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March 19, 2025

Via Email

Ms. Kate Stewart, President
And Members of the County Council
Montgomery County Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Re: April 1, 2025 County Council Public Hearing Regarding Zoning Text Amendment 25-04,
Bethesda (B) Overlay Zone (“BOZ”) – (the “ZTA”); Washington Property Company’s
Written Testimony

Dear Council President Stewart and Councilmembers:

On behalf of Washington Property Company (“WPC”), we offer these comments in support of the ZTA, with one requested change. WPC has developed several mixed-use projects in Downtown Bethesda, including its most recent delivery of 198 multi-family units and 1,700 square feet of retail uses as part of the Solaire 7607 Old Georgetown Road project. WPC supports the elimination of 2-year timeline to apply for building permit from Site Plan approval as this requirement could not be satisfied by many projects due to external factors (e.g., the current inflationary period, heightened construction costs, and challenges in obtaining viable construction financing) and served as an additional obstacle to constructing projects in Downtown Bethesda. For the reasons stated below, we respectfully request that the Council allow for reinstatement of Site Plans that lapsed due to external factors over the past 12 months as part of the ZTA.

WPC received Site Plan approval from the Montgomery County Planning Board for construction of a mixed-use project with up to 340,000 square feet of office/retail uses and up to 150 multifamily dwelling units (including a minimum of 17.6% MPDUs) for the assembled site that frames Hampden Lane, Montgomery Lane, and East Lane in July of 2021 (“Hampden East”). Hampden East will further many of the goals and priorities of the 2017 Bethesda Downtown Sector Plan at a strategic location in the urban core of Downtown Bethesda with proximity to both Metro and the future Purple Line stations. WPC spent considerable time and resources on the Hampden East land use approvals, including certification of the Site Plan, but due to prevailing capital markets and construction costs, WPC was unable to proceed building permit by the required deadline and its Site Plan was automatically revoked on July 29, 2024.

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Development projects that received approvals in the last several years and that committed to achieving priority public benefits (open space, increased affordable housing, etc.) should be automatically reinstated to be consistent with the ZTA's treatment for unexpired Site Plans. While such projects were unable to timely move forward under the previous (now proposed to be eliminated) requisite timeline, these applicants should be afforded a fair opportunity to deliver on those approvals without the added cost and time of obtaining another Site Plan approval. If such projects are required to pay the costs associated with obtaining a Site Plan approval a 2nd time (application fees and other soft costs), these projects will be discouraged from moving forward. As a result, we respectfully request that following language be added to (bold and underlined) Section 59-4.9.2.F of the ZTA:

F. Site Plan Validity

A site plan using BOZ Density that was approved and valid on {effective date} **or that expired within the preceding 12 months**, that as part of a condition of approval includes a deadline for applying for or receiving a building permit, must have that deadline struck and the site plan instead remain valid in accordance with Section 7.3.4.H. **Site Plans that expired within the preceding 12 months of {effective date} under the previous sentence are automatically reinstated and remain valid in accordance with Section 7.3.4.H.**

We believe that this revision will further the goals and objectives of both the Minor Master Plan Amendment and ZTA and will better encourage important redevelopment projects with concomitant public amenities to move forward. We thank you for your time and consideration reviewing these written comments.

Very truly yours,

**Selzer Gurvitch Rabin Wertheimer
& Polott, P.C.**

C. Robert Dalrymple

By: _____
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Matthew M. Gordon

By: _____
Matthew M. Gordon

cc: Ms. Livhu Ndou
Janel Kausner