



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**7/31/03**  
**Items #2 and 3**

**MEMORANDUM - SPECIAL EXCEPTION MODIFICATION**

**DATE:** July 25, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** John Carter, Chief, Community-Based Planning *JC*  
**FROM:** Bill Landfair, AICP, for the Department of Park and Planning *WEL*  
**SUBJECT:** Preliminary Forest Conservation Plan for Board of Appeals Petition No. S-1565-A (Special Exception Modification)

**Board of Appeals Petition No. S-1565-A (Special Exception Modification)** Howard Hughes Medical Institute - (1) increase the land area covered by special exception to approximately 36 acres by the addition of a 4.6 acre parcel (Platt property) and a 9.44 acre parcel (Hayes Manor property); (2) construct a two-story 75,000 square foot addition to the headquarters building; (3) increase the maximum number of employees from 200 to 350 employees; (4) construct an underground parking garage providing 164 spaces; (5) reduce the number of surface parking spaces from 90 to 46 spaces; (6) obtain waiver from the parking standards; (7) relocate a portion of the existing internal service road; (8) relocate an existing loading dock and service area - 4000 Jones Bridge Road, Chevy Chase, R-90 Zone - Bethesda-Chevy Chase Master Plan

**FILING DATE:** March 28, 2002 (amended April 30, 2003)  
**PUBLIC HEARING:** September 10, 2003

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**STAFF RECOMMENDATION**

**Approval** of the Preliminary Forest Conservation Plan for Board of Appeals Petition No. S-1565-A.

**Approval of Board of Appeals Petition No. S-1565-A with the following conditions:**

1. The applicant shall be bound by all of its submitted statements and plans.
2. Approval of a preliminary plan of subdivision by the Montgomery County Planning Board in accordance with the Subdivision Regulations, Chapter 50 of the County Code.
3. The applicant will revise the point-by-point photometric plan to include a numerical summary with illumination levels proposed for the service road, pathways and service area. The numerical summary should include the minimum, maximum and average illumination levels (expressed in foot-candles) and the average/minimum and maximum/minimum uniformity ratios.
4. The applicant will provide periodic access to the Hayes Manor house and property to the Historic Preservation Commission and other historic/preservation groups for meetings and small gatherings. Any such access will be planned in advance and coordinated with the applicant's use of the house.
5. The applicant will undertake a historic context report for the Hayes Manor property that will be used to inform future plans for the historic site. The applicant will plant and restore certain garden features of the property consistent with the report.
6. Approval of final Storm Water Management and Sediment and Erosion Control plans by the Department of Permitting Services, consistent with the final Forest Conservation Plan/Tree Save Plan.
7. Approval of a final Forest Conservation Plan by M-NCPPC staff prior to Department of Permitting Services approval of the sediment and erosion control plan or any clearing, grading or land disturbance of the site.
8. All other terms and conditions of the existing special exception use remain in full force and effect, except as modified through this application.

## **PROJECT SUMMARY**

### **Site Description**

The subject property is located in the southwest quadrant of the intersection of Jones Bridge Road and Connecticut Avenue (MD 185). This site is approximately 2,000 feet south of the interchange between Connecticut Avenue and the Capital Beltway (I-495). The property also has frontage with Platt Ridge Road to the east and Manor Road to the south. The property is zoned R-90 and comprised of a 22.4-acre parcel containing the applicant's administrative headquarters approved by special exception in 1988, a 4.6-acre parcel known as the Platt property improved with a residential structure, and a 9.44-acre parcel containing the historic Hayes Manor. The total acreage is approximately 36 acres.

The applicant's administrative headquarters consists of 194,000 square feet of office, conference, and related support space located in two-story buildings in a heavily landscaped setting. A 176-space underground parking garage and 90 surface parking spaces serve the facilities. The main vehicular access is through an entrance and exit on Platt Ridge Drive with secondary access for employees on Manor Road.

The topography reflects a drop in grade from a high elevation of 328 feet along the northern portion of the Hayes Manor portion of the property to a low elevation of 263 feet in the southeast corner of the site. There are no streams or wetlands on the property. There is a stormwater management pond in the center of the site that serves as a landscape focal point.

### **Neighborhood Description**

The neighborhood is bounded on the north by the North Chevy Chase Recreation Center, Woodlawn Road and Kennilworth Driveway; on the east by Montgomery Avenue and North Chevy Chase Elementary School; on the southeast and south by the Georgetown Branch Trail; and on the west by Columbia Country Club and the campus of the Uniformed Services University of the Health Sciences. The neighborhood includes portions of the Chevy Chase Lake Analysis Area defined in the Bethesda - Chevy Chase Master Plan.

While the land use and zoning pattern for the neighborhood reflects a variety of uses and zones, the predominant use is single-family residential development in the R-90 Zone. Confronting the subject property to the north, across Jones Bridge Road, is the Chevy Chase Valley residential community. Confronting the property to the northeast is the Village of North Chevy Chase. Confronting to the east, across Connecticut Avenue, is Chevy Chase Estates, a recently completed development of 49 homes. Confronting to the south, across Manor Road, is the

Chevy Chase Hills residential subdivision. Adjoining and confronting to the west is Columbia Country Club (which operates by special exception) and five residences located on Platt Ridge Drive.

In addition to the uses noted above, the neighborhood also includes the Chevy Chase Lake commercial area located south of Manor Road in the C-1 and C-2 Zones and multi-family residential development in the R-30 Zone.

### **Project Description**

The applicant states that it is the nation's largest private supporter of basic academic biomedical research. The applicant conducts biomedical research through its own investigator employees at 70 major U.S. universities and research institutions. These scientists, who also serve as faculty members at their home academic institutions, are supported by over 2,400 research associates, technicians, and other research personnel employed by the applicant, as well as by the applicant's administrative staff. The applicant counts among its ranks seven Nobel Prize winners including its current president and 81 members of the National Academy of Sciences. The applicant's grants programs represent the largest private science initiative in the world.

The applicant's administrative headquarters provides a place at which its scientists and others related to its programs may meet to discuss the results of research funded by the applicant. The headquarters staff is a professional administrative group whose principal business is administering the applicant's research and grants programs. No research is conducted at the headquarters facility.

Since the granting of the original special exception in 1988, the applicant's programs have grown at a rate much higher than originally anticipated. Because of this rapid growth, the applicant leases nearby office space on Connecticut Avenue where approximately 40 employees are located. This solution splits the workforce, however, and provides only limited flexibility for future growth.

In 2001, the applicant engaged architects to explore the options for expansion and evaluate all potential building sites to determine the best possible expansion location. Ultimately, one location on the north side of the campus was settled on and the applicant filed its modification request for a building addition. While the applicant believed the location was the best site in terms of meeting its needs, it presented some constraints. M-NCPPC technical staff was concerned with the loss of natural woodland buffer and the proposed setbacks from Jones Bridge Road. The applicant's recent purchases of the Platt property and Hayes Manor allowed it to reassess its plans. As a result, the modification request was revised to include those properties under the land area covered by special exception and locate the building addition on the western side of the existing buildings.

To accommodate the location of the building addition, a portion of the existing internal service road will be relocated further to the west. This will require the demolition or relocation of a bungalow structure on the Hayes Manor property. The 75,000 square foot addition will be on the same grade as the existing buildings allowing for the alignment of new and existing floors and improving the overall integration of facilities. Two new interior courtyards will be created on top of a new 164-space underground parking garage. With a corresponding decrease in the number of surface parking spaces from 90 to 46, there will be a net increase of 120 parking spaces. Currently, the applicant's loading dock and service areas are located at grade on the western side of the existing buildings. Under the modification, they will be relocated below grade.

The existing special exception provides for a limitation of 200 employees. The actual number ranges between 190 and 200 with 40 additional employees at the off-campus location. The modification seeks an immediate increase in the employee limit to 260, independent of the building addition, and an increase to 350 upon completion of the proposed 75,000 square feet of office space.

The applicant will continue to maintain a flexible schedule for its staff. Under the conditions of the original special exception, the official hours of operation are 9:00 a.m. to 5:30 p.m. However, staff supervisors are encouraged to maintain flexible working hours. Staggered work shifts range from 7:00 a.m. to 3:00 p.m. and 10:00 a.m. to 6:30 p.m. There are also evening and night shifts for a limited number of employees. Housekeeping staff begins work each day at 6:30 p.m. and concludes work in the offices by no later than 9:30 p.m.

### **Additional Review Procedures**

A preliminary plan of subdivision will be filed for the subject property to combine the Platt and Hayes Manor properties with the existing campus bringing the total acreage of the campus to approximately 36 acres.

## **ANALYSIS**

### **Master Plan**

The 1990 Bethesda-Chevy Chase Master Plan highlighted several goals for the development of the applicant's campus. Recognizing the economic and professional importance of the applicant to the County, the Master Plan stressed preserving its compatibility with the surrounding residential community. Accordingly, the main goals were to preserve significant areas of trees, limit the building coverage to 20% and adhere to the R-90 zone height limits. The existing development complies with those goals.

The special exception modification contributes to accomplishing master plan goals as well through preserving a valuable historic resource, retaining many specimen trees, providing large areas of native trees as reforestation, and following the Green Corridors concept along Jones Bridge Road and Connecticut Avenue.

### **Historic Preservation**

The Historic Preservation staff recommend approval of the special exception modification with the following conditions:

1. The applicant will provide periodic access to the Hayes Manor house and property to the Historic Preservation Commission and other historic/preservation groups for meetings and small gatherings. Any such access will be planned in advance and coordinated with the Institute's use of the house.
2. The applicant will undertake a historic context report for the Hayes Manor property that will be used to inform future plans for the historic site.
3. The applicant will undertake to plant and restore certain garden features of the property, consistent with the historic context report. This work may include installation of a pathway system, restoration of the boxwood gardens, and the implementation of a landscaping plan to the immediate north of the house.
4. The applicant will – before transferring ownership of the Hayes Manor property to another entity or individual – place an open space easement on the property, which will preclude future subdivision of the environmental setting.

Hayes Manor was approved as a Montgomery County *Master Plan* Site in 1984 and the designated environmental setting is the entire 9.44-acre parcel on which the historic house is located.

Constructed between 1762-67, Hayes Manor is one of the oldest, best-preserved Georgian manors in the region. In addition to the manor house, there are two other structures: an early 20<sup>th</sup> century Craftsman bungalow and the foundation wall of an early barn, which was demolished in the early 1990s. The landscape of the property is a significant part of its historicity and includes two sets of brick entrance pillars with iron gates, a family monument, terraced boxwood gardens, and a bowling green, which may date from the late 18<sup>th</sup> century.

The significance and unique historic quality of Hayes Manor cannot be overemphasized. This is not only one of the earliest historic sites in Montgomery County, but it is also a rare example of the Georgian style. The fact that the property is on over nine acres in a very developed part of the county and includes many of the original historic landscape features and gardens makes Hayes Manor truly a "one-of-a-kind" resource in the county.

Staff feels that the applicant is the perfect steward for such an important and unique property. In addition, the Historic Preservation Commission (HPC) was clearly sympathetic to the applicant's goals for the site when it approved a Historic Area Work Permit (HAWP) in April 2003, which would significantly alter the existing environmental setting of Hayes Manor. The HPC was convinced that the changes were necessary for the applicant to achieve its expansion goals while appropriately integrating Hayes Manor into the overall campus.

However, it is important to understand that, in the HPC's regulatory role on Historic Area Work Permits, they only have the authority to approve, deny, or approve with conditions specific physical changes to designated structures and their environmental settings. They do not have the authority to approve or deny future subdivisions, special exception modifications, or rezoning. Nor do they have the authority to require that the applicant restore the Hayes Manor property or its grounds. All of the discussions that took place during the HPC's review of the HAWP about what positive things the applicant would be doing at the Hayes Manor site are important, but non-binding from a legal standpoint.

The Historic Preservation staff has asked the applicant to consider placing an open space easement on the portion of the 9.44-acre environmental setting that is not affected by the current expansion plans. The purpose of this open space easement would not be to stop all future construction and alteration – indeed, it might be very appropriate, in the future, to add another small structure to the property in connection with the applicant's programs. However, the easement would prevent future subdivision of the property, which Historic Preservation staff believes would detract from the historic landscape. The applicant opposes such an easement contending that the County Code, including the Historic Preservation Chapter and the Zoning Ordinance, does not provide the authority to impose such a restriction. Staff notes that the HPC and the Planning Board can address this matter at the time of subdivision.

### **Landscaping**

The applicant has proposed new landscaping along the edges of the building addition and relocated service road to enhance the property and provide screening from neighboring properties. Additional landscaping measures will include preservation of as much of the existing woodland canopy as possible through grading and the use of retaining walls, supplementing existing evergreen screening near Platt Ridge Road, and heavily landscaped courtyards. The

applicant also proposes to restore the terraced boxwood gardens adjacent to Hayes Manor, enhance the landscaping on the Platt property, supplement the existing pathway system on the campus, and install new security fencing along the western and southern portions of the Hayes Manor property.

Staff finds that the nature of the proposed landscaping is more than adequate given the nature of the existing use, the scope of the expansion, the characteristics of the site, and the character of the surrounding area.

### **Lighting**

Staff has reviewed the point-by-point photometric plan for the illumination of the pathways, service road, loading dock and service area. A numerical summary indicating minimum, maximum and average illumination levels (expressed in foot-candles) including uniformity ratios was not submitted. The applicant has proposed louvered, light bollards to illuminate the pathways; pole-mounted area lights (10' height) to illuminate the service road and wall mounted light fixtures to illuminate an exterior stair and service area. The applicant is proposing metal halide lamps.

The point-by-point photometric plan indicates light levels at the property line shared with Platt Ridge Road to be 0.14 foot-candles. This is slightly in excess of the required maximum of 0.1 foot-candles. Staff recommends that the source of the excessive light (a pole-mounted light fixture) be repositioned in order to insure a maximum of 0.1 foot-candles at the property line. The photometric information submitted lacked a numerical summary needed to fully analyze the light levels for the pathways, service road and service areas.

Staff recommends that the applicant revise and resubmit the point-by-point photometric to include a numerical summary with illumination levels proposed for the service road, pathways and service area. When resubmitting the photometric plan, staff recommends maintaining an average illumination of 0.2 foot-candles for all illuminated pathways in accordance with the standard practices of the Illuminating Engineers Society of North America (IESNA) for sidewalks in residential areas. The service road should be designed to achieve a maintained average illumination of 1 foot-candle or less in accordance with the IESNA standard for bikeways. The bikeway standard is an appropriate standard for the illumination of the service road given the low vehicular volumes and slower speed anticipated with a private drive.

Staff feels that the lighting proposal as conditioned, sufficiently addresses safety and will not have any adverse impacts to surrounding properties related to glare, light trespass or sky glow.



## Development Standards

The special exception modification will satisfy all of the development standards applicable to the zone and the charitable or philanthropic institution use. The table below summarizes the data relative to those standards.

<b><u>R-90 Zone Development Standards</u></b>		
	<b>Required</b>	<b>Provided</b>
Minimum Lot Area	9,000 vs.	1,585,140 vs.
Minimum Lot Width at front Building line	75'	823'
Minimum Setback From Street	30'	280'
Minimum Rear Yard Setback	25'	221'
Maximum Percent of Lot Coverage	30%	9.8%
<b><u>Charitable or Philanthropic Institution Development Standards</u></b>		
	<b>Required</b>	<b>Provided</b>
Minimum Side Yard Setback Sum of Both Sides	50'	71' (to existing structure) 93' (to proposed expansion)
Minimum Frontage	50'	823'
Minimum Green Area	50%	76.89%
Maximum FAR	0.25	0.18
Maximum Building Height	35'	35'
Site Access	Frontage on and direct access to arterial roadway	Not Applicable. No change in site access is proposed.
Outdoor Recreational Facilities, Etc., Setback	50'	Not Applicable. No change in outdoor recreational facilities is proposed.

## **Transportation**

The Transportation Planning staff, based upon a review of the submitted traffic study, will recommend the following conditions at preliminary plan review as part of the adequate public facilities test for transportation requirements related to the special exception modification.

1. At the time of subdivision, dedicate 60 feet from the centerline of Connecticut Avenue, if needed, to reflect the 120-feet of right-of-way recommended in the Bethesda-Chevy Chase Master Plan.
2. At the time of subdivision, dedicate 40 feet from the centerline of Jones Bridge Road, if needed, to reflect the 80-feet of right-of-way recommended in the Bethesda-Chevy Chase Master Plan.
3. Provide funding to the Department of Public Works and Transportation (DPWT) to implement the following mitigating measures as agreed with the County Executive staff:
  - a) Funding for the installation of three bus shelters and three real time transit information signs. The division of Transit Services will determine the location of these installations in the study area.
  - b) Funding for the installation of 3,120 linear feet of sidewalk in the Bethesda-Chevy Chase Policy Area.

### Annual Growth Policy Guidance

Section TA5.2 of the Annual Growth Policy (AGP) includes a special provision for Corporate Headquarters. The AGP states that any applicant for a preliminary plan of subdivision in any policy area need not take any action under Policy Area Transportation Review (PATR) or Local Area Transportation Review (LATR) if several conditions are met. The referenced petition meets those conditions (see attachment for this provision in the AGP.)

The petitioner is using this provision to pass PATR and LATR and will not be required to mitigate traffic impacts following quantitative methods. For example, there is currently no staging ceiling capacity for jobs in the Bethesda-Chevy Chase Policy Area. There is a negative capacity of 301 jobs as of June 30, 2003, and the applicant is adding 150 jobs. Also, the applicant has agreed to the limited mitigation measures stated in the conditions for approval of this application to address the fact that the petition will increase congestion at three LATR study intersections where the background congestion level exceeds the congestion standard.

The Mode Share Goal in the AGP indicates, "Each applicant must commit to make its best efforts to meet mode share goals set by the Planning Board as a condition of approving the subdivision". The Planning Board has not established a mode share goal for the Bethesda-Chevy Chase Policy Area.

Local Area Transportation Review

A traffic study was prepared to determine the impact of the application on the local area transportation network. The study concluded that the proposed changes on campus would generate a total of 108 and 112 trips during the peak hour of the weekday morning and evening peak periods, respectively. The trip rates were determined based on the current number of trips generated by the applicant's employees.

Generated trips from the site were added to the existing and the background traffic (trips from area developments that are approved but not built) to determine the total future traffic. Six intersections were evaluated to determine their level of congestion. The results are shown in the following table.

Intersections	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
Connecticut Ave/Jones Bridge Rd/ Kensington Pkwy	1778	1676	1821	1755	1827	1762
Connecticut Ave/Manor Rd*	1328	1354	1356	1684	1364	1693
Connecticut Ave/East-West Hwy*	1738	1725	1676	1631	1677	1631
Platt Ridge Rd/Jones Bridge Rd	773	965	776	974	778	982
Manor Rd/Jones Bridge Rd	679	906	685	945	685	946
Rockville Pike/Jones Bridge Rd/ Center Dr*	1528	1825	1455	1553	1455	1556

\* Analysis includes programmed improvements at these intersections.

As shown in the table, the total future traffic for three of the intersections in the study area would operate above the congestion standard of 1650 Critical Lane Volume for the Bethesda-Chevy Chase area. The background conditions reflect improvements at three of the intersections as follows:

1. The Maryland State Highway Administration and other private developers have committed to fund an eastbound left-turn lane on East-West Highway at Connecticut Avenue.

2. DPWT has approved funding for adding a second southbound left-turn lane along Rockville Pike at Jones Bridge Road and a second exclusive westbound left-turn lane along Jones Bridge Road.
3. The developer of Chevy Chase Lake East is committed to fund improvements at the intersection of Connecticut Avenue and Manor Road. These improvements involve lane reconfiguration along the westbound approach of Manor Road and lengthening the southbound left-turn lane along Connecticut Avenue at Manor Road.

At the same three intersections described above, the total future condition exceeds both the background condition and the congestion standard in either one or both morning and evening peak hours. Without the provision of AGP Section TA5.2, the petitioner would be required to either provide additional intersection capacity or otherwise mitigate the effect of the site-generated trips. The applicant and the County have agreed to a number of mitigation measures in order to address local congestion demonstrated by LATR. These mitigations are the conditions for approval of this special exception and the subsequent subdivision plan.

The applicant will provide for the cost of installing three bus shelters and three real time transit information signs. The location of these facilities will be determined by DPWT later. It is understood that each bus shelter costs \$10,000 and each real time transit information sign costs between \$10,000 and \$20,000 depending on the proximity of utility lines. The funding provided by the applicant will be based on these ranges of costs.

The County has a backlog of unfulfilled requests for installing sidewalks. The applicant has agreed to provide funding for installation of 3,120 linear feet of sidewalk in the Bethesda-Chevy Chase Policy Area. This agreement is based on the estimated cost of \$35 per linear foot of sidewalk.

Because the proposed actions require approval of both a special exception modification and a preliminary plan of subdivision, the APF finding will occur at the time of subdivision. Staff finds, however, that based on the County policy specified in the AGP, the special exception petition has no adverse effect on transportation conditions.

#### Master Plan Recommendations

The 1992 approved and adopted master plan for the Bethesda-Chevy Chase area includes the following roadway classification recommendations:

1. Connecticut Avenue is a six-lane divided major highway with 120-foot of right-of-way.

2. Jones Bridge Road is an arterial roadway with 80-feet of right-of-way and a recommended 48-feet of pavement width.

Tax maps suggest that the Master Plan recommended right-of-way be already in public ownership. The extent of any dedication required to achieve the Master Plan recommended right-of-way will be determined at time of subdivision.

The Maryland Department of Transportation has recently announced their intent to study the feasibility of a bus rapid transit system from Silver Spring to Bethesda that utilizes Jones Bridge Road from Jones Mill Road to MD 355. This announcement prompted the County Council to request that the Planning Board study the feasibility of a Jones Bridge Road busway and report back to the Council in July 2003. The Planning Board staff conducted a preliminary planning study and concluded that the Jones Bridge Road busway does not merit further study. This option would have required grade separation of the busway with Connecticut Avenue and would have a physical impact on properties including the applicant's campus along the busway alignment. The Planning Board has recommended and the County Council has unanimously agreed with the Planning Board's finding that the Jones Bridge Road Bus way is not a preferable option.

#### Site Access and Circulation

The vehicular access to the site will be onto Connecticut Avenue via Manor Road and onto Jones Bridge Road via Platt Ridge Drive. The intersections of Connecticut Avenue/Manor Road and Jones Bridge Road/Platt Ridge Drive are signalized and provide for full traffic movements. Sidewalks are provided along the site frontage on Connecticut Avenue and Jones Bridge Road. Internal circulation is adequate. Overall, vehicular and pedestrian traffic facilities are adequate.

#### Policy Area Review/Staging Ceiling Analysis

The site is located within the Bethesda-Chevy Chase Policy Area, which has a negative capacity of 301 jobs and 5,595 housing units as of June 30, 2003.

#### **Environmental**

The Environmental Planning staff has reviewed the special exception modification and recommends approval of the request with the following conditions:

- The final Storm Water Management and Sediment and Erosion Control plans must be approved by the Department of Permitting Services (DPS), and be consistent with the final Forest Conservation Plan/Tree Save Plan.

- The final Forest Conservation Plan must be approved by M-NCPPC staff prior to DPS approval of the sediment and erosion control plan or any clearing, grading or land disturbance of the site.

The final Forest Conservation Plan (FCP) must address all of the following issues before approval will be granted:

- 1) A detailed Tree Save Plan shall be prepared by an ISA certified arborist as part of the FCP which fully meets the directives of M-NCPPC Forest Conservation Regulations #1-01, Section 109B. The Tree Save Plan shall include a detailed evaluation of the condition of all significant trees (as defined on the NRI/FSD and preliminary FCP; and all trees  $\geq 6$ " diameter at breast height (DBH) within the historic Hayes Manor setting), and the delineation and determination of significant impacts (>30%) to their critical root zones (CRZ) based on the proposed site plan and grading.
- 2) Where significant impacts occur, all elements of the site layout shall be thoroughly re-examined to minimize the impacts. Consideration shall be given to relocating/realigning/consolidating roadway, pathways, and other impervious areas, and minimizing grading and the amount of fill and cut within the Cruz's.
- 3) After disturbance has been minimized, stress reduction measures shall be identified on the plan, as recommended by the arborist, after discussion with M-NCPPC Environmental Planning staff. The plan shall identify demolition/construction techniques and schedules, in addition to other appropriate stress reduction measures designed to minimize root destruction and promote root regeneration. Tree save measures shall include, but not be limited to, pre-construction watering and fertilizing, fencing, root pruning and dead wood pruning of any trees impacted by construction activities.
- 4) Exceptional measures such as root aeration/hydration systems should be examined for specimen trees excessively affected by surrounding grading and/or imperviousness. Based on the arborist's recommendations and Environmental Planning staff evaluation, trees that are deemed to be savable through application of preservation techniques shall be saved.
- 5) Dozens of trees, including four specimen trees, on the site are proposed for removal or will experience significant impacts as a part of the Howard Hughes expansion. The preliminary FCP illustrates several trees as potentially saved where in fact, significant impacts are apparent in the preliminary grading and site

layout. This plan must make additional efforts to preserve healthy trees throughout the site, particularly those associated with the environmental setting for the history Hayes Manor estate.

- 6) Mitigation is required for the removal of all healthy trees  $\geq 6$ " DBH on the Hayes Manor parcel at a ratio of 1:1 on an inch-per inch basis. Mitigation is also required (1:1) for the removal of all specimen trees outside of the Hayes Manor setting and for all specimen trees where encroachment on the critical root zone is 30% or more. Proposed planting areas shall be on-site and shown on the final FCP. An easement must be recorded for long-term protection.
- 7) The applicant will be required to meet the Forest Conservation Act requirement through a combination of on-site forest/tree retention (to be placed in Category I and II easements) and offsite reforestation or banking.

### Discussion

The proposed building addition, realigned service road, and associated grading, along the general boundary between the applicant's existing campus and the Hayes Manor property, will result in the removal of approximately 25 individual trees ( $>12$ " diameter at breast height-DBH) on the Hayes Manor parcel and approximately 1.75 acres of existing forested area on the subject property.

Environmental Planning staff recommends adjustments to the proposed road realignment/parking or circulation to minimize impact to existing specimen trees and visual impact to Hayes Manor (proposed road comes within 110 feet of the manor house). The existing forested area serves to visually separate the applicant's facility from Hayes Manor. Recommended changes to the Preliminary Forest Conservation Plan are:

- Change grading and sidewalk alignments to further minimize or eliminate impacts to the specimen 40" diameter at breast height (DBH) silver maple (Tree No. 6), 190 feet north of Hayes Manor. Proposed tree well and retention measures are inadequate to ensure likely preservation of this tree.
- Relocating the proposed parking area on Hayes Manor (10 spaces) to either the Platt property or the main campus to better maintain the environmental setting of Hayes Manor.
- Mitigation for avoidable loss of specimen trees and for trees within the historic setting of Hayes Manor will be required (typically at a 1:1

replacement ratio- a one inch caliper tree replacement for every inch of DBH lost for specimen tree removal).

Staff agrees in concept with the proposed 2.07 acre Category 1 Easement along Connecticut Avenue and Jones Bridge Road. Category II Easements can be placed over existing specimen trees to reduce overall planting requirements.

### Forest Conservation

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been approved for this site. A preliminary Forest Conservation Plan has been submitted, and is approved subject to conditions that require additional efforts to preserve trees through both changes in the supporting elements of the site layout and use of prescribed stress reduction techniques. A final Forest Conservation Plan must be approved prior to DPS issuance of sediment and erosion control permits.

Services of a qualified arborist will be required during construction and monitoring phase. Preservation or transplanting of existing on-site trees should be considered when feasible. For purposes of Category I easements for Forest Conservation credit, save areas must have a minimum width of 50' with a minimum area of 10,000 square feet.

### Water Quality

This site is located in the lower Rock Creek watershed. This property is not located within a Special Protection Area. The Countywide Stream Protection Strategy (CSPS) indicates that the stream conditions are poor and habitat conditions are fair in this subwatershed. It is listed as a Watershed Restoration Area where stream restoration, stormwater retrofit and habitat improvement efforts are highly encouraged. This proposal is not anticipated to have any measurable deleterious effects on water quality.

### Air Quality

There should be no objectionable fumes, particulate matter or odors resulting from the proposed use. Dust is not expected to be problematic since most of the site is landscaped or improved. Proposed grading does not involve excessively large area.

### Noise

This use is not considered to be a point source or mobile source of noise. The Montgomery County *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* is not applicable. The Department of Environmental Protection administers the Montgomery County



Code Chapter 31B Noise Control. This use is not expected to generate a noise disturbance to surrounding uses.

**Community Concerns** - The applicant has held a series of meetings with citizens in the surrounding neighborhood to explain its goals for the campus and the scope of the special exception modification. The applicant believes that the overall reaction from the neighbors to the plans has been positive and many have offered to support the proposal. Staff understands that a number of citizen enquiries have been made to the Board of Appeals regarding the application and that at least one letter of support has been received by that agency.

### **Inherent and Non-inherent Adverse Effects**

The Zoning Ordinance specifies a standard of review for evaluating compliance with general and specific conditions that requires an analysis of inherent and non-inherent adverse effects.

The first step in analyzing the inherent and non-inherent adverse effects of a special exception or modification is to define the boundaries of the surrounding neighborhood. In this case, the neighborhood is bounded on the north by the North Chevy Chase Recreation Center, Woodlawn Road and Kennilworth Driveway; on the east by Montgomery Avenue and North Chevy Chase Elementary School; on the southeast and south by the Georgetown Branch Trail; and on the west by Columbia Country Club and the campus of the Uniformed Services University of the Health Sciences. The predominant land use and zone is single-family residential development in the R-90 Zone.

The inherent, generic physical and operational characteristics of the use must be established considering size, scale, scope, light, noise, traffic and environment. The primary physical characteristics of a charitable or philanthropic institution include a building housing administrative offices and an exterior parking area. The primary operational characteristics necessarily associated with the use are the presence of employees working in the building and the traffic generated by the employees and visitors. Staff finds that the physical and operational characteristics of the applicants use as modified by the special exception are no different than what is typically encountered with a charitable or philanthropic institution.

The architecture of the building addition will match the existing buildings in scale and massing. It has been designed in several sections to keep it consistent in size with the existing buildings and more residential in scale than typical office buildings. The building materials of the addition will be complementary to the existing buildings and its roof will align with the existing roof ridgelines. Site lighting will be consistent with what is found elsewhere on the campus and with the conditions recommended by staff will not adversely impact surrounding properties because of glare, light trespass or sky glow.

Staff finds that there are no non-inherent adverse effects associated with the special exception modification that warrants denial of the application.

### **General and Specific Special Exception Provisions**

The staff has reviewed the petition for compliance with the applicable special exception provisions. As noted in the attachment, all general and specific requirements for a charitable or philanthropic institution found in Sections 59-G-1.21 and 59-G-2.21 of the Zoning Ordinance will be satisfied.

### **Conclusion**

The staff finds that the special exception modification satisfies all of the applicable special exception provisions for a charitable or philanthropic institution found in the Zoning Ordinance. Therefore, we recommend approval with the conditions found at the beginning of the report.

### **Attachments**

- Vicinity Map
- Existing Site Plan
- Special Exception Modification Plan
- Modification Plan – Enlargement
- Exterior Elevations
- Landscape Plan
- Site Lighting and Photometric Plan
- Historic Preservation Staff Report
- Environmental Planning Staff Report
- Transportation Planning Staff Report

**Montgomery County Zoning Ordinance**

**59-G-1.21. General conditions.**

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

*The subject property is zoned R-90. A charitable or philanthropic institution is an allowed special exception in the R-90 Zone. The special exception modification is merely an enlargement of the existing use.*

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

*The special exception modification will satisfy all of the requirements for the use found in Section 59-G-2.21 of the Zoning Ordinance.*

(3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

*The special exception modification will be consistent with the recommendations of the 1990 Bethesda – Chevy Chase Master Plan. The Master Plan recognizes the granting of the applicant's special exception and made certain recommendations for its implementation related to site design, building height and coverage. These were realized with the development of the campus and will continue to be satisfied through the special exception modification. Significant areas of trees are retained, traffic noise is addressed*

*through substantial buffers, and pedestrian access improved in the area. Building heights are limited to 35 feet and coverage is less than 10 percent. Other goals of the Master Plan are also furthered including supporting economic development, enhancing and protecting the character of the site, and preserving the historic Hayes Manor and its environmental setting.*

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

*The proposed expansion of the facilities will be in harmony with the character of the neighborhood considering these criteria. The proposed building addition has been designed to be consistent with the existing campus and is residential in scale, two-stories in height, with parking primarily located below grade, and with generous setbacks. The plans show the applicant's continued commitment to maintaining a heavily landscaped campus and to utilize substantial buffers to the extent possible. Through the use of design, massing, and other architectural elements, the visual impact of the building addition will be mitigated. Underground parking will minimize site disruption, tree removal and maximize green area. Adequate on-site parking will continue to be provided.*

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*The use as modified will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood, irrespective of any adverse effects the use might have elsewhere in the zone. The impacts from the use are inherent and the proposed expansion will be of the same character as the existing use. There will be no non-inherent adverse effects.*

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*The use as modified will not cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might*

*have elsewhere in the zone. The proposed plans feature a building addition that is of the same height and architectural style as the existing buildings, most of the parking is place underground, and mitigated by a heavily landscaped setting with generous setbacks from the adjacent streets and properties.*

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

*The neighborhood is predominantly residential in character. The modification will not add any new special exceptions to the area. The existing special exception for a charitable or philanthropic institution is the only one in the neighborhood and there is no evidence in the record indicating that it has altered the existing one-family character. The only active special exception in the area remains Columbia Country Club.*

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*The use as modified will have no such effect on the area. The applicant's current use has had no such effect and it is not expected that once modified it will cause such effects to arise. The nature of the applicant's activities is to promote public health.*

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation

Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

*The applicant will submit a preliminary plan of subdivision to combine the Platt and Hayes Manor properties with the existing campus. Approval of the preliminary plan is a condition of approval of the special exception modification. The adequacy of public facilities including police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities will be determined at that time.*

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

*The use as modified will not reduce the safety of vehicular or pedestrian traffic.*

#### **59-G-2.21. Charitable or philanthropic institution.**

- (a) Development standard. A special exception may be granted for a charitable or philanthropic institution, subject to the following requirements:

- (1) In the Agricultural Zones regulated by the development standards of Section C-9.4, a charitable or philanthropic institution may be granted only if it is for re-use of an existing building. The development standards are those of the applicable zones except:

*Not applicable.*

- (2) In the One-Family Residential Zones regulated by Section C-1.32, the development standards are those of the applicable zones except:

- (i) Minimum side yard setback: twice the minimum required by Section C- 1.32.

*The minimum side yard setback for the R-90 Zone is 8 feet with the sum of both sides a minimum of 25 feet. Twice this standard is 50 feet. The proposed building addition will be setback a minimum of 93 feet from the closest property line.*

- (ii) Minimum frontage: twice the minimum required by Section C-1.32.

*The minimum frontage in the R-90 Zone is 75 feet. The subject property has approximately 1,300 feet of frontage along Connecticut Avenue.*

- (iii) Minimum green area: 50 percent in R-60, R-90, and RMH zones; 60 percent in R-150 and R-200 zones; 70 percent in RE-1, RE-2, and RE-2C zones.

*The minimum green area provided for the campus following expansion, including the Platt and Hayes Manor properties, will be approximately 77 percent.*

- (iv) Maximum FAR: 0.25 for residential, recreational, and environmental uses; 0.25 or 100,000 square feet, whichever is less, for office uses. Any charitable or philanthropic institution established by special exception before May 6, 2002 may expand to a 0.25 total floor area ratio.

*The maximum FAR for the campus following expansion will be FAR 0.18.*

- (v) Maximum building height: 35 feet in R-60 and R-90 zones; 50 feet in R-150, R-200, RE-1, RE-2, RE-2C, and RMH zones.

*The height of existing buildings does not exceed 35 feet. The building addition will not exceed that height.*

- (vi) The property must front on and have direct access to a public street or roadway having more than one through travel lane in each direction of travel. Access to a corner lot may be from an adjoining primary street, constructed to primary standards, if the Board finds this access to be appropriate and not detrimental to existing residential uses on that primary street. This requirement does not apply to any charitable or philanthropic institution facility that lawfully exists on May 6, 2002.

*The applicant's special exception use was lawfully existing on May 6, 2002. Existing vehicular access is from Connecticut Avenue via Manor Road and Jones Bridge Road via Platt Ridge Drive. No changes are proposed to this access.*

- (vii) Outdoor recreational facilities must be located, landscaped, or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facilities must be designed and sited to protect adjacent properties from noise, spill light, stray balls, odors, and other objectionable impacts by providing appropriate screening measures, such as sufficient setbacks, evergreen landscaping, solid fencing, and walls. The setback must not be less than twice the rear yard setback of the zone. This requirement does not apply to outdoor recreational facilities which lawfully exist on May 6, 2002.

*The applicant's special exception use lawfully existed on May 6, 2002.*

- (viii) For residential and office uses, standards (2)(i) and (iv) do not apply to the use of an existing building that exists lawfully at least 3 years before the special exception petition is filed. Any expansion or addition to the existing building must comply with the standards in effect at the time a modification is filed.

*The building addition will comply with the applicable standards as noted above.*

- (3) In the C-1 and C-3 Zones, the development standards are those of the applicable zones.

*Not applicable.*

(b) Parking Standard.

- (1) Off-street parking space must be provided as follows:
  - (i) Residential: one parking space for every 2 residents, and one space for every 2 employees on the largest work shift.  
  
*Not applicable.*
  - (ii) Recreational and Environmental: the total number of required parking spaces for each component of the proposed development under Section E-3.7 for auditorium, health club, commercial swimming pool, commercial recreational establishment, and other similar uses.



*Not applicable.*

- (iii) Office: same as general office under Section E-3.7.

*The parking requirement for general office use in the southern area of the county when a site is more than 1,600 feet from a metro station is 2.4 spaces per 1,000 gross square feet. The building addition will comprise 75,000 square feet of office space resulting in a requirement of 180 additional parking spaces. A total of 120 additional parking spaces are proposed, for which a waiver is requested.*

- (2) The Board may modify the off-street parking space requirements if warranted because of the program, method of operation, or clientele.

*The applicant is requesting the parking waiver based on the low employee density and documented historical usage patterns.*

- (3) All other parking design standards must comply with Section E-2.83 and other applicable sections of Article 59-E.

*Proposed parking facilities satisfy all other applicable sections of Article 59-E.*

- (c) Waiver.

- (1) If the property is designated as a historic resource by the master plan for historic preservation, the Board may waive development standards (a)(1)(i) through (ix) and (a)(2)(i) through (viii).

*No such waiver has been requested.*

- (2) If the special exception is for a new building to be located on the property of an existing religious institution, the Board may waive the standards (a)(1)(ix) and (a)(2)(vi).

*Not applicable.*

- (3) The Board must not grant any waiver as stated in Sections (c)(1) and (2) unless it finds that:

- (i) Road access will be safe and adequate for the anticipated traffic to be generated;

- (ii) Road access will not have a significantly adverse impact on the surrounding neighborhood; and
- (iii) The grant of the waiver will not cause other significant adverse impacts on the surrounding neighborhood.

*Not applicable.*

- (4) In the agricultural zones, a special exception for a charitable or philanthropic institution may be granted only if it is for re-use of an existing building. The Board may waive this restriction to approve a residential camp for seriously ill children and their immediate family members, operated or sponsored by a non-profit organization under the following conditions. Immediate family members may attend sessions jointly with or separate from the sessions attended by the children. Separate sessions for immediate family members are only permitted as a secondary camp activity. The camp may include facilities for overnight accommodations and for support services related to camp activities. The camp must be compatible with adjacent land uses.

*Not applicable.*

- (5) A charitable or philanthropic institution for which a petition was approved before May 6, 2002, is a conforming use. Any such special exception may be modified under Section 59-G-1.3(c), subject to the following conditions:
  - (i) Any expansion or enlargement must comply with the standards specified in Sections (a) and (b) above, except that, if the land area has not been enlarged, the board may waive the maximum lot size in agricultural zones or the FAR standard or the road frontage requirement stated in Sections (a)(1)(ii), (vi), (ix) and (a)(2)(iv), (vi) above in accordance with anticipated future expansion that has not been commenced or completed as of August 15, 1988, but that was expressly recognized in the conditions or record of the approved special exception.
  - (ii) In any zone where the special exception is no longer allowed, any amendment to the special exception must comply with the standards in the R-60 zone, as stated in Sections (a) and (b) above.

*Not applicable.*