



Washington Adventist University, Subdivision Regulation Waiver Request SRW201602

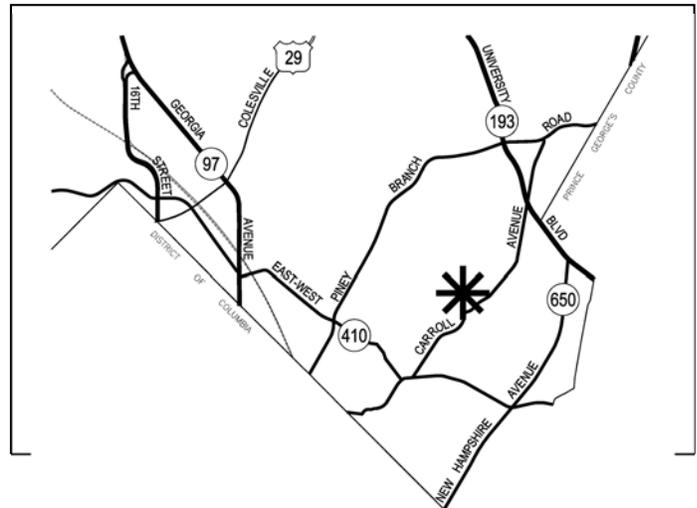
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Staff Report Date: 7/1/16

Description

- Request to waive Subdivision Regulations under Section 50-38(a)(1) to facilitate the timely construction of a school building addition at Washington Adventist University
- 13.14 acres net lot area
- R-60 zone
- Located on the south side of Flower Avenue between Maplewood Avenue and Carroll Avenue
- Takoma Park Master Plan
- Application Accepted: 5.25.16
- Applicant: Washington Adventist University
- Review Basis: Chapter 50, Montgomery County Code



Summary

- **Staff Recommendation: Conditional Approval of the Subdivision Regulation Waivers**
- As conditioned, the request to waive portions of Sections 50-20(a) and 50-35A(a)(3)(b) is the minimum necessary to provide relief.
- The Applicant proposes to submit a minor subdivision plan to create one recorded lot for construction of an addition to a school building on the Washington Adventist University campus.
- The City of Takoma Park has reviewed the request and recommended approval on the condition that the Applicant improve the public sidewalk along Maplewood Avenue.
- There is no additional public benefit that would be obtained through the submission and review of a Preliminary Plan.

## STAFF RECOMMENDATION

Approval of a waiver of Sections 50-20(a) and 50-35A(a)(3)(b) of the Subdivision Regulations pursuant to Section 50-38(a)(1) in order to allow the Applicant to obtain certain building permits on a part of a previously platted lot before recordation of a plat and to allow the part of a lot, created in 2003, to be recorded via minor subdivision, subject to the following conditions:

1. Montgomery County Department of Permitting Services may issue only demolition, excavation, sheeting/shoring, and/or foundation permits before plat recordation. All above-grade building permits must be withheld until the lot is platted.
2. The Applicant must complete improvements to the public sidewalk along the Maplewood Avenue frontage, as described in the City of Takoma Park's letter dated June 20, 2016, before final use and occupancy certificate.

## SITE DESCRIPTION

The site is located on the campus of Washington Adventist University (WAU), and covers 13.14 acres in the City of Takoma Park. The site is zoned R-60 and is bound by Maplewood Avenue, Flower Avenue, Carroll Avenue, and the Takoma Park campus of Washington Adventist Hospital. WAU is exempt from the requirement to obtain a conditional use permit, under the exemption in Section 59.3.4.5.B.1 of the Zoning Ordinance for private educational institutions that are on premises owned by a religious organization.

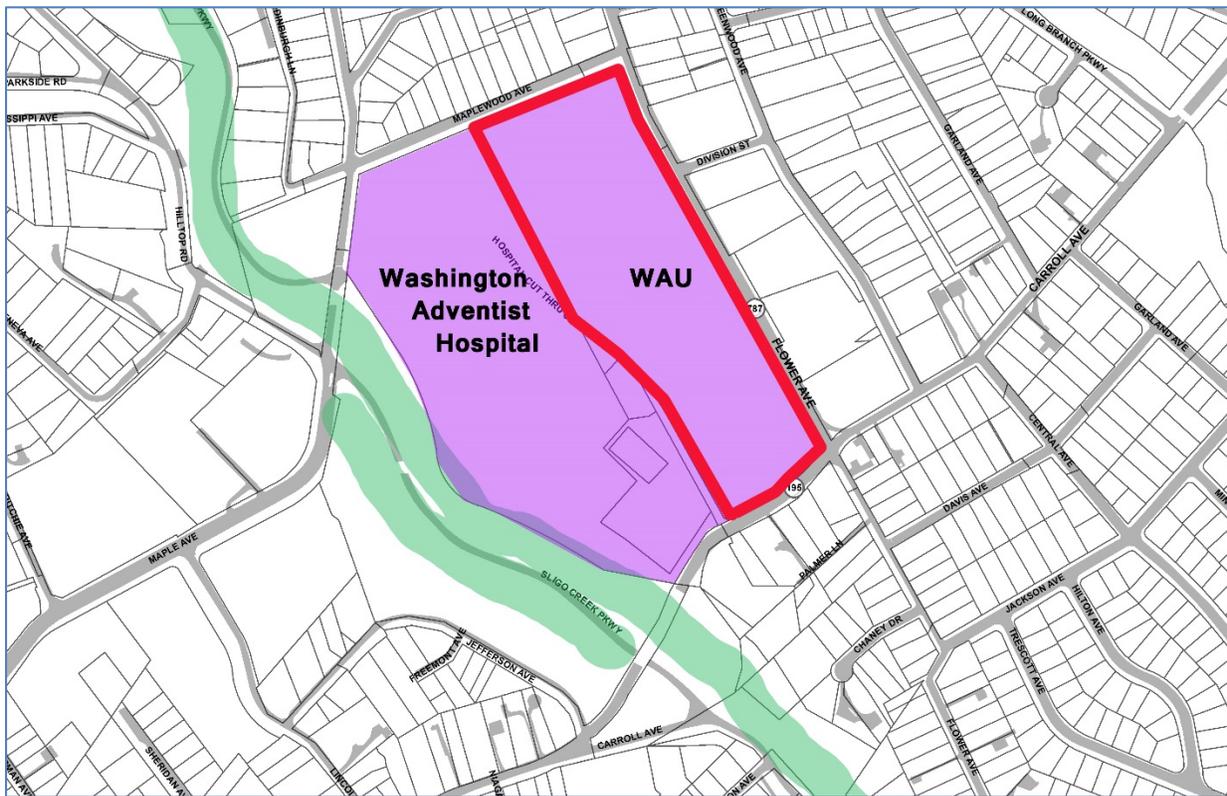
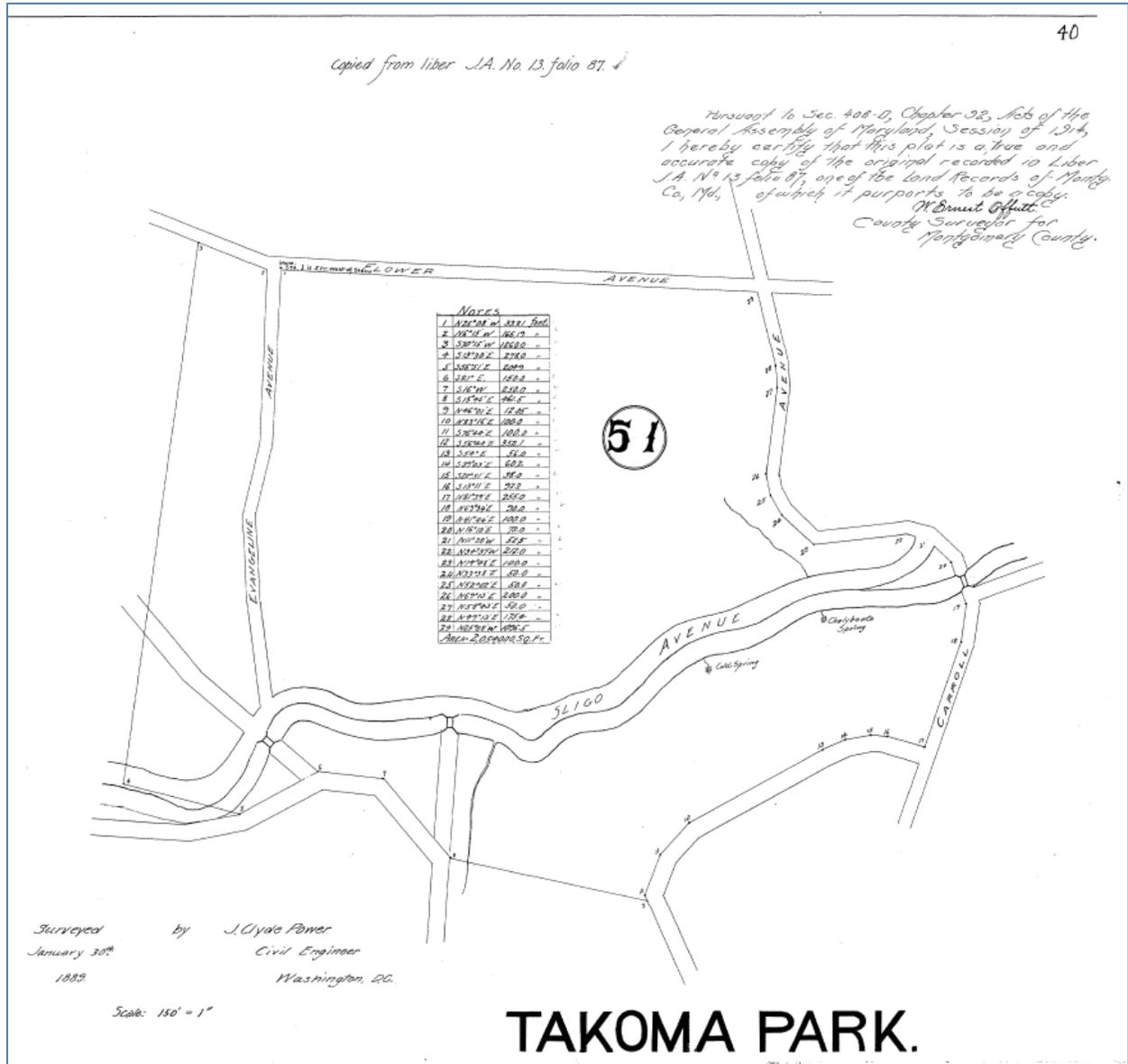


Figure 1: Vicinity Map

The site and the adjacent hospital are both located on an area originally subdivided as Block 51, platted on January 30, 1889 (roughly the area highlighted in lavender in Figure 1 above and as platted in Figure 2 below). A portion of Block 51, comprised of 13.53 acres, was conveyed by deed dated July 3, 1913, to WAU's predecessor in title (outlined in red in Figure 1 above, and as described in Attachment A). Except for some conveyances to M-NCPPC for Sligo Creek Park in 1933, Washington Adventist Hospital's predecessor in title retained the balance of Block 51. None of these conveyances was platted, and as a result the block consists of two parts of a lot. In 2003, WAU and Washington Adventist Hospital executed a lot line adjustment, again by deed, to better reflect existing campus operations (see Attachment A). This lot line adjustment was again not recorded by plat.



## PROJECT DESCRIPTION

The Applicant seeks to ultimately obtain a building permit to build an addition to a WAU school building without having to obtain approval of a Preliminary Plan of Subdivision. To that end, the Applicant is requesting waiver of two elements of the subdivision regulations:

- Section 50-20(a), which requires that:

The Department of Permitting Services [DPS] must not approve a building permit for the construction of a dwelling or other structure...unless the dwelling or structure would be located on *a lot or parcel of land which is shown on a plat* recorded in the County plat books...[emphasis added]

- Section 50-35A(a)(3)(b), which allows that:

Any consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed *recorded prior to June 1, 1958*. [emphasis added]

Based on a variety of factors, the Applicant was not expecting to have to plat the property in order to get a building permit for the building addition, and undertook financing (including a substantial grant from the Maryland Independent College and University Association) and project development, including submittal of building permits and initial site clearing. The intent of the waiver request is to allow WAU to continue to move forward with construction so as to open the building addition for the Fall 2017 term.

## WAIVER REQUIREMENTS

The Planning Board has the authority to grant waivers pursuant to Section 50-38(a)(1) of the Subdivision Regulations provided certain findings can be made. The section states:

“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

## DISCUSSION

As discussed above in the Site Description, the site of the planned building addition is a part of a previously platted lot that was created in 2003. Thus while the entire block was platted in 1889, the block was subsequently split by deed into parts of varying boundaries in 1913, 1933, and 2003. Each deed created a new part of lot that replaced the previous part of a lot. The parts of a lot that exist today were created in 2003. The parts that were created in 1913 and 1933 no longer exist. None of these parts of lots was ever recorded on a plat recorded in the County plat books. Therefore, under Chapter 50, Section 50-20(a), in order to obtain a building permit for the building addition, the part of a lot must be platted.

Since the part of a lot for the planned building addition was created by deed, with its present metes and bounds, in 2003, the allowance in Section 50-35A for parts of lots to be consolidated via Minor Subdivision Plat cannot be used without waiving the clause limiting applicability to deed recordation prior to June 1, 1958.

## **SUBDIVISION REGULATION WAIVER DISCUSSION**

### **Applicant's Position**

In their Statement of Justification, the Applicant believes the requested waivers

are warranted due to the history of the campus...; the reasonable confusion about whether the campus is subject of subdivision, and the significant uncertainties/costs WAU would incur if platting were required prior to the issuance of pending building permits and/or if WAU were required to pursue a major subdivision. (p. 2)

The Applicant notes the long history of the school and hospital in the community, and explains that the new addition to the WAU Health Sciences building will provide needed lab, classroom, conference, and office space that will allow the school to further its programs and mission. In service of this goal, the school has secured a matching grant to cover approximately half of the \$7 million cost of the facility. With their expected opening in the Fall of 2017, the school "has been recruiting and accepting students, into the Nursing/Wellness programs, with the reasonable expectation that this facility would be online by the last week in August 2017." Delay of the project will add undesirable cost to the development.

The Applicant also cites "reasonable confusion" regarding the applicability of Chapter 50 to the site. Referencing an August 2014 meeting with Planning Staff, the Applicant states, "It was determined that the project could proceed without preliminary plan review because the Property had existed as a part of a lot (i.e., Block) since 1958."(p. 4) The Applicant also acknowledges that "Staff had not previously been aware of [the 2003 boundary line adjustment] and considered it to be a determinative factor in WAU's ability to pull building permits."(p. 5) Since the Applicant did not share the 2003 lot line adjustment (and thus creation by deed of a new part of a lot), staff did not have had complete information upon which to provide a recommendation to the Applicant. The Applicant thus proceeded with incomplete information from August 2014 to August 2015, when they filed for building permit.

### **Staff Position**

Staff has worked extensively with the Applicant from the time the building permit issue was raised with us. Staff accepts, with the conditions indicated below, that "practical difficulties or unusual circumstances exist" that merit waiver of some provisions of the cited sections. Staff acknowledges the history and mission of the WAU in the community and the Applicant's "reasonable confusion" about the applicability of Chapter 50 to this site. The Applicant proceeded with the development of this project based on incomplete information, which can be rectified now with the granting of these waivers, with no loss of public benefit.

Staff supports a partial waiver of Section 50-20(a), to allow DPS to issue demolition, excavation, sheeting/shoring, and/or foundation permits before plat recordation. All above-grade building permits must be withheld until the lot is platted.

Staff further supports a partial waiver of Section 50-35A(a)(3)(b), to allow the current 2003 part of a lot to be platted via minor subdivision.

Upon review of County agencies and the City of Takoma Park, the only public benefit identified that would have been achieved by a full Preliminary Plan of Subdivision is the improvement/reconstruction of the sidewalk along the property frontage on Maplewood Avenue to a standard 5-foot width (see Appendix B). The Applicant must construct this sidewalk by final use and occupancy permit as a condition of the waivers.

**Unusual Circumstances** - *Staff finds* that the unusual circumstances and resultant practical difficulties of undertaking full Preliminary Plan of Subdivision review at this time would impose significant financial and other costs on the Applicant without concomitant public benefit.

**Minimum Necessary** - *Staff finds* that, as conditioned, the waivers of Sections 50-20(a) and 50-35A(a)(3)(b) are the minimum necessary to provide relief and will result in a building permit for a platted lot.

**Consistent with the General Plan** – The 2000 *Takoma Park Master Plan* makes specific recommendations for the Washington Adventist Hospital/Columbia Union College (now WAU) site (p. 64), including:

- Support campus improvements to meet needs of hospital, college, and church clients, while providing service and access to area residents.
- Maintain expansion within the bounds of current campus grounds...
- Provide improvements to area sidewalks serving the campus.

As conditioned, *Staff finds* the timely construction of the school building addition that would be facilitated by the requested waivers supports the goals of the *General Plan*, as amended by the *Takoma Park Master Plan*.

**Public Interest** – As conditioned, *Staff finds* that the waiver is not adverse to the public interest as there is no additional public benefit that would be obtained through the submission and review of a Preliminary Plan. The forthcoming platting of the Property, the improved public sidewalk, and the improved educational facility, are all in the public interest to assure conformity with the subdivision regulations.

## **FINDINGS AND CONCLUSION**

Staff agrees that the submission of a preliminary plan in this instance will serve no purpose in the public interest. All of the public benefits derived from the typical preliminary plan can be addressed at the record plat and building permit process. Therefore, there is no additional public benefit available by subjecting the Applicant to a preliminary plan review. Staff recommends approval of the requested waivers with the conditions cited above.

**Attachments:**

Attachment A: Applicants' Statement of Justification & Exhibits

Attachment B: Approval Recommendation from the City of Takoma Park



ideas that work

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**WASHINGTON ADVENTIST UNIVERSITY  
Subdivision Regulation Waiver Statement of Justification  
Request for waivers from Sections 50-20(a) and 50-35A(a)(3)(b) of the Subdivision Regulations**

Washington Adventist University (“WAU”) requests a waiver from Section 50-20(a) of the Montgomery County Subdivision Regulations (the “Subdivision Regulations”) to the extent it prohibits the issuance of building permits on separately deeded parcels within a larger recorded lot. The campus was created by deed in 1913 and comprises approximately one half of a recorded lot, which it shares with Washington Adventist Hospital in Takoma Park, Maryland. For the past two years, WAU has been actively pursuing a plan to expand one of its campus buildings as a necessary enhancement of its health sciences curriculum and facilities. This planning relied upon the understanding that, consistent with a similar campus enhancement at Washington Adventist Hospital in 2003, the proposed addition is permitted without otherwise having to further subdivide the campus. WAU proceeded with fundraising, plan development and permit documents based upon this understanding. As part of the permit review process, Planning Staff recently determined that it cannot not sanction the building permit until the campus is separately platted or proper waivers from the Subdivision Regulations are obtained. This waiver request submission followed.

Section 50-20(a) of the Subdivision Regulations provides that a building permit for a structure may not be issued unless the proposed structure would be located on a “parcel of land which is shown on a [recorded] plat” – as is the case with WAU’s proposed building addition. Planning Staff has nonetheless determined that WAU’s parcel must either be separately platted or have retained the same size and shape since 1958 in order to obtain a building permit. To reach these conclusions, Planning Staff imposes burdens on WAU’s parcel that do not otherwise exist in the law. WAU contests Planning Staff’s position but, to the extent it is deemed to be a valid interpretation of Section 50-20(a), requests a waiver of the platting requirement for the pending building permits.

WAU is otherwise in the process of submitting a minor subdivision application for the entire campus pursuant to Section 50-35A(a)(3)(b) of the Subdivision Regulations regarding the requirement that its campus must have retained the same size and shape since 1958 in order to be platted via the minor subdivision process. As discussed above, WAU contests whether this is a relevant limitation to platting. Section 50-35A(a)(3)(b) only requires that a part of a lot be created by deed recorded prior to June 1, 1958 in order to qualify for the applicable minor subdivision opportunity. In this case, WAU’s part of a lot was created by deed in 1913 and has remained a part of a lot – notwithstanding a portion of the property was conveyed to Washington Adventist Hospital in 2003 as part of a minor property line adjustment. WAU nonetheless seeks a waiver of the size and shape limitation in appreciation of Planning Staff’s belief that the property line conveyance somehow prohibits WAU from platting its campus pursuant to the Section 50-35A(a)(3)(b) minor subdivision opportunity.

As discussed below the requested waivers are warranted due to the history of the campus (including its relationship with Washington Adventist Hospital); the reasonable confusion about whether the campus is subject to subdivision; and the significant uncertainties/costs WAU would incur if platting were required prior to the issuance of pending building permits and/or if WAU were required to pursue a major subdivision.

## **I. Background**

### **a. Property History and Zoning**

The WAU campus is currently 13.14 acres (572,483 square feet) and is located at 7600 Flower Avenue in Takoma Park Maryland (the (“Property”). It is zoned R-60 and WAU is authorized to exist as a religious use exception to zoning. Development on the campus is otherwise subject to applicable residential building standards. As shown on the attached **Exhibit 1**, the Property is bounded by Maplewood Avenue to the north, Flower Avenue on the east, Carroll Avenue to the south and Washington Adventist Hospital on the west. The Property is identified by the State Department of Assessments and Taxation (“SDAT”) as N195 (**Exhibit 2**).

The area that encompasses WAU and Washington Adventist Hospital was originally subdivided as Block 51 in 1889 (See **Exhibit 3**). A portion of Block 51, comprised of 13.53 acres (or 589,366.8 square feet), was conveyed to WAU’s predecessor in title by deed dated July 3, 1913 (See **Exhibit 4**). Except for some Sligo Creek Park conveyances to the Maryland-National Capital Park and Planning Commission in 1933, Washington Adventist Hospital’s predecessor in title retained the balance of Block 51. At all times since 1913, the WAU and Washington Adventist Hospital properties have been controlled in some fashion by the Seventh-day Adventists and are otherwise mission-aligned. Both campuses have been developed with a number of structures, the most recent of which was built by Washington Adventist Hospital on or about 2003.

Both the WAU Property and the Washington Adventist Hospital property maintained their early 20<sup>th</sup> Century dimensions until 2003, when WAU and Washington Adventist Hospital orchestrated a slight boundary line adjustment by deed to better reflect then-existing campus operations. Specifically, WAU sold approximately 16,379 square feet of the Property to enable Washington Adventist Hospital to obtain control of its Carroll Avenue access and to several parking spaces located in the middle-western portion of the Property (See **Exhibit 5**).<sup>1</sup> An aerial overview reflecting the property line adjustment is attached as **Exhibit 6**. Washington Adventist Hospital had long been using and maintaining the access and parking spaces on the Property, and the conveyance was intended to reflect this fact. It was not at all intended to limit WAU’s ability to develop its campus.

### **b. School History**

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<sup>1</sup> We note that this conveyance would yield a WAU campus of 572,987.8 square feet, which is 504.8 square feet more than the square footage indicated in current SDAT records. While we are unable to explain this discrepancy, it is immaterial to the requested waiver that otherwise acknowledges a change in the campus contours since 1958.

WAU was established in 1904 as a coeducational institution known as the Washington Training College. Its purpose was to train young men and women in the liberal arts. In 1907, when the name was changed to Washington Foreign Mission Seminary, the more limited objective of special training for missionaries replaced the original concept of a liberal arts college. In 1914, the college resumed the status of a liberal arts college and took the name Washington Missionary College. Continued growth and development led to further changes.

In 1933, the lower division was organized as Columbia Junior College and received accreditation. It ceased to exist as a separate college in 1942 when Washington Missionary College was given accreditation as a four-year, degree-granting institution by the Middle States Association of Colleges and Secondary Schools. In March of 1961, the college constituency voted to change the name of the college to Columbia Union College. In 2009, Columbia Union College attained university status, and the college constituency voted to change the name of the college to Washington Adventist University. Since the establishment of a coeducational institution in 1904, the institution has developed a series of buildings over the years. Much of the campus is developed for academic uses and areas in support of the university.

### **c. WAU Sciences Building**

WAU is seeking to expand its existing 23,000 square foot Health Sciences building with a 15,000 square foot new addition to create the new Health Professions and Wellness Center. The original building was constructed in the 1940's and includes 1970's and 1980's building additions and components. The existing building facade will be repaired to provide structural integrity. An old tennis court and one-story residence immediately to the north of the existing Health Sciences building will be removed to accommodate the expansion. A site plan depicting the location of the proposed building is attached as **Exhibit 7**.

The new, two-story building addition will provide multipurpose labs and classrooms for nursing, as well as conference and office space for faculty. Simulation labs with control rooms are provided for skills training and remote observation. Extensive student collaborative learning spaces are being included in the design to support the large student commuter demographic of the university. In addition, WAU expects to offer portions of the new building for use by the community. This would include use of the fitness center and offerings by the Health and Wellness Program, such as nutrition and cooking classes.

The existing building and the new addition will be "lightly" connected with a fire separation wall and protected opening on the second level. An elevator will be located in the new addition and will provide improved accessibility of the existing building. The new building is designed as a LEED Silver building.

The new, exterior landscape and hardscape design takes into consideration the existing site conditions to provide adequate access to the building while reducing the percentage of impervious area. The existing site retaining walls will be demolished and the site regraded to match the scale of the neighboring site. A new bio-swale area is proposed along the north portion of the site for storm water management. The landscape and planting design is hardy, drought tolerant, water efficient and consists of mostly native plant species.

The project is needed because the current student learning spaces are insufficient for the growing programs and functionally inadequate for the quality of instruction required for healthcare programs. The building is obsolete and deficient in terms of certain structural components, technology, and handicapped access. Current practices in the healthcare fields require state-of-the-art facilities and wireless connectivity. This project includes upgraded technology in all labs, classrooms, simulation stations, offices, and group study spaces. The existing building lacks handicapped accessibility, which limits the use of the building for those who have mobility issues. The creation of an elevator in the new addition and a redesigned entry will ensure that students, faculty, and visitors have full access to the facilities.

WAU's enrollment in the Health Fitness Management program is up 100% in five years, and enrollment in the Master of Arts in Healthcare Administration is up 900% in three years. Furthermore, the fall 2014 launch of Radiography has brought additional enrollment growth to the health sciences. The current facility has only three classrooms, which cannot accommodate the instructional needs of the University's growing healthcare portfolio. This project adds three new classrooms for instruction. In addition, the facility does not have enough office space for faculty and administrators of the health sciences programs. Best practice calls for faculty offices to be within close proximity of the teaching area and sufficient planning space to allow faculty to collaborate.

At this point, the project has received a sediment control permit and full building permits are pending. WAU has removed the tennis court and is poised to excavate the area to accommodate the new building addition. A ground-breaking ceremony for the new building took place on May 20, 2016.

#### **d. Project Costs and Funding**

The estimated cost of the project is approximately \$7 million, which will be largely funded by a \$3.2 million matching grant from the Maryland Independent College and University Association ("MICUA"). The balance of the funding will be obtained from private donations (currently consisting of approximately \$1 million in pledges) and/or financing. The MICUA grant and current pledges assume that the project will be constructed by the fall of 2017.

#### **e. Project Timing**

As shown on the attached "Chronological Project Timeline" (**Exhibit 8**), the project has been in development since June, 2014. Notably, the development team met with Planning Staff in August, 2014 to discuss the project and its review process. It was determined that the project could proceed without preliminary plan review because the Property had existed as a part of a lot (i.e., Block) since 1958. Subsequent meetings with the Department of Permitting Services and City of Takoma Park Staff were also sought to address pre-development issues. At that time, the allowable building height of the new structure was the subject of much discussion. It was ultimately determined that the new building must adhere to residential building standards notwithstanding the institutional use and the existence of several 4-6 story structures on the campus.

Building permits were submitted via e-plans on August 25, 2015. On May, 10, 2016, the development team was advised that the Property had to be platted before a building permit could be issued, notwithstanding the prior informal determination that subdivision was not required, because of the 2003 boundary line adjustment with Washington Adventist Hospital. Staff had not previously been aware of this conveyance and considered it to be a determinative factor in WAU's ability to pull building permits. For the same reason, Planning Staff then determined the Property was not eligible for minor subdivision pursuant to Section 50-35A(a)(3)(b) of the Subdivision Regulations because the Property had not maintained the same size and shape since 1958 due to the 2003 boundary-line adjustment.

The present Subdivision Waiver application followed so that the building project may proceed immediately. It is also to obtain technical accommodations so the Property may be platted in accordance with County land use preferences to facilitate future development without subdivision complications or questions. WAU has been recruiting and accepting students, into the Nursing/Wellness programs, with the reasonable expectation that this facility would be on line by the last week in August, 2017. To meet this date, WAU must begin constructing the building no later than June 15, 2016. Every month of delay will cost the building project \$60,000 to \$75,000 as per the project manager.

## **II. Subdivision Waiver Justification**

Consistent with Section 50-38 of the Subdivision Regulations, the Planning Board may grant a waiver from the platting requirements of Section 50-20(a) regarding the issuance of permits. The Board may similarly grant a waiver of the minor subdivision provision of Section 50-35A(a)(3)(b) to allow a part of a lot created before 1958 to be platted, even if a portion of it had been later conveyed. To grant the waivers, the Planning Board must make determinations that "practical difficulties or unusual circumstances exist to prevent full compliance with the requirement being achieved."

### **a. Section 50-20(a) Waiver**

WAU requests a waiver of Section 50-20(a) to the extent it is needed for the release of pending building permits. Section 50-20(a) provides, in pertinent part, that the Department of Permitting Services must not approve a building permit for the construction of a structure unless the "structure would be located on a lot or parcel of land which is shown on a plat recorded in the County plat books." The term "parcel" is defined in the Montgomery County Zoning Ordinance at Section 59.1.4.2 as follows: "A contiguous area of land that is described by deed or plat recorded in the land records". This means that a deeded piece of land would not be subject to the platting requirements of Section 50-20(a) if it were within a recorded lot.

In support of this interpretation, we note that both WAU and Washington Adventist Hospital have been developing their campuses for over one hundred years without having to plat their respective campuses. This development was authorized by Section 50-20(a) because the applicable parcels are located within a lot recorded in 1889. No such development would have occurred if Section 50-20(a) were intended as Planning Staff now contends: no permits may be

issued unless the land on which the structure is to be built is either platted or subject to a covered exemption in Section 50-9. The most relevant exemption is Section 50-9(f) (single residential lot exception) that addresses residential parcels “not previously included on a recorded plat.” Notably, this assumes that Section 50-20(a) allows lots/parcels on record plats to obtain building permits without platting. There is otherwise no exception in the Subdivision Regulations that would allow a non-residential campus, such as the Property, to obtain building permits without platting.

If platting is somehow now required for permits issued on the WAU Property pursuant to Section 50-20(a), WAU should be relieved of having to plat the Property at least as the requirement would apply to the pending project. In this case, there are significant unusual circumstances that warrant the waiver. First, we cite the history of the Property, which allowed the construction of campus buildings without ever having to specially plat the Property, in conjunction with the logical interpretation of Section 50-20(a) that allows WAU to obtain building permits simply because it is a parcel shown on a record plat. Second, we note that the informal subdivision direction WAU received from Planning Staff provided support for WAU’s confidence in proceeding with the building project without first seeking to plat the Property.

To the extent that Staff’s 2014 direction was premised on its belief that the WAU Property had retained the same size and shape since 1958, we again assert that this is not a valid platting exception for non-residential properties. If it is nonetheless deemed to be a relevant issue, WAU contends that its Property has maintained the same size and shape since 1913, but for a minor property line adjustment in 2003. The circumstances regarding the underlying property line adjustment warrant against a strict application of the 1958 deadline. Both WAU and Washington Adventist Hospital have shared the same property line for well over one hundred years. They both are Seventh-day Adventist institutions and are otherwise mission aligned, particularly when one considers that the project will enhance the medical services staff for the hospital. The minor property line adjustment (representing less than 3% of the pre-1958 Property) between the two properties was merely to clean up longstanding operational issues. Had the subdivision implications (if applicable) been fully known in 2003, WAU and Washington Adventist Hospital surely would have orchestrated an easement arrangement to accomplish the same goal.

There are also significant unusual circumstances, primarily regarding project timing and costs that make it difficult for WAU to plat the property prior to the issuance of building permits. As discussed above, the regulatory approval process for this relatively modest project (*i.e.*, a 15,000 square foot addition to an existing building) has been ongoing for almost two years. Until recently, WAU has reasonably assumed that no subdivision will be required for the building project. It has conveyed this expectation to the State of Maryland, project funders and incoming students.

The project has a sediment control permit and is already underway with certain construction activities. If subdivision is now required, the project itself will be in jeopardy. The delay costs of approximately \$75,000.00 per month have not been accounted for in project funding and would likely be cost prohibitive at this point in the process. These costs could easily amount to over \$600,000.00 for a five to nine month delay (measured from June 15, 2016 as per

the project timeline) to prepare and process a preliminary plan application, regardless of whether the application is for a minor or major subdivision. The additional costs would be exorbitant for a non-profit university and could prohibit the project from going forward, thereby causing WAU to lose its MICUA grant.

All funding, staffing and enrollment expectations are for the new building to open in the fall of 2017. Any deviation from this plan could have significant consequences for the school's operation and reputation. Any subdivision requirement, as a prerequisite to building permits, at this point would be catastrophic.

**b. Section 50-35A(a)(3)(b)**

WAU is poised to submit a minor subdivision plat pursuant to Section 50-35A(a)(3)(b) of the Subdivision Regulations to comply with Planning Staff's preference that the Property be platted. This will eliminate any Section 50-20(a) platting questions for future WAU projects. If a waiver is needed to allow WAU to pursue a minor subdivision under Section 50-35A(a)(3)(b), we hereby request it.

The specific provision provides that "[a]ny consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed recorded prior to June 1, 1958." Planning Staff has essentially imported the "size and shape" limitation to this provision by its determination that the subsequent property line adjustment necessarily "created" two new parts of lots and thereby eviscerated the minor subdivision opportunity for the portion of the lot that was unquestionably established before 1958. While we concede that the portion of the Property conveyed to Washington Adventist Hospital would not be eligible for minor subdivision because it was "created" by deed after 1958, we assert that the remaining portion of the part of Block 51 remains eligible because it was indeed created before 1958.

The Planning Board may grant a waiver from the minor subdivision provision of Section 50-35A(3)(b) if it is deemed to require a part of a lot maintain the same size and shape since 1958. To grant the waiver, the Planning Board must make a determination that "practical difficulties or unusual circumstances exist to prevent full compliance with the requirement being achieved."

In this case, there are significant unusual circumstances, primarily regarding platting costs and feasibility, that make it difficult for WAU to pursue a full subdivision for the Property, which would be required if WAU is held to full compliance with the size and shape requirement of Section 50-35A(3)(b). The cost of a full subdivision would be tremendous for a 13.14 acre Property that has never undergone comprehensive environmental or stormwater reviews. Also, such reviews could easily render the platting exercise infeasible if significant improvements were required to bring the campus in compliance with modern standards.

The circumstances regarding the underlying property line adjustment are also relevant to this waiver request. As discussed above, the property line adjustment was between two aligned entities and could have been accomplished in other ways if the platting impact of the adjustment were fully appreciated. A strict application of the size and shape provision would

otherwise elevate the formal impacts of the property adjustment in a way that ignores the relationship of the parts of lots situated on Block 51.

A waiver of the size and shape provision of Section 50-35A(a)(3)(b) would be warranted because of the above-describe circumstances. If the County's goal is to convert deeded parcels into lots, the Section 50-35A(a)(3)(b) mechanism represents the best opportunity for WAU to do so. The Planning Board should not let a merely operational property line adjustment prohibit the County from achieving a larger policy objective in this case.

### **III. Conclusion**

For all of the above reasons, WAU requests a waiver of Section 50-20(a) of the Subdivision Regulations (if needed) that would allow the Property to obtain building permits for a pending expansion project. WAU also requests a waiver of Section 50-35A(a)(3)(b) of the Subdivision Regulation (if needed) to allow the Property to be platted pursuant to the minor subdivision process. As demonstrated by this Statement, the implications regarding a major subdivision that WAU now faces are not warranted under the circumstance of this case. WAU has moved forward with a needed campus enhancement in a reasonable and responsible manner. To now require a significant deviation from the plan, particularly when WAU is amenable to the ultimate goal of platting its Property, would be a mistake. Thank you for your consideration of the waiver requests.

# **EXHIBIT 1**

**MONTGOMERY, MD**  
Map ID: JN 562




**APN Label Record Layout**  
96-999999  
District ID: Account ID

Continuing Ownership: 2 (As provided to Maryland Comptroller, must be preceded by a Map Number)

**LEGEND:**

- Property Line: - - - - -
- Subdivision Boundary: - - - - -
- Public Right-of-Way: - - - - -
- Street Line: - - - - -
- Continuing Ownership: 2 (As provided to Maryland Comptroller, must be preceded by a Map Number)

**DISCLAIMER:**  
This parcel data was derived from information provided by the Maryland Department of Planning as the database of the state and owner of the digital product.



# **EXHIBIT 2**

Real Property Data Search ( vwi)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

<a href="#">View Map</a>	<a href="#">View GroundRent Redemption</a>	<a href="#">View GroundRent Registration</a>
<b>Account Identifier: District - 13 Account Number - 01079986</b>		
Owner Information		
<b>Owner Name:</b>	WASH MISSIONARY COLLEGE	<b>Use:</b> EXEMPT COMMERCIAL NO
<b>Mailing Address:</b>	% COLUMBIA UNION COLLEGE INC 7800 FLOWER AVE TAKOMA PK MD 20912	<b>Principal Residence:</b> <b>Deed Reference:</b> /00240/00002
Location & Structure Information		
<b>Premises Address:</b>	7600 FLOWER AVE TAKOMA PARK 20912-0000	<b>Legal Description:</b> B.F.G
<b>Map:</b> JN52	<b>Grid:</b> N195	<b>Parcel:</b> Sub District: 0025
		<b>Subdivision:</b> 0025
		<b>Section:</b> P51
		<b>Block:</b> 2018
		<b>Lot:</b> 2018
		<b>Assessment Year:</b> Plat No: Plat Ref:
<b>Special Tax Areas:</b>	<b>Town:</b> Ad Valorem: Tax Class:	TAKOMA PARK 74
<b>Primary Structure Built</b>	<b>Above Grade Enclosed Area</b> 259123	<b>Finished Basement Area</b>
		<b>Property Land Area</b> 672,483 SF
		<b>County Use</b> 682
<b>Stories</b>	<b>Basement</b>	<b>Type</b> <b>Exterior</b> <b>Full/Half Bath</b> <b>Garage</b> <b>Last Major Renovation</b>
Value Information		
	<b>Base Value</b>	<b>Value</b> <b>Phase-in Assessments</b>
		<b>As of</b> <b>As of</b> <b>As of</b>
		<b>01/01/2016</b> <b>07/01/2015</b> <b>07/01/2016</b>
<b>Land:</b>	9,743,700	11,192,000
<b>Improvements</b>	34,137,000	34,137,000
<b>Total:</b>	43,880,700	45,329,000
<b>Preferential Land:</b>	0	43,880,700
		44,363,467
		0
Transfer Information		
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
Exemption Information		
<b>Partial Exempt Assessments:</b>	<b>Class</b>	<b>07/01/2015</b> <b>07/01/2016</b>
<b>County:</b>	720	43,880,700.00
<b>State:</b>	720	44,363,467.00
<b>Municipal:</b>	720	44,363,467.00
<b>Tax Exempt:</b>		43,880,700.00 44,363,467.00
<b>Exempt Class:</b>	<b>Special Tax Recapture:</b>	
	NONE	
Homestead Application Information		
<b>Homestead Application Status: No Application</b>		

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purposes only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

# **EXHIBIT 3**



# **EXHIBIT 4**

1079

EXHIBIT  
Book 10  
Page 1079  
D.C.

At the request of Washington Foreign Mission Seminary, the following Deed was recorded December 5th, A.D. 1913, at 1.26 o'clock P.M. to wit:-

This Deed, Made this third day of July, in the year of our Lord, one thousand nine hundred and thirteen, by and between the Washington(D.C.) Sanitarium Association, a corporation organized under and existing by virtue of the Laws of the District of Columbia, whose main office is at Takoma Park, Washington, District of Columbia, party of the first part, and Washington Foreign Mission Seminary, a corporation organized under and existing by virtue of the Laws of the District of Columbia, whose main office is at Takoma Park, Washington, District of Columbia, party of the second part,

Witnesseth: That in consideration of Ten Dollars, the said party of the first part does grant and convey unto the said Washington Foreign Mission Seminary party of the second part, its successors and assigns, in fee simple, all that piece or parcel of ground, situate, lying and being a part of Block Fifty One (51) of the U. F. Gilbert Subdivision of Takoma Park, County of Montgomery, State of Maryland, being a portion of the same land which the said party of the first part obtained from Brainard H. Warner, and Mary H. Warner his wife, and the General Conference Association of Seventh day Adventists, by deed dated the thirtieth day of June, 1904, recorded in the Land Records of Montgomery County, Maryland, in Liber 178, at folio 313, and being described as follows: to wit:- Beginning at a point five and one-tenth (5.1) feet due West of a stone set at the northeast corner of Lot No. four (4) of the Blair Land, as shown by the plat of the same of Record in the Land Records of Montgomery County, thence by courses and distance following to wit:

- (1) North twenty five degrees, eight minutes (25° 8') West, thirty three and eighty-one hundredths (33.81) feet;
- (2) North sixteen degrees, fifteen minutes (16° 15') West, one hundred sixty six and nineteen (166.19) feet;
- (3) South seventy degrees, twenty six, minutes (70° 26') West, four hundred ten and five tenths (410.5) feet to a gas pipe.
- (4) Thence South seventy degrees and fifteen minutes (70° 15') West, seventy five and four-tenths (75.4) feet, to a gas pipe;
- (5) Thence South twenty five degrees, nineteen minutes (25° 19') West, eight hundred forty seven and sixty five hundredths (847.65) feet, to a gas pipe, to the Northern edge of a cement gutter;
- (6) Thence North forty five degrees, fifty one minutes (45° 51') East, seventy nine and twenty four hundredths (79.24) feet;
- (7) Thence South twenty five degrees, nineteen minutes (25° 19') East, five hundred and eighty and twenty five hundredths (580.25)(feet) to a gas pipe Carroll Avenue;
- (8) Thence North sixty nine degrees, thirteen minutes (69° 13') East, two hundred (200) feet;
- (9) Thence North fifty eight degrees, forty three minutes (58° 43') East

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MONTGOMERY COUNTY CIRCUIT COURT (Land Records) JLE 240, p. 0072, MSA\_C653\_198 Date: 07/03/1913 ID: A42005 Printed: 05/11/2018

fifty (50) feet.

(10). Thence North forty nine degrees, thirteen minutes (49° 13') East, one hundred seven (107) feet and four tenths (107.4) feet.

(11). Thence North twenty five degrees, eight minutes (25° 8') East, ten hundred ninety six and five tenths (1096.5) feet, to the place of beginning, containing thirteen and fifty three hundredths (13.53) acres, more or less.

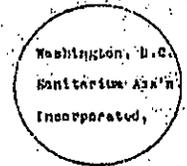
Together with the buildings and improvements thereupon erected, made or being, and all and every, the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or in anywise appertaining;

To have and to hold the place or parcel of ground and premises above described or mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages, thereto belonging or appertaining unto and to the only proper use, benefit, and behoof forever of the said party of the second part, its successors and assigns.

And the said Washington (D.C.) Sanitarium Association, party of the first part, for itself and its successors, does covenant, grant, bargain and agree, to and with the said party of the second part, Washington Foreign Mission Society, its successors and assigns, that at the time of the executing and delivery of these presents, it to well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate in fee simple, and has good right, full power, and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances, of what kind or nature soever, and the above herein premises, in the quiet and peaceful possession of the said party of the second part, its successors and assigns, against all and every other person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will warrant and forever defend.

This deed is executed, pursuant to authority, given by the Board of Trustees, of the said Washington (D.C.) Sanitarium Association.

In Testimony Whereof, the said Washington (D.C.) Sanitarium Association, hath hereunto caused its corporate seal to be affixed, and these presents to be signed by its President, and attested by its Secretary, the day and year first above written.



Washington, (D.C.) Sanitarium Association.  
By P. M. Wilcox, President.  
Attest: H. E. Miller, Secretary.

Signed, sealed and delivered in the presence of:-  
H. Elton Rogers,  
Walter J. Burping.

District of Columbia, City of Washington, D.C.  
On this 25th day of July, A.D. 1913, before me, a Notary Public, in and for the District of Columbia, appeared P. M. Wilcox and H. E. Miller, personally known to me to be, respectively

1913 GOVERNOR COUNTY CLERK COURT (Lamy Records) 115 240, p. 695, 115A, CE 103, 195, Date Recorded: 10/14/2003, Times: 05 1720 18.

# **EXHIBIT 5**

**SPECIAL WARRANTY DEED**

THIS DEED is made this 30<sup>th</sup> day of December, 2003, by and between COLUMBIA UNION COLLEGE, INC., a Maryland corporation ("Grantor"), and ADVENTIST HEALTHCARE, INC., a Maryland non-profit corporation ("Grantee").

WITNESSETH, that in consideration of the sum of One Hundred Forty-Five Thousand, Eight Hundred Eighteen Dollars (\$145,818.00) in hand paid by Grantee, the receipt and sufficiency of which are acknowledged by Grantor, Grantor does hereby grant and convey in fee simple unto Grantee, its successors and assigns, all that piece of land situate, lying, and being in Montgomery County, Maryland, and being more particularly described on Exhibit "A" (consisting of 2 parts) and depicted on Exhibit "B".

BEING part of the land conveyed to Grantor by deed recorded in Liber 240 at folio 2 among the Land Records of Montgomery County, Maryland.

TOGETHER WITH all the buildings and improvements on the such land, erected, made or being; and all and every rights-of-way, alleys, ways, waters, easements, privileges, appurtenances, and advantages, to the same belonging or in anywise appertaining and all the estate, title, right, interest and claim, either at law or in equity, or otherwise, however, of the Grantor of, in, to or out of the said land and premises, and all right, title and interest of the Grantor in and to the land lying in the bed of any street, road or highway (open or proposed) in front of, adjoining or servicing the above-described real property, including condemnation awards or payments in lieu thereof as a result of a change of grade, alignment or access rights.

TO HAVE AND TO HOLD the land and premises above described and hereby intended to be conveyed, together with the building and improvements erected thereon and all rights, privileges, appurtenances, easements and advantages belonging and pertaining to the use and benefit of the Grantee, in fee simple, forever.

AND the Grantor covenants and warrants specially the property hereby conveyed and covenants to execute such further assurances as may be requisite.

IN WITNESS WHEREOF, Grantor has duly executed this Deed under seal as of the 30<sup>th</sup> day of December, 2003.

2004 JAN 23 A 8:32 AM  
J. RUSH  
CLERK OF THE COURT  
MONTGOMERY COUNTY, MD

GRANTOR:

COLUMBIA UNION COLLEGE, INC.,  
a Maryland corporation

IMP FD SURE 20.00  
RECORDING FEE 20.00  
TR TAX STATE 729.02  
TOTAL 769.02  
Rcpt # 22263  
MCR EK 81x # 726  
Jan 23, 2004 08:27 am

By: Charlotte Conway (SEAL)  
Charlotte Conway  
Secretary/ Treasurer

29.08 Subscribed  
20  
50  
20

AGRICULTURE TRANSFER TAX IN THE  
AMOUNT OF \$ N/A  
SIGNATURE CHH

**LINOWES + BLOCHER**

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Montgomery County  
CHH  
# 292704  
Date 1-7-04

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 26508, p. 0081, MSA\_CE63\_26462. Date available 06/11/2004. Printed 05/11/2016.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 26508, p. 0082, MSA\_CE63\_26462. Date available 06/11/2004. Printed 05/11/2016.

\*\*\*

STATE OF MD

\*

\* to wit:

\*

COUNTY OF Montgomery

I HEREBY CERTIFY that on this 30<sup>th</sup> day of December, 2003, before me, a Notary Public in and for the State and County aforesaid, personally appeared CHARLOTTE CONWAY, known to me (or satisfactorily proven) to be the Vice President for Financial Administration of Columbia Union College, Inc., a Maryland corporation, and that such President, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing the name of the Columbia Union College, Inc; and he did further acknowledge that the within transfer is not a sale or transfer of all or substantially all of the assets of Columbia Union College, Inc..

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]  
Notary Public

My Commission Expires: 2/5/2005

[NOTARIAL SEAL]

\*\*\*

**ATTORNEY'S CERTIFICATION**

THE UNDERSIGNED, a member in good standing of the Bar of the Court of Appeals of Maryland, hereby certifies that the foregoing deed was prepared by me or under my supervision.

[Signature]  
William M. Hoffman, Jr.

**MONTGOMERY COUNTY, MD**

APPROVED BY D

JAN 23 2004

\$ 1003.95 RECORDATION TAX PAID

\$ 1458.18 TRANSFER TAX PAID

MARYLAND INCOME TAX CERTIFICATION

Pursuant to § 10-912 et seq. of the Tax-General Article of the Annotated Code of Maryland, as amended, the party named as Grantor in this Deed certifies to the Clerk of Court, under penalty to perjury, as follows:

- Total Payment. The Total Payment for the transfer of the property is \$145,818. Pursuant to Maryland law, Total Payment is the "net proceeds of sale" paid to the Grantor, including the fair market value of the property being transferred. Net proceeds of sale consists of the total sales price less: (i) expenses incurred by the Grantor in connection with the sale/transfer of the property; and (ii) secured debts of the Grantor, but excluding debts incurred in contemplation of this transfer, i.e., within 90 days of the date of this deed.
- Applicability/Inapplicability of Income Tax

No income tax due is because

The Grantor is a resident Maryland entity.

The property being transferred is the primary residence of Grantor.

This transfer is exempt because \_\_\_\_\_.

This transfer is exempt based on the attached Certificate of Full Exemption.

Tax is due in the amount of

\_\_\_\_\_, being 4.75% of the Total Payment – Grantor is a non-resident individual.

\_\_\_\_\_, being 7% of the Total Payment – Grantor is a non-resident entity.

GRANTOR

COLUMBIA UNION COLLEGE, INC.,  
a Maryland corporation

By: *Charlotte Conway*  
Charlotte Conway  
Secretary/Treasurer

\* \* \*

For the Clerk of Court:  
Parcel Identifier (Tax Account) No.: 13-01079986  
Title Insurer: None



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

DECEMBER 17, 2003  
 DESCRIPTION OF A PORTION  
 OF THE PROPERTY OF  
 COLUMBIA UNION COLLEGE  
 (FORMERLY WASHINGTON MISSIONARY COLLEGE)  
 LIBER 240 FOLIO 2  
 TAKOMA PARK (13<sup>TH</sup>) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

Being part of the property acquired by Washington (D.C.) Sanitarium Association, now known as Columbia Union College, from Washington Foreign Mission Seminary by deed dated December 5, 1913 and recorded in Liber 240 at Folio 2 among the Land Records of Montgomery County, Maryland and being more particularly described as follows:

Area 'A' - Part I

Beginning for the same at a point marking the southerly end of the fifth (5<sup>th</sup>) or South 25° 19' East, 847.65 foot line of said conveyance, said point also marking the southerly end of the second (2<sup>nd</sup>) or South 28° 58' 30" East, 826.75 foot line of a conveyance to Washington Sanitarium and Hospital, Inc, now known as Adventist Healthcare Mid-Atlantic, Corporation, recorded in Liber 4016 at Folio 244 among the aforesaid Land Records; thence running with a portion of said conveyance lines

- 1.) North 28° 58' 34" West 174.15 feet to a point; thence leaving said conveyance line and running so as to cross and include a portion of said property the following two (2) courses and distances
- 2.) 119.92 feet along the arc of a non-tangent curve to the right having a radius of 935.30 feet and a chord bearing and distance of South 54° 41' 38" East, 119.84 feet to a point; thence
- 3.) 45.87 feet along the arc of a tangent curve to the right having a radius of 840.18 and a chord bearing and distance of South 46° 27' 35" East, 45.87 feet to a point on the sixth (6<sup>th</sup>) or North 45° 51' East, 79.24 foot line of said conveyance (Liber 240 Folio 2), being 69.50 feet Northeast from the Southwest end thereof; thence running with a portion of said line
- 4.) South 42° 11' 26" West 69.50 feet to the point of beginning containing 6,285 square feet or 0.14428 acres of land.

EXHIBIT "A"

**VIKA Incorporated**

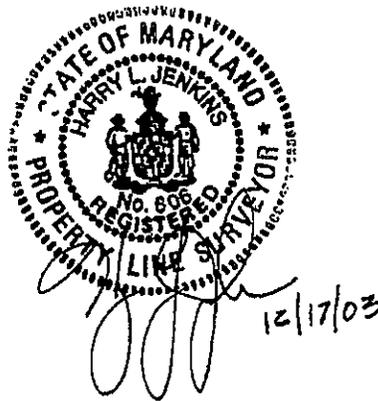
20251 Century Boulevard, Suite 400 ■ Germantown, MD 20874 ■ (301) 916-4100 ■ Fax (301) 916-2262  
 Mclean, VA ■ Germantown, MD ■ Leesburg, VA

Area B- Part 2

Beginning for the same at a point marking the southerly end of the fourth (4<sup>th</sup>) or South 29° 26' 45" East 579.27 foot line of said conveyance (Liber 4016 Folio 244) and also lying on the seventh (7<sup>th</sup>) or South 25° 19' East, 580.25 foot line of Liber 240 at Folio 2; said point also marking the northerly right-of-way line of Carroll Avenue, 40' wide; thence running with a portion of said conveyance lines

- 1.) North 29° 26' 49" West 539.71 feet to a point; thence leaving said conveyance lines and running so as to cross and include a portion of said property the following three (3) courses and distances
- 2.) 176.30 feet along the arc of a non-tangent curve to the right having a radius of 840.18 feet and a chord bearing and distance of South 36° 19' 01" East, 175.98 feet to a point; thence
- 3.) South 29° 11' 12" East, 340.55 feet to a point; thence
- 4.) 41.89 feet along the arc of a tangent curve to the left having a radius of 28.00 feet and a chord bearing and distance of South 72° 03' 01" East 38.09 feet to a point on the aforesaid northerly right-of-way line of Carroll Avenue; thence running with said northerly right-of-way line of Carroll Avenue
- 5.) South 65° 05' 11" West 45.43 feet to the point of beginning containing 9,917 square feet or 0.22766 acres of land.

The total area of Part I and Part 2 is 16,202 square feet or 0.37195 acres of land.



G:\DATA\6001-8000\6549\LglDesc.CUC Part I & 2.doc



State of Maryland Land Instrument Intake Sheet
Baltimore City County: MONT.

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only--All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

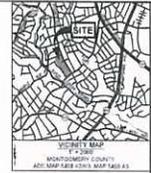
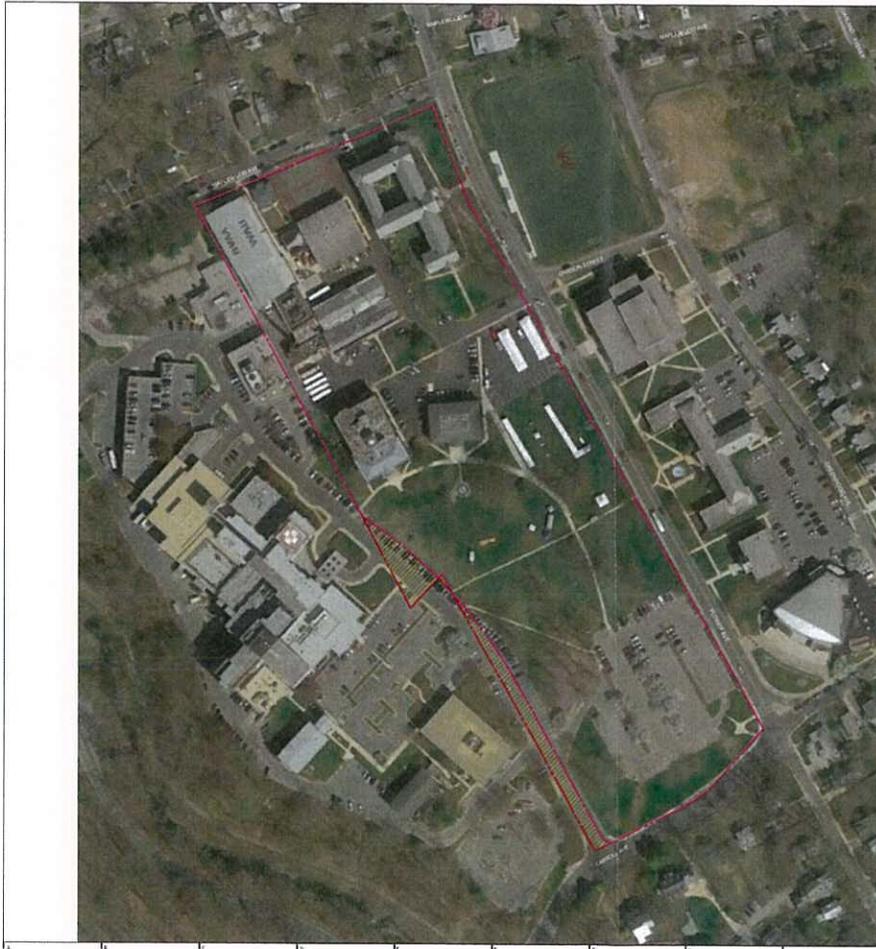
MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MCR 26508, p. 0087, MSA\_C563\_26462, Date available 06/11/2004. Printed 05/11/2016.

Form with sections 1-11: Type(s) of Instruments, Conveyance Type, Tax Exemptions, Consideration and Tax Calculations, Fees, Description of Property, Transferred From, Transferred To, Other Names to Be Indexed, Contact/Mail Information, and Assessment Information.

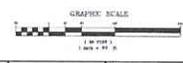
Space Reserved for County Validation

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CG-300 (8/95)

# **EXHIBIT 6**



**LEGEND**  
 --- 1958 PROPERTY LINE  
 --- 2003 PROPERTY LINE  
 [ ] AREA OF 2003 ACQUISITION

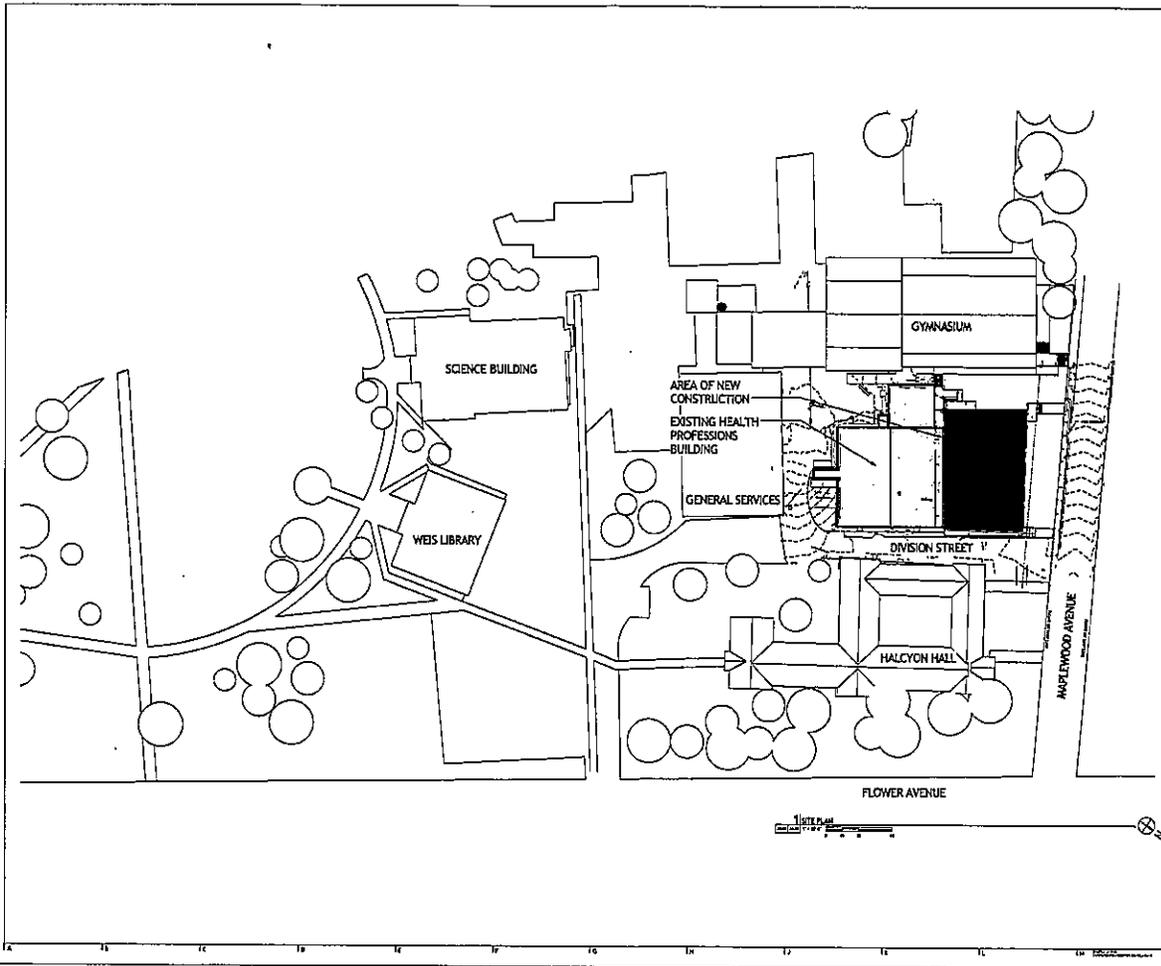


**WASHINGTON ADVENTIST UNIVERSITY PROFESSIONALS + WELLNESS CENTER**



Exhibit  
 2003 Property Line  
**EXH.02**

# **EXHIBIT 7**



WAU HEALTH PROFESSIONS + WELLNESS CENTER  
 ARCHITECTURAL SITE PLAN  
 DATE: 10/15/14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO.: [Number]  
 SHEET NO.: [Number]  
 SCALE: 1/8" = 1'-0"

here | caption | north

CHIEF ARCHITECT  
 ARCHITECT  
 CIVIL ENGINEER  
 MECHANICAL ENGINEER  
 ELECTRICAL ENGINEER  
 PLUMBING ENGINEER  
 STRUCTURAL ENGINEER  
 LANDSCAPE ARCHITECT  
 ENVIRONMENTAL ENGINEER  
 HISTORIC PRESERVATION ARCHITECT

**A2.00**  
 BID SET

# **EXHIBIT 8**

**MEMORANDUM**

---

To:	Patrick O'Neill Lerch, Early & Brewer, Chtd.	Date:	May 18, 2016
		Project:	WAU Health Professions + Wellness Center
		Project No:	214094.00
		Prepared by:	Leanne Phillips, AIA

---

cc: Patrick Farley  
Washington Adventist University

**RE: Project Chronological Timeline**

**2014**

- 6/1/2014 Standard Form of Agreement between Owner and Architect executed.
- 7/7/2014 Project kickoff
- 8/21/2014 Meeting with design team and zoning attorney to review the subdivision review process, evaluate the variance and rezoning processes. Attendees were Patrick Farley (WAU), Aaron Smith (AMT), Phil Rhodes (AMT), Robby Brewer, Scott Walters (HCM), and Leanne Phillips (HCM)
- 8/27/2014 MNCPPC Meeting to provide project and zoning overview, discuss the subdivision review process in reference to the existing subdivision PLAT and DEED. The property is subdivided as confirmed by MNCPPC. Discussion also focused on the R-60 Zone Development Standards pertaining to Lot coverage and building height.
- 9/14/2014 NRI/FSD submitted to M-NCPPC for review.
- 9/22/2014 Schematic design drawings and narrative issued to WAU for review and cost estimate.
- 9/23/2014 Design development kickoff.
- 9/24/2014 Team Meeting: Discuss the process for a text amendment to the current Montgomery County Zoning Code.
- 10/8/2014 Takoma Park City Planner Meeting with City Planner Erkin Ozberk and Ros Grigsby to review the proposed project.
- 10/20/2014 DPS Zoning Meeting: Robby Brewer and Leanne Phillips met with Mark Beall to review the zoning requirements for fence/walls and site retaining walls.
- 10/28/2014 Stormwater management concept submittal #1 submitted to the City of Takoma Park for review.
- 11/18/2014 DPS Code Review Meeting with Matthew Shanks, Commercial Building Manager and Aaron Smith, Fire Protection reviewer.
- 11/20/2014 Tree Removal Permit Application submitted to the City of Takoma Park.

- 12/5/2014 The City of Takoma Park arborist issues a waiver to remove dead and/or hazardous trees.
- 12/14/2014 NRI/FSD approved by M-NCPPC.
- 12/18/2014 Design development drawings and specifications issued to WAU for review and cost estimate.

**2015**

- 1/28/2015 Stormwater management concept submittal #2 submitted to the City of Takoma Park for review.
- 2/2/2015 Email Correspondence with Matt Johnson at M-NCPPC pertaining to the parking study at the University.
- 2/5/2015 Stormwater management concept submittal #2 approved by the City of Takoma Park.
- 7/13/2015 Construction document kickoff.
- 8/3/2015 DPS Code Review Meeting to review the building design change from 3-stories to 2-stories.
- 8/24/2015 Erosion and Sediment Control submittal #1 submitted to DPS.
- 8/25/2015 Building Permit Applications Completed via 'Apply Online' website.  
#725764 Building Alteration  
#725770 Building Addition  
#725793 New Building
- 8/28/2015 Building Permit Drawings Submitted to DPS via e-plans.
- 8/31/2015 M-NCPPC receive building permit documents, confirmed by Matthew Shanks during 5/5/2016 phone conversation.
- 8/31/2015 Subdivision Development Review waived for permit #725793.
- 9/1/2015 Design Team spoke to Erkin Ozberk, City Planner at Takoma Park, to request the municipality letter and also explained the design change from 3-stories to 2-stories.
- 9/3/2015 Color renderings were issued to Erkin Ozberk showing the new 2-story design.
- 9/23/2015 Design team issues responses and revised drawings following DPS plan review comments.
- 9/29/2015 Erosion and Sediment Control submittal #1 comments received from DPS.
- 10/12/2015 Building Permit: A letter sent to Mr. Dave Niblock indicating WAU is exempt from the conditional use requirements as the University is a religious institution.
- 10/15/2015 DPS Zoning Review approved.
- 10/19/2015 Minor site utility permit submission #1 submitted to WSSC.
- 10/28/2015 Erosion and Sediment Control submittal #2 submitted to DPS.

- 11/2/2015 Minor site utility permit submission #1 comments received from WSSC.
- 11/6/2015 DPS issues permit review comments.
- 11/16/2015 Permit status requested from DPS permit technician.
- 11/20/2015 DPS issues permit review comments.
- 11/25/2015 Design team issues responses and revised drawings following DPS plan review comments.
- 12/1/2015 Subdivision Development Review waived for permit #725770.
- 12/14/2015 Bid documents issued to bidding general contractors.
- 12/21/2015 Pre-bid meeting conducted on-site for bidding general contractors.
- 12/23/2015 Forest Conservation Exemption / Tree Save document submitted to M-NCPPC.
- 12/29/2015 DPS issues permit review comments.
  
- 2016**
- 1/8/2016 DPS issues permit review comments.
- 1/8/2016 M-NCPPC approves Forest Conservation Exemption / Tree Save.
- 1/12/2016 Erosion and Sediment Control submittal #2 comments received from DPS.
- 1/14/2016 Minor site utility permit submission #2 submitted to WSSC.
- 1/15/2016 Erosion and Sediment Control submittal #3 submitted to DPS.
- 1/20/2016 Erosion and Sediment Control submittal #3 approved by DPS.
- 1/28/2016 Design team issues responses and revised drawings following DPS plan review comments.
- 1/29/2016 Minor site utility permit submission #2 comments received from WSSC.
- 1/10/2016 Design team issues responses and revised drawings following DPS plan review comments.
- 2/10/2016 DPS issues permit review comments.
- 2/26/2016 Minor site utility permit submission #3 submitted to WSSC.
- 2/29/2016 Design team issues responses and revised drawings following DPS plan review comments.
- 3/4/2016 Structural design is approved.
- 3/2016 Permit status requested from DPS permit technician on multiple occasions. Exact dates not confirmed.

- 3/7/2016 Minor site utility permit submission #3 comments received from WSSC.
- 3/15/2016 Statement of Special Inspections is issued to Chi Wong at DPS.
- 3/22/2016 Minor site utility permit submission #4 submitted to WSSC.
- 4/4/2016 Permit status requested from DPS permit technician to determine reason for delay of building permits.
- 4/7/2016 Permit status requested from DPS permit technician.
- 4/8/2016 Stormwater management final permit documents submitted to the City of Takoma Park for review.
- 4/18/2016 Permit status requested from DPS permit technician and status as provided below. At this time, the design team was certain all reviews were complete and approved.
- #725764 is pending Electrical review.
- #725770 is pending M-NCPPC, Sediment Control, Roadside tree, Architectural review and Life Safety review.
- #725793 is pending M-NCPPC and Sediment Control.  
*\*Note that the Sediment Control Permit was issued on 2/4/2016.*
- 4/21/2016 Minor site utility permit submission #4 comments received from WSSC.
- 4/22/2016 Minor site utility permit submission #5 submitted to WSSC.
- 4/26/2016 Sediment Control Review approved.
- 4/26/2016 Permit status requested from DPS permit technician.
- 4/27/2016 City of Takoma Park requested additional items pertaining to the final stormwater management permit documents.
- 4/28/2016 Roadside Tree Law waived.
- 4/29/2016 Minor site utility permit submission #5 comments received from WSSC.
- 5/2/2016 Erosion and sediment control form submitted to WSSC. No comments received.
- 5/2/2016 Additional stormwater management items submitted to the City of Takoma Park.
- 5/2/2016 Minor site utility permit submission #5 submitted to WSSC.
- 5/2/2016 Permit status requested from DPS permit technician to determine reason for delay of building permits. A request was sent to permit processing manager Gail Lucas, for review of the open permits to determine holdup.
- 5/4/2016 Design team reached out to Gail Lucas for status update.

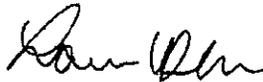
Design team reached out to Matthew Shanks, Commercial Building Manager, for status update  
Design team reached out to Jonathan Jones at M-NCPPC to request additional information as to the  
delay of review and approval of the documents.

- 5/5/2016 Stormwater management permit approved by the City of Takoma Park.
- 5/5/2016 Matthew Shanks, DPS Commercial Building Permit Manager, followed up with HCM with the following information, which differed from that received from the permit technician. DPS has revised their internal system since the building permit applications for this project in which one project has multiple permits associated with it. There have been issues where plan reviewers do not sign off on all building permits when documents are associated with a single permit.
- #725764 is pending Electrical review that was re-opened on 4/7/16 after the completed review on 2/9/16. Mr. Shanks waived the open review. The structural review was completed 3/4/16.
- #725770 is pending M-NCPPC; all other reviews are complete. Mr. Shanks confirmed that Architectural and Life Safety were approved 09/2015, 10/2015 and 2/2016.
- #725793 is pending M-NCPPC.
- 5/9/2016 Minor site utility permit submission #5 comments received from WSSC.
- 5/17/2016 Minor site utility abandonment / New service forms and fees paid to WSSC.

Legend:

DPS: Montgomery County Department of Permitting Services  
M-NCCPC: The Maryland National Capital Park and Planning Commission  
WSSC: Washington Suburban Sanitary Commission  
WAU: Washington Adventist University  
AMT: A. Morton Thomas & Associates, Inc.  
HCM: Hord Coplan Macht

Issued by,



Leanne Phillips, AIA  
Hord Coplan Macht, Inc

CC: Paul Lund, HCM  
Aaron Smith, AMT

# City of Takoma Park, Maryland

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*Suzanne R. Ludlow, City Manager*

June 20, 2016

Elza Hisel-McCoy  
Regulatory Supervisor  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: Conditional Support of Subdivision Regulation Waiver Request (SRW201602)

Dear Mr. Hisel-McCoy,

On June 3, 2016, the City of Takoma Park received the Washington Adventist University's Subdivision Regulation Waiver Request (SWR201602) from the Montgomery County Planning Department. It is the City's understanding that Washington Adventist University is requesting a waiver of Section 50-20 of the Subdivision Regulations in order to obtain building permits for the expansion of the Health Professions and Wellness Center building on Maplewood Avenue prior to recording a new lot via the minor subdivision process.

Maplewood Avenue is a City street, and it is through the subdivision process that right-of-way dedications and improvements are requested from property owners. Having reviewed SWR201602 and the grading plans subsequently provided by Hord Coplan Macht Architects, the City is supportive of Washington Adventist University's Subdivision Regulation Waiver Request, conditioned on the reconstruction of the sidewalk fronting the new lot in the Maplewood Avenue public right-of-way. The sidewalk must be a minimum of 5 feet in width, along the full lot frontage (approximately 150 linear feet), and compliant with the Americans with Disabilities Act. The requested improvement is expected to complement the anticipated use of the Health Professions and Wellness Center as serving patients with impaired mobility, as the existing sidewalk is too narrow and subject to damage over the course of construction.

The City requests that the Montgomery County Planning Department coordinate with the Montgomery County Department of Permitting Services to ensure that the issuance of the Use and Occupancy Certificate for Washington Adventist University's Health Professions and Wellness Center is conditional upon construction of the sidewalk as described herein. Washington Adventist University will also have to obtain a revised permit for work in the right-of-way from the City of Takoma Park's Public Works Department that includes the sidewalk reconstruction.

The City appreciates the opportunity to comment on this Subdivision Regulation Waiver Request and looks forward to the timely completion of the Washington Adventist University's Health Professions and Wellness Center on Maplewood Avenue.

Sincerely,

A handwritten signature in cursive script, reading "Suzanne R. Ludlow". The signature is written in black ink and is positioned above the typed name.

Suzanne R. Ludlow  
City Manager

Cc: Takoma Park Mayor and City Council  
Daryl Braithwaite, Public Works Director  
Sara Daines, Housing and Community Development Director  
Patrick Farley, Executive VP Finance, Washington Adventist University