



**Victory Housing, Inc., Special Exception, S-2873**



Carlton W. Gilbert, Planner Coordinator, Area 2 Division, [Carlton.Gilbert@montgomeryplanning.org](mailto:Carlton.Gilbert@montgomeryplanning.org), 301-495-4576



Khalid Afzal, Supervisor, Area 2 Division, [Khalid.Afzal@montgomeryplanning.org](mailto:Khalid.Afzal@montgomeryplanning.org), 301-495-4650



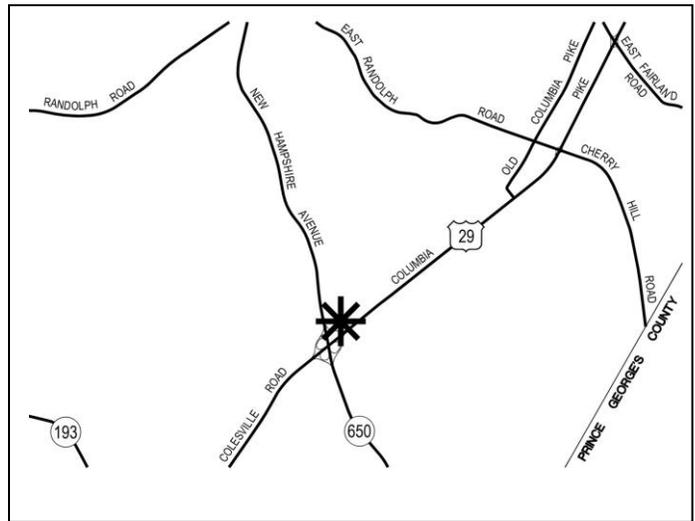
Glenn Kreger, Chief, Area 2 Division, [Glenn.Kreger@montgomeryplanning.org](mailto:Glenn.Kreger@montgomeryplanning.org), 301-495-4653

**Completed: 09/19/14**

**Description**

- Request to construct a four-story senior housing facility on 2.51 acres, consisting of 105 units;
- Location: Northeast quadrant of the intersection of Milestone Drive and New Hampshire Avenue;
- R-90/TDR Zone, 12.79 acres of land in the 1997 *White Oak Master Plan* area;
- Applicant: Victory Housing, Inc.
- Filing Date: December 9, 2013

A Preliminary Forest Conservation Plan Amendment has also been filed, reviewed and recommended for approval with conditions.



**Summary**

*Staff recommends Approval with Conditions.*

The Applicant, Victory Housing, Inc., is requesting Special Exception approval pursuant to Zoning Ordinance Sections 59-G-1.2 and 59-G-2.35 in order to operate a 105-unit apartment building for housing and related facilities for elderly or handicapped persons of low and moderate income. The four-story building will be located on 2.51 acres of leased land area (identified as the “Property” in this staff report). The Property is part of the larger tract of approximately 12.79 acres that is owned by Montgomery County and is currently developed with the Third District Police Station. The Property, along with the County-owned land at the same location, will be subdivided into a single lot at the time of Preliminary Plan review if this special exception application is approved. A Preliminary Plan application has been filed.

With the recommended conditions below, the proposed use satisfies all applicable requirements and regulations for approval of a Special Exception for a senior housing facility as specified in the Montgomery County Zoning Ordinance. The Applicant has met the burden of proof by showing that the proposed facility will be operated without detriment to the neighborhood and will not adversely affect the public interest. The proposal is consistent with the *White Oak Master Plan*.

## RECOMMENDATION

Staff recommends approval of Special Exception S-2873, subject to the following conditions:

1. All evidence, testimony and exhibits of record provided by the Applicant are binding;
2. The maximum allowable number of units must not exceed one-hundred and five (105) units (80 one-bedroom units and 25 two-bedroom units);
3. Hours of operation are limited to 8:30 a.m. to 5:00 p.m. every day; the maximum number of employees on-site at any one time must not exceed four (4);
4. Except in emergencies, regular deliveries are limited to Monday through Friday, 8:30 a.m. to 5:00 p.m. and Saturday, 9:00 a.m. to 5:00 p.m., and trash pick-up is to be limited Monday through Friday, 9:00 a.m. to 5:00 p.m. and Saturday, 9:00 a.m. to 4:00 p.m.;
5. The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code;
6. At Preliminary Plan, the Applicant must submit a traffic study for the entire site to satisfy Local Area Transportation Review (LATR) test;
7. The Applicant must coordinate the design plans with the Maryland State Highway Administration (SHA) regarding their Capital Transportation Program (CTP) Project MO8875170, for a US 29, Columbia Pike Interchange at Stewart Lane;
8. The Applicant must provide one inverted-U bike rack for two bikes, or the equivalent, in front of the main entrance. The final location may be modified at Preliminary Plan review;
9. Prior to the issuance of building permits for affected units, the Applicant must provide the following to Staff: Certification from an engineer that specializes in acoustical treatment that the building shell will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA, Ldn, as identified in the noise analysis report dated October 25, 2013.
10. Prior to the issuance of Use and Occupancy Certificates, the Applicant must provide the following to Staff: Certification from the builder that the facility is constructed in accordance with recommendations of an engineer who specializes in acoustical treatment that the projected exterior noise levels will be maintained to an interior level not to exceed 45 dBA, Ldn, as identified in the noise analysis report dated October 25, 2013.

## SITE DESCRIPTION

The Property (outlined in red in the aerial photo below) consists of approximately 2.51 acres of land located in the northeast quadrant of the intersection of Milestone Drive and New Hampshire Avenue (MD 650) in the White Oak area. The Property, which is zoned R-90/TDR, is part of a larger tract of approximately 12.79 acres (outlined in yellow below) consisting of Parcels P790, P725 and P731 that is owned by Montgomery County. Originally, development of the overall site was planned for in three phrases. The site is currently developed with the Third District Police Station (Mandatory Referral No. 2009742-D GS-1, Attachment 1) approved by the Planning Board on December 16, 2010, that allowed for a two-story police station as the first phase of development of the site. Phase 2 is this special exception application for a new senior housing facility which will be located immediately east of the existing police station. The future Phase 3 is the Columbia Pike (US 29)/Stewart Lane interchange. SHA has set no construction timetable for the interchange.

The Property is a partially wooded vacant site. The forested area consists of both pine and deciduous trees. The topography is relatively level with a slight upward slope from Milestone Drive. The property is not located in a Special Protection Area (SPA). The Property is approved as W-1 for its water category and has received approval for S-1 sewer category.



*Aerial Photo*

### Neighborhood Description

The neighborhood where the Property is located is generally bounded by Heartfields Drive to the north, Columbia Pike (US 29) to the east, Lockwood Drive to the south, and New Hampshire Avenue to the west. The Sherbrooke community located immediately north of the Property consists of single-family detached homes located in the R-90 Zone. Adjacent to the Property to the west are three single-family detached homes that front onto New Hampshire Avenue. The Sunrise Assisted Living (S-2308), also zoned R-90, is located northwest of the Property at the southeast intersection of Heartfields Drive and New Hampshire Avenue. The White Oak Public Library is located across Heartfields Drive within walking distance of the proposed senior housing facility. The southwest quadrant of Columbia Pike and New Hampshire Avenue is zoned R-H and is developed with a high-rise residential apartment complex. The southeast quadrant is zoned C-2 and is developed with the White Oak shopping center, and directly across Columbia Pike from the Property are mid-rise apartments located in the R-20 Zone. (Attachment 2, Neighborhood Map)

### **PROPOSED PROJECT**

The Applicant seeks approval to construct a new four-story building that will consist of a total of 105 apartment units (80 one-bedroom units and 25 two-bedroom units). According to the Applicant, some units will be single-occupancy apartments, while others will be used by couples. Approximately 90% of the units are intended for individuals with incomes at or below 60% of the "Average Median Income" for Montgomery County.

The proposed four-story, 99,100-square foot senior housing building will be setback 50 feet from Milestone Drive. A maximum of four employees will be present on site at any one time and the hours of operation for staff will be from Sunday to Saturday, 8:30 a.m. and 5:00 p.m.

Access to the Property will be via a driveway entrance located on Milestone Drive. The proposed 80-space parking area will be located on the west side of the Property. A circular driveway will provide front door access to the building with a designated drop-off area in the front.





**Architectural Rendering**

### Landscaping

The grounds of the proposed senior housing facility will be well-landscaped with plantings that provide an attractive setting and in an amount that exceeds the County's minimum planting requirements. Parking areas will be screened from neighboring properties by the use of evergreen vegetation along the perimeter. Foundation plantings will be provided along the base of the building to soften the building to ground connection. The outdoor amenities area, including the patio, will be surrounded by plantings to provide screening and a landscaped separation from the parking areas.



**Landscape Rendering**

**MASTER PLAN**

The proposed use and development is consistent with the 1997 *White Oak Master Plan*. The Master Plan contains specific recommendations for the larger 12.79-acre parcel (which includes the Property), known as Milestone Property, and identified as an “undeveloped parcel.” At the time of the Master Plan, the site was controlled by seven owners, and properties ranged in size from 0.5 acres to 22.7 acres. The Master Plan recommended that this site was suitable for an appropriate mix of single-family detached and single-family attached units, and that detached units should be located within the northern end of the properties to provide a compatible transition to the existing residential neighborhoods, while the attached units should be located near the intersection of US 29 and New Hampshire Avenue (p. 20). Density on the southern property was proposed at six units per acre (p. 20) and this was to be achieved by use of transfer development rights (TDRs). Further, the Master Plan stated that proposed development should provide adequate levels of compatibility and noise buffering, as well as a pedestrian and bicycle access to the White Oak Library in the consideration of development design.

The 1997 Master Plan envisioned the area outside of the identified commercial centers to remain residential in nature and recommended that infill developments follow the established residential pattern. In keeping with this vision, the Master Plan further recommended that “the land use and zoning goal in the *White Oak Master Plan* area is to ensure livable communities for the future by protecting and strengthening their positive attributes and encouraging development that will enhance the communities’ functions, sense of place and identity.” (p. 16)

The Master Plan recognized that special exception uses may be approved by the Board of Appeals if they meet the standards, requirements, and the general conditions set forth in the Zoning Ordinance, but may be denied if there is an excessive concentration of such uses in an area or if the uses are inconsistent with the Master Plan recommendations.

The Master Plan recommended that “excessive concentration of special exception uses and non-residential uses along major transportation corridors should be avoided (p. 24).” Specifically, the Master Plan recommended the following when evaluating special exception uses and their impact on the character and nature of the residential neighborhoods in which they are proposed (p. 24):

- Requiring new requests for special exception uses along major transportation corridors and in residential communities to be compatible with their surroundings. Front yard setback should be maintained.
- Avoiding front yard parking because of its commercial appearance. Side and rear parking should be screened from view of surrounding neighborhoods.
- Requiring new buildings or any modification or additions to existing buildings to be compatible with the character and scale of the adjoining neighborhood.
- Avoiding the placement of large impervious areas in the Paint Branch watershed due to its environmental sensitivity.

The Master Plan recognized the importance of providing affordable elderly housing and care options within the Plan’s area, stating that there will be a significant increase of persons over the age of 70 and limited number of housing opportunities for this segment of the population. The Plan recommended encouraging the provision of affordable elderly housing facilities at appropriate locations in the planning area that could support the needs of this population, including locating such facilities along bus routes and near shopping and public facilities (p. 66). This Property is situated near several public facilities and the White Oak Shopping Center, and is served by Metrobus and Ride On bus routes and can therefore be considered a good location for elderly housing.

Although the master plan recommended single-family housing development on this property, staff finds that the proposed multi-family, senior housing project is consistent with the goals and objectives of the master plan. Permitted special exception uses are generally considered to be consistent with the area master plans provided that the master plans do not contain a specific prohibition or recommendation against a special exception use on a specific property if the proposed special exception meets all other findings and requirements of approval. In this case, the master plan recommended a single-family housing option on this property, but it also recommended providing appropriate opportunities for elderly housing in the area near shopping, transit and other amenities. The proposed use is purely residential in nature, and is located appropriately to serve the elderly housing needs of the area. The density of the proposed project, higher than what was recommended in the Master Plan, can be supported by the existing infrastructure and facilities in the area without any negative impact on the surrounding land uses and population.

With regards to the location and design considerations, the four recommendations of the Master Plan are applicable to this Property. The proposed site plan indicates that the residential building will be fronting on both Milestone Drive and Seton Drive with parking, and outdoor gathering areas to the back of the building. The Master Plan recommended higher density townhome development on this portion of the overall Milestone property. The proposed multi-family residential building offers an appropriate transition from the US 29 corridor to the single-family detached neighborhoods to the north by providing a forest buffer. Similarly, the architecture is consistent in scale and design with many multi-family and townhouse developments in and around the *White Oak Master Plan* area.

The Property is not within an SPA, and therefore, no maximum impervious area limits exist. The development proposal shows the minimum amount of pavement necessary to adequately and safely circulate vehicles, residents and pedestrians, while the building footprint is compact, and multi-level to minimize the on-site imperviousness.

## **TRANSPORTATION**

The Property is located within the boundary of the *White Oak Master Plan* area where no Transportation Management District (TMD) has been established at this time.

### Master Plan Roadways and Bikeways

In accordance with the 1997 *White Oak Master Plan* and 2005 *Countywide Bikeways Functional Master Plan*, the sector-planned roadways and bikeways are listed below:

1. New Hampshire Avenue (MD 650) is designated as a six-lane divided major highway, M-12, with a 120-foot wide right-of-way and a signed shared roadway/bikeway, SR-30 or Class III, PB-24.
2. Columbia Pike (US 29) is designated as a six-lane divided controlled major highway, CM-10, with a recommended 200-foot wide right-of-way and a dual bikeway, DB-9.
3. Stewart Lane is designated as a two-lane arterial, A-286, with the recommended 80-foot wide right-of-way and Class II bikeway, PB-27.

Milestone Drive, Sherbrooke Woods Lane, and Seton Drive are not listed in the *White Oak Master Plan*.

- Milestone Drive is a two-lane service road within the State's MD 650 and US 29 rights-of-way.
- Sherbrooke Woods Lane is a north-south secondary residential street within a 60-foot wide right-of-way within the residential Kaufman subdivision.
- Seton Drive was originally the east-west segment of Sherbrooke Woods Lane that was built as a public secondary residential street to connect to Milestone Drive/Columbia Pike opposite Stewart Lane. Seton Drive does not have its own dedicated right-of-way, but is part of Parcel P725.

### Master Plan Transitway

The 2013 *Countywide Transit Corridors Functional Master Plan* recommends the Bus Rapid Transit (BRT) Corridor 9, "US 29 Corridor" along Columbia Pike (US 29) south of Lockwood Drive and north of Stewart Lane with the BRT shifted off Columbia Pike onto Stewart Lane and Lockwood Drive. The nearest BRT station is recommended to be at the intersection of New Hampshire Avenue (MD 650) and Lockwood Drive.

### Current Public Transportation Projects

Besides the BRT study above, the other current public transportation projects are as follows:

- The SHA's CTP Project MO8875170, US 29, Columbia Pike interchange at Stewart Lane, has approximately 30% design or preliminary investigation funding only, but none for engineering or construction. The Applicant's plan shows the right-of-way for this future interchange.
- SHA's CTP Project MO8445176, US 29, Columbia Pike / Stewart Lane interchange to add additional left-turn/through lane on southbound US 29 is in the early design stage with the Project Impact Report approved, but further design work is currently on hold.

### Available Transit Service

The following public transit is available along the nearby major highways:

- Metrobus routes K6, Z9, Z11, Z13, and Z29 currently operate along Columbia Pike near the property frontage south of Stewart Lane.
- Metrobus routes Z6, Z8, Z9, Z11, Z13, and Z29, Ride On route 10, and Maryland Transit Administration's Commuter Bus routes 915 and 929 currently operate through the Columbia Pike/Stewart Lane intersection and along Columbia Pike near the property frontage north of Stewart Lane.
- Metrobus routes C8 and Z2 and Ride On route 21 currently operate along New Hampshire Avenue near the Property frontage.

The nearest bus stops are located at the intersections of New Hampshire Avenue and Heartfields Drive and Columbia Pike and Seton Drive-Stewart Lane.

### Pedestrian and Bicycle Facilities

The existing sidewalks include the following:

- 5-foot wide along the north side of Milestone Drive
- 4-foot wide on both sides of Sherbrooke Woods Lane

The Applicant is proposing a 4-foot-wide sidewalk along the north side of Seton Drive and 4-foot-wide lead-in sidewalks from Milestone Drive and Seton Drive. From Milestone Drive and Seton Drive, residents and staff could walk to the nearby bus stops on New Hampshire Avenue and Columbia Pike and White Oak Library in the northeast corner of the New Hampshire Avenue/Heartfields Drive intersection. A handicapped ramp and crosswalk across Seton Drive are needed and recommended to connect to the lead-in sidewalk. Staff is recommending one bike rack to store at least two bicycles in front of the main entrance to the proposed special exception.

Local Area Transportation Review

The table below shows the number of peak-hour trips generated by the existing and proposed land uses during the weekday morning and evening peak hours (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Residential Land Use	Number of Units	Weekday Peak-Hour	
		Morning	Evening
Built Third District Police Station	Existing Peak-Hour Traffic	17	14
Proposed Victory Housing	105 units	21	26
Total of Both Land Uses		38	40

The number of weekday peak-hour trips were based on actual driveway counts collected in June 2014 for the existing 3<sup>rd</sup> District Police Station. The number of peak hour trips for the proposed building was determined using trip-generation rates for “senior adult housing attached” units from the Institute of Transportation Engineer’s *Trip Generation Manual*.

Although the additional peak hour trips are less than 30 for the proposed special exception use only, a traffic study is required to satisfy LATR for the overall site (including the Police Station) because the proposed land use generates 30 or more total (i.e., existing and additional) peak-hour trips within the weekday AM and PM peak periods. As conditioned, the traffic study will be required at the time of Preliminary Plan review.

Transportation Policy Area Review

A transportation impact tax payment is not required to satisfy the Transportation Policy Area Review (TPAR) test because the Code does not require a TPAR payment for “multi-family senior” residential units.

**ENVIRONMENT**

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420050860) on November 2, 2004 and recertified on March 18, 2009. Since then, a portion of the site has been developed as the Third District Police Station. Currently, there is approximately 6.2 acres of forest on-site.

The site lies within the Paint Branch watershed (State Use III, or non-tidal cold water), but outside the Special Protection Area. There are no streams, wetlands, floodplains, or environmental buffers on the site. The proposed project is in compliance with the *Environmental Guidelines*.

Forest Conservation

The proposed project is subject to the Montgomery County Forest Conservation law (Chapter 22A of the Code). Recommendations on the Amended Preliminary Forest Conservation Plan are covered in a separate memo.

Noise

A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and

Development” stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

The Property is located northeast of the intersection of US 29 (Columbia Pike) and MD 650 (New Hampshire Avenue) and is exposed to traffic noise from primarily US 29. A noise analysis (Attachment 3) demonstrates that the projected noise levels exceed the 65 dBA Ldn guideline applied to external activity spaces. However, this facility does not include any external activity spaces adjacent to US 29, and the building will shield all other proposed external activity areas. Therefore only architectural methods will be used to mitigate for noise, with a building shell analysis provided at time of building permit to certify that interior noise levels will not exceed the 45 dBA Ldn standard.

**COMMUNITY COMMENTS** - This Application was submitted and noticed in accordance with all required procedures. The Application met posting requirements with two signs. The Applicant held several community meetings to discuss the senior housing development proposal. Staff received a letter from the Sherbrooke Homeowners Association, dated October 5, 2013, generally in support of the project. The letter also expressed concerns about parking, removal of trees, height of the proposed building, landscaping, lighting and access to the site by construction vehicles. (Attachment 4)

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

##### Inherent and non-inherent characteristics

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 garbage pick-up and normal deliveries to individual residents.*

*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. Staff finds that the physical and operational characteristics of the proposed use are no different than what is normally associated with housing for the elderly facilities. The Property is well located near the intersection of Columbia Pike and New Hampshire Avenue with good access to major transportation routes as well as adequate accessibility to public transportation, medical services, shopping areas, recreational and other community services. Adequate parking is available for the residents, visitors and employees of the proposed addition. Existing and proposed tree buffers and sufficient landscaping are proposed in order*

*to maintain the general character of the neighborhood. Noise associated with trash pick-up as well as deliveries to the facility will be minimal. The trash dumpster will be enclosed and trash will be collected twice per week and recycling will occur once per week. In addition, there will be normal deliveries to residents (i.e., UPS, FedEx, Comcast, Verizon, Staples, etc.)*

*Given the submitted plans, and the Applicant's statement of operations and other submitted documentation, Staff does not find any non-inherent adverse effects 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-90/TDR 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 of approval, staff finds that the proposed special exception satisfies the standards and requirements prescribed in Section 59-G-2 and 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 proposed senior housing facility is consistent with the applicable White Oak Master Plan which was adopted in 1997. Although the Master Plan recommended this site was suitable for an appropriate mix of single-family detached and single-family attached units, a housing objective of the Master Plan is to maintain housing for people of varying incomes, ages, and lifestyles, and continue to provide a variety of housing types that will permit households with changing needs to find suitable locations within the White Oak Master Plan area. The Plan specifically recommends the encouragement of housing for the elderly and handicapped at locations adequately served by public transportation, shopping, and community facilities. The proposed use is purely residential in nature, and is located appropriately to serve the elderly housing needs of the area. The density of the proposed project, higher than what was recommended in the Master Plan, can be*

*supported by the existing infrastructure and facilities in the area without any negative impact on the surrounding land uses and population.*

*This application satisfies this standard. Therefore, Staff finds that the proposed project meets these objectives. 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 structure. The proposed four-story building will be located approximately 225 feet from the nearest single-family home. The scale and height of the new building will be constructed with minimal impact on the natural environment. Adequate parking will be provided for residents and visitors.*

- (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 proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. The proposed facility is designed in a manner that is compatible with the one-family residential neighborhood. Staff finds that the physical and operational characteristics of the proposed use are no different than what is normally associated with housing for the elderly facilities. Outdoor activities by residents will be limited. The grounds will be well landscaped; parking areas will be screened from neighboring properties by the use of evergreen vegetation along the perimeter and the use of foundation plantings to soften the building/ground connection.*

- (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. There will be limited outdoor activity and there will be no use of the property that will generate noise in an obtrusive manner.*

- (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 use 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. According to our records, there are two other active special exception uses nearby. The Sunrise Assisted Living Facility (S-2308) is located at the southeast intersection of New Hampshire Avenue and Heartfields Drive. An accessory apartment was approved (S-2833) at 1000 Heartfields Drive. The proposed use is a residential use that will not alter the character the predominantly residential character of the neighborhood.*

- (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 compatible 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.

- (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.

*A preliminary plan of subdivision is required. The Property, along with the adjacent police station at the same location, will be platted into a single lot. A Preliminary Plan application has been filed and will be reviewed by the Planning Board to determine the Adequacy of Public Facilities (APF) at that time.*

- (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 or the Hearing Examiner 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.

*Not Applicable.*

- (C) With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.

*Staff finds that the application satisfies transportation related requirements and will not reduce the safety of vehicular or pedestrian traffic. The access is safe and traffic circulation within the site and along the parking area will be designed in a safe and efficient manner. A drop-off area will be established in front of the main entrance. The parking area is designed in a manner that provides for a safe and efficient separation of vehicular and pedestrian activities within the subject property.*

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

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

*The Property is zoned R-90/TDR-6. Since the Property is not being developed with TDRs, the R-90 standards apply. The proposed senior housing building has been designed to comply with standards of the R-90 Zone and to comply with the requirements of Sections G-1.23 or Section G-2, as applicable. Staff finds that the proposed four-story building would comply with all development standards as shown in the following table.*

**Development Standards Table**

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	9,000 sq. ft.	2.51 acres
Minimum Lot Width		
--at front building line	75 ft.	330 ft.
--at street line	25 ft.	272 ft.
Minimum Setback from Street (59-G-2.35(c)(1))	50 ft.	50 ft.
Minimum Setback from Adjoining Lot (59-G-2.35(c)(1))		
--side lot lines	25 ft.	25 ft.
--rear lot line	25 ft.	25 ft.
Maximum building height (59-G.2.35 (c)(2))	2 1/2 stories or 35 ft.*	4 stories at 52.3 ft. (max.)
Maximum Building Coverage	35%	22.9%
Minimum Green Area	50%	53.5%

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

*Staff finds that the proposed building complies with the applicable development standards. In terms of the proposed building height higher than the maximum allowed in the zone, Section 59-G-2.35(c)(2) specifies that up to six stories is permitted. In this case, the design, scale and height of the proposed building conform to the general character of the neighborhood.*

- (b) **Parking requirements.** Special exceptions are subject to all relevant requirements of Article 59-E.

The provisions of Section 59-E-2.83 “Parking and Loading facilities for special exception uses in residential zones” applies to an off-street parking facility for a special exception use that is located in a one-family residential zone if 3 or more parking spaces are provided. These standards are intended to mitigate potential adverse visual, noise, and environmental impacts of parking facilities on adjacent properties. In addition, these requirements improve the compatibility and attractiveness of parking facilities, promote pedestrian-friendly streets, and provide relief from un-shaded paved areas. These provisions are as follows:

- **Location.** Parking facilities must be located to maintain a residential character and a pedestrian-friendly street orientation.

*The proposed parking areas will be screened from neighboring properties by the use of evergreen vegetation along the perimeter to maintain a residential character and the use of foundation plantings to soften the building/ground connection. Sidewalks will allow for pedestrian-friendly access to public sidewalks; the White Oak Public Library is within convenient walking distance.*

- **Setbacks.** Each parking and loading facility, including each entrance and exit driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone. The following additional setbacks must be provided for each parking facility: (1) if 150-199 parking spaces are provided, the required side and rear parking facility setbacks must be increased by 5 feet; (2) if 200 or more parking spaces are provided, the required side and rear parking facility setbacks must be increased by 10 feet.

*The applicable front yard setback required in the R-90 zone is 30 feet but a 50-foot front yard is required by 59-G-2.35(c)(1)(A). The proposed driveway will connect to the same entranceway used by the public for the adjacent police parking lot; that entrance joins the adjacent entranceway at a point approximately 142 feet from the front property line. The parking area will be located approximately 25 feet from the rear property line and well in excess of the required 8-foot setback requirements for the side yards. No additional setback is required based upon the number of parking spaces as the proposed parking provides 80 spaces.*

- **Screening.** Each parking and loading facility, including driveway and dumpster areas, must be effectively screened from all abutting lots. Screening must be provided in a manner that is compatible with the area’s residential character. Screening must be at least 6 feet high, and must consist of evergreen landscaping, a solid wood fence, a masonry wall, a berm, or a combination of them. Along all street right-of-ways, screening of any parking and loading facility must be at least 3 feet high and consist of evergreen landscaping, a solid wood fence, or masonry wall.

*Effective screening of the parking facility, the driveway, and dumpster area will be provided with a mix of large shade trees, ornamental trees, evergreen trees, shrubs, and perennials. A 6 ½ foot high fence will also screen the dumpster.*

- **Shading of paved areas.** Trees must be planted and maintained throughout the parking facility to assure that at least 30 percent of the paved area, including driveways, are shaded. Shading must be calculated by using the area of the tree crown at 15 years after the parking facility is built.

*30.2% of the parking area will be shaded.*

- **Compliance Requirement.** For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before May 6, 2002, the entire off-street parking facility must be brought into conformance with this section. An existing surface parking facility included as part of a special exception granted before May 6, 2001, is a conforming use.

*Not Applicable to the proposed special exception use.*

- (c) **Minimum frontage.** “In the following special exceptions, the Board may waive the requirements for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of section 59-G-1.21: (1) Rifle, pistol and skeet-shooting range, outdoor...”

*Not applicable to the proposed special exception use.*

- (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 proposed project is subject to the Montgomery County Forest Conservation law (Chapter 22A of the Code). Recommendations on the Amended Preliminary Conservation Plan are covered in a separate memo.*

- (e) **Water quality plan.** *Not Applicable; The Property is not in a SPA. A Stormwater Management Concept Plan has been approved by Montgomery County (Attachment 5).*

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

*A ground mounted entrance sign measuring 10’ x 6’9” for a total of 67.5 square feet will be located near the vehicular entrance to the property. This sign will be located approximately 27 feet from the nearest property line. It will not obstruct any building aperture. A sign variance will be required from the Sign Review Board. The sign will be illuminated in the front by hidden ground mounted lighting directed toward the sign. The illumination will be in accordance with the requirements of Section 59-F-4.1(e).*

- (g) **Building compatibility in residential zones.** Any structure that is constructed, reconstructed, or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

*The proposed 4-story building is designed in a neo-Craftsman style with hip roofs and projecting bays with hip roofs. The style of building will be compatible with the surrounding residential community contiguous to the site which contains gable and hip roof style homes. The basic shape of the building is a letter "J" that creates short building wings with minimal long walls while creating a protected building entry and front patio. The base of the building is faux stone that extends up the bay projections and the main entrance, breaking up the building elevations and creating vertical elements that highlight the building entry. Vinyl siding and panels are used above the stone and cover the building's upper areas, with darker colored siding below lighter colored siding and panels to create a top, middle and base to the building. The corners of the building are framed and highlighted with colored panels. "Juliet balconies" are used for the top floor apartments to articulate the top floor. A large front porch and canopy help break down the scale of the building while providing a gathering place for seniors. The proposed building provides a transition between the White Oak Shopping Center, the Maryland US 29 Corridor, the Sunrise Assisted Living Community, and the residential community located to the rear.*

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

*Yard lighting has been designed to be unobtrusive and consistent with the residential use of the property. There will be shielding provided to the light fixtures so that the lighting levels at the property line will be nearly zero. Security lighting will remain on all night around the building, but it will be downward directed lighting that will be mounted 10 feet above ground level on the face of the building. The intent of the proposed security lighting is to illuminate the ground around the base of the building, but to shield the light source to prevent any glare or spillage of light on surrounding properties. Lighting levels along the side and rear lot lines will not exceed 0.1 foot candles.*

#### **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 approximately 90 percent of the proposed units are intended for individuals with incomes at or below 60% of the HUD “Area Medium Income” for Montgomery County. Of the proposed 105 units, 10 one-bedroom units will be offered at 40% of the Area Median Income (“AMI”), 30 one-bedroom units will be offered at 50% of the AMI, 40 one-bedroom units will be offered at 60% of the AMI, 15 of the two-bedroom units will be offered at 60% of the AMI, and 10 of the two-bedroom units will be offered at market rates.*

*This minimum percentage for each category will be determined by agreement with the Department of Housing and Community Affairs in accord with Executive Regulations. (Attachment 6)*

- (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 Property is well located near the intersection of Columbia Pike and New Hampshire Avenue with good access to major transportation routes as well as adequate accessibility to public transportation, medical service, shopping areas, recreational and other community services. This Property is situated near several public facilities and the White Oak Shopping Center, and is served by Metrobus and Ride On bus routes and can therefore be considered as a good location for elderly housing.*

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

*As previously stated, the Property is located at the northeast corner of the intersection of US 29 (Columbia Pike) and MD 650 (New Hampshire Avenue) and is exposed to traffic noise from primarily US 29. A noise analysis demonstrates that the projected noise levels exceed the 65 dBA Ldn guideline applied to external activity spaces. However, this facility does not include any external activity spaces adjacent to US 29 and the building will shield all other proposed external activity areas. Therefore only architectural methods will be used to mitigate for noise, with a building shell analysis provided at time of building permit to certify that interior noise levels will not exceed the 45 dBA Ldn standard.*

- (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 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 application statement indicates that the Applicant 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.

*Occupancy will be restricted to adult seniors age 62 and older. This restriction will apply to all residents, notwithstanding marital status or disability. There will be no resident staff living on-site.*

- (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.

*See Development Standards table on page 16 of this report.*

- (c) 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.*

- (d) 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. The minimum unit size will comply with the relevant standards of Chapter 26, "Housing Standards" of the County Code, as amended. According to the Applicant, the smallest unit will consist of 681 square feet which is in excess of the minimum requirements.*

- (e) 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.

*In accordance with the parking requirements for senior housing facility in Section 59-E-3.7 and Section 59-E-3.33, the total number of parking required is 79.7. A total of 80 parking spaces are provided. The parking tabulation is as follows:*

MPDU's (59-E-3.7)	
80 one-bedroom d.u.'s @ 0.85 spaces /d.u.	= 68.00 spaces
15 two-bedroom d.u.'s @ 1.15 spaces/d.u.	= <u>17.25 spaces</u>
Subtotal parking spaces required	= 85.25 spaces min.
20% reduction (17.05 spaces) for providing MPDU's (59-E-3.33)	= 68.20 spaces
Market Rate (59-E-3.7)	
10 two-bedroom d.u.'s @ 1.15 spaces/d.u.	= <u>11.50 spaces</u>
Total parking spaces required	= 79.7 spaces min.
Total parking spaces provided	= 80 spaces

*The application satisfies the parking requirement.*

(f) 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 proposed building will have community areas available to all residents including, but not limited to, a community room, warming kitchen, wellness center, computer room, library, billiards room, television viewing room, exercise room, arts and crafts studio, and an outdoor patio. The Applicant shares a van among several other projects operated by Victory Housing that will be used to provide transportation to off-site facilities and services such as shopping, religious, community or recreational facilities, and medical services.*

- (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 Department of Permitting Services (DPS) building permit process and must comply with all state, county and federal regulations as applicable.*

- (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. This is a new facility.*

## **CONCLUSION**

Staff recommends approval of Special Exception S-2873, subject to the conditions stated at the beginning of this staff report. The proposed project is designed to be compatible with uses in the surrounding area, including the neighboring residential communities, and it will not have an adverse effect on the neighborhood. It will comply with the requirements of the Zoning Ordinance.

## **Attachments**

- Attachment 1 – Mandatory Referral letter
- Attachment 2 – Neighborhood Map
- Attachment 3 – Noise Analysis
- Attachment 4 – Sherbrooke Homeowner Association letter & summary of community meetings
- Attachment 5 – Stormwater Management Concept letter
- Attachment 6 – DHCA authorization letter
- Attachment 7 – Notice of public hearing



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

**OFFICE OF THE CHAIRMAN**

January 21, 2011

Mr. David E. Dise, Director  
Department of General Services  
101 Monroe Street, 9<sup>th</sup> Floor  
Rockville, Maryland 20850

SUBJECT: Mandatory Referral No. 2009742-DGS-1  
Third District Police Station

Dear Mr. Dise:

At its regular meeting on December 16, 2010, the Montgomery County Planning Board reviewed a Mandatory Referral from the Montgomery County Department of General Services (DGS) to construct the Third District Police Station. After testimony from the Planning Board staff, DGS, community groups, and nearby residents, the Planning Board voted unanimously (4-0, M. Wells-Harley, J. Alfandre, N. Dreyfuss, and A. Presley, Chair F. Carrier being absent), to approve the Mandatory Referral and transmit the following comments:

1. Submit a Preliminary Plan for review in accordance with Section 50-20 (a) of the Subdivision Regulations, prior to any clearing or grading.
2. Submit a Mandatory Referral for the future Phase 2 of the site. The submission should include a new Preliminary Plan and Mandatory Referral site plan that provides a sidewalk connection from Milestone Drive to Sherbrooke Woods Lane.
3. Submit a traffic study for the entire property (including the police station), for APF purposes, at the time of filing an application for development of the remainder of the property.
4. Provide a pedestrian link, if deemed safe, across Milestone Drive that will connect existing sidewalk along the east side of New Hampshire Avenue with the sidewalk proposed along the north side of Milestone Drive (along site frontage) subject to State Highway Administration (SHA) approval.
5. Coordinate with Montgomery County Department of Transportation (DOT) and SHA to extend the site frontage sidewalks off-site to the Columbia Pike (US 29)/Stewart Lane/Milestone Drive intersection to the northeast of the site, as part of County's Annual Sidewalk Program, and provide a cross-walk across Columbia Pike to connect this sidewalk with existing sidewalks along the east side of Columbia Pike.

The Planning Board also asked DGS to consider the possibility of providing a temporary path along Seton Drive from Sherbrooke Woods Lane to Milestone Drive. Thank you for considering our comments.

Sincerely,

Françoise M. Carrier  
Chair

M:/Nelson/TM3rd District  
Enclosure: Staff Report





**MILLER, BEAM & PAGANELLI, INC.**  
 CONSULTANTS IN ACOUSTICS, VIBRATION & AUDIOVISUAL SYSTEM DESIGN

October 25, 2013

Jeff Blackwell  
 Vice President  
 Real Estate Development  
 Victory Housing, Inc.  
 11400 Rockville Pike, Suite 505  
 Rockville, MD 20852

**RE: VICTORY CROSSING  
 Noise Analysis and HUD Documentation**

Dear Mr. Blackwell:

Miller, Beam & Paganelli, Inc. has performed a transportation environmental noise analysis for the proposed Victory Crossing residential building in Silver Spring, Montgomery County, Maryland. The site is located northeast of the intersection of US 29 (Columbia Pike) and MD 650 (New Hampshire Avenue) and is exposed to associated traffic noise. An on-site acoustical survey was performed to assess the current noise exposures as well as a calculation using the HUD methodology. Measurement results were then used to calculate potential interior noise levels. Below is a summary of the general noise criteria, noise calculation and measurement results, interior assessment, and noise mitigation requirements.

Criteria

The primary noise descriptor used by HUD, Montgomery County, and other governing and lending agencies to describe environmental noise is the day-night average level (DNL or  $L_{dn}$ ). The day-night level is a 24-hour average level with nighttime (10 p.m. to 7 a.m.) noise levels increased by 10 dBA to account for increased sensitivity to noise at night.

The goal of the noise standards used by HUD and others is to archive interior noise levels that do not exceed 45 DNL in residential dwellings. Based on numerous tests and studies, the HUD noise guidelines assume that a normal building's exterior construction will provide 20 dBA of noise reduction. Thus, residential buildings exposed to noise levels less than 65 DNL are considered "acceptable" and should result in interior noise levels less than 45 DNL. Residential sites exposed to noise levels between 65 and 75 DNL are considered "normally unacceptable" and may require upgraded constructions to achieve noise levels less than 45 DNL. Residential sites exposed to noise level exceeding 75 DNL are considered "unacceptable" and residential development in these zones is discouraged. Noise levels in outdoor recreational spaces should not exceed 65 DNL.

Exterior Noise Exposure Levels

To satisfy requirements for HUD, an exterior noise assessment was performed using the HUD methodology and worksheets. The primary noise source of concern is traffic on US 29 south of the site. MD 650 is sufficiently far from the site and with fewer daily vehicles to not be a significant source of noise. There are no railways within two miles of the site. The largest airport

within 15 miles of the site is Reagan National Airport, which is 13 miles away, and the Victory Crossing site is at least 11 miles outside its 65 DNL noise impact area. Two small airfields, College Park Airport and Tipton Airport, are located approximately six and twelve miles from the Victory Crossing site, respectively. The noise impact range for these small airports essentially do not extend beyond their property boundaries, and therefore are not a source of concern at the Victory Crossing site. The Victory Crossing building footprint and plan are shown in appendix Figure 1.

To determine the potential roadway noise, traffic data was obtained from the most recently available (2012) traffic volume maps published by the Maryland State Highway Administration. Using the HUD worksheet methodology, it was calculated that the southeast building face will be exposed to noise levels in the 69-70 DNL range. (HUD worksheets are included in the appendix below.) Thus, since the noise exceeds 65 DNL, the building is considered noise impacted, and may require ungraded construction methods and material.

An on-site noise measurement was also made to verify the modeled/calculated results. A Norsonic NOR 140 integrating sound level meter (Type 1 quality: precision) was placed at approximately the southeast face of the proposed building, which was nominally 50 feet from the northwest edge of Milestone Drive. Acoustical measurements were made over a 24 hour period between Tuesday, October 8 and Wednesday, October 9, 2013. The microphone was raised to a height of approximately 20 feet above grade to minimize the effect of ground shielding and represent the upper floor noise exposure levels.

The measured noise level was 68 DNL, or nominally 1-2 DNL points lower than the calculated value, but still within an acceptable range as to verify the calculated value. Thus, the measurement confirms that the building will be moderately noise impacted. The site visit also confirmed that noise from MD 650 (New Hampshire Avenue) is not a significant noise source, and its noise will be partially shielded by existing houses and a new buildings currently being constructed between the Victory Crossing site and MD 650.

#### Interior Noise Levels / Noise Mitigation Recommendations

To determine the potential interior noise levels the noise reduction of the exterior building construction is calculated using a combined sound transmission class (STC) rating of the walls, doors, and windows. This composite STC rating is then used to calculate the interior noise level taking into account the exterior noise level and frequency spectrum, the area of the exterior building construction through which noise is transmitted, and the receiving room absorption.

The building's primary exterior wall system consists of either vinyl siding or manufactured stone atop 1" ZIP sheathing on a 2x6 wood stud system with batt insulation in the cavity and an interior layer of 5/8" gypsum wallboard. This wall system with vinyl siding has an estimated 39-STC rating, with a rating exceeding 45-STC with the stone siding.

Calculations indicate that, based on the anticipated exterior noise level, windows with a minimum 28-STC rating should be used to ensure interior noise levels do not exceed 45 DNL. HUD worksheets indicating these window and wall STC recommendations will satisfy HUD requirements

Mr. Jeff Blackwell  
VICTORY CROSSING

-3-

October 25, 2013  
Miller, Beam & Paganelli, Inc.

are included in the appendix.

Please contact us if you have any questions regarding the noise analysis and building component recommendations.

Sincerely,



Douglas P. Koehn, M.S.  
Senior Consultant

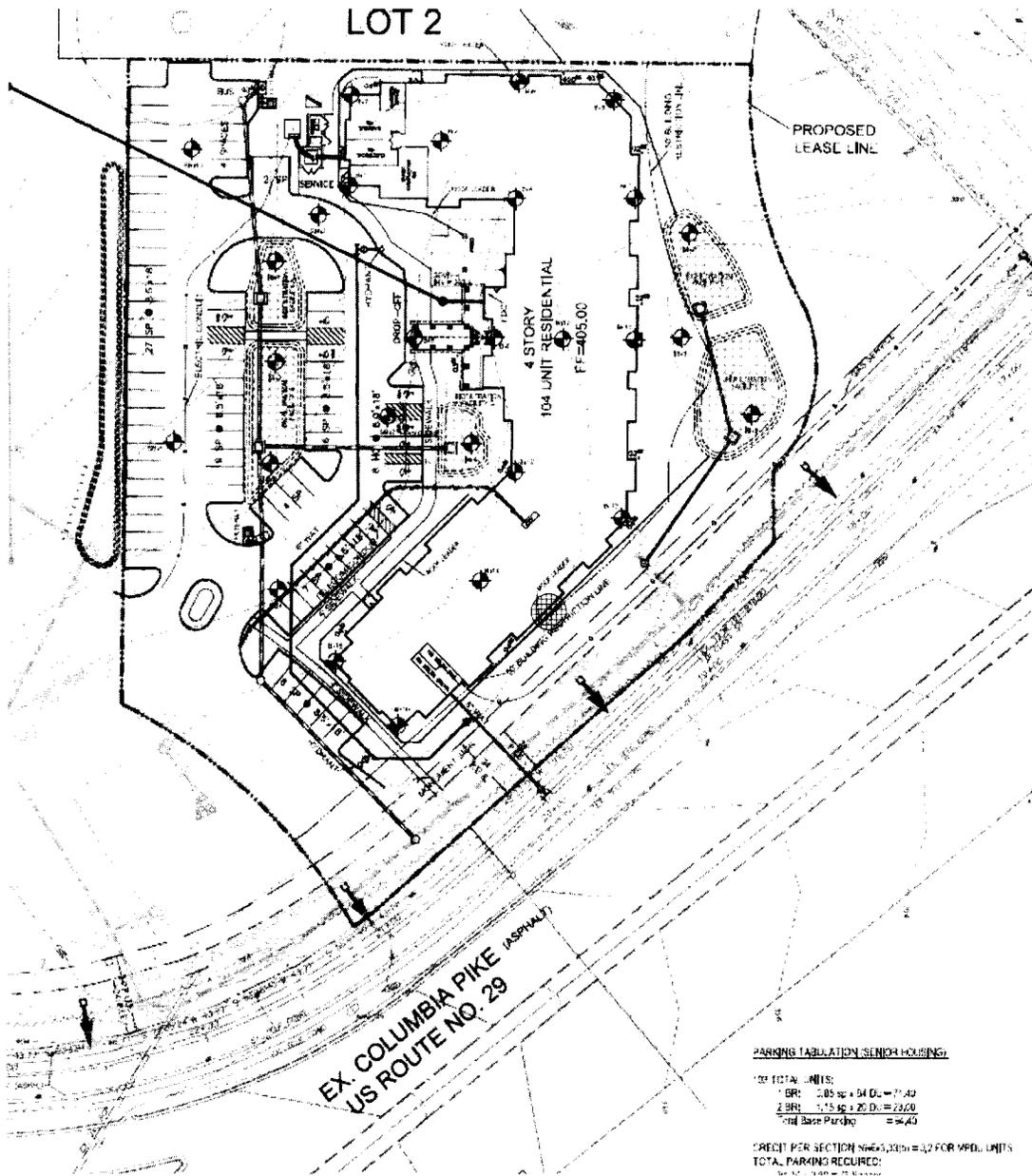


Figure 1: Site Plan

 Noise Measurement Location

List all major roads within 1000 feet of the site:

1. Columbia Pike (US-29)
2. New Hampshire Avenue (MD-650)
- 3.
- 4.

Necessary Information	Road 1	Road 2	Road 3	Road 4
1. Distance in feet from the NAL to the edge of the road				
a. nearest lane	120 ft	775 ft		
b. farthest lane	180	825		
c. average (effective distance)	150	800		
2. Distance to stop sign				
3. Road gradient in percent				
4. Average speed in mph				
a. Automobiles	40	40		
b. heavy trucks - uphill	40	40		
c. heavy trucks - downhill	40	40		
5. 24 hour average number of automobiles and medium trucks in both directions (ADT)				
a. automobiles	64.5 k	41 k		
b. medium trucks	2700	1057		
c. effective ADT (a + (10xb))	91.6 k	51.9 k		
6. 24 hour average number of heavy trucks				
a. uphill				
b. downhill				
c. total	730	223		
7. Fraction of nighttime traffic (10 p.m. to 7 a.m.)	0.15	0.15		
8. Traffic projected for what year?	2013	2013		

Adjustments for Automobile Traffic

	9 Stop and-go Table 3	10 Average Speed Table 4	11 Night- Time Table 5	12 Auto ADT (line 5c)	13 Adjusted Auto ADT	14 DNL (Workchart 1)	15 Barrier Attenuation	16 Partial DNL
Road No. 1	1	x 0.53	x 1	x 91.6 k	= 48.5 k	68	-	=
Road No. 2	1	x 0.53	x 1	x 51.9 k	= 27.5 k	54	-	=
Road No. 3		x	x	x	=		-	=
Road No. 4		x	x	x	=		-	=

Adjustments for Heavy Truck Traffic

	17 Gradient Table 6	18 Average Speed Table 7	19 Truck ADT 2	20	21	22 Stop and-go Table 8	23 Night- Time Table 5	24 Adjusted Truck ADT	25 DNL (Work- chart 2)	26 Barrier Attn.	27 Partial DNL
Uphill	x	x									
Road No. 1						Add 730	x 1	x 1	730	65	
Downhill		x									
Uphill	x	x									
Road No. 2						Add 223	x 1	x 1	223	51	
Downhill		x									
Uphill	x	x									
Road No. 3						Add	x	x			
Downhill		x									
Uphill	x	x									
Road No. 4						Add	x	x			
Downhill		x									

Combined Automobile & Heavy Truck DNL

Road No. 1	69.8	Road No. 2	55.8	Road No. 3		Road No. 4		Total DNL for All Roads	
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Signature \_\_\_\_\_ Date \_\_\_\_\_

**Figure 19**  
**Description of Noise Attenuation Measures**  
**(Acoustical Construction)**

Part I

Project Name Victory Crossing

Location Silver Spring, MD

Sponsor/Developer Victory Housing, Inc.

Noise Level (From NAG) 69.8 Attenuation Required 25

Primary Noise Source(s) Roadway: US-29

Part II

1. For Walls (s) facing and parallel to the noise source(s) (or closest to parallel):

a. Description of wall construction\* \_\_\_\_\_

Stone or Vinyl siding, 1" ZIP sheathing, 2x6 wood studs w/ R-21 batt, 5/8" GWB

b. STC rating for wall (rated for no windows or doors): Minimum 39-STC

c. Description of Windows: \_\_\_\_\_

d. STC rating for window type Minimum 28-STC

e. Description of doors N/A

f. STC rating for doors N/A

g. Percentage of wall (per wall, per dwelling unit) composed of windows 20% and doors \_\_\_\_\_

h. Combined STC rating for wall component Min. 34-STC

2. For walls perpendicular to noise source(s):

a. Description of wall construction\* Same

b. STC rating for wall (rated for no windows or doors) \_\_\_\_\_

c. Description of windows \_\_\_\_\_

d. STC rating for windows \_\_\_\_\_

e. Description of doors \_\_\_\_\_

**Sherbrooke Homeowners Association**  
1116 Heartfields Drive  
Silver Spring, MD 20904

October 2, 2013

Jeff Blackwell, Vice President  
Victory Housing, Inc.  
5430 Grosvenor Lane, Suite 210  
Bethesda, MD 20814

Dear Mr. Blackwell:

Thank you for providing us an update on the Victory Crossing senior housing development proposal, to be located on Milestone Drive. We have been pleased with the responsiveness of the Victory Housing staff in addressing concerns we have raised.

As we understand it, your proposal for a senior housing building has been reduced from 123 units to 105 units, will be open to people 62 and older, and has been designed generally using the footprint established by the County for its proposed future development. It will be a four story building with a sloped roof. The roofline will be roughly the same level as the neighboring houses due to the downslope in elevation toward Milestone Drive, and the building will be over 200 feet from the nearest existing home (1124 Heartfields Drive). The target population is seniors whose income is less than 60 percent of median (currently \$45,000 for one person and \$51,000 for 2 people). There will be a patio near the entrance. Inside there will be amenities such as an exercise room, computer room, library, wellness center, multi-purpose room, and billiards room. We understand that you will include as part of your proposal installing a sidewalk along Sherbrooke Woods Lane.

You mentioned in 2011 that the building would have 84 parking spaces (which is the required amount), but you did not mention in this last update whether this number has changed or remained the same. You did mention that there will be overflow parking available on Milestone Drive.

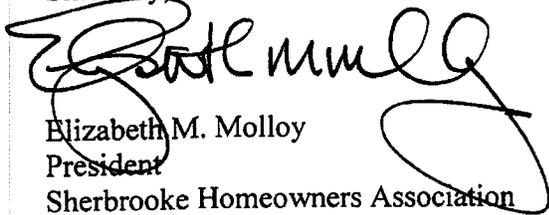
You mentioned by email that the forest preservation line is now set at 188 feet from the northern property line, but has been extended to the east approximately 30 feet and wraps slightly around the building. You state that the preservation area is now 0.54 acres with a minimum width of 50.7 feet; that you are still providing 100% on-site forest conservation; and that total conservation (preservation and reforestation, plus landscaping) increased from 0.99 acres to 1.02 acres.

While the community generally would prefer that the forest remain and no additional development occur other than the police station, if development is to occur, we support the Victory Crossing proposal.

We would like to remind you of a few of our concerns. With respect to parking, we note our neighborhood street is very narrow and not suitable to be used as street parking by the future residents. In addition, we note that the Victory Crossing proposal would result in the elimination of trees, but would still maintain a buffer of at least 200 feet away from the existing homes which would aid in providing compatibility to existing homes on the site. While the proposed removal of portions of the existing woods will allow more noise to pass through to the neighborhood, the continuance of a 200-foot buffer should help keep the noise from US29 from passing through to the neighborhood. Due to the height of the proposed building and the closeness to Sherbrooke Woods Lane, we would like to ensure that there is sufficient landscape between the building and the road. Even with the tree buffer between the development and our homes, we would also prefer outdoor lights that are focused downward to minimize the visibility of the light from a distance. Last we would like assurances that construction vehicles will not travel through our neighborhood to access the construction site.

Thank you for your consideration of our views.

Sincerely,



Elizabeth M. Molloy  
President  
Sherbrooke Homeowners Association

## **MINUTES OF PREFILING COMMUNITY MEETING**

**White Oak Regional Library  
11701 New Hampshire Avenue, Silver Spring, MD**

**Monday, May 5, 2014**

**FOR**

### **“VICTORY HOUSING/VICTORY CROSSING” Preliminary Plan of Subdivision**

The following are Minutes of a meeting conducted in accordance with the Development Manual of Maryland-National Capital Park and Planning Commission regarding the procedures related to the filing of a preliminary plan of subdivision. The Minutes of the Prefiling Community Meeting referenced above are:

1. The meeting commenced at approximately 6:30 p.m.
2. There were two members of the community in attendance. These were Jeanne Crouse and Kurt Hoffman, both residing at 11803 Eden Road, Silver Spring.
3. The Applicant was represented by Jeff Blackwell of Victory Housing, Sue Carter of Miller, Miller & Canby and Kevin Mack of Dewberry.
4. Ms. Crouse and her husband, Mr. Hoffman, were the only two members of the community in attendance. There was no formal presentation insofar as the two community members present declined to be seated and communicated that they would prefer to ask questions of the applicant. Using exhibits, Mr. Mack and Ms. Carter responded to questions about what was proposed to be constructed on the site and explained how the process allowed the opportunity for community input. Mr. Blackwell also responded to questions relating to the proposed senior housing use.
6. Ms. Crouse raised a number of questions about the nature of the proposed use and expressed her concerns. Questions/comments included:
  - A. What is going to happen to the woods? What is going to be built?
  - B. Will this include housing for handicapped individuals?
  - C. How many units will be included in the proposed senior housing facility?
  - D. How many parking spaces are proposed?

- E. What will be the age of the residents in the facility? Will they be working and commuting?
  - F. Concern was expressed about the potential to exacerbate a perceived existing traffic problem at the intersection of Milestone Drive and Stewart Lane.
  - G. Ms. Crouse expressed her general objection to plan in its entirety. Mr. Hoffman had no comment.
  - H. Ms. Crouse requested that the Applicant provide her with any written handouts (there were none), but Ms. Carter advised that she would e-mail her a complete copy of the Statement of Operations submitted in connection with the special exception.
8. The two community members left at 6:45 p.m. The Applicant and its representatives remained until 7:00 p.m. for any late arrivals (there were none) and concluded the meeting at 7:00 p.m.

**MINUTES OF PREFILING COMMUNITY MEETING**

**White Oak Regional Library  
11701 New Hampshire Ave., Silver Spring, MD**

**Monday, January 13, 2014**

**FOR**

**“VICTORY HOUSING / VICTORY CROSSING”  
Preliminary Plan of Subdivision**

The following are Minutes of a Pre-Filing Community Meeting conducted at the White Oak Library on the date listed above:

1. The meeting commenced at approximately 6:35 p.m.
2. The meeting began in a small conference room but, when attendance reached a level that exceeded the seating capacity of the room, the meeting was relocated to an adjacent room.
3. By 7:00 p.m., at least 16 persons had signed the sign-up sheets. (Other attendees who arrived after the presentations began may not have signed the attendance sheet.)
  - A. The applicant was represented by Jeff Blackwell of Victory Housing, Kevin Mack of Dewberry and Jody Kline of Miller, Miller & Canby.
4. Questions asked and answered were:
  - A. How did the current proposal deviate from what had been shown to the community in previous meetings?
  - B. How many units will there be?
  - C. What will be the bedroom mix of the units?
  - D. What percentage of the building will be affordable units?
  - E. What will be the rents for the units in the building?
  - F. Will Victory Housing operate a shuttle bus to surrounding locations?
  - G. What is the height of the building? Is it the same height as was previously shown to the neighbors?

- H. How many parking spaces are there? Are they enough to accommodate the residents and guests?
- I. How does one access the subject property?
- J. Is the property being purchased or leased from Montgomery County?
- K. How many staff will there be and will they be residing on site?
- L. Will the police use the parking spaces on the subject property, and vice versa?
- M. Where will trees be preserved and where will new plantings occur?
  - 1. What landscaping will be provided on site?
- N. What services will be provided to the residents?

5. The meeting ended at approximately 8:30 p.m. (A number of the attendees remained to talk about their involvement in the White Oak Science Gateway Master Plan Amendment.)

**MINUTES OF PREFILING COMMUNITY MEETING**

**St. John the Baptist Catholic Church  
12319 New Hampshire Avenue, Silver Spring, MD**

**Tuesday, December 17, 2013**

**FOR**

**“VICTORY HOUSING/VICTORY CROSSING”  
Preliminary Plan of Subdivision**

The following are Minutes of a meeting conducted in accordance with the Development Manual of Maryland-National Capital Park and Planning Commission regarding the procedures related to the filing of a preliminary plan of subdivision. The Minutes of the Prefiling Community Meeting referenced above are:

1. The meeting commenced at approximately 7:10 p.m..
2. There were four members of the community in attendance (names found on attached Sign-Up List).
3. The Applicant was represented by Jeff Blackwell of Victory Housing and Jody Kline of Miller, Miller & Canby.
4. Mr. Kline began by explaining that the property to be leased from Victory Housing from Montgomery County was presently unplatted and would have to be subdivided before a building permit could be issued. Mr. Kline described the difference between the subdivision and the special exception process, the latter being familiar to most of the attendees based on prior presentations by Victory Housing.
5. Using exhibits, Mr. Kline showed the location of the County's property and explained how the County property would be subdivided and part of the property would then be leased to Victory Housing.
6. Following Mr. Kline's presentation, and after comments made by Mr. Blackwell, questions from the audience included:
  - A. What is Victory Housing?
  - B. How many units will be included in the proposed seniors housing facility?
  - C. What will be the age of the residents in the facility?
  - D. How many parking spaces will be provided?

- E. Where will off-street parking be accommodated, if necessary?
  - F. What is the term of the lease between Victory Housing and Montgomery County?
  - G. What would happen if the property was subdivided but Victory Housing elected not to go forward or could not obtain financing to go forward?
  - H. Is the special exception transferrable?
  - I. When would construction of the facility commence and when would it be completed?
  - J. What is the schedule for obtaining the required special exception and getting a preliminary plan approved and a record plat recorded?
7. During the question and answer period, Mr. Kline explained that a sign that was required to be posted on the property advertising the pre-filing community meeting had not been posted. Accordingly, a second meeting would be scheduled to occur in January, prior to the filing of the preliminary plan of subdivision in order to satisfy the requirements of the Development Manual. Neighbors will again be invited to attend the meeting, but the present attendees might find it unnecessary to attend since all questions will have been answered at this meeting.
8. The meeting concluded at approximately 8:15 p.m..



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

December 6, 2013

Mr. Antonio Marques  
Dewberry Consultants LLC  
203 Perry Parkway, Suite 1  
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request  
for Victory Crossing  
Preliminary Plan #: not provided  
SM File #: 255753  
Tract Size/Zone: 2.51 acres/R-90 TDR  
Total Concept Area: 1.81 acres  
Lots/Block: NA  
Parcel(s): 790  
Watershed: Paint Branch

Dear Mr. Marques:

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 proposes to meet required stormwater management goals via micro bioretention.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

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**.

---

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
www.montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

Mr. Antonio Marques  
Page 2  
December 6, 2013

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 William Campbell at 240-777-6345.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: me :wrc

cc: C. Conlon  
SM File # 255753

ESD Acres:	1.81
STRUCTURAL Acres:	0
WAIVED Acres:	0



## OFFICES OF THE COUNTY EXECUTIVE

Isiah Leggett  
County Executive

Timothy L. Firestine  
Chief Administrative Officer

June 18, 2014

Victory Housing, Inc.  
c/o Jody S. Kline, Esquire  
Miller, Miller & Canby  
200B Monroe Street  
Rockville, MD 20850

RE: Victory Crossing and Third District Police Station Site  
Milestone Drive/Parcel ID No.: 05-00255525, 05-00255822, 05-00267716

Dear Mr. Kline.

On October 11, 2013, I wrote to you in your capacity as counsel for Victory Housing, Inc. ("VHI"), authorizing VHI to pursue a special exception for the development of an affordable senior housing community under a long term ground lease with the County ("Project") on the above-referenced property ("Site"). The Site consists of several parcels, some of which are occupied by a new Third District Police Station. The special exception is limited to the development of the Project on only a portion of the Site.

The October 11, 2013, letter serves as the County's Agency Authorization for VHI to prepare, file and pursue the required special exception for the Project and consents to VHI acting as the County's authorized agent for the limited purpose of securing the necessary special exception for the Project.

You now advise the County that it would be beneficial and more efficient if VHI secures the special exception, and, later, the building permits for the Project, if the entire Site (including the portion occupied by the Third District) is subjected to a record plat of subdivision. VHI requests written verification of its authority to prepare and execute the necessary applications seeking subdivision (platting) of the County's property and to continue its activities related to obtaining the special exception.

By this letter, the County authorizes VHI, your firm as its counsel, and Dewberry and Davis as VHI's civil engineers ("VHI and its agents"), to seek preliminary plan of subdivision and record plat approval, provided that the pursuit of such actions is in compliance with the terms set out below ("Extended Agency Authorization").

---

101 Monroe Street • Rockville, Maryland 20850  
240-777-2500 • 240-777-2544 TTY • 240-777-2518 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Victory Housing, Inc.  
c/o Jody S. Kline, Esquire  
June 18, 2014  
Page 2

This Extended Agency Authorization is strictly limited to permitting VHI and its agents to prepare, sign, file and pursue subdivision and related approvals for the platting the Site and obtaining a special exception for the Project including, but not limited to, the following:

- Preliminary Plan
- Final Forest Conservation Plan
- Sediment Control/SWM Plan and Permit
- NPDES Permit
- SWM Easements and Covenants
- WSSC Plan and Permit
- DOT Entrance Permit
- Record Plat

The authorized activities listed above are subject to the following requirements:

All costs associated with obtaining the subdivision, special exception and related approvals for the Project are the sole responsibility of VHI.

Copies of all VHI's applications and submissions concerning the Project must be provided to the Montgomery County Department of Housing and Community Affairs ("DHCA") not less than ten (10) business days following their submission to the relevant public agency and; if necessary, to any State Court, if appeals are filed concerning permits issued or applications approved for the Project. The defense or pursuit of any appeals in a State Court is strictly within the County's purview and is not extended to VHI under this Extended Agency Authorization.

This Extended Agency Authorization does not constitute a joint venture between the County and VHI.

This Extended Agency Authorization does not affect or control, in any manner, any public action, review or approval process involving the County or for which the County or a component of the County (including an official thereof) is responsible.

This Extended Agency Authorization does not authorize VHI to make any representations or statements regarding the County which are not made expressly subject to the County's prior written approval.

This Extended Agency Authorization does not constrain, restrict, prevent or impair in any way the County's present use or control of the Site, including but not limited to the construction, occupancy and use of the Third District Police Station. Any activity required by VHI under this Extended Agency Authorization on the portion of the Site housing the Third District Police Station must be cleared with, and scheduled by Michael Kay at 240-777-6072, Sandra Batterden at 240-773-5238, and Cynthia Brenneman at 240-777-6089.

Victory Housing, Inc.  
c/o Jody S. Kline, Esquire  
June 18, 2014  
Page 3

Currently, no funds have been appropriated by the County for the Project and any funds contributed by the County to the Project are expressly subject to the future appropriation of funds for such purpose.

VHI must not record any encumbrances against the Site or permit any to be recorded against the Site by its agents or contractors.

VHI, by signing below, agrees to indemnify and hold the County harmless as to all liability and claims, including attorneys' fees and costs, with respect to or arising from this Agency Authorization.

VHI agrees to maintain for the duration of this Extended Agency Authorization the insurance required of it by the County, if any, pursuant to an Option Contract for Agreement of Purchase and Sale for the Site by and between the County and VHI dated June 21, 2011.

All terms and conditions contained in our letter of October 11, 2013, remain in effect and are binding on VHI unless modified by the terms of this letter.

If these terms are acceptable, please have your client countersign this letter and return it to Jay Greene, Chief, Division of Housing, at DHCA.

Sincerely,



Ramona Bell-Pearson  
Assistant Chief Administrative Officer

Acknowledged and agreed to:

By  \_\_\_\_\_  
James A. Brown, Jr.  
President, Victory Housing, Inc.

Date: 6/19/14

cc: David Dise, Director, DGS  
Richard Y. Nelson, Jr., Director, DHCA  
Vickie L. Gaul, Associate County Attorney  
Jay Greene, DHCA

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY  
(240) 777-6600**

<http://www.montgomerycountymd.gov/content/council/boa/index.asp>

**Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850**

**Phone: (240) 777-6660; Fax: (240) 777-6665**

**CASE NO. S-2873**

**PETITION OF VICTORY HOUSING, INC.**

**NOTICE OF RESCHEDULED PUBLIC HEARING and MOTION TO AMEND PETITION**

Please take notice that the public hearing currently scheduled for Friday, September 26, 2014, on the above-mentioned application has been rescheduled, at the request of Jody S. Kline, Esquire, attorney for the Petitioner, to **Friday, October 17, 2014, at 9:30 a.m.**, or as soon thereafter as this matter can be heard. The hearing will be held in the Stella B. Werner Council Office Building, Second Floor, Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland.

The subject property is Lot P790, Block A, White Oak Subdivision, located at Milestone Drive, Silver Spring, Maryland, 20904 in the R-90/TDR Zone (Tax Account Number 05-00255525).

The subject application seeks a special exception pursuant to Section 59-G-2.35 (*Housing, Elderly & Handicapped*) of the Zoning Ordinance to permit:

- 1) The 4-story building will have a total of 105 units. The units will be a mix of 80 one-bedroom apartments and 25 two-bedroom apartments. Some units will be single-use apartments, while others will be used by couples. The majority of units are intended for individuals with incomes below 60% of the "Average Median Income" for Montgomery County;
- 2) The approximate total of residents is 158;
- 3) A maximum of four staff on site at any one time;
- 4) Hours of operation: Staff will be present from Sunday to Saturday, 8:30 am to 5:00 pm;
- 5) Parking: 80 parking spaces on site

Mr. Kline submitted a letter dated September 3, 2014, requesting to amend the petition listed above, by submitting the following documents:

1. Revised Forest Conservation Plans (8/27/14)
2. General Development Standards in compliance with Section 59-G-1.23

**Continued**

The Hearing Examiner will take the motion to amend under consideration for a period of ten days from the date of this notice, until **September 15, 2014**. Interested parties who object to permitting the Petitioner to change its special exception request or provide additional evidence are requested to so indicate in writing, no later than **September 15, 2014**. If no objection is received by that time, the motion will be considered granted. Additional notification will be provided, either at the public hearing or by mail, only if an objection is received. The motion to amend the petition requests permission either to change what the Petitioner is seeking in its special exception petition or to provide additional evidence. Granting the motion merely allows the Petitioner to make the requested changes to the petition and to provide additional evidence, but does not, in any way, approve the petition itself or express an opinion as to the merits of the petition or the proposed changes.

Anyone desiring to represent a group or association at the hearing must submit a pre-hearing statement in writing, no later than ten days before the hearing, indicating the name of the group, the name of the person(s) giving testimony, approximately how long the testimony will take and a statement of the grounds for the group's position. The pre-hearing statement must specifically identify any expert witnesses and summarize their testimony, must be accompanied by any reports or documents intended to be introduced at the hearing and should be sent to the address listed above. An individual wishing to give testimony does not require a pre-hearing statement unless that individual is represented by counsel. In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

In addition to all other requirements, any party represented by counsel must submit electronic copies of their final plans, photographs, statements of operations, pre-hearing statements, and expert reports ten days before the hearing, unless they demonstrate that this requirement would create practical difficulties. Amended electronic copies must also be submitted of any plans, photographs, and statements of operations or expert reports that are modified during or after the hearing. Electronic copies must be submitted on compact discs, in Microsoft WORD format for text documents, in PDF format for plans and other non-text documents, and in JPG or PDF format for photographs.

The entire file may be reviewed in the Office of Zoning and Administrative Hearings, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m., prior to the date of the hearing.

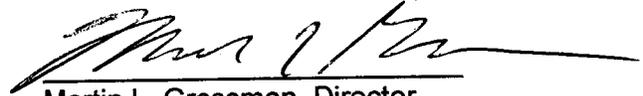
If you need services to participate in a public hearing, please contact us as far in advance as possible by emailing us at [ozah@montgomerycountymd.gov](mailto:ozah@montgomerycountymd.gov) or calling 240-777-6660 (TTY 240-777-7914). These documents are available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 5th day of September, 2014, to:

Victory Housing, Inc.  
Jody S. Kline, Esquire  
Charles Frederick, Esquire, Associate County Attorney  
Diane Schwartz Jones, Director, Department of Permitting Services  
Mark Pfefferle, M-NCPPC, Division Chief, DARC  
Carlton Gilbert, Planning Department

**Continued**

Washington Suburban Sanitary Commission  
State Highway Administration  
County Board of Education  
Adjoining and Confronting Property Owners  
Local Civic Associations

A handwritten signature in black ink, appearing to read "Martin L. Grossman", written over a horizontal line.

Martin L. Grossman, Director  
Office of Zoning and Administrative  
Hearings