

**BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND**

In the Matter of the Petition of :
Foundation for Advanced Education in the Sciences, Inc. : Case Number CBA-916-A
for a Special Exception Modification :
to an existing Private Club :

**PETITIONER'S REVISED STATEMENT IN SUPPORT
OF SPECIAL EXCEPTION MODIFICATION APPLICATION**

February 5, 2021

Petitioner, Foundation for Advanced Education in the Sciences, Inc. (“Petitioner” or “FAES”), the owner of the subject property and the operator of the subject Special Exception, hereby submits this Statement in Support of its Special Exception Modification Application (“Application” or “Special Exception Modification”) to permit the renovation and expansion of the existing structure housing the approved Special Exception for a Private Club (“Special Exception”) located at 9101 Old Georgetown Road in Bethesda, Maryland (“Property”). Pursuant to Section 7.7.1.B.1 and Section 7.7.1.B.3.c of the Montgomery County Zoning Ordinance, the Special Exception Modification will be reviewed under the standards and procedures of the zoning ordinance in effect prior to October 29, 2014 (the “Prior Zoning Ordinance”).

I. Introduction and General Description of Current/Proposed Operations

Established in 1959, FAES is a non-profit membership organization associated with the National Institutes of Health (“NIH”). It conducts advanced educational programs and supporting activities to facilitate a collegial environment and provide educational activities and professional services to the scientific community. Over the last six decades, FAES has grown to be a much valued asset to the NIH community, serving not only the Bethesda Campus, but also Frederick, Rockledge, and Baltimore, Maryland.

FAES programs complement the work of NIH in accomplishing its mission of research and training in the biomedical sciences. Specifically, FAES’s Social and Academic Center

(“SAC”) on the Property, which is strategically located across West Cedar Lane from the NIH campus, offers a variety of programming including conferences, classes and lectures, as well as concerts and cultural events. This programming is typically offered on weekdays between the hours of 9 am to 9 pm; however, some special events may take place on weekends. To participate in the programming FAES offers, one must be a member of FAES or an invited guest. FAES currently has approximately 40 members.

In recent years, interest in FAES’ programming has grown due to its enhanced focus on meeting and educational opportunities for NIH scientists. The SAC, in particular, is an ideal venue for delivering these services because it is an accessible alternative to the secure NIH campus. Accordingly, FAES is proposing to renovate and expand the existing building on the Property to better serve its current and future members (“Project”). FAES also seeks to engage the surrounding community by offering meeting space and performance opportunities to its residential neighbors.

II. Description of Property and Surrounding Area

The Property is located on the east side of Old Georgetown Road at its intersection with West Cedar Lane. It is approximately 1.51 acres (65,775.6 square feet) in size and is more specifically identified as Parcel P497 (Tax Account No. 07-00437247). The Property is zoned R-60 with a TDR-8.0 overlay zone for the potential increase in the maximum residential density, which FAES will not be pursuing, and is within the Bethesda-Chevy Chase Master Plan (“Master Plan”) area.

As shown on the Existing Conditions Plan, the Property is currently improved with a 54-space surface parking lot and a 3,279 square foot structure that was constructed in 1927 and currently houses the Private Club Special Exception use. The existing SAC structure is 23’-9 ½” tall (based on established existing average grade around structure from Civil Engineering Survey to the mid-point of existing roof slope at the main stone building structure). As shown in the photographs contained in this Application, the SAC is residential in appearance and is oriented towards Old Georgetown Road. The surface parking lot separates the structure from both Old Georgetown Road and West Cedar Lane, and the balance of the site is open space with mature trees and other vegetation. Other natural physical characteristics of the Property are shown on the enclosed Natural Resource Inventory/ Forest Stand Delineation (Approved NRI/FSD) map.

Vehicular access to the Property is currently via two curb cuts – one along the Property’s Old Georgetown Road frontage and the other along the Property’s West Cedar Lane frontage. Pedestrian and bicycle access to the Property is via the recently enhanced Bethesda Trolley Trail along the Old Georgetown Road frontage and sidewalks along West Cedar Lane.

As discussed above and shown on the enclosed Certified Zoning Vicinity Map, the area surrounding the Property is zoned R-60. However, there are several non-residential uses in the vicinity of the Property. The surrounding properties are more particularly described as follows: 1) abutting the Property to the north is a new single family home community known as Bethesda Mews in the R-60 zone; 2) abutting the Property to the east is the Rock Creek Mansion (also known as the Knights of Columbus), an event facility in the R-60 zone; 3) to the south and across West Cedar Lane from the Property are the Bethesda Fire Department and the NIH campus in the R-60 zone; 3) to the west and across Old Georgetown Road from the Property is a single family house in the R-60 zone.

The Property is subject to the guidance of the Master Plan that was adopted in 1990. Relevant excerpts of the Master Plan are enclosed with the Application. Notably, the Master Plan discourages “further special exceptions” along Old Georgetown Road and in adjacent neighborhoods, except for special exceptions for community serving uses such as child care, elderly care and group homes. The Master Plan accommodates, through zoning recommendations, redevelopment of the Property into a higher density residential community, but the Master Plan does not otherwise recommend changing the existing Special Exception use. The Master Plan suggests enhancing the West Cedar Lane access and orienting the building orientation away from Old Georgetown Road. Lastly, the Master Plan seeks to mitigate noise through design, construction and landscaping, and to maintain the residential use and scale along Old Georgetown Road.

III. Prior Special Exception Approvals

In 1960, the Montgomery County Board of Appeals (the “Board”) first granted Special Exception approval to FAES’s predecessor in title, United States Public Health Service Commissioned Officers Club, Inc. (the “Officers Club”) to operate a “private club” on the Property (Case No. CBA-916). Subsequently, the Special Exception was amended as follows:

- In 1978, the Board approved the addition of Petitioner as a special exception holder, noting the close relationship and common membership of FAES and the Officers Club (Case No. S-615), and also approved the sale of alcohol (subject to a liquor license);
- In 1985, the Board approved the addition of a small powder room to the Special Exception (Case Nos. CBA-916 and S-615);
- In 1988, the Board approved a modification to the Special Exception to allow the holders to lease 20 parking spaces to Suburban Hospital (Case Nos. CBA-916 and S-615);
- In 2004, the Board approved a modification of the Special Exception to change the lessee of 20 parking spaces from Suburban Hospital to NIH and to remove the Officers Club as a holder of the Special Exception (Case Nos. CBA-916 and S-615); and
- In 2013, the Board granted Petitioner's request to increase the number of NIH leased spaces to 25.

Copies of the prior approvals are included in this Application and the following relevant conditions currently apply to the Special Exception use:

1. The primary purpose of the club is for gatherings and social activities;
2. Membership is limited to 400 people;
3. Occupancy of the building is limited to a maximum of 100 people;
4. Evening Hours: Up to 11:00 pm Sunday through Thursday and 1:00 am Friday through Saturday;
5. Parking: Members and guests are required to park on site and 25 additional parking spaces may be leased at NIH;
6. The sale of alcohol to members and guests is permitted (subject to liquor license); and
7. Rental of the facilities for private parties, social events, and exhibitions shall only be available to members.

IV. Request for Modifications to Special Exception Approval

Petitioner respectfully seeks approval from the Board for modifications to the Property's Special Exception approval. Specifically, Petitioner requests that the Board allow the following modifications, which are summarized below and described in further detail:

1. Permit the renovation and expansion of the existing building; and

2. Permit changes to landscaping, lighting, parking, stormwater management and other modifications to the Site Plan.
3. Change certain conditions to coordinate with proposed uses

FAES is seeking to renovate and expand the existing building on the Property to approximately 9,264 square feet to better serve its members. Specifically, the Project will allow for greater classroom and auditorium space, as well as handicapped accessible restrooms. As shown on the Site Plan included with this Application, the existing building will be retained and expanded to approximately 9,264 square feet. The expansion will occur to the sides and rear of the existing structure and retain the residential character of the current structure.

Out of respect for the history of the FAES Property and its 1927 structure, the expanded SAC building will remain oriented towards Old Georgetown Road. The surface parking lot will be relocated several feet away from both Old Georgetown Road and West Cedar Lane to create better separation between the vehicle and pedestrian/bicycle uses, but will retain essentially the same layout. The rest of the Property will be enhanced with stormwater management features, which currently do not exist, and a thoughtful landscape plan. Great effort has gone into screening the expanded SAC from the Bethesda Mews community to the north.

Architecture: Following the modifications, the structure will retain a residential appearance. The existing residential façade facing Old Georgetown Road will be retained. The materials and articulation used for the proposed addition to the existing structure will also contribute to the residential appearance of the structure.

The proposed one-story addition will wrap the existing stone structure on the north, east, and south sides, allowing the existing stone structure to remain prominent as the central piece of the composition. This plan also allows the location of the existing main entrance to be maintained at the center of the plan. The west façade facing Old Georgetown Road is designed as a symmetrical composition with gables on either side that provide balance to the front of the building. All roof pitches at the addition match the roof slope of the existing building, and are approximately 2 ft. shorter in height. The proposed exterior building materials are of a residential scale, and the intent is to use fiber cement siding, hardwood trim details, standing seam metal porch roofs, residential type windows, and asphalt shingle roofing that will tie the building into the scale of the adjacent residential structures.

HVAC condensing units are intended to be located at the rear of the building, at a flat roof area in the middle of the plan, so any noise from these units will be mitigated by the surrounding gable roof areas and their significant distance from the Property lines.

Operational Characteristics: Following the renovation and expansion of the existing building, the Private Club use will continue to operate in a substantially similar manner as it does today. FAES will continue to serve the NIH community by providing programming including conferences, classes, and lectures, as well as concerts and cultural events. The hours of operation on a typical day will generally be from 9:00 am to 9:00 pm, which is consistent with current operations and well within the limits of Special Exception conditions. Staff numbers may be increased slightly to up to 5 staff members. Because the SAC building is being expanded, the Special Exception occupancy of the building will increase to 145 to accommodate proposed operations.

The anticipated operational changes will result in the following events and attendee numbers:

Event	Description
Daytime Seminars and Business Meetings	Typical attendee numbers of 10 per day will be expanded to up to 50 on certain days.
Small Social Events	These events, which fall on weekday evenings and typically involve up to 20 attendees, will not be expanded.
Evening Courses	The new breakout spaces will allow up to 3 educational courses of up to 12 persons each to occur on weekdays. These events will be coordinated with Social/Special events to ensure total evening attendee numbers do not exceed 50.
Large Special Events	The current cap on large special events (including weddings, holiday parties, full-day conferences, etc.) is limited to 100 total people including guests and staff. This Amendment proposes increasing the cap to 145. Due to the cap, no other events can occur on-site simultaneously with a large social event.

As discussed in the enclosed Traffic Statement, these increases will result in no net new traffic going to or from the Property, primarily because the current 25-space parking lease to NIH will end.

Access and Circulation: Except as noted above, vehicular and pedestrian access to the Property will remain the same. In addition, there will be no increase in the number of parking spaces currently at the site.

Environmental Features: Given the age of the current development on the Property, there are no existing stormwater management facilities on-site. Renovation of the Property will allow for installation of full Environmental Site Design quality stormwater management control. Three (3) micro-bio stormwater management facilities will be installed to treat the stormwater run-off from the parking lot, structure and other impervious surfaces. Treating the stormwater management will also allow for the collection of stormwater run-off into a storm drain system and reduce the surface run-off toward the Bethesda Mews community.

Landscaping: An extensive re-landscaping of the site is proposed to accommodate the Project. Moving the parking areas back from Old Georgetown Road and West Cedar Lane will allow additional landscape buffering/screening from the street and enhancement of the residential character of the site. This will also enhance the pedestrian experience adjacent to the site. Lush landscaping associated with the stormwater management facilities is proposed along with extensive evergreen buffering on the adjacent Bethesda Mews property boundary. Additional site landscaping around the building grounds, outdoor patio area and interior parking areas is also proposed.

Lighting: The design will include new LED parking lot lights, lighting at the rear patio, exterior wall mounted (night sky friendly) sconces, and walkway path lighting. The selected fixtures and quantities are placed to provide safe egress paths from the building and a safe parking lot with light coverages that meet applicable County site lighting requirements. Notably, the lighting levels will not exceed .1 footcandles at the Property line in accordance with Section 59-G-1.23(h) of the Prior Zoning Ordinance.

Signage: Petitioner proposes two entrance signs to be located at the two driveways into the Property. See enclosed Trash Enclosure & Monument Signage Plans & Elevations. Because of the nature of the intended use at the Project, the signs qualify as Place of Assembly Location Signs pursuant to Section 59-F-2 of the Prior Zoning Ordinance. The primary focus of the Project is to provide improved spaces for school-type activities, including conferences, classes and lectures, for the benefit of the NIH community. Consistent with Section 59-F-4.2(a)(3)(B) of the Prior Zoning Ordinance, Place of Assembly Location Sign[s] are permitted as entrance signs if they meet the following criteria:

Sec. 59-F-4.2. By zone.

(3) Entrance Signs.

(B) Place of Assembly Location Sign. Additional sign area is permitted for a permanent location sign for any place of assembly. The sign must be a ground sign or a wall sign located at an entrance to the building or driveway to identify the location of the building for a user of the facility.

1. Number. Two signs are allowed at each entrance.
2. Area. The sign area must not exceed 40 square feet.
3. Placement.

(i) Location. The sign must be set back at least 5 feet from the property line, or, if the driveway entrance to the subdivision is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction in accordance with Section 59-F-7.1(g) must be obtained to erect the sign.

(ii) Height. The sign must not exceed 26 feet in height.

4. Illumination. The sign may be illuminated in accordance with the requirements of Section 59-F-4.1€

Petitioner proposes locating one sign at the Old Georgetown Road entrance and the other at the West Cedar Lane entrance to the Property. The total proposed area of signage is up to 14 square feet and significantly below the 40 square foot limitation. Each sign is placed at least 5 feet from the right-of-way dedication line proposed in the Application. The signage heights are 5 feet and 3 feet, respectively, and well within the 26-foot height limitation in the Prior Zoning Ordinance. Neither sign will be illuminated. As a result, the proposed signage meets all the requirements for Place of Assembly Location Signs in the underlying residential zone.

We further note that the Board of Appeals is authorized to grant sign variances pursuant to Section 59-F-12.1 of the Prior Zoning Ordinance in the event it is determined that the proposed signage does not qualify as Place of Assembly Location Signs. If the Board of Appeals determines that the Project signage is subject to Section 59-F-4.2(a)(1) of the Prior

Zoning Ordinance regarding freestanding signs in residential zones, the Petitioner will seek variances from the applicable sign restrictions because the strict application of those requirements would result in a particular or unusual practical difficulty, exceptional or undue hardship, or significant economic burden on the Petitioner. The Project is a Special Exception club use that requires proper visual prompts to members and guests seeking to locate and/or access the Property from the adjacent roads. The proposed signage is intended to clearly identify the Property to vehicles and pedestrians travelling along either Old Georgetown Road or West Cedar Lane. The proposed signs are compatible in terms of size and style with the surrounding residential community and are the minimum necessary to provide the necessary location notifications. For the above reasons, the strict application of residential sign requirements would result in unusual or practical difficulties for the Petitioner and the below variances would be warranted.

Section 59-F-4.2(a)(1) of the Prior Zoning Ordinance sets forth the following sign restrictions for properties in residential zones:

Sec. 59-F-4.2. By zone.

In addition to the general design elements and limitations, the following requirements apply in the zones specified. Any permanent sign not listed in this Section or which does not conform to the requirements listed in this Section must obtain a variance from the Department of Permitting Services.

(a) Residential Zone. The total area of all permanent signs on a lot or parcel in a residential zone must not exceed 2 square feet, unless additional area is permitted pursuant to this ordinance.

(1) Freestanding Sign.

(A) Number. One is allowed.

(B) Area. The sign area must not exceed 2 square feet per sign.

(C) Placement.

1. Location. The sign must be set back at least 5 feet from the property line.

2. Height. A sign must not exceed 5 feet in height.

(D) Illumination. No illumination is allowed.

To the extent that the Application must comply with this Section, the Petitioner would seek the following variances to allow for its proposed signage:

1. A 12 foot sign area variance from Section 59-F-4.2(a) and 59-F-4.2(a)(1)(B) allowing for the proposed up to 14 foot sign area for the Property; and
2. A sign number variance from Section 59-4.2(a)(1)(A) allowing for two (vs. one) freestanding signs on the Property.

The proposed signage would otherwise meet the location, height and illumination restrictions for residential signage.

V. Community Outreach

The Petitioner is committed to working with the surrounding community and other interested parties on the Project. The Petitioner already has conducted outreach efforts and will continue to do so as the Project moves forward. In particular, FAES representatives have met with the governing boards of the surrounding civic associations as follows:

- Alta Visa Community Association – Wednesday, August 6, 2020
- Bethesda Mews Homeowners Association – Monday, August 10, 2020

To date, no concerns have been shared with FAES and some board members even commented on the attractiveness of the Project.

VI. Application Contents

The Petitioner submits its filing fee, sign deposit, and the following materials in support of its Special Exception Modification:

1. Application Form for Special Exception Modification
2. Statement in Support of Special Exception Modification Application
3. Expert Witness Resumes
4. List of Adjoining and Confronting Property Owners and Community Associations (with mailing labels)
5. Certified Zoning Vicinity Map
6. Tax Map
7. Bethesda-Chevy Chase Master Plan Excerpts
8. Photographs of the Property
9. Approved NRI/FSD
10. Forest Conservation Exemption
11. Existing Conditions Plan
12. Description of Proposed Operational Features
13. Site Plan and Landscape Plan (5 pages)
14. Architectural Elevations and Floor Plans (2 pages)
15. Project Rendering

16. Tree Save Plan (2 pages)
17. Lighting and Photometric Plan and Lighting Information (2 pages)
18. Stormwater Management Concept Plan and DPS approval
19. Stormwater Management Calculations
20. Fire Access Plan
21. Prior Special Exceptions
22. Traffic Statement
23. Trash Enclosure & Monument Signage Plans & Elevations

VII. Witnesses

The Petitioner anticipates presenting testimony from the following individuals at the hearing:

1. Christina Farias, Executive Director/CEO, FAES, and/or other representatives of the Petitioner, FAES, will provide an overview of the existing FAES operations, the existing Property conditions and improvements, and the need for the proposed renovation and expansion of the existing building and other modifications to the Special Exception.

2. Kevin Foster, and/or other representatives of Gutschick, Little & Weber Engineers (GLW) will testify regarding the civil engineering, site development, land use, planning, zoning, environmental conditions, forest conservation landscaping and landscape architecture associated with the proposed Special Exception Modification.

3. Tim Longfellow of GLW will testify regarding the civil engineering, site utilities and stormwater management associated with the proposed Special Exception Modification.

4. Nick Driban of Lenhart Traffic Consulting, Inc., will testify as an expert in the field of traffic engineering regarding the traffic impact from the proposed operations, the adequacy of roads and intersections, and how approval of the proposed Special Exception Modification will not have an adverse impact upon the local street network.

5. David Konapelsky, and/or other representatives of GTM Architects will testify as to the architectural elements of the proposed expanded SAC and proposed lighting.

Petitioner may call additional witnesses in support of its Application and, if so, will supplement this filing accordingly.

VIII. Expected Proof

At the hearing, the Petitioner will establish the following through its Application materials, testimony and other exhibits:

1. *That the private club is a permissible Special Exception in the R-60 zone;*

A Private Club is permitted as a special exception in the R-60 zone per Prior Zoning Ordinance §59-G-1.21.

2. *That the proposals comply with the standards and requirements set forth in Division 59-G-2.42:*
 - a. *The lot size is twice the minimum required in the zone, up to a maximum of 3 acres*
 - b. *The maximum building coverage is 15% up to a maximum building coverage including accessory buildings, of 20,000 square feet*
 - c. *Green area is 50%*
 - d. *Frontage is twice the minimum required in the zone*
 - e. *Parking is 2.5 spaces per each 1,000 square feet of floor area;*

The Site Plan demonstrates that each of these requirements are met or exceeded in the Special Exception Modification.

3. *That the proposed Special Exception Modification will be consistent with the General Plan, as well as the approved and adopted Master Plan;*

The proposed Special Exception Modification is consistent with the applicable provisions of the Master Plan by maintaining the current Special Exception use and essential site features. The new design features strive to mitigate visual and noise impacts from the Property. In particular, distancing the parking spaces further from Old Georgetown Road and West Cedar Lane and providing additional landscaping and screening enhance the residential character and pedestrian experience. The building is also set back over 60 feet from the north Property line, which is adjacent to the Bethesda Mews residential properties, and is buffered by dense plantings on that side of the site. The condensing units for the HVAC system are located on the rear, center, flat roof area of the structure and are nestled between gabled roof areas that mitigate sound transmission to adjacent properties.

The Project thoughtfully maintains the residential use and scale along Old Georgetown by keeping the iconic SAC structure and complementing it with compatible architectural details. The orientation of the building to Old Georgetown Road allows the original stone structure to become a featured centerpiece of the overall building composition. This also maintains the “front

door” on Old Georgetown Road, honoring the more prominent boulevard as the face of the building.

The modest size of the Project, particularly in comparison to the size of the Property and nearby commercial-type use, is the appropriate scale for this residential area. As a practical matter, the implementation of the current SAC building, which is oriented toward Old Georgetown Road, dictates the location of other site features. As a result, the Petitioner is retaining the current setup of the Property, including the general location and curb cuts of the existing surface parking feature. The net impact of these changes is consistent with current operations and warrants the retention of the current site orientation.

4. *That the proposed Special Exception Modification will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses;*

The proposed Special Exception Modification will be in harmony with the general character of the neighborhood. As noted above, the neighborhood surrounding the Property is of a residential character, but also includes some institutional and commercial uses particularly in the vicinity of the Property. Specifically, non-residential uses in the vicinity of the Property include a fire station, an events facility, and the NIH. In keeping with these features, the Special Exception Modification proposes a 9,264 square foot structure that is residential in appearance, but contains a commercial-type use. Notably, the Project is separated from the adjoining residential use to the north by a minimum 60-foot setback and appropriate screening. The Special Exception Modification is not anticipated to generate any net new traffic or cause parking issues in the surrounding residential neighborhood. Notably, adequate parking will be provided on site after the parking lease with NIH is ended.

5. *That the proposed Special Exception Modification will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood;*

The Proposed Special Exception Modification will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. As explained in detail above, FAES serves as a complement to the NIH which is located just across West Cedar Lane from the Property. Several surrounding uses, including the Rock Creek Mansion and the fire station, are also non-residential. The Special Exception Modification will not be detrimental to the surrounding residential uses because the proposed expansion and renovation of the existing building have been carefully planned to blend with the

surrounding residential uses. There will be no net new increase in activity at the Property and the current operating hours will not change.

6. *That the proposed Special Exception Modification will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the Property;*

The proposed Special Exception Modification will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the Property. As previously outlined, the site lighting is strategically placed to meet both safety and egress requirements, as well as respecting the County requirements for cut-off of lighting at the lot lines.

The building is set back a significant amount from adjacent properties (over 60 ft. on the north side that abuts the Bethesda Mews residential properties), and has layers of plantings to mitigate noise. HVAC condensing units are placed in the middle roof area of the plan, tucked within gable roof features that are intended to minimize any potential noise impact.

7. *That the Special Exception Modification will not, when evaluated in conjunction with existing and approved Special Exceptions in the adjoining residential area, increase the number, intensity or scope of Special Exception uses sufficiently to affect the area adversely or alter the predominately residential nature of the area;*

The Special Exception Modification does not propose any new special exception uses. It only proposes the expansion of the building housing the existing Special Exception in order to better serve the members of FAES and the NIH community. Following the elimination of leased parking to NIH, the net activity at the Property will remain the same once the Project is implemented.

8. *That the proposed Special Exception Modification will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area of the Property; and*

The proposed modifications to the existing Special Exception will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area of the Property. Petitioner intends to provide substantially the same programming that it does today, but in a larger and more modern structure. The new SAC will accommodate the implementation of stormwater management treatment for the first time at the Property. In addition, the Project will provide needed ADA access modifications and convenience features at the Property and the SAC for pedestrians passing the site and for visitors to the site.

9. *That the Property will be served by adequate public services and facilities.*

The Property is served by adequate public facilities. According to the Traffic Statement prepared by Lenhart Traffic Consulting, Inc., the Project will generate fewer than 50 peak hour additional person trips under all proposed operational scenarios. Adequate water and sewer facilities will be available at the Property. The Property is designated water category W-1 and sewer category S-1. Adequate Fire and Rescue and Police services also serve the Property. The nearest fire station is approximately 300 feet away and the nearest police station is 1.6 miles away.

IX. Estimated Time for Presentation

The Petitioner anticipates that the presentation of its Special Exception Modification request will take approximately three hours.

X. Conclusion

For the foregoing reasons, FAES respectfully requests that the Board approve the requested modification of Special Exception so that FAES may continue to serve the scientific community at NIH through quality programming and events.

Respectfully submitted,
Lerch, Early & Brewer, Chtd.

By: _____

Patrick O'Neil
Attorneys for Petitioner
7600 Wisconsin Avenue Suite 700
Bethesda, Maryland 20814
Phone: (301) 961-6095
Fax: (301) 347-1771