BEFORE THE OFFICE OF ZONING
AND ADMINISTRATIVE HEARINGS
OF MONTGOMERY COUNTY, MARYLAND

IN THE MATTER OF THE APPLICATION
OF 1910 UNIVERSITY, LLC FOR A
CONDITIONAL USE FOR AN INDEPENDENT
LIVING FACILITY FOR SENIORS
OR PERSONS WITH DISABILITIES

* Application No. CU 22-04

APPLICANT’S AMENDED STATEMENT OF JUSTIFICATION

The Applicant, 1910 University, LLC, hereby submits this amended application for an
independent living facility for seniors or persons with disabilities which is a conditional use
allowed in the R-60 zone pursuant to Montgomery County Zoning Ordinance §§ 59-3.3.2.C and
59.3.1.6.

INTRODUCTION

This Amended Statement of Justification is necessitated by a modification of the site and
technical plans related to the siting of the proposed independent senior housing facility. Upon
learning that the Zoning Ordinance had been amended to decrease the amount of front yard setback
for the proposed building, 1910 University, LLC, obtained approval to defer the public hearing on
Case No. CU 22-04 in order to revise plans to better locate the building on its lot relative to the
features to the northeast (University Boulevard West) and the southwest (residential housing)
abutting the subject property. The changes shown on the amended plans do not alter the exterior
appearance of the building, but they do center the building better on the lot on which it will sit.
The modest changes in plans that occur from this relocation are addressed in this Amended Statement.

The subject property is known as 1910 University Boulevard West in Silver Spring and is located on the south side of University Boulevard. It is directly across University Boulevard from the northern portion of Reedie Drive and abuts the southwest portion of Reedie Drive at the rear of the lot. The subject property along with the adjacent lot at 1840 University Boulevard West is owned by the synagogue Har Tzeon-Agudath Achim and is zoned R-60.

The synagogue has been located on the 1840 University Boulevard West property since the 1950s. Recently, for financial reasons, the synagogue was looking to partner with another nonprofit with a comparable philanthropic program to make use of its underutilized land holdings. It found that partner in 1910 University, LLC, a nonprofit organization with the mission of developing and managing affordable housing for people in need of shelter. 1910 University, LLC has a track record in Montgomery County of partnerships with faith-based organizations including the Mt. Jezreel Senior Housing facility located at 426 University Boulevard E. in Silver Spring and St. Anne’s Episcopal Church in Damascus. 1910 University, LLC also has its own nonprofit management firm, Columbus Property Management, that will be managing the subject facility once it is up and running.

In furtherance of the partnership between 1910 University, LLC and the synagogue, the synagogue will be taking the properties located at 1840 and 1910 University Boulevard West through the subdivision process and, once, subdivided, will sell the property presently identified as 1910 to 1910 University, LLC for the Independent Living Facility that is the subject of this conditional use application. The synagogue will retain the lot generally consistent with the current boundaries of 1840 University Boulevard West after the rehabilitation and renovation.

The subject property is currently improved with a house that is being used as a food pantry by the synagogue. In addition, the synagogue uses the property for parking.
The Applicant hereby submits the following information in support of its Conditional Use Application to demonstrate compliance with all of the various requirements for the granting of the requested conditional use.

I. APPLICANT

This petition is filed by 1910 University, LLC, a special purpose entity related to Mission First Housing, which is a 501(c)(3) nonprofit organization founded in 1989 whose mission is to develop and manage affordable, safe and sustainable homes for people in need, with a focus on the vulnerable. Mission First Housing communities currently house over 5500 people in over 3800 units in the Mid-Atlantic region, including families, seniors, veterans, and persons with disabilities, among other populations.

II. SUBJECT PROPERTY

A. Present Conditions

The property is an unplatted parcel of land located at 1910 University West in Silver Spring, Maryland at the eastern edge of the Wheaton central business district. It is an approximately 1.3-acre parcel of land classified in the R-60 zone. The property is presently improved with a former residence and paved parking lot. The parcel is irregularly shaped with 446 +/- feet of frontage along University Boulevard and 49 +/- feet of frontage in the rear of the property along Reedie Drive.

There are no wetlands, intermittent or perennial streams on the property. No known rare, threatened, or endangered species exist on the property and there are no designated historic sites on or near the property. In addition, there is no forest and there are no champion trees on the site.

B. Proposed Area for Conditional Use

The Applicant’s proposal is to use the entire property at 1910 University Boulevard West for the proposed senior independent living facility and will, in fact, cover some additional
land now part of the adjacent parcel, located at 1840 University Boulevard West, for driveways, parking, outdoor areas and amenities, etc. The common boundary between the reconfigured parcels of land will be established through the subdivision review process.

III. **SURROUNDING NEIGHBORHOOD**

A. **Description**

Land uses across University Boulevard and to the rear of the subject property are primarily single-family detached and townhome residences with the synagogue situated on the adjacent lot. There are no known pending or proposed development approvals within the defined neighborhood vicinity with the exception of the improvements proposed for the synagogue site.

In addition, there are numerous transportation services, parks, restaurants and retails businesses within walking distance to the site. One prominent landmark is the WTOP building and radio towers located just north and west of the subject site at 2115 University Boulevard West.

With respect to transportation services, the Wheaton Metro Station is approximately ½ mile from the site. In addition, there are bus stops along the property’s frontage on University Boulevard.

Westfield Wheaton, also known as Wheaton Mall, is less than 1 mile away along with numerous other restaurants and businesses located in the areas around Westfield Wheaton. There is a Giant Food grocery store at Westfield Wheaton and the subject property is ½ mile from a Safeway on Georgia Avenue. The nearby active “downtown” Wheaton contains a rich supply of office, services and amenities that are used and are needed by the seniors who will be living in the proposed independent senior living community.

Both Wheaton Veteran’s Urban Park and Wheaton Forest Local Park are less than ½ mile from the site and Sligo Creek Park is approximately 3 miles away on foot. The Wheaton Library along with the Wheaton Recreation Center is less than a mile from the site.
B. **Medical Services**

Holy Cross Hospital in Silver Spring, Maryland, is located only 2.5 miles away from the site and is a full-service hospital providing services such as emergency care, surgeries, imaging, cancer treatments, and rehabilitation. In addition, Holy Cross Hospital has the nation’s first and the region’s only Seniors Emergency Center, which caters to the unique needs of seniors with specialized surgical and inpatient services along with healthy-aging programs.

Other medical and dental facilities in the area include University Medical Care (0.4 miles), Mary’s Center (2.0 miles), and Righttime Medical Care (2.5 miles).

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IV. **ZONING HISTORY OF SURROUNDING NEIGHBORHOOD**

A. **Other Zoning Activity in the Surrounding Area**

There have been no previous special exceptions or conditional uses applied for on the subject property or on any property in the surrounding neighborhood around the subject property.

B. **Definition of “Surrounding Area”**

1910 University, LLC submits the area outlined in purple on Figure 1 below as a logical neighborhood for purposes of analyzing the influence of the proposed use on surrounding uses. This proffered “neighborhood” contains all abutting and confronting properties including the townhouse community immediately across University Boulevard. In Figure 1, the property outlined in red is the current configuration of 1910 University Boulevard and the property outlined in green is 1840 University Boulevard.
V. APPLICANT’S PROPOSAL

A. Proposed Use

The proposed development consists of the construction and operation of an independent senior living facility in a new 98,000 square foot, 90-unit apartment building with a maximum height of 48 feet.
B. Physical Improvements

1910 University, LLC proposes to construct a T-shaped seniors’ residential building with the portion of the building at the top of the “T” fronting along University Boulevard. See Figure 2 below for illustrative purposes only. The building will be a four-story seniors housing facility with a maximum height of 48 feet along University Boulevard, stepping down twice in the rear towards Reedie Drive. The first step down is to a three-story building with a height of 36.5 feet. The final step down brings the part of the building closest to the residences along Reedie drive to 26 feet in height. The structure will total 98,000 square feet in size and will contain ninety (90) units with a mix of one-bedroom and two-bedroom units. While the final mix of units have not been determined yet, the mix will be approximately 85% one-bedroom and 15% two-bedroom. In addition, the facility will include 30% MPDUs in conformance with § 59.3.3.2.C.iii of the Zoning Ordinance.
Community spaces within the proposed building that will be available to all residents include a fitness facility and a bike storage room on the basement level; a community room with a raised outdoor patio on the first floor; a roof terrace on the fourth floor; and an outdoor seating area. All floors, including the basement, will have a laundry room and a lounge area.

Parking for the seniors housing community will consist of 47 spaces including three handicapped parking spaces on-site with the other 44 spaces provided on the synagogue’s site through a shared parking agreement.

C. Access and Circulation

Access to the seniors housing building will be via the existing two access points off of University Boulevard—one is a right in and the other is a right out—currently used by the synagogue.

Circulation on the site will allow direct and quick access to the main entryway to the building for resident drop-off and pick-up. There is a loading area cut into the median on the subject property to allow for, among other things, trash pick-up. The drive lane as designed will accommodate service and emergency vehicles.

D. Site Features

1. Parking

Parking for the combined 1910 University, LLC Independent Living Facility for Seniors and Har Tzeon-Agudath Achim synagogue is a dynamic but an integrated situation.

1910 University Boulevard West

1910 University, LLC plans to deliver ninety (90) dwelling units in its residential building with three (3) employees in the major shift. Under Section 59.6.2.3.I.2.b (“Adjustments to Vehicle Parking: Special Uses: Restricted Housing Types”), the baseline minimum parking rate for an
Independent Living Facility for Seniors of 1.0 parking space per dwelling unit may be reduced by a factor of 0.50. Accordingly, the building proposed to be constructed and operated at 1910 University Boulevard West must provide at least 45 spaces for residents and two (2) parking spaces for employees on the major shift at a rate of 0.50 space per employee. [3 employees x 0.50 = 1.5 rounded up to 2 spaces]. Therefore, the Code requirement for parking necessary to support the seniors’ residential building of 90 dwelling units with three employees in the major shift is 47 parking spaces.

1910 University, LLC is very comfortable with the number of spaces that the Montgomery County Zoning Ordinance thinks that it should provide for its residents. 1910 University, LLC has within the District of Columbia four (4) seniors’ residential buildings containing a total of 322 dwelling units. In the District of Columbia, the parking rate for independent seniors living is one (1) parking space per six units. In none of its residential communities in the District does 1910 University, LLC experience any issues with a shortfall in parking for its residents. Because the site at 1910 University Boulevard is urban in character like many of 1910 University, LLC’s downtown projects, the Applicant is comfortable that parking at a rate three times greater than what 1910 University, LLC provides in a comparable urban setting is more than adequate for the subject site.

Har Tzeon-Agudath Achim

Upon redevelopment of its synagogue, Har Tzeon-Agudath Achim expects to have no more than 200 fixed seats in its main worship hall. Under the Parking Table in Section 59.6.2.4.b of the Zoning Ordinance, a place of “religious assembly” must provide parking at the rate of 0.25 spaces per fixed seat, or 1 parking space per 4 fixed seats. However, Section 59.6.2.3.1.2.c (Religious Assembly”) authorizes the “deciding body” (in this case, the Hearing Examiner) to reduce the number of required parking spaces to be provided to 0.125 parking spaces per fixed seat when members of the congregation have religious beliefs that prohibit the use of motor vehicles in
traveling to and from religious services conducted on the Sabbath. Traditional Judaism has, for millennia, prohibited certain activities on the Sabbath. In modern times, driving a motor vehicle has been considered one of those prohibitions.

The Conservative movement in the United States, recognizing that there is no other way for some to attend synagogue due to distance or health, issued guidance permitting those who have no other choice to drive only to and from the synagogue on the Sabbath. Some rely on this guidance, while others maintain traditional Sabbath observance.

As a traditional Conservative synagogue, Har Tzeon-Agudath Achim Congregation and its members tend to adhere to a more orthodox or ritually observant traditions. Many of the congregants purchased homes specifically to be within walking distance of the synagogue. Currently, more than 60% of the regular Sabbath attendees walk to synagogue, while the remainder choose to drive.

In summary, upon application of the required parking reduction authorized by Section 59.6.2.3.1.2.c of the County Zoning Ordinance, the parking requirement for the new Har Tzeon Synagogue would be twenty-five (25) spaces.

**Total Parking Spaces Available**

The Applicant’s plans show that, between the two parcels of land comprising 1910 University Boulevard and the Har Tzeon Synagogue, there will be ninety-three (93) spaces available to serve both uses as documented as follows:
### Table 2: Parking Calculations

<table>
<thead>
<tr>
<th>Use</th>
<th>Min. Rate/Unit</th>
<th>Units, Employees, Seats</th>
<th>Min. Spaces Required</th>
<th>Min. Spaces Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Group Housing - Independent Living (Senior Housing)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Units</td>
<td>0.50</td>
<td>90</td>
<td>45.0</td>
<td></td>
</tr>
<tr>
<td>Employees</td>
<td>0.50</td>
<td>3</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>47.0</td>
<td>47*</td>
</tr>
<tr>
<td><strong>Religious Institution</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Fixed Seats</td>
<td>0.125</td>
<td>200</td>
<td>25</td>
<td>46</td>
</tr>
<tr>
<td><strong>Total Spaces</strong></td>
<td></td>
<td></td>
<td>72</td>
<td>93</td>
</tr>
</tbody>
</table>

*Off-site parking spaces provided under a parking agreement per Section 59.6.2.3 G of the Zoning Ordinance.

Accordingly, there is an adequate amount of parking, indeed a generous surplus of twenty-one (21) spaces, over what is required and what is provided on the combined sites.

### Allocation of Parking Spaces

Because of the demands for space for the independent seniors’ housing facility, and the parking facility setback standards on the land area covered by the conditional use application, the Applicant is able to locate only three (3) parking spaces on the lot at 1910 University Boulevard. On the other hand, with redevelopment of the Har Tzeon Synagogue property reducing building area size, there is availability for parking on that site that exceeds the needs of the synagogue. Accordingly, as a further measure of this joint undertaking by 1910 University, LLC and Har Tzeon-Agudath Achim, HTAA will make available for use by residents of the seniors’ residential building up to forty-four (44) parking spaces under a “parking by agreement” arrangement provided for in Section 59.6.2.3g (“Off-Site Parking by Agreement”) of the County Zoning
Ordinance. An agreement between 1910 University, LLC and HTAA will provide that up to forty-four (44) parking spaces on the synagogue’s land will be made available for long-term parking for 1910 University, LLC’s residents and their staff.

Conclusion

Working together to deal with the advantages and disadvantages of their respective lots, 1910 University, LLC and Har Tzeon-Agudath Achim have addressed their respective parking needs in a collaborative manner. The parties are confident that their individual parking needs will be, in actuality, less than what the County Zoning Ordinance requires and that their parking periods of demand are complementary. For the synagogue, its peak parking demand will be Saturday daytime; for the seniors’ residential building peak parking will be evenings and Sundays when families tend to visit. The two uses will be therefore “parking compatible.”

It should be noted that the main religious assembly hall in the HTAA synagogue currently contains 380 seats. As has been explained previously, acquisition of part of the HTAA property for the proposed housing for independent seniors will create the capital that HTAA will apply to redevelopment of the existing synagogue resulting in a seating capacity of 200. Due to phasing of the entitlement and construction of each building, there will be no time when the synagogue will still be using a worship hall containing 380 seats and the 1910 University, LLC residential building will be ready for occupancy. Therefore, the end state parking spaces required and provided for each use are realistic projections of future parking needs and availability.

2. Trash Enclosure

The trash enclosure will be located towards the side of the front of the building as shown below in Figure 3. This location conceals the enclosure from the front entrance of the building and shields it from the view from University Boulevard. It is located directly across from the loading area where trash trucks will park to empty the trash cans. The loading area allows the trash trucks to avoid the fire line while picking up the trash.
3. Proposed Lighting

Lighting is designed to be unobtrusive and consistent with the location of this facility in a residential area. There will be shielding provided on the light fixtures so that the lighting levels at the property line will comply with Zoning Ordinance requirements. The Photometric Plan included with the application shows the locations where the fixtures will be mounted and the detail sheets include the manufacturer’s specifications on the lighting fixtures that are proposed. The lighting plan is designed to provide visibility to the areas of vehicular and pedestrian circulation during
nighttime hours. All lights are proposed to be LED fixtures to eliminate any horizontal light being cast onto adjacent properties.

4. Proposed Signage

A ground mounted site sign will be located at the entrance driveway. As a multi-unit development in a residential zone, pursuant to § 59.6.7.8.B, up to two signs per entrance are allowed with a maximum sign area of 40 square feet and a maximum height of 26 feet per sign.

The entrance sign proposed for this facility is as shown in Figure 4 below. It is proposed to be four feet high and ten feet wide and meets all of the requirements of the Zoning Ordinance.

5. Bike Rack

Bicycle parking is required for the project. There is both long-term and short-term bicycle parking proposed on-site, which is detailed in the Development Standards Table listed later in this Statement.

VI. PROPOSED OPERATIONS

A. Hours of Operation
This proposed seniors' community will be operated continuously 24 hours per day. Staff will only be on-site Monday through Friday from 8:30 a.m. to 5:00 p.m. and there will be an emergency call system in place for off-hours.

B. **Number of Dwelling Units**

The facility will house ninety (90) units. Approximately 85% of the units will be one-bedroom and the other 15% will be two-bedroom.

C. **Income Eligibility**

All of the units will be for individuals 62 years of age or older (at least one individual in a household must be 62 or older) with incomes below 70% of the “Average Median Income” (AMI) for Montgomery County with a majority of the proposed units reserved for individuals with incomes below 60% of AMI. These units will also satisfy the 30% MPDUs to be provided on-site.

D. **Staff**

Staff will typically be present on weekdays between the hours of approximately 8:30 a.m. and 5:00 p.m. The maximum weekday staff on-site at any one time is projected to be three (3), including a property manager, a maintenance technician and a porter.

VII. **CONFORMANCE WITH NECESSARY FINDINGS**

A. **General Conditional Use Findings Required Under Section 59-7.3.1.E**

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

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

   This section is not applicable. There are not any active, existing prior approvals for the subject site.
b. Satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;

The proposed use, an Independent Living Facility for Seniors or Persons with Disabilities, is permitted by conditional use approval in the R-60 zone in which the property is located. (Section 59.3.1.6 generally and 59.3.3.2.C specifically) The following development standards are met per the requirements of Section 4.4.9.B. for standard development in the R-60 zone and 59.3.3.2.C.2 (Independent Living Facility for Seniors or Person with Disabilities).

**DEVELOPMENT STANDARDS TABLE**

<table>
<thead>
<tr>
<th>R-60 Development Standard and/or Independent Living Facility for Seniors or Person with Disabilities</th>
<th>Required/Allowed</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>6,000 sf</td>
<td>72,840 sf/1.67 acres</td>
</tr>
<tr>
<td>Lot Width at Front Building Line</td>
<td>60 feet</td>
<td>Variable: &gt; 60 feet</td>
</tr>
<tr>
<td>Lot Width at Front Lot Line</td>
<td>25 feet</td>
<td>446 +/- feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage § 59-3.3.2.C.2.c.v</td>
<td>35%</td>
<td>31%</td>
</tr>
<tr>
<td>Principal Building Front Setback § 59-3.3.2.C.2.c</td>
<td>50 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Principal Building Side Setback § 59-3.3.2.C.2.c</td>
<td>25 feet</td>
<td>46 feet</td>
</tr>
<tr>
<td>Rear Setback § 59-3.3.2.C.2.c</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum Height § 59-3.3.2.C.2.c.iv.</td>
<td>60 feet</td>
<td>48 feet</td>
</tr>
<tr>
<td>Minimum Green Area</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>§ 59-3.3.2.C.2.c.vii</td>
<td>0.5 space/1 unit</td>
<td>47 spaces total</td>
</tr>
<tr>
<td>Parking Required</td>
<td>0.5 space/1 employee</td>
<td></td>
</tr>
<tr>
<td>§§ 59-6.2.4.B and 59-6.2.3.1.2.b</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bicycle Parking Required</td>
<td>0.25/1 unit</td>
<td>23 spaces</td>
</tr>
<tr>
<td>§ 59-6.2.4.C</td>
<td>95% long term/ 5% short term</td>
<td>22 long term</td>
</tr>
<tr>
<td>Loading Spaces</td>
<td>&gt; 50 dus = 1 space</td>
<td>1 short term</td>
</tr>
<tr>
<td>§ 58-6.2.8.B.1</td>
<td></td>
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</tbody>
</table>

Based on the information contained in the Development Standards Table above, the proposed improvements meet all of the dimensional requirements of an Independent Living Facility for Seniors or Persons with Disabilities conditional use in the R-60 zone.

c. Substantially conforms with the recommendations of the applicable master plan;

The Subject Property is located within the planning area for the Wheaton CBD and Vicinity Sector Plan ("Sector Plan"), which was approved and adopted in January of 2012. The Plan is silent with regard to any express recommendations for the subject property. However, page 58 of the Sector Plan confirms the R-60 zone for the subject site and states that “existing single-family residential neighborhoods should be protected from the adverse impacts of nearby non-residential development.” The proposed development substantially conforms to the recommendations of the Sector Plan by providing a compatible residential use allowed in the R-60 zone.

The Sector Plan, on page 62, also envisions designating the portion of University Boulevard along the subject site (east of Amherst Avenue) as a 150-foot right-of-way “to accommodate express bus routes and the master planned dual bikeway.” The proposed
development accommodates this recommendation by dedicating additional right-of-way along University Boulevard to provide 75 feet of right-of-way from the existing centerline.

d.  _Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;_

The proposed conditional use will be in harmony with the general character of the neighborhood which is primarily single-family detached residential with some townhomes across University Boulevard to the north and west of the subject site. The proposed use will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan since the use is residential in character and will not constitute a nuisance because of traffic, noise or physical activity in view of the size and scope of the proposed use, its hours of operation and its location. The building is designed to step down in height from a maximum height of 48 feet to the lowest height of 26 feet where the building is closest to the single-family dwellings along Reedie Drive in order to maintain the character of and be harmonious with the surrounding neighborhood.

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

The proposed use is a residential use and would be the only conditional use currently located in the surrounding neighborhood. Therefore, this proposed use will not increase the
number, intensity, or scope of conditional uses to affect the area adversely or alter the residential nature of the area.

f. Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

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

ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and
As set forth in the Traffic Statement included with this application, this project qualifies for an exemption from submitting a Traffic Impact Study under the Local Area Transportation Review Guidelines since both the AM and the PM peak periods generate less than 50 trips each.

The adequacy of other public services and facilities will be demonstrated as part of the preliminary plan application that will be filed with the Planning Board.

  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.

The subject property contains no features that would cause a non-inherent adverse effect. The independent seniors housing facility will front along University Boulevard to the north and will share the existing ingress and egress with the synagogue to the east of the site. The building will step down to three stories on its west side where it is the closest to the existing neighborhood along Reedie Drive and the synagogue is immediately to the south.

The proposed facility will not have an adverse effect on the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood. The facility will be a distinctive building, designed to take into account the property’s prominence along University Boulevard and to respect the single-family residential neighborhood that abuts the property in the rear of the site.
ii. **traffic, noise, odors, dust, illumination, or a lack of parking; or**

The proposed development will not cause an adverse effect on the surrounding transportation network. In fact, it does not generate enough trips to require a traffic study. The Applicant's traffic statement confirms that the project will generate less than 50 AM and PM peak hour trips and, therefore, qualifies for an exemption from providing a Traffic Impact Study. Based on 1910 University, LLC's experience in developing and managing independent senior living facilities, this type of development is extremely compatible within a residential neighborhood and does not create undue noise or odors. The trash collection will be located in an area that is unobtrusive and shielded from view, away from the main entrance of the facility. With respect to lighting, the photometric plan included with the application shows the locations where the fixtures will be mounted and includes the manufacturer's specifications on the lighting fixtures that are proposed. The lighting plan is designed to provide visibility to the areas of vehicular and pedestrian circulation during nighttime hours. All lights are proposed to be LED fixtures to eliminate any horizontal light being cast onto adjacent properties.

The senior housing facility requires 47 parking spaces. Three of the spaces will be handicapped parking and will be provided on-site. The other spaces will be located on the synagogue's site and 1910 University, LLC will have a joint use agreement with the synagogue for the shared parking in accordance with § 59-6.2.3.G.1.

iii. **the health, safety, or welfare of neighboring residents, visitors, or employees.**

The facility will be well-designed and integrated into the surrounding neighborhood. 1910 University, LLC will have the facility managed by its nonprofit management firm, Columbus Property Management, and will have an on-site manager during normal business hours. During the off-hours, there will be an emergency call system in place to take care of any issues at the
facility. 1910 University, LLC, as with all of the Mission First housing facilities, is dedicated to providing a community that protects the health, safety and welfare of its residents, visitors and staff as well as that of the surrounding neighborhood.

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 development is compatible with the character of the surrounding residential neighborhood. It is designed to feature prominently along University Boulevard as a four-story building while stepping back to a three-story and then a two-story building as it gets closer to the single-family neighborhood along Reedie Drive.

The building will be contemporary in design and form. The materials used on the façade of the building are neutral in tone without being monotonous. They will include dark red and buff yellow brick as well as gray siding. The façade will be articulated to provide a better sense of scale to fit in with the character of the surrounding neighborhood. The building has been designed and the materials have been chosen deliberately to integrate the building into the existing neighborhood by taking into account the design of the houses that currently adjoin the site.

B. Use Standards for Independent Living Facility for Seniors or Persons with Disabilities Required under 3.3.2.C.

The proposed independent living facility for seniors or persons with disabilities conditional use complies with the use standards found in Section 59-3.3.2.C. as follows:

1. 3.3.2.C.1. Defined – Independent Living Facility for Seniors or Persons with Disabilities means a building containing dwelling units and related services for senior adults or persons with disabilities. Independent Living Facility for Seniors or Persons with
Disabilities includes meal preparation and service, day care, personal care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations.

The 1910 University, LLC’s proposal meets the definition of Independent Living Facility for Seniors or Persons with Disabilities. The request is for a senior living facility of 90 dwelling units for people 62 years of age or older (at least one of the residents in a unit must be at least 62 years of age.) The facility will also provide a fitness room, a community room with an outdoor raised patio, outdoor seating areas and a roof terrace for its residents. In addition, the facility will have on-site management and an after-hours service.

2. Use Standards (59.3.3.2.C.2.c)

a. Where an Independent Living Facility for persons with Disabilities 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:

i. The site or the proposed facilities has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must include a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.
The subject property is conveniently located within walking distance to transit, services and amenities. There are bus stops directly in front of the site and the Wheaton metro station is less than half a mile away. A vicinity map showing the required transportation and other services within one-mile radius of the site is included in the application as the Area Community Services Exhibit.

ii. The Hearing Examiner may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included for the exclusive use of the residents of the building.

No retail services for the public or residents are proposed to be located in the independent seniors living facility.

iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs under Executive regulations.

1910 University, LLC is dedicated to providing affordable living units for seniors and other vulnerable populations. All of the units at this facility will be affordable to people with an income
less than 70% of AMI with a majority of the units affordable to those with an income less than 60% of AMI ($52,920 for one person, $60,480 for two people).

iv. The maximum building height of an Independent Living Facility for Seniors or Persons with Disabilities is 60 feet and the maximum density is determined by the Hearing Examiner under the development standards of Section 3.3.2.C.b.vi through Section 3.3.2.C.2.b.ix, without regard to any other limitation in this Chapter.

The maximum proposed building height is 48 feet, below the maximum allowed by the Zoning Ordinance.

v. Height, density, coverage, and parking must be compatible with surrounding uses and the Hearing Examiner may modify height, density, coverage, and parking to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.

While the footprint, mass and building height of the proposed structure exceeds what is typically found in the surrounding neighborhood, the site selected for the facility, due to its frontage on University Boulevard, and its design using a step-down in height at the rear of the site towards Reedie Drive, ensures that the building is compatible with surrounding development. Moreover, the use of the existing ingress and egress as shared access with the synagogue as well as the shared parking ensures that the currently existing situation on the site is maintained to the
extent feasible and eliminates the addition of any curb cuts along the University Boulevard West frontage.

vi. *The minimum front setback is 50 feet. Except for an access driveway, this setback area must be maintained as green area; however, if development does not exceed the height limit of the applicable Residential zone, the minimum setback specified by the zones applies.*

No structure is located within 50 feet of the front property line.

vii. *The minimum side and rear setback is 25 feet or as specified by the relevant zone, whichever is greater.*

Both side and rear yard setbacks are achieved.

viii. *The minimum green area is 50% in the R-60 zone.*

Green area is calculated to be 50% of the conditional tract use area. Additionally, the facility will have a green roof.

ix. *The Hearing Examiner may reduce the green area requirement by up to 15% if it is necessary to accommodate a lower building height for compatibility reasons.*

Not applicable.

C. Conformance with the General Development Requirements of Article 59-6

The application complies with the site access requirements in Division 6.1. Access to the site is from an adjacent public street that will provide safe and convenient bicycle and pedestrian access.

2. **Division 6.2. Parking, Queuing, and Loading.**

As shown on the Conditional Use Plan, the Subject Property complies with all applicable requirements of Division 6.2. A total of 47 off-street parking spaces are required by § 59.6.2.4. of the Zoning Ordinance for a 90-unit senior independent living facility with up to three employees. The development will provide 47 spaces of which 3 will be handicapped.

The facility will have a bike storage room in the basement of the building. The room will have 23 indoor (long-term) spaces. Additionally, 1 bike rack will be provided outdoor on the grounds for short-term bike storage.

3. **Division 6.4. General Landscaping and Outdoor Lighting**

As shown on the landscaping plan, trees are proposed along the perimeter of the building. In addition, shrub and groundcover planting are proposed across the façade of the building fronting along University Boulevard and along the faces of the building on either side of the main entrance. In addition, there are bio-planters proposed as part of the stormwater management plan to provide additional green features on the site.

The outdoor lighting is set forth in the Photometric Plan as well as the two pages of lighting details. The Photometric Plan shows the locations of where the fixtures will be mounted and the lighting detail pages sets forth the manufacturer’s specifications on the lighting fixtures that are proposed. The lighting plan is designed to provide visibility to the areas of vehicular and pedestrian circulation during nighttime hours. All lights are proposed to be LED fixtures to eliminate any horizontal light being cast onto adjacent properties.

4. **Division 6.5. Screening Requirements**
Screening as contemplated by this section of the Zoning Ordinance will be achieved by retention of existing vegetation and the planting of new trees as shown on the Landscape Plan. In addition a fence will be erected along the perimeter of the building closest to the adjacent single family homes to provide additional separation between the two uses.

5. Division 6.7. Signs

The proposed sign will be at the entrance of the site along University Boulevard. It is proposed to be 10 feet wide and 4 feet high in conformance with the dimensions allowed by the Zoning Ordinance.

IV. CONCLUSION

In summary, the proposed Independent Living Facility for Seniors or Persons with Disabilities meets the definition for the use, the standards for the use and satisfies all of the findings required for the granting of the use.

Respectfully submitted,

MILLER, MILLER & CANBY

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