



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

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

**DATE:** December 28, 2009

**TO:** Montgomery County Board of Appeals  
**VIA:** Rose Krasnow, Chief, Development Review Division  
Ralph Wilson, Zoning Supervisor, Development Review Division  
**FROM:** Elsabett Tesfaye, Planner Coordinator (301) 495-1301

**SUBJECT:** Special Exception S-2751-Victory Housing, Inc-Request for special exception for Housing and Related Facilities for Senior Adults and Persons with Disabilities

**FILING DATE:** June 2, 2009  
**PLANNING BOARD HEARING** January 14, 2009  
**PUBLIC HEARING:** January 25, 2009

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**Staff Recommendations:**

With the recommended conditions, the proposal conforms to all applicable standards and requirements for approval of Housing **and Related Facilities for Senior Adults and Persons with Disabilities special exception**. The applicant has met the burden of proof by showing that the proposed use would be operated without detriment to the neighborhood and would not adversely affect the public interest. Indeed, the proposed senior housing use would offer a service that is much needed in the community. Moreover, the proposed use is consistent with the recommendations of the *Approved and Adopted 2000 East Silver Spring Master Plan*.

Staff recommends approval of special exception S-2751, subject to the following conditions:

1. The development must be limited to a residential independent living facility for up to 49 senior adults and persons with disabilities or 48 senior adults and persons with disabilities and one resident staff member.
2. The applicant must submit, at the time of the Hearing Examiner public hearing on this matter, written proof that the age restrictions applied to the subject development qualify for at least one type of exemption from familial status requirements of the Federal Fair Housing Act.
3. The "Plant List" shown on the landscape plan must be revised to reflect the replacement of the proposed *Picea Glauca* trees with *Picea Pungens*, Blue Spruce, *Picea Abies*, or Norway Spruce.

4. The southern portion of the sidewalk should be 6 feet in width (including the curb) on the north and east sides of the driveway to satisfy American Disability Act (ADA) requirements.
5. The concrete walkway access between the proposed senior housing facility and the church must be handicap accessible per the American Disability Act (ADA) requirements.



S-2751





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### **ATTACHMENTS:**

- **Plans and drawings**
- **Referral Comments**

## I. APPLICATION SUMMARY

<b>Applicant</b>	Victory Housing, Inc
<b>Location</b>	East Side of Beacon Road approximately 600 feet north of its intersection with Northampton Drive in Silver Spring, MD
<b>Site Size</b>	1.99 ac
<b>Current Zone</b>	R-60
<b>Master Plan</b>	2000 East Silver Spring Master Plan
<b>Proposed project and Use</b>	Housing and Related Facilities for Senior Adults and Persons with Disabilities
<b>Gross Floor Area</b>	43,132 Square feet
<b>Building Height</b>	3 stories/40 feet
<b>Number of units</b>	49
<b>Onsite parking spaces</b>	32

## II. STATEMENT OF THE CASE



The special exception applicant, Victory Housing, Inc., has submitted a petition in support of a special exception to develop and operate a 49-unit, three-story plus basement residential housing facility for the elderly to be known as “Victory Oaks at St. Camillus”. Victory Housing, Inc. (VHI) is a non-profit housing arm of the Archdiocese of Washington. It currently operates several assisted living facilities and U.S. Department of Urban Development (HUD)–funded apartments for independent low-income elderly residents of Montgomery County and Prince Georges County. The proposed project is also being funded under a HUD program.

The proposed 49-unit senior housing apartment building will have a gross floor area of 43,132 square feet and house independent, low-income elderly residents. The building will include a multi-purpose room, television lounge, crafts room, wellness center, fitness room, offices and outdoor patio area.

The building will be in operation 24 hours of the day with hours for most activities limited to 9:00 a.m. to 6:00 p.m. The facility will have a maximum of 3 staff members during normal business hours and one staff member on-call during the evening hours.



### III. PROPERTY DESCRIPTION

The subject property is located on the east side of Beacon Road approximately 600 feet north of its intersection with Northampton Drive and approximately 1200 feet west of New Hampshire Avenue in Silver Spring, MD. The special exception site consists of 1.99 acres of land and is part of a 16.5-acre property owned by St. Camillus Church. The remainder of the property, which consists of 14.5 acres of land, is developed with St Camillus Church and St Camillus school (Pre K and Grades K-8). The special exception site is located across (east of) the Broad Acres Elementary School and the Broad Acres Local Park. The special exception site along with the larger Church property is zoned R-60. A site inspection by staff reveals that the notification of the pending application is properly posted.

### IV. SURROUNDING AREA

The area surrounding the subject property is described as follows:

**North :** The Capital Beltway (I-495)  
**East** New Hampshire Avenue  
**West: and South** Northwest Branch Stream and New Hampshire Avenue



The surrounding area consists mostly of single-family detached homes and low-rise apartment buildings, classified in the R-60 and R-20 zones. Northwest Branch Park and Broadacre Park, as well as several churches and schools, are also located within the surrounding area. The special exception site is situated between St. Camillus Church and St. Camillus School. The 16.5-acre church/school campus separates the single-family development to the north from the multi-family development to the south. The special exception site most closely borders the multi-family development south of the church/school campus.

### V. PLANNING AND ZONING HISTORY

The 1941 zoning map of the Maryland-Washington Regional District shows the subject property in the "A" Zone (Residential Single Dwellings, Churches, and school). The property was placed in the R-60 zone with the enactment of the 1954 comprehensive zoning. The property was retained in the R-60 zone by all subsequent sectional map amendments (SMA), including the 1958 County-Wide Comprehensive Zoning Map Amendment, the 1978 SMA (G-800) for East Silver spring, and the 2001 SMA (G-790) for the Silver Spring CBD.

### VI. MASTER PLAN

Community-Based Planning staff, in its review of the special exception application, found the proposed senior housing project to be consistent with the recommendations of the 2000

*East Silver Spring Master Plan.* Comments provided by Community Based Planning include the following:

The 2000 East Silver Spring Master Plan does not contain specific recommendations for this particular site, but the general recommendations in the Plan are applicable. The Plan recommends that the area's existing residential character be preserved. It encourages neighborhood reinvestment and enhancement of the quality of life throughout East Silver Spring. Staff finds that the proposed project meets these goals. By providing affordable independent senior housing to the area this project provides an opportunity for senior residents to remain in the community.

The Plan also supports providing adequate social, employment, and health facilities and services. On an as-needed basis this proposed senior housing facility will offer geriatric wellness services and fitness programs, periodic seminars and classes of interest, and social activities to the residents.

The Plan recommends that special exceptions be sensitive to the character and the scale of the adjoining neighborhoods....Staff finds that an independent senior housing facility is appropriate amongst this mix of institutional and multifamily residential uses.

## **VII. COMMUNITY CONCERNS**

The proposed special exception use is generally supported by the residents of the surrounding area, civic associations, and political leaders as evidenced by the attached correspondence. Staff has not received any oral or written comments in opposition to the proposed special exception.

## **VIII. TRANSPORTATION**

The proposed senior housing facility will not adversely affect area pedestrian accessibility and will have no adverse effect on the transportation network in the immediate area. Since the proposed facility will not generate 30 or more peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required and, therefore, the subject petition passes the Local Area Transportation Review (LATR) requirements of the APF test. Additionally, the proposal is not subject to Policy Area Mobility Review (PAMR) (see attached Transportation Planning staff memo dated November 30, 2009).

Transportation Planning staff recommends that any grant of the proposed special exception application limit development under the special exception to a 49-unit residential facility for senior adults and persons with disabilities.

## **IX. ENVIRONMENT**

In its December 11, 2009 memorandum, Environmental Planning staff indicated conditional support for the special exception and offered the following general comments on the application. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420091690 was approved on May 22, 2009. The site is in the Northwest Branch watershed, designated as class IV / IV-P waters. According to the most recent version of the Countywide Stream Protection Strategy (CSPS) document, the stream segment receiving runoff from the subject property is classified as being in fair condition. There are no streams, wetlands, or floodplain on-site. This property is not located within a Special Protection Area.

The property is subject to the Montgomery County Forest Conservation Law and Preliminary Forest Conservation Plan (PFCP) and is being reviewed by the Planning Board for compliance with these laws. Environmental Planning staff recommends approval of the proposed PFCP with conditions that include compensation for forest loss at an off-site location.

Although not required at this stage of review, an earlier proposed stormwater concept plan was rejected by County DPS in a letter dated June 16, 2009. The applicant's engineer resubmitted a revised plan to DPS on December 8, 2009. The applicant's engineer anticipates concept plan approval will be determined in the next few weeks. The plan includes limited areas of bioretention.

The plan encourages the exploration and promotion of innovative stormwater management options when the opportunities present themselves. The applicant's engineer is working with County DPS to provide Best Management Practices (BMPs) in the site's Concept Stormwater Management Plan. The proposed building footprint has been designed to keep the amount of impervious surface to a minimum while incorporating green building and LEED techniques.

A number of environmental issues require further analysis. Particular focus shall be paid to all sources generating noise outside the structure including HVAC equipment, emergency generators, and any activities in the service court area (e.g., loading/unloading, delivery/refrigeration trucks, backup beepers, etc.). To ensure compliance with the County's (Chapter 31B of the County Code) the following conditions of approval are recommended:

1. Demonstrate compliance with the County Noise Ordinance (Chapter 31B of the County Code) to support a finding that operations of this proposed use "*will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site...*"
  - a. Particular focus shall be paid to all noise sources generating noise outside the structure including HVAC equipment, emergency generator(s), and any activities in the service court area (e.g., loading/unloading, delivery/refrigeration trucks, backup beepers, etc.).
  - b. Cumulative noise levels from such activities should be evaluated using the Noise Ordinance's night-time noise standard (55 dBA at the nearest property line) unless such noise-generating operation(s) are explicitly prohibited from operating during nighttime ("quiet") hours (9 PM to 7 AM weekdays, and 9 PM to 9 AM weekends and holidays).
  - c. Garbage/dumpster pickup must comply with time of day restrictions as specified in Chapter 48—Solid Wastes Regulations.
  - d. All operations not in compliance shall be brought into compliance 1) by purchase of quieter equipment; 2) by mitigation; and/or 3) by explicit restriction as to time of day such operation(s) can occur.
  - e. The special exception plan must include commitments to compliance per condition 1(d) as necessary on the plan and/or in a revised "statement in support of special exception."

## **X. LANDSCAPE AND DESIGN**

In response to staff comments, the applicant revised the site and landscape plans. The revised plans generally are adequate in terms of layout, landscaping, and on site circulation. However,



staff has recommended a minor change in plant type to replace the Picea Glauca trees with Picea Pungens, Blue Spruce, Picea Abies, or Norway Spruce.

The pedestrian access to Beacon Road is safe and adequate. However, the southern portion of the side walk, measuring 5 feet (including the curb), should be consistent with the width (6 feet including the curb) of the driveway on the north and east sides to meet the ADA requirements. Moreover, the applicant should add handicap access between the proposed housing and church per ADA requirements

**XI. GENERAL DEVELOPMENT STANDARDS (§ 59-G-1.23)**

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

The following table summarizes the relevant development standards for the R-60 zone that are applicable to the proposed special exception request:

<b>Development Standard</b>	<b>Required (current)</b>	<b>Proposed/Existing</b>
<b>Minimum Lot Area</b>	6,000	1.93 ac P.6 say 1.99
<b>Minimum Lot width:</b> <ul style="list-style-type: none"> <li>▪ at front building line</li> <li>▪ at street line</li> </ul>	25 ft	130 ft
<b>Minimum Building Setback:</b> <b>§59-G-2.35(c)(1)</b> <ul style="list-style-type: none"> <li>• From street</li> <li>• Side Yards</li> <li>• Rear</li> </ul>	50ft 25 ft 25	300ft 25+ft NA
<b>Maximum Building Height</b> *	2½ stories or 35 ft	3 stories at 40ft*
<b>Maximum Lot coverage</b> <b>§59-C-1.328</b> <b>§59-G-2.35 (c)(3)</b>	35% 35%	18%
<b>Minimum Green Area</b> <b>§59-G-2.35 (c)(4)</b>	50%	55%

\*59-G-2.35 permits: four stories or the height limit of the applicable zone, whichever is less. Additional height up to six stories is permitted if the additional height is in conformity with the general character of the neighborhood considering population density, design, scale and bulk of the proposed building, traffic and parking conditions.

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

**Section 59-E-3.7—Parking requirements**

**Housing and related facilities for senior adults or persons with disabilities.** Base parking requirements for housing for senior adults or persons with disabilities must be determined in accordance with the location of the property in relation to the Parking Policy Areas approved by the District Council on June 28, 1984, and maintained by the Planning Board. The base parking requirements vary according to the number of bedrooms in each dwelling unit.

**Section 59-E-3.33 (b)(3):**states that for housing and related facilities for senior adults and persons with disabilities with provision of units that are required to be at or below the price levels for moderately priced dwelling units, the Director/Planning Board may approve up to a 20% reduction in the standard parking requirements contained in Section 59-E-3.7.

No. of Bedrooms	Southern Area	Required Spaces With 20% credit	Proposed Spaces
0—1	0.50	49 BR x 0.50=24.50 = 25 25x.8=20 SP	32 sp

With the 20% credit for MPDUs, a total of 20 parking spaces are required for the proposed uses on the subject property. The site plan provides a total of 32 parking spaces, including 8 handicap spaces, one of which is van accessible. The application satisfies the parking requirement.

- c. **Forest Conservation-59-G-23 (d):** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. Preliminary forest conservation plan recommendations are reviewed by the Planning Board as a regulatory item, separate from the Board’s review of the special exception application. Environmental Planning staff is recommending approval of the PFCP, with conditions. This special exception site is also subject to Chapter 22A-21, which requires that a variance be granted by the planning Board for the applicant to remove four specimen trees located inside the special exception area. Environmental Planning staff recommends approval of the requested variance to remove four specimen trees.

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

An 8’ (w) X 5.83’ (h) monument sign is proposed as part of the application. All signs placed on the property must meet the requirements of Section 59-F-4.2 (a) in terms of number, location and size and Section 59-F-4.1 (e) regarding illumination.

- (e) **Building compatibility in residential zones (59-G-1.23(g)):** Any structure that is constructed, reconstructed or altered under a special exception in a residential zone



**must be well related to the surrounding area in its sitting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.**

The proposed senior residential facility will be constructed on the St Camillus property situated between the Church building and St. Camillus School, and abutting a garden apartment complex to the south. The proposed building relates and blends well with the architectural elements and features of the existing buildings that surround site. The proposed building is compatible with the surrounding area in terms of its scale, bulk, height, and architectural features.

- e. **Lighting in residential zones —59-G-23(h): All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:**
- (1) **Luminaires must incorporate a glare and spill light control device to minimize glare and light trespass.**
  - (2) **Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.**

The lighting plan adequately and efficiently provides a safe vehicular and pedestrian environment. The proposed lighting will not cause glare on adjoining properties, nor will it exceed the 0.1 foot-candle standard at the side and rear property lines. A photometric study was submitted with the application to show that the proposed modification satisfies this requirement.

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

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

As established in previous special exception cases, seven criteria are used to identify the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment. What must be determined is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. The inherent, generic physical and operational characteristics associated with Housing and Related Facilities for Senior Adults and persons with Disabilities are (1) buildings and related outdoor recreational areas or facilities (2) parking areas,

(3) lighting, (4) vehicular trips to and from the site by employees, visitors, residents, delivery, and trash pick-up.

The proposed scale of the building, the number of access points, the internal vehicular circulation system, and the onsite parking areas shown on the site plan are operational characteristics typically associated with Housing and Related Facilities for Senior Adults and persons with Disabilities. There are no non-inherent characteristic as associated with the application. The proposed senior housing facility is consistent with all applicable standards of the R-60 zone and satisfies all applicable requirements for Housing and Related Facilities for Senior Adults and persons with Disabilities special exception. Based on the traffic analysis, the vehicular and pedestrian movement surrounding the site and on Beacon Road would be safe, adequate, and efficient. The lighting concept as depicted on the lighting plan is appropriate for the proposed use at the subject location.

With the recommended conditions of approval, the inherent and non-inherent impacts associated with the proposed use do not rise to a level sufficient to warrant a denial of the application.

### **XIII. GENERAL CONDITIONS (59-G-1.21)**

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

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

The proposed use is permitted by special exception in the R-60zone.

**(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.**

With staff's recommended conditions of approval, the proposal satisfies the specific special exception standards and requirements of Section 59.G-2.35 for grant of a Housing Facility for Senior Adults and Persons with Disabilities..

**(3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.**

There are no general plan or master plan concerns associated with this application. The most recent East Silver Spring Master Plan does not have any specific guidance regarding housing and related facilities for senior adults or persons with disabilities at the particular site or in general. Community Based planning staff



indicated that the master plan encourages neighborhood reinvestment and enhancement of the quality of life throughout East Silver Spring and that the proposed project meets these goals. The proposed affordable independent living senior housing provides an opportunity for senior residents to remain in the community.

- (4) **Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses. The Board or Hearing Examiner must consider whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the special exception application was submitted.**

The proposed use will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses. Adequate off street parking spaces are provided to satisfy the proposed senior housing needs. The site and landscape plans provide for the integration of the modestly sized, well designed building and landscaped yard into an area that is currently vacant that is surrounded by aging developments in a manner that will invigorate the character of the surrounding residential neighborhood.

- (5) **Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed use would not be detrimental to the use, peaceful enjoyment, economic value or development of adjacent properties or the general neighborhood, provided that the applicant complies with the recommended conditions of approval of this application. Due to the nature of the use, it is unlikely that the proposed building would generate a level of traffic or noise that would raise concern for congestion on the streets.

- (6) **Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed use is not expected to cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site. However, Environmental Planning Staff has asked the applicant to provide, at the time of the Planning Board hearing, assurances that sources generating noise outside the structure including HVAC equipment, emergency generators and any noise generating activities in the service court area would not violate County noise standards.

None of the outside noise sources appear to be unusual for the type of use proposed. According to the applicant's engineer, Victory Oaks will have one

emergency generator to operate the elevators, emergency lighting, common area heating and entry door in case the power goes out. The generator will be located near the loading dock and will be screened with a wall as shown on the floor plans. Given the small size of the building, the generator will not be very large and the wall should more than mitigate any excess noise.

In terms of air conditioning, Victory Oaks will have through-the-wall Magic-Pak HVAC units for each apartment. For the common areas, there will be 6-7 condensing units, which will be placed around the rear of the building. Due to the small size of the Magic-Pak units and the low number of condensing units, there should not be any concerns about noise from this equipment. In any event, staff believes it is reasonable to have the applicant provide in time for the Planning Board hearing, dBL measures for each of the outside noise sources to demonstrate compliance with County noise standards and how the trash/dumpster pick up will satisfy code requirements.

The use will be adequately screened from the views of neighboring properties, with minimal lighting and glare, and no significant traffic impact.

- (7) **Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.**

Staff has identified at least 4 special exception uses within the surrounding area (as defined by Staff). Two of the Special Exceptions (BAS-1326 and BAS-2569) are accessory apartments that were granted in 1988 and 2003, respectively. Other special exceptions include BAS- 643, a beauty shop that was approved in 1978, and S-2669, a wireless telecommunications facility approved in 2006. Staff is not certain how many of these special exception uses are currently active, but all are located north of the subject site in the R-60 zoned residential area (except the telecommunication facility that is located on the grounds of a community pool). The nearest special exception use is located approximately 2000 feet from the subject site.

The proposed special exception will not increase the number, intensity, and scope of approved special exceptions in the area enough to affect the area adversely or alter its residential nature. The proposed use would provide a valuable service to the community by offering the elderly in the area an opportunity to remain in the area.

- (8) **Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed special exception will not adversely affect the health, safety, security, morals or welfare of residents, visitors or workers in the area. The proposed project



will add to the vitality of the neighborhood by providing a needed service in to the community.

- (9) **Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.**
- (A) **If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.**
- (B) **If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.**

The proposed use will be adequately served by existing public facilities. The Local Area Transportation Review (LATR) Guidelines require that a traffic study be performed if the use generates 30 or more peak hour trips. The proposed independent living senior housing facility is expected to generate only 3 weekday morning peak-hour trip and 2 weekday evening peak hour trip; therefore, a traffic study is not needed to satisfy LATR requirements. Since the proposed facility will generate less than 4 peak-hour trips during the weekday morning and evening peak-periods, it is not required to satisfy Policy Area Mobility Review (PAMR) for the Silver Spring/Takoma Park Policy Area. The proposed use is not likely to negatively impact the safety of vehicular or pedestrian traffic.

The following are excerpts from Transportation Planning Staff Comments

...Access to the church property is currently from Avenel Road. However, the elderly housing facility is proposed with access to Beacon Road Extended, which generally forms the western boundary of the church property. Beacon Road Extended is a privately-maintained extension of the publicly-maintained section of Beacon Road into the church property through the Broad Acres Elementary School/Montgomery County Public Schools (MCPS) property. The publicly-dedicated section of Beacon Road currently terminates at the southern school property line (approximately 280 feet to the north of Northampton Drive). The road extension is the sole access to the Broad Acres Elementary School/Broad Acres Local Park; it also provides an alternative access into the St. Camillus Church property, but is gated at the church property line. As part of this special exception petition, the gate is proposed to be relocated approximately 150 feet to the north to facilitate access to the elderly housing facility via Beacon Road/Beacon Road Extended.

Beacon Road/Beacon Road Extended is approximately 22-24 feet wide. The roadway has sidewalk on both sides within the publicly-maintained section. Within the privately-maintained section to the north, the sidewalk is only to the east side of the roadway and is extended into the church property (the school and the church sanctuary). The proposed special exception use will include a lead-in sidewalk into the elderly housing facility along the north side of the access driveway. The proposed elderly housing facility will not adversely affect area pedestrian accessibility or safety.

..Based on trip generation rates included in the *Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines*, it is estimated that the proposed 49-unit independent-living elderly housing facility will generate 3 peak-hour trips during the weekday morning peak period and 2 peak-hour trips during weekday evening peak period. This is summarized in Table 1.

**TABLE 1  
SUMMARY OF TRIP GENERATION  
VICTORY OAKS AT ST. CAMILLUS – ELDERLY HOUSING FACILITY**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
49 independent-living units	1	2	3	1	1	2

Source: Lenhart Traffic Consulting, Inc. Traffic Statement; February 28, 2009.

Note: Trip generation estimate based on LATR/PAMR Guidelines trip generation rates for an independent living facility with some support services plus minimal assisted-living and nursing home facilities.

A traffic study is not required for the subject special exception use since the proposed elderly housing facility will generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. With documentation of site trip generation as above, the proposed use satisfies the LATR requirements of the APF test.

To satisfy the PAMR requirements of the APF test, a use located within the Silver Spring/Takoma Park Policy Area is required to mitigate 10% of its “new” peak-hour trips. The subject special exception use is exempt, however, from this PAMR requirement since it is estimated to generate three or less weekday peak-hour trips.

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

No finding is required.



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

The Applicant has met the burden of proof under Sections 59-G-2.35 “Housing and Related Facilities for Senior Adults or Persons with Disabilities” and 59-G-21(a): “General Conditions”.

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

Pursuant to Section 59-G-2.35 a special exception may be granted for housing and related facilities for senior adults or persons with disabilities, subject to the following provisions

**(a) Prerequisites for granting:**

- (1) **A minimum of 15 percent of the dwelling units is permanently reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined as follows:**
- (A) **“MPDU income” is the income limit determined by the Department of Housing and Community Affairs in the administration of the moderately priced dwelling unit (MPDU) program, as prescribed by Chapter 25A.**
  - (B) **“Low income” is income at or below 60 percent of the area median income adjusted for household size.**
  - (C) **“Very low income” is income at or below 50 percent of the area median income adjusted for household size.**
  - (D) **“Area median income” is as determined annually by the U.S. Department of Housing and Urban Development.**

The applicant’s submittal statement indicates that with the exception of 1 unit that will be reserved for resident Staff, all of the proposed units will meet the MPDU requirements for rent levels. The applicant indicated that the subject senior housing facility is proposed for very low income seniors, citing the average income in Victory Housing’s existing Section 202 projects as \$13,170. The applicant further offered the following statement:

Construction of the project will be funded through a grant from the U.S. Department of Housing and Urban Development (HUD) under its Section 202 Program. HUD will also subsidize the operation of the project. Occupancy of the project will be restricted to applicants with a minimum age of 62 whose incomes do not exceed 50 percent of the area median income. HUD requires these occupancy limits to remain in effect for at least 40 years. Each tenant will be required to pay rent in the amount of 30 percent of his or her adjusted income

- (2) **The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreational and other community services frequently desired by senior adults or persons with disabilities.**

The site of the proposed facility has adequate accessibility to public transportation, medical service, shopping areas, recreational and other community services. The Transportation Planning staff has provided the following information regarding access to public transportation in the immediate area:

The immediate area roadways (Northampton Road, Avenal Road, and New Hampshire Avenue) are served by Metrobus Routes K6 and R1 (connecting to Fort Totten Metro Station) and RideOn Routes 20 (connecting to Silver Spring Metro Station) and 24 (connecting to Takoma Park Metro Station). The closest bus stop for these routes (except Route R1, which runs along New Hampshire Avenue) from the proposed elderly housing facility is at the Northampton Road/Beacon Road intersection, which is approximately 600 feet from the facility. Additionally, the petitioner operates a van service among its various local properties that will be available for residents at the Victory Oaks at St. Camillus for their transportation needs.

- (3) **The site or the proposed facility is reasonably well protected from excessive noise, air pollution, and other harmful physical influences.**

Due to the existing pattern of development in the area, which is characterized by residential developments and institutional uses (churches and schools), the subject property, is not likely to be susceptible to air pollution and other harmful physical influences. Given the placement of the building on the property relative to adjoining properties and roads, and considering current traffic pattern on the adjacent streets, potential visual and noise intrusion to and from the proposed site would be minimal.

(b) **Occupancy of a dwelling unit is restricted to the following:**

- (1) **A senior adult or person with disabilities, as defined in Section 59-A-2.1;**
- (2) **The spouse of a senior or disabled resident, regardless of age or disability;**
- (3) **A resident care-giver, if needed to assist a senior or disabled resident; or**
- (4) **In a development designed primarily for persons with disabilities rather than senior adults, the parent, daughter, son, sister or brother of a handicapped resident, regardless of age or disability.**

The applicant has indicated that occupancy of a unit in Victory Oaks at Saint Camillus will be restricted to the persons described in §59-G-2.35 (b)(1)-(3) of the Montgomery County Zoning Ordinance.

**Additional Occupancy Provisions are:**

- (5) **Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, and subsequent**

**amendments thereto. (In that Act, “familial status” refers to discrimination against families with children.)**

The applicant statement indicates that the petitioner will comply with the requirements of the federal “Fair Housing Act,” Title VIII of the Civil Rights Act of 1968 and will demonstrate its compliance with that law at the appropriate time in the review process.

- (6) Resident staff necessary for operation of the facility are also allowed to live on site.**

The applicant statement indicates that the proposed facility will be in operation 24 hours a day. Most activities will occur between 9:00 a.m. and 6:00 p.m. The facility will be staffed during the day with a maximum of three employees and during the evening hours with one on-call staff person. One of the 49 residential units of the facility would be used as a residence for staff.

- (c) Development standards, other than density, in residential zones where allowed by special exception:**

- (1) Minimum setbacks:**

- (A) From street: 50 feet. Except for an access driveway, this must be maintained as green area. However, if development does not exceed the height limit of the applicable one-family zone, the minimum setback specified by the zone applies.**
- (B) From side and rear lot lines: 25 feet or as specified by the relevant zone, whichever is greater.**

The proposal meets or exceeds the minimum setback requirements for all yards. Therefore, it is in compliance with the requirements.

- (2) Maximum building height: four stories or the height of the applicable zone, whichever is less. Additional height up to six stories is permitted if the additional height is in conformity with the general character of the neighborhood considering population density, design, scale and bulk of the proposed building, traffic and parking conditions.**

The proposed building will have a maximum height of 40 feet (3 stories), slightly over the maximum 35 ft allowed in the zone. Given the location of the senior housing facility adjacent to a garden apartment complex in the R-20 zone, and surrounded by a church and schools, and substantially distanced from the R-60 zoned one and two-story detached dwellings to the north, the proposed building will be in conformity with general character of the neighborhood and suitable for additional building height up to 40 feet.

- (3) Maximum lot coverage: As specified by the relevant zone.**

With 18 percent lot coverage, the proposal is in compliance with this requirement.

**(4) Minimum green area:**

- (A) R-60, R-90, and the RT Zones: 50 percent**
- (B) R-150 and R-200 Zones: 60 percent**
- (C) RE-1, RE-2, and RE-2C Zone: 70 percent, except where the minimum green area requirement is established in an approved and adopted master plan.**

**The Board may reduce the green area requirement by up to 15% if it is necessary to accommodate a lower building height for compatibility reasons.**

The proposal is in compliance with this requirement. A green area of 55 percent is provided. A waiver is not necessary in this case.

- (d) Development standards, other than density, in the R-30, R-20, R-10 and R-H Zones are as specified by the relevant zone in Section 59-C-2.41, except that the lot coverage and building setbacks may be modified as specified in Section 59-C-2.42 concerning standards for moderately priced dwelling units.**

Not applicable. The property is in the R-60 zone.

**(e) Maximum density:**

**In the Rural, Rural Cluster, RE-2, RE-2C, RE-1, R-200, R-150, R-90, R-60, R-40, RT-6, RT-8, RT-10, and RT-12.5 Zones, the number of units is governed by the overall size of the building as determined in accordance with the development standards by Paragraph (c) of this section. Minimum unit size is governed by the minimum space and other relevant standards of Chapter 26, title "Housing Standards," of this Code, as amended.**

The development standards of the zoning regulations for the R-60 zone do not specify the minimum requirement for number of units in a senior housing facility. However, Section 26-5 (a) of the Housing and Building Maintenance Standards specifies the following.

- (a) Floor area, dwelling unit. Every dwelling unit must contain at least 150 square feet of floor area for the first occupant and at least 100 additional square feet of floor area for every additional occupant. The floor area of that part of any room where the ceiling height is less than 5 feet or where the room width is less than 7 feet must not be considered in computing the habitable space of the room to decide its maximum permissible occupancy.*

All 49 units in the proposed facility exceed the minimum 150 square feet of area. The sizes of the one-room units range from 574 square feet to 696 square feet of floor area.

**(f) Parking and loading:**

**Parking must be provided in accordance with the provisions of Section 59-E-3.7 and Section E-2.83. The Board must require adequate scheduling and long-term continuation of any services for which parking credits are granted in accordance with**



**Section 59-E-3.33 (b) and may require additional parking for any facilities and services provided in accordance with Paragraph (g)(2) of this section, if they serve nonresident senior adults or persons with disabilities. When considering the need for additional parking, the Board may consider the availability of nearby public or private parking facilities.**

The proposed independent senior living facility will have 49 units. The application qualifies for a 20% parking reduction (Credits for MPDUs) pursuant to **Section 59-E-3.33 (b)(3)**. With the 20% credit for MPDUs, a total of 20 parking spaces are required for the proposed use on the subject property. The site plan provides a total of 32 parking spaces, including 8 handicap spaces, one of which is van accessible. The application satisfies the parking requirement.

**Section 4.1.2 (5)(d)(ii) of the Maryland Accessibility Code** requires for facilities such as the proposed housing for senior adults and persons with disabilities, twenty percent of the total number of spaces on site shall be designed for the physically handicapped. Within that 20 percent, 1 out of every 4 parking spaces must be designed as a van-accessible space. As such, 7 handicap parking spaces of which at least 1 is van accessible are required for the proposed facility. The proposal provides 8 handicap spaces, 1 of which is van accessible, therefore, the site plan satisfies this requirement.

**(g) Additional provisions:**

**(1) One or more of the following ancillary facilities and services may be included to serve the residents and possibly nonresident senior adults or persons with disabilities. The Board may restrict the availability of such services to nonresidents and specify the manner in which this is publicized.**

- (A) Provision for on-site meal service;**
- (B) Medical or therapy facilities or space for mobile medical or therapy services;**
- (C) Nursing care;**
- (D) Personal care services;**
- (E) Day care for senior adults or persons with disabilities;**
- (F) On-site facilities for recreation, hobbies or similar activities; or**
- (G) Transportation to such off-site facilities and services as shopping, religious, community or recreational facilities, or medical services.**

The applicant has stated that the facility will include a computer room, an arts and crafts room, community room, TV room and an outdoor patio. Also, the applicant has indicated that services such as geriatric wellness services and fitness programs as well as periodic classes and seminars of interest plus social activities are to be offered on as needed basis.

With regard to transportation, the applicant indicated that the Ride-On and Metro buses which stop adjacent the property would provide access to off-site facilities and services, including shopping, religious, community or recreational facilities, and medical services. In addition, the petitioner, Victory Housing, Inc, operates a van service for its various local properties that will be available to Victory Oaks residents. The applicant also indicated that there is a reasonable expectation that

volunteer parishioners from the adjoining St. Camillus Parish may organize group activities and assist individuals with transportation to a doctor's appointment or group outings. The proposal generally meets the requirement for ancillary facilities.

- (2) **Retail facilities may be included to serve exclusively the residents of the building.**

No retail facility is proposed.

- (3) **The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.**

The applicant has provided a vicinity map showing the above referenced information as part of the application.

- (4) **Construction is subject to all applicable Federal, State and County licenses or certificates.**

The proposal is subject to the building permit process. Moreover, the project is subject to the review and certification process of the Housing Opportunity Commission and the Department of Housing and Community Affairs for the financing of the project and other applicable requirements.

- (h) **Provisions governing facilities approved prior to March 7, 1990:**

Not applicable.

## **XV. CONCLUSION**

Based on the forgoing analysis, staff recommends approval of Special Exception Application S-2751, subject to the conditions found at the beginning of this staff report.

S-2751/ Staff Report/ET/ 12//18/09

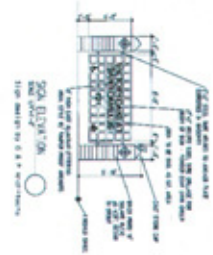
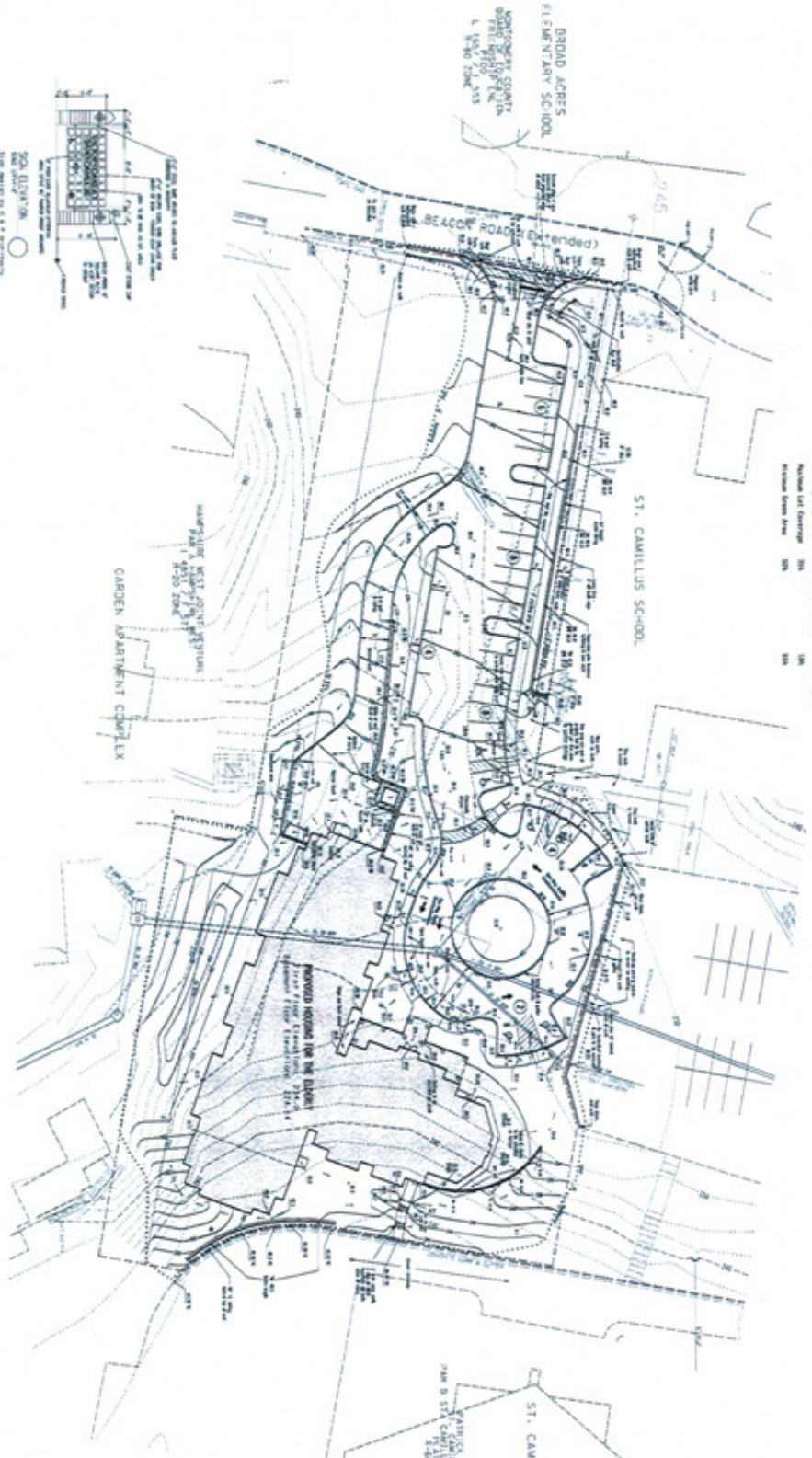
# Attachments

Attachments



### Site Data

1. Subject Development Area:	1.23 Acres
2. Zoning:	R-20
3. Intended Use:	Residential Single-Family
4. Proposed Density:	Medium Density (20-40 UDS)
5. Units Proposed:	40
6. Parking Proposed:	20 Spaces, Proposed = 20 Spaces
7. Streets:	Proposed
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**SS SITE SERVICES, INC.**  
 10000 W. 10th Street, Suite 100, Denver, CO 80202  
 Phone: (303) 751-1111  
 Fax: (303) 751-1112  
 Website: www.siteservices.com

**PROJECT:** Victory Oaks at St. Camillus  
 10000 W. 10th Street, Suite 100, Denver, CO 80202

**SHEET C-3**

**SCALE:** 1" = 100'

**DATE:** 11/11/11

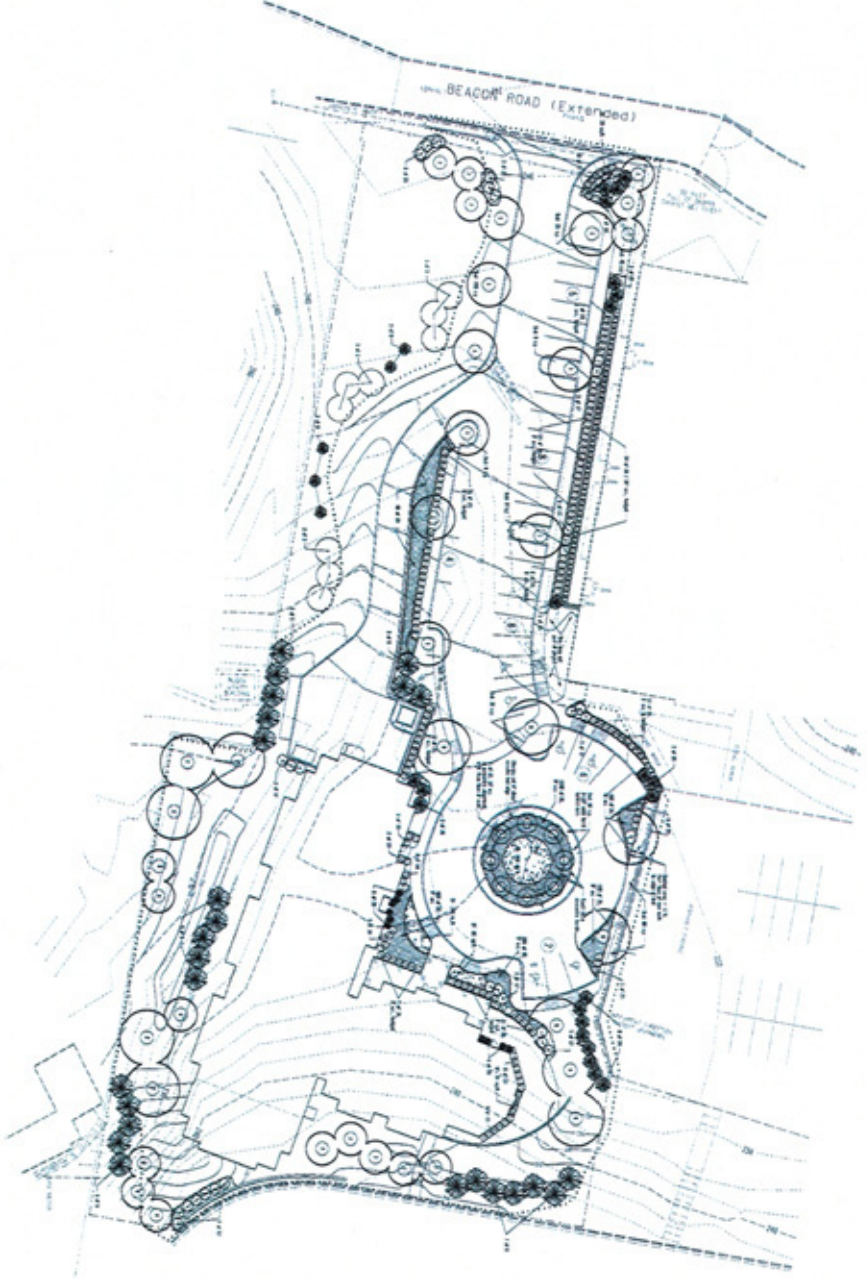
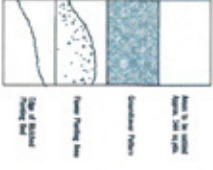
**BY:** [Signature]

**CHECKED BY:** [Signature]

**APPROVED BY:** [Signature]



**THE SITE RESTORATION, LLC**  
 10000 W. 10th Avenue, Suite 100  
 Golden, CO 80401  
 Phone: 303.440.1111  
 Fax: 303.440.1112  
 Email: info@thesiterestoration.com



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	08/15/2011	JL
2	REVISION		
3	REVISION		
4	REVISION		
5	REVISION		

LANDSCAPE PLAN  
 Victory Oaks at St. Camillus  
 10000 W. 10th Avenue, Suite 100  
 Golden, CO 80401

Sheet C-4  
 1 of 2  
 1-2







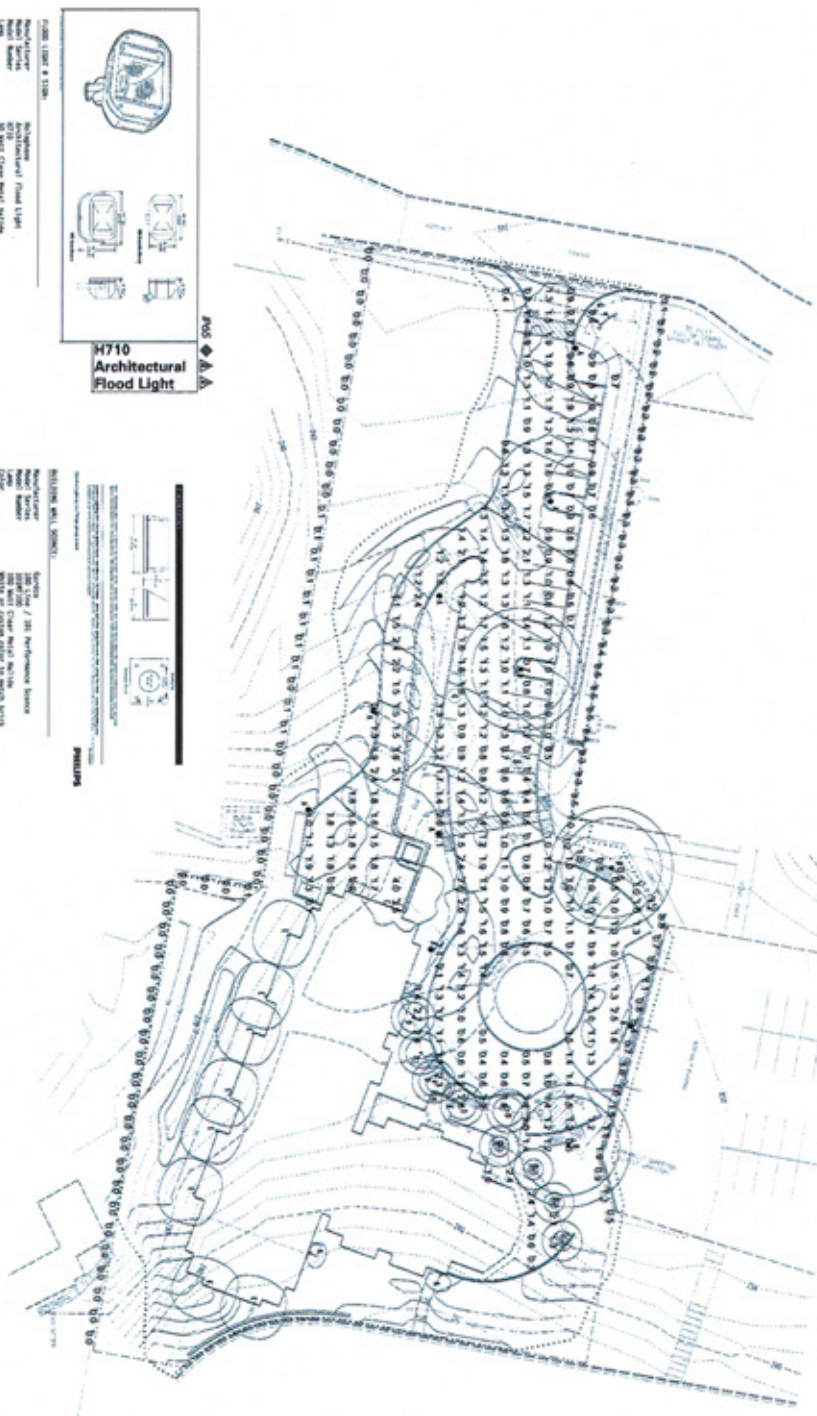
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**MODEL LIGHTS & FIXTURES**

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**PROJECT INFORMATION**

**A-21**

**KEY PLAN**

**ELEVATIONS 1/8" SCALE**

**VICTORY OAKS AT ST. CAMILLUS**

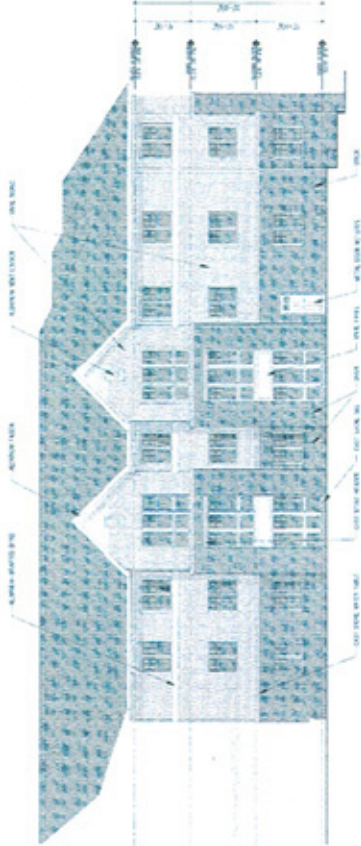
**SILVER SPRING, MD**

**GRIMM PARKER ARCHITECTS**

2000 Parkers Lane  
 Silver Spring, MD 20910  
 Phone: 301-585-1000  
 Fax: 301-585-1005

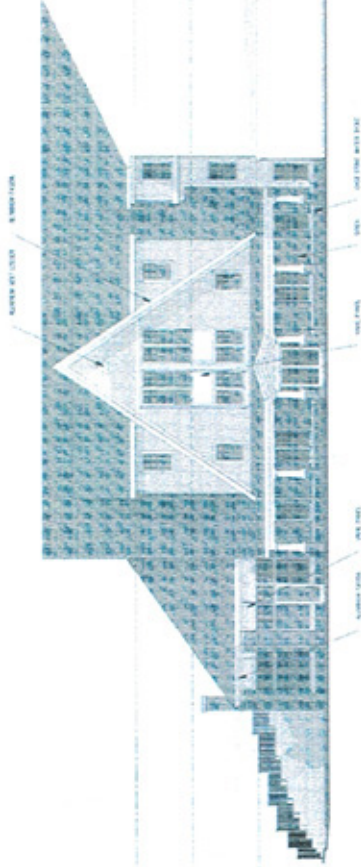
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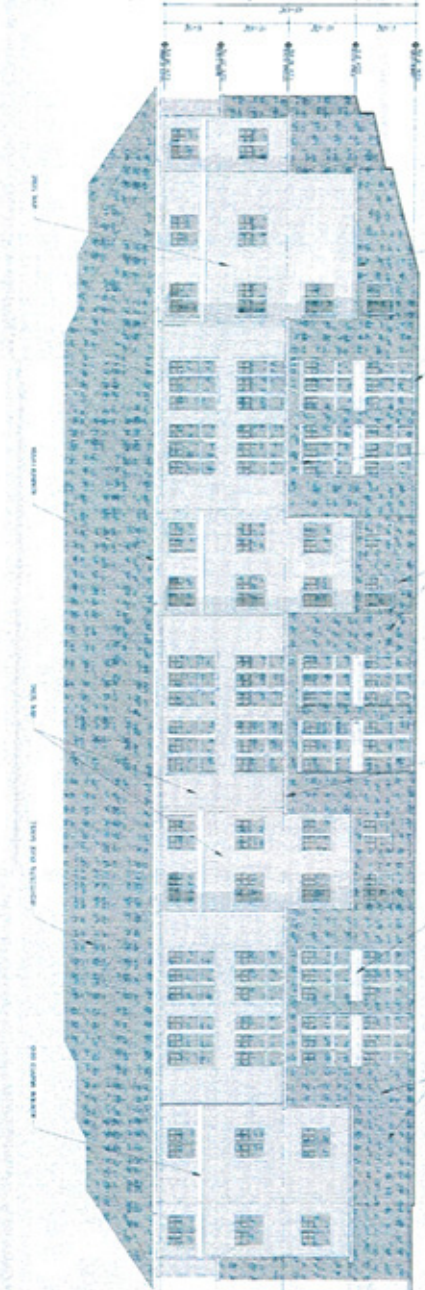
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**WEST ELEVATION**



**(C1)**

**SOUTH ELEVATION**



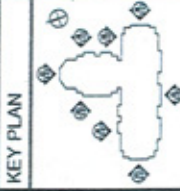
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**WEST ELEVATION**





A-22

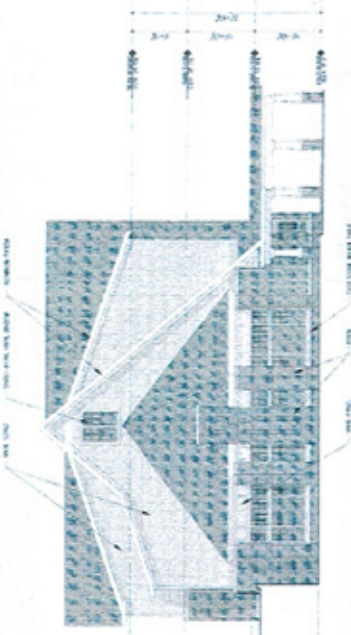


DATE: 10/20/11  
 DRAWN: J. HARRIS  
 CHECKED: J. HARRIS

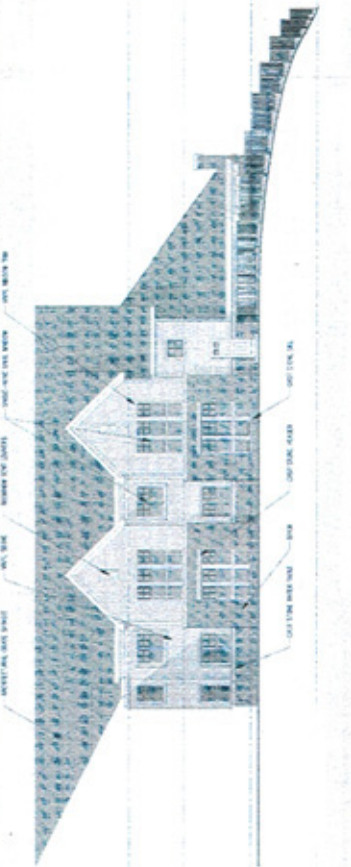
ELEVATIONS 1/8" SCALE  
 VICTORY OAKS AT ST. CAMILLUS  
 SILVER SPRING, MD

CRIMMER PARKER  
 ARCHITECTS  
 10000 Beltsville Drive  
 Suite 100  
 Chevy Chase, MD 20815  
 Tel: 301.956.0000  
 Fax: 301.956.0003

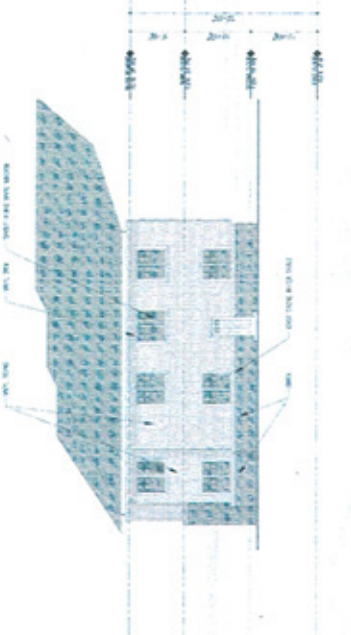
(C3) NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"



(C9) EAST ELEVATION  
 SCALE: 1/8" = 1'-0"



(H3) NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"



(H9) EAST ELEVATION  
 SCALE: 1/8" = 1'-0"





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

**MEMORANDUM**

**TO:** Elsabett Tesfaye, Planner Coordinator, Development Review Division  
**VIA:** Stephen D. Federline, Master Planner, Environmental Planning Division *SD*  
**FROM:** Lori Shirley, Planner Coordinator, Environmental Planning Division *LS*  
**DATE:** December 11, 2009  
**SUBJECT:** Special Exception #S-2751- Victory Oaks at St. Camillus, Silver Spring

**RECOMMENDATION AND FINDINGS**

Environmental Planning staff recommends **approval** of the above referenced Special Exception #S-2751 for the Victory Oaks at St. Camillus site with conditions:

1. Demonstrate compliance with the County Noise Ordinance (Chapter 31B of the County Code) to support a finding that operations of this proposed use *“will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site...”*
  - a. Particular focus shall be paid to all noise sources generating noise outside the structure including HVAC equipment, emergency generator(s), and any activities in the service court area (e.g., loading/unloading, delivery/refrigeration trucks, backup beepers, etc.).
  - b. Cumulative noise levels from such activities should be evaluated using the Noise Ordinance’s night-time noise standard (55 dBA at the nearest property line) unless such noise-generating operation(s) are explicitly prohibited from operating during nighttime (“quiet”) hours (9 PM to 7 AM weekdays, and 9 PM to 7 AM weekends and holidays).
  - c. Garbage/dumpster pickup must comply with time of day restrictions as specified in Chapter 48.
  - d. All operations not in compliance shall be brought into compliance 1) by purchase of quieter equipment; 2) by mitigation; and/or 3) by explicit restriction as to time of day such operation(s) can occur.
  - e. The special exception plan must include commitments to compliance per condition 1(d) as necessary on the plan and/or in a revised “statement in support of special exception.”

Upon compliance with condition #1, Environmental Planning staff supports a finding that application will not conflict with the required findings in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance, excluding as related to illumination and glare, which are outside our Division’s purview.

The property is subject to the requirements of Chapter 22A of the County Code - the forest conservation law. Staff recommendations on the preliminary Forest Conservation Plan (PFCP) have been forwarded to the Planning Board under separate cover for action.

Staff is recommending PFCP approval with conditions which include compensation for forest loss at an offsite location. The Board must take action on the forest conservation recommendations prior to making final recommendations on the special exception.

**Background/Proposal**

The overall St. Camillus site is comprised of one parcel and contains 16.15 acres. The proposal is for construction of a 49-unit senior housing building southeast of the site's existing school building on 1.93 acres of the site within a designated lease line area. The site is in the East Silver Spring Planning Area. The proposal is not required to undergo preliminary plan of subdivision review.

The purpose of this memo is for a determination to be made regarding required findings in Section 59-G-1.21(a)(6) of the Montgomery County Zoning Ordinance as these relate to the proposed special exception.

**Special Exception Required Findings**

Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance reads as follows:

- (6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The Petitioner's Statement of Victory Housing, Inc., was included in the application. The Statement has sufficient information to address most of the required findings in Section 59-G-1.21(a) (6). However, the Statement does not specifically address whether several noise-producing activities common to such use will not cause any objectionable noise and vibration in relation to the adjacent garden apartment buildings to the south and the site's school building to the northwest.

Specifically, staff has identified a number of sources requiring further analysis. Particular focus shall be paid to all sources generating noise outside the structure including HVAC equipment, emergency generator(s), and any activities in the service court area (e.g., loading/unloading, delivery/refrigeration trucks, backup beepers, etc.).

Cumulative noise levels from such activities should be evaluated using the Noise Ordinance' night-time noise standard (55 dBA at the nearest property line) unless such noise-generating operation(s) are explicitly prohibited from operating during nighttime ("quiet") hours (7 AM to 9 PM weekdays, and 9 AM to 9 PM weekends and holidays). Garbage/dumpster pickup must comply with time of day restrictions as specified in Chapter 48.

**Environmental Inventory**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420091690 was approved on May 22, 2009. The site is in the Northwest Branch watershed, designated as class IV / IV-P waters. According to the most recent version of the Countywide Stream Protection Strategy (CSPS) document, the stream segment receiving runoff from this property is classified as being in fair condition. There

are no streams, wetlands, and floodplain on-site. This property is not located within a Special Protection Area.

**Forest Conservation**

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. Preliminary forest conservation plan recommendations shall be reviewed for action by the Planning Board as a regulatory item under separate memo dated December 14, 2009. Staff is recommending PFCP approval with conditions which include compensation for forest loss at an off-site location.

**Master Plan Considerations**

The site is in the East Silver Spring Planning Area. This Master Plan was adopted in December 2000. The proposal is consistent with the Plan's Community Facilities, Parks and Environmental Resources chapter. In the Environmental Resources section, the Plan encourages the exploration of innovative stormwater management and enhanced landscaping options when the opportunities present themselves. The applicant's engineer is working with County DPS to provide Best Management Practices (BMPs) in the site's Concept Stormwater Management Plan. The proposed building footprint has been designed to keep the amount of impervious surface to a minimum while incorporating green building and LEED techniques.

**Stormwater Management**

A stormwater management concept plan approval letter is not on file. An earlier proposed Concept Plan was rejected by County DPS in a letter dated June 16, 2009. The applicant's engineer resubmitted a revised plan to DPS on December 8, 2009. The applicant's engineer anticipates concept plan approval will be determined in the next few weeks. The plan includes limited areas of bioretention.

SDF:LS





November 30, 2009

**MEMORANDUM**

TO: Elsabett Tesfaye, Planner/Coordinator  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Move/Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator  
Move/Transportation Planning Division  
301-495-4525

SUBJECT: Special Exception Case No. S-2751  
Victory Oaks at St. Camillus  
Proposed Housing and Related Facilities for Senior Adults and Persons with  
Disabilities (49 rental units)  
Victory Housing, Inc. ("Petitioner")  
Lot N070; Part of Parcel B, St. Camillus Church Property Subdivision  
1600 St. Camillus Drive, Silver Spring  
Silver Spring/Takoma Park Policy Area

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This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject request by Victory Housing, Inc. to permit a 49-unit residential facility for senior adults and persons with disabilities on Beacon Road Extended in East Silver Spring. The special exception use, called the Victory Oaks at St. Camillus, will be located on approximately 2.0 acres of land on the campus of St. Camillus Church located at 1600 St. Camillus Drive. The property is within the Silver Spring/Takoma Park Policy Area, and is zoned R-60.

**RECOMMENDATIONS**

Transportation Planning staff recommends that the Planning Board require the following condition to be part of the transportation-related requirements to grant this special exception request:

1. Limit development on the property to a 49-unit residential facility for senior adults and persons with disabilities.

## **DISCUSSION**

### Property Location, Vehicular/Pedestrian Access, Transit Availability, and Parking

The Victory Oaks at St. Camillus elderly housing facility is proposed on approximately 2.0 acres of land to the southwest corner of St. Camillus Church property in East Silver Spring. The special exception site is across from the Broad Acres Elementary School and the Broad Acres Local Park. The church property is to the west side of New Hampshire Avenue (MD 650) and Avenel Road, and is between Stateside Drive to the north and Northampton Drive to the south. In addition to the church, the property is developed with the St. Camillus School along the western edge of the property (immediately to the north of the subject special exception site). The school offers a pre-school program for children aged 2-4 and an elementary and middle school program (for Grades K-8).

Access to the church property is currently from Avenel Road. However, the elderly housing facility is proposed with access to Beacon Road Extended, which generally forms the western boundary of the church property. Beacon Road Extended is a privately-maintained extension of the publicly-maintained section of Beacon Road into the church property through the Broad Acres Elementary School/Montgomery County Public Schools (MCPS) property. The publicly-dedicated section of Beacon Road currently terminates at the southern school property line (approximately 280 feet to the north of Northampton Drive). The road extension is the sole access to the Broad Acres Elementary School/Broad Acres Local Park; it also provides an alternative access into the St. Camillus Church property, but is gated at the church property line. As part of this special exception petition, the gate is proposed to be relocated approximately 150 feet to the north to facilitate access to the elderly housing facility via Beacon Road/Beacon Road Extended.

Beacon Road/Beacon Road Extended is approximately 22-24 feet wide. The roadway has sidewalk on both sides within the publicly-maintained section. Within the privately-maintained section to the north, the sidewalk is only to the east side of the roadway and is extended into the church property (the school and the church sanctuary). The proposed special exception use will include a lead-in sidewalk into the elderly housing facility along the north side of the access driveway. The proposed elderly housing facility will not adversely affect area pedestrian accessibility or safety.

The immediate area roadways (Northampton Road, Avenel Road, and New Hampshire Avenue) are served by Metrobus Routes K6 and R1 (connecting to Fort Totten Metro Station) and RideOn Routes 20 (connecting to Silver Spring Metro Station) and 24 (connecting to Takoma Park Metro Station). The closest bus stop for these routes (except Route R1, which runs along New Hampshire Avenue) from the proposed elderly housing facility is at the Northampton Road/Beacon Road intersection, which is approximately 600 feet from the facility. Additionally, the Petitioner operates a van service among its various local properties that will be available for residents at the Victory Oaks at St. Camillus for their transportation needs.

### Master Plan Roadways and Bikeway/Pedestrian Facilities

The 2000 Approved and Adopted *East Silver Spring Master Plan* include the following master-planned roadway/bikeway facility:

1. New Hampshire Avenue, classified as a divided major highway (M-12) with six-to eight-lanes and a minimum right-of-way width of 150 feet. The 2005 *Countywide Bikeways Functional Master Plan* recommends a dual bikeway (DB-7) for MD 650 south of Lockwood Drive to Prince George’s County line.

Local Area Transportation Review

Based on trip generation rates included in the *Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines*, it is estimated that the proposed 49-unit independent-living elderly housing facility will generate 3 peak-hour trips during the weekday morning peak period and 2 peak-hour trips during weekday evening peak period. This is summarized in Table 1.

**TABLE 1  
SUMMARY OF TRIP GENERATION  
VICTORY OAKS AT ST. CAMILLUS – ELDERLY HOUSING FACILITY**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
49 independent-living units	1	2	3	1	1	2

Source: Lenhart Traffic Consulting, Inc. Traffic Statement; February 28, 2009.

Note: Trip generation estimate based on LATR/PAMR Guidelines trip generation rates for an independent living facility with some support services plus minimal assisted-living and nursing home facilities.

A traffic study is not required for the subject special exception use since the proposed elderly housing facility will generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. With documentation of site trip generation as above, the proposed use satisfies the LATR requirements of the APF test.

Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, a use located within the Silver Spring/Takoma Park Policy Area is required to mitigate 10% of its “new” peak-hour trips. The subject special exception use is however exempt from this PAMR requirement since it is estimated to generate three or less weekday peak-hour trips.

SE:CE:tc

cc: Bill Barron

Cathy Conlon  
Robert Kronenberg  
Jody S. Kline, Esq.  
Sarah Navid  
Greg Leck  
Eric J. Foster

mmo to ET re S-2751 Victory Housing.docx



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

**MEMORANDUM**

**DATE:** December 2, 2009

**TO:** Elsabett Tesfaye  
Build Division

**VIA:** Bill Barron, South Central Team Leader  
Vision Division

**FROM:** Crystal Myers  
Vision Division

**SUBJECT:** Zoning Case S-2751

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***Staff recommendation:***

**Approval.** The proposed development is consistent with the *2000 Approved and Adopted East Silver Spring Master Plan* and is compatible with the surrounding community.

***Background:***

The applicant is requesting a housing and related facilities for senior adults and persons with disabilities special exception for a 48-resident unit/1-staff unit elderly housing project on a 1.99 acre site in an R-60 zone. The site, 1600 St. Camillus Drive, is located on the east side of Beacon Road on the campus of Saint Camillus' Parish. It sits between St. Camillus church and St. Camillus school.

***Analysis:***

**Mast Plan Compliance**

The 2000 East Silver Spring Master Plan does not contain specific recommendations for this particular site but the general recommendations in the Plan are applicable. The Plan recommends that the area's existing residential character be preserved. It encourages neighborhood reinvestment and enhancement of the quality of life throughout East Silver Spring. Staff finds that the proposed project meets these goals. By providing affordable independent senior housing to the area this project provides an opportunity for senior residents to remain in the community.



The Plan also supports providing adequate social, employment, and health facilities and services. On an as-needed basis this proposed senior housing facility will offer geriatric wellness services and fitness programs, periodic seminars and classes of interests, and social activities to the residents.

In regards to special exceptions, the Plan recommends that they be sensitive to the character and the scale of the adjoining neighborhoods. The proposed senior housing will be located within the St. Camillus campus behind St. Camillus School and St. Camillus church. Immediately south of the property is a multifamily housing development. Staff finds that an independent senior housing facility is appropriate amongst this mix of institutional and multifamily residential uses.

#### Urban Design Compliance


Urban design staff finds the landscape plan to be adequate. However, the proposed *Picea glauca*, does not grow well in this region. The Applicant should consider *Picea pungens*, Blue Spruce or *Picea abies*, Norway Spruce.

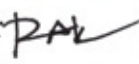
The pedestrian access to Beacon road is adequate. However, the Applicant should consider adding handicap access between the proposed housing and church per ADA requirements.



## MEMORANDUM, Site Plan Section

**To:** Elsabett Tesfaye, Senior Coordinator  
Development Review Division

**From:** Sandra Pereira, Senior Planner   
Development Review Division

**Via:** Robert Kronenberg, Supervisor   
Development Review Division

**Subject:** S-2751, Victory Oaks at St. Camillus

**Date:** November 20, 2009

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The subject site is located at the southwest corner of the intersection of Stateside Drive and Avenel Road, in Silver Spring East, and is accessed by Beacon Road extended. The special exception S-2751 proposes to build a Senior Housing Facility with 49 units on a 1.99-acre, R-60 zoned property.

### RECOMMENDATION

Site Plan Staff finds the landscape and lighting plans for Application S-2751, Victory Oaks at St. Camillus, acceptable. The Applicant has addressed all of the conditions listed in the Site Plan memorandum dated October 13, 2009.



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

**MEMORANDUM**

Date: July 20, 2009

To: Elsabett Tesfaye  
Development Review Division

From: *NB*  
Neil Braunstein  
Development Review Division

Subject: Board of Appeals Petition No. S-2751

The property consists of one recorded lot in the R-60 zone. Because the lot is recorded on a plat, a preliminary plan application is not needed at this time. However, any adequate public facilities (APF) issues will need to be addressed with issuance of building permits.