



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #**  
**Date:**

**DATE:** January 5, 2008

**TO:** Montgomery County Board of Appeals

**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Ralph Wilson, Zoning Supervisor, Development Review Division *RW*

**FROM:** Elsabett Tesfaye, Planner Coordinator (301) 495-1301 *Te*

**SUBJECT:** **Special Exception S-2740**– Request to Establish a Charitable or Philanthropic Institution in an existing one-family dwelling on Lot 48, Block 2, Northwest Park Subdivision, at the northwestern corner of the intersection of Woodmont Avenue and Battery Lane, Bethesda.

**FILING DATE:** September 11, 2008  
**PLANNING BOARD HEARING:** January 15, 2009  
**PUBLIC HEARING:** January 26, 2009

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**Staff Recommendation:**

Approval, with conditions.

The proposed charitable institution special exception satisfies all applicable requirements for approval as specified in the Montgomery County Zoning Ordinance. Moreover, the use is consistent with the recommendations of the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD. As part of the Children’s Inn at NIH, the proposed facility, known as Woodmont House, will provide a valuable service in a home like atmosphere for chronically ill children and their families who travel from across the country and around the world to seek treatment at the National Institute of Health (NIH). As evidenced by the letters submitted into the record, the proposed facility has the support of the residents of the immediate neighborhood. There are no traffic, circulation, noise, or environmental issues associated with the application provided that the recommended conditions are satisfied. Therefore, staff recommends approval of special exception S-2740 subject to the following conditions:

1. The Petitioner must limit the land use and operation as described in the Petitioner’s Transportation Statement dated August 5, 2008 (attached).

2. The Petitioner must dedicate at subdivision 5 feet of right-of-way for a total of 40 feet from the centerline as the required in the *Bethesda CBD Sector Plan* along Woodmont Avenue. For the existing fence in front of Woodmont House, the applicant must obtain a revocable permit from the Montgomery County Department of Permitting Services (DPS) that includes liability and maintenance considerations for the fence.
3. As part of pending Site Plan 820090010, the Petitioner must upgrade the existing sidewalk along the property frontage of Woodmont Avenue near the northern property line to have a minimum sidewalk width of 5 feet for a pedestrian clear area.
4. In lieu of providing bike racks or lockers, the Petitioner must provide and maintain, in perpetuity, at least one bicycle for shared use by the residents and guests to travel to and from NIH and other nearby destinations. The petitioner must also provide in perpetuity, and replace when necessary, a bicycle pump, replacement tubes, a lock and both a child's and an adult helmet
5. The Petitioner must replace the board-on-board portion of the fence with black iron railings to match the remainder of the fence (see attached photo) in order to provide a more uniform and consistent streetscape treatment.

# S-2740: Children's Inn



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### **ATTACHMENTS:**

- i. Aerial**
- ii. Plans**
- iii. Referral comments**

**I. APPLICATION SUMMARY**

**Applicant**

Children's Inn at NIH, Inc.

**Location**

Northwestern corner of the intersection of Woodmont Avenue and Battery Lane, Bethesda.

**Special Exception Site Size**

0.17 AC

**Current Zone**

PD-75 Zone

**Master Plan**

2006 Woodmont Triangle Amendment to the Sector Plan for Bethesda CBD

**Proposed Special Exception Use**

A Charitable or Philanthropic Institution to be used as transitional housing and a support services center for patients and their families enrolled in pediatric protocols at the NIH.

**Parking spaces**

Seven garage and surface spaces



## II. PENDING REVIEWS

The subject special exception site is a portion of a nearly .5 acre site that was the subject of a rezoning from the C-T zone to the PD-75 zone in 2004. The approved development plan was amended (DPA-06-01) in 2007 to allow the development of the southern portion (2/3) of the site with 46 medium high-rise condominium units, a 1,408 square foot restaurant and to retain the existing single-family dwelling on the northern portion of the property. Currently the following applications are pending for the entire property, which includes the subject special exception site.

1. Minor Subdivision Case No. 220090600, Northwest: This case is pending to create Lot 62 by combining Part of Lot 49, Block 2, Northwest Park Subdivision (Plat No. 134) and Part of Lot 48. Part of Lot 48 consists of 1,517 square feet of excess public right-of-way along the Woodmont Avenue frontage near the intersection with Battery Lane that was acquired from the County. The subject special exception boundary is located in the northern portion of Part of Lot 49.
2. Site Plan No. 820090010, Woodmont View: This site plan is pending for a mixed use development located in the southern portion of proposed Lot 62. A lease line is proposed to divide the Woodmont House from the mixed use development.

## III. STATEMENT OF THE CASE

The special exception applicant, Children's Inn at NIH, is requesting approval to establish and operate a Charitable or Philanthropic Institution, Woodmont House, in the three-story one-family detached dwelling that exists on-site. The dwelling will be used to provide housing and support services for chronically ill children who are being treated at NIH and their families. The applicant's Land use and Zoning Report states that the program at Woodmont House would be directed to families residing at the Children's Inn who have transitioned from the acute phase of their illness to a more stable phase still requiring medical intervention but with a lower level of support. The Children's Inn at NIH is a private, tax exempt, non-profit Maryland Corporation with a mission "to keep children together with their families during serious illness, reduce stress, and facilitate healing through mutual support". The facility serves patients ranging in age from three days to twenty-six years.

## IV. DESCRIPTION OF PROPERTY

The subject property is located at the northwestern corner of the intersection of Woodmont Avenue and Battery Lane, in Bethesda. The property is improved with a large 3-story, one-family detached dwelling, with parking for seven cars. The dwelling was constructed in 2002. The dwelling consists of seven bedrooms and five bathrooms, and has seven parking spaces in a ground level garage. The dwelling sits on a portion of a 0.48-acre property that was rezoned in 2004 to PD-75 in Local Map Amendment G-808. The portion of the site that is within the special exception boundaries consists of approximately .17 acres.

The larger property that includes the site of the proposed special exception is substantially paved with a gradual slope downward from east to west and downward from north to south along Woodmont Avenue. The site is not within a Special Protection Area or Primary

Management Area. There is no significant vegetation, or erodible soils, wetlands, or streams on the site.

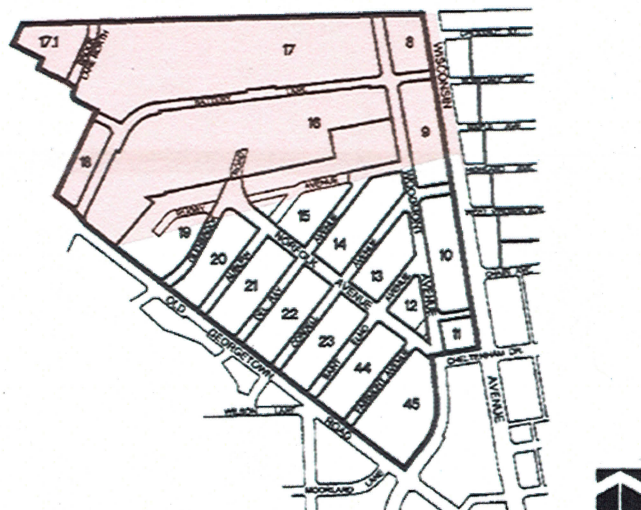
The special exception site has approximately 125 feet of frontage along Woodmont Avenue. However, primary access to the proposed special exception site is from Battery Lane via a 20-foot wide and 240-foot long easement.



## V. NEIGHBORHOOD DESCRIPTION

Relative to this application, staff defined the neighborhood as the Battery Lane District and the northern portion of the Wisconsin North District identified as Blocks 8, 9, 16, 17, 17.1, and 18 in the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD. As such, the neighborhood in which the subject site is located is generally defined by the following boundaries:

- North:** National Library of Medicine (NIH Campus)
- East:** Wisconsin Avenue.
- West:** Old Georgetown Road
- South:** Rugby Avenue



The neighborhood is generally characterized by a mixture of residential, commercial, and institutional uses. Adjacent to the special exception site is a four-story office building located on the southern portion of the larger property that was allotted for a mixed use (housing and

ground floor retail) project that was approved in DPA-06-1, in April of 2007. The office building will be demolished to make way for the mixed use development. Farther south, across Battery Lane, is an office building and multi-family residential buildings. To the north, the property abuts a wooded and grassy area of the national Library of Medicine that is part of the NIH campus. To the east, across Woodmont Avenue is a future development site for residential condominiums.

## VI. PLANNING AND ZONING HISTORY

The site was placed in the R-60 zone when the zone was enacted and mapped as part of the 1954 Regional District Zoning. The 1958 County-Wide Comprehensive Zoning confirmed the R-60 zone for the site. The 1977 Sectional Map Amendment (G-20) for Bethesda CBD reaffirmed the R-60 zone for the site. In 1989 the property was reclassified by local map amendment from the R-60 Zone to C-T Zone. The 1994 Sectional Map Amendment (G-711) for Bethesda CBD reaffirmed the property's C-T zoning. In 2004, Local Map Amendment G-808 reclassified the 0.48 acre property, including the subject special exception site, to the PD-75 (Planned Development) Zone

## VII. MASTER PLAN

Community-Based Planning staff found the proposed special exception to be consistent with the vision and recommendation of the 2006 Approved and Adopted Woodmont Triangle Amendment to the Sector Plan for Bethesda CBD; consistent with other uses in the area; and appropriate for the location.

Urban Design staff has offered the following comments in consideration of the design guidelines of the Woodmont Triangle Amendment:

### Height

*“Support the “step down of building heights from the Metro station area to the edges of the Central Business District.” (page 11 Woodmont Triangle Amendment). “This Amendment leaves unchanged the current zoning and height limits in the Battery Lane District.” (page 23 Bethesda CBD Plan). The Bethesda CBD Plan shows a graphic that recommends a height of 65 feet. (page 39).*

This proposal shows the conversion of an existing single family residence that is a mean average height of 38' 0". The building is 3-4 stories in height with slight variations in height across the roof line. It is clearly under the 65 foot height limit recommended in the CBD Plan.

### Pedestrian and Bicycle Connections

*Improving the pedestrian and bicycle connections between NIH, the Battery Lane District, the adjacent neighborhoods and the Metro Station is a primary objective.” (page 15 Woodmont Triangle Amendment). At the time of site plan review, the opportunity to provide enhanced pedestrian and bicycle connections through this site to the NIH campus should be considered.*



Streetscape

*“Provide Bethesda Streetscape on other streets in the study area...”* (page 16 Woodmont Triangle Amendment). This proposal includes streetscape along Woodmont Avenue and Battery Lane.

## **VIII. COMMUNITY CONCERNS:**

The record indicates that the community supports the proposed special exception use and operation of the proposed facility, the Woodmont House. As of this writing, letters in support of this application have been received from the Western Montgomery County Citizens Advisory Board, the YMCA of Bethesda-Chevy Chase and from Congressman Chris Van Hollen, among others. No opposition statements have been received.

## **IX. TRANSPORTATION**

The proposal meets the transportation related requirements of the Local Area Transportation Review Test (LATR). The Transportation Planning staff reviewed the traffic analysis submitted by the applicant and offers the following comments:

### Vehicular Site Access and On-Site Parking

The vehicular access point is proposed from a 20-foot-wide access easement connecting to Battery Lane and running parallel to Woodmont Avenue. The subject site is located outside the Bethesda Parking Lot District and has seven (7) on-site parking spaces for the employees and visitors in the existing lower level garage.

### Available Transit Service

The subject site is located within a quarter-mile walking distance from the Medical Center Metrorail Station. Bus service is available on the following routes:

1. Ride-On routes 34, 42 and 70 operating along Woodmont Avenue frontage.
2. Ride-On routes 34 and 70 operating along nearby Battery Lane.
3. Ride-On route 33 and Metrobus routes J-2, J-3, J-8, J-9, and 14B operating along nearby Wisconsin Avenue (MD 355).

### Pedestrian and Bicycle Facilities

Pedestrian and bicycle facilities would not be adversely impacted by the vehicular traffic generated by the proposed extended-stay housing facility. As part of Site Plan No. 820090010, Woodmont View, the existing sidewalk along the property frontage of Woodmont Avenue will be upgraded near the northern property line to have an effective minimum sidewalk width of 5 feet. In lieu of the typical recommendation to provide bicycle racks or lockers, the out-of-town residents would better benefit from being provided a shared bicycle as another transportation mode in addition to walking, transit, or taxis.

### Sector-Planned Roadways and Bikeways

In accordance with the *Bethesda Central Business District Sector Plan*, *Bethesda/Chevy Chase Master Plan*, and *Countywide Bikeways Functional Master Plan*, the sector-planned roadways and bikeways are as follows:

1. Woodmont Avenue is designated as an arterial, A-68, with a recommended 80-foot right-of-way. According to the *Countywide Bikeways Functional Master Plan*, a shared use path, SP-62, is designated along the Woodmont Avenue frontage.

The right-of-way at the special exception's northern boundary line remains at 35 feet from the centerline along Woodmont Avenue. Based on the Planning Board's opinion dated March 22, 2002, (attached) for the previous Site Plan No. 8-02026, Woodmont View, consideration was given for the "possible future Master Plan ROW on Woodmont." A preliminary plan of subdivision was not required at that time, but this provision left open the possibility that one would be required in the future if additional right-of-way dedication was needed (such as the dedication that must be made as part of a preliminary plan). In staff's opinion, the additional five (5) feet of right-of-way is needed to conform to the *Bethesda CBD Sector Plan*. However, in lieu of requiring a preliminary plan of subdivision now, staff would support, as part of its pending Minor Subdivision Plan No. 220090600, the applicant's dedication of five (5) more feet of right-of-way for a total of 40 feet from the centerline as the required in the *Sector Plan* along Woodmont Avenue. The right-of-way increases to 40 feet from the centerline at the special exception's southern boundary line.

2. Wisconsin Avenue (MD 355) is designated as a major highway, M-6, with a recommended 104-foot right-of-way in the *Bethesda CBD Sector Plan* and 120-foot right-of-way in the *Bethesda/Chevy Chase Master Plan*. A bikeway is not designated along the nearby segment of Wisconsin Avenue.
3. Battery Lane is designated as a business district street with a 70-foot right-of-way and a bike friendly area west of Woodmont Avenue. According to the *Countywide Bikeways Functional Master Plan*, a signed shared roadway, SR-10, is designated along Battery Lane.

### Sector-Planned Transportation Demand Management

The site is located within the Bethesda Transportation Management District. As a multi-family facility, the Petitioner is not required to enter into a Traffic Mitigation Agreement to participate in the Bethesda Transportation Management District.

### Local Area Transportation Review

Local Area Transportation Review (LATR) is based on the Petitioner's Transportation Statement dated August 5, 2008. The existing single-family detached unit is proposed to be converted into an extended-stay multi-family residence to house between three (3) and five (5) families. Based on the experiences at the existing Children's Inn, these

families will not have use of personal vehicles while residing at the proposed Woodmont House because they arrive from out-of-town and cannot afford a long-term vehicle rental. These residents can easily walk from the Woodmont House to NIH's medical facilities that are located within close proximity of this house. In addition, the residents will be given Metro passes to use public transit. Thus the residents would not generate any peak-hour vehicular trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

Two full-time staff persons are proposed to work on the site on either a 7:00-am-to-3:00-pm shift or a 3:00-pm-to-11:00-pm shift. In addition, a security guard is proposed on the site during the evenings. Thus, only one vehicular trip would be generated within the morning peak period by the staff person arriving at 7:00 a.m. and one vehicular trip would be generated by the security guard within the weekday evening peak period. The projected one vehicular peak-hour trip is equivalent to the same number of vehicular peak-hour trips generated by a single-family detached house within the weekday morning and evening peak periods.

A traffic study is not required to satisfy LATR because the proposed extended-stay housing facility generates less than 30 total peak-hour trips during the weekday morning or evening peak periods.

#### Policy Area Mobility Review

Under the current *Growth Policy*, the PAMR test is not required to mitigate new peak-hour vehicular trips because the proposed special exception use generates three (3) or fewer new peak-hour vehicular trips. Thus PAMR is satisfied for this proposed unique land use located in the Bethesda CBD Policy Area.

The Transportation staff has recommended the following conditions:

1. The Petitioner must be limited to the land use and operation as described in the Petitioner's Transportation Statement dated August 5, 2008 (attached).
2. As part of a future subdivision or the pending Minor Subdivision Case No. 220090600, Northwest, the subdivision applicant must dedicate 5 more feet of right-of-way for a total of 40 feet from the centerline as the required in the *Bethesda CBD Sector Plan* along Woodmont Avenue. For the existing fence in front of the Woodmont House, the applicant must obtain a revocable easement from/agreement with the Montgomery County Department of Permitting Services (DPS) that includes liability and maintenance considerations for the fence.
3. As part of the pending Site Plan No. 820090010 for Woodmont View, the existing sidewalk along the property frontage of Woodmont Avenue must be upgraded near the northern property line to have a minimum sidewalk width of 5 feet for a pedestrian clear area.
4. In lieu of providing bike racks or lockers, the Petitioner must provide and maintain, in perpetuity, at least one bicycle for shared use by the residents and

guests to travel to and from NIH and other nearby destinations. The petition must also provide in perpetuity, and replace when necessary, a bicycle pump, replacement tubes, a lock and both a child's and an adult helmet.

## **X. ENVIRONMENT**

By a memo dated December 2, 2008, Environmental Planning staff has offered the following comments:

### Environmental Guidelines

The site is in the Rock Creek watershed, designated as Use I waters.

There are no streams, wetlands, floodplain, steep or severe slopes, forest, specimen or champion trees, or other natural features on-the site. This property is not located within a Special Exception Protection Area or Primary Management Area.

### Forest Conservation

The site is exempt from the Montgomery County Forest Conservation law. There is no forest on-site. Exemption 42002206E was approved in January 2002. Therefore, no forest conservation or tree save plan review by the Planning Board is required.

### Environmental impacts

On November 3, 2008, Environmental Planning Division and Development Review Division staff met with the applicants and their representatives to discuss the proposal. Based on these discussions, Environmental staff concluded that the proposed use will not create any objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity.

### Stormwater Management

The existing stormwater controls will treat on-site runoff by using an off-line underground stormwater filtering device that meets the County and State water quality treatment criteria.

## **XI. SPECIAL EXCEPTIONS IN THE PD ZONE**

Under Section 59-C-7.133 (d) the PD Zone allows any special exception use allowed in the R-90 Zone if the use meets the requirements of Section 59-G-1.2 and Division 59-G-2. If the use is proposed after the District Council has approved the development plan, a petition for a special exception must be filed with the Board of Appeals. The Board may approve the special exception if:

- (1) It finds that the use:**
  - (i) Is consistent with the design standards of the development plan; and**
  - (ii) Satisfies the requirements of article 59-G; or**
  
- (2) The use is not consistent with the design standards of the development plan but the approval is contingent on the district council's approval of an amendment to the development plan that incorporates the special exception use.**

A charitable or philanthropic institution is an allowed special exception in the PD zone. Since the special application was filed after the District Council approved the applicable development plan, the application must satisfy the design standards of the development plan and the standards of Article 56-G.

## **XII. GENERAL DEVELOPMENT STANDARDS (59-G-1.23)**

- (a). **Development Standards (59-G-1.23(a)):** Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.

The proposed special exception satisfies all applicable requirements of Section 59-G-1.2 and division 59-G-2.

- (b). **Parking Requirements (59-G-1.23(b)):** Special exceptions are subject to all relevant requirements of Article 59-E.

The applicable parking standard under Article 59-E for a charitable or philanthropic institution is one space for every two residents, and one space for every two employees on the largest shift. The 7 ground level parking spaces provided in the proposal satisfies this requirement.

- (c). **Forest Conservation (59-G-1.23(d)):** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

The site is exempt from the Montgomery County Forest Conservation law. There is no forest on the site. No forest conservation or tree save plan review by the Planning Board is required.

- (d). **Signs (59-G-1.23(f)):** The display of a sign must comply with Article 59-F.

No sign is proposed as part of the application.

- (e). **Building compatibility in residential zones (59-G-1.23(g)):** Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its sitting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

No change is proposed to the exterior of the existing dwelling, which was constructed in 2002. The existing dwelling will remain compatible with existing and future developments in the immediate area. The Council's resolution (16-98) for the last approved Development Plan Amendment indicates that the approved development for

the larger portion of the property was designed to blend well with the existing single-family home (the subject building) on the site.

(f). **Lighting in residential zones (59-G-23(h)):** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:

- (1) Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.
- (2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.

There will be no changes to the existing lighting. The application satisfies the lighting standards.

### **XIII. STANDARD FOR EVALUATION (59-G-1.2.1)**

**A special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.**

As established in previous special exception cases, seven criteria are used to identify the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment. For the instant case, analysis of inherent and non-inherent adverse effects must establish what physical and operational characteristics are necessarily associated with a charitable or philanthropic institution.

The inherent physical and operational characteristics associated with a charitable or philanthropic institution include buildings, employees, associated parking and driveways, exterior lighting, vehicular trips to and from the site by residents and employees, deliveries, and trash pick-up.

No exterior alteration or modifications to the existing dwelling are proposed. The use will not be operated outdoors and the hours of operation are compatible with a residential neighborhood. Three parking spaces are required for the use; seven spaces are provided in a ground level parking garage. The 3-5 families residing at the facility at any given time would rarely drive. The number of employees is limited to two full-time staff and one part time staff (the night security guard) and there would be very few visitors to the facility.

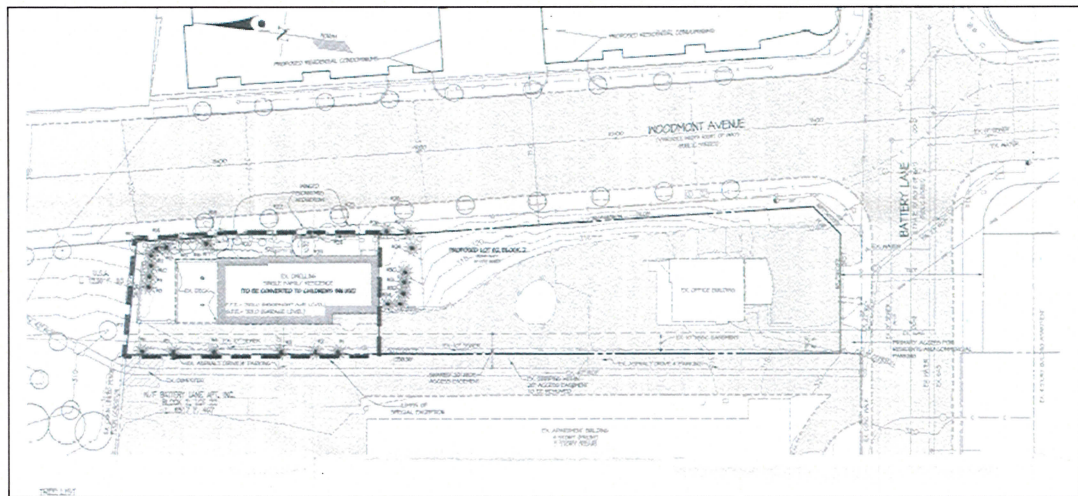
The building and parking accommodations relative to the scale and size of the operations are well within acceptable levels. Any adverse impacts on nearby properties and the immediate neighborhood would be minimal to nonexistent given the small scale of the proposed facility and its operation, the insignificant number of vehicular trips to and from the facility, and the absence of any physical changes to the existing house and its grounds, including the existing landscaping. No non-inherent adverse effects are associated with the proposed special exception.

**XIV. STANDARDS AND REQUIREMENTS (59-G-2):**

**Section 59-G-2.21 Charitable or philanthropic institution**

- (a) **Development Standard:** The only development standard under Section 59-G-2.21 applicable to a Charitable or philanthropic institution in the PD Zone is the off-street parking requirement.
- (b) **Parking Standards:** 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.

The facility would have two full-time staff and a maximum of five families. A total of 4 spaces are required. Seven parking spaces within an attached garage on the lowest level of the house will be provided. The parking spaces are mainly for staff use since residents of the facility will not have personal automobiles.



**XV. GENERAL CONDITIONS (59-G-1.21)**

- (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 located in the PD-75 zone. As noted in staff's findings under Sections VIII and XII of this report, the use is permissible in the zone.

- (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 proposal is in compliance with the applicable standards and requirements of Section 59-G-2.31.

- (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 subject property is covered by the Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD that was approved and adopted in 2006. The application is consistent with the general plan and the Woodmont Triangle sector plan amendment.

- (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 charitable institution is in harmony with the general character of the existing neighborhood and the future condominium development on the southern portion the larger property. Design guidelines for the approved development amendment for the larger property have taken into account the architectural characteristics

of the subject single-family house. There will be no exterior alterations to the house or the grounds. The existing landscaping and brick and wood fence will be retained with the exception of the recommended modification (see below) to the type of fence for the portion of the site's Woodmont Avenue frontage for



aesthetic purposes. The intensity of activity and traffic would be negligible and all of the parking needs of the facility would be accommodated within the garage facility in the interior of the house.

However, site plan review staff is also reviewing the pending site plan application for Woodmont View, which includes the subject special exception site and has offered the following recommendation and comment:

- On the eastern property edge along the Woodmont Avenue right-of-way, replace board-on-board fence on the left side of the main door with black iron railings to match those on the right side of the main door (see attached photo) in order to provide a more uniform and consistent streetscape treatment.

Staff is also concurrently reviewing the Site Plan No. 820090010 for Woodmont View, which seeks approval for an eight-story, 46 unit, mixed-use condominium, including 8 MPDUs, a restaurant, and retention of the existing single-family, detached home on the northern end of the property (Children's Inn). Additional recommendations may result from the review of the Woodmont View site plan but these would not be the responsibility of the Children's Inn.

- (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 special exception will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site. Ample parking is provided for the use of the facility and it is entirely contained within the ground level attached garage. Employees are limited to no more than two on site at any given time. Very few and infrequent visitors will come to the site and the residents do not drive.

- (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 proposed use will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site. All work and activities will take place indoors. All parking and trash receptacles will be contained within the enclosed lower level garage.

- (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 proposed modifications will not increase the number, intensity and scope of approved special exceptions in the area. Staff has identified one approved special exception use on the same block as the subject property, approximately 600 feet west of the subject property. That special exception use for elderly housing was approved in 1984 in Case No. S-1063.

The subject property and the surrounding area are developed with multi-family residential uses and institutional uses. The proposed special exception will have no adverse effect on any neighboring one-family residential area,

- (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 proposed use will not adversely affect the health, safety, security, morals or welfare of residents, visitors or workers in the area. The proposed facility will provide a valuable service in a form of housing and support services for chronically ill children and their families enrolled in various pediatric treatment programs at the adjacent NIH facility.

- (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.**

(A) **If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.**

(B) **If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.**

(C) **With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.**

The property is currently served by adequate sewer and water services that will continue to be adequate to serve the proposed improvements. The propose use would have no impact on the area's school system.

Due to the fact that the subject special exception site is part of a larger property that is approved for a proposed development of 44 condominium units, a minor subdivision application and a site plan

application for the entire property, including the proposed special exception, have been submitted recently. Planning Board Hearings and approvals for the respective applications are pending.

Transportation Planning staff has indicated that a traffic study is not required to satisfy LATR because the proposed extended-stay housing facility generates less than 30 total peak-hour trips during the weekday morning or evening peak periods. The Transportation Planning staff has also indicated that under the current *Growth Policy*, the Policy Area Mobility Review (PAMR) test is not required to mitigate new peak-hour vehicular trips because the proposed special exception use generates three (3) or fewer new peak-hour vehicular trips. However the transportation staff has recommended some conditions (see Section VI page 8 of this report), most of which would be addressed during subsequent reviews of the larger property that include the subject special exception site.

- (b) **Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department which approves or licenses the project.**

No finding is required.

- (c) **The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.**

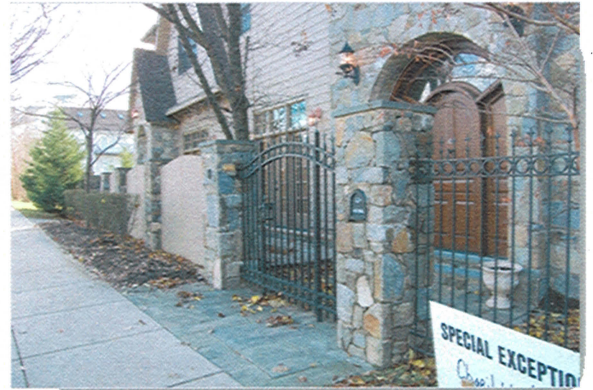
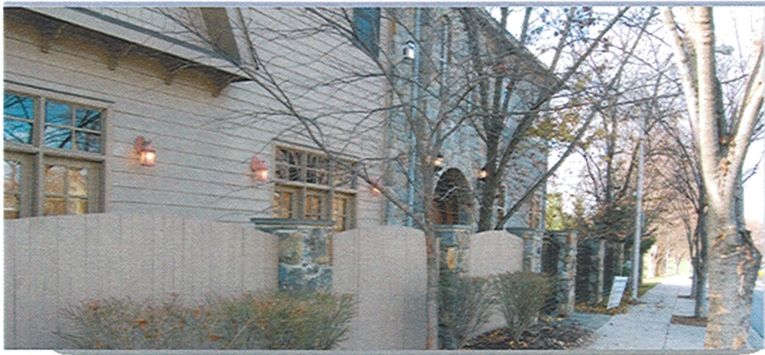
The applicant has met the burden of proof under Section 59-G-1.21 (general conditions), 59-G-1.23 (General Development Standards) and the applicable requirements of Section 59-G-2.00 (special exception standards and requirements) of the Zoning Ordinance.

## XVI CONCLUSION

The proposed Special Exception satisfies all applicable requirements for approval of a special exception as specified in the Montgomery County Zoning Ordinance. Moreover, the proposed development is consistent with the recommendations of the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD. There are no unacceptable traffic, circulation, noise or environmental impacts associated with the application provided that the recommended conditions are satisfied.

Based on the foregoing analysis, staff recommends Approval of Special Exception S-2740, subject to the conditions found at the beginning of this report.

# ATTACHMENTS



**Front (East) Woodmont Ave. Frontage**



**North Side**



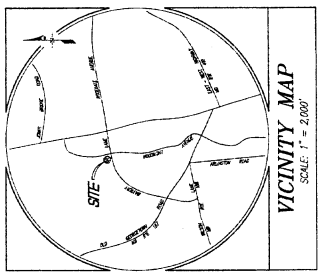
**Rear side (West)**



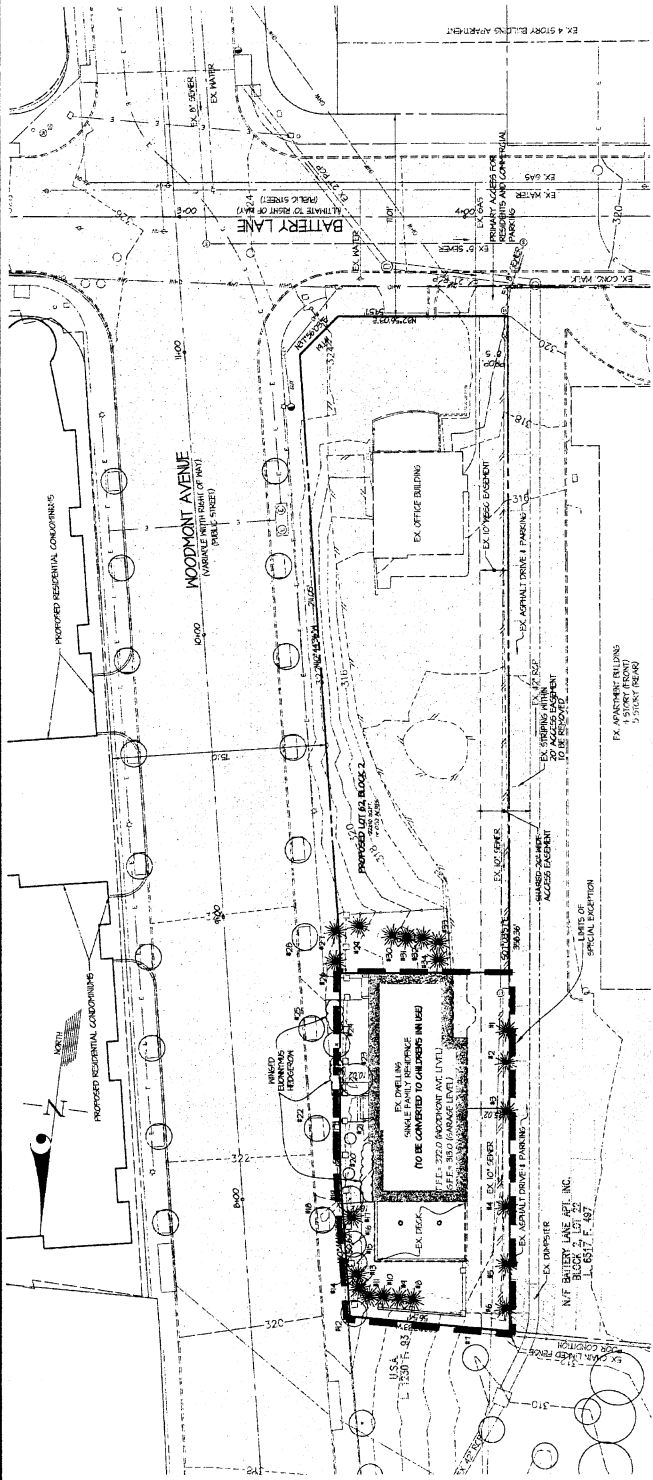
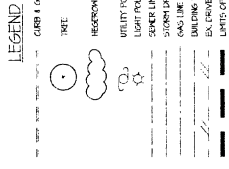
**View North (Woodmont Avenue)**



**View South (Woodmont Avenue)**



VICINITY MAP  
SCALE: 1" = 200'



TREE LIST

No.	COMMON NAME	LATIN NAME	DBH (IN)	CONDITION
1	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
2	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
3	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
4	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
5	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
6	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
7	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
8	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
9	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
10	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
11	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
12	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
13	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
14	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
15	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
16	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
17	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
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26	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
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31	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
32	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
33	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good
34	LEUCARD CYPRESS	X Cupressus leucodermis	107 N	good

**GLW Gurschick, Little & Weber, P.A.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS  
 300 N. WASHINGTON STREET, SUITE 200, WASHINGTON, DC 20004  
 TEL: 202-462-4000 FAX: 202-462-4001

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

PREPARED FOR:  
 THE CHILDREN'S INN AT NIH  
 7 Wood Drive, 20814  
 Bethesda, Maryland  
 PH: 301-946-5672

SCALE: 1" = 20'

EXISTING CONDITIONS PLAN  
**WOODMONT HOUSE**  
**THE CHILDREN'S INN AT NIH**  
 NORTHWEST WALK  
 PROPOSED LOT 62, BLOCK 2

REVISION ELECTION DISTRICT No. 7  
 MONTGOMERY COUNTY, MARYLAND  
 JULY 1, 2006  
 SHEET  
 1 OF 1

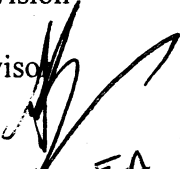


**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 22, 2008

**MEMORANDUM**

TO: Elsabett Tesfaye, Planner  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning 

FROM: Ed Axler, Planner/Coordinator EA  
Transportation Planning

SUBJECT: Special Exception Case No. S-2740  
Children's Inn at NIH (or the Woodmont House)  
Bethesda Central Business District (CBD) Policy Area

---

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review for the subject special exception case to provide a second extended-stay housing facility for the National Institutes of Health (NIH) patients and their family in Bethesda.

**RECOMMENDATIONS**

We recommend the following conditions as part of the APF test for transportation requirements related to approval of the subject special exception case:

1. The Petitioner must be limited to the land use and operation as described in the Petitioner's Transportation Statement dated August 5, 2008 (attached).
2. As part of a future subdivision or the pending Minor Subdivision Case No. 220090600, Northwest, the subdivision applicant must dedicate 5 more feet of right-of-way for a total of 40 feet from the centerline as the required in the *Bethesda CBD Sector Plan* along Woodmont Avenue. For the existing fence in front of the Woodmont House, the applicant must obtain a revocable easement from/agreement with the Montgomery County Department of Permitting Services (DPS) that includes liability and maintenance considerations for the fence.
3. As part of the pending Site Plan No. 820090010 for Woodmont View, the existing sidewalk along the property frontage of Woodmont Avenue must be upgraded near the northern property line to have a minimum sidewalk width of 5 feet for a pedestrian clear area.

4. In lieu of providing bike racks or lockers, the Petitioner must provide and maintain, in perpetuity, at least one bicycle for shared use by the residents and guests to travel to and from NIH and other nearby destinations. The petition must also provide in perpetuity, and replace when necessary, a bicycle pump, replacement tubes, a lock and a child's and an adult helmet.

Staff finds that the proposed special exception use satisfies the Local Area Transportation Review (LATR) test and Policy Area Mobility Review (PAMR) requirement. The proposed special exception use will have no adverse effect on area roadway conditions or nearby pedestrian facilities.

## **DISCUSSION**

### Site Location

The subject site, proposed Lot 62, is located in the northwest quadrant of the intersection of Woodmont Avenue and Battery Lane. In addition, the subject site is located on the northern boundary of the Bethesda CBD Policy Area and Bethesda CBD Sector Plan.

### Related Regulatory Actions

The related regulatory actions are as follows:

1. Minor Subdivision Case No. 220090600, Northwest: This case is pending to create Lot 62 by combining Part of Lot 49, Block 2, Northwest Park Subdivision (Plat No. 134) and Part of Lot 48. Part of Lot 48 is 1,517 square feet of excess public right-of-way along the Woodmont Avenue frontage near the intersection with Battery Lane that was acquired from the County. The subject special exception boundary is located in the northern portion of Part of Lot 49.
2. Site Plan No. 820090010, Woodmont View: This site plan is pending for a mixed use development located in the southern portion of proposed Lot 62. A lease line is proposed to divide the Woodmont House from the mixed use development.
3. Development Plan Amendment No. DPA-06-1: This DPA was approved on April 24, 2007, with Resolution No. 16-98, for 46 condominiums with ground-floor retail use and the existing single-family detached house.
4. Zoning Case No. G-808: This rezoning from the C-T to the PD-75 zone was granted by the County Council on March 30, 2004, with Resolution No. 15-563.

### Vehicular Site Access and On-Site Parking

The vehicular access point is proposed from a 20-foot-wide access easement connecting to Battery Lane and running parallel to Woodmont Avenue. The subject site is located outside



the Bethesda Parking Lot District and has seven (7) on-site parking spaces for the employees and visitors in the existing lower level garage.

### Available Transit Service

The subject site is located within a quarter-mile walking distance from the Medical Center Metrorail Station. Bus service is available on the following routes:

1. Ride-On routes 34, 42 and 70 operating along Woodmont Avenue frontage.
2. Ride-On routes 34 and 70 operating along nearby Battery Lane.
3. Ride-On route 33 and Metrobus routes J-2, J-3, J-8, J-9, and 14B operating along nearby Wisconsin Avenue (MD 355).

### Pedestrian and Bicycle Facilities

Pedestrian and bicycle facilities would not be adversely impacted by the vehicular traffic generated by the proposed extended-stay housing facility. As part of Site Plan No. 820090010, Woodmont View, the existing sidewalk along the property frontage of Woodmont Avenue will be upgraded near the northern property line to have an effective minimum sidewalk width of 5 feet. In lieu of typical recommendation to provide the code-required bicycle racks or lockers, and because this site is located within the Bethesda Transportation Management District, the out-of-town residents and guests would better benefit being provided a shared bicycle as an alternative transportation mode to travel to and from the NIH campus and other nearby destinations. In addition to a bicycle, the Petitioner must also provide in perpetuity, and replace when necessary, a bicycle pump, replacement tubes, a lock and a child's and an adult helmet.

### Sector-Planned Roadways and Bikeways

In accordance with the *Bethesda Central Business District Sector Plan*, *Bethesda/Chevy Chase Master Plan*, and *Countywide Bikeways Functional Master Plan*, the sector-planned roadways and bikeways are as follows:

1. Woodmont Avenue is designated as an arterial, A-68, with a recommended 80-foot right-of-way. According to the *Countywide Bikeways Functional Master Plan*, a shared use path, SP-62, is designated along the Woodmont Avenue frontage.

The right-of-way at the special exception's northern boundary line remains at 35 feet from the centerline along Woodmont Avenue. Based on the Planning Board's opinion dated March 22, 2002, (attached) for the previous Site Plan No. 8-02026, Woodmont View, consideration was given for the "possible future Master Plan ROW on Woodmont." A preliminary plan of subdivision was not required at that time, but this provision left open the possibility that one would be required in the future if additional right-of-way dedication was needed (such as the dedication that must be made as part of a preliminary plan). In staff's opinion, the additional five (5) feet of right-of-way is needed to conform to the *Bethesda CBD Sector Plan*. However, in lieu of requiring a preliminary

plan of subdivision now, staff would support the applicant's (of the overall proposed Lot 62) dedication of five (5) more feet of right-of-way for a total of 40 feet from the centerline as the required in the *Sector Plan* along Woodmont Avenue as part of its pending Minor Subdivision Plan No. 220090600. The right-of-way increases to 40 feet from the centerline at the special exception's southern boundary line.

2. Wisconsin Avenue (MD 355) is designated as a major highway, M-6, with a recommended 104-foot right-of-way in the *Bethesda CBD Sector Plan* and 120-foot right-of-way in the *Bethesda/Chevy Chase Master Plan*. A bikeway is not designated along the nearby segment of Wisconsin Avenue.
3. Battery Lane is designated as a business district street with a 70-foot right-of-way and a bike friendly area west of Woodmont Avenue. According to the *Countywide Bikeways Functional Master Plan*, a signed shared roadway, SR-10, is designated along the Battery Lane.

#### Sector-Planned Transportation Demand Management

The site is located within the Bethesda Transportation Management District. As a multi-family facility, the Petitioner is not required to enter into a Traffic Mitigation Agreement to participate in the Bethesda Transportation Management District.

#### Local Area Transportation Review

Local Area Transportation Review (LATR) is based on the Petitioner's Transportation Statement dated August 5, 2008. The existing single-family detached unit is proposed to be converted into an extended-stay multi-family residence to house between three (3) and five (5) families. Based on the experiences at the existing Children Inn, these families will not have use of personal vehicles while residing at the proposed Woodmont House because they had arrive from out-of-town and cannot afford a long-term vehicle rental. These residents can easily walk from the Woodmont House to NIH's medical facilities that are located within close proximity of this house. In addition, the residents will be given Metro passes to use public transit. Thus the residents would not generate any peak-hour vehicular trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

Two full-time staff persons are proposed to work on the site on either a 7:00-am-to-3:00-pm shift or a 3:00-pm-to-11:00-pm shift. In addition, a security guard is proposed on the site during the evenings. Thus, only one vehicular trip would arrive at 7:00 a.m. by a staff person within the weekday morning peak period, and one vehicular trip would arrive by the security guard within the weekday evening peak period. The projected one vehicular peak-hour trip is equivalent to the same number of vehicular peak-hour trips generated by a single-family detached house within the weekday morning and evening peak periods.

A traffic study is not required to satisfy LATR because the proposed extended-stay housing facility generates less than 30 total peak-hour trips during the weekday morning or evening peak periods.

Policy Area Mobility Review

Under the current *Growth Policy*, the PAMR test is not required to mitigate new peak-hour vehicular trips because the proposed special exception use generates three (3) or fewer new peak-hour vehicular trips. Thus PAMR is satisfied for this proposed unique land use located in the Bethesda CBD Policy Area.


EA:tc

Attachments

cc: Robbie Brewer  
Craig Hedberg  
Steve Kaufman  
Sandra Pereira  
Steve Smith  
David Weber (Gutschick, Little & Weber)

mmo to Tesfaye re Children's Inn S-2740.doc

## **MEMORANDUM**

**DATE:** December 17, 2008  
**TO:** Ralph Wilson, Development Review Division  
**VIA:** Bill Barron, Team Leader, Vision Division   
**FROM:** Melissa Williams, Silver Spring/Takoma Park  
Vision Division  
**REVIEW TYPE:** Board of Appeals Petition  
**CASE NUMBER:** No. S-2740  
**ZONE:** PD-75  
**LOCATION:** 8300 Woodmont Avenue, Bethesda  
Lot 48 Block 2 Subdivision – Northwest Park  
**MASTER PLAN:** Woodmont Triangle Amendment to the Sector Plan for the  
Bethesda CBD Sector Plan, Approved and Adopted, 2006

---

### **Master Plan Conformance**

The subject property is located at 8300 Woodmont Avenue and is zoned PD-75. Located within the Battery Lane District, it is adjacent to a variety of residential and commercial uses (e.g. low rise apartments, condo's, single family homes and offices) and the National Institute of Health. At present, it is a, single-family detached home with seven (7) bedroom and five (5) bathrooms. The Special Exception would covert this property's use to that of a philanthropic or charitable institution that will house multiple families. There are no proposed changes to the exterior of the residence so effect to the existing character or development within the community would be minimal and would retain consistency with the design standards of the approved Development Plan.

The building is compatible in scale to rest of the community and appropriate measures have been taken to reduce impact as parking and trash will be accommodated in a lower level garage.

### **Recommendation**

Vision Division Staff finds that while the Woodmont Triangle Amendment does not address Special Exceptions, the proposed use is consistent with other uses in the area and is appropriate for the location.



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 15, 2008

MEMORANDUM

TO: Elsabett Tesfaye, Planner/Coordinator  
Build/Development Review

VIA: John Carter, Chief *JAC*  
Urban Design and Preservation Division

FROM: Margaret K. Rifkin, Urban Designer/Planner Coordinator *MKR*  
Urban Design Section

SUBJECT: The Woodmont House at the Children's Inn at NIH  
Board of Appeals Petition No. S-2740

---

**FINDING**

The proposal is generally consistent with the Woodmont Triangle amendment in terms of urban design.

**BACKGROUND**

The Urban Design Division has reviewed the Woodmont House at the Children's Inn at NIH, to identify and comment on consistency with the urban design recommendations in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan (March 2006).

This special exception review addresses the conversion of an existing single-family home and does not include the development plan for a nine-story condominium on the remainder of the site.

**Height**

*"Support the 'step down' of building heights from the Metro station area to the edges of the Central Business District."* (page 11 Woodmont Triangle Amendment). *"This Amendment leaves unchanged the current zoning and height limits in the Battery Lane District."* (page 23 Bethesda CBD Plan). The Bethesda CBD Plan shows a graphic that recommends a height of 65 feet (page 39).

This proposal shows the conversion of an existing single family residence that is a mean average height of 38' 0". The building is three to four stories in height with slight variations in height across the roof line. It is clearly under the 65 foot height limit recommended in the CBD Plan.

### **Pedestrian and Bicycle Connections**

*Improving the pedestrian and bicycle connections between NIH, the Battery Lane District, the adjacent neighborhoods and the Metro Station is a primary objective.*" (page 15 Woodmont Triangle Amendment). At the time of site plan review, the opportunity to provide enhanced pedestrian and bicycle connections through this site to the NIH campus, should be considered.

### **Streetscape**

*"Provide Bethesda Streetscape on other streets in the study area..."* (page 16 Woodmont Triangle Amendment). This proposal includes streetscape along Woodmont Avenue and Battery Lane.

G:/Rifkin/NIH Children's Home



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MEMORANDUM**

**TO:** Elsabett Tesfaye, Planner Coordinator, Development Review Division

**VIA:** Stephen D. Federline, Master Planner, Environmental Planning Division *DF*

**FROM:** Lori Shirley, Planner Coordinator, Environmental Planning Division *LS*

**DATE:** December 2, 2008

**SUBJECT:** Special Exception No. S-2740  
The Children's Inn at NIH  
8300 Woodmont Avenue, Bethesda

---

**RECOMMENDATION**

Environmental Planning staff recommends **approval** of the above referenced Special Exception for the Children's Inn at NIH. The proposal does not conflict with the required general findings for granting of the special exception found in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance as related to the Division's responsibilities.

**Background/Proposal**

The property is known as 8300 Woodmont Avenue, Bethesda and is located at the northwest quadrant of the Woodmont Avenue/Battery Lane intersection. The property is zoned PD-75 (Planned Development, Urban High) and totals 0.17 acres. Adjoining property to the west is developed with an existing apartment building and to the north is the National Institute of Health (NIH) property. The lot to the south has an existing office building that will be razed for the planned construction of a nine-story residential condominium building.

The site currently has an existing single-family detached dwelling that was constructed in 2002. The dwelling has seven bedrooms and five bathrooms. The proposal is to retain this structure as is for reuse as a multi-family, transitional housing and extended-stay residence for pediatric patients and their families enrolled at the nearby NIH. The dwelling will also be a support services center for pediatric patients at NIH.

**Environmental Guidelines**

The site is in the Rock Creek watershed, designated as Use I waters. There are no streams, wetlands, floodplain, steep or severe slopes, forest, specimen or champion trees, or other natural features on-the site. This property is not located within a Special Exception Protection Area or Primary Management Area.

**Forest Conservation**

The site is exempt from the Montgomery County Forest Conservation law. There is no forest on-site. Exemption 42002206E was approved in January 2002. Therefore, no

Special Exception S-2740 – The Children’s Inn at NIH, 8300 Woodmont Avenue, Bethesda

forest conservation or tree save plan review by the Planning Board is required.

**Special Exception Required Findings**

The purpose of this memo is to review required special exception findings in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance. The section, pertinent to matters of environmental concern, reads as follows:

*(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.*

On November 3, 2008, Environmental Planning Division and Development Review Division staff met with the applicants and their representatives to discuss the proposal. Staff believes the proposed reuse of the existing residential dwelling will not create any objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity.

**Stormwater Management**

The existing stormwater controls will treat on-site runoff by using an off-line underground stormwater filtering device that meets the County and State water quality treatment criteria.

If you have any questions regarding these comments, please contact me at either extension 4551 or electronically at [lori.shirley@mncppc-mc.org](mailto:lori.shirley@mncppc-mc.org).

SDF:LS

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**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 15, 2008

MEMORANDUM

TO: Elsabett Tesfaye, Planner/Coordinator  
Build/Development Review

VIA: John Carter, Chief  
Urban Design and Preservation Division

FROM: Margaret K. Rifkin, Urban Designer/Planner Coordinator *MKR*  
Urban Design Section

SUBJECT: The Woodmont House at the Children's Inn at NIH  
Board of Appeals Petition No. S-2740

---

**FINDING**

The proposal is generally consistent with the Woodmont Triangle amendment in terms of urban design.

**BACKGROUND**

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This special exception review addresses the conversion of an existing single-family home and does not include the development plan for a nine-story condominium on the remainder of the site.

**Height**

*"Support the 'step down' of building heights from the Metro station area to the edges of the Central Business District." (page 11 Woodmont Triangle Amendment). "This Amendment leaves unchanged the current zoning and height limits in the Battery Lane District." (page 23 Bethesda CBD Plan). The Bethesda CBD Plan shows a graphic that recommends a height of 65 feet (page 39).*

This proposal shows the conversion of an existing single family residence that is a mean average height of 38' 0". The building is three to four stories in height with slight variations in height across the roof line. It is clearly under the 65 foot height limit recommended in the CBD Plan.



**MEMORANDUM**

Date: December 11, 2008

To: Elsabett Tesfaye  
Development Review Division

From: Stephen Smith *SS*  
Subdivision Review Section

Subject: Board of Appeals Petition No. S-2740  
Children's Inn at NIH

---

The boundary of the special exception area (7,300 +/- square feet) is located on the northern portion of an overall tract containing approximately 22,600 square feet (shown as proposed Lot 62 on the plan) and legally consisting of Part of Lot 48 and Part Lot 49, Northwest Park subdivision and is zoned PD-75.

The applicant's proposed conversion of the single family residence into the Children's Inn, in and of itself, does not require a preliminary plan or recordation of a new subdivision plat. Staff supports the proposal as submitted and notes the following for consideration.

There is proposed condominium development (Woodmont View) which has been submitted for review by the Board on the southern portion of the overall property tract. This development, if approved and implemented, would require the recordation of a new plat of subdivision consolidating the two parts of lots into one lot. Staff further notes that as part of the Woodmont View development, or any other new development on the overall tract, street dedication will be required along the eastern side of the property adjoining the Children's Inn to accommodate the recommended sector plan right of way for Woodmont Avenue.



**RECEIVED**  
NOV 20 2008  
OFFICE OF THE CHAIRMAN  
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

**WESTERN MONTGOMERY COUNTY CITIZENS ADVISORY BOARD**  
*Serving the areas of Bethesda, Cabin John, Chevy Chase, Friendship Heights  
Garrett Park, Glen Echo, North Bethesda and Potomac*

November 18, 2008

Dr. Royce Hanson, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Support for Special Exception Case No. S-2740 for Woodmont House Charitable  
or Philanthropic Institution Use

Dear Chairman Hanson and Planning Board Members:

The Western Montgomery County Citizens Advisory Board ("WMCCAB") fully supports the pending Special Exception application to convert the existing residence at 8300 Woodmont Avenue into a transitional community home known as Woodmont House.

Following a November 10, 2008 detailed presentation by representatives of The Children's Inn at National Institutes of Health (NIH) to the WMCCAB Land Use Committee and consideration of the proposal by our full Board at a public meeting on November 17, 2008, the Board unanimously endorsed the proposed Special Exception.

Our Board recognizes the need for the Woodmont House facility to serve as a long-term transitional home for patients and their families of The Children's Inn. We understand that these patients no longer require full-time residence at The Children's Inn but must remain in the area for follow-up treatment. The close proximity of the existing house at 8300 Woodmont Avenue to The NIH and the large size of the house make it ideal for the proposed use.

The proposed Woodmont House and the existing The Children's Inn at NIH are all located within the service area of WMCCAB. We are pleased and proud to have them within our community and look forward to the new and much-needed services to be provided by the Woodmont House.

**Bethesda-Chevy Chase Regional Services Center**

4805 Edgemoor Lane • Bethesda, Maryland 20814-5305 • 240/777-8200, TTY 240/777-8212, FAX 240/777-8211

Page 2

We thank both the Planning Board and the Board of Appeals for their consideration of our wholehearted endorsement of Special Exception Case No. S-2740 for the Woodmont House charitable or philanthropic institution use.

Very truly yours,



David M. Smith  
WMCCAB Chairman



Larry A. Gordon  
Land Use Committee Chairman

cc: Hon. Isaiah Leggett, Montgomery County Executive  
Ms. Elsabet Tefaye, M-NCPPC Development Review Division  
Ms. Kathy Russell, CEO, The Children's Inn at NIH  
Allison Fultz, Chair, Montgomery County Board of Appeals

CHRIS VAN HOLLEN  
8TH DISTRICT, MARYLAND

COMMITTEE ON  
WAYS AND MEANS

COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM

**Congress of the United States**  
**House of Representatives**

Washington, DC 20515

October 27, 2008

1707 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5341

DISTRICT OFFICES:  
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ROCKVILLE, MD 20850  
(301) 424-3501

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HYATTSVILLE, MD 20783  
(301) 891-6982

[www.vanhollen.house.gov](http://www.vanhollen.house.gov)

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OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Mr. Royce Hanson  
Chairman  
The Maryland-National Capital Park and Planning Commission  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910-3716

Dear Mr. Hanson:

I am pleased to express my strong support for the Woodmont House. The Woodmont House is a seven bedroom, five bathroom single-family residence, located at the intersection of Woodmont Avenue and Battery Lane in the Woodmont Triangle of downtown Bethesda (8300 Woodmont Avenue, Bethesda, Maryland 20814).

As you know, The Children's Inn at the National Institutes of Health is a residential facility, located on the NIH campus, that accommodates 59 children and their families. All families who stay at The Inn participate in cutting-edge medical research at the NIH. Often the NIH and The Inn are the last and best hope for treatment of their diseases. The Inn's mission is to keep families together in a safe, healing environment during difficult times. Since its opening in 1990, more than 10,000 families have taken advantage of The Inn's hospitality.

Recent advances in medical research now require Inn families to stay longer periods of time before returning to their own communities. This need has required The Inn to seek a transitional community home, the Woodmont House, for long-term (less than one year) stays. In September, The Inn submitted a Special Exception Application to the Montgomery County Board of Appeals for use of the Woodmont House as a transitional community home under the charitable or philanthropic institution use category.

The goal of the Woodmont House is to provide a residence for up to five families that will offer a free, convenient and safe home with access to the NIH community and The Inn. The Inn has often been considered the benchmark for excellence in hospitality as it responds to the needs of those it serves. The Woodmont House will enable The Inn to continue to fulfill its mission.

From the materials that I have reviewed, it is apparent that The Inn has carefully considered the impact of the Woodmont House on the community, particularly with respect to traffic. Residents will depend primarily on NIH shuttle-bus transportation and, for any local trips, on Metrorail, Metrobus, the Bethesda Circulator, and the Montgomery County Ride-On system. Seven parking spaces at the residence will serve the needs of staff and volunteers and will thus preclude the need for on-street parking in the surrounding neighborhood.

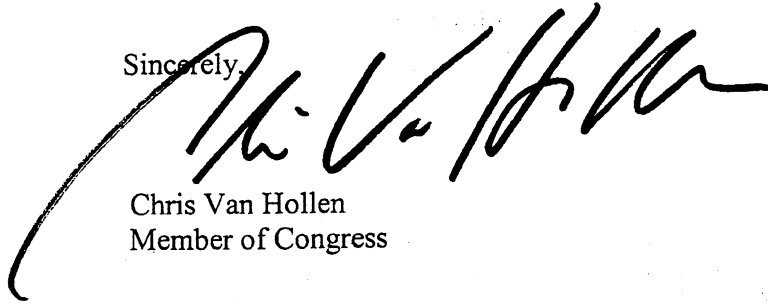
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Mr. Royce Hanson  
October 27, 2008  
Page 2

Representatives of The Inn held a community meeting in July 2008 to discuss The Inn and this project, and any anticipated effects on the neighborhood, with the community. I was pleased to learn that at that meeting, and afterwards, the community expressed strong support for the Woodmont House.

The Woodmont House is a vital part of the support system for children who are facing life-threatening diseases and their families. I encourage you to give a favorable review to this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Van Hollen". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Chris Van Hollen  
Member of Congress

CVH/sr