

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

**May 14, 2024**

MCPB No. 24-048  
Site Plan No. 820240040  
Springvale Terrace  
Date of Hearing: April 18, 2024

## **RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on December 27, 2023, Springvale Terrace, Inc. and Enterprise Community Development, Inc. (“Applicant”) filed an application for approval of a site plan for a request to develop a 206,464 square foot independent living facility for seniors, with up to 237 units with 25 percent MPDUs, and a maximum building height of 65 feet on 3.16 acres of CRT-1.5 C-0.0 R-1.5 H-65 zoned-land, located at the northwest quadrant of the intersection of Springvale Road and Wayne Avenue (“Subject Property”), in the East Purple Line Policy Area and 2022 *Silver Spring Downtown and Adjacent Communities Plan* (“Sector Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820240040, Springvale Terrace (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 8, 2024 providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 18, 2024 the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 4-0; Chair Harris Commissioners Bartley, Hedrick, and Linden voting in favor, with Vice Chair Pedoeem absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820240040 to develop a 206,464 square foot independent living facility for seniors, with up

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Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

to 237 units with 25 percent MPDUs, and a maximum building height of 65 feet on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 206,464 square feet of total development on the Subject Property, for up to 237 group living units, with a minimum of 25 percent MPDUs, for an independent living facility for seniors.

2. Height

The development is limited to a maximum height 65 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Occupancy Provisions for an Independent Living Facility for Seniors

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

- i) a senior adult, as defined in Section 59.1.4.2 of the Zoning Ordinance, Defined Terms;
- ii) other members of the household of a senior adult, regardless of age;
- iii) a resident caregiver, if needed to assist a senior resident; or
- iv) a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist seniors as defined in that program.
- v) If imposing age restrictions that would limit occupancy otherwise allowed by this condition, the facility must only impose age restrictions that satisfy at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, as amended, or the state Fair Housing Act, Subtitle 7 of Title 20 of the Annotated Code of Maryland, State Government Article, as amended.

b) Before Certified Site Plan:

- i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
- ii. The covenant must be recorded in and among the Land Records of Montgomery County; and Book/Page reference must be included on the Certified Site Plan.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

4. Green Cover

The Applicant must provide a minimum of 35 percent of green cover on the Site comprised of native canopy tree plantings, as shown on the Certified Site Plan.

**Facilities and Amenities**

5. Streetscape Improvements

Before release of the final MCDPS surety bond, the Applicant must construct the streetscape improvements along the property's frontage on Springvale Road, Cloverfield Road and Pershing Drive, consistent with the *Silver Spring Downtown and Adjacent Communities Design Guidelines*.

6. Before the issuance of a use and occupancy permit, excluding core and shell, the Applicant must dedicate and grade an area sufficient to achieve a future six-foot street buffer, ten-foot sidepath and two-foot maintenance buffer on Wayne Avenue.

7. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a) Connectivity between Uses, Activities, and Mobility Options

i. Minimum Parking –The Applicant must not provide/construct more than 55 parking spaces.

b) Diversity of Uses and Activities

i. Affordable Housing/MPDUs

- a. The development must provide a minimum of 25 percent MPDUs, or MCDHCA -approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any above grade building permit for the multifamily structure, the MPDU agreement to build between the Applicant and the DHCA must be executed.
- c. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated March 11, 2024, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

ii. Enhanced Accessibility for the Disabled –

The Applicant must construct three dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.

8. Public Open Space

In lieu of providing 10,771 square feet of required public open space, prior to release of the first above-grade building permit the Applicant must provide to M-NCPPC Parks Department a contribution of up to \$323,130, or lesser amount, in accordance with the Master Plan Interpretation/Policy Document M-NCPPC 2024-01, which allows for discounted or eliminated fee-in-lieu payments for public open space for projects providing greater than the required amount of affordable housing, including projects with more than 25% MPDUs or DHCA-approved equivalents, Low-Income Housing Tax Credit-eligible units, or other affordable housing programs. Based on documentation, provided by the Applicant, regarding the final proportion of affordable housing units in the development, Planning staff will determine the total final contribution amount not to exceed \$323,130 in accordance with the Master Plan Interpretation/Policy Document M-NCPPC 2024-01.

9. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP). The CSP must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

10. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to sidewalks, seating areas, furnishings, stormwater facilities, landscaping, parking areas, utility screening, and retaining walls and fencing.

**Environment**

11. Noise Attenuation

- a) Before Certification of the Site Plan, a qualified professional who specializes in acoustical treatments shall identify the locations of the noise impacted units and provide details for noise mitigation techniques.
- b) Before the issuance of the first building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from a qualified professional who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

- c) If any changes occur to the Site plan, which affect the validity of the noise analysis dated September 19, 2023, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- d) Before issuance of any Use and Occupancy Certificate, excluding core and shell, or Final Inspection, whichever is relevant, for any of the noise impacted units, a qualified professional, who specializes in acoustical treatments, must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with such certification.
- e) For all noise impacted residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers/tenants that those units are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures, promotional documents, or leasing materials and by inclusion on all signature subdivision and site plans. A copy of this notification must be provided to the Planning Department and Montgomery County Department of Permitting Services, Site Plan Enforcement Section prior to the issuance of a Use and Occupancy Certificate, excluding core and shell, or final inspection, whichever is relevant, for any noise impacted residential unit.

#### 12. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated March 19, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

### TRANSPORTATION & CIRCULATION

#### 13. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated February 15, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

#### 14. Pedestrian & Bicycle Circulation

- a) The Applicant must provide forty-eight (48) long-term and two (2) short-term bicycle parking spaces.

- b) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location of the short-term bicycle racks must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station. The specific location of the bicycle repair station must be identified on the Certified Site Plan.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before the issuance of a use and occupancy permit:
  - i. Wayne Avenue: dedicate and grade an area sufficient to achieve a future six-foot street buffer, ten-foot sidepath and two-foot maintenance buffer.
  - ii. Springvale Road, Pershing Drive, and Cloverfield Road: six-foot-wide sidewalk with a minimum six-foot-wide buffer from traffic.

#### 15. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter signed February 8, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

### **Site Plan**

#### 16. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

#### 17. Lighting

- a) Before Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- a) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- b) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.

- c) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

18. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Property including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, transformer enclosure, retaining walls, fences, railings, sidewalks, and paths. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

19. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

20. Prior to issuance of any building permit, the Applicant must receive an order from the Board of Appeals, revoking Special Exception case No. 1251, if the Board of Appeals deems such revocation necessary.

21. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Sketch, Preliminary, Forest Conservation and Site Plan resolutions on the approval or cover sheet(s).
- b) Landscape
  - i. Provide specifications for restoration/soil profile rebuilding.
  - ii. Universally rectify/update plantings names and species selection as needed.
- c) Update the Tree Canopy Exhibit to delineate tree canopy coverage for the Site and the public adjacent frontages.
- d) Update all applicable sheets for consistency and accuracy.
- e) Add the following notes:
  - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
  - ii. “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
  - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- f) Include approved Fire and Rescue Access Plan.
- g) Modify data table to reflect development standards approved by the Planning Board.
- h) Ensure consistency of all details and layout between Site and Landscape plans.
- i) Add a plan sheet with an exhibit illustrating and identifying all noise-impacted units.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Springvale Terrace, Site Plan No. 820240040, submitted via ePlans to the



M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

The Site Plan satisfies the requirements of Forest Conservation Plan No. F20240200, Preliminary Plan No. 120240030 and Sketch Plan No. 320240020. All applications were reviewed concurrently under the Planning Department's Speed to Market Initiative, which allows for consolidated review of Sketch, Preliminary, and Site Plan applications for proposals that are designated Strategic Economic Development Projects, projects that have specialized benefits above standard requirements and projects that are extremely straightforward or have strong community support. In this case, the Application provides for 237 units of 100 percent affordable, independent living units for seniors, which is a highly desirable housing type for the County.

The Sketch Plan, Preliminary Plan, and Forest Conservation Plan are specifically designed to be supportive of the Site Plan. The Application is within the established density and height limitations of the CRT zone; it provides appropriate design elements that are responsive to the Site's neighborhood context and proposed use type, and includes the required public rights-of-way dedications, as provided in the associated Sketch and Preliminary Plans.

Existing Special Exception No. 1251, that allowed for the existing independent and assisted living uses under the Site's prior R-60 zoning, shall be vacated, or revoked, if the Board of Appeals deems such revocation necessary, as conditioned.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Use Standards

An Independent Living Facility for seniors is allowed as a limited use in the CRT zone, subject to the requirements of Section 59.3.3.2.C.2 of the Zoning Ordinance

*Where an Independent Living Facility for Seniors is allowed as a limited use, it must satisfy the following standards:*

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

As proposed, the facility will meet all applicable licensure, certificate, and regulatory requirements.

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

Staff are not proposed to live on-site.

- iii. *Occupancy of a dwelling unit is restricted to the following:*

(a) *a senior adult, as defined in Section 1.4.2, Defined Terms;*

(b) *other members of the household of a senior adult, regardless of age;*

(c) *a resident caregiver, if needed to assist a senior resident; or*

(d) *a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist seniors as defined in that program.*

(e) *If imposing age restrictions that would limit occupancy otherwise allowed by this Subsection, the facility must only impose age restrictions that satisfy at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, as*

*amended, or the state Fair Housing Act, Subtitle 7 of Title 20 of the Annotated Code of Maryland, State Government Article, as amended*

Occupancy of the proposed facility will be limited to persons 62 years of age or older, or as allowed by the occupancy restrictions of the Zoning Ordinance, as applicable.

b. Development Standards

The Subject Property includes approximately 3.16 acres zoned CRT-1.5 C-0.0 R-1.5 H-65. The Application satisfies the applicable development standards as shown in the following data table:

**Table 1 – CRT Zone Optional Development Method  
 (Mapped Density: CRT-1.5 C-0.0 R-1.5 H-65)**

| <b>Development Standard</b>                    | <b>Permitted/ Required</b> | <b>Approved</b>          |
|--|----------------------------|--------------------------|
| <b>Tract Area</b>                              | n/a                        | 137,643 sf (3.16 acres)  |
| <b>Tract Area - Prior Dedication</b>           | n/a                        | 21,980 (0.505 acres)     |
| <b>Tract Area - Proposed Dedication</b>        | n/a                        | 7,957 sf (0.183 acres)   |
| <b>Site Area</b>                               | n/a                        | 107,706 sf (2.473 acres) |
| <b>Residential (GFA/ FAR)</b>                  | 206,464 sf (1.5)           | 206,464 (1.5)            |
| <b>Commercial (GFA/FAR)</b>                    | 0 sf (0)                   | 0 sf (0)                 |
| <b>Total Mapped Density (GFA/FAR)</b>          | 206,464 sf (1.5)           | 206,464 sf (1.5)         |
| <b>MPDU Requirement (min)</b>                  | 15%                        | 25%                      |
| <b>MPDU Bonus Density (GFA/FAR)</b>            | 278,726 sf (2.02)          | 206,464 sf (1.5)         |
| <b>Total GFA/FAR with MPDU bonus (GFA/FAR)</b> | 278,726 sf (2.02)          | 206,464 sf (1.5)         |

| <b>Development Standard</b>                             | <b>Permitted/ Required</b> | <b>Approved</b>   |
|---|----------------------------|-------------------|
| <b>Building Height (max)</b>                            | 65 ft                      | 65 ft             |
| <b>Public Open Space (min)</b>                          | 10,771 sf                  | 0 sf <sup>2</sup> |
| <b>Setbacks (min) – Front – Wayne Avenue</b>            | 0 ft                       | 0 ft              |
| <b>Setbacks (min) – Front - Springvale Road</b>         | 0 ft                       | 10 ft             |
| <b>Minimum Setbacks (ft) – Front - Pershing Drive</b>   | 0 ft                       | 125 ft            |
| <b>Minimum Setbacks (ft) – Front - Cloverfield Road</b> | 0 ft                       | 10 ft             |

**Table 2 – CRT Zone - Parking and Loading Requirements**

| <b><u>Requirement</u></b>  | <b><u>Spaces Required</u></b> | <b><u>Spaces Provided</u></b> |
|--|-------------------------------|-------------------------------|
| <b><u>Vehicle Parking</u></b>                                      |                               |                               |
| <b>Total Vehicle Parking<sup>3</sup></b>                           | 62 min. / 241 max.            | 55 <sup>4</sup>               |
| 237 Independent Units<br>(0.5 per Unit minimum/1 per Unit maximum) | 119 min. / 237 max.           |                               |
| 8 Employees  | 4                             |                               |

<sup>2</sup> Section 4.1.12 of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* provides all Optional Method development projects required to provide public open space on a site not recommended for a new public space in the Sector Plan area are required to instead make a fee-in-lieu contribution to Montgomery Parks based on the cost per square foot of constructing an equivalent area of the otherwise required on-site public open space. Projects providing 25% or greater MPDUs and/or DHCA approved equivalents and/or other Low-Income Housing Tax Credit eligible units are eligible for an affordable housing discount to the contribution.

<sup>3</sup> The final number of vehicle parking spaces to be determined at building permit based on the final number of dwelling units. Adjustment factors to the baseline parking minimums per Section 59-6.2.3.2.B have not been applied.

<sup>4</sup> ZTA 23-10 went into effect March 25, 2024, and allows residential uses to provide fewer than the baseline minimum number of parking spaces as required in Section 59-6.2.4.B. if the Site is located within 0.5 miles of a Purple Line Transit Station. The Site is located approximately 0.2 miles southwest of the future Dale Drive Purple Line Station and is therefore permitted to provide fewer than the baseline minimum parking spaces without requesting a parking waiver.

|  |   |   |
|--|---|---|
| (0.5 per employee minimum/0.5 per employee maximum)  |   |   |
| <b>Loading</b>   | 1   | 2   |
| <b>Bicycle Parking</b><br><b>237 Independent Living Units</b><br>0.25 spaces per unit (max 50) | 48 long-term / 2 short-term<br>(50 total) | 50 long-term / 4 short-term<br>(54 total) |

*Section 4.5.4.B.4 - Form Standards*

The Site Plan conforms to the intent of the form standards, including transparency, blank walls, and active entrances. The Project proposes ample fenestration and activating features on the ground-floor level, including recreational and social spaces at the building’s two main entrances. The building incorporates an architectural design that leaves no blank walls. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan.

*Division 4.7 Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-45.4.A, this Application provides at least 50 public benefit points. Pursuant to Section 59-4.7.3.D.6.e., an application that provides more than 20 percent MPDUs, need only provide public benefit points in the Affordable Housing subcategory and is not required to satisfy any other public benefit point category. Nonetheless, this Application provides for more than 50 public benefit points in two categories to satisfy the requirements: Connectivity and Mobility, and Diversity of Uses and Activities.

The Site Plan public benefits are consistent with the outline of public benefits approved in Sketch Plan No. 320240020.

| <b>Public Benefit</b>                   | <b>Maximum Points Allowed</b> | <b>Approved</b> |
|---|-------------------------------|-----------------|
| <b>Connectivity and Mobility</b>        |                               |                 |
| Minimum Parking                         | 10                            | 7.7             |
| <b>Diversity of Uses and Activities</b> |                               |                 |
| Enhanced Accessibility                  | 20                            | 3.7             |
| Affordable Housing                      | No limit                      | 150             |
| <b>Total Points</b>                     | <b>50 (minimum required)</b>  | <b>161.4</b>    |

### Connectivity and Mobility

#### Minimum Parking

The Applicant requested seven (7) points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site parking spaces to ten points for providing no more than the minimum number of required parking spaces on-site. Based on the formula set forth by the Incentive Density Implementation Guidelines, the Application is eligible for seven point seven (7.7) public benefit points in this category. The Planning Board approves seven point seven (7.7) public benefit points for minimum parking.

$$\frac{\{((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))\} * 10 = \text{number of public benefit points}}{(241-55) / (241-0) * 10 = 7.7 \text{ points}}$$

### Diversity of Uses and Activities

#### Enhanced Accessibility

The Applicant requested three (3) public benefit points for providing three (3) dwelling units that satisfy ANSI A117.1 Residential Type A accessibility standard or equivalent county standard. Based on the formula set forth in the Incentive Density Implementation Guidelines, the Application is eligible for the three point seven (3.7) public benefit points in this category. The Planning Board approves three point seven (3.7) public benefit points for the provision of enhanced accessible residential dwelling units.

$$\frac{(\text{ANSI 117.1 Type A Units} / \text{Total Units}) * 300 = \text{number of public benefit points}}{(3 / 237) * 300 = 3.7 \text{ points}}$$

#### Affordable Housing

The Applicant requested 150 public benefit points for providing more than 12.5 percent of the residential units as MPDUs. This Application provides 25 percent MPDUs in a development that seeks to provide 100 percent of its units as affordable. Any project providing more than 20 percent MPDUs does not have to satisfy any other public benefit category. There is no limit on the number of public benefit points available for providing a greater quantity of MPDUs than is otherwise required. The Planning Board approves the request for one hundred fifty (150) public benefit points for Affordable Housing in accordance with the following formula:

$$\begin{aligned} & (\text{Proposed percent MPDUs} / 12.5 \text{ percent MPU}) \times 12 = \text{number of public benefit} \\ & \qquad \qquad \qquad \text{points} \\ & (25 / 12.5) \times 12 = 150 \text{ points} \end{aligned}$$

c. General Requirements

i. *Site Access*

Vehicle access will be consolidated to two total curb cuts from the existing five curb cuts. One curb cut will provide access to and from the parking lot from Springvale Road. This access will be used by residents, employees, and visitors. The second curb cut will be located on Cloverfield Road for the proposed loading bay. Sight distances for both curb cuts were analyzed and approved by MCDOT.

All vehicular parking will be accommodated in the surface parking lot. The proposed driveway is shifted approximately 33 feet southeast of its existing location (away from Pershing Drive). A design exception waiver, requested by the Applicant, and was approved by MCDOT to allow the proposed driveway to be located 55 feet from the intersection of Pershing Drive, instead of a minimum of 100 feet from the intersection, based the following rationale:

- Both the roadways are Neighborhood Streets with low traffic volume with posted speed limits of 25 mph.
- Sight distance for the driveway is met with the removal of the shrubs. The Applicant shall be responsible for removing any existing/proposed obstructions in the line of sight as Pershing Drive has access restrictions and is also designed for one way traffic (south) at this intersection and therefore less traffic movement conflict.
- The curb radius at the intersection of Springvale Road and Pershing Drive has been reduced to 15 feet with a truck apron to slow down the right turning vehicles from Pershing Drive.

To address potential safety issues within the vicinity of the driveway, the Applicant has committed to reducing the western curb radius on the opposite side of the Pershing Drive and Springvale Road intersection to 15 feet. The driveway has also been reduced to the minimum 22-foot width acceptable for fire and emergency service access.

The Applicant requested and MCDOT approved a second design exception waiver for the reduction for the required 100 feet of separation between the loading bay driveway and the intersection of Cloverfield and Wayne Avenue. This placement of the loading bay limits impacts on the surrounding residential community. The curb radius at the loading spaces was limited to 15 feet. MCDOT approved this design exception waiver citing the following reasons:

- The roadway is a Neighborhood Streets with low traffic volume with posted speed limits of 25 mph.
- This driveway is only used for loading and will have less traffic volume using this driveway.
- Sight distance for the driveway is met. The Applicant shall be responsible for removing any existing/proposed obstructions in the line of sight.

The Applicant submitted a third design exception waiver request to modestly modify the typical streetscape design along Cloverfield Road to allow for streetscape and stormwater improvements in the frontage area to work around an existing WSSC public water main located beneath the curb line of the roadway. MCDOT reviewed and approved this design waiver exception as well.

ii. *Parking, Queuing, and Loading*

Vehicular parking will be provided by a surface parking lot, accessed from Springvale Road. In CR zones, the creation of new parking lots is generally discouraged between a proposed building and street. This Site is unique in that it has street frontage on all four sides, which does not allow for parking to be located anywhere but in between the proposed building and a street. Additionally, the Application will reduce the size of the existing surface parking, provide landscaping, screening, and stormwater management to current standards, yielding a significant improvement over existing conditions. The minimum required number of vehicle parking spaces for 237 independent living units and eight employees is 62 and the maximum is 241. The parking lot includes 55 parking spaces, as permitted by recent changes to the Zoning Code (ZTA 23-10) that allow the Applicant to provide fewer than the baseline minimum number of parking spaces, due to the proximity to a future Purple Line station (0.2 miles, Dale Drive Station).

Loading will be accommodated within two bays, accessed from Cloverfield Road. Cloverfield Road currently operates as a one-way street,



with travel allowed in a westbound direction, from Wayne Avenue to Pershing Drive. The Applicant has requested an operational change to two-way vehicular travel for Cloverfield Road to allow two-way, ingress and egress movements to the loading bay on Cloverfield Road from Wayne Avenue, to avoid routing trucks exiting the loading bay through the surrounding neighborhood. This request is under MCDOT review. Regardless of MCDOT's decision on this request, the Site Plan demonstrates that trucks can maneuver in and out of the loading bay on Cloverfield Road safely and efficiently under the street's current one-way configuration or under the requested two-way operational scenario.

iii. *Open Space and Recreation*

The Application provides for private on-site recreational amenities in accordance with the current, March 2017 Recreation Guidelines, including indoor spaces for activities and social engagement, an open-air courtyard and outdoor seating areas proximate to Wayne Avenue and Pershing Drive.

Under the Optional Method of development in the CRT zone and based on the Property's tract size and number of frontages, this Application would normally be required to provide ten percent of its site area (10,771 square feet) as public open space in accordance with Section 59.4.5.4.B.1 of the Zoning Ordinance. However, the 2022 *Silver Spring Downtown and Adjacent Communities Plan* does not recommend new public open space for this Property and in accordance with Section 4.1.12 of the Sector Plan, all such properties are required to instead make a fee-in-lieu contribution to Montgomery Parks based on the cost per square foot of constructing an equivalent area of the otherwise required on-site public open space. As this Application provides for 25 percent or greater MPDUs, and overall proposes 100 percent affordable senior housing for seniors, it is eligible for an affordable housing discount to the contribution. The Planning Board approved a Sector Plan Interpretation Policy dated October 26, 2023 with the following formulas to calculate the fee-in-lieu contribution, including a 2023 base rate of \$80, and normalized base rate of \$20. Based on the formula the Application is anticipated to contribute \$0 (zero dollars) to Montgomery Parks for parks purposes in the Sector Plan area; with the final contribution determined at Site Plan.

Silver Spring Downtown and Adjacent Communities Open Space Fee-in-Lieu Contribution

Contribution = square feet of required public open space x (normalized base rate x approved FAR)  
 $10,771 \times (20 \times 1.5) = \$323,130$

Affordable Housing Discount

Discounted Contribution = Contribution x ((100 – MPDU and/or DHCA approved equivalent percentage units) / 100)

$\$323,130 \times (0 - 100) / 100 = \$0$  (zero dollars)

iv. *General Landscaping and Outdoor Lighting*

Landscaping and outdoor lighting are proposed as part of the Project. These elements are generally designed to the 2023 *Silver Spring Downtown and Adjacent Communities Design Guidelines* along the Site’s four frontages.

Outdoor lighting is provided in appropriate locations around the Site and building to ensure safe and attractive nighttime illumination. Landscaping and planted stormwater features are provided where feasible and appropriate.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

- a. Chapter 19, Erosion, Sediment Control, and Stormwater Management  
A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on March 19, 2024. The plan will meet stormwater management requirements using micro bioretention.

- b. Chapter 22A, Forest Conservation

The Planning Board concurrently reviewed and approved Forest Conservation Plan No. F20240200 for Springvale Terrace. The approved Forest Conservation Plan satisfies the applicable requirements of Chapter 22A.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing, and where required, open spaces and site amenities.*

Access, circulation, and transportation safety will be increased with the consolidation curb cuts for vehicular access to the Site, especially on Springvale Road where the number of curb cuts will be reduced from four existing to one proposed. All resident, employee and visitor motor vehicles will access the Site at the single, new curb cut to the parking lot. The existing layby and maintenance driveway will be removed. Loading access for service trucks will use the driveway on Cloverfield Road to access the loading bay. Pedestrian access and circulation will be improved with new, wider and buffered sidewalks on all four of the Site's street frontages. Internal sidewalks will also be widened and will be ADA accessible.

The building is appropriately scaled for the Property and employs architectural techniques to break down the perception of bulk and mass. Site amenities proposed are consistent with the proposed independent living for seniors use. A fee-in-lieu of dedication of public open space shall be provided in accordance with the provisions of the *Silver Spring Downtown and Adjacent Communities Plan*.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* includes general and specific recommendations that apply to the Property and Application as follows:

*General Recommendations*

*Land Use and Zoning*

*For Optional Method development projects required to provide public open space on a site not recommended for a new public open space in the Sector Plan, the Plan requires contribution to a recommended park preferably in the same district, unless the Planning Board determines the public open space will significantly contribute to the public open space network proposed in this Sector Plan. Refer to Section 4.1.12. Implementation.*

The Application is made under the Optional Method of development for the CRT zone and in lieu of providing its required 10,771 square feet of public open space on-site, the Applicant must provide a fee contribution to M-NCPPC Montgomery Parks as recommended by Section 4.1.12 of the *Silver Spring Downtown and Adjacent Communities Plan*. The amount of the contribution shall be determined when the Site

Plan is certified, following the formulas established in Master Plan Interpretation / Policy Document M-NCPPC 2024-01.

Housing

*Require all Optional Method of Development projects to provide a minimum of 15 percent moderately priced dwelling units (MPDUs) or other DHCA-equivalent affordable housing.*

The Application is made under the Optional Method of development for the CRT zone and provides 25 percent MPDUs.

*Provide a range of unit types for a diversity of households, including families, seniors, and persons with disabilities.*

The Application is for a 100 percent affordable independent living facility for seniors, with 25 percent MPDUs and remaining units ranging from 30 percent AMI to 80 percent AMI, with three fully accessible (ANSI A117.1 Residential Type A standard or County equivalent) units provided.

*Support partnerships among public, private, and philanthropic institutions, when possible, to assist in the development of affordable housing.*

The Applicant team consists of two mission-driven organizations, Enterprise Community Development, a national non-profit organization with the mission to “make home and community places of pride, power and belonging”, and Seabury Resources for the Aging, a local non-profit organization with the mission “to provide personalized, affordable services and housing options to help older adults in the greater Washington D.C. area live with independence and dignity.” The two organizations have partnered for this project to replace the existing 146-unit Seabury at Springvale Terrace facility with a modern 237-unit independent living facility for seniors. The Application will increase the number of affordable senior housing units onsite by 91 units.

Urban Design

*In the Adjacent Communities, new development should be compatible in massing and form to the surrounding context.*

The Application replaces an existing senior-living facility that has existed and operated at this location for over 60 years. The new development is respectful of its

neighborhood context in massing and form. The building reaches its maximum height of five floors along the Site's eastern, most urbanized frontage, Wayne Avenue, and steps down in height to three floors on its western side. The building architecture incorporates a variety plane changes, ample fenestration and materials, including brick, which help to break down the perceived mass of the building and make it compatible with its neighborhood context.

*Transportation & Pedestrian Network*

*Enhance roadway accommodation for all users and eliminate conflict points.*

The Application will enhance roadways and sidewalks safer around the Property by eliminating three of five curb cuts that currently provided access to the Site. The Application will provide one access point to the Site from Cloverfield Road to a loading and service bay for the new building. The Application includes a second curb cut from Springvale Road, proximate the Site's southwest corner, to provide access to the parking lot. Reducing the number of curb cuts for vehicular access the number of potential points of conflict between cars and pedestrians around the Site.

*Make all public pathways including sidewalks, trails, and street crossings, ADA accessible in accordance with current best practices.*

*Ensure that every public right-of-way within the Sector Plan area will be ADA accessible. This applies to public sidewalks, trails, and street crossings.*

The Application provides for new sidewalks internal the Site and on all four of its frontages. Along Wayne Avenue, an eight-foot-wide sidepath will be provided and ADA accessible as part of the construction of the Purple Line. Along Pershing Drive, a six-foot-wide sidewalk is provided, which will also be constructed to ADA standards. Sidewalks on Cloverfield and Springvale Roads will be six feet in width. New ADA accessible curb ramps and crosswalks are provided at points along all four site frontages.

*Adjacent Communities Recommendations*

*Opportunity Site & Zoning*

*Block including 8505 Springvale Road and 620 Pershing Drive: This site currently includes a facility for seniors. The Plan proposes a rezoning from R-60 to CRT to support the potential future redevelopment of the full site for multifamily housing.*

*Block including 8505 Springvale Road and 620 Pershing Drive: This block currently includes a senior housing facility. Proposed rezoning to CRT for future flexibility for multifamily and/or senior housing.*

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* recommended the subject Property be rezoned from R-60 to CRT to increase flexibility for future redevelopment. This zoning change was achieved through the County Council's passage of Resolution 19-1412 Sectional Map Amendment (H-146) on October 18, 2022. The proposed Project has leveraged the opportunity and proposes the scope and scale of development program intended by the zoning change.

*Urban Design*

*All new buildings in these neighborhoods should be compatible in scale with the surrounding development, regardless of building type.*

The proposed building will be compatible with surrounding development. The proposed building location, scale and uses, as well as the proposed parking are similar in nature to what exists today, but with significant improvements. As noted above, the Property was specifically rezoned from R-60 to CRT to allow for greater density and flexibility for future redevelopment, which is being realized with the subject Application. The general scope and scale of the building are in-line with the standards of the CRT zone and attention has been paid to incorporate architectural techniques to break down the perceived mass of the building and make it relatable at the street level. This includes stepping down building height, incorporation of brick and architectural panels in colors that are complimentary to those found on homes in the surrounding neighborhood of single-family dwellings.

*Maintain mature tree canopy by continuing to plant and replace street trees as needed.*

The Application provides street trees on all four Site frontages in general conformance with the 2023 *Silver Spring Downtown and Adjacent Communities Plan Design Guidelines*.

8. *The development 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.*

Associated with this Site Plan, Preliminary Plan No. 120240030 was concurrently reviewed and approved by the Planning Board. Analysis provided with the Preliminary

Plan concluded that the development will be served by adequate public services and facilities.

9. *The development is compatible with the character of the residential neighborhood.*  
The Subject Property is not located in a Rural Residential or Residential Zone; therefore, this requirement is not applicable to this Application.
10. *The development is compatible with existing and approved or pending adjacent development.*

This Application will be compatible with surrounding development. There are no pending nearby developments. The proposed use continues the Site's long-standing focus on providing affordable, senior housing. The Property was specifically rezoned from R-60 to CRT to allow for greater density and flexibility for future redevelopment, which is being realized with the subject Application. The scale of the proposed building is in-line with the standards of the CRT zone and proposes less density than the maximum allowable (1.5 FAR proposed, with up to 2.02 FAR allowed), which helps the proposed building fit the residential character of the neighborhood. Various architectural techniques are utilized to break down the perception of bulk and mass of the building including stepping down its height as it pulls back from Wayne Avenue, articulation, fenestration and visual porosity between the street and entry spaces, and the incorporation of brick and architectural panels in colors that are complimentary to those found on homes in the surrounding neighborhood of single-family dwellings.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

May 14, 2024

(which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of **3-0-1**, Chair Harris, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Vice Chair Pedoeem abstaining, and Commissioner Linden necessarily absent, at its regular meeting held on Thursday, May 9, 2024, in Wheaton, Maryland and via video conference.



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Artie L. Harris, Chair  
Montgomery County Planning Board