




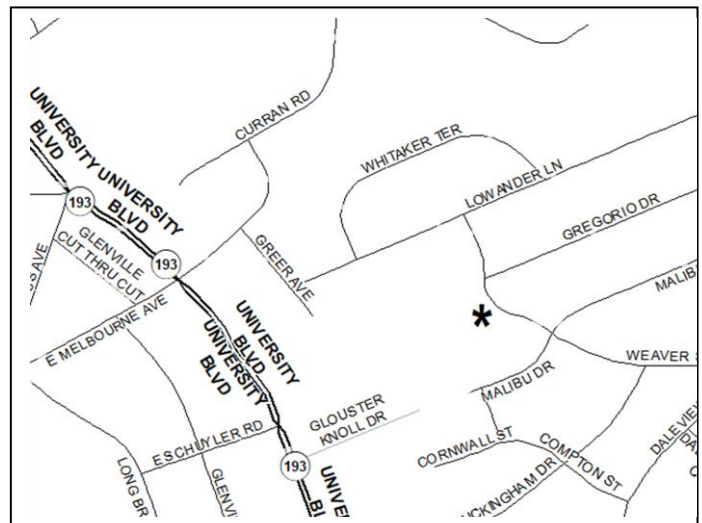
New Angels Day Care, Conditional Use No. CU 2019-08

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Staff Report Date: 09/16/19

Description

- Request for a Group Day Care Facility for 12 Children
- Address: 9408 Weaver Street, Silver Spring
- Zone: R-60
- Site: 10,604 square feet
- Master Plan: 2000 East Silver Spring
- Applicant: Ana David, Owner
- Filing Date: June 5, 2019
- Public Hearing: October 4, 2019 at the Hearing Examiner's Office



SUMMARY

Staff recommends **Approval** of Conditional Use (CU)2019-08 for a group day care facility for up to 12 children and two non-resident employees.

Staff supports the Applicant's request under Section 59.6.2.10 of the Zoning Ordinance that allows a waiver from Section 59.6.2.4.C of the Zoning Ordinance requirement for one bicycle parking space.

Section I: Staff Recommendation:

Staff recommends approval of a Conditional Use (CU 2019-08) for a group day care facility with the following conditions:

1. The group day care facility is limited to 12 children and 2 non-resident employees.
2. The hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m.
3. Outside play time may not start prior to 9:00 a.m. and may not extend beyond 5:00 p.m.
4. Drop-off/pick-up operations are limited to one vehicle every 15 minutes during both the morning and evening peak periods (7:00 AM – 9:30 AM; 4:00 PM – 6:00 PM).

Section II: Project Description**A. Background**

The Subject Property is located at 9408 Weaver Street (“Property” or Site”), south of the intersection with Gregorio Drive in Silver Spring. The Property is zoned R-60 and contains 10,604 square feet of land. The Property is recorded in the County Land Records as Plat #4963, Lot 5, Block E, Franklin Vale Subdivision.

The Applicant, Ana David, owns and lives in the dwelling unit on the Property. The Applicant is the owner of an existing family day care facility for 8 children that has operated in the residence since September 2017. Section 59-3.1.6 of the Zoning Ordinance allows a family day care facility for 8 individuals as a permitted use in the R-60 zone.



Figure 1: View of Site from Weaver Street (looking west)

B. Site Description

The Property is an irregular pentagon-shaped lot with approximately 54 feet of frontage on Weaver Street. It is developed with a single-family detached dwelling unit with a large concrete parking pad and driveway that access onto Weaver Street. Sidewalks are located along both sides of Weaver Street. A large tree and

foundation plantings are located in the front yard of the dwelling unit. From the concrete parking pad in the front yard, a set of stairs lead to the front door, the main entrance to the proposed use. There is a light fixture mounted to the right of the front door. The rear yard is enclosed with a chain link fence. Several large trees located in the rear yard provide shade to the enclosed play area.

C. Neighborhood Description

The neighborhood is bounded to the north by East Melbourne Avenue, Greer Avenue and Lowander Lane, to the east by Malibu Drive and Weaver Street, to the south by Buckingham Drive to the south and to the west by University Boulevard (MD 193). The surrounding properties are zoned R-60 and developed with one-family detached residential dwelling units, except for the RT-12.5 zoned properties developed as townhouses located southwest of the subject property. The Mount Jezreel Baptist Church located on MD 193 abuts the property along the western property line. There are three approved conditional uses located within the defined neighborhood as follows:

- S-2639 located at 440 East University Boulevard for the construction of an antenna to the existing building approved on July 27, 2005;
- S-2877 located at 426 East University Boulevard, the Mount Jezreel Baptist Church property, for an independent senior housing facility approved on November 22, 2016; and
- (CU)2017-12 located at 700 Buckingham Drive for a private club approved on May 5, 2017.



Figure 2: Defined Neighborhood Outlined in Red, (Subject Property highlighted in blue)

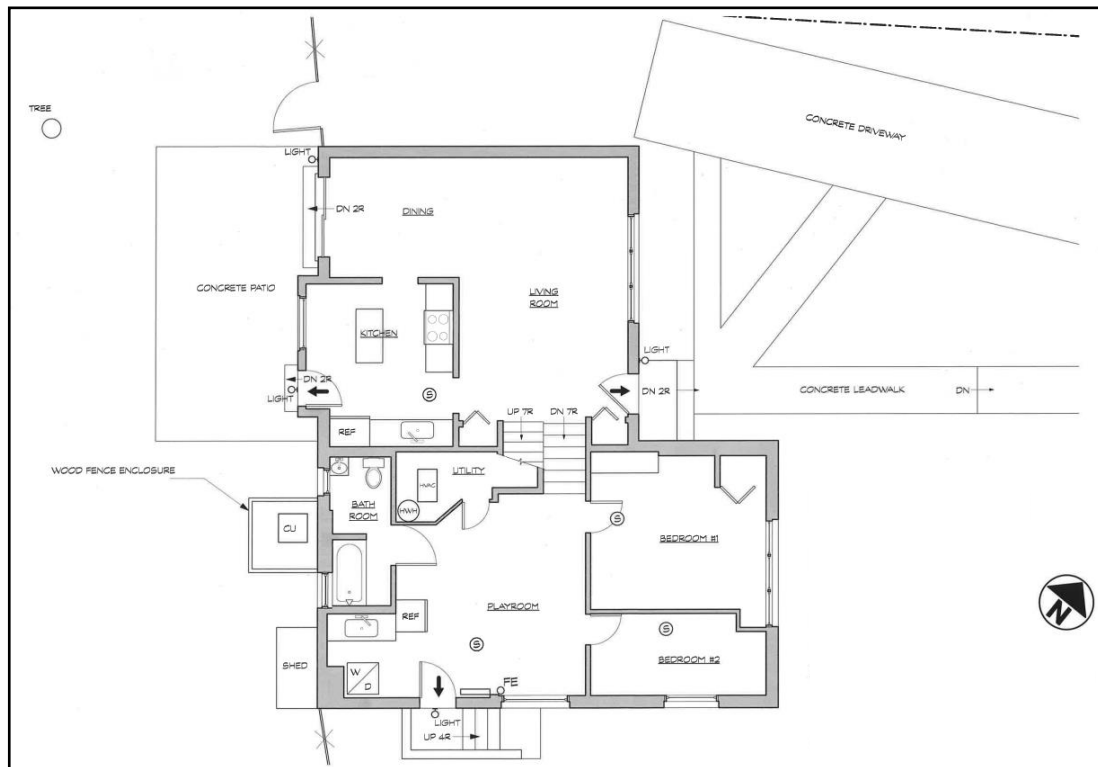
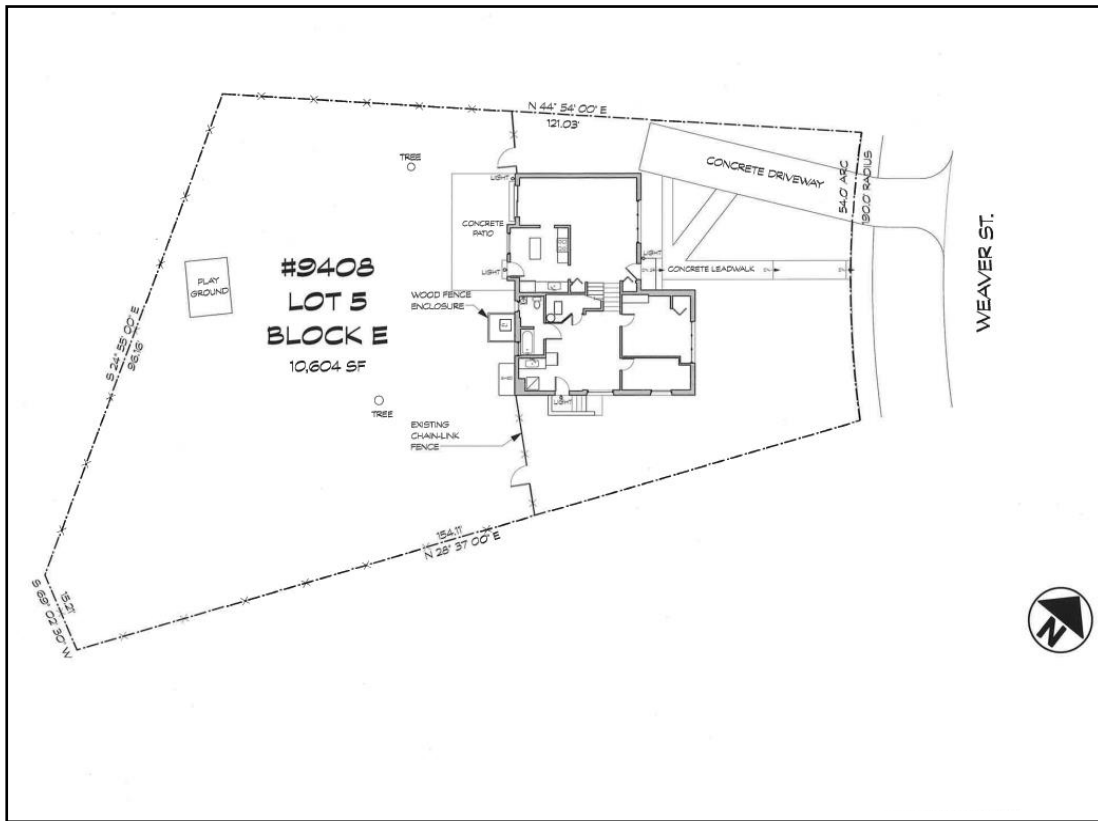
D. Zoning History

The Property is located within the 2000 *East Silver Spring Master Plan* (Master Plan) area. The Master Plan reconfirmed the R-60 zone for this Property. There are no previously approved conditional uses for the Property. The Applicant has been operating a child-care facility for 8 children on the Property since September 2017 which is a permitted use in the R-60 zone.

E. Proposed Use

The Applicant is proposing to operate a group day care facility for 12 children in her home. The Applicant owns and lives on-site in the dwelling unit. The proposed group day care facility will be in a portion of the house's first floor and basement and will consist of approximately 797 square feet. Two non-resident employees and the resident owner will be associated with the use. The hours of operation will be 7:00 am to 6:00 pm, Monday through Friday.

Arrival times for staff and children will occur between 7:00 a.m. and 10:00 a.m., while departure times will occur between 4:30 p.m. and 6:00 p.m. There will be no more than five parents on-site to either drop off or pick up children during any-one-hour period. Existing staff use public transportation or walk to the site. This commuting practice by staff will continue under the requested use. Two parking spaces are proposed for the use. There will be no physical changes to the residence. No additional landscaping is proposed. No additional lighting is proposed by the Applicant as the existing lighting, residential in nature, will remain unchanged. There is no signage proposed under this application.



Section III: Analysis and Findings

A. Development Standards

The proposed use meets the R-60 Zone Development Standards as shown in Table 1.

Table 1 Development Standards for the R 60 Zone

Development Standards	Required	Proposed
Minimum Lot Area (59.4.4.9.B.1)	6,000 sf	10,604 sf
Minimum Lot Width (59.4.4.9.B.1) <ul style="list-style-type: none">At front building lineAt front lot line	60 ft. 25 ft.	60 ft. 54 ft.
Maximum Lot Coverage (59.4.4.9.B.1)	35%	11.4%
Minimum Building Setback (59.4.4.9.B.2) <ul style="list-style-type: none">FrontSideRear	25 ft. 8/18 ft. 20 ft.	30 ft. 11/30 ft. 60 ft.
Maximum Building Height (59.4.4.9.B.3)	35 ft.	35 ft.
Parking Requirements (59.6.2.4.B)	4 spaces	4 spaces ¹

¹ The residential use requires 2 parking spaces and the proposed group day care facility requires 1 parking space for each employee, thus 2 employee parking spaces required. According to Section 59.6.2.3.A.5.b of the Zoning Ordinance, any on-street parking in a right-of way can be counted toward the minimum number of required parking spaces if the space is abutting or confronting the subject property.

B. Master Plan

The site is located within the 2000 *East Silver Spring Master Plan* area which reconfirmed the R-60 zone for the site. While the Plan contains no specific recommendations for the site, it does offer the following relevant Goals and Objectives:

Land Use and Zoning

- *Preserve the residential character of East Silver Spring neighborhoods. (p. 6)*
- *Retain the existing single-family detached character throughout most of East Silver Spring. (p. 26)*

Public Facility and Community

- *Support the provision and location of adequate social, employment, and health facilities and services to meet the needs of area residents. (p. 28)*

Additionally, the Master Plan offered guidelines for the location of special exception land uses (now referred to as conditional uses) in residential areas. The following Guideline is applicable to this site:

- *New development, infill development, redevelopment and special exception uses should be compatible with the existing residential character. As a result, the existing land use pattern should remain essentially the same. Non-residential special exceptions are discouraged in predominantly residential areas to maintain residential character. (p.26)*

The requested conditional use, for a group day care facility, will be in an existing one-family residence. There are no exterior changes proposed with this use. The proposed use conforms to the Master Plan's recommendations for new conditional uses meeting the social needs of the community through the

provision of a group day care facility and by ensuring these new uses continue to maintain a residential appearance in the community.

C. Transportation

The requested conditional use satisfies the Local Area Transportation Review (LATR) and will have no adverse impacts to existing roadway conditions or pedestrian facilities. Staff recommends approval of the proposed conditional use and offers the following conditions and comments:

The conditional use is limited to:

- a. A maximum enrollment of 12 children and 3 staff (2 non-resident staff).
- b. Standard operating hours of Monday through Friday, 7:00 AM to 6:00 PM.
- c. One vehicle for drop-off/ pick-up operations every 15 minutes during both the morning and evening peak periods (7:00 AM – 9:30 AM; 4:00 PM – 6:00 PM).

Site Location and Vicinity

The Property is located on the west side of Weaver Street, between Lowander Lane and Malibu Drive. The Property is currently improved with a single family detached dwelling unit and concrete driveway with an access point on Weaver Street.

Weaver Street is improved as a secondary residential street within a 60-foot-wide right-of-way in the Franklin Vale subdivision. There are no specific recommendations for Weaver Street in the 2000 *East Silver Spring Master Plan*, 2013 *Countywide Transit Corridors Functional Master Plan*, or the 2018 *Bicycle Master Plan*. Weaver Drive is comprised of a 24-foot-wide roadway with parking on both sides of the street. This street width renders Weaver Street into a “yield condition” in which there is insufficient space for two cars to pass when vehicles are parked on both sides of the street. The yield condition is characteristic of many residential streets in the County and provides a positive traffic calming benefit to the community.

Transit service within the vicinity of the Property includes Montgomery County Ride On Route 14 (Silver Spring Metrorail Station – Takoma Metrorail Station) and WMATA Metro Bus Routes C2/C4 (Greenbelt Metrorail Station–Twinbrook Metrorail Station), located on MD 193 near the intersection of Buckingham Drive. This bus stop is within 1,000 feet of the Site, however, the walking path is approximately ½ mile based on the existing street network.

Site Access, Parking, and Circulation

Most site generated trips will originate from or be destined to MD 193, to the west of the Property, as a result of topography and the existing road network within the vicinity of the Property. The local street network is limited to the north by the I-495 Capital Beltway, to the east by the Northwest Branch, and to the south by developments fronting onto Piney Branch Road. In order to connect with MD193, most site generated trips will likely use either Weaver Street/Buckingham Drive, via the signalized intersection of MD 193 and Buckingham Drive, or Weaver Street/Lowander Lane, Greer Avenue/E. Melbourne Avenue via the unsignalized MD 193/E. Melbourne Avenue intersection.



Figure 5: Parking is unrestricted along both sides of Weaver Street and in front of the site

Adequate Public Facilities

The proposed development is estimated to generate 17 person trips during both the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. A summary of the estimated trip generation is provided in Table 2. Because the estimated transportation impact of the Project is less than 50 net new person trips, the Project satisfies the Local Area Transportation Review requirement without further analysis.

Table 2: Project Peak Hour Trip Generation

Total Proposed		Vehicle Rates		Policy Area Vehicle Trips		Person Trips	
Use	Total Units/GFA	AM	PM	AM	PM	AM	PM
Proposed Use							
Daycare Center (3 Employees) ¹		13	13	11	11	17	17
Total Net New Trips		13	13	11	11	17	17

¹ Institute of Transportation Engineers Trip Generation Manual, 10th Edition; Land Use Code 565.

Parking, Queuing and Loading Section 59.6.2

The intent of Section 6.2.1. is to ensure that adequate vehicle and bicycle parking, queuing, and loading requirements are provided in a safe and efficient manner.

Section 59.6.2.4.B Vehicle Parking Spaces.

Under Section 59.6.2.4.B, the parking requirements for a group day care facility located in a residential zone are based on the number of non-resident employees associated with the proposed use and required

parking spaces may be allowed on the street abutting the site. The subject application is proposing two non-resident employees which requires two parking spaces. This requirement has been met.

Section 6.2.4.C Bicycle Parking Spaces

A group day care use must provide a minimum of one long-term bicycle parking space. According to Section 6.2.6.A.1. of the Zoning Ordinance, *“Each long-term bicycle parking space must be provided within a building, covered parking garage, or bicycle locker located near the building or structure and the street or other bicycle right-of-way.”*

The Applicant is required to provide one long-term bicycle parking space on-site. To comply with the bicycle parking requirement either an outdoor bicycle storage locker or storage within the existing residence will need to be provided by the Applicant. An indoor bicycle space will need to comply with Zoning Ordinance design and maneuverability standards and could decrease the amount of square footage allotted to the proposed group day care use. An outdoor bicycle storage locker would need to be constructed and appropriately screened from other residential uses. These site design improvements with additional landscaping could change the appearance of the residential property as outdoor bicycle storage lockers are not usually found on R-60 zoned lots

The Applicant is requesting a waiver from Section 59.6.2.4.c of the Zoning Ordinance for the required one-long term bicycle parking space. Section 59-6.2.10 of the Zoning Ordinance entitled, Parking Waiver states that *the deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design satisfies Section 6.2.1.*

In discussions with the Applicant, it was noted that the current day care staff do not drive or park at the site but use transit or walk to and from the site. Clients also drop off and pick up their children by private automobile. Neither staff nor clients travel to the property by bicycle. Staff believes that these transportation patterns will continue in the future and it is highly unlikely that future clients or staff will bike to the site. Thus, Staff supports the Applicant’s waiver request for the one required bicycle parking space.

Section 59-6.4.4. E Outdoor Lighting Requirements

Outdoor lighting for conditional uses must be directed or screened to ensure that illumination is 0.1 footcandles or less at any lot lines that abuts a detached building type not located in a Commercial/Residential or Employment zone.

The Applicant is not proposing new outdoor lighting for the group day care facility. The existing lighting fixture to the right of the front door will remain. The existing on-site lighting is residential in nature and will not create a problem with illumination on abutting properties.

Section 6.5. Screening Requirements

Section 59.6.5.2.B. Agricultural, Rural Residential, and Residential Detached Zones

In the Agricultural, Rural Residential, and Residential Detached zones, a conditional use in any building type, except a single-family detached house, must provide screening under Section 6.5.3. if the subject lot abuts property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use. All conditional uses must have screening that ensures compatibility with the surrounding neighborhood.

The proposed use will be in a single-family detached house. There are no physical changes to the property or structure under this request. The existing on-site landscaping and screening will continue to ensure the compatibility of this conditional use to the surrounding neighborhood.

D. Environment and Forest Conservation

There are no champion trees on or near the Property. The Property is exempt from the Forest Conservation Law because it is less than 40,000 square feet. A non-applicability form was confirmed by Staff on May 31, 2019 and was included in the submittal package. Therefore, no forest conservation or environmental issues are associated with this proposed use.

E. Other Agency Comments

The Department of Permitting Services (DPS) deems a group day care for 12 or more children located in a detached single-family house as a commercial use. As a commercial use, the Applicant will be required to submit architectural and/or engineering drawings to DPS and to install a sprinkler system. On December 10, 2018 the Applicant met with DPS, Division of Fire Prevention and Code Compliance staff to review these requirements. The DPS memo outlining this review is contained in Attachment C.

F. Community Concerns

In the application package, the Applicant submitted several letters of support for the existing day care and the proposed expansion to 12 children. These letters are included as Attachment D. To date, no other letters from the community have been received.

Section IV: Conditional Use General and Specific Findings

Sec. 59.7.1.E. Necessary Findings

1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:

- a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

No previously approved conditional uses are associated with this site.

- b. satisfies the requirements of the zone (Division 59-4), the use standards under Division 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6.*

The requested group day care facility is allowed as conditional use in the R-60 Zone. As shown previously in Table 1, under the Development Standards section, the proposed use meets the standards for the R-60-zone.

Section 3.4.4.D.2 Group Day Care (9-12 persons)

2. Use Standards

- a. *Where a Group Day Care (9-12 Persons) is allowed as a limited use, it must satisfy the following standards:*

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

The proposed facility is located in a single-family detached residential unit.

- ii. *In a detached house, the registrant is the provider and a resident. If the provider is not a resident, the provider may file a conditional use application for a Day Care Center (13-30 Persons) (see Section 3.4.4.E.*

The Applicant will be the provider of the proposed group day care. The Applicant is also a resident of the Property and is the current owner.

- iii. *In a detached house, no more than 3 non-resident staff members are on-site at any time.*

As recommended in the conditions of approval, no more than two (2) non-resident staff are permitted on site at any time.

- iv. *In the AR zone, this use may be prohibited under Section 3.15, Transferable Development Rights.*

Not applicable, the site is located in the R-60 zone.

- b. *Where a Group Day Care (9-12 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards and Section 7.3.1, Conditional Use.*

As noted above, the proposed group day care satisfies all the limited use standards for this type of conditional use.

- c. *substantially conforms with the recommendations of the applicable master plan.*

The Property is located in the 2000 *East Silver Spring Plan Master Plan* area. As discussed under the Master Plan section of this report, the proposed use substantially conforms with the Master Plan recommendations by addressing social needs of the community by providing child day care facilities and by encouraging conditional uses that maintain the residential character of an area.

- d. *Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.*

The proposed use will be harmonious with the character of the surrounding one-family neighborhood. There are no new structures proposed by this conditional use nor will the scale or design of the existing residential use increase in size. The activities and traffic conditions associated with the use will be limited to specific hours of operation and days of the week, as stated in the

recommended conditions of approval. Therefore, the proposed use will not alter the character of the surrounding neighborhood in a manner inconsistent with the Master Plan.

- 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 predominately residential nature of the area; a conditional use application that conforms with the recommendations of a master plan does not alter the nature of the area.*

The defined neighborhood contains three approved conditional uses. The requested use does not significantly increase the number of conditional uses in a manner that would affect the area adversely or alter its residential nature. Moreover, the proposed use conforms with the Master Plan recommendation for offering child day care facilities in the Silver Spring area.

- 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 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 facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or*
 - ii. *If a preliminary plan of subdivision 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.*

A Preliminary Plan of subdivision is not required, as the Property was subdivided in 1957. The Property is served by adequate public services and facilities. There are no land disturbing activities associated with the requested use therefore, the existing storm drainage facilities are adequate for the site.

- 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 lack of parking; or*
 - iii. *The health, safety or welfare of neighboring residents, visitors or employees.*

The proposed development will not cause undue harm to the neighborhood as a result of non-inherent adverse effect alone or in the combination of inherent and a non-inherent adverse effect of the defined categories.

An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every conditional use has some or all these effects in varying degrees. What must be determined during the course of review is whether these

effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, inherent effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

The inherent physical and operational characteristics necessarily associated with a child daycare include: (1) vehicular trips to and from the site; (2) outdoor play areas and (3) noise generated by children.

With the development conditions as proposed by staff, there are no adverse traffic impacts that would result from the proposed conditional use. The Applicant will use the driveway and street frontage along Weaver Street for drop-off and pick-up of children. Employees do not drive to the site but do take public transportation or walk. This commuting practice will continue in the future. Outdoor play will not begin before 9:00 a.m. and no outdoor play is permitted after 5:00 p.m. as recommended by staff. No new lighting is proposed, and all lighting is adequate and consistent with the residential character of the neighborhood. The site is well landscaped, the entire rear yard is enclosed with a chain link fence. There are no non-inherent characteristics associated with this proposed conditional use.

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.*

Not applicable as no construction, reconstruction or alterations to the existing residence are proposed by this conditional use.

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.*

The proposed group day care facility use meets the specific requirements for such a use. With the recommended conditions of approval, the proposed use will be compatible with the nearby properties.

4. *In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.*

Not applicable, as the site is in the R-60 zone.

5. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:*
 - a. *Filling Station;*
 - b. *Light Vehicle Sales and Rental (Outdoor);*
 - c. *Swimming Pool (Community); and*
 - d. *the following Recreation and Entertainment Facility use: swimming pool, commercial.*

Not applicable, as the requested use is not among the above listed uses.

6. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:*

- a. *Funeral Home; Undertaker;*
- b. *Hotel, Motel;*
- c. *Shooting Range (Outdoor);*
- d. *Drive-Thru*
- e. *Landfill, Incinerator, or Transfer Station; and*
- f. *a Public Use Helipad, Heliport or a Public Use Helistop.*

Not applicable, as the requested use is a child day care facility.

Section V: Conclusion

Staff recommends approval of Conditional Use 2019-08 for a group day care facility subject to conditions stated on page 2 of the staff report. Staff recommends approval of the requested waiver from Section 59.6.2.4.C. of the Zoning Ordinance for the one required bicycle parking space.

Attachments

Attachment A: Site Plan, Floor Plan

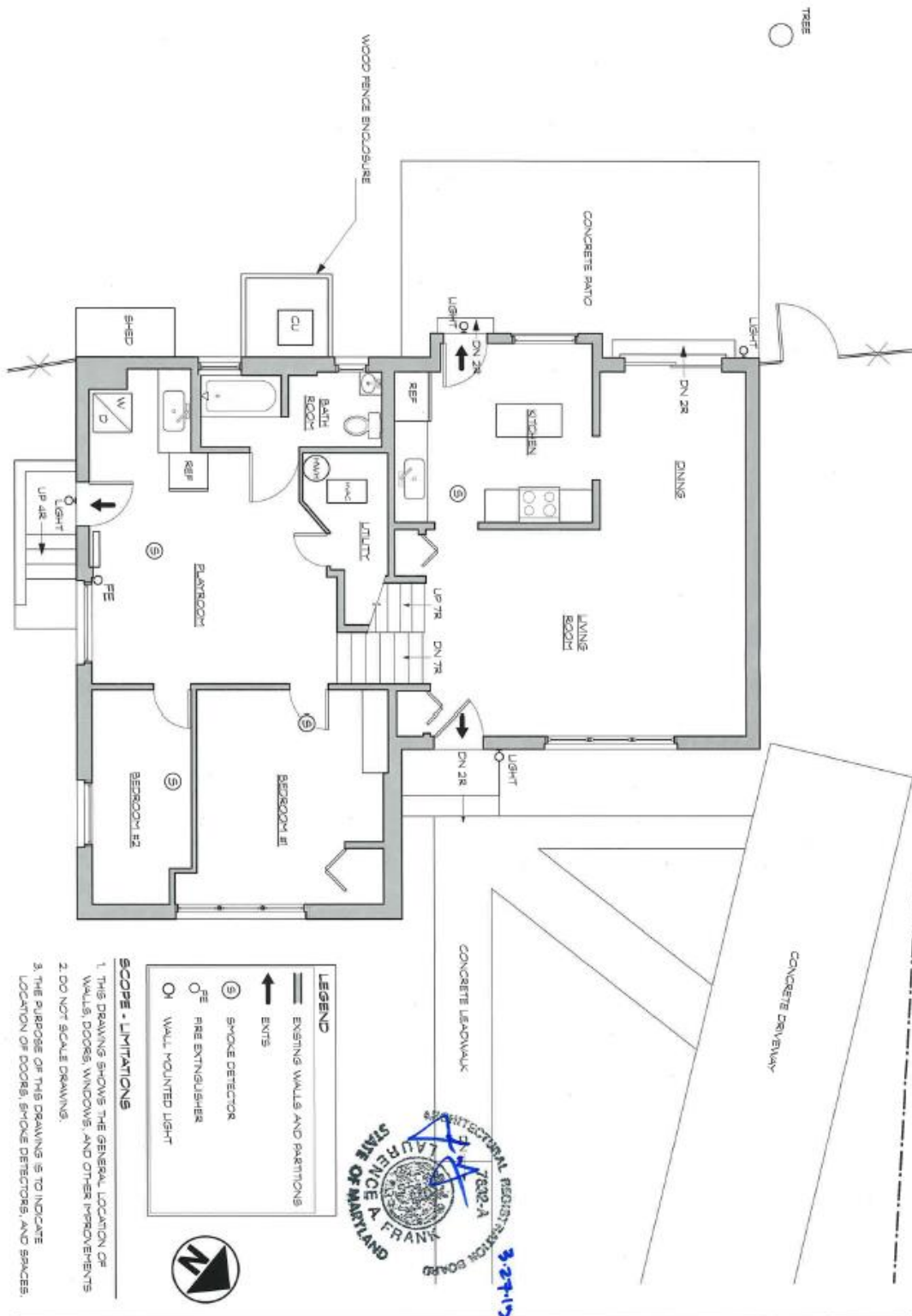
Attachment B: Staff Memos

Attachment C: DPS Fire Prevention and Code Compliance Memo

Attachment D: Letters of Support

Attachment E: Applicant's Bicycle Parking Space Waiver Request





EC-2

27 March 2019

New Angels Child Care
9408 Weaver Street, Silver Spring, MD 20901
FLOOR PLAN
Scale: 3/16" = 1'-0"

#1912

BENNETT FRANK MCCARTHY
architects, inc.

1400 Spring Street, Suite 320, Silver Spring, Maryland 20910-2755
(301) 585-2222 www.bfmarch.com fax (301) 585-8917

MEMORANDUM

July 5, 2019

TO: Ashley Phelps, Planner
Development Applications & Regulatory Coordination Division

FROM: Matthew Folden, AICP, Planner Coordinator
Area 1 Planning Division

SUBJECT: Board of Appeals Petition No. CU 201908, 9408 Weaver Drive
Conditional Use Group Day Care (9-12 persons)
2000 East Silver Spring Master Plan
Silver Spring/ Takoma Park Policy Area

This memorandum summarizes the Transportation Adequate Public Facilities (APF) review of the subject Board of Appeals petition. The petitioner is requesting approval to establish a conditional use Group Day Care (9 -12 persons), for up to 12 children and three staff (two non-resident staff), at 9408 Weaver Drive in Silver Spring. The requested use would operate Monday – Friday from 7:00 AM – 6:00 PM and is governed by the definition and use standards set forth in section 59.3.4.4.E of the Zoning Ordinance.

RECOMMENDATIONS

Staff finds that the requested conditional use satisfies the Local Area Transportation Review and will have no adverse impacts to existing roadway conditions or pedestrian facilities. As a result, staff recommends approval of the conditional use petition and offers the following conditions and comments:

1. The conditional use must be limited to:
 - a. A maximum enrollment of 12 children and 3 staff (2 non-resident staff).
 - b. Standard operating hours of Monday through Friday, 7:00 AM to 6:00 PM.
 - c. One vehicle for drop-off/pick-up operations every 15 minutes during both the morning and evening peak periods (7:00 AM – 9:30 AM; 4:00 PM – 6:00 PM).

DISCUSSIONSite Location and Vicinity

The site is located on the west side of Weaver Drive, between Lowander Lane and Malibu Drive. The Site is currently improved with a single family detached dwelling unit and concrete driveway that has one access point on Weaver Drive.

Weaver Drive is improved as a secondary residential street within a 60-foot-wide right-of-way in the Franklin Vale subdivision (Plat No. 4963, dated 1957) of the Montgomery Knolls neighborhood. There are no specific recommendations for Weaver Drive in the 2000 East Silver Spring Master Plan, 2013 Countywide Transit Corridors Functional Master Plan, or the 2018 Bicycle Master Plan. Weaver Drive is

comprised of a 24-foot-wide roadway with parking on both sides of the street. This street width renders Weaver Street into a “yield condition” in which there is insufficient space for two cars to pass when vehicles are parked on both sides of the street. The yield condition is characteristic of many residential streets in the County and provides a positive traffic calming benefit to the community.

Transit service within the vicinity of the site includes Montgomery County Ride on Route 14 (Silver Spring Metrorail Station – Takoma Metrorail Station) and WMATA MetroBus Routes C2/C4 (Greenbelt Metrorail Station – Twinbrook Metrorail Station), located on University Boulevard near the intersection of Buckingham Drive. This bus stop within 1,000 feet of the Site, however, the walking path is approximately ½ mile based on the existing street network.

Site Access, Parking, and Circulation

Most site generated trips will originate from or be destined to University Boulevard MD193 (to the west of the Site) as a result of topography and the existing road network within the vicinity of the Site. The local street network is limited to the north by the I-495 Capital Beltway, to the east by the Northwest Branch, and to the south by developments fronting onto Piney Branch Road. In order to connect with University Boulevard, most site generated trips will likely use either Weaver Drive/ Buckingham Drive, via the signalized intersection of University Boulevard and Buckingham Drive, or Weaver Drive/ Lowander Lane, Greer Avenue/ E. Melbourne Avenue via the unsignalized University Boulevard/ E. Melbourne Avenue intersection.

Adequate Public Facilities

The proposed development is estimated to generate 17 person trips during both the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. A summary of the estimated trip generation is provided in Table 1. Because the estimated transportation impact of the Project is less than 50 net new person trips, the Project satisfies the Local Area Transportation Review requirement without further analysis.

Table 1: Project Peak Hour Trip Generation

Total Proposed		Vehicle Rates		Policy Area Vehicle Trips		Person Trips	
Use	Total Units/GFA	AM	PM	AM	PM	AM	PM
Proposed Use							
Daycare Center (3 Employees) ¹		13	13	11	11	17	17
Total Net New Trips		13	13	11	11	17	17

¹ Institute of Transportation Engineers Trip Generation Manual, 10th Edition; Land Use Code 565.

**Development Applications and Regulatory Coordination Division**

Effective 6/29/2015

M-NCPPC

8787 Georgia Avenue, Silver Spring, MD 20910

301-495-4550, fax: 301-495-1306

APPLICATION

Forest Conservation Law Applicability for Conditional Uses/Special Exceptions**Property Information**

Address: 7408 WEAVER ST City: SILVER SPRING
Subdivision Name: 135 Plat(s): 5 Lot(s): F Block(s):
Property Tax ID 1: 01402392 Property Tax ID 2: Tax Map: Parcel(s):
Property Tax ID 3: Property Tax ID 4:

Applicant (Owner, Contract Purchaser, or Owner's Representative)

Name: ANA Company: NEW ANGEL CHILD CARE
Street Address: 7408 WEAVER ST
City: SILVER SPRING State: MD Zip Code: 20901
Phone Number: 240-618-9753 Email Address: ana.david@hotmail.com

Total Area of Property: _____ acres 10.604 square feet

Applicant attests that the following statements apply to the subject property conditional use/special exception application:

- ☐ The application does not propose any clearing or grading activities on or near the conditional use/special exception site. (Requires plan number and M-NCPPC signature below)

OR, all of the following:

- ☒ The application applies to a property of less than 40,000 square feet. (Not subject to Forest Conservation Law; requires M-NCPPC signature below)
- ☒ The property is not subject to a previously approved Forest Conservation Plan.
- ☒ The conditional use/special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.

PLEASE NOTE: If regulated activities occur on the property other than what is being attested to, the exemption immediately terminates without action by the Planning Board. The Planning Director may require the submission and approval of a Natural Resources Inventory/Forest Stand Delineation and a Forest Conservation Plan, and may also issue a fine of up to \$1,000 per day.

Applicant's Signature: ANA DAVID Date: 4-4-19
Printed Name: ANA E DAVID

For Staff Use Only

M-NCPPC acknowledges that the conditional use/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.

Plan Name: 9408 Weaver Drive
Plan Number: 4 20192108

M-NCPPC Signature: [Signature]
Printed Name: Anthony Phelps

Date: 05/13/19



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Diane R. Schwartz Jones
Director

Preliminary Design Consultation for Conditional Use Applicants – DFPCC Meeting Summary

Meeting Date: 12/10/2018

Attendees:

Patsy Warnick, PE, CSP – DFPCC
Tyler Mosman, PE – DFPCC
Anna David – Owner, Applicant

Property Address: 9408 Weaver St, Silver Spring, MD 20901

Project Description: Expansion from existing family child care with eight (8) children for up to twelve (12) children, no more than four (4) children under two years of age. Child care at the above property address is proposed to extend from the basement, to basement and first floor, with napping areas to remain in basement. Applicant desires future option of providing preschool education in addition to the child care. (Not being considered at this time by DPS)

Consultation Summary: DFPCC Engineers advised the applicant of the following:

- The Fire Code Compliance permit for the current family child care operation is expired. Applicant must request a Fire Marshal inspection through the DPS website to renew the FCC permit.
- Information provided at the consultation is specific to new Group Family Day Cares as defined by the 2015 NFPA 101 *Life Safety Code*, as amended by Montgomery County.
- The applicant is advised to keep instruction (education) of the children to less than twelve (12) hours per week. Instruction more than this amount for nine (9) or more children will require a commercial change of use and significant changes.
- The applicant did not provide a visual layout or depiction of the house. Based on the information provided, the applicant will need to provide protection of vertical openings in accordance with the *Life Safety Code* as follows:
 - 16.6.3.1.1 For group day-care homes, the doorway between the level of exit discharge and any story below shall be equipped with a fire door assembly having a 20-minute fire protection rating.
 - 16.6.3.1.2 For group day-care homes where the story above the level of exit discharge is used for sleeping purposes, there shall be a fire door assembly having a 20-minute fire protection rating at the top or bottom of each stairway.

The applicant was advised that a design professional (licensed architect or engineer) may find an acceptable solution to providing the fire-rated door and associated enclosure at the top and bottom of the stairway to separate the floors. Additionally, based on the information provided by the applicant, the DFPCC engineers discussed that the above items are not a complete and extensive list of the possible requirements. Any construction of partitions or walls for the installation of the fire-rated doors requires a permit from DPS.

Patsy Warnick, PE, CSP – Sr. Permitting Specialist, Fire Marshal
Division of Fire Prevention and Code Compliance



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices



MONTGOMERY COUNTY CHILD CARE RESOURCE AND REFERRAL CENTER

January 31, 2019

To Whom It May Concern:

Ana David is a registered Family Child Care and has been added to Locate: Child Care data base on 09/26/2017. Locate; Child Care offers free counseling and referrals for parents looking for license child care program in Montgomery County.

Mrs. David has been providing child care services for an average of 2,860 total hours a year, from Monday through Friday starting as early as 7:00 am until 6:00 pm

Mrs. David is in the process to expand the capacity of her family child care program from 8 children to 12 children from birth to five years old.

I strongly recommend New Angels Childcare to expand to a Large family Child Care to meet the demands and needs of the Silver Spring Community.

If you have any questions, please contact me at 240-777-3249 or via email.

Paulina Alvarado
Quality Enhancement Coordinator
DHHS/Early Childhood Services/MCCCR&RC
Paulina.alvarado@montgomerycountymd.gov

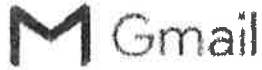
JAN 31 2019

Department of Health and Human Services · Early Childhood Services

Children's Resource Center · 1401 Rockville Pike, Suite 200 · Rockville, Maryland 20852

240-777-1457 · 301-279-1810 TTY · 240-777-4497FAX

www.montgomerycountymd.gov/earlychildhoodservices



Ignacio Paulino <iapaulino31@gmail.com>

Fw: Recommendation

1 message

Matty David <matty.david@hotmail.com>
To: "iapaulino31@gmail.com" <iapaulino31@gmail.com>

Thu, Jan 3, 2019 at 8:15 PM

From: Eunice Ștefan <eunicekstefan@gmail.com>
Sent: Tuesday, January 1, 2019 10:10 PM
To: Matty David
Subject: Recommendation

January 1, 2019

To Whom it May Concern

This is a letter recommending Angel Daycare and Ms. Ana David to open a pre-kindergarden school. Our daughter has been attending Angel Daycare since she was 9 months old and she is now a year and half. Since then she has learned and developed many new skills. Ana is consistent with the children and reinforces activities daily. The types of activities she provides are diverse and addresses all parts of development, both physically and mentally. She reads out loud to them, teach colors, numbers and letters through painting and crafts, teach songs and dance and spend time outdoors among many other activities. My daughter has also progressed a great deal in potty training and Ms. David has been very supportive especially as we are new to this stage. She also is accommodating to my requests and needs as a parent. Ms. David and the other assistants make a big effort to connect parents with each other through celebrating each child's birthday and holiday celebrations. Angel Daycare provides quality care and prepares infants for school. By founding a pre-school, I believe they will greatly benefit the community and children in this neighborhood.

Sincerely,

Eunice Ștefan

JAN 3 1 2019

To: Office of Zoning and Administration
From: Matthew and Kis Hale
Date: December 23, 2018

December 23, 2018

To whom it may concern:

We write to recommend Ana David and the "New Angel Children" daycare program she leads. As the parents of a 2-year old girl who has been attending this program since May 2018, we have been impressed by the care provided to our daughter, the focus on the development of our child's skills, and the overall organization and professionalism of "New Angel Children."

One reason we selected "New Angel Children" daycare program is that we felt confident that Ana was a caring individual who would give our daughter the love and attention she needs. Even during our initial, exploratory visit to the daycare facility, Ana engaged with our daughter by dancing with her a little bit and by excitedly showing her various toys. When Ana greets our daughter in the morning, she offers a big, genuine smile and a hug. Although completely unnecessary and unexpected, Ana threw a beautiful birthday party for our daughter this past September and has given her presents for her birthday and for the Christmas holiday. On one day when our daughter was not feeling well, Ana made sure she had the chance to take extra long naps. Furthermore, when we felt our daughter needed to move to a 1 nap/day rather than 2 naps/day schedule, "New Angel Children" immediately instituted the change. Ana also does a great job of providing video and photographic updates of our daughter engaged in different activities, which allows us as parents to get a sense of how things are going on a daily basis.

The care provided to our daughter extends to a keen focus on the development of her skills. "New Angel Children" provides a wide range of age-appropriate activities—painting, drawing and coloring, craftwork, music and dancing, outdoor physical activity such as climbing, swinging in a swing, sliding down a slide, and playing with balls—that stimulate our daughter's fine motor skills and/or muscle development and coordination. Equally important is the attention paid to our daughter's verbal and numeracy skills. The reading circle Ana leads encourages our daughter to identify and verbalize different objects and animals. "New Angel Children" is also working with our daughter on necessary greeting ("hi daddy! How are you?") and common courtesy ("please" and "thank you") skills. Ana's creative use of a big rug with numbers on it—she calls out numbers and encourages the children to find the number and stand or jump on it—has reinforced our daughter's developing recognition of numbers 1-10. Not to be forgotten, furthermore, is the potty-training work "New Angel Children" is doing with our daughter. Although our daughter has not yet mastered potty-training, she understands the general concept and is surely going to get the hang of it soon, in large part because of the help she has received at daycare.

JAN 31 2019

Last but not least, we have appreciated the organization and professionalism of Ana and the program she runs. The daycare facility itself is thoughtfully organized, well supplied with age-appropriate supplies, and always clean and tidy. The children also benefit from a highly structured day and meticulous planning, which provides a comforting sense of routine and continuous stimulation. Notice of special events, program closures, and the need for additional baby wipes or diapers are helpfully communicated to parents on a regular basis, while official receipts for daycare payments are provided in a timely fashion. Last but not least, Ana hires high-quality associates who clearly reflect her own commitment to loving care, skill development, and professionalism.

In sum, Ana David has the interpersonal qualities and administrative competencies needed to successfully manage a preschool program. Because our daughter has flourished so well under her care, we are confident that a preschool program would be a successful addition to New Angel's current offerings.

Thank you for your time and consideration. If you would like to inquire further, we can be reached at: 410-419-5651 and mrh107@gmail.com (Matthew Hale cell and email) or 301-905-6597 and kis.robertson@gmail.com (Kis Hale cell and email).

Sincerely,

Matthew and Kis Hale
908 Roswell Drive
Silver Spring, MD 20901

JAN 31 2019

01/04/2019

To Whom It May Concern,

It is with great pleasure that I recommend New Angels daycare for certification as a pre-school center. Ana and Matty David have been taking care of our son Theodore for over one year since he was 13 months old, and we have been exceedingly happy with the care and education they have provided him. Matty has been warm, kind and caring in helping Theo transition to the daycare.

New Angels has a great routine that I think has helped Theo thrive and learn. They encourage play based learning, and use of fine motor skills through activities with tactile objects such as pompoms and pipe cleaners. They provide the children with fun crafts that have themes. They are often in contact with us throughout the day with photos, reaffirming that Theo is happy and safe. They are extremely receptive to questions or requests we have, and communication has been open and helpful.

Finally, we are continually surprised at what Theo has learned at New Angels. He could count beyond 10 in both English and Spanish, and has learned colors and many other words in Spanish before the age of 2. He is even recognizing letters of the alphabet and enjoys pointing them out in many situations. My husband and I feel this is thanks to the stimulating environment that Ana and Matty have created in their daycare, and we have no doubt that they will provide a fantastic pre-school center.

Sincerely,



Katy Lafen and Julien Xavier
240-604-7834

JUL 25 2019

Montgomery County
Planning Department

JULY 25, 2019

I, ANA DAVID, THE APPLICANT FOR
NEW ANGELS DAYCARE, CU-2019-18, REQUEST
A WAIVER FROM SECTION 59.6.2.4.C, TO
PROVIDE ONE BICYCLE PARKING SPACE.

Ana E David