



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

**MCPB**  
**2/18/10**  
**Item # 3**

**MEMORANDUM**

**DATE:** February 1, 2010

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Ralph Wilson, Zoning Supervisor *RW*

**FROM:** Carlton W. Gilbert, Planner Coordinator *CW Gilbert*  
(301) 495-4576

**SUBJECT:** **Special Exception Modification No. S-1424-A: Korean Community Senior Housing Corporation of Maryland, Inc.** applicant, - request a modification to an existing special exception for construction of a four-story addition (Housing and Related Facilities for Senior Adults and People with Disabilities); R-60 Zone.

**MASTER PLAN:** East Silver Spring Approved and Adopted Master Plan

**FILING DATE:** October 9, 2009

**PUBLIC HEARING:** March 5, 2010

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**STAFF RECOMMENDATION: APPROVAL with the following conditions:**

1. All evidence, testimony and exhibits of record are binding on the petitioner;
2. Limit the additional development on the property to 27 units for a total of 92 residential units.
3. Except in emergencies, deliveries of food and medical supplies are limited to Monday through Friday, 8:30 a.m. to 5:00 p.m. and Saturday, 9:00 a.m. to 4:00 p.m.
4. The applicant must demonstrate compliance with the solid waste collection requirements of Chapter 48-21 of the County Code for review and approval

by Planning Board staff before a decision on the case is made by the Board of Appeals.

5. The landscape plan must be revised to incorporate the supplemental planting for additional screening for review and approval by Planning Board staff before a decision on the case is made by the Board of Appeals.

## **SUMMARY OF APPLICATION**

Site Size and Location:	The property's address is 440 East University Boulevard, Silver Spring, Maryland. The site is approximately 2.08 acres and is generally bounded by Melbourne Avenue to the north, Northwest Branch Park to the east, Piney Branch Road to the south and Long Branch Road to the west. The area surrounding the property is mostly residential.
Zone and Use:	The site is zoned R-60, and a facility for senior adults and persons with disabilities is currently operating on the property under a special exception (S-1424) that was granted in 1987.
Proposed Use:	The applicant is seeking approval of modifications to the existing 65-unit Housing for the Elderly facility that includes construction of a new four-story addition that will provide an additional 27 units, for a total of 92 units.
Master Plan Consistency:	The project is consistent with the goals and objectives of the East Silver Spring Master Plan.
Traffic Impact:	The project will not have any substantial impact on traffic in the area.
Further Action on Application:	The proposal will require approval by the Board of Appeals.

### **Project Summary**

Special Exception application S-1424-A is a request by the Korean Community Senior Housing Corporation of Maryland, Inc. to modify the existing special exception to: (1) permit construction of a new four-story addition to connect to the existing facility; (2) provide 27 one bedroom units within the 25,400 square foot addition; (3) enclose the 80-square foot front door entrance area (4) relocate the existing shed to the rear of the

property and; (5) remove any reference to a shuttle bus because the shuttle bus is not necessary due to the multiple modes of public transportation.

The applicant currently owns the subject property and is the entity securing the financing for the construction of the additional dwellings. The applicant proposes to expand the existing 65 unit Housing for the Elderly facility in order to provide an additional 27 units of senior housing for a total of 92 unites to serve the aged residents in the community. The existing facility currently operates as University Gardens and has been in operation since 1992. Both the existing and proposed portions of the facility will provide housing for low income persons being financed through federal programs administered by the Federal Department of Housing and Urban Development (HUD).

University Gardens is located at 440 East University Boulevard in Silver Spring, MD. The rectangular shaped property is located on the east side of East University Boulevard, approximately 150 feet north of Buckingham Drive. The property is approximately 2.08 acres in size and is zoned R-60. Access to and from the property is restricted to a right in from University Boulevard and a right out movement onto University Boulevard. The property is well landscaped along the road frontage and the northern and southern property lines.

Currently, the property is developed with a four-story senior housing building and a 37 space parking facility. The existing building consists of approximately 43,320 square feet and contains efficiency, one and two bedroom apartments, offices, recreational rooms, a library, a kitchen and a laundry room. There is an on-site manager who resides in the existing facility. The applicant has indicated that there will be no additional new staff members at this facility.

With the recommended conditions, the existing facility and proposed modifications satisfy all applicable special exception requirements and regulations as specified in the Montgomery County Zoning Ordinance. The applicant has met the burden of proof by demonstrating that the proposed modifications can be operated without any detriment to the neighborhood and will not be adverse to the public interest. The proposed use is consistent with the recommendations of the East Silver Spring Master Plan.

#### Neighborhood Description

The neighborhood within which the subject property is located is generally bounded by Melbourne Avenue to the north, Northwest Branch Park to the east, Piney Branch Road to the south and Long Branch Road to the west. The entirety of this defined property is in the R-60 zone with the exception of the adjacent RT-15 townhomes to the north. The properties to the east and south contain single-family detached homes in the R-60 zone. There is also a non-resident medical practitioner's office abutting the subject property to the south. The area west of the property across East University Boulevard consists of single-family detached homes in the R-60 zone.

## Zoning History

The property is currently zoned R-60. The R-60 zone for the property was confirmed by several Sectional Map Amendments (SMAs), and most recently by SMA G-790 in 2001. The adjacent townhome property to the north was reclassified from the R-60 zone to the RT-15 zone in 2003.

University Gardens is currently operating under a special exception that was originally granted in 1987 by the Board of Appeals (BOA). This special exception permitted the operation of a senior housing facility consisting of 65 residential units. At that time, staff recommended against approval of the special exception on the grounds that the design and size of the project were incompatible with the surrounding single-family residential neighborhood. The Planning Board and the Board of Appeals (BOA) disagreed with staff. The BOA found that the project's size and design would be compatible with the surrounding neighborhood and granted the application.

A wireless cell antenna exists on the roof of the existing facility under special exception S-2639.

There are two other active special exceptions nearby. Board of Appeals case No. S-1081 is an accessory apartment at the corner of East University Boulevard and Wayne Street. There is a non-resident medical practitioner's office (S-1591) located at the corner of East University Boulevard and Buckingham Drive.

## **PROPOSED MODIFICATIONS**

The applicant seeks approval to construct a new four-story building that will provide an additional 27 units to the existing 65-unit senior housing facility. As shown on the attached site plan, the proposed addition will be connected to the rear of the existing four-story building. The total building area of the addition will be approximately 25,400 square feet. The new building will have access to the existing building via the cellar and ground floor. The new building will also provide a community room with a walk-out patio area for the residents. The proposed addition will be setback approximately 60 feet from the nearest single-family homes to the east (30 feet from the property line). The façade of the new building facing the nearest residences will be articulated with a portion of the addition stepping down to three stories.

The special exception modification proposes to enclose the 80-square foot area under the existing roofed, front door entrance, to provide a weather-protected foyer. The existing shed would be relocated from immediately behind the existing building to the southeastern corner of the property. No changes are proposed to the existing access or parking other than some restriping to improve the dimensional layouts for ADA spaces.

In the initial BOA opinion granting the special exception, the possibility of the applicant providing a shuttle bus service was discussed, but not made a condition of approval. According to the applicant, the senior housing facility has operated effectively since the

original approval without a shuttle bus service due to the multiple modes of public transportation otherwise available to the residents. According to the applicant, local facilities and organizations provide shuttles that pick up and drop off residents of the facility at the property. There are three different local adult day care centers that pick-up residents and take them to nearby adult day care centers during the day. The shuttle pick-up occurs between 7 a.m. – 7:30 a.m. and residents are dropped off between 1:45 p.m. – 2:30 p.m. Services provided at the adult day care centers include a pharmacy, meals, a nurse practitioner, social worker and senior social activities. A local Korean grocery store also shuttles residents weekly between the facility and the grocery store. Additionally, local churches shuttle residents to and from Sunday church services. Staff agrees with the applicant that requiring an on-site shuttle bus service for the residents of the facility is not necessary, since adequate transportation services exist to serve the special exception, as modified.

### **Master Plan**

The special exception modification is consistent with the *2000 Approved and Adopted East Silver Spring Master Plan*.

The master plan does not contain specific recommendations for this particular site. The Plan's proposed land use map recommends the site for "Elevator Apartments" but there is no further recommendation for the site. However, one of the main goals of the Plan is to preserve the existing residential character of the area. The Plan's land use recommendations encourage neighborhood reinvestment and maintaining social diversity. Staff concludes that the proposed project meets these goals. By providing more affordable senior housing in the area this project provides an opportunity for more senior residents to reside in the community.

### **Transportation**

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 modification request:

1. Limit additional development on the property to 27 units for a total of 92 residential units for senior adults and persons with disabilities

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

The University Gardens elderly housing facility is located on approximately 2.1 acres of land along University Boulevard, approximately 150 feet north of Buckingham Drive/East Wayne Avenue. University Boulevard along the site frontage is a six-lane, divided major highway and has sidewalks on both sides. The roadway has a traffic signal at Buckingham Drive/East Wayne Avenue. A cross-walk is provided across the north leg of University Boulevard at the signal.

The property is currently developed with a 65-unit housing facility for senior adults and persons with disabilities. Access to the property is from University Boulevard via a right-turn in/right-turn out driveway. A lead-in sidewalk is provided into the property along the north side of the access driveway. The proposed addition to the senior housing facility will not adversely affect area pedestrian accessibility or safety. Parking for the proposed use will be located to the front of the property.

University Boulevard is served by RideOn Route 14, which runs between Silver Spring Metro Station and Takoma Park Metro Station, and Metrobus routes C2 and C4, which run between Prince George’s County and the Wheaton/Twinbrook Metro Stations. The closest bus stop along University Boulevard is at Buckingham Drive/East Wayne Avenue, which is adjacent to the subject facility. The applicant does not plan to provide shuttle services (mini-bus/van) for residents at the facility.

Master Plan Roadway/Bikeway Facilities

The 2000 Approved and Adopted *East Silver Spring Master Plan* and the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan* describes the following nearby master-planned roadway/bikeway facilities:

- University Boulevard (MD 193), as a six-lane divided major highway (M-19) with recommended minimum right-of-way width of 120 feet and with dual bikeway (shared-use path on both sides and signed shared roadway) between Capital Beltway (I-495) to the north and Prince George’s County line to the south.

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 27 unit addition to the existing 65-unit independent-living elderly housing facility will generate 1 peak-hour trip during the weekday morning and evening peak periods. This is summarized in Table 1.

**TABLE 1  
SUMMARY OF TRIP GENERATION  
UNIVERSITY GARDENS – HOUSING FACILITY FOR SENIOR ADULTS**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
27 independent-living units	0	1	1	1	0	1

Source: Greenhorne and O’Mara. Traffic Statement dated May 8, 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 petition since the additional units proposed at the existing elderly housing facility will not generate 30 or more 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. However, the proposed addition is exempt from PAMR requirement since the use is estimated to generate less than four weekday peak-hour trips.

### **Environment**

Environmental Planning staff recommends approval of the above referenced Special Exception S-1424-A University Gardens with the following condition:

1. Develop a plan of compliance for meeting the requirements of County Code Chapter 48-21 *Solid Wastes* (See attached Environmental Planning memo)

Environmental Planning staff supports a finding that this application will not conflict with the required findings in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance, after a plan of compliance is established for solid waste pickup in accord with the requirements of the County Code. This recommendation excludes consideration of illumination and glare, which are outside our Division’s purview.

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 January 25, 2010. Staff recommends conditional approval of the PFCP.

A stormwater management concept plan approval letter is on file. The Concept Plan was deemed acceptable by County DPS in a letter dated August 27, 2009. The stormwater management concept consists of construction of a landscaped infiltration area and a grassed swale to meet the full Environmental Site Design (ESD) requirements for the new construction and provide control for the existing parking lot. A portion of the existing building will continue to drain to the existing infiltration structure via roof down spout connections.

**Community Comments** - Staff has not received any comments from the community.

### **59-G-1.2.1 Standard for evaluation.**

A special exception must not be granted absent the findings required by Section 59-G-1 of the Montgomery County Zoning Ordinance. 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 the inherent effects, are a sufficient basis to deny a special exception.

The inherent characteristics associated with Housing and Related Facilities for Senior Adults and persons with Disabilities include: (1) buildings and structures, as well as outdoor passive areas for the residents and visitors; (2) lighting; (3) traffic to and from the site by staff, visitors and residents; (4) deliveries of supplies and trash pick-up, (5) parking areas; (6) noise associated with the loading and unloading of food and equipment and garbage pick-up.

*In reviewing the application, staff finds that the inherent characteristics of size, scale and scope associated with the proposed application are minimal and not likely to result in any unacceptable noise, traffic disruption, or environmental impacts at the proposed location. By utilizing the 20% credit provision for MPDU's, adequate parking is available for the residents, visitors and employees of the proposed addition. Existing and proposed tree buffers and sufficient landscaping is proposed in order to maintain the general character of the neighborhood. There are no non-inherent adverse affects associated with the application.*

### **59-G-1.21. General Conditions.**

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

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

*The proposed use is allowed by special exception in the R-60 Zone.*

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



*With the recommended conditions, staff finds that the requested modifications satisfy the standards and requirements prescribed in Section 59-G-2.35 of the Zoning Ordinance.*

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

*The application satisfies this standard. Although the East Silver Spring Master Plan does not contain specific recommendations for this particular site, the Plan's proposed land use map recommends the site for "Elevator Apartments". The Plan's land use recommendations encourage neighborhood reinvestment and maintaining social diversity. Staff concludes that the proposed project meets these goals. By providing more affordable senior housing in the area this project provides an opportunity for more senior residents to continue to reside 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 senior housing facility will be in harmony with the general character of the surrounding residential neighborhood considering population density, design, scale and bulk of the proposed new structures. The scale and height of the new four-story addition (approximately 36 feet in height ) will be constructed with minimal impact on the natural environment. The proposed four-story addition will be located approximately 60 feet from the nearest single-family home.*

- (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.

*Staff finds the use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.*

- (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 use will not cause any objectionable adverse effects. All exterior lighting will be installed and maintained in a manner not to cause glare or reflection into abutting properties. (See attached Environmental Planning memo regarding Noise)*

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

*The approval of this special exception modification will not increase the number, intensity, or scope of special exception uses sufficiently to adversely affect or alter the predominantly residential nature of the area. The special exception use currently exists on site; it is merely being expanded. As previously stated, there are only two other active special exception uses nearby. Board of Appeals case No. S-1081 is an accessory apartment at the corner of East University Boulevard and Wayne Street. And a non-resident medical practitioner's office (S-1591) is located at the corner of East University Boulevard and Buckingham Drive.*

- (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.

*Due to its favorable design, minimal on-site activity, and minimal peak hour traffic impacts, the proposed use will not have any adverse effect on residents, visitors, or workers in the area at the subject site.*

- (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.

- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the

special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

*A preliminary plan of subdivision is not required. The subject site is adequately served by public facilities. The property is adequately served by public water and sanitary sewer service operated by the Washington Suburban Sanitary Commission (WSSC).*

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

- (a) Development Standards. The special exception is 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 proposed addition has been designed to comply with the standards of the R-60 Zone and to comply with the requirements of Sections G-1.23 and G-2 of the Zoning Ordinance. Staff finds that the proposed modification would comply with all development standards as shown in the following table:*

### Development Standard Table

	<u>Required</u>	<u>Proposed</u>
Minimum lot area	6,000 sq. ft.	2.08 acres
Lot Width --at front building line --at street line	60 ft. min. 25 ft. min.	266 ft. 264 ft.
Setback from Street (59-G-2.35(c)(1))	50 feet	115 ft.
Setback from Adjoining Lot for Addition (59-G-2.35(c)(1)) --side lot lines --rear lot line	25 ft. 25 ft.	52 ft. 30 ft.
Maximum building height (59-G.2.35)*	2 1/2 stories or 35 ft.	4 stories at 36.7 feet
Building Coverage	35 %	20%
Green Area	50 %	64%

\*59-G-2.35 permits: four stories or the height limit of the applicable one, 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.** Special exceptions are subject to all relevant requirements of Section 59-E.

*The use is in compliance with Section 59-E for parking requirements. Housing for senior adults or persons with disabilities within the Southern Policy Area of the County is required to provide 0.50 spaces for each one-bedroom apartment and 0.65 spaces for each two-bedroom apartment per the Montgomery County Zoning Ordinance. Based on the above, the subject petition would require 47 parking spaces. However, with a credit of 20% (or 10 parking spaces, since all of the proposed units qualify as MPDU's under Section 59-B-3.33 (b)(3) of the Zoning Ordinance) the*

*subject application, with a current supply of 37 parking spaces, satisfies the parking requirement.*

(c) **Minimum Frontage.** *Not applicable*

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

*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 conditional approval of the PFCP. The Board must take action on the preliminary forest conservation recommendations prior to making recommendations on the special exception.*

(e) **Water quality plan.** *A stormwater management concept plan has been approved by Montgomery County. (See attached letter from DPS)*

(f) **Signs.** *No signs are proposed.*

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

*The proposed addition to the existing facility is located behind the existing building and is oriented so as to minimize the appearance of bulk and mass as it appears from the nearest residential homes. The adjacent highway separates the site from properties to the west and provides convenient access to the facility. The diversity of surrounding uses such as townhouses, a church, single-family detached homes and a doctor's office provides a diverse neighborhood setting that is appropriate for the expansion of the existing use. The proposed four-story addition will be located approximately 60 feet from the nearest residential homes.*

(h) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into adjacent residential properties.

*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.*

**Sec. 59-G-2.35. Housing and related facilities for senior adults and persons with disabilities.**

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 a minimum of 15 percent of the existing and proposed units will be reserved for households of "very low 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 attached Transportation Planning memo provides information regarding access to public transportation in the immediate area:*

(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.

*Occupancy is and will be primarily restricted to senior adult residents 62 years and older.*

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.

*There is an on-site manager that resides on the property. The applicant statement indicates that there will be no new staff members at the facility and that there will be no modifications to the hours of operations of the existing facility.*

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

*See Development Standards table on page 12 of this report.*

- (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 proposed building conforms to all applicable development standards for the zone and the use.*

(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 site currently has 37 existing parking spaces. Parking facility modifications are limited to restriping to bring the accessibility spaces up to current standards. The total number of spaces will remain at 37 including 8 accessible spaces, 2 of which will be designated van accessible spaces. The parking tabulation is as follows:*

64 existing one-bedroom/efficiency d.u.'s @ 0.50 spaces /d.u.	= 32.00 spaces
1 existing two or more bedroom d.u.'s @ 0.65 spaces/d.u.	= 0.65 spaces
27 proposed one-bedroom d.u.'s @ 0.50 spaces/d.u.	<u>=13.50 spaces</u>
Subtotal parking spaces required	= 46.15 spaces min.
20 % reduction for providing MPDU's (59-E-3.33)	<u>= 9.23 spaces</u>
Total parking spaces required	= 36.92 spaces min.
Total parking spaces provided	= 37 spaces

*The application satisfies the parking 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 stated that the existing building has a resident activity room for purposes such as recreation, instruction, hobbies, crafts, and exercise classes. The proposed addition will have a similar room to expand the availability of common area for similar activities. There is a proposed patio area related to both the existing and proposed activity rooms to provide a complimentary outdoor area for associated activities. According to the applicant, local facilities and organizations provide shuttles that pick up and drop off residents of the facility at the property. There are three different local adult day care centers that pick-up residents and take them to nearby adult day care centers during the day. The shuttle pick-up occurs between 7 a.m. – 7:30 a.m. and residents are dropped off between 1:45 p.m. – 2:30 p.m. Services provided at the adult day care centers include a pharmacy, meals, a nurse practitioner, social worker and senior social activities. A local Korean grocery store also shuttles residents weekly between the facility and the grocery store.*

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

*No retail facilities are existing or 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.*

- (h) Provisions governing facilities approved prior to March 7, 1990:
- (1) A housing facility for senior adults or persons with disabilities existing before May 6, 2002, is a conforming use and structure, and may be continued in accordance with the terms and conditions of the special exception grant. Modifications may be approved that are in compliance with the special exception standards in effect at the

time the modification is filed. If damaged, the facility may be rebuilt, repaired or reconstructed as it existed on May 6, 2002.

- (2) A housing facility for senior adults or persons with disabilities existing on March 7, 1990, or for which a petition was approved prior to March 7, 1990, located on property containing at least 85 acres of land, may be extended, enlarged, or modified in accordance with the special exception standards in effect prior to March 7, 1990.

*Not applicable.*

## **Conclusion**

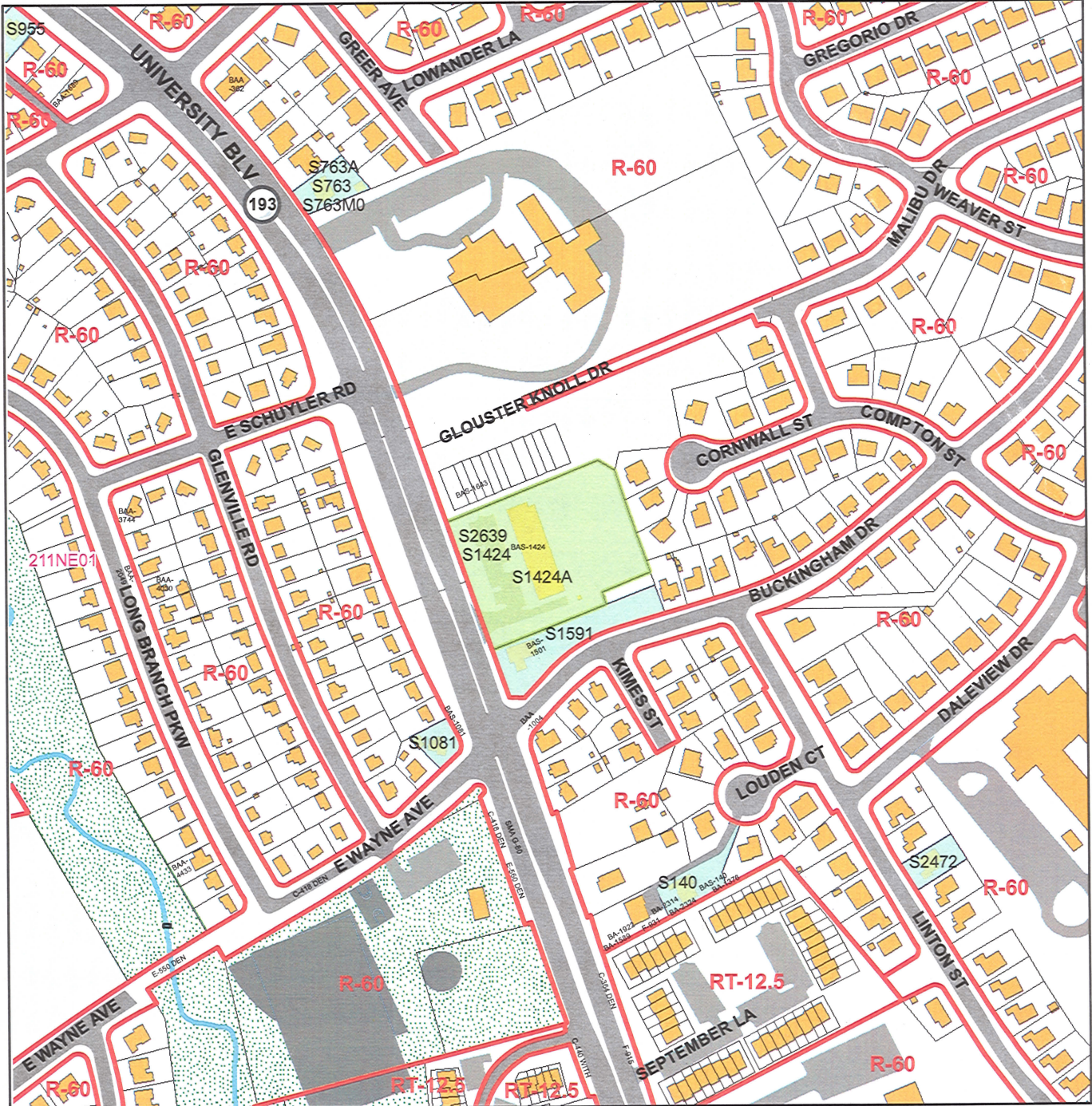
Staff recommends approval of Special Exception modification S-1424-A, subject to the conditions found at the beginning of the technical staff report. The proposed modifications to the existing special exception would not have an adverse affect on the neighborhood and would comply with the requirements of the Zoning Ordinance.

## LIST OF ATTACHMENTS

1. Location Map
2. Zoning Map
3. Site Plan
4. Building Elevations
5. Landscape and Lighting Plan
6. Vision Division Memo
7. Transportation Planning Memo
8. Environmental Planning Memo
9. Subdivision Planning Memo
10. Site Plan Review Memo
11. SWM Concept Approval Letter

# ATTACHMENT 1

## General Location Map



### LEGEND

-  Proposed Special Exception
-  Paved Area
-  Parcel
-  Lake and Pond
-  Building
-  Stream and River

#### NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

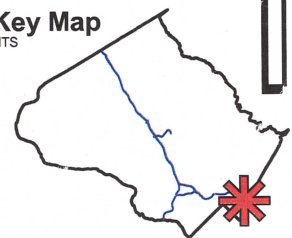
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 300 feet

Address: 440 E University Dr, Silver Spring

### Key Map

NTS



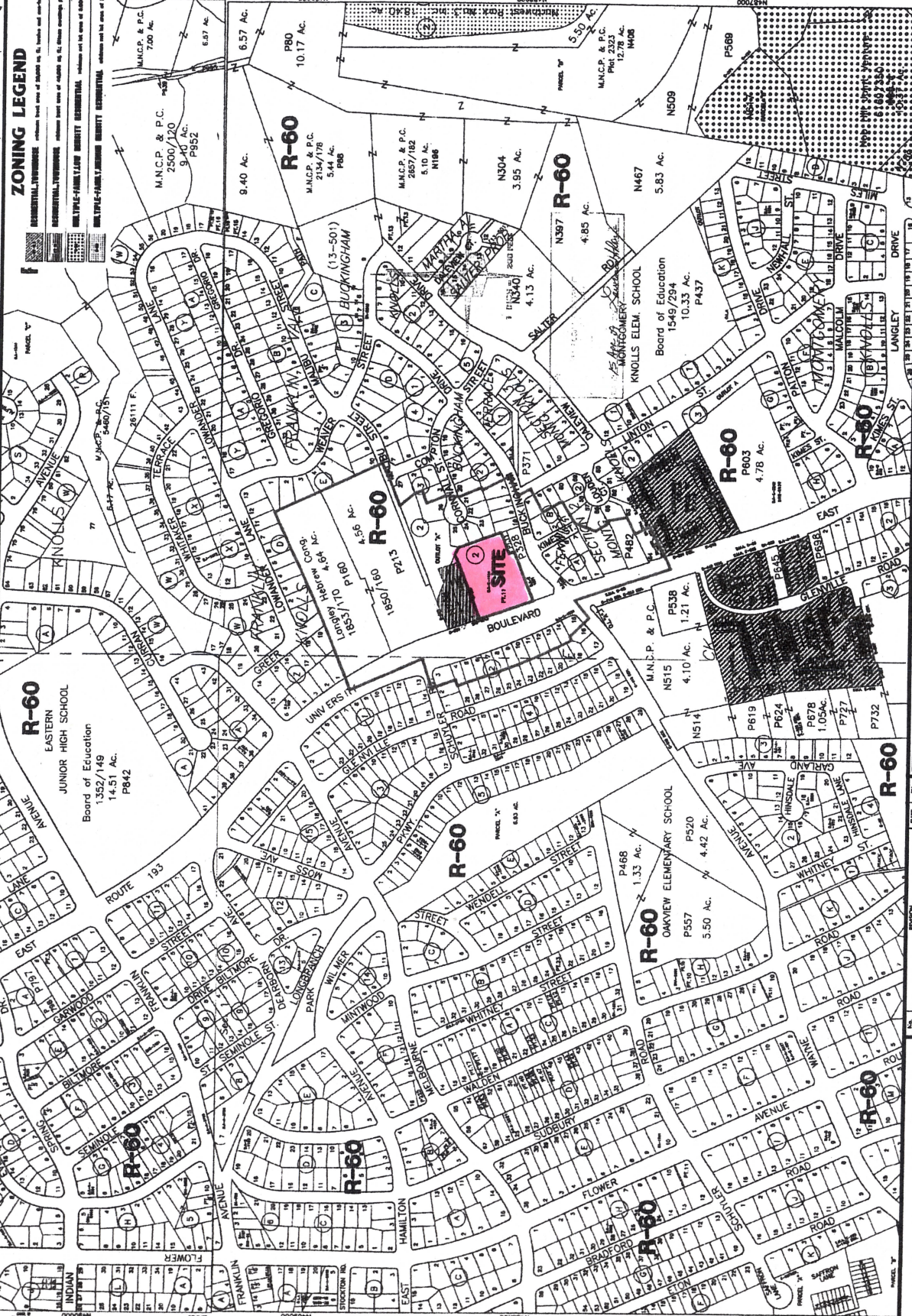
ZONING LEGEND

RESIDENTIAL ZONING... MULTIFAMILY-HIGH DENSITY RESIDENTIAL... MULTIFAMILY-MEDIUM DENSITY RESIDENTIAL... M.U.-R-60PC 1994



NOTES CONCERNING ZONING IN RIGHTS-OF-WAY... Unless indicated otherwise, rights-of-way are intended to depict zoning line boundaries. Generally, rights-of-way are zoned in accordance with adjacent zoning.

NOTE: this map was compiled by digitizing Tax Maps prepared by the Department of Assessment and Taxation. Property lines are compiled from descriptions and subdivision plats, and should not be interpreted as actual field survey data.



UNIVERSITY GARDENS

GREENHORNE & O'MARA CONSULTING ENGINEERS



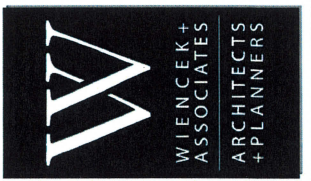
KOREAN COMMUNITY SENIOR HOUSING CORPORATION OF MARYLAND, INC.

Table with columns for DATE, SHEET, OF, and other project details. Includes a scale bar and north arrow.

211NE JPS61

NOTES CONCERNING ZONING IN RIGHTS-OF-WAY... This map was compiled by digitizing Tax Maps prepared by the State of Maryland Department of Assessment and Taxation.





3 EAST BROADWAY AVENUE  
 GAITHERSBURG, MD  
 TELEPHONE: 301.943.5250  
 FACSIMILE: 301.943.5668  
 WWW.WIENCEK-ASSOCIATES.COM

FOR THE ARCHITECTURAL FIRM:

DATE: 10/18/10

NO.	DESCRIPTION	DATE
2009-007-00		

University Garden  
 Apartments

**ATTACHMENT 4**

440 University Park  
 Silver Spring, Maryland

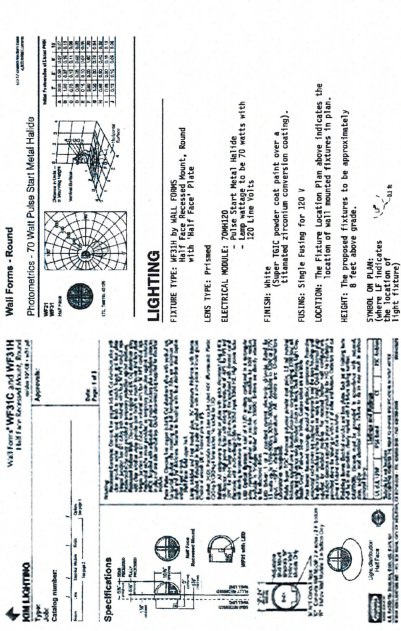
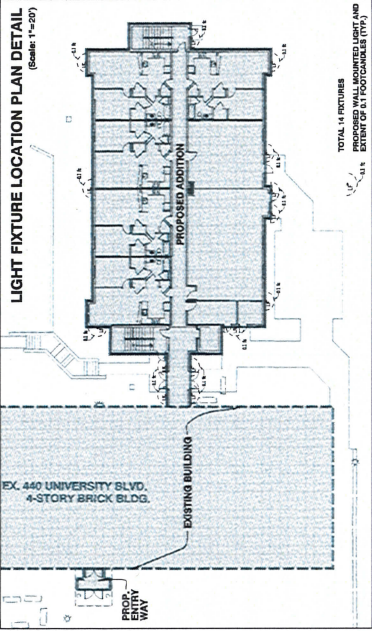
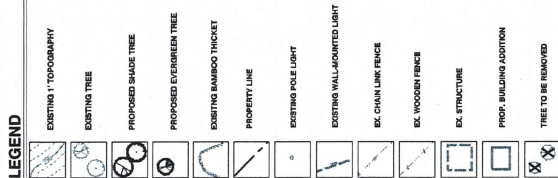
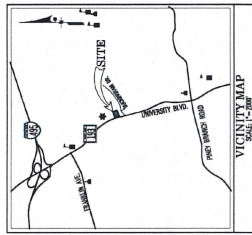
PROPOSED BUILDING E

**A3.C**



Designs shown are for illustrative purposes only. The final product may vary in material, materials and detail.



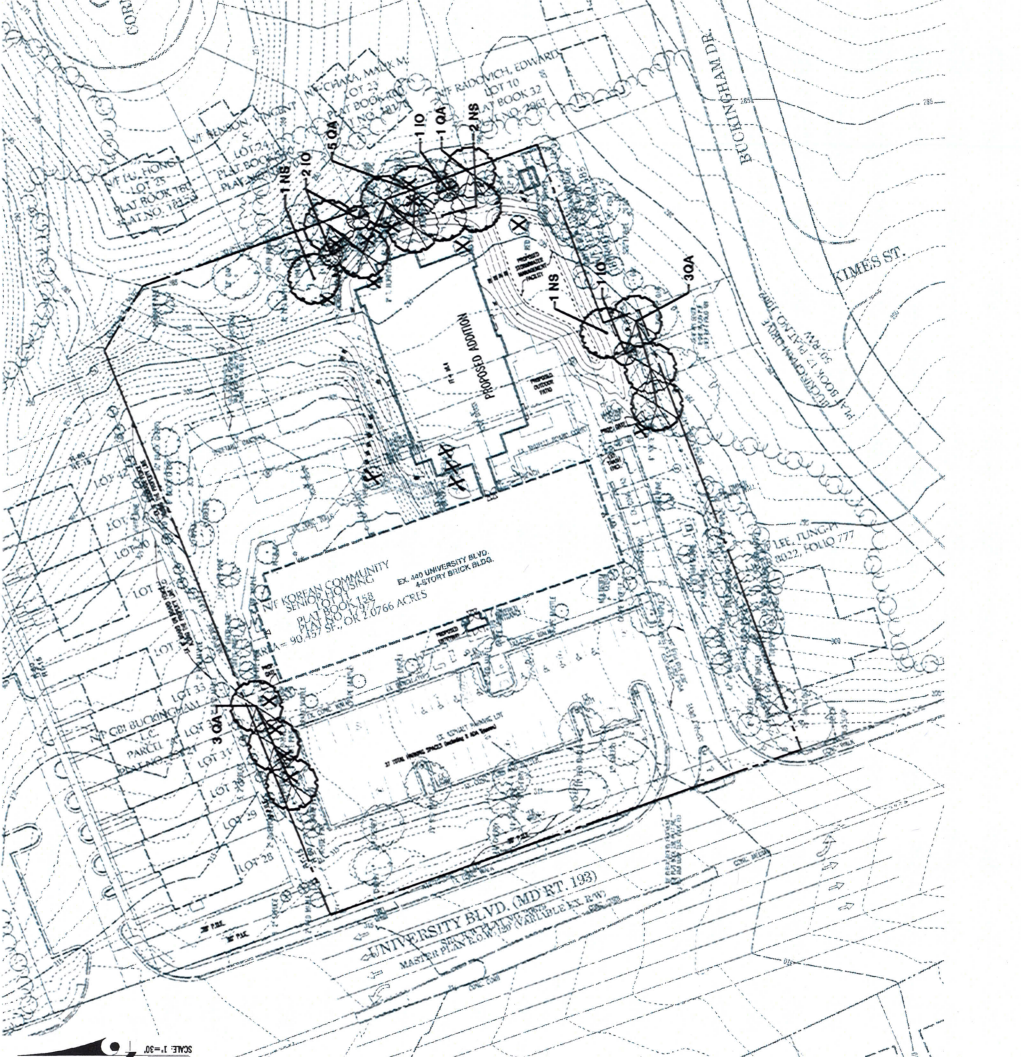


**GENERAL NOTES**

1. This Landscape Lighting Plan is to support a Special Exception application for the proposed lighting system. The applicant is responsible for obtaining all necessary permits and approvals to install the lighting system. The applicant shall be responsible for obtaining all necessary permits and approvals to install the lighting system.

2. The lighting system shall be installed in accordance with the specifications and notes on this plan. The applicant shall be responsible for obtaining all necessary permits and approvals to install the lighting system.

3. The lighting system shall be installed in accordance with the specifications and notes on this plan. The applicant shall be responsible for obtaining all necessary permits and approvals to install the lighting system.



**PLANT LIST**

KEY	QTY	BT	HT	WIDE	SCALE	COMMENTS
NS	04	None	10-12'	10-12'	AS SHOWN	As Shown
QA	12	None	10-12'	10-12'	AS SHOWN	As Shown
ES	04	None	10-12'	10-12'	AS SHOWN	As Shown
ES	04	None	10-12'	10-12'	AS SHOWN	As Shown

**GREENHORNE & O'MARA**  
CONSULTING ENGINEERS  
2010 CENTURY BOULEVARD, SUITE 200, GERMANTOWN, MARYLAND 20874  
PHONE: (301) 440-4600  
WWW.G&O.COM

FLORIDA - GEORGETOWN - WASHINGTON - NORTH CAROLINA - PENNSYLVANIA - VIRGINIA - WEST VIRGINIA

**G&O**

REVISION: \_\_\_\_\_ DATE: \_\_\_\_\_ BY: \_\_\_\_\_

PROJECT TEAM:  
ARCHITECT: LAND USE ATTORNEY:  
Wienicki & Associates Xillies & Stockbridge  
SURVEYOR: Theith Land Surveying Professionals, Inc.

PREPARED FOR:  
KOREAN COMMUNITY SENIOR HOUSING CORPORATION OF MARYLAND, INC.  
c/o NCA Housing Management Corporation  
Washington, DC 20005

DATE: 08-22-2008 12:00:00 PM

SCALE: 1"=8'

DATE	07/16/04
DESIGNED	JS
CHECKED	JS
DATE	SEPT. 2009
PROJECT	UNIVERSITY GARDENS

LANDSCAPE & LIGHTING PLAN FOR SPECIAL EXCEPTION  
**UNIVERSITY GARDENS**  
13th ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND




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

**MEMORANDUM**

**DATE:** January 26, 2010

**TO:** Carlton Gilbert  
Build Division

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

**FROM:** Crystal Myers   
Vision Division

**SUBJECT:** Zoning Case S-1424a



---

***Staff recommendation:***

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

***Background:***

The Applicant is submitting a Petition for a Major Modification to Special Exception to S-1424 to expand an existing 65 unit Housing for the Elderly facility by adding a four story addition connected to the existing structure. The addition would provide an additional 27 single bedroom dwelling units along with a community room with a walk-out patio area.

The special exception amendment would also modify the existing building. The special exception amendment proposes to enclose the area under the existing roofed, front door entrance to provide a weather-protected foyer. The amendment also proposes relocating the existing shed from immediately behind the existing building to the backyard of the property. The amendment will remove references to a shuttle bus service because the Applicant claims that the service is unnecessary with the multiple modes of public transportation in the area.

The Board of Appeals approved SE-1424 in 1987. At the time, Community Based Planning, Development Review, and Urban Design staff felt that the design and size of the project were incompatible with the surrounding single-family residential neighborhood. Staff felt that the site would be overbuilt with 65 units. The Planning Board and the Board of Appeals disagreed with Staff. The Board of Appeals found that

the project was not incompatible because, "...this portion of University Boulevard contains 'mixed uses', both in size, bulk, and use." Today the area has become even more diverse with the site just north of the project being rezoned, RT-15 zone in 2003.

***Analysis:***

The 2000 East Silver Spring Master Plan does not contain specific recommendations for this particular site. The Plan's proposed land use map recommends the site for "Elevator Apartments" but there is no further recommendation for the site. However, one of the main goals of the Plan is to preserve the existing residential character. The Plan's land use recommendations encourage neighborhood reinvestment and maintaining social diversity. Staff finds that the proposed project meets these goals. By providing more affordable senior housing in the area this project provides an opportunity for more senior residents to reside in the community.



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

January 22, 2010

**MEMORANDUM**

TO: Carlton Gilbert, Supervisor  
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-1424-A  
Petition for the modification of special exception approval for an existing 65-unit housing facility for senior adults and persons with disabilities  
Expansion of existing facility to provide 27 additional residential units (for a total of 92 units)  
Korean Community Senior Housing Corporation of Maryland, Inc. and Korean Community Senior Housing Corporation of Maryland, Inc. II ("Petitioners")  
Part of Lot 11, Block 2; Buckingham Terrace Subdivision  
440 East University Boulevard, Silver Spring  
Silver Spring/Takoma Park Policy Area

---

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception modification petition by the Petitioners to permit expansion of its existing 65-unit housing facility for senior adults and persons with disabilities at 440 East University Boulevard with 27 additional units. The special exception use, called "University Gardens", is located on approximately 2.1 acres of land in East Silver Spring. 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 additional development on the property to 27 units for a total of 92 residential units for senior adults and persons with disabilities.

## DISCUSSION

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

The University Gardens elderly housing facility is located on approximately 2.1 acres of land along University Boulevard, approximately 250 feet north of Buckingham Drive/East Wayne Avenue. University Boulevard along site frontage is a six-lane divided major highway and has sidewalks on both sides. The roadway has a traffic signal at Buckingham Drive/East Wayne Avenue. A cross-walk is provided across the north leg of University Boulevard at the signal.

The property is currently developed with a 65-unit housing facility for senior adults and persons with disabilities. Access to the property is from University Boulevard via a right-turn in/right-turn out driveway. A lead-in sidewalk is provided into the property along the north side of the access driveway. The proposed addition to the elderly housing facility will not adversely affect area pedestrian accessibility or safety. Parking for the proposed use will be located to the front of the property.

University Boulevard is served by RideOn Route 14, which runs between Silver Spring Metro Station and Takoma Park Metro Station and Metrobus routes C2 and C4, which runs between Prince George's County and Wheaton/Twinbrook Metro Stations. The closest bus stop along University Boulevard is at Buckingham Drive/East Wayne Avenue, which is adjacent to the subject facility. There will be no shuttle services (mini-bus/van) for residents at the facility.

Land use in the immediate vicinity of the school is primarily residential.

### Master Plan Roadway/Bikeway Facilities

The 2000 Approved and Adopted *East Silver Spring Master Plan* and the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan* describes the following nearby master-planned roadway/bikeway facilities:

- University Boulevard (MD 193), as a six-lane divided major highway (M-19) with recommended minimum right-of-way width of 120 feet and with dual bikeway (shared-use path on both sides and signed shared roadway) between Capital Beltway (I-495) to the north and Prince George's County line to the south.

### 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 27 unit addition to the existing 65-unit independent-living elderly housing facility will generate 1 peak-hour trip during the weekday morning and evening peak periods. This is summarized in Table 1.

**TABLE 1**  
**SUMMARY OF TRIP GENERATION**  
**UNIVERSITY GARDENS – HOUSING FACILITY FOR SENIOR ADULTS**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
27 independent-living units	0	1	1	1	0	1

Source: Greenhorne and O'Mara. Traffic Statement dated May 8, 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 petition since the additional units proposed at the existing elderly housing facility will not generate 30 or more 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 proposed addition is however exempt from PAMR requirement since the use is estimated to generate less than four weekday peak-hour trips.

Parking

Housing for senior adults or persons with disabilities within the Southern Policy Area of the County is required to provide 0.50 spaces for each one-bedroom apartment and 0.65 spaces for each two-bedroom apartment per the Montgomery County Zoning Ordinance. Based on the above, the subject petition would require 47 parking spaces. However, with a credit of 20% (or 10 parking spaces, since all of the proposed units qualify as MPDU's under Section 59-B-3.33 (b)(3) of the Zoning Ordinance) the subject application, with a current supply of 37 parking spaces is determined to meet the zoning requirements.

SE:CE:tc


- cc: Bill Barron  
Cathy Conlon  
Robert Kronenberg  
Stephen J. Orens, Esq.  
Sarah Navid  
Greg Leck  
Corren Giles




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

**MEMORANDUM**

**TO:** Carlton Gilbert, Planner Coordinator, Development Review Division

**VIA:** Stephen D. Federline, Master Planner, Environmental Planning Division 

**FROM:** Lori Shirley, Planner Coordinator, Environmental Planning Division 

**DATE:** January 29, 2010

**SUBJECT:** Special Exception #S-1424-A- University Gardens, Silver Spring

**RECOMMENDATION AND FINDINGS**

Environmental Planning staff recommends **approval** of the above referenced Special Exception #S-1424-A University Gardens with the following condition:

1. Develop a plan of compliance for meeting the requirements of County Code Chapter 48-21 *Solid Wastes* (Attachment One).

Environmental Planning staff supports a finding that this application will not conflict with the required findings in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance, after a plan of compliance is established for solid waste pickup in accord with the requirements of the County Code. This recommendation excludes consideration of 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 conditional approval of the PFCP. The Board must take action on the forest conservation recommendations prior to making final recommendations on the special exception.

**Background/Proposal**

The site is located at 440 East University Boulevard, 150 feet north of the Buckingham Drive intersection. The University Gardens site contains 2.08 acres and is zoned R-60. The proposal is for expansion of the existing 4-story, 65-unit senior housing building with a new 27-unit, 4-story building behind the existing one. 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 Operations and a separate Land Planning Report (the latter dated September 2009) were included in the application. The Statement and Report have insufficient information to address several of the required findings in Section 59-G-1.21(a) (6). However, the Report (on page 9) describes the proposed HVAC equipment will be within a rooftop parapet to send noises upward and not towards neighboring residences.

Staff identified a number of other noise sources requiring further analysis including any activities in the service area behind the existing building (e.g., emergency generator(s), loading/unloading, delivery/refrigeration trucks, backup beepers, etc.), especially in relation to the adjacent residential neighborhood to the east. These deficiencies were discussed with the applicant's representatives at a meeting in early December 2009. Supplemental information was received in a letter dated December 23, 2009, from the applicant's attorney. This letter addresses these concerns and states (and is paraphrased as follows):

“The existing senior facility does not utilize emergency generators and the applicant does not propose nor anticipates a necessity for emergency generators for the 27 additional units. Trash is currently being picked up three times a week between approximately 5 to 7 a.m. The pickup schedule was reduced from five times a week to three times a week when staff determined that not enough trash was being generated to necessitate a five time a week pick up schedule. However, if necessary, the applicant may increase the frequency of trash pick up to five times a week, depending on the amount of trash generated by the occupants of the proposed 27 units. In addition to trash pickup, recycling pick up occurs once a week on Wednesdays before the afternoon.”

#### **Environmental Inventory**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420100240 was approved on September 3, 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 January 25, 2010.



Staff recommends conditional approval of the PFCP.

**Master Plan Considerations**

The site is in the East Silver Spring Master Plan adopted in December 2000. The proposal is consistent with the plan's Framework for Action in East Silver Spring and the Community Facilities, Parks and Environmental Resources section. The plan encourages the exploration and promotion of innovative stormwater management options when the opportunities present themselves. The applicant's Concept Stormwater Management Plan will meet contemporary Environmental Site Design (ESD). The Master Plan also recognizes the need for urban forestry techniques in older neighborhoods such as this one. The PFCP will retain an area of existing trees as a buffer to the adjacent residential neighborhood to the east. This aspect is further discussed in the staff memo for the PFCP.

**Stormwater Management**

A stormwater management concept plan approval letter is on file. The Concept Plan was deemed acceptable by County DPS in a letter dated August 27, 2009. The stormwater management concept consists of construction of a landscaped infiltration area and a grassed swale to meet the full Environmental Site Design (ESD) requirements for the new construction and provide control for the existing parking lot. A portion of the existing building will continue to drain to the existing infiltration structure via roof downspout connections.

Attachment One

SDF:LS

## CHAPTER 48. SOLID WASTES

### Sec. 48-21. General regulations for collectors.

(a) Licensees shall operate fully in accordance with the following regulations:

(1) Remove all solid waste in containers or bundles in accordance with the approved written statement of service for disposal from every point of pickup and clean up spillage by the collector at pickup points and along the route from the point of pickup to the truck.

(2) Maintain regular service in accordance with the written statement of service and provide in writing prior notice of not less than thirty (30) days of their intent to modify or discontinue service for any cause, except for discontinuance for nonpayment of service charges. A copy of such notice shall be provided to the director.

(3) Upon commencement of service and no less frequently than annually thereafter, furnish to each customer a copy of the written statement of service which shall include the trade name, principal business address, telephone number and regular office hours of the collector, regular collection schedule, weather conditions and holidays for which service shall be suspended and the collection schedule thereafter, the type and quantity of solid waste to be collected, frequency of special collection, packaging or bundling requirements, type of solid wastes not included in the service to be provided, type and size of solid waste containers, point of collection, a simple mathematical formula which customers may use to compute deductions from service bills for unprovided service exclusive of service suspensions due to severely inclement weather as determined by the director and holidays, and any other provision needed to establish a clear understanding of the respective responsibilities of the collector and the customer. Upon application for a collector's license or when requested by the director, the statement of service shall be submitted to the director, who shall approve it if it complies with the standards and objectives of this chapter to disapprove it; and if he disapproves, he shall state his reasons therefor in writing. If disapproved, the licensee or applicant shall revise and resubmit the statement of service until approved by the director. Unapproved statements of service shall not be distributed to a collector's customers.

(4) Provide alternate service within twenty-four (24) hours in the event of mishap or breakdown of regular equipment or if collection service is missed for any reason, except that alternate service for collection missed on Saturday shall be provided within forty-eight (48) hours.

(b) Licensees and their employees shall not collect solid wastes in Montgomery County prior to 7:00 a.m. (9:00 a.m. on federal holidays and Sundays) nor collect solid wastes after 9:00 p.m. on any weekday (Monday through Sunday, including federal holidays); except that collections may be made at any time from business establishments such as commercial, industrial, institutional or other nonresidential use structures provided that there is no residential structure(s) within five hundred (500) feet of the solid wastes collection point. The director may waive these provisions in the event of a civil emergency for a period of seventy-two (72) hours or less.



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

October 28, 2009

TO: Carlton Gilbert  
Development Review Division

FROM: Neil Braunstein *NB*  
Development Review Division

SUBJECT: Board of Appeals Petition S-1424-A  
University Gardens Senior Housing

---

This is a review by the Subdivision Office of the special exception case referenced above. This review is to determine the applicability of Chapter 50, the Subdivision Regulations, to this application. The subject property is a part of Lot 11, Block 2, of the Buckingham Estates Subdivision (Plat No. 17977). Typically, a building permit could not be issued for a building on a part of a lot until the property was depicted as a new lot on a newly recorded subdivision plat. However, Section 50-35A of the Subdivision Regulations provides an exception in the case of a transfer of up to 2,000 square feet of land to an adjacent property. That provision applies to the subject property. Therefore, because the property is a qualifying part of a recorded lot, any building permit necessary to accommodate the special exception use will not trigger the need for subdivision as long as the property remains in its current configuration up until the time of building permit approval.



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

**MEMORANDUM**

**TO:** Carlton Gilbert, Zoning Analyst  
Development Review Division

**FROM:** Robert Kronenberg, Supervisor *RK*  
Development Review Division, Site Plan

**CC:** Rose Krasnow, Chief  
Ralph Wilson, Supervisor

**RE:** University Gardens  
Special Exception Application S-1424-A

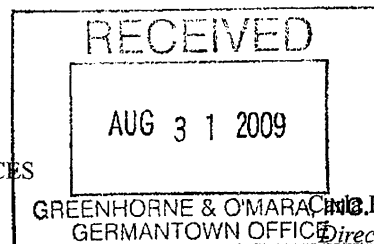
**DATE:** January 29, 2010

Staff offers the following comments on the Landscape and Lighting Plan for the referenced Special Exception:

- 1) In addition to the proposed landscaping, staff requests additional planting or an ornamental fence be provided adjacent to the outdoor patio to provide separation from the proposed stormwater management facility.
- 2) Provide a landscaping to buffer the existing parking lot from University Boulevard (Sect. 59-E-2.91).
- 3) The lighting as proposed is safe, adequate and efficient.



DEPARTMENT OF PERMITTING SERVICES



Isiah Leggett  
County Executive

August 27, 2009

Ms. Kim Currano  
Greenhorns & O'Mara  
20410 Century Boulevard, Suite 200  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for University Garden Apartments  
Preliminary Plan #: 1-88225  
SM File #: 235992  
Tract Size/Zone: 2.1 acres / R-60  
Total Concept Area: 1.33 acres  
Lots/Block: P11/2  
Parcel(s): N/A  
Watershed: Northwest Branch

Dear Ms. Currano:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of construction of a Landscaped Infiltration Area and a Grassed Swale to meet the full ESD requirements for the new construction and provide control for the existing parking lot. A portion of the existing building will continue to drain to the existing infiltration structure via roof downspout connections.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. The proposed infiltration area may be landscaped per Chapter 5 of the MDE Stormwater Manual, page 5.82 of the latest revision (Landscaped Infiltration Area).
5. Although it will remain in place, the existing oil/grit separator will no longer function as a water quality device since flows will be diverted away from it via installation of a curb cut. These flows will be treated via the proposed infiltration area.
6. New stormwater easement and covenants will have to be recorded, and the existing ones will have to be abandoned, prior to detailed plan approval.
7. Maintenance and inspection access to the remaining portion of the original stormwater facility will be provided via a modified access route from the existing parking lot, as shown on the approved stormwater concept plan.

8. Results of geotechnical analysis, including soil borings and infiltration tests, must be submitted along with the initial detailed plan review set.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm mce

cc: C. Conlon  
M. Pfefferle  
SM File # 235992

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Recharge is provided