



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

MCPB
Item No.: 11
Date: 07/30/20

CU-20-05 Spectrum Retirement Communities: Conditional Use Request for Residential Care Facility (over 16 Persons)

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Completed: July 18, 2020

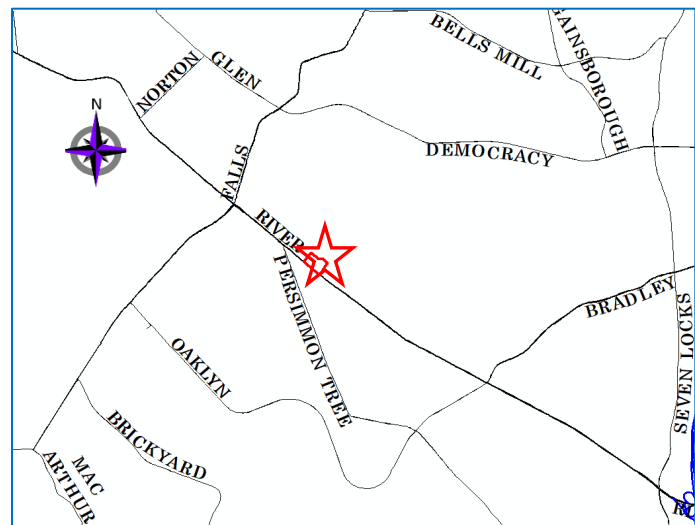
Description

Request for a Conditional Use to operate a 100-unit, 130-bed Residential Care Facility for (over 16 Persons) including an 18-unit memory care section, on a 5.93-acre property located at 9545 River Road on the north side of the Road, 0.5 mile east of its intersection with Falls Road in Potomac, MD, Identified as Parcel 786 Tax Account No. 10-00855533, RE-2 zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with conditions

Application Filed: March 19, 2020
OZAH Public Hearing: September 21, 2020
Planning Board Hearing: July 30, 2020

Applicant: Spectrum Retirement Communities



Summary

- With the recommended conditions, the proposed use conforms to all applicable requirements and regulations for approval of a Residential Care Facility Conditional Use for over 16 Persons, **Section 59.3.3.2.E.c** of the Montgomery County Zoning Ordinance and the applicable development standards under the RE-2-Zone (**Section 59. 4.4.4.B**)
- The subject use is consistent with the recommendations of the 2002 Potomac Subregion Master Plan and compatible with the character of the surrounding area.
- Approval of the requested Conditional Use will not cause undue harm or adverse impact on the immediate neighborhood.
- There are no traffic, circulation, noise or environmental issues associated with the application, provided that the recommended conditions are satisfied.
- The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Preliminary Forest Conservation Plan detailed in a separate report is recommended for approval with conditions.
- Staff has received community correspondence expressing issues and concerns regarding the proposed use as well as support for the proposal.
- The Conditional Use is subject to approval of a Preliminary Plan of Subdivision, and the adequacy of public facilities will be determined by the Planning Board at that time.

SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff recommends approval of CU-20-05 subject to the following conditions:

1. The maximum number of residential care units is limited to 100 units with 130 beds on 5.04 acres net tract area. Occupancy of the dwelling units shall be in accordance with the standards of Zoning Ordinance Section 59.3.3.2.E.2.c.ii.h.
2. The maximum number of employees on-site at any one time must not exceed 42.
3. There shall be no more than eight food supply deliveries to the facility per month.
4. The collection of solid waste refuse and recyclable materials must occur on weekdays only, between 8:00 a.m. and 9:00 p.m., consistent with Solid Waste Regulations. No collection shall occur on Saturdays or Sundays.
5. Landscaping must be in accordance with the revised Landscape Plan (revision date/engineer signature, May 18, 2020).
6. The Existing Conditional Use, Special Exception BAS-1782, must be vacated upon approval of the proposed Conditional Use (CU-20-05).
7. The Applicant must maintain 85 parking spaces as shown on the Conditional Use Plan and may not expand or reduce the parking facility without explicit permission from the Hearing Examiner through modification of this Conditional Use.
8. Prior to the issuance of any building permit for the subject Conditional Use, the Applicant must obtain approval of a Preliminary Plan of Subdivision and a Record Plat pursuant to Chapter 50 of the Montgomery County Code. If changes to the approved Conditional Use Site Plan or other plans filed in this case are required at Subdivision, the Applicant must file a copy of the revised site and related plans with OZAH.
9. As part of the Preliminary Plan, the Applicant shall provide additional operational information concerning the resident shuttle service for review and incorporation into LATR/APF.
10. Prior to the approval of the Preliminary Plan of Subdivision application, the Applicant must obtain approval of the Stormwater Management Concept Plan from the Montgomery County Department of Permitting Services (MCDPS).
11. The Applicant must obtain a permit for the proposed monument sign, and a copy of the permit for the approved sign must be submitted to the Hearing Examiner before the sign is constructed.
12. A directional sign for the garage parking shall also include information on the location of the bicycle and motorcycle spaces.
13. The Applicant must obtain and satisfy the requirements of all licenses including a use and occupancy permit.
14. The proposed development must comply with the Preliminary Forest Conservation Plan and all conditions of the approval, and the Applicant must obtain approval of the Final Forest Conservation Plan by the Planning Board, after which time the Applicant must comply with the terms of the Final Forest Conservation Plan.

SECTION II: PROJECT DESCRIPTION

A. Site Description

The subject property is located at 9545 River Road Potomac, Maryland, on the north side of the road, approximately 0.5 mile east of its intersection with Falls Road and approximately 1.2 miles north of the intersection with Bradley Boulevard, Potomac. The property consists of 219,757 square feet (5.04 acres) of land (net tract area) and is improved with a nursery/garden center/florist and associated parking lot as well as sheds, outdoor storage, and planting areas. The property has 645 feet of frontage on River Road (MD-190) from which it is accessed.



Figure 1: The Subject Site

B. Neighborhood Description

For purposes of this application, Staff defines the surrounding neighborhood boundaries (red and black circle—Figure 2) as the area within 0.5 miles (approximately 2,640 feet) of radius of the subject property.

The eastern portion of the neighborhood consists of RE-2 zoned large-lot residential properties improved with large, single-family dwellings as well as some unimproved properties, on both the north and south sides of River Road. The east portion of the defined neighborhood also includes Victory Terrace Senior Housing located at the east-central edge of the boundary. The western portion of the neighborhood is predominantly developed with single-family detached dwellings in the R-200 Zone.

The subject property is located in the central portion of the defined neighborhood on the north side of River Road in the RE-2 Zone. The property is surrounded by RE-Zoned properties to the south (across River Road), north and east. The property abuts R-200 Zoned residential properties to the west.

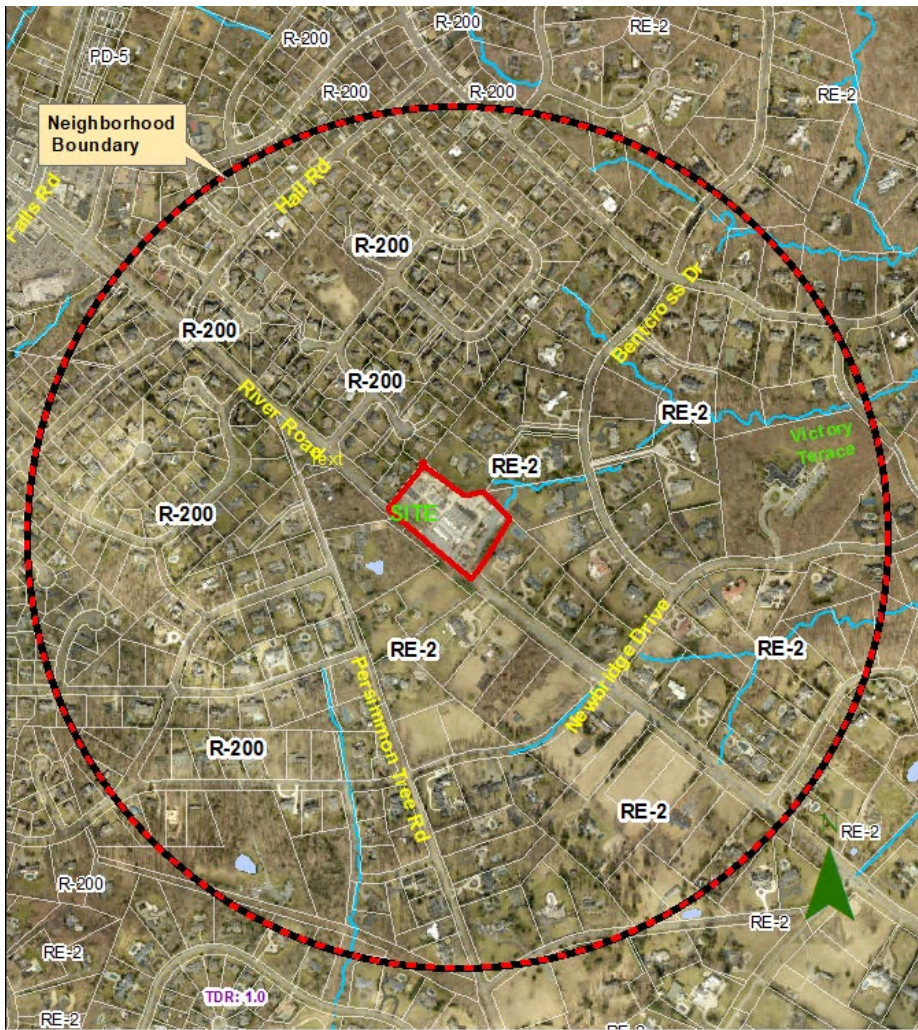


Figure 2: Neighborhood Boundaries

C. Zoning and Land Use History

The 1980 Sectional Map Amendment (SMA) G-247 and the 2002 approved *Master Plan for the Potomac Subregion Planning Area* retained the property in the RE-2 Zone. The property was the subject of Special Exception BAS-1782 that was approved in 1990 to permit a horticultural nursery. The nursery use (Potomac Petals & Plants) is still in operation on the property.

The neighborhood also contains several older Special Exception uses dating back 50-years, including uses that are no longer active or smaller uses, such as accessory apartments and riding stables.

The most recent nearby Special Exception and one that is notable in size and intensity, to the proposed use is Special Exception S-2462, Victory Terrace, a-72-unit independent living senior housing project that was approved in 2001. Victory Terrace is located approximately 1,300 feet northeast of the subject property on Newbridge Drive.

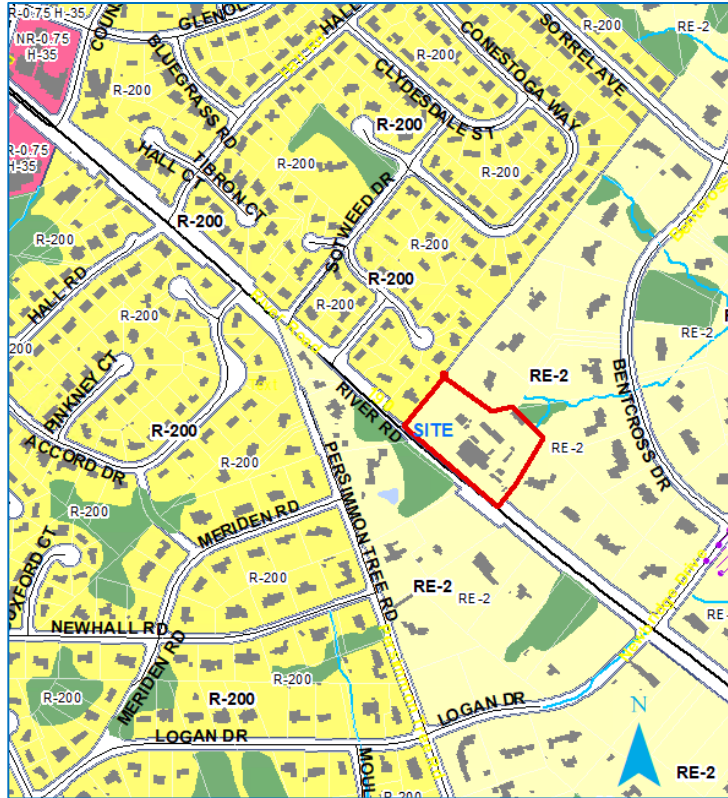


Figure 3: Existing Zoning

D. Proposed Use

The Applicant, Spectrum Retirement Communities, Inc., is the contract purchaser of the subject property. The Applicant proposes to build and operate three-story Residential Care Facility with an underground parking facility and a surface parking lot. The Applicant originally proposed a 100-unit facility with 120 beds consisting of 40 Independent Living units for 62 years or older seniors, 42 Assisted Living units and 18 Memory Care units (continuing care facility). The original application was later amended to provide a 100-unit/130-beds Assisted Living Facility with 18 Memory Care units, replacing all 40 of the Independent Living units with Assisted Living units.

The building steps down from three-stories fronting River Road to one and two stories where it is closer to adjoining neighbors. It will be of modern style and will consist of a total gross floor area of 152,655 square feet with building square footage for each floor as shown in Table 1, below:

Table 1. Building Square Footage

Floor Areas		
Basement	34,825 SF	
1 st Floor	47,157 SF	
2 nd Floor	41,752 SF	
3 rd Floor	28,921 SF	
Total	152,655 SF	

Table 2: Breakdown of Square Footages of Units by Floor

Spectrum Retirement Communities			
	Assisted living	Memory Care	Project Total
Basement	N/A	N/A	
1st Floor	14,787 SF	7,051 SF	
2nd Floor	27,938SF	N/A	
3rd floor	20,974 SF	N/A	
Building Total	63,699 SF	7,051 SF	70,750 SF*

*The square footages in the table are only accounting for the units in the building, and excludes common areas and circulation square

The facility will have a total of approximately 68 employees, with a maximum of 42 employees being present on the property at any one time. Care staff works on three shifts around the clock, seven days a week, with the typical shift hours on a 24-hour/seven day per week schedule shown in Table 3 below. Food and Beverage Staff will work three shifts as shown in Table 3 below. All other employees (e.g. administrative, housekeeping and maintenance teams) will work during normal business hours of 8:00 a.m. to 5:00 p.m.

Table 3: Shift Schedule

Shifts	
Morning Shift:	7:00 am to 3:00 p.m.
Evening Shift:	3:00 p.m. to 11:00 p.m.
Overnight Shift:	11:00 p.m. to 7:00 a.m.
Food & Beverage Staff Shifts	
Morning Shift:	6:00 am to 2:00 p.m.
Afternoon Shift:	10:00 a.m. to 2:00 p.m.
Evening Shift:	2:00 p.m. to 8:00 p.m.

The maximum number (up to 42) of employees present on the property occurs during the morning shift (between 10:00 a.m. and 2:00 p.m.) and during the beginning and end of the shifts. The typical number of employees on the weekends, between the hours of 7:00 a.m. and 11:00 p.m. will be approximately 24. The Applicant's Statement of Operation states that the facility's management staff will be on the property seven days a week overseeing the facility's day to day operations including general administration, and the operation of food and beverage, the residential care services, housekeeping and grounds keeping. The statement of operation further indicates that the overnight shift (11:00 p.m.–7:00 a.m.) is staffed with approximately nine employees assisting the residents of the Assisted Living and memory care units.

The Conditional Use site plan provides for a total of 85 parking spaces, 69 of which will be located in the underground parking facility underneath the proposed building while the remaining 16 spaces, including 8 handicap spaces (4 van accessible) will be located on a surface parking lot near the building.

The project will be developed in one phase.



Figure 4: Proposed Project (Illustrative)

SECTION III: ANALYSIS

A. Master Plan Compliance

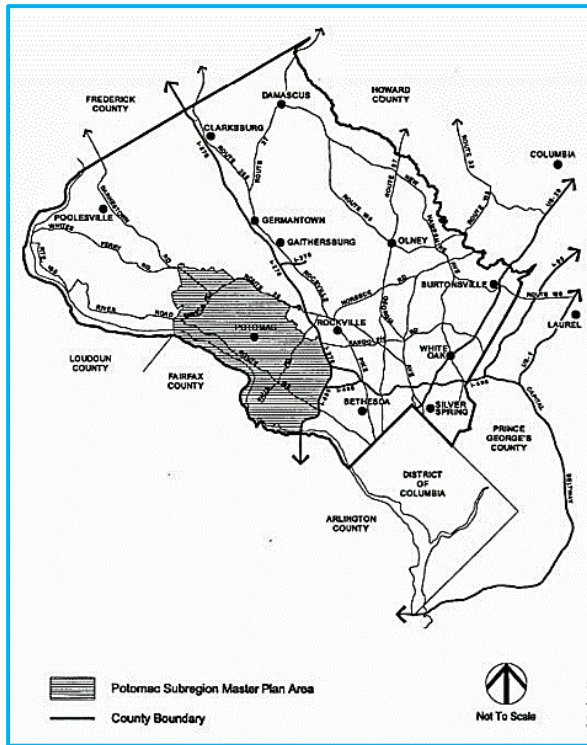


Figure 5: Potomac Subregion Master Plan



Figure 6: Potomac Community

The subject property is within the Potomac Subregion Master Plan of 2002 and is located in the “Potomac” Area of the Master Plan. The “Potomac” Area community is one of the four community areas within the boundaries of the Master Plan—Potomac, Travilah, North Potomac, and Darnestown. The Potomac planning area consists of 28.1 square miles of area. The Master Plan describes the Potomac area as having a large area of older and well-established residential communities with access to major employment centers. At the time, adaption, the Master Plan estimated that the development of the 28-square mile area had reached 93 percent of its capacity with an anticipated slow growth rate of future developments.

There are no specific recommendations for the subject property in the Master Plan. However, the Master Plan makes specific recommendations on page 36-38 on the need for additional housing for the elderly, accurately predicting that the unmet need for such housing will significantly increase by 2020.

The Master Plan emphasizes that senior housing is appropriate throughout the Subregion wherever zoning permits the use either by right or as a “special exception” (Presently known as Conditional Uses). The Master Plan goes on to identify locations that could potentially be suitable for elderly housing given the development patterns that existed at the time. Considering the intent and vision of the Master Plan and in light of current patterns of developments, including environment,

transportation and other infrastructure in the Master Plan Area, the proposed project is consistent with the general objectives and development policies with respect to applicable Environmental Principles and Design Principles (p. 33-34). In particular, the following principles are applicable with respect to the proposed project:

Table 4: Land Use Recommendations from the Potomac Subregion Master Plan

Environmental Principles	Design Principles
<ul style="list-style-type: none"> • Maintain and reaffirm a low-density residential “green wedge”. • Encourage an ecologically sensitive and energy-efficient development pattern, with an emphasis on respecting the environment and on conservation • Preserve open space, protect significant environmental features, and provide recreation and transportation alternatives. 	<ul style="list-style-type: none"> • Create environmentally sustainable development • Provide facilities that promote transit use, walking and biking • Incorporate open space and community facilities into new development

The Master Plan includes specific policy recommendations for Conditional Uses (known as special exceptions when the Master Plan was completed). The Master Plan’s aim was to “provide guidelines that will protect residential areas while also attempting to meet important policy goals.” (p 35). It recommends that review of Conditional Uses focus on architectural compatibility of proposed uses with existing residential design and on techniques for screening uses and their associated parking from nearby residential areas and from the roadways

Master Plan also provides guidelines for the design and review of Conditional Uses:

- a. *Adhere to Zoning Ordinance requirements to examine compatibility with the architecture of the adjoining neighborhood. The Council is considering amendments to strengthen this section of the Zoning Ordinance.*
- b. *Parking should be located and landscaped to minimize commercial appearance. In situations where side or rear yard parking is not available, front yard parking should be allowed only if it can be adequately landscaped and screened.*
- c. *Efforts should be made to enhance or augment screening and buffering as viewed from abutting residential areas and major roadways.*

The proposed Residential Care Facility at the subject location within the Potomac area, addresses the Master Plan’s recommendation for compatibility with existing developments in the surrounding area. In addition, the proposed development of the property replaces a prior Conditional Use that is outdated, and not consistent with current development standards or patterns of developments in the immediate area.

The Applicant's Land Use Report provides the following descriptions of site layout, building design, and architectural features employed to achieve compatibility with the surrounding neighborhood:

...The exterior architecture features shutters, trellises, balconies, gables, detailed masonry, and a variety of other features that evoke an inviting residential quality of "home". The overall effect is a decidedly residential place that complements the residential character of the surrounding area. The three-story portion of the building has been strategically located so that it addresses River Road and steps down to one and two stories where it is closer to the adjoining neighbors.



Exhibit 7: Proposed Building

The proposed project also provides substantial amount of green area of 65 percent (3.28 ac), 15 percent more than required. Ample landscaping provides screening and buffering as well as aesthetical appeal promoting compatibility with the residential neighborhood. Moreover, 69 of the 85 total parking spaces will be located in an underground parking facility below the building, substantially reducing the appearance of commercial parking area and improving onsite circulation.

B. Development Standards

The following table summarizes the RE-2 Zone development standards relative to the proposed development:

Table 5: Development Standards

RE-2 Zone Development Standards	Zoning Ordinance 59-4.4.7.B	Proposed
Minimum Lot Area	2.0 ac	5.93 ac Tract area 0.88 ac....Road dedication 5.04 ac± Net lot area
Minimum Lot width: <ul style="list-style-type: none"> at front building line at front lot line 	150 ft 25 ft	650 ft 645 ft
Maximum lot Coverage	25 percent	25 percent
Minimum Building Setback Principal Building: <ul style="list-style-type: none"> front Side <ul style="list-style-type: none"> One side Sum of both sides rear yard 	50 ft 17 ft 35 ft 35 ft	50 ft 105 ft 215 ft 35 ft.
Maximum Building Height	50 ft	50 ft
Green Area	50 percent (2.52 ac)	65 Percent (3.28 ac)
Parking: 59-6.2.4.B and C		
Min. Vehicle Parking spaces 0.25 sp/Per Bed 0.50/Per employee (See Table 8 below under: D Parking)	30 sp* 21 sp Total=51 spaces	<u>Surface:</u> 8 regular Sp and 8 HC/van <u>Garage:</u> 69 regular sp Total: 85 spaces
Motorcycle Spaces: 59-6.2.3.C 2% of the number of vehicle spaces,	85x.02=1.7=2 sp	2 sp (garage)

**the parking table is based on figures provided in the revised statement of justification (July 9, 2020) including, a maximum total of 42 part and full-time employees on the property at any one time, and a total of 130 beds.*

C. Transportation

Master-Planned Roadway and Bikeways

The property is located along River Road (MD 190), identified by the 2018 *Master Plan of Highways and Transitways* as a 2-lane Major Highway with a 150-foot right-of-way. The 2018 *Bicycle Master Plan* recommends a 10-foot. wide, asphalt shared-use side-path on the north side of MD 190, along the frontage of the subject property. There is an existing 8-foot- wide asphalt shared-use path along MD 190 to the east and west of the subject property. The Applicant will fill the existing gap by providing the master planned 10-foot-wide shared use path along the frontage.

Pedestrian and Bicycle Facilities

The 2018 *Bicycle Master Plan* requires a 10-foot-wide shared use side-path to be built along the frontage. Pedestrian access will be provided by the existing and proposed shared use path on River Road. The Applicant proposes to provide six bicycle parking accommodation as an additional amenity for the use by employees and visitors of the facility. The bicycle spaces will be located in the garage under the building. The Applicant proposes a five-foot-wide sidewalk running from the proposed shared-use path directly to the main building entrance, then continuing in a loop connecting to all building entrances and facility amenities providing efficient pedestrian circulation.

Public Transit Service

The WMATA T2 line operates along River Road with low-frequency 30-minute headways. The nearest bus stops are located 830 feet west and 1,430 feet east of the subject property. The Applicant will also provide a shuttle service for residents' use. Staff recommends that as part of the Preliminary Plan, the Applicant must provide additional operational information concerning the resident shuttle service for review

Local Area Transportation Review

The proposed application is for 100 units (130 beds) for assisted living (ITE code 254). According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and adjusted for the Potomac Policy Area, this project will result in a net reduction of 21 AM and 115 PM peak-hour person trips from what is currently generated to and from the existing nursery use. The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 50 peak-hour net new person trips within the weekday morning and evening peak periods.

Table 6: Site Vehicle Trip Generation

Use	Development	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing (Credit) Nursery (ITE-817)	17,489 sq. ft.	21	20	41	59	58	117
Proposed: Assisted Living (ITE-254)	130 beds	15	9	24	13	20	33
Net New Vehicle Trips		(6)	(11)	(17)	(46)	(38)	(84)
Total Peak Hour Person Trips				(21)			(115)

Circulation and Connectivity

Vehicular access to the property will be from River Road. As proposed, a loop access drive will be provided to the site with one 20-foot one-way entrance and a separate 20-foot exit. The loop access will provide direct access to the surface parking lot and the building lobby. Additional parking for residents is provided below-grade. The circulation pattern, as proposed, is safe and adequate for the use proposed.

With the recommended conditions, the proposed use is consistent with the 2018 *Master Plan of Highways and Transitways*, the 2018 *Bicycle Master Plan* and the 2002 *Potomac Subregion Master Plan*:

D. Parking

In general, the application meets the applicable requirements of Article 59-6. The parking table in **Section 59.6.2.4** requires a base minimum of 0.50 spaces per employee plus 0.25 spaces per bed for the Assisted living facility and Memory Care units.

Table 7: Required Parking

Section 6.2.4	Assisted Living beds	Memory Care Units	Employee	Total Required
0.25 sp Per Bed	112X 0.25=28 sp	18X.25=4.5=5 sp		34 sp
0.50 sp/ employee			42X.50=21 sp	20 sp
Total Spaces	28 sp	5 sp	21 sp	54 sp
Total Spaces Provided	85 spaces: <u>Surface:</u> 8 regular spaces and 8 handicapped spaces 4 of which are van accessible <u>Garage:</u> 69 regular spaces			

The Conditional Use site plan provides a total of 85 spaces including eight handicap-accessible spaces (four van accessible). Eleven of the regular spaces and the eight handicap spaces are surface spaces while the remaining spaces are located underground within the building. The proposed parking spaces exceed the required number of spaces and are sufficient to accommodate the parking needs of 42 employees (full and part-time) as well as visitors to the facility.

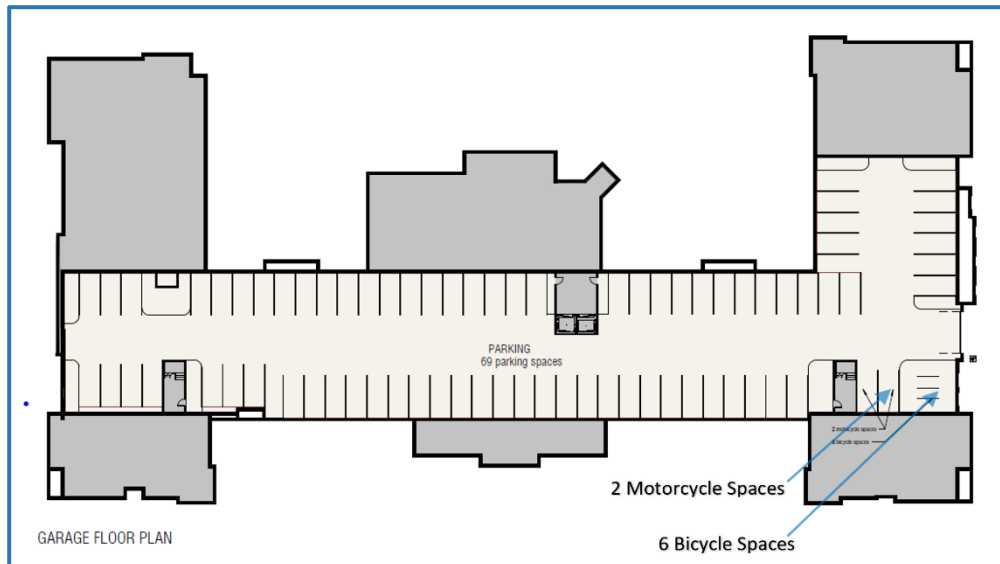


Figure 8 Underground Parking

The Applicant must maintain 85 parking spaces as shown on the Conditional Use Plan and may not expand or reduce the parking facility without explicit permission from the Hearing Examiner through modification of this Conditional Use.

The proposal also provides for two motorcycle spaces in the garage as required by Section 6.2.3.C. Although the use doesn't require a provision of bicycle spaces, the proposal is providing a bike rack with 4 spaces for use by employees and visitors. The bicycle parking will all be located in the garage thus, becoming long term spaces. If at least, one short term space could be provided above ground, without encroaching into landscaped areas, it would be a useful amenity.

Staff recommends that a directional sign for the garage parking shall include information on the location of the bicycle and motorcycle spaces.

1. Section 6.2.5. Vehicle Parking Design Standards

6.2.5.B.

Location: Each required parking space must be within ¼ mile of an entrance to the establishment served by such facilities.

All proposed parking spaces are within 150 feet of the entrance to the facility.

6.2.5.C.

Access: Each parking space must have access to a street or alley open to use by the public. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

All proposed parking spaces will be directly accessed from River Road via the two driveway aprons located at the southeastern and southwestern corners of the property.

6.2.5.D.

Marking

- 1. Any off-street parking area must be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles.**
- 2. Each individual parking space must be clearly marked, and directional arrows and traffic signs must be provided as necessary for traffic control.**
- 3. Each space or area for compact parking must be clearly marked to indicate the intended use.**

The drive lanes serving the parking spaces will be arranged and marked to allow for safe, adequate and efficient circulation within the parking areas. A total of 16 surface parking spaces—8 perpendicular spaces and 4 van accessible handicap spaces and 4 standard handicap spaces are provided; in addition, there will be 69 regular spaces located on the ground level of the building. No compact spaces are proposed.

6.2.5.H.

Parking Separation

- 1. Each parking space must be separated from any road, street, alley, or sidewalk by curbing or wheel stops.**
- 2. Any road, street, alley, sidewalk, or other public right-of-way must be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.**

The 16 surface parking spaces that are located adjacent to River Road are separated from the road by setback, utility easement, and landscaped islands. All of the 16 spaces are located near the building and farther from the edge of the property line and the right-of-way of River Road.

6.2.5.I.

Walkways

An off-street parking facility must have pedestrian walkways or sidewalks as needed for pedestrian safety. A pedestrian walkway or sidewalk must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable deciding body.

The Conditional Use plan shows a 10-foot shared use path within the 75-foot dedication along the property's street frontage. The Plan also provides for lead-in walkways from the 10-foot path through the landscaped island and crossing the driveway leading to the front entrance of the facility then continuing in a loop connecting to all building entrances and outdoor amenities providing efficient pedestrian circulation safe and adequate pedestrian access for residents.

6.2.5.K

Facilities for Conditional Uses in Residential Detached Zones

Any off-street parking facility for a conditional use that is located in a Residential Detached Zone where 3 or more parking spaces are provided must satisfy the following standards:

- 1. Location: Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.**

The surface parking areas are located in a manner where direct views of the parking spaces from the road are restricted by landscaped islands including a row of trees, setbacks, and the placement of the existing building on the property.

- 2. Setbacks**

- a. The minimum rear parking setback equals the minimum rear setback required for the detached house.**
- b. The minimum side parking setback equals 2 times the minimum side setback required for the detached house.**
- c. In addition to the required setbacks for each parking facility:**

- i. the required side and rear parking setbacks must be increased by 5 feet for a parking facility with 150 to 199 parking spaces.
- ii. the required side and rear parking setbacks must be increased by 10 feet for a parking facility with more than 199 parking spaces.

The proposed plan satisfies all applicable setback requirements of section 6.2.5.K.2.

E. Landscaping

Section 6.2.9.C. Parking Lot Requirements for 10 or More Spaces

1. Landscaped Area

- a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5 percent of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.
- b. A maximum of 20 parking spaces may be located between islands.
- c. A landscaped area may be used for a stormwater management ESD facility.

The revised Landscape Plan (revision date/engineer signature, May 18, 2020) satisfies the requirements of **Section 6.2.9.C.1 through 3: Parking Lot Requirements for 10 or more Spaces**. The Applicant is proposing both surface and below grade parking. Sixty-nine below grade garage parking stalls beneath the residential building and 16 surface parking spaces are proposed with this development.

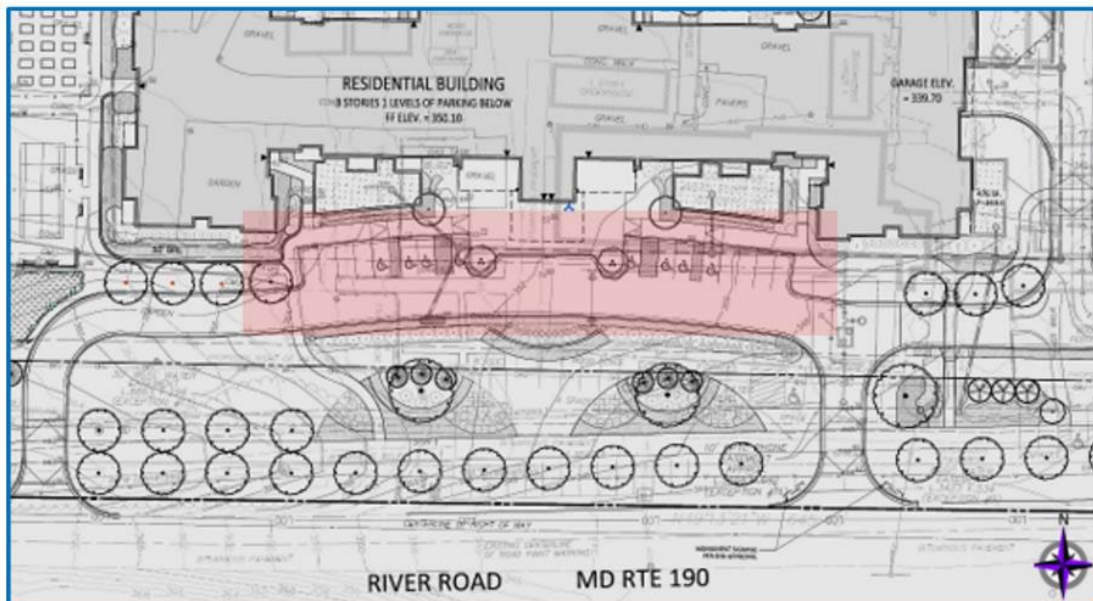


Figure 9: Surface Parking

The surface parking is located at the front of the residential building in close proximity to the main entry and is comprised of eight handicap-accessible and eight standard parking spaces located on either side of the main entrance walkway. Each pod consists of four handicap parking and four standard parking spaces. The parking is accessed via a loop drive type of arrangement off of River Road (*Figure 9*).

2. Tree Canopy

Each parking lot must maintain a minimum tree canopy of 25 percent coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.

The vast majority of the resident and visitor parking is beneath the main building. These surface parking stalls may be used for some overflow or drop-off parking. The external surface parking is comprised of 16 spaces split into 2 pods adjacent to the main entry. Each pod of 8 stalls has one tree on each side of the parking row, but the canopies are small and there is no canopy coverage. Also, the planting pits for the trees closest to the main entry are small in size and volume. Placing a larger species of tree in these planting pits and thereby increasing the canopy coverage would be problematic for the health of the tree in the long run.

Altering the planting pits to increase volume creates some safety issues with older and/or handicapped individuals getting into and out of their vehicles and just generally moving around this area. So, the smaller planting pits with the planting of ornamental trees like Crape Myrtles fits with this area. In addition, altering the size of the planting pits will impact the design and layout of the walkway around the parking closest to the main entry causing safety concerns for an older population. As such, this current design satisfies Section 6.2.1 and the parking is safe and efficient.

Staff is recommending alternative compliance as allowed for under section 6.8 regarding the canopy requirement since the provided plans A) still satisfy the intent of the parking landscaping division, B) only modify the requirement for canopy coverage in a small area of the total site, and since most parking is under ground, C) still provides some landscaping including all other perimeter plantings, and D) the safety and circulation afforded by not meeting the full code intent is better than had the requirements been met.

3. Perimeter Planting

- a. The perimeter planting area for a property that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use must:**
 - i. Be a minimum of 10 feet wide**
 - ii. Contain a hedge, fence, or wall a minimum of 6 feet high**
 - iii. Have a canopy tree planted every 30 feet on center; and**
 - iv. Have a minimum of 2 understory trees planted for every canopy tree.**

The application meets the requirements through a combination of afforestation areas as well as a combination of canopy trees, evergreen trees, large and medium size shrubs and an 8-foot high,

composite wood privacy fence with a minimum of at least, a 10-foot-wide planting area along the entire perimeter of the Conditional Use site (Figure 8).

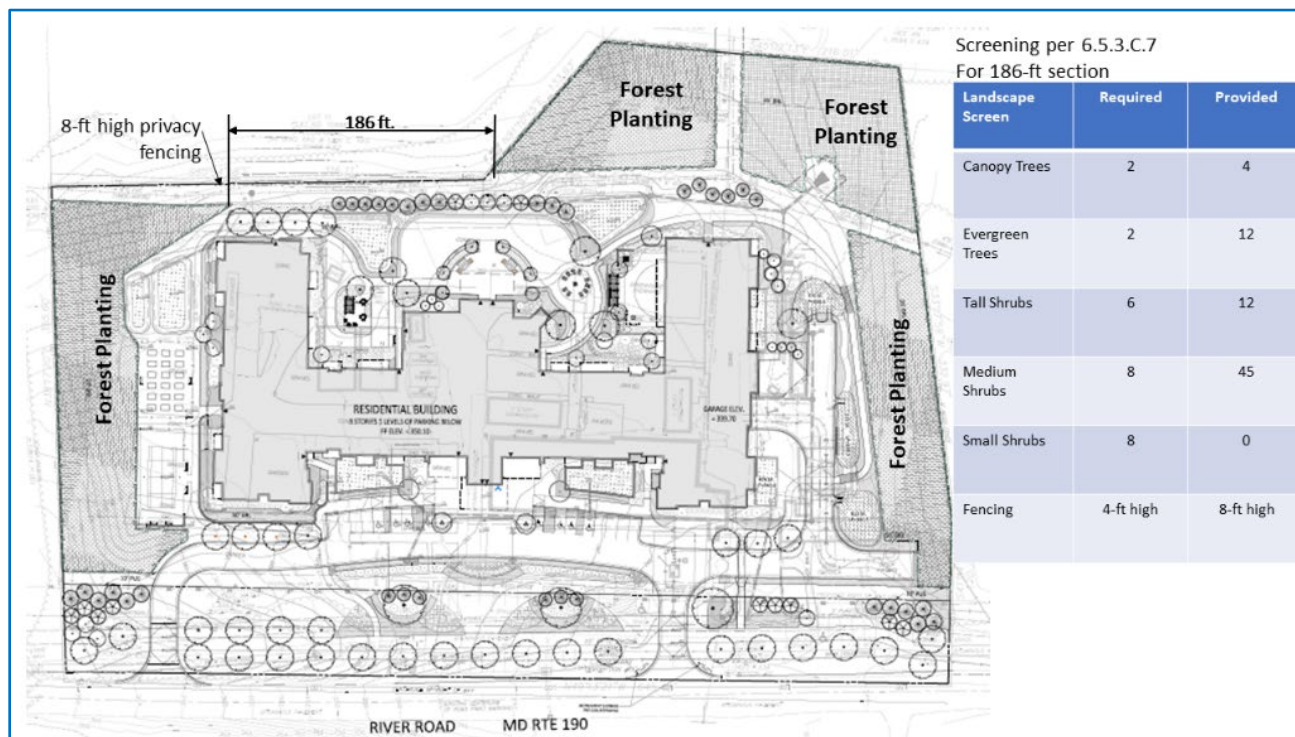


Figure 10 Proposed Landscape Plan

Section 59-6.4.3: General Landscaping Requirements specifies and defines the types of plant materials, canopy trees, understory trees, and evergreen trees required. The revised landscaping satisfies the General Landscape Requirements as defined and specified under Section 59-6.4.3, Section 6.5.3.A: Location, and 6.5.3.C.7 Screening Requirements by Building Types.

F. Lighting

Section 59-6.4.4.E, outdoor lighting for Conditional Uses must be directed, shielded or screened to ensure that the illumination is 0.1 foot-candles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or employment zone.

The Lighting Plan is adequate and safe for vehicular and employee movement. The proposed lighting serves multiple purposes, including illumination of the site entrance, visibility lighting in the employee parking areas and area lighting near the structures. A photometric study submitted with the application shows measured lighting intensity across the entire property in foot-candles, the locations of lighting fixtures and the manufacturer's specifications on the proposed lighting fixtures. The Photometric Plan shows that the lighting will not cause glare on adjoining properties, nor will it exceed the 0.1 foot-candle standard at the side and rear property lines. The lighting, with no direct light or light glare, will not have a negative impact on neighboring properties.

G. Screening

Section 6.5.2.B: 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 landscaping meets or exceeds the requirements under Section 6.5.3.C.7. The property is within the RE-2 Zone and abuts other properties on three sides within the same zone that are improved with residential uses. Since there are abutting properties improved with residential uses to the northeast, north, and the southeast of the property, the Applicant must ensure adequate screening in these directions under Section 6.5.3.C.7.

The Applicant proposes screening in these three directions comprised of afforestation plantings along the northeast, east and west property lines. There is a small gap in the afforestation along the north (rear)property line. This gap is screened with adequate canopy trees, evergreen trees, tall shrubs and medium shrubs. In addition, there is an 8-foot high composite wood privacy fence surrounding the property within a minimum 10-foot wide planting area.

The planting supplies provided on the amended Landscape Plan generally meet or exceed the minimum requirements of Section 6.5.3.C.7. The proposal uses the Forest Conservation plantings along the northeastern, eastern, and western property lines to satisfy 6.5.3.C.7 Option A as listed in the associated table No. 7: 2 canopy trees, 2 understory evergreen trees, 6 large shrubs, 8 medium shrubs, 8 small shrubs and a minimum of 4-foot high fence per 100-feet of a property line. Staff finds that the proposed landscape screening satisfies the requirements in Sections 6.4.3 and 6.5.3 of the Zoning Ordinance.

H. Signage

The Applicant's land use plan indicates that a single freestanding monument sign at the vehicle entrance along River Road and internal directional signs are proposed. However, the Conditional Use site plan reviewed by staff does not include signage and no specific drawing or dimensions are included with the Conditional Use application.

The land use report indicates that the Applicant is mindful of the fact that any proposed signage is subject to a review by Montgomery County Department of Permitting Services and that it must meet the applicable requirements of Division 6.7 of the Zoning Ordinance. Staff recommends that the Applicant obtain a permit for the proposed monument sign, and a copy of the permit for the approved sign must be submitted to the Hearing Examiner before the sign is erected.

I. Environment

Consistency with Environmental Guidelines

The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420200520 was

approved for the 5.93-acre property on March 5, 2020. The site doesn't contain a forest but a forest on an adjacent property abuts the site's northeastern property boundary. The Forest Conservation Plan (FCP) shows tree lines along much of the property's perimeter.

The Conditional Use Plan shows that one specimen tree, (30" DBH Boxelder) is in poor condition. The tree is proposed for removal and is included in the tree variance request. The application proposes to plant three specimen trees as replacements for the tree that is proposed for removal. No other significant or specimen trees are found on the property and no champion trees or trees 75% of the state champion for their species were found on the subject property. (See attached Preliminary Forest Conservation Report for detail analysis of the Applicant's FCP application and Staff's recommendations-Attachment B).

The subject property drains to Cabin John Creek, a Maryland state use I-P stream. The property is not located within a Special Protection Area (SPA) or Primary Management Area (PMA). The Preliminary FCP plan indicates that no wetlands, streams, or 100-year floodplain were found onsite during field investigations.

Forest Conservation

The Preliminary FCP proposes to meet the required 1.19-acre afforestation with planting of 1.19 acres. The planting will meet the forest mitigation requirements of the forest conservation plan. This new forest area will be protected by a Category I Forest Conservation Easement.

A Preliminary FCP has been submitted for review and is recommended for approval as a separate action by the Planning Board as part of this Conditional Use Application.

For a complete analysis of conformance with Chapter 22A, please refer to the Preliminary Forest Conservation Plan staff report being considered concurrently with this Conditional Use Application review (Attachment B).

J. Community Concerns

Staff has received two letters from area residents in opposition to the application expressing concerns regarding density, concentration of Residential Care Facilities Conditional Uses in the area, and Storm drain and flooding (Attachment C). Seven other community residents and The Greater Bethesda Chamber of Commerce have also submitted letters in support of the application, indicating that there is a need for such a facility in the area and that the project is compatible with the community.

The Applicant has submitted supplemental information (via e-mail, May 12, 2020) to show community outreach efforts concerning the proposed Residential Care Facility. The Applicant's document provides the following information on efforts in community outreach (Attachment D):

- **July 22, 2019 – WMCCA Leadership Meeting**
Members of the Spectrum development team met informally with West Montgomery County Citizens Association's (WMCCA) President, Ginny Barnes and incoming President, Susanne Lee to brief them on Spectrum's vision and learn of any comments or concerns.

- **October 2, 2019 – Adjacent/Abutting Neighbor Meeting**

The Spectrum team organized an informal dinner meeting for close-in neighbors to acquaint them with the proposal and discuss concerns specific to adjacent neighbors. We held phone conversations with interested neighbors that were not able to attend the dinner.

- **October 9, 2019 – WMCCA Membership Meeting**

Spectrum presented its plans at WMCCA's general membership meeting, where members provided feedback and asked questions.

The Applicant has indicated plans for continuing dialogue with the community and neighbors.

Since the receipt of the above-mentioned letters from the community, the Applicant has revised the initial proposal of *100 units and 120 beds* that included *40 independent living units* by removing the independent-unit component. The revised application proposes for 100-unit Assisted Living facility, including 18 Memory Care units, with a total of 130 beds. It is not known if the revision would have had impacts on the views of the neighbors as expressed in the above-mentioned letters had they known about the revisions. But it appears that the proposal is revised to address some of the community's concerns. Staff believes that the elimination of the originally proposed 40 independent living units renders the facility less intense in terms of traffic related activities near and on the property, as well as pedestrian and other activities.

The Applicant's Storm Water Management Plan has been submitted to Montgomery County Department of Permitting Services (MCDPS) and the applicant has submitted a letter from DPS (Attachment D) indicating its approvability with identified adjustments to be addressed as part of a revision of the plan. A final approval of the Storm Water Management Plan will take place as part of a Preliminary Plan of Subdivision review, if the Conditional Use application is approved.

SECTION IV: COMPLIANCE WITH THE NECESSARY FINDINGS IN SECTION 59.7.3.1.E AND SECTION 59-3.3.2.E: RESIDENTIAL CARE FACILITY

Section 59.7.1.E. Necessary Findings

7.3.1.E.1: states that, to approve a Conditional Use application, the Hearing Examiner must find that the proposed development satisfies the following requirements of Sections 59.7.1.E.a through g.

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.

Currently, there is a prior Conditional Use associated with the subject property. The existing Conditional Use was approved in 1990 by Special Exception BAS-1782, for a horticultural nursery that currently operates as a nursery and florist. The Applicant must submit an application to the Hearing Examiner to vacate the existing Special Exception upon approval of the subject Conditional Use application.

7.3.1.E.b. Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.

With Staff's recommended conditions of approval, the proposal satisfies the specific Conditional Use standards and requirements of Section 59.3.3.2.E.2.C: Residential Care Facility (Over 16 persons). As shown on the Use Standard Table in Section III of this report, the application meets the requirements of the RE-2 Zone development standards per Section 59.4.4.4.B and the applicable parking, screening, and perimeter landscaping requirements of Article 6.

3.3.2.E: Residential Care Facility (Over 16 persons): Specific Conditional Use Requirements:

3.3.2.E.1. Defined, in General

Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements.

Not applicable. The Application proposes an Assisted Living Facility.

b. resident staff necessary for operation of the facility are allowed to live on-site.

The application does not propose resident staff for the facility.

c. the number of residents includes members of the staff who reside at the facility but does not include infants younger than 2 months old.

Staff will not reside at the facility.

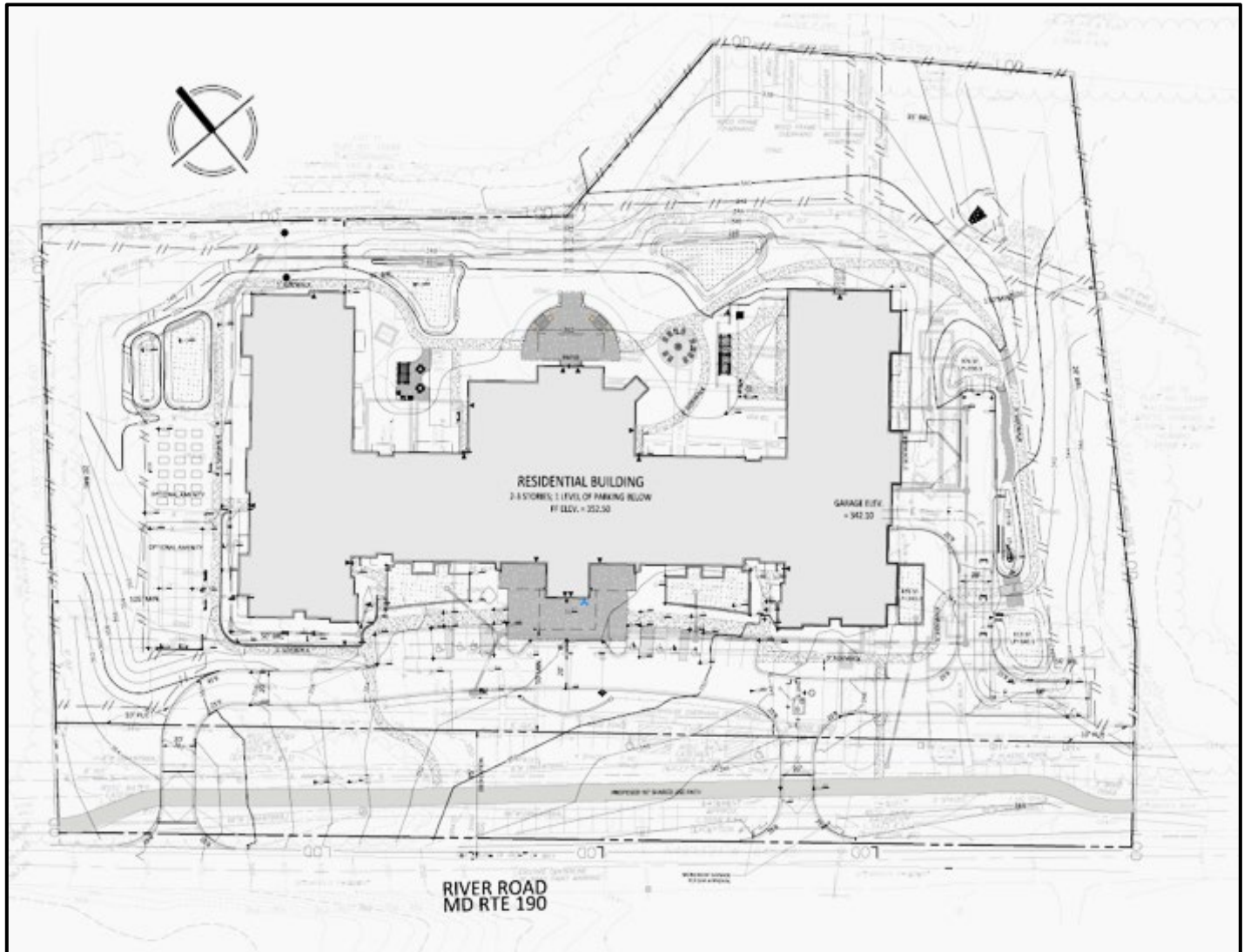


Exhibit 11: Conditional Use Site Plan

7.3.1.E.b. Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.

With Staff's recommended conditions of approval, the proposal satisfies the specific Conditional Use standards and requirements of Section 59.3.3.2.E.2.C: Residential Care Facility (Over 16 persons). As shown on the Use Standard Table in Section III of this report, the application meets the requirements of the RE-2 Zone development standards per Section 59.4.4.B and the applicable parking, screening, and perimeter landscaping requirements of Article 6.

3.3.2.E: Residential Care Facility (Over 16 persons): Specific Conditional Use Requirements:

3.3.2.E.1. Defined, in General

Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

- a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements.**

The Applicant will comply with this requirement

- b. resident staff necessary for operation of the facility are allowed to live on-site.**

The application does not propose resident staff for the facility.

- c. the number of residents includes members of the staff who reside at the facility but does not include infants younger than 2 months old.**

Staff will not reside at the facility.

3.3.2.E 2.c ii. Where a Residential Care Facility (Over 16 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- a. The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents. Any such service may be restricted by the Hearing Examiner.**



Figure 12 View from Rear Roof Deck

The application proposes to provide a number of ancillary services within the facility as well as outdoor amenity spaces for use by the residents and visitors. The Applicant's Statement of Operation indicates that the project proposes a shared commercial kitchen to serve the Assisted Living residents on the ground floor. The kitchen will serve "three chef-prepared" meals daily in a central dining room. Other internal amenities include a cyber-café, bistro,

fitness center, theater, beauty salon, multi-purpose community center and lounges. The statement of operation further indicates that these amenities are intended to be used by the residents and their families as well as the community at organized events.

The facility also proposes to provide a privately funded shuttle service for up to 16 residents per trip. The service will run seven days a week between the hours of 8:00 a.m. and 4:00 p.m. providing access to facilities within 10 miles radius of the subject property.

Staff does not recommend restrictions of any of the services identified above.

b. A group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children who will use the facility.

Not Applicable.

c. Where residential dwelling units are provided

- 1. the maximum residential density per lot area is 15 units per acre or the maximum density allowed in the zone, whichever is greater; and**

Not applicable. No residential dwelling units are provided.

- 2. The minimum green area is 50%**

The Conditional Use site plan provides for 65 percent green area, 15 percent over the required green space.

d. Where facility size is based on the number of beds, not dwelling units, the following lot area is required:

- 1. In the R, RC, and RNC zones, 2,000 square feet per bed or 5 acres, whichever is greater.**

Not applicable.

- 2. In all other zones, the minimum lot area is 2 acres or the following, whichever is greater:**

- i. in RE-2, RE-2C, RE-1, and R-200 zone: 1,200 square feet per bed;**
- ii. in R-60, R-90, and R-40 zone: 800 square feet per bed;**
- iii. in TLD, TMD, THD, R-30, and R-20 zone: 600 square feet per bed;**
- iv. in R-10: 300 square feet per bed.**

The property is located in the RE-2 Zone and comprises 5.04 acres of net area (see Section 3.3.2.E 2.c ii.c.1 above for density breakdown)

e. The minimum side setback is 20 feet.

The Conditional Use Plan shows that the setbacks from the western and eastern property lines are a minimum of 105 feet and 110 feet, respectively. The proposal satisfies this requirement.

f. In the R-10 and R-20 zones, the development standards of the apartment building type apply, except as modified by Section 3.3.2.E.2.c.

Not applicable

g. Independent dwelling units must satisfy the MPDU provisions of Chapter

The application does not propose independent dwelling units.

h. In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 62 years of age or older, with the following exceptions:

- 1. the spouse of a resident, regardless of age**
- 2. another relative of a resident, 50 years of age and older**
- 3. the resident widow, widower, or other surviving relative of a resident who dies while residing at the continuing care retirement community, is allowed to remain even though the resident widow, widower, or other surviving relative has not reached the age of 62.**

A minimum of 80% of the dwelling units must be occupied by at least one person per unit who is 55 years of age or older.

The proposed project does not include independent dwelling units.

i. Height, density, coverage, and parking standards must be compatible with surrounding uses; the Hearing Examiner may modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

The height, density, coverage, and parking standards are compatible with surrounding area. The proposed building will have a maximum height of 48'-0" from grade to the highest portion of the roof. The difference in height is 2'-0" below the allowable maximum height of 50'-0" by the RE-2 zone. The building, as a whole, has an average roof height of approximately 42'-0", which falls within the established neighborhood character and massing of the surrounding residential properties, as most of the adjacent homes are multi-story, single-family residences.

The massing of the building, as a whole, reflects a careful consideration of the context of the adjacent homes by varying the heights and pitches of the roofs, as well as the overall massing. The massing has an established, centralized core with three floors, while the ends of the building, which are closest to the neighbors, step down and terminate at two stories.



Figure 13: Proposed building— Approaching from River Road

The proposed project minimizes onsite parking by providing below grade parking that accommodates more than 80 percent of the facility's parking spaces lending a more residential appearance that is compatible with the surrounding neighborhood. Moreover, the surface spaces are located very close to the building behind a row of trees, landscaped islands, and internal driveway, barely visible to views from the adjacent road.

j In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

The property is located in the RE-2 Zone.

7.3.1.E.1.c. Substantially conforms to the recommendations of the applicable Master Plan.

The application substantially conforms to the recommendations of the *2002 Potomac Subregion Master Plan* and is compatible with the character of the surrounding area as discussed under *SECTION III. A: Master Plan Compliance*.

There are no major Master Plan concerns that are associated with this application. The proposed Residential Care facility is consistent with the land use objectives of the *Potomac Subregion Master Plan*. The proposed project is compatible with the existing development pattern of the adjoining uses as well as the immediate neighborhood, in terms of height, size, scale, traffic and visual impacts.

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.

With the recommended conditions, the proposed use will be in harmony with the general character of the neighborhood. The proposed use will be operated in such a manner that it will not interfere with the orderly use, development, and improvement of surrounding properties. The Conditional Use Plan provides for sufficient off-street parking with 80 percent of the parking accommodated in an underground parking facility substantially minimizing parking and onsite traffic congestion. The proposed facility replaces another Conditional Use that was operating on the site for about 30 years. The proposed Conditional Use is not likely to result in any notable negative impact on the residential neighborhood, in terms of increased traffic and noise.

Trash will be picked up two to three times a week during weekdays only. The Conditional Use Plan and Landscape Plan show an enclosed dumpster located southeast of the building near the entrance to the underground parking. The dumpster is enclosed by a masonry wall of at least 6'-6" matching the building. The dumpster enclosures are not visible from the road or any of the adjoining properties. The Plans also show a loading area on the southeast corner of the property near River Road.

Staff recommends that the collection of solid waste refuse and recyclable materials must occur on weekdays only between 8:00 a.m. and 9:00 p.m., consistent with Solid Waste Regulations and not on Saturdays or Sundays.

Food deliveries to the property will be twice per week during normal business hours and all other deliveries that are made by USPS, FedEx, UPS, Amazon will follow their standard route and delivery times.

Staff recommends that there will be no more than eight food and supply deliveries (truck deliveries) to the facility per month.

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 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.

As noted, the neighborhood contains several older special exceptions uses dating several decades back, with many of the uses no longer active or smaller uses such as accessory apartments and riding stables. The most current one and one that is notable in terms of size, intensity and similarity to the proposed use is special exception S-2462 Victory Terrace, a 72-unit independent living senior housing that was approved in 2001. Victory Terrace is located approximately 1, 300 feet northeast of the subject property. As an Assisted Living Facility, the proposed facility will complement the Victory Terrace senior housing, which was created nearly twenty years ago, given the growing need for the type of services the proposed use will provide including, memory care units, on-site indoor and outdoor amenities.

It should also be noted that the proposed Conditional Use is replacing an existing Conditional Use, Special Exception S-BAS-1782 that was approved in 1990 to permit a horticultural nursery on the property and as such, it will not increase the number, intensity, and scope of approved Conditional Uses in the area enough to affect the area adversely or alter its residential nature. By its nature, the proposed use is residential, and one that generates only a minimal volume of traffic. The facility is designed to project a residential appearance with architectural features, building style and materials.

The proposed use will have no adverse impact on the residential nature of the neighborhood. The use will be adequately screened and buffered from the views of neighboring properties, with minimal lighting and glare, and no significant traffic impact.

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 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.**

The Conditional Use will require approval of a Preliminary Plan of Subdivision and Record Plat prior to construction. The adequacy of public facilities will be addressed in further detail during review of the Preliminary Plan and be determined by the Planning Board at that time.

a. Water and Sewer Service

The subject property is served by public water and sewer service.

b. Storm Water Concept Plan

The Stormwater Management Concept Plan proposes to meet required stormwater management goals using a drywell and an alternative surface. The stormwater management concept plan application has been submitted to the MCDPS Water Resource Section. By a letter dated June 25, 2020, the MCDPS Water Resource Section has indicated that the Applicant's storm management concept is acceptable provided certain conditions are addressed during the detailed Sediment Control/SWM plan stage (see-Attachment D).

c. Transportation

Adequate Public Facilities Review (APF) and Local Area Transportation Review (LATR)

Based on the 2016-2020 Subdivision Staging Policy transportation impact criteria, the proposed use generates fewer than 50 peak-hour person trips; therefore, the application is not subject to a Local Area Transportation Review analysis.

The proposed access to the site is adequate to serve the traffic generated by the development. The internal pedestrian circulation and walkways, with the recommended conditions, will provide adequate movement of pedestrian traffic. The Applicant has prepared a sight distance analysis that will be analyzed at Preliminary Plan review.

Fire Access

The Applicant submitted a Fire Access Plan to the MCDPS Fire Department Office of the Fire Marshall. The Office approved the proposed fire access concept plan on June 12, 2020 (Attachment D).

d Other Facilities

There are adequate police and fire services to serve the use. The Cabin John Park Fire Station 30 is located at 9404 falls Road in Potomac MD, 1.6 miles northwest of the property. The Montgomery County Police Department 2nd District is located at 4823 Rugby Avenue in Bethesda, Maryland, 6.5 miles southeast of the property. These facilities are deemed adequate to serve the facility.

Due to its nature, the proposed Conditional Use does not generate any school aged children; therefore, school facilities review is not necessary.

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

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

The inherent, generic physical and operational characteristics associated with a Residential Care Facility include:

- 1. A building large enough to house the proposed number of residents'
- 2. On-site parking sufficient to meet the requirements of the use and of the Zoning Ordinance.

3. Outdoor lighting consistent with residential standards and adequate for safe vehicular and pedestrian access at night.
4. Vehicular trips to and from the site by employees, visitors, residents, delivery, and trash pick-up.
5. A modest level of outdoor activities associated with use of passive recreation areas, and.
6. Noise from ambulances in emergency situations.

Although the impact of these physical and operational characteristics will vary according to the nature of the Residential Care Facility, its size and its location, many of the characteristics of the proposed facility are inherent. The proposed scale of the building, the internal vehicular circulation system, and the on-site parking areas shown on the Conditional Use site plan are operational characteristics typically associated with Assisted Living Facilities.

The proposed three-story building is designed in a manner that complements the residential characteristics of the surrounding developments in terms of size, scale, scope, massing, architectural features, building materials, orientation, open space, and landscaping. There are no non-inherent adverse impacts of the proposed use that would warrant denial of the Conditional Use.

The primary parking for staff and residents consisting of 85 spaces was placed in the lower level of the building allowing the abundance of usable open space on the property. The 16 surface parking spaces at the front are also centralized and well screened by landscaping along River Road and setback from the road.

The proposed facility is consistent with all applicable standards of the RE-2 Zone and satisfies all applicable requirements for a Residential Care Facility Conditional Use. The lighting concept, as proposed, is appropriate for the proposed use at the subject location.

The size, scale, and scope of the proposed Residential Care Facility will not adversely affect the residential character of the neighborhood or result in any unacceptable noise, traffic disruption, or environmental impact. Thus, there are no inherent or non-inherent adverse effects associated with this application sufficient to warrant a denial of the proposed Conditional Use.

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 architecture for the building is mostly residential in character. The architect worked closely with staff to address the overall building massing and articulation, site design, and potential impacts to the context of the existing neighborhood. The proposed architecture, massing, fenestration, material palette, and site design do reflect a high level of care and attention to providing a well-developed building architecture that does appear residential, while also respecting and fitting into the surrounding neighborhood and community. While the building does have a large footprint, it is well designed with four-sided architecture and the massing is broken up enough to make it appear much less imposing than many comparable facilities with a similar bed count

The building footprint is centralized on the site, proving a substantial amount of usable open space. The coverage allows for different areas/zones of programmatic open space. The decision to centralize the building also helps to minimize the potential impacts to the surrounding neighborhood properties.



Figure 14: Proposed



Figure 15: South and East Elevations



Figure 15.1: North and West Elevations

SECTION V. CONCLUSION

The proposed Conditional Use satisfies all applicable requirements for approval of a Conditional Use as specified in the 2014 Montgomery County Zoning Ordinance. The proposed use is consistent with the recommendations of the *2002 Potomac Subregion Master Plan*. There are no unacceptable traffic, circulation, noise or environmental impacts associated with the application provided that the recommended conditions are satisfied.

Based on the foregoing analysis, **Staff recommends Approval** of Conditional Use CU-20-05, subject to the conditions found on Page 2 of this report.

ATTACHMENTS

- A. Plans and Drawings
- B. Preliminary Forest Conservation Plan Report and Recommendation
- C. Community
- D. Supplemental Information and Supporting Documents

CU-20-05/etesfaye/071820