



Losada Daycare, Conditional Use No. CU 18-04

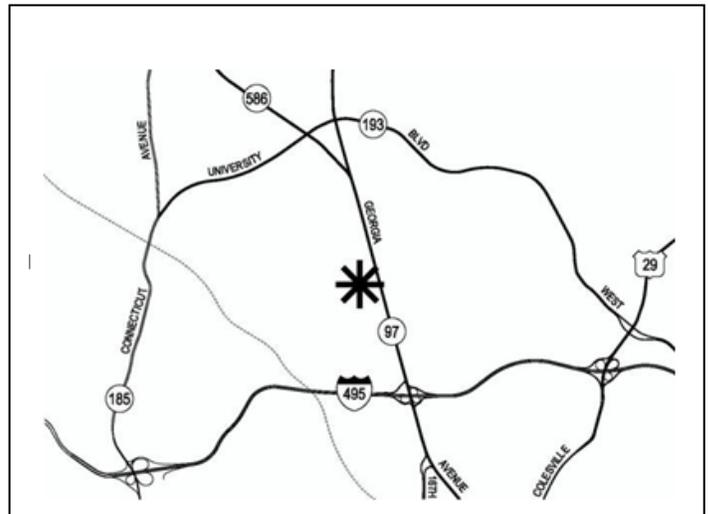
- ET Emily Tettelbaum, Senior Planner, Area 2 Division, emily.tettelbaum@montgomeryplanning.org, 301-495-4569
- PB Patrick Butler, Supervisor, Area 2 Division, patrick.butler@montgomeryplanning.org, 301-495-4561
- CS Carrie Sanders, Chief, Area 2 Division, carrie.sanders@montgomeryplanning.org, 301-495-4653

Completed: 5/17/2018

Description

Request for a conditional use to expand an existing Group Day Care (with 12 children) to a Day Care Center (13-30 Persons) for 20 children.

Location: 2311 Dennis Avenue, Silver Spring;
 Zone: R-60;
 Master Plan: 1989 *Master Plan for the Communities of Kensington-Wheaton*;
 Property Size: 9,162 square feet;
 Application Accepted: February 21, 2018;
 Applicant: Humberto Losada;
 Review Basis: Chapter 59, Conditional Use;
 Hearing Examiner Public Hearing: June 18, 2018.



Summary

- Staff recommends approval with conditions.
- The Applicant has an existing special exception approval for a Group Day Care for 12 children (SE 14-03).
- The Application is not subject to the Forest Conservation Law under Chapter 22A, Montgomery County Forest Conservation Law.
- Staff has not received any correspondence about this application.

SECTION 1: STAFF RECOMMENDATION AND CONDITIONS

Staff recommends approval of CU 18-04 subject to the following conditions:

1. The Day Care Center is limited to a maximum of 20 children and 3 non-resident employees.
2. The hours of operation are limited to Monday through Friday, 7:30 a.m. to 5:30 p.m.
3. A maximum of four vehicles may arrive every 15 minutes to drop-off and pick-up children.
4. Outside play time may not start prior to 9:00 a.m. and a maximum of twelve children may play outside at any one time.
5. The Applicant must replace the existing white picket fence on the west side of the house with a 6-foot privacy fence.
6. Special Exception 14-03 must be revoked once the conditional use is approved.

SECTION 2: SITE AND NEIGHBORHOOD DESCRIPTION

Site Description

The 9,162-square foot Property is located on the northeast corner of Dennis Avenue and Gardiner Avenue in the R-60 Zone. The Property is described as Lot 33, Block D of the Carroll Knolls Subdivision and is improved with a detached house. The front door to the house faces the intersection of Dennis Avenue and Gardiner Avenue, with two walkways leading to the front entrance. The Property has one other walkway from Dennis Avenue to the basement at the rear of the house. The walkways are paved with concrete and are well-lit. Ground lights are located near each path and along the stone wall. The front yard is well-landscaped with trees, shrubs and perennials.

A driveway with space to park two cars side-by-side is accessed from Gardiner Avenue. A carport is attached to the northwest side of the house and is accessed via the driveway and pavers over the lawn. A portion of the carport is fenced off and used as a covered play area, leaving enough space available to park one car.

The play area is located in the rear of the property closest to Gardiner Avenue. It is fenced in with a white picket fence, approximately four-foot in height, along the Gardiner Avenue property line and on the eastern boundary of the play area; an approximately six-foot tall wooden privacy fence along the lot line shared with a neighboring property to the north; and a chain link fence, approximately four feet in height, on the property line shared with the abutting lot to the east.



Figure 1: Aerial Photo of Subject Property (outlined in red)



Figure 2: Front of house (from the intersection of Dennis Avenue and Gardiner Avenue facing northeast)



Figure 3: Parking pad accessed from Gardiner Avenue



Figure 4: Outdoor play area (taken from the front yard facing northeast)

Neighborhood Description

The Staff-defined neighborhood is generally bounded by Evans Drive to the north, Darrow Street to the south, Douglas Avenue to the east, and Haywood Drive to the west. The neighborhood is zoned R-60 and composed of residential detached houses.

Staff identified two special exception approvals in the Staff-defined neighborhood: an accessory apartment special exception at 2421 Homestead Drive granted in 1985 (BAS 1110), and a boarding house for 3 or 4 tenants at 2410 Dennis Avenue granted in 1976 (BAS 439).



Figure 5: Staff Defined Neighborhood

SECTION 3: PROJECT DESCRIPTION

Previous Approval

The Applicant and resident owner of the house, Humberto Losada, has been operating a day care at 2311 Dennis Avenue since 2011. The facility began as a Family Day Care with eight children, and the Applicant received special exception approval (SE 14-03) to operate a Group Day Care (9-12 Persons) in 2014. The Subject Application is new, rather than a modification of the existing approval, because a Group Day Care (9-12 Persons) is a different use in the Zoning Ordinance than a Day Care Center (13-30 Persons).

Project Description

The Applicant is requesting conditional use approval to expand his existing twelve-child Group Day Care to a Day Care Center for 20 children to keep up with the demand in his community; he currently has six children on a waitlist. The Applicant proposes to care for a total of six infants in addition to 12 children aged 24 months-five years old.

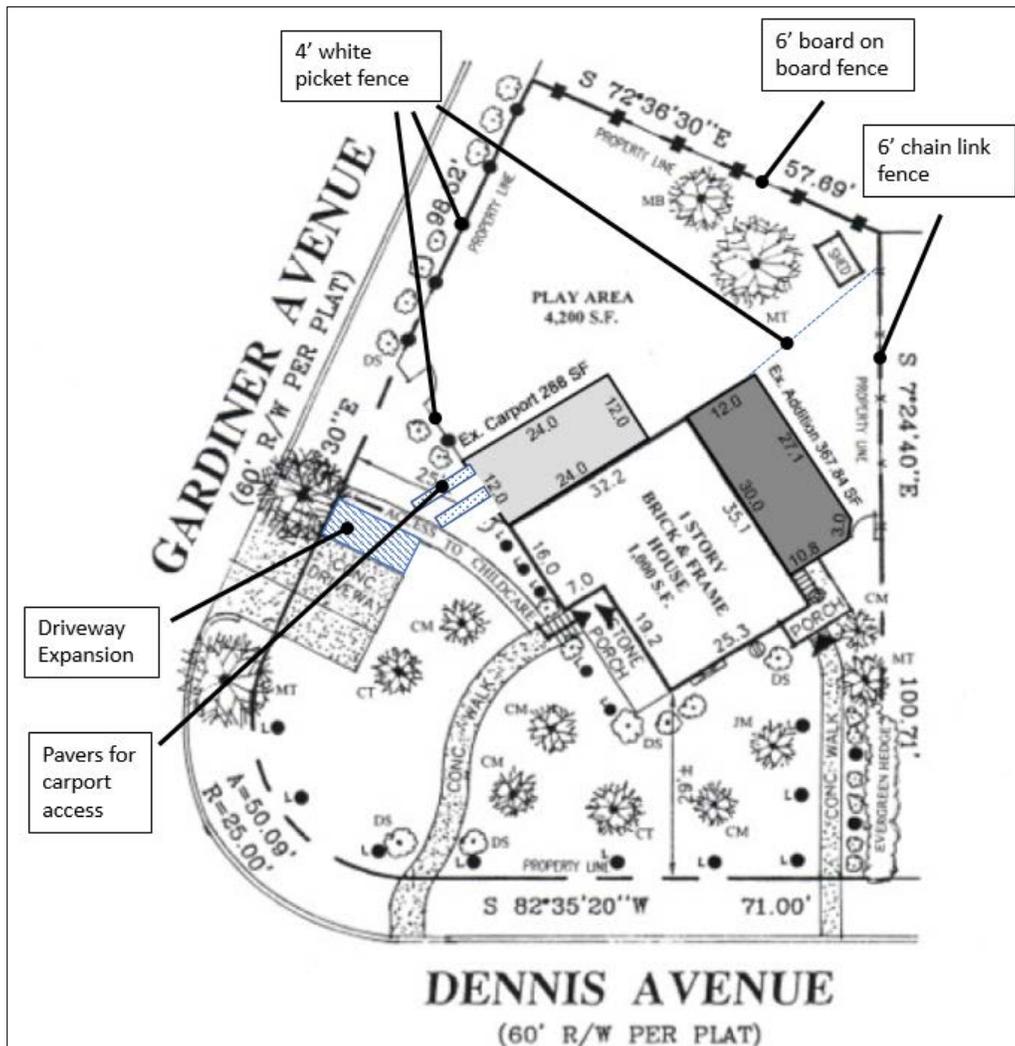


Figure 6: Site/Landscape Lighting Plan (elements in blue added by Staff)

The proposed Day Care Center will be located on the main floor of the house, which is where the existing day care is located. The day care will occupy 951 square feet, and the Applicant plans to renovate the first-floor bathroom to remove the tub and add an extra toilet. Entrance to the day care is through the house's front door. There is an entrance to the kitchen and an entrance to the basement in the rear of the house. The Applicant will continue to use the basement as his personal residence.

The Applicant will bring infants outside to play for approximately 15-20 minutes both in the morning and afternoon, while the older children will be allowed to play outside for approximately one hour in both the morning and afternoon.

The proposed Day Care Center will maintain the existing day care's hours of operation and will be open from Monday through Friday 7:30 a.m. to 5:30 p.m. The Applicant intends to maintain a staggered schedule at the proposed Day Care Center between 7:30 a.m. and 8:30 a.m. for drop-offs and 4:00 p.m. and 5:30 p.m. for pick-ups. Currently, five children that attend the daycare live nearby and walk each day. The Property has a driveway/parking pad that contains three off-street parking spaces, and space for two cars in the carport, although a portion of the carport is currently used as a covered play area. Unrestricted on-street parking is available on both Dennis Avenue and Gardiner Avenue. During the day care's hours of operation, the parking pad is reserved for parent drop-off and pick-up. The Applicant expects that the day care will continue to attract families in the area so many of the children will live close enough to be walked to the day care by their parents.

The Applicant currently employs two non-resident full-time staff members, and plans to add one additional non-resident staff member if the conditional use is approved. The employees arrive between 7:15 and 7:30 a.m. and depart between 5:30 and 5:45 p.m. The current employees do not drive to work and, in his seven years in operation as a day care provider, the Applicant says his staff rarely, if ever, drive cars to the facility. Instead employees are typically dropped off or they use public transportation.

SECTION 4: ANALYSIS AND FINDINGS

Master Plan Conformance

The Site falls within the 1989 *Master Plan for the Communities of Kensington-Wheaton*. The Master Plan does not specifically discuss the Site, but its Community Facilities section notes a growing need for more child day care facilities in the area, and the Master Plan encourages the development of such facilities. One of its policies is to "Support efforts to utilize County zoning and development plan review processes to promote greater day care opportunities," (p. 139). Furthermore, the Master Plan cites a 1987 Montgomery County Planning Board study which, "...suggested that none of the small-child care centers serving 7-20 children that were studied had a significant negative impact on the surrounding residential community," (p.139).

Based on the language in the Master Plan, Staff believes that the proposed Day Care Center is consistent with the objectives of the Master Plan since it will increase the number of child day care facilities near major employment and commercial developments in the area.

Transportation

Master-Planned Roadways

Gardiner Avenue and Dennis Avenue are secondary residential streets with 60-foot wide right-of-ways that are not listed in the *Master Plan for the Communities of Kensington/Wheaton*.

The draft Bikeway Master Plan does not recommend a bikeway along this segment of Dennis Avenue frontage.

Pedestrian Facilities

Gardiner Avenue has a four-foot sidewalk along both sides of the street. The south side of Dennis Avenue has a four-foot sidewalk (on the opposite side of the street from the Property).

Transit Service

A bus stop is located two blocks away from the Property, at the intersection of Georgia Avenue and Dennis Avenue. Five Metrobus routes along the Q and Y lines service this bus stop.

The 2013 *Countywide Transit Corridors Master Plan* recommends a Bus Rapid Transit (BRT) line along Georgia Avenue, with a BRT station planned for the intersection of Georgia Avenue and Dexter Avenue.

Parking and Drop-Off/Pick-Up

Parking spaces for parent drop-off and pick-up are available on the existing three-car parking pad and on the streets abutting the Property. Assuming the worst-case parking scenario, the Applicant could park in the carport and three employees could park vehicles on one of the streets abutting the house, and at least four spaces would be available for drop-off and pick-up (three spaces on the parking pad and one space on the street abutting the Property). Thus, Staff recommends a condition limiting the number of vehicles that can drop-off or pick-up children to four per 15-minute period.

Local Area Transportation Review

The Applicant submitted a transportation statement that shows the projected number of children and staff arriving and departing, by all modes of travel, during the peak periods in the morning (6:30-9:30 a.m.) and evening (4:00-7:00 p.m.). The traffic statement shows up to 14 children dropped off between 8:00 and 9:00 a.m., and up to 15 children picked up between 4:00 and 5:00 p.m. Based on the transportation statement, the proposed day care generates 28 person trips during the morning peak hour and 30 person trips during the evening peak hour as demonstrated in the table below. Since the proposed daycare generates fewer than 50 weekday peak hour person trips, no further transportation analysis is required.

| | AM Peak Hour Trips (8-9 a.m.) | | | PM Peak Hour Trips (4-5 p.m.) | | |
|---------------------------|----------------------------------|-----|-------------------------|----------------------------------|-----|-------------------------|
| | In | Out | Total (Person Trips) | In | Out | Total (Person Trips) |
| Proposed 20 child Daycare | 14 | 14 | 28 | 15 | 15 | 30 |

Environment

The Property contains no forest, streams, wetlands, or environmental buffers and is located in the Lower Rock Creek (Use I) watershed. The proposed conditional use is in compliance with the Environmental Guidelines and it is not subject to Chapter 22A, Montgomery County Forest Conservation Law as the Site is less than 40,000 square feet in size.

Community Correspondence

Staff has not received any community correspondence, but the Applicant submitted five letters from neighbors and patrons in support of the daycare expansion. One of the letters is from a resident that lives next door to the Property (on 10303 Gardiner Avenue) and has a child that attends the existing day care.

Necessary Findings¹

Under Section 7.3.1.E, the Hearing Examiner must find that the proposed development:

Section 7.3.1.E.1.a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

Special Exception No. SE 14-03 was approved in 2014 allowing the Applicant to operate a Group Day Care with 12 children on the Property. If the Subject Application is approved, it will supersede the existing approval and SE 14-03 should be revoked.

Section 7.3.1.E.1.b. satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;

Requirements of the Zone

The Property satisfies the development standards for the R-60 zone as demonstrated in the table on the next page.

¹ The findings in Section 7.3.1.E.4 thru Section 7.3.1.e.6 are not applicable to this application and not included in this report.

| Development Standards in the R-60 Zone | Required/ Allowed | Provided |
|--|-------------------|----------------------------------|
| Minimum Lot Area: (\$59-4.4.9.B.1) | 6,000 sq. ft. | 9,162 sq. ft. |
| Minimum Lot Width at Front Building Line (\$59-4.4.9.B.1) | 60 feet | ±95 feet |
| Minimum Lot Width at Front Lot Line (\$59-4.4.9.B.1) | 25 feet | ±88 feet |
| Maximum Lot Coverage (\$59-4.4.9.B.1) | 35% | ±18% |
| Front Setback (Dennis Ave) ¹ (\$59-4.4.9.B.2) | 25 feet | ±29 feet |
| Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone (Gardiner Ave) (\$59-4.4.9.B.2) | 25 feet | ±25 feet |
| Side setback ² | 7 feet | 7 feet |
| Minimum Rear Setback (\$59-4.4.9.B.2) | 20 feet | ±38 feet on Gardiner Avenue side |
| Maximum Building Height (\$59-4.4.9.B.3) | 35 feet | ±14 feet |

¹ Staff used a drawing approved by DPS for construction of the addition to verify the building setbacks (Attachment 3).

² Under Section 7.7.1.D.2, a detached house on a platted lot that has not changed in size or shape since June 1, 1958 may be constructed with the side yard required by the zoning in effect when the lot or parcel was first created. The Subject lot was created in 1937 and the Department of Permitting Services website (DPS) indicates that a lot recorded before 1/1/54 in the R-60 zone has a 7 ft setback (Attachments 4 and 5).

Use Standards required under Section 3.4.4.E.2

The following use standards apply to a Day Care Center (13-30 Persons), which is allowed as a conditional use in the R-60 zone:

- a. *The facility must not be located in a townhouse or duplex building type.*

The proposed facility is located in a detached house.

- b. *An adequate area for the discharge and pick up of children is provided.*

As described in detail in the Transportation section of this report, the existing parking pad and spaces on the streets abutting the Property provide an adequate area for the discharge and pick up of children.

c. The number of parking spaces under Division 6.2 may be reduced if the applicant demonstrates that the full number of spaces is not necessary because:

i. existing parking spaces are available on abutting property or on the street abutting the site that will satisfy the number of spaces required; or

ii. a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems.

The Property has relatively large frontages on both Gardiner Avenue and Dennis Avenue, and space is available to park at least three cars along each frontage (assuming a 21-foot-long space). The Property can accommodate four of the required five parking spaces onsite, and the remaining required space is readily available on the street abutting the Property. The parking requirements are discussed in the next section of this report.

General Development Requirements

| Parking Requirements | Required | Proposed |
|---|---|---|
| Vehicle Parking Requirement (Section 59.6.2.4.B) | 5 spaces <i>Day care center:</i> 3 spaces (3 spaces per 1,000 sf of GFA) <i>Residence:</i> 2 spaces per dwelling unit | 5 spaces 4 spaces onsite (1 space in the carport ² and 3 spaces on the parking pad) + 1 space on the road abutting the Property ³ |
| Bicycle Parking Requirement (Section 59.6.2.4.C) | 1 long term space | 1 space near the entrance to the basement |

Screening

The existing six-foot high board on board fence along the northern lot line screens the play area from the neighboring Property to the north. The play area is approximately 20 feet away from the lot line of the neighboring property to the east and screened by the house and two trees on the Subject Property. To screen the view of the children and the play area from the abutting roads, Staff recommends that the Applicant replace the four-foot high white picket fence along the Gardiner Avenue lot line, and next to the carport, with a six-foot tall privacy fence (Figure 7).

Lighting

No changes are proposed to the exterior lighting, which is residential in character and does not result in excessive illumination onto the neighboring properties.

² Staff is only counting one space in the carport since part of the carport is fenced off and used as a covered play area.

³ As allowed under Section 3.4.4.E.2.c.ii, parking spaces are available on the street directly abutting the Property.



Figure 7: Staff recommended privacy fencing (shown in red)

Signage

No signage is proposed.

Section 7.3.1.E.1.c. substantially conforms with the recommendations of the applicable master plan;

The Property falls within the 1989 *Master Plan for the Communities of Kensington-Wheaton*. The Master Plan does not specifically discuss the Site, but its Community Facilities section notes a growing need for more child day care facilities in the area, and the Master Plan encourages the development of such facilities. One of its policies is to “Support efforts to utilize County zoning and development plan review processes to promote greater day care opportunities,” (p. 139). Furthermore, the Master Plan cites a 1987 Montgomery County Planning Board study which “...suggested that none of the small-child care centers serving 7-20 children that were studied had a significant negative impact on the surrounding residential community,” (p.139).

Based on the language in the Master Plan, Staff believes that the proposed conditional use is consistent with the objectives of the Master Plan since it will increase the number of child day care facilities near major employment and commercial developments in the plan area.

Section 7.3.1.E.1.d. *is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

The proposed group day care will be in harmony with the general character of the surrounding neighborhood. There are no exterior modifications being proposed to the detached house, or to the yard which is already attractively landscaped. The increased parking needs can be accommodated onsite and on the street abutting the Property. As conditioned, the increased intensity of activity and traffic will be staggered so it will not disrupt the neighborhood's residential character. Further, the Property has frontage on roads that are wide enough to accommodate parking on both sides while allowing enough space for two-way vehicular movement. The existing day care at this location is well integrated into the neighborhood and will continue to provide an important service to the community.

Section 7.3.1.E.1.e. *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;*

There are two existing special exceptions in the Staff-defined neighborhood. One is for an accessory apartment and the other for a boarding house for 3 or 4 tenants. Both of these special exceptions were granted over twenty years ago and the existing neighborhood conditions show the area's residential character has been maintained. The expansion of the existing day care will not adversely affect or alter the residential nature of the area. The proposed use also furthers the goals of the Sector Plan and thus does not alter the nature of the area.

Section 7.3.1.E.1.f. *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. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:*

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or*
- ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and*

This Site is not subject to a Preliminary Plan of Subdivision, so the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities. Staff finds that the existing public facilities are sufficient to serve the proposed group day care.

Section 7.3.1.E.1.g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or*
- iii. the health, safety, or welfare of neighboring residents, visitors, or employees.*

The physical and operational characteristics necessarily associated with a child day care facility include: (1) vehicular trips to and from the site; (2) drop-off and pick-up areas (3) outdoor play areas; (4) noise generated by children; and (5) lighting. Staff did not identify any non-inherent adverse effects associated with this conditional use.

The proposed conditional use will generate additional trips, but the Day Care Center tends to attract children from the surrounding neighborhood who are likely to walk to the proposed Day Care Center. If the proportion of the children who currently walk to the day care stays the same (5 out of 12), then eight of the proposed 20 children will likely walk each day. Although the Property's Dennis Avenue frontage does not have a sidewalk, requiring a sidewalk along the Property frontage on Dennis Avenue may create an unsafe condition by encouraging pedestrians to cross Dennis at the eastern property line, rather than at the intersection of Gardiner Avenue and Dennis Avenue where sidewalks, ramps, and a marked pedestrian crossing currently exist. Furthermore, sidewalks are available on both sides of Gardiner Avenue and on the opposite side of Dennis Avenue to promote safe pedestrian circulation. If sidewalks are installed along the north side of Dennis Avenue, it is most safe and appropriate to be installed comprehensively as part of a future sidewalk Capital Improvement Project.

The surrounding street network is sufficient to accommodate the additional vehicular trips. Both Dennis Avenue and Gardiner Avenue have a pavement width that allows two-way vehicular movement if cars are parked on both sides of the street. With the condition limiting the number of vehicles that can drop-off and pick-up children every 15 minutes, the additional trips will not disrupt vehicular and pedestrian circulation in the neighborhood. The Property has adequate parking on the parking pad and on the abutting streets to accommodate the additional employee and the additional drop-offs and pick-ups resulting from the expansion of the day care.

The Applicant plans to continue using the rear yard for the outdoor play area. Staff recommends a condition of approval allowing only 12 children to play outside at any one time to minimize the disruption to the neighborhood. In addition, Staff recommends that the Applicant replace the four-foot-high fence along Gardiner Avenue with a six-foot high privacy fence to improve the screening of the play area when viewed from the abutting roads. The existing lighting on the Property is residential in character and will not produce excessive illumination that will disturb neighbors.

The expansion of the day care facility will not create any adverse impacts to the area so it will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or to the general neighborhood.

Section 7.3.1.E.2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

The proposed Day Care Center is in an existing house that is compatible with the residential character of the neighborhood, and no exterior modifications are proposed.

Section 7.3.1.E.3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.

Staff find the proposed use is compatible with nearby properties and recommends approval with conditions.

SECTION 5: CONCLUSION

The proposed Day Care Center (13-30 Persons), as conditioned, complies with the general conditions and standards for a conditional use. The proposed use is consistent with the goals and recommendations of *the Master Plan for the Communities of Kensington-Wheaton*, and it will not alter the character of the surrounding neighborhood. Further, it will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

ATTACHMENTS

1. Site Plan
2. Layout of daycare
3. Construction plans for addition
4. Subdivision plat
5. DPS guidelines for R-60 standard method development
6. Forest conservation law applicability form
7. Letters of support (submitted by the Applicant)
8. Pictures of the daycare (submitted by the Applicant)
9. Transportation Statement
10. Excerpt from Hearing Examiner's Opinion and Decision for Special Exception 14-03 (pages 1, 30-32).

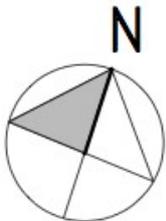
ATTACHMENT 1



SITE DIAGRAM

CONVENTIONS

-  Concrete Drive and walk way
-  1 Story Brick & Frame House
Area: 1,000 SF
-  Existing Carport 12'x 24'
Area: 288 SF
-  Existing Addition
Area: 367.84 SF



DENNIS AVENUE (60' R/W PER PLAT)

LANDSCAPE LEGEND

- CM = CREPE MYRTLE
- MT = MAPLE TREE
- CT = CHERRY TREE
- JM = JAPANESE MAPLE TREE
- MB = MULBERRY TREE
- DS = DWARF SPRUCE

LIGHTING - POWER LEGEND

-  WALL MOUNTED LIGHT FIXTURE (SWITCH CONTROL)
-  CEILING MOUNTED LIGHT FIXTURE (SWITCH CONTROL)
-  SOLAR POWERED LANDSCAPE FIXTURE
-  ELECTRICAL OUTLET (DUPLX)

LANDSCAPE & LIGHTING PLAN

SCALE: 1/16" = 1'-0"

2311 DENNIS AVENUE
SILVER SPRING, MARYLAND

LOT 33 / 9,162 S.F.

EXHIBIT NO. 11
REFERRAL NO. S.G. 14-03

1

Existing Plan

Scale 1/16" = 1'-0"



EXISTING PLAN
FIRST FLOOR

Scale 1/16" = 1'-0"

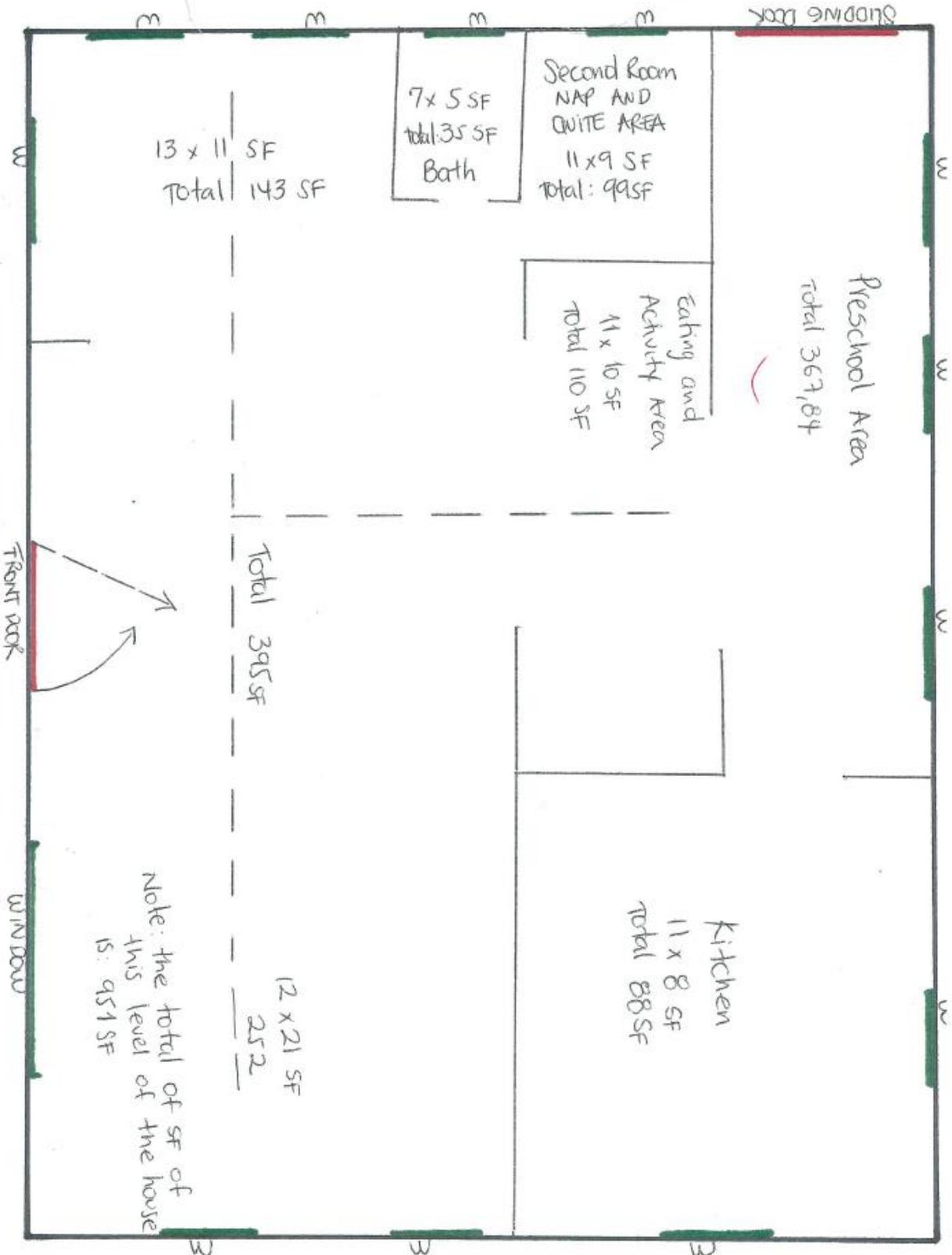
MIS PRIMEROS PASITOS CENTER DAYCARE
2311 Dennis Av. Silver Spring, MD 20902

November
2017

A - 1

benefix inc
2017

ATTACHMENT 2



ATTACHMENT 3

RESIDENTIAL ADDITION

2311 DENNIS AVENUE SILVER SPRING, MD 20902

SITE PLAN

SCALE 1" = 30'-0"



DENNIS AVENUE (60' R/W PER PLAN)

Table with 2 columns: ZONING, R-60; LOT AREA: 5,183 SF; EXISTING HOUSE: 7,700 SF; REAR ADDITION: 371 SF; LOT COVERAGE: 15.71%

NOTE: PROPOSED REAR ADDITION IS AT +/- 2 ABOVE GRADE LEVEL. EXISTING GRADE LEVELS REMAINS UNDISTURBED. PRE-CONSTRUCTION ELEVATIONS ARE MAINTAINED IN THE DESIGN AND ARE THE SAME AS THE POST-CONSTRUCTION ELEVATIONS.

MATERIAL SYMBOLS

Table of material symbols including: EARL (WOOD) PAIL, POROUS FULGURATE, CONCRETE PRECAST, POLYFACE LAMINATION, CONCRETE MASONRY UNIT, STEEL, FINISH WOOD, FLYING, WOOD 3/4" WOOD FLOORING, WOOD PLATE, PLASTIC LAMINATE, 1/2" GYPSUM BOARD, SLABS, PLASTER/CEMENT, EDIC. IN ELEVATION, GYPSUM BOARD, ACoustical TAC, CERAMIC TILE, MARBLE, ALUMINUM, BATT INSULATION.

GENERAL NOTES

- 1. ALL WORK SHALL COMPLY WITH IRC 2012, STATEWIDE BUILDING CODES AS WELL AS WITH ANY LOCAL CODES, REGULATIONS AND ORDINANCES.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE OCCUPATION SAFETY AND HEALTH ACT (OSHA).
3. CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS AND INSPECTIONS.
4. CONTRACTORS SHALL VERIFY ALL DIMENSIONS, GRADES, BOUNDARIES, EXISTING CONDITIONS AND CONSTRUCTION PRIOR TO START OF WORK, AND SHALL IMMEDIATELY REPORT ANY DISCREPANCIES TO THE ARCHITECT. DRAWINGS SHALL NOT BE SCALED.
5. ALL DIMENSIONS, NOTES, FINISHES, AND FIXTURES SHOWN ON TYPICAL PLANS, SECTIONS OR DETAILS SHALL APPLY TO ALL SIMILAR SYMETRICAL OR REVERSED PLANS, SECTIONS, OR DETAILS.
6. ALL SILLS AND PLATE SLAGS, OR WITHIN 8" OF GRADE, OR IN FULL AND DIRECT CONTACT WITH CONCRETE OR EXPOSED TO WEATHER, SHALL BE PRESSURE TREATED LUMBER (WHEN USED).
7. PROVIDE SOLID BLOCKING IN STUD WALLS FOR ATTACHMENT OF HANGERS, HANGING BRACKETS, TOILET ACCESSORIES, WALL CABINETS, ETC.
8. PROVIDE 1/2" MOISTURE RESISTANT GYPSUM BOARD AT ALL TUB AND SHOWER ENCLOSURES.
9. FLOOR COVERING AND WALL FINISH IN CLOSETS SHALL BE THE SAME AS THAT OF THE SPACE ON TO WHICH THE CLOSET OPENS, UNLESS NOTED OTHERWISE.

DESIGN CRITERIA

Table with columns: TYPE, LIVE LOAD, DEAD LOAD. Rows: ROOF (SLEEPING ROOMS 30, OTHER AREAS 40), WIND LOAD (90 MPH), SEISMIC CATEGORY (B), SOIL BEARING CAPACITY (2000 ASSUMED), DEFLECTION (ROOF: L/240, FLOOR: L/360).

- DESIGN STRESS AND REQUIRED MATERIAL STRENGTH:
- CONCRETE: ALL CONCRETE FC = 3000 PSI
- BOLTS: ASTM A325, FRICTION TYPE
- ANCHOR BOLTS: ASTM A 307
- EXPANSION BOLTS: WWP-BOLTS BY HILT
- MORTAR: ASTM C270, TYPE M OR S

- MINIMUM LUMBER VALUES:
FLOOR JOISTS, RAFTERS, JOIST HEADERS, BLOCKING, BEARING & NON BEARING EXTERIOR AND EXTERIOR STUDS WALLS AND POSTS: SOUTHERN PINE # 2 OR APPROPRIATE EQUIVALENT (E MIN: 1,600,000 PSI; FC MIN: 1650 PSI; FC MIN PERP: 565)

- LAMINATED BEAMS: GEORGIA PACIFIC LAM 1.8E OR EQ. (FB MIN: 2,600 PSI; E MIN: 1,800,000 PSI; FV MIN: 95 PSI; FC MIN: 1100 PSI; FC MIN PERP: 425 PSI)

IF A DESIGNER OR BUILDING PROFESSIONAL IS NOT AVAILABLE TO REVIEW THIS APPLICATION, THE APPLICANT MUST SIGNIFY A PLAN REVIEW BY MONTGOMERY COUNTY INCLUDING ARCHITECTURAL, ELECTRICAL, MECHANICAL, AND PLUMBING. ALL APPLICANTS MUST SIGNIFY A PLAN REVIEW BY MONTGOMERY COUNTY INCLUDING ARCHITECTURAL, ELECTRICAL, MECHANICAL, AND PLUMBING. ALL APPLICANTS MUST SIGNIFY A PLAN REVIEW BY MONTGOMERY COUNTY INCLUDING ARCHITECTURAL, ELECTRICAL, MECHANICAL, AND PLUMBING.

CONSTRUCTION NOTES

- ROOF/FLOORING CONSTRUCTION: Fiberglass Insulation roof (min. 20yr warranty) on 1-5/8" building fast, use double layer of felt for roof pitch less than 4:12 on 1/2" O.S.B. with 1/4" dips, 2 x 8 Rafters @ 24" o.c. (See Roof Framing). R-49 Insulation.
EAVE CONSTRUCTION: 12" overhang to the rear only, 1x 6 gutter board with aluminum gutter 3/4" M.D.O. Soffit with continuous 2" soffit vent.
SIDING EXTERIOR STUD WALL CONSTRUCTION: Vinyl siding on building paper on 3/4" Structural Wood Panel sheathing on 2x6 wood studs @ 16" o.c. with 2-2x6 109 plate, 2x6 sill plate (w.o.s.) R-20 Batt Insulation, and 1/2" GWB on the interior face.
EXTERIOR WINDOWS AND DOOR: Glazed fenestrations shall have a U-Factor of 0.35 or maximum.
FLOOR CONSTRUCTION: 3/4" O.S.B. or T&G plywood subfloor (glued and nailed) joists (see framing plan for size and spacing), R-19 Batt Insulation at perimeter blocking, R-19 Insulation underneath floor over crawlspace.
WALL BRACING: Provide Continuous Wood Structural Panel (CS-WSP).
INTERIOR PARTITION: Use 2x4 studs @ 16" O.C. with 2-2x4 top plate, 2x4 @ 8 ft. and 1/2" GWB on both sides.
FOUNDATION CONSTRUCTION: 6" CMU foundation wall with 16" x 10" continuous footing.

SCOPE OF WORK

THE WORK CONSISTS MAINLY OF A RESIDENTIAL ADDITION ON THE REAR SIDE OF THE EXISTING HOUSE. THE ADDITION IS A NEW FAMILY ROOM OF 20' x 15', ONE STORY AND 2' ABOVE GRADE LEVEL, AND A NEW DECK OF 12' x 12'-4". REVISION: CHANGE OF SLAB ON GRADE FLOOR TO WOOD FRAMING FLOOR.

DRAWING INDEX

- A-100 GENERAL NOTES / SITE PLAN
A-101 ARCHITECTURAL FLOOR PLANS STRUCTURAL FLOOR PLANS
A-102 ELEVATIONS SECTION WIND BRACING

MONTGOMERY COUNTY DIVISION OF BUILDING CONSTRUCTION

These plans are conditionally approved in accordance with any conditions set on this plan. The building permit is issued for the structure with all required work and does not waive any code requirements or other during the review. Issuance of permit does not prevent field inspections from reviewing construction work which has been approved during inspection. Approved by: [Signature] Date: 3/14/2015

RESIDENTIAL ADDITION

ARCH 1-35 311 DENNIS AVENUE SILVER SPRING, MD

1999-2014 ARCHITECTURAL DESIGN, INC.

Logo for AB ARCHITECTURAL DESIGN, INC. with contact information: 410 VAN ANRAN AVENUE, BELTSVILLE, MD 20705, TEL: 301-219-2144, FAX: 301-460-2910, WWW.AB-ARCHITECT.COM

Revision table with columns: DATE, REVISION, DRAWN BY, CHECKED BY. Includes handwritten number 725954.

PROJECT No: 150441 REVIEW BY: VANIA APARICIO-MA

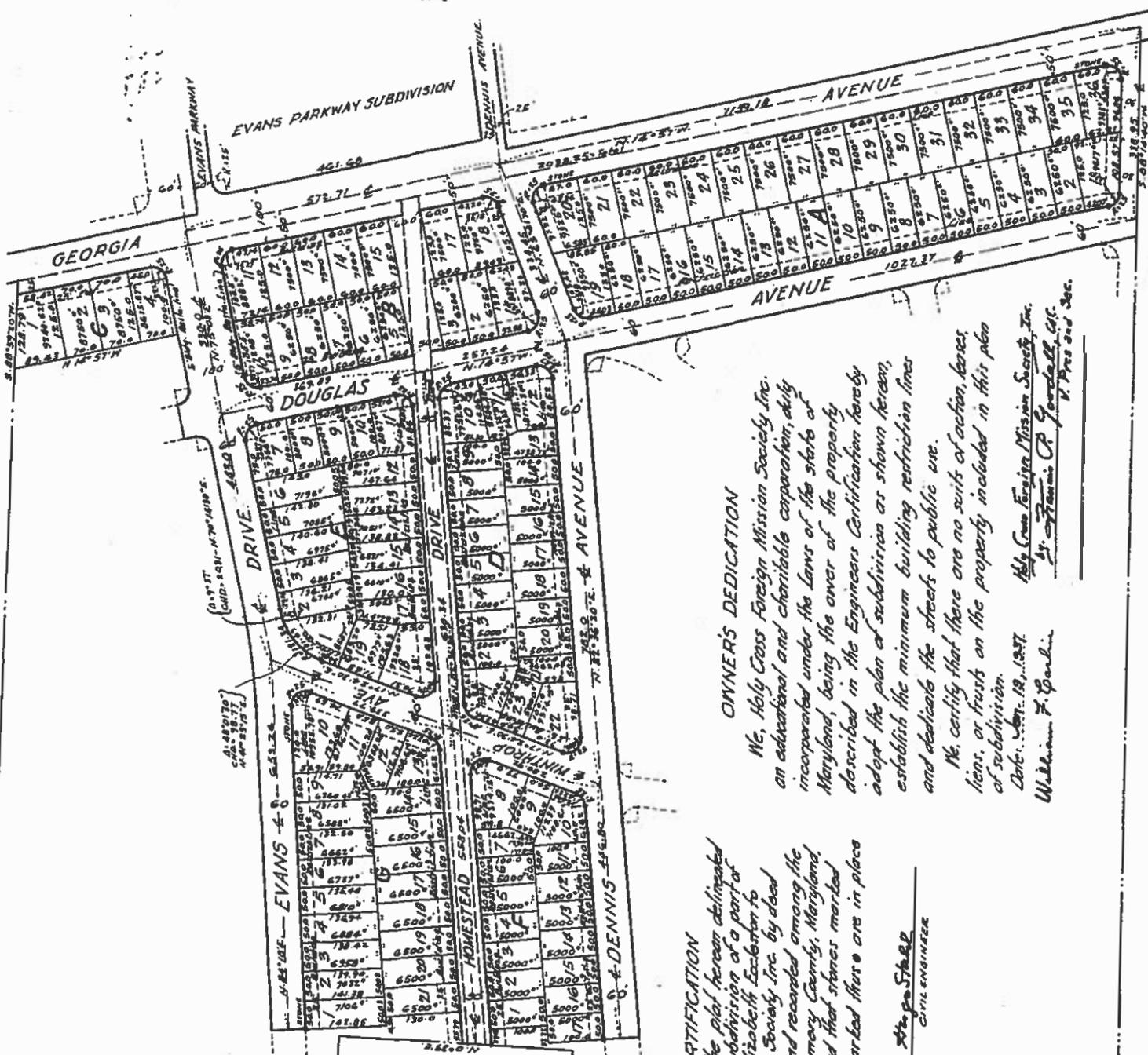
Professional seal for Vania Aparicio-Ma, Architect, State of Maryland, License No. 14008, expiration date 05/31/2016.

COVER SHEET

A-100

Handwritten notes and stamps on the left side of the drawing, including 'FOUNDATION VENTS', 'FOUNDATION ACCESS', 'FLOOR FINISHES', and 'WIND UPLIFT RAFTERS'. Includes a disclaimer at the bottom left.

FILED
FEB 12 1937



ENGINEERS CERTIFICATION
 I hereby certify that the plat herein delineated is correct, that it is a subdivision of a part of the lands conveyed by Elizabeth Exelston to Holy Cross Foreign Mission Society, Inc. by deed dated October 10-18, 1930 and recorded among the Land Records of Montgomery County, Maryland, in Liber 512 Folio 192; and that stones marked thus * and iron pipes marked thus are in place as shown.

Date JAN. 19, 1937.
St. J. Stahl
 CIVIL ENGINEER

OWNER'S DEDICATION

We, Holy Cross Foreign Mission Society, Inc. an educational and charitable corporation, duly incorporated under the laws of the State of Maryland, being the owner of the property described in the Engineers Certification hereby adopt the plan of subdivision as shown herein, and establish the minimum building restriction lines and dedicate the streets to public use.

We certify that there are no writs of action, leases, liens, or trusts on the property included in this plan of subdivision.

Date: JAN. 19, 1937.
 Holy Cross Foreign Mission Society, Inc.
 By: Thomas P. Gurdall, Jr.
 V. Pres and Sec.

ATTACHMENT 5



Montgomery County Department of Permitting Services

255 Rockville Pike, 2nd Floor
 Rockville, MD 20850-4166
 Phone: 311 in Montgomery County or (240)777-0311
 Fax: (240)777-6262
<http://www.montgomerycountymd.gov/permittingservices>



Section 4.4.9. Residential - 60 Zone (R-60) Standard Method Development Standards.

For Guidance Only

| | |
|---|--|
| Zone | R-60 Residential, one-family, detached |
| Area Requirement | Minimum lot size 6,000 sq. ft |
| Maximum Coverage | 35% including accessory buildings. **See Page 2 for infill development & lot coverage. |
| Minimum Front Setback | 25 ft. or established building line (EBL), whichever is greater. EBL is not required for additions, only for new one-family dwellings. ¹ |
| Minimum Side Setback | Total 18 ft.; one side 8 ft. Lot recorded before 1/1/54, 7 ft. each side. Lot recorded between 3/6/1928 - 10/28/30 and if lot width is at least 40 ft. but less than 50 ft., 5 ft. each side. Lot recorded before 3/16/28, if lot width is 40 ft. or less, 5 ft. each side. |
| Minimum Side Street Setback | Abutting lot fronts on the Side Street and is in a Residential Detached Zone 25 ft. Abutting lot Does Not front on the Side Street or is not in a Residential Detached Zone 15 ft. |
| Minimum Rear Setback | 20 ft. Lot recorded between 9/30/41 - 12/31/53 minimum average depth of rear setback is 20 ft. but in no case less than 15 ft. at any one point. |
| Minimum Lot Frontage | 60 ft. at front building line. 25 ft. at street line. |
| Maximum Building Height | 35 ft. to roof peak or 30 ft. to mean height between eaves & ridge of gable, hip, mansard or gambrel roof. |
| Accessory Buildings The footprint of an accessory building must not exceed 50% of the footprint of the main building (one-family detached dwelling) or 600 sq/ft whichever is greater. This limit does not apply to a building accessory to an agricultural use. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot. | Rear yard only. 20 ft. maximum height, measured to the highest point of roof surface. <ul style="list-style-type: none"> • 60 ft. Front Setback • 25 ft. Side Street Setback, abutting lot fronts on the side street and is in a residential detached zone • 15 ft. Side Street Setback, abutting lot does not front on the side street or is not in a residential detached zone • 5 ft. Side setback^{2,3} • 10 ft. Rear on a Corner lot where abutting lot fronts on the side street and is in a residential detached zone • 5 ft. Rear setback, if not otherwise addressed^{2,3} Town of Garrett Park call 240-777-6240 for info |
| Remarks | ¹ See Established Building Line Methods on DPS website. ² Additional setback required if length of accessory structure. along a rear or side lot line has linear dimension greater than 24 ft., side or rear setback is increased 2 ft. of |

Section 4.4.9. Residential - 60 Zone (R-60) Standard Method Development Standards.

| | | |
|---|--|--|
| | setback for every 2 ft. that the bldg. dimension exceeds 24 ft. This does not apply to swimming pools. ³ Additional setback required if accessory structure ht. is greater than 15 ft. then side & rear setback is increased 2 ft. of additional setback for each foot of height over 15 ft. | |
| <p>INFILL DEVELOPMENT Your project is considered infill development if the following apply: The lot was created: -By a plat recorded before January 1, 1978; or -By a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978; -the lot is less than 25,000 square feet in area AND</p> <p>The construction proposed is: -A new detached house, OR -demolition is more than 50% of the existing floor area of all floors of the dwelling; OR -addition is more than 50% of the existing floor area of all floors of the dwelling.</p> <p>INFILL DEVELOPMENT LOT COVERAGE- definition: Area that may be covered by any building, including any accessory building, and any weather-proofed floor area above a porch. This does not include any bay window, chimney, porch, or up to 240 sq.ft. of a detached garage if it is less than 350 sq.ft. of floor area and less than 20 ft. in height.</p> | <p>Maximum Coverage for Infill Development Lots</p> | |
| | Lot area less than 6000 sq.ft. | 30% |
| | Lot area equal to or greater than 6000 sq. ft. but less than 16, 000 sq. ft | 30% minus .001 multiplied by the square foot of a lot area over 6000 sq. ft. See EXAMPLE below |
| | Lot area equal to or greater than 16,000 sq. ft. | 20% |
| | <p>EXAMPLE: Your lot size is 9458 sq. ft. Minus <u>6000</u> sq. ft. Equals 3458 sq. ft. Multiply times <u>.001</u> Equals 3.45 percent Base Coverage 30.00 percent Minus <u>3.45</u> percent Equals 26.55 percent This is the new maximum amount of lot coverage for this lot.</p> | |

ATTACHMENT 6

Development Applications and Regulatory Coordination

Effective 9/30/2013

M-NCPPC • 8787 Georgia Avenue, Silver Spring, MD 20910 • 301-495-4550, fax: 301-495-1306

APPLICATION

Forest Conservation Law Applicability for Special Exceptions

PROPERTY LOCATION

Street Address: 2311 DENNIS AVE SILVER SPRING MD 20902

Subdivision: _____ Parcel(s) # _____ Lot #(s): 33 Block(s): D

Property Tax Identification Number: 01103985

Applicant (Owner or Contract Purchaser):

Name: Humberto Losada
Street Address: 2311 DENNIS AVE
City: SILVER SPRING State: MARYLAND Zip Code: 20902
Phone No.: 571 722 4794 Fax No.: _____

Total Area of Property: _____ acres 9.162 square feet

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

Applicant attests that the following statements apply to the subject special exception:

- The application does not propose any clearing or grading activities on or near the special exception site.

OR, all of the following:

- The application applies to a property of less than 40,000 square feet.
- The property is not subject to a previously approved Forest Conservation Plan.
- The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Department



Signature of applicant (Owner or Contract Purchaser): _____

[Signature] Signature Date: 10/30/17

FOR STAFF USE ONLY

M-NCPPC acknowledges that the special exception for the above property:

- is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code
- is exempt from the Forest Conservation Plan requirements under Section 22A-5 (q)(1) of the Forest Conservation Law

Signature of M-NCPPC Environmental Planning staff reviewer:

[Signature] Signature Date: 2/9/18

ATTACHMENT 7

11/19/17

To whom it may concern:

We have been attending Mis Primeros Pasitos with Humberto Losado for the past four years. Both of our children have gone to daycare with Humberto and our daughter currently attends the daycare. Humberto provides a very high quality education to our children and I wished he had a pre-k program to keep our son at until kindergarten. He and his teachers provide Spanish language immersion at the center and they include very creative activities, such as a monthly music class, gardening, and a career month featuring guests from the community.

He focuses on writing, pre-reading, and math skills, as well as incorporates science and art into his program. I have absolutely no doubt that students leave Humberto's program ready to excel at whatever their next step is. He has a wonderful play area in the yard and takes the children on frequent walks to the playground and occasional field trips. It would definitely benefit the neighborhood for Humberto to be able to include a pre-k program as part of Mis Primeros Pasitos.

Both of my children started when they were infants (8 months and 6 months) and it was such a relief to not have to worry about them while my husband and I were at work. Humberto and the other teachers provided breakfast, nutritious lunches, and snacks, and a very structured quiet name time during the afternoon. My kids look forward to going to Mis Primeros Pasitos every day and they made their first best friends there.

I also live about two blocks away from Humberto and can also attest to the great care he takes of his home/daycare and the property. If you have any follow-up questions, please feel free to contact me at margbrennan@gmail.com or (607) 857-8275.

Sincerely,



Marg Brennan

January 17, 2018

Dear Sir or Madam,

I would like to take the time to describe my wonderful experience and impression of my son's childcare program, Mis Primeros Pasitos, run by Mr. Humberto Losada. His daycare is very tidy, clean and colorful. There are a number of different types of toys and play structures to engage and delight young children of differing ages. The activities are very engaging and creative, ranging from dancing to painting, storytime and puppet shows, trips to pumpkin patch and petting zoos, and fun instructional activities. The food is wholesome and healthy with moderate sweet treats. The caretakers that Mr. Losada employs are all very affectionate towards the children as well as very competent in caring for children of differing ages.

These are my impressions of a very well-run daycare. But the real test is my son, who is two years old. He enjoys going to daycare, runs out of my arms upon arrival, and is excited to show me all of his fun toys and crafts upon pickup. I have been very impressed with Mis Primeros Pasitos in the 6 months that my son has been attending, and I look forward to continuing to use the services.

Thank you,

Corinne Woods, RPh, MPH

Phone: 858-243-2491

Email: coriolus7@gmail.com

Brendan Abbott
10303 Gardiner AV
Silver Spring, MD 20902
1/17/2018

To whom it may concern:

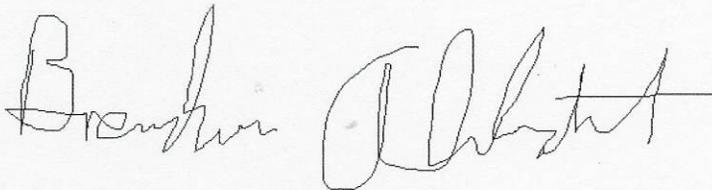
I am writing to recommend MIS PRIMEROS PASITOS CENTER DAYCARE located at 2311 Dennis Avenue, Silver Spring. This day care is right next door to our house and is owned and operated by Humberto Losada. We've lived next door to the day care and Mr. Losada for over 18 months. Our daughter has been attending the day care for about three months.

The daycare and Mr. Losada are wonderful and we're glad to have them in the neighborhood. The staff are always pleasant and polite and the house is extremely well maintained and always appropriately decorated for the season. The center has a wonderful playground in the backyard and we've always enjoyed the sounds of the children playing during the day. We've never had any issue with the daycare or Mr. Losada and we're glad to have them next door.

It is my understanding that Mr. Losada is planning to expand the day care center and have more children attend. I think that is wonderful and I have no concerns. They are great neighbors and are good for the neighborhood.

If you have any questions or concerns, I'm happy to provide more information. Please contact me at Brendan.s.abbott@gmail.com.

Sincerely,

A handwritten signature in cursive script that reads "Brendan Abbott". The signature is written in dark ink and is positioned above the printed name.

Brendan Abbott

To Whom it May Concern:

Our daughter, Anna Windsor, has been enrolled in Mis Primeros Pasitos (Humberto Losada's Spanish immersion daycare) since September 2016, and we (and Anna!) have been extremely satisfied with the experience. Humberto and the staff take an active role in each child's development, from teaching the kids to respect and play well with each other to initiating and encouraging potty training when each child is ready, to bringing in an outside instructor for music lessons once a month. Anna looks forward to going to "escuela" (school) each day, as Humberto has developed an extensive curriculum geared towards young children. She is learning to write her name at 2.5 years old and is now regularly teaching me Spanish vocabulary! The program provides fresh, healthy, delicious meals prepared on-site for the children. Humberto has dedicated the first floor of his home to the kids, giving them a bright, open space to play and learn.

Humberto is very responsive and communicates well with the parents. He schedules formal sessions to update us on Anna's progress (1-2 times per year) and allow us to set goals together. We also get more informal updates each day on how she's doing and what she's been up to that day. There are a number of opportunities to be involved in daycare activities - most recently traveling to an orchard to pick pumpkins and a Halloween party - without requiring parent participation.

Above all, Humberto and his coworkers love all of the children so well. Anna is growing into a kind, bright kid with a healthy interest in exploring and learning, and we know this is many thanks to Mis Primeros Pasitos where she spends 9 hours a day, 5 days a week. Although there are several daycares that are more conveniently located to our home and workplaces, we choose to send Anna to Mis Primeros Pasitos because of the excellent level of care there.

Sincerely,

Katherine and Matt Windsor

Email: ktwindsor1@gmail.com

Phone: 814-221-9368

January 6, 2018

To Whom It May Concern,

This reference letter describes our experience of having Mis Primeros Pasitos Family Daycare (MPP) care for our three children for a combined total of 6 years. Both of our boys were enrolled in the daycare when they were two months old. Our daughter (now 18 months) has been thriving since she started just before age 1. We thought it would be helpful to share with you what we loved about Mis Primeros Pasitos as they are preparing to expand their childcare capacity. They've been in operation more than 5 years and they have proven themselves with current care capacity; My wife and I want to highlight our strong belief that they are ready and able to grow as an organization.

Through 3 children and 6 years, we've always been extremely happy watching Humberto and his staff care for the children. With our fussier infant, they went above and beyond to give him the attention that he needed, whether that meant carrying him in a baby carrier, or rocking him to sleep. Never once did they appear tired or frustrated, and they were always engaged with the activities that the children were doing. We never saw them yell or scream in frustration at the children. I was heartened the first time that I saw our young 2-month old in circle time. While most of children were older than him, they placed his swing so that he could be right with the pack. At three, our oldest son could write his name, count to 10 in both English and Spanish, recognize colors in English and Spanish, recite and recognize the letters of the alphabet, and could follow instructions in Spanish and English. When he entered pre-school, he had some of the most advanced skills because of the attention that MPP gives to the children.

Food is another way that MPP shows its superior childcare ability. Each day Mis Primeros Pasitos prepares wholesome, and healthy food for all children older than 1. The children were never given juices or sweets, but instead had vegetables, chicken, fish, and legumes. We were always so impressed with the food that they provided and we often joked that we wish they offered a parents lunch option! As you've probably noticed in your site visits, a lot of natural light fills the daycare, which is particularly nice since many home daycares in the area are located in basements. The daycare is very clean, and they go the extra mile by sanitizing the play areas.

For the last six years, MPP has been an extension of our home. We've been beyond pleased with the care that our children have received. They've had the chance to really hit their stride with the care they provide, and they are more than ready to be able to expand their operations. If you have any questions, please don't hesitate to contact us: 703-915-0280.

Best,

Patsy and Matt Lloyd
Silver Spring, MD 20910

ATTACHMENT 8









ATTACHMENT 9

TRANSPORTATION STATEMENT FOR DAY CARE

| Morning Peak Period Drop-Off and Staff Arrivals (6:30am-9:30am) | | |
|---|----------|-------|
| Time | Children | Staff |
| 6:30-6:45 am | N/A | N/A |
| 6:45-7:00 am | N/A | N/A |
| 7:00-7:15 am | N/A | N/A |
| 7:15-7:30 am | N/A | 3 |
| 7:30-7:45 am | 3 | N/A |
| 7:45-8:00am | 3 | N/A |
| 8:00-8:15am | 3 | N/A |
| 8:15-8:30 am | 4 | N/A |
| 8:30-8:45 am | 3 | N/A |
| 8:45-9:00 am | 4 | N/A |
| 9:00-9:15 am | N/A | N/A |
| 9:15-9:30 am | N/A | N/A |

| Evening Peak Period Pick-Up and Staff Departures (4:00pm-7:00PM) | | |
|--|----------|-------|
| Time | Children | Staff |
| 4:00-4:15pm | 3 | N/A |
| 4:15-4:30pm | 4 | N/A |
| 4:30-4:45pm | 4 | N/A |
| 4:45-5:00pm | 4 | N/A |
| 5:00-5:15pm | 3 | N/A |
| 5:15-5:30pm | 2 | N/A |
| 5:30-5:45pm | N/A | 3 |
| 5:45-6:00pm | N/A | N/A |
| 6:00-6:15pm | N/A | N/A |
| 6:15-6:30pm | N/A | N/A |
| 6:30-6:45pm | N/A | N/A |
| 6:45-7:00pm | N/A | N/A |

How many staff do you expect will take the bus or carpool?

I have never had an employee who used a car. Staff usually ride the bus, uber, or are dropped off.

How many sibling groups do you expect?

2 sibling groups

ATTACHMENT 10

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

**Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660**

<http://www.montgomerycountymd.gov/ozah/index.html>

**PETITION OF HUMBERTO LOSADA *
(d/b/a Mis Primeros Pasitos Family Day Care) *
for a special exception for a child day care *
facility (a group day care home) for up to *
12 children on property located at 2311 *
Dennis Avenue, Silver Spring, Maryland *

Special Exception No. 14-03

Humberto Losada *

In Support of the Petition *

Before: Martin L. Grossman, Hearing Examiner

HEARING EXAMINER'S OPINION AND DECISION

TABLE OF CONTENTS

| | Page |
|---|-------------|
| I. STATEMENT OF THE CASE | 2 |
| II. FACTUAL BACKGROUND | 3 |
| A. Subject Property and Surrounding Neighborhood | 3 |
| B. The Proposed Use, Landscaping, Lighting, Signage and the Environment | 7 |
| C. Operational Characteristics | 9 |
| D. Community Reaction | 14 |
| E. Master Plan Conformance and Compatibility with the Neighborhood | 14 |
| III. FINDINGS AND CONCLUSIONS | 15 |
| A. Standard for Evaluation | 16 |
| B. Specific Standards | 18 |
| C. General Standards | 21 |
| D. Additional Applicable Standards | 26 |
| IV. DECISION..... | 30 |

standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:

(1) Luminaires must incorporate a glare and spill light control device to minimize glare and light trespass.

(2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.

Conclusion: Technical Staff concluded that “direct lighting is not intruding into any adjacent residential property. Most of the lights on the property are located near the walkways and along the front yard, and have glare shields. Those closest to the neighboring property on the east are buffered by evergreen hedges. The four wall-mounted lights, one on each side of the house, are directed down to the property and have glare shields.” Exhibit 22, p. 13. The Hearing Examiner therefore finds that there will not be objectionable illumination or glare at the site as a result of the special exception.

Based on the testimony and evidence of record, I conclude that the group day care home use proposed by Petitioner, as conditioned below, meets the specific and general requirements for the special exception, and that the Petition should be granted, subject to the conditions set forth in Part IV of this Opinion and Decision.

IV. DECISION

Accordingly, based on the foregoing findings and conclusions, the Petition of Humberto Losada (Petition No. S.E. 14-03) for a special exception in the R-60 Zone to operate a group day care home for up to 12 children in an existing single-family detached home, at 2311 Dennis Avenue, Silver Spring, Maryland, is hereby **GRANTED**, subject to the following conditions:

1. The Petitioner shall be bound by all of his testimony and exhibits of record, and by his representations identified in this Opinion and Decision.

2. In accordance with Code § 59-G-2.13.1(a)(4), the Petitioner shall be bound by the Affidavit of Compliance submitted in connection with this case, Exhibit 7, in which Petitioner certified that he will comply with and satisfy all applicable State and County requirements, correct any deficiencies found in any government inspection, and be bound by the affidavit as a condition of approval for the special exception.
3. The group day care home use may not have more than 12 children on site at any one time; nor shall the number of children exceed the number authorized by State licensing authorities. The ages of the permitted children will be determined by State licensing authorities.
4. Physical improvements are limited to those shown on the site plan and landscape plan submitted with the application.
5. The hours of operation are limited to Monday through Friday, 7:30 A.M. to 5:30 P.M.
6. Vehicular arrival and departure times for the children must be staggered, through contractual agreement between the operator of the day care home and the parents, so that no more than five vehicles visit the site within any one-hour period to drop off or pick up children. In no event may a child be dropped off before Petitioner or a staff member is present to supervise that child; nor may a child be left alone if a parent is late in making a pick-up.
7. Petitioner may have up to two non-resident staff members on site at any given time, and they must park on the street abutting the site, in accordance with Zoning Ordinance §59-E-3.7. Petitioner must also park on the street during operational hours to leave the area of the on-site parking pad available for pick-ups and drop-offs of children. In light of this condition, the two parking spaces for the non-resident employees required by Zoning Ordinance §59-E-3.7 are hereby allowed to be located on the street abutting the site rather than on the site itself.
8. Children must be accompanied by an adult to and from the child-care entrance.

9. Petitioner shall not use a public address system of any kind outside the building, nor shall any amplified music be played outside the building.
10. All children must be under the direct supervision of a staff member at all times. No more than 8 children shall be permitted to play outdoors at any one time. Outdoor play times must not start before 9:00 a.m. All gates or other access to the outside play area must be secured during outdoor play in a manner that will prevent any of the children present from opening such access and wandering off.
11. The Petitioner shall maintain the grounds in a clean condition, free from debris, on a daily basis.
12. Petitioner may not display a sign for the child care facility unless it is approved by the Department of Permitting Services and a permit is obtained. A sign, if erected, may not exceed two square feet and may not be lighted. A copy of the permit should be filed with OZAH before any sign is posted.
13. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

Dated: February 6, 2014



Martin L. Grossman
Hearing Examiner