



**Foundation for Advanced Education in the Sciences, Inc. Special Exception Amendment No. CBA-916-A (Formerly S-615)**

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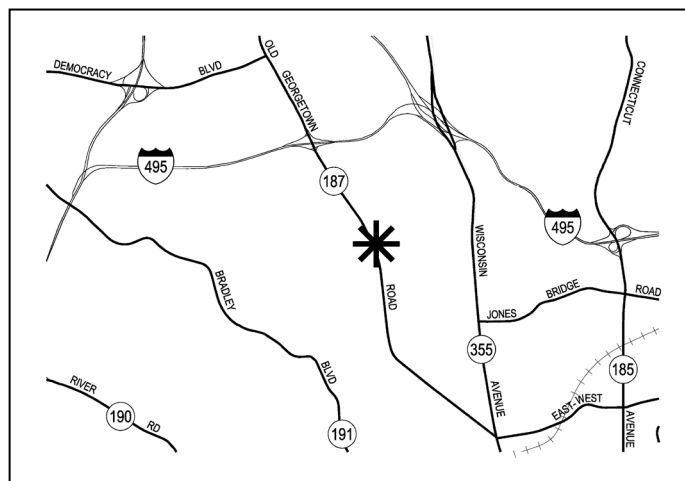
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## Description

Completed: 4.9.21

- **Request:** Special Exception Amendment to renovate and significantly expand the existing Private Club and Service Organization; modify landscaping, lighting, parking, and stormwater management; and update previous conditions of approval consistent with the Subject Amendment.
- **Located** at 9101 Old Georgetown Road;
- 1.57 acres (68,504 square feet) of tract area zoned R-60/ TDR 8.0 in the 1990 *Bethesda Chevy Chase Master Plan*;
- **Petitioner:** Foundation for Advanced Education in the Sciences, Inc. (FAES);
- **Acceptance Date:** October 19, 2020;
- **Review Basis:** Zoning Ordinance in effect on October 29, 2014;
- **Hearing Examiner Public Hearing Date:** May 7, 2021.



## Summary

- Staff recommends **APPROVAL** of the proposed Special Exception Amendment subject to the conditions contained in this Staff Report.
- The Site has been operating as a Private Club and Service Organization special exception use since 1960.
- This Amendment would expand the existing special exception use on the Site by renovating and expanding the existing building on the property by approximately 6,000 square feet, by modifying site elements, such as landscaping, parking, and stormwater management, and by updating previous conditions of approval consistent with the amended use.
- Staff reviewed the application under the Zoning Ordinance in effect on October 29, 2014 in accordance with Section 59.7.7.1.C.5. of the current Zoning Ordinance.
- Under the R-60 zone development standards, the Site is not limited in terms of density/built area, but by site area, building and parking setbacks, lot frontage and coverage, building height, and green area.
- Following approval of the Subject Special Exception Amendment, the Applicant must receive Planning Board approval of a Preliminary Plan of Subdivision and record plat that creates a buildable lot, dedicates public right-of-way, and demonstrates adequate public facilities exist for the proposed use.

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## SECTION 1: EXECUTIVE SUMMARY

The Subject Property has been operating as a Private Club and Service Organization special exception use since shortly after its initial approval on May 12, 1960. The special exception has been amended several times to make slight adjustments to the special exception use and Subject Property. This executive summary is intended to briefly state the scope of the Subject Application and clarify the prior approval history and consolidate all prior conditions within the body of this Staff Report. Each of the prior approvals is provided in Attachment A.

### Proposal

The Subject Application, designated Special Exception CBA-916-A, requests modifications to the building design and parking layout thus making some of the prior conditions approved as part of the prior Board of Appeals' actions no longer relevant. Therefore, as part of this modification request and to make clear the applicable requirements, the relevant and binding conditions associated with the Property and use will be consolidated as one complete list of conditions such that the prior approvals are effectively superseded.

### Prior Approvals

The Board of Appeals granted Case No. CBA-916 to the United States Public Health Service Commissioned Officers Club, Inc. on May 12, 1960, to permit a private club. The Board of Appeals granted Case No. S-615, as a modification to Case No. CBA-916, to change the holder of the special exception to include the Foundation for Advanced Education in the Sciences, Inc. (FAES) and to allow the sale of alcoholic beverages on August 2, 1978. By resolution dated September 26, 1985, the Board of Appeals granted modifications, to permit construction of a small powder room; by resolution dated October 5, 1988, to permit leasing of 20 parking spaces to Suburban Hospital; by resolution effective March 2, 2004 to change the lessee of the parking spaces to the National Institutes of Health (NIH); and, by resolution effective on March 18, 2013, to increase the number of parking spaces leased to NIH from 20 to 25.

#### Case No. 916, dated May 12, 1960

The below conditions are associated with the original approval, including the testimony of the Applicant, and will be incorporated, as relevant, into the final conditions associated with CBA-916-A.

1. The side of the subject property facing the property of Mrs. Day shall be adequately screened with planting.
2. No flood lighting shall be located so as to direct any reflection on the property of Mrs. Day and should petitioner, at a later time, construct a swimming pool, proper screening will be a requisite before such pool is built.
3. The special exception is granted to the petitioner only and does not run with the land.
4. The special exception is granted for only the present facilities and not for the proposed tennis court, social hall, and the other recreational facilities which are not now in existence.

#### Testimony of applicant:

- Private club with maximum of 400 members
- No more than 100 people in attendance at one time
- No alcoholic beverages will be sold
- Not available to the general public or rental purposes except to members
- Hours of operation: 7 days per week; closing at 12:00 PM (this was intended to be 12:00 AM midnight), except special occasions until 2:00 AM
- Parking for 45 cars

Case No. S-615 (amending CBA-916), hearing date May 11, 1978, entered in Minute Book on August 2, 1978

The below conditions are associated with Case No. S-615 and will be incorporated, as relevant, into the final proposed conditions.

1. The name of the special exception holder shall be the Public Health Service Club, Inc. and the Foundation for Advanced Education in the Sciences, Inc.
2. Rules shall be modified to include a directive that members and guests shall park only on the club parking area and shall not park on nearby public street or private properties. Arrangements shall be made for overflow parking to use the NIH Parking lot. A copy of the amended rules shall be submitted to the Board of Appeals
3. A landscape plan for the perimeter of the property (with special attention to that portion of the property fronting on Old Georgetown Road) and a screening plan for the parking area shall be submitted to the Board. This Plan shall be subject to approval by the Technical Staff of the Maryland – National Capital Park and Planning Commission. Plantings shall be installed by December 1, 1978.
4. All exterior lighting shall be shielded and directed downward.
5. Signs shall be maintained, clean and in good condition.
6. Hours of operation shall be limited as follows: Sunday through Thursday until 11:00 p.m. with the premises and parking lot to be vacated by 11:00 p.m.; Friday and Saturday, liquor service to be stopped by 12 midnight and premises and parking lot vacated by 1:00 a.m.
7. Occupancy of the building shall be limited to a maximum of 100 persons, including staff, employees of caterers or others, or fewer, if Fire Marshal so orders.
8. Facilities for rental for private parties, social events, and exhibitions shall be available only to bona fide active members of the club, who shall personally sponsor and be present at the events as hosts (host members shall sign an affidavit utilizing Appendix A as a guideline). They shall be given a copy of the rules, with special attention to rules regulating parking and closing hours.
9. The special exception is granted to the petitioners only who shall be responsible for compliance.
10. Copy of any approval by the Board of Liquor License Commissioners to sell liquor shall be filed with the Board of Appeals for the record.

CBA-916 and S-615, resolution dated September 26, 1985

The Board of Appeals approved a modification to allow for construction of a powder room as shown on a submitted site plan and architectural drawings, without additional conditions. The Subject Application includes a new site plan and architectural drawings which will supersede these plans from 1985.

CBA-916 and S-615, resolution dated October 5, 1988

The Board of Appeals approved a modification, subject only to the submitted exhibits, to allow the Applicant to lease twenty (20) parking spaces bordering Cedar Lane to Suburban Hospital for week-day use. The Subject Application will no longer provide these parking spaces to Suburban Hospital and will supersede this prior approval.

CBA-916 [S-615], resolution effective March 2, 2004

The Board of Appeals approved a modification, with no conditions, to change the lessee of the 20 parking spaces from Suburban Hospital to the National Institutes of Health (NIH), and removed the Public Health Service Club as a holder of the special exception. The Subject Application will no longer provide these parking spaces to NIH and will supersede this prior approval.

CBA-916 [S-615], resolution dated March 18, 2013

The Board of Appeals approved a modification, with no conditions, to increase the number of parking spaces leased to NIH from 20 to 25 spaces. The Subject Application will no longer provide these parking spaces to NIH and will supersede this prior approval.

Upon review of the Subject Application and the prior approvals, as listed above, the conditions set forth in Section 2 of this Staff report shall apply to the Property and the ongoing operation of the proposed use.

## SECTION 2: RECOMMENDATION AND CONDITIONS

### Special Exception Amendment CBA-916-A

Staff recommends approval of Special Exception Amendment CBA-916-A, to renovate and expand the existing Private Club and Service Organization on 1.57 acres of land zoned R-60/ TDR 8.0; modify landscaping, lighting, parking, and stormwater management; and add the following conditions of approval, which supersede all previous conditions of approval:

1. The Private Club and Service Organization special exception use is granted to the Foundation for Advanced Education in the Sciences, Inc. ("FAES" or the "Applicant") only and does not run with the land.
2. The Private Club and Service Organization is limited to the following:
  - a. a maximum total gross floor area of 9,264 square feet;
  - b. a maximum capacity of 145 participants and staff on-site at any one time;
  - c. the sale of alcohol to members and guests is permitted (subject to liquor license); and
  - d. rental of the facilities for private parties, social events, and exhibitions shall only be available to FAES members or guests who are sponsored by FAES members.
3. Hours of operation for the Subject Special Exception Amendment use will be limited as follows:
  - a. Catering/ special event services shall be conducted within the established hours of operation and in a manner that respects the surrounding residential community.
  - b. Sunday through Thursday
    - i. Indoor activities must conclude by 11:00 PM, noting that typical operations are from 9:00 AM to 9:00 PM;
    - ii. Outdoor activities and alcoholic beverage service must conclude by 9:00 PM;
    - iii. Premises and parking lot vacated by 11:00 PM;
  - c. Weekend Operations (Friday and Saturday):
    - i. Indoor activities must conclude by 12:00 AM/ midnight;
    - ii. Outdoor activities and alcoholic beverage service must be stopped by 11:00 PM; and
    - iii. Premises and parking lot vacated by 1:00 AM;
4. Traffic flow into the Site will be conducted to minimize vehicle queuing on the adjacent public street(s).
5. Parking:
  - a. The Applicant must provide at least 24 vehicle parking spaces and a maximum of 51 vehicle parking spaces on-site, including 2 motorcycle parking spaces.
  - b. The Applicant must provide 2 short-term bicycle parking spaces on-site in compliance with the Montgomery County Bicycle Parking Design Guidelines.
  - c. Members and guests shall not park on nearby public streets.
  - d. Prior to the issuance of any use and occupancy certificate for the proposed building addition on the Site, the Applicant must discontinue the practice of reserving 25 vehicular parking spaces for NIH employees by extinguishing the shared parking agreement.
6. Landscaping and Screening  
Site landscaping and perimeter screening must be provided in accordance with the Special Exception Landscape Plan.

7. Lighting
  - a. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
  - b. All on-site down-lights must have full cut-off or BUG-equivalent fixtures.
  - c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
  - d. Illumination levels generated from on-site lighting must not exceed 0.1 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
8. The Applicant must comply with all tree-protection and tree-save measures shown on the approved Tree Save Plan. Tree-save measures not specified on the Tree Save Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
9. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the required mitigation plantings consisting of native canopy trees, with a minimum size of 3 caliper inches as shown on the Tree Save Plan. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
  - a. All trees credited towards mitigation requirements must be at least five (5) feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
  - b. The Applicant must submit financial surety, in a form approved by the M-NCPPC Office of General Counsel, to the Montgomery County Planning Department for the mitigation plantings required per the approved Tree Save Plan. The financial surety must be provided for a period of 5 years which may be reduced to 3 years upon request by the Applicant and approval by M-NCPPC Forest Conservation Inspector.
10. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas and landscape plantings credited toward meeting the requirements of the Tree Save Plan. The time period for the MMA will adhere to the requirements in place when the MMA is approved.
11. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
12. The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code after the final decision of the Board of Appeals on the Subject Application.

### SECTION 3: SITE DESCRIPTION AND VICINITY

#### *Subject Property*

The subject site ("Subject Property" or "Property") is located in the northeast quadrant of the intersection of West Cedar Lane and Old Georgetown Road, at 9101 Old Georgetown Road (MD 187). The Property, recorded as Parcel P497 (Tax Account No. 07-00437247), consists of approximately 1.57 acres (68,504 square feet) and has frontage on both Old Georgetown Road and West Cedar Lane. The Property is adjacent to residentially zoned properties along its northern and western property lines, confronts residential properties across Old Georgetown Road, and confronts both the National Institutes of Health Campus and the Bethesda Fire Department, across West Cedar Lane, to the south. The Site is immediately adjacent to a Special Exception, Case No. CBA143A, for the Knights of Columbus Private Club and Service Organization (also known as the Rock Creek Mansion) at 5417 West Cedar Lane. The Property is within the area encompassed by the 1990 *Bethesda – Chevy Chase Master Plan* (Master Plan).



*Figure 1 – Vicinity Map*

#### *Site Analysis*

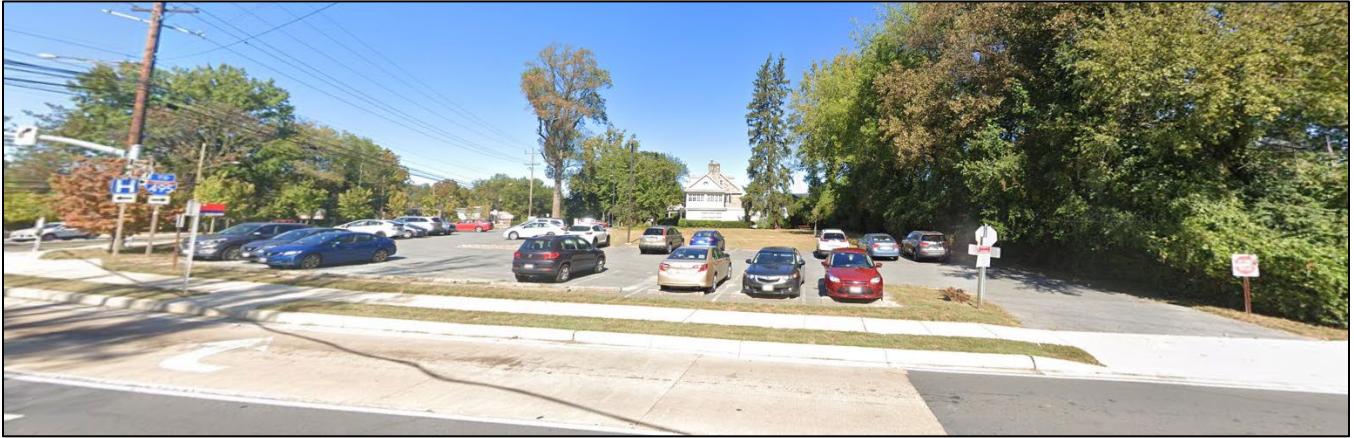
The Property is zoned R-60 with a TDR 8.0 overlay and is currently improved as the Foundation for Advanced Education in the Sciences, Inc. ("FAES") Private Club and Service Organization special exception use, comprised of a single building (measuring approximately 3,279 square feet) and associated 52-space surface parking lot. The existing structure will be retained and expanded to accommodate the Project. The Site is currently served by two curb cuts: a "right-in/ right-out" driveway on Old Georgetown Road and an "exit only" driveway on West Cedar Lane.



*Figure 2 – Site Aerial*



*Figure 3 – Site (as viewed from Old Georgetown Road)*



*Figure 4 – Site (as viewed from West Cedar Lane)*

A simplified Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), designated NRI/FSD No. 42020192E, was approved for the Subject Property on May 1, 2020. The Subject Property is located within the Lower Rock Creek Watershed, a Use I watershed. The Site contains a number of mature trees sized at 24-inches in diameter-at-breast-height (DBH) or greater, including a 57-inch Tulip Poplar located near the existing Site entrance on Old Georgetown Road. Soils are classified generally as 2UB, an urban soil which is typically well drained, not highly erodible, and is limited to minor slopes of 0-8%. As the Site is currently developed, grades on-site are generally flat. There are no known rare, threatened, or endangered species on-site; there are no 100-year floodplains, highly erodible or otherwise sensitive soils, stream buffers or wetlands on-site. There are generally no environmentally sensitive resources associated with the Subject Property nor any historic features on the Site.

#### *Previous Approvals and Zoning History*

The Site has served as a Private Club and Service Organization since 1960, initially approved through Special Exception CBA-916 (dated 1960), for use as the United States Public Health Service Commissioned Officers Club (predecessor to FAES). The Special Exception has been modified several times since 1960 as follows and each of the approvals is provided in Attachment A:

- FAES was added to the Special Exception and the sale of alcohol added to the approval, through S-615 in 1978;
- The building was expanded to include the addition of a powder room, through CBA-916 and S-615 in 1985;
- Up to 20 of the surface parking spaces were permitted to be leased to Suburban Hospital, through CBA-916 and S-615 in 1988;
- The lessee of the 20 surface parking spaces was changed, from Suburban Hospital to the National Institutes of Health (NIH) and the United States Public Health Service Commissioned Officers Club was removed from the Special Exception, through CBA-916 and S-615 in 2004; and
- The number of surface parking spaces leased to NIH was increased, from 20 parking spaces to 25 parking spaces, through CBA-916 and S-615 in 2013.

#### *Neighborhood Description and Surrounding Uses*

For the purposes of determining the compatibility of the Project, the neighborhood is defined as including properties bordered by West Cedar Lane and Oak Place, to the south, Locust Avenue, to the east, Alta Vista Road, to the north, and Johnson Avenue to the west (Figure 5). The defined neighborhood is developed primarily with single family detached residential dwellings to the north and west in the R-60 zone<sup>1</sup> and with a Private Club and Service Organization special exception use to the east.

<sup>1</sup> The Subject Property and the property located immediately to the west are zoned R-60 with a TDR 8.0 overlay.

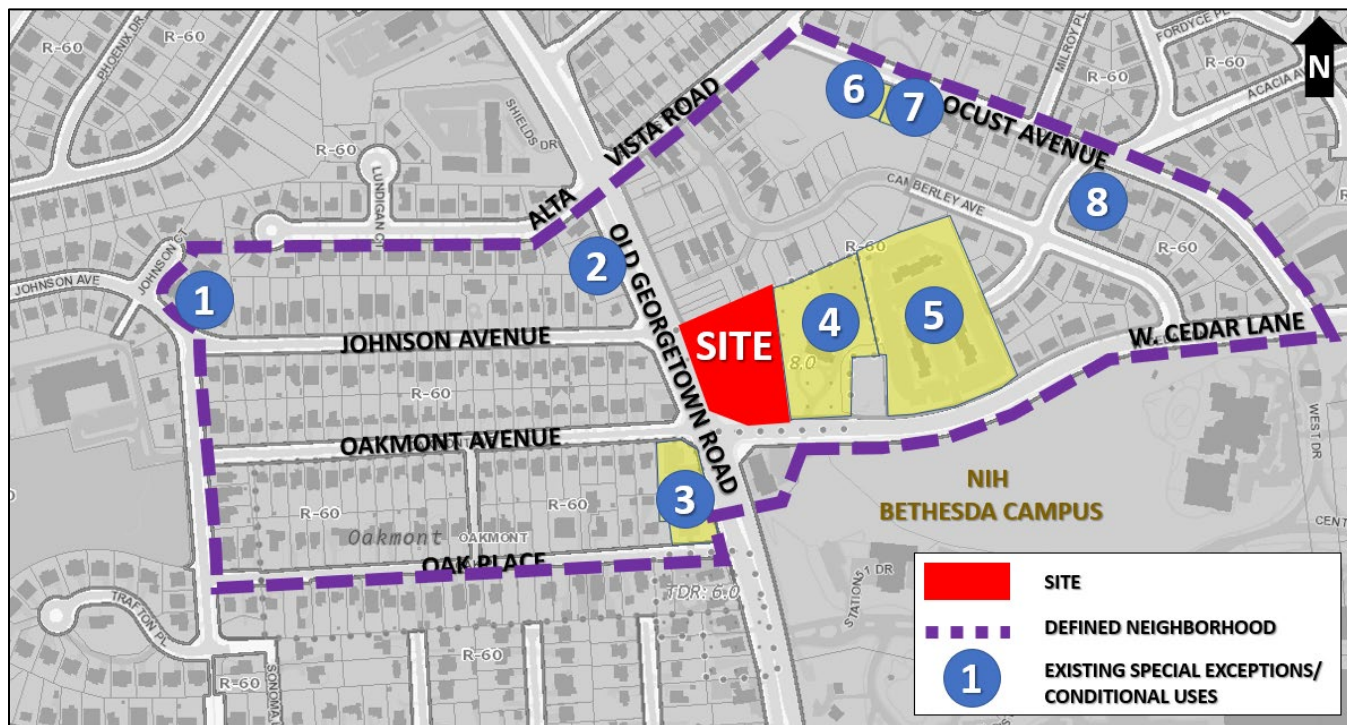


Figure 5 – Zoning Map with Defined Neighborhood

The Property is unique when compared to other properties within the defined neighborhood when considering its size and shape. These characteristics were also cited in the 1990 *Bethesda – Chevy Chase Master Plan*, which identified the Site as a “large land user” (p. 35). Abutting the Property to the north is the single-family neighborhood of Bethesda Mews (Site Plan No. 820130030). Abutting the Property to the east is the Knights of Columbus Private Club and Service Organization (Special Exception No. CBA143A). To the south, across West Cedar Lane, is the Bethesda Fire Station and National Institutes of Health Campus. To the west, across Old Georgetown Road, is a single-family neighborhood. There are eight known existing special exceptions and conditional uses within the neighborhood. Of the eight (8) special exceptions in the neighborhood, five (5) are small, home based uses with minimal impacts. These uses are listed below in Table 1 and shown in Figure 5 for context.

Table 1: Existing Special Exceptions and Conditional Uses within the Defined Neighborhood			
Map ID	Case Number	Use	Location
1	S1837	Accessory Apartment	5623 JOHNSON AVENUE
2	S1325	Home Occupation (Answering Service)	9112 OLD GEORGETOWN ROAD
3	CBA1534	Scientific Society Headquarters	9030 OLD GEORGETOWN RD
4	CBA143A	Private Club and Service Organization	5417 WEST CEDAR LANE
5	CBA1587A	Medical Clinic	5401 WESTCEDAR LANE
6	S1984	Accessory Apartment	5314 LOCUST AVENUE
7	S2681	Accessory Apartment	5312 LOCUST AVENUE
8	S1148	Accessory Apartment	5302 ACACIA AVENUE

## **SECTION 4: PROJECT DESCRIPTION**

FAES is a membership organization associated with the National Institutes of Health (NIH) that conducts advanced educational and professional programs for its members. FAES complements the NIH mission by providing training in the biomedical sciences and special events, such as lectures, conferences, classes, and cultural events. The FAES program of events currently occurs on the Subject Property, which is referred to by FAES as the Social and Academic Center, or "SAC," on weekdays between 9:00 AM and 11:00 PM (with most events concluding by 9:00 PM), though some events are held on the weekend and have currently approved operations until 12:00 AM/midnight on Fridays and Saturdays. The current special exception limits the number of attendees and staff on the Site at any one time to 100 people. The Subject Special Exception Amendment is sought by FAES as a means of accommodating their growing program and provide greater classroom and auditorium space as well as handicapped-accessible restrooms.

### **Proposal**

The Special Exception Amendment Application proposes to modify Special Exception CBA-916-A, as amended, to renovate and expand an existing Private Club and Service Organization use from its existing footprint of approximately 3,279 square feet to a maximum square footage of 9,264 square feet. In addition to the proposed building expansion, the Application proposes modifications to the Site (associated with landscaping, lighting, parking, and stormwater management) and updates to previously approved conditions of approval pertaining to the Site's operations. As a result of the Subject Application, the special exception use will increase its current participant limit, from a previously approved maximum of 100 people, to a proposed maximum occupancy of 145 people, including event staff.

In its existing condition, the Private Club and Service Organization special exception use hosts seminars and business events, which typically occur during the day, social events and meetings for both the nearby National Institutes of Health (NIH) and FAES club members, which typically occur in the evenings and on weekends. The proposal includes additional meeting space on-site such that FAES can schedule multiple meetings, courses and business events simultaneously, and begin offering conferences. Additionally, the Applicant proposes terminating a joint parking agreement with NIH, which previously reserved 25 parking spaces on the Subject Property for use by NIH employees.



## Buildings

The expanded structure, of up to 9,264 square feet, will continue to have a residential appearance by retaining the existing residential façade, along Old Georgetown Road, and making it the focal point of the overall building. The materials, scale, and articulation proposed for the building addition will also contribute to the residential appearance of the structure. The proposed exterior building materials are consistent with residential construction, including fiber cement siding, hardwood trim details, standing-seam metal porch roofs, residential-type windows, and asphalt shingle roofing. These elements will help tie the building into the surrounding residential character.

The proposed building 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 approach allows the location of the existing main entrance to be maintained at the center of the Site. The western 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 and reinforce guidance to that effect in the Master Plan. HVAC condensing units will be located on a flat roof area to the rear of the building, so any noise from these units will be mitigated by the surrounding gable roof areas and their significant distance from the Property lines.



Figure 7 – Architectural Elevation  
(West Façade, as viewed from Old Georgetown Road)



Figure 8 – Architectural Elevation  
(East Façade, as viewed from Knights of Columbus/ Rock Creek Mansion Property)



Figure 9 – Architectural Elevation  
(South Façade, as viewed from West Cedar Lane)



Figure 10 – Architectural Elevation  
(Left: West Façade; Right: North Façade)

### Signs

The proposed Special Exception Amendment use proposes two signs along the Site's frontages: one Entrance sign each on Old Georgetown Road and one freestanding sign on West Cedar Lane. These signs are proposed in accordance with the standards set forth in Section 59-F-4.2.(a), "Sign requirements by zone," and are consistent with the expanded special exception use.

The first sign, located at the Old Georgetown Road entrance, will be 5 feet or less in height and the second sign, along West Cedar Lane, will be 3 feet or less in height. 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-4.2(a)(3)(B) of the Zoning Ordinance in effect on October 29, 2014. The total combined square footage of the two signs will be up to 14 square feet and each sign will be located on the Subject Property a minimum of 5 feet away from the right-of-way dedication line. Neither of the two signs will be illuminated.

In the event the Board of Appeals determines that the proposed signage does not qualify as Place of Assembly Location Signs and it is determined 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 Applicant 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 Applicant.

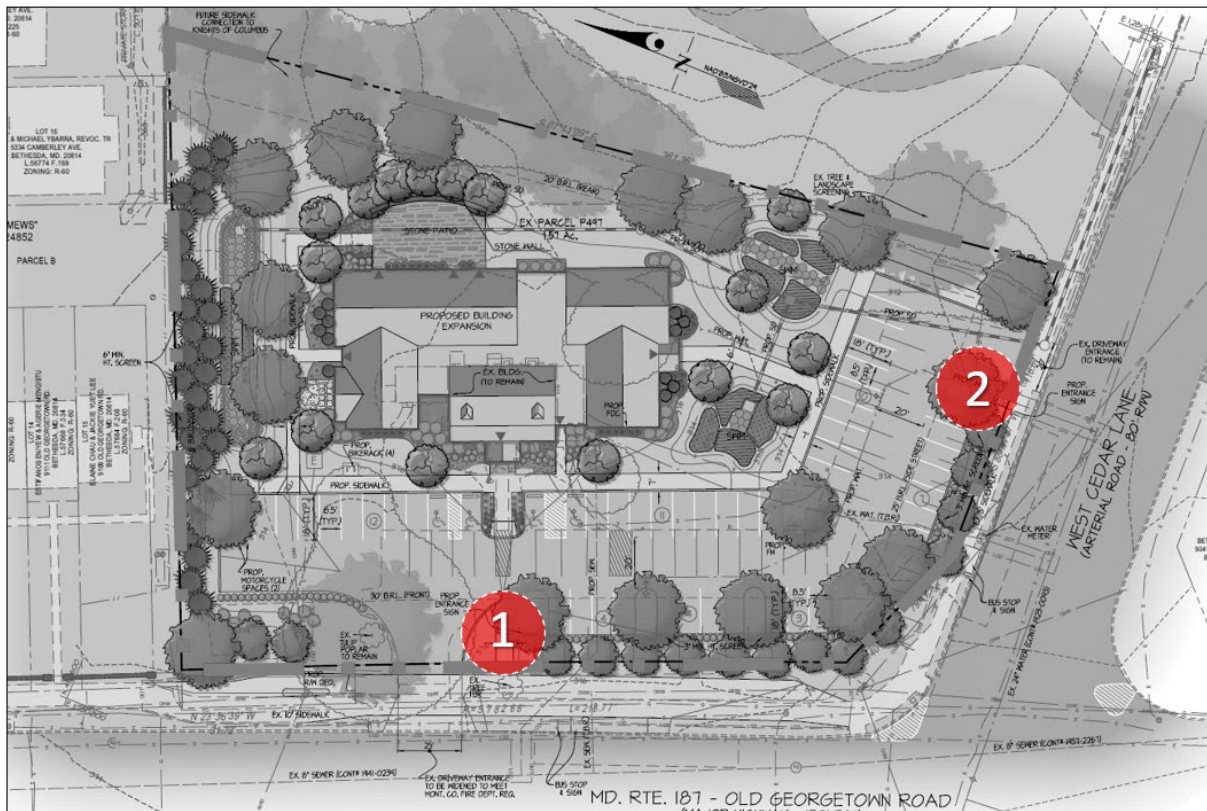


Figure 11 – Proposed Sign Locations

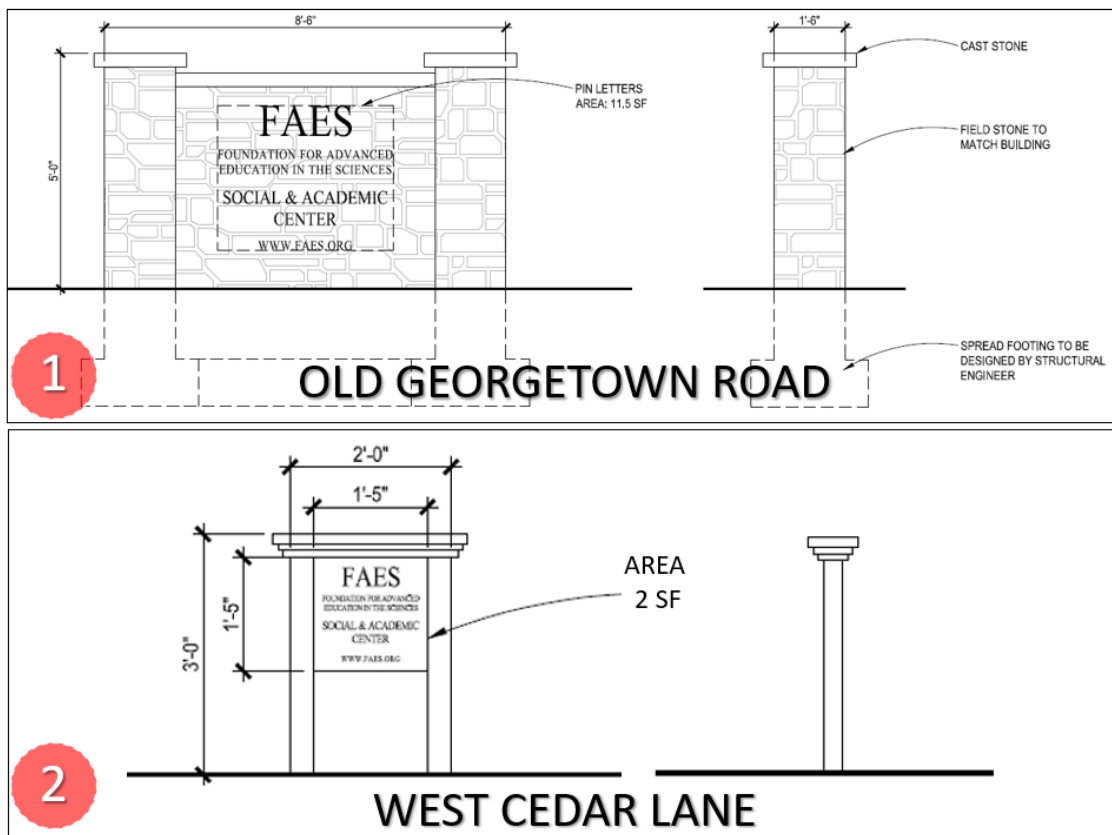


Figure 12 – Proposed Sign Details (Subject to Approval)

#### Private Club and Service Organization Operations and Staffing

As previously stated, the Subject Special Exception Amendment application seeks to expand an existing Private Club and Service Organization, including expansion of the maximum number of staff and event participants on-site at any given time, from 100 to 145 people. Typical Private Club and Service Organization operations are stated to be Sunday through Friday, between 9:00 AM and 9:00 PM, though weekday operations on the Site must conclude no later than 11:00 PM and weekday outdoor activities must conclude by 9:00 PM. Weekend operations are defined as Friday and Saturday between 9:00 AM and 12:00 AM/ midnight and weekend outdoor activities must conclude by 11:00 PM. The Property must be vacated on weeknights no later than 11:00 PM and no later than 1:00 AM on weekends. As conditioned, there is adequate transportation capacity to support the expanded special exception use and Staff has determined that these activities are consistent with the Private Club and Service Organization special exception use.

#### Access, Circulation, and Parking

The Site currently has two driveways, with one on Old Georgetown Road and one on West Cedar Lane. These existing driveways will remain on the Site in their current locations and will operate in the same manner as the existing condition, with a “right-in/right-out” driveway on Old Georgetown Road and “exit-only” driveway on West Cedar Lane. The Old Georgetown Road driveway will be widened to a width of 25 feet, in accordance with County Code Chapter 22 Fire Safety Code. As directed by MCDOT, the Applicant conducted a supplemental traffic analysis to evaluate the safety of the West Cedar Lane egress point given the driveway’s proximity to the intersection of West Cedar Lane and Old Georgetown Road and traffic volume on West Cedar Lane. This supplemental analysis received approval from MCDOT in its agency letter dated February 10, 2021 and MCDOT approved continued egress onto West Cedar Lane.

The Bethesda Trolley Trail is located along the Site’s Old Georgetown Road frontage. This bicycle and pedestrian facility is approximately 4-miles long and connects Downtown Bethesda to White Flint. The 2018 *Bicycle Master Plan* recommends that the Bethesda Trolley Trail be incorporated into the larger Breezeway Network<sup>1</sup> envisioned to connect Downtown Bethesda and Rockville. As shown on the Special Exception plan, the Project will construct the Master Plan recommended 6-foot wide buffer and 10-foot wide sidepath along the Old Georgetown Road frontage and will construct protected intersection improvements to the northeast and southeast corners of the adjacent Old Georgetown Road and West Cedar Lane intersection to further enhance the Bethesda Trolley Trail.

MDOT SHA recently installed an on-street buffered bicycle lane on Old Georgetown Road, between Alta Vista Road and the Beltway, just north of the Site. Although continuation of this buffered bicycle lane along the Subject Property frontage was discussed during review of this Project, MDOT SHA determined that this connection was infeasible at this time and recommended that the Applicant not provide the on-street connection. As a result, the Applicant is not required to participate in the future implementation of these buffered bicycle lanes. As depicted on the Special Exception Plan, the Subject Application does not preclude future implementation of the buffered bicycle lanes if MD SHA approves its installation at a later date.

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<sup>1</sup> The Breezeway Network is a subset of Montgomery County’s low-stress bicycling system that is intended to appeal to daily bicycle commuters and utilitarian bicyclists because it will provide minimal delays and detours. This network will enable both faster and slower speed bicyclists to travel along the same corridor without compromising each other’s travel speed, safety or comfort. The Breezeway Network will provide direct and efficient routes between major activity centers.

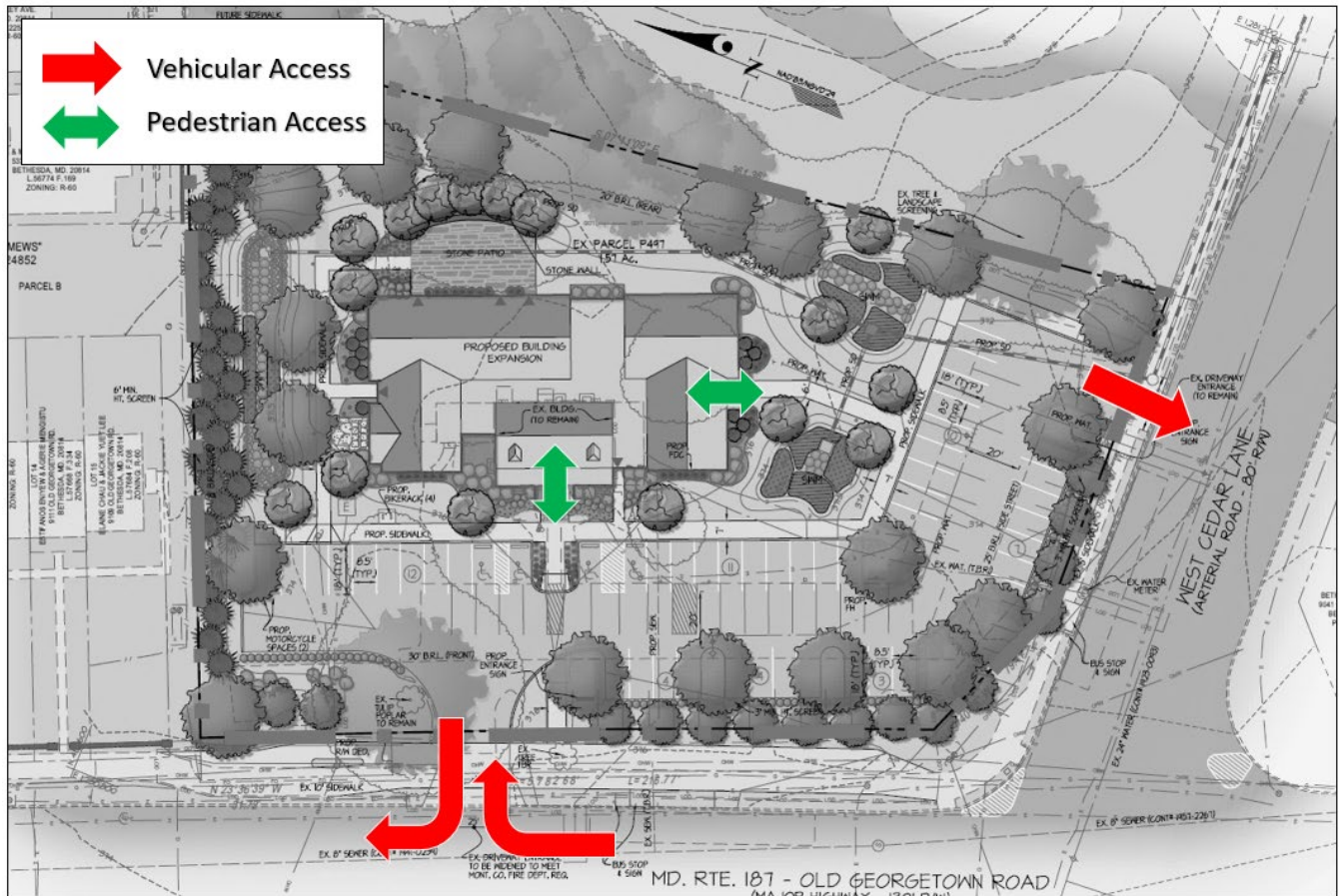


Figure 13 – Access and Circulation

### Parking

Following approval of the Subject Application, the parking facility will remain mostly consistent with the manner in which it exists today. Minor modifications to the parking facility include moving it away from Old Georgetown Road and West Cedar Lane to allow for additional landscape screening and widening of the Bethesda Trolley Trail. In the future condition, the Project will provide 51 vehicular parking spaces (including two motorcycle spaces) and 4 bicycle parking spaces.

The existing surface parking facility is comprised of approximately 15,600 square feet. When considering the minor modifications necessary to shift the parking facility away from Old Georgetown Road and West Cedar Lane and improve internal circulation, the paved area of the parking facility will have a net increase of approximately 1,357 square feet, or approximately 8.6% for a total paved area of 16,957 square feet. The paved area will have approximately 10,967 square feet of canopy coverage, representing a shaded area of 63%.

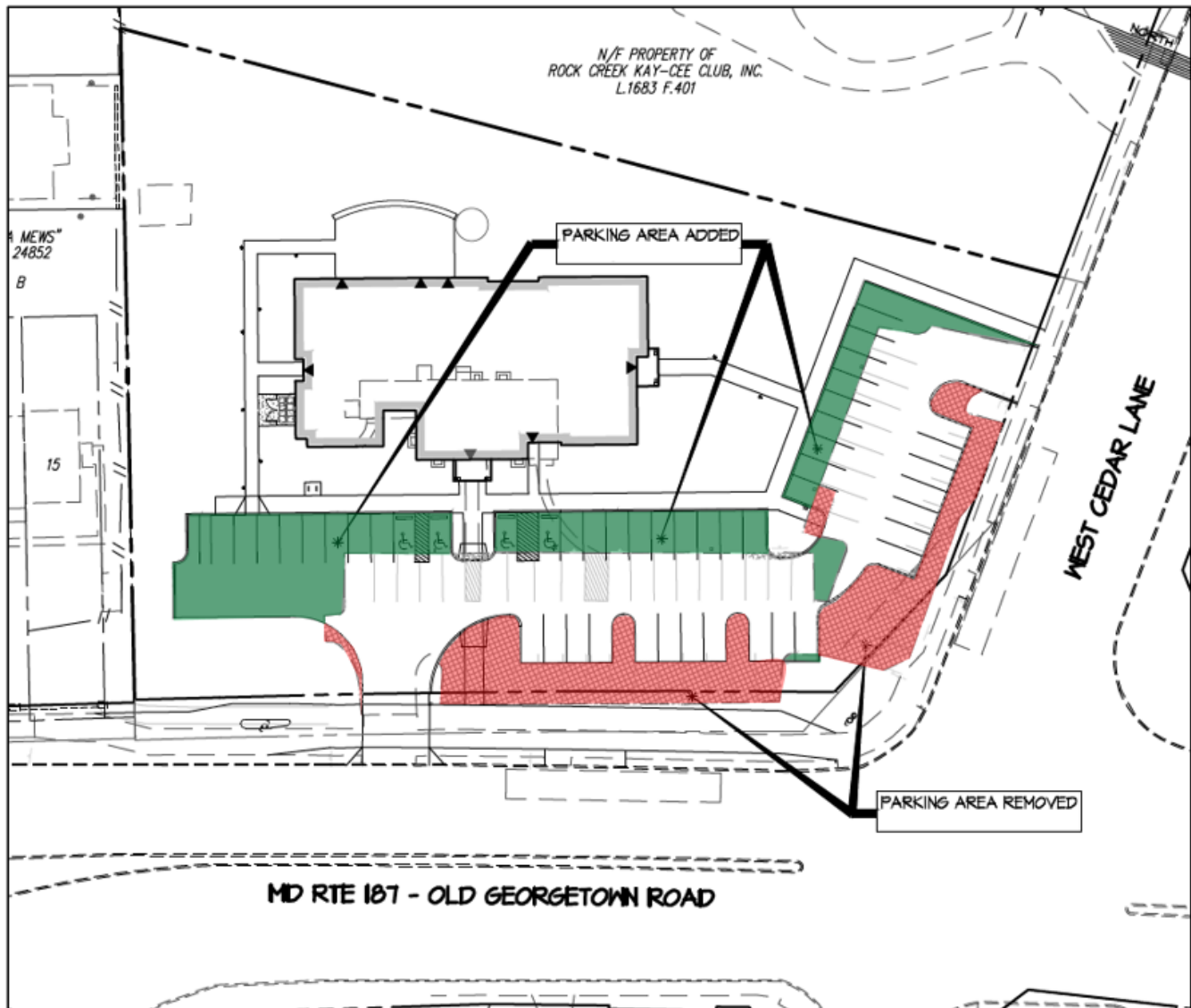


Figure 14 – Parking Modifications

#### Landscaping and Lighting

As part of the Subject Application, site landscaping, lighting, and stormwater management elements will be enhanced. These modifications will further the Site's compatibility with the adjacent Bethesda Mews residential neighborhood by adding extensive evergreen screening along the northern property line. Landscaping is also proposed within the stormwater management facilities and around the building and patio area.

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 0.1 footcandles at the Property line in accordance with Section 59-G-1.23(h) of the 2004 Zoning Ordinance.

#### Forest Conservation

In lieu of a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), a simplified NRI in support of a Forest Conservation Exemption request was submitted by the Applicant. This Exemption Request, No. 42020192E, was

approved for the Subject Property on May 1, 2020. As such, this Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(q)(2) for modification to an existing special exception approved before July 1, 1991. Previous Special Exceptions CBA-916 and S-615 were approved for the Property in 1960.

No forest or champion trees will be impacted by the project, however five (5) specimen trees are proposed to be removed with this Application. Accordingly, a Tree Save Plan has been submitted and approved as a part of this submittal. The Tree Save Plan includes the planting of eight (8) native canopy trees, with a size of at least 3" in caliper, as mitigation for the proposed removal of 93" DBH of specimen trees. This represents efforts made by the Applicant, in coordination with an ISA Certified Arborist who is a Maryland licensed tree care expert, to save and provide appropriate protection for the 57" Tulip poplar; this change reduced the proposed removal from 190" DBH to 93" DBH to be removed. Along with mitigation plantings and retention of mature trees, the Applicant also proposes extensive planting of additional landscape trees including trees along Old Georgetown Road which will help reinforce the Green Corridor character of the roadway. As conditioned, this Application satisfies all requirements of Chapter 22A, Forest Conservation Law.

#### Stormwater Management

The Application meets the stormwater management requirements of Chapter 19 of the County Code. Stormwater management will be provided using Environmental Site Design (ESD) practices to the Maximum Extent Practicable (MEP). Specifically, the approved stormwater management concept, dated June 26, 2020, proposes to meet the required stormwater management goals via micro-bioretenention planters. A detailed review of stormwater management computations will occur at time of detailed stormwater management plan review.

#### Subdivision

Following approval of the Subject Special Exception Amendment, the Project must seek the Planning Board's approval of a Preliminary Plan of Subdivision to determine adequate public facilities for the proposed expansion of the special exception use and create a new lot of record from the existing parcel after required right-of-way dedications.

#### **Agency Approvals**

Although not required at the time of special exception, the Application was reviewed by public agencies for conformance with the County Code and best practices for site design. A summary of those reviews are provided below, and agency approval letters are included in Attachment C for the record. Formal review of these elements and subsequent approvals letters will be incorporated as conditions as part of the forthcoming Preliminary Plan application.

- The Montgomery County Department of Transportation ("MCDOT") recommended approval of the Subject Application in its letter dated February 10, 2021;
- The Maryland State Highway Administration ("SHA") recommended approval of the Subject Application in its letter dated March 9, 2021;
- The Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section recommended approval of the stormwater management concept in its letter dated June 26, 2020; and
- The Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section recommended approval of the Subject Application in its letter dated February 26, 2021.

## SECTION 5: ANALYSIS AND FINDINGS

### Master Plan

The Property is within the Old Georgetown Road Corridor of the Mid-Bethesda/ Northern BCC area of the 1990 *Bethesda-Chevy Chase Master Plan* (Master Plan). The Master Plan provides area-wide land use guidelines in order to address land use issues along major highways, including limiting special exceptions (Master Plan p. 31). This application does not propose a new special exception in the district, but rather expands an existing special exception on the same Property. This is consistent with this recommendation of the Master Plan.

Further, the area land use guidelines state that each parcel should be evaluated in the overall context of the Master Plan objectives, and compatibility with the surrounding community in terms of the height and bulk of the structures, buffering by vegetation, topography, and visibility of the use, highway access and buffering, proximity to public or quasi-public uses, proximity to community services or transit, and the comparative density of nearby properties. The proposed expansion maintains the residential character in the architectural and landscape design for the Site. The proposed use is consistent with the Master Plan, in terms of the nature and the appropriateness of the use, and it will be compatible with other adjacent uses.

The use is intended to serve the professional/ scientific community, concentrated at the National Institutes of Health, and meets the Master Plan objectives. Private Clubs and Service Organizations are allowed by special exception in the R-60 zone. The Subject Application continues to meet the overall vision of the Master Plan by expanding a long-term, stable use to the Site and enhances the existing vegetation located along Old Georgetown Road and the Site periphery. This vegetation helps screen the special exception use from the adjacent Bethesda Mews residential neighborhood and reinforces the "green corridor" character of Old Georgetown Road.

### Transportation

The 1990 *Bethesda-Chevy Chase Master Plan* specifically recommends consolidation of driveways on Old Georgetown Road and encourages the use of access on perpendicular streets where feasible to reduce conflicts and improve traffic flow on Old Georgetown Road (Master Plan p. 62). Closing the Site's existing driveway on Old Georgetown Road and routing all ingress and egress access to West Cedar Lane was explored during technical plan review of the Subject Application; however, Staff and agency reviewers on the Development Review Committee determined that closure of the Old Georgetown Road access point was unsafe and infeasible for the Site. As a result of this determination, Staff is not recommending that the Old Georgetown Road access point be closed as part of the Subject Application. Specific issues associated with eliminating the existing Old Georgetown Road access point and relocating all vehicular access to West Cedar Lane included:

- Inadequate access for fire trucks routing to the Site's Old Georgetown Road address;
- Insufficient internal parking lot circulation, which requires an additional point of egress for fire trucks, trash trucks and other delivery vehicles to be able to adequately serve the Site; and
- Inadequate queuing distance between the West Cedar Lane access point and signalized intersection of Old Georgetown Road and West Cedar Lane.

### *Master-Planned Roadways and Bikeways*

The Site is bounded to the west by Old Georgetown Road (MD 187), which is designated as a Major Highway with a master-planned right-of-way of 130 feet and a posted speed limit of 35 mph between West Cedar Lane and the I-495 Capital Beltway. Dedication along the Site's frontage is necessary to achieve 65 feet of right-of-way from the centerline as recommended in the Master Plan. The Bethesda Trolley trail, part of the 2018 *Bicycle Master Plan* Breezeway Network, includes a segment of Old Georgetown Road between West Cedar Lane and the Beltway. The Applicant will participate in the implementation of the master-planned vision of the Breezeway by constructing a 6-foot grass panel alongside a 10-foot sidepath along the Site's Old Georgetown Road frontage. In compliance with the 2018 *Bicycle Master Plan*, the Applicant will install the separated intersection treatment, as

approved by MCDOT and MDOT SHA at the northeast and southeast corners of the intersection of Old Georgetown Road and West Cedar Lane to improve safety of trail users when crossing the northern and western legs of the intersection. There are no master planned bikeways or additional right-of-way dedication along the Site's West Cedar Lane frontage.

#### *Access and Circulation*

The existing driveways located on both Old Georgetown Road and West Cedar Lane will remain on the Site in their current locations and will operate in the same manner as the existing condition, with a "right-in/right-out" driveway on Old Georgetown Road and "exit-only" driveway on West Cedar Lane.

Sidewalks are present on both Site frontages. The Applicant will be required to widen the buffer to 6-feet and the sidepath to 10-feet on Old Georgetown Road in accordance with the 2018 *Bicycle Master Plan*. The existing 5-foot sidewalks on West Cedar Lane are sufficient and are proposed to remain.

#### *Transit Service*

Two bus stops are located along the Site frontages on Old Georgetown Road West Cedar Lane. Service provided by these bus stops include:

- WMATA routes J1 and J2, which connects the Silver Spring Transit Station to the Westfield Montgomery Mall Transit Center, and
- RideOn Route 70, which connects the Bethesda Metrorail station to Observation Drive in Germantown.

#### *Parking, Loading, and Trash*

The total vehicular parking capacity available on the Site is 51 spaces. All of these parking spaces will be located in the surface parking lot that wraps around the two Site frontages between the building and the street. A minimum of two motorcycle spaces will be provided within the surface parking lot. Per the 2004 Zoning Code, the parking spaces will be screened by a landscape panel at least 10-feet in depth. All loading and trash collection for the Site will take place within the surface parking lot within the established hours of operation and in a manner that respects the surrounding residential community.

In accordance with the Zoning Ordinance in effect on October 29, 2014, the Project will be required to provide bicycle parking on-site, the quantity of which is directly related to the amount of vehicular spaces provided (one short-term bicycle space for every 20 vehicle spaces). Based on the provision of 51 vehicular parking spaces, the Applicant is required to provide a minimum of two short-term bicycle parking spaces. The Application will exceed this requirement by providing four short-term bicycle parking spaces. All parking installations will comply with the County's Bicycle Parking Guidelines.

#### Local Area Transportation Review (LATR)

A transportation exemption statement, dated September 30, 2020, was submitted to analyze the Project's impact on the adjacent street network. The LATR requirement was satisfied through an exemption statement, rather than a transportation study, because the Subject Application does not generate 50 or more net new peak hour person trips.

The proposed expansion of the special exception use is estimated to reduce morning peak hour person trips by 10 (generating a total of 50 total person trips when considering existing uses on the Site to remain) and generate a maximum of 26 net new person trips in the evening peak hour (generating a total of 106 total person trips when considering existing uses on the Site to remain). As part of the transportation exemption statement, Staff permitted the Applicant to take a trip credit for the discontinuation of a practice that permitted NIH employees to use 25 parking spaces. The use of 25 vehicular parking spaces by NIH employees results in a reduction of 50 person trips (25 motorists enter the Site and 25 pedestrians leave the Site for NIH's campus) in the morning peak

hour and the reverse occurs in the evening peak hour. A summary of the Project's trip generation is provided in Tables 4 and 5.

The transportation exemption statement analyzed the greatest potential transportation impact of the expanded special exception use by assuming full attendance of the maximum number of concurrent events in a single day (Table 2).

Table 2: FAES Weekday Peak Hour Person Trip Generation Maximum Daily Operations: Meetings, Courses, and Events						
Event <sup>1</sup>	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
<b>Existing Capacity</b>						
One Course/Meeting/Seminar at a time	10	0	10	0	10	10
Small Social Event	0	0	0	20	0	20
Removal of 25 NIH Reserved Parking Spaces	25	25	50	25	25	50
Existing Subtotal	35	25	60	45	35	80
<b>Proposed Expansion</b>						
Two Meetings Simultaneously	50	0	50	0	50	50
Three Courses Simultaneously	0	0	0	36	0	36
Small Social Event <sup>2</sup>	0	0	0	20	0	20
Proposed subtotal	50	0	50	56	50	106
<b>Net New</b>	15	-25	<b>-10</b>	11	15	<b>26</b>

*Source: Lenhart Traffic Consulting, Inc Transportation Exemption Statement adjusted by Staff dated September 30, 2020  
Trip Generation based on historic logs of attendees and their chosen mode of transportation to the Site.*

As part of the Subject Application, the Applicant proposes expanding the maximum capacity of special event attendees, from 100 to 145 participants (including event staff). Examples of special events include: an annual holiday party for members of FAES, large social events, conferences, and weddings (sponsored by FAES members)<sup>3</sup>. These events are typically scheduled on weekday evenings or weekends. The occasional full-day conference could take place on a weekday; however, it would be the only activity scheduled on the Site for that day. The 145-participant limitation applies to the combined total number of guests and staff on-site at any time. Assuming all participants and staff arrive within the peak hour, (generating the greatest number of net new person trips), the net increase in peak hour person trips would be 45 (Table 3).

<sup>1</sup> Conferences were not included in the person-trip generation estimate because hosting one would preclude any other activities happening on the Site at the same time and would generate the same or fewer trips as the other activities that can occur simultaneously.

<sup>2</sup> Small social events have a maximum attendance of 20 people and are scheduled in the evenings overlapping with other activities such as meetings or courses. These are distinct from special events, which cannot overlap other activities and have an approved participation cap at 100 people including guests.

<sup>3</sup> The Subject Property would not be available to the general public.

Table 3: FAES Weekday Peak Hour Person Trip Generation Maximum Daily Operations: Large Special Events						
Event	Morning Peak Hour <sup>1</sup>			Evening Peak Hour		
	In	Out	Total	In	Out	Total
<b>Existing Participation Cap</b>						
Large Special Event (up to 100 participants and staff)	100	0	100	100	0	100
<b>Proposed Participation Cap Increase</b>						
Large Special Event (up to 145 participants and staff)	145	0	145	145	0	145
<b>Net New</b>						
	45	0	45	45	0	45

Source: Lenhart Traffic Consulting, Inc Transportation Exemption Statement adjusted by Staff dated September 30, 2020

### Standard for Evaluation (59-G-1.2.1)

A special exception must not be granted without the findings required by Article 59-G-1.2.1 of the Zoning Ordinance in effect on or prior to October 29, 2014. 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.

Staff evaluated seven criteria to identify the physical and operational characteristics of the special exception use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment. Through this evaluation, Staff determined the effects of these criteria are minimal and would not create adverse impacts sufficient to result in denial of the Application. The inherent physical and operational characteristics associated with a Private Club and Service Organization include: a building of sufficient size and design to provide services, activities and operations for the private club use, architectural treatments that are residential in character, sufficient parking and lighting to accommodate the use, hours of operation to serve the intended use and associated traffic, and required services such as trash and delivery. From an operational perspective, the Private Club and Service Organization special exception use proposes to host: lectures, conferences, classes, seminars and business events, which typically occur during the day, and social events, meetings for the nearby National Institutes of Health (NIH), and meetings for the FAES club members, which typically occur in the evenings and on weekends. The Private Club and Service Organization will be housed within an expanded building, of up to 9,264 square feet, on the Subject Property. The Subject Property itself will also be modified to include enhanced landscaping, screening, frontage improvements and stormwater management. The proposed use satisfies the Local Area Transportation Review Guidelines and will have no adverse effect on nearby roadway conditions or pedestrian/ bicycle facilities, after considering the frontage improvements required by MDOT SHA and MCDOT.

<sup>1</sup> Typical operations typically start and end outside of peak travel periods; however, full-day conferences could start during the morning peak hour and would end during the evening peak hour window. Evening events could potentially generate trips by participants arriving to the Site during the peak hour. This table represents a conservative estimate for the number of trips generated by the Proposed maximum occupancy cap for special events.

Adequate parking is provided to accommodate the parking needs of the facility and there would be no negative impacts on the adjoining residential community. The facility will be substantially distanced and screened from the nearest residences. Parking and drive aisles on-site will exceed the minimum tree canopy requirement through the provision of 10,697 square feet (63%) of mature tree canopy. Trash will be collected in a small outdoor enclosure along the north side of the building, and as conditioned, trash collection will occur within the surface parking lot within the established hours of operation and in a manner that respects the surrounding residential community to limit disruptions to both the adjacent properties and the public street network.

The proposed scale of the building, the access point, the internal vehicular circulation system, and the on-site parking areas shown on the site plan are operational characteristics typically associated with a Private Club and Service Organization. Based on the transportation exemption statement and supplemental traffic operations analysis, vehicular, pedestrian, and bicycle travel will be safe, adequate, and efficient. The lighting concept, as depicted on the lighting plan, demonstrates that lighting levels the lighting levels will not exceed 0.1 footcandles at the Property line in accordance with Section 59-G-1.23(h) of the 2004 Zoning Ordinance. The proposed Private Club and Service Organization special exception use is consistent with all applicable standards of the R-60/TDR 8.0 Zone and satisfies all applicable special exception requirements.

The non-inherent physical and operational characteristics associated with a Private Club and Service Organization include: the Property's location on busy roadway and its relationship with nearby residential dwelling units. The Property's relationship with the existing public street network is mitigated through the Site access, which is accommodated by one right-in/ right-out access point on Old Georgetown Road and one point of egress onto West Cedar Lane. The Site's transportation impact is further mitigated by the Applicant's proposed sidewalk and bikeway improvements along the Site frontage. The Property's proximity to adjacent residential dwelling units is mitigated through the wide vegetated buffer proposed around the Site periphery, satisfaction of the Zoning Ordinance setback requirements, and by the recommended limitations on the Site's operations set forth in this Staff Report.

#### Compatibility

The Subject Application will be in harmony with the general character of the neighborhood, considering population density, design, scale, and bulk of the expanded structure, intensity and character of activity, traffic and parking conditions, and number of similar uses.

The existing building and Private Club and Service Organization special exception use on the Site was subject to prior special exception approval and found to be in harmony with the general character of the neighborhood. Alterations to the building, including enlargement to a maximum square footage of up to 9,264 square feet and expansion of the participant cap, from 100 to 145 guests (including staff) will not be detrimental to the surrounding neighborhood. The Site will be screened from the Bethesda Mews neighborhood through enhanced landscaping and the existing vegetation along the eastern property line, along the Knights of Columbus Private Club and Service Organization special exception use will be maintained. Expansion of the Private Club and Service Organization special exception use will not result in excessive concentration of special exception uses along major highway corridors, as the proposal will amend an existing special exception and not result in an increase of special exception uses. There are eight (8) known existing special exceptions and conditional uses within the neighborhood. Of the eight (8) special exceptions in the neighborhood, five (5) are small, home based uses with minimal impacts.

## Section 59-G-1.21. General Conditions

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

**1. Is a permissible special exception in the zone.**

The proposed use is permitted by special exception in the R-60/TDR 8.0 overlay 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. 59-G-2.42 States:**

- 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 proposed special exception satisfies the standards and requirements for approval of a Private Club and Service Organization special exception. Further analysis is provided below under the development standards associated with Section 59-G-2.42.

**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 Property is within the Old Georgetown Road Corridor of the Mid-Bethesda/ Northern BCC area of the 1990 *Bethesda-Chevy Chase Master Plan* (Master Plan). The Master Plan provides area-wide land use guidelines in order to address land use issues along major highways, including limiting special exceptions (Master Plan p. 31). This Application does not propose a new special exception in the district, but rather expands an existing special exception on the same Property. This is consistent with this recommendation of the Master Plan.

Further, the area land use guidelines state that each parcel should be evaluated in the overall context of the Master Plan objectives, and compatibility with the surrounding community in terms of the height and bulk of the structures, buffering by vegetation, topography, and visibility of the use, highway access and buffering, proximity to public or quasi-public uses, proximity to community services or transit, and the comparative density of nearby properties. The proposed expansion maintains the residential character in the architectural and landscape design for the Site. The proposed use is consistent with the Master Plan, in terms of the nature and the appropriateness of the use, and it will be compatible with other adjacent uses.

The use is intended to serve the professional/ scientific community, concentrated at the National Institutes of Health, and meets the Master Plan objectives. Private Clubs and Service Organizations are allowed by special exception in the R-60 zone. The Subject Application continues to meet the overall vision of the Master Plan by expanding a long-term, stable use to the Site and enhances the existing vegetation located along Old Georgetown Road and the Site periphery. This vegetation helps screen the special exception use from the adjacent Bethesda Mews residential neighborhood and reinforces the "green corridor" character of Old Georgetown Road.

- 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 Board or Hearing Examiner must consider whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the special exception application was submitted.**

The use will be in harmony with the neighborhood considering these criteria. The Private Club and Service Organization special exception use will expand the existing structure on the Subject Property, with minor modifications to the grounds, to accommodate enhancements to site landscaping, lighting, and stormwater management elements. The design, scale and bulk of the proposed building expansion will be compatible with the surrounding neighborhood by maintaining the Site's residential character through the use of exterior building materials consistent with residential construction, including fiber cement siding, hardwood trim details, standing seam metal porch roofs, residential-type windows, and asphalt shingle roofing. These elements will help tie the building into the surrounding residential character. Additionally, the Project is separated from the adjoining residential use to the north by a minimum 60-foot setback and appropriate screening.

As per the evaluation conducted through the Local Area Transportation Review transportation exemption statement and supplemental operational analysis, adequate public transportation facilities exist to serve the Site. The proposed special exception use does not have any impact on student generation for public schools and will be served by public water and sewer systems. The Application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. The Bethesda Fire Department is located across West Cedar Lane from the Property and the 2nd District Police Station is located on Rugby Avenue in the Woodmont Triangle. Electrical and telecommunications services are also available to serve the Subject Property.

- 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 Amendment will not be detrimental to the surrounding residential uses because the proposed expansion and renovation of the existing building has been carefully planned to blend with the surrounding residential uses. The expanded building and modified site design maintain the existing residential character of the approved special exception use. The Subject Application continues to meet the overall vision of the Master Plan by expanding a long-term, stable use to the Site and enhances the existing vegetation located along Old Georgetown Road and the Site periphery. This vegetation helps screen the special exception use from the adjacent Bethesda Mews residential neighborhood and reinforces the "green corridor" character

of Old Georgetown Road. As conditioned, the proposed expansion of the existing Private Club and Service Organization special exception on the Site will not cause detrimental impacts to the surrounding properties or the general neighborhood. The trip generation analysis associated with the proposed development is within acceptable limits of the LATR. Hours operation for the special exception use will occur between 9:00 AM to 11:00 PM on weekdays (Sunday – Thursday) with most of the events concluding by 9:00 PM. In addition to this limitation, weekday outdoor events will conclude by 9:00 PM. The special exception operations will predominately occur within the expanded building’s classroom and lecture space, though some events will be held outside on the patio. Weekend operation may go as late as 12:00 AM/ midnight on Fridays and Saturdays with outdoor events concluding at 11:00 PM on weekends. Regardless of the stated hours of operation set forth in the recommended conditions, the special exception use will be limited by the restrictions in place through the Montgomery County Noise Ordinance.

- 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 Special Exception Amendment will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the Property. As previously outlined, the Site lighting designed 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 from adjacent residential properties to the north, by approximately 60 feet, and has enhanced landscaping to help improve compatibility. In addition to the Site design, HVAC condensing units will be placed in the middle of the roof area behind gable roof features to mitigate exterior noise. Outdoor activities on the Site will be limited to 9:00 PM on weekdays and 11:00 PM on weekends in recognition of the adjacent residential community. The Private Club and Service Organization special exception use will be consistent with the character of the adjacent residential neighborhood. Additionally, the special exception use will be limited by the restrictions in place through the Montgomery County Noise Ordinance.

- 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 special exception use has existed since 1960. Of the eight (8) special exceptions in the neighborhood, five (5) are small, home based uses with minimal impacts. The residential neighborhood is not altered in nature by any of these special exceptions. The Subject Application will expand an existing special exception but will not affect the area adversely or alter the predominantly residential nature of the area. The expanded building and modified site design maintain the existing residential character of the approved special exception use. Further, the Subject Application has been reviewed in accordance with the Local Area Transportation Review and Staff has determined that sufficient transportation capacity exists to serve the proposed expansion.

The use is intended to serve the professional/ scientific community, concentrated at the National Institutes of Health, and meets the Master Plan objectives. Private Clubs and Service Organizations are allowed by special exception in the R-60 zone. The Subject Application

continues to meet the overall vision of the Master Plan by expanding a long-term, stable use to the Site and enhances the existing vegetation located along Old Georgetown Road and the Site periphery. This vegetation helps screen the Special Exception use from the adjacent Bethesda Mews residential neighborhood and reinforces the "green corridor" character of Old Georgetown Road.

- 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.**

As conditioned and described in this Staff Report, the proposed Special Exception will not adversely affect the health, safety, security, morals or welfare of residents, visitors or workers in the area. The proposed modifications to the Site will improve environmental quality by adding stormwater management facilities and will improve the Site's frontage to accommodate higher-quality pedestrian and bicycle connections than what is available in the existing condition.

- 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.**

As conditioned, the Special Exception is subject to approval of a subsequent Preliminary Plan of Subdivision. The adequacy of public facilities will be determined by the Planning Board at that time. As discussed previously, the Subject Application has been reviewed in accordance with the Local Area Transportation Review and Staff has determined that sufficient transportation capacity exists to serve the proposed expansion.

- (B) If the Special Exception:**
  - i. does not require approval of a new Preliminary Plan of subdivision; and**
  - ii. the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the Special Exception's impact;****Then the Board of Appeals or the Hearing Examiner must determine the adequacy of public facilities when it considers the Special Exception application. The Board of Appeals or the Hearing Examiner 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.**

The Special Exception is subject to approval of a future Preliminary Plan of Subdivision, and the adequacy of public facilities will be determined by the Planning Board at that time. Based upon the traffic analysis submitted with the Subject Application, the Applicant has demonstrated that sufficient transportation capacity exists to serve the proposed Special Exception use. The proposed special exception use does not have any impact on student generation for public schools and will be served by public water and sewer systems. The Application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. The Bethesda Fire Department is located West Cedar Lane from the Property and the 2nd District Police Station is

located on Rugby Avenue in the Woodmont Triangle. Electrical and telecommunications services are also available to serve the Subject Property.

**(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 proposed use will be adequately served by existing public facilities. The Local Area Transportation Review (LATR) Guidelines require that a traffic study be performed if the use generates 50 or more peak hour person trips. Based on the information contained in the transportation exemption statement submitted by the Applicant, the Site is estimated to reduce morning peak hour person trips by 10 (generating a total of 50 total person trips)<sup>1</sup> and generate a maximum of up to 26 net new person trips in the evening peak hour (generating a total of 106 total person trips).

The Site currently has two driveways with one on each on Old Georgetown Road and West Cedar Lane. These existing driveways will remain on the Site in their current locations and will operate in the same manner as the existing condition, with a “right-in/right-out” driveway on Old Georgetown Road and “exit-only” driveway on West Cedar Lane. The Old Georgetown Road driveway will be widened to a width of 25 feet, in accordance with County Code Chapter 22 Fire Safety Code. The Applicant conducted a supplemental traffic analysis to evaluate the safety of the West Cedar Lane egress point given the driveway’s proximity to the intersection of West Cedar Lane and Old Georgetown Road and traffic volume on West Cedar Lane. This supplemental analysis received approval from MCDOT in its agency letter dated February 10, 2021.

**(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.

## **Development Standards**

### **59-G-1.23 General Development Standards**

**(a) Development Standards.**

**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-2.42 (Private Club and Service Organization).**

The proposed special exception use meets the Development Standards for the R-60/ TD 8.0 overlay zone. The Subject Property is recorded as Parcel P497 (Tax Account No. 07-00437247) and consists of approximately 1.57 acres (68,504 square feet). Following approval of the Subject Special Exception Application, the Applicant must subdivide the property to create a recorded lot, dedicate public right-of-way, and demonstrate adequate public facilities. The following table summarizes the Property’s development standards for the proposed use and development.

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<sup>1</sup> The net reduction in morning peak hour trips is a result of the removal of 25 parking spaces, formerly available to NIH employees.

**Table 4: Special Exception Data Table for R-60/ TDR 8.0 Zone<sup>1</sup>**

	<b>Required/ Approved</b>	<b>Proposed</b>
<b>Tract Area (SF/ Acres)</b>	n/a	68,504 SF (1.57 Acres)
<b>Proposed Dedication</b>	n/a	3,870 sf (0.09)
<b>Site Area (SF/Acres)</b>	12,000 SF (0.28 Acres) <sup>2</sup>	64,634 SF (1.48 Acres)
<b>Setback Requirements</b>		
Front (Old Georgetown Road)	25 feet (min.)	91.8 feet
Front (West Cedar Lane)	25 feet (min.)	120.8 feet
Side (Bethesda Mews)	8 feet (min)	63 feet
Rear (Knights of Columbus)	20 feet (min.)	40.7 feet
<b>Parking Setback Requirements</b>		
Front (Old Georgetown Road)	30 feet	n/a <sup>3</sup>
Front (West Cedar Lane)	30 feet	n/a <sup>3</sup>
Side (Bethesda Mews)	16 feet <sup>4</sup>	16 feet
Rear (Knights of Columbus)	20 feet	20 feet
<b>Frontage</b>	50 feet <sup>5</sup>	248 feet Old Georgetown Road 197 feet West Cedar Lane
<b>Building Height</b>	35 feet (max.)	23' 10" (existing)
<b>Building Coverage</b>	15% (max.) up to 20,000 square feet	14.3% 9,264 square feet
<b>Green Area</b>	50% (32,317 square feet)	53% (34,426 square feet)
<b>Paved Areas</b>	n/a	16,957 square feet
<b>Shading of Paved Areas</b>	30% (5,087 square feet)	63% (10,697 square feet)
<b>Parking</b>		
<b>Vehicle</b>	24 spaces (min) <sup>6</sup>	51 spaces
<b>Motorcycle</b>	2 Spaces	2 Spaces
<b>Bicycle</b>	2 spaces	4 spaces
<b>Loading</b>	0	0

<sup>1</sup> The Property is zoned R-60 with a TDR-8.0 overlay zone for potential increase in the maximum residential density. The Application does not seek to increase residential density; therefore the data table reflects standards and conformance with the R-60 zone.

<sup>2</sup> 59-G-2.42 requires the minimum lot size to be twice the standard set forth in the zone. In this case, the R-60 Zone minimum of 6,000 square feet has been increased to 12,000 square feet.

<sup>3</sup> An existing surface parking facility included as part of a special exception granted before May 6, 2002, is a conforming use.

<sup>4</sup> 59-E-2.83 requires that the side yard setback for a special exception parking facility be twice the minimum. In this case, the side yard has been increased to 16 feet.

<sup>5</sup> 59-G-2.42 requires the minimum frontage to be twice the standard set forth in the zone. In this case, the R-60 Zone minimum of 25 feet has been increased to 50 feet

<sup>6</sup> 2.5 spaces for every 1,000 Square Feet;

**(b) Parking requirements.**

**Special exceptions are subject to all relevant requirements of Section 59-E 2.83 and 59-E 2.81 of the Zoning Ordinance.**

**The provisions of Section 59-E-2.83 state:**

**Parking and Loading facility standards apply to an off-street parking facility for a special exception use that is located in a one-family residential zone if 3 or more parking spaces are provided. These standards are intended to mitigate potential adverse visual, noise, and environmental impacts of parking facilities on adjacent properties. In addition, these requirements improve the compatibility and attractiveness of parking facilities, promote**

**pedestrian-friendly streets, and provide relief from unshaded paved areas. These provisions are as follows:**

The Site currently has 52 off-street parking spaces located within the surface lot in front of the existing building. To meet the 2004 Zoning Ordinance requirements for screening and landscaping, the Applicant will decrease the total parking available on-site by one space, leaving 51 parking spaces available for the Special Exception Use. This is 27 spaces more than the minimum required based on the total proposed square footage. All of the parking spaces are located in front of the building, along the Site's street frontages on Old Georgetown Road and West Cedar Lane. As required by the Zoning Ordinance, the parking will be screened by a minimum 10-foot deep landscaped panel.

**Setbacks. Each parking and loading facility, including each entrance and exit driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone.**

The Applicant is proposing a total of up to 51 parking spaces for the proposed use. The parking facility will be located entirely within the existing surface parking lot. The parking is located along the Site's street frontages on Old Georgetown Road and West Cedar Lane. As required by the Zoning Ordinance, the parking will be screened by a minimum 10-foot deep landscaped panel. No loading facilities are required or proposed on the Site; loading activities will occur within the surface parking lot.

**Screening. Each parking and loading facility, including driveway and dumpster areas, must be effectively screened from all abutting lots. Screening must be provided in a manner that is compatible with the area's residential character. Screening must be at least 6 feet high, and must consist of evergreen landscaping, a solid wood fence, a masonry wall, a berm, or a combination of them. Along all street rights-of-way, screening of any parking and loading facility must be at least 3 feet high and consist of evergreen landscaping, a solid wood fence, or masonry wall.**

The parking and loading facility will be used largely in its existing condition and has been sited away from the street right-of-way and designed to be effectively screened from abutting lots through the use of a mix of ornamental, evergreen and shade trees, and shrubs, and perennials.

**Shading of paved areas. Trees must be planted and maintained throughout the parking facility to ensure that at least 30 percent of the paved area, including driveways, are shaded. Shading must be calculated by using the area of the tree crown at 15 years after the parking facility is built.**

The Zoning Ordinance requires a minimum of 30% of the paved area be shaded. The Applicant proposes exceeding this requirement by exceeding the minimum of 30% shading of the paved area. As a result, 10,967 SF of canopy coverage and 63% shading.

**Compliance Requirement. For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before May 6, 2002, the entire off-street parking facility must be brought into conformance with this Section. An existing surface parking facility included as part of a special exception granted before May 6, 2001 is a conforming use.**

Not applicable to the proposed special exception use as the parking facility associated with this Application is existing and minor modifications will not enlarge the existing surface parking facility.

**(c) Minimum frontage. “In the following special exceptions, the Board may waive the requirements for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of section 59-G-1.21: (1) Rifle, pistol and skeet-shooting range, outdoor...”**

Not applicable to the proposed special exception use.

**(d) Forest conservation. 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.**

A simplified Natural Resources Inventory (NRI/FSD) and Forest Conservation Exemption was approved by Planning Staff on May 1, 2020 under plan number 42020192E. With this exemption approval, the Project was found to be exempt the requirement to submit a Forest Conservation Plan under Forest Conservation Law under Section 22A-5(q)(2) for modification to an existing special exception approved before July 1, 1991. Previous Special Exceptions CBA-916 and S-615 were approved for the property in 1960 and no prior Forest Conservation Plan exists for the Property.

**(e) Water quality plan.**

Not applicable, the property is not in a Special Protection Area (SPA).

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

The proposed Special Exception Amendment use proposes two signs along the Site’s frontages: one Entrance sign each on Old Georgetown Road and one freestanding sign on West Cedar Lane. These signs are proposed in accordance with the standards set forth in Section 59-F-4.2.(a), “Sign requirements by zone,” and are consistent with the expanded special exception use.

The first sign, located at the Old Georgetown Road entrance, will be 5 feet or less in height and the second sign, along West Cedar Lane, will be 3 feet or less in height. 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-4.2(a)(3)(B) of the Zoning Ordinance in effect on October 29, 2014. The total combined square footage of the two signs will be up to 14 square feet and each sign will be located on the Subject Property a minimum of 5 feet away from the right-of-way dedication line. Neither of the two signs will be illuminated.

In the event the Board of Appeals determines that the proposed signage does not qualify as Place of Assembly Location Signs and it is determined 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 Applicant 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 Applicant.

**(g) Building compatibility in residential zones. 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 siting, 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.**

The building will be compatible with the adjacent residential zones. The enlarged structure on the Site, of up to 9,264 square feet will continue to have a residential appearance by retaining the existing residential façade, along Old Georgetown Road, and making it the focal point of the enlarged building. The materials, scale, and articulation proposed for the building addition will also contribute to the residential appearance of the structure. The proposed exterior building materials are consistent with residential construction, including fiber cement siding, hardwood trim details, standing seam metal porch roofs, residential-type windows, and asphalt shingle roofing. These elements will help tie the building into the surrounding residential character.

The architectural design of the Project is residential in nature and will contribute to the residential character of the Old Georgetown Road Corridor, as described in the 1990 *Bethesda-Chevy Chase Master Plan*. The proposed building 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 approach allows the location of the existing main entrance to be maintained at the center of the Site. The western 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 and reinforce guidance to that effect in the Master Plan. HVAC condensing units will be located on a flat roof area to the rear of the building, so any noise from these units will be mitigated by the surrounding gable roof areas and their significant distance from the Property lines.

**(h) Lighting in residential zones. 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) Luminaires 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.**

As part of the Subject Application, site landscaping, lighting, and stormwater management elements will be enhanced. These modifications will further the Site's compatibility with the adjacent Bethesda Mews residential neighborhood by adding extensive evergreen screening along the northern property line. Landscaping is also proposed within the stormwater management facilities and around the building and patio area.

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 0.1 footcandles at the Property line in accordance with Section 59-G-1.23(h) of the 2004 Zoning Ordinance.

#### **Section 59-G-2.42. Private Club and Service Organization**

***A private club or service organization, including a community building, must meet the following standards:***

***(a) Lot size: Twice the minimum required in the zone, up to a maximum of 3 acres.***

The Property, after dedication, is approximately 64,634 square feet (1.48 acres). The R-60 zone requires a minimum lot size of 6,000 square feet, therefore the proposed special exception exceeds this requirement and is less than the maximum special exception lot size of 3 acres.

***(b) Maximum building coverage: 15% up to a maximum building coverage, including accessory buildings, of 20,000 square feet.***

The existing building is approximately 3,279 square feet, the special exception proposes to expand the building footprint to a total of 9,264 square feet, which equals 14.3% of building coverage. There are no accessory buildings proposed with this application and the total building coverage is less than the maximum of 15%.

***(c) Green area: 50%***

As proposed, the special exception will provide 34,426 square feet (53%) of green area, which will be predominantly located in the rear of the proposed building and the periphery of the Site. The landscaping will include a series of ornamental, evergreen, deciduous trees and various shrubbery. The parking lot fronting along Old Georgetown Road and West Cedar Lane will be landscaped with ornamental trees, shrubs, and groundcover to screen the surface parking and improve the Site's aesthetic.

***(d) Frontage: Twice the minimum required in the zone.***

The R-60 zone requires a minimum of 25 feet of frontage, the Property contains approximately 248 feet of frontage along Old Georgetown Road and 197 feet of frontage along West Cedar Lane, well within this requirement.

***(e) Parking: 2.5 spaces per each 1,000 square feet of floor area.***

The Applicant proposes a maximum of 51 total vehicular parking spaces on-site. This is 27 more spaces than the minimum number of spaces required by the Zoning Ordinance (24 spaces, based on the total proposed building area, 9,264 square feet).

## **SECTION 6: COMMUNITY ENGAGEMENT**

The Applicant held pre-submittal meetings with the Alta Vista Community Association on Wednesday, August 6, 2020 and the Bethesda Mews Homeowners Association of Monday, August 10, 2020. This meeting was held in a virtual format due to the COVID-19 Pandemic. The Applicant has complied with all submittal and noticing requirements. Staff has not received any community correspondence as of the date of this Staff Report.

## **SECTION 7: CONCLUSION**

Staff recommends approval of Special Exception Amendment CBA-916-A, Foundation for Advanced Education in the Sciences, Inc. ("FAES"), for a Private Club and Service Organization with a maximum gross floor area of 9,264 square feet, maximum capacity of 145 participants and staff on-site at any one time, and a limitation that events be sponsored by FAES members and not open to the general public.

### **ATTACHMENTS**

- A. Previous Approvals
- B. Statement of Justification, dated February 5, 2021 (Revised March 31, 2021)
- C. Agency Approvals