. 27/17 Preliminary Consultation Aspin Hill Pet Cemetery



PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS

P. O. BOX 42516, WASHINGTON, DC 20015
 TEL: 301-770-PETA, FAX: 301-770-8969

LONDON

PETA Europe Limited

P. O. BOX 3169, LONDON NW1 2JF TEL: 071-388 4922, FAX: 071-388 4925

AMSTERDAM

Stichting PETA Nederland

POSTBUS 15386, 1001 HJ AMSTERDAM TEL: 020420 7470, FAX: 020420 3339

HAMBURG

PeTA Deutschland e.V.

BRAUHAUSSTIEG 54, 22041 HAMBURG TEL: 040-68 77 50, FAX: 040-68 77 90

Office of the General Counsel

March 2, 1995

Ms. Gwen Marcus Historic Preservation Commission 8787 Georgia Avenue Silver Spring, MD 20910

Re: Aspin Hill Memorial Park

Dear Gwen:

Thank you again for your extensive insights regarding our proposed project. Your comments have helped us greatly in focusing our energies as we move ahead.

We will soon contact you to request a Preliminary Consultation and we will likely ask to be placed on the agenda for the April 12 Commission meeting. Meanwhile, please contact me if I can answer any questions about PETA or the project. I look forward to working with you in the coming months.

Sincerely,

Jeffrey S. Kerr General Counsel

Director of Finance

cc: Marty Hutt

Suite 700W
Bethesda, MD 20814

LOG, Inc. N 528
8601 Georgia Avenue
Suite 200

re/mjh/51144/wendyln.adj

7315 Wisconsin Avenue

Silver Spring, MD 20910

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Adjagent & Confronting Property Owners

Name,	<u>Lot/Block</u>
M.R. Damians 3701 Wendy Lane Silver Spring, MD	Lot 1, Block 1
Aaron Dann 3703 Wendy Lana Silver Spring, MD c/o 13419 Keating Street Rockville, MD 20853	Lot 2, Block 1
Sherman E. Hilfiker 13607 Loyola Street Silver Spring, MD 20906	Lot 3, Block 1
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Pimpa Khomsatyapongvut c/o Sripen Komsatayapongvurdh 3803 Wendy Lane Silver Spring, MD 20906	Lot 2, Block 3
Joaquin Fuentes 3805 Wendy Lane Silver Spring, MD 20906	Lot 3, Block 3
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Richard A. Cain 3809 Wendy Lane Silver Spring, MD 20906	Lot 5, Block 3
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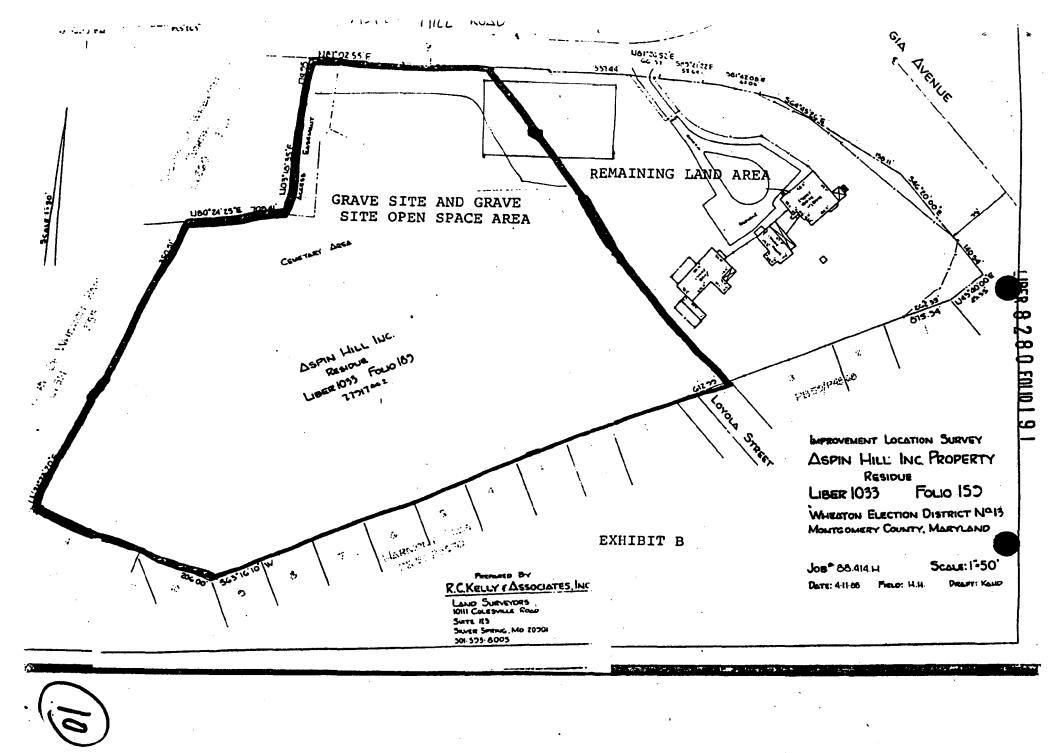


EXHIBIT A

The Property is all that remainder tract or parcel of land containing 7.7917 acres of land, more or less, located in Montgomery County, Maryland known generally as the Aspin Hill Pet Cemetery, and more fully described among the Land Records of Montgomery County at Liber 1033 at Folio 159 less that 1.234 acres, more or less, previously taken therefrom in the deed to Donald A. and Anna S. Bowie recorded in Liber 422 at Folio 109 and also that area deeded to the State of Maryland in Liber 3537 at Folio 517 by deed dated August 10, 1966. The Property is generally that parcel outlined in the tax plat attached hereto as Exhibit A1, and shall carry with it all corporate assets, including but not limited to inventory, books, records, and other items of Aspin Hill, Inc.

II. Project Overview

PETA proposes to construct a permanent international headquarters building at Aspin Hill Memorial Park ("the Property"), in accordance with the following parameters. The Property's legal description is attached as Exhibit A.

Size:

- o approximately 30,000 square feet of office space;
- o one- or two-story design with adjacent surface parking;

Location:

- o a rough footprint schematic is attached as Exhibit B;
- o corner of Aspen Hill Road and Georgia Avenue;
- o fronting on Aspen Hill Road;
- o as far away from adjoining residential area to the south as is possible;
- o vegetation shielding the site from the residential area will remain undisturbed;
- o existing buildings on and use of the Property will remain unchanged and unaffected;

Use:

- o general office use only;
- o no warehousing or industrial use;
- o no major deliveries with vehicles larger than standard passenger vans

Hours of operation:

- o normal business hours: 8:30 a.m. until 6:00 p.m.;
- o minimal off-hours use for overtime work;

Impact on existing structures and use:

- o existing structures will remain unchanged and unaffected;
- o existing uses (e.g., animal cemetery, animal sanctuary and educational tours) will continue unchanged and unaffected;

Impact on traffic and adjacent area:

- approximately thirty-five (35) to fifty (50) vehicles per day, during the usual morning and evening rush hours;
- o insignificant general business traffic (e.g., vendor deliveries and business visitors) during the work day;

Projected completion date: Spring 1997



I. Introduction to PETA

Founded in 1980, People for the Ethical Treatment of Animals, Inc. ("PETA"), is a non-profit corporation exempt from taxation pursuant to §501(c)(3) of the Internal Revenue Code. PETA employs nearly 100 people at its Rockville, Maryland headquarters.

PETA is perhaps the foremost animal rights organization in the world. PETA's simple mission is to protect animals from exploitation and cruelty and to bring about positive changes in the ways humans regard other species. Its charitable operations consist of the following departments:

- o Public Education;
- o Research, Investigations and Rescue;
- o International Grassroots Campaigns; and
- o Membership Development;

Throughout its fifteen (15) year history, PETA's membership has grown steadily, today comprising nearly 500,000 people around the world. In 1994, PETA expanded its operations to Europe, opening offices in London, Amsterdam and Hamburg. Member donations comprise the majority of its annual operating budget. In fiscal year 1994, eighty percent (80%) of PETA's expenses went directly to carrying out its charitable program services.

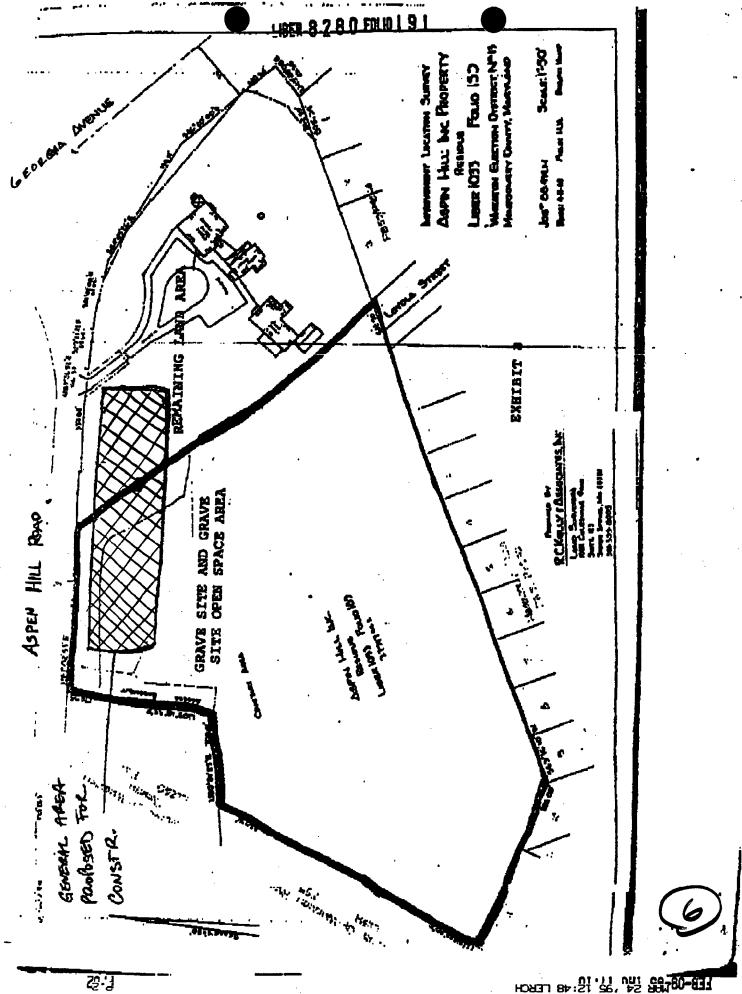
PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.

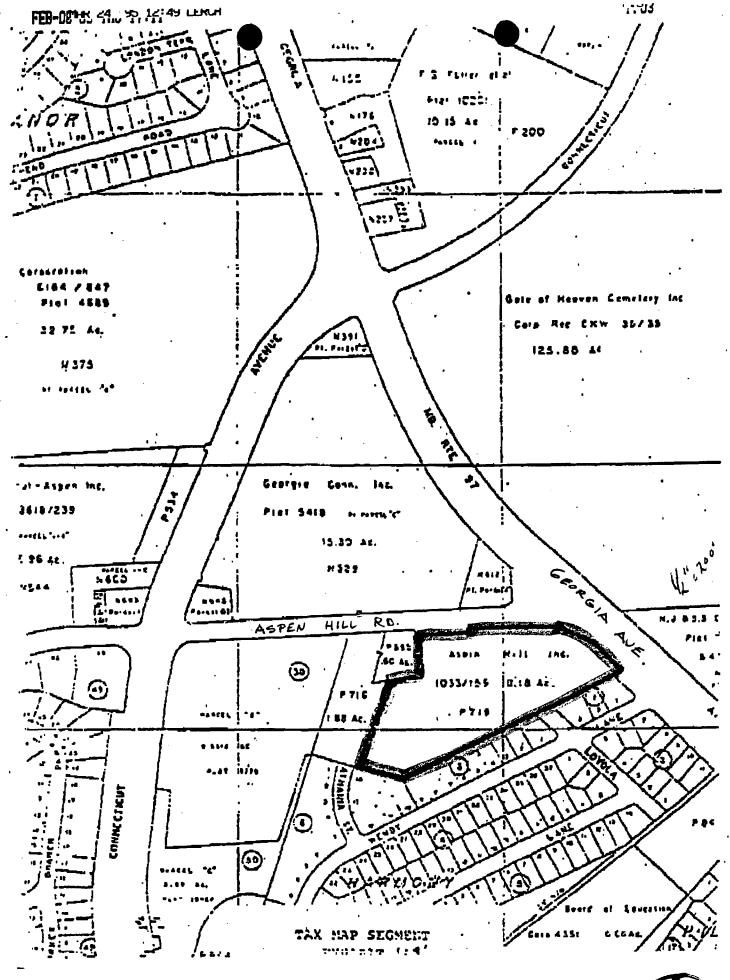
PROPOSAL FOR LOCATING
INTERNATIONAL HEADQUARTERS
AT ASPIN HILL MEMORIAL PARK
13630 GEORGIA AVENUE

Submitted for informal discussion March 1, 1995

Please contact:

Jeffrey S. Kerr General Counsel Director of Finance





HARRY W. LERCH RONALD L. EARLY ROBERT G. BREWER, JR. MARK S. ANTONVICH ERIC M. CORE GEORGE F. PAXTON MARTIN J. HUTT STANLEY J. REED CINDI E. COHEN® PAUL J. DI PIAZZA R. DENNIS OSTERMAN* RICHARD G. VERNON JAMES L. BAER CYNTHIA M. BAR JOHN C. JOYCE THOMAS A. LERNER* LAURI EFF CLEARY JOHN R. METZ

SIGRID C. HAINES JEFFREY VAN GRACK

RICHARD N. RUPRECHT SUSAN BERRY BLOOMFIELD CHARLES T. HATHWAY ROLAND M. SCHREBLER*** ALEXANDRA P. NEGIN** TAMARA A. STONER**

OF COUNSEL CHARLES L. WILKES CONSTANCE B. LOHSE ROBERT L. SALOSCHIN ELIZABETH J. WEISBERG

EXECUTIVE DIRECTOR PETER T. MICHAELS &

LERCH. EARLY & BREWER CHARTERED

LAW OFFICES

SUITE 380 3 BETHESDA METRO CENTER BETHESDA, MARYLAND 20814-5367

> TELEPHONE: (301) 986-1300 FACSIMILE: (301) 986-0332

March 24, 1995

WASHINGTON, D.C. OFFICE 19DO M STREET, N.W. SUITE 600 WASHINGTON, D.C. 20036 (202) 331-7120

VIRGINIA OFFICE 9302 LEE HIGHWAY SUITE IIOO FAIRFAX, VIRGINIA 22031 (703) 273-5911

ALL MEMBERS OF MD & DC BARS EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR *ALSO MEMBER VA DAN.
**MEMBER MD BAR ONLY
***MEMBER MD & VA BAR

OCPA, MBA, NOT BAR MEMBER

HENRY F. LERCH 1950-1966

WILTON H. WALLACE 1950-1959

WRITER'S DIRECT DIAL NUMBER: (301)

Patricia Parker, Historic Preservation Planner Montgomery County Planning Board Division of Design, Zoning and Preservation 8787 Georgia Avenue Silver Spring, Maryland 20910

Request for Preliminary Consultation

Dear Ms. Parker:

We represent People for the Ethical Treatment of Animals, which owns the Aspen Hill Pet Cemetery, which is on the Master Plan for Historic Preservation. Our client is interested in constructing its corporate offices on a portion of its property and would like to have a preliminary consultation with the Historic Preservation Commission to discuss its proposed project.

If possible we would appreciate being placed on the Commission's April 12,1995 meeting agenda. We look forward to your response.

Very truly yours,

MJH: job

Jeff Kerr, Esq. CC:

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STAFF RECOMMENDATION

Staff feels that the HPC should take a long view of the care of this particular property. The HPC's mission is the preservation of the Aspin Hill Pet Cemetery. There may be ways to prohibit further encroachment on the open space, such as the use of easements which would prohibit all further construction.

The proposed location for a new facility takes advantage of the existing roadway, and entrance onto the site. In addition, this is the location the furthest removed from existing and neighboring residences. The proposed site is an open grassy area, with no large trees. Staff recommends that further study and site development could be reviewed favorably.

provides access for all of these structures; there is also a gravel parking area off of Aspen Hill Road, and a gravel paths leading through the cemetery to the office.

PROJECT PROPOSAL

The Owners have come before the HPC to inquire about the potential for new construction in the cemetery. Attached to this staff report is a proposal summary prepared March 1, 1995 and provided by Jeffrey Kerr, General Counsel and Director of Finance at PETA.

The proposal includes several elements:

- 1. construct 30,000 square feet of office space, in a low-rise building;
- 2. construct adjacent parking and driveway access;
- 3. retain existing vegetative screening;
- 4. retain all existing buildings

STAFF DISCUSSION

PETA was established only 15 years ago, in 1980. In those few years, the organization has developed into a world-wide membership group with nearly 500,000 people. There are offices in London, Amsterdam and Hamburg. PETA has been at this site since 1988, and they anticipate remaining at this site in the future.

The intersection of Aspen Hill Road and Georgia Avenue has changed considerably since the Birneys operated their business here. The streets are currently designed for high-speed traffic. On the east side of Georgia Avenue, opposite from the Aspin Hill Memorial Park is the large open space of the Gate of Heaven Cemetery. Across the Aspen Hill Road from the project site is a shopping center. Adjacent to the cemetery, there is a church.

Staff feels that the proposal has possibilities, in that the new construction would be concentrated in the general area of existing infrastructure, and would not disturb existing buildings or existing grave sites. In addition, the proposed construction would stand opposite to an existing shopping center, but the area adjacent to the neighboring church would remain open space. Therefore, the Aspin Hill historic site would still be visible from Aspen Hill Road.

If the facility is restricted in terms of height, and is a good design, it should not dominate the site or overwhelm the existing historic features on the property. However, several other issues should be considered, including: how long this new facility will meet PETA's needs, and what will happen when is this facility should prove too small in the future; will PETA come back to the HPC with a request to enlarge the built-over area, or would they propose to move to another site; and if they moved to another site, what would happen to this office facility. Staff has discussed these concerns with PETA, and they have indicated that they will propose a facility that has some room for internal growth. In addition, they plan to remain on this site in the future. Should the organization grow beyond the limitations of the site, PETA will look for space at another location.

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 13630 Georgia Avenue

Meeting Date: 4/12/95

Resource: Aspin Hill Pet Cemetery

Review:

PRELIMINARY CONSULTATION

Case Number: #27/17

Tax Credit: No

Public Notice: 3/29/95

Report Date: 4/5/95

Applicant: PETA, Inc.

Staff: Robin D. Ziek

PROPOSAL: Construct office building

RECOMMEND: Proceed

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BACKGROUND

RESOURCE: Aspin Hill Pet Cemetery

DATE: 1921

SIGNIFICANCE: Master Plan Site

PROJECT DESCRIPTION: Construct PETA headquarters building

SITE DESCRIPTION

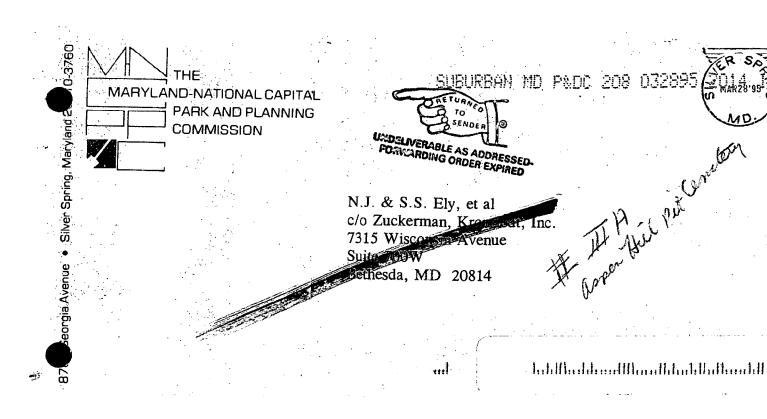
The Aspin Hill Pet Cemetery has been designated in the County's Master Plan for Historic Preservation (#27/17) on the basis that it represents a significant element of 20th century culture. When it was founded, in 1921 by Richard and Bertha Birney, this was one of the first animal cemeteries in the nation as well as the only authorized animal hospital south of New York.

The Birneys operated a kennel to board and breed dogs which was widely recognized and utilized in the Washington area. At first, they buried only their own and friends' animals here. However, after receiving many requests for burial sites from customers and others, they opened the pet cemetery as a public facility.

Famous animals buried here include J. Edgar Hoover's seven dogs and "Jiggs", the dog from "Spanky and Our Gang" who died in 1938. There are presently more than 50,000 animals buried here, over an area that encompasses approximately four acres.

People for the Ethical Treatment of Animals, Inc. (PETA) acquired this 7.79 acres in 1988. PETA has renamed the cemetery "The Aspin Hill Memorial Park." The property is protected with covenants precluding general development and mandating its use as an animal care facility and cemetery in perpetuity.

Currently there are several buildings on the property which are concentrated in the eastern third of the property, along Georgia Avenue. The remaining two-thirds of the property is open space, with existing and potential grave sites. The buildings include a Tudor residence (1930s), the kennel (1930s), and a chapel. There is a circular driveway which



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Lew Offices

LERCH, EARLY & BREWER, CHARTERED

3 Bethesda Metro Center

Suite 380

Bethesda, Maryland 20814-5367

Telephone: 201-886-1300

Telephone: 301-986-1300 Telecopier: 301-986-0332

DATE:

March 24, 1995

TIME:

TO:

Patricia Parker

FAX NO. 495-1307

FROM:

Martin J. Hutt, Esquire

SENDERS DIRECT PHONE NO.

(301) 657-0170

CLIENT NO.

51144.001

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LERCH, EARLY & BREWER, CHARTERED

3 Bethesda Metro Center

Suite 380

Bethesda, Maryland 20814-5367

Telephone: 301-986-1300

Telecopier: 301-986-0332

DATE:

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FAX NO.

FROM: Water Heatt

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Law Offices LERCH, EARLY & BREWER, CHARTERED 3 Bethesda Metro Center Suite 380 Bethesda, Maryland 20814-5367

Telephone: 301-986-1300 Telecopier: 301-986-0332

DATE: 36765

Pat Parker or Robin Zick PAX NO. 495-1307

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For & People for the Ethical Treatment of Arunda' Consultation with Historic Preservation Commission 4/12/90

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Suite 380 3 Béthébba métro center Bethébba, Maryland eqbi4-5367

TELEPHONE: (201) 986-1300 FACSIMILE: (201) 986-0332 WASHINGTON, D.C. OFFICE 1800 M STREET, N.W. SUITE 600 WASHINGTON, D.C. 2003E (202) 531-7120

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VIRGINIA OFFICE 9302 LEE HISHWAY SUITE I (00 FAIRFAX, VIRGINIA 22021 (703) 273-58)1

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EXECUTIVE DIRECTOR PETER T. MICHAELE 1

March 24, 1995

Patricia Parker, Historic Preservation Planner Montgomery County Planning Board Division of Design, Zoning and Preservation 8787 Georgia Avenue Silver Spring, Maryland 20910

RE: Request for Preliminary Consultation

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Martin J. Hutt

dot: HUM

cc: Jeff Kerr, Esq.

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LERCH. EARLY & BREWER CHARTERED

LAW OFFICES

SUITE 350 3 BETHESOA METRO CENTER BETHEBOA, MARYLAND 20514-5367

FACSIM(LE: (301) 965-0332

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WASHINGTON, D.C. OFFICE -1800 M STREET, N.W. SUITE 600 WASHINGTON, D.C. 20036 (202) 331-7120

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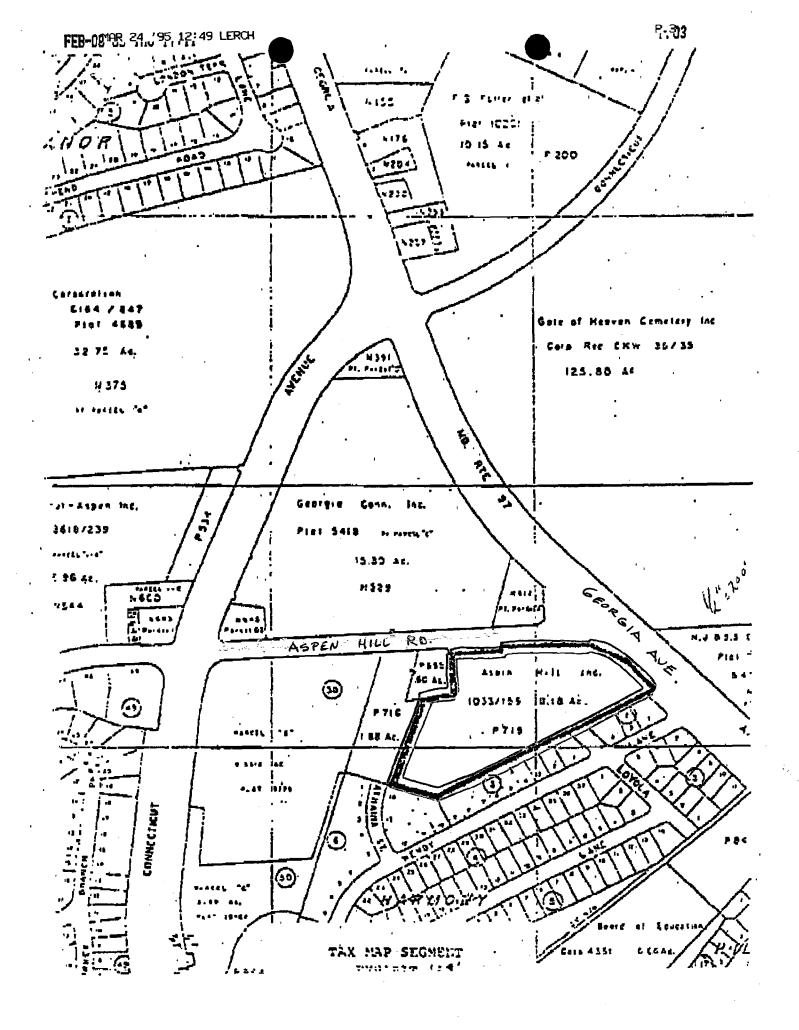
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Johnnya M. Washington 3819 Wendy Lane Silver Spring, MD 20906	Lot 10, Block 3
Harry Norton 13607 Athania Street Silver Spring, MD 20906	Lot 14, Block 3
Gate of Heaven Cemetery Archdiocese of Washington 13801 Georgia Avenue Silver Spring, MD 20905	
Vestry of Wheaton Parish 3820 Aspen Hill Road Silver Spring, MD 20906	P 688 P 716
American Oil Company Amoco Oil Co. Tax Dept. P.O. Box 3428 Oak Brook, IL 60522	N 612
Nathaniel J. & S.S. Ely, et al c/o Zuckerman, Kronstedt, Inc. 7315 Wisconsin Avenue Suite 700W Bethesda, MD 20814	N 674
LOG, Inc. 8601 Georgia Avenue Suite 200 Silver Spring, MD 20910	N 528

re\mjh\51144\wendyln.adj



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PETA Europe Limited

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AMSTERDAM

Stichting PETA Nederland

POSTBUS 15386, 1001 HJ AMSTERDAM TEL: 020-420 7470, FAX: 020-420 3339

HAMBURG

PeTA Deutschland e.V.

BRAUHAUSSTIEG 54, 22041 HAMBURG TEL: 040-68 77 50, FAX: 040-68 77 90

Office of the General Counsel

March 2, 1995

Ms. Gwen Marcus Historic Preservation Commission 8787 Georgia Avenue Silver Spring, MD 20910

Re: Aspin Hill Memorial Park

Dear Gwen:

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Sincerely,

Jeffrey S. Kerr General Counsel

Director of Finance

cc: Marty Hutt

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CHIVER SPAING, AND

Law Offices LERCH, EARLY & BREWER, CHARTERED 3 Bethesda Metro Center Suite 380

Bethesda, Maryland 20814-5367 Telephone: 301-986-1300 Telecopier: 301-986-0332

DATE:

March 24, 1995

TIME:

TO:

Patricia Parker

FAX NO. 495-1307

FROM:

Martin J. Hutt, Esquire

SENDERS DIRECT PHONE NO. (301) 657-0170

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Les offices

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Suite 380

Bethesda, Maryland 20814-5367

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Telecopier: 301-986-0332

DATE:

ro: Robin Fret

FAX NO.

PROM: Wante Heath

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MESSAGE:

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Law offices LERCH, EARLY & BREWER, CHARTERED 3 Bethesda Metro Center Suite 380 Bethesda, Maryland 20814-5367 Telephone: 301-986-1300 Telecopier: 301-986-0332

DATE: 36765

Pat Parker or Robin Zick

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