



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

MCPB
Item #
5/26/11

May 13, 2011 May 16, 2011

MEMORANDUM -- UPDATE

TO: Montgomery County Board of Appeals

VIA: Glenn Kreger, Acting Chief, Area 2 Planning Division *AK*
Khalid Afzal, Planning Supervisor, East County Team
Area 2 Planning Division

FROM: Luis. R. Estrada Cepero, Planner Coordinator/Urban Designer
East County Team, Area 2 Planning Division (301/495-4641) *LPEC*

SUBJECT: **Special Exception No. SE-11-03:** Request for a Child Day Care Facility for up to 12 children, located at 1804 Sanford Road, Silver Spring, Forest Glen Sector Plan

FILING DATE: October 12, 2010
PLANNING BOARD
HEARING DATE: May 26, 2010
PUBLIC HEARING: June 10, 2011

STAFF RECOMMENDATION: The applicant is requesting permission to expand the existing by-right in home day care at 1804 Sanford Road, Silver Spring. The child day care use at the proposed location satisfies the specific special exception general conditions and standards for grant of a child day care, subject to a parking waiver, which is approved by the Hearing Examiner. The application does not conflict with any land use recommendations of the 1996 Forest Glen Sector Plan or alter the residential character of the area and is unlikely to result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff ~~concludes that day care for up to 12 children is an appropriate special exception use for the property and therefore, supports the parking waiver, and~~ recommends **APPROVAL** of the application with the following conditions:

1. All evidence, testimony and exhibits of record are binding on the applicant.
2. The child care use must be limited to 12 children not older than four years of age, and one non-resident employee.
3. Permitted hours of operation are Monday through Friday, 7:30 A.M. to 6:00 P.M.
4. The arrival and departure for children must be staggered between 8:00 A.M. and 9:00 A.M., and between 4:00 P.M. to 6:00 P.M., respectively.
5. The applicant must expand the existing driveway to accommodate two vehicles.
6. The applicant must comply with Maryland State and Montgomery County standards for the operation of a child day care facility.

PROJECT SUMMARY

The applicant, Ms. Anna Koushan, is requesting an increase in the maximum number of children from 8 to 12. The applicant has been operating a licensed childcare business for up to eight children at 1804 Sanford Road in Silver Spring since 2008 in the basement of the one-story single-family dwelling owned and resided in by the applicant. The proposal includes one full time non-resident employee. There are no changes proposed to the exterior of the existing dwelling. All activities associated with the use will be conducted within the basement or in the rear yard, which is enclosed with a six-foot high privacy fence and includes various play equipment. The applicant is also requesting a parking waiver of two required parking spaces.

Site Description

The property is located on the south side of Sanford Road between Woodland Drive and Forest Grove Drive. The property's legal description is Lot 16, Block 2 in the "Forest Glen Homes" subdivision and contains approximately 6,431 square feet of land. The property is zoned R-60, which requires a minimum lot size of 6,000 square feet. The lot has approximately 60 feet of street frontage along Sanford Road, and is improved with a single-story dwelling, including basement, constructed in 1951. The dwelling is set back approximately 33 feet from Sanford Road, and has a left and right side yard of approximately 8 feet each, and a rear yard of approximately 44 feet. (See Attachment 2.)

The property is accessed via a concrete driveway from Sanford Road. The driveway provides parking for one vehicle, which the applicant intends to use for one car associated with the residence. There is adequate on-street parking for one additional vehicle for the residence and one vehicle for a non-resident employee. There are no on-street parking restrictions in the neighborhood and the site is accessible by transit. The day care area has a separate entrance from the rear of the house, accessible via a concrete walkway from the front of the house through the right side yard. The applicant has indicated that children will be dropped off and picked up from the on-street parking area in front of the house. (See Attachment 3.)

The property is relatively flat in the front and rear yards, which are landscaped with mature trees, shrubs and flowers. The rear yard of the property is fenced and contains a wooden deck, a swing set, and a play area for children.

A site inspection by staff revealed that the property was properly posted at the time of inspection.

Neighborhood Description

The neighborhood, for the purposes of this review, is defined by Belvedere Boulevard to the north, Forest Grove Drive to the east, Forest Glen Road to the south, and Woodland Drive to the west. The neighborhood is zoned R-60 for single-family detached residences. There are no other special exceptions within staff's defined neighborhood. (See Attachment 1.)

Elements of the Proposal

The applicant proposes to expand the existing licensed childcare facility by increasing the maximum number of children permitted from 8 to 12. The daycare will be located on the basement level of the existing home. The applicant proposes to limit the age of the children to up to four years old. According to the applicant, there are three rooms and one bathroom with a total of 1,000 square feet for the proposed daycare. (See Attachment 4.) Access to the daycare areas will continue to be from the rear of the home, through exterior steps leading directly to the basement. An existing concrete walkway leads from the front to the rear of the house, around the west side yard of the property.

Parents will continue to use this path when picking-up and dropping-off their children. None of the daycare business will be conducted on the main floor of the dwelling.

The hours of operation will be between 7:30 A.M. and 6:00 P.M., Monday through Friday. Childcare will not be provided on weekends or overnight, at any time. Pick-up and drop-off will occur on the street in front of the home, which provides adequate room for two vehicles during morning drop-off and afternoon pick-up. The applicant indicates that she will stagger arrival times for the children between 8:00 A.M. and 9:00 A.M. and departure between 4:00 P.M. and 6:00 P.M. Staff recommends that the applicant include the staggered arrival times in the enrollment contract to be signed by parents.

There is currently one non-resident employee working at the daycare. The request includes continuing one non-resident employee at the site, who works from 7:30 A.M. to 6:00 P.M.

Parking

The parking requirements for a child day care facility in 59-E-3.7 states that a group day care must provide one space for every non-resident staff member in addition to the parking required for the residence and adequate parking needed for discharge and pick-up of children. In this case, a total of four parking spaces (two for the residential use and two for the day care) are required. There is no garage in the house. The existing driveway can accommodate only one parked vehicle; however, it may be widened to provide one additional space. As a condition for approval, staff recommends that the applicant widen the driveway a minimum of four feet to accommodate an additional vehicle. The required number of spaces for employees (one) may be provided on the street abutting the site. There is on-street parking on the public street in front of the dwelling, which can accommodate one parallel parked vehicle; drop-off and pick-up of children will take place on the street parking space directly in front of the house.

Master Plan Conformance

The site is situated within the Forest Glen East area of the Approved and Adopted 1996 Forest Glen Sector Plan. While the Plan does not specifically address child daycare centers, the proposed use is an allowed special exception use in the R-60 Zone.

Staff has concluded that the proposed use is compatible with the neighborhood for the following reasons: (1) the property will retain its residential appearance – no external changes will be made; (2) only the lower level of the home will be used for the operation of the special exception; and (3) the rear yard of the property will be used as a play area to include recreational equipment for children, and it will be fully enclosed and buffered by a six-foot wood fence.

Transportation and Parking

Area 2 Transportation Planning staff has reviewed the applicant’s proposal and finds that it would not have an adverse impact on the nearby road system. The site is located off Sanford Road, which is built as a tertiary residential street. The existing vehicular access points and pedestrian circulation system on the nearby road system would not be affected by the proposal. Since the proposal would generate less than 30 peak-hour trips, it is not subject to the Local Area Transportation Review (LATR) or the Policy Area Mobility Review (PAMR).

Transportation staff concludes that the approval of the subject special exception petition will not adversely affect the surrounding roadway system. (See Attachment 7.)

Environment

The proposal is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code. No forest conservation issues are associated with the site.

Development Standards

The subject property is located in the R-60 Zone, which permits the proposed use by special exception. The property conforms to all applicable development standards of the R-60 Zone. The following standards are applicable to single-family detached dwelling units:

Zoning Section	Development Standard	Required/Permitted	Proposed
59-C-1.322 (a)	Minimum Lot Area	6,000 sf	6,431 sf
59-C-1.322 (b)	Minimum Lot Width		
	Lot Width	60 ft	60 ft
59-C-1.323	(a) Minimum Setback from street	25 ft	26 ft
	(b) Minimum Setback from Adj. Lot		
	(1) Side Yard		
	- Side (One Side)	8 ft	8 ft
	- Side (Sum of Two)	18 ft	16 ft
	(2) Rear	20 ft	44 ft
59-C-1.327	Maximum Building Height	35 ft	25 ft (approx)
59-C-1.328	Maximum % of lot area coverage	35%	21% (approx)

Landscape and Lighting

The attached Landscape and Lighting Plan shows a total of three lights mounted on the side and rear of the dwelling, and along the path of access to the daycare center entrance. There is a double flood light at the rear of the house and a 100W hooded, residential fixture located above the rear patio door. There is also a 100W residential fixture on the side of the house above the concrete sidewalk leading from the front to the rear. They are all motion sensor controlled. There is no glare onto adjoining properties, and there are no external lighting changes proposed. The existing landscaping on the site consists of several trees, shrubbery, and flowers in both the front and rear yards.

Sign: The display of a sign must comply with Article 59-F.

The Montgomery County Department of Permitting Services (DPS) issued a permit on August 20, 2008, and currently, there is a freestanding, non-illuminated sign displayed on the property.

Community Concerns

Staff has not received any comments regarding the proposed special exception use.

Inherent and Non-Inherent Adverse Effects

The Zoning Ordinance specifies a standard of review for evaluating compliance with general and specific conditions, which requires an analysis of inherent and non-inherent adverse effects.

The first step in analyzing the inherent and non-inherent adverse effects of a special exception, or modification, is to define the boundaries of the surrounding neighborhood.

The analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every special exception has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable, or would create adverse impacts sufficient to result in denial. To that end, inherent adverse effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

The inherent, generic physical and operational characteristics necessarily associated with a child daycare include the following: (1) vehicular trips to and from the site; (2) outdoor play areas; (3) noise generated by children; (4) drop-off and pick-up areas; and (5) lighting.

The proposed child day care facility is approximately 1,000 square feet, and is located in the basement of an existing one-story single-family detached dwelling. There are no significant traffic impacts that would result from the proposed special exception. Staff finds that adequate parking would be available for parents and employees under the special exception proposal, subject to the applicant expanding their driveway (see **Parking** section above for further description). Existing lighting on the property is adequate and consistent with the residential character of the neighborhood. No new lighting will be added. There will be no changes to the existing dwelling, or play area in the rear yard. The front and rear yards are well landscaped with mature trees. Flowers and shrubbery are located in the front, side and rear of the dwelling. There are no unusual characteristics of the site. Staff finds that there are no non-inherent adverse effects arising from the proposed child daycare sufficient to form a basis for denial.

GENERAL AND SPECIFIC SPECIAL EXCEPTION PROVISIONS

The application, as conditioned by staff, satisfies all of the general and specific requirements for an accessory apartment found in Sections 59-G-1.21 and 59-G-2.00 of the Zoning Ordinance as follows:

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 subject property is zoned R-60. A group daycare home for up to 12 children is an allowed 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.

Staff finds that the requested use satisfies the standards and requirements prescribed in Section 59-G-2.13.1 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.

*As previously discussed in the **Master Plan Conformance** section, staff finds that the use will be consistent with the recommendations of the 1996 Approved and Adopted Forest Glen Sector Plan.*

- (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 proposed use will be in harmony with the general character of the surrounding residential neighborhood. It will be located in the basement of the existing dwelling and will not require construction of additional floor space. As a condition for approval, the existing driveway will be widened by a minimum of four feet to accommodate two vehicles. The applicant is seeking a waiver for the rest of the required parking spaces. Traffic conditions will not be adversely affected. Staff does not find an excess of similar uses in the defined 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.

There is no evidence to support a finding that the use will 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 proposed use is not expected to cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical or activity at the site.

- (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 finds the special exception will not increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or to alter the predominantly single-family residential character of the area. Since no new construction is proposed, the residential character of the neighborhood will not be altered.

- (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.

There is no evidence to support a finding that the proposed childcare would have an adverse effect on residents, visitors, or workers in the area.

- (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.

*The subject site has already been subdivided, and will continue to be adequately served by public facilities. As previously indicated in the **Transportation and Parking** section above, staff also finds that the requested use satisfies the transportation-related requirements of the APF test.*

- (B) If the special exception:
- (i) does not require approval of a new preliminary plan of subdivision; and
 - (ii) the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the special exception's impact;

then the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board of Appeals or the Hearing Examiner must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.

Staff finds that the application satisfies transportation related requirements and will not reduce the safety of vehicular or pedestrian traffic. As a condition of approval, the applicant must widen the driveway to accommodate one additional parked vehicle. Drop-off and pick-up of children will occur on the available parking on the street in front of the house. The applicant will also stagger arrivals and departures.

Sec. 59-G-2.13.1. Child day care facility.

(a) The Hearing Examiner may approve a child day care facility for a maximum of 30 children if:

(1) a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas and other uses on the site.

The applicant has submitted site and landscape plans that satisfy these requirements.

(2) parking is provided in accordance with the Parking Regulations of Article 59-E. The number of parking spaces may be reduced by the Hearing Examiner if the applicant demonstrates that the full number of spaces required in Section 59-E-3.7 is not necessary because:

(A) Existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or

(B) A reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;

Because the proposed daycare is in a residential dwelling, the number of spaces required by Section 59-E-3.7 is four (2 for the home, and 1 for the non-resident employee, and 1 for the day care use). As a condition for granting approval, staff recommends widening the existing driveway by a minimum of four feet to park at least two small vehicles side-by-side. The applicant is seeking a waiver for the remaining two parking spaces. Parents will use available parking on the street in front of the house for morning drop-off and afternoon pick-up times. Further, staff recommends that the applicant stagger these times as part of a contractual agreement with clients as a condition for approval. Therefore, staff finds that the subject property provides adequate parking for the proposed use.

(3) An adequate area for the discharge and pick up of children is provided; *Refer to response to (2) for information regarding this item.*

(4) the petitioner submits an affidavit that the petitioner will:

(A) comply with all applicable State and County requirements;

(B) correct any deficiencies found in any government inspection, and

(C) be bound by the affidavit as a condition of approval for this special exception.

The applicant has submitted such documentation, which is attached to this report. (See Attachment 8.)

- (5) The use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The hearing examiner may require landscaping and screening and the submission of a plan showing the location, height, caliper, species, and other characteristics, in order to provide a physical and aesthetic barrier to protect surrounding properties from any adverse impacts resulting from the use.

The proposal is compatible with the surrounding neighborhood, as discussed under §59-G-1.2.1(3) through §59-G-1.2.1(6) and §59-G-1.23(g) of this report.

CONCLUSION

Based on review of the application and all information of record, staff concludes that the application, with the conditions recommended by staff, satisfies all relevant standards for granting a child day care facility special exception. Staff recommends approval, with conditions, of application SE-11-03 for a child day care facility special exception at 1804 Sanford Road, Silver Spring.

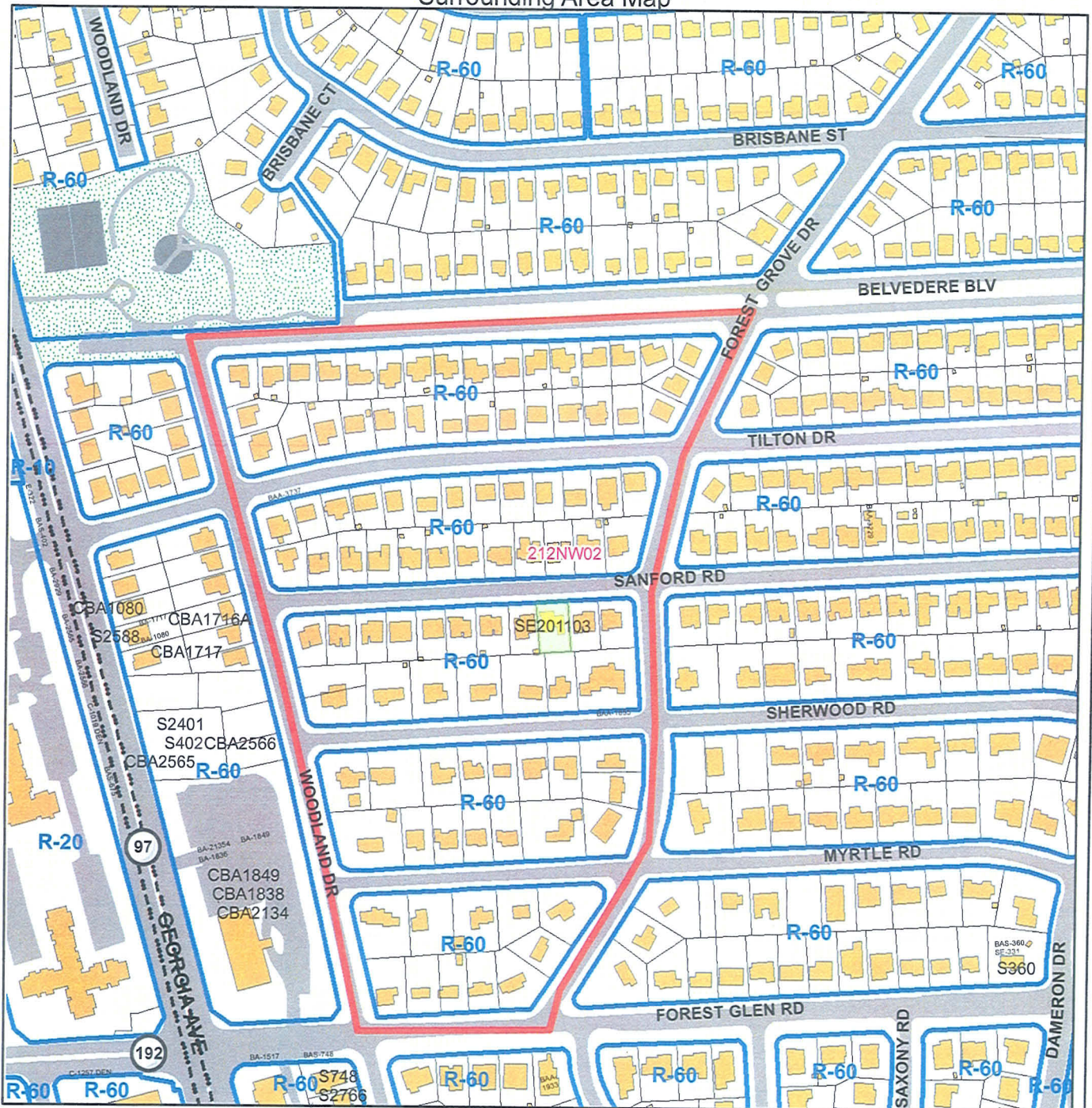
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Attachments:








1. Neighborhood Map
2. Site Plan
3. Landscape Plan
4. Floor Plan
5. Interior Photos
6. Interior Photos
7. Transportation Memo
8. Affidavit of Compliance
9. Forest Conservation Applicability Application

ATTACHMENT 1

Surrounding Area Map



LEGEND

-  Proposed Special Exception
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River
-  Staff's Identified Neighborhood

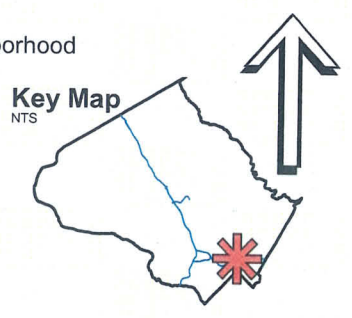
NOTICE:

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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.

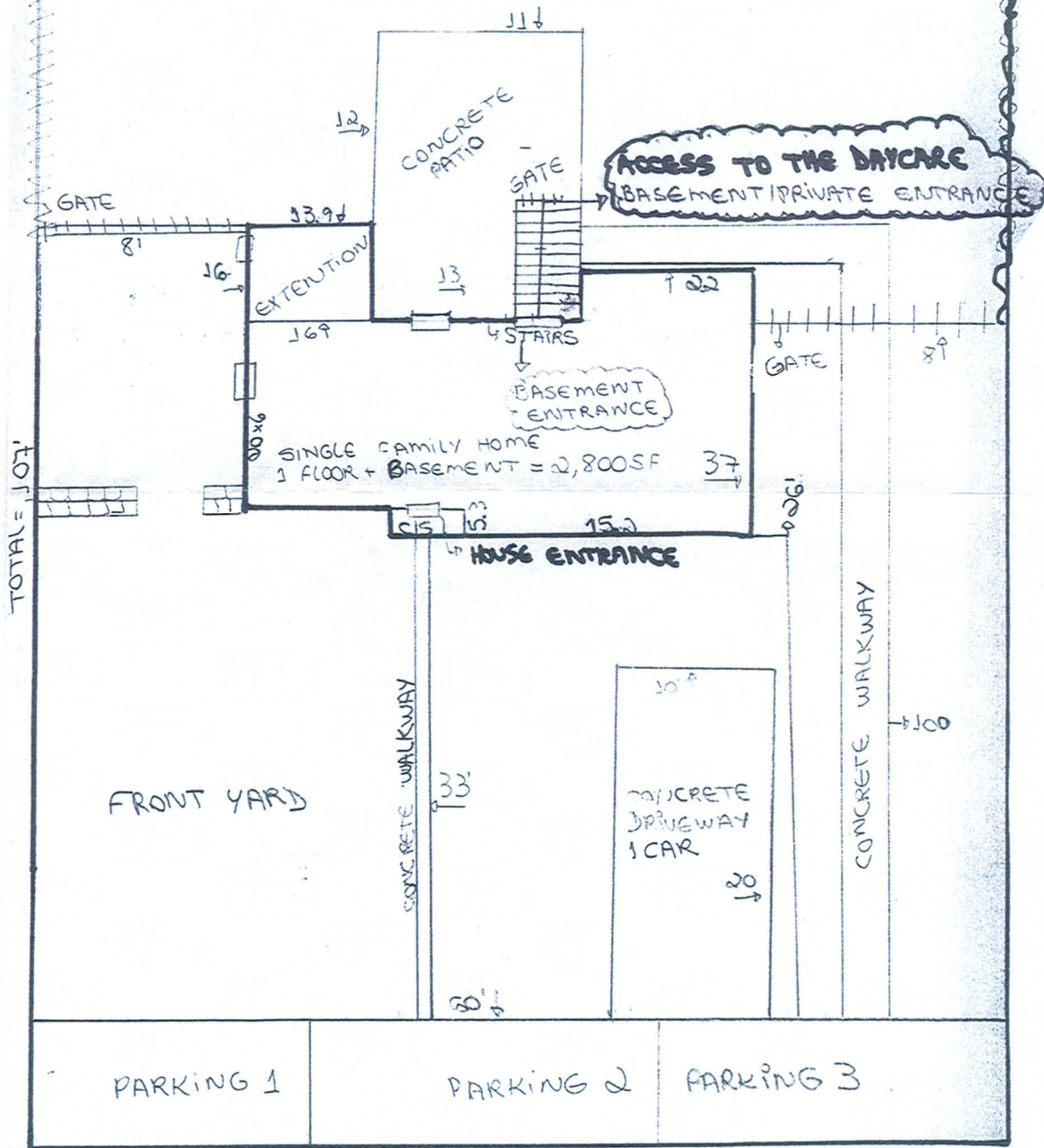
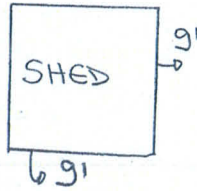
1 inch = 300 feet
Address: 1804 Sanford Rd, Silver Spring



ATTACHMENT 2

SITE PLAN
LOT 16-6431SF

2 PLAY SETS

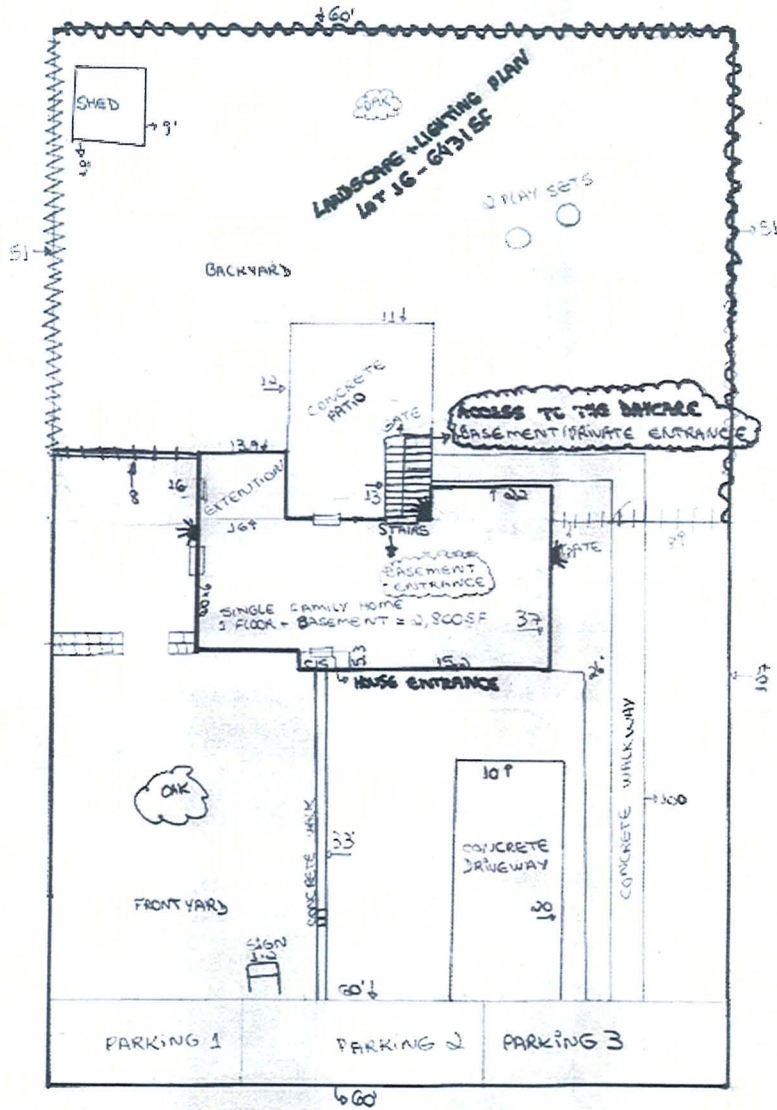


- LEGEND:**
- ||||| WOOD GATE - 4 FEET
 - PROPERTY LINE
 - ##### PLASTIC GATE - 4 FEET
 - ~~~~~ METAL FENCE - 3 FEET
 - |||||| WOOD FENCE - 4 FEET

SCALE
 1 INCH = 8.0' WF

Exhibit No: 3
 Referral No: SE11-03

ATTACHMENT 3



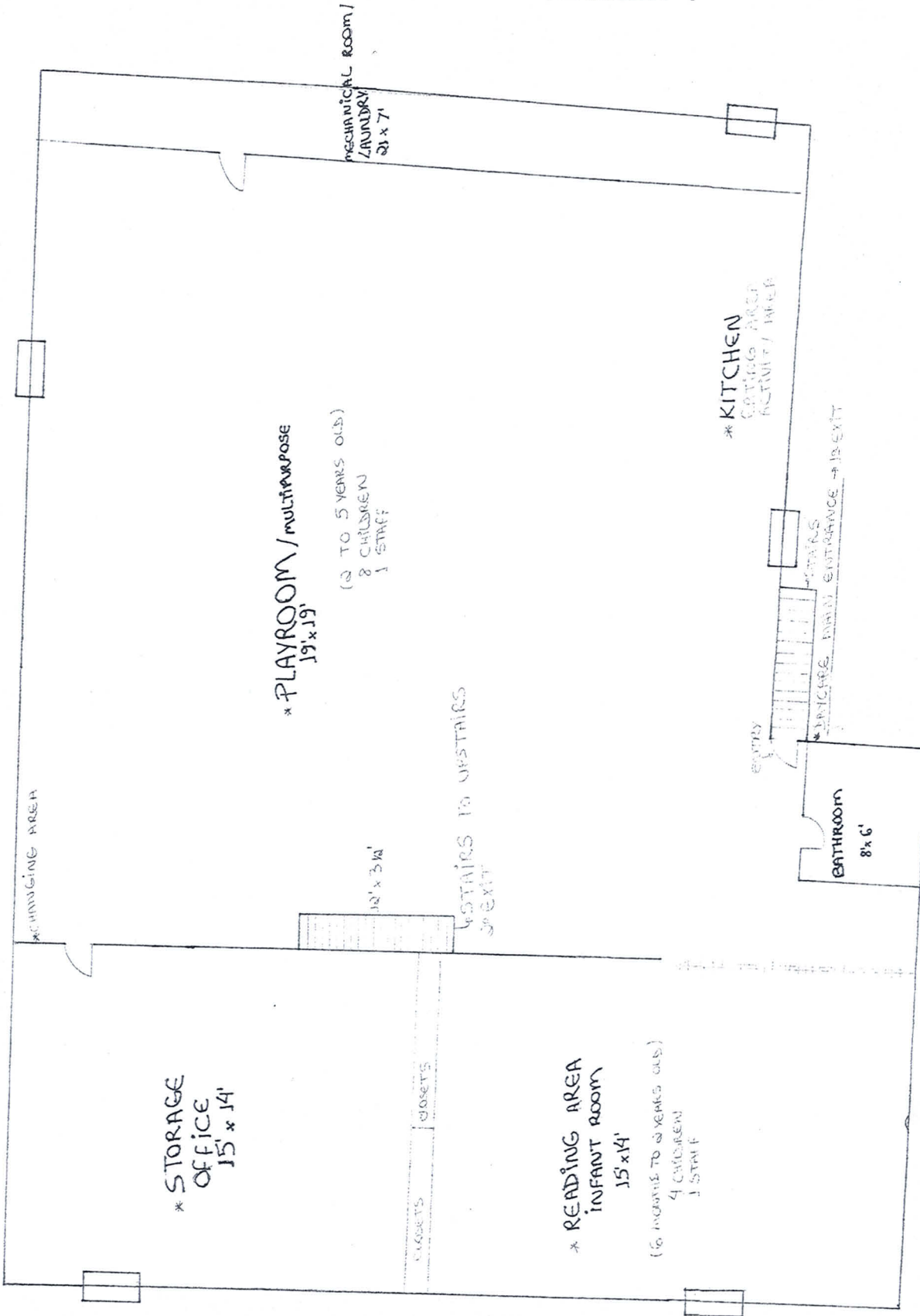
LEGEND:

- OAK TREE - 2
 - WOOD GATE - 4 FEET
 - METAL FENCE - 3 FEET
 - STONE WALL
 - RESIDENT FIXTURE - 200 WATTS - MOTION - 3
 - ENTRANCES / EXITS
 - SIGN YARD
 - PROPERTY LINE
 - PLASTIC GATE - 4 FEET
 - WOOD FENCE - 4 FEET
- SCALE
1/2 INCH = 8.0 FEET

DETAILS: 84
REMAINING SHEETS

ADDRESS: 1804 SANFORD RD - SILVER SPRING, MD 20902

ATTACHMENT 4



PEEKABOO DAYCARE
1804 SANFORD RD, SILVER SPRING, MD 20902

SEP 23 2011

ATTACHMENT 5

THE INSIDE OF THE DAYCARE



↳ PLAY AREA

WE PROVIDE ON-LINE ACCESS FOR ALL THE PARENTS THROUGH A WEB-CAM ON SITE.



↳ READING AREA

ATTACHMENT 6

EATING AREA / WORKING AREA



PLAY AREA



ATTACHMENT 7

April 19, 2011

MEMORANDUM

TO: Luis Estrada, Planner
Area 2 Division

VIA: Khalid Afzal, Eastern County Supervisor
Area 2 Division

FROM: Ed Axler, Planner/Coordinator
Area 2 Division

SUBJECT: Koushan Day Care
Board of Appeals Petition No. SE-11-03
1804 Sanford road, Silver Spring
Kensington/Wheaton Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Board of Appeals petition. The Petitioner is proposing to increase the number of children from 8 to 12 and open a half-hour earlier while not increasing the number of staff persons at their existing child day care facility operated in a single-family detached residential unit.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the approval of the subject Board of Appeals petition:

1. The Petitioners must limit the special exception use to a child day care facility with up to 12 children and two staff persons – one resident and one non-resident.
2. The Petitioners must widen driveway from Sanford Road to accommodate a second off-street parking space.
3. The Petitioner must schedule drop-offs and pick-ups of children such that no more than one car arrive/leave the site at any one time.

With the conditions above, transportation Staff finds that the proposed Board of Appeals petition satisfies the Local Area Transportation Review and Policy Area Mobility Review tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian facilities.

DISCUSSION

Site Location

The existing single-family detached residential unit is located on Lot 16, Block 2, Forest Glen Homes that is located on the south side of Sanford Road between Woodlawn Drive and Forest Grove Drive. The overall site is located in the northeast quadrant of Georgia Avenue (MD 97) and Forest Glen Road (MD 192).

Vehicular Access Point and Parking

The vehicular access point is the driveway off Sanford Road. Four parking spaces are typically required as follows:

1. Two spaces for the residences of the existing single-family detached residential unit. However the Petitioner claims she owns only one vehicle. The existing driveway is 10-foot wide by 20-foot long and can accommodate only one parked vehicle according to parking space sizes specified in Section 59-E-2.22 of the Montgomery County Zoning Ordinance. As described in the third condition, the existing driveway should be either by:
 - a. Widened it to be 7-foot wider to accommodate two 8.5-foot wide and 18-foot long "standard" size parking spaces or
 - b. Widened it to be 4-foot wider to accommodate two 7.5-foot wide by 16.5-foot long "small car" size parking spaces.
2. Two more spaces for child daycare facility with one for the non-residential staff person and one to drop-off/ pick-up the children. On-street parking is permitted along Sanford Road. However, only one vehicle can park in front of the existing residence (i.e., approximately 60 feet wide) without blocking the driveway.

With the Recommendations No. 2, 3, and 4, the number of required parking spaces can be reduced from 4 to 3 spaces.

Available Transit Service

Transit service is not available along Sanford Road or nearby Woodland Drive. Transit service is available along other nearby roadways as follows:

1. Metrobus routes Q-2, Y-5, Y-7, Y-8, and Y-9 and Ride-On route 7 operate on nearby Georgia Avenue west of the site.
2. Ride-On routes 7 & 19 operate on nearby Forest Glen Road east of Georgia Avenue and south of the site.

3. Ride-On route 7 operates on nearby Forest Grove Drive east of the site.

The Forest Glen Metrorail Station is located approximately 1,500 feet southwest of the subject site.

Pedestrian Facilities

A sidewalk with a grass panel between the sidewalk and curb exists along the site's Sanford Road frontage. A lead-in sidewalk connects between Sanford Road and the entrance to the existing day care facility.

Master-Planned Roadways and Bikeway

Sanford Road is a tertiary residential street and nearby Woodland Drive is a secondary residential street. Both local streets are not listed in the *Master Plan for the Communities of Kensington-Wheaton*.

The other nearby streets are designated in the *Master Plan for the Communities of Kensington-Wheaton* with bicycle facilities identified in the *Countywide Bikeway Functional Master Plan*, as follows:

1. Forest Grove Drive is designated as a primary residential street, P-16, with a recommended 70-foot-wide right-of-way and no master-planned bikeway.
2. Georgia Avenue is designated as a major highway, M-6, with a recommended 120-foot-wide right-of-way and a signed shared roadway, SR-19.
3. Forest Glen Road is designated as an arterial, A-57, with a recommended 80-foot-wide right-of-way and a shared use path, SP-13, on the south side.

Local Area Transportation Review (LATR)

The existing hours of operation starting at 8:00 a.m. is within the weekday morning (6:30 to 9:30 a.m.) peak period and closing at 6:00 p.m. is within the weekday evening (4:00 to 6:00 p.m.) peak period. The proposed half-hour earlier opening at 7:30 a.m. would remain with the weekday morning peak period.

The Petitioners proposed to increase the number of staff or children from 8 to 12 children. However, the trip-generation rates in the *Local Area Transportation Review and Policy Area Mobility Review Guidelines* are based on the number employees. The proposed number of non-residential staff persons will not be increased from the existing one person. Thus, the proposed four more children would not result in generating any additional new peak-hour vehicular trips within the weekday morning and evening peak periods.

The total number of peak-hour trips would be increased but all additional trips would be pass-by and diverted trips. The total trips include the new, diverted, and pass-by trips. Pass-by and diverted trips are those trips that are already on the road and drop-off/pick-up their children at the subject site on their way from other origins or destinations that are typically places of employment. With one non-residential staff person and up to 12 children, the total peak-hour trips would be fewer than 30 trips within the weekday morning and evening peak periods. Hence, a traffic study is not required to satisfy LATR.

Thus, the traffic generated by the proposed four more children at the existing child daycare facility would not adversely impact the existing traffic conditions with the Recommendations herein.

Policy Area Mobility Review (PAMR)

The subject site is located in the Kensington/Wheaton Policy Area where the mitigation requirement is 10% of the new peak-hour vehicular trips. However, PAMR trip mitigation is not required because the traffic generated by the proposed additional four children would not generate any additional new peak-hour trips within the weekday morning and evening peak periods.


EA

mmo to Estradat re SE-11-03 Koushan Day Care.doc

ATTACHMENT 8

I HEREBY CERTIFY that I will comply with and satisfy all applicable state and county requirements, correct any deficiencies found in any government inspection, and be bound by this affidavit as a condition of approval for the special exception.


I understand that if I fail to meet State or County requirements, this special exception may be declared invalid.



Petitioner

Subscribed and sworn to me, a Notary Public for Montgomery County.

Maryland, this 22 day of FEBRUARY, 2011



Notary Public

My comission expires: 8/4/2011

Countywide Planning Division/Environmental Planning

Effective 1/22/08

Montgomery County Planning Department ♦ 8787 Georgia Ave., Silver Spring, MD 20910 ♦ 301-495-4540, fax: 301-495-1303

APPLICATION

Forest Conservation Applicability* for Special Exceptions

PROPERTY LOCATION

Street Address: 1804 SAWFORD RD - SILVER SPRING, MD 20902

Subdivision: Forest Glen Parcel(s) # _____ Lot #(s): 16 Block(s): 2

Property Tax Identification Number: 01376281

Applicant (Owner or Contract Purchaser):

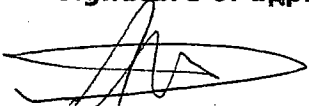
ANA KOUSHANU
Name
1804 SAWFORD RD
Street Address
SILVER SPRING MD 20902
City State Zip Code
301-537-3147
Phone No. () Fax No.

TOTAL AREA OF PROPERTY: 6.431 acres _____ square feet

APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION:

- The application applies to a special exception on a property of less than 40,000 square feet.
- No forest or individual trees will be disturbed.
- The property is not subject to a previously approved Forest Conservation Plan.
- The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Advisory Board.

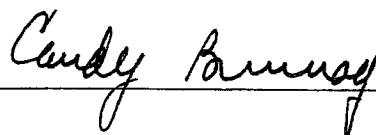
Signature of applicant (OWNER or Contract Purchaser): *Im proposing not to make any changes on the property.*


Signature

08-10-10
Date

M-NCPPC acknowledges that the special exception for the above property is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.

Signature of M-NCPPC Environmental Planning staff reviewer:


Signature

8/10/10
Date

*This form may be used only if the property is less than 40,000 square feet in total area.