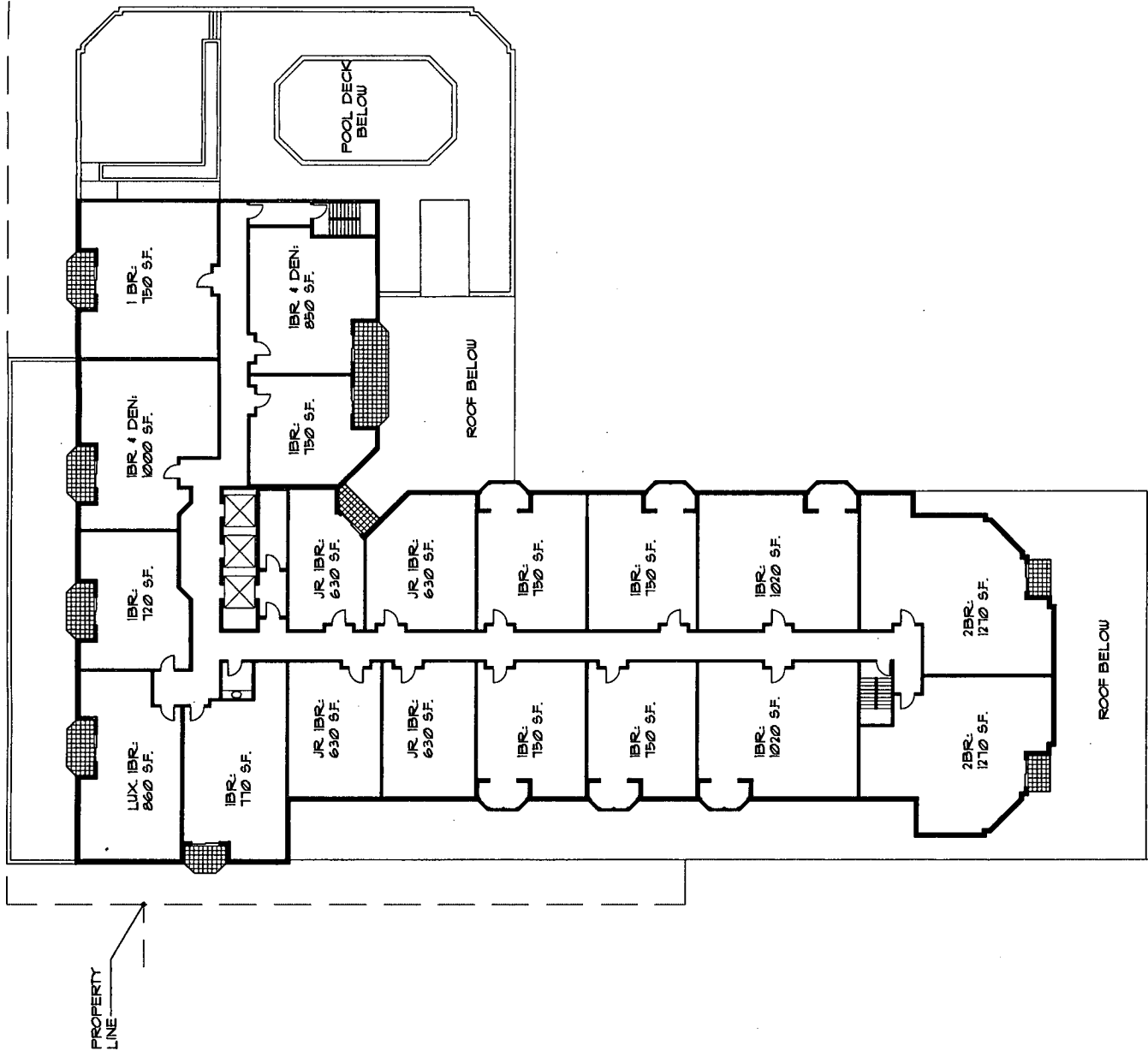


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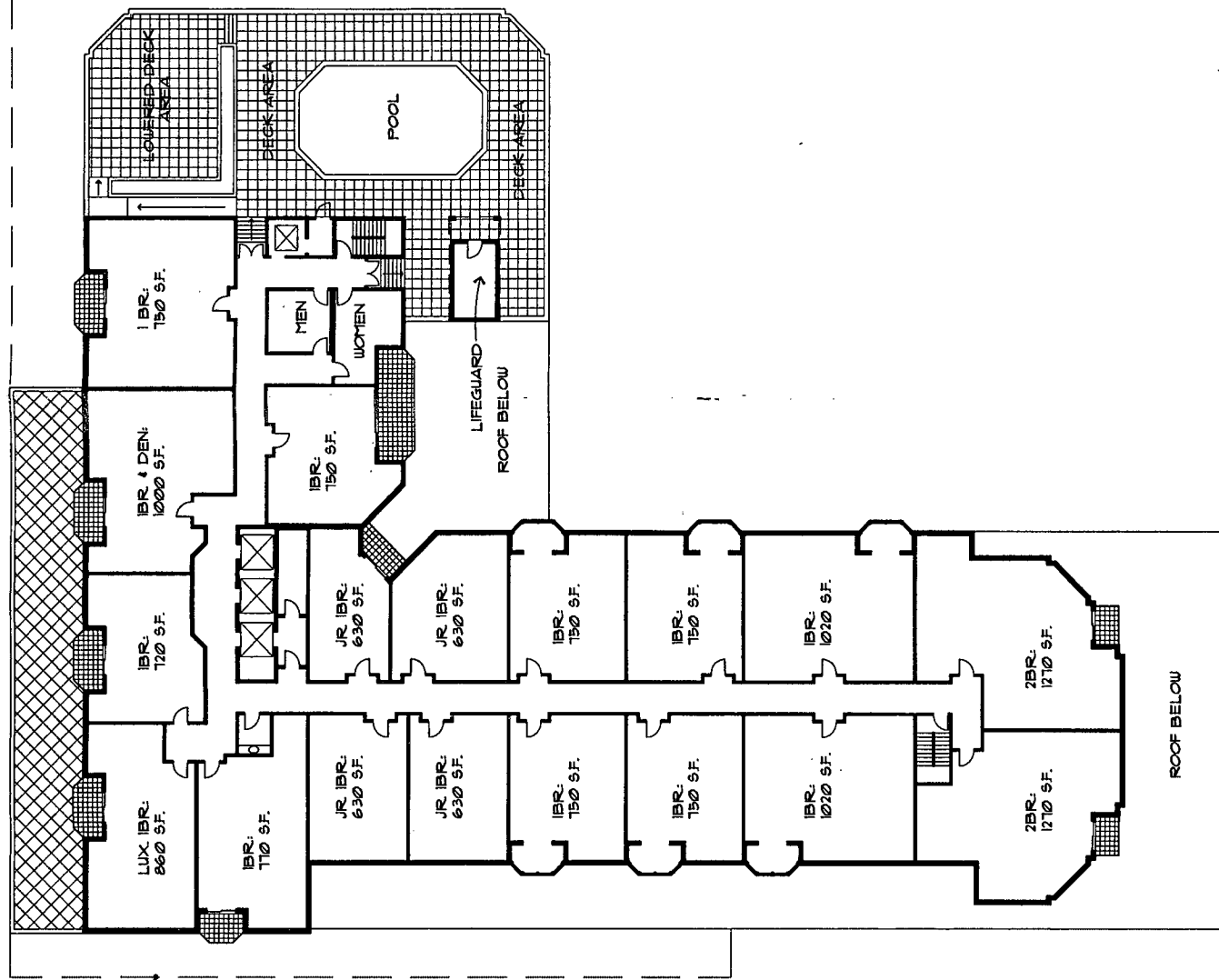


RECYCLED





8TH & 9TH FLOOR



7TH FLOOR

SCALE: 1"=16'

JUNE 27, 1987

97012.01

WeinleDesignGroup

Architecture
Planning
Design
Space Planning
1688 K Street, Washington, D.C. 20006 (202) 857-6300

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

Beta Corporation
36 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

EXHIBIT M
8
of

Plans

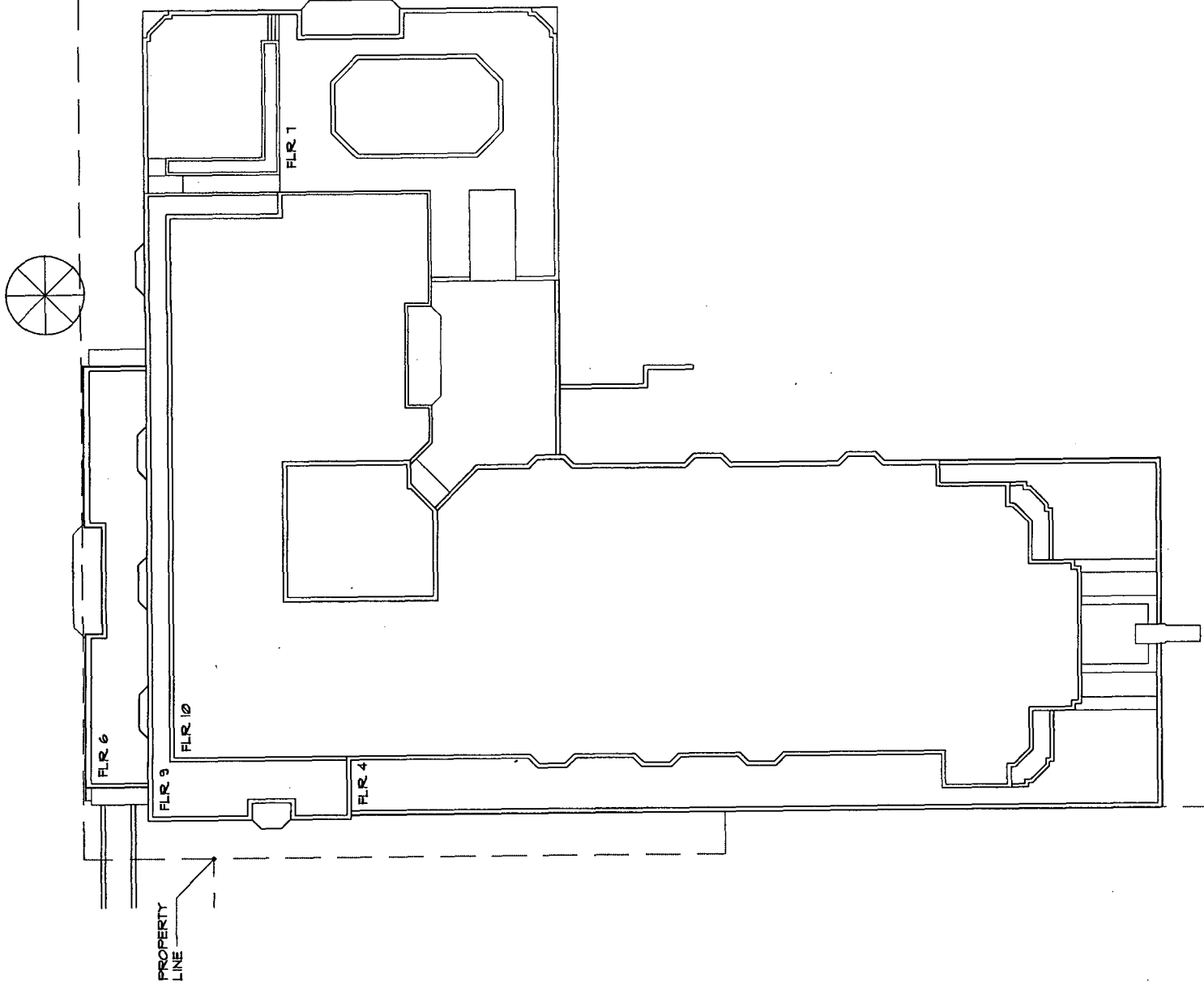


ALL-STATE® LEGAL 800-222-8510 ED11

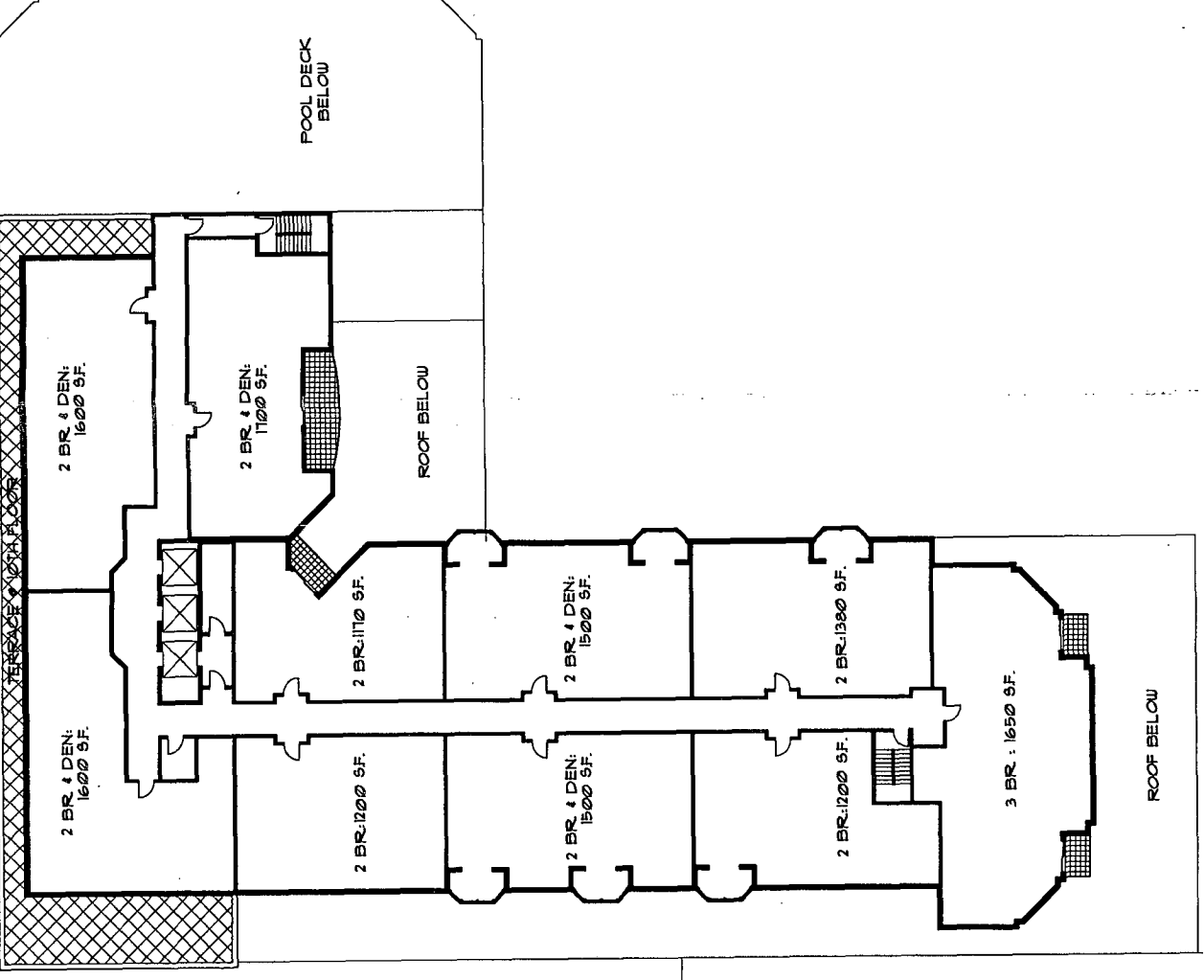


RECYCLED





PROPERTY LINE



ROOF PLAN

10TH FLOOR

Plans

SCALE: 1"=10'

JUNE 27, 1997

97012.01

WeinheDesignGroup
Architects
Planning
Interior Design
Space Planning

1868 K Street, Washington, D.C. 20006 (202) 657-8300

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

Beta Corporation
36 South Charles Street
Baltimore, Md. 21201

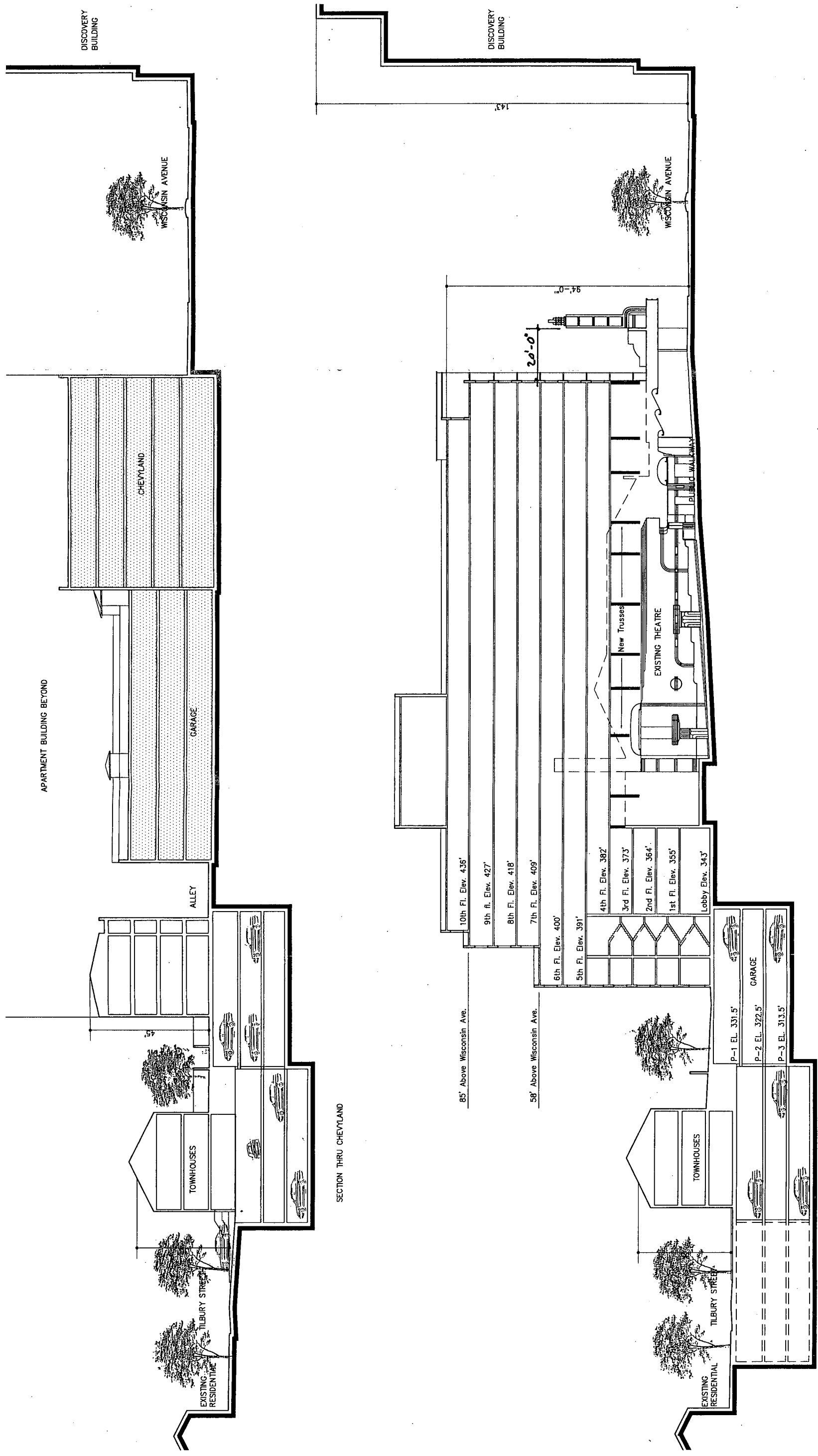
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

EXHIBIT M
9
of —

ALL STATE LEGAL 869 222 0819 ED11



RECYCLED



Sections

EXHIBIT M
10
of

Beta Corporation
38 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

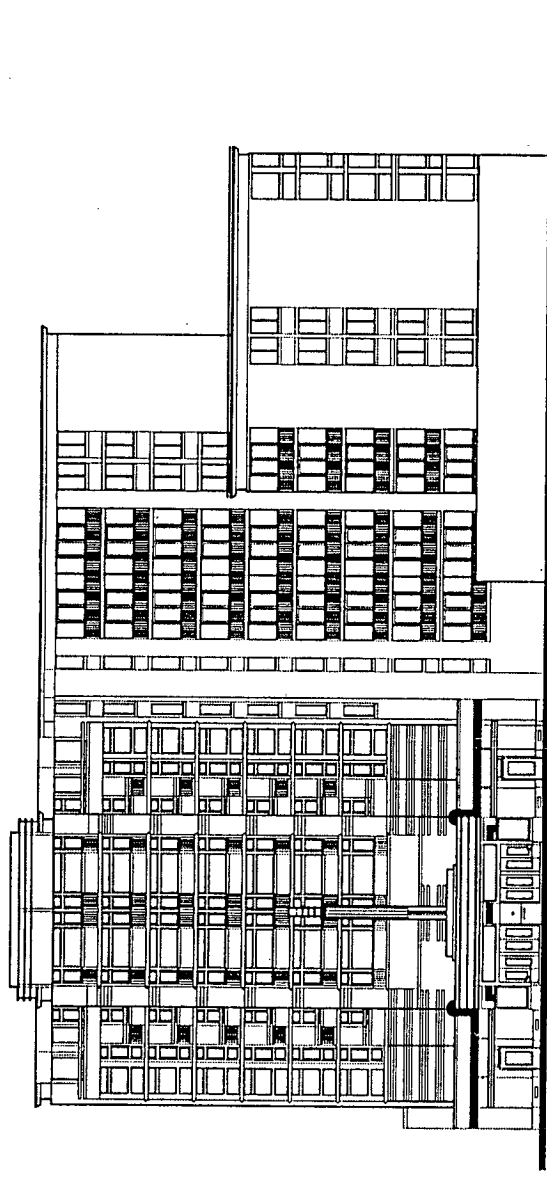
Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

SCALE: 1" = 30'
June 27, 1987

WeitheDesignGroup
Architecture
Planning
Interior Design
Space Planning
1886 K Street, Washington, D.C. 20006 (202) 857-8300

97012.01



West Elevation

Elevations

SCALE: 1"=16'

JUN 27, 1997

9701E.01

WeilheDesignGroup

Architecture
Planning
Interior Design
Space Planning

1988 X Street, Washington, D.C. 20008 (202) 837-8200


Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

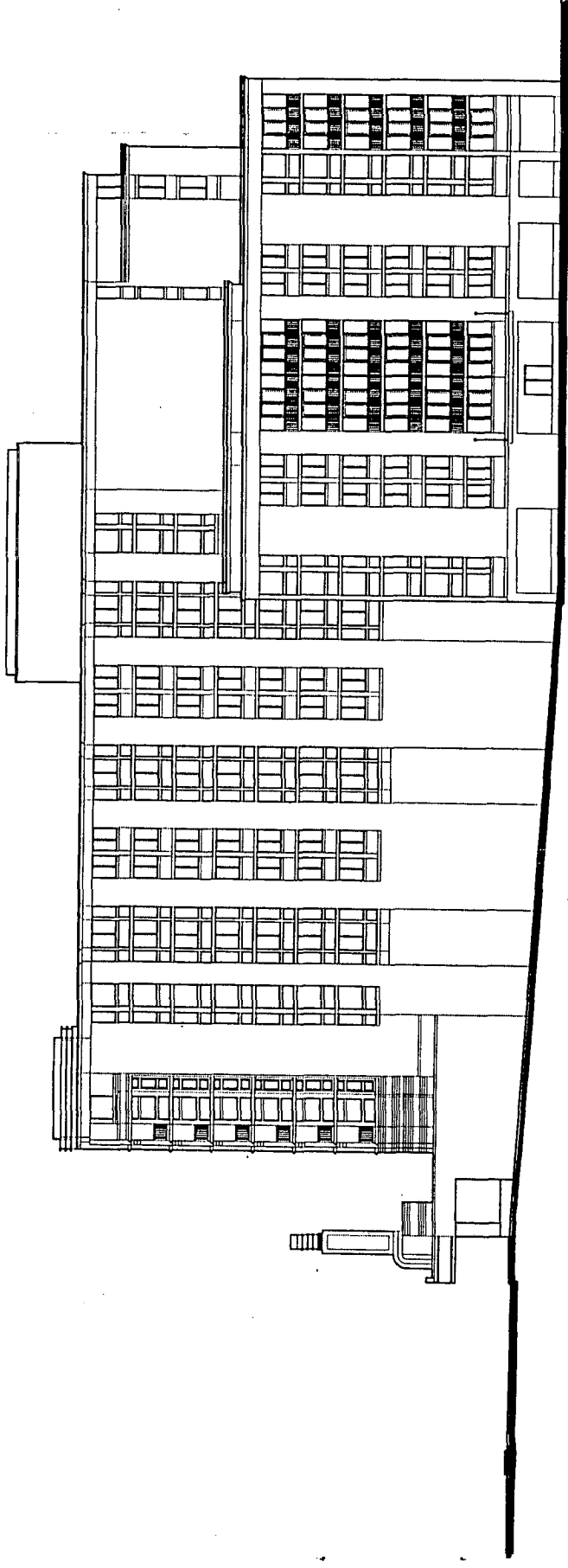
Beta Corporation
36 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

EXHIBIT M
11
of —



ALL-STATE® LEGAL 800-222-3510 ED11 RECYCLED 





South Elevation

SCALE: 1"=16'
JUN 27, 1997

97012.01

Weilhe Design Group
Architecture
Planning
Interior Design
Space Planning
1806 K Street, Washington, D.C. 20006 (202) 857-0300

Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

Elevations

Beta Corporation
36 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

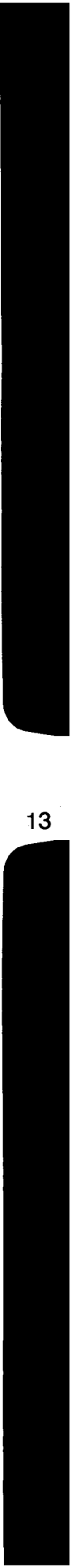
EXHIBIT M
12
of

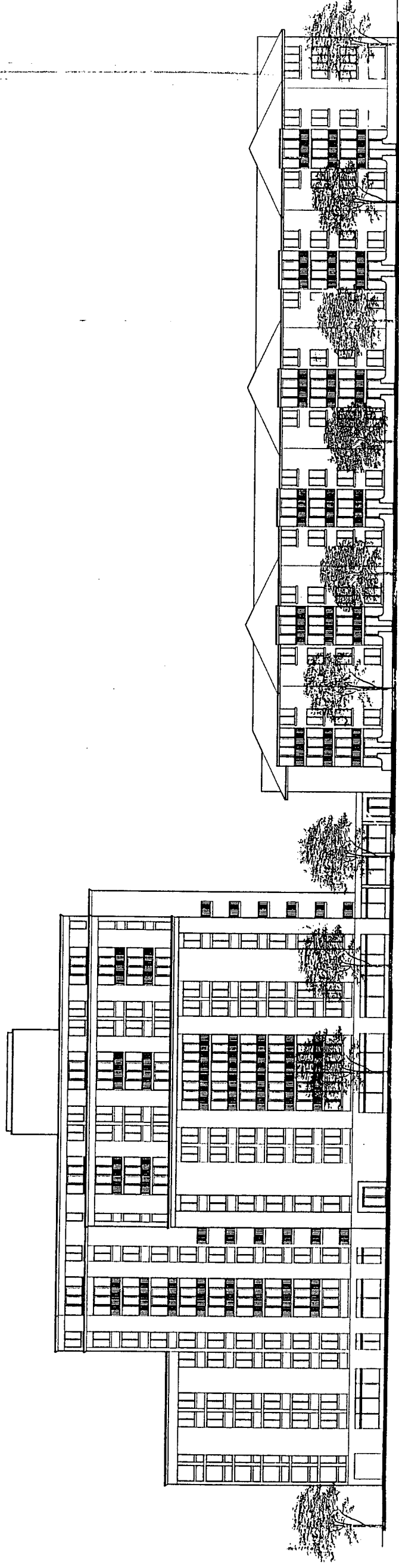


ALL STATE LEGAL 86-29-0510 ED11



RECYCLED





East Elevation

SCALE: 1"=16'
JUNE 27, 1997

97012.01

WeilheDesignGroup
Architecture
Planning
Interior Design
Space Planning
1888 K Street, Washington, D.C. 20008 (202) 957-0300

Elevations

EXHIBIT M
13
of —

Beta Corporation
36 South Charles Street
Baltimore, Md. 21201

E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

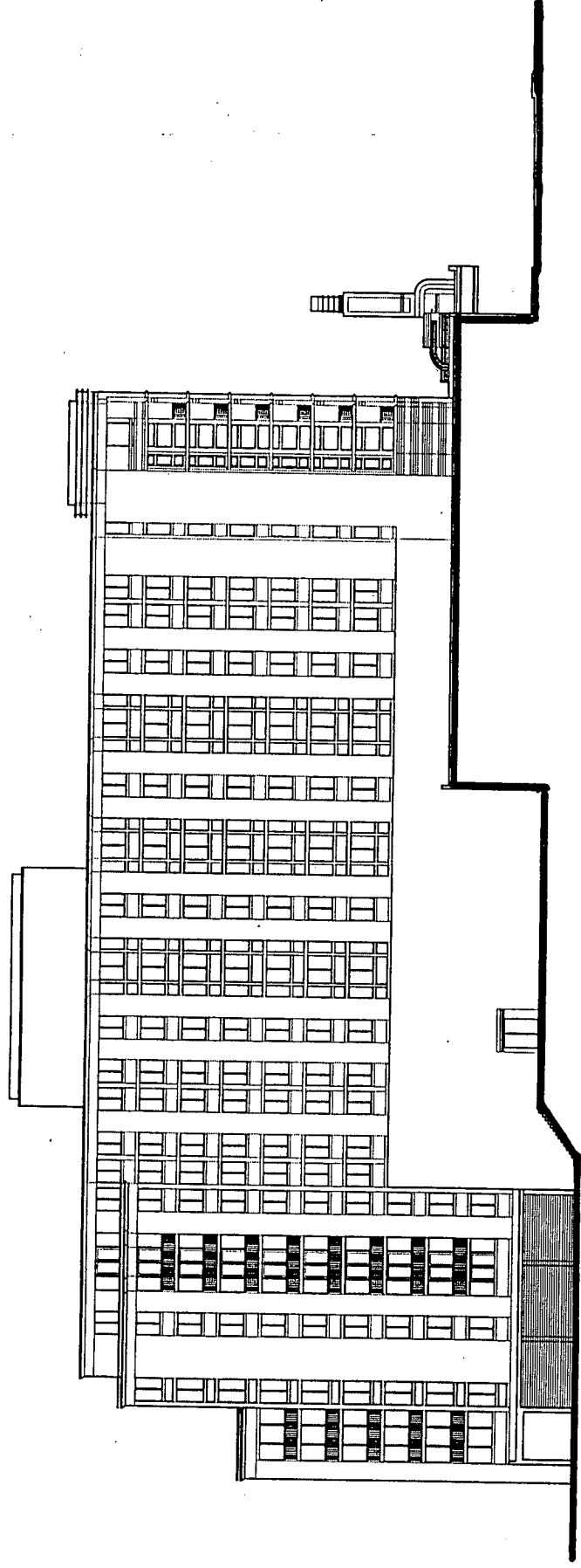
Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

ALL-STATE LEGAL 800-222-0590 ED11



RECYCLED



North Elevation

SCALE: 1" = 16'

JUNE 27, 1997

97012.01

WeilheDesignGroup

Architecture
Planning
Interior Design
Space Planning

1600 K Street, Washington, D.C. 20006 (202) 657-6500

Elevations

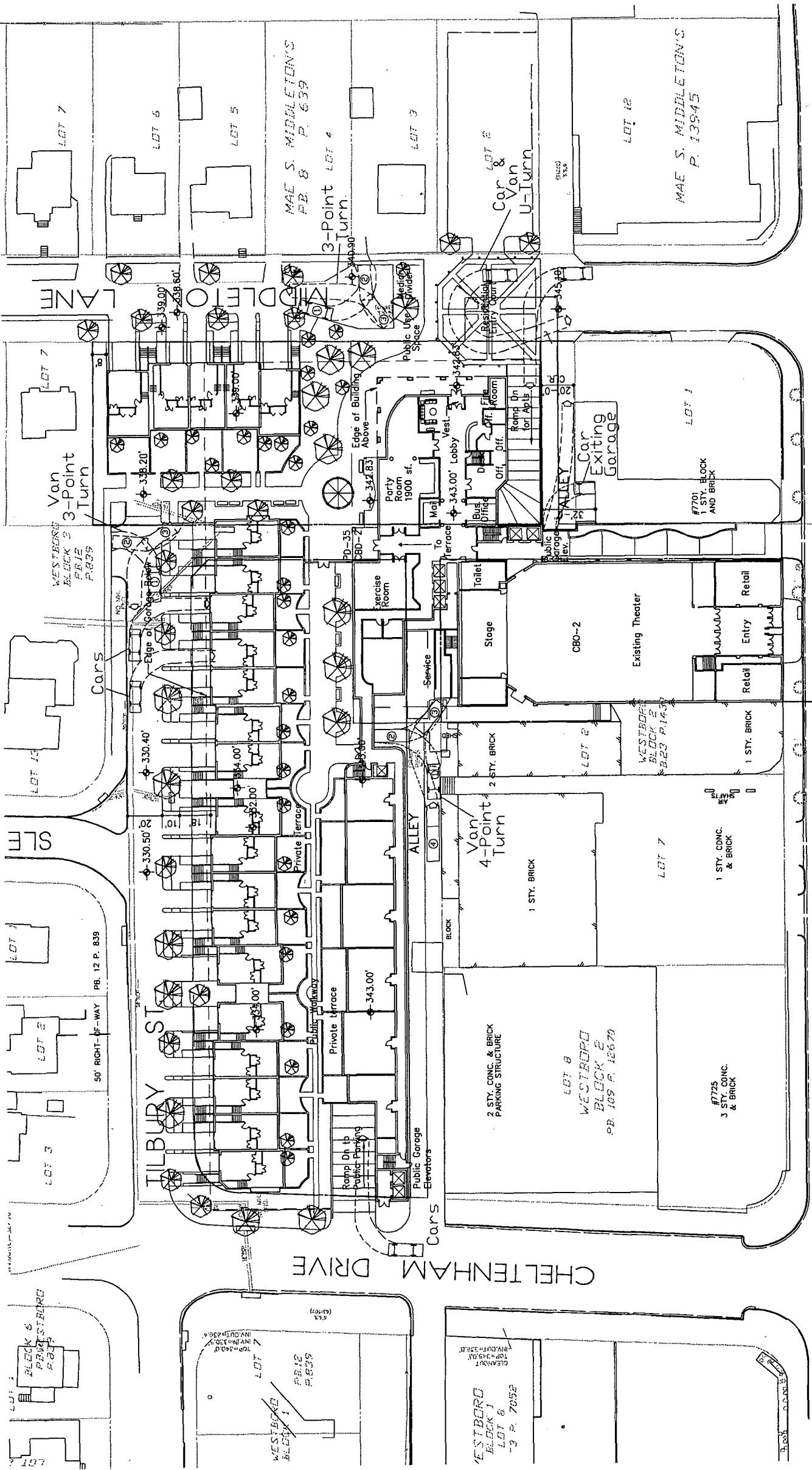
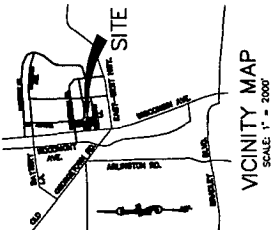
Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

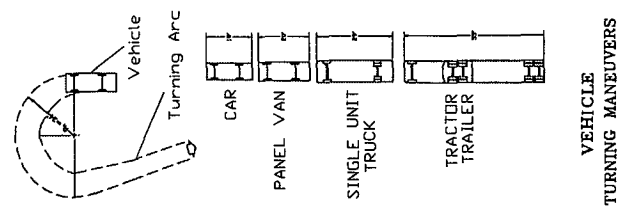
Beta Corporation
36 South Charles Street
Baltimore, Md. 21201

E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

EXHIBIT M
14
of —



LEGEND



Ground Floor

SCALE: 1"=50'
 MAY 28, 1997
 97012.01

WeitheDesignGroup
 Architecture
 Planning
 Interior Design
 Space Planning
 1068 K Street, Washington, D.C. 20005 (202) 897-8300

Bethesda Theatre Cafe Residential

7791 Wisconsin Avenue
 Bethesda, Md. 20814

Beta Corporation
 36 South Charles Street
 Baltimore, Md. 21201
 E.M. Smith Associates
 4801 South Hampden Lane
 Bethesda, Md. 20814

SCALE: 1"=50'
 MAY 28, 1997
 97012.01

EXHIBIT N
1
 of





WELLS & ASSOCIATES, LLC

TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS

MEMORANDUM

To: Gene M. Smith
From: Nancy Randall, AICP
Subject: Bethesda Theatre Project Traffic Impact Summary
Date: June 17, 1997

Per your request, I have provided below a summary of our recent traffic impact analysis for the Bethesda Theatre Project. In addition, I have highlighted our recommendations for the intersection improvements that will reduce the impact of the Bethesda Theatre project upon the East Bethesda residential neighborhood.

Traffic Impact Analysis:

1. All of the study area intersections are currently operating at acceptable Levels of Service (LOS) in accordance with the Maryland-National Capital Park and Planning Commission guidelines.
2. There are four approved developments that are to be constructed in the vicinity of the site. These developments will generate 428 new AM and 572 new PM peak hour trips to the area roadways. With the addition of the approved but unbuilt developments planned in the vicinity of the site, the study intersections will continue to operate at acceptable LOS.
3. Including the Montgomery County public garage, the Bethesda Theatre project will generate 137 new trips during the AM peak hour and 198 new trips during the PM peak hour to the roadways immediately surrounding the site. Table 1 shows the trip generation anticipated from the total site development.

4. Table 1 also indicates the volume of traffic that will be new to the local residential streets as generated from each portion of the residential development plan and the public garage. The townhomes on Middleton Lane will generate a total of three (3) AM and PM peak hour trips. The townhomes on Tilbury Street will generate a total of seven (7) AM and PM peak hour trips and the apartments will generate 65 AM and PM peak hour trips. Parking for the apartments will be provided in the proposed garage with access to both the Cheltenham Drive and Middleton Lane entrance.
5. The proposed Montgomery County public parking garage will have a total of 400 parking spaces (300 long term and 100 short term spaces) with access to the Cheltenham Drive entrance only. There are 47 spaces in lot 42 and 138 vehicles parked in the Beta lot which will be eliminated by the development of the Bethesda Theatre project resulting in a total of 115 new parking spaces on the site. As shown on Table 1, these spaces will generate 62 new AM peak hour trips and 123 new PM peak hour trips.
6. With the addition of the Bethesda Theatre project, all of the study intersections will continue to operate at acceptable LOS during both the AM and PM peak hours. The results of the intersection capacity analyses with the full build-out of the Bethesda Theatre project are shown on Table 2.

Recommended Neighborhood Improvements

1. The proposed public parking Garage entrance on Cheltenham Drive should be designed to prohibit left turns into the garage from Cheltenham Drive and to prohibit right turns out of the garage onto Cheltenham Drive. This would be accomplished by channelizing the entrance to restrict these turns. Signing on

Cheltenham Drive and in the garage will be necessary to make drivers aware of the restrictions.

2. Tilbury Street should be made two-way to allow the residents of the townhomes to access their dwellings without having to travel along Sleaford Road and other East Bethesda residential streets.
3. The intersection of Tilbury Street at Sleaford Road should be redesigned to restrict vehicles traveling from Tilbury Street onto Sleaford Road. Sleaford Road at Tilbury Street should be partially closed with a raised landscaped area that allows only vehicles traveling westbound on Sleaford to enter Tilbury Street.
4. The existing "Do Not Enter" sign on eastbound Cheltenham Drive at Tilbury Street would remain. The "Do Not Enter" sign on Tilbury Street at Cheltenham Drive would be replaced by a "Dead End" sign. A "Do Not Enter" would be installed on Tilbury Street at Sleaford Road.
5. Subsequent to the preparation of this report, members of the East Bethesda community requested the Maryland-National Capital Park and Planning Commission staff to evaluate the possibility of closing Cheltenham Drive immediately west of Tilbury Street. I understand that you would be supportive of this change if the community recommends it and Montgomery County approves the change in circulation patterns. The proposed closing of Cheltenham Drive would not adversely impact the Bethesda Theatre site circulation. The improvements recommended in items 1, 3 and 4, above, would not be required if Cheltenham Drive is closed at this location.

Table 1
Bethesda Theatre Residential and Public Parking Trip Generation Summary

Access Location	Land Use	Quantity	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
1. Middleton Lane	Townhouse	6	1	2	3	2	1	3
2. Tilbury Street	Townhouse	17	1	6	7	5	2	7
3. Middleton Lane/Cheltenham Drive	Apartments	216	13	52	65	44	21	65
	Subtotal		15	60	75	51	24	75
4. Cheltenham Drive	Long Term Parking	300	120	15	135	30	120	150
	Short Term Parking	100	5	5	10	35	30	65
	Subtotal		125	20	145	65	150	215
	Existing Parking	185	-74	-2	-82	-18	-74	-92
	New Public Parking Trips		51	11	62	47	76	123
Total New Public Parking/Residential Trips			66	71	137	98	100	198

Trip Generation Data Provided by Walker Parking Consultants and M-NCPPC

Table 2

Total Conditions with the Bethesda Theatre Development
Intersection levels of Service

Intersections	Levels of Service With Bethesda Theatre Residential/Public Parking	
	AM Peak Hour	PM Peak Hour
1. Woodmont Avenue/Battery Lane	A 908	A 734
2. Wisconsin Avenue/Battery Lane	B 1113	D 1343
3. Wisconsin Avenue/Cheltenham Drive	A 969	C 1175
4. Cheltenham Drive/Tilbury Street	A 143	A 154
5. Wisconsin Avenue/Middleton Lane	A 716	A 790
6. Cheltenham Drive/Garage Entrance	A 183	A 266



P

May 7, 1997

BETHESDA THEATER
7715 - 7723 Wisconsin Avenue

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 architect, the theater 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 materials suppliers for the building, with many in the Washington area including Rose Brothers Roofing, Fred S. Gichner Iron Works, Washington Woodworking 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 the 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 partially 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 in the auditorium. Other than these, and other minor alterations, the interior plaster, wood trim, lighting and portions of the original decorative painting remain.

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 and townhouses to the rear. The new ten floor building above the theater will be set back twenty feet from the Wisconsin Avenue elevation and will be supported by 12 foot deep trusses spanning over the top of the theater. The existing roof and roof trusses of the theater will most likely be removed to allow installation of the new trusses, and the existing interior ceiling hung from the new trusses.

At the interior of the building, the proposed project will preserve the existing configuration and finishes of the lobby, lounges, foyer and auditorium. The only proposed alterations of the theater interior are the installation of a fire suppression system and the improvement of access for disabled patrons. Columns supporting the new trusses will likely be located at the interior of the west portion of north wall of the auditorium because of exterior space restrictions. The size, location, number and detailing of the new columns has not yet been determined. Other supporting columns will be probably located at the exterior. Alteration at the north retail space will be required to allow one of the new apartment building egress stairs to exit to Wisconsin Avenue. It may be necessary to modify the non-original storefront at the north retail space to accommodate a new exit door.

At the exterior, the Wisconsin Avenue facade masonry, ornamental metal, storefronts, ticket booth, and marquee will be retained and preserved in the existing configuration. The brickwork of the secondary Wisconsin Avenue facade, which occurs approximately 52 feet to the east of Wisconsin Avenue, will be removed along with portions of the masonry at the top of the north and south walls to allow installation of the new trusses. The south wall which faces a new public sidewalk will be faced with new brick, except for the first twenty feet adjacent to Wisconsin Avenue where the original buff brick will remain exposed. The existing east elevation of the theater will be enclosed within the new construction. Treatment at the north elevation, which faces a narrow passageway and alley, has not been yet been determined but it may also be faced with new brick due to the poor condition of the existing masonry.

Benefits of the Proposed Project

The proposed project will retain and preserve the Wisconsin Avenue facade, the marquee and the marquee tower; the primary character defining elements of the building. The proposed set back of 20 feet will allow the marquee and marquee tower to continue to be viewed as distinct and separate elements of the Wisconsin Avenue streetscape. At the same time, the set back will not be so great as to disrupt the character and alignment of the building facades along the property line of Wisconsin Avenue. The continuous and consistent facade line which defines the blocks to the south and west will, presumably, one day exist in this block; the set back will allow the theater to retain an identity on Wisconsin Avenue without creating a "missing tooth" gap in the streetscape.

As an additional benefit, the primary public spaces of the interior, which remain largely as originally constructed, will be retained and preserved. The proposed project will result in retention of the building and insure the long term preservation of both the exterior and the interior of the Bethesda Theater.



Q

LIST OF ADJOINING AND CONFRONTING OWNERS

TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
WESTBORO				
07-00539313	BETA Corporation c/o MD Nat'l Bank TR EST DEPT	P.O. Box 995, M/S 10-06-04 Baltimore, MD 21203	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 MD Nat'l Bank TR. EST DEPT	P.O. Box 995, M/S 10-06-04 Baltimore, MD 21203	Outlot A	2
07-00539335	BETA Corporation c/o MD Nat'l Bank TR. EST DEPT	P.O. Box 995, M/S 10-06-04 Baltimore, MD 21203	1	2
07-00539346	BETA Corporation c/o MD Nat'l Bank TR. EST DEPT	P.O. Box 995, M/S 10-06-04 Baltimore, MD 21203	2	2
07-00539357	BETA Corporation c/o MD Nat'l Bank TR. EST DEPT	P.O. Box 995, M/S 10-06-04 Baltimore, MD 21203	3	2
07-00539368	BETA Corporation c/o MD Nat'l Bank TR. EST DEPT	P.O. Box 995, M/S 10-06-04 Baltimore, MD 21203	4	2
07-00539370	BETA Corporation c/o MD Nat'l Bank TR. EST DEPT	P.O. Box 995, M/S 10-06-04 Baltimore, MD 21203	5	2
07-00539381	BETA Corporation c/o MD Nat'l Bank TR. EST DEPT	P.O. Box 995, M/S 10-06-04 Baltimore, MD 21203	6	2
07-0540254	Maryland National Capital Park & Planning Commission	8787 Georgia Avenue Silver Spring, MD 20910	7	1
07-00539563	Community Motors, Inc.	4904 Hampden Lane Bethesda, MD 20814	8	1
07-00539745	7809 Wisconsin Avenue Assoc. Ltd. Ptnshp. c/o Jenco Group	1244 19 th Street, N.W., 2 nd Fl. Washington, D.C. 20036	16	1
07-00539767	7809 Wisconsin Avenue Assoc. Ltd. Ptnshp. c/o Jenco Group	1244 19 th Street, N.W., 2 nd Fl. Washington, D.C. 20036	Pt Outlot A	1
07-00539791	Paul G. Spillane & Jill D. Pascoe	4616 Sleaford Rd. Bethesda, MD 20814	13	3

TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
07-00540345	Kathleen L. McDuffie	4615 Sleaford Rd. Bethesda, MD 20814	1	5
07-00539437	Guy M. Cleavel & Martine Combemale	7711 Tilbury St. Bethesda, MD 20814	2	5
07-00540094	Robert L. Connelly, et al.	4614 Cheltenham Drive Bethesda, MD 20814-3510	3	5
07-00540664	Frank H. Shultz, 3 rd , et al.	4617 Cheltenham Drive Bethesda, MD 20814	1	6
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. 20006	N131	HN22
07-00420704	Alvin J. Steinberg	3538 Raymoor Rd. Kensington, MD 20895	N140	HN22
07-02688378	Bethesda Place Ltd. Ptnshp c/o Safeway Stores Holding Corp.	5530 Wisconsin Ave., #1000 Chevy Chase, MD 20815	N185	HN22
RABNER'S SUB.				
07-0425193	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 Wade	P.O. Box 719 Glen Echo, MD 20812	7	
CIVIC ASSOCIATIONS & HOMEOWNERS				
41	East Bethesda Citizens Assn. c/o Dean Ahmad	4323 Rosedale Drive Bethesda, MD 20814 951-0539		
42	East Edgemoor Property Owners Assn. c/o Lawrence Funt/Pres.	4905 Edgemoor Ln Bethesda, MD 20814 h-652-4857; o-657-4200		
48	Battery Park Citizens Assn. c/o David Hayzlett/Pres.	8011 Maple Ridge Road Bethesda, MD 20814 h-301-654-7178		

TAX ACCT. NO.	NAME	ADDRESS	LOT	BLOCK
263	Battery Lane Tenants Assn. c/o Steven Williams	c/o Alden Management Corp. 4858 Battery Lane Bethesda, MD 20814 (o) 656-1306		
669	Bethesda Coalition c/o Dennis Wood/Pres.	4109 Woodbine Street Chevy Chase, MD 20815 h-656-8042; w-951-5546		
717	Spanish Speaking People of Bethesda c/o Pedro Porro/Pres.	5729 Bradley Blvd. Bethesda, MD 20814 h-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		
	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		