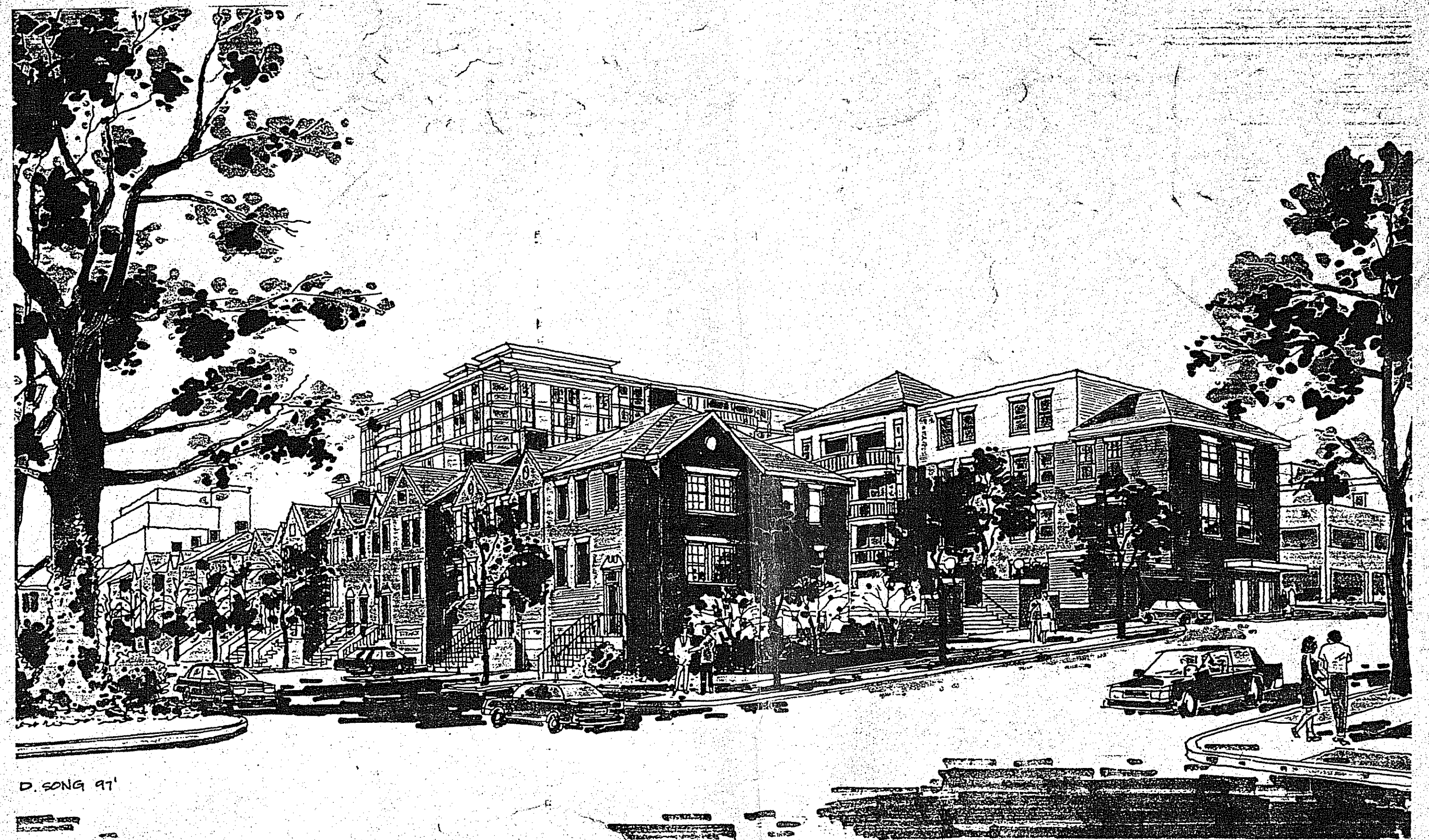
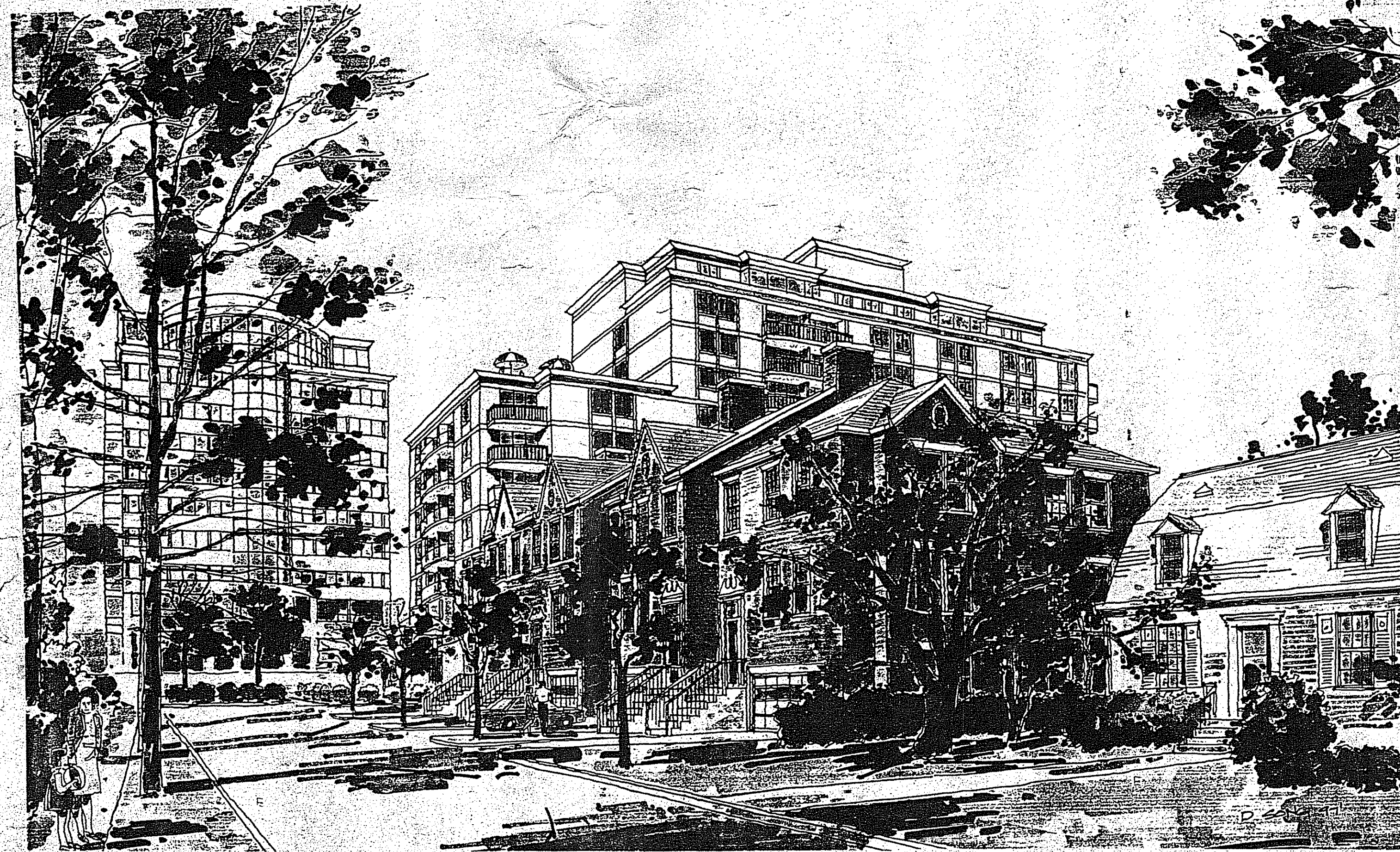


VIEW FROM WISCONSIN AVENUE



VIEW FROM CHELTENHAM DRIVE



VIEW FROM MIDDLETON LANE



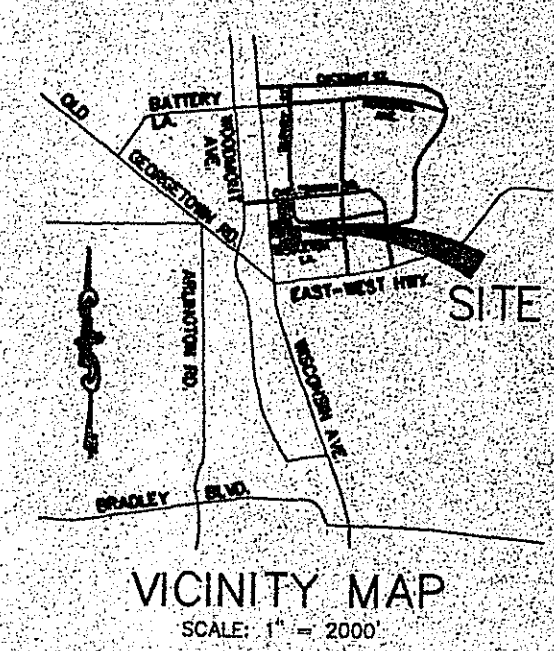
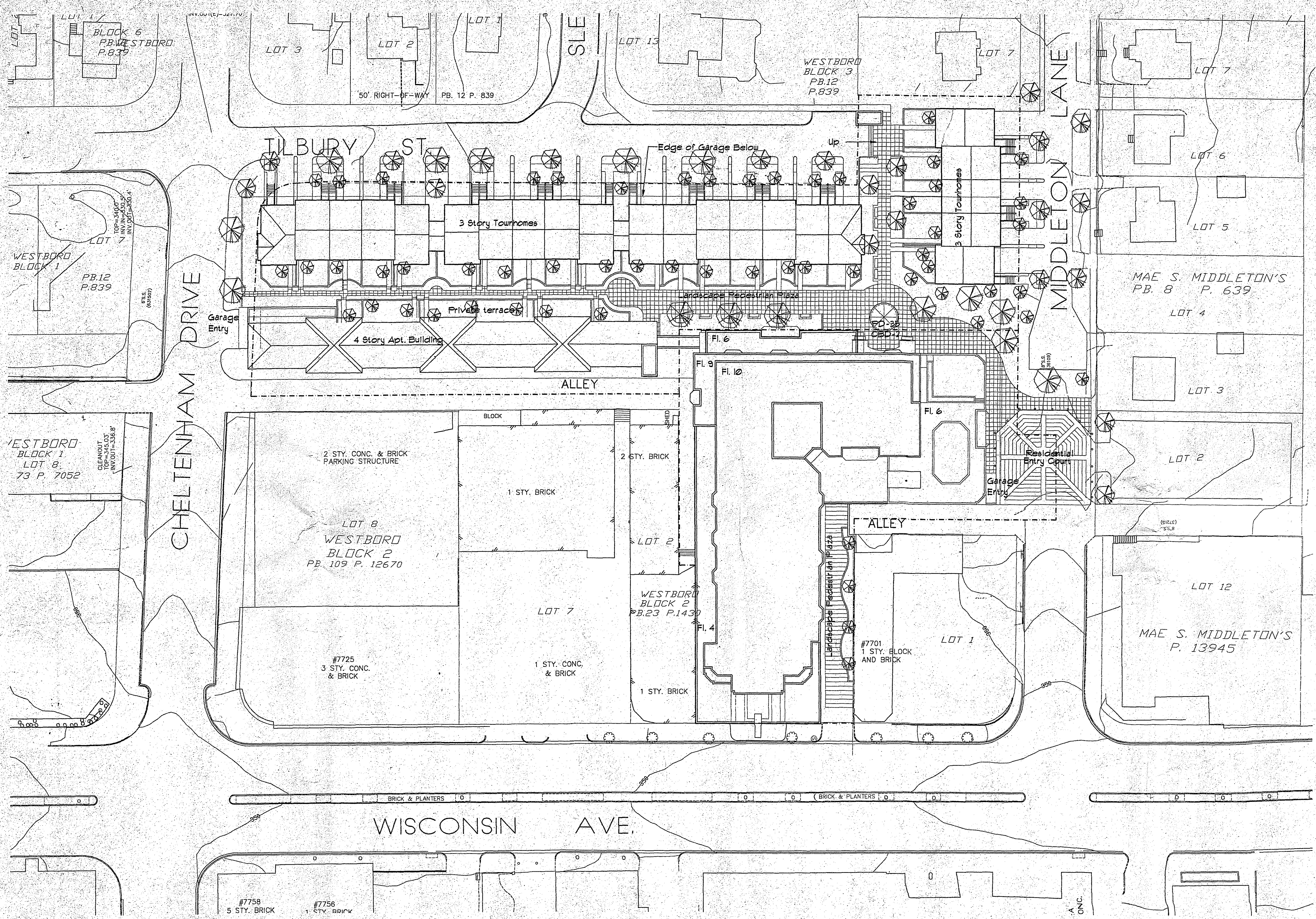
VIEW FROM SLEAFORD ROAD

Cover Sheet

June 23, 1997
Weihe Design Group
 Architecture
 Planning
 Interior Design
 Space Planning
 97012.01
 1666 K Street, Washington, D.C. 20006 (202) 857-8300

Bethesda Theatre Residential
 7791 Wisconsin Avenue
 Bethesda, Md. 20814

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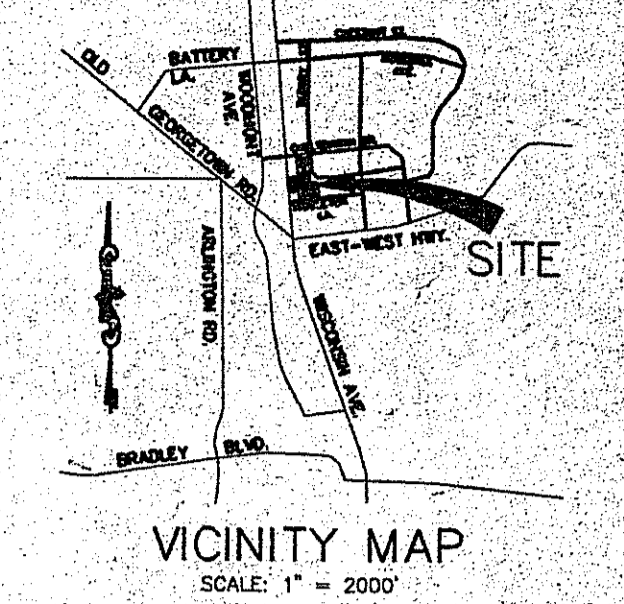
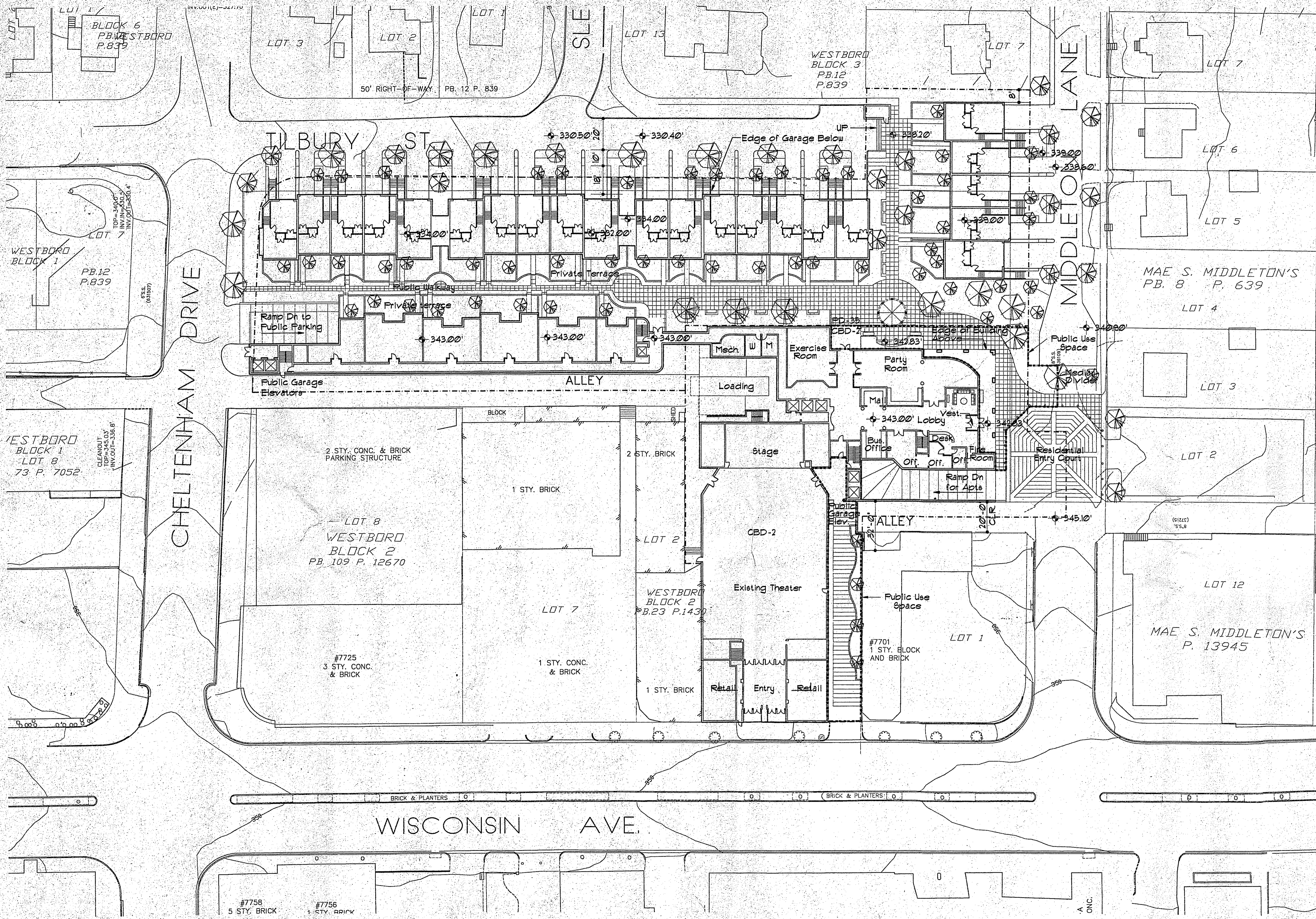
Site Plan

SCALE: 1"=30'
 June 27, 1997
WeilheDesignGroup
 Architecture
 Planning
 Interior Design
 Space Planning
 97012.01
 1866 K Street, Washington, D.C. 20006 (202) 857-8866

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
 1
 of -



SCALE: 1"=30'

June 27, 1997
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 1686 K Street, Washington, D.C. 20005 (202) 857-8300

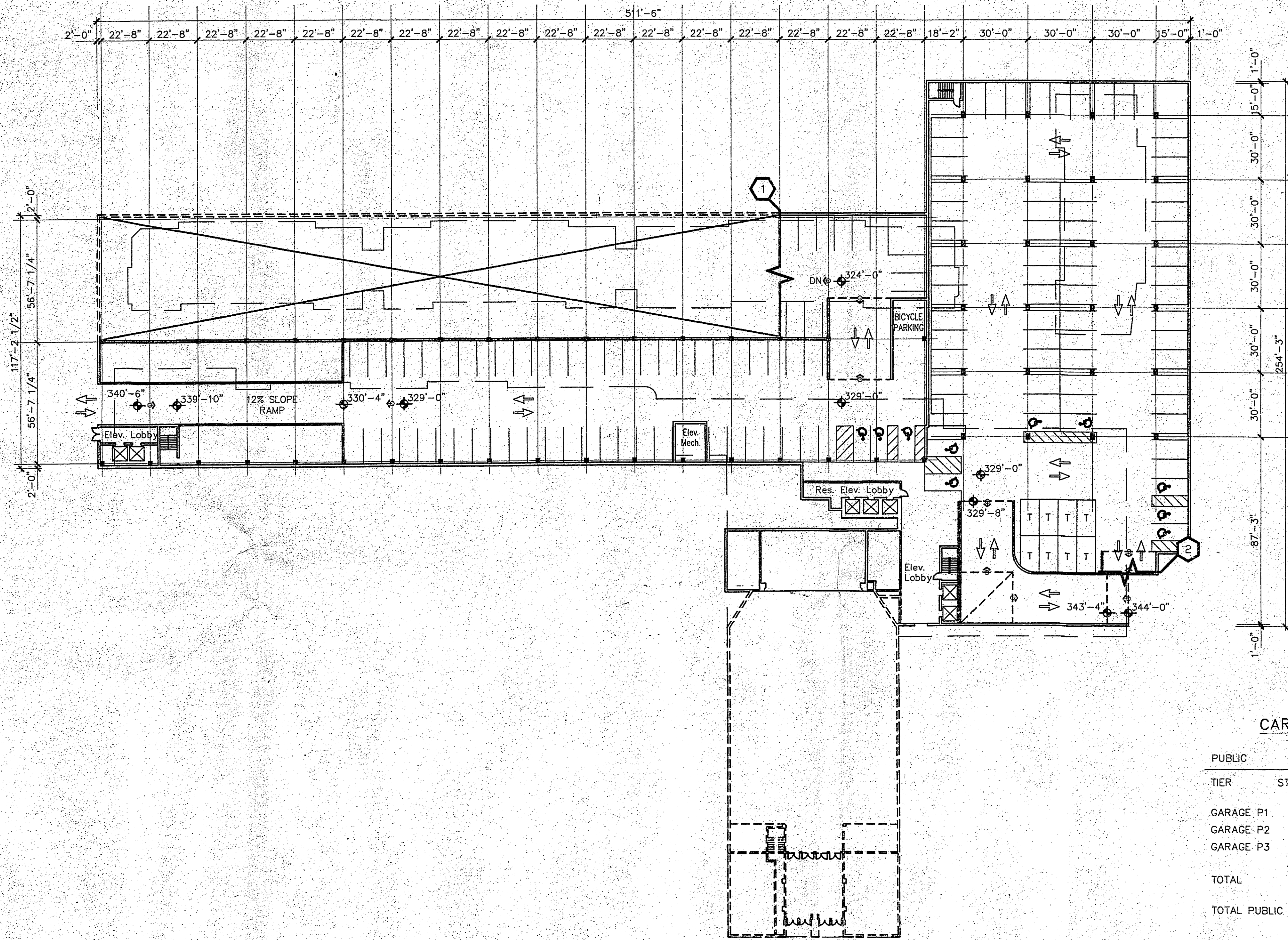
Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, Md. 20814

Lobby Floor

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

EXHIBIT M
2
 of -



CAR COUNT

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

TOTAL PUBLIC SPACES = 397
 TOTAL RESIDENTIAL SPACES = 240

SCALE: 1"=30'

June 27, 1997
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 Planning
 Interior Design
 Space Planning
 97012.01
 1888 K Street, Washington, D.C. 20006 (202) 857-8300

walker
 Walker Parking
 Consultants/Engineers, Inc.

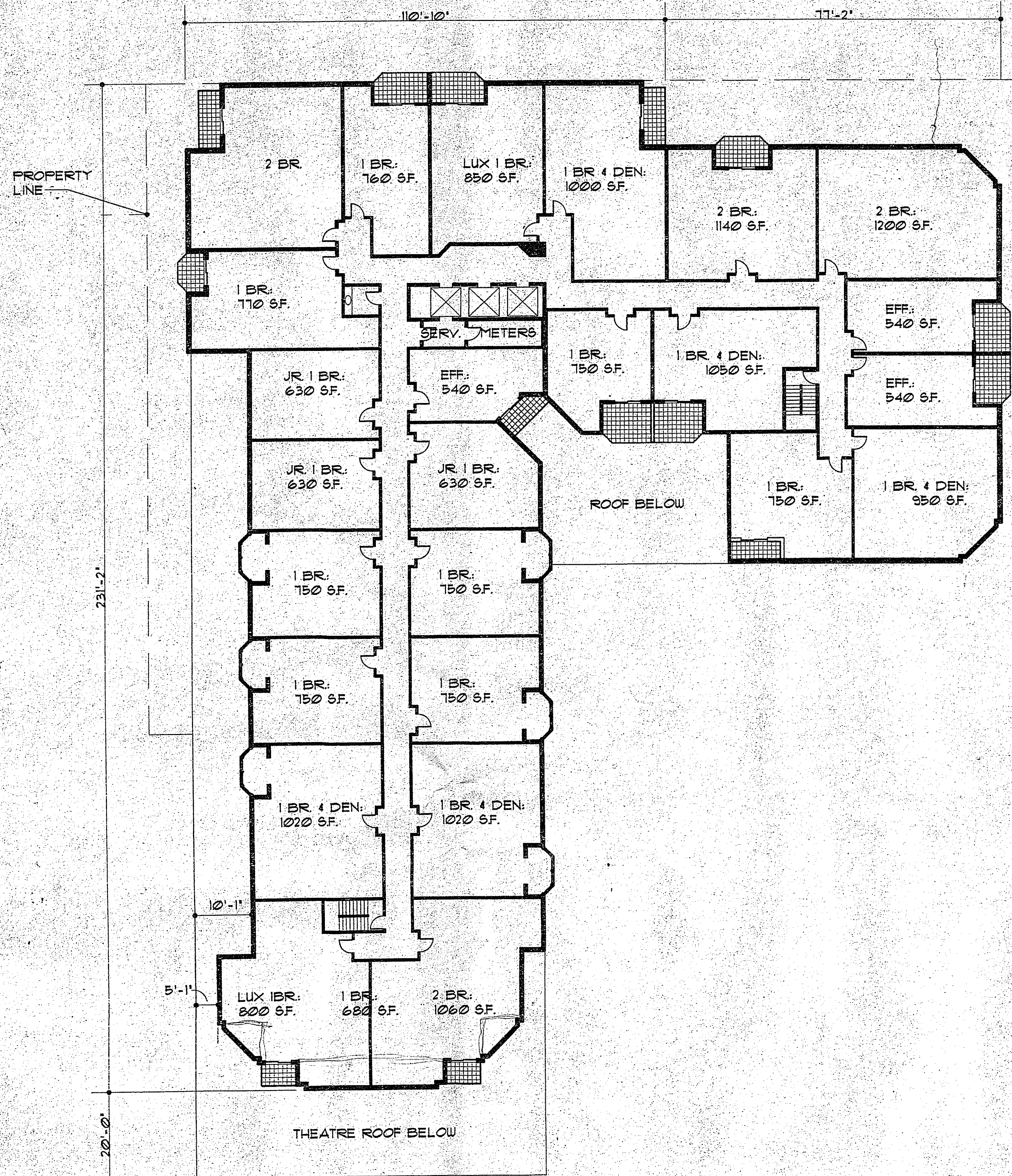
Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, Md. 20814

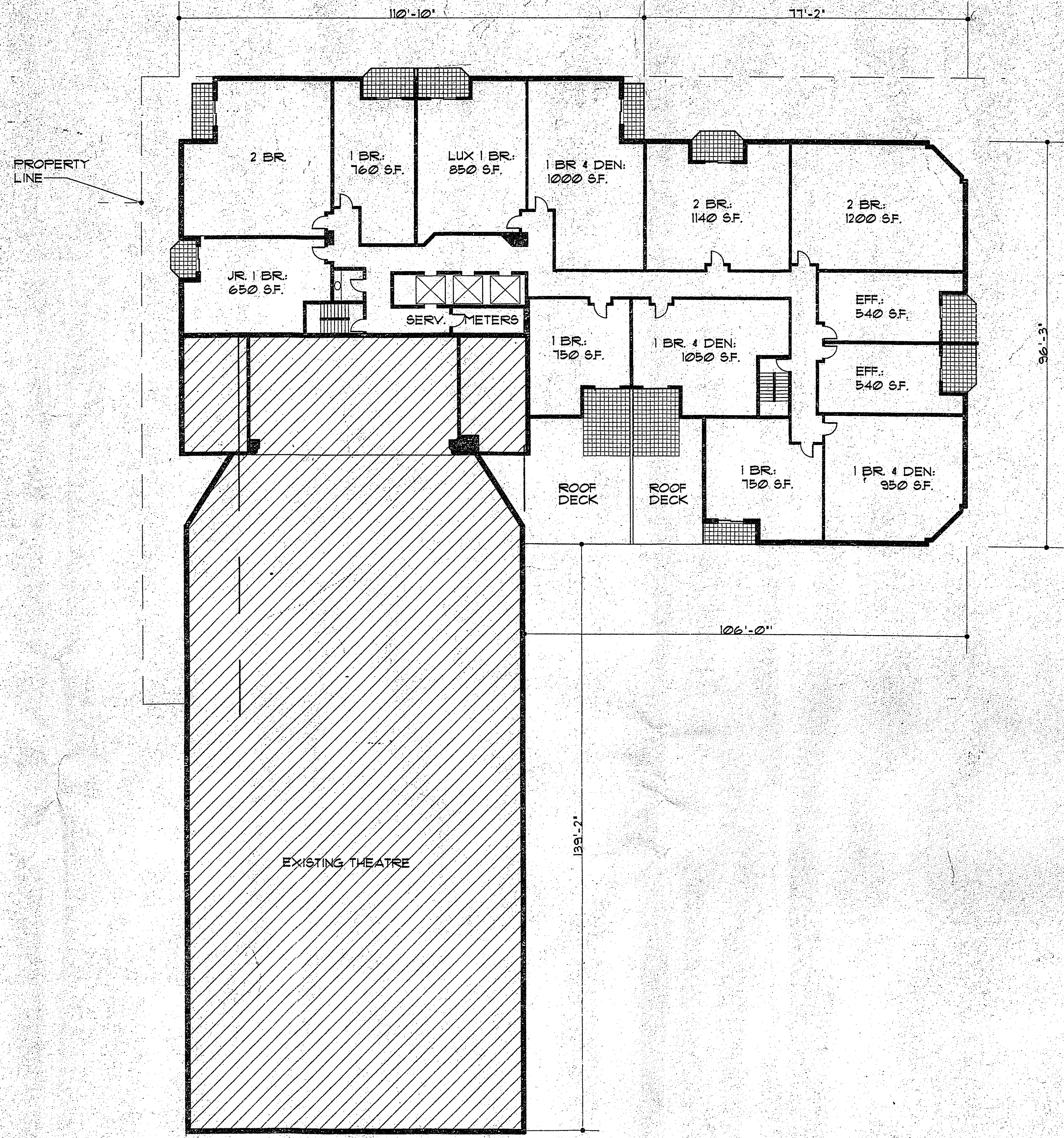
P-1 Floor Plan

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

EXHIBIT M
3
 of -



4TH THRU 6TH FLOORS
FLOORS 4,5,6 (26 UNITS PER FLOOR)



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

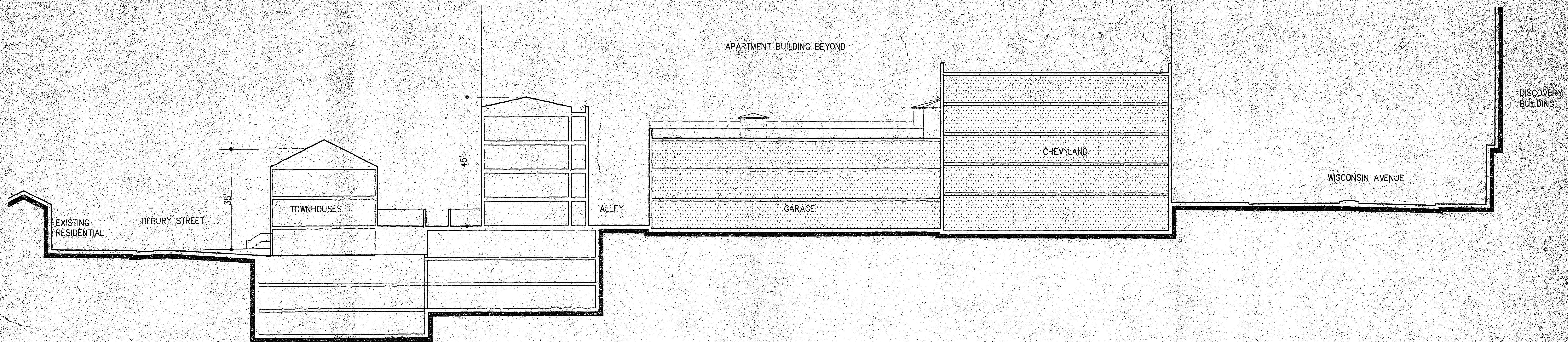
SCALE: 1"=16'

June 27, 1997
Weilhe Design Group
Architecture
Planning
Interior Design
Space Planning
97012.D1
1886 K Street, Washington, D.C. 20006 (202) 857-8300

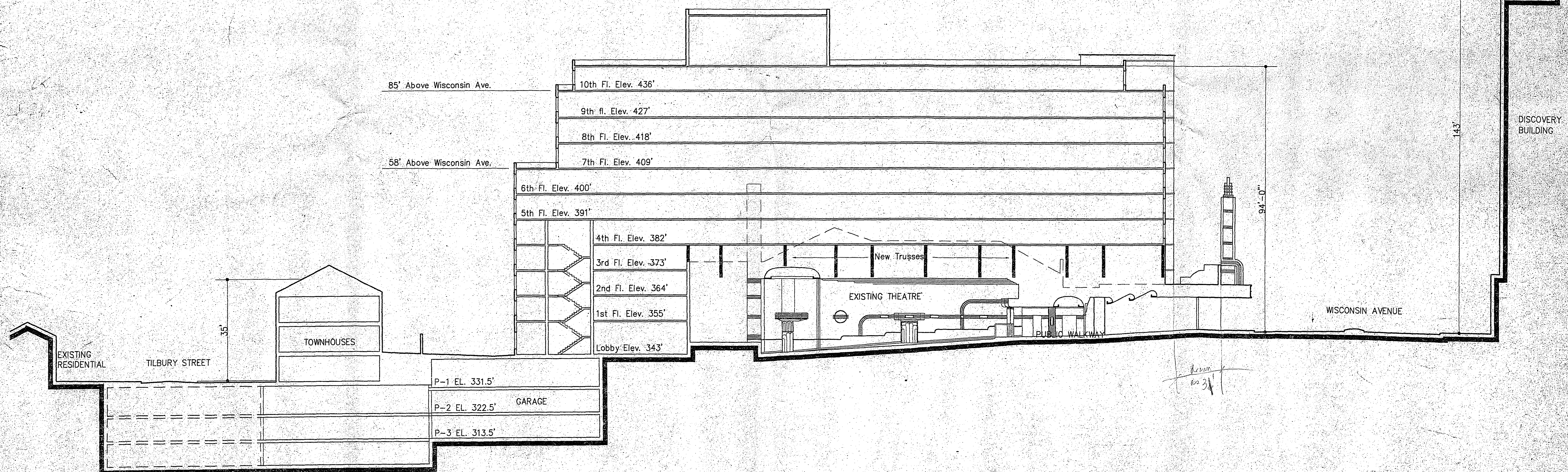
Bethesda Theatre Residential

7791 Wisconsin Avenue
Bethesda, Md. 20814

Plans
Beta Corporation
36 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814
EXHIBIT M
7
of -



SECTION THRU CHEVYLAND



SECTION THRU THEATRE

SCALE: 1"=30'

June 27, 1997
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 Architecture
 Planning
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 97012.01
 1666 K Street, Washington, D.C. 20006 (202) 857-8300

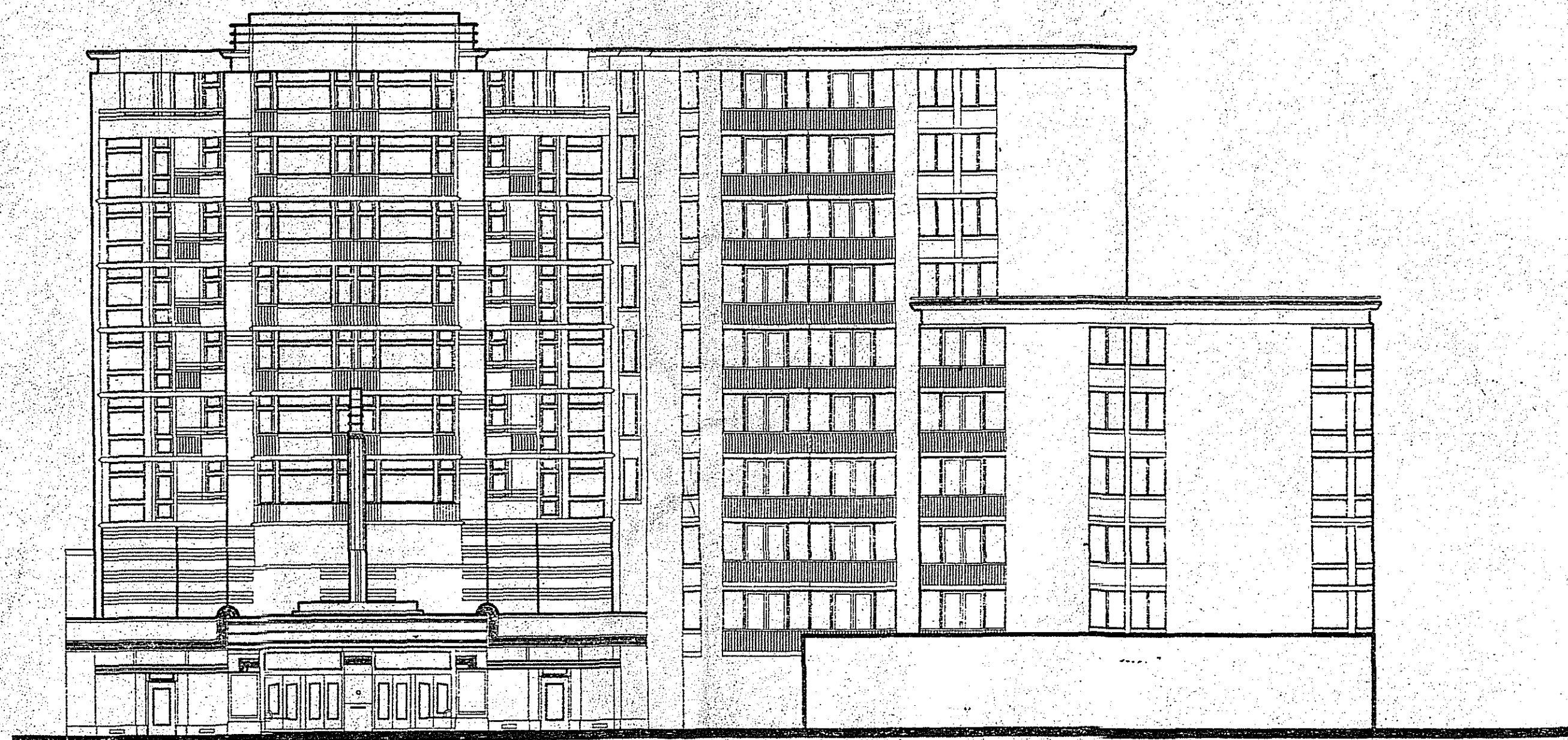
Bethesda Theatre Residential

7791 Wisconsin Avenue
 Bethesda, Md. 20814

Sections

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

EXHIBIT M
10
 of -



West Elevation

Elevations

SCALE: 1"=16'

June 27, 1997

WeiheDesignGroup

Architecture
Planning
Interior Design
Space Planning

97012.01

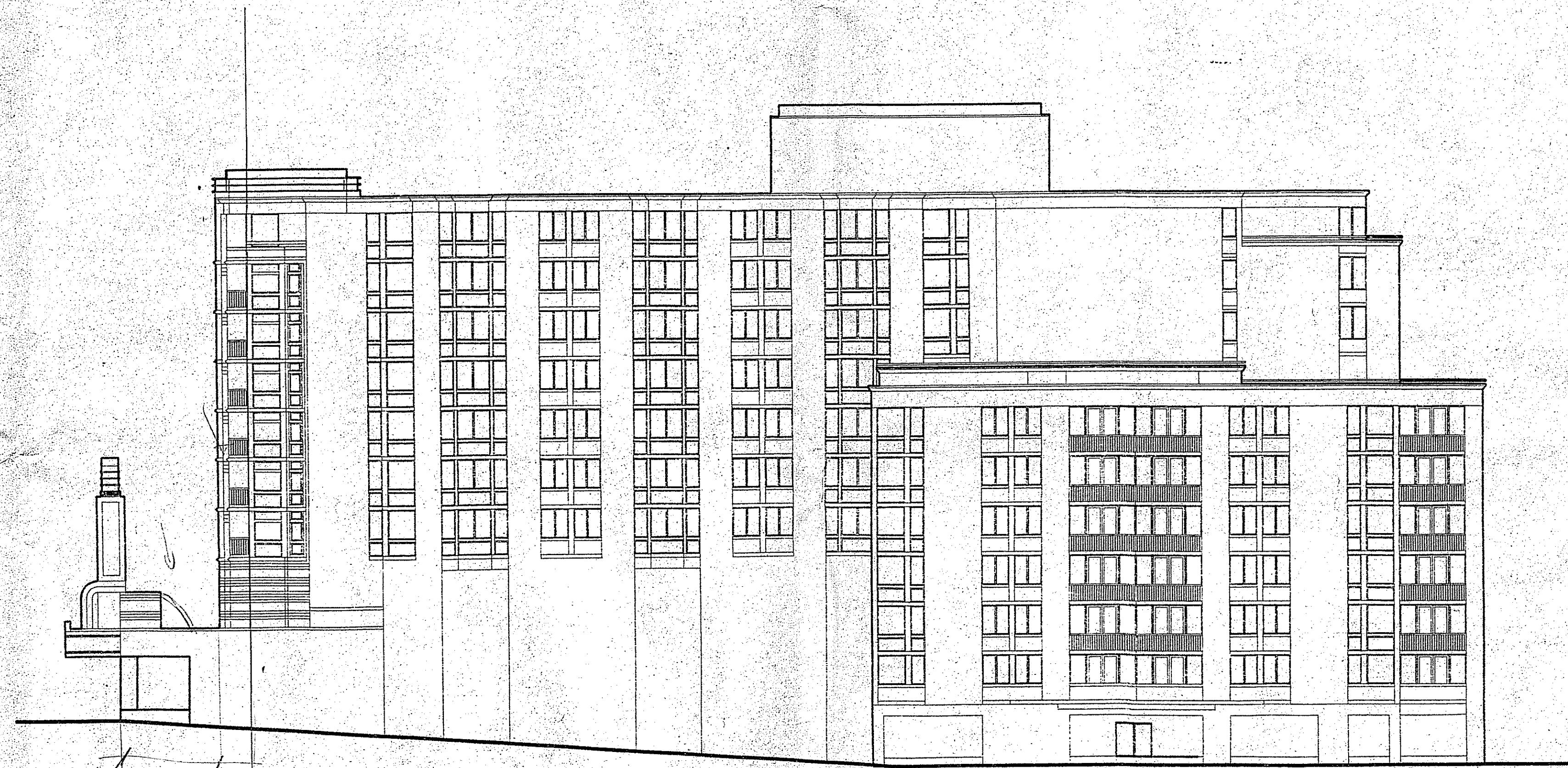
1666 K Street, Washington, D.C. 20006 (202) 657-8300

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
11
of -



South Elevation

Elevations

SCALE: 1"=16'

June 27, 1997

WeiheDesignGroup

Architecture
Planning
Interior Design
Space Planning

97012.01

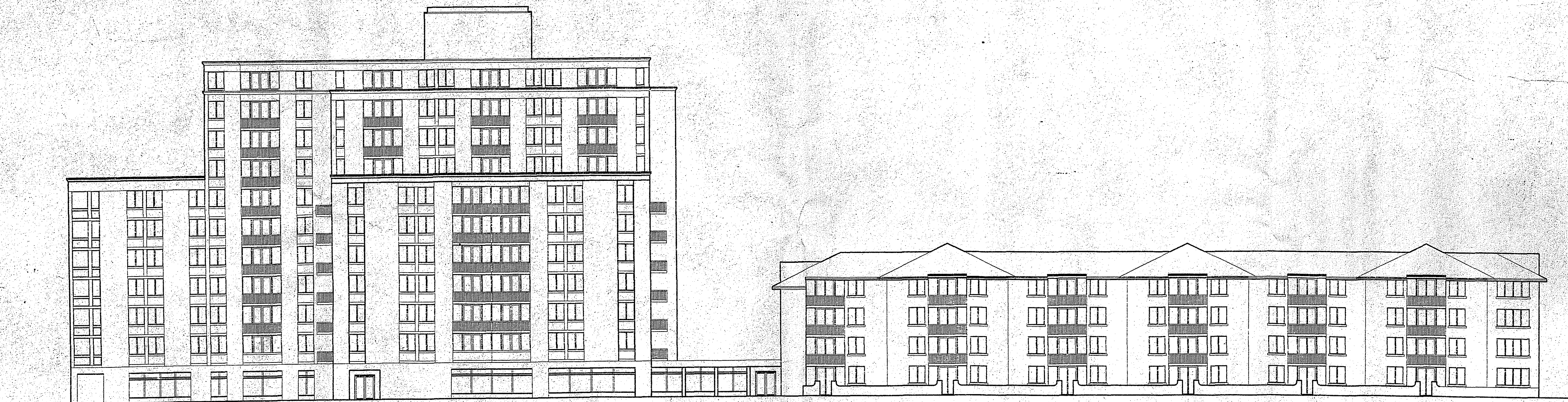
1006 K Street, Washington, D.C. 20006 (202) 857-8300

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
12
of —



↑
Motel entrance

East Elevation

Elevations

SCALE: 1"=16'

June 27, 1997

Weihe Design Group

Architecture
Planning
Interior Design
Space Planning

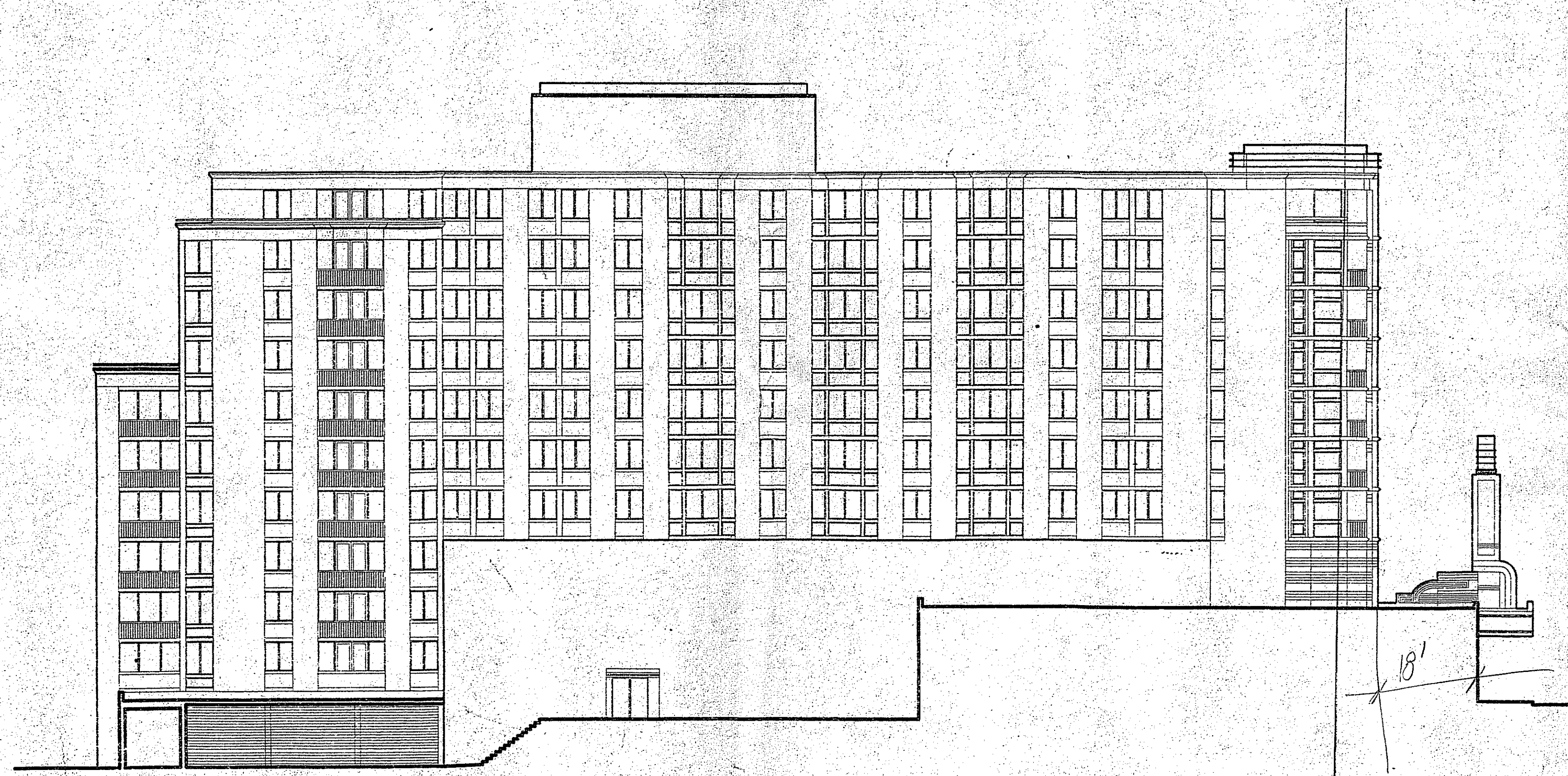
97012.01 1666 K Street, Washington, D.C. 20006 (202) 857-8300

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
13
of -



North Elevation

Elevations

SCALE: 1"=16'

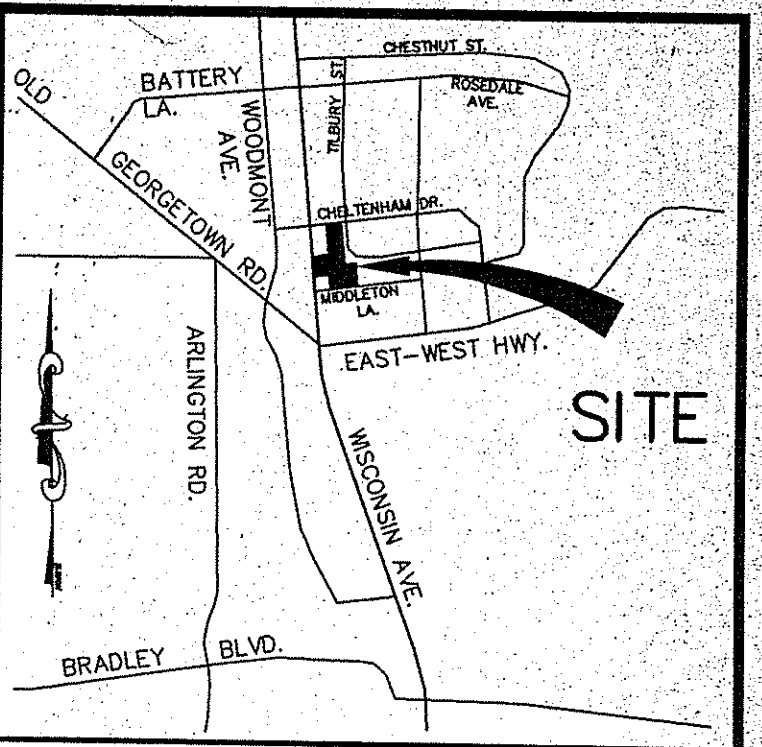
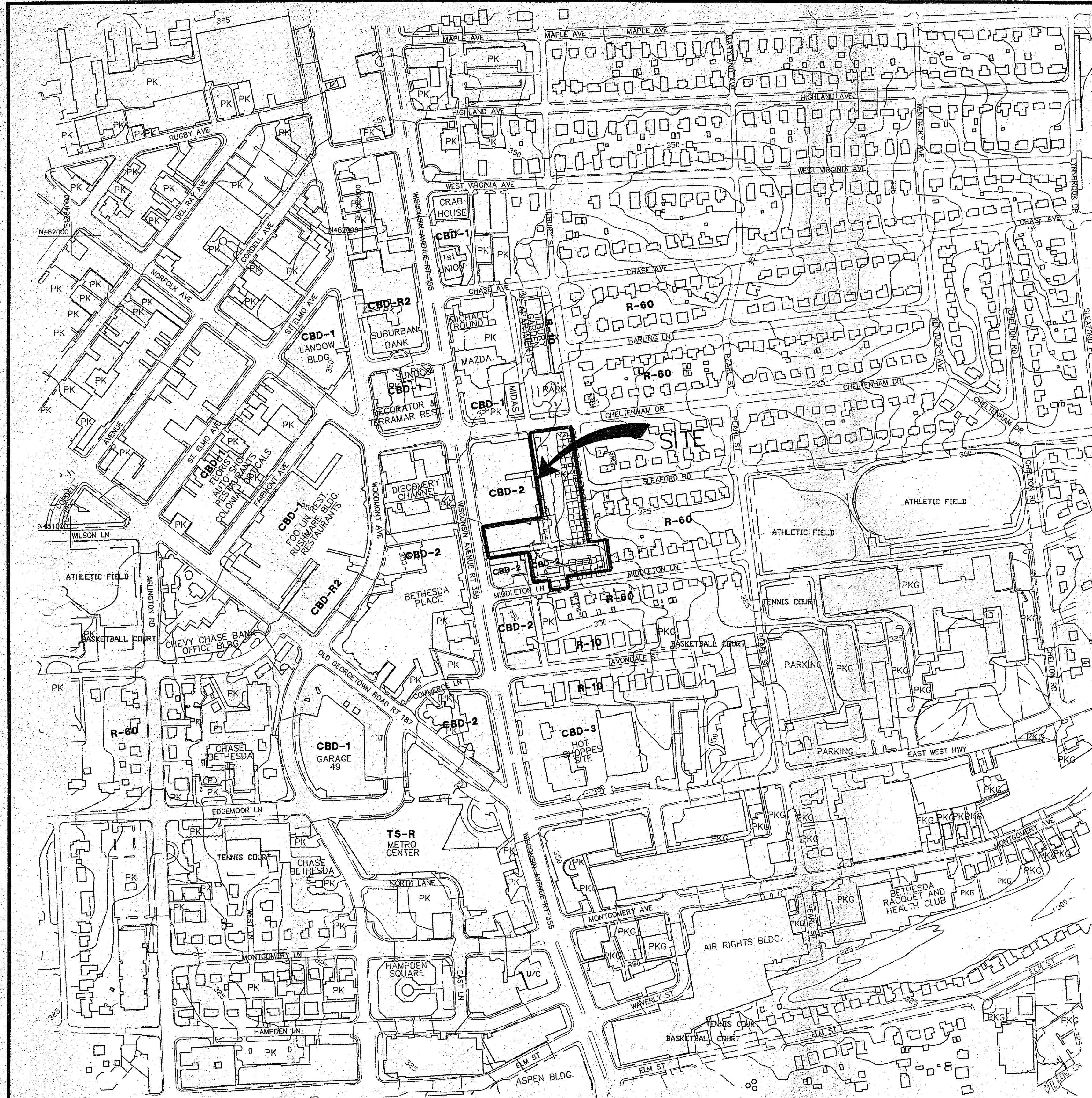
June 27, 1997
Weihe Design Group
Architecture
Planning
Interior Design
Space Planning
97012.01
1686 K Street, Washington, D.C. 20006 (202) 657-8300

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
14
of -



VICINITY MAP
SCALE: 1" = 200'

DIGITAL MAP COMPILED BY:

ANALYTICAL SURVEYS, INC.
COLORADO SPRINGS, COLORADO
UNDER CONTRACT TO MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING.

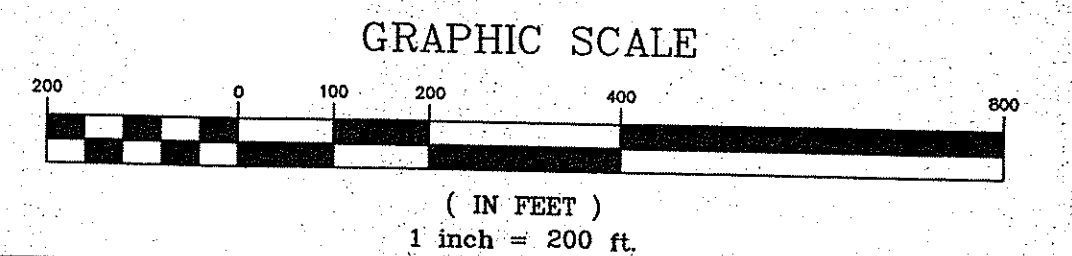
G P S CONTROL PROVIDED BY ANALYTICAL SURVEYS, INC.

STEREO AERIAL PHOTOGRAPHY PROVIDED BY ANALYTICAL SURVEYS, INC. COLORADO SPRINGS, COLORADO TO MONTGOMERY COUNTY DEPARTMENT OF INFORMATION SYSTEMS & TELECOMMUNICATIONS.

THIS MAP HAS BEEN PREPARED USING 1:14400 SCALE AERIAL PHOTOGRAPHY FROM WHICH TOPOGRAPHY WAS COMPILED USING STEREO PHOTOGRAMMETRIC METHODS. THE AERIAL PHOTOGRAPHY WAS FLOWN ON APRIL 7, 1995; THE CONTOUR INTERVAL IS 5'-0". USE OF THIS MAP, OTHER THAN FOR GENERAL PLANNING PURPOSES, IS NOT RECOMMENDED. PLEASE REPORT ANY ERRORS OR OMISSIONS TO THE RESEARCH & TECHNOLOGY CENTER OF THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION, MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING, (301) 495-4700.

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Architects:
Weihe Design Group
Architecture Planning Interior Design Space Planning
1886 K Street, NW Suite 1000 Tenth Floor
WASHINGTON, D.C. 20006 (202) 657-8300

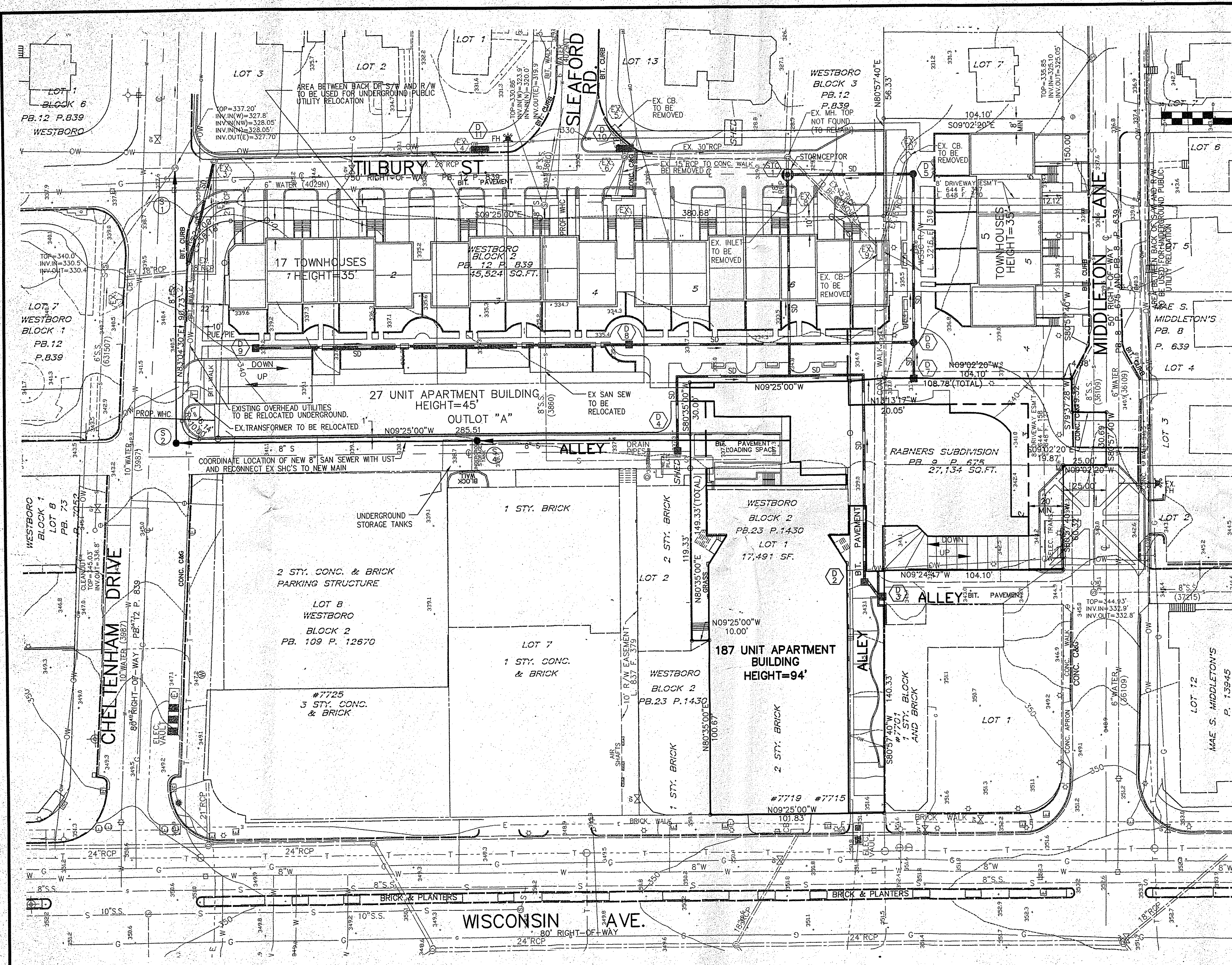
Engineer:
VIA
ENGINEERS PLANNERS LANDSCAPE ARCHITECTS SURVEYORS CONSTRUCTION INSPECTORS
VIA INCORPORATED
8180 GREENSBORO DRIVE, SUITE 200 MCDONALD, VIRGINIA 22102
(703) 442-7600 # FAX (703) 781-2787
VALEAN, VA BETHESDA, MD

Attorney:
LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW
1010 Wayne Avenue
Tenth Floor
Silver Spring, MD
20910-5600
(301) 566-8580

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

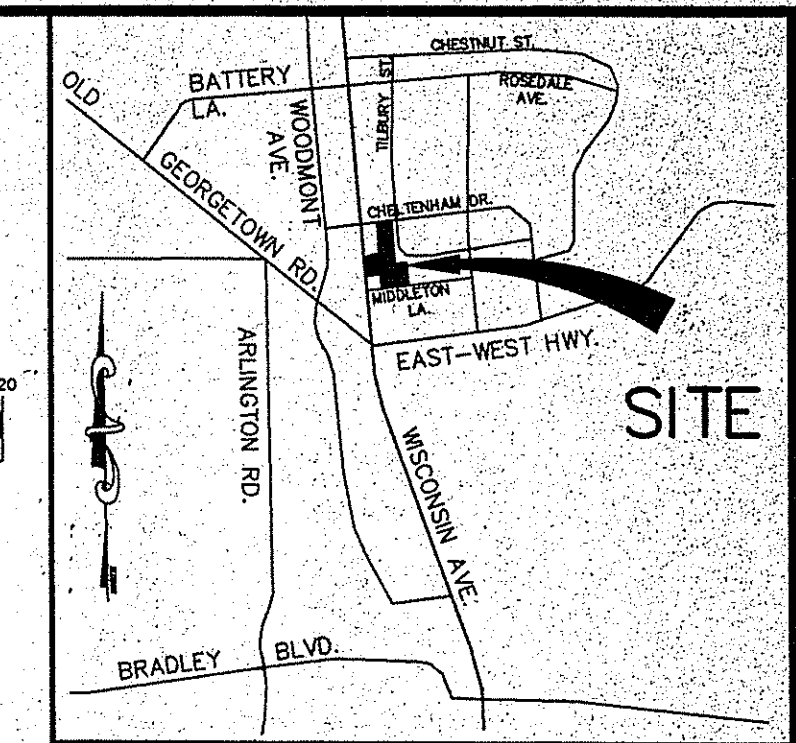
Applicants:
Beta Corporation
36 South Charles Street
Baltimore, Md. 21201
E.M. Smith Associates
4801 Hampden Lane
Bethesda, Md. 20814

LOCAL VICINITY MAP EXHIBIT # K
JUNE, 1997
1
CI



North
GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES AND SITE DATA

- THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT NO. HN 122 AND IS ZONED CBD-2 (SITE AREA=0.90797 AC)
- THE HORIZONTAL DATUM IS BASED ON A PLAT OF SUBDIVISION ENTITLED "WESTBORO, BLOCKS 1,2,3,5, AND 7", RECORDED IN PLAT BOOK 12 PLAT NO. 839 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THE PLAT REFERS TO WSSC TRAVERSE STATION NO. 7778 AS A REFERENCE POINT.
- SITE AREA: 0.90797 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'.
- 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.
- TOTAL PUBLIC ROAD AND ALLEY ABANDONMENT AREA IS 0.28288 ACRES.
- MINIMUM LOT AREA: CBD-2
REQUIRED: 22,000 SF
PROVIDED: 39,551 SF
- MINIMUM PUBLIC USE SPACE:
REQUIRED: 7911 SF (20%)
PROVIDED: 8000 SF
- MINIMUM GREEN SPACE:
REQUIRED: N/A
PROVIDED: N/A
- MAXIMUM DENSITY:
ALLOWABLE: 200 DU/AC=205 DU
PROVIDED: 182 DU/AC=187 DU
- FAR:
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.
- MAXIMUM BUILDING HEIGHT:
REQUIRED: 145/90**
PROVIDED: 94'
** AS RECOMMENDED IN THE MASTER PLAN/SECTOR PLAN.
- MINIMUM SETBACKS:
ALLOWABLE: N/A
PROVIDED: VARIES
- MINIMUM NUMBER OF MPDU'S IS 15% OF TOTAL UNITS OR 15% x 187 UNITS=28 UNITS.
- PARKING:
TOTAL REQUIRED: 231 SPACES
LESS 10% CBD CREDIT: 208 SPACES
TOTAL PROVIDED: 198 SPACES
LESS 5% METRO CREDIT: 198 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.

NO.	REVISIONS

Architects:
Weithe Design Group
Architecture Planning Interior Design Space Planning
1608 K Street, NW Suite 1000 Tenth Floor
WASHINGTON, D.C. 20006 (202) 657-6900

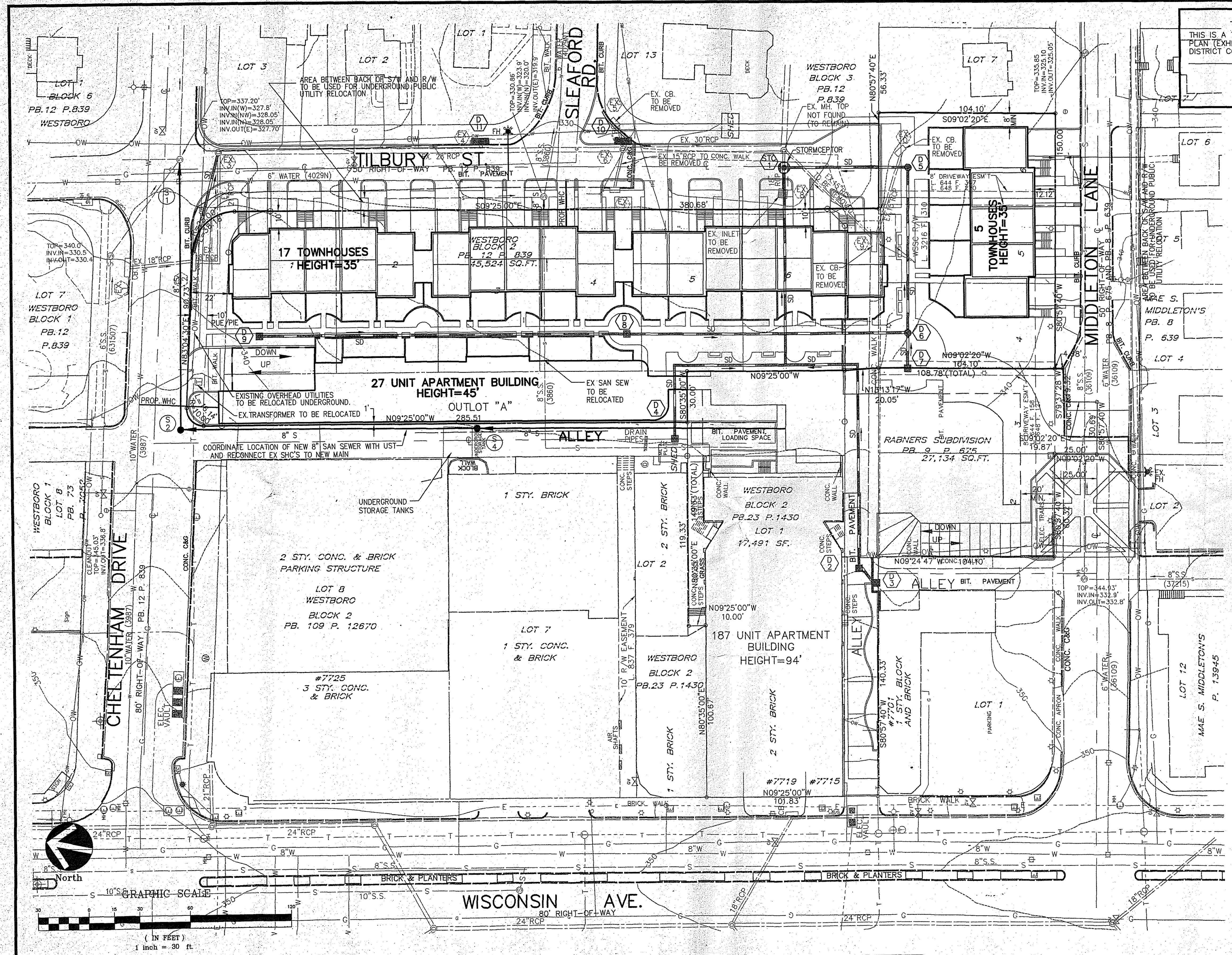
Engineer:
Vika
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ CONSTRUCTION INSPECTORS
VIA REGISTERED
8180 GREENSBORO DRIVE, SUITE 200 WASHINGTON, VIRGINIA 22102
(703) 442-7800 FAX (703) 781-2787
ALEXANDRIA, VA BETHESDA, MD

Attorney:
LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW
1010 Wayne Avenue
Tenth Floor
Silver Spring, MD
20910-5600
(301) 588-8580

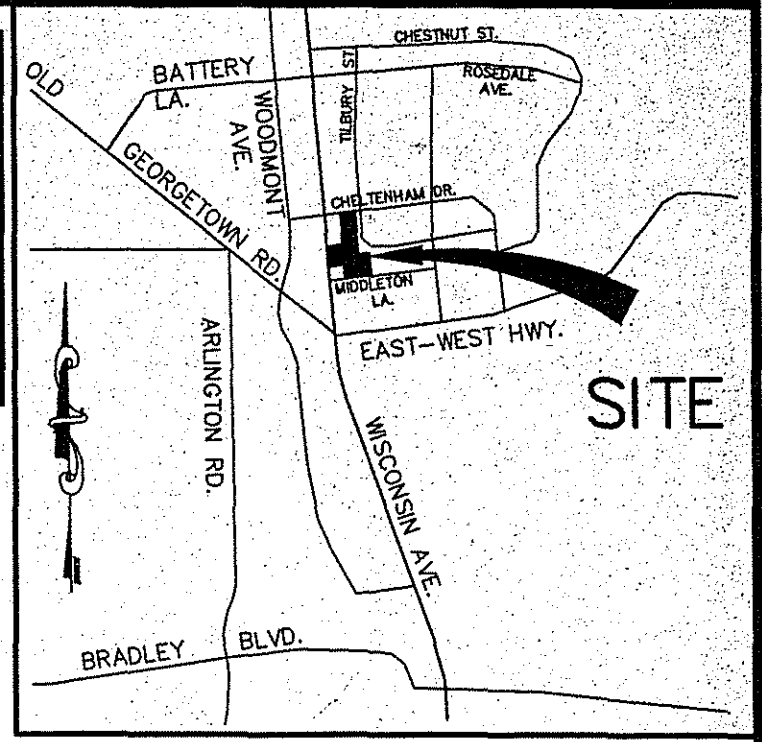
Bethesda Theatre Residential
7791 Wisconsin Avenue
Bethesda, Md. 20814
Bethesda (7th) Election District

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

PROJECT PLAN EXHIBIT # A



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



[Signature]
 20 June 97

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 SURVEY'S AND FIELD EDITED BY VIKI, INC., SEPTEMBER, 1998. EXISTING CONTOUR INTERVAL IS 2'.
 - TOTAL PUBLIC ROAD AND ALLEY ABANDONMENT AREA IS 0.28288 ACRES.
 - MINIMUM LOT AREA:**
 REQUIRED: N/A
 PROVIDED: 62,919 SF.
 - MINIMUM PUBLIC USE SPACE:**
 REQUIRED: N/A
 PROVIDED: N/A
 - MINIMUM GREEN SPACE:**
 REQUIRED: 31460 SF (50% OF SITE AREA)
 PROVIDED: 31460 SF
 - MAXIMUM DENSITY:**
 ALLOWABLE: 35 DU/AC=50 DU (WITHOUT PROVISIONS FOR MPDU BONUS DENSITY)
 PROVIDED: 49 DU (22 TH AND 27 APT)
 - FAR:**
 ALLOWABLE: N/A
 PROVIDED: N/A
 - MAXIMUM BUILDING HEIGHT:**
 REQUIRED: TOWNHOUSE-35'
 APARTMENT-45'
 PROVIDED: TOWNHOUSE-35'
 APARTMENT-45'
- * AS RECOMMENDED IN THE MASTER PLAN/SECTOR PLAN.
- PARKING:**
 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.

REVISIONS

Architects:
Weilhe Design Group
 Architecture Planning Interior Design Space Planning
 1668 K Street, NW Suite 1000 Tenth Floor
 WASHINGTON, D.C. 20006 (202) 867-8300

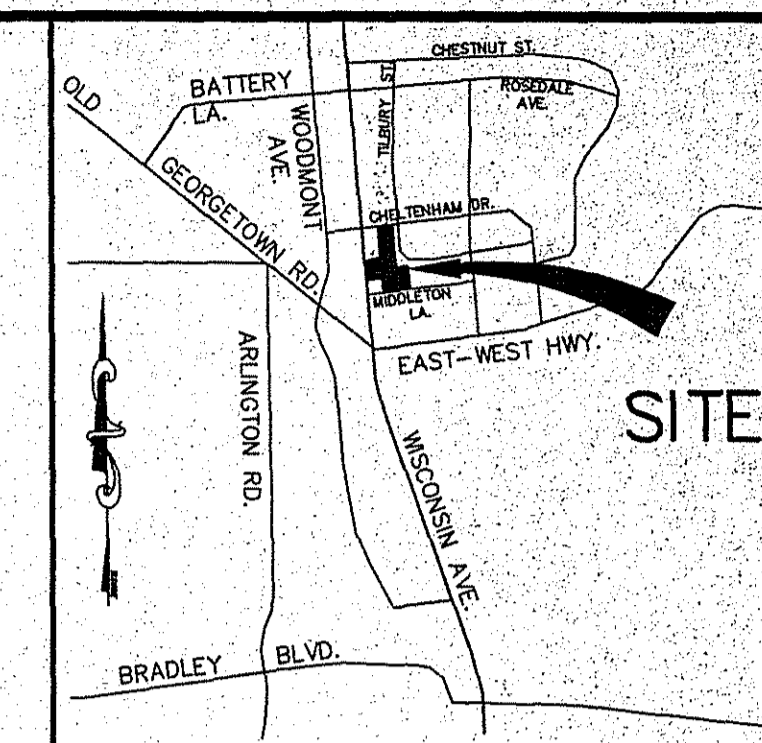
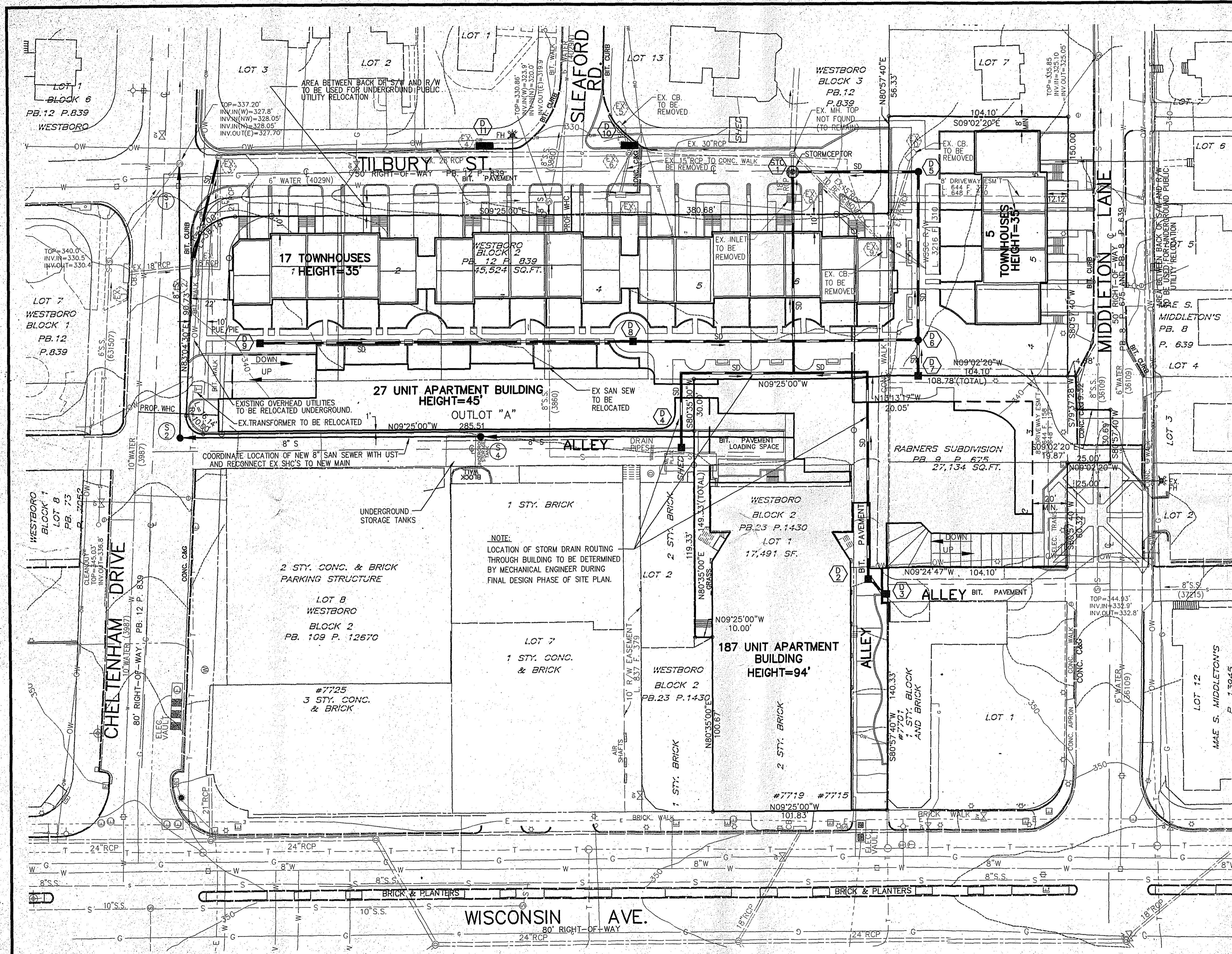
Engineer:
Vika
 ENGINEERS PLANNERS LANDSCAPE ARCHITECTS SURVEYORS CONSTRUCTION INSPECTORS
 VIKI INCORPORATED
 6180 GREENSBORO DRIVE SUITE 200 MCGEEAN, VIRGINIA 22102
 (703)442-7800 FAX (703)781-2787
 MCGEEAN, VA BETHESDA, MD

Attorney:
LINOWES AND BLOCHER LLP
 ATTORNEYS AT LAW
 1010 Wayne Avenue
 Tenth Floor
 Silver Spring, MD
 20910-5800
 (301)588-8580

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

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

DEVELOPMENT PLAN EXHIBIT # B
 JUNE, 1997
 1 OF 1



VICINITY MAP
SCALE: 1" = 2000'

LEGEND

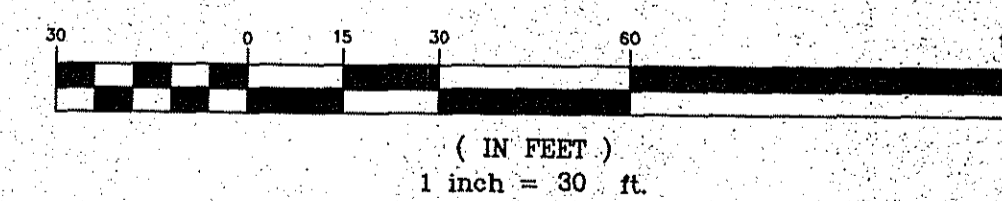
- ELECTRIC BOX
- LIGHT POLE
- SIGN
- WATER VALVE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- GAS VALVE
- UTILITY POLE
- FIRE HYDRANT
- TRAFFIC POLE
- TRAFFIC CONTROL BOX
- WATER METER
- FENCE LINE
- OVERHEAD WIRES
- WATER LINE
- SANITARY SEWER LINE

CONCEPT CIVIL UTILITY NOTES

- 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.
- THE PROPOSED NEW BUILDINGS ARE TO BE CONNECTED TO EXISTING AND/OR RELOCATED WATER AND SEWER MAINS AS SHOWN HEREON, IN ACCORDANCE WITH THE WSSC REGULATIONS.
- ALL STORM RUNOFF IS TO BE COLLECTED AND PIPED TO THE "STORMCEPTOR" QUALITY 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.
- PROPOSED BUILDING TAKEN FROM PRELIMINARY ARCHITECTURAL PLAN PREPARED BY WEIHE DESIGN GROUP DATED JUNE 17, 1997.



North
GRAPHIC SCALE



REVISIONS

Architects:
Weihe Design Group
Architecture Planning Interior Design Space Planning
1880 K Street, NW Suite 1000 Tenth Floor
WASHINGTON, D.C. 20006 (202) 857-8300

Engineer:
VIA
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ CONSTRUCTION INSPECTORS
VIA INCORPORATED
8180 GREENSBORO DRIVE, SUITE 200 ■ MILEAN, VIRGINIA 22102
(703) 442-7600 ■ FAX (703) 761-2787
MILEAN, VA ■ BETHESDA, MD

Attorney:
LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW
1010 Wayne Avenue
Tenth Floor
Silver Spring, MD
20910-5800
(301) 588-8580

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

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

CONCEPT CIVIL UTILITIES EXHIBIT # C
JUNE, 1997
1 OF 1

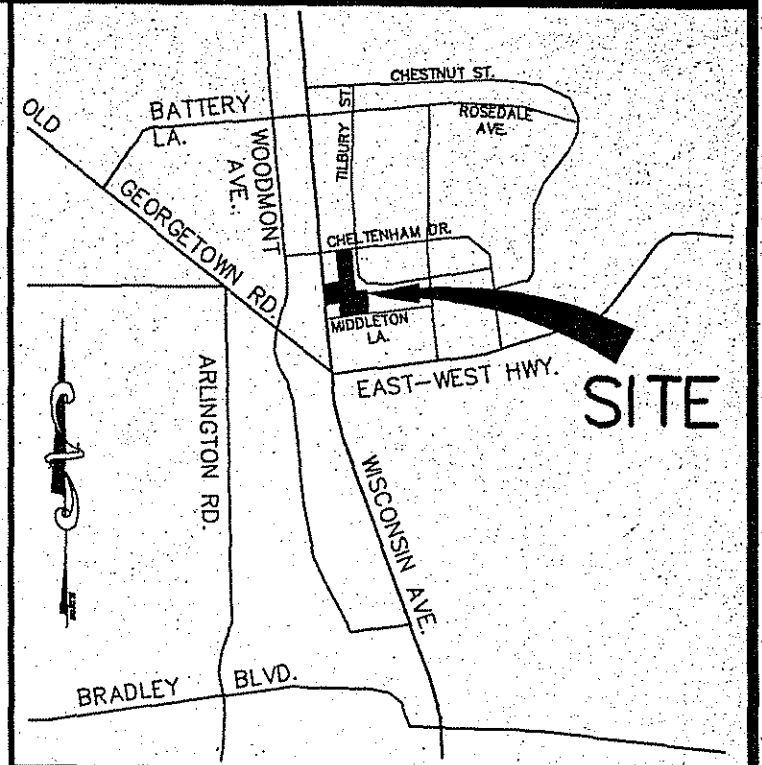
DWG: 8577201.DWG
DATE: 6/26/97
TIME: 1:00 PM

ABANDONMENT TABULATION:

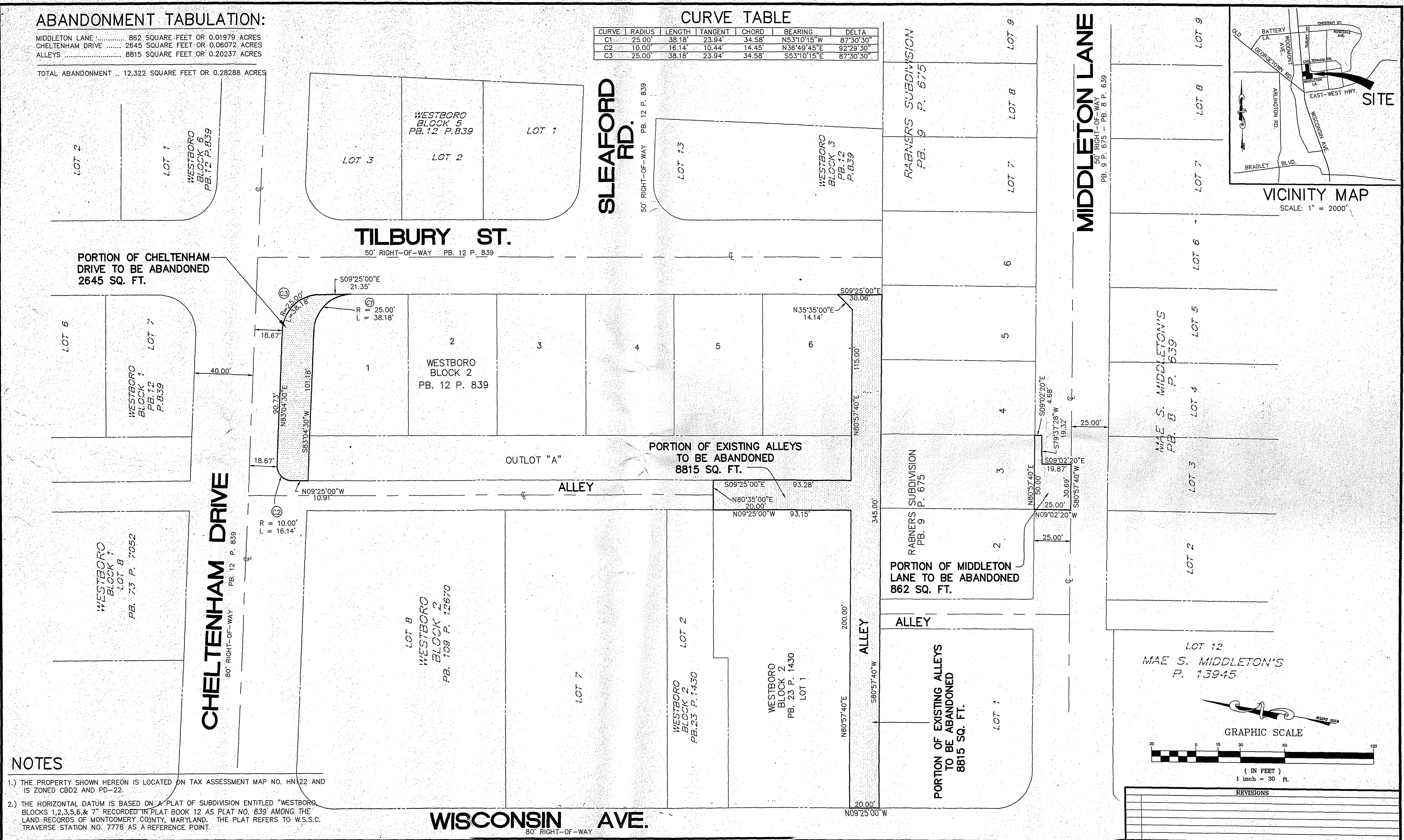
MIDDLETON LANE 862 SQUARE FEET OR 0.01979 ACRES
 CHELTENHAM DRIVE 2645 SQUARE FEET OR 0.06072 ACRES
 ALLEYS 8815 SQUARE FEET OR 0.20237 ACRES

TOTAL ABANDONMENT .. 12,322 SQUARE FEET OR 0.28288 ACRES

CURVE	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'	N36°49'45"E	92°29'30"
C3	25.00'	38.18'	23.94'	34.58'	S53°10'15"E	87°30'30"

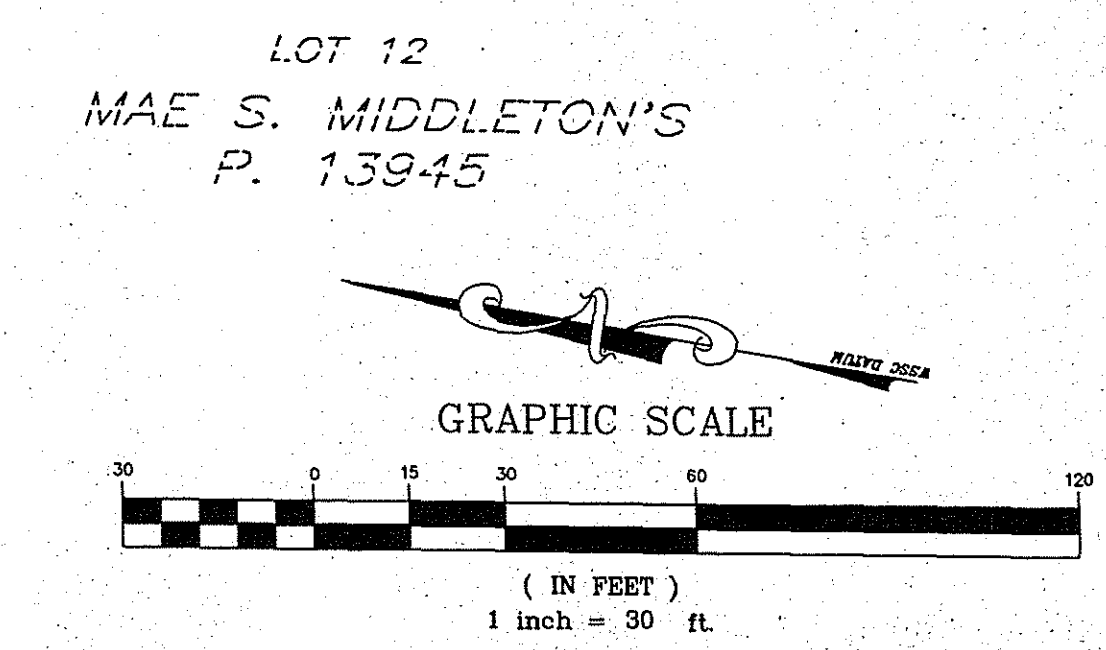


VICINITY MAP
SCALE: 1" = 2000'

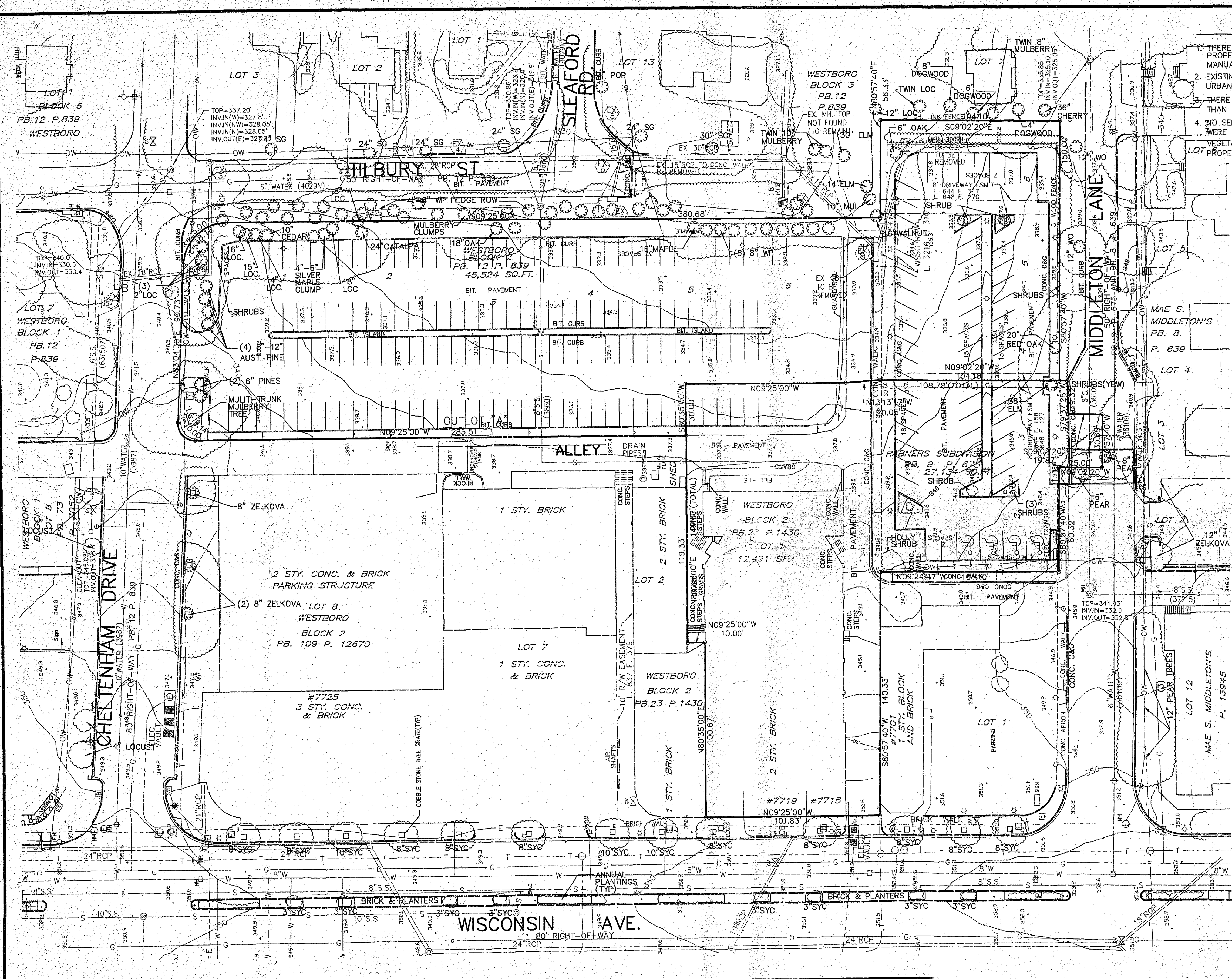


NOTES

- 1.) THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT MAP NO. HN22 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.C. TRAVERSE STATION NO. 7778 AS A REFERENCE POINT.

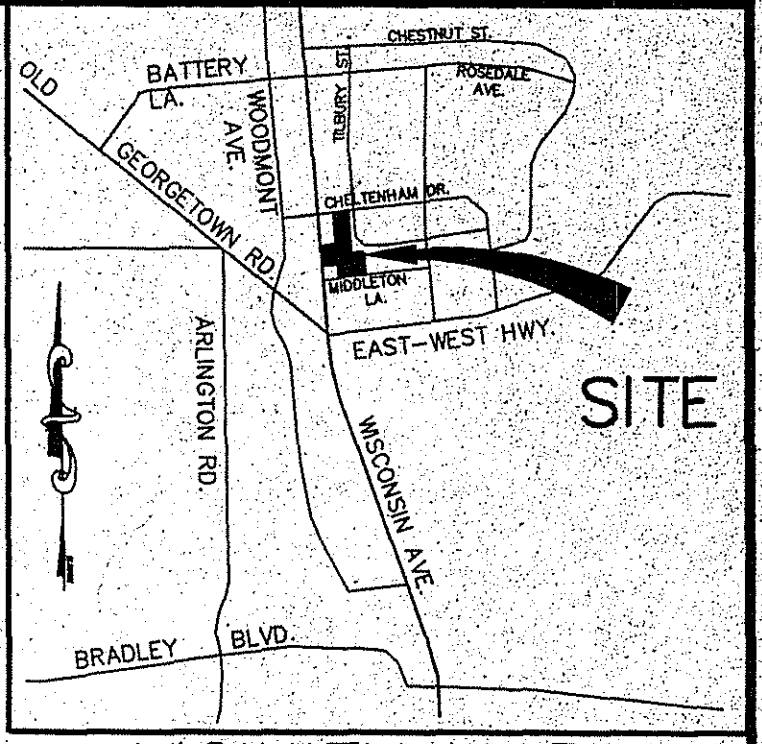


<p>Architect: Weithe Design Group Architecture Planning Interior Design Space Planning 1686 K Street, NW Suite 1000 Tenth Floor Washington, D.C. 20006 (202) 857-8000</p>	<p>Engineer: VIA VIA INCORPORATED 9180 GREENBORO DRIVE SUITE 200 WILMINGTON, VIRGINIA 22102 (703)442-7000 FAX (703)761-2787 WILMINGTON, VA BETHESDA, MD</p>	<p>Attorney: LINOWES AND BLOCHER LLP ATTORNEYS AT LAW 1010 Wayne Avenue Tenth Floor Silver Spring, MD 20910-5600 (301)588-8580</p>	<p>Bethesda Theatre Residential 7791 Wisconsin Avenue Bethesda, Md. 20814</p>	<p>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</p>	<p>AREAS PROPOSED FOR ABANDONMENT EXHIBIT # F JUNE, 1997 1 OF 1</p>
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NRI/FSD NOTES

1. THERE ARE NO FORESTED AREAS LOCATED ON THIS PROPERTY AS DEFINED IN MNCPPC "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 LOT PROPERTY IS AS SHOWN ON THIS PLAN.



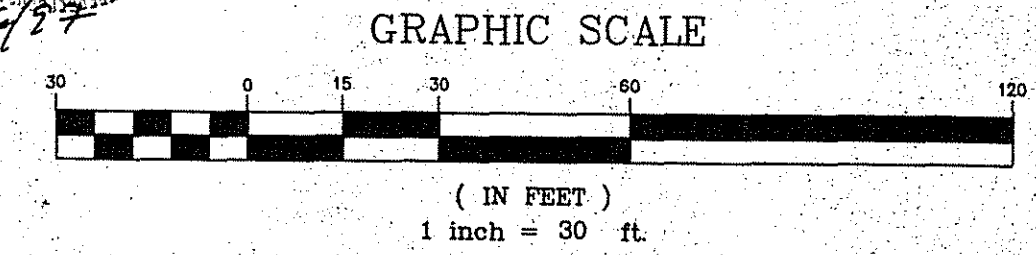
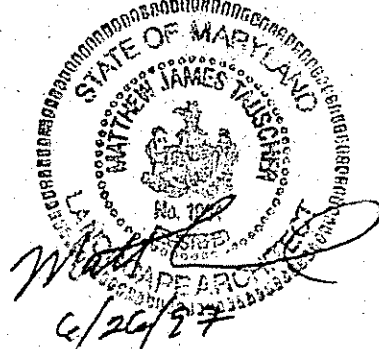
LEGEND

- EXISTING ELECTRIC BOX
 - EXISTING LIGHT POLE
 - EXISTING 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=POPULAR
 MUL=MULBERRY
 WO=WILLOW 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" ELM TREE 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 MNCPPC TREES TECHNICAL MANUAL.



NO.	REVISIONS

Architects:
Weilhe Design Group
 Architecture Planning Interior Design Space Planning
 1600 K Street, NW Suite 1000 Tenth Floor
 WASHINGTON, D.C. 20006 (202) 857-8300

Engineer:
VIVA
 ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ CONSTRUCTION INSPECTORS
 VIVA INCORPORATED
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Attorney:
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Bethesda Theatre Residential
 7791 Wisconsin Avenue
 Bethesda, Md. 20814
 Bethesda (7th) Election District

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

NRI/FSD PLAN EXHIBIT # 1
 JUNE, 1997
 1 OF 1

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HISTORIC PRESERVATION COMMISSION
MONTGOMERY COUNTY, MARYLAND

-----X
:
MONTGOMERY COUNTY HISTORIC :
:
PRESERVATION COMMISSION MEETING :
:
-----X

A hearing in the above entitled matter was held on
Wednesday, December 15, 1999, commencing at 7:35 p.m., in the
MRO Auditorium, 8787 Georgia Avenue, Silver Spring, Maryland,
before:

GEORGE KOUSOULAS
Committee Chairman

LYNNE B. WATKINS

SUSAN VELASQUEZ

EMILY HOTALING EIG

MARILYN DeREGGI

STEVEN BRESLIN

STEVEN SPURLOCK

DOUGLAS HARBIT

ORIGINAL

Deposition Services, Inc.

1 with the staff report.

2 MS. ZIEK: Okay. The project at 7715 Wisconsin
3 Avenue.

4 MR. KOUSOULAS: Folks, excuse me a second. Can you
5 take down that. I think if we are going to show slides,
6 nobody will be able to see them. The staff will probably be
7 showing slides first. //

8 MS. ZIEK: Okay. This project involves the Bethesda
9 Theater, which is the master plan site 35/14-4 7715 Wisconsin
10 Avenue. This is an art modern theater built in 1938. And it
11 was designed by the New York architectural first of John
12 Eberson, who also designed the Silver Theater in Silver
13 Spring. So the County is very fortunate to have some good
14 examples of this architect's work.

15 The applicant came to the HPC for a preliminary
16 consultation in June of '97, and has been working on this
17 project ever since. There have been a lot of different
18 aspects of the proposal. It is quite a complicated
19 application. And it has been before the Planning Board
20 needing to get much approval from the Planning Board.

21 The project is a mixed use project, that is being
22 developed under the optional method. Under the optional
23 method, the applicant has to provide certain public amenities,
24 and there is open space requirements, and there are, in this
25 case, one of the very big amenities is the rehabilitation of

1 the Bethesda Theater. And that involves the interior of the
2 theater over which the HPC has no jurisdiction at all.

3 But the building is open, and I would hope you all
4 -- I don't know if you all have gotten into the theaters.
5 Movies have been shown. I don't know if they are still -- it
6 is currently, it's a movie theater. It's really a very nice
7 interior space.

8 And unlike the Silver Theater in Silver Spring,
9 which sets sort of in the hands of an owner that set out to
10 actually demolish the theater, this building has been well-
11 maintained since 1938, and is in very good condition with the
12 original interior features, interior lighting, and wonderful
13 work in the ceiling of the building.

14 The applicant has provided for the Commission
15 drawings to show what the proposed new residential tower above
16 the theater would look like. Part of this project includes,
17 the biggest part that involves the Commission, of course, is
18 the construction of a 10-story residential tower above the
19 theater.

20 I will show slides of the theater to show the
21 building, it's existing condition that it is sitting right
22 now. This theater was designed with two shop fronts on the
23 north side of the entrance, and one shop front on the south
24 side. Only one of the north shops remains now, so that in its
25 restored condition, it will have a shop on either side of the

1 main entrance.

2 And the alley, which is on the south side of the
3 theater will be incorporated into the new, as an access way to
4 the new parking garage, which is going in underground and
5 behind, off the theater property, that is not really coming
6 under your review.

7 But just in terms of understanding the whole scope
8 of the project, it is a mixed use with the residential
9 development including some townhouses in the property between
10 the theater and the residential community directly to the east
11 of the theater property. Right now there are some open
12 parking lots there, and there is some public parking, surface
13 parking.

14 And the applicant will be occupying all of those
15 surface parking areas with townhouses and low rise apartment
16 buildings, and then provide, and then build the apartment, the
17 10-story apartment building over the actual Bethesda Theater.
18 And then provide parking both for the residential development
19 and for public parking.

20 And again, behind, off the theater parking property,
21 off the theater property, but to be integrated with the
22 theater through this side alley, which I can show you slides.
23 It might be just as easy.

24 The key issues that we have worked with the
25 applicant have to do with certainly restoration of the

1 theater, features, restoration of the shop fronts. They have
2 been covered up and quote modernized. But there are many
3 original features still there: original metal work, which you
4 can see. And we are hoping there is even more that has been
5 covered up but still retained inside too.

6 We have been working with them in terms of the -- as
7 staff of Park and Planning, just to let you know, we have been
8 working with them in terms of the restoration of the interior,
9 even though that is not your purview. Park and Planning has
10 some role in that. And as staff at Park and Planning, we have
11 been working with them for that to assure preservation of the
12 interior, and preservation of the interior ceiling.

13 And we have been working with them in terms of the
14 maintaining the alley wall. They had originally a proposal to
15 sort of encapsulate the original wall. And now they are
16 coming back with a proposal which simply will expose the
17 original wall down the alley, so you can see the changes in
18 the brick work, where the front portion of the building is in
19 a more decorative brick, and then the alley brick is a red
20 utilitarian brick. So that those features we felt strongly
21 should be maintained.

22 We've been working with them on the setback. It is,
23 of course, one of the issues that you will hear a lot about
24 tonight. And at the preliminary consultation, the Commission
25 gave some guidance to the applicant to the sense that there

1 was an understanding that with the issues of setback, you were
2 looking at the tensions between the original structure as
3 built with its auditorium portion that starts back, about 50
4 feet from the street.

5 From the interior of the theater, of course, you go
6 through two lobbies before you get into the auditorium. It's
7 all part of that transition into sort of the world of fantasy.
8 And on the exterior, I think it is very clear that there is a
9 utilitarian portion of the building. The roof line is just
10 the black pitch. It's clearly utilitarian, behind the
11 secondary parapet, which is fairly hard to see. You have to
12 look for it. And that is setback 50 feet back.

13 And then, of course, with the attention of the urban
14 design form, the way Bethesda is developing now, with the
15 buildings taking advantage of the Metro and those kinds of
16 urban design issues, which are part of the development of
17 Montgomery County.

18 So the applicant actually responded. Their initial
19 proposal was for a 20-foot setback. They responded by pushing
20 back 25 feet. And so it is not to the 50-foot setback. But I
21 think the Commission was fairly open to saying that perhaps
22 the 20 wasn't correct, but they weren't sure what would be
23 correct. And they would just like to see what the applicant
24 was going to come up with.

25 I would like to show you some slides now, to orient

1 you to the area. This is the view down the street. And I
2 think that the theater is right in here. This is another
3 view, looking in the same direction. At the theater, right
4 here, you can see there is new construction going on.
5 Obviously, all of this is new. This is new, since the theater
6 was built. And this is the theater as it sits now.

7 The roof is visible from this view shot across the
8 street. This is the first parapet, which is used to define
9 the theater itself. This is the north shop, and the south
10 shop, which is lower. The parapet helps to give some added
11 presence to the theater, and then, of course, the sign post on
12 the marquis.

13 And the second parapet is back here. It is not
14 readily visible. It is back here to shield where the roof
15 line changes.

16 This is the view down the alley. And I think you
17 can see here, this is the decorative brick work, and here is
18 the utilitarian brick work. Let's see.

19 This is just the back of the theater. All of this
20 will be developed, will be included into the new development.
21 This is the view down. This is the parking area that will be
22 underground parking will be developed under here, and
23 apartment house, the apartment, low rise, and the townhouses
24 there.

25 Just another view showing that development area.

1 This is a view across what is now public parking, which will
2 be townhouses to the development right now along the street.
3 This is directly across the street from the theater now. And
4 new construction, new construction, and then just more views
5 to give you a sense of the street.

6 And then the theater. Again, this is a better view
7 showing where the auditorium roof itself is, and the second
8 parapet. And a view of the theater. And this board was put
9 up, the read marker here is about 20 feet. Right now, the
10 setback would be right at about this point, right here, at
11 about 25 feet back. This portion of the second parapet would
12 be exposed in the new construction.

13 I just wanted to show you another example that has
14 been pointed out to us in terms of this development, which is
15 the Greyhound Theater, downtown, where the setback was 30 feet
16 from the front to the new development. And that allowed the
17 building to sit in front of the larger new, in that case, an
18 office building. Along the street, of course, the building
19 just feels the way it did originally. There are some ways
20 where this comes right down as an edge.

21 I wanted to point out that the 25-foot setback is
22 measured from this point, and the building does extend over
23 the sidewalk, and the marquis tower itself extends above the
24 sidewalk.

25 Just some details. This just have all been light

1 bulbs. And some of the original metal work, which is still
2 there. And some more of that, this really nice loopy curves.
3 The ticket booth in the center of everything, and the theater
4 cafe name now.

5 MR. KOUSOULAS: I think we need to move along.
6 We've got to hold everybody to our time limits.

7 MS. WRIGHT: There is one last thing staff could
8 raise about the changing condition.

9 MS. ZIEK: Staff is recommending approval for this.
10 And in my report, I mention that the applicant, I suggested
11 that the Commission would put as a requirement the
12 establishment of a preservation easement on the interior of
13 the theater. The Commission actually doesn't have an purview
14 over the interior. I overstepped my boundaries there.

15 The Commission might wish to encourage that of the
16 applicant. I think that's a good idea. There are some
17 financial benefits available to the applicant for an interior
18 easement. And it would assure the preservation of the
19 interior in perpetuity. I'll be happy to answer any
20 questions.

21 MR. KOUSOULAS: Thank you for that report. Are
22 there any questions of staff?

23 MR. HARBIT: Did you have any idea who would hold
24 that easement?

25 MS. ZIEK: Well, the County can hold an easement.

1 It is in our ordinance. And we have other preservation
2 easements. I think that the Maryland Historical Trust would
3 also be a very suitable easement holding organization. Also,
4 they will be holding an easement on the Silver Theater. So
5 they are very familiar with these theaters. Either one would
6 certainly be suitable.

7 MR. KOUSOULAS: Would the applicant like to come up?

8 MR. SMITH: Good evening. My name is Gene Smith of
9 E.M. Smith Associates of 4801 Hampden Lane in Bethesda. With
10 me tonight in the audience are representatives of the Buzuto
11 Group, my joint venture development partner, and the Beta
12 Corporation, owners of the Bethesda Theater.

13 Our attorneys, Bob Metz and Emily Vias of Linowes
14 and Blocher are also in attendance. Following my brief
15 remarks, George Dove, our project architect and principal of
16 the Vie Design Group will review the building design. And
17 Mary Oehrlein, to my right, of Oehrlein and Associates, our
18 historic preservation architect, will discuss the scope and
19 the preservation and restoration work proposed for the
20 theater.

21 I am delighted to be here this evening to present
22 you what we believe to be a very good proposal. The design
23 before you addresses the comments that we have received from
24 our preliminary 1997 consultation with the Commission, and
25 also incorporates suggestions provided to us by your very

1 capable and professional staff.

2 The project is also the culmination of a several
3 year collaborative effort that we have had with the east
4 Bethesda community, the County Council, the Park and Planning
5 Commission, and your staff, to achieve several important
6 public initiatives.

7 These initiatives, as identified in the Bethesda
8 sector plan, include providing an appropriate buffer and
9 transition for the East Bethesda neighborhood from the
10 downtown; improving the pedestrian environment and the
11 community's link to the CBD; increasing the availability of
12 public parking in this part of Bethesda; providing much needed
13 housing close to Metro; restoring the exterior of the Bethesda
14 Theater; and last, but not least, preserving the interior of
15 this important Bethesda landmark as the primary amenity of
16 this optional method development.

17 This project responds favorably to all of these
18 objectives, and we feel that the County, the community, and
19 the HPC are getting a lot from this proposal. Our team has
20 endeavored to design a signature apartment building that is
21 both sensitive and compatible with the historic character of
22 the theater.

23 My partners and I feel that the design achieves
24 this, while also balancing the multiple objectives for this
25 development. I hope that you will support our proposal that

FORM 150 PENGSAU 1-800-631-6989

1 will allow us to return this landmark to its original glory,
2 and create a project that adds significantly to the vitality
3 of downtown Bethesda. Thank you. George.

4 MR. DOVE: My name is George Dove. I am the
5 principal of Via Design Group in Washington, D.C. I would like
6 to take you through a couple of things this evening that may
7 help you better understand where we are on the project.

8 First, there is an orientation, location as you saw
9 on the slides, but just for your reference, these are the new
10 buildings that are under construction. New project Excite is
11 further up the street, directly across from the Discovery
12 Channel, and of course the new building that is being built
13 next to it.

14 The site, as was discussed by staff, is a fairly
15 complicated site. It is basically an L with a leg that comes
16 out to Wisconsin Avenue. It is flanked by Chevyland and a now
17 under-utilized automobile sales area. The current alley is in
18 this location. The apartment tower is an L-shaped tower.
19 Behind it is an open space area which is a pedestrian
20 connection back to the residential neighborhood to the east of
21 the site.

22 Connected to and a part of the 11-story tower is a
23 four-story low-rise apartment unit, which is grouped around a
24 series of courtyards, stepping down in scale to townhouses on
25 the eastern point, and a row of five townhouses on the south.

1 The theater is in this location right here. The
2 marquis is here. This is indicating the new setback of 25
3 feet.

4 Just to give you the character, quickly, of the
5 architecture looking from the other direction, this would be
6 the Tilberry, looking to the southwest. These are the
7 townhouses that are immediately adjacent to the single family
8 residences, stepping up a little bit to a three-story element,
9 and then to a four-story element, with a tower beyond as it
10 goes towards Wisconsin Avenue.

11 The end result, and I think probably the most
12 important document that we have to talk with today, is the
13 reality of the design we are proposing for the theater. I
14 think that this view clearly demonstrates that the tower is
15 setting back and letting the current front entrance to the
16 theater and the vertical element ride free and clear of the
17 super-structure that is behind it. We, of course, are
18 restoring the theater front and all of the vertical elements,
19 back all the way along the alleyway.

20 What we are doing in terms of building this
21 particular tower, is spanning across the entire theater, with
22 71 foot trusses, which go from this area to this area, and
23 come down just in a few locations where the columns come down
24 to the ground. This is the alleyway looking back to the east,
25 the adjacent car dealership.

1 The tower rises 11 stories. It contains 209
2 residential units. By the way, there are 49 in the mid-rise
3 and 11 townhouse units.

4 What you are seeing in this representation is the
5 blonde brick, with the dark brick accent of the existing
6 theater front. You'll see in this corner, and it is on the
7 other side also, that the farthest most parapet coming out and
8 indicating where that particular element of the original
9 building is.

10 The side walls are now exposed where the utilitarian
11 brick goes on back, and we have superimposed on that the
12 support structure which stands slightly clear of it. So the
13 original fabric of the sidewalk continues all the way down the
14 alley.

15 This alley now is not an alley. It is a pedestrian
16 system that leads to one of the entrances to the apartment
17 building, as well as to the public garage. Let me just step
18 back for a second and orient you.

19 The alley goes back, or the pedestrian movement area
20 goes back to an entrance into the lobby to the public garage.
21 This is the main entrance to the apartment tower. The main
22 lobby entrance is here. Also a garage entrance. There is
23 another garage entrance here. And of course, there is some
24 activity to the townhouses off to the very rear.

25 In the design that we have developed here, I think

1 we have listened very carefully to what the previous
2 Commission comments were, as well as their comments with the
3 staff. And there were several.

4 One was, was 20 feet far enough back from the
5 property line to really delineate or to really respect the
6 theater? We agree that moving it back further could be a good
7 element, although we absolutely concur with some of the
8 members of the Commission who mentioned the fact that in the
9 urban aspect of Wisconsin Avenue, the east side, a major
10 break, at this point, most likely would not be as beneficial
11 to the urban character of the streetscape. We think the 25
12 feet represents a point where it allows us to respect the
13 front areas, and yet allows the program to go forward, and to
14 maintain the integrity of the urban aspect of Wisconsin Avenue
15 on the east side.

16 In actual development of the facade itself, we've
17 done a couple of things. One, we've eliminated the parapet at
18 the top. We've made it very similar in the fact that the
19 original theater does not have a projecting cornice, but just
20 continues on up. This is the same thing.

21 In the center, we have created a design element of
22 contrasting a cast stone material which, in fact, is a similar
23 proportion to the front pediment, and reinforces it in a
24 subtle way. We think that this is a modern design of the
25 building, but it is not trying to replicate the theater. It

1 is trying to respect it.

2 The use of a medium red to brown brick with the
3 lighter gray accent block on the superstructure is designed,
4 primarily, to let the blonde brick of the front theater stand
5 out and be its own element, as it always has been. And yet,
6 when it goes back to the utilitarian brick, in fact, it is
7 much more in that character, saying that it is background, as
8 opposed to the contrast to the bottom of the front.

9 In addition, we have introduced linear elements
10 along the front facade and the rest of the building, which are
11 similar to the lining that occurred in the original parapets.
12 And one of the things that we think is most important is that
13 indicative of the period, we have clean core windows that turn
14 full glass and are full floor to height, which is certainly a
15 modern element that is being created in this particular
16 building, without mimicking what might have been at that time.

17 The other thing that I think is extremely important,
18 balconies have been removed from the tower at this point. And
19 I think that that gives the building a clean look. It
20 respects the modern movement of the issues that were in the
21 original design. And I think that is a significant change
22 from our past proposal.

23 I think my time is probably up. We will answer your
24 questions later.

25 MS. OEHRLEIN: I'm Mary Oehrlein with Oehrlein

1 Associates Architects. We would like to very quickly
2 summarize the preservation aspects of the theater project,
3 portion of the project.

4 I'm going to do this very much as a summary, and the
5 package of materials that we submitted to you there is a very
6 detailed scope of the preservation work for the theater. But
7 the exterior of the theater, we are retaining and restoring
8 the tower sign, the marquis. You saw in the slides that
9 represented portions of the original aluminum and other metal
10 work that is in place.

11 A large portion of the south store front exists and
12 will be restored. We are hoping that some portions of the
13 north store front are in tact under the materials that have
14 been applied to that store front. But the windows themselves
15 are missing.

16 What I am showing here is the proposed design for
17 that new store front which will replicate the south store
18 front in detail but not in configuration. We have a new exit
19 stair coming from the apartment tower, which will exit through
20 this doorway. So instead of a single door with two store side
21 front windows, we have a center store front window with two
22 side doors.

23 George spoke about the north and south elevation.
24 Do we have a drawing? Yes. That shows retention of the
25 original, and leaving exposed the original brick at the north

1 and south elevations. This is the yellow brick at the front
2 portion of the building, and the common red brick that comes
3 to the rear auditorium portion of the structure, leaving the
4 second parapet exposed at both corners, and then bringing the
5 new superstructure down in front of the existing walls. This
6 occurs on both the north and south elevations.

7 The one thing that George didn't talk about, that
8 I'll talk about, is that the center portion of the second
9 parapet, and you saw just a glimpse of it in the slides that
10 were shown, are three decorative elements. I'll get that
11 drawing. Three decorative elements that we fondly refer to as
12 radiators, because they look a little bit like cast iron
13 radiators.

14 What we are proposing to do, rather than allowing
15 these to be basically engulfed by the new construction, is to
16 dismantle them and move them on site, and use them as part of
17 a retaining and protective wall within the pedestrian walkway
18 and access to the parking garage entrance and to the apartment
19 entrance.

20 At the exterior, we are proposing to retain all of
21 the original finishes that remain. There have been some
22 alterations in the toilet rooms, and the second portion of the
23 entrance lobby. But the original lobby is in tact, with the
24 ceilings, and a lot of the cove lighting. And the theater
25 interior is in tact, largely in tact as well.

1 Sorry. I've lot the photograph. Somewhere here
2 there is a photograph of the interior of the theater. There
3 is a very nice ceiling with decorative painting, decorative
4 trim. And all of that is part of this project, and will
5 remain in tact.

6 The interior rehabilitation will include new
7 mechanical, electrical, and plumbing system, as well as
8 combinations for ADA. It is our intent to limit any
9 alterations of the interior to those that are necessary to
10 meet code and to install the new systems.

11 I just wanted to talk in summary a little bit about
12 the changes that we've made to the project since you saw it
13 before. We listed very carefully to your comments and
14 concerns that we heard two years ago, and have revised the
15 project to respond to those comments and concerns.

16 The setback from the rear of the tower sign is now
17 25 feet from the back of the sign to the face of the building,
18 increased by five feet. This, we realize, is still a
19 compromise in the minds of some people, and is certainly not
20 setback to the second parapet. But we are hoping that you
21 would look at the quality of the design relative to the
22 setback.

23 And we believe that the front of the theater is the
24 most significant part, the tower sign, the marquis. It will
25 be restored and remain in tact and be allowed to remain

1 separate from the new construction. And that there is
2 sufficient space between the new construction and the back of
3 the sign to allow it to be read, the new construction not as
4 an appendage of the theater, but as separate and distinct
5 construction.

6 I also think that, as I have thought through all of
7 the projects where there is new construction behind a new
8 building, and you saw photographs of the Greyhound building,
9 that there are some that are successful. Greyhound is
10 marginally successful, because the quality of the design of
11 the building behind it is good.

12 There are others, like Red Lion Row, where that
13 setback is 50 feet plus, but it is still not enough, because
14 the quality of the design behind the historic buildings
15 doesn't enhance the historic properties in any way. It truly
16 detracts from it. So that building, that setback could be 100
17 feet and still not be enough.

18 I think that with the improved and revised design of
19 the new construction, that the materials in detailing the
20 tower are clearly different, but compatible and sensitive to
21 the design of the theater. The apartment tower appears as a
22 separate building, related to the theater, but not an
23 appendage to it. And that the new building does not have to
24 copy or match the details or the materials here, but uses
25 those materials and details which make reference to early 20th

1 century architectural design.

2 We have also changed the design to allow the brick
3 facing at north and south elevations to remain exposed and
4 read, so that it is very clear that as you walk down the
5 pedestrian alleys that you can see the original configuration
6 of the theater, and the change from the face brick in the
7 front, to the common brick in the rear. And you will still be
8 able to perceive that, as well as understanding the
9 relationship of the new tower relative to the historic
10 theater.

11 And we've preserved the second parapet, decorative
12 elements. We had talked about broader ways to incorporate
13 those decorative elements into the project. And I felt very
14 strongly that it was important that they be a part of the
15 projects and a function, something that was not an artifact
16 set in the middle of the landscape, but to see and be used as
17 they are now, as part of a wall, as part of a parapet. And
18 that unlike now where there second parapet is not really
19 visible unless you are very tall or across the street, it will
20 now be visible to everyone who walks down the public way.

21 Thank you. I think that's -- and we made it within
22 our time.

23 MR. SMITH: That summarizes our comments. If you
24 have any questions, at this time we would be happy to respond
25 to them.

1 MR. KOUSOULAS: Any questions, or I think we should
2 probably wait. Thank you very much.

3 MR. SMITH: Thank you.

4 MS. OEHRLEIN: Thank you.

5 MR. KOUSOULAS: Okay. Now we will take testimony
6 from the audience. Our first speakers, I would like to have
7 you come up. Linda Lyons, Douglas Gomery, Richard Striner and
8 Richard Longstreth. You four have been ceded time from six
9 other people, so you will have a total of 31 minutes to speak.

10 MS. WRIGHT: Could you read off who has ceded time,
11 just so that folks understand that they have ceded time, the
12 names of those six people?

13 MR. KOUSOULAS: Sure. Peter Montelewicz, Christine
14 Henry, Jerry Turnipsy, Mary Reardon, Tony Wilner, and Judy
15 Reardon.

16 MS. LYONS: Mr. Chairman and members of the
17 Commission, as preservation chair of the Art Deco Society of
18 Washington, I come before you tonight to express our deep
19 concern for the future and preservation of the historic
20 Bethesda Theater.

21 We believe that the plan being proposed will engulf
22 the theater, and thereby obliterate its presence and integrity
23 in the Bethesda streetscape. This does not do justice to its
24 history, and more important, it is not good historic
25 preservation.

1 As you can see, many of our members are here tonight
2 to express their concern. Some of them have ceded their
3 speaking time to our Society, so that we may present the
4 opinions of three leading experts in history, and historic
5 preservation. Others in our group may then wish to speak for
6 themselves.

7 Now, I am honored to introduce our distinguished
8 consultants. Professor Douglas Gomery of the University of
9 Maryland is a leader in the field of media studies, and the
10 author of important books on theater history.

11 Professor Richard Striner of Washington College is
12 well known to the Metropolitan area as a leading
13 preservationist, cofounder of the Art Deco Society, and author
14 of the pioneering book, Washington Deco.

15 Professor Richard Longstreth of George Washington
16 University, is one of the country's most distinguished
17 architectural historians, a leader in 20th century studies,
18 the author of award-winning publications, national president
19 of the Society of Architectural Historians, and here in
20 Maryland, chair of the Governor's Consulting Committee of the
21 Maryland Historical Trust.

22 Professor Gomery will speak first.

23 PROFESSOR GOMERY: Thank you very much for letting
24 me speak. I do have prepared remarks that I would be glad to
25 share with you, if that would help.

1 I have a Ph.D. from the University of Wisconsin, and
 2 have been studying cinema for 25 years, just to give you my
 3 qualifications. I've taught at Northwestern, lectured at
 4 Yale, and I'm teaching at NYU next year. I have been a
 5 trustee of the American Film Institute, a consultant to the
 6 Library of Congress' motion picture division, and former
 7 editor of Marquis, the leading publication on the history of
 8 motion picture theaters in the United States.

9 I've written a lot of articles on this subject. My
 10 book, "Shared Pleasure," is a history of motion picture
 11 presentation in the United States, earned a 1993 prize for one
 12 of the best two books on the history of cinema given by the
 13 Lincoln Center in New York City.

14 I have also written awful lots of other articles,
 15 and this is the hard part, telling you how wonderful I am.
 16 But my mother likes best that I'm in Who's Who in America.

17 Locally, I've worked with a lot of projects in this
 18 area. I am proud to say that with many of my colleagues, we
 19 pushed for many years and are quite pleased with what is
 20 happening with the Silver Theater. I also point to the Warner
 21 Theater in downtown Washington as another effort that I worked
 22 very hard on.

23 And I think both are extreme success stories to me,
 24 of these theaters being preserved in tact, in whole, and
 25 becoming centerpieces of their community. It is hard to

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1 imagine, to me, downtown Silver Spring without the Silver.
2 And it is hard to imagine downtown Washington without the
3 Warner providing a theater district.

4 Focusing, now that I have gotten beyond me, focusing
5 on the Bethesda Theater, which is a personal favorite of mine,
6 because I've lived about a mile away from it for almost 20
7 years, and have driven by it thousands of times. I urge you,
8 with all my experience and the expertise that I have achieved,
9 to deny this request for this proposal.

10 It seems to me that it will engulf, by their own
11 admission, this theater, and make it what to me looks like a
12 slight appendage to what its great glory was.

13 The Bethesda Theater, as the staff pointed out, we
14 are very lucky, is a rare example of an art deco theater in
15 tact. They are quite correct about that. It is one of the
16 few that we have left in not just here -- we are spoiled by
17 the Silver -- but in the whole United States of America.
18 There are only a handful of these kinds of things. They are
19 very rare, and we shouldn't be missing them if we can help it.

20 John Eberson is not some trivial architect. C.W.
21 Rapp, Thomas Lamb, Charles Lee, these are the four great
22 architects of movie theaters across the whole United States,
23 and indeed setting a primary standard for the world. So to
24 engulf and encompass a John Eberson theater makes me very,
25 very nervous.

1 We also, as a resident of the area, just have very
2 little left of downtown Bethesda. I mean, I was just trying
3 to think of, with my friends the other day, of what we have.
4 The post office, a bank. A person who is a good friend who
5 teaches at Northwestern, and she comes back. She went to
6 Bethesda-Chevy Chase High School, and just kind of shakes her
7 head. There is nothing left of the Bethesda-Chevy Chase that
8 she grew up in.

9 We shouldn't destroy what we have. We have lost the
10 Hiser Theater. Many of you might not know, but it was a nice
11 movie theater, not as nice as the Bethesda, across the street.
12 So this is the only example that we have kind of left.

13 What our friends have not said earlier is what even
14 their apartment building will do, is destroy what was one of
15 the central points of the movie theater, and that is the
16 experience of approaching it, the experience of coming and
17 going to the movies.

18 People have talked about the fantasy inside, but the
19 fantasy began well outside of the theater. Those patches of
20 grass that you saw on the slides, well, that was trolley line.
21 You approached the theater as a whole experience, with its
22 lights, with its beams, with its marquis lit, with it's not
23 tower but vertical lit, shining for hundreds and hundreds of
24 feet in every direction.

25 It was a compromise, sure, because there was a

1 parking lot built. This was built in the 1930's, not in the
2 1920's. But the approachment of the theater, the approachment
3 of the whole, was not just some part of brick work or
4 whatever. It was part of the whole complete experience.

5 And so I think to add another structure that would
6 clearly dominate it, and clearly engulf it, and clearly
7 overwhelm it is just really, really not needed.

8 Our community had voted with its dollars to help
9 preserve the theater, the Silver Theater, as a whole. We did
10 not put an apartment building behind it. We did not add extra
11 tax on it. We said, this is what we want is a wonderful
12 theater. It's a great John Eberson theater. It seems there
13 is no good reason to make a mistake again and put a huge
14 building behind it that will distract from it.

15 The simple rule, if I am not going too far from this
16 basic book about reuse of movie theaters that I participated
17 in is, don't destroy, don't overwhelm, don't engulf, because
18 you have no second chance. Nobody is going to -- if you build
19 a building, nobody is going to tear it down and start all over
20 again.

21 This is our one chance. Please do not let this
22 wonderful artifact be overwhelmed and swallowed up by an
23 apartment building. Bethesda has plenty of apartment
24 buildings, plenty of other tall structures that look just like
25 this. We do not need another one. We need a representative

1 to link us back to the past to where Bethesda has been, and we
2 should do that. Thank you very much.

3 MR. STRINER: Mr. Chairman and members of the
4 Commission, my name is Richard Striner, and I am testifying on
5 behalf of the Art Deco Society of Washington. I am associate
6 professor of history at Washington College. I am also former
7 president of the Art Deco Society, coauthor of the book
8 "Washington Deco: Art Deco Design of the Nation's Capital,"
9 published by Smithsonian Institution Press, and winner of the
10 1993 Renshard prize for historic preservation awarded by the
11 Historical Society of Washington, D.C.

12 I personally led the campaigns to save Greenbelt
13 Center School, the Washington Greyhound Terminal, the Silver
14 Theater and Silver Spring Shopping Center complex, and the
15 Bethesda Theater. I am a member of the National Council for
16 Preservation Education, the Preservation Roundtable, and the
17 Committee of 100 on the Federal City.

18 In my opinion, and in the view of the Preservation
19 Committee and Board of the Art Deco Society, the proposal for
20 the redevelopment of the Bethesda Theater site that is before
21 you this evening is totally unacceptable. We oppose it, and
22 we urge you, in the strongest terms, to reject it.

23 The Bethesda Theater is an extremely rare and in
24 tact example of a 1930's art deco cinema. It is especially
25 rare in the context of the State of Maryland, the Greater

1 Washington Area, and Montgomery County. The County is
 2 exceptionally fortunate to have two art deco cinemas, the
 3 Silver and the Bethesda, designed by the world renowned dean
 4 of American theater architects, John Eberson. Both were built
 5 in 1938.

6 Of the 13 theaters designed in the Nation's Capital
 7 area by Eberson, only three survive fundamentally in tact. Of
 8 these, the Bethesda Theater is the most in tact. That is why,
 9 with your support, we successfully nominated the Bethesda
 10 Theater to the National Register of Historic Places.

11 The Silver Theater is about to be lavishly restored
 12 by the County and the State. The Bethesda Theater, in the
 13 plan before you, would be visually swallowed up and physically
 14 entombed in the base of an apartment building.

15 This proposed treatment of the Bethesda Theater is
 16 absolutely comparable to the treatment proposed in the 1970's
 17 for Grand Central Station. The New York City Landmarks
 18 Preservation Commission said no to this dreadful treatment,
 19 and so should you.

20 New York's successful opposition to the entombment
 21 of Grand Central Station set a national precedent in
 22 preservation law, when the case reached the Supreme Court in
 23 1978.

24 Thus in national terms, the treatment proposed for
 25 the Bethesda Theater has been discredited within the

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1 preservation movement for 20 years. And in local terms, the
2 eminent rebirth of the Silver Theater, contrasted to the
3 proposed entombment of the Bethesda Theater is so outrageous a
4 comparison, that Montgomery County preservationists must rise
5 up and stop it at once.

6 For the information of those Commissioners who were
7 not privy to earlier phases of this battle, the owners of the
8 Bethesda Theater, the Beta Corporation, steadily and
9 stubbornly opposed master plan designation by the HPC and the
10 County Council in 1984 and 1985. When they lost that fight
11 against designation, they sued the County.

12 Then in a vile attempt to cut back the jurisdiction
13 of your own Commission, they dropped the lawsuit in order to
14 extract from the County a mischievous, misleading, perverse
15 and slippery consent order, that appeared to imply that only
16 the facade of the Bethesda Theater is to be protected.

17 The Art Deco Society's attorneys immediately
18 challenged the legality of this tricky and amateurishly
19 crafted document, and we stand ready to challenge it in Court,
20 if it ever becomes the basis for a County decision in this
21 matter.

22 For the information of this Commission, we furnished
23 and updated analysis of this issue on November 18th, 1998. We
24 have extra copies for distribution this evening, if needed.
25 In brief, under Chapter 24A, this Commission has oversight of

1 the whole exterior of the Bethesda Theater.

2 Moreover, under the relevant State enabling
3 legislation, master plan designation in this County cannot be
4 limited to parts and fragments of a resource. Either the
5 entire historic resource is designated, or nothing is
6 designated.

7 Finally, in the past several years, these owners
8 have attempted to fenagle their way through your design review
9 by approaching this Commission for a consultation, and then
10 responding to your concerns with minimal cosmetic changes, in
11 the hope that this monstrosity will now be wafted airily
12 through the process. Can you see how they are trying to
13 manipulate you and this Commission through the years?

14 Now, throughout this case we have, perhaps
15 mistakenly, given the aggressive behavior of these owners,
16 stated that a decent compromise with development might be
17 possible. But even in our most celebrated compromise victory,
18 the Greyhound Terminal project at 1100 New York Avenue,
19 Northwest, and I must depart for a moment from my prepared
20 text to point out that the setback there originally offered by
21 the developers as 10 feet, was finally 47 feet, not 30. It
22 went from 10 to 47. This one is, they started at 20 and now
23 they are at 25.

24 But even in our most celebrated compromise victory,
25 the Greyhound Terminal project at 1100 New York Avenue,

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1 Northwest, in Washington, D.C., the owners had to be forced by
2 us and by the D.C. Historic Preservation Review Board to set
3 back the new construction far enough to make the compromise
4 minimally decent, and not indecent.

5 To give you a quick idea of how much firmness was
6 required, how many times the owners had to be sent back to the
7 drawing boards, here is a quick slide show presenting the half
8 dozen schemes that had to be rejected before a decent
9 compromise was offered.

10 Let's see. Could we have lights, please? All
11 right. Here is the building in the 1970's, very close in
12 overall qualities to its state as originally designed and
13 built in 1939-40. And a side view, showing you more of the
14 overall three-dimensional qualities of this resource that
15 presented obviously challenges with regard to any proposed
16 compromise scheme.

17 I'll go through these quickly. Here is the first
18 one that we were offered. Add in, it seduced quite a number
19 of people. But only a 10-foot setback. The developer and his
20 architect, in this case, were cautious enough to photograph
21 the model under rather harsh light. So I will show you toward
22 the end how small a sliver of the thing would have been
23 preserved.

24 In the interest of time, I will accelerate this.
25 Look at all of these. It took us five years. And they kept

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1 trying. The name of the game being, floor area ratio, square
2 footage. Oh, no. Don't tell me the arch scheme is messed up.
3 Well, it's too hideous to be described. You have to see it.
4 And then finally, the scheme that was proposed that we agreed
5 to.

6 Now, here is the original scheme under harsh
7 lighting. See how small a sliver would have been preserved of
8 that thing? Contrast that to this. Five years of relentless
9 combat with heavy support from the DC Historic Preservation
10 Review Board. Together we made the compromise minimally
11 decent, and not indecent. And for you, you now have this
12 building.

13 See it three dimensionally. The proposed setback
14 doesn't even go back to the end of the preliminary building
15 block. All right. Well, that's enough. In the interest of
16 time, let me conclude.

17 So stand firm. Send these owners back to the
18 drawing boards. The scheme they have proposed is monstrous.
19 It swallows up almost 80 percent of this rare historic
20 treasure, one of the few remaining buildings of its kind in
21 this region.

22 Chapter 24A gets you full discretionary power, and
23 even a project plan approved by the Planning Board confirms
24 your complete discretion on the matter of the setback. We
25 implore you not to let this disaster occur, now or ever. With

1 all due respect, we must inform you that if this scheme is
2 approved, we will regard the Bethesda Theater as a ruined
3 building.

4 We will therefore petition, formally, for its
5 removal from the National Register, and we will tell the world
6 why we felt ourselves driven to take such action. Please
7 maintain solidarity with the nonprofit group that has
8 campaigned for 15 years to preserve this treasure.

9 If the Beta Corporation and its partners cannot
10 propose a compromise that is decent, there is nothing to
11 conclude about them except that they have proven themselves
12 incapable of dealing with this site in a proper manner. In
13 that case, stop it, as you have it in your power to do. Say
14 no to this scheme, and send the Beta team back to the drawing
15 boards. Thank you.

16 MR. LONGSTRETH: Mr. Chairman, members of the
17 Commission, for the record, my name is Richard Longstreth.
18 Linda Lyons outlined some of the things I do. I would like to
19 add to that with great pride that I have been involved in the
20 preservation of the Silver Spring Theater and shopping center
21 since 1984.

22 Since the late 1960's, I have done research on many
23 aspects of commercial architecture, including movie theaters
24 of the 1930's, as well as the 1920's, and later, all over the
25 country. And along with Doug Gomery, I think, have a fairly

1 good basis upon which to assess this, not only from a local
2 standpoint, but from a national standpoint.

3 I am certainly familiar enough with the rich
4 heritage of Montgomery County, too, to say that probably from
5 if you are looking at the County's heritage, architectural
6 heritage from a national perspective, this building looms high
7 among the most significant. It is certainly one of unusual
8 significance for the County itself, for the Washington, D.C.
9 Metropolitan area, for the State of Maryland, whichever way
10 you want to slice it.

11 And nobody has yet mentioned Bethesda, the community
12 of Bethesda, if Bethesda is indeed a community. I would hope
13 it is. And I hope it thinks itself that way. This is from a
14 historical standpoint without any question one of the most
15 significant properties it is.

16 It is therefore distressing to hear in some of the
17 presentations earlier, the history and the actual thing, the
18 actual past is treated almost as if it is an illegitimate
19 step-child of quote, urban design. But this is one of the
20 last buildings of Bethesda of the mid-20th century. It is now
21 so out of context with everything around it, that it has to be
22 altered according to some pre-determined but vague, indeed,
23 unstated cannon of urban design. Maybe that is the way of
24 the future, but please do not call that historic preservation.

25 The certified local government program was

1 established under the 1980 amendments of the National Historic
2 Preservation Act, with the intent, pure and simple, to bring a
3 sense of uniformity, a practice of uniformity, the standards
4 in Historic Preservation, across the country, and to assist
5 many localities in raising their own standards to form a
6 unified preservation movements.

7 And as I hardly need tell you, that program has made
8 enormous strides over the last two decades. It is an
9 extremely important one, I think, from the standpoint of the
10 State of Maryland, of which I am very proud to be associated,
11 which has one of the strongest statewide programs we have in
12 the nation. This has been an enormous gain.

13 In contrast, I find this scheme, having reviewed the
14 plans and paid close attention to the presentation this
15 evening, I find this scheme so absolutely far removed from any
16 possible acceptable standard under the guidelines as set forth
17 by the Secretary of the Interior in which all CLG programs
18 participate, that I think it should be denied outright, with
19 absolutely no exceptions.

20 If this is preservation, then preservation has lost
21 all sense of integrity. And I might only add that having
22 devoted thousands of hours to the preservation of the
23 Greyhound depot, I am profoundly embarrassed to have it
24 presented as a precedent for the scheme you saw tonight.

25 MR. KOUSOULAS: Thank you. We've just heard one

1 viewpoint, and because of our time constraints, we may not
2 have a chance to hear everyone who wishes to express the same
3 viewpoint. So I would like to take this time for everyone who
4 supports what they just heard to please stand, so the
5 Commission can have a sense of the extent of the support for
6 that viewpoint.

7 Thank you. Now, we would like to take some more
8 testimony, and in the name of balance, I think we are going to
9 be getting a different viewpoint. But would Benjamin King and
10 Barbara Barnett and Stephen Long please come up.

11 MR. KING: Good evening. I promise not to threaten
12 you. My name is Benjamin King. I live on Bradley Boulevard
13 in Chevy Chase, Maryland. I'm a past president of the
14 Bethesda-Chevy Chase Chamber of Commerce. I'm a present
15 member of the Economic Advisory Council for Montgomery County.
16 And I'm also the vice-chair of the Bethesda Urban Partnership.
17 I also served on the Sector Plan Committee for the central
18 business district of Bethesda.

19 I would like to speak to you this evening, though,
20 as a private individual, and as a citizen, and as a resident
21 who has lived in the area for 66 years. I've patronized the
22 Bethesda Theater since 1947, and also the Giffords Ice Cream
23 place that used to be across the street from it.

24 To me, the art deco facade of the Bethesda Theater
25 has always signified progress. When I served on the Sector

1 Plan Committee, we were interested in three things for that
2 property.

3 One, was to preserve the integrity of the theater
4 marquis. The second was to increase the residential capacity
5 of Bethesda, and create more nighttime pedestrian traffic in
6 the area. Thirdly, to provide a buffer between the commercial
7 Wisconsin Avenue, and the residents of East Bethesda who lie
8 to the east of the theater.

9 The project that you have before you this evening
10 not only accomplishes these three factors, but it does it
11 well. It will restore the interior of the theater to its
12 original splendor at a cost over \$1 million dollars to the
13 developer. This is a win/win situation for Bethesda.

14 It is an exciting project. It is a beautiful
15 project, in my opinion, and I would be remiss if I did not
16 mention the developer, Gene Smith, who has a longstanding
17 commitment and involvement in the beautification and cultural
18 growth of Bethesda.

19 We, in Bethesda, have a rare opportunity to work
20 with an individual to preserve and enhance the beauty and the
21 history of Bethesda. I hope that you will consider these
22 factors and approve this project in its entirety, which will
23 allow economically the restoration of the interior of the
24 theater as well as the facade, and guarantee progress in
25 Bethesda, while keeping the charm and the history of the

1 theater alive. Thank you.

2 MS. BARNETT: Good evening, I'm Barbara Barnett, and
3 I live on Middleton Lane, which is right behind the proposed
4 project. And we moved to the neighborhood about 10 years ago,
5 and have been watching development ever since.

6 And we're actually -- I represent some of my
7 neighbors who couldn't come tonight. We're actually very
8 excited about how this project looks, and we think that it's
9 taken a lot of hard work and an awful lot of compromise to
10 come to the place we are now. And I speak for my neighbors in
11 saying that we think it's attractive. We like the setback.
12 We would like to keep it at 25 feet. We do not approve of a
13 54 foot setback, and we also oppose increasing the height.

14 But we love the theater, and we're happy that it's
15 being preserved, and that it will be around for the next
16 generation. We enjoy using it, and it is beautiful. I think
17 that the proposed project is as best a compromise as we can
18 come up with, and I encourage your support of it. Thank you.

19 MR. LONG: Good evening. My name is Stephen Long,
20 and I also live on Middleton Lane. I also represent the
21 Residents to Preserve East Bethesda, a group of East Bethesda
22 residents who abut the commercial area along Wisconsin and
23 East-West Highway, who came together in 1992 as a result of
24 the initial proposals on this particular project, because it
25 was going to adversely effect our neighborhood.

1 This group has been a catalyst in getting the East
2 Bethesda community, the Montgomery Park and Planning staff,
3 the developer, and the County Council to work together to
4 resolve many of the difficult issues this project raised
5 during the Bethesda sector plan process.

6 Among the issues were the height of this building,
7 the density of this building, the mass and bulk of the
8 building, the transition from an office or apartment building,
9 to a residential community, increased parking needs,
10 underground parking versus deck parking, which we would live
11 and look at, the need for more residential housing in the
12 Bethesda area; and last but not least, the desire to not only
13 preserve the outside of the theater, but to preserve the
14 inside of this theater.

15 I think this project reflects many, many hours of
16 discussion and many compromises, not only by the community,
17 but by the developer and by the County Government. As the
18 gentleman to my left said, it is a good example of how a
19 win/win situation was created without a lot of blood being
20 shed. And we can think of the blood being shed just a couple
21 miles south of us at Friendship Heights over similar issues.

22 The residents of East Bethesda not only defended the
23 preservation of the exterior of the theater, but also the
24 interior of the theater, when no one else was doing it. Even
25 agreeing to an additional four feet in height, from 90 to 94

1 feet to allow for the height of the structural trusses
2 necessary to span the theater, in order to preserve the
3 interior.

4 As you have heard today from members of the Art Deco
5 Society of Washington, appear to be opposing the project in
6 total, but also appear to be proposing the 54 foot setback for
7 the apartment building, rather than 25 feet proposed by the
8 developer.

9 Quite honestly, there are several problems here for
10 us that live in the community. First, we believe that this
11 issue should have been raised to the community, to the
12 developer, to Park and Planning staff during the sector plan
13 process, discussions, and the hearings, the multiple hearings
14 that were held on this. There is no language in the sector
15 plan specifying the setback for the apartment building.

16 Secondly, increasing the setback would move the bulk and
17 massing of this building towards the East Bethesda residential
18 community, and/or would require increasing the height above 94
19 feet. We fought hard to move the mass away from where we
20 live, and to keep the height at 90 feet. The building
21 originally was proposed at 140 feet, and this organization was
22 crucial in reducing that to 90 feet. We have already
23 compromised, as I said earlier, by raising the height from 90
24 to 94 feet.

25 Third, a 54-foot setback between the sign and the

1 building would create, in our perception, an odd urban
2 landscape. All of the other buildings are massed closer to
3 Wisconsin Avenue, and a greater setback for this building
4 would result in a large gap, almost a missing piece.

5 In summary, I believe this developer has worked hard
6 to meet the residents' requests concerning the project's bulk,
7 the mass, and height, as well as the sector plan's requirement
8 for more parking, for more residential housing, and last but
9 not least, the preservation of the theater in tact.

10 We urge your support of this proposal, and adoption
11 of the Historic Preservation Commission's staff report
12 recommendations. Thank you for giving me this time.

13 MR. KOUSOULAS: Thank you. Now we will work our way
14 through the list of speakers, and hope that we get in as many
15 as we can. William Goldstein, John Gaudet, and Marcy Stickle.

16 MS. WRIGHT: Is John Gaudet here?

17 (Discussion off the record.)

18 MR. KOUSOULAS: Sue Fedder?

19 MS. FEDDER: I originally planned to cede my time.

20 MR. KOUSOULAS: Tom Bertch.

21 MR. GOLDSTEIN: I'm here. I'll speak.

22 MR. KOUSOULAS: Again, would you like to come up to
23 the table.

24 MR. GOLDSTEIN: I am Wayne Goldstein, formerly of
25 Save our Armory, now from Remember our Armory, roar. Tonight

1 I will be doing some roaring. I last testified before this
2 body just after midnight on June 24th, 1998. Not long after
3 that, a bare majority of you, or your predecessors, voted to
4 allow the demolition of the Silver Spring Armory.

5 That night's darkest hour was also your darkest
6 hour. The Armory was prematurely demolished on October 19th,
7 1998, thanks to a conspiracy by our County Executive and some
8 of his top aides. The site, which still could have been used
9 by the community, if the Armory still stood, is used for the
10 task of storing dirt, and the mere beginning of construction
11 of the so-called replacement civic building is at least two
12 years away.

13 The immutable designed of that unbelievably
14 important parking garage has, miraculously, been changed. In
15 fact, the seemingly unaffordable option of burrowing into
16 Silver Spring's rocky mantle will be done after all, digging
17 at least one story down.

18 I am telling you this because I believe it was your
19 failure to do your responsibility that caused this avoidable
20 tragedy. It didn't begin on June 24th. It began five years
21 earlier as you stood by and allowed the Armory's roof to leak,
22 creating more than enough demolition by neglect that made it
23 easy for gullible and ignorant Silver Spring residents to tell
24 you they didn't care what happened to the smelly Armory with
25 its falling ceiling.

1 That June night was but the final act of political
2 cowardice. As you are a vassal agency beholden to Park and
3 Planning in many ways, you had to vote as your masters
4 expected. They delighted at the prospect of unloading another
5 of the many properties they don't know how to manage or
6 maintain to get themselves the glorious parking lot just
7 outside these stores.

8 Now you are about to decide the fate of another one
9 of our very rare urban historic resources, the Bethesda
10 Theater. I believe it is important to distinguish between
11 those isolated suburban treasures, like Forest Glen Echo, the
12 rural and remote houses and barns, and the accessible urban
13 theaters and armories. There are very few urban opportunities
14 to make history a regular part of people's lives.

15 A Bethesda Theater has a far greater impact on far
16 more people than the finest barn in the most distant corner of
17 our County. Although we need them all, we have to need
18 inconvenient structures much more to end the fraud that
19 lavishing money on arbitrarily chosen buildings, somehow
20 excuses the many failures.

21 I coined the phrase, demolition by redesign, which
22 describes how architects, full of the latest and greatest in
23 materials and ideas, will obscure, even eliminate, the vision
24 and intent of the original architect of a now historic
25 building. No doubt these newcomers will claim they are

1 enhancing both the building's reuse and its place in a changed
2 community of buildings.

3 However, I will defer to those who, unincumbered by
4 financial interests, have the best knowledge of the history of
5 such a structure and style, instead of an eager visionary, in
6 part because with so few of these buildings, we can't risk
7 using any of them as guinea pigs and architectural
8 experiments.

9 The HPC has insisted that BCC High School's historic
10 buildings be reroofed and repaired with historically accurate
11 materials. Bethesda already abounds with neo-whatever
12 buildings. I would expect that you will want to follow the
13 recommendations of the Art Deco Society's witnesses, because
14 to do otherwise would indicate to me and others that you
15 remain enthralled to additional masters, and can only stand up
16 for the past when those with present money and power at stake
17 don't care what you do.

18 MS. STICKLE: I'm Marcy Stickle, and I concur with
19 the Art Deco Society. I actually ceded my time to them, and I
20 concur with their position. The Bethesda Theater is a
21 treasure, and it must stand as it is. And I too mourn the
22 loss, the tragic loss of our Silver Spring Armory.

23 MR. BERTCH: Before I get started with my prepared
24 statement, the photo here does show the upper parapet wall.
25 Someone on the opposition talked about being a tall person.

1 Well, I would like to point out that the easiest things to
2 destroy are those which are not generally seen by the public.
3 So just because I can't be seen except by a basketball player,
4 doesn't mean that it should be easily sacrificed.

5 I'm a member of the American Film Institute, and the
6 American Cinema Tech, which is a Hollywood based organization
7 similar in mission to the AFI. It was a member of the team
8 that recently completed the restoration and reopening of the
9 Egyptian Theater on Hollywood Boulevard. Now that theater is
10 owned and operated by the American Cinema Tech.

11 I work in the film industry and have lived in the
12 D.C. area for 20 years. I have witnessed the loss of many one
13 of a kind theaters, the Circle, the Key, the Biograph, the
14 McCarthur, to name perhaps the most painful losses. We would
15 like to thank members of the HPC and other members of the
16 Montgomery County Government for their efforts to preserve
17 both the exterior and the interior of the Bethesda Theater.

18 I have read the HPC Commission staff report, and I
19 would like to speak in opposition to the appalling suggestion
20 that most of the secondary parapet be demolished, relocating
21 decorative elements to the alley. Now, if the architect was
22 to include motifs from the old structure and the new, that's
23 great. But in my experience with the Egyptian, the many years
24 of hands on renovation, it is much cheaper and easier to copy
25 an old design than to remove and reinstall an existing piece

1 of brick work.

2 Now, perhaps the suggestion was meant as some well
3 intentioned compensation for covering that area. If so, then
4 please don't to preservation this kind of a favor. It is not
5 preservation. It's an insult.

6 I remember how, when the original Old Ebbitt Grill
7 was demolished, the developer offered to move the stuffed
8 animals, which were over the bar, to the new location as
9 consolation.

10 I have an engineering degree. I come from a family
11 of builders. My grandfather was a finish carpenter. My
12 father a housing contractor, and my mother's second husband, a
13 steel contractor, responsible for hundreds of buildings and
14 bridges across the midwest. I've spent many hours on
15 construction sites.

16 I have seen construction quality, and there's a word
17 we've heard a lot of tonight. I have seen -- I have seen
18 construction quality go from marvelous to merely adequate to
19 pathetic, and often laughable, in the span of only 45 years.

20 Now, I am sure this developer, like all others, will
21 tell you that this will be a quality building, but the truth
22 is that present day builders do not know the meaning of that
23 word. With the possible exception of some high end office
24 building, all new construction, and especially apartments and
25 townhouses, deteriorate quickly.

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1 In 20 years, these structures are mechanically
2 problematic, and within 30 years, the owners gut or demolish
3 if for no other reason than to create a fresh revenue stream
4 from the property.

5 Now, I won't be around in 30 years, but the HPC can
6 recommend that the secondary parapet wall be left untouched,
7 regardless of the setback issue outcome, at least the next
8 owner will have the option of restoring the original look.
9 For what you destroy today, will be gone forever. If it is
10 left covered, perhaps there is some point in time when it can
11 be seen again.

12 In summary, I do thank the developer for his efforts
13 to retain the theater, but as an engineer, I see no reason why
14 if this wall has to be covered, it cannot at least be left
15 untouched for the future. I don't think this is much to ask,
16 in light of the give backs by the County on the property to
17 make this project possible. And I would implore the HPC to do
18 their duty by at least going against item two in Robin Ziek's
19 report. Thank you.

20 MR. KOUSOULAS: Thank you. Amy Connor, James Lintz,
21 and Christopher Richardson.

22 MS. KEPHART: Has any time been ceded?

23 MR. KOUSOULAS: Not in this batch that I'm seeing.

24 MR. RICHARDSON: I had originally ceded my time to
25 Richard Striner and the Art Deco Society. That was my

1 intention.

2 MR. KOUSOULAS: Okay. That wasn't part of the batch
3 that I had tacked to theirs. If you wish to add anything,
4 you can, because they had, their time was added up based on
5 what I had in front of me.

6 MS. KEPHART: They didn't use all their time, the
7 original group.

8 MR. KOUSOULAS: Right.

9 MS. KEPHART: The Art Deco Group had 10 minutes
10 left.

11 MR. KOUSOULAS: So if you want to add more.

12 MR. RICHARDSON: Do you want me to start?

13 MR. KOUSOULAS: Sure. Well, actually, Amy Connor, I
14 called you first.

15 MS. KEPHART: They actually used 37 minutes. So we
16 have 23 minutes left.

17 MR. KOUSOULAS: Right. Go on.

18 MS. CONNOR: Okay. I am Amy Connor. I have been a
19 resident of Montgomery County for the last 18 years. I am an
20 educator in a high school, in a public school. And as an
21 educator, I think it is very important that we preserve our
22 history as it is for our young people to see. Quickly it
23 fades.

24 And if we modify and call the modifications to suit
25 our current needs, preservation of history, that will be lost

1 for our students. I support wholeheartedly the position of
2 the Art Deco Society.

3 MR. RICHARDSON: I am Chris Richardson. I am a
4 resident of Montgomery County, and my point is simple. We
5 have a unique treasure, and I am only 35, but it is a point of
6 pride, and I take my friends and family who visit to the
7 Bethesda Theater. And it connects me to a piece of history,
8 and makes me proud to be American, to enjoy this piece of
9 architecture.

10 And it disappoints me that this kind of development
11 will take place. Surely, we can have this kind of apartment
12 building somewhere else, and not have to modify a beautiful
13 piece of history that continues to be taken away as time goes
14 on. So I appeal to your sense of reason to stop the
15 destruction by redesign. Thank you.

16 MR. LINTZ: I'm Jim Lintz. I currently live in
17 Virginia, but I am a native of Montgomery County. I grew up a
18 few miles from here on Plyers Mill Road. I went to County
19 schools, remember the County well, and return frequently,
20 particularly to Kensington, because Kensington is largely in
21 tact. I go back to Kensington's store. It is now an antique
22 mall, but it is still there.

23 I seldom go back to Bethesda, because other than the
24 Bethesda Theater, there is no much historic left in Bethesda.
25 It is beginning to look more and more like Crystal City

1 without the trees. I really urge you not to let them do
2 anything to the Bethesda Theater.

3 When I want to go to a larger city, I usually go to
4 Frederick, because Frederick has preserved its downtown area.
5 Walk through Bethesda, and there is nothing to attract people
6 that live outside the Bethesda area to that community. I
7 applaud what you are doing in Silver Spring. I think it will
8 bring people from throughout the Washington area back to
9 Silver Spring. Try something like that in Bethesda, rather
10 than tearing everything down or building over it. Thank you.

11 MR. KOUSOULAS: Michael Sockelov, Ken Berman, and
12 James Gardner.

13 MR. SOCKELOV: My name is Mike Sockelov. My name is
14 Mike Sockelov, and I'm a resident of the 4600 block of
15 Sleaford Road, another close in neighbor of the Bethesda
16 Theater project. And I want to express my opposition to any
17 proposal that would create a 54-foot setback from Wisconsin
18 Avenue for the apartment building.

19 A building of this size is obviously more
20 appropriate set close to Wisconsin Avenue, rather than pushed
21 back against our neighborhood. Many of us have been patrons
22 of the Bethesda Theater Cafe. We enjoy it and value it.
23 Under the developer's plan, the building will remain.

24 There has been a lot of talk about the past. We've
25 conveniently skipped over the present of this particular

1 block. The closest neighbors right now of the theater are an
2 Enterprise car rental agency, and an abandoned Mitsubishi
3 dealership. I think that the developer's plan would actually
4 respect this theater more than the present setting does.

5 The proposal for the 54-foot setback will do one of
6 two things: undermine the integrity of our neighborhood by
7 putting the apartment tower closer to our doorsteps. At the
8 same time, it would create an odd gap in the Wisconsin Avenue
9 streetscape with the building being pushed way up the street.

10 More likely, if the setback were mandated, it would
11 make the developer's plans impractical, thereby killing the
12 project. Would this save the Bethesda Theater Cafe? Maybe
13 not. In fact, it might put it in greater danger, because
14 there is no guarantee that the next developer of this tract
15 would seek to preserve the theater.

16 This project has been on the drawing board for quite
17 a few years now, and it still has some significant hurdles to
18 overcome. Gene Smith, the developer, has impressed us with
19 his willingness to communicate with the neighborhood, and
20 listen to our concerns. We are supportive of the project,
21 believing it has the potential to be both enhancement to the
22 central business district, and the natural buffer between the
23 district and our neighborhood.

24 We strongly believe it is in the best interest of
25 the neighborhood and greater Bethesda, that this project not

1 be derailed or delayed by further concerns over the theater.
2 Under the current plan, the facade and the interior are
3 preserved, the theater stays, and we all get to enjoy it.
4 Thank you very much.

5 MR. BERMAN: Thank you. My name is Ken Berman. I
6 also live on the 4600 block of Sleaford Road, directly behind
7 the Bethesda Theater. I appreciate the opportunity to express
8 my views on the project this evening.

9 My family frequently attends the Bethesda Theater.
10 Its preservation as a community amenity is important to us.
11 While I am not an art historian, I can understand why the
12 preservation of the theater itself is also important.

13 The remarkable aspect of the Bethesda Theater
14 project is not that it accomplishes both these objectives. It
15 surely does. The really remarkable aspect of the project is
16 it will accomplish much more for the immediate community.

17 It will turn parking lots that today can only be
18 described as blight, into a relatively attractive townhouse
19 development, which should enhance the overall residential
20 character of East Bethesda, by providing a buffer, a
21 residential buffer from commercial development on Wisconsin
22 Avenue.

23 The development should also improve the pedestrian
24 environment of the neighborhood in the segment of Wisconsin
25 Avenue where the theater is located, particularly in the

1 evenings. The parking lots and the existing alley do not
2 project a sense of safety to pedestrians.

3 I think that the developers of this project should
4 be praised for their creativity in addressing community
5 concerns, as well as landmark preservation issues. Based on
6 my understanding of the history of the theater, and the
7 preservation efforts related to the facade, this project will
8 provide the County and the community with more than anyone may
9 have expected when these efforts commenced.

10 It would be tragic if the project could not proceed
11 because of the imposition of conditions that would make it
12 uneconomic, particularly in view of the historic -- of your
13 staff's support of this proposal. I urge you to adopt the
14 staff's recommendation and allow this project to proceed.
15 Thank you.

16 MR. KOUSOULAS: Thank you. Wayne Mitchell, Lauren
17 Adkins, and Michael Grieb.

18 MS. ADKINS: I had planned to cede my time to the
19 Art Deco Society. I was not planning to speak.

20 MR. KOUSOULAS: Okay. That's it for the list in
21 front of me. Does anyone else wish to speak?

22 MR. GRIEB: I feel a little like the lone ranger
23 here, but probably I can finish up for this end of the --

24 MR. KOUSOULAS: Could you state your name for the
25 record.

1 MR. GRIEB: I'm sorry. I'm Mike Grieb. Sorry.
2 And a member of the Art Deco Society. I have in front of me a
3 book that I have no financial interest in called, "Motion
4 Picture Exhibition in Washington, D.C.," by Robert K. Headly,
5 in which he talks about what was originally the Barlow
6 Theater, which became the Bethesda. I highly recommend it. I
7 won't read it to you, except to say that he talks about what a
8 treasure it is, and where it is today.

9 I live in Garrett Park. So obviously, I have some
10 interest in preservation, Garrett Park being a 100-year old
11 community. But I patronize the Bethesda Theater. And I know
12 a woman who works in the Bethesda Theater currently.

13 I can only say that I basically support the Art Deco
14 Society's position, and believe that the Bethesda Theater
15 represents a unique treasure. You have an opportunity to
16 preserve that.

17 Among the pictures in here is a theater that I grew
18 up with in the Washington area. I'm a resident of Montgomery
19 County now, obviously. But I grew up in the City, grew up
20 over in the Northeast section of Washington where there was
21 the Newton Theater. You may or may not be familiar with that,
22 but now it is a CVS Pharmacy. I go by there, and it causes
23 great pain for me.

24 It would pain me even more to see something -- and
25 obviously, that's not going to happen. There will be some

1 preservation, as designed by the developer. But whatever
2 compromise is reached at all, it is not going to be
3 uneconomical for the developer. Nothing in Bethesda is going
4 to fail. And so whatever compromise is reached will be more
5 than ample for them in terms of economic return.

6 I hope you go with the Art Deco Society's position
7 and preserve the theater. Thank you.

8 MR. KOUSOULAS: Thank you all for your testimony.
9 Would the applicant like to come back up?

10 MR. METZ: Mr. Chairman, my name is Bob Metz, with
11 the law firm of Linowes and Blocher. In the report that Robin
12 made, she talked about the various approvals that we have gone
13 through to come to this point. What I would like to do is
14 submit for the record just a copy of those decisions from the
15 County Council, Planning Board, about all the approvals that
16 we have had up to this point.

17 MR. SMITH: Again, my name is Gene Smith. I am the
18 developer of the site, along with the Buzuto Group. I do want
19 to comment on, to clarify one major issue that some of the
20 speakers raised. And it is the implication that the Bethesda
21 Theater will be destroyed. This proposal will preserve the
22 Bethesda Theater, and it will restore the Bethesda Theater.

23 There may be a difference of opinion on the setback.
24 We believe the 25-foot setback is appropriate and is the right
25 scale setback, given what we are trying to achieve, with

1 allowing the sign pylon to fly free from the theater, and to
2 give the theater its own identity.

3 We believe that that is a good design approach. And
4 so I think that's where the difference of opinion is. But I
5 do want to clarify this. We are preserving and restoring the
6 theater under this proposal, which is not protected under a
7 normal development process. And with that, I wanted to see if
8 Mary or George wanted to comment more?

9 MR. DOVE: We're just here to answer any questions
10 that you might have.

11 MR. SMITH: Yes.

12 MR. KOUSOULAS: Okay. I'm sure there are some
13 questions of the applicant.

14 MR. HARBIT: Staff had suggested that you consider
15 an easement on the interior. Have you given any thought to
16 that?

17 MR. SMITH: Yes, we have. We believe it may be in
18 our interest to have an easement on the theater. We would
19 like to voluntarily agree to that, so if we do pursue that, we
20 can take advantage of the tax advantages associated with that.
21 In other words, it has to be a voluntary situation where we
22 would apply for it in order to qualify for the tax benefits
23 that we would need on this. But we will consider it.

24 We would ask that you not impose it as a condition,
25 but we would seriously consider it, and would hope that we

1 could do that as we move forward into the design process.

2 MR. KOUSOULAS: Are you satisfied with the answer?
3 If it is a regulatory requirement, then the contribution --

4 MR. HARBIT: I understand. But I don't know if you
5 have had any serious conversations with an easement holding
6 organization.

7 MR. SMITH: This has come up.

8 MR. HARBIT: Whether you have made arrangements with
9 an easement holding organization --

10 MR. SMITH: No, we have not.

11 MR. HARBIT: -- as to a voluntary contribution.

12 MR. SMITH: This has come up recently in our
13 discussions with the staff. We think it may well be a very
14 good idea. We have not had time to fully assess it, and we
15 have not had an opportunity to have those conversations.

16 MS. WRIGHT: One point, though, to also mention, is
17 that under a separate law, which is the County's project plan
18 process, which is optional method zoning, it has nothing to do
19 with historic preservation. The developer of a property has
20 to offer certain amenities when they do an optional method
21 development. And those amenities have to be in place in
22 perpetuity.

23 And one of the amenities of this project is the
24 interior of the theater, and the restoration of the interior
25 of the theater. So there is a certain level of protection

1 through another law. It is not that if you approve a project
2 and it gets built, five years later they are going to say,
3 well, gee, we'll turn the theater into a CVS now.

4 The project plan law does provide a certain level of
5 protection. The easement would clearly be even better to
6 have, and it is something we've strongly encouraged.

7 MS. VELASQUEZ: But it is my understanding that this
8 Commission cannot require an easement. Is that correct?

9 MS. WRIGHT: From a legal standpoint, we have been
10 advised that it would be difficult to require an interior
11 easement.

12 MS. VELASQUEZ: Thank you.

13 MR. HARBIT: What does the optional zoning method
14 law the preservation of the interior, though, would not be
15 necessarily retained, so long as they had a theater, for
16 example.

17 MS. WRIGHT: No, no. It is the preservation of the
18 historic interior which is the amenity.

19 MR. KOUSOULAS: What are you getting under optional
20 method that you wouldn't have under standard method? How much
21 of the building?

22 MR. SMITH: Well, there is increased FAR associated
23 with the optional method process. In this case, it is a 1 FAR
24 difference, one square foot of floor area ratio. Excuse me.
25 That's not correct. It is actually greater than that. But

1 the standard --

2 MR. METZ: This is a CBD-2 property for the theater.
3 In the back, it is a different zone. It is PD-35. But for
4 amenity, you get an increased FAR. So we are up to a 5 FAR.

5 MR. SPURLOCK: Does your current proposal take full
6 advantage of that 5 FAR, or are you underneath that at this
7 point?

8 MR. SMITH: We are very close to utilizing all of
9 that, yes. And I would point out that there are other
10 amenities associated with the project besides the theater, but
11 that is the primary amenity, the preservation and the
12 restoration of the interior of the theater, as well as the
13 exterior. But there are public plazas and landscaping and
14 streetscaping elements associated with the project as well.

15 MR. KOUSOULAS: Is the increase in FAR from 2 to 5,
16 is that basically found in the tower, or were you able to
17 spread it to the zones and back also?

18 MR. METZ: No, it has to be in the tower.

19 MR. KOUSOULAS: It has to be in the tower.

20 MR. SMITH: But it is spread throughout the tower,
21 including the rear portion of the tower.

22 MR. KOUSOULAS: Right.

23 MR. METZ: And I'm not sure that it is 2 to 5,
24 because it is a residential calculation under the CBD-2, which
25 allows a 5 FAR.

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1 MR. SPURLOCK: I'd like to ask a question. One of
2 these speakers made a comment about retaining the existing
3 front, the second parapet in place and encapsulating that. Is
4 that something that is possible to do, given the design of the
5 building?

6 MR. SMITH: It is, it would, to keep it in place as
7 is would be difficult, based on the configuration of the
8 apartments, which actually come down below the top of that
9 level of the parapet to a certain degree. So it would be
10 surrounded by functional space on either side, and would cause
11 dysfunction in terms of the internal building.

12 MR. SPURLOCK: So that's a no.

13 MS. EIG: But is it possible to redesign it so that
14 it could be maintained?

15 MR. SMITH: Not and achieve the function that we've
16 got right now. I mean, it would take a redesign of the
17 building, substantial.

18 MR. SPURLOCK: Of the building, or just the view
19 that is in the front?

20 MR. SMITH: No, it has causes and effects that run
21 all the way through the building.

22 MS. EIG: Why is that?

23 MR. SMITH: Because of the fact that the parapet
24 projects above the lowest occupied floor of the building by
25 about 30 inches. I am not one that says nothing is ever

1 possible. I think it is, the practical aspects of it will be
2 extremely difficult considering what we are trying to achieve.

3 MR. KOUSOULAS: Is it two units in front that are
4 effected by it?

5 MR. SMITH: To the best of my knowledge, yes.

6 MS. VELASQUEZ: What I am hearing is that we would
7 be requested to -- or the questions I am hearing are, like
8 what accommodations can we make to still build this apartment
9 building the way it is, and how we can hide a lot of the
10 theater while doing it. We can't even preserve the second
11 parapet and have you still build your building as you propose.

12 We still lose that far back wall of the building.
13 In other words, we are getting a facade and nothing else of
14 this theater. When we walk town Wisconsin Avenue, we are
15 going to feel like we are walking into the lobby of an
16 apartment building.

17 MS. OEHRLEIN: No.

18 MS. VELASQUEZ: I was just there last week looking
19 at the site, and I --

20 MS. OEHRLEIN: The only portion of the building that
21 is -- the only portion of the building that is being removed,
22 is the roof of the theater, of the auditorium portion of the
23 theater. The roof structure and the roof itself, and the
24 upper portion of the parapet wall. The remainder of the
25 theater is in tact.

1 MS. VELASQUEZ: You know, when we allowed a new
2 building around the Tastee Diner, it is off the diner. The
3 diner stands alone. And the new building doesn't interfere
4 with it at all. And it seems to me, something like that could
5 be done, still utilize your space that you have behind it and
6 around it, and preserve the theater.

7 The theater is one of the few things left in
8 Bethesda. Everything else is a high rise. And it is this
9 canyon effect. I see you are building, creating more canyon,
10 swallowing up this little, tiny, wonderful theater.

11 Why can't you move it back 54 feet? I know you have
12 been through it before, but you haven't been through it with
13 me.

14 MR. METZ: If you move the whole building back, and
15 so forth --

16 MS. VELASQUEZ: So it is not --

17 MR. METZ: -- you are in a different zone. You
18 couldn't do that. The PD-35 doesn't permit a high rise.

19 MS. VELASQUEZ: The land prices in Bethesda, what
20 you can fetch for rents or if it is going to be a condo or
21 whatever, I think you could probably make it up economically,
22 and still preserve the communities interest, and have this one
23 whole building stand much more alone. Even if you took off
24 part of the back of it, this building needs to stand much more
25 alone.

1 I do agree with the people who compared, well, this
2 was not the comparison, but it harkens to me, we could build
3 something around the Armory to preserve the Armory. We could
4 build a steel parking garage around the Armory. Somehow, it
5 wouldn't be the Armory anymore. So we cannot question it
6 anymore, but just take that as an old point of ridiculousness,
7 and just see, I guess, where I am coming from.

8 I think you can accomplish both. I think the
9 developer can have his buildings, and develop all that
10 residential area in Bethesda, and we can still have the
11 Bethesda Theater look like the Bethesda Theater.

12 MR. METZ: We believe we have that now.

13 MR. KOUSOULAS: Let's focus, for a moment, on two
14 issues which I think are actually quite different from each
15 other. One is the degree of setback, and to the extent that
16 the tower engulfs the second parapet or not, or how close it
17 comes to the finial.

18 And the other one is, to what extent the second
19 parapet, if it is engulfed, is preserved, as one speaker said
20 now. And on a second issue, it seems that you could probably
21 do that, and the main mischief that would be created is that
22 four units are effected. It won't trickle all the way back.

23 You just basically lose the two front units, the two
24 that become much bigger. They get something, some little
25 terrace, you know. I don't see that it would basically run

1 all the way back through the building. The mischief could be
2 contained. But that is one issue.

3 The other one, which I think we really need to focus
4 on, is to what's the appropriate degree of setback? And I'm
5 looking at a rendering here that has come quite a long way
6 from where we saw before, the corners of that second parapet
7 are clear. The perspective that you are showing us, which
8 basically looks like it is not taken at a glancing blow, way
9 down the street, but roughly across the street and slightly
10 off to the side, does show the finial kind of free and clear
11 and against the sky.

12 So unlike that slide we saw with the harsh shadow,
13 this is a good perspective to have brought to the meeting.
14 But these are some of the things that are showing up now,
15 versus what we have seen in the past.

16 MS. WATKINS: Could you just -- something that
17 concerns me that shows up in the rendering also, is the
18 interception of the parapet and the apartment building and the
19 tower. It shows how the tower is engulfing the theater.

20 How did you decide to address that, this -- it just
21 seems to be a tiny bit of the parapet left, and it is kind of
22 a tease, and I think it just, it really bothers me the way it
23 runs over top of the theater. I think it accents the fact
24 that it is engulfing the theater, rather than being
25 sympathetic to the theater.

1 MS. OEHRLEIN: Part of what occurs at the
2 intersection of the tower and the existing building happened
3 because all of the structure for the apartment tower, we tried
4 very hard to get it out of the theater; that the columns that
5 support the trusses that support the apartment building are
6 outside of the theater, for the most part. There are a few
7 that occur in the retail spaces of the interior.

8 What that does is create these columns outside the
9 wall, and give the visual appearance that you are seeing of
10 the columns coming down outside the existing theater, because
11 that's exactly what happens.

12 We left the corner of the parapet exposed as a
13 representation of that second parapet wall, and the ornamental
14 brick work that exists, rather than covering it with new
15 brick.

16 MS. WATKINS: Great.

17 MS. OEHRLEIN: That corner needs to be there,
18 whether it is the original brick, or it is covered with new
19 brick. There will be a corner there.

20 MS. WATKINS: It is not the corner that bothers me.
21 It's kind of the acknowledgement of the fact that the parapet
22 was there at one point and now it is gone. And I think that
23 parapet is really important to the mass, the original massing
24 of the theater, as it was originally designed.

25 And with the new building coming over and

1 encapsulating that, you lose the integrity of the original
2 theater. If the setback was at the 54 feet, you could retain
3 that part of the theater, and that original massing.

4 MR. BRESLIN: I've got a question about the small
5 retail spaces to the north and the south. Will they remain
6 retail spaces?

7 MS. OEHRLEIN: Yes.

8 MR. BRESLIN: And just further investigation of the
9 25 feet. Did you investigate increasing that? And then why
10 didn't you? Was it more architectural, or was it more
11 economic?

12 MR. SMITH: We increased the setback from 20 feet to
13 25. I would not be honest if not saying that there are
14 economic issues associated with this. And all of the
15 infrastructure and the costs that we need to support this
16 project.

17 However, I still believe very strongly, as our
18 design team does as well, that the 25-foot setback is very
19 appropriate, given the scale of this building, allowing the
20 predominant features to fly free, and as the rendering
21 illustrates, to give the individual identity and the
22 prominence of the theater.

23 We believe that it is a good solution, a good design
24 solution for the theater, as well as for the streetscape, for
25 the urban fabric of this section of Bethesda.

1 MS. OEHRLEIN: To answer your question, we did look
2 at alternatives, and they were not viable.

3 MR. SPURLOCK: I just have a question for the
4 Commission. I just want to throw something out. A lot of
5 people have been mentioning the Greyhound building as a
6 similar example. But if you think about the Greyhound
7 building, it really was at the apex of three streets, at the
8 intersection, and it was always viewed from a public right-of-
9 way on at least three sides, and really, from the back, if you
10 caught a bus from there.

11 The current theater really, I don't think it was
12 ever intended to be perceived as a three-dimensional object.
13 It really was a building fronting Wisconsin Avenue. The north
14 side is currently totally covered by the parking garage, or
15 the Chevy dealer. The south side is an alley that did not,
16 does not look very attractive. I don't drive down there. I
17 drive by it often, but I don't go down there.

18 I really doubt people walk around the building and
19 experience it in a three-dimensional way. They do experience
20 it from the front facade, and from the sidewalk, and from the
21 streetscape. And I have been sort of shoveling with this
22 comparison, and I'm not sure it is really a valid comparison
23 with this building and with the Greyhound Theater.

24 MS. DeREGGI: Steve, I've been thinking along the
25 same lines as you have. When I see the Greyhound building, it

1 is extremely sculpturesque in all dimensions; whereas, when I
2 view this theater from anything except the front, it misses
3 that quality.

4 One of the things that has come through to me very
5 strongly tonight has been the testimony of the citizens who
6 live in this community, and how closely they seem to have
7 worked with the developer. That's been very powerful
8 testimony to me, quite frankly.

9 The need to protect this beautiful theater, while
10 providing a safe walking neighborhood, I think, is what makes,
11 you know, a neighborhood viable. If it is not safe to walk
12 back and forth, then you lose that sense of close community.

13 I also wish there was a little way -- I am again
14 terribly interested in this setback, if there were only some
15 way of setting it back behind the second parapet. But I
16 understand, Ms. Oehrlein, that you say that you have
17 investigated that possibility and it doesn't seem to be
18 feasible structurally. I would like to hear more particulars
19 on that issue, if you could give it to me a bit more.

20 MR. DOVE: One thing I haven't mentioned, I mean,
21 residential design and apartment building designs is quite
22 different from office building designs. Mass and pure square
23 footage area is not what the answer is. There is only a
24 certain width that is feasible, and a certain depth from front
25 to back of apartment design that allows light and air to

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1 penetrate the building, and to, in fact, make living in that
2 space desirable.

3 The fatter the building gets, meaning, perhaps we
4 could push it out five feet on either side and make it fatter
5 and push it back a little bit, that's one thing that somebody
6 might think of. The fact is, that would be an 80 foot wide
7 apartment building, with very deep apartments, and would
8 minimize the linear footage of window spacing, and would, in
9 fact, render dysfunctional the whole idea of creating viable
10 and, in fact, expensive apartments that people want to live
11 in.

12 So we are limited on the entire site by the
13 configuration that it takes to get effective apartment
14 layouts. And that is one of the most difficult aspects of
15 addressing your issue of pushing that facade back further.

16 Let's assume for a moment that the density that we
17 are talking about is something that is appropriate or economic
18 reasons. So therefore, we have gone to the degree of widening
19 that wing about six feet wider than what I would recommend as
20 an architect for function. But I think we have developed
21 apartments that work.

22 If we were to go wider and push it back further,
23 that begins to be a very negative aspect on the marketability
24 of the project.

25 MR. HARBIT: I guess one of my biggest concerns is

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1 the comment that I heard from the Art Deco Society, that they
2 would apply for the de-designation of the theater as a, the
3 national register. And I think where I'm coming from is that
4 the FAR that you are trying to achieve has basically pushed
5 the building as far forward as -- you've had to take the
6 building as far forward as you possibly could to take
7 advantage of that zoning regulation.

8 And that, I think, is what's kind of the push and
9 pull in this issue, of whether or not that FAR, the
10 maximization of that FAR is appropriate for a historic
11 structure. And what happens when you try and maximize the
12 benefit of that FAR, do you indeed undermine, or potentially
13 destroy the historic character of the building?

14 And I was quite frankly moved by the extensive
15 testimony by the Art Deco Society and their witnesses who have
16 extensive background in historic preservation, who basically
17 said that by maximizing the FAR, and pushing the building
18 forward beyond the parapet wall, it will destroy the historic
19 character of the theater. That's kind of the push and pull I
20 think we are faced with.

21 MR. KOUSOULAS: Well, let me make a point here,
22 right now. We have finished our testimony from the audience.
23 And so we won't be taking any rebuttal testimony from the
24 audience, or anything like that. But if there specific
25 questions from Commissioners that they don't want to direct to

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1 the applicant, but want to direct to people that they've heard
2 speak before, please do so.

3 MS. DeREGGI: I would like to direct a question to
4 either of the three speakers for the Art Deco Society. If the
5 building, the apartment building were pushed back behind the
6 second parapet wall, do you also feel, or do you feel that
7 that also would destroy --

8 (Discussion off the record.)

9 MR. STRINER: It very well might be a substantial
10 change that would, in our opinion, push this compromise from
11 the unacceptable category into the acceptable category. But
12 we'd have to see it. I mean, I am very envious of these
13 citizens from East Bethesda who got the opportunity to talk to
14 the developer and work out these negotiations. They never
15 talked to us. We'd like to talk to them. But we can't tell
16 anything until we see it.

17 So far as the feasibility goes, I can't tell that
18 either, until we've had a chance to meet with these folks and
19 bring in people of our own who have development and
20 engineering background, with no particular prejudice to this
21 particular developer, Mr. Smith, and this particular proposal.

22 In five years of wrangling over the Greyhound bus
23 station project, we heard the words infeasible over and over.
24 And you know that at the end, everything that we had been
25 proposing proved perfectly feasible, but there were some

1 engineering tricks that had to be thought up by people who
2 were a little more motivated to think them up.

3 MS. DeREGGI: The other -- yes. Excuse me. I didn't
4 mean to --

5 MR. LONGSTRETH: Yes, I would like to, again having
6 been intimately involved with Greyhound, elaborate on that a
7 little bit. First of all, I don't know, again, any of the
8 details of the alternatives here because I've never been party
9 to the possibilities.

10 The key thing that made the compromise acceptable in
11 the case of Greyhound, is the owner's agreement to come down
12 in FAR from the maximum allowable. And one of the things that
13 made the project viable from an economic standpoint is, giving
14 more emphasis to the historic building and restoring its
15 principal spaces inside, which allowed the creation of a
16 facility unlike any other in downtown Washington, and allowed
17 rents that helped justify this thing.

18 Now, I can't begin to say whether anything roughly
19 comparable is possible here, because we simply haven't seen
20 the evidence. But again, that was not something that was
21 arrived at overnight. That was arrived at through very, very
22 difficult negotiations, and the Historic Preservation and
23 Review Board that stood firm over several years time.

24 MS. VELASQUEZ: Dr. Longstreth, one question. To go
25 back to removing the roof from behind on the back half of the

1 building, will that destroy the historicity of the building?
2 If this building was allowed to encroach on top of the
3 theater, behind the second parapet, and part of that roof,
4 which as you say maybe only basketball players could see, is
5 that going to destroy the historicity of this?

6 MR. LONGSTRETH: Removal of a roof per se would not
7 necessarily do that. Again, it is impossible to comment
8 without, without looking at a detailed proposal from any
9 number of perspectives. In an ideal world, of course, we are
10 talking about the building in its entirety. In the real
11 world, sometimes things have to change.

12 Obviously, too, I think it is important that this
13 case, and I'm speaking out of principal, not in terms of
14 detail here, because I don't know enough. But I think it is
15 very important to understand that at least my advocacy on this
16 is not one of shove a building back so it casts on the
17 residents of single family houses to the east in shadow half
18 the day or anything like that. We're not trying, I'm not
19 advocating one over the other.

20 But I think there may be possibilities in which a
21 compromise that is in the name of historic preservation the
22 integrity of this building that is a good deal more acceptable
23 than that. And I can say after 15 years or whatever it has
24 been in Silver Spring, these things are not won easily. But
25 when they do happen, it is really worthwhile.

1 MS. VELASQUEZ: Thank you.

2 MR. SPURLOCK: Do you feel the essential quality of
3 the building is the envelope of the building or the interior
4 of the theater, the lobby, and the interior of the auditorium
5 itself.

6 MR. LONGSTRETH: I think both are important. And I
7 don't want to digress, but it is a very, very important point
8 I want to make about another locality which was the City of
9 Chicago.

10 For many years, in landmarking a building, the
11 Landmarks Commission staff and attorneys representing the
12 owner of a building, would go into very elaborate negotiations
13 as to what parts of the building are significant. Is a fire
14 escape significant? Is a roof significant? Is a window
15 significant. Is this significant? Is that significant?

16 And that runs so counter to any intent in the
17 National Preservation program, it is now a practice under the
18 current administration that has been chucked out the window,
19 fortunately. But it makes all of us who are involved in
20 preservation very leery in saying in the abstract or out
21 front, well, this is okay, and you can feed that to the
22 piranhas and it doesn't make any difference.

23 I think in this case, in terms of visual impact,
24 what you want to have, if this building is historically
25 significant, which many of us think it is, and if there is a

1 -- and if historic preservation counts in Montgomery County,
2 then I think what you want is an effect that allows from
3 Wisconsin Avenue, allows this building to look like a building
4 still, rather than a con-piece to a large apartment house, if
5 you will excuse my French.

6 But I live in the capital of facade-ism, and I go
7 around the country saying, please don't start this in your
8 community. Once it starts, it is very hard to stop.

9 MR. KOUSOULAS: Let me ask you a question. If you
10 ignored or sort of pushed aside, say a building or a building
11 types, but a particular building's essential nature, and
12 applied more general principals to it, whatever they might be,
13 is that disrespectful to the building?

14 MR. LONGSTRETH: I'm not sure I understand the
15 question, Mr. Chairman.

16 MR. KOUSOULAS: Well, to follow up on what one
17 Commissioner has brought up, is the theater -- Commissioner
18 Spurlock here, what the theaters might be like, how they are
19 perceived. Certainly, this one is mostly a building, or the
20 part of the building that faces the street.

21 MR. LONGSTRETH: Yes.

22 MR. KOUSOULAS: And it is a glorious interior
23 auditorium.

24 MR. LONGSTRETH: Yes.

25 MR. KOUSOULAS: Other buildings, the Warner Theater

1 was brought up. A fantastic interior.

2 MR. LONGSTRETH: Yes.

3 MR. KOUSOULAS: From the outside, except for the
4 canopy of the marquis, you might be hard pressed to know there
5 is a theater in it. It tends to be a 10-story, whatever,
6 Washington office building. There are a few more theaters
7 that were downtown that were like that.

8 So every theater is individual. But certainly this
9 is of a type where you do have this theater-like piece in
10 front, and the auditorium. Is that common brick exterior, is
11 it that crucial to the building that applying, say, standards
12 of preservation that we might apply to a farmhouse or a
13 palladian style dwelling, a Georgian dwelling --

14 MR. LONGSTRETH: A freestanding --

15 MR. KOUSOULAS: A freestanding --

16 MR. LONGSTRETH: Nix the objective.

17 MR. KOUSOULAS: But if we sort of apply more general
18 principals to this thing, are we really, in fact, being
19 disrespectful to this and ignoring the more essential
20 qualities of --

21 MR. SPURLOCK: Let me just interject one other
22 point.

23 MR. KOUSOULAS: Sure.

24 MR. SPURLOCK: The original architect, in some
25 respects, the practice facade isn't because he put up a very

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1 decorative facade and then a very blank brick box behind it.

2 MR. LONGSTRETH: Well, it was common in commercial
3 building, to decorate the front, and whatever you could sort
4 of see from the street, and have the other portions
5 utilitarian in commercial architecture since its origins in an
6 urban setting in the United States. So this doesn't, this
7 doesn't deviate from practice that way.

8 I don't think when it is talking necessarily about
9 keeping the alley and alley, keeping its alley-ness, keeping
10 every brick along the building, those are getting down into
11 particulars. I think the important thing is, experience from
12 the principal public right-of-way here, Wisconsin Avenue,
13 along the street, along the adjacent sidewalks, and the
14 experience of entering the theater, so that the sense of the
15 theater as a historic building is maintained.

16 That is not to say that something can't go somewhere
17 toward the rear of a property, above the building, or
18 whatever. But something can't be impended over the walls
19 toward the rear of the alley. It's impossible to address that
20 without seeing an alternative solution. And I don't think
21 this is something where a compromise is impossible at all.

22 But I do think that the visual impact of the
23 building as it now stands, it is really of a new building with
24 an appendage of something old that is affixed onto it. The
25 preservation of the interior of the lobby of the auditorium is

1 clearly a very important part of this program.

2 But this is something we strove for, we realized in
3 Greyhound that what we were doing was a great compromise. But
4 we strove to have the building still read as a building. And
5 I don't think this project is there yet. Again, it looks
6 like, from the street, whether you know there is a theater
7 inside or not, from the street, it looks like an appendage, a
8 fragment of something that was once there onto a new building.

9 MR. KOUSOULAS: Ms. Oehrlein, could you run through
10 the same thing? I'm struggling with this. Could you?

11 MS. OEHRLEIN: There was a comment earlier about the
12 preservation experts in the room. And I would like to address
13 that just a little bit. Is that -- and then I will address
14 that.

15 But I have been practicing preservation in
16 Washington for almost 30 years, and can list qualifications
17 equal or better than those that you've heard from, from the
18 Art Deco Society. We didn't have the opportunity to do that,
19 and I am not sure that it is appropriate.

20 But I do think that my experience in dealing with
21 historic buildings, and sitting on State Review Boards and
22 dealing with the tax credits and the National Park Service, as
23 well as time that I spent working for the Park Service and my
24 preservation practice in Washington does provide me some
25 expertise in the area of preservation.

1 I don't think that removing the roof or a portion of
2 the parapet walls of this building would subject it to being
3 removed from the National Register for loss of integrity. Not
4 only the most significant portions of the building remain in
5 fact: those of the marquis, the tower sign, the entrance store
6 fronts, the lobby, the ticket booth, and the auditorium itself
7 are basically maintained, preserved, and restored.

8 But all historic buildings are subject to change.
9 There are very few except the most pristine museum houses, and
10 even St. Verne has been altered to install air conditioning.
11 They have cut the historic fabric of the building to provide
12 modern systems. What is one of the most important buildings
13 in the country.

14 All historic buildings are subject to change. The
15 Secretary of Interior's standards recognizes that, that a
16 certain amount of change and alteration to historic buildings
17 is acceptable including major additions.

18 I don't consider this apartment tower an addition to
19 the building. It is very separate and distinct from the
20 historic theater. And we've worked very hard to make that
21 appear so; that to one will look at this and say, this is a
22 facade of a theater that has been attached to an apartment
23 building.

24 But when you look at this project, you see the
25 theater, and you see the apartment building built over the top

1 of it; that they are clear and distinct. And that too is
2 consistent with the Secretary of Interior's standards. So,
3 hoping that that responds to the comments that have been made.
4 The alterations that we are proposing are minor.

5 MS. EIG: I have a question. First, I would like to
6 say that I can vouch for Ms. Oehrlein's extraordinary
7 experience in preservation.

8 MS. OEHRLEIN: Thank you.

9 MS. EIG: And my question has to do with the Art
10 Deco Society, and the fact, have they approached you? Have
11 you approached them? There has obviously been a lot of
12 conversation with the neighborhood, which makes sense.

13 But there is this organization that feels very
14 strongly about this, and we have been -- you know, we hear a
15 lot of, I think we might call it complaints, about the fact
16 that there has not been communication. And perhaps you might
17 tell your side of that.

18 MR. METZ: The Art Deco Society came in with an
19 uncompromising position of moving the building back 50 feet.
20 That was impossible for us. And they said there was no change
21 to their position. So it really wasn't necessary to really
22 talk to them. There was nothing to talk about. They did not
23 approach us, and we did not approach them.

24 MS. LYONS: Can I comment on that?

25 MS. EIG: Yes.

1 MS. LYONS: I would just like to mention two things.
2 One said earlier by some members of the community that Art
3 Deco Society had not participated in any of the Planning Board
4 consideration of the project.

5 And I will say that at the preliminary hearing in
6 June of 1997, we were here and talked to the HPC. And we did
7 continue to communicate with the Planning Board throughout the
8 project plan. And I believe I testified at least once at the
9 various stages in the project planning.

10 I would also say that as I have been to many of
11 these events, and I believe I was approached at one time about
12 the possibility of speaking, of getting in touch, and nothing
13 came of it. I believe I gave my card to Mr. Metz and I never
14 heard anything.

15 MR. STRINER: To further clarify, the Art Deco
16 Society -- this case goes back 15 years, and we've been
17 involved steadily since 1984. And many, many phases to this,
18 we don't have time, it wouldn't be productive.

19 However, the owner of this building, the Beta
20 Corporation, whoever they may be, has been a continuous
21 participant along with us. We, I sent in 1989, I think it
22 was, a letter to Mr. Garten, I think, Garten, a Baltimore law
23 firm representing Beta, requesting meetings to see if we might
24 reach a meeting of the minds. Nothing came of that.

25 However, then the Beta Corporation in the early

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1 1990's retained the services of a consultant named John
2 Westbrook, who was chief of urban design here at Park and
3 Planning for many years. He proposed a compromise that would
4 have set the new construction back substantially farther than
5 the current scheme. Our response to that was, possibly, it
6 might be all right, and then that scheme was dropped and never
7 heard of again.

8 There are many phases to this. We did, indeed,
9 participate in the sector plan deliberations when Gus Bauman
10 chaired the Planning Board in the early 1990's. We've been a
11 steady participant.

12 However, with this particular team, there has not
13 been a conversation. There is a difference in perception. We
14 took a position that we viewed as a compromise from the
15 outset, because we could have taken a really hard line, no new
16 construction over the building, as some of the people here
17 tonight have wished.

18 But there was no real engagement on the issue of
19 setback. And as Mr. Metz said, eventually there was nothing
20 to talk about. And I think the only thing that can break the
21 log jam is action by yourselves.

22 MS. WRIGHT: We do have a couple more cases tonight,
23 so we probably have to get to some resolution on this.

24 MR. KOUSOULAS: The restoration of the theater
25 seems, the auditorium seems to be central to the whole

1 dilemma. It is possible because of the extra density,
2 probably. I mean, it is part of the package. That's why
3 people go optional method. They give something up, and get
4 something in return.

5 It also should probably not be a dirty secret, but
6 that the developer should expect to make money off of this
7 thing. It's not a bad thing. That's what developers do. Not
8 just a little bit, with a little bit of margin; but probably
9 make a nice return on it.

10 The other thing is, if you are going to preserve the
11 auditorium, then whether you go out the sides or out the front
12 or something, you are going to have to somehow straddle it, or
13 else you are coming down through it. And so somehow that item
14 which we really don't have any jurisdiction over, the interior
15 of the thing, is central to the whole discussion.

16 MS. VELASQUEZ: Well, I'm going to kick things off
17 by saying, as this is proposed, I would personally like to
18 deny it, unless I saw the setback go back behind the second
19 parapet.

20 MR. HARBIT: Was that a motion?

21 MS. VELASQUEZ: No, just, that was an opinion. I'm
22 opening the floor.

23 MR. HARBIT: Perhaps you should make it a motion.

24 MS. VELASQUEZ: All right. Mr. Chairman, I move
25 that we deny this particular HAWP with the request that the

1 applicant come back with plans for a new HAWP showing the new
2 construction to be erected behind the second parapet of the
3 theater.

4 MR. HARBIT: I'll second that.

5 MR. KOUSOULAS: All those in favor of the motion,
6 raise your right hand? All those opposed? The motion fails.
7 For the floor.

8 MS. WRIGHT: Just for the record, so we get it on
9 the transcript, the motion to deny failed. The Commissioners
10 voting in favor of the motion were Harbit, Eig, Velasquez and
11 Watkins. The Commissioners voting in opposition were
12 Kousoulas, Spurlock, DeReggi and Breslin. Now we try again, I
13 guess.

14 MS. EIG: I'll ask a question. If we have a, if the
15 opposite motion would have the same effect, and hence it
16 fails, what is the outcome?

17 MR. KOUSOULAS: A good worksession next time around.
18 There might be some compromise motion that will --

19 MS. EIG: I understand that.

20 STAFF: He's asking for a legal -- the attorney is
21 checking.

22 MS. EIG: Thank you.

23 MR. ROYALTY: I'm digging out the regs., looking at
24 them as we speak, so I can try to find the answer to this.

25 MS. EIG: Thank you.

1 MR. SPURLOCK: Would any of the Commissioners feel
2 differently if their was a condition to maintain the parapet
3 wall, even though it would be encapsulated in new
4 construction?

5 MS. EIG: That would help me.

6 MS. VELASQUEZ: I'm not sure.

7 MR. HARBIT: It really wouldn't help me, because I
8 think what the issue is, is we are struggling with the fact
9 that the developer is trying to maximize FAR, and that is
10 jeopardizing the theater. That's where I am coming from. And
11 you know, kind of covering it up but not destroying the
12 parapet wall doesn't really change how you approach the
13 building.

14 The only way you are going to see the parapet wall
15 is if you climb over somebody's balcony on the second floor,
16 if you get there. Or if, luckily, the new building falls down
17 and the next developer, you know, has the wisdom to rebuild it
18 so you can see the parapet wall. So saving the parapet wall
19 in some encapsulation form, is kind of a false savings, I
20 think, from where I sit.

21 MS. EIG: I understand why you would say that. I see
22 it a little bit differently, but I'm not fully persuaded yet.
23 Because of the optional method of the development, we have the
24 opportunity to, I hope, ensure the preservation of the
25 interior, which is not in our purview. And this would be the

1 amenity that comes out of the optional method.

2 We unfortunately have a situation where the trade
3 off for that should be simply the construction above the
4 building. However, because of the location of the second
5 parapet, the setback is greater than the developer feels he
6 can use.

7 If this parapet was at 25 or 30 feet, we might not
8 be having any discussion at all, because the sense of the
9 building would be retained to a higher degree. In fact, as
10 Ms. Oehrlein has testified, the building, except for the roof
11 itself would be preserved.

12 But that location of that parapet wall throws
13 everything into a problem for me. It's a problem for the
14 neighbors, because potentially it might have pushed everything
15 back. It's a problem for the developer, because he wants to
16 go in front of it. And it's a problem for the
17 preservationists, because without it, the building doesn't
18 read as it was reading. And I don't know how to get around
19 that.

20 MR. BRESLIN: Could the architect make something
21 clear? With the proposal you are suggesting, the parapet
22 would be destroyed or lost. The roof itself would be
23 destroyed, although not the ceiling. Could you mention some
24 other parts, like for instance, the chimney, what other parts
25 of the building would be lost?

1 MR. DOVE: The chimney would be lost, as part of the
2 roof demolition and removal.

3 MR. BRESLIN: And what other parts of the building?

4 MR. DOVE: Just the --

5 MR. BRESLIN: So we are talking about --

6 MS. OEHRLEIN: The top of the parapet walls at the
7 perimeter of the building.

8 MR. SPURLOCK: Does the brick in the enclosing wall
9 at the rear remain?

10 MS. OEHRLEIN: Yes, the east wall is in tact.

11 MR. SPURLOCK: Is it visible inside the building?

12 MS. OEHRLEIN: It's inside the new construction.

13 MR. SPURLOCK: I mean, would it be visible inside
14 the building?

15 MS. OEHRLEIN: No. From the interior of the theater
16 it will be, you know. If you are in that space inside the
17 theater, you would see the wall.

18 MR. BRESLIN: So the net sum of the demolition would
19 be the roof, the parapet, and the chimney?

20 MS. OEHRLEIN: That's correct.

21 MS. EIG: I have to ask a question I don't want to
22 ask, but I will ask it. Have you considered dismantling the
23 parapet and moving it forward?

24 MS. OEHRLEIN: We are proposing, as part of the
25 plan --

1 MS. EIG: No, no, no, dismantling it from its
2 location and moving it forward?

3 MS. OEHRLEIN: Certainly we could do that.

4 MS. EIG: I mean, I don't even want to ask that
5 question, but for the sake of discussion here.

6 MR. SPURLOCK: So that you would lose some of the
7 lower windows on the front? The building would be behind that
8 parapet? That is possible to do. It is not necessarily sound
9 preservation, but that is possible?

10 MS. EIG: Right, it's just a question that has to be
11 asked.

12 MR. DOVE: It's also not straight forward. Moving
13 it forward has implications on the side wall of the building
14 that, I think, might be unfortunate. If you see where the
15 parapet extends now, there is another setback in the side wall
16 that coincides with that particular point.

17 If it were moved forward, it would be, I think,
18 perhaps slightly awkward in terms of how it is juxtapose on
19 the existing sidewalk. It is not to say it can't be done.
20 But that's one of the things that I really had a problem with,
21 in terms of that idea. Secondarily, those two units on the
22 front, would be blocked by the parapet wall.

23 MR. HARBIT: Has our attorney figured out what
24 happens if we have a tie?

25 MR. ROYALTY: I think so. I've found nothing in

1 your regulations that addresses this issue, but I think as a
2 matter of sort of common law, and also what is contained in
3 Chapter 2A of the Montgomery County Code, which is the
4 Administrative Procedures Act.

5 Under the Administrative Procedures Act it states
6 that a failure to achieve the necessary affirmative votes
7 shall act as a denial of the relief requested by the charging
8 part by operation of the law. So in other words, the party
9 seeking the action, in this case the permit, would lose,
10 unless they get a majority. And even split, would mean that
11 the permit was essentially denied.

12 MR. SPURLOCK: Not to give a legal argument, but if
13 we don't act on it within a certain time period, isn't it
14 approved automatically?

15 MS. WRIGHT: 45 days.

16 MR. SPURLOCK: And if we deadlock, isn't that, in
17 essence, giving them approval for it?

18 MS. WRIGHT: Well, according to the attorney, it
19 could be interpreted as a denial.

20 MR. SPURLOCK: I'm just curious. I'm not an
21 attorney.

22 MS. VELASQUEZ: Okay, my question, to clarify this,
23 since we did have a motion and a vote on it, which was an even
24 split, there has been action taken on this petition within 45
25 days. Is that correct? Therefore, if no other motion is

1 proposed or voted upon, then this application is denied. Is
2 that correct?

3 MR. KOUSOULAS: I don't know if any action has been
4 taken.

5 MS. VELASQUEZ: My motion had a vote.

6 MR. KOUSOULAS: But it didn't pass.

7 MS. WRIGHT: Well, let me suggest this --

8 MS. VELASQUEZ: That's a denial.

9 MS. WRIGHT: Before we get into a detailed legal
10 argument and pull out our copy of Robert's Rules of Order,
11 let's explore as we do in other historic area work permits,
12 whether there is an alternative motion that might succeed,
13 before we get to the point of deciding that this is all going
14 to have to be sent to the lawyers for a decision.

15 And I understand there was the beginning -- I was
16 busy talking with our lawyer, so I missed some of this, but
17 there was some discussion about concerns that Commissioner Eig
18 had that do you feel can be addressed in some way?

19 MS. EIG: I don't know. I mean, I think that there
20 are preservation philosophical problems with the moving of
21 this, and it sounds like there are structural problems with
22 moving it. So that would seem to be, to answer the question
23 from both ends that it is not a solution.

24 MS. WRIGHT: One issue that I just want to raise,
25 this has been a very difficult case for staff to wrestle with

1 as well. And I know that Robin has spent a lot of time
2 thinking about it, and working on it, and she may want to
3 comment on it as well.

4 A very significant factor is that when, and I was
5 just starting work in 1987 when this consent agreement was
6 arrived at about the designation of this property. And the
7 consent agreement did say that the entire building is
8 designated, but that the Commission specifically has no
9 jurisdiction over whether it continue to be used as a theater,
10 and over any interior renovations.

11 And as I think some of the speakers have commented,
12 we have seen so many theaters throughout Washington where the
13 building may still stand, but they are CVS drug stores for the
14 most part now, from the McArthur to the ones in Georgetown, to
15 the Key, to all of them.

16 And that a significant component of this was not
17 just the preservation of the physical structure, but it was
18 the preservation of the use of this building as a theater,
19 which under a standard method development project, if the
20 owner, for whatever reason, chose not to go optional method,
21 and not to use this FAR, could be developed as a CVS drug
22 store, without any review by this Commission, except for
23 probably exterior signage.

24 And it is a compromise to lose that second parapet.
25 But I guess we were trying to step back and look at the, you

1 know, the bigger picture of what is the ultimate goal of the
 2 County preservation program. Is it to preserve that second
 3 parapet, or is it to preserve the only in tact functioning art
 4 deco movie theater in the County.

5 The Silver Theater will be restored, but it is going
 6 to be a lot of rebuilding on the inside. It is not in tact on
 7 the inside today. The Druid Theater, which was another art
 8 deco movie theater in Damascus, has been completely gutted,
 9 and it's a Rite-Aid Pharmacy right now.

10 Again, it was designated, it is designated as a
 11 County master plan historic site, but it is a Rite-Aid
 12 Pharmacy today, and the entire theater function is lost, which
 13 is all we could accomplish through our existing ordinance
 14 under 24A.

15 I mean, Robin may want to address the issue as well,
 16 but it is not a black and white issue. It is a very, very
 17 gray, gray issue, and some of it is preservation philosophy;
 18 but I guess I am suggesting that preservation may go beyond
 19 literally what fragments of the building are preserved, to
 20 also the use.

21 MS. EIG: Well, I would actually like to hear the
 22 Art Deco Society address that, because I think that is a major
 23 issue. And because we have no ability to preserve or protect
 24 the interior of this theater, other than with this particular
 25 program that is in front of us, because of the optional

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1 method. And if this did not go forward, what is your response
2 to that?

3 MR. STRINER: Well, like many people, I wish Chapter
4 24A provided for interior designation. But it doesn't. The
5 interior is, of course, very important. And just as I wish
6 the law were stronger, I'm sure you wish you had even more
7 authority than you do.

8 I wish that the preservation movement, generally
9 within Government and among the citizens, were in a position
10 of greater strength and influence, so that these things
11 wouldn't have to be fought over quite so hard.

12 Unfortunately, in the strategic give and take of
13 these campaigns which do last for years, one has to go through
14 incremental phases of wrangling from the most basic and
15 fundamental issues, to other important but, well, issues that
16 are important but that have to be addressed in sequence. And
17 it has been our position that if development preservation
18 compromise is approved that is not at all within the
19 parameters we believe to be minimally decent, from our
20 standpoint, you stop right there. The building is ruined.

21 The interior should be preserved. Certainly. The
22 strategic ways and means to accomplish that lie,
23 unfortunately, beyond the purview of this Commission and
24 enter the purview of the Planning Board, which has direct
25 power to negotiate over amenities in optional method projects.

1 I have not heard from these folks any threat overt
2 or implied that if this project as currently configured is not
3 approved, the interior would be gutted and taken away. I
4 would hate to think that that's a possibility now, or in the
5 near future.

6 Unfortunately, you have to deal with what's before
7 you now. And our feeling is that we, all of us, should not
8 become unduly beguiled over threats to the interior that might
9 bloom over the horizon, when the issue before us is still
10 pretty stark on the exterior. And I wish I had it within my
11 power to give a strategically satisfactory solution to all
12 important issues now. Alas, I don't. We have to fight it
13 through, step by step.

14 MR. SPURLOCK: You really haven't addressed the
15 issue of use, though, in your response. I mean, the Greyhound
16 Bus Terminal now looks like a piece of sculpture attached to a
17 building. It is no longer a bus terminal. It doesn't have
18 any integrity in its use and initial use.

19 MR. STRINER: The Greyhound couldn't justify keeping
20 it anymore, vis-a-vis the king's ransom they could get for it
21 on the real estate market. That property sold for \$70 million
22 dollars. It's wonderful. Sure.

23 MR. SPURLOCK: But the use of the theater as a
24 viable, functioning use --

25 MR. STRINER: But the Greyhound Terminal could have

1 been an absolutely wonderful bus terminal. It was designed
2 for it, and there were uses. As a matter of fact, we explored
3 some of them, as a depot for commuter buses to Dulles Airport.
4 Our problem was that Marion Barry was mayor, and he didn't
5 want the thing preserved at all. It was zoned for --

6 MR. SPURLOCK: You are not answering my question.

7 MR. STRINER: Well, I'll attempt to do that.

8 Greyhound has adapted use. However, if you walked into that
9 building, it is obvious that it used to be an old bus
10 terminal, and there is a historical exhibit that was part of
11 the achievement.

12 In the case of the theater, of course we don't want
13 it gutted and turned into a CVS drug store. Of course the
14 continued use is very important. But again, unless there is
15 an outright buyer, as in the case of the Silver, Montgomery
16 County became the buyer under eminent domain, and they are
17 guaranteeing the continued use. I wish the County viewed this
18 theater as that important too. But it's a matter of what you
19 can strategically get in a sequence of campaigns. We've been
20 at it for 15 years. We may have to be at for another 15.

21 MR. KOUSOULAS: But I guess the question that I'm
22 trying to struggle with, is where the second parapet lies in
23 the spectrum of options here. If in a year and a half we are
24 sitting here and we are talking to the corporate owners of CVS
25 or the franchise holder, or whatever it may be, what kind of

1 signs are going on in front of this theater or theater
2 building, so that they can sell their stuff on the inside, how
3 many people in this room are going to be glad about the way
4 tonight ended up going. I mean, is that better than the
5 second parapet? I'm trying to understand.

6 MR. STRINER: Given the way that vote went, we are
7 faced with a more all or nothing choice, unless some of you
8 will reconsider your votes.

9 MR. KOUSOULAS: But if we are there, if we are
10 basically evaluating signage choices for the exterior of the
11 building in a year and a half, was tonight a good outcome or
12 not?

13 MR. STRINER: Well, if tonight's outcome is to send
14 these people back and make them be a little more creative
15 about putting it back as far as it should be, then it will be
16 a good outcome. If not, our position is what I stated, and
17 sincerely believing the building to have been ruined, we will
18 proceed to petition formally for its removal from the National
19 Register.

20 Professor Longstreth chairs the Governor's
21 consulting committee. They will take it up, and then it will
22 go to the Feds. We are not doing it to be perverse or
23 mischievous. We are doing it to engage in responsible protest
24 so that this sort of thing won't happen again. The only other
25 thing to do is to just cry over the wine and wish that it

1 never happened. But we don't intend to let it drop.

2 MS. EIG: But the people in Bethesda then would have
3 a CVS, potentially, in a what was once called by your own
4 witnesses, a treasure. I don't understand how -- it seems
5 like there has to be some reconciliation of this.

6 MR. STRINER: Well, if there is to be some
7 reconciliation, it hasn't happened as of tonight. We are
8 willing to engage in conversations, negotiations, to determine
9 whether some decent reconciliation of interests can happen.
10 But indeed if it becomes a CVS pharmacy, it is not just a loss
11 to the people of Bethesda. It is a loss to the people of this
12 whole region, and indeed the entire nation. We don't want
13 that.

14 And I'm not trying to play games or be cute. We
15 only have a limited amount of power. We are a nonprofit
16 group. We do this voluntarily. We have been at it 15 years.
17 I wish I had all of the solutions in my pocket.

18 MR. LONGSTRETH: Mr. Chairman, I think I can answer
19 the Commissioner's question, too, about this use, if I may.
20 Very very succinctly, optimally, in preservation, the intended
21 functions continue and they continue in, more or less, in
22 their historically significant settings.

23 So I would say that the continuation of the theater
24 as a theater is highly desirable in this case. It is,
25 irrespective of jurisdictions and what one can or cannot do,

1 it is one of the most desirable matters in this whole case.

2 My argument, when I agreed, when asked by the Art
3 Deco Society to appear tonight, is that I think that can be
4 achieved, and more, on the exterior, so it retains more of its
5 historical integrity as well.

6 I needless to say cannot speak for the Governor's
7 consulting committee on the National Register. They speak for
8 themselves. We all speak for ourselves, very adamantly. I
9 can say, however, that when this case came before the
10 committee last year, that we are only supposed to consider the
11 building in its current state.

12 Future prospects for the building did come up. It
13 was considerable concern for the fate of this building. I
14 again had to remind everybody that we were considering the
15 building in its present state, and there was unanimous
16 enthusiastic agreement that in its present state it met the
17 criteria.

18 I think I would be less than honest if I were to
19 say, were this to come back before the committee, that that
20 might be somewhat more problematic under the current scheme.
21 But rather than say that, I think a better solution, all the
22 say around, is achievable here.

23 And I urge you, in the strongest possible terms, to
24 ask the developer in this case, to go back. I am sure the Art
25 Deco Society, and lots of other people will be very willing to

1 sit down, roll up their sleeves, and work out a better
2 solution here. I think a better solution is really possible

3 MR. KOUSOULAS: Okay. We have had some more
4 discussion on this. Is there a different motion?

5 MR. HARBIT: Instead of prescribing a solution with
6 regard to the parapet wall, which was a part of the previous
7 motion, I'll move that we deny this HAWP and request that the
8 applicant come back with a different solution that is more
9 respective of the architectural character of the theater.

10 MS. VELASQUEZ: I'll second that.

11 MR. KOUSOULAS: Is there any discussion on the
12 motion?

13 MS. EIG: I think that, you know, I feel very
14 strongly that I want to preserve as much of this theater as
15 possible. And I am very troubled by this parapet. And I do
16 understand the dilemma that the developer is in.

17 But I guess if we were to pass such a motion as
18 this, which in theory is perfectly fine. I think it is very
19 important that I would want to say that despite my vote that
20 was against the proposal is that I would like to see something
21 like what you are doing happen here. And it just seems like
22 we are so close, and yet we are not there. And I feel that to
23 some degree that motion was premature in my mind, in terms of
24 having to take a vote.

25 And I would only stress in such a motion my

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1 feelings, and I hope that the other Commissioners would
2 concur, is that I would like to see a solution. I would like
3 to see something that would make this happen, because whether
4 this building is on the National Register or not doesn't take
5 away or give to it its power. It is on the Register because
6 of what it is. The Register is all nice, but that is not what
7 it is really about.

8 It is about the actual building and the experience
9 of going into the theater. And I would hate to lose that.
10 And if losing it is by putting an addition on top, I don't
11 want to do that. But if losing it is by not putting an
12 addition on top, then the addition is a good solution. But I
13 feel like we are just very close, but we are not there.

14 MS. WATKINS: I would agree. I feel the same. I
15 think the project is a very exciting project, and I would love
16 to see the project go, but it is just real -- the parapet
17 issue really bothers me. And this is -- I wasn't on the
18 Commission before when it was reviewed. I would just like to
19 see another attempt. Convince me that the parapet is, that
20 there is no other way to do it. I feel like I haven't been
21 convinced.

22 MR. KOUSOULAS: Let me add something here. If we
23 ask, we can't just continue this on our own. We'll be past
24 the 45 days.

25 MS. VELASQUEZ: We've already taken action. 45 days

1 doesn't matter anymore.

2 MR. KOUSOULAS: Well, the owner may or may not come
3 back. But the discussion should be on the motion and not so
4 much a dialogue again with the applicant at this point. We
5 have a motion on the table.

6 MR. SPURLOCK: I will say, I think the motion is too
7 vague for this. I mean, it is not really fair to the
8 applicant to say, go try again. If you want to have them do
9 something, then we have to give them more guidance about what
10 they should try to do. We can't just say, we don't like it.
11 Do it over again. I think it's a bad -- with all due respect,
12 I think it is too vague a motion for us to act upon.

13 MR. KOUSOULAS: All those in favor of the motion,
14 raise your right hand?

15 MS. WATKINS: Can I have the motion restated,
16 please?

17 MR. HARBIT: The motion was to deny the HAWP and ask
18 the applicant to come back with a new solution that is more in
19 keeping with the historic character of the theater.

20 MS. VELASQUEZ: I don't think you can do that. I
21 think you either deny it or approve with a condition.

22 MR. HARBIT: Deny.

23 MS. VELASQUEZ: You can't deny it with a condition.

24 MS. WRIGHT: You can certainly make a suggestion
25 that they come back.

1 MR. HARBIT: Then I recommend that we deny the HAWP,
2 period. And then can I speak to this motion? I think the
3 risk of --

4 MS. WRIGHT: After a second.

5 MS. VELASQUEZ: Second it. I second it.

6 MS. WRIGHT: It already has been seconded. I think
7 you were just --

8 MR. KOUSOULAS: Is this motion any different from
9 the last one, since the addition of --

10 MR. HARBIT: The previous one was that the parapet
11 be retained. Your motion was that it be denied and they come
12 back with a design with the parapet retained.

13 MS. WRIGHT: Commissioner Harbit is just making a
14 more general motion, but I need to emphasize, if you deny it,
15 you deny it. And that means that the applicant may choose to
16 appeal to the Board of Appeals. It means that they can come
17 back, if they choose to do it. But if you deny it, you deny
18 it.

19 And suggesting they come back is a good thing to do,
20 but it isn't like a condition. We have approval with
21 conditions, but we don't have denial with conditions.

22 MR. KOUSOULAS: All those in favor?

23 MS. EIG: Sorry. In terms of discussion of this
24 motion, is it -- can that motion be withdrawn, and a motion or
25 request asked for the applicant to actually --

1 MS. WRIGHT: You have to vote on a motion.

2 MR. KOUSOULAS: Let's vote on the motion, then.

3 MS. WRIGHT: All right. Okay.

4 MR. KOUSOULAS: All those in favor of the motion,
5 raise your right --

6 MS. WRIGHT: The motion is to deny, is that correct?

7 MR. KOUSOULAS: All those in favor of the motion,
8 raise your right hand? All those against? The motion fails.
9 Is there another motion?

10 MS. WRIGHT: Again, for the record, the people who
11 voted in favor of that motion were Commissioners Harbit,
12 Watkins and Velasquez. Everyone else voted against the
13 motion. I'm sorry to do that, but it has to get on the
14 record.

15 Another option that I hate to bring up, but I'm
16 going to bring up is, rather than making another motion, maybe
17 we can say to the applicants, would you consider continuing
18 this case and coming back at one of our January meetings. And
19 between now and then, we will try to facilitate a meeting
20 between the applicant, the Art Deco Society, the East Bethesda
21 Citizens Group, and see if there is any common ground.

22 MR. SMITH: May I speak to that?

23 MS. WRIGHT: Yes. It is a question.

24 MR. SMITH: We have some very tight contractual
25 deadlines on the project. We really need to make some

1 resolution on this, if we can, tonight. And I am willing to
2 offer a compromise, if it would be acceptable to the
3 Commission. I know this is a gray area.

4 The project does not work for us at the 54-foot
5 setback. It is not a feasible project. We will not be able
6 to preserve the interior of the theater under that scheme. It
7 just does not work.

8 We would agree to a condition to either preserve the
9 secondary parapet in tact, or to relocate it. It will
10 compromise the building, but if that, in some of the
11 Commissioners minds, will make a difference, we would agree to
12 that condition this evening. But I don't want --

13 MS. VELASQUEZ: I have a question when you say --
14 you say preserve it. Do you mean, inside wall encapsulated?

15 MR. SMITH: Yes, either that or to bring it forward.
16 We would agree to those conditions. But I do not want to
17 create an expectation that we can set the building back 54
18 feet. The project does not work for us. We would not be able
19 to preserve the interior of the theater. The entire economics
20 do not work with that concept.

21 So I just don't want to create any false
22 expectations. But I would preserve that compromise, in the
23 spirit of compromise, to try to resolve this, if it would make
24 a difference in some of the Commissioners view.

25 MR. SPURLOCK: If you had approval, with the

1 condition that you come back with a scheme demonstrating how
2 you would facilitate this parapet that you have offered, would
3 that be something that would allow you to proceed with your --

4 MR. SMITH: We would not be able to meet our
5 contractual deadlines. I would hope that we could adopt that
6 compromise this evening.

7 MR. SPURLOCK: Commissioner Eig, would that -- is
8 there anything there that you --

9 MS. EIG: So this question -- as I said, I didn't
10 want to ask that question. I mean, it goes right to the
11 issue, and it has no right answer. There is no good answer.
12 I actually, when I asked Ms. Oehrlein what they had
13 contemplated, I would be curious to know some of her position
14 on that, what she thought about that, about moving the parapet
15 or preserving the parapet, what are the pros and cons.

16 MS. OEHRLEIN: We did look at the possibility of
17 preserving it inside of the building, but because of the floor
18 levels, we lose the units at the front. I mean, it would
19 basically lose apartment units in order to raise the floor in
20 that area, and keep the parapet wall in tact.

21 MS. EIG: But if it is a make or break --

22 MR. SMITH: We are willing.

23 MS. OEHRLEIN: He is saying now, he is prepared to
24 consider that.

25 MR. SMITH: Yes.

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1 MS. OEHRLEIN: We did consider moving it forward,
2 and putting it on the front of the new apartment building
3 looked kind of silly, to be quite honest, because it then is
4 sort of mixing the historic material with the new tower, and
5 that seemed inappropriate.

6 MS. EIG: It's a false presentation of it.

7 MS. OEHRLEIN: Which is, understanding that the
8 second parapet was considered important to the historic fabric
9 on this building, came to a compromise of dismantling that
10 material, and reconstructing it as a wall at grade, as a way
11 to preserve the historic fabric of the parapet wall, to put it
12 in a location that was visible to all of the public, and not
13 simply destroy it in the course of constructing the project.

14 MR. SPURLOCK: I would agree with, I mean, I think
15 that is a very well put answer, and in my, at least in my
16 mind, this is a very wonderful opportunity for us to maintain
17 the use of this building and the theater.

18 I would like to move, Mr. Chairman, that we approve
19 a historic area work permit for case 35/14-4-99A with the
20 conditions stated in the staff report. Excuse me, no
21 conditions.

22 MS. EIG: I second it.

23 MR. KOUSOULAS: All those in favor of the motion,
24 raise your right hand?

25 MR. SPURLOCK: I'm sorry, the only condition was

1 that we require them to have this easement, and we can't do
2 that, so --

3 MS. EIG: We can't do that. But they are saying
4 they will consider it.

5 MR. SPURLOCK: There is no --

6 MS. EIG: What about we resolved what we want to do
7 here? I mean, you are satisfied?

8 MR. KOUSOULAS: The motion doesn't include any
9 parapet --

10 MR. SPURLOCK: I feel that moving it would be even
11 more preservation than --

12 MS. EIG: What about preserving it in place, since
13 the developer has offered to.

14 MR. SPURLOCK: That was not the motion.

15 MS. EIG: That was not the motion. Okay.

16 MR. KOUSOULAS: All those in favor of the motion,
17 raise your right hand? All those opposed? The motion fails.
18 Is there one more motion?

19 MR. SPURLOCK: I'll make one additional motion.
20 Mr. Chairman, I move we approve a historic area work permit
21 for Case 35/14-4-99A with the condition that the existing
22 parapet be retained for future --

23 MS. WRIGHT: To you mean encapsulated?

24 MR. SPURLOCK: Encapsulated or not relocated, but
25 retained in the building, and that they reconfigure the floor

1 plan appropriately to accommodate that.

2 MR. KOUSOULAS: Is there a second?

3 MS. DeREGGI: I'll second that.

4 MR. KOUSOULAS: Could I have some discussion on
5 this. Does that mean so it breaks out that you could cover it
6 over with drywall and no one would ever see it? That would be
7 acceptable?

8 MS. WRIGHT: That's what their saying.

9 MR. KOUSOULAS: As opposed to keep it in tact so it
10 is visible somehow?

11 MS. WRIGHT: I think the intent of what Mr. Smith
12 was talking about was to keep it visible, if I am not
13 mistaken.

14 MS. EIG: He doesn't care.

15 MR. SMITH: I do care. I support the motion as it
16 is made. And we could incur compromises on the building to
17 achieve that. But I would support the motion as made.

18 MS. VELASQUEZ: My problem with this is that the
19 problem I have had all along is seeing that roof line going
20 into the second parapet, we will never see that again. Do you
21 understand that? We will never see that again.

22 MR. KOUSOULAS: Okay. There is motion it has been
23 seconded. All those in favor of it, raise your right hand?
24 All those opposed? The motion passes six to two. The
25 application is approved.

1 MR. SMITH: Thank you.

2 MR. KOUSOULAS: We'll take a quick five minute
3 break.

4 (Whereupon, a brief recess was taken.)

5 MR. KOUSOULAS: Let's get started again. The next
6 case on the agenda is E, I believe, right?

7 MS. WRIGHT: 4102 Leland.

8 MR. KOUSOULAS: Yes.

9 MS. KEPHART: The applicant, actually, the architect
10 for 4102 Leland Street left, but he did ask me to modify the
11 application. So let me do that first of all. The applicant,
12 the architect or the applicant acting as his agent, requested
13 that the construction of the front portico and balustrade be
14 omitted from the application, and that the -- 4102 Leland
15 Street is what we are on. And he asked that number one, the
16 construction of the portico and balustrade be omitted from the
17 application.

18 So that means it would be omitted from the proposal,
19 item number one, and it means that the condition for approval
20 be condition number one, the front porch addition denial would
21 also be omitted. So what we are left with is a greatly
22 modified application which is for the, modify the design
23 materials for the front walk from a straight walk with steps
24 down to a walk that would lead down to a large parking area.
25 We haven't decided whether to call it a piazza or a courtyard.

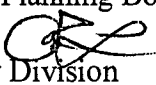


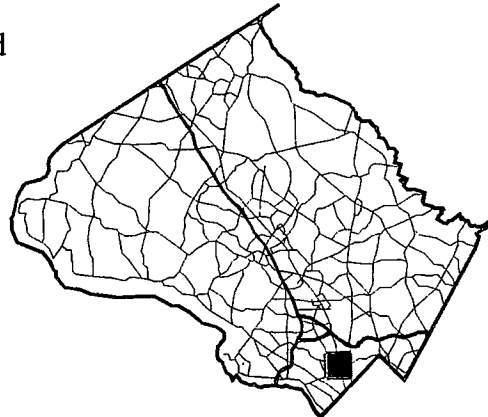
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: September 10, 1997
TO: Montgomery County Planning Board
VIA: Charles Loehr, Chief 
Development Review Division
FROM: Michael Ma
Planning Department Staff
(301) 495-1322



PROJECT NAME: **Bethesda Theatre Residential**
CASE #: **9-97001**
REVIEW TYPE: **Project Plan**

ZONE: CBD-2
APPLYING FOR: Approval of a 187-unit high-rise apartment building with an underground parking garage and preservation of the existing Bethesda Theatre on 0.96 acres

LOCATION: On the east side of Wisconsin Avenue, north of Middleton Lane, in downtown Bethesda

MASTER PLAN: Bethesda Central Business District Sector Plan

REVIEW BASIS: Section 59-D-2.11 of the Zoning Ordinance provides that the developer is required to submitted a project plan as a part of the application for the use of the optional method of development for a CBD zoned property.

APPLICANT: Beta Corporation
FILING DATE: June 27, 1997
HEARING DATE: September 25, 1997

Attached is the staff report for the proposed Bethesda Theatre Residential development. The Planning Board public hearing for this application is scheduled for September 25, 1997. A draft Planning Board opinion for the Project Plan will be available on September 22. The staff recommends APPROVAL WITH CONDITIONS as delineated in the staff report.

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SUMMARY

The proposed Bethesda Theatre Residential project is a mixed-use development located in downtown Bethesda. The property consists of both the CBD-2 and R-60 zoned land. The subject Project Plan application is for the CBD-zoned portion only. The applicant also proposes to rezone the R-60-zoned portion to the PD zone through a separate zoning application which is being processed concurrently with the Project Plan and will be heard by the Planning Board on the same day. Staff recommends Approval of the Project Plan with nine conditions as listed in the Recommendation section below.

Proposal The overall development proposes preservation of the existing Bethesda Theatre, a 10-story apartment building on top of the Theatre, a four-story garden apartment building, 21 townhouses, and an underground parking garage. The Project Plan includes only the Theatre, the 10-story building and part of the garage which will be used by the apartment residents. Neighborhood protection measures will also be provided by the applicant as off-site amenities.

Issues Preservation of the historic Theatre is the primary public benefit feature proffered by the Project Plan which uses the optional method of development. The high-rise apartment building will be built on top of the theater and setback about 20 feet from Wisconsin Avenue. The Art Deco Society of Washington recommends the building be setback 52 feet to protect the building's second parapet wall. Staff believes that this issue can be best addressed by the Historic Preservation Commission's review of the Historic Area Work Permit for this development.

The Project Plan proposes to abandon sections^{of} the existing public alleys to build the high-rise apartment complex. The applicant has filed a Petition with the County for the abandonment. The Planning Board will hear the abandonment application and the Project Plan on the same day. The adjacent property owner, Chevy Chase Cars, is concerned about the impact of the abandonment on its operation and business. Staff recommends approval of the abandonment with a number of conditions to address Chevy Chase Cars' needs and concerns.

The height of the proposed high-rise will be 94 feet which is 4 feet higher than that recommended by the Sector Plan for this site. Staff believes that this four-foot variation will be imperceptible and is an acceptable deviation from the guidelines. The FAR calculation by the applicant for the high-rise building is incorrect. It includes part of the right-of-way of Middleton Lane, which is zoned R-60, as gross tract area for this CBD-zoned development. The proposal should be revised to reduce the total gross floor area by 15,030 square feet.

Findings Staff has completed its review of the proposed Project Plan and found that the Project Plan, if amended in accordance with the recommended conditions, will be in conformance with the Bethesda Central Business District Sector Plan, the intents of the CBD zone, and other project plan findings as required by Section 59-D-2.42 of the Zoning Ordinance.

STAFF RECOMMENDATION

The staff recommends approval of Project Plan 9-97001 with the following conditions:

1. Development Ceiling

The proposed mixed-use development is limited to 208,825 square feet of gross floor area (FAR 5), including the existing theater.

- a. Prior to signature set approval of the Project Plan, the Plan shall be revised to show that the total gross floor area of the development is 208,825 square feet or less.

2. Historic Preservation

As part of the proposed development, the existing structure, both exterior and interior, and a cinema or performance use of the Bethesda Theatre shall be preserved.

- a. The exact building setback of the proposed apartment building from the existing facade of the Theatre on Wisconsin Avenue shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.]

- b. The applicant shall submit a complete set of ~~final~~ architectural design development plans for the proposed development as part of the Site Plan submittal. The plan shall include a detailed preservation plan for the Theatre. In addition to sensitively integrating the exterior features of the Theatre into the new construction, the Plan shall also include retention and ~~renovation~~ *preservation* of the significant interior features that reflect the Art Deco styling.

- c. The structure of the proposed building, which will be constructed on top of the existing Theatre, shall be carefully designed to minimize any negative impact, both structurally and visually, on the theater's facade, roof, ceiling, walls, and interior space.

- d. The design of the proposed resurfacing of the alley facade of the theater shall be ~~positively integrated into the new project as a historic artifact~~ or as recommended by the Historic Preservation Commission.

- e. The proposed ~~renovation or restoration~~ *preservation work related to* of the Theatre, both exterior and interior, shall be considered as part of the overall development, and shall be completed prior to the occupancy of the proposed apartment building.

Revise

ditto
Further studied + sheet be det

from an urban design perspective
4
A 52' foot setback for the new apartment building is ~~not~~ excessive, and it appears that an approx. 20' setback may be appropriate from urban design + hist. pres. perspective. However,

3. Public Use Space

The proposed public use space shall be at least 20% of the net lot area of the site. The space shall be easily and readily accessible to the general public and used for public enjoyment. The following design features, among other things, shall be addressed at the time of Site Plan review:

- a. Within this space such amenities as, but not limited to, landscaping, special paving, seating, lighting, and other appropriate street furniture shall be provided and arranged to enhance the quality of the space, to promote public use, and to facilitate pedestrian movement.
- b. The design of the proposed public use space around the southeastern corner of the site shall be integrated into the design of the landscaped pedestrian plaza within the PD-zoned portion of the development and into the design of the proposed residential entry court on Middleton Lane.

4. Residential Entry Court on Middleton Lane

Special design features, such as special paving, landscaping, lighting, and other street furniture, shall be incorporated into the design of the proposed residential entry court to create a focal point on Middleton Lane and an attractive entry to the proposed apartment complex.

- a. The design of the entry court shall ensure safe and convenient pedestrian movement through this section of Middleton Lane.
- b. The design of the entry court shall include an enhanced street divider on Middleton Lane and shall allow passage of emergency vehicles.

5. Neighborhood Protection Measures / Off-Site Amenity

Appropriate neighborhood protection measures shall be provided by the applicant and be incorporated into the proposed development to enhance the character of neighborhood streets and to better control the traffic flow at certain locations. The final design of these measures shall be reviewed at the time of Site Plan application.

1. A traffic circle shall be installed at the intersection of Cheltenham Drive and Tilbury Street.
2. A landscaped area shall be installed at the intersection of Tilbury Street and Sleaford Road.

6. Staging of Amenities

The proposed project will be developed in one phase. All of the proposed amenities, including preservation/renovation of the existing Bethesda Theater, public use space, residential entry court, recreation facilities, and neighborhood protection measures, shall be completed prior to the occupancy of the proposed development.

7. Loading Area

The loading area for the Theatre and the proposed apartment complex shall have adequate area to accommodate the moving vans and all the loading and unloading operations on site.

8. Connection between Two Dealership Sites

To accommodate the operational needs of the existing Chevy Chase Cars to the north of the site and the new Mitsubishi dealership to the south, the proposed development shall provide a permanent vehicular connection between these two dealership sites either through the proposed underground garage or through the alley and the private portion of the garage. An easement shall be placed on the private portion of the garage to ensure the connection.

9. Required Approvals by the County Council

Prior to Preliminary Plan approval by the Planning Board for the proposed development, the Petition with the County to abandon sections of the alleys and the zoning application for the PD zone shall be approved by the County Council.

PROJECT DESCRIPTION: Surrounding Vicinity

This CBD-zoned site is part of the overall development for Bethesda Theatre Residential project which includes both the CBD-zoned and R-60-zoned properties. It is located in Bethesda Central Business District, approximately 800 feet north of East West Highway (MD 410). It has frontages on both Wisconsin Avenue and Middleton Lane. Middleton Lane, between Wisconsin Avenue and Tilbury Street, is divided into two separate sections by a street divider in front of the site.

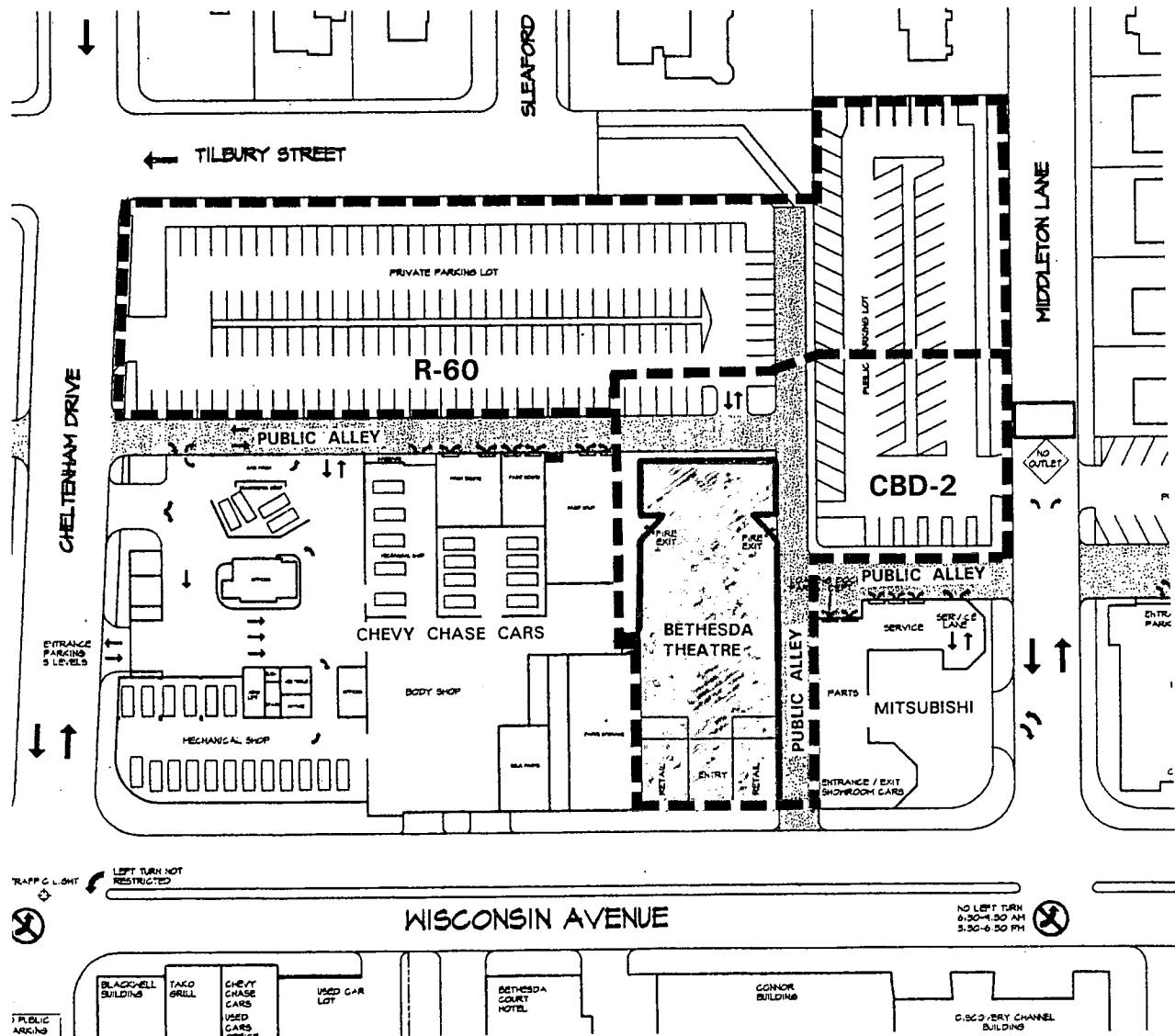
Property adjoining the site to the north is zoned CBD-2 and is occupied by Chevy Chase Cars dealership. Across a public alley to the southwest is a CBD-2 zoned property which is currently under construction for a new Mitsubishi dealership. The new dealership will be run by the owner of Chevy Chase Cars. Properties to the east are R-60 zoned residential lots which are currently used as parking lots and will be part of the overall Bethesda Theatre Residential development. Properties to the west across Wisconsin Avenue are commercial office buildings which are also zoned CBD-2.



PROJECT DESCRIPTION: Site Description

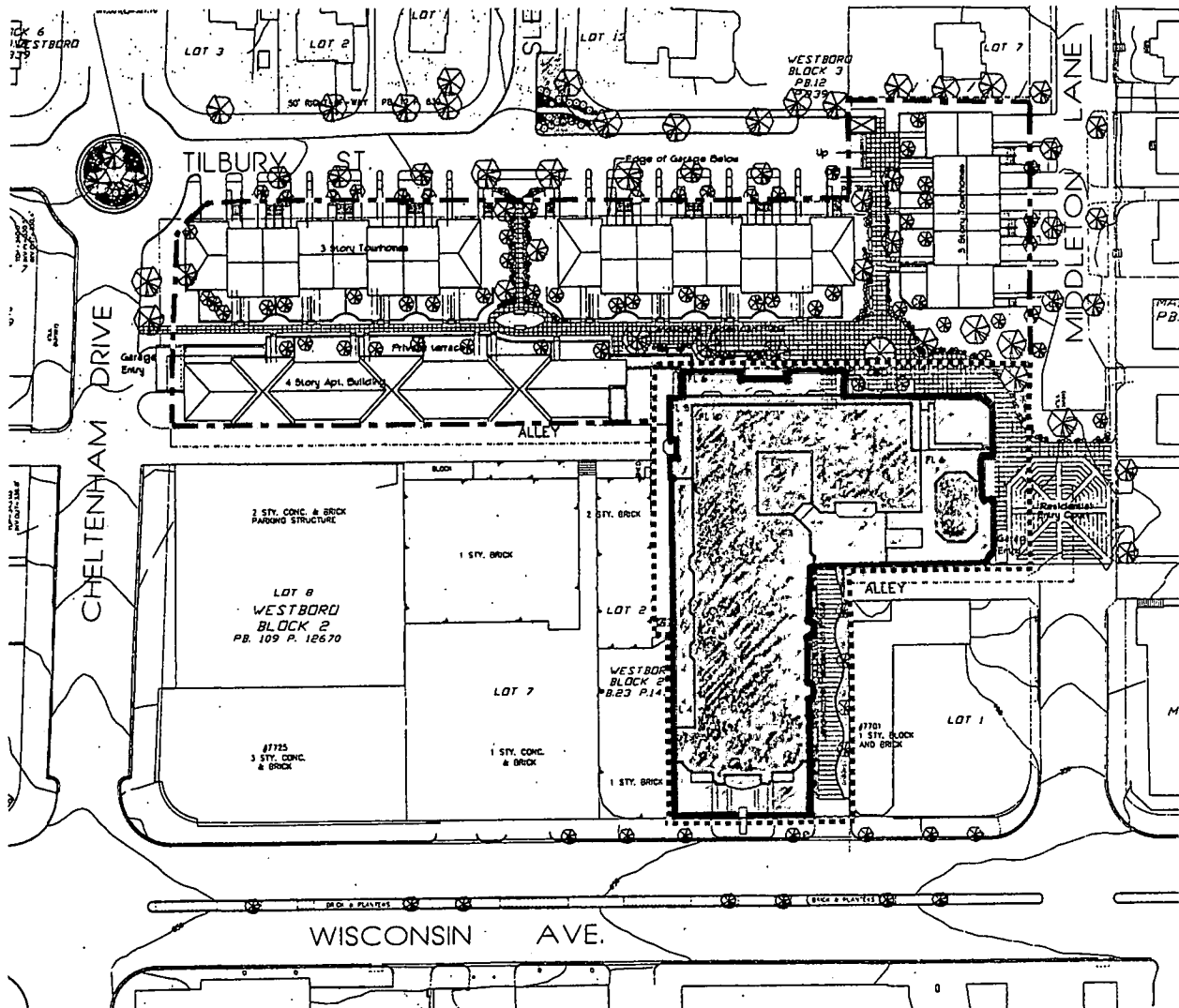
The subject site comprises 38,689 square feet of CBD-2 zoned land, which is part of the overall 2.27 acres the applicant has assembled for Bethesda Theatre Residential project. This L-shaped site fronts on both Wisconsin Avenue and Middleton Lane. It consists of Bethesda Theatre Cafe lot, two sections of public alleys, part of Outlot A of Westboro, and Lots 2 and 3 of Rabners Subdivision.

The existing Bethesda Theatre Cafe fronts on Wisconsin Avenue. The entrance to the theater off Wisconsin Avenue is flanked by two retail spaces of which one is currently vacant. The exterior of the Theatre is on the County's Master Plan for Historic Preservation. The alleys are used as service roads for the car dealerships and other uses in the area. The remaining portions of the site, across the alley from the Theatre, are currently used as parking lots. The topography slopes down about 15 feet from Wisconsin Avenue toward the eastern edge of the site and about 5 feet from Middleton Lane toward the northern edge of the site.



PROJECT DESCRIPTION: Proposal

The subject Project Plan application is for the CBD-2 zoned portion only. It uses the optional method of development. The proposal consists of an existing theater, a 187-unit, high-rise apartment building, and a three-level, 240-space underground parking garage. The northern portion of the proposed 10-story, L-shaped apartment building will be built on top of the existing Bethesda Theatre. The building height will be limited to 94 feet and step down toward the existing residential neighborhood to the east and the south.



Public Benefit Feature - The Theatre's facades, interior and function will be preserved as the public benefit feature proffered by this proposal. The proposed building will be setback from the marquee of the Theatre on Wisconsin Avenue. The Theatre and related issues are discussed in detail in Development Issues section below.

Off-Site Amenities - A traffic circle will be installed at the intersection of Cheltenham Drive and Tilbury Street, and a landscaped area will be installed at the intersection of Tilbury Street and Sleaford Road. These neighborhood protection measures will be provided to enhance the character of neighborhood streets and to better control the traffic flow at these locations.

Public Use Space - The plan will provide 20% of the net lot area as public use space. The proposed public use space includes areas along the street frontage on Middleton Lane, the alley between Wisconsin Avenue and the proposed pedestrian entrance to the public garage, and the outdoor space on the east side of the apartment lobby. Landscaping, special paving and other outdoor furniture will be provided within these areas.

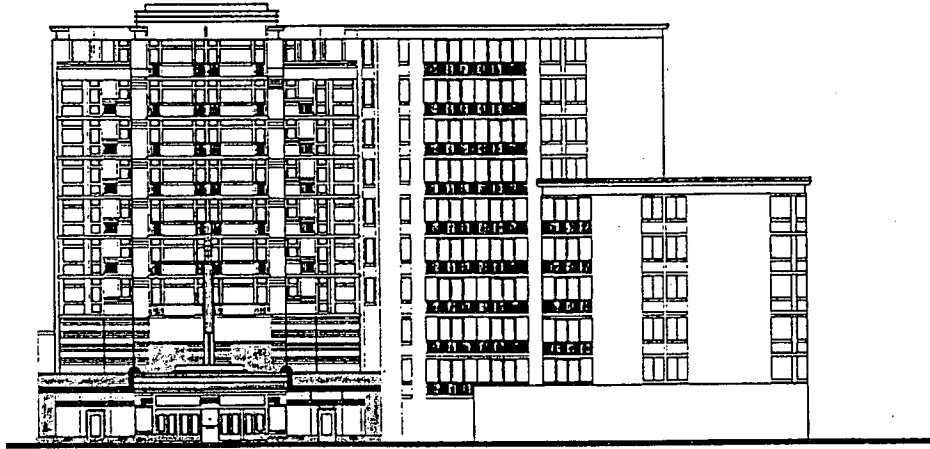
Unit Types and MPDU - The proposed unit mix includes studio, one-bedroom, two-bedroom and three-bedroom units of various sizes. The required number of MPDUs for a CBD zoned development is 15% of the total number of the units. This project will provide 28 MPDUs of which 18 are one-bedroom units and 10 two-bedroom units. The MPDUs will be distributed throughout the building.

Abandonment of Alley - The site is trisected by two intersecting public alleys. The plan proposes to abandon two sections of the public alleys within the site and incorporate them into this development.

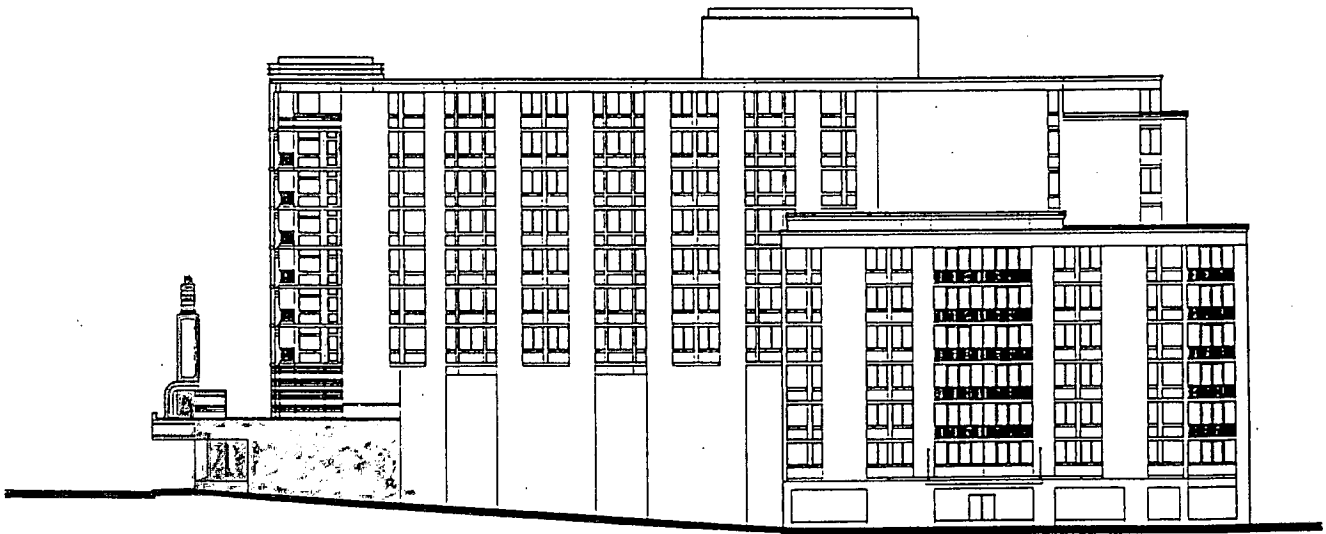
Recreation Facilities - The proposed development will provide a number of recreation facilities including a swimming pool, community space (party room), indoor fitness (exercise room), and a picnic area.

Access - The entrance to the theatre will remain on Wisconsin Avenue. A residential entrance court is proposed on Middleton Lane for pedestrian access to the lobby of the building and for vehicular access to the underground parking garage. The private garage for the residential units will be connected with the proposed three-level, 400-space underground public garage to the north which is also part of the overall development. The loading area for the Theatre and the residential building will be located at the northeastern corner of the site, and the vehicular access to the loading area will be via the north-south public alley off Cheltenham Drive.

Required Parking - Although this site is located within a Parking District, the proposed development will provide required parking spaces for the residential portion of the development in the proposed underground parking garage. The parking requirement for the nonresidential portion of the development, the Theatre, will be satisfied by paying Parking District Tax.



WEST ELEVATION - VIEW FROM WISCONSIN AVENUE



SOUTH ELEVATION - VIEW FROM MIDDLETON LANE

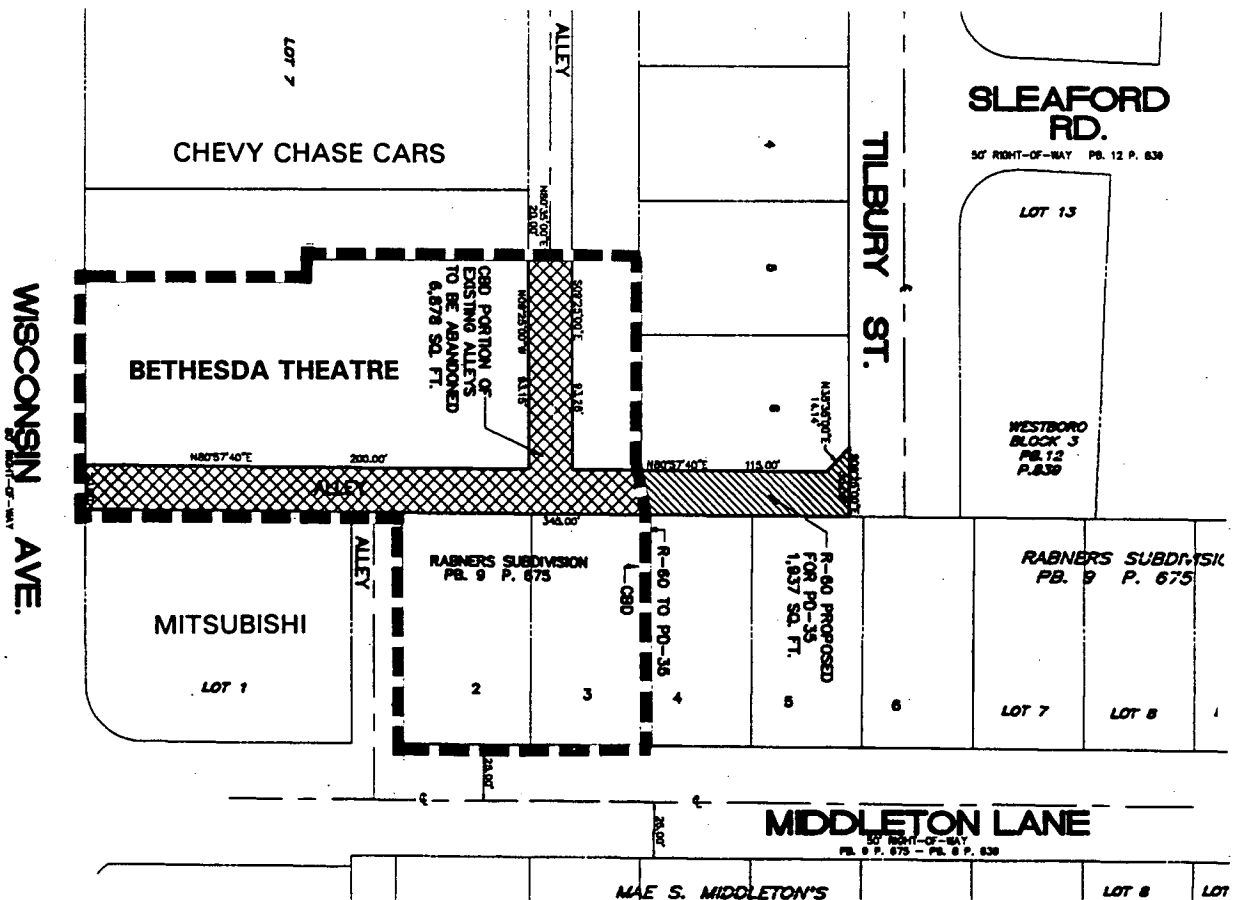
DEVELOPMENT ISSUES

I. Abandonment of the Public Alley

The subject site is divided into three portions by two 20-foot-wide intersecting alleys. The east-west alley is parallel to Middleton Lane and located along the southern edge of the Theatre between Wisconsin Avenue and Tilbury Street. The north-south alley is parallel to Wisconsin Avenue and located between Cheltenham Drive and the east-west alley. These public alleys currently function as a service road for the adjacent businesses and as a back street for some through traffic. They allow vehicular movement between Cheltenham Drive, Middleton lane and Wisconsin Avenue. Chevy Chase Cars and the new Mitsubishi dealership will, if the alleys remain open, be able to move cars between these two stores to use the shared facilities.

Proposed Abandonment

The Plan proposes to abandon two sections of the existing alleys which are located within the site. The abandoned areas will be incorporated into the development as part of the building area, loading area and pedestrian walkway. The applicant has filed a Petition with the County to abandon these sections of the alleys.



Opposition

Chevy Chase Cars opposes the proposed abandonment of the alley as stated in the letter dated July 23, 1997, from Larry A. Gordon. A copy of the letter is attached (Appendix A). The segment of the alley proposed to be abandoned provides a direct link between the two dealerships, behind Wisconsin Avenue, to share vehicle storage, service facilities, sales and accounting facilities, meeting space, etc. Each of these dealerships uses the alley on a regular basis in conjunction with its daily business operations. Chevy Chase Cars believes that without the alley connection it is highly unlikely that Mitsubishi will be able to stand on its own which, in turn, will have an adverse impact on the Chevrolet and Oldsmobile dealerships and associated service facilities.

Staff Recommendation

The Sector Plan does not provide a guideline for the alley system south of Cheltenham Drive. Rather, the Sector Plan text (p.80) makes clear that abandonment of the alley could be considered to facilitate an optional method project, though it is not explicitly recommended:

“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 alleys, and efforts to minimize cut-through traffic in the East Bethesda neighborhood should be determined at the time of Project Plan.”

To address the concerns about the local area vehicular circulation and about serving the needs of the existing and future businesses, the applicant presented several alternatives to alley abandonment for discussion by staff. After reviewing all of them, the Community-Based Planning staff determined that with certain modifications the original proposal, which incorporates portions of the public alley, represents a good solution to all the concerns and adequately addresses the goals established by the Sector Plan. To minimize the impact of the alley abandonment on Chevy Chase Car's operation, the staff recommends the following modifications to the proposal:

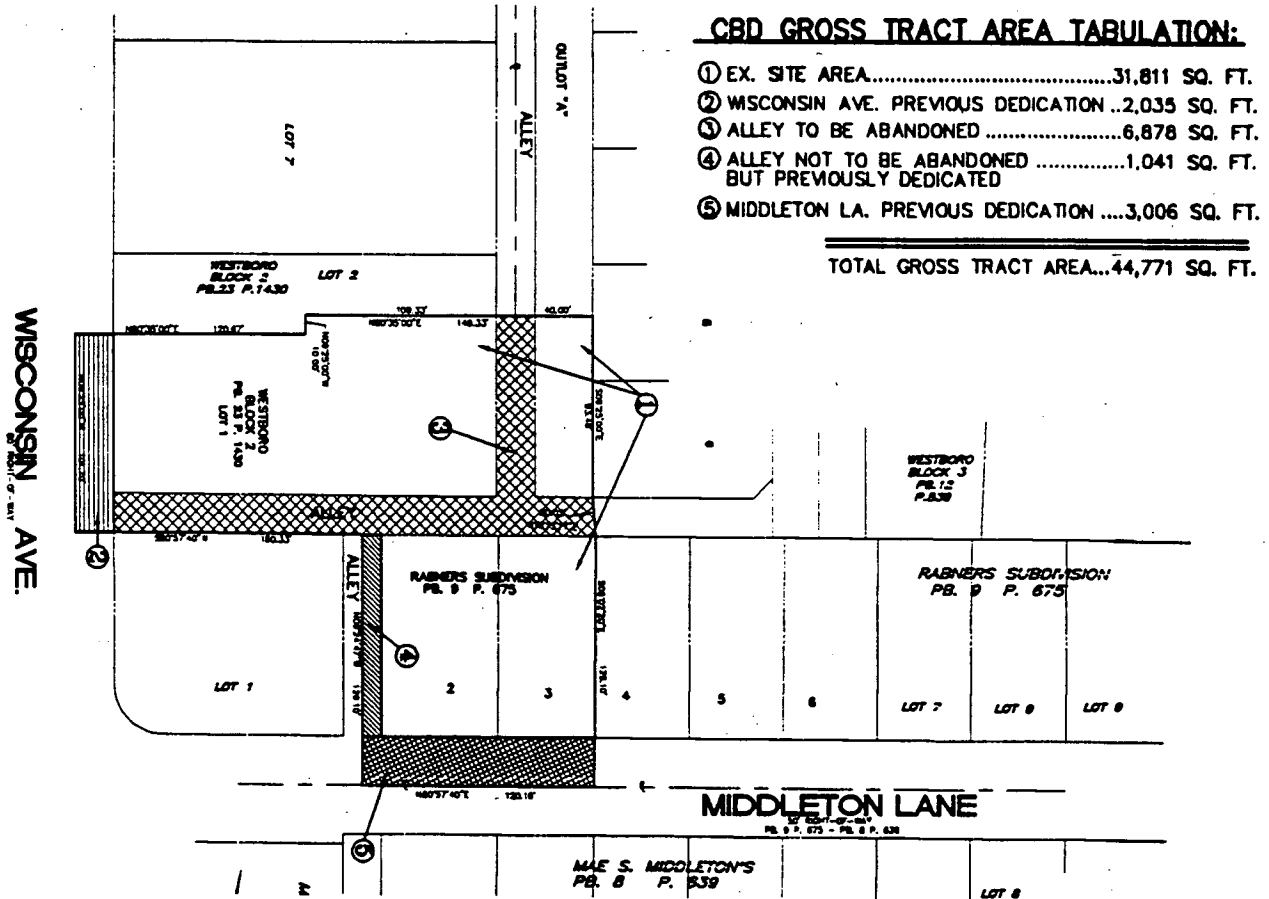
- a. The PD-zoned portion of the development should be setback at least 5 feet from the north-south alley along the east side of Chevy Chase Car's properties, between Cheltenham Drive and the proposed loading area.
- b. The curbs at the intersection of Cheltenham Drive and the alley discussed in a. above should have a turning radius which allows a car-delivery truck to turn around at this location.
- c. Provide a permanent vehicular connection between the two dealership sites through either the proposed underground garage or through the alley and the private portion of the garage.

II. Development Density

This project is a CBD-2 zoned mixed-use development using the optional method of development. The maximum density permitted by Section 59-C-6.23 of the Zoning Ordinance for this site is Floor Area Ratio (FAR) 5. The FAR calculation is based on Gross Tract Area.

Gross Tract Area

The gross tract area of this development is 44,771 square feet which includes existing Lots, sections of the existing alleys to be abandoned, part of the north-south alley between the Theatre and Middleton Lane, previously dedicated right-of-way for Wisconsin Avenue (a 20-foot-wide strip), and previously dedicated right-of-way for Middleton Lane (a 25-foot-wide strip). All of these parcels are zoned CBD-2 except for the right-of-way of Middleton Lane which is zoned R-60.



FAR Calculation

Since the proposed development is based on the CBD zone standards, the R-60 zoned portion of the gross tract area, 3,006 square feet, cannot be included in the density or FAR calculation. Therefore, the maximum density for this development should be 208,825 square feet (41,765 square feet x 5) instead of 223,855 square feet (44,771 square feet x 5) as proposed by the applicant.

Staff Recommendation

The FAR for the proposal should not exceed five as permitted by the Zoning Ordinance, and the Plan should be revised to show a total gross floor area of 208,825 square feet or less.

III. Building Height

Section 59-C-6.23 of the Zoning Ordinance provides that normally the maximum building height for a CBD-2 zone development under the optional method of development is 143 feet. The Design Guidelines established by the Sector Plan for this site (page 83), however, states:

“Maintain building heights no higher than 90 feet along Wisconsin Avenue to provide a scale compatible with the existing historic structure and marquee and with nearby residential neighborhoods. Provide several step downs in building height from a maximum of 90 feet to a maximum of 65 feet at the rear and a maximum of 45 feet along the east side of the alley. Residential townhouse development should not exceed 35 feet along Tilbury Street and Middleton Lane.”

The Height of The Proposed Building

The Project Plan proposes that the new apartment building be 94 feet in height along Wisconsin Avenue rather than 90 feet to accommodate the 12-foot depth of the trusses needed to safely clear span over the existing Theatre. The height of the proposed building will step down from 10 stories to 9 stories and to 6 stories (65 feet) toward the east and south ends of the building.

Staff Recommendation

Staff believes that this four-foot variation in height will be imperceptible and is an acceptable deviation from the guidelines in order to allow the structure necessary to safely bridge the interior of the theater.

IV. Preservation of the Theatre

Theatre History

The Bethesda Theater was built in 1938. It is a well-preserved example of the large-scale movie houses being built at this time all over the country. This brick theater, and the Silver Theatre in Silver Spring, were both designed by the New York architectural firm of John Eberson, a well-known architect, who specialized in theater design nationwide. Stylistically, and under the broad heading of Art Deco, the Bethesda Theater is an example of Streamline Moderne commercial architecture. The theater was commissioned by Sidney B. Lust, a well-known theater operator, and was originally named the “Boro” Theater. In 1939, the name was changed to the “Bethesda” Theater, and that is the name on the marquee tower today.

Architectural Description

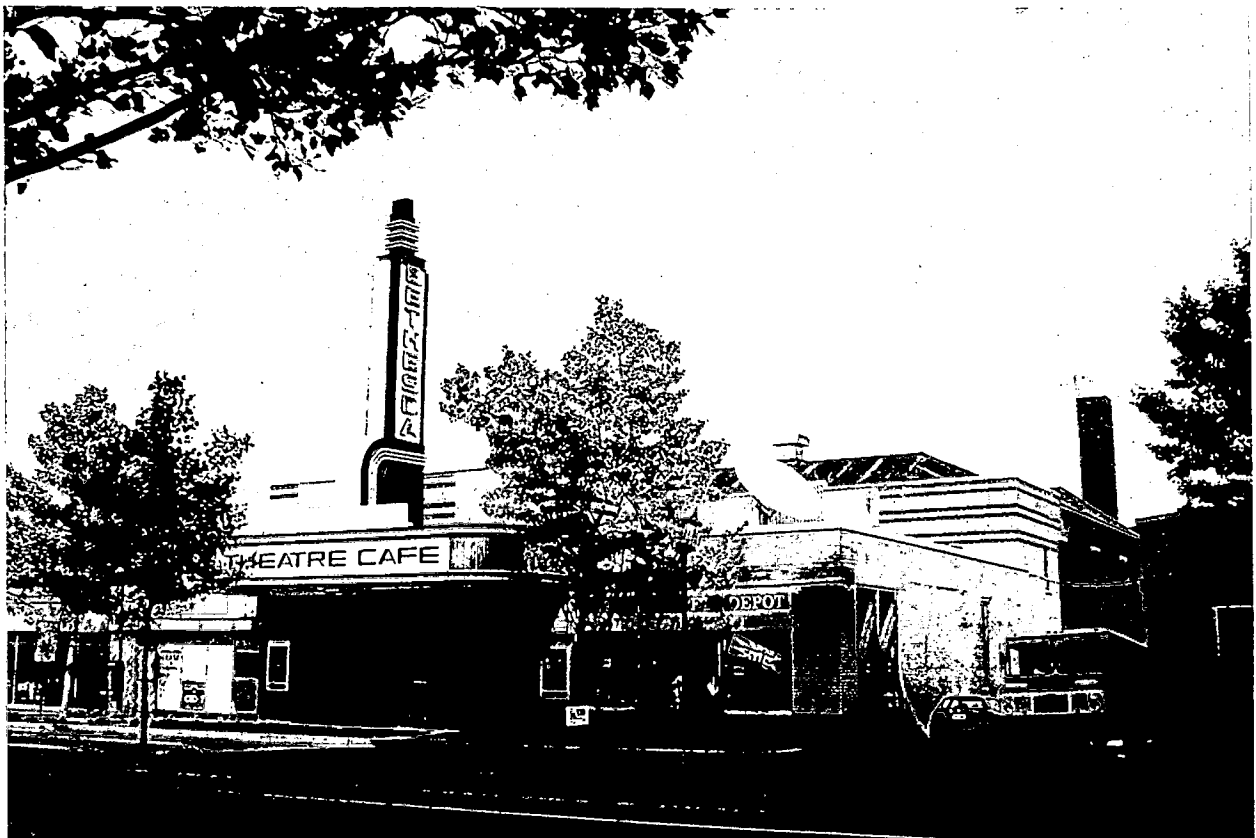
The structure is a combination of decorative and utility brick. The Wisconsin Avenue facade was built of blond brick, with bands of black brick highlighting two parapet walls which demark

architectural features of the structure. The rear and sides of the theater structure are built with red utilitarian brick.

The theater entrance is marked by a theater marquee and the tall marquee tower with BETHESDA in neon letters. The first low parapet wall provides extra height to the marquee, and helps to differentiate the theater from the flanking storefronts. This parapet wall runs the width of the marquee, and is built in blond brick, with accent stripes of black brick, and with curving "returns".

The original ticket booth is centrally located, trimmed in grooved aluminum, and sits between the two flanking theater entrances. These are further bracketed with two aluminum-trimmed movie notice cases. The theater is flanked by one-story commercial spaces which also utilize aluminum trim and echo the green marble base of the theater proper.

The theater lobby is a one-story space, and leads to a transitional lobby with a complicated ceiling, that provides entrance to the main auditorium as well as public facilities. The transition to a high ceiling in the auditorium is reflected on the exterior with a secondary parapet wall which echoes the design of the first parapet wall. This secondary parapet wall is also blond brick with black stripes, and with a toothed brick pattern reminiscent of the design of a radiator. This secondary parapet wall extends the full width of the theater, marking the internal division between the commercial storefronts and the public theater auditorium, as well as the change in ceiling height.



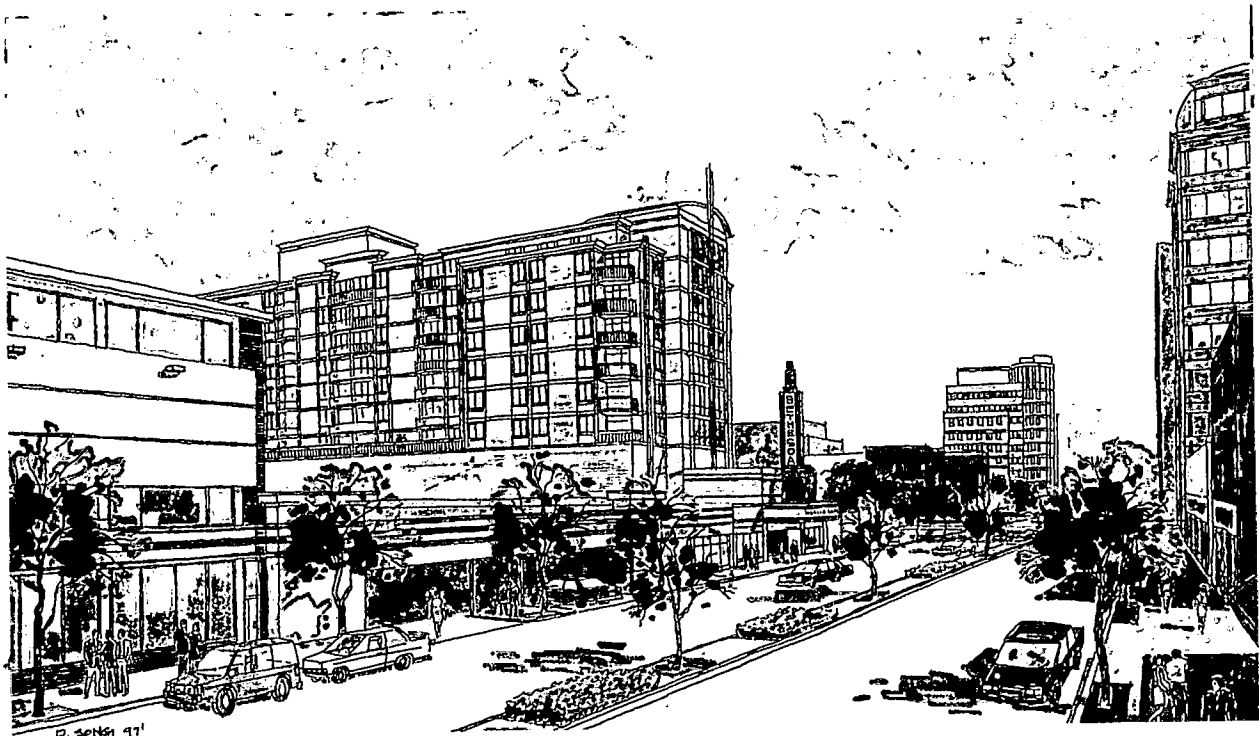
Existing Conditions:

Today, the interior of the theater is essentially the same as when built, with the exception of the seating arrangement. The interior wall and ceiling murals are intact, as well as the architectural ceiling features which provide a good example of the integration of form and function through design elements. Two of the three original commercial spaces are intact, although some of the original white metal detailing has been covered over. It appears that most of the original decorative metalwork is intact, having been covered up rather than removed in earlier renovations.

Applicant's Proposal:

The proposed development includes the preservation of the theater while utilizing the "air rights" to construct an apartment building. The northern portion of the proposed building will be supported by 12-foot-deep trusses spanning over the top of the theater, and will be setback 20 feet from the marquee of the Theatre on Wisconsin Avenue. A copy of the statement prepared by Oehrlein & Associates Architects dated May 7, 1997, describing in concept how the Theatre will be preserved is attached (Appendix B). A detailed preservation plan for the theater will be required at the time of Site Plan review.

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 parapet wall, which is setback from Wisconsin Avenue frontage approximately 52 feet, will be removed along with portions of masonry at the top of the north and south walls to allow installation of the new trusses.



At the interior of the building, the development will preserve the existing configuration and finishes of the lobby, lounges, foyer and auditorium. Proposed interior alterations include the installation of a fire suppression system, the improvement of access for disabled patrons, and new columns supporting the trusses.

Project Impact on the Theater:

The applicant's proposed development will have a great impact on the Bethesda Theater at several points:

1. The interior will be preserved, but with some modifications. In order to construct the tower above the theater, the deep structural beams which support the tower will themselves be supported by massive columns, half of which will probably be internal and constructed inside the theater auditorium, and half of which will be external and constructed along the theater alley.
2. The ceiling of the theater auditorium will be suspended from the new structure, and will surely be a challenge during the construction process, as well as in terms of long-term preservation.
3. The facade along Wisconsin Avenue will be preserved, and the storefronts will be restored to the maximum extent possible.
4. The alley facade is proposed to be integrated into the larger project, which could mean a substantial alteration of this face of the theater.
5. The rear of the theater will be completely incorporated into the new development.
6. The residential tower is proposed to be located forward of the secondary parapet wall, which is located approximately 52 feet from the theater's facade on Wisconsin Avenue. This will result in the elimination of this architectural feature.

Art Deco Society of Washington's Concerns

By a letter dated July 16, 1997, from Linda Lyons to Larry Ponsford, the Art Deco Society of Washington expresses its concerns about the proposed project. A copy of the letter is attached (Appendix C). Its primary concern is the 20-foot setback of the proposed building from the theater's Wisconsin Avenue facade. It believes that the secondary parapet wall, which is setback about 52 feet from the Wisconsin Avenue facade, is a better place for the new building to rise above the theater, as the auditorium roof does now. It is also concerned about the resurfacing of the theater building and design details.

Review by the Historic Preservation Commission (HPC)

The applicant presented this proposal to the HPC on June 11, 1997, for Preliminary Consultation. The HPC raised many questions about the design as presented to them at the Preliminary Consultation. The issues raised by the Art Deco Society were all discussed by the HPC, and will be further discussed at the point when this project is brought to the HPC for a Historic Area Work Permit (HAWP). The HPC communicated its flexibility on the setback issue, noting that the applicant still had not developed compelling reasons to select the appropriate setback. The applicant understands this, and is prepared to study the issue before returning to the HPC for the HAWP. The

HAWP review will occur after the Project Plan approval but before the Site Plan review by the Planning Board.

Staff Recommendation

Building Setback - The staff has discussed the building setback issue with the applicant at length from the perspective of preservation, urban design, and project feasibility. Staff believes that this issue can be best addressed by the HPC through its HAWP review process because this issue closely relates to the historic preservation efforts on the Theatre and that the applicant has not developed the final architectural design for the new building and the preservation plan for the Theatre at this stage.

Alley Facade - The proposed resurfacing of the alley facade of the theater has also been extensively discussed with the applicant. Again, the issue appears to relate to design development of the architecture rather than the broad ideas of the project. The applicant has agreed to look at various options regarding this before returning to the HPC with a specific proposal in the HAWP, including a way to integrate the existing theater alley facade into the new project as a historic artifact.

Impact of New Structure - Staff is also concerned about the impact of the structural components of the proposed construction on the historic resource. Staff notes that the applicant has selected a well-known preservation architect to work on this aspect of the project, and this provides some measure of assurance that a suitable proposal to integrate the new structure with the historic interior will be presented to the Planning Board for its review and approval at the time of Site Plan review.

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings which must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the staff recommends the following findings:

- (a) *It would comply with all of the intents and requirements of the zone.*

The intent of the CBD zones (Section 59-C-6.212 of the Zoning Ordinance)

- (1) *"To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The proposed development uses the optional method of development, which permits an increase in density and building height, as recommended by the Bethesda Central Business District Sector Plan. The proposed Plan is in conformance with the Sector Plan as described in detail in Finding (b) below. If the subject Project Plan is approved by the Planning Board, the applicant is required to submit a Site Plan to the Board for its review and approval prior to issuance of a building permit.

- (2) *"To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."*

The proposed mixed-use development includes retention of the existing theater and a new apartment building with 187 units. It reflects the needs of the housing market in this area, and also provides a theater use for the residents, shoppers, and workers alike.

- (3) *"To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."*

Preservation of the existing theater and integration of the theater into the new building will not only retain a landmark building in the Bethesda CBD but also enhance the urban form along Wisconsin Avenue. Converting the existing alley along the south side of the theater into a landscaped pedestrian walkway between the proposed public parking garage entrance and Wisconsin Avenue will improve the pedestrian circulation system in this area. The height of the proposed building steps

down from 94 feet near Wisconsin Avenue to 65 feet in the rear to provide a transition to the adjacent low-density residential neighborhood.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The project proposes a high-density residential development within 1,200 feet of the Bethesda Metro Station. In addition, the proposed public use area along the frontage of the building on Middleton Lane will facilitate pedestrian movement between East Bethesda neighborhood, and the Metro Station.

- (5) *“To promote improved pedestrian and vehicular circulation.”*

As described in Findings (3) and (4) above, the proposed development will provide landscaped pedestrian pathways along the south side of the Theatre and the building frontage on Middleton Lane to improve pedestrian circulation between the residential neighborhood, the proposed public parking garage, Wisconsin Avenue, and the Metro Station. In addition, the existing alleys which are parallel to Wisconsin Avenue and located to the north and south of the Theatre will be widened to improve the vehicular circulation for this development and the adjacent car dealerships alike.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

The proposed high-rise apartment building consists of 187 units of different sizes and types, varying from studio to two-bedroom with den. The project will also provide the required 28 MPDUs. With MPDUs and various types of apartments, this development will meet the needs of people with a range of different incomes.

- (7) *“To encourage land assembly and the most desirable use of land in accordance with a sector plan.”*

The site is composed of the lot for the existing theater, two smaller lots, rights-of-way of sections of the existing alleys, and part of an outlot. The proposed land assembly is in conformance with the Sector Plan recommendations, and represents a better use of land for a desirable mixed-use development.

Additional intent of the CBD-2 Zone (Section 59-C-6.213(c) of the Zoning Ordinance)

- (1) *“To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; “*

The proposed development is under the CBD-2 zone requirements. It is located among a cluster of CBD-2 zoned properties which are adjacent to CBD-3 zoned properties to the south and CBD-1 zoned properties to the north of Cheltenham Drive. The proposed density, FAR 5, represents an appropriate transition from the core of Bethesda Central Business Districts (CBD-3) to the less dense CBD-1 zoned areas to the north. As described previously, the proposed building height steps down from the Wisconsin Avenue side toward the less dense and intense residential neighborhood to the east and the south to provide a transition in building mass.

- (2) *“To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.”*

The proposed development will add 187 apartment units to the Bethesda CBD. They will meet the needs of those employed within the central business district. Since the site is within 1,200 feet of the Bethesda Metro Station, the future residents of this development will be able to use the Metro facilities to travel to and from places of employment.

Requirements of the CBD-2 Zone

The subject Project Plan is in conformance with the development standards of the CBD-2 zone except:

- 1. The proposed density (223,855 square feet of floor area or FAR 5.36) exceeds the maximum density permitted for this site (208,825 square feet of floor area or FAR 5.0). The Project Plan should be revised to meet this requirement.
- 2. The height of the proposed building (94 feet) exceeds the building height limit (90 feet) established by the Sector Plan. This issue is discussed in detail in the Development Issues section above.

The following table demonstrates the conformance of the Project Plan with the development standards under the optional method of development.

PROJECT DATA TABLE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (sq. ft.):	22,000	38,689
Gross Tract Area	22,000	44,771
Gross Floor Area (sq. ft.):	208,825	223,855

Floor Area Ratio (FAR):	5.0	5.36
Public Use Space (sq. ft.) (20%)	7,738	7,738
Dwelling Units:		
Studio		20
One-bedroom Jr		10
One-bedroom		68
One-bedroom with Den		35
Two-bedroom		21
Two-bedroom with Den		5
MPDU-one-bedroom *		18
MPDU-two-bedroom *		<u>10</u>
TOTAL		187
Building Height (ft.):	143 / 90**	94
Setbacks (ft.):		
front yard		
side yard		
rear yard		
Parking ***:		
Total	231	
10% CBD credit	23	
5% Metro credit	<u>11</u>	
Net Total	197	200
standard	191	194
handicapped-accessible	6	6
bicycle (1 / 20)	10	10
motorcycle (2%)	4	4

* Required Number of MPDUs : 187 (total number of units) x 15% = 28

** 143 feet per the Zoning Ordinance, 90 feet per the Sector Plan.

***For the residential portion only. The nonresidential portion will be satisfied by paying Parking District tax.

(b) It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.


The subject site is covered by the Bethesda Central Business District Sector Plan which was approved and adopted in July 1994. The proposed Bethesda Theatre Residential development helps to implement key Sector Plan Land Use Objectives in section 3.1; and the specific land use and zoning recommendations for the Bethesda Theatre Cafe/Beta site presented in section 4.1 (pp. 79-83). The

Community-Based Planning staff recommends the following findings which address the Cultural District theme, Housing and Neighborhoods, and Design Guidelines.

1. “Cultural District” Theme

The Sector Plan acknowledges, in section 3.1D, that Bethesda has begun to develop as a cultural center and recommends strategies to realize the goal of a Bethesda “cultural district”. The objectives for the Metro Core District include *“Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.”*

The Bethesda Theatre Cafe is noted as contributing to a stronger cultural and retail environment. In section 9.4, Historic Resources Plan: Master Plan Sites, the Sector Plan states: *“In the event of redevelopment, the building’s tower, marquee, and facade must be retained, as stipulated by the County Council in a Consent Order following designation. In addition to sensitively integrating the exterior features into any new construction, the optional method of development should include retention and renovation of the significant interior features that reflect the Art Deco styling.”*

The Sector Plan envisions an optional method office development as the mechanism to preserve the theater, and recommends preserving the interior of the Theatre, including the murals on the walls and ceiling, and a cinema or performing arts activity as the primary public benefit feature associated with an optional method development.] 

The Project Plan proposes to preserve the Theatre, both the exterior and interior, as the primary public benefit feature for this development which use the optional method of development. The preservation of the theater and associated issues are discussed in detail in Development Issues section (Preservation of the Theatre) above. Retention of the Theatre as a historic structure and a cultural use will complement other uses in the CBD and contribute greatly to the “Cultural District” theme.

2. Housing and Neighborhoods

A prime objective of the Sector Plan, set forth in section 3.1B, is to encourage housing in the Bethesda CBD by increasing the amount, the variety, and the quality. The Plan also seeks to provide an adequate supply of affordable housing (page 34) and notes that there is *“a market demand for rental housing that is of higher quality than available in many of the existing garden and mid-rise projects but priced below high-rise apartments”* (page 33).

Another Sector Plan objective is to maintain and enhance the quality of

neighborhoods through a variety of strategies (page 35). These include providing transitional land uses on the edges such as housing, parks, and parking facilities of no more than one story; channeling through traffic away from residential streets; and promoting infill development that complements and is linked to existing housing.

The Project Plan generally conforms with the housing and neighborhood objectives and recommendations of the Sector Plan. Although the Sector Plan envisioned an office building rather than the apartment building proposed in the Project Plan, residential use conforms equally well with Sector Plan objectives. Housing is clearly a compatible use near a residential neighborhood.

To enhance the quality of the neighborhood, a landscaped traffic circle, as part of the overall plan, will be provided at the intersection of Cheltenham Drive and Tilbury Street to create a gateway feature for the existing neighborhood to the east and for the PD zoned portion of the new development. The circle will also help control the traffic flow at this location. A landscaped area will also be provided at the intersection of Tilbury Street and Sleaford Road to serve the same purposes.

In addition, landscaped pedestrian pathways are proposed along the south side of the Theatre and along the building frontage on Middleton Lane. These pathways will promote safe and convenient pedestrian circulation from the neighborhood and the proposed public parking garage to the CBD as recommended by the Wisconsin to Tilbury Special Study.

3. Design Guidelines

The Sector Plan sets forth detailed design guidelines in section 4.1. The Project Plan substantially conforms with these Project Plan related guidelines as follows:

- a. *“Preserve the existing structure and use as recommended in Chapter 9, Historic Resources Plan. Allow new development to be built over the existing structure, set back from the existing marquee. This will provide a visual backdrop for the marquee and will locate the new building mass closer to Wisconsin Avenue than to the residential neighborhoods along Tilbury Street. More specific design review will take place at the time of Project Plan and Historic Area Work Permit review.”*

The Project Plan proposes preserving the existing structure, the cinema or performance use and building a new development over the existing structure. The issue of the relationship to the marquee is discussed in Development Issues section above.

- b. *“Maintain building heights no higher than 90 feet along Wisconsin Avenue*

to provide a scale compatible with the existing historic structure and marquee and with nearby residential neighborhoods. Provide several step downs in building height from a maximum of 90 feet to a maximum of 65 feet at the rear and a maximum of 45 feet along the east side of the alley. Residential townhouse development should not exceed 35 feet along Tilbury Street and Middleton Lane.

The Project Plan proposes that the new apartment building be 94 feet in height along Wisconsin Avenue rather than 90 feet to accommodate the “twelve foot depth of the trusses needed to safely clear span over the existing Theatre.” Staff believes that this four foot variation in height will be imperceptible and is an acceptable deviation from the guidelines in order to allow the structure necessary to safely bridge the interior of the theater. The building height will be 65-foot at the rear as recommended by the Guideline.

- e. *“Locate commercial parking either underground or in a structured deck no higher than one level, as measured from adjacent streets. Structured parking should be located so as not to be seen from the nearby single-family neighborhood.”*

The structured parking is entirely underground. It thus has the community benefit of not being visible from the adjacent neighborhood.

- g. *“Provide a park-like open space and a pedestrian pathway from Tilbury Street to Middleton Lane to improve pedestrian access and link the new and existing residences.”*

A tree-lined sidewalk along Tilbury Street will feed into a pedestrian system and landscaped open space leading through the southern portion of the site to Middleton Lane. This pathway and open space will give neighbors a convenient and attractive pathway to Metro and link the new and existing residences.

- h. *“Design residential rooftops to create a residential image by such means as hip roofs, gables, or other types of pitched roof lines. A varied roof line is desirable to improve character and reduce a sense of bulk.”*

The Project Plan proposes that the apartment building have a flat roof, to avoid increasing the height beyond the 94 feet and the penthouse and thus minimum the impact on the adjacent community. The proposed building design, however, does show a varied roof line at different heights to reduce a sense of bulk.

- i. *“Achieve a coordinated architectural character for the office and residential*

portions of the project that establishes a compatible yet distinct identity for each area.”

The intent of this guideline is not applicable to this all-residential application.

- j. *“Exempt the property from the right-of-way dedication requirement of 9.5 feet shown in the Street and Highway Plan in order to preserve the historic building.”*

No right-of-way dedication is being requested of the applicant, in conformance with this guideline.

- (c) ***Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.***

The adjacent properties to the north and south of the site are zoned CBD-2. The Sector Plan recommends the PD zone for the property to the east of the site, which is part of the overall development. This development, which includes a theater use on Wisconsin Avenue between CBD zoned properties and a residential use near the existing and proposed residential neighborhoods, will be compatible with the surrounding properties. The design of the development will include streetscape features and neighborhood protection measures which will enhance the character and quality of the neighborhood.

- (d) ***It would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.***

1. Traffic Impact

Local Area Transportation Review

A traffic impact study was prepared for the entire Bethesda Theatre Residential development. Staff concurs with the conclusion of the study that the affected intersections in the study area will continue to operate at acceptable levels of service “D” or better for the morning and evening peak periods. “Traffic generated by the Bethesda Theater project will not degrade the level of service at any of the off-site intersections below acceptable levels of service.”

The Bethesda Theater combined development of the residential and parking garage is expected to generate 137 trips in the morning peak hour and 198 trips in the evening peak hour. Other future developments included in the background traffic include 252,696 square feet of office buildings and 73,852 square feet of retail developments. These developments are expected to generate a total of 373 trips in the morning peak hour and 480 trips in the evening peak hour.

The total new trips were assigned to the area transportation system and the affected intersections were analyzed for their operational level of efficiency. As indicated before, all affected intersections will operate at levels of service "D" or better.

Policy Area Review/Staging Ceiling Condition

The proposed development is located in the Bethesda CBD policy area which has a remaining capacity of 4,101 jobs and 3,182 housing units as of April 30, 1997.

2. Water and Sewer

There are existing water and sewer mains in the public rights-of-way of surrounding streets: Middleton Lane, Sleaford Road, Tilbury Street, and Cheltenham Drive. In addition, an eight-inch sewer runs through Lots 3 and 4 of Westboro and Outlot A into the north-south alley along the east side of Chevy Chase Car. This sewer serves the existing theater and Chevy Chase Car properties. Eight and ten-inch sewer mains are located in Wisconsin Avenue.

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

3. Schools

According to FY 98 Annual Growth Policy, the County Council declares school capacity for school year 1999 to be adequate for anticipated growth during FY 98 in all high school clusters at all grade levels. The Planning Board, in its review of preliminary plans of subdivision in FY 98, must consider school to be adequate for APFO purposes in all clusters.

4. Recreation Facility

The proposed mixed-use development will provide required recreation facilities in accordance with the Recreation Guidelines. The proposed facilities include a swimming pool, community space (party room), indoor fitness (exercise room), and a picnic area. In addition, the future residents can use the existing facilities located in the local park at the intersection of Cheltenham Drive and Tilbury Street.

- (e) ***It would be more efficient and desirable than could be accomplished by the use of the standard method of development.***

The use of optional method of development permits a development at a higher density which allows an investment return that justifies retention of the entire structure of the existing Theatre. In addition, the 20% public use space required by the optional method of development and the proposed neighborhood-protection measures will enhance the character of the neighborhood and achieve a better overall development.

- (f) ***It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.***

The required number of MPDUs for a CBD zoned development is 15% of the total number of the units in accordance with chapter 25A. This project will provide 28 MPDUs of which 18 are one-bedroom units and 10 two-bedroom units. The MPDUs will be distributed throughout the building.

- (g) ***When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the Planning Board based on the following findings:***

- (1) ***The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or***
- (2) ***The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or***
- (3) ***The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.***

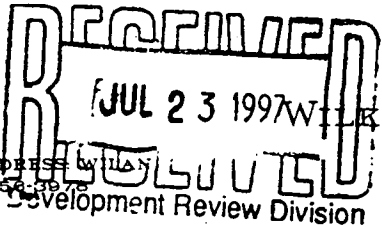
The subject Project Plan shows only one lot for the development, and the entire lot is under the CBD-2 zone. Therefore, this finding is not applicable to this application.

(h) *Any applicable requirements for forest conservation under Chapter 22A.*

The subject Project Plan is for the CBD-2 zoned portion of the Bethesda Theatre Residential development. The applicant has prepared a Preliminary Forest Conservation Plan for the entire 2.35-acre site, including both the CBD and the PD zoned properties. Under the requirements of Chapter 22A, Forest Conservation, this development is required to provide 0.35 acre of afforestation. The Preliminary Forest Conservation Plan proposes to meet the requirement on site by the provision of 0.35 acres of tree cover, using a combination of large shade trees and ornamental trees.

(i) *Any applicable requirements for water quality resource protection under Chapter 19.*

A preliminary Stormwater Management Concept for the proposed development has been reviewed and approved by the County Department of Permitting Services (DPS) on August 15, 1997. The Stormwater Management Concept consists of on-site water quality control via a separator/sandfilter or a water quality inlet and a waiver request for water quantity control. A conditional waiver of on-site water quantity control was granted by the DPS as part of the preliminary Concept approval.



CABLE ADDRESS WILLIAM
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Development Review Division

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July 23, 1997

HAND DELIVERED

Honorable Douglas M. Duncan
County Executive
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, Maryland 20850

Honorable William H. Hussmann
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Philip J. Tierney, Esquire
Director
Office of the Hearing Examiner
100 Maryland Avenue, Suite 200
Rockville, Maryland 20850

Re: Reply of All Abutting Property Owners and Occupants
Along Wisconsin Avenue (collectively, "Chevy Chase
Cars"), to Applications for Bethesda Theatre
Residential Project filed by BETA Corporation and EM
Smith Associates for: (i) Abandonment of Alleys and a
Portion of Middleton Lane and Cheltenham Drive; (ii)
Rezoning G-749; (iii) Pre-Application 7-97036 and
Accompanying Development Plan; (iv) Preliminary
Plan 1-97104; and (v) Project Plan 9-97001

Dear Sirs;

This letter is submitted in response to the above-
referenced Bethesda Theatre Residential Project
applications on behalf of the following individuals and
entities (collectively referred to herein as "Chevy
Chase Cars"):

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1. Mr. Hank Bowis and Ms. Susan Bowis, owners of Lots 2, 7 and 8, Block 2, Westboro Subdivision;
2. Mr. John Bowis, tenant and president/operator of Chevy Chase Cars, Inc. situated on Lots 1, 2, 7 and 8; and
3. Mr. John Gilece and Ms. Gayle Gilece, owners of Lot 1, Rabners Subdivision, which is leased to and operated by Chevy Chase Cars, Inc.

As depicted on the property identification map attached and incorporated as Exhibit "A", the aforementioned properties are the only ones that abut the Bethesda Theatre Residential Project along Wisconsin Avenue. Each of these properties uses the adjoining Alley on a regular basis in conjunction with its daily business operations.

Since 1939, Chevy Chase Cars, Inc. has operated an automobile sales and service facility on Lots 2, 7 and 8. Additionally, for many years, Chevy Chase Cars, Inc. has leased Lot 1 and used that property for automobile dealership uses in conjunction with its operations on Lots 2, 7 and 8. Presently, Chevy Chase Cars, Inc. is constructing a Mitsubishi automobile dealership on Lot 1 which will be opened in September 1997.

Chevy Chase Cars does not oppose the Bethesda Theatre Residential Project, per se, provided that the following issues and concerns are addressed to its satisfaction:

1. The adverse impact of the proposed abandonment of the 8,815 square foot segment of the Alley depicted on "Exhibit A" upon the operations of Chevy Chase Cars, Inc. and the surrounding community;
2. The possibility that the proposed loading dock for the Residential Project will block access from Lots 2, 7 and 8 through the Alley to Lot 1, even if the Alley is not abandoned;
3. The proximity of the proposed Residential Project to Lot 1 such that ingress and egress to service bays at the back of the Mitsubishi dealership may be severely impeded;

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4. The proximity of proposed residential balconies to Chevy Chase Cars, Inc.'s operations which may cause conflicts between future neighboring property owners and impede the ability to redevelop Lots 2, 7 and 8 at some future date; and,
5. The possibility that the Residential Project will eliminate employee, customer, and service vehicle parking that is currently being used by Chevy Chase Cars, Inc.;
6. The possibility that the phasing and timing of the Residential Project will impede the day-to-day operations of Chevy Chase Cars, Inc. and of neighboring businesses.

In particular, with regard to the proposed Alley abandonment, Chevy Chase Cars notes that this Alley segment is part of a neighborhood, "backdoor" driveway system that serves the public interest by keeping business-related truck and employee traffic off of Wisconsin Avenue and out of the residential community to the east. Additionally, the segment of the Alley proposed to be abandoned provides a direct link between Lot 1 and Lots 2, 7 and 8 which enables the automobile dealerships on these separate properties to share vehicle storage, service facilities, sales and accounting facilities, meeting space, etc. Indeed, without this Alley connection, it is highly unlikely that Mitsubishi will be able to stand on its own which, in turn, will have a separate adverse impact on the Chevrolet and Oldsmobile dealerships and related service facilities operating on Lots 2, 7 and 8.

Accordingly, Chevy Chase Cars opposes the proposed Alley-portion of the Petition for Abandonment and further requests that this issue and the other issues raised herein be addressed in conjunction with the applications noted at the outset of this letter.

WILKES, ARTIS, HEDRICK & LANE

CHARTERED

July 23, 1997

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Finally, Chevy Chase Cars hereby requests that a copy of this letter be placed in the public record of each of the

applications referenced herein and that Chevy Chase Cars and its individual members be made parties of record and receive timely notice of filings and public proceedings, hearings, and rulings associated with each of these applications.

Please forward copies of all such notices to the undersigned at Wilkes, Artis, Hedrick and Lane and to Mr. John Bowis, President, Chevy Chase Cars, Inc., 7725 Wisconsin Avenue, Bethesda, Maryland 20814.

Thank you for your attention to the matters raised in this letter.

Very truly yours,

WILKES, ARTIS, HEDRICK & LANE


Larry A. Gordon

LAG/cjs

cc: Mr. John Bowis
Mr. Hank Bowis
Mr. John Gilece
Mr. Eugene M. Smith
Robert Metz, Esquire
Mr. Gregory Leck
Mr. Michael Cassidy
Mr. Joseph Davis
Mr. Denis Canavan
Mr. Ronald Welke
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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.

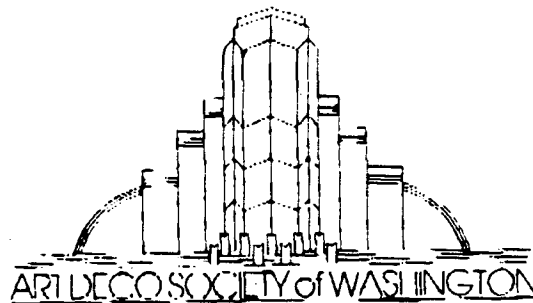
At the interior of the building, the proposed project will preserve the existing configuration and finishes of the lobby, lounges, foyer and auditorium. The only proposed alterations of the theater interior are the installation of a fire suppression system and the improvement of access for disabled patrons. 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.



July 16, 1997

Lawrence R. Ponsford, Coordinator
 Development Review Division
 Montgomery County Planning Board
 Maryland-National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910-3760

BY FAX: 301-495-1306

RE: Bethesda Theatre Residential Project

Dear Mr. Ponsford:

As Preservation Co-Chair of the Art Deco Society of Washington, I appreciate the opportunity to study and comment on the above project. The Bethesda Theatre is an important historic and cultural resource in Montgomery County, and one that we have supported in its addition to the County's Master Plan for Historic Preservation and its incorporation into the Bethesda Central Business District Sector Plan. In addition, the restoration of the historic interior of the theatre is a highly desirable amenity arising from developing this project by the optional method, which we applaud.

However, I am writing at this time to express our immediate concern about several aspects of the above project, as indicated in the Project Plan and discussed with the Historic Preservation Commission on June 11, that we believe do not serve the goals of historic preservation.

We are primarily concerned about the 20-foot setback of the new construction, which we feel will obscure the identity of the theatre and make it seem encapsulated into the new construction or, at best, a decorative appendage. The view from Wisconsin Avenue presents two parapet walls, one directly behind the marquee and tower, the second approximately 50 feet back where the auditorium walls rise above the entrance, marquee, and lobby of the theater. Both walls are faced with blond brick and have decorative details of horizontal black stripes and, on the second wall, toothed brick. We believe that the second wall is a better place for the new construction to rise above the theater, just as the auditorium roof does now. Indeed, this was the setback under discussion for many years and confirmed during the development and finalization of the Bethesda Central Business District Sector Plan, approved in 1994.

Projects like this succeed when the new construction is joined to the historic building in the smallest way possible. From the street, the project should appear as two buildings that were built at different times but exist in adjacent harmony. The new construction should not "swallow" the historic resource. This would be best accomplished by keeping the setback at the second parapet wall.

Indeed, at a preliminary consultation with the Historic Preservation Commission held in June, a majority of commissioners stated that the design as presented then (which does not appear to have changed in the

Page 2
Mr. L. Ponsford
July 16, 1997

Project Plan documents I was sent) would not be acceptable to the commission. Thus, I would like to know more about how the Planning Board staff will approach this matter and to discuss it with you. As far as we are concerned, this is the most important issue in this project.

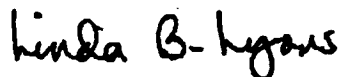
Another concern we expressed to the HPC is the apparent resurfacing of the theater building. It is never good historic preservation to make the new and the original appear to be seamless or indistinguishable. It is not honest, and it is not "urban." This is particularly true in the alley on the south side of the theater that is to become a pedestrian walkway. Here is where the viewer sees most clearly how the theater was thought out and constructed. The shift to utilitarian red brick (another indication of the appropriateness of the second-parapet setback) signals that although "*The Show Starts on the Sidewalk*," to paraphrase a recent architectural history of movie theaters, there is also a "back of the house." Now that this alley is itself to become a sidewalk, it can be a place to tell the story of the theater's latest adventure. A careful choice of surfacing materials, either the rehabilitated originals or sympathetic replacements, can reveal and explain.

Similarly, we are concerned about design details that we see in the view drawings presented by the owner. While I am in no way endorsing the 20-foot setback, I note that in some renderings, a portion of the first parapet wall seems to have been obliterated, raising concerns about how the final design of the project will be handled. The first parapet wall ends in stylish curving returns at the theater entrance edges, in front of the proposed 20-foot setback. However, in a "View from Wisconsin Avenue" drawing, the returns have disappeared in an apparent effort to make the original building part of the new construction. This particular comment is just an example of others that could be made about design details that tend to obscure the distinction between the original theater building and the new construction.

A final matter that must be considered, although I see no evidence of it in the materials that were sent, is how the columns to support the trusses spanning over the top of the theatre will be placed and integrated into the interior of the theatre, and the exterior, as well. I am unclear about when and where this important information will be presented and when we can comment on it.

Again, thank you very much for the opportunity to share these comments with you. I look forward to reviewing the complete application files and talking with you in greater detail.

Very truly yours,



Linda B. Lyons
Preservation Co-Chair
Art Deco Society of Washington

Please reply to:

Tel: 301-654-3924
Fax: 301-986-1941
Mail: 3922 Oliver Street
Chevy Chase, MD 20815

**MINUTES
DEVELOPMENT REVIEW COMMITTEE
MEETING OF JULY 28 , 1997**

IN ATTENDANCE:

J. Davis, M-NCPPC, DRD	A. Soukup, DEP
S. Federline, M-NCPPC, EPD	B. Thompson, Bell Atlantic
R. Welke, M-NCPPC, TPD	G. Leck, MCDPW&T
✓ P. Kephart, M-NCPPC, Historic Preservation	N. Thacker, WSSC
M. Ma, M-NCPPC, DRD	L. Galanko, MCDPS
B. Farquahr, M-NCPPC, DRD	S. Navid, MCDPS (Subdivision)
W. Witthans, M-NCPPC, DRD	G. VonGunten, MCDPS (Wells & Septic)
L. Cravey, M-NCPPC, DRD	

1-83140 Barman Property
Zone: R-90

Maryland Development Company	- Applicant
Macris, Hendricks & Glascock, P.A.	- Engineer

Committee Comments:

1. DRD - plan previously approved in 1987 (49 lots); applicant proposing 54 additional lots; applicant proposing to join an existing traffic mitigation program; Forest Conservation Plan submitted and under review; subject to local area transportation review; pending stormwater concept approval; site plan review required; noise mitigation and grading issues to be addressed at site plan review; possible historic preservation issue; applicant to renotify adjacent property owners; DRD needs updated list of adjacent and confronting property owners; problem with TDR calculations: 36 TDR, 54 base units, 13 MPDUs; schedule meeting at next pre-DRC (8/6) with SHA to discuss interchange issue; potential problem with setback for Townhouse; zoning ties property into PD zone compatibility requirements; at site plan, show location of MPDUs, recreation area, pedestrian circulation, etc.
2. EPD - Phase II subject to forest conservation; concern over worksheet calculations; start looking now for offsite reforestation; issue with treatment of edge along Route 29 for noise
3. DPS - stormwater concept under review; additional info requested, not yet received;
4. MCDPW&T- still doing research; concern about median breaks along Blackburn Rd.; first break about 300', second about 200' to 300'; two median breaks existing; will look at history & defer to 8/6 meeting; left turn concerns as well; access for dinner theater
5. WSSC -will submit comments after reviewing; will probably need 20' right-of-way for sewer outfall; show water & sewer service mains
6. TPD - applicant submitted traffic study; proposing a bus shelter (10 trips); additional info requested, not yet received; TPD uneasy about shelter; traffic mitigation program participation is under review; traffic study is incomplete for LATR

1-83140

Barman Property (continued)

Zone: R-90

7. MDSHA - received copy of the traffic study; staff studying RT 29 corridor interchange; staff to review for additional right-of-way to propose to the Planning Board; remove existing driveway for right-of-way
8. PEPCO - no comments received
9. Bell Atlantic - PUEs required; show existing utilities
10. MCFRS - see written comments in file
11. DEP - W-3 & S-1 existing service area categories; show proposed or existing sewer and water mains; water supply and sewer system consistent with existing service area categories
12. CBP - issue of interchange, will be reconfiguring; problems with design; possible future dedication/reservation; not convinced that current design is best to handle interchange; service road can't be closed off; will check density to see if it meets 1990 Master Plan Amendment to reduce trips
13. Need three additional copies of plan for staff review
14. Plan is not ready to schedule for Planning Board

7-97037

Hardy Property

Zone: RE-2

Dr. Cyril G. Hardy - Applicant
Macris, Hendricks & Glascock, P.A. - Engineer

Committee Comments:

1. DRD - proposing five lots; site is forested; issue with access to Woodfield Rd.
2. EPD - NRI/FSD 4-97240 pending; no overwhelming concerns at this time; pending review of NRI/FSD
3. DPS - exempt from stormwater management
4. MCDPW&T- site distance study needed; update TOPO on Brink Rd; relocate driveway along turn of Brink Rd.; would not oppose one shared driveway for all five units; storm drain study analysis required for preliminary plan
5. WSSC - no comment
6. TPD - show uniform dedication; request 50 feet from center line; provide for truncation; limited to no more than four dwelling units to meet deminimis requirements; fifth unit will require DAP payment because of staging ceiling constraint
7. MDSHA - staff will work with County to preclude access on Woodfield and provide access on Brink Rd.; staff to review access on Brink Rd
8. PEPCO - no comments received
9. Bell Atlantic - provide PUEs and easement for joint access
10. MCFRS - see written comments in file
11. DEP - W-6 and S-6 existing service area categories; individual well water supply and septic system; water supply and sewerage system consistent with existing service area categories
12. Hist. Pres. - septic along western edge of property needs buffering to protect nearby historic church

1-97103 Islamic Center of Maryland

Zone: RE-1

Islamic Center of Maryland, Inc. - Applicant
Macris, Hendricks & Glascock, P.A. - Engineer

Committee Comments:

1. DRD - nine acre parcel; applicant proposing 234 parking spaces after Phase IV; application incomplete, need traffic study completed in the fall; revise the plan to show dedication; sewer category change is pending and is based on institutional use policy; adjacent sewer line in place; submit landscape/lighting plan for staff review
2. EPD - revise forest conservation plan; afforest on site instead of using just the street trees; reforestation issue—should use RE-1 standard; threshold based on the zone, not the use [engineer states the opposite; issue to be resolved by staff]
3. DPS - stormwater concept under review; requires dam breach analysis; pedestrian sidewalk connections needed; unlikely proposed wet pond would be approved in stream buffer
4. MCDPW&T- defers to MDSHA; coordinate with MCDPS Subdivision staff - looking for sidewalks to connect with MD124
5. WSSC - haven't completed review- submit plans for on-site review (sewer authorization) when preliminary plan is approved
6. TPD - traffic study required; 50 foot right-of-way must be dedicated in accordance with master plan for Woodfield; current road is on subject property
7. MDSHA - need to review traffic study when submitted; five foot sidewalk needed along RT 124; must reconstruct northern entrance for a 20 foot right turn only; 35 feet of pavement needed for southern entrance; restripe paving on roadway; final lane determination will be made at permit; provide roadway lighting at the southern entrance; working on future dedication and/or easements for MD124
8. PEPCO - no comments received
9. Bell Atlantic - relocate PUE to avoid sewer
10. MCFRS - see written comments in file
11. DEP - W-6 & S-6 existing service area categories; water supply and sewerage system not consistent with existing systems; community water and sewerage system; County Executive recommended approval to category change request (change categories to W-3 and S-3); County Council held a public hearing on category change request on 7/22/97; Council's Transportation and Environment Committee considered request on July 24; full County Council action expected in September; recommend approval restricted to private institutional use;

1-97103 Islamic Center of Maryland (continued)

Zone: RE-1

12. Site Plan - parking lot layout issues—assure 10' required landscape strip along the street and adequate space to plant trees outside of PUE; need 35' parking setback from the adjacent RE-1 properties, showing only 30'; ensure that one of handicapped spaces is van accessible; should consider relocating proposed housing and parking to be more compatible with adjacent properties
13. Can't schedule for Planning Board until sewer category is decided and traffic study is submitted and reviewed

1-97096 Gateway West

Zone: PD-15 & I-3

Germantown Station Limited Partnership - Applicant
Loiederman Associates, Inc. - Engineer

Committee Comments:

1. DRD - 1990 Preliminary Plan for industrial use reviewed but never moved forward because of AGP problems; no staging ceiling problem for residential; split zone—need amount of each area; staff will compare to approved development plan; need copy of approved development plan and approved County Council opinion for zoning; layout concerns — better relationship between recreation area & development; get MPDUs back into standard units, piggybacks not favored by Planning Board; see recreation calculations; more parking spaces should be provided; provide full dedication for Father Hurley Blvd.; include total tract in application and provide dedication for all necessary public streets
2. EPD - compliance with Forest Conservation Plan needed; plan does not include 7.43 acres of industrial; lots 42-48 have sewer connection issue; recommend that I-3 portion be included as outlot; submit two worksheets, one to include I-3; lot 49 approaching stream buffer; concern about railroad noise impact; ensure that trails not located in wetland
3. DPS - stormwater concept approved April 30; flood plain study under review; was flood plain study submitted with 1990 preliminary plan
4. MCDPW&T- entrance perpendicular to Father Hurley Blvd; reduce radius for right turn-in; request applicant to build left turn storage lane to enter site; more research needed; record plat regarding Father Hurley Blvd. not approved; provide grade establishment for Father Hurley Blvd; widen sidewalk to seven feet where adjacent perpendicular parking; coordinate seven foot sidewalk with Sarah Navid of MCDPS
5. WSSC - haven't completed review; authorization required after preliminary plan approved; need 20' right-of-way for sewer outfall
6. TPD - traffic study not yet submitted; request a Class I bike facility (eight feet) on west side of Father Hurley Blvd.
7. MDSHA - traffic impact
8. PEPCO - no comments received

1-97096 Gateway West (continued)

Zone: PD-15 & I-3

9. Bell Atlantic - PUE as shown is sufficient
10. MCFRS - see written comments in file
11. DEP - W-3 and S-3 existing service area categories; water and sewer mains are considerably distant from MPDU lots; relocate mains away from the tree line

7-98001 Edson Lane Property

Zone: R-90/TDR 28

Pulte Home Corporation - Applicant
Dewberry & Davis - Engineer

Committee Comments:

1. DRD - meets 2/3 TDR requirement; subject to local area transportation review — need traffic study; don't submit preliminary plan before traffic study is submitted; submit stormwater management & NRI/FSD for distribution ASAP, but before submitting concurrent preliminary plan and site plan applications
2. EPD - reforestation required off-site; at preliminary plan identify off-site; applicant to provide NRI/FSD number
3. DPS - pond agreement needed; stormwater management plan to show safe conveyance and computations for storm drains; dam breach study needed on pond (show that pipe can take 100 year flow)
4. MCDPW&T- at preliminary plan, show TOPO and planometrics on south side of Edson Lane; staff requests seven foot sidewalks in front of parking spaces for townhouses; cross easements with abutting property for storm drain pipes; site distance study for proposed entrance will be needed
5. WSSC - authorization required
6. TPD - traffic study needed; incorrect right-of-way for Edson Lane; show right-of-way for other side of street; right-of-way does not seem to be consistent; line seems to shift;
7. MDSHA - no comment
8. PEPCO - no comments received
9. Bell Atlantic - PUE shown is sufficient
10. MCFRS - see written comments in file
11. DEP - W-1 and S-1 existing service area categories; water and sewerage system consistent with existing service area categories; community water and sewerage systems
12. CBP - front building setback to Edson Lane is an issue; 70 foot right-of-way required for Edson Lane; concern with replacement area for existing employee picnic area; picnic area as part of office building — staff questions if it is appropriate; amend original site plan to office building; new picnic area should be equal to existing area; playlot is somewhat remote from pedestrian activity areas; compatibility to existing townhouses should be considered; maintain front setbacks as much as possible; townhouses perpendicular to Edson Lane not shown on plan

7-98001 Edson Lane Property (continued)

Zone: R-90/TDR 28

13. Required NRI/FSD, traffic study and SWM concept must be submitted prior to concurrent review of preliminary plan and site plan

1-84120 Darnestown Property

Zone: RC

The Archdiocese of Washington - Applicant
Rogers and Associates, Inc. - Engineer

Committee Comments:

1. DRD - 1985 plan approval for the day school; applicant proposing a church in addition to school; property already platted, nothing restricting proposed use; change in condition is what needs to go to Board; credit will be given in terms of school use; Health Dept. approval of revised septic area needed before PLANNING BOARD
2. EPD - forest conservation plans may be needed; EPD staff will determine status under forest conservation law
3. DPS - need additional SWM quality control; stormwater management approved for portion of plan; question if source of 100 year plan; coordinate w/Joe Cheung; see written comments
4. MCDPW&T- coordinate with Sarah Navid of MCDPS
5. WSSC - submit on-site plans for WSSC approval
6. TPD - no comments
7. MDSHA - RT 112 access okay (permitted and bonded)
8. PEPCO - no comments received
9. Bell Atlantic - no comments
10. MCFRS - see written comments in file
11. DEP - proposed water system consistent with existing category; proposed sewerage system consistent with conditional service category; see written comments in file
12. MCDPS (Wells and Septic) - need a consent agreement for the expanded septic area to serve church

7-97036, 1-97104, 9-97001 Bethesda Theater Cafe Residential

Zone: CBD-2

Beta Corporation - Applicant
Vika, Inc. - Engineer

Applicant Comments:

Sector Plan had discussion of development of this site; was to be office project; detail in sector plan about development; main focal point was preservation of theater; combination county & Beta project; new garage to be built under Beta lot; private & public garage. After sector plan decided on straight residential instead requiring modification to sector plan. Theater facade will be preserved. Height requirement in sector plan not over 90'. Four-story garden apartment will be

7-97036, 1-97104, 9-97001 Bethesda Theater Cafe Residential (continued)

Zone: CBD-2

connected to high rise. Public garage will open on Cheltenham; private on Middleton. Private garage to service apartments. five applications—project plan & preliminary plan for CBD portion, rezoning to PD-35, pre-preliminary for entire project (series of alleys connected with project); abandonment of alley.

Tilbury has restrictions currently (i.e., turning). Working toward access for townhouses.

Parts of Cheltenham and Middleton to be abandoned.

Developers will build garage and lease it to County.

Committee Comments:

1. DRD - pre-preliminary plan encompasses the entire development, including the CBD zone; abandonment of public alley is a major issue; staff processing project plan along with rezoning for PD area; tentative September 25 Planning Board public hearing date; neighboring car dealership requests ability to continue to use alley way (between Middleton and Cheltenham Drive); alley way used for loading and access between sites; staff cannot support current preliminary plan as drawn; most critical issue is abandonment of alley — others utilize it; staff suggested that applicant wait until abandonment issue is resolved prior to plans going to Planning Board; applicant wants plans to move forward as proposed
2. EPD - forest conservation approved; noise issue — external and internal
3. DPS (Stormwater) - stormwater concept under review; staff requested applicant to submit calculations (due July 29);
DPS (Subdivision) - Tilbury Street and Middleton Lane should be a minimum of 26 feet wide (allowing one side parking); slenderize intersection at Sleaford and Tilbury Street; request neck down at Cheltenham and Tilbury Street (inadequate diverter, applicant must enlarge); may need a diverter on Middleton Lane for emergency vehicles
4. MCDPW&T- restrict garage for garage use (not for use as alley or thru way); require snow plow turn-around allowance at Sleaford and Tilbury Street; concern about location of sidewalks adjacent to curb along Tilbury Street; tentative abandonment County Council hearing in October 7; no official stance on issue of abandonment at this time; add bump to Cheltenham to restrict traffic; garage traffic—right turn in, left turn out; public improvement easements on abandoned property; critical issue is parking and width of Tilbury; proposed project much denser than existing area; convert to two-way; traffic study assumes two lanes approaching Cheltenham on Wisconsin; may need adjustment; public use space—previously discussed covenant; TPD needs to be included in discussions with civic associations;
5. WSSC -

7-97036, 1-97104, 9-97001 Bethesda Theater Cafe Residential (continued)

Zone: CBD-2

6. TPD - traffic study reviewed; alley is needed for local circulation for east side of Wisconsin Avenue and for operation of adjacent car dealership; staff to review partial Cheltenham Drive abandonment (applicant used acreage for parking); require radius adequate for two cars turning at garage access off alley behind automotive dealer; concern for inadequate truck loading space; staff requested design of Cheltenham Drive access to garage; traffic study okay; participation in Bethesda TMO will be discussed; alley must remain open from transportation's perspective (essential as alternative for local circulation due to turn restrictions on Wisconsin); wants to meet with applicant's traffic person & architect to explore alternatives to abandonment
7. MDSA - traffic study under review; defer to County on alley abandonment issue; July 30 meeting with District staff to consider left turns restrictions
8. PEPCO - no comments received
9. Bell Atlantic - relocations of utilities underground is developer's responsibility; staff question if utilities are located in alleys; may have objections to abandonment
10. MCFRS - no comment
11. DEP - W-1 and S-1 existing service area categories; water and sewer systems consistent with existent service area categories; proposed zoning change (R-60 to PD-35)
12. CBP - one of five developments to be filed; 90 foot height limit in Master Plan (applicant requests 94 feet); usage change (originally office space, now residential); staff must examine density calculations; neighborhood requests a traffic circle at Cheltenham Drive and Tilbury Street, and a pedestrian pathway through the project; frontage considerations along Cheltenham Drive and Middleton Lane; inadequate loading facilities; concern about Middleton Lane residential entrance for plaza; pending zoning case; zoning text amendment due for County Council consideration; access on Tillbury seems okay; concern with alley for adequate turnaround/loading-unloading; neighborhood protection — pursue circle perhaps; look at Cheltenham, Pearl, Rosedale, etc [existing right-of-way too small for circle]; diverter at Sleaford/Tillbury; streetscape from Tillbury to alley at Cheltenham; master plan doesn't address
13. Hist. Pres. - maintain the historic design; historic area work permit needed; elevations have changed balconies; request front facade and second parapet; preliminary consultation done; consensus regarding setback; design is repetitive; commission may not be amenable to design; minimum condition 20'; setback to parapet; parapets don't show on drawings; front facade is severe
14. Site Plan - see written comments
15. Applicant - alley closings critical to project; alternatives explored, none viable; developer thinks they will prevail in abandonment; abandonment issue should be decided at about the same time as zoning issue

NOTICE 3

(Bob Harris)

Pat Harris

Perry Berman

- Wilkes Artis Larry Gordon

Represent the Car Dealership

Chick - Beth Theater

alleyway

(301) 215-6624 Bethesda

le. Columns on ext.

→ Wilkes Artis, Hedricks + Lane
Suite 800

3 Metro Center

Bethesda, 20814-5329.

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301.588.8660
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FACSIMILE TRANSMITTAL SHEET

TO: Michael Ma **FAX NO.:** 301-495-1304
 John Carter 301-495- 1306
 Carolyn Hufbauer
 _____ Gwen Wright 301-495-1307

FROM: Emily Vaias

DATE: September 17, 1997

RE: #2 Revised Draft of Conditions

This transmittal consists of 3 page(s), including cover sheet. If you do not receive all pages indicated, or have any other problems with reception, please call Emily at 301.650.7074.

Indicate below if an original document or a copy will be sent and, if so, by what method:

Yes No Original Copy

By: Overnight Service U.S. Postal Service Other

Comments/Instructions:

Respective Staff - Here is a second set of revisions to the Staff Conditions. The change is in the footnote only. Please review and call me if we should discuss additional changes. We will bring more copies to the 8:30 a.m. meeting tomorrow. Thanks - Emily.

Confidentiality Notice: This facsimile contains confidential information which may also be legally privileged and which is intended only for the use of the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this facsimile, or the taking of any action in reliance on the contents of this telecopied information, may be strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the entire facsimile to us at the above address via the U.S. Postal Service. Thank you.

STAFF RECOMMENDATION [#2 Revisions]

The staff recommends approval of Project Plan 9-97001 with the following conditions:

1. Development Ceiling [Revised]

The proposed mixed-use development is limited to 208,825 square feet of gross floor area (FAR 5), including the existing Theatre, unless a zoning text amendment is adopted to alter this calculation.¹

- a) Prior to signature set approval of the Project Plan, the Plan shall be revised to show that the total gross floor area of the development is 208,825 square feet or less, or as altered by a zoning text amendment.

2. Historic Preservation [Revised]

As part of the proposed development, the existing structure, both exterior and interior, and a cinema or performance use of the Bethesda Theatre shall be preserved as follows:

- a) A 52 foot setback for the new apartment building is excessive from an urban design perspective, and it appears that an approximately 20 foot setback may be appropriate from an urban design and historic preservation perspective. However, the exact building setback of the proposed apartment building from the existing facade of the Theatre on Wisconsin Avenue shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
- b) The applicant shall submit a complete set of architectural design development plans for the proposed development as part of the Site Plan submittal. The plan shall include a detailed preservation plan for the Theatre. In addition to sensitively integrating the exterior features of the Theatre into the new construction, the plan shall also include retention and preservation of the significant interior features that reflect the Art Deco styling.

Back to given

*To avoid making decision -
PB avoid putting
me in the middle -
discussion will be a
PB... with new
language*

¹ This zoning text amendment may take one of two forms: 1) an amendment to Section 59-C-6.2 such that an optional method project in a CBD Zone must follow the residential density restrictions (dwellings units per acre) where the project is all residential except for preservation of an historic resource amenity as identified in the relevant master or sector plan that encompasses no more than 10% of the gross floor area; or 2) an amendment to Section 59-C-6.2 such that where an historic resource amenity as identified in the relevant master or sector plan encompasses no more than 10% of the gross floor area of a CBD mixed use optional method project, the existing gross floor area of the historic resource is excluded from the FAR calculation.

- c) The structure of the proposed building, which will be constructed on top of the existing Theatre, shall be carefully designed to minimize any negative impact, both structurally and visually on the portions of the Theatre forward of the apartment facade as well as the interior ceiling, walls and space.
- d) The design of the proposed resurfacing of the alley facade of the Theatre shall be further studied and shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
- e) The proposed preservation work related to the Theatre, both exterior and interior, shall be considered as part of the overall development, and shall be completed prior to the occupancy of the proposed apartment building.

5. Neighborhood Protection Measures/Off-Site Amenity

[Revise Paragraph 1 only]

- 1. A landscaped traffic round-about shall be installed at the intersection of Cheltenham Drive and Tilbury Street.

6. Staging of Amenities [Revised]

The proposed project will be developed in one phase. All of the proposed amenities including preservation work on the existing Bethesda Theatre, public use space, residential entry court, recreation facilities, and neighborhood protection measures, shall be completed prior to the occupancy of the proposed development.

7. Loading Area [Revised]

The loading area for the Theatre and the proposed apartment complex shall have three (3) loading spaces in accordance with Montgomery County Department of Transportation Policy regarding off-street loading spaces dated January 1989.

8. Connection between Two Dealership Sites [Revised]

To accommodate the operational needs of the existing Chevy Chase Cars to the north of the site and the new Mitsubishi dealership to the south, the proposed development shall provide a vehicular connection for passenger-type vehicles between these two dealership sites through the proposed underground garage. The applicant shall grant the owner of Chevy Chase Cars, a license to use the garage for this purpose.

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

Tenth Floor
1010 Wayne Avenue
Silver Spring, MD 20910
301.588.8580
Fax 301.486.9044

FACSIMILE TRANSMITTAL SHEET

TO: Gwen Wright **FAX NO.:** 301-495-1307
FROM: Robert H. Metz
Emily J. Vaiaa
DATE: September 17, 1997
RE: Project Plan 9-97001

This transmittal consists of 104 page(s), including cover sheet. If you do not receive all pages indicated, or have any other problems with reception, please call Susan at 301.650.7039.

Indicate below if an original document or a copy will be sent and, if so, by what method:

Yes ___ No ___ Original ___ Copy ___

By: Overnight Service ___ U.S. Postal Service ___ Other _____

Comments/Instructions:

Confidentiality Notice: This facsimile contains confidential information which may also be legally privileged and which is intended only for the use of the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this facsimile, or the taking of any action in reliance on the contents of this telecopied information, may be strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the entire facsimile to us at the above address via the U.S. Postal Service. Thank you.

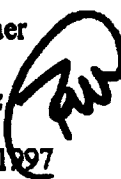
LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5800
301.688.8800
Fax 301.485.0044

MEMORANDUM

TO: John A. Carter
Michael Ma
Carolyn Hufbauer

FROM: Robert H. Metz 

DATE: September 17, 1997

RE: Project Plan No. 9-97001

The purpose of this memorandum is to forward to you our suggested revisions to the Staff Recommendations as set forth in the above-captioned Project Plan. I appreciate your willingness to meet with us once again on Thursday morning in order to review these, so I wanted to send them to you in advance so you could have a chance to look them over prior to that meeting. The suggested changes begin on your report page 4 as you can see by our revisions to "Staff Recommendation" which is attached.

My best regards.

RHM:sbw

Attachment

SS_CURRENT: 58258 v.01 02201.0001
Cre. 9/17/97 Orig. Typ. Sbw Ed. 9/17/97

STAFF RECOMMENDATION [Revisions]

The staff recommends approval of Project Plan 9-97001 with the following conditions:

1. Development Ceiling [Revised]

The proposed mixed-use development is limited to 208,825 square feet of gross floor area (FAR 5), including the existing Theatre, unless a zoning text amendment is adopted to alter this calculation.¹

- a) Prior to signature set approval of the Project Plan, the Plan shall be revised to show that the total gross floor area of the development is 208,825 square feet or less, or as altered by a zoning text amendment.

2. Historic Preservation [Revised]

As part of the proposed development, the existing structure, both exterior and interior, and a cinema or performance use of the Bethesda Theatre shall be preserved as follows:

- a) A 52 foot setback for the new apartment building is excessive from an urban design perspective, and it appears that an approximately 20 foot setback may be appropriate from an urban design and historic preservation perspective. However, the exact building setback of the proposed apartment building from the existing facade of the Theatre on Wisconsin Avenue shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
- b) The applicant shall submit a complete set of architectural design development plans for the proposed development as part of the Site Plan submittal. The plan shall include a detailed preservation plan for the Theatre. In addition to sensitively integrating the exterior features of the Theatre into the new construction, the plan shall also include retention and preservation of the significant interior features that reflect the Art Deco styling.

¹ This zoning text amendment may take one of two forms: 1) an amendment to Section 59-C-6.2 such that an optional method project in a CBD Zone must follow the residential density restrictions (dwellings per acre) where the project is all residential except for preservation of an historic resource as identified in the relevant master or sector plan that encompasses no more than 10% of the gross floor area; or 2) an amendment to Section 59-A-6.2 such that where a tract of land is classified in more than one residential zone or a CBD zone and contains a site, structure, or area of historic significance suitable for preservation, the Planning Board may permit the transfer of dwelling units from one zone to the other in excess of the number of dwelling units otherwise permitted in the zone.

- c) The structure of the proposed building, which will be constructed on top of the existing Theatre, shall be carefully designed to minimize any negative impact, both structurally and visually on the portions of the Theatre forward of the apartment facade as well as the interior ceiling, walls and space.
- d) The design of the proposed resurfacing of the alley facade of the Theatre shall be further studied and shall be determined at the time of Site Plan review in accordance with the approval of the Historic Area Work Permit by the Historic Preservation Commission for the proposed development.
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[Revise Paragraph 1 only]

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To accommodate the operational needs of the existing Chevy Chase Cars to the north of the site and the new Mitsubishi dealership to the south, the proposed development shall provide a vehicular connection for passenger-type vehicles between these two dealership sites through the proposed underground garage. The applicant shall grant the owner of Chevy Chase Cars, a license to use the garage for this purpose.

8/14/97

Meeting w/ Gene Smith, Sandy - Ann Weihe P.,
Carolyn A. Toluc, Michael M., Larry P.

- Set back will be worked out - and supported,
- also ally funds will be looked at whatever amount.

MEMORANDUM

TO: Perry Kephart
Historic Preservation Division

FROM: Robin Ziek
Historic Preservation Division

SUBJECT: Bethesda Theatre/Cafe Residential Development

DATE: July 21, 1997

I have reviewed the Preliminary Plan with the comments from the HPC in mind. The HPC met on June 11, 1997 and discussed this project with the applicant in a Preliminary Consultation. At that time, there was a general consensus that the proposal would provide an amenity to the community, in terms of the long-term preservation of the interior of the theatre as well as the exterior. However, there were some concerns:

1. The HPC split on the proposed 20' setback. 1/3 of the commissioners had no problem with this. The other 2/3s wanted to see a greater setback, although no number was specified.
2. The design of the elevations was too repetitious and generic. The HPC hoped for a more imaginative design, with varying use of balconies. They did not want to see attached balconies which are reminiscent of highway motels.
3. The HPC was also split on the proposed residing of the alley side of the theatre. Several of the commissioners felt strongly that the alley facade was also important to the theatre design, establishing, as it were, a hierarchy of the primary importance of the facade, and the secondary importance of the alley.

Staff comments on Preliminary Plan and accompanying plans and elevations:

1. The setback is shown variously from 18' to 31' (as scaled off from the drawings.) It is shown numerically as 20' on Sheet 7. So as not to be misleading, all the drawings should be consistent.

The HPC would probably respond to any effort to increase the setback, even by 5'. This would allow more space between the front parapet wall with its return, and the new structure, giving the old building some breathing room. The drawings do not shown any accommodation

The front parapet wall with its return is an important element, and should be shown on all elevations, even schematically.

2. The proposed elevations are still highly repetitive, although the front block shows some increased articulation. The other elevations, including the west elevation of the rear block (at the back of the alley) which would be visible from Wisconsin Avenue, appears to have the attached strip balconies, which the HPC commented were not in-keeping with the character of the site.

3. The alley facade appears to be completely resided, with no deference to the existing alley facade design, with its change of material and use of pilasters at intervals down the length of the theatre.

NOTE: The HPC will have to review a HAWP prior to the applicant applying for a building permit. It is anticipated that the applicant will come back to the HPC for a HAWP after obtaining approval of the Project Plan, and before proceeding with the Site Plan approvals.

Belleisle Theatre

Planning Board
9/25/97 - Pre Prelim.
etc →

Hearing Examiner
10/6/97. zoning change
varia

County Council 10/7/97?
alley closing
as soon as ready.

Alley abandonment. Joe
neighbors using it.
F Cons already of Steve
concern. Noise along alley

Stormwater under review

R/W - some traffic restriction
for Cheltenham govt. area.

* - traffic thru gate should
not be thruway - ~~can't~~
want to
sub side

* alley abandonment
a prob because of
turn restrictions from
Wisconsin as
an alternative.

Staff comments on Preliminary Plan and accompanying plans and elevations:

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July 16, 1997

Lawrence R. Ponsford, Coordinator
Development Review Division
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

BY FAX: 301-495-1306

RE: Bethesda Theatre Residential Project

Dear Mr. Ponsford:

As Preservation Co-Chair of the Art Deco Society of Washington, I appreciate the opportunity to study and comment on the above project. The Bethesda Theatre is an important historic and cultural resource in Montgomery County, and one that we have supported in its addition to the County's Master Plan for Historic Preservation and its incorporation into the Bethesda Central Business District Sector Plan. In addition, the restoration of the historic interior of the theatre is a highly desirable amenity arising from developing this project by the optional method, which we applaud.

However, I am writing at this time to express our immediate concern about several aspects of the above project, as indicated in the Project Plan and discussed with the Historic Preservation Commission on June 11, that we believe do not serve the goals of historic preservation.

We are primarily concerned about the 20-foot setback of the new construction, which we feel will obscure the identity of the theatre and make it seem encapsulated into the new construction or, at best, a decorative appendage. The view from Wisconsin Avenue presents two parapet walls, one directly behind the marquee and tower, the second approximately 50 feet back where the auditorium walls rise above the entrance, marquee, and lobby of the theater. Both walls are faced with blond brick and have decorative details of horizontal black stripes and, on the second wall, toothed brick. We believe that the second wall is a better place for the new construction to rise above the theater, just as the auditorium roof does now. Indeed, this was the setback under discussion for many years and confirmed during the development and finalization of the Bethesda Central Business District Sector Plan, approved in 1994.

Projects like this succeed when the new construction is joined to the historic building in the smallest way possible. From the street, the project should appear as two buildings that were built at different times but exist in adjacent harmony. The new construction should not "swallow" the historic resource. This would be best accomplished by keeping the setback at the second parapet wall.

Indeed, at a preliminary consultation with the Historic Preservation Commission held in June, a majority of commissioners stated that the design as presented then (which does not appear to have changed in the

Page 2

Mr. L. Ponsford

July 16, 1997

Project Plan documents I was sent) would not be acceptable to the commission. Thus, I would like to know more about how the Planning Board staff will approach this matter and to discuss it with you. As far as we are concerned, this is the most important issue in this project.

Another concern we expressed to the HPC is the apparent resurfacing of the theater building. It is never good historic preservation to make the new and the original appear to be seamless or indistinguishable. It is not honest, and it is not "urban." This is particularly true in the alley on the south side of the theater that is to become a pedestrian walkway. Here is where the viewer sees most clearly how the theater was thought out and constructed. The shift to utilitarian red brick (another indication of the appropriateness of the second-parapet setback) signals that although "*The Show Starts on the Sidewalk*," to paraphrase a recent architectural history of movie theaters, there is also a "back of the house." Now that this alley is itself to become a sidewalk, it can be a place to tell the story of the theater's latest adventure. A careful choice of surfacing materials, either the rehabilitated originals or sympathetic replacements, can reveal and explain.

Similarly, we are concerned about design details that we see in the view drawings presented by the owner. While I am in no way endorsing the 20-foot setback, I note that in some renderings, a portion of the first parapet wall seems to have been obliterated, raising concerns about how the final design of the project will be handled. The first parapet wall ends in stylish curving returns at the theater entrance edges, in front of the proposed 20-foot setback. However, in a "View from Wisconsin Avenue" drawing, the returns have disappeared in an apparent effort to make the original building part of the new construction. This particular comment is just an example of others that could be made about design details that tend to obscure the distinction between the original theater building and the new construction.

A final matter that must be considered, although I see no evidence of it in the materials that were sent, is how the columns to support the trusses spanning over the top of the theatre will be placed and integrated into the interior of the theatre, and the exterior, as well. I am unclear about when and where this important information will be presented and when we can comment on it.

Again, thank you very much for the opportunity to share these comments with you. I look forward to reviewing the complete application files and talking with you in greater detail.

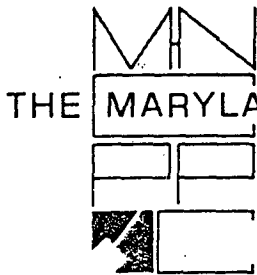
Very truly yours,



Linda B. Lyons
Preservation Co-Chair
Art Deco Society of Washington

Please reply to:

Tel: 301-654-3924
Fax: 301-986-1941
Mail: 3922 Oliver Street
Chevy Chase, MD 20815



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

FROM: Development Review Division, M-NCPPC

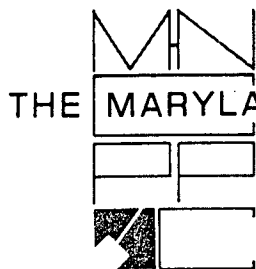
NAME: Bethesda Theater Cafe

FILE No.: 1-97104

Enclosed please find the information checked below. This material will be discussed at the Development Review Committee meeting of July 28, 1997 (no meeting scheduled if blank).

- New preliminary Plan application with supporting material as appropriate
 - Supporting material for previously reviewed preliminary plan
 - Revised preliminary plan drawing
 - New pre-preliminary plan application
 - Variation request
 - Discussion Item
 - Comments due by July 28, 1997
 - Planning Board date (if available) _____*
- * date subject to change

Another
component of
the Buttsdale
Theater project
to keep track
of G.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: July 15, 1997

TO: Melissa Banach, Community Based Planning Division
Mary Dolan, Environmental Planning Division
Ray Nix, Development Review Division
George Cardwell, Transportation Planning Division
Doug Alexander, Park Planning and Development Division
Gwen Wright, Historic Preservation Unit
Glenn Kreger, Community Based Planning Team 1
John Carter, Community Based Planning Team 2
Callum Murray, Community Based Planning Team 3
Jeff Zyontz, Community Based Planning Team 4
Khalid Afzal, Community Based Planning Team 5
Bill Barron, Community Based Planning Team 6
Judy Daniel, Community Based Planning Team 7
Ronald Burns, State Highway Administration
Larry Bowers, Montgomery County Public Schools
Elizabeth Forbes, Washington Suburban Sanitary Commission
Greg Leck, Montgomery County Department of Transportation
Montgomery County Bureau of Fire Prevention

FROM: Denis Canavan, Zoning Coordinator
Development Review Division

SUBJECT: Zoning Application No. G749
Location: Bethesda CBD

The above cited zoning application is being referred to you for comment.

Community Planning, Environmental Planning, and Development Review should comment on any aspects relevant to their responsibilities. Transportation Planning should evaluate roadway configuration. Park Planning and Development should comment on any park planning issues involved.

We would appreciate your comments by **September 2, 1997**. If you have any questions, please contact Bill Landfair at 301/495-4588.

Thank you for your assistance.

DEVELOPMENT REVIEW COMMITTEE

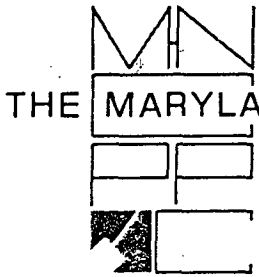
JULY 28, 1997

MEETING TO BE HELD IN THE THIRD FLOOR CONFERENCE ROOM

<p>✓ 1-83140 <i>Need ce</i></p>	<p>BARMAN PROPERTY 54 units proposed (18 single family and 36 townhouse units) APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p><i>ni</i></p> <p>ZONE: R-90/TDR-7 Maryland Development Company Macris, Hendricks & Glascock, P.A. Fairland - Beltsville Vicinity/ 6</p>	<p>9:30</p>
<p>✓ 7-97037</p>	<p>HARDY PROPERTY 5 lots proposed APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p><i>Goshen de re butler</i> <i>Mennonite nearby</i></p> <p>ZONE: RE-2 Dr. Cyril G. Hardy Macris, Hendricks & Glascock, P.A. Goshen, Woodfield, Cedar Grove & Vicinity/ 7</p>	<p>10:00</p>
<p>✓ 1-97103</p>	<p>ISLAMIC CENTER OF MARYLAND 1 lot proposed APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p><i>22/5 Calvin Salsine removed LA</i></p> <p>ZONE: RE-1 Islamic Center of Maryland, Inc. Macris, Hendricks & Glascock, P.A. Upper Rock Creek Watershed/ 5</p>	<p>10:15</p>
<p>✓ 1-97096</p>	<p>GATEWAY WEST 112 lots proposed APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p><i>ni</i></p> <p>ZONE: PD-15 & I-3 Germantown Station Limited Partnership Loiederman Associates, Inc. Germantown & Vicinity/ 3</p>	<p>10:35</p>
<p>✓ 7-98001</p>	<p>EDSON LANE PROPERTY 1 lot proposed APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p><i>ni</i></p> <p>ZONE: R-90/TDR 28 Pulte Home Corporation Dewberry & Davis North Bethesda/ 2</p>	<p>11:05</p>
<p>✓ 1-84120</p>	<p>DARNESTOWN PROPERTY (Archdiocese of Washington) 1 lot proposed APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p><i>2/4/90 Donee Pusech removed LA</i></p> <p>ZONE: RC The Archdiocese of Washington Rogers and Associates, Inc. Darnestown & Vicinity/ 4</p>	<p>11:20</p>
<p>* * BREAK 12:00 TO 1:30 * *</p>			
<p>7-97036</p>	<p>BETHESDA THEATER CAFE RESIDENTIAL 1 lot proposed APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p>ZONE: CBD-2 Beta Corporation Vika, Inc. Bethesday - Chevy Chase & Vicinity/ 2</p>	<p>1:30</p>
<p>1-97104</p>	<p>BETHESDA THEATER CAFE RESIDENTIAL 1 lot proposed APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p>ZONE: CBD-2 Beta Corporation Vika, Inc. Bethesday - Chevy Chase & Vicinity/ 2</p>	
<p>9-97001</p>	<p>BETHESDA THEATER CAFE RESIDENTIAL 1 lot proposed APPLICANT: ENGINEER: PLANNING AREA/GEOGRAPHIC AREA:</p>	<p>ZONE: CBD-2 Beta Corporation Vika, Inc. Bethesday - Chevy Chase & Vicinity/ 2</p>	

2:30

NEXT DRC MEETING - AUGUST 11, 1997



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

FROM: Development Review Division, M-NCPPC

NAME: Bethesda Theater Cafe Residential

FILE No.: 9-97001

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New pre-preliminary plan application

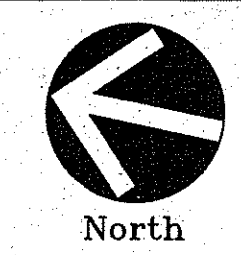
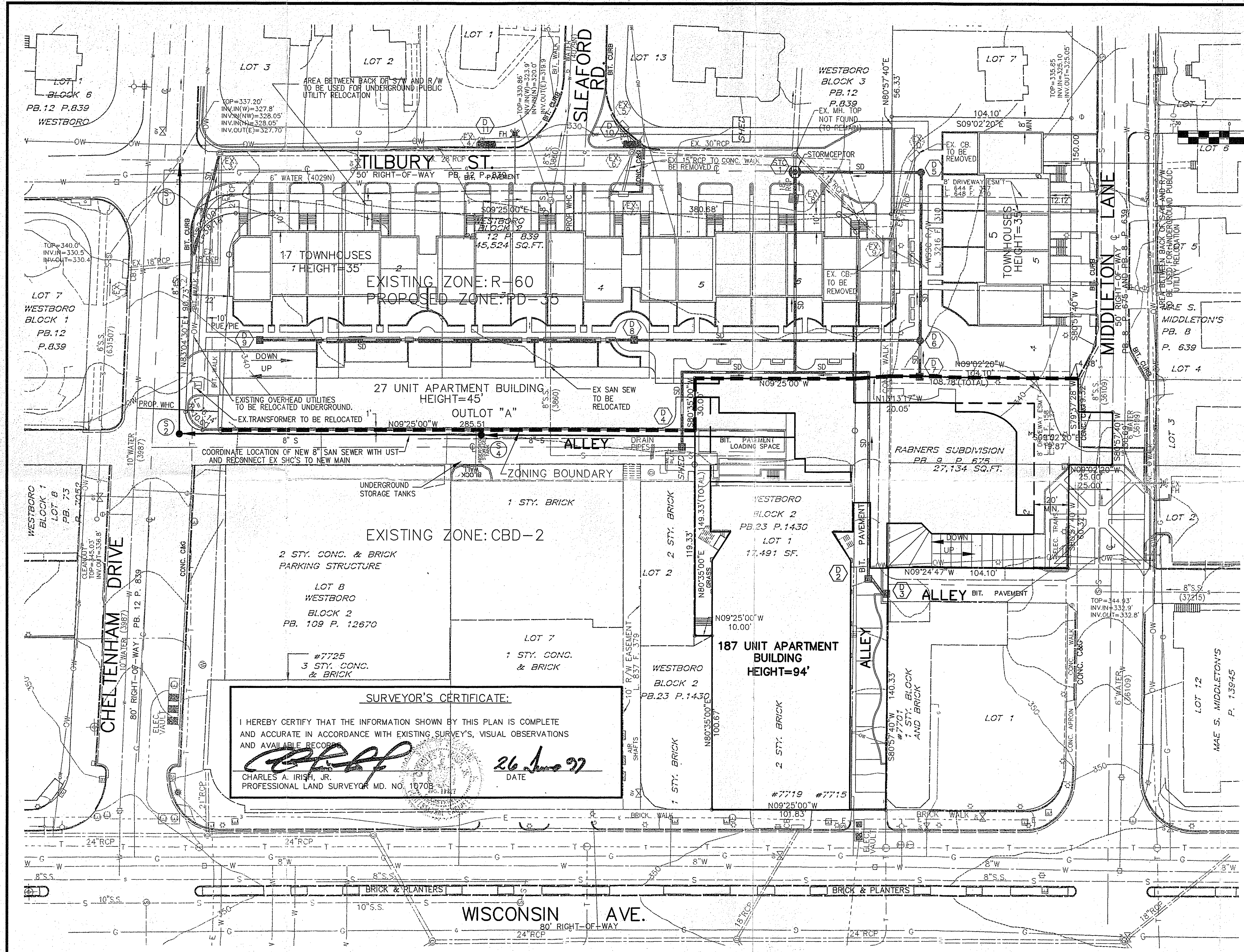
Variation request

Discussion Item

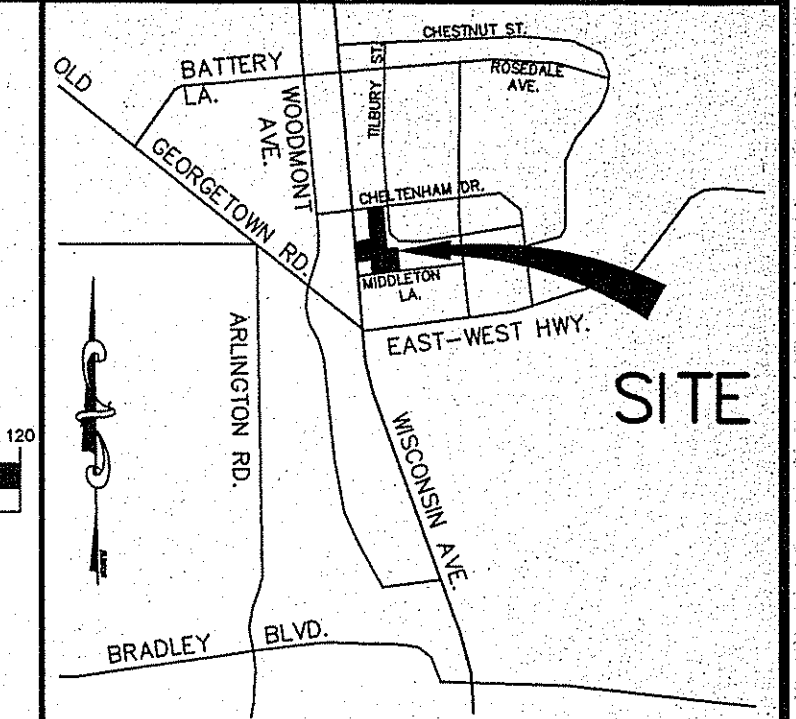
Comments due by July 28, 1997 ^{July 23 3PM} ^{PR-DEC} ^{DEC}

Planning Board date (if available) _____*

* date subject to change



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



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES AND SITE DATA

- THE PROPERTY SHOWN HEREON IS LOCATED ON TAX ASSESSMENT NO. HN 122 AND IS ZONED CBD-2 (SITE AREA=0.90797 AC)
- THE HORIZONTAL DATUM IS BASED ON A PLAT OF SUBDIVISION ENTITLED "WESTBORO BLOCKS 1,2,3,5, AND 7," RECORDED IN PLAT BOOK 12 PLAT NO. 839 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THE PLAT REFERS TO WSSC TRAVERSE STATION NO. 7778 AS A REFERENCE POINT.
- SITE AREA: CBD-2 0.90797 AC.
- EXISTING TOPOGRAPHY AND EXISTING FEATURES SHOWN HEREON WAS TAKEN FROM AN AERIAL SURVEY PREPARED BY POTOMAC AIR SURVEY'S AND FIELD EDITED BY VIKI, INC., SEPTEMBER, 1998. EXISTING CONTOUR INTERVAL IS 2'.
- 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.
- TOTAL PUBLIC ROAD AND ALLEY ABANDONMENT AREA IS 0.28288 ACRES.
- MINIMUM LOT AREA: CBD-2
REQUIRED: 22,000 SF
PROVIDED: 39,551 SF
- MINIMUM PUBLIC USE SPACE:
REQUIRED: 7911 SF (20%)
PROVIDED: 8000 SF
- MINIMUM GREEN SPACE:
REQUIRED: N/A
PROVIDED: N/A
- MAXIMUM DENSITY:
ALLOWABLE: 200 DU/AC=205 DU
PROVIDED: 182 DU/AC=187 DU
- FAR:
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.
- MAXIMUM BUILDING HEIGHT:
REQUIRED: 145/90**
PROVIDED: 94'
** AS RECOMMENDED IN THE MASTER PLAN/SECTOR PLAN.
- MINIMUM SETBACKS:
ALLOWABLE: N/A
PROVIDED: VARIES
- MINIMUM NUMBER OF MPDU'S IS 15% OF TOTAL UNITS OR 15% x 187 UNITS=28 UNITS.
- PARKING:
TOTAL REQUIRED: 231 SPACES
LESS 10% CBD CREDIT: 208 SPACES
TOTAL PROVIDED: 198 SPACES
LESS 5% METRO CREDIT: 198 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.

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THE INFORMATION SHOWN BY THIS PLAN IS COMPLETE AND ACCURATE IN ACCORDANCE WITH EXISTING SURVEY'S, VISUAL OBSERVATIONS AND AVAILABLE RECORDS.
Charles A. Irish, Jr.
CHARLES A. IRISH, JR.
PROFESSIONAL LAND SURVEYOR MD. NO. 10708
DATE: 26 June 97

Architects:
Weilhe Design Group
Architecture Planning Interior Design Space Planning
1606 K Street, NW Suite 1000 Tenth Floor
WASHINGTON, D.C. 20006 (202) 857-8300

Engineer:
VIKA
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ CONSTRUCTION INSPECTORS
VIKA INCORPORATED
8180 GREENSBORO DRIVE, SUITE 200 ■ MCELAN, VIRGINIA 22102
(703)445-7000 ■ FAX (703)781-2787
MCELAN, VA ■ BETHESDA, MD

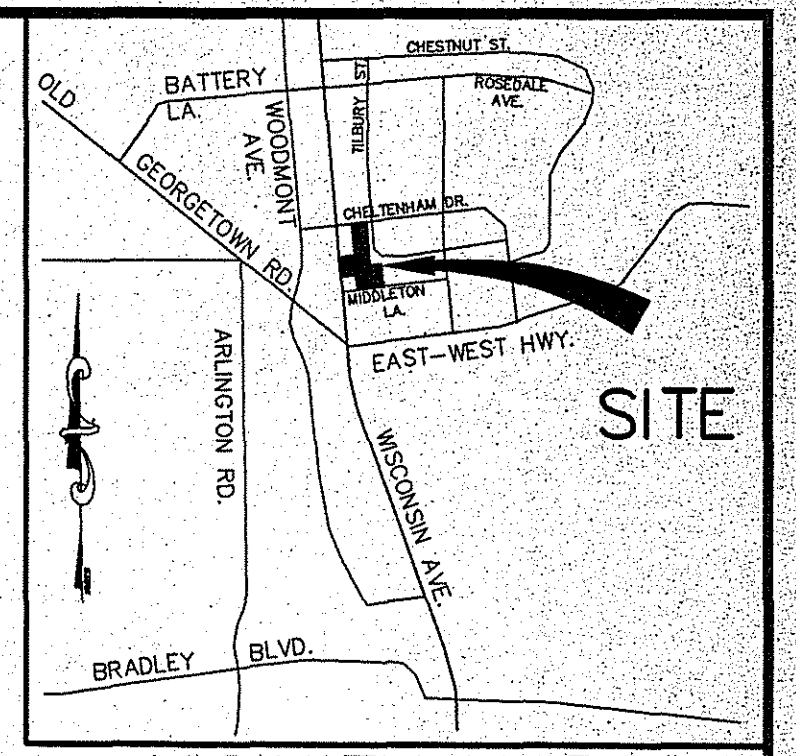
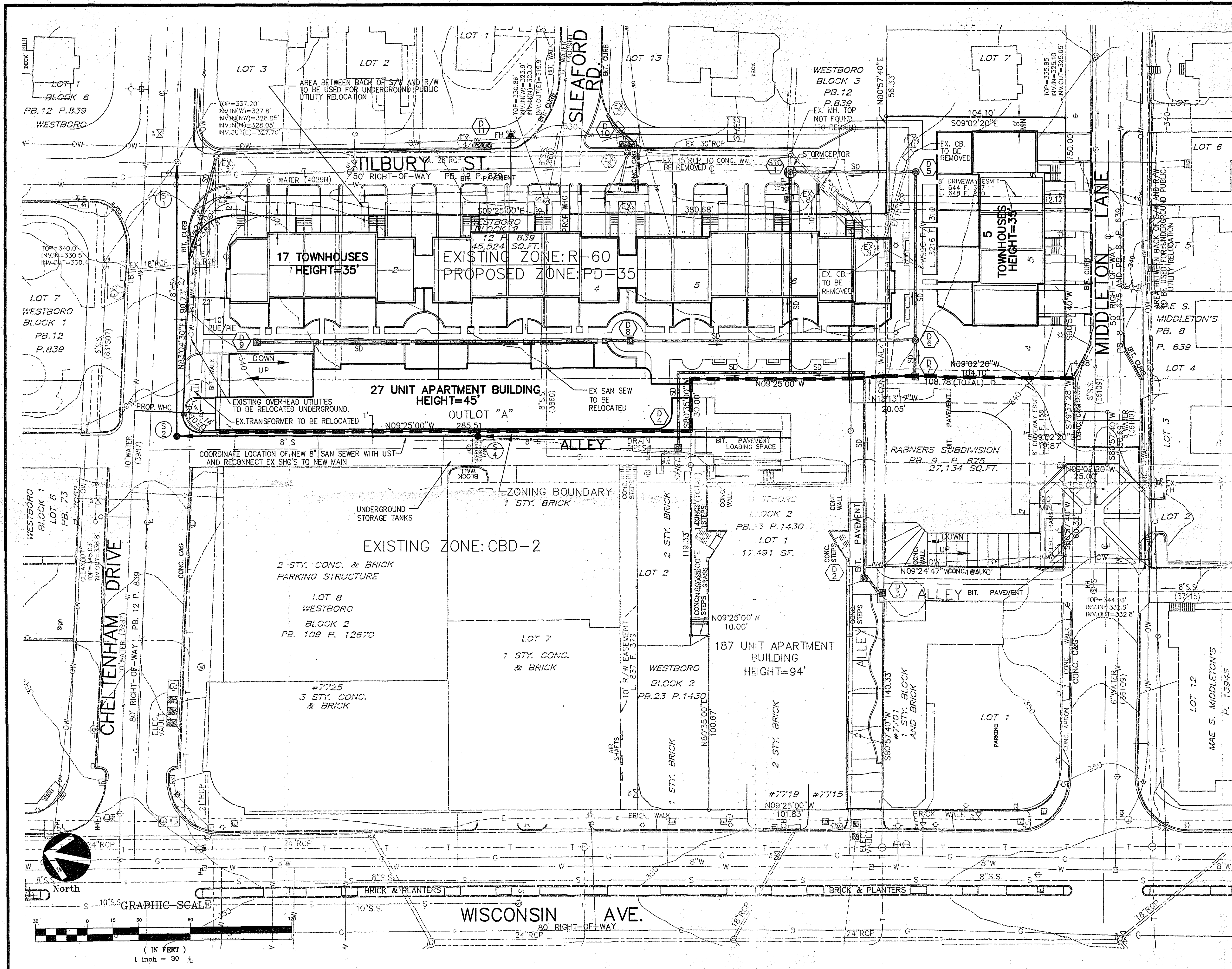
Attorney:
LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW
1010 Wayne Avenue
Tenth Floor
Silver Spring, MD
20910-5600
(301)588-6580

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

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

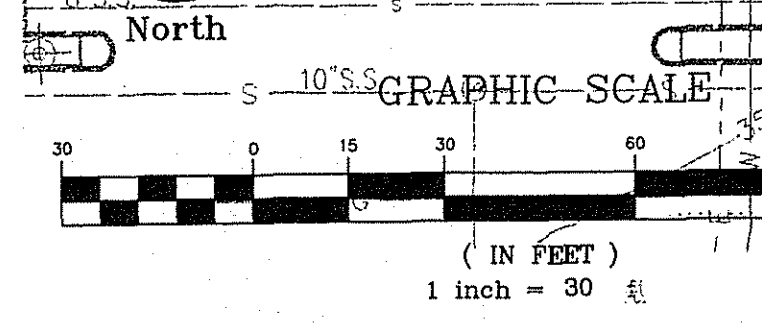
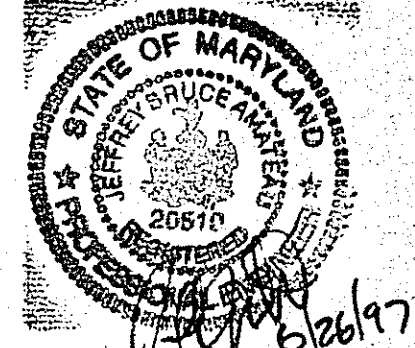
1 97104
PRELIMINARY PLAN
JUNE, 1997
1 OF 1

DWS: 5971201.DWG
DATE: 6/1/97



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:
REQUIRED: N/A
PROVIDED: 62,919 SF
 - MINIMUM PUBLIC USE SPACE:
REQUIRED: N/A
PROVIDED: N/A
 - MINIMUM GREEN SPACE:
REQUIRED: 31460 SF (50% OF SITE AREA)
PROVIDED: 31460 SF
 - MAXIMUM DENSITY:
ALLOWABLE: 35 DU/AC=50 DU (WITHOUT PROVISIONS FOR MPDU BONUS DENSITY)
PROVIDED: 49 DU (22 TH AND 27 APT)
 - FAR:
ALLOWABLE: N/A
PROVIDED: N/A
 - MAXIMUM BUILDING HEIGHT:
REQUIRED: TOWNHOUSE-35'
APARTMENT-45'
PROVIDED: TOWNHOUSE-35'
APARTMENT-45'
- * AS RECOMMENDED IN THE MASTER PLAN/SECTOR PLAN.
- PARKING:
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.



NO.	REVISIONS

Architects:
Weithe Design Group
 Architecture Planning Interior Design Space Planning
 1686 K Street, NW Suite 1000 Tenth Floor
 WASHINGTON, D.C. 20006 (202) 667-8300

Engineer:
VIKI
 ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ CONSTRUCTION INSPECTORS
 VIKI INCORPORATED
 8180 GREENSBORO DRIVE SUITE 200 MCELAN, VIRGINIA 22102
 (703)445-7800 ■ FAX (703)918-1297
 MCELAN, VA BETHESDA, MD

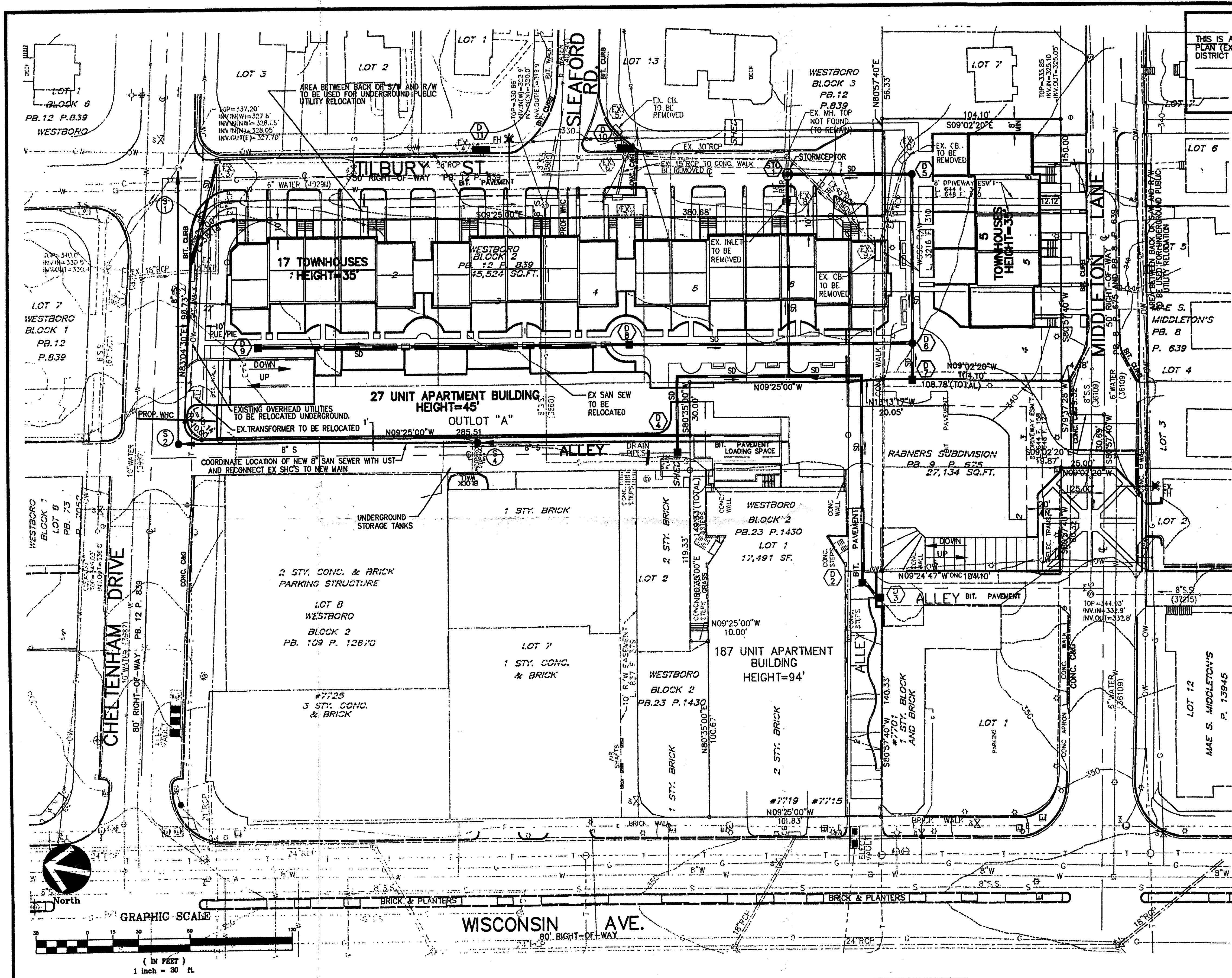
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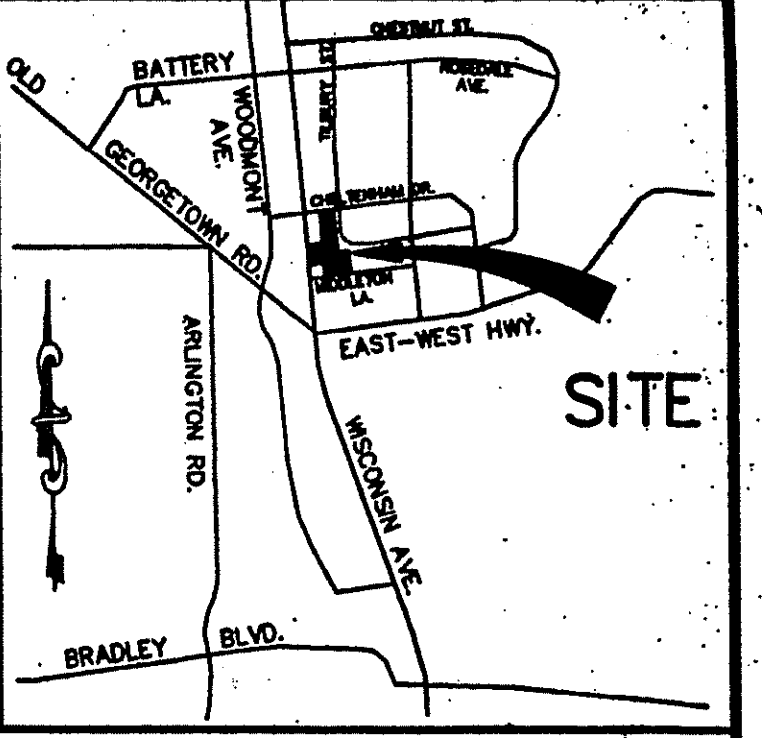
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PRE-APPLICATION PLAN
7 97036
 JUNE, 1997
 1 OF 1

DWG: 5072701.DWG
 DATE: 1-09-97
 TIME: 1:00 PM
 USER: JMC



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



VICINITY MAP
 SCALE: 1" = 200'

[Signature]
 20 JUN 1997

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 PD-35
- SITE AREA: 1.44442 AC.
- EXISTING TOPOGRAPHY AND EXISTING FEATURES SHOWN HEREON WAS TAKEN FROM AN AERIAL SURVEY PREPARED BY POTOMAC AIR SURVEY'S AND FIELD EDITED BY WKA, INC., SEPTEMBER, 1995. EXISTING CONTOUR INTERVAL IS 2'.
- TOTAL PUBLIC ROAD AND ALLEY ABANDONMENT AREA IS 0.28288 ACRES.
- MINIMUM LOT AREA:**
 REQUIRED: N/A
 PROVIDED: 62,919 SF.
- MINIMUM PUBLIC USE SPACE:**
 REQUIRED: N/A
 PROVIDED: N/A
- MINIMUM GREEN SPACE:**
 REQUIRED: 31460 SF (50% OF SITE AREA)
 PROVIDED: 31460 SF
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 ALLOWABLE: 35 DU/AC=50 DU (WITHOUT PROVISIONS FOR MPDU BONUS DENSITY)
 PROVIDED: 49 DU (22 TH AND 27 APT)
- FAR:**
 ALLOWABLE: N/A
 PROVIDED: N/A
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REVISIONS

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Engineer:
WKA
 ENGINEERS PLANNERS LANDSCAPE ARCHITECTS SURVEYORS CONSTRUCTION INSPECTORS
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 Bethesda, Md. 20814

DEVELOPMENT PLAN EXHIBIT # B
 JUNE, 1997
 1 OF 1
 DATE: 6/26/97 TIME: 1:00 PM
 DWG: 597201.DWG

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HISTORIC PRESERVATION COMMISSION
MONTGOMERY COUNTY, MARYLAND

----- -X
:
MONTGOMERY COUNTY HISTORIC :
:
PRESERVATION COMMISSION MEETING :
:
----- -X

A hearing in the above entitled matter was held on
Wednesday, December 15, 1999, commencing at 7:35 p.m., in the
MRO Auditorium, 8787 Georgia Avenue, Silver Spring, Maryland,
before:

GEORGE KOUSOULAS
Committee Chairman

LYNNE B. WATKINS

SUSAN VELASQUEZ

EMILY HOTALING EIG

MARILYN DeREGGI

STEVEN BRESLIN

STEVEN SPURLOCK

DOUGLAS HARBIT

ORIGINAL

Deposition Services, Inc.

1 with the staff report.

2 MS. ZIEK: Okay. The project at 7715 Wisconsin
3 Avenue.

4 MR. KOUSOULAS: Folks, excuse me a second. Can you
5 take down that. I think if we are going to show slides,
6 nobody will be able to see them. The staff will probably be
7 showing slides first.

8 MS. ZIEK: Okay. This project involves the Bethesda
9 Theater, which is the master plan site 35/14-4 7715 Wisconsin
10 Avenue. This is an art modern theater built in 1938. And it
11 was designed by the New York architectural first of John
12 Ebersson, who also designed the Silver Theater in Silver
13 Spring. So the County is very fortunate to have some good
14 examples of this architect's work.

15 The applicant came to the HPC for a preliminary
16 consultation in June of '97, and has been working on this
17 project ever since. There have been a lot of different
18 aspects of the proposal. It is quite a complicated
19 application. And it has been before the Planning Board
20 needing to get much approval from the Planning Board.

21 The project is a mixed use project, that is being
22 developed under the optional method. Under the optional
23 method, the applicant has to provide certain public amenities,
24 and there is open space requirements, and there are, in this
25 case, one of the very big amenities is the rehabilitation of

1 the Bethesda Theater. And that involves the interior of the
2 theater over which the HPC has no jurisdiction at all.

3 But the building is open, and I would hope you all
4 -- I don't know if you all have gotten into the theaters.
5 Movies have been shown. I don't know if they are still -- it
6 is currently, it's a movie theater. It's really a very nice
7 interior space.

8 And unlike the Silver Theater in Silver Spring,
9 which sets sort of in the hands of an owner that set out to
10 actually demolish the theater, this building has been well-
11 maintained since 1938, and is in very good condition with the
12 original interior features, interior lighting, and wonderful
13 work in the ceiling of the building.

14 The applicant has provided for the Commission
15 drawings to show what the proposed new residential tower above
16 the theater would look like. Part of this project includes,
17 the biggest part that involves the Commission, of course, is
18 the construction of a 10-story residential tower above the
19 theater.

20 I will show slides of the theater to show the
21 building, it's existing condition that it is sitting right
22 now. This theater was designed with two shop fronts on the
23 north side of the entrance, and one shop front on the south
24 side. Only one of the north shops remains now, so that in its
25 restored condition, it will have a shop on either side of the

1 main entrance.

2 And the alley, which is on the south side of the
3 theater will be incorporated into the new, as an access way to
4 the new parking garage, which is going in underground and
5 behind, off the theater property, that is not really coming
6 under your review.

7 But just in terms of understanding the whole scope
8 of the project, it is a mixed use with the residential
9 development including some townhouses in the property between
10 the theater and the residential community directly to the east
11 of the theater property. Right now there are some open
12 parking lots there, and there is some public parking, surface
13 parking.

14 And the applicant will be occupying all of those
15 surface parking areas with townhouses and low rise apartment
16 buildings, and then provide, and then build the apartment, the
17 10-story apartment building over the actual Bethesda Theater.
18 And then provide parking both for the residential development
19 and for public parking.

20 And again, behind, off the theater parking property,
21 off the theater property, but to be integrated with the
22 theater through this side alley, which I can show you slides.
23 It might be just as easy.

24 The key issues that we have worked with the
25 applicant have to do with certainly restoration of the

tsh

1 theater, features, restoration of the shop fronts. They have
2 been covered up and quote modernized. But there are many
3 original features still there: original metal work, which you
4 can see. And we are hoping there is even more that has been
5 covered up but still retained inside too.

6 We have been working with them in terms of the -- as
7 staff of Park and Planning, just to let you know, we have been
8 working with them in terms of the restoration of the interior,
9 even though that is not your purview. Park and Planning has
10 some role in that. And as staff at Park and Planning, we have
11 been working with them for that to assure preservation of the
12 interior, and preservation of the interior ceiling.

13 And we have been working with them in terms of the
14 maintaining the alley wall. They had originally a proposal to
15 sort of encapsulate the original wall. And now they are
16 coming back with a proposal which simply will expose the
17 original wall down the alley, so you can see the changes in
18 the brick work, where the front portion of the building is in
19 a more decorative brick, and then the alley brick is a red
20 utilitarian brick. So that those features we felt strongly
21 should be maintained.

22 We've been working with them on the setback. It is,
23 of course, one of the issues that you will hear a lot about
24 tonight. And at the preliminary consultation, the Commission
25 gave some guidance to the applicant to the sense that there

1 was an understanding that with the issues of setback, you were
2 looking at the tensions between the original structure as
3 built with its auditorium portion that starts back, about 50
4 feet from the street.

5 From the interior of the theater, of course, you go
6 through two lobbies before you get into the auditorium. It's
7 all part of that transition into sort of the world of fantasy.
8 And on the exterior, I think it is very clear that there is a
9 utilitarian portion of the building. The roof line is just
10 the black pitch. It's clearly utilitarian, behind the
11 secondary parapet, which is fairly hard to see. You have to
12 look for it. And that is setback 50 feet back.

13 And then, of course, with the attention of the urban
14 design form, the way Bethesda is developing now, with the
15 buildings taking advantage of the Metro and those kinds of
16 urban design issues, which are part of the development of
17 Montgomery County.

18 So the applicant actually responded. Their initial
19 proposal was for a 20-foot setback. They responded by pushing
20 back 25 feet. And so it is not to the 50-foot setback. But I
21 think the Commission was fairly open to saying that perhaps
22 the 20 wasn't correct, but they weren't sure what would be
23 correct. And they would just like to see what the applicant
24 was going to come up with.

25 I would like to show you some slides now, to orient

1 you to the area. This is the view down the street. And I
2 think that the theater is right in here. This is another
3 view, looking in the same direction. At the theater, right
4 here, you can see there is new construction going on.
5 Obviously, all of this is new. This is new, since the theater
6 was built. And this is the theater as it sits now.

7 The roof is visible from this view shot across the
8 street. This is the first parapet, which is used to define
9 the theater itself. This is the north shop, and the south
10 shop, which is lower. The parapet helps to give some added
11 presence to the theater, and then, of course, the sign post on
12 the marquis.

13 And the second parapet is back here. It is not
14 readily visible. It is back here to shield where the roof
15 line changes.

16 This is the view down the alley. And I think you
17 can see here, this is the decorative brick work, and here is
18 the utilitarian brick work. Let's see.

19 This is just the back of the theater. All of this
20 will be developed, will be included into the new development.
21 This is the view down. This is the parking area that will be
22 underground parking will be developed under here, and
23 apartment house, the apartment, low rise, and the townhouses
24 there.

25 Just another view showing that development area.

1 This is a view across what is now public parking, which will
2 be townhouses to the development right now along the street.
3 This is directly across the street from the theater now. And
4 new construction, new construction, and then just more views
5 to give you a sense of the street.

6 And then the theater. Again, this is a better view
7 showing where the auditorium roof itself is, and the second
8 parapet. And a view of the theater. And this board was put
9 up, the read marker here is about 20 feet. Right now, the
10 setback would be right at about this point, right here, at
11 about 25 feet back. This portion of the second parapet would
12 be exposed in the new construction.

13 I just wanted to show you another example that has
14 been pointed out to us in terms of this development, which is
15 the Greyhound Theater, downtown, where the setback was 30 feet
16 from the front to the new development. And that allowed the
17 building to sit in front of the larger new, in that case, an
18 office building. Along the street, of course, the building
19 just feels the way it did originally. There are some ways
20 where this comes right down as an edge.

21 I wanted to point out that the 25-foot setback is
22 measured from this point, and the building does extend over
23 the sidewalk, and the marquis tower itself extends above the
24 sidewalk.

25 Just some details. This just have all been light

1 bulbs. And some of the original metal work, which is still
2 there. And some more of that, this really nice loopy curves.
3 The ticket booth in the center of everything, and the theater
4 cafe name now.

5 MR. KOUSOULAS: I think we need to move along.
6 We've got to hold everybody to our time limits.

7 MS. WRIGHT: There is one last thing staff could
8 raise about the changing condition.

9 MS. ZIEK: Staff is recommending approval for this.
10 And in my report, I mention that the applicant, I suggested
11 that the Commission would put as a requirement the
12 establishment of a preservation easement on the interior of
13 the theater. The Commission actually doesn't have an purview
14 over the interior. I overstepped my boundaries there.

15 The Commission might wish to encourage that of the
16 applicant. I think that's a good idea. There are some
17 financial benefits available to the applicant for an interior
18 easement. And it would assure the preservation of the
19 interior in perpetuity. I'll be happy to answer any
20 questions.

21 MR. KOUSOULAS: Thank you for that report. Are
22 there any questions of staff?

23 MR. HARBIT: Did you have any idea who would hold
24 that easement?

25 MS. ZIEK: Well, the County can hold an easement.

1 It is in our ordinance. And we have other preservation
2 easements. I think that the Maryland Historical Trust would
3 also be a very suitable easement holding organization. Also,
4 they will be holding an easement on the Silver Theater. So
5 they are very familiar with these theaters. Either one would
6 certainly be suitable.

7 MR. KOUSOULAS: Would the applicant like to come up?

8 MR. SMITH: Good evening. My name is Gene Smith of
9 E.M. Smith Associates of 4801 Hampden Lane in Bethesda. With
10 me tonight in the audience are representatives of the Buzuto
11 Group, my joint venture development partner, and the Beta
12 Corporation, owners of the Bethesda Theater.

13 Our attorneys, Bob Metz and Emily Vias of Linowes
14 and Blocher are also in attendance. Following my brief
15 remarks, George Dove, our project architect and principal of
16 the Vie Design Group will review the building design. And
17 Mary Oehrlein, to my right, of Oehrlein and Associates, our
18 historic preservation architect, will discuss the scope and
19 the preservation and restoration work proposed for the
20 theater.

21 I am delighted to be here this evening to present
22 you what we believe to be a very good proposal. The design
23 before you addresses the comments that we have received from
24 our preliminary 1997 consultation with the Commission, and
25 also incorporates suggestions provided to us by your very

1 capable and professional staff.

2 The project is also the culmination of a several
3 year collaborative effort that we have had with the east
4 Bethesda community, the County Council, the Park and Planning
5 Commission, and your staff, to achieve several important
6 public initiatives.

7 These initiatives, as identified in the Bethesda
8 sector plan, include providing an appropriate buffer and
9 transition for the East Bethesda neighborhood from the
10 downtown; improving the pedestrian environment and the
11 community's link to the CBD; increasing the availability of
12 public parking in this part of Bethesda; providing much needed
13 housing close to Metro; restoring the exterior of the Bethesda
14 Theater; and last, but not least, preserving the interior of
15 this important Bethesda landmark as the primary amenity of
16 this optional method development.

17 This project responds favorably to all of these
18 objectives, and we feel that the County, the community, and
19 the HPC are getting a lot from this proposal. Our team has
20 endeavored to design a signature apartment building that is
21 both sensitive and compatible with the historic character of
22 the theater.

23 My partners and I feel that the design achieves
24 this, while also balancing the multiple objectives for this
25 development. I hope that you will support our proposal that

1 will allow us to return this landmark to its original glory,
2 and create a project that adds significantly to the vitality
3 of downtown Bethesda. Thank you. George.

4 MR. DOVE: My name is George Dove. I am the
5 principal of Via Design Group in Washington, D.C. I would like
6 to take you through a couple of things this evening that may
7 help you better understand where we are on the project.

8 First, there is an orientation, location as you saw
9 on the slides, but just for your reference, these are the new
10 buildings that are under construction. New project Excite is
11 further up the street, directly across from the Discovery
12 Channel, and of course the new building that is being built
13 next to it.

14 The site, as was discussed by staff, is a fairly
15 complicated site. It is basically an L with a leg that comes
16 out to Wisconsin Avenue. It is flanked by Chevyland and a now
17 under-utilized automobile sales area. The current alley is in
18 this location. The apartment tower is an L-shaped tower.
19 Behind it is an open space area which is a pedestrian
20 connection back to the residential neighborhood to the east of
21 the site.

22 Connected to and a part of the 11-story tower is a
23 four-story low-rise apartment unit, which is grouped around a
24 series of courtyards, stepping down in scale to townhouses on
25 the eastern point, and a row of five townhouses on the south.

1 The theater is in this location right here. The
2 marquis is here. This is indicating the new setback of 25
3 feet.

4 Just to give you the character, quickly, of the
5 architecture looking from the other direction, this would be
6 the Tilberry, looking to the southwest. These are the
7 townhouses that are immediately adjacent to the single family
8 residences, stepping up a little bit to a three-story element,
9 and then to a four-story element, with a tower beyond as it
10 goes towards Wisconsin Avenue.

11 The end result, and I think probably the most
12 important document that we have to talk with today, is the
13 reality of the design we are proposing for the theater. I
14 think that this view clearly demonstrates that the tower is
15 setting back and letting the current front entrance to the
16 theater and the vertical element ride free and clear of the
17 super-structure that is behind it. We, of course, are
18 restoring the theater front and all of the vertical elements,
19 back all the way along the alleyway.

20 What we are doing in terms of building this
21 particular tower, is spanning across the entire theater, with
22 71 foot trusses, which go from this area to this area, and
23 come down just in a few locations where the columns come down
24 to the ground. This is the alleyway looking back to the east,
25 the adjacent car dealership.

1 The tower rises 11 stories. It contains 209
 2 residential units. By the way, there are 49 in the mid-rise
 3 and 11 townhouse units.

4 What you are seeing in this representation is the
 5 blonde brick, with the dark brick accent of the existing
 6 theater front. You'll see in this corner, and it is on the
 7 other side also, that the farthest most parapet coming out and
 8 indicating where that particular element of the original
 9 building is.

10 The side walls are now exposed where the utilitarian
 11 brick goes on back, and we have superimposed on that the
 12 support structure which stands slightly clear of it. So the
 13 original fabric of the sidewalk continues all the way down the
 14 alley.

15 This alley now is not an alley. It is a pedestrian
 16 system that leads to one of the entrances to the apartment
 17 building, as well as to the public garage. Let me just step
 18 back for a second and orient you.

19 The alley goes back, or the pedestrian movement area
 20 goes back to an entrance into the lobby to the public garage.
 21 This is the main entrance to the apartment tower. The main
 22 lobby entrance is here. Also a garage entrance. There is
 23 another garage entrance here. And of course, there is some
 24 activity to the townhouses off to the very rear.

25 In the design that we have developed here, I think

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1 we have listened very carefully to what the previous
 2 Commission comments were, as well as their comments with the
 3 staff. And there were several.

4 One was, was 20 feet far enough back from the
 5 property line to really delineate or to really respect the
 6 theater? We agree that moving it back further could be a good
 7 element, although we absolutely concur with some of the
 8 members of the Commission who mentioned the fact that in the
 9 urban aspect of Wisconsin Avenue, the east side, a major
 10 break, at this point, most likely would not be as beneficial
 11 to the urban character of the streetscape. We think the 25
 12 feet represents a point where it allows us to respect the
 13 front areas, and yet allows the program to go forward, and to
 14 maintain the integrity of the urban aspect of Wisconsin Avenue
 15 on the east side.

16 In actual development of the facade itself, we've
 17 done a couple of things. One, we've eliminated the parapet at
 18 the top. We've made it very similar in the fact that the
 19 original theater does not have a projecting cornice, but just
 20 continues on up. This is the same thing.

21 In the center, we have created a design element of
 22 contrasting a cast stone material which, in fact, is a similar
 23 proportion to the front pediment, and reinforces it in a
 24 subtle way. We think that this is a modern design of the
 25 building, but it is not trying to replicate the theater. It

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1 is trying to respect it.

2 The use of a medium red to brown brick with the
3 lighter gray accent block on the superstructure is designed,
4 primarily, to let the blonde brick of the front theater stand
5 out and be its own element, as it always has been. And yet,
6 when it goes back to the utilitarian brick, in fact, it is
7 much more in that character, saying that it is background, as
8 opposed to the contrast to the bottom of the front.

9 In addition, we have introduced linear elements
10 along the front facade and the rest of the building, which are
11 similar to the lining that occurred in the original parapets.
12 And one of the things that we think is most important is that
13 indicative of the period, we have clean core windows that turn
14 full glass and are full floor to height, which is certainly a
15 modern element that is being created in this particular
16 building, without mimicking what might have been at that time.

17 The other thing that I think is extremely important,
18 balconies have been removed from the tower at this point. And
19 I think that that gives the building a clean look. It
20 respects the modern movement of the issues that were in the
21 original design. And I think that is a significant change
22 from our past proposal.

23 I think my time is probably up. We will answer your
24 questions later.

25 MS. OEHRLEIN: I'm Mary Oehrlein with Oehrlein

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1 Associates Architects. We would like to very quickly
2 summarize the preservation aspects of the theater project,
3 portion of the project.

4 I'm going to do this very much as a summary, and the
5 package of materials that we submitted to you there is a very
6 detailed scope of the preservation work for the theater. But
7 the exterior of the theater, we are retaining and restoring
8 the tower sign, the marquis. You saw in the slides that
9 represented portions of the original aluminum and other metal
10 work that is in place.

11 A large portion of the south store front exists and
12 will be restored. We are hoping that some portions of the
13 north store front are in tact under the materials that have
14 been applied to that store front. But the windows themselves
15 are missing.

16 What I am showing here is the proposed design for
17 that new store front which will replicate the south store
18 front in detail but not in configuration. We have a new exit
19 stair coming from the apartment tower, which will exit through
20 this doorway. So instead of a single door with two store side
21 front windows, we have a center store front window with two
22 side doors.

23 George spoke about the north and south elevation.
24 Do we have a drawing? Yes. That shows retention of the
25 original, and leaving exposed the original brick at the north

1 and south elevations. This is the yellow brick at the front
2 portion of the building, and the common red brick that comes
3 to the rear auditorium portion of the structure, leaving the
4 second parapet exposed at both corners, and then bringing the
5 new superstructure down in front of the existing walls. This
6 occurs on both the north and south elevations.

7 The one thing that George didn't talk about, that
8 I'll talk about, is that the center portion of the second
9 parapet, and you saw just a glimpse of it in the slides that
10 were shown, are three decorative elements. I'll get that
11 drawing. Three decorative elements that we fondly refer to as
12 radiators, because they look a little bit like cast iron
13 radiators.

14 What we are proposing to do, rather than allowing
15 these to be basically engulfed by the new construction, is to
16 dismantle them and move them on site, and use them as part of
17 a retaining and protective wall within the pedestrian walkway
18 and access to the parking garage entrance and to the apartment
19 entrance.

20 At the exterior, we are proposing to retain all of
21 the original finishes that remain. There have been some
22 alterations in the toilet rooms, and the second portion of the
23 entrance lobby. But the original lobby is in tact, with the
24 ceilings, and a lot of the cove lighting. And the theater
25 interior is in tact, largely in tact as well.

1 Sorry. I've lot the photograph. Somewhere here
2 there is a photograph of the interior of the theater. There
3 is a very nice ceiling with decorative painting, decorative
4 trim. And all of that is part of this project, and will
5 remain in tact.

6 The interior rehabilitation will include new
7 mechanical, electrical, and plumbing system, as well as
8 combinations for ADA. It is our intent to limit any
9 alterations of the interior to those that are necessary to
10 meet code and to install the new systems.

11 I just wanted to talk in summary a little bit about
12 the changes that we've made to the project since you saw it
13 before. We listed very carefully to your comments and
14 concerns that we heard two years ago, and have revised the
15 project to respond to those comments and concerns.

16 The setback from the rear of the tower sign is now
17 25 feet from the back of the sign to the face of the building,
18 increased by five feet. This, we realize, is still a
19 compromise in the minds of some people, and is certainly not
20 setback to the second parapet. But we are hoping that you
21 would look at the quality of the design relative to the
22 setback.

23 And we believe that the front of the theater is the
24 most significant part, the tower sign, the marquis. It will
25 be restored and remain in tact and be allowed to remain

1 separate from the new construction. And that there is
2 sufficient space between the new construction and the back of
3 the sign to allow it to be read, the new construction not as
4 an appendage of the theater, but as separate and distinct
5 construction.

6 I also think that, as I have thought through all of
7 the projects where there is new construction behind a new
8 building, and you saw photographs of the Greyhound building,
9 that there are some that are successful. Greyhound is
10 marginally successful, because the quality of the design of
11 the building behind it is good.

12 There are others, like Red Lion Row, where that
13 setback is 50 feet plus, but it is still not enough, because
14 the quality of the design behind the historic buildings
15 doesn't enhance the historic properties in any way. It truly
16 detracts from it. So that building, that setback could be 100
17 feet and still not be enough.

18 I think that with the improved and revised design of
19 the new construction, that the materials in detailing the
20 tower are clearly different, but compatible and sensitive to
21 the design of the theater. The apartment tower appears as a
22 separate building, related to the theater, but not an
23 appendage to it. And that the new building does not have to
24 copy or match the details or the materials here, but uses
25 those materials and details which make reference to early 20th

1 century architectural design.

2 We have also changed the design to allow the brick
3 facing at north and south elevations to remain exposed and
4 read, so that it is very clear that as you walk down the
5 pedestrian alleys that you can see the original configuration
6 of the theater, and the change from the face brick in the
7 front, to the common brick in the rear. And you will still be
8 able to perceive that, as well as understanding the
9 relationship of the new tower relative to the historic
10 theater.

11 And we've preserved the second parapet, decorative
12 elements. We had talked about broader ways to incorporate
13 those decorative elements into the project. And I felt very
14 strongly that it was important that they be a part of the
15 projects and a function, something that was not an artifact
16 set in the middle of the landscape, but to see and be used as
17 they are now, as part of a wall, as part of a parapet. And
18 that unlike now where there second parapet is not really
19 visible unless you are very tall or across the street, it will
20 now be visible to everyone who walks down the public way.

21 Thank you. I think that's -- and we made it within
22 our time.

23 MR. SMITH: That summarizes our comments. If you
24 have any questions, at this time we would be happy to respond
25 to them.

1 MR. KOUSOULAS: Any questions, or I think we should
2 probably wait. Thank you very much.

3 MR. SMITH: Thank you.

4 MS. OEHRLEIN: Thank you.

5 MR. KOUSOULAS: Okay. Now we will take testimony
6 from the audience. Our first speakers, I would like to have
7 you come up. Linda Lyons, Douglas Gomery, Richard Striner and
8 Richard Longstreth. You four have been ceded time from six
9 other people, so you will have a total of 31 minutes to speak.

10 MS. WRIGHT: Could you read off who has ceded time,
11 just so that folks understand that they have ceded time, the
12 names of those six people?

13 MR. KOUSOULAS: Sure. Peter Montelewicz, Christine
14 Henry, Jerry Turnipsy, Mary Reardon, Tony Wilner, and Judy
15 Reardon.

16 MS. LYONS: Mr. Chairman and members of the
17 Commission, as preservation chair of the Art Deco Society of
18 Washington, I come before you tonight to express our deep
19 concern for the future and preservation of the historic
20 Bethesda Theater.

21 We believe that the plan being proposed will engulf
22 the theater, and thereby obliterate its presence and integrity
23 in the Bethesda streetscape. This does not do justice to its
24 history, and more important, it is not good historic
25 preservation.

1 As you can see, many of our members are here tonight
2 to express their concern. Some of them have ceded their
3 speaking time to our Society, so that we may present the
4 opinions of three leading experts in history, and historic
5 preservation. Others in our group may then wish to speak for
6 themselves.

7 Now, I am honored to introduce our distinguished
8 consultants. Professor Douglas Gomery of the University of
9 Maryland is a leader in the field of media studies, and the
10 author of important books on theater history.

11 Professor Richard Striner of Washington College is
12 well known to the Metropolitan area as a leading
13 preservationist, cofounder of the Art Deco Society, and author
14 of the pioneering book, Washington Deco.

15 Professor Richard Longstreth of George Washington
16 University, is one of the country's most distinguished
17 architectural historians, a leader in 20th century studies,
18 the author of award-winning publications, national president
19 of the Society of Architectural Historians, and here in
20 Maryland, chair of the Governor's Consulting Committee of the
21 Maryland Historical Trust.

22 Professor Gomery will speak first.

23 PROFESSOR GOMERY: Thank you very much for letting
24 me speak. I do have prepared remarks that I would be glad to
25 share with you, if that would help.

1 I have a Ph.D. from the University of Wisconsin, and
2 have been studying cinema for 25 years, just to give you my
3 qualifications. I've taught at Northwestern, lectured at
4 Yale, and I'm teaching at NYU next year. I have been a
5 trustee of the American Film Institute, a consultant to the
6 Library of Congress' motion picture division, and former
7 editor of Marquis, the leading publication on the history of
8 motion picture theaters in the United States.

9 I've written a lot of articles on this subject. My
10 book, "Shared Pleasure," is a history of motion picture
11 presentation in the United States, earned a 1993 prize for one
12 of the best two books on the history of cinema given by the
13 Lincoln Center in New York City.

14 I have also written awful lots of other articles,
15 and this is the hard part, telling you how wonderful I am.
16 But my mother likes best that I'm in Who's Who in America.

17 Locally, I've worked with a lot of projects in this
18 area. I am proud to say that with many of my colleagues, we
19 pushed for many years and are quite pleased with what is
20 happening with the Silver Theater. I also point to the Warner
21 Theater in downtown Washington as another effort that I worked
22 very hard on.

23 And I think both are extreme success stories to me,
24 of these theaters being preserved in tact, in whole, and
25 becoming centerpieces of their community. It is hard to

1 imagine, to me, downtown Silver Spring without the Silver.
2 And it is hard to imagine downtown Washington without the
3 Warner providing a theater district.

4 Focusing, now that I have gotten beyond me, focusing
5 on the Bethesda Theater, which is a personal favorite of mine,
6 because I've lived about a mile away from it for almost 20
7 years, and have driven by it thousands of times. I urge you,
8 with all my experience and the expertise that I have achieved,
9 to deny this request for this proposal.

10 It seems to me that it will engulf, by their own
11 admission, this theater, and make it what to me looks like a
12 slight appendage to what its great glory was.

13 The Bethesda Theater, as the staff pointed out, we
14 are very lucky, is a rare example of an art deco theater in
15 tact. They are quite correct about that. It is one of the
16 few that we have left in not just here -- we are spoiled by
17 the Silver -- but in the whole United States of America.
18 There are only a handful of these kinds of things. They are
19 very rare, and we shouldn't be missing them if we can help it.

20 John Eberson is not some trivial architect. C.W.
21 Rapp, Thomas Lamb, Charles Lee, these are the four great
22 architects of movie theaters across the whole United States,
23 and indeed setting a primary standard for the world. So to
24 engulf and encompass a John Eberson theater makes me very,
25 very nervous.

1 We also, as a resident of the area, just have very
 2 little left of downtown Bethesda. I mean, I was just trying
 3 to think of, with my friends the other day, of what we have.
 4 The post office, a bank. A person who is a good friend who
 5 teaches at Northwestern, and she comes back. She went to
 6 Bethesda-Chevy Chase High School, and just kind of shakes her
 7 head. There is nothing left of the Bethesda-Chevy Chase that
 8 she grew up in.

9 We shouldn't destroy what we have. We have lost the
 10 Hiser Theater. Many of you might not know, but it was a nice
 11 movie theater, not as nice as the Bethesda, across the street.
 12 So this is the only example that we have kind of left.

13 What our friends have not said earlier is what even
 14 their apartment building will do, is destroy what was one of
 15 the central points of the movie theater, and that is the
 16 experience of approaching it, the experience of coming and
 17 going to the movies.

18 People have talked about the fantasy inside, but the
 19 fantasy began well outside of the theater. Those patches of
 20 grass that you saw on the slides, well, that was trolley line.
 21 You approached the theater as a whole experience, with its
 22 lights, with its beams, with its marquis lit, with it's not
 23 tower but vertical lit, shining for hundreds and hundreds of
 24 feet in every direction.

25 It was a compromise, sure, because there was a

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1 parking lot built. This was built in the 1930's, not in the
2 1920's. But the approachment of the theater, the approachment
3 of the whole, was not just some part of brick work or
4 whatever. It was part of the whole complete experience.

5 And so I think to add another structure that would
6 clearly dominate it, and clearly engulf it, and clearly
7 overwhelm it is just really, really not needed.

8 Our community had voted with its dollars to help
9 preserve the theater, the Silver Theater, as a whole. We did
10 not put an apartment building behind it. We did not add extra
11 tax on it. We said, this is what we want is a wonderful
12 theater. It's a great John Eberson theater. It seems there
13 is no good reason to make a mistake again and put a huge
14 building behind it that will distract from it.

15 The simple rule, if I am not going too far from this
16 basic book about reuse of movie theaters that I participated
17 in is, don't destroy, don't overwhelm, don't engulf, because
18 you have no second chance. Nobody is going to -- if you build
19 a building, nobody is going to tear it down and start all over
20 again.

21 This is our one chance. Please do not let this
22 wonderful artifact be overwhelmed and swallowed up by an
23 apartment building. Bethesda has plenty of apartment
24 buildings, plenty of other tall structures that look just like
25 this. We do not need another one. We need a representative

1 to link us back to the past to where Bethesda has been, and we
2 should do that. Thank you very much.

3 MR. STRINER: Mr. Chairman and members of the
4 Commission, my name is Richard Striner, and I am testifying on
5 behalf of the Art Deco Society of Washington. I am associate
6 professor of history at Washington College. I am also former
7 president of the Art Deco Society, coauthor of the book
8 "Washington Deco: Art Deco Design of the Nation's Capital,"
9 published by Smithsonian Institution Press, and winner of the
10 1993 Renshard prize for historic preservation awarded by the
11 Historical Society of Washington, D.C.

12 I personally led the campaigns to save Greenbelt
13 Center School, the Washington Greyhound Terminal, the Silver
14 Theater and Silver Spring Shopping Center complex, and the
15 Bethesda Theater. I am a member of the National Council for
16 Preservation Education, the Preservation Roundtable, and the
17 Committee of 100 on the Federal City.

18 In my opinion, and in the view of the Preservation
19 Committee and Board of the Art Deco Society, the proposal for
20 the redevelopment of the Bethesda Theater site that is before
21 you this evening is totally unacceptable. We oppose it, and
22 we urge you, in the strongest terms, to reject it.

23 The Bethesda Theater is an extremely rare and in
24 tact example of a 1930's art deco cinema. It is especially
25 rare in the context of the State of Maryland, the Greater

1 Washington Area, and Montgomery County. The County is
2 exceptionally fortunate to have two art deco cinemas, the
3 Silver and the Bethesda, designed by the world renowned dean
4 of American theater architects, John Eberson. Both were built
5 in 1938.

6 Of the 13 theaters designed in the Nation's Capital
7 area by Eberson, only three survive fundamentally in tact. Of
8 these, the Bethesda Theater is the most in tact. That is why,
9 with your support, we successfully nominated the Bethesda
10 Theater to the National Register of Historic Places.

11 The Silver Theater is about to be lavishly restored
12 by the County and the State. The Bethesda Theater, in the
13 plan before you, would be visually swallowed up and physically
14 entombed in the base of an apartment building.

15 This proposed treatment of the Bethesda Theater is
16 absolutely comparable to the treatment proposed in the 1970's
17 for Grand Central Station. The New York City Landmarks
18 Preservation Commission said no to this dreadful treatment,
19 and so should you.

20 New York's successful opposition to the entombment
21 of Grand Central Station set a national precedent in
22 preservation law, when the case reached the Supreme Court in
23 1978.

24 Thus in national terms, the treatment proposed for
25 the Bethesda Theater has been discredited within the

1 preservation movement for 20 years. And in local terms, the
2 eminent rebirth of the Silver Theater, contrasted to the
3 proposed entombment of the Bethesda Theater is so outrageous a
4 comparison, that Montgomery County preservationists must rise
5 up and stop it at once.

6 For the information of those Commissioners who were
7 not privy to earlier phases of this battle, the owners of the
8 Bethesda Theater, the Beta Corporation, steadily and
9 stubbornly opposed master plan designation by the HPC and the
10 County Council in 1984 and 1985. When they lost that fight
11 against designation, they sued the County.

12 Then in a vile attempt to cut back the jurisdiction
13 of your own Commission, they dropped the lawsuit in order to
14 extract from the County a mischievous, misleading, perverse
15 and slippery consent order, that appeared to imply that only
16 the facade of the Bethesda Theater is to be protected.

17 The Art Deco Society's attorneys immediately
18 challenged the legality of this tricky and amateurishly
19 crafted document, and we stand ready to challenge it in Court,
20 if it ever becomes the basis for a County decision in this
21 matter.

22 For the information of this Commission, we furnished
23 and updated analysis of this issue on November 18th, 1998. We
24 have extra copies for distribution this evening, if needed.
25 In brief, under Chapter 24A, this Commission has oversight of

1 the whole exterior of the Bethesda Theater.

2 Moreover, under the relevant State enabling
3 legislation, master plan designation in this County cannot be
4 limited to parts and fragments of a resource. Either the
5 entire historic resource is designated, or nothing is
6 designated.

7 Finally, in the past several years, these owners
8 have attempted to fenagle their way through your design review
9 by approaching this Commission for a consultation, and then
10 responding to your concerns with minimal cosmetic changes, in
11 the hope that this monstrosity will now be wafted airily
12 through the process. Can you see how they are trying to
13 manipulate you and this Commission through the years?

14 Now, throughout this case we have, perhaps
15 mistakenly, given the aggressive behavior of these owners,
16 stated that a decent compromise with development might be
17 possible. But even in our most celebrated compromise victory,
18 the Greyhound Terminal project at 1100 New York Avenue,
19 Northwest, and I must depart for a moment from my prepared
20 text to point out that the setback there originally offered by
21 the developers as 10 feet, was finally 47 feet, not 30. It
22 went from 10 to 47. This one is, they started at 20 and now
23 they are at 25.

24 But even in our most celebrated compromise victory,
25 the Greyhound Terminal project at 1100 New York Avenue,

1 Northwest, in Washington, D.C., the owners had to be forced by
2 us and by the D.C. Historic Preservation Review Board to set
3 back the new construction far enough to make the compromise
4 minimally decent, and not indecent.

5 To give you a quick idea of how much firmness was
6 required, how many times the owners had to be sent back to the
7 drawing boards, here is a quick slide show presenting the half
8 dozen schemes that had to be rejected before a decent
9 compromise was offered.

10 Let's see. Could we have lights, please? All
11 right. Here is the building in the 1970's, very close in
12 overall qualities to its state as originally designed and
13 built in 1939-40. And a side view, showing you more of the
14 overall three-dimensional qualities of this resource that
15 presented obviously challenges with regard to any proposed
16 compromise scheme.

17 I'll go through these quickly. Here is the first
18 one that we were offered. Add in, it seduced quite a number
19 of people. But only a 10-foot setback. The developer and his
20 architect, in this case, were cautious enough to photograph
21 the model under rather harsh light. So I will show you toward
22 the end how small a sliver of the thing would have been
23 preserved.

24 In the interest of time, I will accelerate this.
25 Look at all of these. It took us five years. And they kept

1 trying. The name of the game being, floor area ratio, square
2 footage. Oh, no. Don't tell me the arch scheme is messed up.
3 Well, it's too hideous to be described. You have to see it.
4 And then finally, the scheme that was proposed that we agreed
5 to.

6 Now, here is the original scheme under harsh
7 lighting. See how small a sliver would have been preserved of
8 that thing? Contrast that to this. Five years of relentless
9 combat with heavy support from the DC Historic Preservation
10 Review Board. Together we made the compromise minimally
11 decent, and not indecent. And for you, you now have this
12 building.

13 See it three dimensionally. The proposed setback
14 doesn't even go back to the end of the preliminary building
15 block. All right. Well, that's enough. In the interest of
16 time, let me conclude.

17 So stand firm. Send these owners back to the
18 drawing boards. The scheme they have proposed is monstrous.
19 It swallows up almost 80 percent of this rare historic
20 treasure, one of the few remaining buildings of its kind in
21 this region.

22 Chapter 24A gets you full discretionary power, and
23 even a project plan approved by the Planning Board confirms
24 your complete discretion on the matter of the setback. We
25 implore you not to let this disaster occur, now or ever. With

1 all due respect, we must inform you that if this scheme is
2 approved, we will regard the Bethesda Theater as a ruined
3 building.

4 We will therefore petition, formally, for its
5 removal from the National Register, and we will tell the world
6 why we felt ourselves driven to take such action. Please
7 maintain solidarity with the nonprofit group that has
8 campaigned for 15 years to preserve this treasure.

9 If the Beta Corporation and its partners cannot
10 propose a compromise that is decent, there is nothing to
11 conclude about them except that they have proven themselves
12 incapable of dealing with this site in a proper manner. In
13 that case, stop it, as you have it in your power to do. Say
14 no to this scheme, and send the Beta team back to the drawing
15 boards. Thank you.

16 MR. LONGSTRETH: Mr. Chairman, members of the
17 Commission, for the record, my name is Richard Longstreth.
18 Linda Lyons outlined some of the things I do. I would like to
19 add to that with great pride that I have been involved in the
20 preservation of the Silver Spring Theater and shopping center
21 since 1984.

22 Since the late 1960's, I have done research on many
23 aspects of commercial architecture, including movie theaters
24 of the 1930's, as well as the 1920's, and later, all over the
25 country. And along with Doug Gomery, I think, have a fairly

1 good basis upon which to assess this, not only from a local
2 standpoint, but from a national standpoint.

3 I am certainly familiar enough with the rich
4 heritage of Montgomery County, too, to say that probably from
5 if you are looking at the County's heritage, architectural
6 heritage from a national perspective, this building looms high
7 among the most significant. It is certainly one of unusual
8 significance for the County itself, for the Washington, D.C.
9 Metropolitan area, for the State of Maryland, whichever way
10 you want to slice it.

11 And nobody has yet mentioned Bethesda, the community
12 of Bethesda, if Bethesda is indeed a community. I would hope
13 it is. And I hope it thinks itself that way. This is from a
14 historical standpoint without any question one of the most
15 significant properties it is.

16 It is therefore distressing to hear in some of the
17 presentations earlier, the history and the actual thing, the
18 actual past is treated almost as if it is an illegitimate
19 step-child of quote, urban design. But this is one of the
20 last buildings of Bethesda of the mid-20th century. It is now
21 so out of context with everything around it, that it has to be
22 altered according to some pre-determined but vague, indeed,
23 unstated cannon of urban design. Maybe that is the way of
24 the future, but please do not call that historic preservation.

25 The certified local government program was

1 established under the 1980 amendments of the National Historic
2 Preservation Act, with the intent, pure and simple, to bring a
3 sense of uniformity, a practice of uniformity, the standards
4 in Historic Preservation, across the country, and to assist
5 many localities in raising their own standards to form a
6 unified preservation movements.

7 And as I hardly need tell you, that program has made
8 enormous strides over the last two decades. It is an
9 extremely important one, I think, from the standpoint of the
10 State of Maryland, of which I am very proud to be associated,
11 which has one of the strongest statewide programs we have in
12 the nation. This has been an enormous gain.

13 In contrast, I find this scheme, having reviewed the
14 plans and paid close attention to the presentation this
15 evening, I find this scheme so absolutely far removed from any
16 possible acceptable standard under the guidelines as set forth
17 by the Secretary of the Interior in which all CLG programs
18 participate, that I think it should be denied outright, with
19 absolutely no exceptions.

20 If this is preservation, then preservation has lost
21 all sense of integrity. And I might only add that having
22 devoted thousands of hours to the preservation of the
23 Greyhound depot, I am profoundly embarrassed to have it
24 presented as a precedent for the scheme you saw tonight.

25 MR. KOUSOULAS: Thank you. We've just heard one

1 viewpoint, and because of our time constraints, we may not
2 have a chance to hear everyone who wishes to express the same
3 viewpoint. So I would like to take this time for everyone who
4 supports what they just heard to please stand, so the
5 Commission can have a sense of the extent of the support for
6 that viewpoint.

7 Thank you. Now, we would like to take some more
8 testimony, and in the name of balance, I think we are going to
9 be getting a different viewpoint. But would Benjamin King and
10 Barbara Barnett and Stephen Long please come up.

11 MR. KING: Good evening. I promise not to threaten
12 you. My name is Benjamin King. I live on Bradley Boulevard
13 in Chevy Chase, Maryland. I'm a past president of the
14 Bethesda-Chevy Chase Chamber of Commerce. I'm a present
15 member of the Economic Advisory Council for Montgomery County.
16 And I'm also the vice-chair of the Bethesda Urban Partnership.
17 I also served on the Sector Plan Committee for the central
18 business district of Bethesda.

19 I would like to speak to you this evening, though,
20 as a private individual, and as a citizen, and as a resident
21 who has lived in the area for 66 years. I've patronized the
22 Bethesda Theater since 1947, and also the Giffords Ice Cream
23 place that used to be across the street from it.

24 To me, the art deco facade of the Bethesda Theater
25 has always signified progress. When I served on the Sector

1 Plan Committee, we were interested in three things for that
2 property.

3 One, was to preserve the integrity of the theater
4 marquis. The second was to increase the residential capacity
5 of Bethesda, and create more nighttime pedestrian traffic in
6 the area. Thirdly, to provide a buffer between the commercial
7 Wisconsin Avenue, and the residents of East Bethesda who lie
8 to the east of the theater.

9 The project that you have before you this evening
10 not only accomplishes these three factors, but it does it
11 well. It will restore the interior of the theater to its
12 original splendor at a cost over \$1 million dollars to the
13 developer. This is a win/win situation for Bethesda.

14 It is an exciting project. It is a beautiful
15 project, in my opinion, and I would be remiss if I did not
16 mention the developer, Gene Smith, who has a longstanding
17 commitment and involvement in the beautification and cultural
18 growth of Bethesda.

19 We, in Bethesda, have a rare opportunity to work
20 with an individual to preserve and enhance the beauty and the
21 history of Bethesda. I hope that you will consider these
22 factors and approve this project in its entirety, which will
23 allow economically the restoration of the interior of the
24 theater as well as the facade, and guarantee progress in
25 Bethesda, while keeping the charm and the history of the

1 theater alive. Thank you.

2 MS. BARNETT: Good evening, I'm Barbara Barnett, and
3 I live on Middleton Lane, which is right behind the proposed
4 project. And we moved to the neighborhood about 10 years ago,
5 and have been watching development ever since.

6 And we're actually -- I represent some of my
7 neighbors who couldn't come tonight. We're actually very
8 excited about how this project looks, and we think that it's
9 taken a lot of hard work and an awful lot of compromise to
10 come to the place we are now. And I speak for my neighbors in
11 saying that we think it's attractive. We like the setback.
12 We would like to keep it at 25 feet. We do not approve of a
13 54 foot setback, and we also oppose increasing the height.

14 But we love the theater, and we're happy that it's
15 being preserved, and that it will be around for the next
16 generation. We enjoy using it, and it is beautiful. I think
17 that the proposed project is as best a compromise as we can
18 come up with, and I encourage your support of it. Thank you.

19 MR. LONG: Good evening. My name is Stephen Long,
20 and I also live on Middleton Lane. I also represent the
21 Residents to Preserve East Bethesda, a group of East Bethesda
22 residents who abut the commercial area along Wisconsin and
23 East-West Highway, who came together in 1992 as a result of
24 the initial proposals on this particular project, because it
25 was going to adversely effect our neighborhood.

1 This group has been a catalyst in getting the East
 2 Bethesda community, the Montgomery Park and Planning staff,
 3 the developer, and the County Council to work together to
 4 resolve many of the difficult issues this project raised
 5 during the Bethesda sector plan process.

6 Among the issues were the height of this building,
 7 the density of this building, the mass and bulk of the
 8 building, the transition from an office or apartment building,
 9 to a residential community, increased parking needs,
 10 underground parking versus deck parking, which we would live
 11 and look at, the need for more residential housing in the
 12 Bethesda area; and last but not least, the desire to not only
 13 preserve the outside of the theater, but to preserve the
 14 inside of this theater.

15 I think this project reflects many, many hours of
 16 discussion and many compromises, not only by the community,
 17 but by the developer and by the County Government. As the
 18 gentleman to my left said, it is a good example of how a
 19 win/win situation was created without a lot of blood being
 20 shed. And we can think of the blood being shed just a couple
 21 miles south of us at Friendship Heights over similar issues.

22 The residents of East Bethesda not only defended the
 23 preservation of the exterior of the theater, but also the
 24 interior of the theater, when no one else was doing it. Even
 25 agreeing to an additional four feet in height, from 90 to 94

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1 feet to allow for the height of the structural trusses
2 necessary to span the theater, in order to preserve the
3 interior.

4 As you have heard today from members of the Art Deco
5 Society of Washington, appear to be opposing the project in
6 total, but also appear to be proposing the 54 foot setback for
7 the apartment building, rather than 25 feet proposed by the
8 developer.

9 Quite honestly, there are several problems here for
10 us that live in the community. First, we believe that this
11 issue should have been raised to the community, to the
12 developer, to Park and Planning staff during the sector plan
13 process, discussions, and the hearings, the multiple hearings
14 that were held on this. There is no language in the sector
15 plan specifying the setback for the apartment building.

16 Secondly, increasing the setback would move the bulk and
17 massing of this building towards the East Bethesda residential
18 community, and/or would require increasing the height above 94
19 feet. We fought hard to move the mass away from where we
20 live, and to keep the height at 90 feet. The building
21 originally was proposed at 140 feet, and this organization was
22 crucial in reducing that to 90 feet. We have already
23 compromised, as I said earlier, by raising the height from 90
24 to 94 feet.

25 Third, a 54-foot setback between the sign and the

1 building would create, in our perception, an odd urban
2 landscape. All of the other buildings are massed closer to
3 Wisconsin Avenue, and a greater setback for this building
4 would result in a large gap, almost a missing piece.

5 In summary, I believe this developer has worked hard
6 to meet the residents' requests concerning the project's bulk,
7 the mass, and height, as well as the sector plan's requirement
8 for more parking, for more residential housing, and last but
9 not least, the preservation of the theater in tact.

10 We urge your support of this proposal, and adoption
11 of the Historic Preservation Commission's staff report
12 recommendations. Thank you for giving me this time.

13 MR. KOUSOULAS: Thank you. Now we will work our way
14 through the list of speakers, and hope that we get in as many
15 as we can. William Goldstein, John Gaudet, and Marcy Stickle.

16 MS. WRIGHT: Is John Gaudet here?

17 (Discussion off the record.)

18 MR. KOUSOULAS: Sue Fedder?

19 MS. FEDDER: I originally planned to cede my time.

20 MR. KOUSOULAS: Tom Bertch.

21 MR. GOLDSTEIN: I'm here. I'll speak.

22 MR. KOUSOULAS: Again, would you like to come up to
23 the table.

24 MR. GOLDSTEIN: I am Wayne Goldstein, formerly of
25 Save our Armory, now from Remember our Armory; roar. Tonight

1 I will be doing some roaring. I last testified before this
2 body just after midnight on June 24th, 1998. Not long after
3 that, a bare majority of you, or your predecessors, voted to
4 allow the demolition of the Silver Spring Armory.

5 That night's darkest hour was also your darkest
6 hour. The Armory was prematurely demolished on October 19th,
7 1998, thanks to a conspiracy by our County Executive and some
8 of his top aides. The site, which still could have been used
9 by the community, if the Armory still stood, is used for the
10 task of storing dirt, and the mere beginning of construction
11 of the so-called replacement civic building is at least two
12 years away.

13 The immutable designed of that unbelievably
14 important parking garage has, miraculously, been changed. In
15 fact, the seemingly unaffordable option of burrowing into
16 Silver Spring's rocky mantle will be done after all, digging
17 at least one story down.

18 I am telling you this because I believe it was your
19 failure to do your responsibility that caused this avoidable
20 tragedy. It didn't begin on June 24th. It began five years
21 earlier as you stood by and allowed the Armory's roof to leak,
22 creating more than enough demolition by neglect that made it
23 easy for gullible and ignorant Silver Spring residents to tell
24 you they didn't care what happened to the smelly Armory with
25 its falling ceiling.

1 That June night was but the final act of political
2 cowardice. As you are a vassal agency beholden to Park and
3 Planning in many ways, you had to vote as your masters
4 expected. They delighted at the prospect of unloading another
5 of the many properties they don't know how to manage or
6 maintain to get themselves the glorious parking lot just
7 outside these stores.

8 Now you are about to decide the fate of another one
9 of our very rare urban historic resources, the Bethesda
10 Theater. I believe it is important to distinguish between
11 those isolated suburban treasures, like Forest Glen Echo, the
12 rural and remote houses and barns, and the accessible urban
13 theaters and armories. There are very few urban opportunities
14 to make history a regular part of people's lives.

15 A Bethesda Theater has a far greater impact on far
16 more people than the finest barn in the most distant corner of
17 our County. Although we need them all, we have to need
18 inconvenient structures much more to end the fraud that
19 lavishing money on arbitrarily chosen buildings, somehow
20 excuses the many failures.

21 I coined the phrase, demolition by redesign, which
22 describes how architects, full of the latest and greatest in
23 materials and ideas, will obscure, even eliminate, the vision
24 and intent of the original architect of a now historic
25 building. No doubt these newcomers will claim they are

1 enhancing both the building's reuse and its place in a changed
2 community of buildings.

3 However, I will defer to those who, unincumbered by
4 financial interests, have the best knowledge of the history of
5 such a structure and style, instead of an eager visionary, in
6 part because with so few of these buildings, we can't risk
7 using any of them as guinea pigs and architectural
8 experiments.

9 The HPC has insisted that BCC High School's historic
10 buildings be reroofed and repaired with historically accurate
11 materials. Bethesda already abounds with neo-whatever
12 buildings. I would expect that you will want to follow the
13 recommendations of the Art Deco Society's witnesses, because
14 to do otherwise would indicate to me and others that you
15 remain enthralled to additional masters, and can only stand up
16 for the past when those with present money and power at stake
17 don't care what you do.

18 MS. STICKLE: I'm Marcy Stickle, and I concur with
19 the Art Deco Society. I actually ceded my time to them, and I
20 concur with their position. The Bethesda Theater is a
21 treasure, and it must stand as it is. And I too mourn the
22 loss, the tragic loss of our Silver Spring Armory.

23 MR. BERTCH: Before I get started with my prepared
24 statement, the photo here does show the upper parapet wall.
25 Someone on the opposition talked about being a tall person.

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1 Well, I would like to point out that the easiest things to
2 destroy are those which are not generally seen by the public.
3 So just because I can't be seen except by a basketball player,
4 doesn't mean that it should be easily sacrificed.

5 I'm a member of the American Film Institute, and the
6 American Cinema Tech, which is a Hollywood based organization
7 similar in mission to the AFI. It was a member of the team
8 that recently completed the restoration and reopening of the
9 Egyptian Theater on Hollywood Boulevard. Now that theater is
10 owned and operated by the American Cinema Tech.

11 I work in the film industry and have lived in the
12 D.C. area for 20 years. I have witnessed the loss of many one
13 of a kind theaters, the Circle, the Key, the Biograph, the
14 McCarthur, to name perhaps the most painful losses. We would
15 like to thank members of the HPC and other members of the
16 Montgomery County Government for their efforts to preserve
17 both the exterior and the interior of the Bethesda Theater.

18 I have read the HPC Commission staff report, and I
19 would like to speak in opposition to the appalling suggestion
20 that most of the secondary parapet be demolished, relocating
21 decorative elements to the alley. Now, if the architect was
22 to include motifs from the old structure and the new, that's
23 great. But in my experience with the Egyptian, the many years
24 of hands on renovation, it is much cheaper and easier to copy
25 an old design than to remove and reinstall an existing piece

1 of brick work.

2 Now, perhaps the suggestion was meant as some well
3 intentioned compensation for covering that area. If so, then
4 please don't to preservation this kind of a favor. It is not
5 preservation. It's an insult.

6 I remember how, when the original Old Ebbitt Grill
7 was demolished, the developer offered to move the stuffed
8 animals, which were over the bar, to the new location as
9 consolation.

10 I have an engineering degree. I come from a family
11 of builders. My grandfather was a finish carpenter. My
12 father a housing contractor, and my mother's second husband, a
13 steel contractor, responsible for hundreds of buildings and
14 bridges across the midwest. I've spent many hours on
15 construction sites.

16 I have seen construction quality, and there's a word
17 we've heard a lot of tonight. I have seen -- I have seen
18 construction quality go from marvelous to merely adequate to
19 pathetic, and often laughable, in the span of only 45 years.

20 Now, I am sure this developer, like all others, will
21 tell you that this will be a quality building, but the truth
22 is that present day builders do not know the meaning of that
23 word. With the possible exception of some high end office
24 building, all new construction, and especially apartments and
25 townhouses, deteriorate quickly.

1 In 20 years, these structures are mechanically
2 problematic, and within 30 years, the owners gut or demolish
3 if for no other reason than to create a fresh revenue stream
4 from the property.

5 Now, I won't be around in 30 years, but the HPC can
6 recommend that the secondary parapet wall be left untouched,
7 regardless of the setback issue outcome, at least the next
8 owner will have the option of restoring the original look.
9 For what you destroy today, will be gone forever. If it is
10 left covered, perhaps there is some point in time when it can
11 be seen again.

12 In summary, I do thank the developer for his efforts
13 to retain the theater, but as an engineer, I see no reason why
14 if this wall has to be covered, it cannot at least be left
15 untouched for the future. I don't think this is much to ask,
16 in light of the give backs by the County on the property to
17 make this project possible. And I would implore the HPC to do
18 their duty by at least going against item two in Robin Ziek's
19 report. Thank you.

20 MR. KOUSOULAS: Thank you. Amy Connor, James Lintz,
21 and Christopher Richardson.

22 MS. KEPHART: Has any time been ceded?

23 MR. KOUSOULAS: Not in this batch that I'm seeing.

24 MR. RICHARDSON: I had originally ceded my time to
25 Richard Striner and the Art Deco Society. That was my

1 intention.

2 MR. KOUSOULAS: Okay. That wasn't part of the batch
3 that I had tacked to theirs. If you wish to add anything,
4 you can, because they had, their time was added up based on
5 what I had in front of me.

6 MS. KEPHART: They didn't use all their time, the
7 original group.

8 MR. KOUSOULAS: Right.

9 MS. KEPHART: The Art Deco Group had 10 minutes
10 left.

11 MR. KOUSOULAS: So if you want to add more.

12 MR. RICHARDSON: Do you want me to start?

13 MR. KOUSOULAS: Sure. Well, actually, Amy Connor, I
14 called you first.

15 MS. KEPHART: They actually used 37 minutes. So we
16 have 23 minutes left.

17 MR. KOUSOULAS: Right. Go on.

18 MS. CONNOR: Okay. I am Amy Connor. I have been a
19 resident of Montgomery County for the last 18 years. I am an
20 educator in a high school, in a public school. And as an
21 educator, I think it is very important that we preserve our
22 history as it is for our young people to see. Quickly it
23 fades.

24 And if we modify and call the modifications to suit
25 our current needs, preservation of history, that will be lost

1 for our students. I support wholeheartedly the position of
2 the Art Deco Society.

3 MR. RICHARDSON: I am Chris Richardson. I am a
4 resident of Montgomery County, and my point is simple. We
5 have a unique treasure, and I am only 35, but it is a point of
6 pride, and I take my friends and family who visit to the
7 Bethesda Theater. And it connects me to a piece of history,
8 and makes me proud to be American, to enjoy this piece of
9 architecture.

10 And it disappoints me that this kind of development
11 will take place. Surely, we can have this kind of apartment
12 building somewhere else, and not have to modify a beautiful
13 piece of history that continues to be taken away as time goes
14 on. So I appeal to your sense of reason to stop the
15 destruction by redesign. Thank you.

16 MR. LINTZ: I'm Jim Lintz. I currently live in
17 Virginia, but I am a native of Montgomery County. I grew up a
18 few miles from here on Plyers Mill Road. I went to County
19 schools, remember the County well, and return frequently,
20 particularly to Kensington, because Kensington is largely in
21 tact. I go back to Kensington's store. It is now an antique
22 mall, but it is still there.

23 I seldom go back to Bethesda, because other than the
24 Bethesda Theater, there is no much historic left in Bethesda.
25 It is beginning to look more and more like Crystal City

1 without the trees. I really urge you not to let them do
2 anything to the Bethesda Theater.

3 When I want to go to a larger city, I usually go to
4 Frederick, because Frederick has preserved its downtown area.
5 Walk through Bethesda, and there is nothing to attract people
6 that live outside the Bethesda area to that community. I
7 applaud what you are doing in Silver Spring. I think it will
8 bring people from throughout the Washington area back to
9 Silver Spring. Try something like that in Bethesda, rather
10 than tearing everything down or building over it. Thank you.

11 MR. KOUSOULAS: Michael Sockelov, Ken Berman, and
12 James Gardner.

13 MR. SOCKELOV: My name is Mike Sockelov. My name is
14 Mike Sockelov, and I'm a resident of the 4600 block of
15 Sleaford Road, another close in neighbor of the Bethesda
16 Theater project. And I want to express my opposition to any
17 proposal that would create a 54-foot setback from Wisconsin
18 Avenue for the apartment building.

19 A building of this size is obviously more
20 appropriate set close to Wisconsin Avenue, rather than pushed
21 back against our neighborhood. Many of us have been patrons
22 of the Bethesda Theater Cafe. We enjoy it and value it.
23 Under the developer's plan, the building will remain.

24 There has been a lot of talk about the past. We've
25 conveniently skipped over the present of this particular

1 block. The closest neighbors right now of the theater are an
2 Enterprise car rental agency, and an abandoned Mitsubishi
3 dealership. I think that the developer's plan would actually
4 respect this theater more than the present setting does.

5 The proposal for the 54-foot setback will do one of
6 two things: undermine the integrity of our neighborhood by
7 putting the apartment tower closer to our doorsteps. At the
8 same time, it would create an odd gap in the Wisconsin Avenue
9 streetscape with the building being pushed way up the street.

10 More likely, if the setback were mandated, it would
11 make the developer's plans impractical, thereby killing the
12 project. Would this save the Bethesda Theater Cafe? Maybe
13 not. In fact, it might put it in greater danger, because
14 there is no guarantee that the next developer of this tract
15 would seek to preserve the theater.

16 This project has been on the drawing board for quite
17 a few years now, and it still has some significant hurdles to
18 overcome. Gene Smith, the developer, has impressed us with
19 his willingness to communicate with the neighborhood, and
20 listen to our concerns. We are supportive of the project,
21 believing it has the potential to be both enhancement to the
22 central business district, and the natural buffer between the
23 district and our neighborhood.

24 We strongly believe it is in the best interest of
25 the neighborhood and greater Bethesda, that this project not

1 be derailed or delayed by further concerns over the theater.
2 Under the current plan, the facade and the interior are
3 preserved, the theater stays, and we all get to enjoy it.
4 Thank you very much.

5 MR. BERMAN: Thank you. My name is Ken Berman. I
6 also live on the 4600 block of Sleaford Road, directly behind
7 the Bethesda Theater. I appreciate the opportunity to express
8 my views on the project this evening.

9 My family frequently attends the Bethesda Theater.
10 Its preservation as a community amenity is important to us.
11 While I am not an art historian, I can understand why the
12 preservation of the theater itself is also important.

13 The remarkable aspect of the Bethesda Theater
14 project is not that it accomplishes both these objectives. It
15 surely does. The really remarkable aspect of the project is
16 it will accomplish much more for the immediate community.

17 It will turn parking lots that today can only be
18 described as blight, into a relatively attractive townhouse
19 development, which should enhance the overall residential
20 character of East Bethesda, by providing a buffer, a
21 residential buffer from commercial development on Wisconsin
22 Avenue.

23 The development should also improve the pedestrian
24 environment of the neighborhood in the segment of Wisconsin
25 Avenue where the theater is located, particularly in the

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1 evenings. The parking lots and the existing alley do not
2 project a sense of safety to pedestrians.

3 I think that the developers of this project should
4 be praised for their creativity in addressing community
5 concerns, as well as landmark preservation issues. Based on
6 my understanding of the history of the theater, and the
7 preservation efforts related to the facade, this project will
8 provide the County and the community with more than anyone may
9 have expected when these efforts commenced.

10 It would be tragic if the project could not proceed
11 because of the imposition of conditions that would make it
12 uneconomic, particularly in view of the historic -- of your
13 staff's support of this proposal. I urge you to adopt the
14 staff's recommendation and allow this project to proceed.

15 Thank you.

16 MR. KOUSOULAS: Thank you. Wayne Mitchell, Lauren
17 Adkins, and Michael Grieb.

18 MS. ADKINS: I had planned to cede my time to the
19 Art Deco Society. I was not planning to speak.

20 MR. KOUSOULAS: Okay. That's it for the list in
21 front of me. Does anyone else wish to speak?

22 MR. GRIEB: I feel a little like the lone ranger
23 here, but probably I can finish up for this end of the --

24 MR. KOUSOULAS: Could you state your name for the
25 record.

1 MR. GRIEB: I'm sorry. I'm Mike Grieb. Sorry.
2 And a member of the Art Deco Society. I have in front of me a
3 book that I have no financial interest in called, "Motion
4 Picture Exhibition in Washington, D.C.," by Robert K. Headly,
5 in which he talks about what was originally the Barlow
6 Theater, which became the Bethesda. I highly recommend it. I
7 won't read it to you, except to say that he talks about what a
8 treasure it is, and where it is today.

9 I live in Garrett Park. So obviously, I have some
10 interest in preservation, Garrett Park being a 100-year old
11 community. But I patronize the Bethesda Theater. And I know
12 a woman who works in the Bethesda Theater currently.

13 I can only say that I basically support the Art Deco
14 Society's position, and believe that the Bethesda Theater
15 represents a unique treasure. You have an opportunity to
16 preserve that.

17 Among the pictures in here is a theater that I grew
18 up with in the Washington area. I'm a resident of Montgomery
19 County now, obviously. But I grew up in the City, grew up
20 over in the Northeast section of Washington where there was
21 the Newton Theater. You may or may not be familiar with that,
22 but now it is a CVS Pharmacy. I go by there, and it causes
23 great pain for me.

24 It would pain me even more to see something -- and
25 obviously, that's not going to happen. There will be some

preservation as desired by the developer. But whatever compromise is reached is aimed, it is not going to be uneconomical for the developer. Nothing in Bethesda is going to fail. And so whatever compromise is reached will be more than ample for their interests of economic return.

I hope you are with the Art Deco Society's position and preserve the theater. Thank you.

MR. KOUSSOULIS: Thank you, all for your testimony.

Would the applicant be too come back up

MR. MEYER: Chairman, my name is Bob Letz, with

the law firm of Linow and Blaser. In the report that Rainwater made she talked about the various approvals that we have gone through to come to the point that I would like to discuss and submit for the record just a copy of those decisions from the County Council Planning Board about all the approvals that we have had to the point.

MR. SMITH: Again, my name is Gene Smith. I am the developer of the site along with the Burt Group. I do not want to comment or to clarify one or more issues that some of the speakers raised. And it is the implication that the Bethesda Theater will be destroyed. The proposal will preserve the Bethesda Theater, and it will restore the Bethesda Theater.

There may be a difference of opinion on the setback. We believe the 25-foot setback is appropriate and is the right scale setback given that we are trying to achieve which

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1 allowing the sign pylon to fly free from the theater, and to
2 give the theater its own identity.

3 We believe that that is a good design approach. And
4 so I think that's where the difference of opinion is. But I
5 do want to clarify this. We are preserving and restoring the
6 theater under this proposal, which is not protected under a
7 normal development process. And with that, I wanted to see if
8 Mary or George wanted to comment more?

9 MR. DOVE: We're just here to answer any questions
10 that you might have.

11 MR. SMITH: Yes.

12 MR. KOUSOULAS: Okay. I'm sure there are some
13 questions of the applicant.

14 MR. HARBIT: Staff had suggested that you consider
15 an easement on the interior. Have you given any thought to
16 that?

17 MR. SMITH: Yes, we have. We believe it may be in
18 our interest to have an easement on the theater. We would
19 like to voluntarily agree to that, so if we do pursue that, we
20 can take advantage of the tax advantages associated with that.
21 In other words, it has to be a voluntary situation where we
22 would apply for it in order to qualify for the tax benefits
23 that we would need on this. But we will consider it.

24 We would ask that you not impose it as a condition,
25 but we would seriously consider it, and would hope that we

1 could do that as we move forward into the design process.

2 MR. KOUSOULAS: Are you satisfied with the answer?
3 If it is a regulatory requirement, then the contribution --

4 MR. HARBIT: I understand. But I don't know if you
5 have had any serious conversations with an easement holding
6 organization.

7 MR. SMITH: This has come up.

8 MR. HARBIT: Whether you have made arrangements with
9 an easement holding organization --

10 MR. SMITH: No, we have not.

11 MR. HARBIT: -- as to a voluntary contribution.

12 MR. SMITH: This has come up recently in our
13 discussions with the staff. We think it may well be a very
14 good idea. We have not had time to fully assess it, and we
15 have not had an opportunity to have those conversations.

16 MS. WRIGHT: One point, though, to also mention, is
17 that under a separate law, which is the County's project plan
18 process, which is optional method zoning, it has nothing to do
19 with historic preservation. The developer of a property has
20 to offer certain amenities when they do an optional method
21 development. And those amenities have to be in place in
22 perpetuity.

23 And one of the amenities of this project is the
24 interior of the theater, and the restoration of the interior
25 of the theater. So there is a certain level of protection

1 through another law. It is not that if you approve a project
2 and it gets built, five years later they are going to say,
3 well, gee, we'll turn the theater into a CVS now.

4 The project plan law does provide a certain level of
5 protection. The easement would clearly be even better to
6 have, and it is something we've strongly encouraged.

7 MS. VELASQUEZ: But it is my understanding that this
8 Commission cannot require an easement. Is that correct?

9 MS. WRIGHT: From a legal standpoint, we have been
10 advised that it would be difficult to require an interior
11 easement.

12 MS. VELASQUEZ: Thank you.

13 MR. HARBIT: What does the optional zoning method
14 law the preservation of the interior, though, would not be
15 necessarily retained, so long as they had a theater, for
16 example.

17 MS. WRIGHT: No, no. It is the preservation of the
18 historic interior which is the amenity.

19 MR. KOUSOULAS: What are you getting under optional
20 method that you wouldn't have under standard method? How much
21 of the building?

22 MR. SMITH: Well, there is increased FAR associated
23 with the optional method process. In this case, it is a 1 FAR
24 difference, one square foot of floor area ratio. Excuse me.
25 That's not correct. It is actually greater than that. But

1 the standard --

2 MR. METZ: This is a CBD-2 property for the theater.
3 In the back, it is a different zone. It is PD-35. But for
4 amenity, you get an increased FAR. So we are up to a 5 FAR.

5 MR. SPURLOCK: Does your current proposal take full
6 advantage of that 5 FAR, or are you underneath that at this
7 point?

8 MR. SMITH: We are very close to utilizing all of
9 that, yes. And I would point out that there are other
10 amenities associated with the project besides the theater, but
11 that is the primary amenity, the preservation and the
12 restoration of the interior of the theater, as well as the
13 exterior. But there are public plazas and landscaping and
14 streetscaping elements associated with the project as well.

15 MR. KOUSOULAS: Is the increase in FAR from 2 to 5,
16 is that basically found in the tower, or were you able to
17 spread it to the zones and back also?

18 MR. METZ: No, it has to be in the tower.

19 MR. KOUSOULAS: It has to be in the tower.

20 MR. SMITH: But it is spread throughout the tower,
21 including the rear portion of the tower.

22 MR. KOUSOULAS: Right.

23 MR. METZ: And I'm not sure that it is 2 to 5,
24 because it is a residential calculation under the CBD-2, which
25 allows a 5 FAR.

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1 MR. SPURLOCK: I'd like to ask a question. One of
2 these speakers made a comment about retaining the existing
3 front, the second parapet in place and encapsulating that. Is
4 that something that is possible to do, given the design of the
5 building?

6 MR. SMITH: It is, it would, to keep it in place as
7 is would be difficult, based on the configuration of the
8 apartments, which actually come down below the top of that
9 level of the parapet to a certain degree. So it would be
10 surrounded by functional space on either side, and would cause
11 dysfunction in terms of the internal building.

12 MR. SPURLOCK: So that's a no.

13 MS. EIG: But is it possible to redesign it so that
14 it could be maintained?

15 MR. SMITH: Not and achieve the function that we've
16 got right now. I mean, it would take a redesign of the
17 building, substantial.

18 MR. SPURLOCK: Of the building, or just the view
19 that is in the front?

20 MR. SMITH: No, it has causes and effects that run
21 all the way through the building.

22 MS. EIG: Why is that?

23 MR. SMITH: Because of the fact that the parapet
24 projects above the lowest occupied floor of the building by
25 about 30 inches. I am not one that says nothing is ever

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1 possible. I think it is, the practical aspects of it will be
2 extremely difficult considering what we are trying to achieve.

3 MR. KOUSOULAS: Is it two units in front that are
4 effected by it?

5 MR. SMITH: To the best of my knowledge, yes.

6 MS. VELASQUEZ: What I am hearing is that we would
7 be requested to -- or the questions I am hearing are, like
8 what accommodations can we make to still build this apartment
9 building the way it is, and how we can hide a lot of the
10 theater while doing it. We can't even preserve the second
11 parapet and have you still build your building as you propose.

12 We still lose that far back wall of the building.
13 In other words, we are getting a facade and nothing else of
14 this theater. When we walk town Wisconsin Avenue, we are
15 going to feel like we are walking into the lobby of an
16 apartment building.

17 MS. OEHRLEIN: No.

18 MS. VELASQUEZ: I was just there last week looking
19 at the site, and I --

20 MS. OEHRLEIN: The only portion of the building that
21 is -- the only portion of the building that is being removed,
22 is the roof of the theater, of the auditorium portion of the
23 theater. The roof structure and the roof itself, and the
24 upper portion of the parapet wall. The remainder of the
25 theater is in tact.

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1 MS. VELASQUEZ: You know, when we allowed a new
2 building around the Tastee Diner, it is off the diner. The
3 diner stands alone. And the new building doesn't interfere
4 with it at all. And it seems to me, something like that could
5 be done, still utilize your space that you have behind it and
6 around it, and preserve the theater.

7 The theater is one of the few things left in
8 Bethesda. Everything else is a high rise. And it is this
9 canyon effect. I see you are building, creating more canyon,
10 swallowing up this little, tiny, wonderful theater.

11 Why can't you move it back 54 feet? I know you have
12 been through it before, but you haven't been through it with
13 me.

14 MR. METZ: If you move the whole building back, and
15 so forth --

16 MS. VELASQUEZ: So it is not --

17 MR. METZ: -- you are in a different zone. You
18 couldn't do that. The PD-35 doesn't permit a high rise.

19 MS. VELASQUEZ: The land prices in Bethesda, what
20 you can fetch for rents or if it is going to be a condo or
21 whatever, I think you could probably make it up economically,
22 and still preserve the communities interest, and have this one
23 whole building stand much more alone. Even if you took off
24 part of the back of it, this building needs to stand much more
25 alone.

1 I do agree with the people who compared, well, this
2 was not the comparison, but it harkens to me, we could build
3 something around the Armory to preserve the Armory. We could
4 build a steel parking garage around the Armory. Somehow, it
5 wouldn't be the Armory anymore. So we cannot question it
6 anymore, but just take that as an old point of ridiculousness,
7 and just see, I guess, where I am coming from.

8 I think you can accomplish both. I think the
9 developer can have his buildings, and develop all that
10 residential area in Bethesda, and we can still have the
11 Bethesda Theater look like the Bethesda Theater.

12 MR. METZ: We believe we have that now.

13 MR. KOUSOULAS: Let's focus, for a moment, on two
14 issues which I think are actually quite different from each
15 other. One is the degree of setback, and to the extent that
16 the tower engulfs the second parapet or not, or how close it
17 comes to the finial.

18 And the other one is, to what extent the second
19 parapet, if it is engulfed, is preserved, as one speaker said
20 now. And on a second issue, it seems that you could probably
21 do that, and the main mischief that would be created is that
22 four units are effected. It won't trickle all the way back.

23 You just basically lose the two front units, the two
24 that become much bigger. They get something, some little
25 terrace, you know. I don't see that it would basically run

1 all the way back through the building. The mischief could be
2 contained. But that is one issue.

3 The other one, which I think we really need to focus
4 on, is to what's the appropriate degree of setback? And I'm
5 looking at a rendering here that has come quite a long way
6 from where we saw before, the corners of that second parapet
7 are clear. The perspective that you are showing us, which
8 basically looks like it is not taken at a glancing blow, way
9 down the street, but roughly across the street and slightly
10 off to the side, does show the finial kind of free and clear
11 and against the sky.

12 So unlike that slide we saw with the harsh shadow,
13 this is a good perspective to have brought to the meeting.
14 But these are some of the things that are showing up now,
15 versus what we have seen in the past.

16 MS. WATKINS: Could you just -- something that
17 concerns me that shows up in the rendering also, is the
18 interception of the parapet and the apartment building and the
19 tower. It shows how the tower is engulfing the theater.

20 How did you decide to address that, this -- it just
21 seems to be a tiny bit of the parapet left, and it is kind of
22 a tease, and I think it just, it really bothers me the way it
23 runs over top of the theater. I think it accents the fact
24 that it is engulfing the theater, rather than being
25 sympathetic to the theater.

1 MS. OEHRLEIN: Part of what occurs at the
2 intersection of the tower and the existing building happened
3 because all of the structure for the apartment tower, we tried
4 very hard to get it out of the theater; that the columns that
5 support the trusses that support the apartment building are
6 outside of the theater, for the most part. There are a few
7 that occur in the retail spaces of the interior.

8 What that does is create these columns outside the
9 wall, and give the visual appearance that you are seeing of
10 the columns coming down outside the existing theater, because
11 that's exactly what happens.

12 We left the corner of the parapet exposed as a
13 representation of that second parapet wall, and the ornamental
14 brick work that exists, rather than covering it with new
15 brick.

16 MS. WATKINS: Great.

17 MS. OEHRLEIN: That corner needs to be there,
18 whether it is the original brick, or it is covered with new
19 brick. There will be a corner there.

20 MS. WATKINS: It is not the corner that bothers me.
21 It's kind of the acknowledgement of the fact that the parapet
22 was there at one point and now it is gone. And I think that
23 parapet is really important to the mass, the original massing
24 of the theater, as it was originally designed.

25 And with the new building coming over and

1 encapsulating that, you lose the integrity of the original
2 theater. If the setback was at the 54 feet, you could retain
3 that part of the theater, and that original massing.

4 MR. BRESLIN: I've got a question about the small
5 retail spaces to the north and the south. Will they remain
6 retail spaces?

7 MS. OEHRLEIN: Yes.

8 MR. BRESLIN: And just further investigation of the
9 25 feet. Did you investigate increasing that? And then why
10 didn't you? Was it more architectural, or was it more
11 economic?

12 MR. SMITH: We increased the setback from 20 feet to
13 25. I would not be honest if not saying that there are
14 economic issues associated with this. And all of the
15 infrastructure and the costs that we need to support this
16 project.

17 However, I still believe very strongly, as our
18 design team does as well, that the 25-foot setback is very
19 appropriate, given the scale of this building, allowing the
20 predominant features to fly free, and as the rendering
21 illustrates, to give the individual identity and the
22 prominence of the theater.

23 We believe that it is a good solution, a good design
24 solution for the theater, as well as for the streetscape, for
25 the urban fabric of this section of Bethesda.

1 MS. OEHRLEIN: To answer your question, we did look
2 at alternatives, and they were not viable.

3 MR. SPURLOCK: I just have a question for the
4 Commission. I just want to throw something out. A lot of
5 people have been mentioning the Greyhound building as a
6 similar example. But if you think about the Greyhound
7 building, it really was at the apex of three streets, at the
8 intersection, and it was always viewed from a public right-of-
9 way on at least three sides, and really, from the back, if you
10 caught a bus from there.

11 The current theater really, I don't think it was
12 ever intended to be perceived as a three-dimensional object.
13 It really was a building fronting Wisconsin Avenue. The north
14 side is currently totally covered by the parking garage, or
15 the Chevy dealer. The south side is an alley that did not,
16 does not look very attractive. I don't drive down there. I
17 drive by it often, but I don't go down there.

18 I really doubt people walk around the building and
19 experience it in a three-dimensional way. They do experience
20 it from the front facade, and from the sidewalk, and from the
21 streetscape. And I have been sort of shoveling with this
22 comparison, and I'm not sure it is really a valid comparison
23 with this building and with the Greyhound Theater.

24 MS. DeREGGI: Steve, I've been thinking along the
25 same lines as you have. When I see the Greyhound building, it

1 is extremely sculpturesque in all dimensions; whereas, when I
2 view this theater from anything except the front, it misses
3 that quality.

4 One of the things that has come through to me very
5 strongly tonight has been the testimony of the citizens who
6 live in this community, and how closely they seem to have
7 worked with the developer. That's been very powerful
8 testimony to me, quite frankly.

9 The need to protect this beautiful theater, while
10 providing a safe walking neighborhood, I think, is what makes,
11 you know, a neighborhood viable. If it is not safe to walk
12 back and forth, then you lose that sense of close community.

13 I also wish there was a little way -- I am again
14 terribly interested in this setback, if there were only some
15 way of setting it back behind the second parapet. But I
16 understand, Ms. Oehrlein, that you say that you have
17 investigated that possibility and it doesn't seem to be
18 feasible structurally. I would like to hear more particulars
19 on that issue, if you could give it to me a bit more.

20 MR. DOVE: One thing I haven't mentioned, I mean,
21 residential design and apartment building designs is quite
22 different from office building designs. Mass and pure square
23 footage area is not what the answer is. There is only a
24 certain width that is feasible, and a certain depth from front
25 to back of apartment design that allows light and air to

1 penetrate the building, and to, in fact, make living in that
2 space desirable.

3 The fatter the building gets, meaning, perhaps we
4 could push it out five feet on either side and make it fatter
5 and push it back a little bit, that's one thing that somebody
6 might think of. The fact is, that would be an 80 foot wide
7 apartment building, with very deep apartments, and would
8 minimize the linear footage of window spacing, and would, in
9 fact, render dysfunctional the whole idea of creating viable
10 and, in fact, expensive apartments that people want to live
11 in.

12 So we are limited on the entire site by the
13 configuration that it takes to get effective apartment
14 layouts. And that is one of the most difficult aspects of
15 addressing your issue of pushing that facade back further.

16 Let's assume for a moment that the density that we
17 are talking about is something that is appropriate or economic
18 reasons. So therefore, we have gone to the degree of widening
19 that wing about six feet wider than what I would recommend as
20 an architect for function. But I think we have developed
21 apartments that work.

22 If we were to go wider and push it back further,
23 that begins to be a very negative aspect on the marketability
24 of the project.

25 MR. HARBIT: I guess one of my biggest concerns is

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1 the comment that I heard from the Art Deco Society, that they
2 would apply for the de-designation of the theater as a, the
3 national register. And I think where I'm coming from is that
4 the FAR that you are trying to achieve has basically pushed
5 the building as far forward as -- you've had to take the
6 building as far forward as you possibly could to take
7 advantage of that zoning regulation.

8 And that, I think, is what's kind of the push and
9 pull in this issue, of whether or not that FAR, the
10 maximization of that FAR is appropriate for a historic
11 structure. And what happens when you try and maximize the
12 benefit of that FAR, do you indeed undermine, or potentially
13 destroy the historic character of the building?

14 And I was quite frankly moved by the extensive
15 testimony by the Art Deco Society and their witnesses who have
16 extensive background in historic preservation, who basically
17 said that by maximizing the FAR, and pushing the building
18 forward beyond the parapet wall, it will destroy the historic
19 character of the theater. That's kind of the push and pull I
20 think we are faced with.

21 MR. KOUSOULAS: Well, let me make a point here,
22 right now. We have finished our testimony from the audience.
23 And so we won't be taking any rebuttal testimony from the
24 audience, or anything like that. But if there specific
25 questions from Commissioners that they don't want to direct to

1 the applicant, but want to direct to people that they've heard
2 speak before, please do so.

3 MS. DeREGGI: I would like to direct a question to
4 either of the three speakers for the Art Deco Society. If the
5 building, the apartment building were pushed back behind the
6 second parapet wall, do you also feel, or do you feel that
7 that also would destroy --

8 (Discussion off the record.)

9 MR. STRINER: It very well might be a substantial
10 change that would, in our opinion, push this compromise from
11 the unacceptable category into the acceptable category. But
12 we'd have to see it. I mean, I am very envious of these
13 citizens from East Bethesda who got the opportunity to talk to
14 the developer and work out these negotiations. They never
15 talked to us. We'd like to talk to them. But we can't tell
16 anything until we see it.

17 So far as the feasibility goes, I can't tell that
18 either, until we've had a chance to meet with these folks and
19 bring in people of our own who have development and
20 engineering background, with no particular prejudice to this
21 particular developer, Mr. Smith, and this particular proposal.

22 In five years of wrangling over the Greyhound bus
23 station project, we heard the words infeasible over and over.
24 And you know that at the end, everything that we had been
25 proposing proved perfectly feasible, but there were some

1 engineering tricks that had to be thought up by people who
2 were a little more motivated to think them up.

3 MS. DeREGGI: The other -- yes. Excuse me. I didn't
4 mean to --

5 MR. LONGSTRETH: Yes, I would like to, again having
6 been intimately involved with Greyhound, elaborate on that a
7 little bit. First of all, I don't know, again, any of the
8 details of the alternatives here because I've never been party
9 to the possibilities.

10 The key thing that made the compromise acceptable in
11 the case of Greyhound, is the owner's agreement to come down
12 in FAR from the maximum allowable. And one of the things that
13 made the project viable from an economic standpoint is, giving
14 more emphasis to the historic building and restoring its
15 principal spaces inside, which allowed the creation of a
16 facility unlike any other in downtown Washington, and allowed
17 rents that helped justify this thing.

18 Now, I can't begin to say whether anything roughly
19 comparable is possible here, because we simply haven't seen
20 the evidence. But again, that was not something that was
21 arrived at overnight. That was arrived at through very, very
22 difficult negotiations, and the Historic Preservation and
23 Review Board that stood firm over several years time.

24 MS. VELASQUEZ: Dr. Longstreth, one question. To go
25 back to removing the roof from behind on the back half of the

1 building, will that destroy the historicity of the building?
2 If this building was allowed to encroach on top of the
3 theater, behind the second parapet, and part of that roof,
4 which as you say maybe only basketball players could see, is
5 that going to destroy the historicity of this?

6 MR. LONGSTRETH: Removal of a roof per se would not
7 necessarily do that. Again, it is impossible to comment
8 without, without looking at a detailed proposal from any
9 number of perspectives. In an ideal world, of course, we are
10 talking about the building in its entirety. In the real
11 world, sometimes things have to change.

12 Obviously, too, I think it is important that this
13 case, and I'm speaking out of principal, not in terms of
14 detail here, because I don't know enough. But I think it is
15 very important to understand that at least my advocacy on this
16 is not one of shove a building back so it casts on the
17 residents of single family houses to the east in shadow half
18 the day or anything like that. We're not trying, I'm not
19 advocating one over the other.

20 But I think there may be possibilities in which a
21 compromise that is in the name of historic preservation the
22 integrity of this building that is a good deal more acceptable
23 than that. And I can say after 15 years or whatever it has
24 been in Silver Spring, these things are not won easily. But
25 when they do happen, it is really worthwhile.

1 MS. VELASQUEZ: Thank you.

2 MR. SPURLOCK: Do you feel the essential quality of
3 the building is the envelope of the building or the interior
4 of the theater, the lobby, and the interior of the auditorium
5 itself.

6 MR. LONGSTRETH: I think both are important. And I
7 don't want to digress, but it is a very, very important point
8 I want to make about another locality which was the City of
9 Chicago.

10 For many years, in landmarking a building, the
11 Landmarks Commission staff and attorneys representing the
12 owner of a building, would go into very elaborate negotiations
13 as to what parts of the building are significant. Is a fire
14 escape significant? Is a roof significant? Is a window
15 significant. Is this significant? Is that significant?

16 And that runs so counter to any intent in the
17 National Preservation program, it is now a practice under the
18 current administration that has been chucked out the window,
19 fortunately. But it makes all of us who are involved in
20 preservation very leery in saying in the abstract or out
21 front, well, this is okay, and you can feed that to the
22 piranhas and it doesn't make any difference.

23 I think in this case, in terms of visual impact,
24 what you want to have, if this building is historically
25 significant, which many of us think it is, and if there is a

1 -- and if historic preservation counts in Montgomery County,
2 then I think what you want is an effect that allows from
3 Wisconsin Avenue, allows this building to look like a building
4 still, rather than a con-piece to a large apartment house, if
5 you will excuse my French.

6 But I live in the capital of facade-ism, and I go
7 around the country saying, please don't start this in your
8 community. Once it starts, it is very hard to stop.

9 MR. KOUSOULAS: Let me ask you a question. If you
10 ignored or sort of pushed aside, say a building or a building
11 types, but a particular building's essential nature, and
12 applied more general principals to it, whatever they might be,
13 is that disrespectful to the building?

14 MR. LONGSTRETH: I'm not sure I understand the
15 question, Mr. Chairman.

16 MR. KOUSOULAS: Well, to follow up on what one
17 Commissioner has brought up, is the theater -- Commissioner
18 Spurlock here, what the theaters might be like, how they are
19 perceived. Certainly, this one is mostly a building, or the
20 part of the building that faces the street.

21 MR. LONGSTRETH: Yes.

22 MR. KOUSOULAS: And it is a glorious interior
23 auditorium.

24 MR. LONGSTRETH: Yes.

25 MR. KOUSOULAS: Other buildings, the Warner Theater

1 was brought up. A fantastic interior.

2 MR. LONGSTRETH: Yes.

3 MR. KOUSOULAS: From the outside, except for the
4 canopy of the marquis, you might be hard pressed to know there
5 is a theater in it. It tends to be a 10-story, whatever,
6 Washington office building. There are a few more theaters
7 that were downtown that were like that.

8 So every theater is individual. But certainly this
9 is of a type where you do have this theater-like piece in
10 front, and the auditorium. Is that common brick exterior, is
11 it that crucial to the building that applying, say, standards
12 of preservation that we might apply to a farmhouse or a
13 palladian style dwelling, a Georgian dwelling --

14 MR. LONGSTRETH: A freestanding --

15 MR. KOUSOULAS: A freestanding --

16 MR. LONGSTRETH: Nix the objective.

17 MR. KOUSOULAS: But if we sort of apply more general
18 principals to this thing, are we really, in fact, being
19 disrespectful to this and ignoring the more essential
20 qualities of --

21 MR. SPURLOCK: Let me just interject one other
22 point.

23 MR. KOUSOULAS: Sure.

24 MR. SPURLOCK: The original architect, in some
25 respects, the practice facade isn't because he put up a very

1 decorative facade and then a very blank brick box behind it.

2 MR. LONGSTRETH: Well, it was common in commercial
3 building, to decorate the front, and whatever you could sort
4 of see from the street, and have the other portions
5 utilitarian in commercial architecture since its origins in an
6 urban setting in the United States. So this doesn't, this
7 doesn't deviate from practice that way.

8 I don't think when it is talking necessarily about
9 keeping the alley and alley, keeping its alley-ness, keeping
10 every brick along the building, those are getting down into
11 particulars. I think the important thing is, experience from
12 the principal public right-of-way here, Wisconsin Avenue,
13 along the street, along the adjacent sidewalks, and the
14 experience of entering the theater, so that the sense of the
15 theater as a historic building is maintained.

16 That is not to say that something can't go somewhere
17 toward the rear of a property, above the building, or
18 whatever. But something can't be impended over the walls
19 toward the rear of the alley. It's impossible to address that
20 without seeing an alternative solution. And I don't think
21 this is something where a compromise is impossible at all.

22 But I do think that the visual impact of the
23 building as it now stands, it is really of a new building with
24 an appendage of something old that is affixed onto it. The
25 preservation of the interior of the lobby of the auditorium is

1 clearly a very important part of this program.

2 But this is something we strove for, we realized in
3 Greyhound that what we were doing was a great compromise. But
4 we strove to have the building still read as a building. And
5 I don't think this project is there yet. Again, it looks
6 like, from the street, whether you know there is a theater
7 inside or not, from the street, it looks like an appendage, a
8 fragment of something that was once there onto a new building.

9 MR. KOUSOULAS: Ms. Oehrlein, could you run through
10 the same thing? I'm struggling with this. Could you?

11 MS. OEHRLEIN: There was a comment earlier about the
12 preservation experts in the room. And I would like to address
13 that just a little bit. Is that -- and then I will address
14 that.

15 But I have been practicing preservation in
16 Washington for almost 30 years, and can list qualifications
17 equal or better than those that you've heard from, from the
18 Art Deco Society. We didn't have the opportunity to do that,
19 and I am not sure that it is appropriate.

20 But I do think that my experience in dealing with
21 historic buildings, and sitting on State Review Boards and
22 dealing with the tax credits and the National Park Service, as
23 well as time that I spent working for the Park Service and my
24 preservation practice in Washington does provide me some
25 expertise in the area of preservation.

1 I don't think that removing the roof or a portion of
2 the parapet walls of this building would subject it to being
3 removed from the National Register for loss of integrity. Not
4 only the most significant portions of the building remain in
5 tact: those of the marquis, the tower sign, the entrance store
6 fronts, the lobby, the ticket booth, and the auditorium itself
7 are basically maintained, preserved, and restored.

8 But all historic buildings are subject to change.
9 There are very few except the most pristine museum houses, and
10 even St. Vern's has been altered to install air conditioning.
11 They have cut the historic fabric of the building to provide
12 modern systems: what is one of the most important buildings
13 in the country.

14 All historic buildings are subject to change. The
15 Secretary of Interior's standards recognizes that, that a
16 certain amount of change and alteration to historic buildings
17 is acceptable including major additions.

18 I don't consider this apartment tower an addition to
19 the building. It is very separate and distinct from the
20 historic theater. And we've worked very hard to make that
21 appear so; that to one will look at this and say, this is a
22 facade of a theater that has been attached to an apartment
23 building.

24 But when you look at this project, you see the
25 theater, and you see the apartment building built over the top

1 of it; that they are clear and distinct. And that too is
2 consistent with the Secretary of Interior's standards. So,
3 hoping that that responds to the comments that have been made.
4 The alterations that we are proposing are minor.

5 MS. EIG: I have a question. First, I would like to
6 say that I can vouch for Ms. Oehrlein's extraordinary
7 experience in preservation.

8 MS. OEHRLEIN: Thank you.

9 MS. EIG: And my question has to do with the Art
10 Deco Society, and the fact, have they approached you? Have
11 you approached them? There has obviously been a lot of
12 conversation with the neighborhood, which makes sense.

13 But there is this organization that feels very
14 strongly about this, and we have been -- you know, we hear a
15 lot of, I think we might call it complaints, about the fact
16 that there has not been communication. And perhaps you might
17 tell your side of that.

18 MR. METZ: The Art Deco Society came in with an
19 uncompromising position of moving the building back 50 feet.
20 That was impossible for us. And they said there was no change
21 to their position. So it really wasn't necessary to really
22 talk to them. There was nothing to talk about. They did not
23 approach us, and we did not approach them.

24 MS. LYONS: Can I comment on that?

25 MS. EIG: Yes.

1 MS. LYONS: I would just like to mention two things.
 2 One said earlier by some members of the community that Art
 3 Deco Society had not participated in any of the Planning Board
 4 consideration of the project.

5 And I will say that at the preliminary hearing in
 6 June of 1997, we were here and talked to the HPC. And we did
 7 continue to communicate with the Planning Board throughout the
 8 project plan. And I believe I testified at least once at the
 9 various stages in the project planning.

10 I would also say that as I have been to many of
 11 these events, and I believe I was approached at one time about
 12 the possibility of speaking, of getting in touch, and nothing
 13 came of it. I believe I gave my card to Mr. Metz and I never
 14 heard anything.

15 MR. STRINER: To further clarify, the Art Deco
 16 Society -- this case goes back 15 years, and we've been
 17 involved steadily since 1984. And many, many phases to this,
 18 we don't have time, it wouldn't be productive.

19 However, the owner of this building, the Beta
 20 Corporation, whoever they may be, has been a continuous
 21 participant along with us. We, I sent in 1989, I think it
 22 was, a letter to Mr. Garten, I think, Garten, a Baltimore law
 23 firm representing Beta, requesting meetings to see if we might
 24 reach a meeting of the minds. Nothing came of that.

25 However, then the Beta Corporation in the early

1 1990's retained the services of a consultant named John
2 Westbrook, who was chief of urban design here at Park and
3 Planning for many years. He proposed a compromise that would
4 have set the new construction back substantially farther than
5 the current scheme. Our response to that was, possibly, it
6 might be all right, and then that scheme was dropped and never
7 heard of again.

8 There are many phases to this. We did, indeed,
9 participate in the sector plan deliberations when Gus Bauman
10 chaired the Planning Board in the early 1990's. We've been a
11 steady participant.

12 However, with this particular team, there has not
13 been a conversation. There is a difference in perception. We
14 took a position that we viewed as a compromise from the
15 outset, because we could have taken a really hard line, no new
16 construction over the building, as some of the people here
17 tonight have wished.

18 But there was no real engagement on the issue of
19 setback. And as Mr. Metz said, eventually there was nothing
20 to talk about. And I think the only thing that can break the
21 log jam is action by yourselves.

22 MS. WRIGHT: We do have a couple more cases tonight,
23 so we probably have to get to some resolution on this.

24 MR. KOUSOULAS: The restoration of the theater
25 seems, the auditorium seems to be central to the whole

1 dilemma. It is possible because of the extra density,
2 probably. I mean, it is part of the package. That's why
3 people go optional method. They give something up, and get
4 something in return.

5 It also should probably not be a dirty secret, but
6 that the developer should expect to make money off of this
7 thing. It's not a bad thing. That's what developers do. Not
8 just a little bit, with a little bit of margin; but probably
9 make a nice return on it.

10 The other thing is, if you are going to preserve the
11 auditorium, then whether you go out the sides or out the front
12 or something, you are going to have to somehow straddle it, or
13 else you are coming down through it. And so somehow that item
14 which we really don't have any jurisdiction over, the interior
15 of the thing, is central to the whole discussion.

16 MS. VELASQUEZ: Well, I'm going to kick things off
17 by saying, as this is proposed, I would personally like to
18 deny it, unless I saw the setback go back behind the second
19 parapet.

20 MR. HARBIT: Was that a motion?

21 MS. VELASQUEZ: No, just, that was an opinion. I'm
22 opening the floor.

23 MR. HARBIT: Perhaps you should make it a motion.

24 MS. VELASQUEZ: All right. Mr. Chairman, I move
25 that we deny this particular HAWP with the request that the

1 applicant come back with plans for a new HAWP showing the new
2 construction to be erected behind the second parapet of the
3 theater.

4 MR. HARBIT: I'll second that.

5 MR. KOUSOULAS: All those in favor of the motion,
6 raise your right hand? All those opposed? The motion fails.
7 For the floor.

8 MS. WRIGHT: Just for the record, so we get it on
9 the transcript, the motion to deny failed. The Commissioners
10 voting in favor of the motion were Harbit, Eig, Velasquez and
11 Watkins. The Commissioners voting in opposition were
12 Kousoulas, Spurlock, DeReggi and Breslin. Now we try again, I
13 guess.

14 MS. EIG: I'll ask a question. If we have a, if the
15 opposite motion would have the same effect, and hence it
16 fails, what is the outcome?

17 MR. KOUSOULAS: A good worksession next time around.
18 There might be some compromise motion that will --

19 MS. EIG: I understand that.

20 STAFF: He's asking for a legal -- the attorney is
21 checking.

22 MS. EIG: Thank you.

23 MR. ROYALTY: I'm digging out the regs., looking at
24 them as we speak, so I can try to find the answer to this.

25 MS. EIG: Thank you.

1 MR. SPURLOCK: Would any of the Commissioners feel
2 differently if their was a condition to maintain the parapet
3 wall, even though it would be encapsulated in new
4 construction?

5 MS. EIG: That would help me.

6 MS. VELASQUEZ: I'm not sure.

7 MR. HARBIT: It really wouldn't help me, because I
8 think what the issue is, is we are struggling with the fact
9 that the developer is trying to maximize FAR, and that is
10 jeopardizing the theater. That's where I am coming from. And
11 you know, kind of covering it up but not destroying the
12 parapet wall doesn't really change how you approach the
13 building.

14 The only way you are going to see the parapet wall
15 is if you climb over somebody's balcony on the second floor,
16 if you get there. Or if, luckily, the new building falls down
17 and the next developer, you know, has the wisdom to rebuild it
18 so you can see the parapet wall. So saving the parapet wall
19 in some encapsulation form, is kind of a false savings, I
20 think, from where I sit.

21 MS. EIG: I understand why you would say that. I see
22 it a little bit differently, but I'm not fully persuaded yet.
23 Because of the optional method of the development, we have the
24 opportunity to, I hope, ensure the preservation of the
25 interior, which is not in our purview. And this would be the

1 amenity that comes out of the optional method.

2 We unfortunately have a situation where the trade
3 off for that should be simply the construction above the
4 building. However, because of the location of the second
5 parapet, the setback is greater than the developer feels he
6 can use.

7 If this parapet was at 25 or 30 feet, we might not
8 be having any discussion at all, because the sense of the
9 building would be retained to a higher degree. In fact, as
10 Ms. Oehrlein has testified, the building, except for the roof
11 itself would be preserved.

12 But that location of that parapet wall throws
13 everything into a problem for me. It's a problem for the
14 neighbors, because potentially it might have pushed everything
15 back. It's a problem for the developer, because he wants to
16 go in front of it. And it's a problem for the
17 preservationists, because without it, the building doesn't
18 read as it was reading. And I don't know how to get around
19 that.

20 MR. BRESLIN: Could the architect make something
21 clear? With the proposal you are suggesting, the parapet
22 would be destroyed or lost. The roof itself would be
23 destroyed, although not the ceiling. Could you mention some
24 other parts, like for instance, the chimney, what other parts
25 of the building would be lost?

1 MR. DOVE: The chimney would be lost, as part of the
2 roof demolition and removal.

3 MR. BRESLIN: And what other parts of the building?

4 MR. DOVE: Just the --

5 MR. BRESLIN: So we are talking about --

6 MS. OEHRLEIN: The top of the parapet walls at the
7 perimeter of the building.

8 MR. SPURLOCK: Does the brick in the enclosing wall
9 at the rear remain?

10 MS. OEHRLEIN: Yes, the east wall is in tact.

11 MR. SPURLOCK: Is it visible inside the building?

12 MS. OEHRLEIN: It's inside the new construction.

13 MR. SPURLOCK: I mean, would it be visible inside
14 the building?

15 MS. OEHRLEIN: No. From the interior of the theater
16 it will be, you know. If you are in that space inside the
17 theater, you would see the wall.

18 MR. BRESLIN: So the net sum of the demolition would
19 be the roof, the parapet, and the chimney?

20 MS. OEHRLEIN: That's correct.

21 MS. EIG: I have to ask a question I don't want to
22 ask, but I will ask it. Have you considered dismantling the
23 parapet and moving it forward?

24 MS. OEHRLEIN: We are proposing, as part of the
25 plan --

1 MS. EIG: No, no, no, dismantling it from its
2 location and moving it forward?

3 MS. OEHRLEIN: Certainly we could do that.

4 MS. EIG: I mean, I don't even want to ask that
5 question, but for the sake of discussion here.

6 MR. SPURLOCK: So that you would lose some of the
7 lower windows on the front? The building would be behind that
8 parapet? That is possible to do. It is not necessarily sound
9 preservation, but that is possible?

10 MS. EIG: Right, it's just a question that has to be
11 asked.

12 MR. DOVE: It's also not straight forward. Moving
13 it forward has implications on the side wall of the building
14 that, I think, might be unfortunate. If you see where the
15 parapet extends now, there is another setback in the side wall
16 that coincides with that particular point.

17 If it were moved forward, it would be, I think,
18 perhaps slightly awkward in terms of how it is juxtapose on
19 the existing sidewalk. It is not to say it can't be done.
20 But that's one of the things that I really had a problem with,
21 in terms of that idea. Secondly, those two units on the
22 front, would be blocked by the parapet wall.

23 MR. HARBIT: Has our attorney figured out what
24 happens if we have a tie?

25 MR. ROYALTY: I think so. I've found nothing in

1 your regulations that addresses this issue, but I think as a
2 matter of sort of common law, and also what is contained in
3 Chapter 2A of the Montgomery County Code, which is the
4 Administrative Procedures Act.

5 Under the Administrative Procedures Act it states
6 that a failure to achieve the necessary affirmative votes
7 shall act as a denial of the relief requested by the charging
8 part by operation of the law. So in other words, the party
9 seeking the action, in this case the permit, would lose,
10 unless they get a majority. And even split, would mean that
11 the permit was essentially denied.

12 MR. SPURLOCK: Not to give a legal argument, but if
13 we don't act on it within a certain time period, isn't it
14 approved automatically?

15 MS. WRIGHT: 45 days.

16 MR. SPURLOCK: And if we deadlock, isn't that, in
17 essence, giving them approval for it?

18 MS. WRIGHT: Well, according to the attorney, it
19 could be interpreted as a denial.

20 MR. SPURLOCK: I'm just curious. I'm not an
21 attorney.

22 MS. VELASQUEZ: Okay, my question, to clarify this,
23 since we did have a motion and a vote on it, which was an even
24 split, there has been action taken on this petition within 45
25 days. Is that correct? Therefore, if no other motion is

1 proposed or voted upon, then this application is denied. Is
2 that correct?

3 MR. KOUSOULAS: I don't know if any action has been
4 taken.

5 MS. VELASQUEZ: My motion had a vote.

6 MR. KOUSOULAS: But it didn't pass.

7 MS. WRIGHT: Well, let me suggest this --

8 MS. VELASQUEZ: That's a denial.

9 MS. WRIGHT: Before we get into a detailed legal
10 argument and pull out our copy of Robert's Rules of Order,
11 let's explore as we do in other historic area work permits,
12 whether there is an alternative motion that might succeed,
13 before we get to the point of deciding that this is all going
14 to have to be sent to the lawyers for a decision.

15 And I understand there was the beginning -- I was
16 busy talking with our lawyer, so I missed some of this, but
17 there was some discussion about concerns that Commissioner Eig
18 had that do you feel can be addressed in some way?

19 MS. EIG: I don't know. I mean, I think that there
20 are preservation philosophical problems with the moving of
21 this, and it sounds like there are structural problems with
22 moving it. So that would seem to be, to answer the question
23 from both ends that it is not a solution.

24 MS. WRIGHT: One issue that I just want to raise,
25 this has been a very difficult case for staff to wrestle with

1 as well. And I know that Robin has spent a lot of time
2 thinking about it, and working on it, and she may want to
3 comment on it as well.

4 A very significant factor is that when, and I was
5 just starting work in 1987 when this consent agreement was
6 arrived at about the designation of this property. And the
7 consent agreement did say that the entire building is
8 designated, but that the Commission specifically has no
9 jurisdiction over whether it continue to be used as a theater,
10 and over any interior renovations.

11 And as I think some of the speakers have commented,
12 we have seen so many theaters throughout Washington where the
13 building may still stand, but they are CVS drug stores for the
14 most part now, from the McArthur to the ones in Georgetown, to
15 the Key, to all of them.

16 And that a significant component of this was not
17 just the preservation of the physical structure, but it was
18 the preservation of the use of this building as a theater,
19 which under a standard method development project, if the
20 owner, for whatever reason, chose not to go optional method,
21 and not to use this FAR, could be developed as a CVS drug
22 store, without any review by this Commission, except for
23 probably exterior signage.

24 And it is a compromise to lose that second parapet.
25 But I guess we were trying to step back and look at the, you

1 know, the bigger picture of what is the ultimate goal of the
2 County preservation program. Is it to preserve that second
3 parapet, or is it to preserve the only in tact functioning art
4 deco movie theater in the County.

5 The Silver Theater will be restored, but it is going
6 to be a lot of rebuilding on the inside. It is not in tact on
7 the inside today. The Druid Theater, which was another art
8 deco movie theater in Damascus, has been completely gutted,
9 and it's a Rite-Aid Pharmacy right now.

10 Again, it was designated, it is designated as a
11 County master plan historic site, but it is a Rite-Aid
12 Pharmacy today, and the entire theater function is lost, which
13 is all we could accomplish through our existing ordinance
14 under 24A.

15 I mean, Robin may want to address the issue as well,
16 but it is not a black and white issue. It is a very, very
17 gray, gray issue, and some of it is preservation philosophy;
18 but I guess I am suggesting that preservation may go beyond
19 literally what fragments of the building are preserved, to
20 also the use.

21 MS. EIG: Well, I would actually like to hear the
22 Art Deco Society address that, because I think that is a major
23 issue. And because we have no ability to preserve or protect
24 the interior of this theater, other than with this particular
25 program that is in front of us, because of the optional

1 method. And if this did not go forward, what is your response
2 to that?

3 MR. STRINER: Well, like many people, I wish Chapter
4 24A provided for interior designation. But it doesn't. The
5 interior is, of course, very important. And just as I wish
6 the law were stronger, I'm sure you wish you had even more
7 authority than you do.

8 I wish that the preservation movement, generally
9 within Government and among the citizens, were in a position
10 of greater strength and influence, so that these things
11 wouldn't have to be fought over quite so hard.

12 Unfortunately, in the strategic give and take of
13 these campaigns which do last for years, one has to go through
14 incremental phases of wrangling from the most basic and
15 fundamental issues, to other important but, well, issues that
16 are important but that have to be addressed in sequence. And
17 it has been our position that if development preservation
18 compromise is approved that is not at all within the
19 parameters we believe to be minimally decent, from our
20 standpoint, you stop right there. The building is ruined.

21 The interior should be preserved. Certainly. The
22 strategic ways and means to accomplish that lie,
23 unfortunately, beyond the purview of this Commission and
24 enter the purview of the Planning Board, which has direct
25 power to negotiate over amenities in optional method projects.

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1 I have not heard from these folks any threat overt
2 or implied that if this project as currently configured is not
3 approved, the interior would be gutted and taken away. I
4 would hate to think that that's a possibility now, or in the
5 near future.

6 Unfortunately, you have to deal with what's before
7 you now. And our feeling is that we, all of us, should not
8 become unduly beguiled over threats to the interior that might
9 bloom over the horizon, when the issue before us is still
10 pretty stark on the exterior. And I wish I had it within my
11 power to give a strategically satisfactory solution to all
12 important issues now. Alas, I don't. We have to fight it
13 through, step by step.

14 MR. SPURLOCK: You really haven't addressed the
15 issue of use, though, in your response. I mean, the Greyhound
16 Bus Terminal now looks like a piece of sculpture attached to a
17 building. It is no longer a bus terminal. It doesn't have
18 any integrity in its use and initial use.

19 MR. STRINER: The Greyhound couldn't justify keeping
20 it anymore, vis-a-vis the king's ransom they could get for it
21 on the real estate market. That property sold for \$70 million
22 dollars. It's wonderful. Sure.

23 MR. SPURLOCK: But the use of the theater as a
24 viable, functioning use --

25 MR. STRINER: But the Greyhound Terminal could have

1 been an absolutely wonderful bus terminal. It was designed
2 for it, and there were uses. As a matter of fact, we explored
3 some of them, as a depot for commuter buses to Dulles Airport.
4 Our problem was that Marion Barry was mayor, and he didn't
5 want the thing preserved at all. It was zoned for --

6 MR. SPURLOCK: You are not answering my question.

7 MR. STRINER: Well, I'll attempt to do that.

8 Greyhound has adapted use. However, if you walked into that
9 building, it is obvious that it used to be an old bus
10 terminal, and there is a historical exhibit that was part of
11 the achievement.

12 In the case of the theater, of course we don't want
13 it gutted and turned into a CVS drug store. Of course the
14 continued use is very important. But again, unless there is
15 an outright buyer, as in the case of the Silver, Montgomery
16 County became the buyer under eminent domain, and they are
17 guaranteeing the continued use. I wish the County viewed this
18 theater as that important too. But it's a matter of what you
19 can strategically get in a sequence of campaigns. We've been
20 at it for 15 years. We may have to be at for another 15.

21 MR. KOUSOULAS: But I guess the question that I'm
22 trying to struggle with, is where the second parapet lies in
23 the spectrum of options here. If in a year and a half we are
24 sitting here and we are talking to the corporate owners of CVS
25 or the franchise holder, or whatever it may be, what kind of

1 signs are going on in front of this theater or theater
2 building, so that they can sell their stuff on the inside, how
3 many people in this room are going to be glad about the way
4 tonight ended up going. I mean, is that better than the
5 second parapet? I'm trying to understand.

6 MR. STRINER: Given the way that vote went, we are
7 faced with a more all or nothing choice, unless some of you
8 will reconsider your votes.

9 MR. KOUSOULAS: But if we are there, if we are
10 basically evaluating signage choices for the exterior of the
11 building in a year and a half, was tonight a good outcome or
12 not?

13 MR. STRINER: Well, if tonight's outcome is to send
14 these people back and make them be a little more creative
15 about putting it back as far as it should be, then it will be
16 a good outcome. If not, our position is what I stated, and
17 sincerely believing the building to have been ruined, we will
18 proceed to petition formally for its removal from the National
19 Register.

20 Professor Longstreth chairs the Governor's
21 consulting committee. They will take it up, and then it will
22 go to the Feds. We are not doing it to be perverse or
23 mischievous. We are doing it to engage in responsible protest
24 so that this sort of thing won't happen again. The only other
25 thing to do is to just cry over the wine and wish that it

1 never happened. But we don't intend to let it drop.

2 MS. EIG: But the people in Bethesda then would have
3 a CVS, potentially, in a what was once called by your own
4 witnesses, a treasure. I don't understand how -- it seems
5 like there has to be some reconciliation of this.

6 MR. STRINER: Well, if there is to be some
7 reconciliation, it hasn't happened as of tonight. We are
8 willing to engage in conversations, negotiations, to determine
9 whether some decent reconciliation of interests can happen.
10 But indeed if it becomes a CVS pharmacy, it is not just a loss
11 to the people of Bethesda. It is a loss to the people of this
12 whole region, and indeed the entire nation. We don't want
13 that.

14 And I'm not trying to play games or be cute. We
15 only have a limited amount of power. We are a nonprofit
16 group. We do this voluntarily. We have been at it 15 years.
17 I wish I had all of the solutions in my pocket.

18 MR. LONGSTRETH: Mr. Chairman, I think I can answer
19 the Commissioner's question, too, about this use, if I may.
20 Very very succinctly, optimally, in preservation, the intended
21 functions continue and they continue in, more or less, in
22 their historically significant settings.

23 So I would say that the continuation of the theater
24 as a theater is highly desirable in this case. It is,
25 irrespective of jurisdictions and what one can or cannot do,

1 it is one of the most desirable matters in this whole case.

2 My argument, when I agreed, when asked by the Art
3 Deco Society to appear tonight, is that I think that can be
4 achieved, and more, on the exterior, so it retains more of its
5 historical integrity as well.

6 I needless to say cannot speak for the Governor's
7 consulting committee on the National Register. They speak for
8 themselves. We all speak for ourselves, very adamantly. I
9 can say, however, that when this case came before the
10 committee last year, that we are only supposed to consider the
11 building in its current state.

12 Future prospects for the building did come up. It
13 was considerable concern for the fate of this building. I
14 again had to remind everybody that we were considering the
15 building in its present state, and there was unanimous
16 enthusiastic agreement that in its present state it met the
17 criteria.

18 I think I would be less than honest if I were to
19 say, were this to come back before the committee, that that
20 might be somewhat more problematic under the current scheme.
21 But rather than say that, I think a better solution, all the
22 say around, is achievable here.

23 And I urge you, in the strongest possible terms, to
24 ask the developer in this case, to go back. I am sure the Art
25 Deco Society, and lots of other people will be very willing to

1 sit down, roll up their sleeves, and work out a better
2 solution here. I think a better solution is really possible

3 MR. KOUSOULAS: Okay. We have had some more
4 discussion on this. Is there a different motion?

5 MR. HARBIT: Instead of prescribing a solution with
6 regard to the parapet wall, which was a part of the previous
7 motion, I'll move that we deny this HAWP and request that the
8 applicant come back with a different solution that is more
9 respective of the architectural character of the theater.

10 MS. VELASQUEZ: I'll second that.

11 MR. KOUSOULAS: Is there any discussion on the
12 motion?

13 MS. EIG: I think that, you know, I feel very
14 strongly that I want to preserve as much of this theater as
15 possible. And I am very troubled by this parapet. And I do
16 understand the dilemma that the developer is in.

17 But I guess if we were to pass such a motion as
18 this, which in theory is perfectly fine. I think it is very
19 important that I would want to say that despite my vote that
20 was against the proposal is that I would like to see something
21 like what you are doing happen here. And it just seems like
22 we are so close, and yet we are not there. And I feel that to
23 some degree that motion was premature in my mind, in terms of
24 having to take a vote.

25 And I would only stress in such a motion my

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1 feelings, and I hope that the other Commissioners would
2 concur, is that I would like to see a solution. I would like
3 to see something that would make this happen, because whether
4 this building is on the National Register or not doesn't take
5 away or give to it its power. It is on the Register because
6 of what it is. The Register is all nice, but that is not what
7 it is really about.

8 It is about the actual building and the experience
9 of going into the theater. And I would hate to lose that.
10 And if losing it is by putting an addition on top, I don't
11 want to do that. But if losing it is by not putting an
12 addition on top, then the addition is a good solution. But I
13 feel like we are just very close, but we are not there.

14 MS. WATKINS: I would agree. I feel the same. I
15 think the project is a very exciting project, and I would love
16 to see the project go, but it is just real -- the parapet
17 issue really bothers me. And this is -- I wasn't on the
18 Commission before when it was reviewed. I would just like to
19 see another attempt. Convince me that the parapet is, that
20 there is no other way to do it. I feel like I haven't been
21 convinced.

22 MR. KOUSOULAS: Let me add something here. If we
23 ask, we can't just continue this on our own. We'll be past
24 the 45 days.

25 MS. VELASQUEZ: We've already taken action. 45 days

1 doesn't matter anymore.

2 MR. KOUSOULAS: Well, the owner may or may not come
3 back. But the discussion should be on the motion and not so
4 much a dialogue again with the applicant at this point. We
5 have a motion on the table.

6 MR. SPURLOCK: I will say, I think the motion is too
7 vague for this. I mean, it is not really fair to the
8 applicant to say, go try again. If you want to have them do
9 something, then we have to give them more guidance about what
10 they should try to do. We can't just say, we don't like it.
11 Do it over again. I think it's a bad -- with all due respect,
12 I think it is too vague a motion for us to act upon.

13 MR. KOUSOULAS: All those in favor of the motion,
14 raise your right hand?

15 MS. WATKINS: Can I have the motion restated,
16 please?

17 MR. HARBIT: The motion was to deny the HAWP and ask
18 the applicant to come back with a new solution that is more in
19 keeping with the historic character of the theater.

20 MS. VELASQUEZ: I don't think you can do that. I
21 think you either deny it or approve with a condition.

22 MR. HARBIT: Deny.

23 MS. VELASQUEZ: You can't deny it with a condition.

24 MS. WRIGHT: You can certainly make a suggestion
25 that they come back.

1 MR. HARBIT: Then I recommend that we deny the HAWP,
2 period. And then can I speak to this motion? I think the
3 risk of --

4 MS. WRIGHT: After a second.

5 MS. VELASQUEZ: Second it. I second it.

6 MS. WRIGHT: It already has been seconded. I think
7 you were just --

8 MR. KOUSOULAS: Is this motion any different from
9 the last one, since the addition of --

10 MR. HARBIT: The previous one was that the parapet
11 be retained. Your motion was that it be denied and they come
12 back with a design with the parapet retained.

13 MS. WRIGHT: Commissioner Harbit is just making a
14 more general motion, but I need to emphasize, if you deny it,
15 you deny it. And that means that the applicant may choose to
16 appeal to the Board of Appeals. It means that they can come
17 back, if they choose to do it. But if you deny it, you deny
18 it.

19 And suggesting they come back is a good thing to do,
20 but it isn't like a condition. We have approval with
21 conditions, but we don't have denial with conditions.

22 MR. KOUSOULAS: All those in favor?

23 MS. EIG: Sorry. In terms of discussion of this
24 motion, is it -- can that motion be withdrawn, and a motion or
25 request asked for the applicant to actually --

1 MS. WRIGHT: You have to vote on a motion.

2 MR. KOUSOULAS: Let's vote on the motion, then.

3 MS. WRIGHT: All right. Okay.

4 MR. KOUSOULAS: All those in favor of the motion,
5 raise your right --

6 MS. WRIGHT: The motion is to deny, is that correct?

7 MR. KOUSOULAS: All those in favor of the motion,
8 raise your right hand? All those against? The motion fails.
9 Is there another motion?

10 MS. WRIGHT: Again, for the record, the people who
11 voted in favor of that motion were Commissioners Harbit,
12 Watkins and Velasquez. Everyone else voted against the
13 motion. I'm sorry to do that, but it has to get on the
14 record.

15 Another option that I hate to bring up, but I'm
16 going to bring up is, rather than making another motion, maybe
17 we can say to the applicants, would you consider continuing
18 this case and coming back at one of our January meetings. And
19 between now and then, we will try to facilitate a meeting
20 between the applicant, the Art Deco Society, the East Bethesda
21 Citizens Group, and see if there is any common ground.

22 MR. SMITH: May I speak to that?

23 MS. WRIGHT: Yes. It is a question.

24 MR. SMITH: We have some very tight contractual
25 deadlines on the project. We really need to make some

1 resolution on this, if we can, tonight. And I am willing to
2 offer a compromise, if it would be acceptable to the
3 Commission. I know this is a gray area.

4 The project does not work for us at the 54-foot
5 setback. It is not a feasible project. We will not be able
6 to preserve the interior of the theater under that scheme. It
7 just does not work.

8 We would agree to a condition to either preserve the
9 secondary parapet in tact, or to relocate it. It will
10 compromise the building, but if that, in some of the
11 Commissioners minds, will make a difference, we would agree to
12 that condition this evening. But I don't want --

13 MS. VELASQUEZ: I have a question when you say --
14 you say preserve it. Do you mean, inside wall encapsulated?

15 MR. SMITH: Yes, either that or to bring it forward.
16 We would agree to those conditions. But I do not want to
17 create an expectation that we can set the building back 54
18 feet. The project does not work for us. We would not be able
19 to preserve the interior of the theater. The entire economics
20 do not work with that concept.

21 So I just don't want to create any false
22 expectations. But I would preserve that compromise, in the
23 spirit of compromise, to try to resolve this, if it would make
24 a difference in some of the Commissioners view.

25 MR. SPURLOCK: If you had approval, with the

tsh

1 condition that you come back with a scheme demonstrating how
2 you would facilitate this parapet that you have offered, would
3 that be something that would allow you to proceed with your --

4 MR. SMITH: We would not be able to meet our
5 contractual deadlines. I would hope that we could adopt that
6 compromise this evening.

7 MR. SPURLOCK: Commissioner Eig, would that -- is
8 there anything there that you --

9 MS. EIG: So this question -- as I said, I didn't
10 want to ask that question. I mean, it goes right to the
11 issue, and it has no right answer. There is no good answer.
12 I actually, when I asked Ms. Oehrlein what they had
13 contemplated, I would be curious to know some of her position
14 on that, what she thought about that, about moving the parapet
15 or preserving the parapet, what are the pros and cons.

16 MS. OEHRLEIN: We did look at the possibility of
17 preserving it inside of the building, but because of the floor
18 levels, we lose the units at the front. I mean, it would
19 basically lose apartment units in order to raise the floor in
20 that area, and keep the parapet wall in tact.

21 MS. EIG: But if it is a make or break --

22 MR. SMITH: We are willing.

23 MS. OEHRLEIN: He is saying now, he is prepared to
24 consider that.

25 MR. SMITH: Yes.

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1 MS. OEHRLEIN: We did consider moving it forward,
2 and putting it on the front of the new apartment building
3 looked kind of silly, to be quite honest, because it then is
4 sort of mixing the historic material with the new tower, and
5 that seemed inappropriate.

6 MS. EIG: It's a false presentation of it.

7 MS. OEHRLEIN: Which is, understanding that the
8 second parapet was considered important to the historic fabric
9 on this building, came to a compromise of dismantling that
10 material, and reconstructing it as a wall at grade, as a way
11 to preserve the historic fabric of the parapet wall, to put it
12 in a location that was visible to all of the public, and not
13 simply destroy it in the course of constructing the project.

14 MR. SPURLOCK: I would agree with, I mean, I think
15 that is a very well put answer, and in my, at least in my
16 mind, this is a very wonderful opportunity for us to maintain
17 the use of this building and the theater.

18 I would like to move, Mr. Chairman, that we approve
19 a historic area work permit for case 35/14-4-99A with the
20 conditions stated in the staff report. Excuse me, no
21 conditions.

22 MS. EIG: I second it.

23 MR. KOUSOULAS: All those in favor of the motion,
24 raise your right hand?

25 MR. SPURLOCK: I'm sorry, the only condition was

1 that we require them to have this easement, and we can't do
2 that, so --

3 MS. EIG: We can't do that. But they are saying
4 they will consider it.

5 MR. SPURLOCK: There is no --

6 MS. EIG: What about we resolved what we want to do
7 here? I mean, you are satisfied?

8 MR. KOUSOULAS: The motion doesn't include any
9 parapet --

10 MR. SPURLOCK: I feel that moving it would be even
11 more preservation than --

12 MS. EIG: What about preserving it in place, since
13 the developer has offered to.

14 MR. SPURLOCK: That was not the motion.

15 MS. EIG: That was not the motion. Okay.

16 MR. KOUSOULAS: All those in favor of the motion,
17 raise your right hand? All those opposed? The motion fails.
18 Is there one more motion?

19 MR. SPURLOCK: I'll make one additional motion.
20 Mr. Chairman, I move we approve a historic area work permit
21 for Case 35/14-4-99A with the condition that the existing
22 parapet be retained for future --

23 MS. WRIGHT: To you mean encapsulated?

24 MR. SPURLOCK: Encapsulated or not relocated, but
25 retained in the building, and that they reconfigure the floor

1 plan appropriately to accommodate that.

2 MR. KOUSOULAS: Is there a second?

3 MS. DeREGGI: I'll second that.

4 MR. KOUSOULAS: Could I have some discussion on
5 this. Does that mean so it breaks out that you could cover it
6 over with drywall and no one would ever see it? That would be
7 acceptable?

8 MS. WRIGHT: That's what their saying.

9 MR. KOUSOULAS: As opposed to keep it in tact so it
10 is visible somehow?

11 MS. WRIGHT: I think the intent of what Mr. Smith
12 was talking about was to keep it visible, if I am not
13 mistaken.

14 MS. EIG: He doesn't care.

15 MR. SMITH: I do care. I support the motion as it
16 is made. And we could incur compromises on the building to
17 achieve that. But I would support the motion as made.

18 MS. VELASQUEZ: My problem with this is that the
19 problem I have had all along is seeing that roof line going
20 into the second parapet, we will never see that again. Do you
21 understand that? We will never see that again.

22 MR. KOUSOULAS: Okay. There is motion it has been
23 seconded. All those in favor of it, raise your right hand?
24 All those opposed? The motion passes six to two. The
25 application is approved.

1 MR. SMITH: Thank you.

2 MR. KOUSOULAS: We'll take a quick five minute
3 break.

4 (Whereupon, a brief recess was taken.)

5 MR. KOUSOULAS: Let's get started again. The next
6 case on the agenda is E, I believe, right?

7 MS. WRIGHT: 4102 Leland.

8 MR. KOUSOULAS: Yes.

9 MS. KEPHART: The applicant, actually, the architect
10 for 4102 Leland Street left, but he did ask me to modify the
11 application. So let me do that first of all. The applicant,
12 the architect or the applicant acting as his agent, requested
13 that the construction of the front portico and balustrade be
14 omitted from the application, and that the -- 4102 Leland
15 Street is what we are on. And he asked that number one, the
16 construction of the portico and balustrade be omitted from the
17 application.

18 So that means it would be omitted from the proposal,
19 item number one, and it means that the condition for approval
20 be condition number one, the front porch addition denial would
21 also be omitted. So what we are left with is a greatly
22 modified application which is for the, modify the design
23 materials for the front walk from a straight walk with steps
24 down to a walk that would lead down to a large parking area.
25 We haven't decided whether to call it a piazza or a courtyard.

2-sided minutes
Bethesda Theatre

Peter Carney
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2084

Mailing list +
Staff report

MONTGOMERY COUNTY
HISTORIC PRESERVATION COMMISSION
MEETING

Wednesday

June 11, 1997

Commission Members:

George Kousoulas, Chairman
Martha Lanigan, Vice Chairman
Tom Trumble, Commissioner
Paula Bienenfeld, Commissioner
David Hondowicz, Commissioner
Susan Soderberg, Commissioner
Holt Jordan, Commissioner
Emily Eig, Commissioner

HPC Staff Members:

Gwen Wright, Historic Preservation Coordinator
Perry Kephart, Historic Preservation Planner
Robin Ziek, Historic Preservation Planner

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1 (Talk from audience.)

2 CHAIRMAN KOUSOULAS: Okay, the next item on the
3 agenda is a preliminary consultation for new construction in
4 Bethesda. Can we have a staff report?

5 MS. ZIEK: Yes. The BETA Corporation has been
6 certainly thinking about this project for a while, and I
7 handed out tonight a schematic site plan. Because with all
8 of the things that they handed out, which certainly explain
9 their project, I guess I felt that we still had some issues,
10 and my little schematic drawing will show sort of the roof
11 plan of the existing theater, just to show some of the
12 elements that are still under discussion today.

13 The project is quite a complicated project, in
14 that the theater site is only one portion of the entire
15 project site. So that, BETA Corporation has many concerns
16 covering all their many different issues. They are putting
17 together a project that has, under the optional method of
18 development, has some requirements, and certain public
19 amenities shall be provided. And in this particular case,
20 the restoration of the theater interior will be their
21 primary public amenity.

22 This is quite a boon in our view, in the sense
23 that the HPC has review authority only on the exterior of
24 the theater. But here is an opportunity to actually
25 preserve, and more than preserve -- to restore the theater,

1 so that we'll be able to have a functioning structure there,
2 hopefully forever.

3 The other consideration that should be brought to
4 the HPC's attention is the -- the actual designation of the
5 Bethesda Theater as the Master Plan site. Also included,
6 the Council's consent agreement regarding the preservation
7 of the theater for sod (ph.). The designation is presented
8 on circle-26 and -27. And the consent agreement is provided
9 for your understanding on circle-28; and while this did not
10 specify a -- this -- the consent agreement was provided in
11 order to simply clarify what the County Council's intentions
12 were in terms of allowing development of the site to go
13 forward. In other words, the owner wanted some sense of
14 what could be developed and the County Council said, well,
15 what, in terms of their sense of designation, what needed to
16 be preserved was the facade along Wisconsin Avenue.

17 And so, part of the discussion tonight will be
18 whether that has been adequately preserved -- you know --
19 defined and preserved.

20 The Bethesda is a significant theater in
21 Washington, D.C., designed by the same architect, the firm
22 of John Eberson, who also designed the Silver Theatre in
23 Silver Spring. And there, the interior is remarkably
24 deteriorated due to neglect. And here, the interior is
25 wonderfully preserved.

1 So, it's just a great opportunity for the County.

2 The theater was built in 1938 and was first called
3 the "Boro" Theater, and maybe that was to pick up again on
4 the New York skyline motif, the idea -- I don't know. But
5 the idea of the -- skyscraper idea was one of the design
6 elements, or one of the design ideas, for the sign tower.

7 But within a year, the named was changed to the
8 Bethesda Theater, and that's the name that appears on the
9 tower sign today.

10 I have a lot of slides I wanted to show, and to
11 show the different elements of the project and specifically,
12 of course, the theater. I can -- they will of course -- or
13 have provided a sense of the entire project, so you can
14 understand the complexities of, of course focus really on
15 the theater itself.

16 The issues, as I see it, concern the proposed 20-
17 foot setback, whether that's adequate, how that will work;
18 and of course how that -- how the proposed design of the new
19 structure works with that setback.

20 The remaining -- the two storefronts on the
21 Wisconsin Avenue facade are an issue to the degree of what's
22 there, what will be preserved, what would be restored. Is
23 there -- what kind of information is there still there that
24 could be used in terms of a restoration of the facade -- of
25 the storefronts?

1 Another issue has to do with the alley wall of the
2 theater, which I'll show you the -- in terms of the
3 construction, there was a real distinction between the
4 yellow, the blond brick that was used -- seen as the public
5 face of the theater, and then the red utility brick which
6 was used in the areas where essentially the public wasn't --
7 you know -- necessarily going. That wasn't the public face
8 of the theater.

9 And finally, the restoration of the historic
10 theater interior. I think more than anything, the HPC might
11 be interested in the direction this will take. And even
12 though the HPC doesn't have review authority there, it's
13 possible, and maybe likely, that the Planning Board would
14 ask for HPC input. And certainly, as staff to the Planning
15 Board, staff will have an input in terms of the restoration
16 of the interior of the theater.

17 And then, of course, the design of the new
18 construction, the HPC has purview of this in terms of
19 commenting about the compatibility of the new proposal, the
20 design of it, including materials, color, size, shape, you
21 have -- you know, it's open for your comments.

22 I'd like to show the slides and get us all
23 oriented to the site. And the owner has provided a
24 beautiful model, and I'm sure they'll sort of walk you
25 through that.

1 But let go to the slides now.

2 (Pause.)

3 MS. ZIEK: Well, here is the theater, with the
4 flanking -- flanking storefronts. One, this the north side,
5 is not operating right now, and this is the south storefront
6 here. The major elements of the theater include the
7 marquee, which is specifically around the theater portion of
8 the structure.

9 The whole building is essentially a block this
10 long, and the theater entrance and the lobby are this wide.
11 And that is also heightened by the use of this first parapet
12 wall here with its curving -- curving returns, to again
13 highlight the entrance of the theater. And, of course, the
14 Bethesda sign does it the best of all.

15 This is a view looking south on Wisconsin Avenue,
16 showing the context, and basically the new developing
17 context of downtown Bethesda.

18 And this is another view of it, showing how the
19 sign town really stands up. I don't know what the heights
20 of these street trees will eventually be and whether that'll
21 be something that we will want to comment on. But at this
22 point, the tower still stands proud.

23 You can see, this is the structure that's across
24 the street now, which is essentially the proposed height
25 that we'll see up and down Wisconsin Avenue as part of the

1 development of downtown.

2 We're looking right now from the back of the
3 theater, and this is -- this is the back of the theater with
4 that red, utilitarian brick, and here is the blond brick.

5 This is a -- a car, an auto shop, a display. A
6 sales room for the -- but sort of -- it's an art deco piece.
7 This is the utilitarian back. And all of this parking area
8 is proposed to be included in the -- in the new project.

9 This is the corner of Chevy -- of Cheltenham with
10 Chevyland here, and this would be one of the entrances into
11 the site, and to the parking area into the alley, and then
12 to the community back here. Because just a block in from
13 Wisconsin Avenue is the residential area.

14 Okay, we're looking north towards the building
15 now. And you can start to see some of the different
16 elements here, with the -- the tower sign, the first
17 parapet. The second parapet, which was -- which stands
18 about fifty feet back from the sidewalk, and screens the
19 area where the auditorium roof rises, and -- you know -- to
20 the back of the theater.

21 This is just another view reinforcing that the use
22 of marble, green marble here and at the storefronts, it's a
23 painted metal, painted with a marble finish.

24 Marble here is still at the entrance, and here is
25 a strip which potentially could've been some of the original

1 marble cut down. And it's a -- it's the same green marble.

2 So the storefronts have some alterations to them.
3 You can -- again, you can start to see the massing with the
4 central -- you know -- the little side flanking storefronts
5 to the central -- sorry -- theater.

6 This is the alley, which will be preserved, and
7 developed as part of the pedestrian walkway to go back to
8 the underground parking and to the residential tower.

9 This is the back of the theater. These are the --
10 there's five pilasters that sort of decorate this alley
11 wall, and then there's a cut-in to an exit, a side exit,
12 with a stage area back here. And and this side there's also
13 another tiny little alley that gets you to another angle
14 where there's another exit at the rear of the auditorium.

15 We're looking across the back of the lot, which is
16 proposed to be garden apartments and town houses with walk-
17 way and garden-ways developed. This is all the back of
18 ChevyLand, which will remain, and will have access through
19 this alley.

20 Back on the street, just to go over some details.
21 These are some of the use of the white metal decorative
22 features here. The blond brick, green marble, all still
23 here. This is some of the decorative features that's still
24 preserved and apparent on the south storefront. This is the
25 use of the white metal on the -- central ticket booth for

1 the theater. And just north -- this is the storefront area
2 of the north storefront, which has been more altered than
3 the south storefront. But I suspect that here -- that the
4 metal -- original white metal decorative trim, I'm hoping,
5 is still in place, simply covered over with the new
6 signboard, or what was at that time a new signboard.

7 Also here, you can start to see some of the
8 original brick in here. Again, I'm suspecting and I'm
9 hoping that a lot of the original finishes are still
10 actually intact at the north store front.

11 This is -- this marks the 20-foot setback.
12 Basically, this store window is about twelve and a half feet
13 back from the sidewalk; 20 feet, this first parapet wall
14 goes to about a ten-foot mark, and then the new building is
15 proposed to be at about 20 feet, right about that point.

16 Leaving the notebook in place gives you a sense of
17 where the new project would really begin, and this is the
18 elevation that they are suggesting.

19 One, of course, is that this secondary parapet
20 wall would be no longer exposed -- you know -- with the new
21 tower would be covering it; at that this wall might need a
22 new treatment, might in fact want -- they might suggest a
23 unified treatment of this alley wall, because they alley
24 will no longer be sort of a throw-away space, but will be
25 developed for a highly used pedestrian space.

1 And so, part of the design considerations will be,
2 well, how do you treat that? How do you -- how do you deal
3 with that?

4 I think in this slide you can start to see some of
5 the repairs. Actually I think the building is in really
6 good shape, but there are some -- you know -- repairs to the
7 brickwork. The mortar seems to be pretty good.

8 Some of the capstones here are quite deteriorated.
9 This is the secondary parapet, which has the same kind of
10 use of black -- striping, and also some tooth pattern which
11 is kind of -- I'll see if I have another photograph. It's
12 kind of reminiscent of a radiator, and it's very
13 interesting. And that's the closest thing I could think of.

14 But again, this is about the area of the 20-foot
15 mark, where the new structure would be built. Some of the
16 things that would be lost, in a sense, would be this parapet
17 wall, the little step in here, closer detail at the rear.
18 And there's that exit door into the back theater.

19 This is looking across the car dealership sales
20 room. But the 20-foot mark is approximately about at this
21 place. This whole parapet wall area would not be -- would
22 be preserved as part of the facade, and this is where the
23 new structure would start.

24 Just to get another view to reinforce the whole --
25 the theater. And that's it.

1 CHAIRMAN KOUSOULAS: Thank you.

2 MR. JORDAN: Robin?

3 MS. ZIEK: Yes?

4 MR. JORDAN: Do you mind going back to one of the
5 streetscape that you had shown in the beginning that shows
6 some of the large buildings?

7 MS. ZIEK: Well, that's the first one that really
8 gives you a sense of the development at -- right at that
9 corner of Old Georgetown Road and Wisconsin Avenue. Here is
10 -- this is the building that is right across the street.

11 MR. JORDAN: That's actually the one I want to
12 see.

13 MS. ZIEK: Okay.

14 MR. JORDAN: And so, that building is right up on
15 the street?

16 MS. ZIEK: Oh, it is right at the sidewalk.

17 MR. JORDAN: And that is --

18 MS. ZIEK: Yeah, there is no setback here, but
19 it's a new site, new building.

20 MR. JORDAN: And that's pretty much consistent
21 along the corridor, is that correct?

22 MS. ZIEK: Yes. I think there's a sense that this
23 is an urban area, and they are holding this -- the idea of
24 holding the street edge is an important design idea in the
25 Bethesda -- you know -- Master Plan.

1 CHAIRMAN KOUSOULAS: About another 50 feet behind
2 the photographer from here would be an apartment building
3 about as tall as that office building. So, out of the
4 picture, at your back. So it's already started, that
5 height.

6 Well, Mr. Smith, would you like to -- or, I don't
7 know how you want to --

8 MR. METZ: I'm going to start it.

9 CHAIRMAN KOUSOULAS: Okay.

10 * MR. METZ: My name is Bob Metz, from the law firm
11 of Lenowes and Blocker, office at 1010 Wayne Avenue in
12 Silver Spring. With me tonight is Larry Garth in the
13 audience, from Beta, the owners of the property. Next to me
14 is Gene Smith, who is the developer and project manager of
15 the project.

16 Moving along, is Sandy Silverman, from the design
17 group, our architect. And also we have Mary Oerhleim, our
18 historic consultant.

19 Oh, Eric just walked in.

20 If you're familiar with the Bethesda sector plan,
21 which I think the Commission and perhaps the Chairman was
22 the only one on the Commission when it was discussed, but
23 the idea for the redevelopment of this site was an office
24 building. Gene and Larry have been working on this project
25 for about a year, and have changed the concept to one of a

1 residential tower.

2 And we've been working with the staff and Robin.
3 And Gwen mentioned that a preliminary consultation is a
4 process whereby we can come in and explain the project to
5 you and get your feedback in a relatively early stage in the
6 process. We jumped at the chance to come to you tonight to
7 show you and explain our concept to you and hear back from
8 you what concerns you might have.

9 The process that we're going to go through is a
10 multi-step. First -- the first filing that we will be doing
11 is to file an optional method of development and project
12 plan on the front part, the Wisconsin Avenue, the tower
13 site, which is zoned CBD-2.

14 At the same time, we'll be filing abandonments of
15 several alleys (ph.). We'll also be filing a preliminary
16 plan of subdivision for the whole site, and a zoning
17 application for the garden apartments and the town houses of
18 PD-35 on the rear of the site. We will file all those
19 together so that the Planning Commission, who is the final
20 decider on the project plan and preliminary plan, will
21 consider that at the same time the will give the
22 recommendation for the zoning case which will then go on to
23 the hearing examiner and County Council.

24 Following that step in the process, we will come
25 back to the Planning Board for a site plan.

1 Somewhere in there, we will be back to see you
2 with the details of our project, but we are looking forward
3 tonight to explain our concept to you. And in a lot of
4 cases, what we're doing is just that; a concept. We don't
5 have a lot of details, but we wanted to explain to you what
6 we're doing, what we plan to do, and also during the
7 construction and to seek your concerns and your guidance on
8 some of the issues that will be raised.

9 So I'm going to ask Gene Smith to start now to
10 explain our project to you, and of course we'll be having a
11 dialogue with you at the conclusion of our presentation.

12 * MR. SMITH: Well, good evening. I'm Gene Smith,
13 I'm development manager for the Beta Corporation. My office
14 is in Bethesda at 4801 Hampton Lane.

15 First, let me say by -- let me start by saying I'm
16 very excited about this project, and I would hope at the
17 conclusion of the evening that you would share my
18 enthusiasm.

19 This development was analyzed and discussed
20 extensively during the Bethesda sector plan. As Bob
21 mentioned, we're proposing an all-residential project in
22 lieu of an office building. There's a need for housing in
23 Bethesda, and this project will serve it and be very close
24 to Metro.

25 The project also incorporates a public parking

1 facility that we will be developing for Montgomery County
2 that will be on the rear of the site. It also serves as a
3 buffer for the east Bethesda community which is behind the
4 site from the downtown area.

5 Most importantly, this project will preserve the
6 Bethesda Theater, a significant historical resource and
7 Bethesda landmark.

8 Specifically, our proposal would preserve the
9 theater interior and the Wisconsin Avenue facade including
10 the theater entrance, the theater marquee, the sign tower,
11 and the flanking storefronts. It's a much more complex
12 proposal than that. As Bob had mentioned, Sandy Silverman
13 will be following me and reviewing the project design for
14 you to give you an overview of the project, and then Mary
15 Oehrlein will be discussing the preservation aspects of the
16 project.

17 Before I ask Sandy to speak, I'd like to again
18 reiterate that we're showing a general concept and a
19 direction that we're headed with on the design of the
20 apartment building, the building that will be above the
21 theater. It's my goal for this apartment building that it
22 be a very handsome building, and that it be a design that
23 integrates the theater but also complements the theater.
24 So, we're going to discuss some concepts with you tonight,
25 and I'd like to get your input, in that we've not got into

1 final architectural details, but we think we're headed in
2 the right direction and we'd like to get feedback from you
3 on that.

4 So, Sandy will be reviewing the concept. We very
5 much would like your input prior to moving forward with our
6 architectural designs. And again, I hope to gain your
7 support for this very worthwhile project.

8 Sandy, would you walk through the design?

9 (Pause.)

10 * MR. SILVERMAN: My name is Sandy Silverman. I'm
11 director of multi-family housing for the Weihe Design Group
12 in Washington, and have been the principal in charge of the
13 project to date.

14 As both Mr. Metz and Gene had said, it's a fairly
15 complicated project, and I just want to take just one minute
16 to give a sense again of the overall project that we're
17 planning to build here.

18 This is -- as you see, this is the project put in
19 context with the neighborhood. This is Wisconsin Avenue,
20 East-West Highway and Old Georgetown Road. The Chevyland on
21 the corner. This is the theater site itself. And our
22 project incorporates two pieces of land that actually go
23 back to Tilbury Street and go over to Middleton Lane, and
24 then it's an L-shaped piece where the theater itself is, off
25 Wisconsin Avenue and over to Middleton Lane.

1 So, the corner where we saw in the slides that --
2 the used car dealership is not part of the project, but the
3 theater itself and that alley that Robin mentioned earlier
4 is part of the project, and we are developing that into a
5 major pedestrian walkway which will have access from the
6 underground parking garage that's being planned for the
7 County.

8 The project again is a residential apartment house
9 on top of the theater connected with a low-rise building
10 that's connected at grade, so it's one entire building that
11 back up to the alley behind Chevyland, which will act as a
12 buffer and a screen from the community toward Chevyland; and
13 then a group of town houses with garage access directly off
14 of Tilbury Street and off Middleton Lane as -- again, as a
15 transition to the east Bethesda neighborhood.

16 Under this entire portion except for the theater
17 itself, obviously, is an underground 2-1/2-level parking
18 garage which will have parking for both the County and the
19 residents of the apartment building.

20 We have a series of sketches that sort of take our
21 concept around the building, and this is the view on
22 Middleton Lane from the east Bethesda neighborhood towards
23 Wisconsin Avenue and the Discovery Building across the
24 street, a group of town houses, and then the high-rise
25 apartment building.

1 We go around the back on Tilbury Lane with the
2 town houses having direct access off Tilbury; Cheltenham
3 having the garden apartment sort of portion of the project,
4 and the entrance to the garage off Cheltenham.

5 We have an internal muse (ph.) between the town
6 houses and the four-story apartment building which is a
7 public -- sort of public pedestrian muse access to Bethesda
8 from the neighborhood, with the rear portion of the high-
9 rise building.

10 And then as we continue around to the front,
11 similar to the slides you saw earlier, this is the view of
12 the project from Wisconsin Avenue with the building being
13 set back from the theater approximately 20 feet, as been
14 mentioned.

15 Since this sketch was done, and this was just an
16 overall sort of sketch, we have done an additional sort of
17 revised drawing of the direction we're taking for the
18 building, which we'll show you in a few minutes, and Eric
19 Leibmann can actually describe in a little more detail. But
20 this is sort of a sense of the project.

21 And if you can -- this is a ground floor plan of
22 the building. So this shows the theater, the two retail
23 stores on either side; the main entry and the existing
24 theater which will remain. And then, we're really adding
25 our new elevator core and the rest of the apartment building

1 behind the theater, which will go up throughout the
2 building, and then the L-shaped new construction to the east
3 of the theater.

4 Our entrance to the building will be off of
5 Middleton Lane, which will be a vehicular and then the
6 front-door access and our access into underground parking.

7 This is the alley behind -- behind the Chevyland,
8 and then our four-story building which is connected at
9 grade. So this is all one continuous building at grade.
10 Entrance into the parking garage. The muse aspect between
11 the town houses and the garden apartment. And then, the
12 town houses on Tilbury.

13 So, this is, I say, a very sort of inter-lock,
14 very urban project, sort of transitioning from Wisconsin
15 Avenue down to the East Bethesda neighborhood.

16 In this section, which I think is obviously
17 important to this group, that this is a section through the
18 theater itself that shows -- from Wisconsin Avenue, that
19 shows the existing marquee, the 20-foot proposed setback of
20 the apartment building. The way we're planning to build
21 this building, which is clear spanning the theater with 12-
22 foot-high trusses which go the 80-foot width of the theater
23 from one end to the other, and then based on top of that
24 we're starting our residential floors. And then in the back
25 of the building, behind the theater where the elevators

1 were, we go down to grade, to the walkway, and then to
2 Tilbury Street.

3 So I think this really is, in a nutshell, sort of
4 the basic concept here, with the terracing down from
5 Discovery across Wisconsin Avenue, 94 feet for the height of
6 this building, and then terracing down towards Tilbury.

7 Again, I think that's shown on -- and we tried to
8 show that by presenting this sort of model of the
9 neighborhood. Wisconsin Avenue -- can you all see that?
10 Yeah.

11 This is the Discovery Building. This was the
12 apartment building that's on the -- also on Wisconsin
13 Avenue, one block up from Cheltenham. Chevyland project.
14 And then the theater, the 20-foot setback. And this is sort
15 of a -- basically a mass diagram of the building right now.
16 We'll probably make some moderate modifications, but this is
17 the sort of massing diagram.

18 The terrace is down towards Cheltenham, and then
19 the town houses back towards Tilbury.

20 This corner, which is vacant right now, is really
21 the Hot Shoppe site which will eventually be coming in for
22 basically, I think, a very high-density CBD-3 project
23 that'll probably go up the full 200 feet at some point. But
24 we left it blank, because the plans have not been finalized
25 yet, so we didn't want to put anything in there yet that --

1 before they actually file. But the intent is that something
2 this year will be coming along on that side as well.

3 This represents the existing Clark Building which
4 is also 200 feet tall.

5 Discovery Building is 143 feet high. And
6 everything on this side of Wisconsin, which is commercial
7 and is in the Master Plan, is zoned for CBD-2. So this
8 could be redeveloped at 143 feet on this side.

9 As you know, the sector plan recommends 90 feet
10 for this building, and we are proposing 94 because of the
11 depth of the trusses, in order to span over the theater.

12 I'm going to take one -- let Eric take one second
13 to show you sort of the direction we're thinking of the
14 building, and then Mary can get into a little more detail on
15 the existing theater itself.

16 * MR. LIEBMANN: Thanks. I'm Eric Liebmann, from
17 Weihe Design Group. This is our first stab at some
18 elevations of the building. Obviously, we're looking to
19 enhance the existing structure. We're trying to reflect the
20 spirit of it, but certainly not overwhen the existing
21 building. We want them to work together and to make a
22 better, stronger project than exists now.

23 Obviously the massing begins with a symmetry of
24 the building. The middle part of the -- this is the
25 Wisconsin facade; this is the -- facade, in the alley just

1 to the south of the existing theater. So, looking at the
2 Wisconsin Avenue facade, the middle portion is the portion
3 which comes closest to the street, it's like 20 feet back
4 from the main part of the theater building. Beyond that,
5 we've stepped the building back as quickly as we could in
6 order to make this existing part stand out.

7 In terms of the massing, again, we picked up the
8 line of the existing marquee, the 36-foot-wide portion of
9 the theater front, and used that as a sort of a basis of any
10 sort of planning, with a strong, glassy middle bay. Only
11 the middle portion goes the full ten stories, the building
12 steps down one story on either side, and we have small
13 balconies which are predominantly solid, fronted balconies.
14 Again, a masonry expression which would be much more
15 compatible with the existing building.

16 As we get to the corner, we step back again. This
17 is showing a 45-degree cut at the corner with glassy corner
18 bays, again to do whatever we can to pull the building back
19 and make the existing theater stand forward. The materials
20 are predominantly masonry. We've -- initially, we're going
21 to use a masonry to match the existing building at staff's
22 recommendation, and we think it is a very good idea. We
23 rethought that.

24 We plan to clad the building -- we haven't
25 selected the brick yet -- but in a richer, darker brick that

1 would be -- that would sort of be compatible with you; but
2 clearly stand apart as -- as a different building in a
3 different time.

4 In trying to pick up some of the obvious details
5 of the existing building, we're suggesting a second brick
6 color to pick up the striping, the existing building with
7 its very -- you know -- blonde-colored brick has a series of
8 dary, very gray banding. We've picked that up with a --
9 again a second brick color. It wouldn't probably be that
10 very dark color, but it would be something, again, that
11 would be compatible with our selection of brick.

12 We're -- when we got to the top initially, we
13 showed a -- a spire -- a very strong top. We're -- we sort
14 of step back a little bit from there. This would be a more
15 subtle, metal -- probably metal cap with some horizontal
16 fins attached to pick up, again, some of the character of
17 the details of the theater spire.

18 We thought something of this -- top of the
19 building would probably conflict and then take some of the
20 focus away from the existing cap of the marquee. There's
21 some subtle details where we're beginning to look at, and
22 it's very hard to see. But some of these panels under the
23 window -- we're looking at a sawtoothed, formed fiberglass
24 panel to evoke the character of some of the details, which
25 actually get covered up by this.

1 Right now, there a set a stepped, sawtoothed
2 brick, if you're familiar with it, with the existing
3 theater. That's back 60 foot from the face of the front, so
4 that gets buried in the building. So we're trying to recall
5 that level of detail and just produce a character of
6 architecture which -- which picks up on the existing deco
7 flavor, but again looks like a building of today.

8 As we turn the corner, there is -- there is a
9 question as to where the theater building ends, and our
10 building begins. Again, it's a sort of a detail issue. But
11 the way this works, there happens to be a continuous plane
12 of masonry on the existing theater which steps back to this
13 point. Then there's a break, and then the other masonry
14 expression begins.

15 So the way it actually works out, it works out
16 very neatly that the existing masonry plan can stop over
17 here, and then our new building will actually come down to
18 the ground, depending on the details, probably pretty close
19 to being flush with the existing theater wall. It might be
20 probably stepping out a little bit; we have to look at that.
21 It's really going to depend on how -- how our columns come
22 down from the top, and address the issues of penetrating the
23 theater inside or outside.

24 But as we get down here, this again becomes --
25 this alley becomes a secondary entrance, a pedestrian

1 entrance to our building. So this would be articulated, as
2 best we can, with a large masonry wall with two different
3 colored bricks. Again, we'd be looking toward creating
4 linear brick banding, which is reminiscent of the banding in
5 front of the building. And the building begins to -- you
6 know -- create its own character. All again, however, is
7 sort of -- the genesis of the designs is the front facade
8 and that's where -- that's where the whole thing really
9 begins.

10 MR. SMITH: Okay. If I could ask Mary Oehrlein
11 now to give you some comments on her evaluation of the
12 project, and the historic --

13 * MS. OEHRLEIN: Focus specifically on the existing
14 building, the theater. I'm Mary Oehrlein, with Oehrlein
15 Associates Architects. And we have done a preliminary
16 survey of the existing building, and I think that in the
17 package that was given to you was a copy of a report that I
18 wrote, talking about the existing condition of the building,
19 and also what appears to be original fabric that's intact
20 and where alterations have occurred.

21 And Robin explained some of this with the slides,
22 is that the theater is largely intact. I mean, there've
23 been very few alterations to it over the years. At the
24 exterior Wisconsin Avenue elevation, the marquee and the
25 sign are original, are there, as is the south storefront.

1 All of the material in the south storefront appears to be
2 original. There's some minor alterations at what used to be
3 an awning pocket at the north elevation. And the base of
4 it, which was enamel panels, has been painted to match the
5 adjacent marble -- marbling at the base of the south
6 storefront.

7 At the north storefront, the original window
8 frames and base appear to have been removed, but as Robin
9 showed you in the slide, hopefully the banding at the top of
10 the storefront remains behind the new sign cover that's in
11 front of it. There is every indication that at least a
12 portion of it is there and intact.

13 The ticket booth and the entry lobby --

14 (Pause, tape change.)

15 MS. OEHRLEIN: -- to retain all of the existing
16 materials and preserve them in place, with one alteration
17 that we expect at the north storefront, which has already
18 been altered, which is to add a doorway to add an egress
19 stair from the new apartment building to exit directly onto
20 Wisconsin Avenue to meet the exiting code requirements.

21 At the interior, the original space configuration
22 is intact. There've been some -- I think what I consider
23 fairly minor alterations over the history of this building
24 of changing the -- of the floors so that they're not flat --
25 flat forms with tables and chairs, as opposed to the --

1 seating, in addition of a small enclosure at the back of the
2 theater itself, and some alterations to the toilet room and
3 what used to be some of the vestibules outside of the toilet
4 room areas.

5 Otherwise, the interior plaster and the trim and a
6 good portion of the lighting, as well as portions of the
7 original decorative painting, remain exposed in the theater
8 and are -- I mean, it's there, it's intact.

9 And again, this project proposes to keep the
10 theater as it is in its existing configuration, and
11 basically preserve all the original material that is still
12 remaining. The intent is to retain the existing ceiling in
13 place, and tie it into the new structure, these 12-foot
14 trusses which will span the building. The one sort of
15 intervention at the theater interior, we're not quite sure
16 where the columns for the -- that's supporting these trusses
17 are going to land.

18 At the north side of the building, because the
19 building is directly on the property line, that the columns
20 will probably have to come inside the building. At the
21 south, we're hoping that they can be on the exterior of the
22 theater walls.

23 Other internal alterations that are anticipated
24 are only those that are required to meet code, and the
25 installation of new life safety systems, in an intent to

1 sprinkler the building, and also to do some ADA upgrades in
2 toilet rooms and doorways and so forth.

3 We looked at this also in terms of the impact of
4 the new construction on the visibility of the theater and
5 the sign and the marquee, which really are the signature
6 portions of the building. And -- you know -- how far back
7 should the new building be so as not to interrupt the -- the
8 streetscape of Bethesda, but to give that sign enough room
9 to breathe and to make sure that you continue to read it as
10 a separate element as you drive up and down Wisconsin
11 Avenue?

12 And the 20 foot seems to be the right setback to
13 achieve both of those things, which are not so far back that
14 you don't look like there's something missing on the street
15 frontage, but it still allows the sign to be a prominent
16 element of the project.

17 Certainly, the retention of the interior theater
18 as opposed to just the facade and the sign and the marquee
19 of this building is a very significant advantage in terms of
20 preservation, as well as to have it continue as a theater
21 use.

22 MR. METZ: Thank you. That concludes our
23 presentation showing you our concept for the building as of
24 this time, then. Now we'd like to answer any questions you
25 might have.

1 CHAIRMAN KOUSOULAS: Okay. Before we go on with
2 that, we have a speaker in the audience, and maybe we should
3 get her comments so they can be a part of the discussion.

4 MR. METZ: Okay.

5 CHAIRMAN KOUSOULAS: Linda Lyons?

6 MS. LYONS: Yes.

7 (Pause.)

8 * MS. LYONS: I did write this text before I had a
9 chance to see some of the materials that were presented
10 tonight.

11 My name is Linda Lyons. I am here as Chair as the
12 Preservation Committee of the Art Deco Society of
13 Washington. I'm also a resident of Montgomery County.

14 You have before you tonight a preliminary
15 consultation on a site that has been the subject of much
16 discussion, debate, negotiation and legislation in the past.
17 Although it is my intent to focus on the current proposal
18 for the Bethesda Theater site, we cannot ignore earlier
19 schemes that the Art Deco Society was asked to review in
20 past years. These will be referred to as I comment on three
21 aspects of the current project.

22 First, the proposed setback of the new
23 construction above the theater to only 20 feet from the
24 building line; second, the apparent plan to resurface much
25 of the theater in new materials; and third, additional

1 details that we believe do not serve the goals of historic
2 preservation.

3 The Art Deco Society is primarily concerned about
4 the 20-foot setback, which we feel will obscure the identity
5 of this historic resource and make it seem encapsulated into
6 the new construction or, at best, a decorative appendage.
7 The view from Wisconsin Avenue presents two parapet walls;
8 one directly behind the marquee and tower, and the second
9 approximately 50 feet back where the auditorium walls rise
10 above the entrance marquee and lobby of the theater.

11 Both walls are faced with blonde brick, and have
12 decorative details of horizontal black stripes, and on the
13 second wall, toothed brick.

14 We believe that the second wall is a better place
15 for the new construction to rise above the theater, just as
16 the auditorium roof does now. Indeed, this was the setback
17 under discussion for many years, including, according to our
18 files, during the development and finalization of the
19 Bethesda Central District -- Central Business District
20 Master Plan which was approved in 1994.

21 I've also presented to you copies of section
22 drawings of the proposed complex that I had available to me,
23 first from the owner's presentation as it was given to the
24 -- to the Commission; B, a set prepared by the owner's
25 architect in 1993 for discussions in which the Art Deco

1 Society participated; and C, the final draft of the Bethesda
2 Central Business District Master Plan.

3 Frankly, I don't think we're really seeing or
4 hearing anything tonight that suggests or justifies moving
5 the setback forward of the second parapet. Not so long ago,
6 It was agreed by all concerned that this was the best
7 location for the new construction.

8 Project such as this succeed when new construction
9 is joined to the historic building in the smallest way
10 possible. From the street, the project should appear as two
11 buildings that were built at different times, but exist in
12 adjacent harmony. The new construction should not swallow
13 this historic resource. This would be best accomplished by
14 keeping the setback at the second parapet wall, in our
15 opinion.

16 In addition, we're hearing discussion about the
17 urban character, or urban design prospective, of the future
18 Bethesda, and whether a 20-foot setback would make a better
19 presentation to the street. Art Deco Society doubts it.

20 The real urban element of this particular project
21 will be its authentic art deco movie theater, and how
22 fortunate Bethesda is to have one. It will be more urban
23 for the new construction above the theater to be respectful
24 and spring from the second parapet, than to be pulled
25 forward and compete with it.

1 Our second concern is the apparent resurfacing of
2 the theater building. And again, I -- it seems to be an
3 evolution. It's never good historical preservation to make
4 the original and the new to appear seamless or
5 indistinguishable. It's not honest, and it's not urban.

6 This is particularly true in the alley on the
7 south side of the theater that is to become a pedestrian
8 walkway. Here's where the viewer sees most clearly how the
9 theater was thought out and constructed. The shift to
10 utilitarian red brick, which is really another indication of
11 where we might want to think about putting the setback,
12 signals that although, quote, the show starts on the
13 sidewalk, to paraphrase a recent architectural history of
14 movie theaters, there's also a back of the house.

15 Now that this alley is itself to become a
16 sidewalk, it can be a place to tell the story of the
17 theater's latest adventure. A careful choice of surfacing
18 materials, either the rehabilitated originals or sympathetic
19 replacements, can reveal and explain the new construction.

20 Well, again, I see that this part of the project
21 is in evolution.

22 Our third concern rests primarily in design
23 details that we see -- we saw in the view drawings of --
24 that we -- that were available to us; one of which I copied
25 into my handout sheet as D. While I'm in no way endorsing

1 the 20-foot setback, I notice that in that particular
2 rendering, a portion of the first parapet wall seems to have
3 been obliterated, raising concerns about how the final
4 design of the project will be handled. As an example, in
5 section drawing A, and a photograph that I copied from the
6 Bethesda Master Plan, which is E, that first parapet wall
7 ends in stylish, curving returns at the theater entrance
8 edgues -- and I should've really -- just take a look.

9 Well, it should be right there. And they don't
10 seem to be in the current plans. It seems to us that that
11 ought to really be retained as part of the original design
12 of the theater.

13 As I say, they don't seem to be included. I
14 expres our view, again, that this project should not
15 swallow, encapsulate or obscure the Bethesda Theater
16 building, but rather make it the star of the show, and honor
17 it.

18 This particular comment is just an example of
19 others that could be made about design details that might
20 obscure the distinction between the original theater
21 building and the new construction. They don't serve the
22 goals of historical preservation, and in our view would not
23 produce a successful product.

24 Thank you.

25 CHAIRMAN KOUSOULAS: Thank you. Okay, who on the

1 Commission would like to begin?

2 (No response.)

3 CHAIRMAN KOUSOULAS: Or, maybe, I'll begin.

4 I have a few comments. One of them I'll toss out
5 quickly, because it doesn't pertain to what we are really
6 looking at, but it does sort of bother me and I'll forget
7 about it as the discussion goes on.

8 It's the entry court. Are you -- on Middleton.
9 That square area, is that portion of the road being
10 abandoned and becoming a part of your project, or?

11 MR. SILVERMAN: No, the -- no, it's not being
12 abandoned. We were just -- the intent here was to identify
13 the entrance and maybe do special paving --

14 CHAIRMAN KOUSOULAS: Yeah, I -- I think that
15 that's a big mistake. I think however wonderful this
16 project may end up being, it should always defer to the city
17 around. And Middleton is a public way in Bethesda, and --

18 MR. SILVERMAN: Well, this -- this is -- it's a
19 closed street.

20 CHAIRMAN KOUSOULAS: Okay.

21 MR. SILVERMAN: This barrier separates the
22 residential portion of Middleton from the commercial.

23 CHAIRMAN KOUSOULAS: Okay.

24 MR. SILVERMAN: And what we were doing actually is
25 expanding this barrier to get a larger green area. And so,

1 this will be the -- all you can go in here is the building,
2 or there's a County parking garage to the right. And we
3 felt that a change in the paving here might be a very
4 positive --

5 CHAIRMAN KOUSOULAS: Okay. On to the theater.

6 Several year ago when we were looking at it, I was
7 always kind of uncomfortable with the set -- the further
8 setback. It seemed that the tower was detached from the
9 finial. The -- it was very hard to place where the building
10 was in the landscape. It wasn't a part of Wisconsin Avenue;
11 it was floating back 50, 60 feet, somewhere back there. It
12 was also somewhat disconnected from the finial.

13 It seemed to be the the least comfortable
14 rendering that we saw, and I think we saw -- I mean, not
15 this building, but this relationship at this time, also.

16 A lot of the details that are being obscured, or
17 this curved details in the first parapet I can understand.
18 But the second parapet is very far back, and except from the
19 corner looking across the car lot, basically to the
20 southeast I guess, southeast corner, you really can't see it
21 that much anymore.

22 You don't see it from across the street. You
23 really don't see it down from Cheyland. You see it only --
24 the finial -- not the finial; the parapet in back, the
25 second one.

1 Well, you have to be way across the street. By
2 discovery, you can see it definitely when you're to the
3 south of the site and you're looking across the empty lot,
4 or the vacant lot of the car dealer -- the smaller car
5 dealership. But from Chevyland, it's harder to see from
6 that direction.

7 But anyway, I think we need to keep the importance
8 of that second parapet in proper perspective here.

9 So I would be in favor of the 20-foot setback
10 you're showing here. Or if it needs to be slightly more
11 just to retain the curved details and whatever, I think
12 maybe we're talking a handful of feet. I wouldn't going
13 into -- let's hear some more discussion before we get
14 into --

15 MR. SILVERMAN: Sure. The only thing I would like
16 to say is, it is our intent to keep the first parapet.
17 That's just a drawing at this point that didn't quite
18 reflect it. But it's our intent to keep that first parapet
19 the way it is; the way it comes around the corner and faces
20 -- this will continue to curve down the way it is now.
21 We're not planning to touch that.

22 MR. JORDAN: So is that curved parapet, is that
23 within the 20 feet?

24 MR. SILVERMAN: Yes.

25 MR. TRUMBLE: Yeah, I guess -- go ahead.

1 CHAIRMAN KOUSOULAS: Yeah, I think in general the
2 massing of the project is fine. I'm a bit concerned about
3 some of the detailing, more of the detailing that I see on
4 this rendering, which is a lot looser than those.

5 But for instance, and I guess that you've
6 mentioned that the banding here is going to be -- courses of
7 darker brick, rather than what could be a pre-cast inset or
8 something, or a slab projecting through the wall.

9 I think it's important that the details that you
10 do come up with follow through on the building. Some of the
11 detailing that's showing through on the Metropolitan is
12 pretty good. I mean, around the parking garage, and the
13 stuff facing the parking garage, the colors of the brick.
14 It just seems to be pretty close to what's going on here.

15 There's some other detailing on the Metropolitan
16 that I think belongs on the Metropolitan and doesn't belong
17 on this project, and I would hope that you'd be very careful
18 to kind of keep the project separate and look forward, and
19 then make sure that this one really relates to the theater.

20 I'm concerned as to how dark that new brick will
21 get in relation to the older brick. I think it should be a
22 very subtle distinction. It should basically be a blonde-
23 ish brick and not a pink brick or a tan brick or a brown
24 brick. It shouldn't start getting that dark, I don't think.

25 I like the idea of the fiberglass panels, picking

1 up some of that motif. The -- the railings that are showing
2 up here, I just don't think have anything to do with this
3 kind of building. One of the problems with modern apartment
4 buildings, I feel, is the use of balconies that kind of
5 project off of every apartment kind of equally, and older
6 apartment buildings tend to just sprinkle the balconies a
7 bit more carefully depending on the massing of the building;
8 not everyone got a balcony.

9 We don't want to have skyline towers here where
10 every unit has its own pre-formed metal railing.

11 Also, the cornice that's showing up here. I think
12 if you look at the theater, at least in this type of art
13 deco, the cornice quite often wasn't distinguished by
14 massing or detailing or anything; it was distinguished by
15 surface color. I mean, here you basically have a plane that
16 would run off forever if it didn't have the brick bands.

17 But the cornice you're showing up here has a
18 little bit of a -- some sort of inverted, canted motif to it
19 that I think maybe the building should, the way this
20 building is, the tower end should look to how the movie
21 theater building ends, which is more of a plane, and dealing
22 -- treating the surface in a special way, and not modifying
23 the geometry of the surface.

24 I'll leave it at that for now. Maybe that gets
25 things going.

1 MR. TRUMBLE: I guess the Chairman and I are
2 probably the only two members of the Commission that go by
3 the thater on a daily basis. I had lunch across from it
4 today.

5 I must tell you that I've lived and worked in the
6 Bethesda area for 25 years, and I have seen northwest
7 Washington and Bethesda Avenue along the Wisconsin corridor
8 chagne significantly, into what some have referred to as the
9 K-Strree-ization of the area.

10
11 And I am more in favor if an increased setback for
12 a couple of reasons. That side of Wisconsin Avenue in
13 Bethesda has not yet turned into the wall of buildings that
14 the opposite side has. Beginning at the intersection of
15 Wisconsin and Old Georgetown/East-West, if you go up the
16 west side, I guess it would be, you go to the Discover
17 Building. And the buildings behind it, and I think of the
18 Woodmont Building and then the apartment that George
19 mentioned, they're beginning to develop an urban wall there,
20 a canyon effect.

21 That is not true on the other side. If you think
22 about it for a moment, there's the funeral and and there's
23 -- there's the Chevy Chase car dealership. There is the
24 bank, which is, what, four or five stories tall at the most.
25 And you continue on up the street.

1 I find that large, 200-foot buildings standing
2 along the street is oppressive. I must also tell you that
3 the design you have does look as if the apartment building
4 is eating the theater. And I don't find that especially
5 aesthetic. I believe that more deference to a building
6 which is the better part of 60 years of age is due in a
7 project like this. I don't know the magic number for the
8 setback.

9 But as I look at the -- as I look at the two
10 pictures you have here, the straight-on picture and the
11 tower is essentially eaten. I mean, you can come and look at
12 it from my perspective. It is just eaten. You have to know
13 it's there to know it's there.

14 The one where you're looking at the side view,
15 there just isn't the offset, there isn't the distance --
16 there isn't the track record, or the historic record, of the
17 existence of the theater. In some sense, the theater is
18 almost held hostage by that overwhelming building.

19 I understand that you're putting some
20 architectural details into the building itself to echo the
21 theater, but they're, at least to my eye, relatively obscure
22 and don't contribute a great deal.

23 I would feel a lot better if the thing was set
24 back. I would also feel a lot better if the notion of that
25 alleyway was preserved. There is some -- there is some

1 utility to seeing the way in which a city progresses. And
2 downtown Bethesda is really losing its sense of where it
3 was. And I suspect that before I leave the Air Rights
4 Building where I work right now, any concept of what
5 Bethesda was 25 years ago will be gone.

6 Oh, there'll be the odd Tastee Diner, I suspect,
7 and perhaps a facade here and a facade there. But what is
8 going to distinguish Bethesda from K Street? What's going
9 to distinguish Bethesda, for that matter, from Northwest
10 Washington?

11 When I first moved into Tenleytown, there were a
12 series of essentially two-story buildings that went all up
13 and down there before the Metro came in. That's gone. And
14 if you were to be a Rip Van Winkle and return to the area
15 where the Maza Gallery is now, you wouldn't know where you
16 were, or what was ever there.

17 Now, what happens to Bethesda? We're losing all
18 of it's -- we're losing all of its history. And I would
19 argue that what little is left ought to be given more
20 deference than is in this project.

21 MS. BIENENFELD: Yeah, I wanted to just talk about
22 the front facade. The theater is streamlined, but at least
23 from what I can see from your drawing, the front with the
24 windows look like they have an awful lot of detail. And it
25 seems to me like it should look more like a streamlined -- I

1 mean it's -- obviously it's modern, but something
2 streamlined or something flatter. To me, it just looks like
3 the time period that's being portrayed in the new structure
4 just seems sort of out of sync with the idea of
5 streamlining. It seems like there's an awful lot of detail.

6 MR. JORDAN: I would agree with that. I think
7 that there is -- I think that's the one thing that kind of
8 bothers me a little bit about that. And as far as the
9 setback is concerned, I realize that you're probably trying
10 to keep a minimum square footage. And I don't know what's
11 the magical number with the 90 feet. I'd almost rather see
12 the thing get a little bit higher and the setback pushed
13 back a little bit to give that streamlined effect. I don't
14 know if that's possible, but that's my comment.

15 CHAIRMAN KOUSOULAS: I think -- you know -- if you
16 looked for some ideas, if you look at buildings of that era,
17 quite often the panel between the windows -- is that brick
18 now, below the windows?

19 MR. LIEBMANN: No, that would be -- it could be a
20 few things. It could be metal -- that's showing -- would
21 be like a ceramic polymer to look like metal.

22 CHAIRMAN KOUSOULAS: Okay. Yeah, I think things
23 like that, because typically that's what was done. They
24 didn't bother to carry the weight of the spandrel (ph.) At
25 that time. I mean, they came up with better solutions. The

1 Empire State Building is a classic example where it was an
2 expedient way to build the thing faster.

3 MS. LANIGAN: I'd like to say that I agree with
4 and wholeheartedly endorse the comments of the Art Deco
5 Society. I know the Society worked real hard to try to not
6 have the Greyhound bus terminal in D.C. be swallowed up by a
7 huge building, and they made a lot of progress here. But if
8 you look at it, it still is kind of swallowed up, and I
9 would hate to see this happen in this case.

10 I agree that it is important that the setback be
11 at least to the second parapet. I think that's an important
12 architectural feature. If you -- from the side -- I think
13 the side of the building is important, the color
14 differentiation of the brick.

15 This -- this -- it's an attractive design for your
16 living space, I will agree to that. However, it makes the
17 theater look like a hotel lobby. And what we are trying to
18 preserve here is the theater, and again I agree with the
19 comments from the Art Deco Society that the theater -- the
20 force of -- the presence of the theater should be
21 strengthened instead of overtaken.

22 (Pause.)

23 MS. SODERBERG: I have really no problem with your
24 design there. I think it's very interesting. I do,
25 however, agree that the setback should be further than 20

1 feet. And I'm very interested in that dental type work on
2 the second parapet. I think that's rather strange, but --
3 but it is characteristic of that particular structure. And
4 even if you had to move the new building forward, I think
5 you should try to save that.

6 And I had another comment on the storefront; the
7 effect that the doorway to the apartment building will be in
8 the north storefront.

9 And I really wouldn't like to see that made
10 different. I know it's already been changed. But if it
11 would be possible to keep it -- to try to reconstruct that
12 storefront the same as it -- as it was originally, and just
13 put the doorway in there, not make a big deal of it, I think
14 that the people living in the apartment would probably like
15 that. They wouldn't want to draw attention to the fact that
16 there is a sidewalk street-level entrance to their apartment
17 building, to other people.

18 And I totally agree with the other comments that
19 have gone forward. This is a very important structure. And
20 -- and it's important to make it historic -- of the show.

21 Thank you.

22 MR. TRUMBLE: Can I ask you a question? What's
23 going to happen to the Chevy dealer, with the -- whatever
24 Chevy's automobile.

25 I mean, there's the little -- there's the large

1 section which has recently been refaced. I assume that
2 stays, is that right?

3 VOICE: Everything stays.

4 MR. TRUMBLE: And then the smaller section, which
5 is -- okay.

6 MR. SMITH: Are you referring to the adjacent
7 Chevyland site?

8 MR. TRUMBLE: Actually, I was wondering about the
9 parts to the south of your structure.

10 MR. METZ: That's going to be changed to a
11 Mitsubishi dealership, and improved.

12 MR. TRUMBLE: All that could be done is improved.

13 MR. METZ: I know. We're not sure what they're
14 going to do to improve it, but they're going to make
15 improvements to it.

16 MR. TRUMBLE: But that will remain --

17 MR. METZ: Yes.

18 MR. TRUMBLE: -- at least for the foreseeable
19 future --

20 MR. METZ: Yeah, there's a very long-term lease on
21 it. And we tried to acquire it, and could not.

22 MR. TRUMBLE: Okay.

23 MR. SILVERMAN: Yeah, this building remains, and
24 this has in a sense been renovated to date.

25 MR. TRUMBLE: And are you taking over the -- never

1 mind. I see you've -- that's -- the one street's already
2 blocked off, I've forgotten the name of it.

3 And that's the funeral home next to South, right?

4 MR. SILVERMAN: Right, that's the funeral home.

5 MR. TRUMBLE: And is the -- the one store is
6 currently occupied, the southern store.

7 MR. SILVERMAN: Right.

8 MR. TRUMBLE: Is that going to remain
9 commercial --

10 MR. SILVERMAN: Yes.

11 MR. TRUMBLE: -- or both of them will? Both of
12 them will remain commercial? I thought that one of them was
13 turning into a front door for your apartment --

14 MR. SILVERMAN: No, no, actually. You can see on
15 the plan here that this is -- from the apartment building
16 above, it's really one of the two stairways out. One is in
17 the lobby and comes out on Middleton, and the other one,
18 since we can't get out to the north since we're land-locked
19 there, it's just an emergency exit stair. It's really not
20 an entrance to the building; it's just an emergency exit out
21 at grade, from the building.

22 MR. TRUMBLE: And the property immediately to the
23 north of that, which is now, I believe, unoccupied, is that
24 right?

25 MR. METZ: No, that part store is for Chevyland.

1 MR. TRUMBLE: Okay, that's not -- that's not for
2 lease now, or?

3 MR. METZ: No. That's occupied space.

4 MR. SILVERMAN: You see, our site only includes
5 the little green -- is our site, which is access -- exit
6 from the theater itself. The portion that's in green is
7 part of our property, but everything that's in gray here is
8 not part of our property.

9 (Pause.)

10 CHAIRMAN KOUSOULAS: Emily?

11 MS. EIG: Well, I, like Commissioner Lanigan,
12 support the Art Deco Society's position. I think that you
13 have not presented us with a reason why you should go
14 forward 20 feet. And although I certainly understand
15 Commissioner Kousoulas' comment about from an urban design
16 perspective that we might want to pull the building forward,
17 from a preservation perspective, I see in this case as
18 predominant that the retention of that second parapet wall
19 is the least we could do to preserve this.

20 And, failing to sort of show us a rationale
21 otherwise -- you know -- maybe you should consider that for
22 your next presentation as to really explaining why you want
23 to come up for it, other than to maximize the amount of
24 space that you want to have, it would be something that we
25 should -- could hear, and we should hear.

1 Because I think that we do gain by the interior of
2 the theater being preserved, though I am unclear.

3 Are you -- I'm unclear as to your plans here. And
4 forgive me if I have just simply not understood.

5 But you're retaining this building and
6 encapsulating it, or are you just retaining the interior
7 core and constructing around it?

8 MR. METZ: We're retaining the building and
9 building over it.

10 MS. EIG: Retaining the utilitarian brick walls --
11 will be gone, though, on the sides. Is that right, or are
12 they going to stay there?

13 MR. METZ: (Response inaudible.)

14 MS. EIG: They will be there. You will -- you
15 actually create a truss system above and around the
16 building, and keep the building there? Okay. All right. I
17 just wanted to be clear as to what was happening.

18 So that the -- and would the -- the second parapet
19 be retained regardless of where your setback is, or not? I
20 mean, the roof of the structure is going to be retained, or
21 not?

22 MR. METZ: No, it is --

23 MS. EIG: The roof is gone, okay.

24 MR. METZ: The roof is gone. The ceiling --

25 MS. EIG: The walls will be there, the exterior

1 walls will be in place?

2 MR. METZ: Yes.

3 MR. SILVERMAN: And the finished ceiling.

4 MS. EIG: And the finished ceiling. But the roof
5 will be --

6 MR. METZ: Gone.

7 MS. EIG: -- gone. And the parapet wall, the
8 second parapet wall, will be gone?

9 MR. METZ: Gone.

10 MS. EIG: Okay. Under your scheme.

11 See, I think I could live with the roof going,
12 under what you're proposing, because of the retention of the
13 interior. But I am not yet convinced that the setback
14 should cause the reduction -- I mean -- cause the
15 elimination of the second parapet wall.

16 It was a decorative feature -- I think, should be
17 preserved.

18 As to the design, I, too, agree. I think that the
19 apartment building itself should be a little more
20 sympathetic, or compatible, to the streamline moderne
21 appearance of the theater. And I, too, would, as
22 Commissioner Kousoulas said -- you know -- prefer a brick
23 that, while different, I think it needs to be something that
24 is more in keeping, color-wise. And I think you haven't
25 really started to address that, and I understand that. I'm

1 just suggesting that's the direction that -- you know -- I
2 would go. I'd follow his advice in that.

3 And I'm a little concerned, and maybe you can help
4 with this. I know you have a model that sort of shows
5 what's there. But I think it was said to us that the height
6 of what is allowed is the same as the Discovery Building?
7 No, it's 90 feet on that side?

8 MR. METZ: The Discovery Building is 143.

9 MS. EIG: One-forty -- right. I would like to see
10 in your next presentation some sketches that would show what
11 has been approved for -- just massing, for the other sites
12 and heights, so we can see, well, what you're proposing will
13 fit into the future.

14 MR. METZ: For instance, right to the south of us,
15 the Hot Shoppe site is being redeveloped, and those
16 buildings will be 200 feet.

17 MS. EIG: I'd like to -- i'd like to see that, you
18 know.

19 MR. METZ: We tried to get plans to include that
20 in our -- on this model, and we're unable to do that.

21 MS. EIG: Well, I guess I don't even -- I don't
22 need to have the actual plans. That would obviously be
23 great for all of us, and I'm sure your architect would
24 appreciate that as well.

25 But I think if we could just see -- you know --

1 just a very simple, sketched out sort of massing study of
2 what has been approved for the site.

3 VOICE: By the time we come back --

4 MR. METZ: Yeah, we either have what they submit,
5 or else what theme we had thought about doing, but what's in
6 the sector plan now for that site, which is very massive and
7 big. And I thought we'd wait to see what was actually
8 proposed. But, if not, we could always put that approved
9 sector plan diagram in there.

10 MS. EIG: I'd like the other Commissioners to see
11 this, I think, that the protection of the historic building
12 is our main objective here. And there are other people who
13 are going to have lots of other people who have lots of
14 other points of view, as you go through your development
15 process.

16 And the fact that there is an understanding that
17 it is not inappropriate for there to be a large building on
18 this site, as long as it's set back to a -- to some point
19 that is found to be acceptable, is a big concession right
20 away. And, you know, there's the opportunity, with the
21 right setback, to be successful.

22 MS. WRIGHT: Could I comment on that real
23 briefly? I just -- and I think Robin really tried to cover
24 this in the staff report. But this is a very unusual
25 designation.

1 The designation was for the whole building, but
2 basically the County Council said if this went through --
3 they were essentially directing the HPC to say you can't
4 preserve any part of this building except the front facade.

5 They didn't say what that front facade constituted
6 beyond -- they didn't mention whether it included the second
7 parapet wall or not. But they talked about the fact that if
8 a standard method development project, or even an optional
9 method development project came through on this site, that
10 really what the Commission has authority to review is how
11 that facade is integrated into the new development.

12 It was -- the result of that, just to give you a
13 little history on how that came about, was that this was a
14 very -- the designation was heavily opposed by the owner.
15 And it was, after the County Council designated the
16 property, there was essentially the threat of a lawsuit.
17 And the Council entered into a consent agreement, after the
18 actual designation had taken place.

19 The owners at that time had wanted to literally
20 only have the front facade of the building designated, and
21 the Council didn't feel that was appropriate because they
22 wanted the review of how new architecture could be
23 integrated with the building, to be something this
24 Commission would review.

25 So, they put together the consent agreement that's

1 in your packet that talks about the fact that the goal of
2 designation here is to preserve the front facade and to
3 integrate it with new architecture. So I think Robin made
4 the point that -- and I want to give the applicants here a
5 little additional credit for what they're accomplishing
6 here.

7 Essentially, if they wish to come up with another
8 set of amenities, other than preservation of the theater,
9 and offer that, they could come forward with a project that
10 essentially tore down the building and built the new
11 building behind it, and put a health club or something in
12 the ground floor as a public amenity. And instead, they've
13 really heard from the community that the theater -- not only
14 its preservation as an architectural piece, but its function
15 as a theater, was very important to the community. And that
16 that was something that they wanted to have retained.

17 So I want to give them a little credit for doing
18 that.

19 And also say that this has been an extremely
20 complex project. As much as this Commission is interested
21 in setting this building back, the folks that live in the
22 houses to the rear are pushing that building forward. They
23 don't want a 90-foot building at -- you know -- within --
24 casting shadows on their yards, and so forth.

25 So the folks here are sort of being caught between

1 two forces; with the residential folks saying move the whole
2 thing smack up to the front of Wisconsin Avenue, and the
3 Commission saying push it as far back as possible.

4 And -- you know -- again, I think all the comments
5 that have been made have been very valid, but I wanted the
6 Commission to have maybe a little more, this -- I don't know
7 -- the sense of what the challenges have been with this
8 project.

9 MR. METZ: Hopefully, you will find that what
10 we've shown you tonight is a genuine attempt to compromise
11 between the two pressures. And as we go through the
12 development process, hopefully by that time, we'll come to
13 an understanding where we both have the support of the East
14 Bethesda community as well as you all.

15 CHAIRMAN KOUSOULAS: You need to be on the record.
16 If you could get near a mike?

17 (Pause.)

18 MS. LYONS: I would merely say that in regard to
19 the law suit that the Art Deco Society, which was involved
20 in the law suit, agreed to that consent order very
21 reluctantly. And in some ways in our minds, it's not
22 necessarily a hundred percent closed.

23 But, it's also interesting to note in Ward
24 Bucher's new dictionary of Historic Preservation, published
25 by Preservation Press, I looked at the definition of facade

1 almost casually and was fascinated to find that, in recent
2 times, facade refers to all sides of the building; although
3 in centuries past, it was taken to mean the front of the
4 building. But that's not the way it's taken today.

5 MR. METZ: I would just like to add that the Art
6 Deco Society, in that consent agreement, was pushing for
7 exactly the 50-foot setback and so forth, and that was not
8 accepted.

9 MS. EIG: Well, I did understand that this issue
10 of facade, not of being that clear as to what that was. And
11 in the spirit of compromise, I think perhaps something that
12 I would suggest that you might entertain is the -- perhaps
13 the reconstruction of that parapet wall closer up.

14 I think that it's an interesting architectural
15 element that -- you know -- if I were doing design review of
16 the building today, I, like Chairman Kousoulas, would've
17 moved that more forward. Because I think that it would've
18 been more successful, in terms of urban design. But that's
19 not -- you know -- the point. But perhaps there is
20 something there.

21 MR. METZ: That's why we're here tonight, to hear
22 that and see what we can do to integrate your comments.

23 MR. HONDOWICZ: First of all, it wasn't a
24 coincidence that I wait until the end to try to speak. I
25 really was very much interested in hearing what all the

1 Commissioners, particularly, had to say on this as well,
2 because I've been sort of bouncing around.

3 First of all, based on my initial perceptions from
4 having read through the staff report, and the presentations
5 and all, I truly do believe it's appropriate to focus on the
6 setback issue, first of all, just as an issue. I can
7 understand why the consent agreement is the way it is.

8 I drive through this area a lot. I'm down there
9 at least once a month for a meeting at American City --

10 And this area has been used by the County
11 Democratic Party in the past for events, so I've had some
12 familiarity with it. And it always seems to me, what you
13 can see directly on Wisconsin Avenue as you're driving by
14 very quickly on that very congested roadway is really where
15 all the attention is. So, while I normally would be
16 interested in the sides and so forth, I clearly think the
17 County Council would like us to focus on the front. And
18 that's a logical focus as well.

19 In terms of where the setback is, I bounce back
20 and forth. I really saw strong merit in both what the
21 Chairman had to say and what Commissioner Trumble had to
22 say. I would say that -- you know -- maybe I have a
23 different view because I don't actually live in Bethesda,
24 but just the general, canyon-type nature to use the word
25 from my colleague to the left. It doesn't necessarily

1 bother me, in that that's what I think of that area as. And
2 I see nice contrasts, and I drive from 355 where I live, in
3 Gaithersburg, down. And to me, that variety along the
4 entire Route 355 is one of the things that makes this County
5 a great place to live.

6 But with that said, I really haven't made up my
7 mind on the setback. So I'll be interested in whatever you
8 come back with us -- I mean, come back, to ultimately submit
9 for a HAWP. I could probably go with it either way.

10 I would say that if I had to make a decision now,
11 given the comments I previously made about the focus, and
12 what the residents are concerned about, integrating that all
13 together, I would be willing to sort of lean towards the
14 Chairman's point of view and focus on the 20 foot. I don't
15 blindly go along with nearby residents on an issue, because
16 you have to look at what's best for the County as well.
17 But, being sort of undecided, thinking that community
18 support is important --

19 And while my initial reaction was that it did sort
20 of swallow up the theater, I didn't think it's necessarily
21 swallowed up in a negative sense. I sort of got the initial
22 impression from looking at it that -- at least in thinking
23 about it, that the way it's laid out now sometimes sort of
24 makes you focus a bit on the theater, because you really do
25 have a contrast between this tiny little thing in front and

1 this huge thing behind it. It's kind of like looking at a
2 frigate right next to an aircraft carrier.

3 So, I haven't made any -- I really can't, from my
4 particular point of view, say that I definitely agree with
5 one of the two perspectives on the Commission. But if push
6 came to shove, because I don't think it's necessarily about
7 swallowing, if that's such a thing, I could live with the 20
8 foot, for whatever degree it helps you.

9 But that's my thinking on this so far.

10 CHAIRMAN KOUSOULAS: One thing that just occurred
11 to me, detail-wise, that might work, before it's successful
12 to get a couple of the Commissioners' concerns about the
13 stream-lined feel of the massing.

14 Corner windows. I mean, if you look at the
15 rendering. The corners here look fairly massive, and quite
16 often there would be windows that -- glass that wrap the
17 corner. That was pretty typical of the era. I don't know
18 if it's showing up there on the new facades or not.

19 Yeah, let me just speak to that for a second. One
20 -- and I do apologize. When these sketches were done, it
21 was really as an overall massing concept. It was really an
22 interpretation of the model so people in the community could
23 understand it.

24 CHAIRMAN KOUSOULAS: Sure.

25 And we really didn't have the time to focus. But

1 it's -- what this is trying to show was this relationship,
2 and what 90 feet -- 94 foot high is, and where the base is.
3 And that was really the intent.

4 But it's not an office building, so we just -- you
5 know -- it was really just a feel for a massing diagram.
6 This is one step further, and it's obviously, as you've
7 said, not final. But this does show a lot more glass at the
8 corners, these corners are camphored.

9 And it's a lot lighter look, I think. And it's
10 not just so -- so boxy as this represents. And the
11 balconies are much more integrated on the side. These
12 balconies are actually enclosed balconies and they're much
13 more like bay windows. So there's, I think, a total
14 different feel to where we're going now than this initial
15 sketch, but.

16 And the only other thing I want to add is, I
17 think, initially in the sector plan, you might see that --
18 that Bethesda, obviously east Bethesda, there's a tremendous
19 transition from the east of Wisconsin Avenue to west of
20 Wisconsin Avenue. And with this all being CBD-2, this was
21 all originally 143-foot height for CBD-2.

22 Throughout the sector plan process, and when there
23 were original designs for the setback and with the theater,
24 the building on top of this was 143 feet high. And it
25 finally got approved to drop the side down to 90 to ask, as

1 a transition to these east Bethesda neighborhood. So I
2 think there's been a gesture that, that -- you know -- when
3 the original 50 feet was proposed, it was also based on 143-
4 foot-high building. And now that it is smaller,
5 proportionally you think you could get a little closer,
6 also.

7 CHAIRMAN KOUSOULAS: Thank you. The other thing,
8 I think Commissioner Eig's comment about what do to if you
9 do, in the end, set back 20 feet or whatever, but how to
10 treat the existing second parapet, I guess incorporate it
11 into the bottom wall there. I think that's good advice.

12 I guess you have the sense of the Commission at
13 this point. I think you -- if you want to pursue 20 feet,
14 you -- make a very good case as to why 20 makes sense.

15 Because personally, I think it does. But it -- I
16 think it needs to be made visually, more clearly.

17 Is there any other?

18 MS. EIG: I think we should add that, as Gwen
19 said, I think, that every member of the Commission is very
20 happy that the theater is being preserved and restored, as
21 it might be. I think that's something that you should know
22 the we like.

23 MR. TRUMBLE: I just want to pass on -- this
24 evening I had unexpected friends who returned to the
25 Washington area after 20 years; they were living in Fort

1 Collins. And they worked in Bethesda about 20 years ago.

2 And they were driving down Wisconsin Avenue. And
3 the one thing they mentioned was not the wonderful new
4 Discovery Building, not the wonderful new apartments, but,
5 gee, the theater is still there.

6 I hope you'll keep that in mind when you're
7 dealing with that theater, because it means a lot to people.

8 It has become, in its own way, a kind of landmark,
9 or kind of -- almost a kind of signature for downtown
10 Bethesda. And I think it deserves to have a very special
11 place in the future development of Bethesda.

12 CHAIRMAN KOUSOULAS: But to sort of keep -- sort
13 of the development of Bethesda in perspective, because it's
14 clearly not what it was 20 years ago, I'll trot out the art
15 deco monuments, the Empire State Building and the Waldorf
16 Astoria; clearly, the Waldorf Astoria Hotel, one of the most
17 famous hotels in the world.

18 The Waldorf Astoria, the original Waldorf Astoria,
19 was a combination of two hotels, hence the hyphen. And they
20 were located on 34th Street and Fifth Avenue in Manhattan.
21 And they were -- at the time, it was the most famous, the
22 most opulent hotel in the city, maybe in America, and
23 because they were two connected hotels, they were connected
24 by a passage between the two called -- alley.

25 They tore down the Waldorf Astoria so they could

1 build the Empire State Building at 34th and Fifth, and they
2 built a new Waldorf Astoria up on Park Avenue, complete with
3 a new Peacock Alley.

4 The new Waldorf Astoria, of course, is about 800
5 feet tall and maybe ten times the size of the original. So
6 I think we need to keep growth and change in perspective
7 here, and really hold onto what's important in this project.

8 And that because the -- I mean, because Wisconsin
9 Avenue will become more like 90 feet along its path, and --

10 MR. HONDOWICZ: Yeah, I'd like just that -- the
11 example the Chairman made suddenly popped into my mind. The
12 first time I had a chance, during the time I lived in Texas,
13 to go down to San Antonio and look at the Alamo.

14 I mean, there's the ultimate example of contrast.
15 You have this small, little old structure, and then all the
16 huge city of San Antonio around it, were just (sic.) totally
17 different than what it used to be. And yet, I don't -- I
18 believe that if anything, the cityscape, the way things are
19 developing around the Alamo, helps you focus on the Alamo
20 that really sort of -- you can't notice the Alamo, then you
21 must truly be blind.

22 And that's sort of, I guess, the impression that
23 perhaps I'm getting from the way you're weighing things out,
24 which is why I'm not necessarily concerned with the current
25 setback.

1 MR. METZ: Thank you all very much.

2 CHAIRMAN KOUSOULAS: Thank you for all coming in.
3 Okay, the next item is the continuation of staff
4 items.

5 MS. WRIGHT: Great. We have a couple of
6 additional items to just briefly report on. There was an
7 event today at 3 o'clock with the governor at the Tastee
8 Diner, to celebrate the fact that the State is providing a
9 grant to help with the relocation of the Tastee Diner. This
10 is something the HPC has reviewed as a preliminary
11 consultation in the past, the idea of moving it,
12 essentially, behind Industrial Photo.

13 And that was also something contemplated in the
14 designation of the diner. And it's looking like that may
15 move forward in the near future, and it looks like they have
16 some good design ideas. I've encouraged them to come back
17 for another preliminary consultation as soon as they can.

18 Couple of upcoming events. We have, on July 11th
19 -- I know I gave you all a calendar for June, but I'm going
20 to tell you a couple of July events. We're going to have a
21 dedication of a plaque at the Jessup-Blair park, which is a
22 plaque commemorating Jubal Early's raid on Washington. And
23 there will also be a plaque the same day at Acorn Park
24 commemorating it.

25 And then, the next day, which is the 12th, which

1 CHAIRMAN KOUSOULAS: Okay. Before we go on with
2 that, we have a speaker in the audience, and maybe we should
3 get her comments so they can be a part of the discussion.

4 MR. METZ: Okay.

5 CHAIRMAN KOUSOULAS: Linda Lyons?

6 MS. LYONS: Yes.

7 (Pause.)

8 * MS. LYONS: I did write this text before I had a
9 chance to see some of the materials that were presented
10 tonight.

11 My name is Linda Lyons. I am here as Chair as the
12 Preservation Committee of the Art Deco Society of
13 Washington. I'm also a resident of Montgomery County.

14 You have before you tonight a preliminary
15 consultation on a site that has been the subject of much
16 discussion, debate, negotiation and legislation in the past.
17 Although it is my intent to focus on the current proposal
18 for the Bethesda Theater site, we cannot ignore earlier
19 schemes that the Art Deco Society was asked to review in
20 past years. These will be referred to as I comment on three
21 aspects of the current project.

22 First, the proposed setback of the new
23 construction above the theater to only 20 feet from the
24 building line; second, the apparent plan to resurface much
25 of the theater in new materials; and third, additional

1 details that we believe do not serve the goals of historic
2 preservation.

3 The Art Deco Society is primarily concerned about
4 the 20-foot setback, which we feel will obscure the identity
5 of this historic resource and make it seem encapsulated into
6 the new construction or, at best, a decorative appendage.
7 The view from Wisconsin Avenue presents two parapet walls;
8 one directly behind the marquee and tower, and the second
9 approximately 50 feet back where the auditorium walls rise
10 above the entrance marquee and lobby of the theater.

11 Both walls are faced with blonde brick, and have
12 decorative details of horizontal black stripes, and on the
13 second wall, toothed brick.

14 We believe that the second wall is a better place
15 for the new construction to rise above the theater, just as
16 the auditorium roof does now. Indeed, this was the setback
17 under discussion for many years, including, according to our
18 files, during the development and finalization of the
19 Bethesda Central District -- Central Business District
20 Master Plan which was approved in 1994.

21 I've also presented to you copies of section
22 drawings of the proposed complex that I had available to me,
23 first from the owner's presentation as it was given to the
24 -- to the Commission; B, a set prepared by the owner's
25 architect in 1993 for discussions in which the Art Deco

1 Society participated; and C, the final draft of the Bethesda
2 Central Business District Master Plan.

3 Frankly, I don't think we're really seeing or
4 hearing anything tonight that suggests or justifies moving
5 the setback forward of the second parapet. Not so long ago,
6 It was agreed by all concerned that this was the best
7 location for the new construction.

8 Project such as this succeed when new construction
9 is joined to the historic building in the smallest way
10 possible. From the street, the project should appear as two
11 buildings that were built at different times, but exist in
12 adjacent harmony. The new construction should not swallow
13 this historic resource. This would be best accomplished by
14 keeping the setback at the second parapet wall, in our
15 opinion.

16 In addition, we're hearing discussion about the
17 urban character, or urban design prospective, of the future
18 Bethesda, and whether a 20-foot setback would make a better
19 presentation to the street. Art Deco Society doubts it.

20 The real urban element of this particular project
21 will be its authentic art deco movie theater, and how
22 fortunate Bethesda is to have one. It will be more urban
23 for the new construction above the theater to be respectful
24 and spring from the second parapet, than to be pulled
25 forward and compete with it.

1 Our second concern is the apparent resurfacing of
2 the theater building. And again, I -- it seems to be an
3 evolution. It's never good historical preservation to make
4 the original and the new to appear seamless or
5 indistinguishable. It's not honest, and it's not urban.

6 This is particularly true in the alley on the
7 south side of the theater that is to become a pedestrian
8 walkway. Here's where the viewer sees most clearly how the
9 theater was thought out and constructed. The shift to
10 utilitarian red brick, which is really another indication of
11 where we might want to think about putting the setback,
12 signals that although, quote, the show starts on the
13 sidewalk, to paraphrase a recent architectural history of
14 movie theaters, there's also a back of the house.

15 Now that this alley is itself to become a
16 sidewalk, it can be a place to tell the story of the
17 theater's latest adventure. A careful choice of surfacing
18 materials, either the rehabilitated originals or sympathetic
19 replacements, can reveal and explain the new construction.

20 Well, again, I see that this part of the project
21 is in evolution.

22 Our third concern rests primarily in design
23 details that we see -- we saw in the view drawings of --
24 that we -- that were available to us; one of which I copied
25 into my handout sheet as D. While I'm in no way endorsing

1 the 20-foot setback, I notice that in that particular
2 rendering, a portion of the first parapet wall seems to have
3 been obliterated, raising concerns about how the final
4 design of the project will be handled. As an example, in
5 section drawing A, and a photograph that I copied from the
6 Bethesda Master Plan, which is E, that first parapet wall
7 ends in stylish, curving returns at the theater entrance
8 edgues -- and I should've really -- just take a look.

9 Well, it should be right there. And they don't
10 seem to be in the current plans. It seems to us that that
11 ought to really be retained as part of the original design
12 of the theater.

13 As I say, they don't seem to be included. I
14 expres our view, again, that this project should not
15 swallow, encapsulate or obscure the Bethesda Theater
16 building, but rather make it the star of the show, and honor
17 it.

18 This particular comment is just an example of
19 others that could be made about design details that might
20 obscure the distinction between the original theater
21 building and the new construction. They don't serve the
22 goals of historical preservation, and in our view would not
23 produce a successful product.

24 Thank you.

25 CHAIRMAN KOUSOULAS: Thank you. Okay, who on the

1 Commission would like to begin?

2 (No response.)

3 CHAIRMAN KOUSOULAS: Or, maybe, I'll begin.

4 I have a few comments. One of them I'll toss out
5 quickly, because it doesn't pertain to what we are really
6 looking at, but it does sort of bother me and I'll forget
7 about it as the discussion goes on.

8 It's the entry court. Are you -- on Middleton.
9 That square area, is that portion of the road being
10 abandoned and becoming a part of your project, or?

11 MR. SILVERMAN: No, the -- no, it's not being
12 abandoned. We were just -- the intent here was to identify
13 the entrance and maybe do special paving --

14 CHAIRMAN KOUSOULAS: Yeah, I -- I think that
15 that's a big mistake. I think however wonderful this
16 project may end up being, it should always defer to the city
17 around. And Middleton is a public way in Bethesda, and --

18 MR. SILVERMAN: Well, this -- this is -- it's a
19 closed street.

20 CHAIRMAN KOUSOULAS: Okay.

21 MR. SILVERMAN: This barrier separates the
22 residential portion of Middleton from the commercial.

23 CHAIRMAN KOUSOULAS: Okay.

24 MR. SILVERMAN: And what we were doing actually is
25 expanding this barrier to get a larger green area. And so,

1 this will be the -- all you can go in here is the building,
2 or there's a County parking garage to the right. And we
3 felt that a change in the paving here might be a very
4 positive --

5 CHAIRMAN KOUSOULAS: Okay. On to the theater.

6 Several year ago when we were looking at it, I was
7 always kind of uncomfortable with the set -- the further
8 setback. It seemed that the tower was detached from the
9 finial. The -- it was very hard to place where the building
10 was in the landscape. It wasn't a part of Wisconsin Avenue;
11 it was floating back 50, 60 feet, somewhere back there. It
12 was also somewhat disconnected from the finial.

13 It seemed to be the the least comfortable
14 rendering that we saw, and I think we saw -- I mean, not
15 this building, but this relationship at this time, also.

16 A lot of the details that are being obscured, or
17 this curved details in the first parapet I can understand.
18 But the second parapet is very far back, and except from the
19 corner looking across the car lot, basically to the
20 southeast I guess, southeast corner, you really can't see it
21 that much anymore.

22 You don't see it from across the street. You
23 really don't see it down from Chevyland. You see it only --
24 the finial -- not the finial; the parapet in back, the
25 second one.

1 Well, you have to be way across the street. By
2 discovery, you can see it definitely when you're to the
3 south of the site and you're looking across the empty lot,
4 or the vacant lot of the car dealer -- the smaller car
5 dealership. But from Chevylard, it's harder to see from
6 that direction.

7 But anyway, I think we need to keep the importance
8 of that second parapet in proper perspective here.

9 So I would be in favor of the 20-foot setback
10 you're showing here. Or if it needs to be slightly more
11 just to retain the curved details and whatever, I think
12 maybe we're talking a handful of feet. I wouldn't going
13 into -- let's hear some more discussion before we get
14 into --

15 MR. SILVERMAN: Sure. The only thing I would like
16 to say is, it is our intent to keep the first parapet.
17 That's just a drawing at this point that didn't quite
18 reflect it. But it's our intent to keep that first parapet
19 the way it is; the way it comes around the corner and faces
20 -- this will continue to curve down the way it is now.
21 We're not planning to touch that.

22 MR. JORDAN: So is that curved parapet, is that
23 within the 20 feet?

24 MR. SILVERMAN: Yes.

25 MR. TRUMBLE: Yeah, I guess -- go ahead.

1 CHAIRMAN KOUSOULAS: Yeah, I think in general the
2 massing of the project is fine. I'm a bit concerned about
3 some of the detailing, more of the detailing that I see on
4 this rendering, which is a lot looser than those.

5 But for instance, and I guess that you've
6 mentioned that the banding here is going to be -- courses of
7 darker brick, rather than what could be a pre-cast inset or
8 something, or a slab projecting through the wall.

9 I think it's important that the details that you
10 do come up with follow through on the building. Some of the
11 detailing that's showing through on the Metropolitan is
12 pretty good. I mean, around the parking garage, and the
13 stuff facing the parking garage, the colors of the brick.
14 It just seems to be pretty close to what's going on here.

15 There's some other detailing on the Metropolitan
16 that I think belongs on the Metropolitan and doesn't belong
17 on this project, and I would hope that you'd be very careful
18 to kind of keep the project separate and look forward, and
19 then make sure that this one really relates to the theater.

20 I'm concerned as to how dark that new brick will
21 get in relation to the older brick. I think it should be a
22 very subtle distinction. It should basically be a blonde-
23 ish brick and not a pink brick or a tan brick or a brown
24 brick. It shouldn't start getting that dark, I don't think.

25 I like the idea of the fiberglass panels, picking

1 up some of that motif. The -- the railings that are showing
2 up here, I just don't think have anything to do with this
3 kind of building. One of the problems with modern apartment
4 buildings, I feel, is the use of balconies that kind of
5 project off of every apartment kind of equally, and older
6 apartment buildings tend to just sprinkle the balconies a
7 bit more carefully depending on the massing of the building;
8 not everyone got a balcony.

9 We don't want to have skyline towers here where
10 every unit has its own pre-formed metal railing.

11 Also, the cornice that's showing up here. I think
12 if you look at the theater, at least in this type of art
13 deco, the cornice quite often wasn't distinguished by
14 massing or detailing or anything; it was distinguished by
15 surface color. I mean, here you basically have a plane that
16 would run off forever if it didn't have the brick bands.

17 But the cornice you're showing up here has a
18 little bit of a -- some sort of inverted, canted motif to it
19 that I think maybe the building should, the way this
20 building is, the tower end should look to how the movie
21 theater building ends, which is more of a plane, and dealing
22 -- treating the surface in a special way, and not modifying
23 the geometry of the surface.

24 I'll leave it at that for now. Maybe that gets
25 things going.

1 MR. TRUMBLE: I guess the Chairman and I are
2 probably the only two members of the Commission that go by
3 the theater on a daily basis. I had lunch across from it
4 today.

5 I must tell you that I've lived and worked in the
6 Bethesda area for 25 years, and I have seen northwest
7 Washington and Bethesda Avenue along the Wisconsin corridor
8 change significantly, into what some have referred to as the
9 K-Street-ization of the area.

10
11 And I am more in favor if an increased setback for
12 a couple of reasons. That side of Wisconsin Avenue in
13 Bethesda has not yet turned into the wall of buildings that
14 the opposite side has. Beginning at the intersection of
15 Wisconsin and Old Georgetown/East-West, if you go up the
16 west side, I guess it would be, you go to the Discover
17 Building. And the buildings behind it, and I think of the
18 Woodmont Building and then the apartment that George
19 mentioned, they're beginning to develop an urban wall there,
20 a canyon effect.

21 That is not true on the other side. If you think
22 about it for a moment, there's the funeral and there's
23 -- there's the Chevy Chase car dealership. There is the
24 bank, which is, what, four or five stories tall at the most.
25 And you continue on up the street.

1 I find that large, 200-foot buildings standing
2 along the street is oppressive. I must also tell you that
3 the design you have does look as if the apartment building
4 is eating the theater. And I don't find that especially
5 aesthetic. I believe that more deference to a building
6 which is the better part of 60 years of age is due in a
7 project like this. I don't know the magic number for the
8 setback.

9 But as I look at the -- as I look at the two
10 pictures you have here, the straight-on picture and the
11 tower is essentially eaten. I mean, you can come and look at
12 it from my perspective. It is just eaten. You have to know
13 it's there to know it's there.

14 The one where you're looking at the side view,
15 there just isn't the offset, there isn't the distance --
16 there isn't the track record, or the historic record, of the
17 existence of the theater. In some sense, the theater is
18 almost held hostage by that overwhelming building.

19 I understand that you're putting some
20 architectural details into the building itself to echo the
21 theater, but they're, at least to my eye, relatively obscure
22 and don't contribute a great deal.

23 I would feel a lot better if the thing was set
24 back. I would also feel a lot better if the notion of that
25 alleyway was preserved. There is some -- there is some

1 utility to seeing the way in which a city progresses. And
2 downtown Bethesda is really losing its sense of where it
3 was. And I suspect that before I leave the Air Rights
4 Building where I work right now, any concept of what
5 Bethesda was 25 years ago will be gone.

6 Oh, there'll be the odd Tastee Diner, I suspect,
7 and perhaps a facade here and a facade there. But what is
8 going to distinguish Bethesda from K Street? What's going
9 to distinguish Bethesda, for that matter, from Northwest
10 Washington?

11 When I first moved into Tenleytown, there were a
12 series of essentially two-story buildings that went all up
13 and down there before the Metro came in. That's gone. And
14 if you were to be a Rip Van Winkle and return to the area
15 where the Maza Gallery is now, you wouldn't know where you
16 were, or what was ever there.

17 Now, what happens to Bethesda? We're losing all
18 of it's -- we're losing all of its history. And I would
19 argue that what little is left ought to be given more
20 deference than is in this project.

21 MS. BIENENFELD: Yeah, I wanted to just talk about
22 the front facade. The theater is streamlined, but at least
23 from what I can see from your drawing, the front with the
24 windows look like they have an awful lot of detail. And it
25 seems to me like it should look more like a streamlined -- I

1 mean it's -- obviously it's modern, but something
2 streamlined or something flatter. To me, it just looks like
3 the time period that's being portrayed in the new structure
4 just seems sort of out of sync with the idea of
5 streamlining. It seems like there's an awful lot of detail.

6 MR. JORDAN: I would agree with that. I think
7 that there is -- I think that's the one thing that kind of
8 bothers me a little bit about that. And as far as the
9 setback is concerned, I realize that you're probably trying
10 to keep a minimum square footage. And I don't know what's
11 the magical number with the 90 feet. I'd almost rather see
12 the thing get a little bit higher and the setback pushed
13 back a little bit to give that streamlined effect. I don't
14 know if that's possible, but that's my comment.

15 CHAIRMAN KOUSOULAS: I think -- you know -- if you
16 looked for some ideas, if you look at buildings of that era,
17 quite often the panel between the windows -- is that brick
18 now, below the windows?

19 MR. LIEBMANN: No, that would be -- it could be a
20 few things. It could be metal -- that's showing -- would
21 be like a ceramic polymer to look like metal.

22 CHAIRMAN KOUSOULAS: Okay. Yeah, I think things
23 like that, because typically that's what was done. They
24 didn't bother to carry the weight of the spandrel (ph.) At
25 that time. I mean, they came up with better solutions. The

1 Empire State Building is a classic example where it was an
2 expedient way to build the thing faster.

3 MS. LANIGAN: I'd like to say that I agree with
4 and wholeheartedly endorse the comments of the Art Deco
5 Society. I know the Society worked real hard to try to not
6 have the Greyhound bus terminal in D.C. be swallowed up by a
7 huge building, and they made a lot of progress here. But if
8 you look at it, it still is kind of swallowed up, and I
9 would hate to see this happen in this case.

10 I agree that it is important that the setback be
11 at least to the second parapet. I think that's an important
12 architectural feature. If you -- from the side -- I think
13 the side of the building is important, the color
14 differentiation of the brick.

15 This -- this -- it's an attractive design for your
16 living space, I will agree to that. However, it makes the
17 theater look like a hotel lobby. And what we are trying to
18 preserve here is the theater, and again I agree with the
19 comments from the Art Deco Society that the theater -- the
20 force of -- the presence of the theater should be
21 strengthened instead of overtaken.

22 (Pause.)

23 MS. SODERBERG: I have really no problem with your
24 design there. I think it's very interesting. I do,
25 however, agree that the setback should be further than 20

1 feet. And I'm very interested in that dental type work on
2 the second parapet. I think that's rather strange, but --
3 but it is characteristic of that particular structure. And
4 even if you had to move the new building forward, I think
5 you should try to save that.

6 And I had another comment on the storefront; the
7 effect that the doorway to the apartment building will be in
8 the north storefront.

9 And I really wouldn't like to see that made
10 different. I know it's already been changed. But if it
11 would be possible to keep it -- to try to reconstruct that
12 storefront the same as it -- as it was originally, and just
13 put the doorway in there, not make a big deal of it, I think
14 that the people living in the apartment would probably like
15 that. They wouldn't want to draw attention to the fact that
16 there is a sidewalk street-level entrance to their apartment
17 building, to other people.

18 And I totally agree with the other comments that
19 have gone forward. This is a very important structure. And
20 -- and it's important to make it historic -- of the show.

21 Thank you.

22 MR. TRUMBLE: Can I ask you a question? What's
23 going to happen to the Chevy dealer, with the -- whatever
24 Chevy's automobile.

25 I mean, there's the little -- there's the large

1 section which has recently been refaced. I assume that
2 stays, is that right?

3 VOICE: Everything stays.

4 MR. TRUMBLE: And then the smaller section, which
5 is -- okay.

6 MR. SMITH: Are you referring to the adjacent
7 Chevyland site?

8 MR. TRUMBLE: Actually, I was wondering about the
9 parts to the south of your structure.

10 MR. METZ: That's going to be changed to a
11 Mitsubishi dealership, and improved.

12 MR. TRUMBLE: All that could be done is improved.

13 MR. METZ: I know. We're not sure what they're
14 going to do to improve it, but they're going to make
15 improvements to it.

16 MR. TRUMBLE: But that will remain --

17 MR. METZ: Yes.

18 MR. TRUMBLE: -- at least for the foreseeable
19 future --

20 MR. METZ: Yeah, there's a very long-term lease on
21 it. And we tried to acquire it, and could not.

22 MR. TRUMBLE: Okay.

23 MR. SILVERMAN: Yeah, this building remains, and
24 this has in a sense been renovated to date.

25 MR. TRUMBLE: And are you taking over the -- never

1 mind. I see you've -- that's -- the one street's already
2 blocked off, I've forgotten the name of it.

3 And that's the funeral home next to South, right?

4 MR. SILVERMAN: Right, that's the funeral home.

5 MR. TRUMBLE: And is the -- the one store is
6 currently occupied, the southern store.

7 MR. SILVERMAN: Right.

8 MR. TRUMBLE: Is that going to remain
9 commercial --

10 MR. SILVERMAN: Yes.

11 MR. TRUMBLE: -- or both of them will? Both of
12 them will remain commercial? I thought that one of them was
13 turning into a front door for your apartment --

14 MR. SILVERMAN: No, no, actually. You can see on
15 the plan here that this is -- from the apartment building
16 above, it's really one of the two stairways out. One is in
17 the lobby and comes out on Middleton, and the other one,
18 since we can't get out to the north since we're land-locked
19 there, it's just an emergency exit stair. It's really not
20 an entrance to the building; it's just an emergency exit out
21 at grade, from the building.

22 MR. TRUMBLE: And the property immediately to the
23 north of that, which is now, I believe, unoccupied, is that
24 right?

25 MR. METZ: No, that part store is for Chevyland.

1 MR. TRUMBLE: Okay, that's not -- that's not for
2 lease now, or?

3 MR. METZ: No. That's occupied space.

4 MR. SILVERMAN: You see, our site only includes
5 the little green -- is our site, which is access -- exit
6 from the theater itself. The portion that's in green is
7 part of our property, but everything that's in gray here is
8 not part of our property.

9 (Pause.)

10 CHAIRMAN KOUSOULAS: Emily?

11 MS. EIG: Well, I, like Commissioner Lanigan,
12 support the Art Deco Society's position. I think that you
13 have not presented us with a reason why you should go
14 forward 20 feet. And although I certainly understand
15 Commissioner Kousoulas' comment about from an urban design
16 perspective that we might want to pull the building forward,
17 from a preservation perspective, I see in this case as
18 predominant that the retention of that second parapet wall
19 is the least we could do to preserve this.

20 And, failing to sort of show us a rationale
21 otherwise -- you know -- maybe you should consider that for
22 your next presentation as to really explaining why you want
23 to come up for it, other than to maximize the amount of
24 space that you want to have, it would be something that we
25 should -- could hear, and we should hear.

1 Because I think that we do gain by the interior of
2 the theater being preserved, though I am unclear.

3 Are you -- I'm unclear as to your plans here. And
4 forgive me if I have just simply not understood.

5 But you're retaining this building and
6 encapsulating it, or are you just retaining the interior
7 core and constructing around it?

8 MR. METZ: We're retaining the building and
9 building over it.

10 MS. EIG: Retaining the utilitarian brick walls --
11 will be gone, though, on the sides. Is that right, or are
12 they going to stay there?

13 MR. METZ: (Response inaudible.)

14 MS. EIG: They will be there. You will -- you
15 actually create a truss system above and around the
16 building, and keep the building there? Okay. All right. I
17 just wanted to be clear as to what was happening.

18 So that the -- and would the -- the second parapet
19 be retained regardless of where your setback is, or not? I
20 mean, the roof of the structure is going to be retained, or
21 not?

22 MR. METZ: No, it is --

23 MS. EIG: The roof is gone, okay.

24 MR. METZ: The roof is gone. The ceiling --

25 MS. EIG: The walls will be there, the exterior

1 walls will be in place?

2 MR. METZ: Yes.

3 MR. SILVERMAN: And the finished ceiling.

4 MS. EIG: And the finished ceiling. But the roof
5 will be --

6 MR. METZ: Gone.

7 MS. EIG: -- gone. And the parapet wall, the
8 second parapet wall, will be gone?

9 MR. METZ: Gone.

10 MS. EIG: Okay. Under your scheme.

11 See, I think I could live with the roof going,
12 under what you're proposing, because of the retention of the
13 interior. But I am not yet convinced that the setback
14 should cause the reduction -- I mean -- cause the
15 elimination of the second parapet wall.

16 It was a decorative feature -- I think, should be
17 preserved.

18 As to the design, I, too, agree. I think that the
19 apartment building itself should be a little more
20 sympathetic, or compatible, to the streamline moderne
21 appearance of the theater. And I, too, would, as
22 Commissioner Kousoulas said -- you know -- prefer a brick
23 that, while different, I think it needs to be something that
24 is more in keeping, color-wise. And I think you haven't
25 really started to address that, and I understand that. I'm

1 just suggesting that's the direction that -- you know -- I
2 would go. I'd follow his advice in that.

3 And I'm a little concerned, and maybe you can help
4 with this. I know you have a model that sort of shows
5 what's there. But I think it was said to us that the height
6 of what is allowed is the same as the Discovery Building?
7 No, it's 90 feet on that side?

8 MR. METZ: The Discovery Building is 143.

9 MS. EIG: One-forty -- right. I would like to see
10 in your next presentation some sketches that would show what
11 has been approved for -- just massing, for the other sites
12 and heights, so we can see, well, what you're proposing will
13 fit into the future.

14 MR. METZ: For instance, right to the south of us,
15 the Hot Shoppe site is being redeveloped, and those
16 buildings will be 200 feet.

17 MS. EIG: I'd like to -- i'd like to see that, you
18 know.

19 MR. METZ: We tried to get plans to include that
20 in our -- on this model, and we're unable to do that.

21 MS. EIG: Well, I guess I don't even -- I don't
22 need to have the actual plans. That would obviously be
23 great for all of us, and I'm sure your architect would
24 appreciate that as well.

25 But I think if we could just see -- you know --

1 just a very simple, sketched out sort of massing study of
2 what has been approved for the site.

3 VOICE: By the time we come back --

4 MR. METZ: Yeah, we either have what they submit,
5 or else what theme we had thought about doing, but what's in
6 the sector plan now for that site, which is very massive and
7 big. And I thought we'd wait to see what was actually
8 proposed. But, if not, we could always put that approved
9 sector plan diagram in there.

10 MS. EIG: I'd like the other Commissioners to see
11 this, I think, that the protection of the historic building
12 is our main objective here. And there are other people who
13 are going to have lots of other people who have lots of
14 other points of view, as you go through your development
15 process.

16 And the fact that there is an understanding that
17 it is not inappropriate for there to be a large building on
18 this site, as long as it's set back to a -- to some point
19 that is found to be acceptable, is a big concession right
20 away. And, you know, there's the opportunity, with the
21 right setback, to be successful.

22 MS. WRIGHT: Could I comment on that real
23 briefly? I just -- and I think Robin really tried to cover
24 this in the staff report. But this is a very unusual
25 designation.

1 The designation was for the whole building, but
2 basically the County Council said if this went through --
3 they were essentially directing the HPC to say you can't
4 preserve any part of this building except the front facade.

5 They didn't say what that front facade constituted
6 beyond -- they didn't mention whether it included the second
7 parapet wall or not. But they talked about the fact that if
8 a standard method development project, or even an optional
9 method development project came through on this site, that
10 really what the Commission has authority to review is how
11 that facade is integrated into the new development.

12 It was -- the result of that, just to give you a
13 little history on how that came about, was that this was a
14 very -- the designation was heavily opposed by the owner.
15 And it was, after the County Council designated the
16 property, there was essentially the threat of a lawsuit.
17 And the Council entered into a consent agreement, after the
18 actual designation had taken place.

19 The owners at that time had wanted to literally
20 only have the front facade of the building designated, and
21 the Council didn't feel that was appropriate because they
22 wanted the review of how new architecture could be
23 integrated with the building, to be something this
24 Commission would review.

25 So, they put together the consent agreement that's

1 in your packet that talks about the fact that the goal of
2 designation here is to preserve the front facade and to
3 integrate it with new architecture. So I think Robin made
4 the point that -- and I want to give the applicants here a
5 little additional credit for what they're accomplishing
6 here.

7 Essentially, if they wish to come up with another
8 set of amenities, other than preservation of the theater,
9 and offer that, they could come forward with a project that
10 essentially tore down the building and built the new
11 building behind it, and put a health club or something in
12 the ground floor as a public amenity. And instead, they've
13 really heard from the community that the theater -- not only
14 its preservation as an architectural piece, but its function
15 as a theater, was very important to the community. And that
16 that was something that they wanted to have retained.

17 So I want to give them a little credit for doing
18 that.

19 And also say that this has been an extremely
20 complex project. As much as this Commission is interested
21 in setting this building back, the folks that live in the
22 houses to the rear are pushing that building forward. They
23 don't want a 90-foot building at -- you know -- within --
24 casting shadows on their yards, and so forth.

25 So the folks here are sort of being caught between

1 two forces; with the residential folks saying move the whole
2 thing smack up to the front of Wisconsin Avenue, and the
3 Commission saying push it as far back as possible.

4 And -- you know -- again, I think all the comments
5 that have been made have been very valid, but I wanted the
6 Commission to have maybe a little more, this -- I don't know
7 -- the sense of what the challenges have been with this
8 project.

9 MR. METZ: Hopefully, you will find that what
10 we've shown you tonight is a genuine attempt to compromise
11 between the two pressures. And as we go through the
12 development process, hopefully by that time, we'll come to
13 an understanding where we both have the support of the East
14 Bethesda community as well as you all.

15 CHAIRMAN KOUSOULAS: You need to be on the record.
16 If you could get near a mike?

17 (Pause.)

18 MS. LYONS: I would merely say that in regard to
19 the law suit that the Art Deco Society, which was involved
20 in the law suit, agreed to that consent order very
21 reluctantly. And in some ways in our minds, it's not
22 necessarily a hundred percent closed.

23 But, it's also interesting to note in Ward
24 Bucher's new dictionary of Historic Preservation, published
25 by Preservation Press, I looked at the definition of facade

1 almost casually and was fascinated to find that, in recent
2 times, facade refers to all sides of the building; although
3 in centuries past, it was taken to mean the front of the
4 building. But that's not the way it's taken today.

5 MR. METZ: I would just like to add that the Art
6 Deco Society, in that consent agreement, was pushing for
7 exactly the 50-foot setback and so forth, and that was not
8 accepted.

9 MS. EIG: Well, I did understand that this issue
10 of facade, not of being that clear as to what that was. And
11 in the spirit of compromise, I think perhaps something that
12 I would suggest that you might entertain is the -- perhaps
13 the reconstruction of that parapet wall closer up.

14 I think that it's an interesting architectural
15 element that -- you know -- if I were doing design review of
16 the building today, I, like Chairman Kousoulas, would've
17 moved that more forward. Because I think that it would've
18 been more successful, in terms of urban design. But that's
19 not -- you know -- the point. But perhaps there is
20 something there.

21 MR. METZ: That's why we're here tonight, to hear
22 that and see what we can do to integrate your comments.

23 MR. HONDOWICZ: First of all, it wasn't a
24 coincidence that I wait until the end to try to speak. I
25 really was very much interested in hearing what all the

1 Commissioners, particularly, had to say on this as well,
2 because I've been sort of bouncing around.

3 First of all, based on my initial perceptions from
4 having read through the staff report, and the presentations
5 and all, I truly do believe it's appropriate to focus on the
6 setback issue, first of all, just as an issue. I can
7 understand why the consent agreement is the way it is.

8 I drive through this area a lot. I'm down there
9 at least once a month for a meeting at American City --

10 And this area has been used by the County
11 Democratic Party in the past for events, so I've had some
12 familiarity with it. And it always seems to me, what you
13 can see directly on Wisconsin Avenue as you're driving by
14 very quickly on that very congested roadway is really where
15 all the attention is. So, while I normally would be
16 interested in the sides and so forth, I clearly think the
17 County Council would like us to focus on the front. And
18 that's a logical focus as well.

19 In terms of where the setback is, I bounce back
20 and forth. I really saw strong merit in both what the
21 Chairman had to say and what Commissioner Trumble had to
22 say. I would say that -- you know -- maybe I have a
23 different view because I don't actually live in Bethesda,
24 but just the general, canyon-type nature to use the word
25 from my colleague to the left. It doesn't necessarily

1 bother me, in that that's what I think of that area as. And
2 I see nice contrasts, and I drive from 355 where I live, in
3 Gaithersburg, down. And to me, that variety along the
4 entire Route 355 is one of the things that makes this County
5 a great place to live.

6 But with that said, I really haven't made up my
7 mind on the setback. So I'll be interested in whatever you
8 come back with us -- I mean, come back, to ultimately submit
9 for a HAWP. I could probably go with it either way.

10 I would say that if I had to make a decision now,
11 given the comments I previously made about the focus, and
12 what the residents are concerned about, integrating that all
13 together, I would be willing to sort of lean towards the
14 Chairman's point of view and focus on the 20 foot. I don't
15 blindly go along with nearby residents on an issue, because
16 you have to look at what's best for the County as well.
17 But, being sort of undecided, thinking that community
18 support is important --

19 And while my initial reaction was that it did sort
20 of swallow up the theater, I didn't think it's necessarily
21 swallowed up in a negative sense. I sort of got the initial
22 impression from looking at it that -- at least in thinking
23 about it, that the way it's laid out now sometimes sort of
24 makes you focus a bit on the theater, because you really do
25 have a contrast between this tiny little thing in front and

1 this huge thing behind it. It's kind of like looking at a
2 frigate right next to an aircraft carrier.

3 So, I haven't made any -- I really can't, from my
4 particular point of view, say that I definitely agree with
5 one of the two perspectives on the Commission. But if push
6 came to shove, because I don't think it's necessarily about
7 swallowing, if that's such a thing, I could live with the 20
8 foot, for whatever degree it helps you.

9 But that's my thinking on this so far.

10 CHAIRMAN KOUSOULAS: One thing that just occurred
11 to me, detail-wise, that might work, before it's successful
12 to get a couple of the Commissioners' concerns about the
13 stream-lined feel of the massing.

14 Corner windows. I mean, if you look at the
15 rendering. The corners here look fairly massive, and quite
16 often there would be windows that -- glass that wrap the
17 corner. That was pretty typical of the era. I don't know
18 if it's showing up there on the new facades or not.

19 Yeah, let me just speak to that for a second. One
20 -- and I do apologize. When these sketches were done, it
21 was really as an overall massing concept. It was really an
22 interpretation of the model so people in the community could
23 understand it.

24 CHAIRMAN KOUSOULAS: Sure.

25 And we really didn't have the time to focus. But

1 it's -- what this is trying to show was this relationship,
2 and what 90 feet -- 94 foot high is, and where the base is.
3 And that was really the intent.

4 But it's not an office building, so we just -- you
5 know -- it was really just a feel for a massing diagram.
6 This is one step further, and it's obviously, as you've
7 said, not final. But this does show a lot more glass at the
8 corners, these corners are camphored.

9 And it's a lot lighter look, I think. And it's
10 not just so -- so boxy as this represents. And the
11 balconies are much more integrated on the side. These
12 balconies are actually enclosed balconies and they're much
13 more like bay windows. So there's, I think, a total
14 different feel to where we're going now than this initial
15 sketch, but.

16 And the only other thing I want to add is, I
17 think, initially in the sector plan, you might see that --
18 that Bethesda, obviously east Bethesda, there's a tremendous
19 transition from the east of Wisconsin Avenue to west of
20 Wisconsin Avenue. And with this all being CBD-2, this was
21 all originally 143-foot height for CBD-2.

22 Throughout the sector plan process, and when there
23 were original designs for the setback and with the theater,
24 the building on top of this was 143 feet high. And it
25 finally got approved to drop the side down to 90 to ask, as

1 a transition to these east Bethesda neighborhood. So I
2 think there's been a gesture that, that -- you know -- when
3 the original 50 feet was proposed, it was also based on 143-
4 foot-high building. And now that it is smaller,
5 proportionally you think you could get a little closer,
6 also.

7 CHAIRMAN KOUSOULAS: Thank you. The other thing,
8 I think Commissioner Eig's comment about what do to if you
9 do, in the end, set back 20 feet or whatever, but how to
10 treat the existing second parapet, I guess incorporate it
11 into the bottom wall there. I think that's good advice.

12 I guess you have the sense of the Commission at
13 this point. I think you -- if you want to pursue 20 feet,
14 you -- make a very good case as to why 20 makes sense.

15 Because personally, I think it does. But it -- I
16 think it needs to be made visually, more clearly.

17 Is there any other?

18 MS. EIG: I think we should add that, as Gwen
19 said, I think, that every member of the Commission is very
20 happy that the theater is being preserved and restored, as
21 it might be. I think that's something that you should know
22 the we like.

23 MR. TRUMBLE: I just want to pass on -- this
24 evening I had unexpected friends who returned to the
25 Washington area after 20 years; they were living in Fort

1 Collins. And they worked in Bethesda about 20 years ago.

2 And they were driving down Wisconsin Avenue. And
3 the one thing they mentioned was not the wonderful new
4 Discovery Building, not the wonderful new apartments, but,
5 gee, the theater is still there.

6 I hope you'll keep that in mind when you're
7 dealing with that theater, because it means a lot to people.

8 It has become, in its own way, a kind of landmark,
9 or kind of -- almost a kind of signature for downtown
10 Bethesda. And I think it deserves to have a very special
11 place in the future development of Bethesda.

12 CHAIRMAN KOUSOULAS: But to sort of keep -- sort
13 of the development of Bethesda in perspective, because it's
14 clearly not what it was 20 years ago, I'll trot out the art
15 deco monuments, the Empire State Building and the Waldorf
16 Astoria; clearly, the Waldorf Astoria Hotel, one of the most
17 famous hotels in the world.

18 The Waldorf Astoria, the original Waldorf Astoria,
19 was a combination of two hotels, hence the hyphen. And they
20 were located on 34th Street and Fifth Avenue in Manhattan.
21 And they were -- at the time, it was the most famous, the
22 most opulent hotel in the city, maybe in America, and
23 because they were two connected hotels, they were connected
24 by a passage between the two called -- alley.

25 They tore down the Waldorf Astoria so they could

1 build the Empire State Building at 34th and Fifth, and they
2 built a new Waldorf Astoria up on Park Avenue, complete with
3 a new Peacock Alley.

4 The new Waldorf Astoria, of course, is about 800
5 feet tall and maybe ten times the size of the original. So
6 I think we need to keep growth and change in perspective
7 here, and really hold onto what's important in this project.

8 And that because the -- I mean, because Wisconsin
9 Avenue will become more like 90 feet along its path, and --

10 MR. HONOWICZ: Yeah, I'd like just that -- the
11 example the Chairman made suddenly popped into my mind. The
12 first time I had a chance, during the time I lived in Texas,
13 to go down to San Antonio and look at the Alamo.

14 I mean, there's the ultimate example of contrast.
15 You have this small, little old structure, and then all the
16 huge city of San Antonio around it, were just (sic.) totally
17 different than what it used to be. And yet, I don't -- I
18 believe that if anything, the cityscape, the way things are
19 developing around the Alamo, helps you focus on the Alamo
20 that really sort of -- you can't notice the Alamo, then you
21 must truly be blind.

22 And that's sort of, I guess, the impression that
23 perhaps I'm getting from the way you're weighing things out,
24 which is why I'm not necessarily concerned with the current
25 setback.

1 MR. METZ: Thank you all very much.

2 CHAIRMAN KOUSOULAS: Thank you for all coming in.

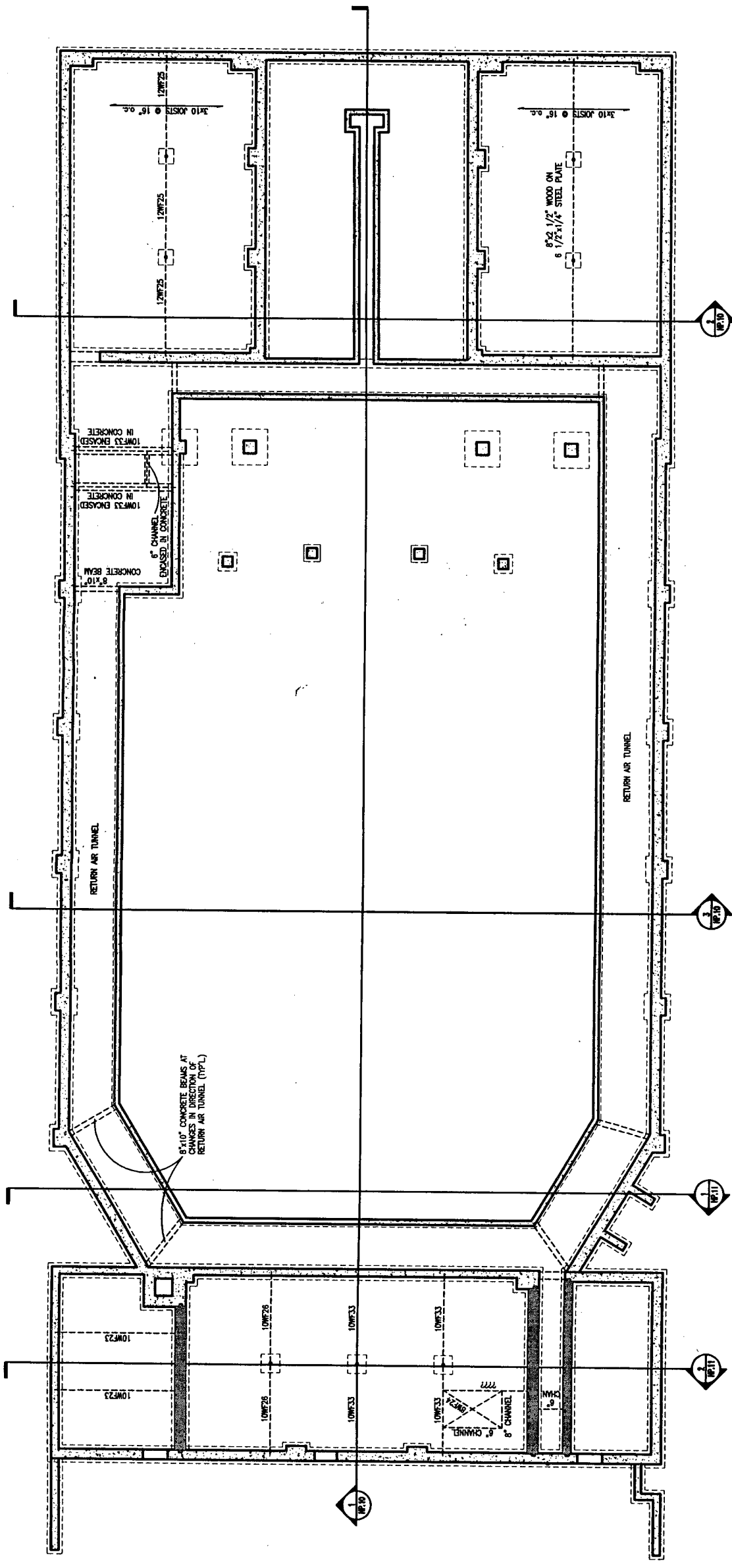
3 Okay, the next item is the continuation of staff
4 items.

5 MS. WRIGHT: Great. We have a couple of
6 additional items to just briefly report on. There was an
7 event today at 3 o'clock with the governor at the Tastee
8 Diner, to celebrate the fact that the State is providing a
9 grant to help with the relocation of the Tastee Diner. This
10 is something the HPC has reviewed as a preliminary
11 consultation in the past, the idea of moving it,
12 essentially, behind Industrial Photo.

13 And that was also something contemplated in the
14 designation of the diner. And it's looking like that may
15 move forward in the near future, and it looks like they have
16 some good design ideas. I've encouraged them to come back
17 for another preliminary consultation as soon as they can.

18 Couple of upcoming events. We have, on July 11th
19 -- I know I gave you all a calendar for June, but I'm going
20 to tell you a couple of July events. We're going to have a
21 dedication of a plaque at the Jessup-Blair park, which is a
22 plaque commemorating Jubal Early's raid on Washington. And
23 there will also be a plaque the same day at Acorn Park
24 commemorating it.

25 And then, the next day, which is the 12th, which



Foundation Plan
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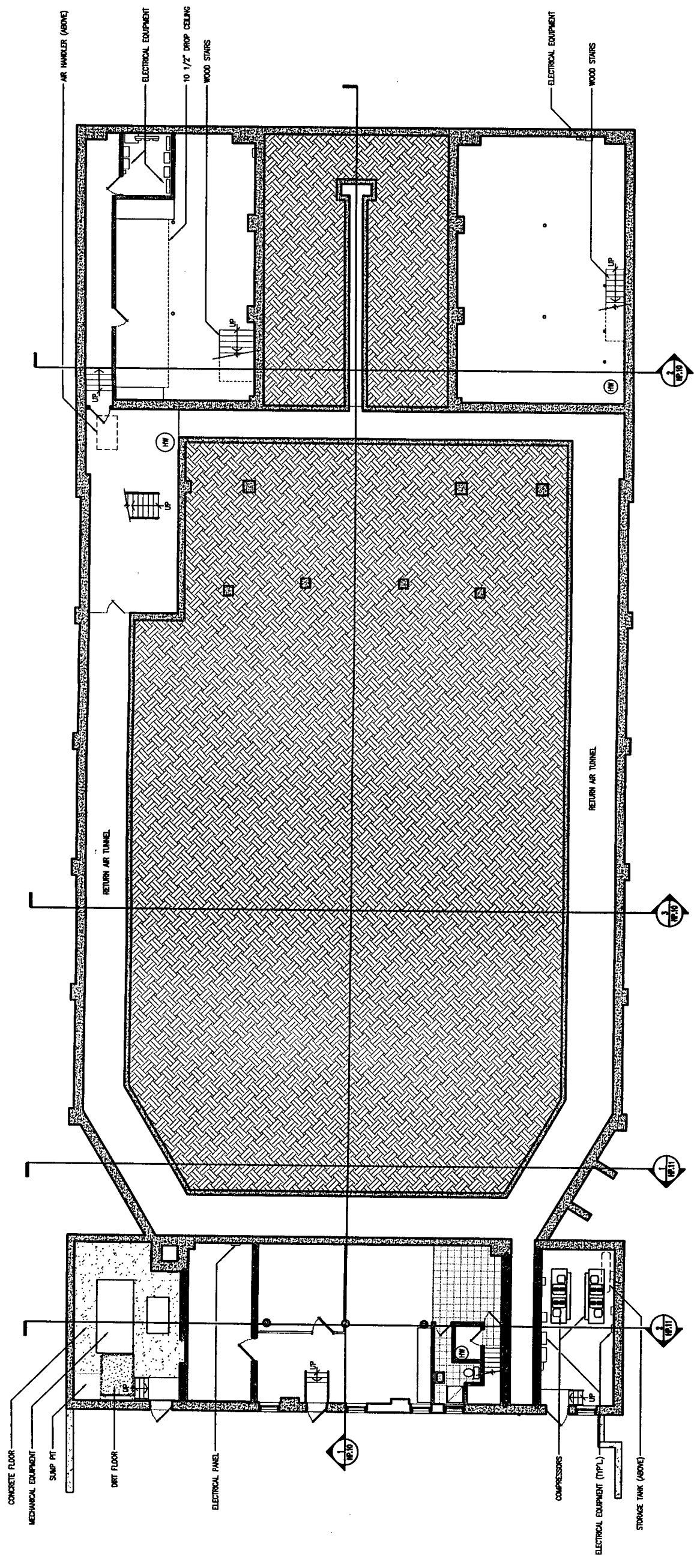
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Bethesda Theatre ⊕

7791 Wisconsin Avenue
Bethesda, MD 20814

11 November, 1999
Foundation Plan
Scale: 3/16"=1'-0"
Sheet: HP.1



⊕ Basement Plan
Scale: 3/16"=1'-0"

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Bethesda Theatre ⊕
 Plan
 11 November, 1959
 Existing Conditions
 Scale: 3/16"=1'-0"
 0 1 2 3 4 5 6
 HP.2

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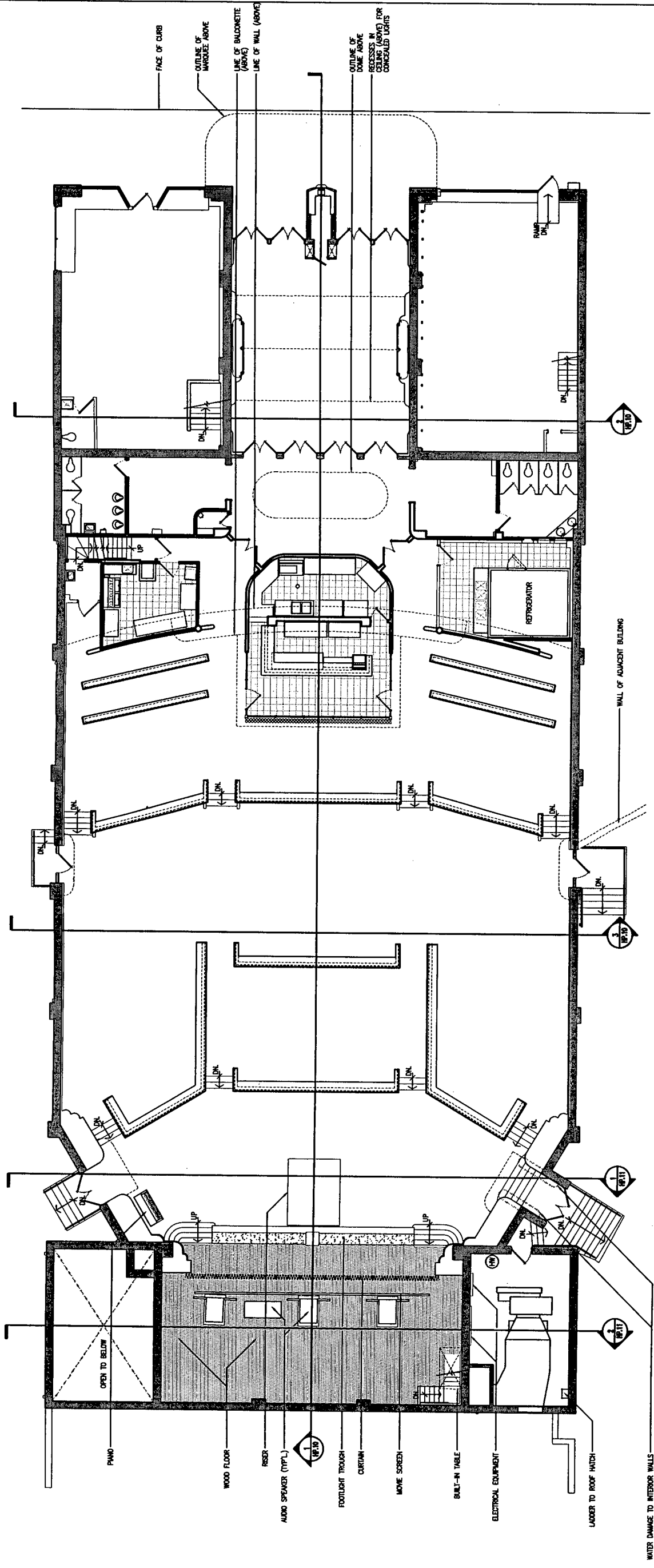
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First Floor Plan
Scale: 3/16"=1'-0"

PROGRESS PRINT

First Floor
Plan



Bethesda Theatre

11 November, 1959
Existing Conditions
HP.3



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WATER DAMAGE TO INTERIOR WALLS

WALL OF ADJACENT BUILDING

REFRIGERATOR

OPEN TO BELOW

WOOD FLOOR

PIANO

LAUNDER TO ROOF HATCH

ELECTRICAL EQUIPMENT

BUILT-IN TABLE

MOVIE SCREEN

CURTAIN

FOOTLIGHT TROUGH

AUDIO SPEAKER (TYP.)

RISER

FACE OF CURB

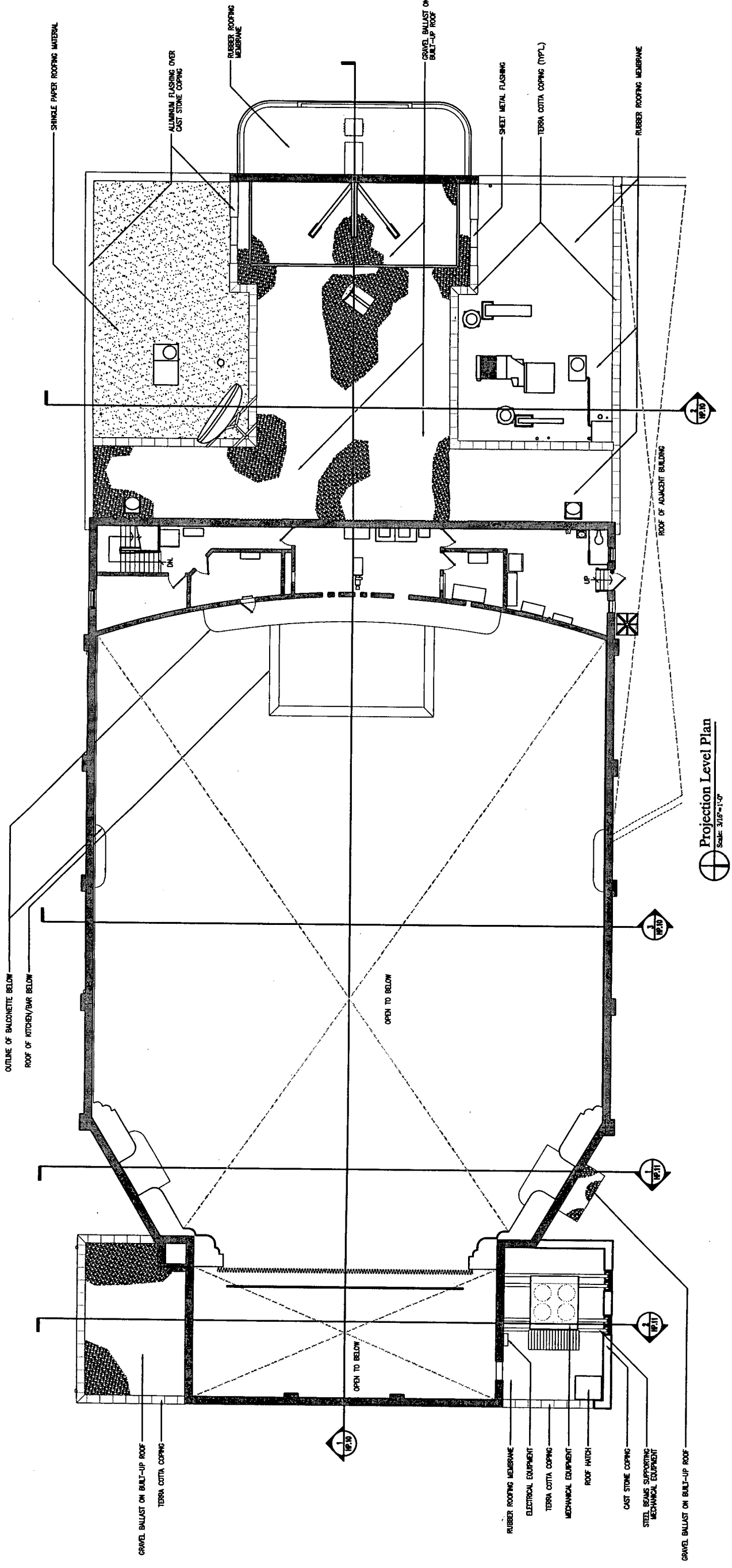
OUTLINE OF MARQUEE ABOVE

LINE OF BALCONETTE (ABOVE)

LINE OF WALL (ABOVE)

OUTLINE OF DOME ABOVE

RECESSES IN CEILING (ABOVE) FOR CONCEALED LIGHTS



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

PROGRESS PRINT

Projection Level Plan

11 November, 1999
Scale: 3/16"=1'-0"
Existing Conditions
HP.4

Bethesda Theatre

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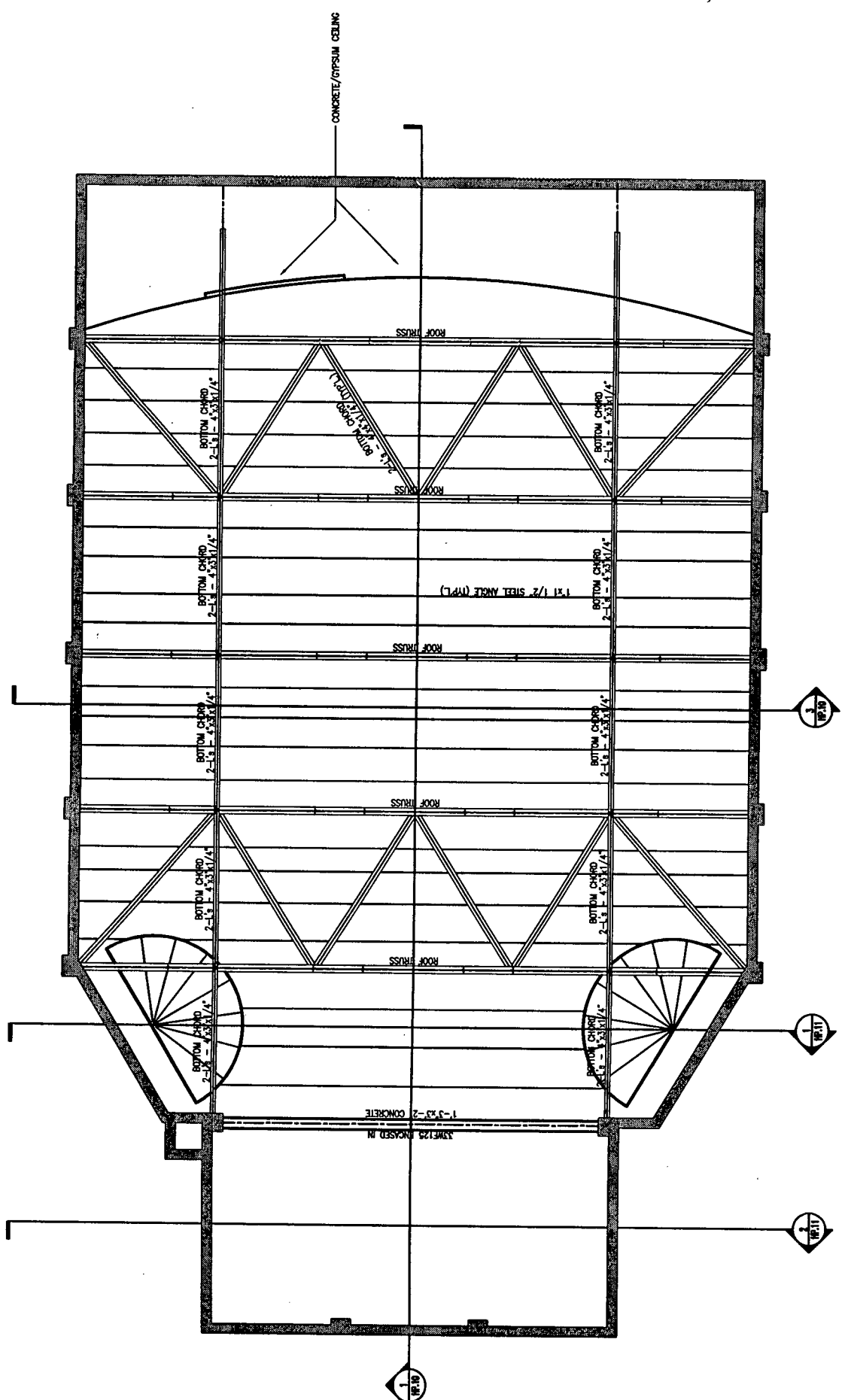
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Attic Plan
Scale: 3/16"=1'-0"

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Bethesda Theatre ⊕
 Attic Plan
 11 November, 1999
 Existing Conditions
 Scale: 3/16"=1'-0"
 HP.5

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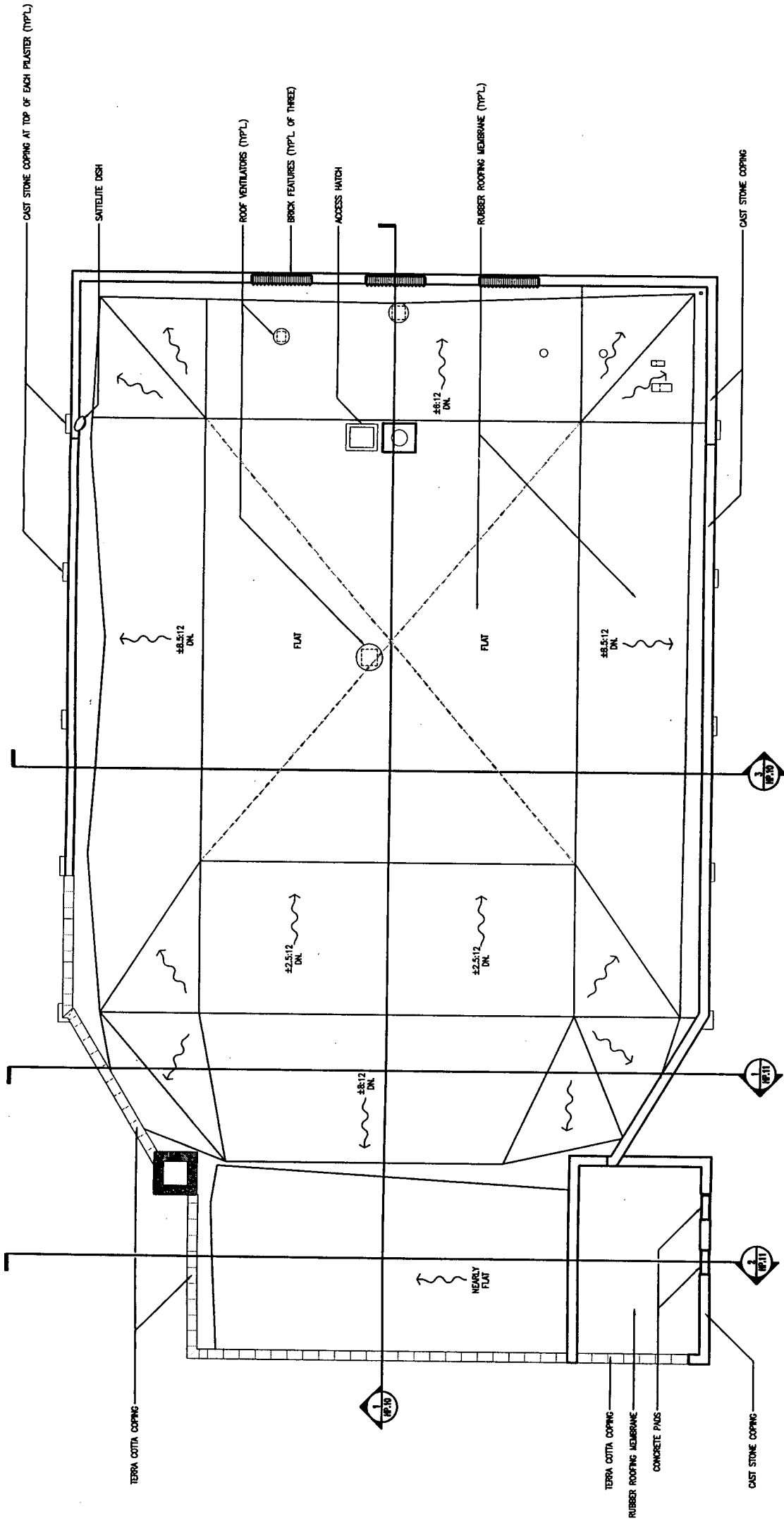
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Roof Plan
Scale: 3/16"=1'-0"

PROGRESS PRINT

Bethesda Theatre

7791 Wisconsin Avenue
Bethesda, MD 20814

11 November, 1988
Existing Conditions
Roof Plan
HP.6

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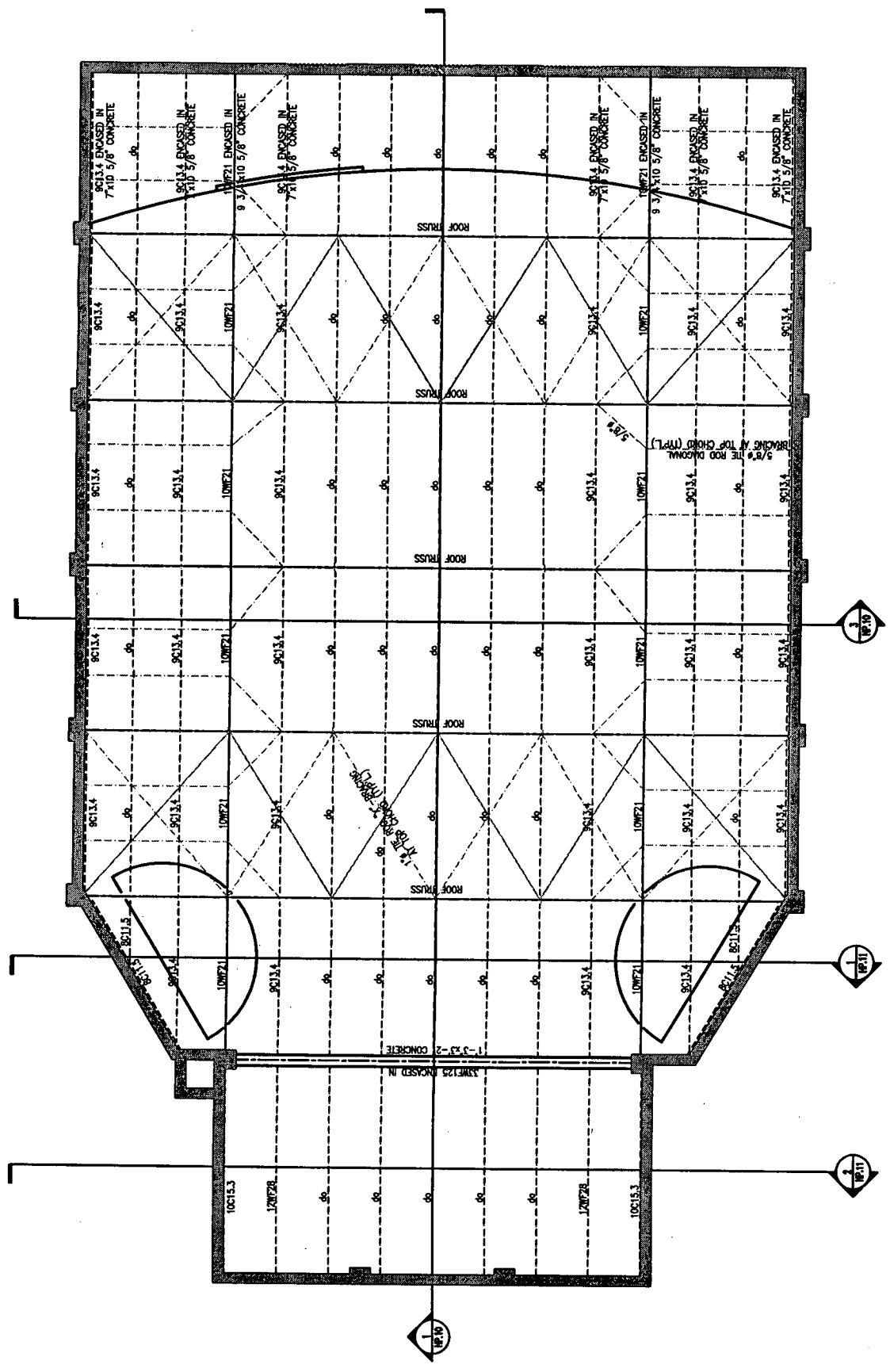
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Roof Framing Plan
Scale: 3/16"=1'-0"

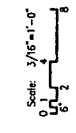
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Bethesda Theatre



Roof Framing Plan

11 November, 1985
 Drawing Conditions
 HP.7



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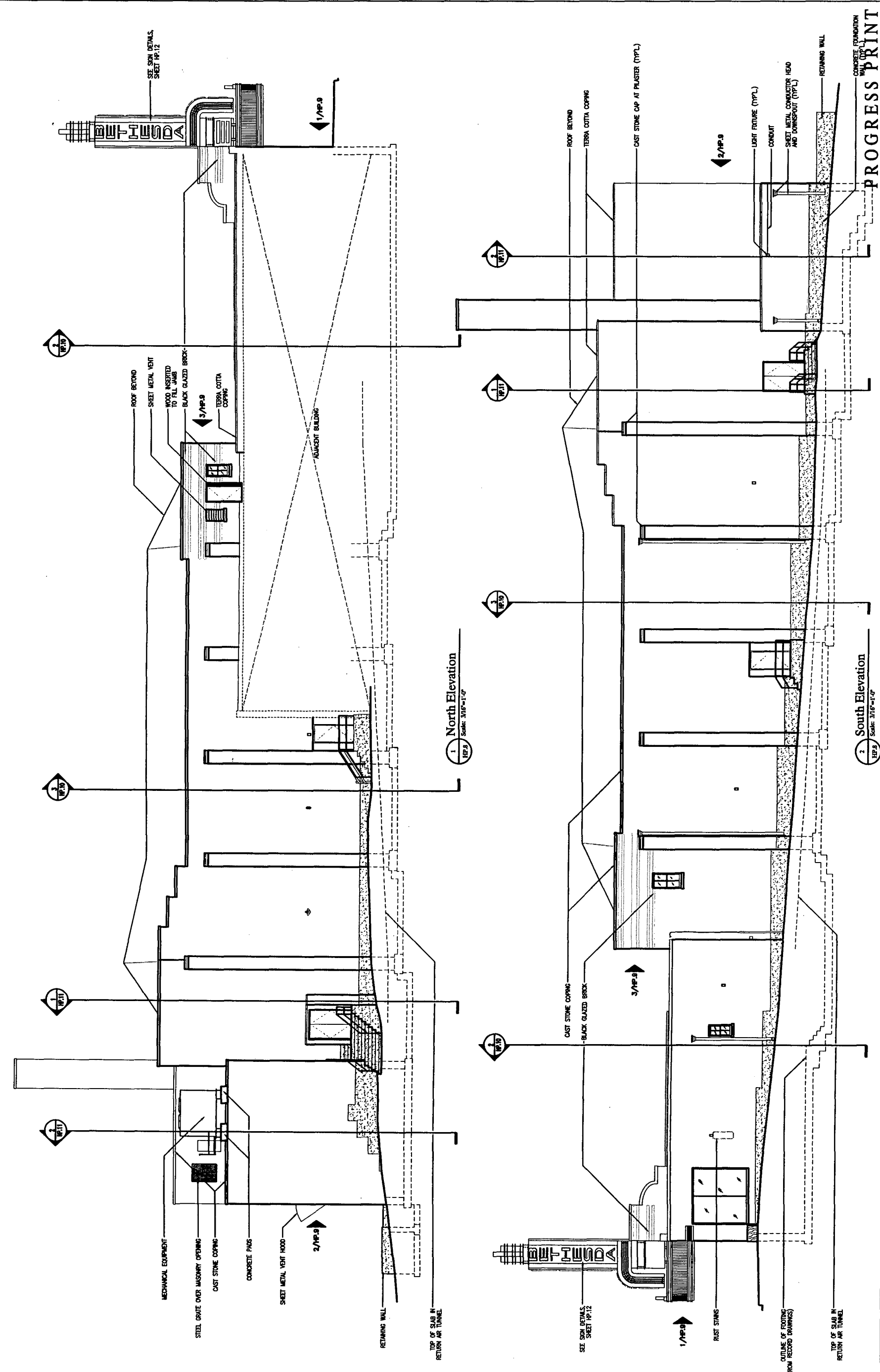
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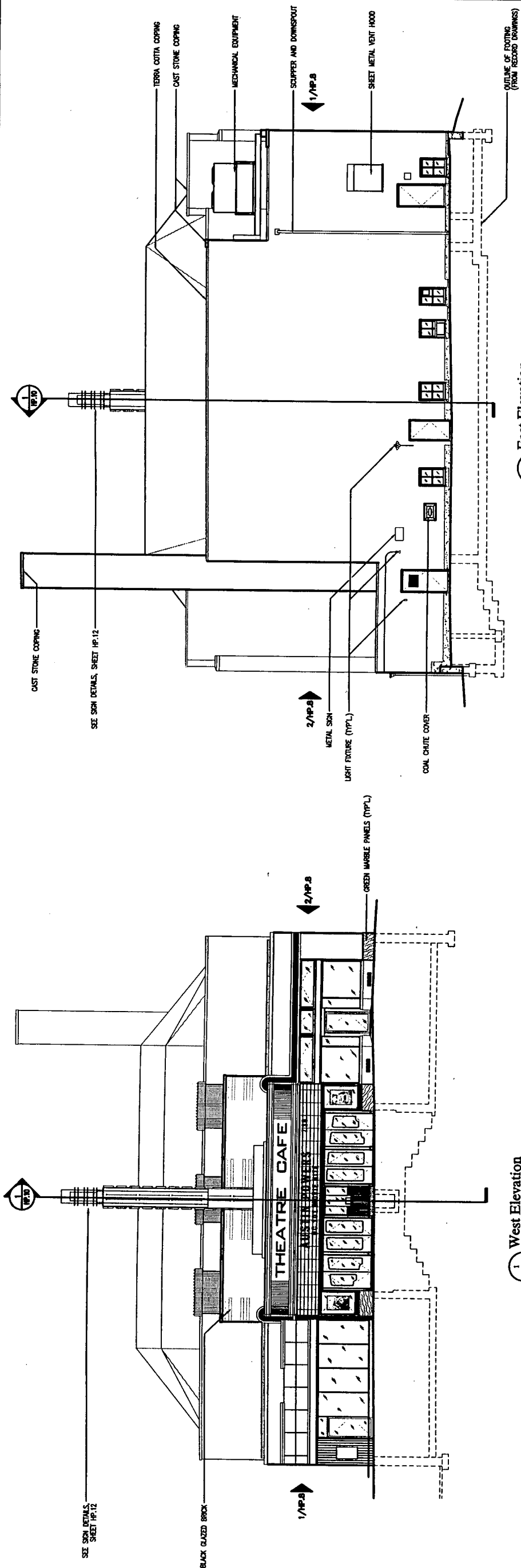
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Bethesda Theatre

Building Elevations

11 November, 1988
 Conditions
 Scale: 3/16" = 1'-0"
 HP.8



1 West Elevation
HP.9 Scale: 3/16"=1'-0"

2 East Elevation
HP.9 Scale: 3/16"=1'-0"

3 Partial West Elevation
HP.9 Scale: 3/16"=1'-0"

PROGRESS PRINT

Bethesda Theatre

Building Elevations

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1400 Connecticut Avenue, N.W., Suite 200
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Tel: 202-331-1234

OSKIN & ASSOCIATES ARCHITECTS
1400 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20004
Tel: 202-331-1234

SKIBA
1400 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20004
Tel: 202-331-1234

SLAVE ASSOCIATES, P.A.
1400 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20004
Tel: 202-331-1234

VILA, INCORPORATED
1400 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20004
Tel: 202-331-1234

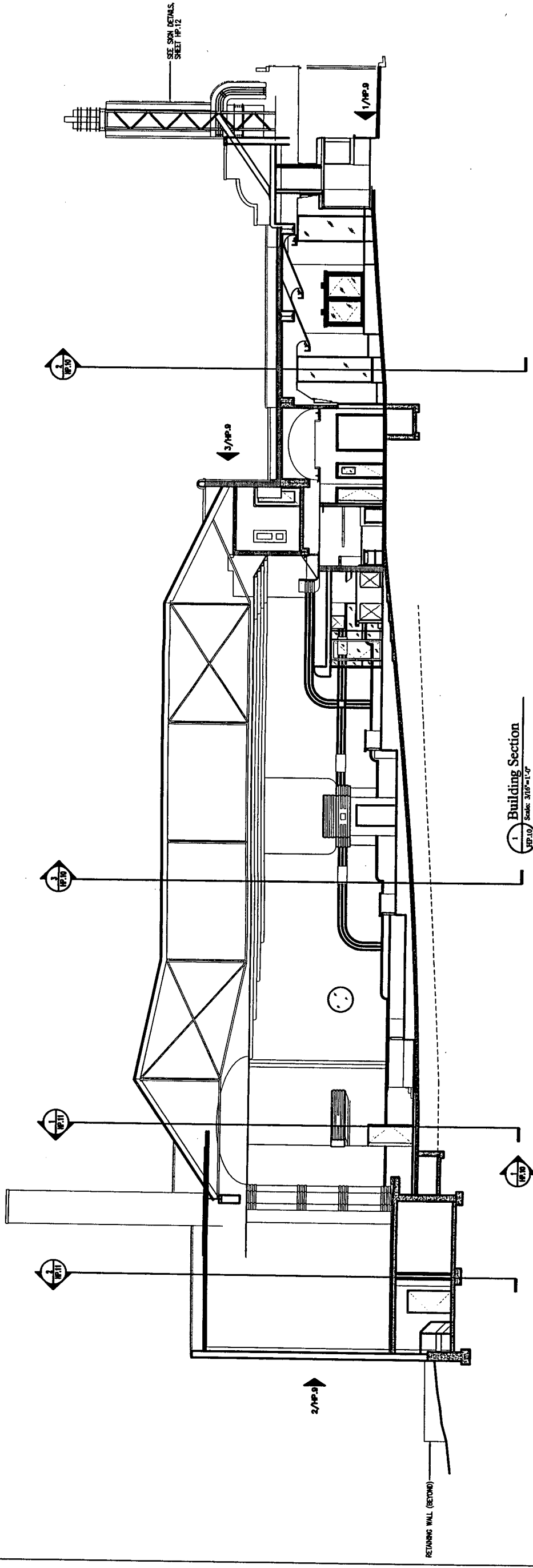
E. H. SMITH ASSOCIATES
1400 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20004
Tel: 202-331-1234

THE BOZZUTO GROUP
1400 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20004
Tel: 202-331-1234

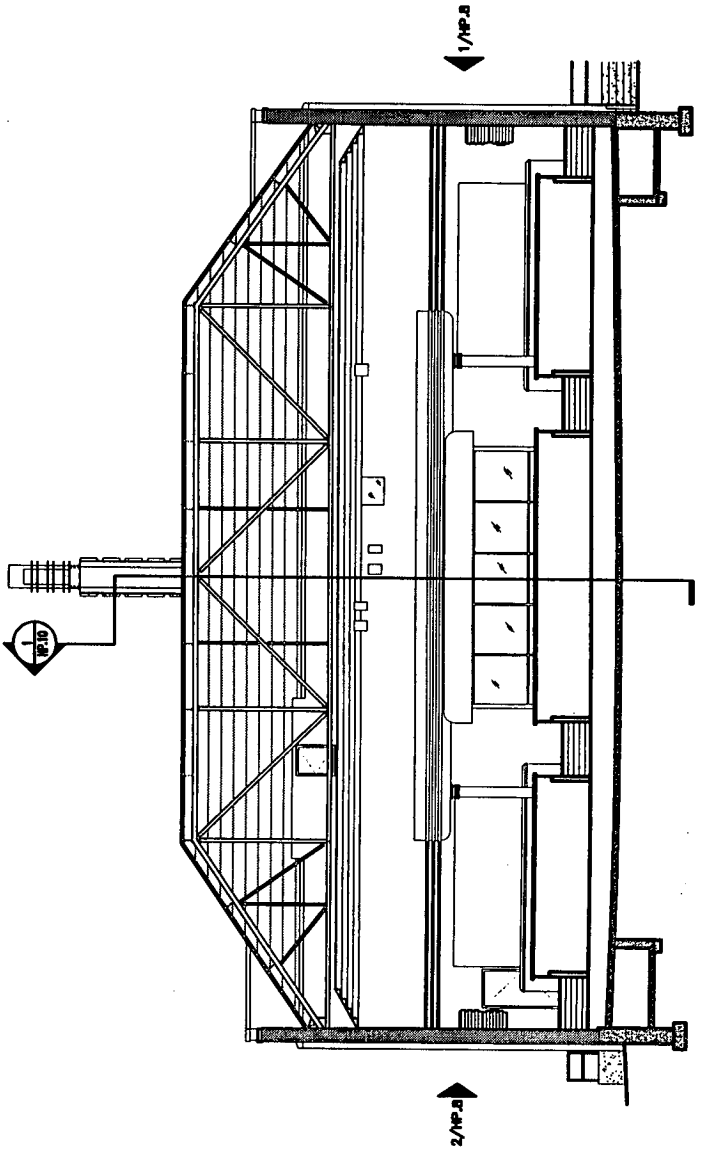
7791 Wisconsin Avenue
Bethesda, MD 20814

11 November, 1979
Existing Conditions
Scale: 3/16"=1'-0"
0 1 2 3 4 5 6 7 8

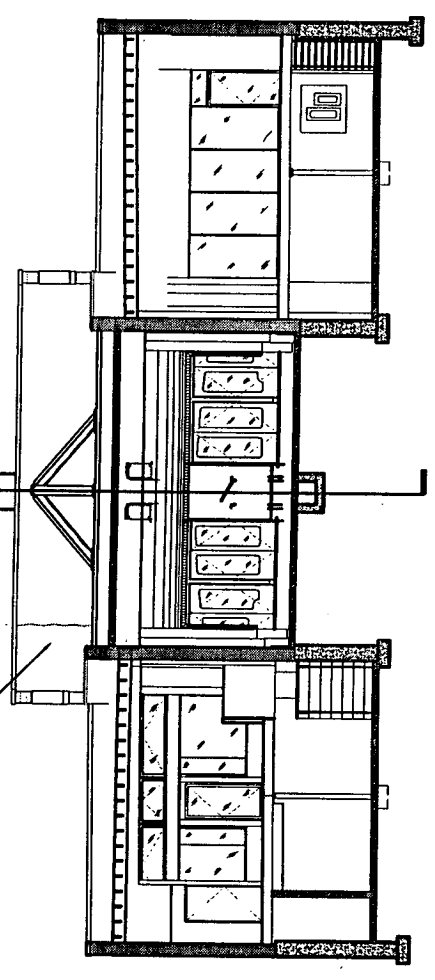
HP.9



1 Building Section
HP.10 Scale: 3/16"=1'-0"



3 Building Section
HP.10 Scale: 3/16"=1'-0"



2 Building Section
HP.10 Scale: 3/16"=1'-0"

PROGRESS PRINT

Bethesda Theatre

Building Sections

11 November 1958
Scale: 3/16"=1'-0"
Drawing Conditions: HP.10

7791 Wisconsin Avenue
Bethesda, MD 20814

VWA, INCORPORATED
1000 Wisconsin Avenue
Washington, D.C. 20007

SLURS ASSOCIATES, P.A.
1000 Wisconsin Avenue
Washington, D.C. 20007

SKKA
1000 Wisconsin Avenue
Washington, D.C. 20007

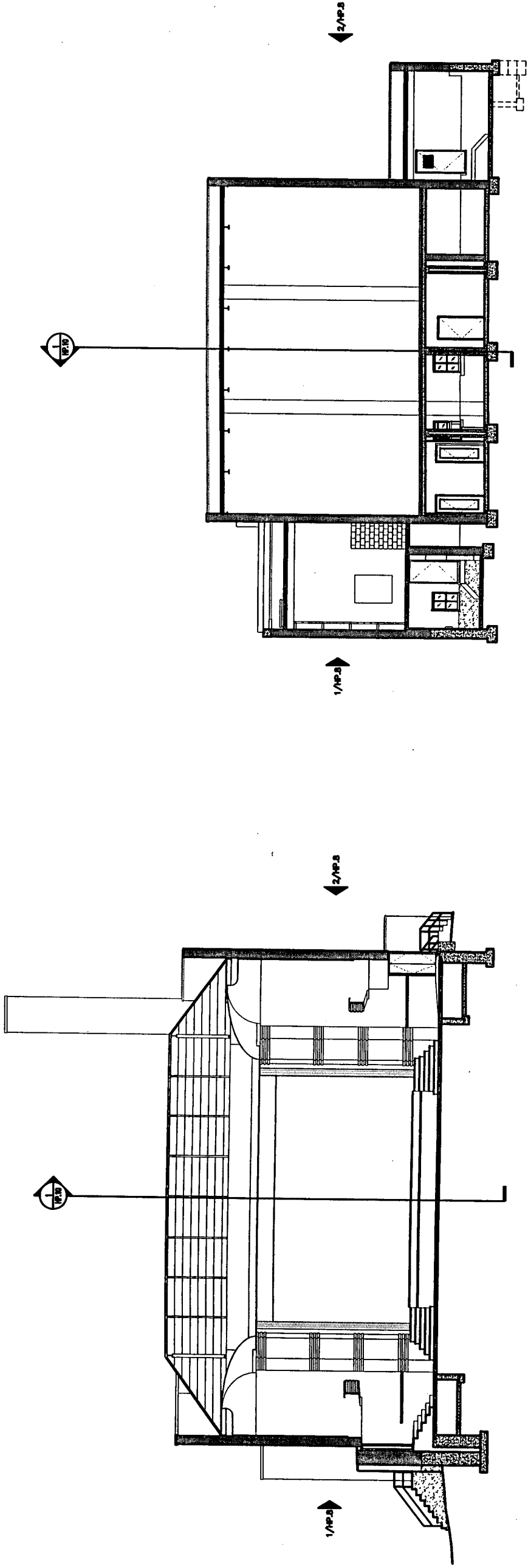
ORLEIN & ASSOCIATES ARCHITECTS
1000 Wisconsin Avenue
Washington, D.C. 20007

LEWIS SCULLY GORNET
1000 Wisconsin Avenue
Washington, D.C. 20007

WDC ARCHITECTURE
1000 Wisconsin Avenue
Washington, D.C. 20007

E. M. SMITH ASSOCIATES
1000 Wisconsin Avenue
Washington, D.C. 20007

THE BOZZUTO GROUP
1000 Wisconsin Avenue
Washington, D.C. 20007



1 Building Section
 RP.11 Scale: 3/16"=1'-0"

2 Building Section
 RP.11 Scale: 3/16"=1'-0"

PROGRESS PRINT

Building Sections

Bethesda Theatre

7791 Wisconsin Avenue
 Bethesda, MD 20814

WDG ARCHITECTURE
 100 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: (202) 331-1000

LEWIS SCULLY GONNET
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: (202) 331-1000

DOMBLIN & ASSOCIATES ARCHITECTS
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: (202) 331-1000

SKLA
 Consulting Professional Engineers
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: (202) 331-1000

SILVER ASSOCIATES, P.A.
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: (202) 331-1000

VINKA, INCORPORATED
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: (202) 331-1000

The BOZZUTO GROUP
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: (202) 331-1000

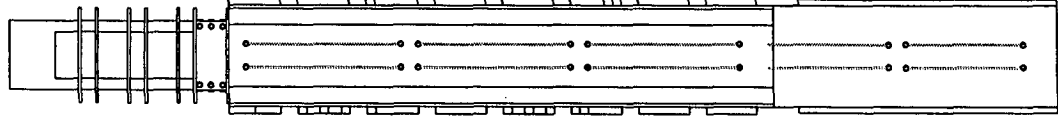
E. M. SMITH ASSOCIATES
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036
 Tel: (202) 331-1000

Scale: 3/16"=1'-0"
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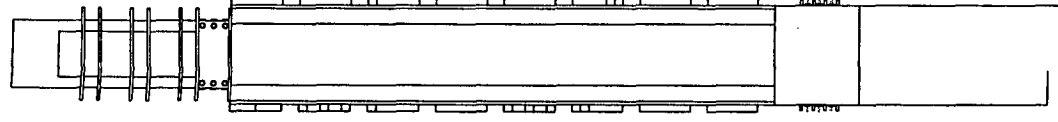
11 November, 1988
 Existing Conditions
 HP.11

- APPLIED SHEET METAL LETTERS
- STIFFENERS
- 2"x2 1/2"x1/8" STEEL ANGLE
- 5 1/2" LONG (TYP.)
- 4"x4 1/2"x3/8" STEEL ANGLE
- 8"x2 1/4" STEEL CHANNEL BELOW
- 10" BEAM BELOW
- 8"x2 1/4" STEEL CHANNEL BELOW
- WELDED 2"x2 1/4"x1/4" (L.V.) STEEL DIAGONAL BRACES AT ALL FOUR CORNERS (TYP.)
- 9/16" NEW TUBES
- WISKEY
- 1 1/2"x1 1/2"x3/8" CONTINUOUS STEEL CUP ANGLE (TYP.)
- 1/2" BENT PLATE BELOW
- 10" BEAM BELOW
- 8"x2 1/4" STEEL CHANNEL BELOW

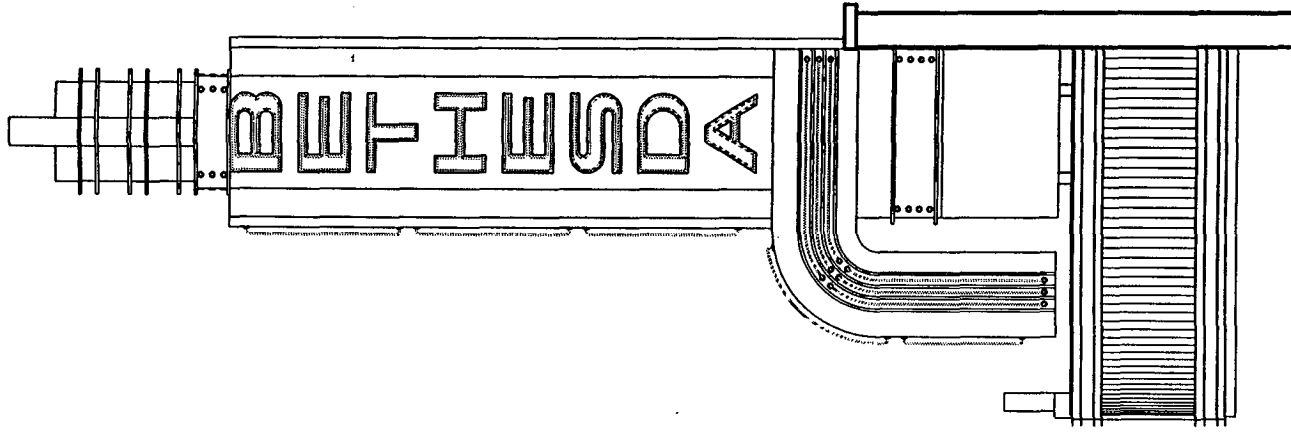
5 Plan Detail
 RP.12 Scale: 1/2"=1'-0"



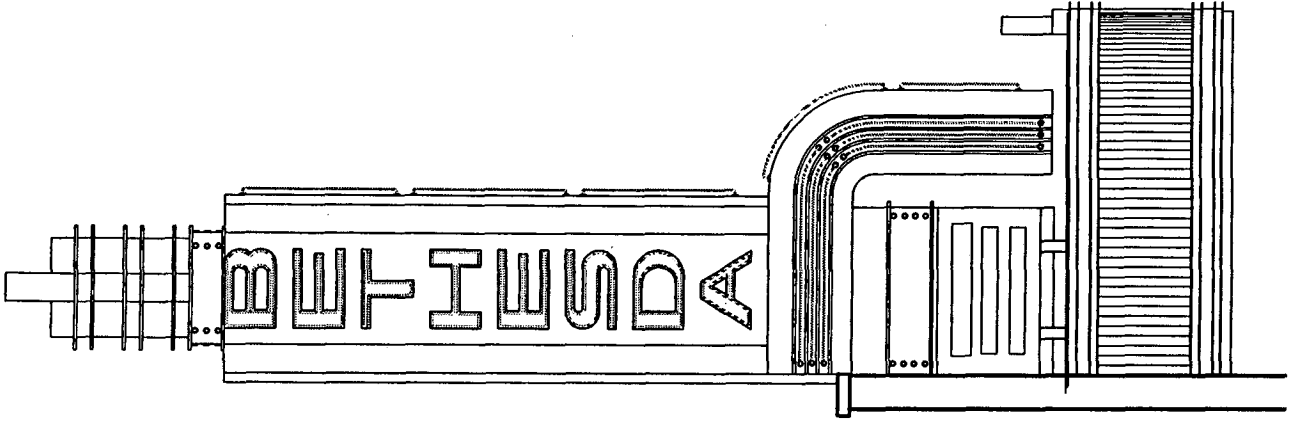
4 West Elevation
 RP.12 Scale: 1/2"=1'-0"



3 East Elevation
 RP.12 Scale: 1/2"=1'-0"



2 South Elevation
 RP.12 Scale: 1/2"=1'-0"



1 North Elevation
 RP.12 Scale: 1/2"=1'-0"

PROGRESS PRINT

Sign Details
 11 November 1988
 Existing Conditions
 HP.12

Bethesda Theatre
 7791 Wisconsin Avenue
 Bethesda, MD 20814

SILVER ASSOCIATES, P.A.
 VPKA, INCORPORATED
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036

SKKA
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036

PERKINS+WILL ASSOCIATES ARCHITECTS
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036

LEVIN SULLY GIBNEY
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036

WDG ARCHITECTIVE PLANNING INTERIOR DESIGN
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036

THE BOZZUTO GROUP
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036

E. H. SMITH ASSOCIATES
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036