



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
4/18/02
Item #4

MEMORANDUM

DATE: April 12, 2002
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning Division **JAC**
FROM: Bill Landfair, AICP, for the Department of Park and Planning **WRL**

APPLICANT: Marriott Senior Living Services, Inc.
LOCATION: Intersection of Burdette Road and River Road, Bethesda
MASTER PLAN: Bethesda – Chevy Chase Master Plan
ZONE: R-200

CASE NUMBER: S-2504
REVIEW TYPE: Special Exception
APPLYING FOR: Housing and Related Facilities for Elderly or Handicapped Persons

FILING DATE: December 18, 2001
PLANNING BOARD: April 18, 2002
PUBLIC HEARING: April 24 and May 1, 2002

STAFF RECOMMENDATION: APPROVAL with the following conditions:

1. The applicant is bound by all submitted statements and plans.
2. Approval of a preliminary plan of subdivision by the Montgomery County Planning Board in accordance with the Subdivision Regulations, Chapter 50 of the County Code.
3. Approval of a Final Forest Conservation Plan by M-NCPPC technical staff prior to record plat and prior to the release of sediment and erosion control or building permit, as appropriate.

4. The applicant must comply with Montgomery County Department of Permitting Services requirements for stormwater management and sediment and erosion control.

PROPOSAL DESCRIPTION

The applicant, Marriott Senior Living Services, Inc., has requested a special exception to permit housing and related facilities for elderly or handicapped persons on a parcel of land located at the intersection of Burdette Road and River Road (MD 190). The development will be a continuing care retirement community that will include living accommodations for 240 independent living units, 20 assisted living units, 20 special care units and 43 skilled nursing beds. In addition, the applicant proposes to provide a number of services to the residents including a congregate dining facility, café, club room/game room, library, computer facilities, media/entertainment room, arts center, beauty parlor/barber shop, and nursing/medical facilities.

Subject Property

The subject property comprises 16.8 acres of land consisting of an unused forested portion of Burning Tree Country Club. It includes approximately 390 feet of frontage along River Road and 650 feet of frontage along Burdette Road. The property also shares frontage with an on-ramp to the Capital Beltway (I-495) as well as the Beltway itself. A mature hardwood forest occupies nearly the entire site, dominated by tulip poplars, but also includes red oak and white pine. The highest elevation of the property occurs in the northeast corner along Burdette Road. The site drops approximately 50 feet in elevation to the south and also slopes to a broad swale in the southwestern corner adjacent to the on-ramp.

Surrounding Neighborhood

The surrounding neighborhood is predominantly residential in character with single-family homes in the R-200 Zone. The Neighborhood also contains a number of institutional and special exception uses including Burning Tree Country Club, Holton Arms School, Burning Tree Elementary School, Bradley Hills Local Park, Burning Tree Local Park, Primary Day School, and the American Plant Food retail nursery. Adjoining the subject property to the north is the Burning Tree Country Club. Confronting to the east, across Burdette Road, are three single-family homes in the R-200 Zone and American Plant Food. Confronting to the south, across River Road, is the Al Marah community of single-family homes in the R-200 Zone.

Elements of Proposal

The applicant has proposed to provide a continuing care retirement community with a cooperative ownership structure. It will provide a total of 307 living units including independent living, assisted living, special care units, and skilled nursing units. The intent is to provide a single location where seniors can have their needs for daily living

met as they age without having to relocate. The facility is similar to the Maplewood project located in the southeast quadrant of the interchange between Old Georgetown Road and the Beltway.

The facility will include 240 independent living units, 20 assisted living units, 20 special care units, and 43 skilled nursing beds in 27 units. Units range in size from one-bedroom to three-bedroom units. The units will be located in a multi-story building, comprised of four, separate sections located off a central core area. The front of the building (facing Burdette Road) will be three stories in height. The façade treatment of the building will include the use of natural and synthetic materials promoting an “elegant, rustic style”. These materials include stucco, wood shingles, and stone.

One point of access will be provided off Burdette Road approximately 300 feet north of the intersection with River Road. The entrance will be set at an angle off Burdette Road and protected by a median to direct traffic to the south towards River Road. The entrance leads to a circumferential driveway that surrounds the building. A total of 152 parking spaces are provided off this two-way road. An additional 248 parking spaces are provided in a below grade garage under the building. Of the 15.8 acres of forest currently on site, 6.27 acres will remain, predominately around the perimeter of the property and at the western end, with some clusters of trees retained within the interior.

In addition to the residential units the project will include a congregate dining facility, café, club room/game room, library, computer facilities, media/entertainment room, arts center, beauty parlor/barber shop, nursing/medical facilities, and other amenities. A shuttle will be provided to transport residents to nearby commercial and community facilities.

Most of the resident, visitor and staff activity will occur during the day and early evening hours. The number of staff on site at any particular time will vary. During the weekday, approximately 30 to 75 staff will be on site. At night, the staff will be reduced to as few as 10. Weekend staffing is expected to be somewhat lower than weekdays.

ANALYSIS

Master Plan

The subject property is covered by the 1990 Bethesda – Chevy Chase Master Plan. The Master Plan supports the existing R-200 Zone for the property and housing and related facilities for the elderly and the handicapped are allowed by special exception in that zone. The use is consistent with the recommendations found in the Master Plan. The Plan encourages a wider variety of housing types to meet the varied needs of the population and supports those special exception uses that contribute to housing and services and health objectives. In general, the Plan endorses meeting special population needs through the provision of elderly housing and group homes that are compatible with nearby land uses.

The Master Plan recommends the continued use of country clubs and other large land users. The Plan assumes that these uses will continue and that the existing zoning is appropriate. If a change does occur to these properties, the recommended use is for housing. In this instance, under the terms of a covenant related to the purchase of the subject property by the applicant, the Burning Tree Country Club will continue its operation for at least another 25 years. With the granting of the special exception, the subject property will be developed with housing.

The Master Plan endorses a policy of maintenance and enhancement of Green Corridors along the major highways of the Planning Area. The policy is recommended to stabilize the residential character of the area along major highways. The Green Corridors policy guidelines apply to those parts of East West Highway, Connecticut Avenue, Wisconsin Avenue, River Road, Massachusetts Avenue, and Goldsboro Road classified as Major Highways. The Green Corridors policy includes:

- (1) Maintain and enhance planting of vegetation along roadsides and in the medians of major highway corridors. Design guidelines include: placing a landscaped buffer between the curb and the relocated sidewalks, placing trees in medians and along curbs. However, visibility for highway safety must be considered.
- (2) Limit the extension of nonresidential land uses in major highway corridors.

Consistent with this policy, staff recommends that six-foot wide grass strips with street trees be installed between the proposed sidewalks and curbs along River Road and Burdette Road. Street trees should be a native hardwood species. This streetscape will improve the safety and comfort of pedestrians.

Design

Overall, staff finds the proposed landscaping, screening, and lighting to be acceptable. Some elements, however, could be changed to improve the safety for residents and long-term maintenance. These include:

1. The low-branching pin oak trees proposed along the internal sidewalk network should be replaced with red oak or another species of oak tree. The pin oak has low branches that can protrude into the sidewalks.
2. The juniperus virginiana proposed along the internal roadway and edge of existing tree canopy should be replaced with another columnar evergreen like leyland cypress, hollies, or yews. While the juniperus is a native species it is prone to insect infestation and could pose a maintenance problem.

Subdivision

The special exception requires approval of a preliminary plan of subdivision in accordance with Chapter 50 of the Montgomery County Code. A preliminary plan (No. 1-02065) has been submitted to the Planning Board for review.

Transportation

The adequacy of public facilities including roads will be determined at the time of preliminary plan review. At the Adequate Public Facilities (APF) review, the following conditions may be recommended to satisfy local area transportation review.

1. Dedicate 75 feet from the centerline of River Road to provide for 150 feet of right-of-way as recommended in the Master Plan.
2. Dedicate 35 feet from the centerline of Burdette Road to provide for 70 feet of right-of-way as recommended in the Master Plan.
3. Widen Burdette Road between the site entrance and River Road to provide two southbound and two northbound lanes.
4. Angle the site entrance and provide a four-foot median on Burdette Road to prevent traffic exiting the site from turning left and traveling north on Burdette Road.
5. Install a traffic signal at the intersection of River Road and Burdette Road as approved by the Maryland State Highway Administration (SHA).
6. Provide pedestrian crosswalks across River Road on the east side of the intersection with Burdette Road and across Burdette Road on the north side of the intersection.
7. Provide a five-foot sidewalk along the frontage with River Road to the bus stop east of the intersection with Burdette Road.
8. Provide a four-foot sidewalk along the frontage with Burdette Road to the site entrance.
9. Provide a bus shelter on the south side of River Road.

Local Area Transportation Review

The proposed development generates fewer than 50 trips during the peak hour of the morning or evening weekday peak period and, therefore, is not required to conduct a Local Area Transportation Review study. However, a traffic study was prepared to document how the intersections in the area operate for information purposes.

The traffic study analyzed the impact of total traffic that includes site generated trips plus background traffic (existing and trips from approved but un-built developments in the area) on five intersections along River Road. In this case, there was no significant approved but un-built developments to be included in the analysis of the total future trips. Combined existing traffic and site trips constituted the total future traffic.

The following table shows the result of these analyses.

INTERSECTIONS	Existing Traffic		Total Future Traffic	
	AM	PM	AM	PM
River Road and Burdette Road	1691	1484	1793 1577*	1546 1476*
River Road and Royal Dominion Dr/Holton Arms School Drive	1681	1390	1701 1634*	1392 1347*
River Road and Beech Tree/Nevis Road	1701	1523	1685	1492
River Road and Wilson Lane	1518	1585	1519	1588
River Road and Seven Locks Road	1453	1030	1453	1031

*Critical Lane Volume (CLV) with the proposed additional lanes at the intersections:

1. An additional southbound lane on Burdette Road at the intersection of River Road.
2. An additional southbound lane on the Holton Arms School driveway at the intersection of River Road.

It is important to note that the proposed traffic signal at the intersection of River Road and Burdette Road, approved by SHA, will change the local area traffic patterns. The effect is that this traffic signal will provide an additional signalized intersection for the residents north of Holton Arms School to enter and exit their neighborhoods. This will reduce the traffic at the nearest signalized intersection of River Road and Beech Tree Road/Nevis Road by distributing the traffic more evenly between the two intersections wishing to reach their destination in the neighborhoods north of the school.

This effect is shown for example in the reduction of total future traffic (CLV 1685) in the morning peak hour as compared with the existing and background traffic (CLV 1701) at the intersection of River Road and Beech Tree/Nevis Road.

Site Access and Circulation

The access to the site is proposed to be at an angle with a median on Burdette Road to prevent traffic exiting the site from traveling north on Burdette Road. Widening of Burdette Road north of River Road will be limited to the section of the road between the site access point and River Road. The purpose of the two northbound lanes on this

section of the road is to separate the left turn movements onto the site from the through movements traveling north on Burdette Road. The separation of traffic will enhance the safety and efficiency of traffic circulation at this location.

The proposed traffic signal and pedestrian crosswalks across River Road and Burdette Road will enhance the safety of pedestrians in this area.

Policy Area Review/Staging Ceiling Analysis

The subject area is located within the Bethesda-Chevy Chase policy area, which has a remaining capacity of 484 jobs and 5,886 housing units as of March 31, 2002.

Environment

Forest Conservation

This application is subject to the Forest Conservation Law. The Natural Resources Inventory (No. 4-01326) has been approved. A preliminary Forest Conservation Plan has been submitted and approved. The applicant proposes to retain approximately six acres of existing forest.

A Final Forest Conservation Plan, which shall include a tree protection plan for on-site retention areas, appropriate easement agreements must be submitted and approved prior to record plat and prior to the release of sediment and erosion control permit or building permit, as appropriate.

Stormwater Management

The site is located in the Beltway Branch subwatershed of the Cabin John watershed, Use I-P. The *Countywide Stream Protection Strategy* assesses the Beltway Branch subwatershed as having poor stream conditions and fair habitat conditions, labeling it as an Urban Watershed Management Area.

The Montgomery County Department of Permitting Services has approved a stormwater management concept plan submitted by the applicant. The plan proposes to provide water quality control via a bio-filtration facility. Water quantity control shall be provided via underground storage. There are no streams, wetlands or floodplains on the site.

Noise

Due to the proximity of the project to the Capital Beltway and River Road the applicant completed a study to determine noise impact. The study indicates that appropriate acoustical window treatment will be necessary in order to adequately mitigate traffic noise. In addition, the applicant proposes a water fountain in the circle of the western access point to mitigate ambient noise. Noise mitigation details shall be finalized at preliminary plan.

Inherent/Non-Inherent Adverse Effects

The inherent and non-inherent adverse effects of a special exception must be considered on nearby properties and the general neighborhood at the proposed location, regardless of the adverse effects the use might have if established elsewhere in the zone.

Section 59-G-1.2.1 of the Zoning Ordinance states:

Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

First there must be a determination as to the general neighborhood affected by the proposed use. The staff finds that the affected neighborhood consists of the properties located within an area bounded by Bradley Boulevard to the north, Burning Tree Road and Booze Creek to the east, Cabin John Parkway to the south, and the Capital Beltway to the west. The neighborhood is predominantly residential in character with single-family homes in the R-200 Zone. The Neighborhood also contains a number of institutional and special exception uses.

The inherent, generic physical and operational characteristics arising from the given use, in this case housing and related facilities for elderly or handicapped persons must be established to create an evaluation standard. In previous cases, the staff has relied upon seven criteria to establish these characteristics. These are size, scale, scope, lighting, noise, traffic, and the environment. Staff finds that the primary physical characteristics associated with the use are the size, scale and institutional design of the buildings and related facilities. Other physical characteristics include necessary parking to accommodate residents, staff, and guests as well as lighting to ensure safety and security. Operational characteristics include an array of services provided to the residents. The staff finds minimal issues associated with noise, traffic, and the environment. Stormwater management facilities are provided to address water quantity and quality.

The physical and operational characteristics of the particular use proposed in this case must be determined. In this instance, the size, scale, and institutional design of the building do not pose an issue. The applicant has mitigated its impact by providing generous setbacks and buffer with substantial portions of the subject property remaining forested and additional landscaping and screening provided. The architecture of the building will take advantage of the existing topography to minimize building height and

will feature an articulated façade design utilizing natural materials complementary to the setting. Most of the parking will be located under the buildings and so will not be visible to nearby properties. The angle of the entrance off Burdette Road, combined with proposed landscaping, will also help to mitigate the view of the building and parking facilities.

The types of services proposed including meal service, medical, and personal care, are consistent with what is commonly found for the use. Proposed exterior lighting will be shielded so as not to impact the neighborhood and lighting from dwelling units will not pose a nuisance given building setbacks, existing topography and the amount of buffer to be preserved. The impact of traffic on the neighborhood will be controlled through the design of the entrance and the use of a median on Burdette Road. The proposed traffic signal and pedestrian crosswalks at the intersection with River Road will improve safety and efficiency for motorists and pedestrians. There are no significant environmental issues. Window treatments will attenuate noise associated with the Beltway and River Road. Stormwater management will be provided on-site.

After considering the generic characteristics of a housing and related facilities for elderly and handicapped persons, and comparing them with the proposed physical and operational characteristics of the applicant's use, the staff finds that all of the physical and operational characteristics of the proposed use will be inherent adverse effects.

Community Concerns – The applicant has held a number of information meetings with the surrounding community including the Bradley Boulevard Citizens Association. The Bradley Boulevard Citizens Association neither supports nor opposes the application. However, there are many members of the association who favor at least certain aspects of the proposal including the proposed traffic signal at the intersection of River Road and Burdette Road because of its positive safety features. There are those who also believe that the applicant has been responsive to concerns related to the design of the site entrance, the preservation of trees, and the visibility from neighboring residences. In addition, staff has also received a number of letters of support, many citing a need for this type of development.

General and Specific Special Exception Provisions

The staff has reviewed the petition for compliance with the applicable special exception provisions. As noted in the attachment, all general and specific requirements for housing and related facilities for elderly or handicapped persons found in Sections 59-G-1.21 and 59-G- 2.35 of the Zoning Ordinance will be satisfied.

Conclusion

The staff finds that the special exception satisfies all of the applicable special exception provisions for housing and related facilities for elderly or handicapped persons found in the Zoning Ordinance. Therefore, we recommend approval with the conditions found at the beginning of the report.

Montgomery County Zoning Ordinance

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 use is permissible in the R-200 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.

The proposal complies with the standards and requirements set forth for the use in Division 59-G-2.

(3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with a recommendation in an approved and adopted master plan regarding the appropriateness of the 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 the 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 subject property is covered by the 1990 Bethesda – Chevy Chase Master Plan. The use is consistent with the recommendations found in the Master Plan. The Plan supports the existing R-200 Zone for the property. Housing and related facilities for the elderly and the handicapped are allowed by special exception in that zone.

(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 use will be in harmony with the general character of the neighborhood when considering these criteria. Given the size of the subject property, the population density is consistent with previously approved housing for the

elderly facilities. The design of the building, divided into four sections around a central core, makes effective use of the topography. This and the substantial setbacks from neighboring properties mitigate the scale and bulk of the building. The majority of parking is provided below grade to reduce its impact. The use is not a great generator of traffic, particularly during peak hour periods. The angle design of the entrance and use of a median in Burdette Road will direct traffic south to River Road further reducing the impact on nearby residences.

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

The use will not have a detrimental effect for any of these reasons. The building architecture, extensive setbacks, and preservation of forest stand supplemented by additional landscaping will mitigate impact on surrounding properties.

- (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 adverse effects with respect to any of these criteria. The delivery/service area and diesel emergency generator will be located on the western end of the site near the on-ramp to the Beltway and away from neighboring properties. Kitchen exhaust will be vented into the air and no cooking odors are expected. Exterior lighting will be on 10-foot tall poles and directed downward to reduce glare. The effect of lighting will be further mitigated by the topography and proposed landscaping.

- (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.

There are four special exceptions in the neighboring one-family residential area: Holton Arms, Primary Day School, American Plant Food Nursery, and Burning Tree Country Club. With the exception of the retail nursery, all of these uses are complimentary to the residential area. Holton Arms has recently amended its special exception to implement a campus master plan. Burning Tree Country Club will be bound by covenant to

remain a country club for the next 25 years if the applicant acquires the subject property. This will effectively preserve its 208 acres as open space. The Primary Day School has changed little in recent decades. The proposed use will also be complimentary to the area and by its very nature is residential in character.

- (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 on any adverse effects the use might have if established elsewhere in the zone.

The use will not cause any of these effects. It will provide specific facilities and services benefiting the health, safety, security and welfare of its residents and visitors.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

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

The use will be subject to approval of a preliminary plan of subdivision by the Planning Board. It is noted that a traffic signal will be provided at the intersection of River Road and Burdette Road to improve its operation, public water and sewer is available to serve the site, and the nearest fire and rescue station is located approximately ½ mile away.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner or the District Council, as the case may be, must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

The proposed traffic signal, sidewalks, and crosswalks at the intersection of River Road and Burdette Road will improve vehicular and pedestrian safety in the area.

Sec. 59-G-2.35. Housing and related facilities for elderly or handicapped persons.

A special exception may be granted for housing and related facilities for elderly or handicapped persons, 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 will comply with the MPDU requirement by paying a fee to the Montgomery County Department of Housing and Community Affairs (DHCA) in accordance with the MPDU law, Chapter 25A of the County Code. DHCA has agreed to accept payment in recognition that the cost of providing resident services is very high and there is no existing mechanism for subsidizing this cost for MPDU households. The money received by DHCA is slated to be used for the New Bridge Victory Housing project in Potomac.

- (2) Taking into account the size of the units, the services to be provided, the income levels to be served, and the location of the site, there is a need for such use because:
 - (A) There is an insufficient amount of such housing and facilities to serve the existing population of the County, and
 - (B) The need for such housing and facilities cannot be met by development in accordance with development standards not requiring a special exception.

In making this finding, the Board must consider demographic data, including projections and analyses provided by the Planning Board and

County Government, as well as evidence provided by parties to the case. Such data will be evaluated by the technical staff of the Planning Board.

Staff finds that there is a need for this project and that the applicant has satisfactorily demonstrated this need. Staff has minor differences with the methodology of the study but shares its conclusions.

The project will offer four levels of care – independent living, assisted living, skilled nursing, and Alzheimer’s care. Few facilities in Montgomery County provide this range of care in one facility. The site is located in the Bethesda-Chevy Chase Planning Area near its border with the Potomac Planning Area. Both planning areas have a high percentage of person’s aged 65 and over.

There appears to be a sizable population of income-qualified residents in both the immediate area and the County. It is unfortunate that this project does not serve a lower income population. However, staff recognizes the high cost of providing the proposed level of services and amenities. In addition, almost all of the 339 units of approved future senior housing in the area are designated as lower income housing. At most, 37 of these units will be market rate. Even these are expected to be moderate in cost. If the area is to serve all of its residents, there is also a need for more market rate senior housing as well as more affordable units.

Using staff’s standard of a 5 percent capture rate for persons aged 65 to 75 and 15 percent for those aged 75 and older for independent and assisted living combined, there is need for about 1,500 additional units in the County now. This need will grow by 200 to 250 units per year as the population in this age group increases. About 2,700 units are currently approved in the County. To accommodate current need and normal growth, these approved units represent roughly a five-year supply of senior housing. If the next five years are typical, at least 35 percent of the approved projects will not be built during the period. Therefore, the proposed project will not cause an oversupply of senior housing.

While the level of need for this facility is acceptable on a County-wide basis, it is very strong at the local level. Using the same capture rates, the Potomac/Bethesda-Chevy Chase Planning Areas could support about 2,000 units to serve their current population. Instead, these areas contain only 1,283 units. The 339 approved units will not fill this gap. Even with the addition of the applicants 280 independent and assisted units, these areas will fall below that level.

Because the State exercises stringent control over the number of nursing home beds, staff suggests that projects that meet State standards can be considered to have shown sufficient need.

- (3) The proposed use will not produce adverse effects on the use or development of the surrounding area because of noise, traffic, type of physical activity, height or bulk of buildings, density, or any other reason.

The proposed use will not produce adverse effects on the use or development of the surrounding area. There is little noise generated by the use. The delivery/service area and emergency generator are located near the Beltway ramp screened by a wall. Kitchen facilities are located in the central core area of the building and any cooking odors vented from the building will dissipate on-site. The amount of traffic generated by the use is not great consistent with the low level of on-site activity. The height and bulk of the building will be mitigated by the architecture. The building will be divided into four separate sections with façade articulation. The density of development is consistent with other comparable developments.

- (4) The site or the proposed facility has adequate accessibility to public transportation, medical service, shopping areas, recreational and other community services frequently desired by elderly or handicapped persons.

The site will be accessible to shopping and other services and amenities desired by the elderly residents. Some shopping opportunities, transportation, medical services, and recreation will also be offered on site. The location near River Road and the Capital Beltway allows easy access for residents who drive and visitors.

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

The building is well setback from River Road and the Capital Beltway. However, appropriate acoustical window treatment will be necessary in order to mitigate the traffic noise.

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

- (1) An elderly or handicapped person, as defined in Section 59-A-2.1;
- (2) The spouse of an elderly or handicapped resident, regardless of age or handicap;
- (3) A resident care-giver, if needed to assist an elderly or handicapped resident; or
- (4) In a development designed primarily for handicapped rather than elderly persons, the parent, daughter, son, sister or brother of a handicapped resident, regardless of age or handicap.

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

The proposed development will fully comply with the age restriction requirements.

- (c) Development standards, other than density, in residential zones where allowed by special exception, except R-30, R-20, R-10 and R-H:
 - (1) Minimum net lot area: One and one-half acres, but not less than the minimum net lot area specified by the relevant zone.

The gross tract area for the subject property is 16.8 acres. The minimum net lot area requirement for the R-200 Zone is 20,000 square feet.

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

The proposed building is setback approximately 177 feet from the right-of-way for Burdette Road. The minimum setback for the zone is 40 feet. The building will not exceed the maximum building height for the R-200 Zone of 50 feet. The minimum side (Beltway ramp) and rear (Beltway) setbacks are approximately 82 feet and 234 feet respectively.

- (3) Maximum building height: 120 feet, provided the following height-to-setback ratio is achieved for heights above the maximum prescribed by the applicable zone:
 - (A) Rural Cluster, Rural, RE-2, RE-2C, RE-1, R-200, R-150 Zones: One foot of height is allowed for each one foot of setback from the

side and rear lot lines, up to a height of 50 feet. Between 50 and 120 feet of height, one additional foot of height is allowed for each additional 2 feet of setback beyond the minimum side and rear yard setbacks prescribed by paragraph (2)(b), above.

The proposed building is three stories, 50 feet in height.

- (B) R-90, R-60, R-40, RT-12.5, RT-10, RT-8, and RT-6 Zones: 35 feet, except that, between 35 and 120 feet of height, one additional foot of height is allowed for each additional 2 feet of setback beyond the minimum side and rear yard setbacks prescribed by paragraph (2)(b), above.

Not applicable.

- (C) The Board may approve a reduction in the setback requirement of Paragraph (3)(A) or (B) from a property line that abuts existing development constructed to a height of at least 50 feet or if the property possesses severe topography or other natural features that would permanently screen the building from neighboring one-family dwellings.

Not applicable.

- (4) Maximum lot coverage: As specified by the relevant zone, provided the coverage complies with the setback requirements of Paragraphs (c)(2) and (3) of this section.

The maximum coverage allowed for the R-200 Zone is 25%. The proposed use will have approximately 19.6% coverage.

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

Not applicable.

- (e) Maximum density:

- (1) 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 combined height and setback standards specified by Paragraphs (c)(2) and (3) 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 use will be in compliance with all applicable standards.

- (2) In the R-30, R-20, R-10, and R-H Zones, the number of dwelling units permitted by the density specified for the zone by Section 59-C-2.41, title "Standard Method of Development," may be increased by 1 1/2 units for each unit reserved for a household of MPDU, low or very low income, as defined in Paragraph (a)(1) of this section.

Not applicable.

(f) Parking and loading:

- (1) Parking must be provided in accordance with the provisions of Section 59-E-3.7, title "Schedule of Requirements." 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 elderly or handicapped persons. When considering the need for additional parking, the Board may consider the availability of nearby public or private parking facilities.

A total of 379 parking spaces, including 8 handicap spaces, are required for the use based on the unit types. The applicant is providing a total of 400 parking spaces of which 152 are surface spaces and 248 are below grade. In addition, eight spaces will be provided for transportation vans, and dedicated spaces will be provided for bicycles and motor cycles.

- (2) Loading areas to serve any facilities, such as kitchens or retail stores, requiring truck deliveries must be screened so as not to be visible from any lot line abutting or confronting land in a one-family residential zone.

These facilities will be screened from view by walls, landscaping, and existing topography.

(g) Additional provisions:

- (1) One or more of the following ancillary facilities and services may be included to serve the residents and possibly nonresident elderly or handicapped persons. 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 elderly or handicapped persons;
- (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 development will include a congregate dining facility, café, club room/game room, library, computer facilities, media/entertainment room, arts center, beauty parlor/barber shop, nursing/medical facilities, and other amenities for the exclusive use of the residents.

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

Very limited retail goods will be available, exclusively to the residents.

- (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.

This map was provided with the Civil Engineers site plan drawings.

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

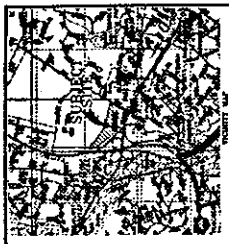
The applicant has stated that the development will comply with all applicable regulations.

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

- (1) A housing facility for elderly or handicapped persons existing on March 7, 1990, or for which a petition was approved prior to March 7, 1990, is not a nonconforming use, and may be continued in accordance with the terms and conditions of the special exception grant. Modifications may be approved by the Board of Appeals that are in compliance with the special exception standards in effect prior to March 7, 1990, except that modifications affecting height, density, or setbacks must be in compliance with the special exception standards that became effective on March 7, 1990. If damaged, the facility may be rebuilt, repaired and/or reconstructed.

- (2) A housing facility for elderly or handicapped persons 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.



SEE THE LOCATION OF THIS SITE ON PAGE 28 OF PLANS 1 & 2

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IRSA
 LAND SURVEYING & ENGINEERING, INC.
 10000 WOODBURN ROAD, SUITE 100
 WASHINGTON, D.C. 20043
 PHONE (202) 398-7878
 FAX (202) 398-7879

FOX HILL

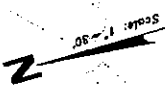
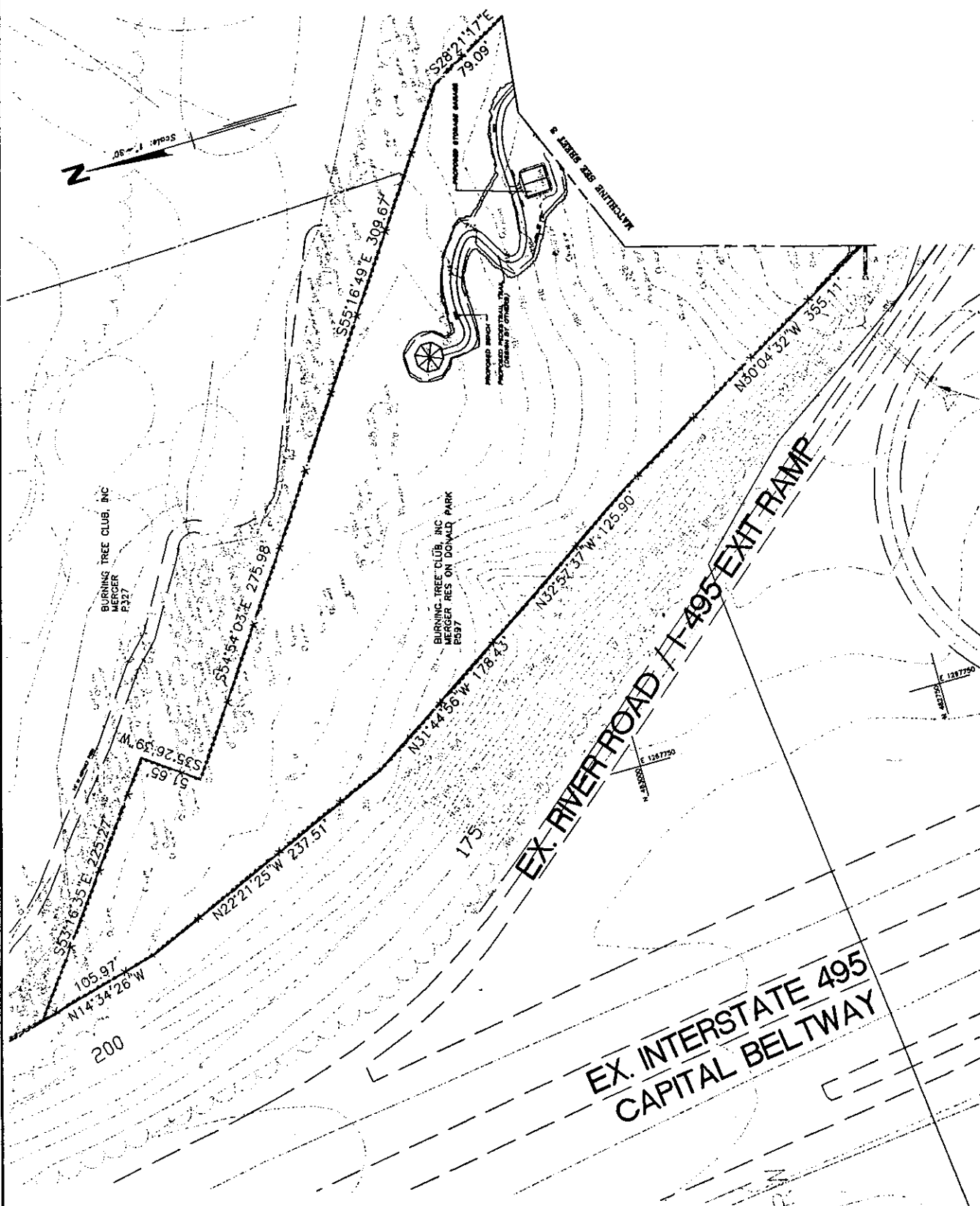
7TH ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

SPECIAL EXCEPTION PLAN

OWNER:
 MARDOTT SENIOR LIVING SERVICES
 10000 WOODBURN ROAD, SUITE 100
 WASHINGTON, D.C. 20043
 PHONE (202) 398-7878

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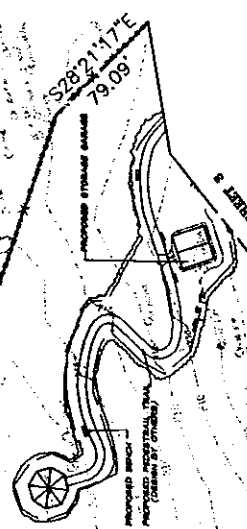
PRELIMINARY NOT FOR CONSTRUCTION



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BURNING TREE CLUB, INC
 MERGER
 P.327

BURNING TREE CLUB, INC
 MERGER RES ON DONALD PARK
 P.397



EX. RIVER ROAD FT-495 EXIT RAMP

EX. INTERSTATE 495
 CAPITAL BELTWAY

**MARSHALL SENIOR
 LIVING SERVICES, INC.**

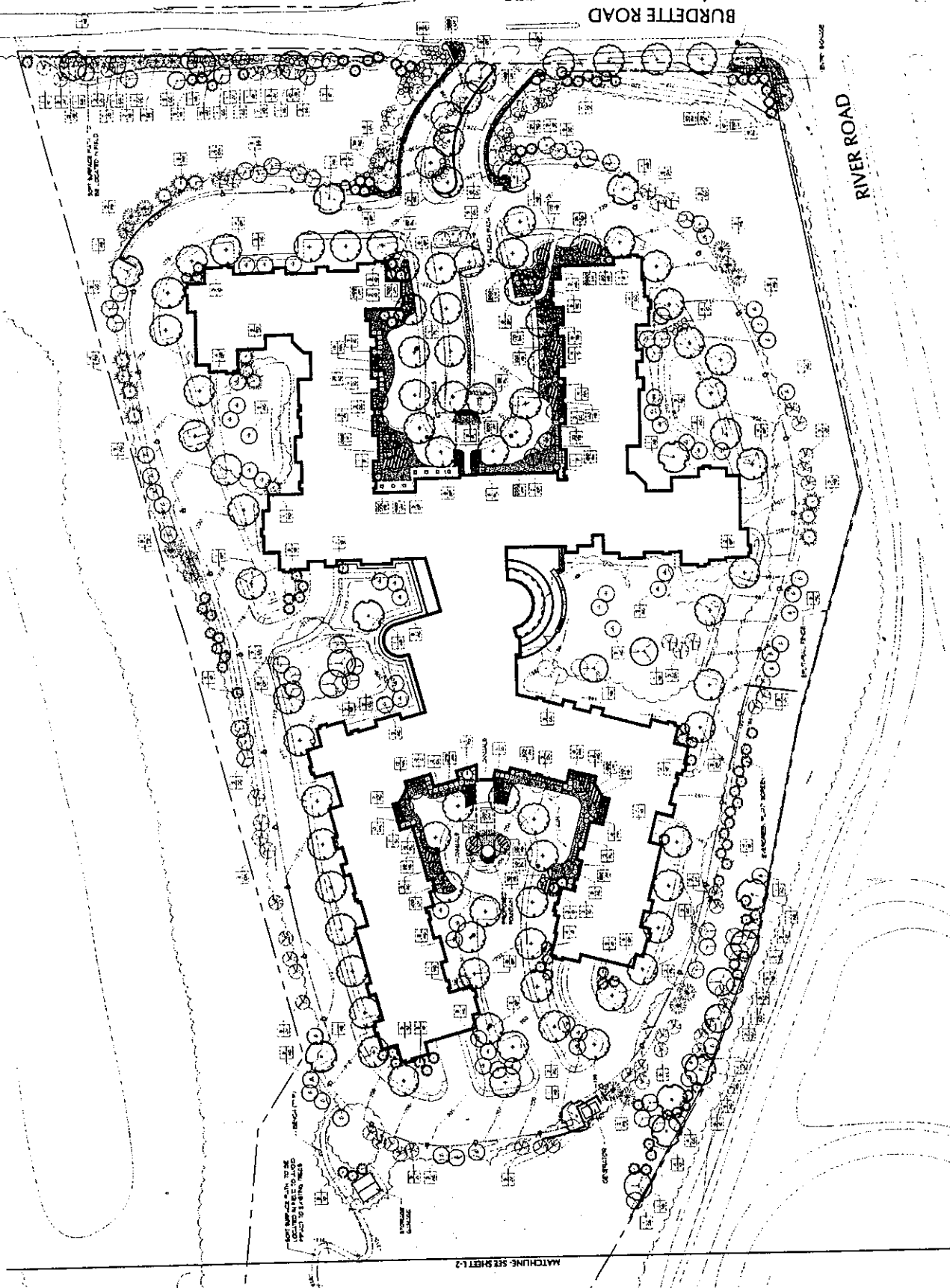
THE QUALITY INTERIOR GROUP
 1000 BARKLEY ROAD
 SUITE 100
 FARMERSVILLE, MD 21048
 TEL: (301) 281-2777

SULLIVAN BROS. & CO. REALTY
 11000 FOX HILL ROAD, SUITE 100
 SILVER SPRING, MD 20901
 TEL: (301) 281-2777

SHAW-WALKER ASSOCIATES
 11000 FOX HILL ROAD, SUITE 100
 SILVER SPRING, MD 20901
 TEL: (301) 281-2777

THE ASSOCIATES, INC.
 11000 FOX HILL ROAD, SUITE 100
 SILVER SPRING, MD 20901
 TEL: (301) 281-2777

LEWIS & CLARK COUNTY
 11000 FOX HILL ROAD, SUITE 100
 SILVER SPRING, MD 20901
 TEL: (301) 281-2777



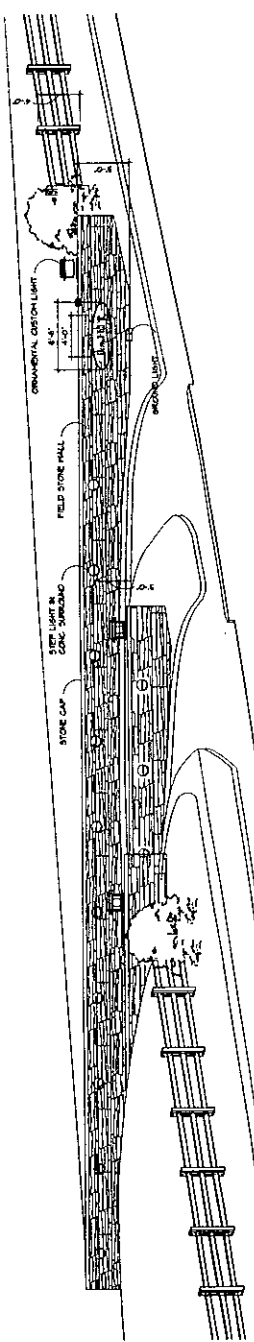
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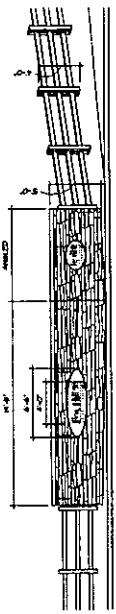
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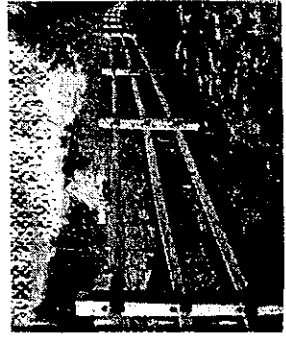
SIGN ELEVATIONS



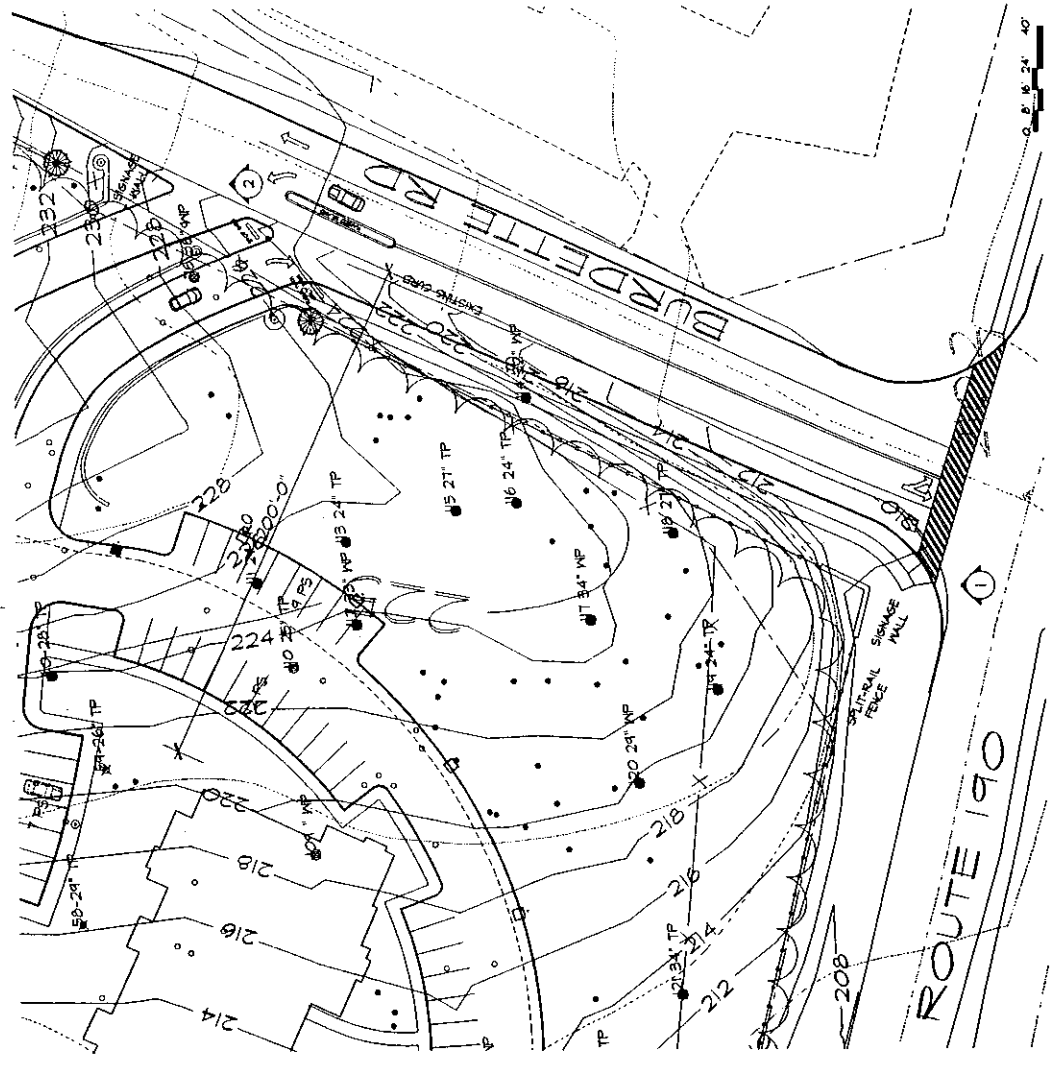
② SIGN ELEVATION AT BURDETTE ROAD



① SIGN ELEVATION AT RIVER ROAD



③ WOOD POST AND RAIL FENCE



MARRIOTT SENIOR LIVING SERVICES, INC.

MARRIOTT INTERNATIONAL

1190 AVENUE OF THE AMERICAS
NEW YORK, NY 10020
TEL: (212) 850-1000
FAX: (212) 850-1001

WILLIAM ROGERS CARROLL
PROBET & ASSOCIATES, P.A.
1000 WASHINGTON AVENUE, SUITE 1000
BETHESDA, MD 20814
TEL: (301) 460-1000
FAX: (301) 460-1001

LEWIS & CLARK ASSOCIATES
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FAX: (301) 460-1001

PROBET & ASSOCIATES, INC.
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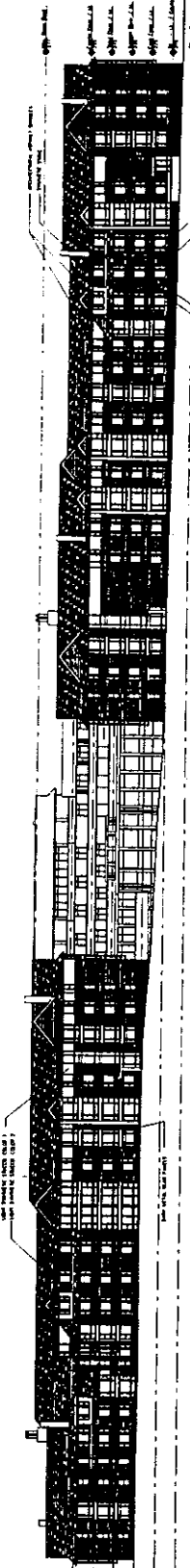
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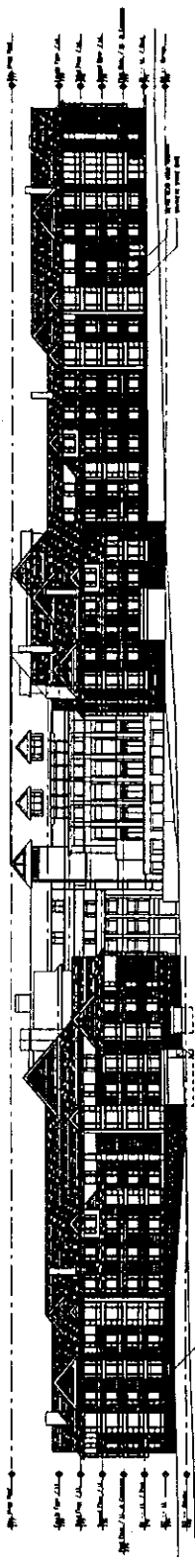
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② EXTERIOR ELEVATION -- NORTH



④ EXTERIOR ELEVATION -- SOUTH

MARRIOTT FOX HILL CURR
MONTGOMERY COUNTY, MD

MARRIOTT SENIOR LIVING SERVICES, INC. 1000 WASHINGTON AVENUE, SUITE 1000 BETHESDA, MD 20814 TEL: (301) 460-1000 FAX: (301) 460-1001

LEWIS & CLARK ASSOCIATES 300 CONVENT ROAD, SUITE 200 BETHESDA, MD 20814 TEL: (301) 460-1000 FAX: (301) 460-1001

EXTERIOR ELEVATIONS



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: March 4, 2002
TO: Bill Landfair, Community Based Planning
FROM: Sally Roman, Research and Technology Center ^{SR}
SUBJECT: Evaluation of the Needs Analysis for Fox Hill, S-2504

Finding: The consultant study and staff analysis demonstrate sufficient need for Fox Hill, S-2504, to meet the requirements of Section 59-G-2.35 of the Zoning Ordinance.

To qualify for a special exception for Housing and Related Facilities for Elderly or Handicapped Persons, a proposed project must show that:

“Taking into account the size of units, the services to be provided, the income levels to be served, and the location of the site, there is a need for such use because: (A) There is an insufficient amount of such housing and facilities to serve the existing population of the County, and (B) The need for such housing cannot be met by development in accordance with development standards not requiring a special exception.

Marriott Senior Living Services proposes to provide a continuing care retirement community with a cooperative ownership structure at the intersection of River and Burning Tree Roads in the Bethesda-Chevy Chase Planning Area. Staff believes that there is need for this project and that the applicant has satisfactorily demonstrated this need. Staff has minor differences with the methodology of the study but shares its conclusions.

Levels of Care, Services, and Location: This project will offer four levels of care – independent living, assisted living, skilled nursing, and Alzheimer’s care. Few facilities in Montgomery County provide this range of care in one facility. The ability to move from one level of care to another on the same campus is very desirable for residents. It offers a comparatively gentle transition for the resident as more care is needed and permits residents who need more assistance to remain close to spouses and friends who may no longer drive.

The site is located in the Bethesda-Chevy Chase Planning Area near its border with the Potomac Planning Area. Both planning areas have a high percentage of persons aged 65 and over. A total of almost 23,000 persons in this age group live in the two areas. These residents represent almost 23 percent of all persons in this age group in the County, concentrated on about 9 percent of the County's land area.

Consistent with the direction of the Zoning Ordinance, the site is accessible to shopping and other services and amenities desired by senior residents. Some shopping opportunities, transportation, medical services, and recreation will also be offered on site. The location near River Road and I-495 allows easy access for residents who drive and visitors.

Income: This project will serve a comparatively affluent population, those households with current incomes of \$65,000 or more.¹ According to the 1997 Census Update Survey, households in this income category comprised 40 percent of the County's senior households with heads aged 65 or older and 53 percent of Potomac/Bethesda-Chevy Chase area senior households in 1996. With inflation, these percentages have undoubtedly increased.

The planned average monthly fees for an apartment at Fox Hill would represent approximately 60 percent of a \$65,000 income. For an amenity rich facility with, at least one meal included, this is within industry standards. Staff would prefer to use 50 or 55 percent of income for new residents since cost increases can exceed income growth over time.² However, about 30 percent of the units will cost less than the average so that households near \$65,000 should be able to afford some units comfortably.

In any case, there appears to be a sizable population of income qualified residents in both the immediate area and the County. It is unfortunate that this project does not serve a lower income population. Staff recognizes, however, the high cost of providing the proposed level of services and amenities. In addition, almost all of the 339 units of approved future senior housing in the area are designated as lower income housing. At most, 37 of these units will be market rate. Even these are expected to be moderate in cost. About 30 percent of all existing Potomac/Bethesda-Chevy Chase area senior housing units are classified as low-income units and 37 percent of those categorized as independent living units. (It is extremely difficult to subsidize assisted living because of the on-going cost of care.) If the area is to serve all of its residents, there is also a need for more market rate senior housing as well as more affordable units. Staff believes that frail seniors of all income ranges should have the opportunity for a supportive living environment in the communities where they spent their adult years. Income is only one of many factors that determine that senior housing is an appropriate option for an individual.

¹ Several different base income levels are mentioned in the study, but \$65,000 appears to be the level used for most analysis.

² The consultant's study is more conservative, however, in using incomes for households age 75 and older rather than 65 and older in the staff's data.

Preference, level of frailty, and degree of ability to care for oneself are also strong reasons to need senior housing.

Calculation of Need: The consultant study shows needs for the proposed housing using Department of Park and Planning, CACI, and other generally accepted data, augmented by their own survey of existing facilities. Their approach is reasonable and demonstrates that, even with Fox Hill, an acceptable 11 percent of income qualified households headed by someone aged 75 or older would be served by the independent living section of the facility. The study also analyzes the need for the more intensive levels of care, including Alzheimer's and skilled nursing care.

Staff believes that the consultant's analysis is reasonable but prefers a less segmented analysis. There are many gray areas and unknowns that determine whether a household or individual can afford a given unit and which level of care is selected. Using staff's standard of a 5 percent capture rate for persons aged 65 to 75 and 15 percent for those aged 75 and older for independent and assisted living combined, there is need for about 1,500 additional units in the County now. This need will grow by 200 to 250 units per year as the population in this age group increases. About 2,700 units are currently approved in the County. To accommodate current need and normal growth, these approved units represent roughly a five year supply of senior housing. If the next five years are typical, at least 35 percent of the approved projects will not be built during the period. Therefore, the proposed project will not cause an oversupply of senior housing. (For more detail staff analysis of County need, see *Need for Housing for Older Adults in Montgomery County, May 2001.*)

While the level of need for this facility is acceptable on a County-wide basis, it is very strong at the local level. Using the same capture rates, the Potomac/Bethesda-Chevy Chase Planning Areas could support about 2,000 units to serve their current population.³ Instead, these areas contain only 1,283 units. The 339 approved units will not fill this gap. Even with the addition of Fox Hill's 280 independent and assisted units, these areas will fall below that level. This area with 23 percent of the senior population has only 15.4 percent of the specialized senior housing.

Potomac and Bethesda-Chevy Chase are particularly short of affordable senior housing. There are currently only 368 affordable units among the total 1,283 units. The 300 approved affordable units will reduce this shortfall appreciably. Currently, slightly less than 30 percent of area units are affordable, compared to 42 percent County-wide. With construction of all approved units in the area, the percentage of affordable units in Potomac/Bethesda-Chevy Chase will rise to 42 percent. Construction of Fox Hill and the already approved units would not increase the percentage of affordable units as much but would still raise it significantly to 35 percent in this generally affluent area.

³ The literature shows that most elderly persons prefer to remain in their communities as they age.

Because the State exercises stringent control over the number nursing home beds, staff suggests that projects that meet State standards can be considered to have shown sufficient need. In addition, projecting need for skilled nursing care involves very specialized data and analysis. Staff believes that appropriate State professionals are most qualified to make this determination. The absence of a need requirement for nursing and domiciliary care homes in the County Zoning Ordinance indicates Planning Board and County Council recognition of this position. Consequently, staff is not critiquing the need for the nursing and Alzheimer's beds but assumes that since the project meets State requirements, there is a satisfactory level of need.

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Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

July 12, 2000

Edward Y. Papazian, P.E.
Kimley-Horn and Associates, Inc.
Suite 2000
11710 Plaza America Drive
Reston VA 20190

Dear Mr. Papazian:

The Maryland State Highway Administration has reviewed your study for the installation of a traffic signal at MD 190 and Burdette Road in Montgomery County and have concluded that the future traffic conditions, including the construction nearby of a continuing care retirement facility, coupled with existing traffic conditions, are sufficient to justify a traffic signal at the subject location. We also feel that the installation of a signal at this location will provide greater safety for pedestrians, especially the more elderly residents of the Burdette Road neighborhoods. As well, a signal at this location will promote a more direct access to MD 190, and the Beltway for those motorists who now traverse neighborhood streets to gain access to MD 190 at a traffic signal.

The study indicated that along southbound Burdette Road, there are a significant number of right turns. To enhance the efficiency and the safety of the traffic signal, and of the intersection, we have determined that a right-turn lane will be needed along this leg of Burdette Road. This should extend for 300 feet, or so, from the intersection.

As we are sure you are aware, before any of these changes can be implemented, our Engineering Access Permit Division (EAPD) should be contacted to negotiate your plan. By copy of this letter, we are advising Mr. Ken McDonald, Chief of EAPD and Mr. Greg Cook the EAPD representative for Montgomery County of our review and comments.

My direct telephone number is 410-787-5815

Toll Free Telephone Number: 1-888-963-0307

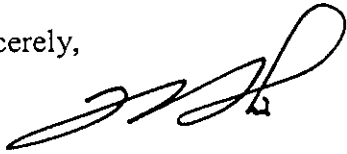
Fax: (410)787-4082, (410)553-6399, (410)582-9469, (410)787-5823, (410)787-2863, (410)787-3798
Maryland Relay Service for Impaired Hearing or Speech: 1-800-735-2258 Statewide Toll Free

Mailing Address: Office of Traffic & Safety • 7491 Connelley Drive • Hanover, MD 21076-1702

Edward Y. Papazian, P.E.
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We look forward to working with you further in this matter. If you have any questions, please contact me at 410-787-5815 or 1-888-963-0307.

Sincerely,

A handwritten signature in black ink, appearing to read 'TH', with a large, sweeping flourish extending to the right.

Thomas Hicks, Director
Office of Traffic & Safety

TH/jw

cc: Mr. Greg Cooke
Mr. Ken McDonald
Mr. Maj Shakib
Mr. Charlie Watkins
Mr. Emil Wolanin