

Statement (TES), which was submitted on October 3, 2023 and is excerpted below. Exhibit 28, p. 25; 2/2/24 T. 292-294; Exhibit 12.

Trip Generation for the Proposed Use

LATR Trip Generation							
	Units	AM Peak Hour			PM Peak Hour		
Total Vehicle Trips Per ITE 11 th Edition		In	Out	Total	In	Out	Total
ITE Generation Code – 254 (Assisted Living)	120 Beds	13	9	22	11	18	29
Policy Area Adjustment Factor (Clarksburg Policy Area – 100%)		13	9	22	11	18	29
Auto Driver		22			29		
Auto Passenger		9			12		
Transit		1			1		
Non-Motorized (Bike)		1			3		
Pedestrian (Transit + Bike)		0			0		
Total Person Trips		34			45		

*Trip generation rates are based on the ITE Trip Generation Manual, 11th Edition and adjusted as detailed in the 2022 LATR guidelines. Figures are rounded to nearest whole number. Source: Wells + Associates Traffic Consulting Local Area Transportation Review – October 3rd, 2023

Several in opposition expressed concern about traffic congestion and roadway -- specifically school bus -- safety, citing already increased traffic and queuing times. However, no data was provided to support these assertions. 3/7/24 T. 16, 27-29, 104, and 133.

b. Other Public Facilities

The development is for seniors and so will not access schools and no undue burden on police or fire protection was raised as a concern by Staff or those in opposition. Exhibit 28, p. 26.

Staff stated that the property is located partially within water and sewer categories W-1 and S-1 (Lot 3) and partially within water and sewer categories W-5 and S-5 (Lots 2 and Part of 1) and is not currently served by public water or sewer. Exhibit 28, p. 26. Under a previous category change request, Lot 2 and Part of 1 are recommended for a change in category through the

subdivision approval process. *Id.* The development will then extend public water and sewer to the property via an existing easement connection to the abutting property to the north. *Id.* Staff found that this infrastructure investment will provide a substantial benefit to the confronting residential homes along Ruby Drive, who will now have the ability to connect to public water/sewer systems if they desire. *Id.* Following completion of these extensions, water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines. *Id.*

Staff state that electric, gas, and telecommunications services will also be available on the Site. *Id.* According to Staff, other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Annual Growth Policy and will continue to be sufficient following construction of the Project. *Id.*

Conclusion: Because this property will have to go through preliminary plan approval, the final determination of the adequacy of public facilities will be made by the Planning Board. While there were anecdotal concerns from neighbors about increased traffic, the more objective evidence (*i.e.*, the Traffic Impact Study) supports a finding that traffic from the neighborhood will not exceed County standards for volume and safety, which will be addressed at the time of preliminary plan. There is no countervailing objective evidence that standards will be exceeded. Additionally, the burden the development will place on other public facilities is negligible. Based on this record, the Hearing Examiner finds that the application meets County standards for adequacy of public facilities, subject to the final determination by the Planning Board.

3. Compatibility with the Neighborhood

Section 7.3.1.E.1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:

* * *

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

* * *

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

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

* * *

Section 59.7.3.1.E.2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

a. Compliance with Sections 59.7.3.1.E.1.d and 59.7.3.1.E.2

Staff determined that the site design meets the criteria of Section 59.7.3.1.E.1.d because the buildings are symmetrically oriented around the internal north-south private drive with a central, linear courtyard in the approximate center of the property and because no parking is provided between the buildings and the street, which mimics the traditional residential development pattern along both West Old Baltimore Road and Ruby Drive. Exhibit 28, p. 23. Staff found the buildings to be appropriately sized to blend with the surrounding neighborhood and comparable to the footprints of the newly constructed residential homes to the west of the Property. *Id.* The buildings will be two stories, with a maximum height of approximately 40 feet, which is less than the 50 feet allowed in the R-200 Zone (for lots over 40,000 square feet), and, thus, similar in terms of height and massing to nearby two-story residential homes. Exhibit 28, p. 23-24.

Additionally, Staff found that the exterior architecture of the buildings is designed to be residential in nature and incorporates many traditional residential architectural elements that complement the residential character of the surrounding neighborhood, including peaked roofs, covered porches, bay windows, as well as the intended neutral color palette with horizontal siding and natural stone and wood accents. Exhibit 28, p. 29.

Uniformly, those in opposition disagreed with Staff and Applicant's categorization of compatibility, primarily due to the total square footage – upwards of 8,700 square feet including the basement – of the proposed buildings. 3/7/24 T. 52-54, 77, 107-110. Many in opposition also highlighted the design differences with the older and most proximate homes on Ruby Drive. 3/7/24 T. 54, 77, 87, 107-108.

b. Inherent v. Non-Inherent Adverse Impacts (59.7.3.1.E.1.g)

This finding requires consideration of the inherent and non-inherent adverse effects of the proposed use on nearby properties and the general neighborhood. Section 1.4.2 of the Zoning Ordinance defines inherent adverse effects as “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” Inherent adverse effects, alone, are not a sufficient basis for denial of a conditional use.

Non-inherent adverse effects are defined as “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” Non-inherent adverse effects are a sufficient basis to deny a conditional use, alone or in combination with inherent effects, if the adverse effects cause “undue” harm to the surrounding neighborhood. When analyzing whether impacts are

inherent or non-inherent, Staff examine the size, scale, scope, light, noise, traffic, and environmental effects of the proposed use.

i. Physical and Operational Characteristics

Staff identified the following physical and operational characteristics necessarily associated with (i.e. inherent to) a Residential Care Facility: (1) building(s) large enough to house the proposed number of residents; (2) on-site parking sufficient to meet the requirements of the use and of the Zoning Ordinance; (3) outdoor lighting consistent with residential standards and adequate for safe vehicular and pedestrian access at night; (4) vehicular trips to and from the site by employees, visitors, residents, delivery, and trash pick-up; (5) a modest level of outdoor activities associated with use of passive recreation areas; and (6) noise from ambulances in emergency situations. Staff did not identify any non-inherent characteristics of the proposed use. Exhibit 28, p. 28-29.

In terms of the inherent characteristics:

1. A building(s) large enough to house the proposed number of residents.

Staff determined that the proposed buildings are large enough to house the proposed number of residents. Exhibit 28, p. 27. The Applicant noted that instead of one large building housing 120 residents, a common design for this type of use, the project divides residency into eight buildings modelled after single-family residences, which allows a large number of residents to be housed in a design more compatible with the surrounding neighborhood. 2/2/24 T. 32.

2. On-site parking facilities.

Staff found and the Applicant's Conditional Use Plan illustrates that nearly all the proposed off-street parking is provided at the rear of the property. Exhibit 28, p. 28; Exhibit 5. Staff concluded that because of the rear location, the proposed buildings and existing/proposed

landscaping will largely screen the parking from view from West Old Baltimore Road and Ruby Drive. *Id.* Staff cited the provision of more than ample parking on-site, which was also attested to by Ms. Randall, as insurance that no vehicles will need to park in the surrounding residential neighborhoods while accessing the senior living facility. Exhibit 28, p. 28; 2/2/24 T. 313-314.

3. Outdoor lighting of parking and amenity spaces.

Staff concluded that the lighting for the parking areas will be limited to the amount necessary to ensure safety, citing the Photometric Plan submitted by the Applicant that shows that, in conformance with the requirements of Section 6.4.4 of the Zoning Ordinance, lighting for the Project will fall to zero (0.0) footcandles well before approaching property lines abutting the surrounding residential uses. Exhibit 28, p. 28; Exhibit 17. Mr. Sloan opined as to the minimization of light pollution. 2/2/24 T. 108-110.

Light nuisance was a significant concern for many in opposition, particularly those on Ivy Court who will be at a lower elevation. 3/7/24 T. 16, 77, 108. Mr. Pajot testified that the Applicant's renderings do not accurately portray the viewshed and nuisance that Ivy Court will experience because the renderings do not reflect that Ivy Court is of lower elevation than the proposed development and that the houses on Ivy Court are proportionally smaller than the gray boxes used to represent houses in the rendering 3/7/24 T. 108.

4. Vehicular trips.

Staff concurred with the Applicant's Traffic Exemption Statement that the development is anticipated to result in a fewer than 50 net new person trips in either the morning or evening peak hours, specifically generate 34 AM peak hour and 45 PM peak hour person trips, and is thus exempt from further LATR analysis and mitigation requirements. Exhibit 28, p. 28; Exhibit 12.

Ms. Randall also provided queuing analysis and discussed the positive impact of the major intersection realignment at MD355 and West Old Baltimore Road. 2/2/24 T. 298-306. She opined that both intersections proximate to the subject property are within capacity standards and there is not excessive queue overflow or blockage. 2/2/24 T. 305. She also examined crash data over the last four years since the intersection realignment and concluded that the proposal would not have a significant impact. 2/2/24 T. 306-308. She agreed with Staff's assessment that there will be more than sufficient sight distance at MD 355 and West Old Baltimore. 2/2/24 T. 301-310.

Those in opposition expressed concerns about existing traffic levels and the impact of any traffic increase on the surrounding neighborhood. 3/7/24 T. 16, 27-29, 104, and 133.

5. Outdoor amenity space for use by residents and visitors.

Staff described the site layout as featuring a linear, central green amenity area that contains a series of walking paths connected to pathways around the property with seating and shaded areas provided as places for residents and visitors to enjoy the greenspace. Exhibit 28, p. 28. Staff determined the walking paths to be buffered from the surrounding neighborhood by the landscaping proposed along the western property boundary and street trees along Ruby Drive. *Id.* Staff also concluded that senior residents of this facility will be quiet and peaceful by nature and thus not contribute to noise nuisance. *Id.*

Those in opposition did not express concern about the views of the outdoor amenity space as opposed to the buildings themselves, or about the noise generated by the residents. Opposition did raise concerns about noise from staff and delivery vehicles entering and exiting the premises. 3/7/24 T. 17-18, 66-67, 117-118.

6. Noise from ambulances in emergency situations.

Staff accepted Applicant's assertion of approximately one to four an unplanned emergency ambulance visits each month, noting that the facility intends to provide on-site 24-hour nursing and care services and resident access to regular doctor visits, which should minimize the necessity for emergency visits. Exhibit 28, p. 29.

Opposition did not raise specific concerns about the noise of regular ambulance visits. 3/7/24 T. 17-18, 66-67, 117-118.

ii. Undue Economic Harm

Staff did not identify any undue economic harm and neither party raised issues related to economic impact.

c. Conclusion

i. Compatibility with Neighborhood (Sections 59.7.3.1.E.1.d and 59.7.3.1.E.2)

Zoning Ordinance §59.7.3.1.E.2. requires an examination of the compatibility of the use with the character of the residential neighborhood in which it is located. This question is like the one raised by Zoning Ordinance §59.7.3.1. E.1.d., above, which asks whether the proposed use will be harmonious with the neighborhood as envisioned by the applicable master plan.

To determine compatibility, the Hearing Examiner must assess whether the appearance, size, and configuration of the proposed buildings, to the extent they diverge from the surrounding residential neighborhoods, are compatible.

The Hearing Examiner is persuaded that the proposed development is compatible with the surrounding area under Sections 59.7.3.1.E.1.d and 59.7.3.1.E.2 of the Zoning Ordinance for several reasons. She agrees with the Applicant's expert testimony that compatible does not mean identical. 2/2/24 T. Rather, compatible indicates that two uses can co-exist with apparent harmony, not jarring or odd in their proximate appearance. Were compatibility to require identical

relationships, development would be impossible in any area bordering homes built at different times considering the evolution of design features over time. In the instant case, it is not possible to perfectly match both the viewshed of the older homes along Ruby Drive and the newer homes on Ivy Court, West Old Baltimore Road, and Gorman Circle. See Exhibit 32 and 37. Presumably as well, the evolution of design features over time reflects preferences and environmental efficiencies such that copying older design is not *per se* preferable or beneficial. As architect Ms. Xu explained, many of the design features, like height, footprint, and window pattern, mirror those of the surrounding area, 2/2/24 T. 254-55, and the Hearing Examiner finds these elements more than sufficient to achieve the compatibility required by the Zoning Ordinance.

Opposition's biggest concern was the building size, as each will house 15 residents and total approximately 8,700 square feet, 2/2/24 T. 286, which may be up to one-third larger than even the largest homes nearby (and the largest cited are beyond the identified surrounding neighborhood), 3/7/24 T. 53-55. However, Ms. Xu and Mr. Sloan explained that the actual 5,000 square foot footprint and height of the buildings are within the ranges of existing home and in compliance with the Zoning Ordinance. 2/2/24 T. 153, 258. Mr. Sloan opined that an arrangement of residential style homes is far more compatible than one large building. 2/2/24 T. 70. The Hearing Examiner agrees. The issue is one of balance: if the County and Master Plan want to allow for a diversity of housing and assisted living residents need a certain level of services, assisted living residences cannot look exactly like single family homes; they must be larger to accommodate resident needs. The Applicant has provided a suitable compromise, designing the type of larger facility needed to serve the assisted living community in a manner that looks like a modestly amplified version of the surrounding single-family homes.

Similarly, positioning the eight proposed buildings in an enclave, street-oriented manner obscures direct views from West Old Baltimore Road while preserving a neighborhood-like feel, in a manner comparable to surrounding subdivisions. The Applicant balances the residents' need for proximal services and quiet recreation in a manner comparable to a single-family detached residential community and to a maximal extent obscures from view the differences between the site and the surrounding neighborhood.

Additionally, the Hearing Examiner finds that the impacts of the parking lot and lighting, commercial elements that inherently differ from those found in a single-family detached neighborhood, are significantly mitigated. The site plan places the parking lot at the rear of the site, blocked from West Old Baltimore Road. Staff and expert witnesses conclude that the lighting will not have an impact beyond the property boundary. The landscaping plan exceeded county requirements and was expanded to create even further screening to those on Ivy Court. No mitigation plan is perfect and Ivy Court residents will likely still be able to see the development from upper story windows, but the Hearing Examiner concludes that the Applicant has designed the development to prevent as much negative impact as possible.

While concerns about traffic and queuing on West Old Baltimore Road were raised by neighbors, no specific issues were cited and expert testimony established that there is sufficient capacity to accommodate the modest development and that car crashes in the area have been minimal, with none since the intersection realignment.

ii. Conclusion: Inherent and Non-Inherent Adverse Impacts (Section 59.7.3.1.E.1.G)

This standard requires consideration of the impact of the inherent and non-inherent adverse operational and physical effects of the proposed use on nearby properties and the general neighborhood. As stated, inherent adverse effects are "adverse effects created by physical or

operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” *Zoning Ordinance*, §1.4.2. Inherent adverse effects, alone, are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” *Id.* Non-inherent adverse effects are a sufficient basis to deny a conditional use, alone or in combination with inherent effects, if the harm caused by the adverse effects would be “undue.”

Staff identified a series of characteristics of the use that have an “effect” on the surrounding area. The Hearing Examiner agrees with Staff’s identification of inherent characteristics. In an application for a continuing care facility, BOA Case No. S-856-B, Petition of Friend’s House, Inc., the Hearing Examiner adopted Staff’s description of the broad characteristics to consider in determining the inherent and non-inherent characteristics of the use: size, scale, scope, light, noise, traffic, and the environment. *Hearing Examiner’s Report and Recommendation*, BOA Case No. S-856-B, pp. 41-42. Characteristics analyzed by Staff in this and other cases involving age-restricted or senior living facilities show these factors determine the “effects” on the surrounding area. *See, e.g.*, Hearing Examiner’s Report and Recommendations in CU 16-01, Brandywine Senior Living, pp. 62-63 (March 21, 2016); CU 20-05, Spectrum Retirement Communities, p. 29 (March 9, 2021).

Staff did not identify any non-inherent characteristics of the proposed use. Exhibit 28, p. 29. While opposition did not frame concerns in terms of non-inherent characteristics, *de facto* many in opposition were arguing that the placement of the use in a SPA was a physical characteristic of the use not necessarily associated with the use that resulted in an adverse impact. However, opposition failed to present anything beyond conjecture that the level of impervious

surface and intensity of use at the site would be problematic. The Applicant provided a detailed stormwater management plan sufficient to mitigate any impacts and established that the site was sufficiently distant from nearby streams so as not to require additional protections.

Thus, the Hearing Examiner finds that the thoughtful design of project sufficiently mitigates any adverse effects. Most importantly, the Hearing Examiner agrees that there are no non-inherent effects. The opposition provided no evidence that location within an SPA, alone, is a non-inherent characteristic of residential care facilities. Regardless, the Applicant effectively showed that the extensive stormwater management design will not adversely impact the watershed. Opposition desired further study because of the importance of the area but did not identify any deficiencies in Applicant’s plan or any specific risks the proposal presented. Thus, as no non-inherent or combined inherent and non-inherent effects exist, this standard is met and cannot be a justification to deny the Application.

B. Development Standards of the Zone (Article 59.4)

To approve a conditional use, the Hearing Examiner must find that the application meets the development standards of the R-200 Zone, contained in Article 59.4 of the Zoning Ordinance. Staff concluded that the application met the development standards as set out in Table 1 from that Report below. Exhibit 28, p. 19-20.

Table 1: Development and Parking Standards (R-200)

Development Standard	Permitted/ Required	Existing/Proposed
Section 4.4.7 R-200 Zone		
Minimum Lot Area	20,000 SF	202990 SF
Minimum Lot Width at Front Building Line	100 Feet	234 feet
Minimum Lot Width at Front Lot Line	25 feet	217 feet
Maximum Density	1,200 SF per Bed	>1,600 SF per Bed

Development Standard	Permitted/ Required	Existing/Proposed
Section 4.4.7 R-200 Zone		
Maximum Lot Coverage	25%	14%
Minimum Front Setback	20 Feet	120 Feet
Minimum Side Setback	20 Feet	40 Feet
Minimum Rear Setback	20 Feet	25 Feet
Maximum Height	50 Feet	40 Feet
Vehicle Parking Requirement (Section 59.6.2.4.B)		
<i>Residential Care Facility – Vehicle Parking Spaces</i>	40 spaces: Base parking requirement of 0.25 spaces/bed, plus 0.50 spaces per employee.	52 Spaces
<i>Residential Care Facility – Bicycle Parking Spaces</i>	Base requirement of 0.1 space(s) per employee (44 x 0.1= 4.4)	Minimum of five (5) bicycle spaces

Conclusion: No party contests Staff’s finding that the application meets the required development standards in the R-200 Zone. The Hearing Examiner finds from the uncontroverted evidence that the proposed development meets these standards.

C. Use Standards for a Residential Care Facility (Section 59.3.3.2.E)

The specific use standards for approval of a Residential Care Facility are set out in Section 59.3.3.2.E. of the Zoning Ordinance.

1. Defined, In General

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

- a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;**
- b. resident staff necessary for operation of the facility are allowed to live on-site; and**
- c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.**

Conclusion: No party contests that the application meets the required development standards, thus the Hearing Examiner finds that the proposed development meets these standards.

Section 3.3.2.E.2.c.ii. Where a Residential Care Facility (Over 16 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:³

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

Staff and Ms. Ja described the services that Worldshine will provide, including communal dining and living spaces, a community center, activity rooms, medical and personal care facilities, outdoor amenities, and transportation services. There was no concern raised about the level of services provided or about the adverse impact of any of the services.

Conclusion: The Hearing Examiner agrees with Staff and relies upon the detailed description of services provided by the Applicant to find that this requirement is met.

(c) Where residential dwelling units are provided

- (1) the maximum residential density per lot area is 15 units per acre or the maximum density allowed in the zone, whichever is greater; and**
- (2) the minimum green area is 50%.**

Staff explained that the assisted living accommodations provided do not have cooking

³ The Hearing Examiner does not include the standard in Section 59.3.3.2.E.2.c.2(b) because it relates to residential care facilities for children.

facilities and so do not qualify as dwelling units under the Zoning Ordinance, but, regardless, the site plan provides for more than 50% green space. *Zoning Ordinance*, §59.1.4.1(definition of "dwelling unit).

Conclusion: This standard is not applicable but, if it were, the Application would comply.

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

* * *

(2) In all other zones, the minimum lot area is 2 acres or the following, whichever is greater:

* * *

(A) in RE-2, RE-2C, RE-1, and R-200 zone: 1,200 square feet per bed;

Staff concluded that proposed development meets this density standard as the development will be located on a net lot area of 202,898 square feet and provide up to 120 assisted living beds, which calculates to approximately 1,690 square foot per bed, exceeding the Zoning requirement. Exhibit 28, p. 18.

Conclusion: As the proposed density is below the maximum density permitted, the Hearing Examiner agrees with Staff that this standard is met.

(e) Principal building setbacks for all building types must meet the minimum setbacks required under the standard method of development for the subject building type in the R-30 zone (see Section 4.4.14.B.3, Placement).

Staff concluded that the proposal satisfies the setback requirements of the R-30 Zone. *Id.*

Conclusion: Having no evidence to the contrary, the Hearing Examiner finds that that setbacks are sufficient and the standard is met.

f) The minimum side setback is 20 feet to abutting lots not included in the application.

Staff found that the minimum side setback will be 40 feet. *Id.*

Conclusion: The Hearing Examiner agrees with Staff that that setbacks standard is met.

(g) Independent dwelling units must satisfy the MPDU provisions of Chapter 25 (Section 25.A-5).

Staff advises that this requirement is not applicable because Worldshine is not providing dwelling units. *Id.*

Conclusion: The Hearing Examiner agrees with Staff that this standard is not applicable.

(h) In a Continuing Care Retirement Community and a Senior Care Community, occupancy of any independent dwelling unit is restricted to persons 62 years of age or older, with the following exceptions:

- (1) the spouse of a resident, regardless of age;**
 - (2) another relative of a resident, 50 years of age and older;**
 - (3) the resident widow, widower, or other surviving relative of a resident who dies while residing at the Continuing Care Retirement Community or the Senior Care Community is allowed to remain, even though the resident widow, widower, or other surviving relative has not reached the age of 62.**
- A minimum of 80% of the dwelling units must be occupied by at least one person per unit who is 55 years of age or older.**

Staff advises that this requirement is not applicable because the proposal is for an assisted living facility, not a continuing care retirement community and so does not provide any independent living units. Exhibit 28, p. 19.

Conclusion: The Hearing Examiner agrees with Staff that this standard is not applicable.

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

Staff concluded that the proposal is compatible with the surrounding residential neighborhoods as the two-story buildings are comparable in size and scale with the surrounding residential homes and the layout allows vehicular access to be accommodated off West Old Baltimore Road, thereby minimizing the impact on Ruby Drive. *Id.* Adequate parking is provided on-site to eliminate any impacts to the surrounding communities and the parking lot is located to the rear of the site so as to be predominately screened from view from the streets and surrounding

neighborhoods. *Id.* Similarly, the trash enclosure is located to the northeast corner of the Property, as far away from the abutting single-family homes as possible. *Id.*

As Ms. Xu testified, the height and footprint of the buildings is similar to the more modern proximal residential developments and the design incorporates many elements common in the area so that the development should blend well with the neighborhood. The landscape plan and position of the buildings minimizes the impact any non-residential elements may have on the residential feel of the surrounding area.

Conclusion: This has already been discussed in Part III.A.3 of this Report. The Hearing Examiner finds that this standard is met.

D. General Development Standards (Article 59.6)

Article 59.6 sets the general requirements for site access, parking, screening, landscaping, lighting, and signs. Under the amendments to Section 59.7.3.1.E.1.b. of the 2014 Zoning Ordinance, effective December 21, 2015, the requirements of these sections need be satisfied only “to the extent the Hearing Examiner finds necessary to ensure compatibility.”⁴ The applicable requirements, and whether the use meets these requirements, are discussed below. Staff’s report discusses the requirements of the following Divisions of Article 59.6:⁵ Division 6.1 Access; Division 6.2 Parking, Queuing and Loading; Division 6.3 Open Space and Recreation; Division 6.4 Outdoor Lighting; and Division 6.7 Signs. Exhibit 28, pp. 20-22. Screening under Division 6.5 was not explicitly discussed by Staff; Staff concluded that all technical screening requirements were met but recommended that the Applicant should increase the evergreen planting above Zoning Ordinance requirements to help with compatibility and ensure effective blocking. Exhibit

⁴ The 2014 Zoning Ordinance for Montgomery County, adopted September 30, 2014 (Ordinance No. 17-52), was amended effective December 25, 2015, in ZTA 15-09 (Ordinance No. 18-08, adopted December 1, 2015).

⁵ Division 6.6 Outdoor Display and Storage is not applicable.

28, p. 15. Screening was also discussed in response to community concerns. The Applicant submitted an updated landscape plan prior to the start of the hearing with additional evergreen screening and then increased the screening further before the close of the hearing at the behest of the Hearing Examiner. Exhibits 17 and 36.

1. Access (Division 59.6.2)

According to Staff, the site access provided is adequate for the intended use of the property. Access is provided from West Old Baltimore Road via an internal private driveway that terminates in a full-movement loop, also internal to the site. The development will also contain internal pedestrian pathways that will provide connections to proposed pedestrian facilities along West Old Baltimore Road.

Conclusion: The Hearing Examiner agrees with Staff that the proposed access is sufficient to meet requirements as it will be a private road dedicated solely to the facility's use.

2. Parking, Queuing and Loading (Division 59.6.2)

Under 59-6.2.5.K. *Facilities for Conditional Uses in Residential Detached Zones*, any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:

1. Location: each parking facility must be located to maintain a residential character and a pedestrian-friendly street.
2. Setbacks
 - a. The minimum rear parking setback equals the minimum rear setback required for the detached house.
 - b. The minimum side parking setback equals 2 times the minimum side setback required for the detached house.
 - c. In addition to the required setbacks for each parking facility:
 - i. the required side and rear parking setbacks must be increased by 5 feet for a parking facility with 150 to 199 parking spaces; and
 - ii. the required side and rear parking setbacks must be increased by 10 feet for a parking facility with more than 199 parking spaces.

Staff concluded the application complies with the required location and setbacks because the parking for 52 vehicles (making §59.6.2.5.K.2.c inapplicable) is located at the rear of the property and will largely be screened from view by the eight buildings, and the existing and proposed landscaping is in compliance with parking screening requirements under 6.2.9.C.3.b., and will maintain residential character and a pedestrian-friendly street.

Conclusion: The Hearing Examiner agrees with Staff that the location of the parking minimizes its impact, preserving the residential character of the surrounding area, and that the location meets setback requirements.

3. Open Space and Recreation (Division 6.3)

Staff notes that recreation facilities are not required for the proposed use, but that the development will provide opportunities for residents to recreate throughout the site by using the central green amenity area that contains a series of walking paths connected to a larger series of pathways around the property and seating and shaded areas from which the greenspace may be enjoyed. Staff concluded that this use is in harmony with neighboring residential properties.

Conclusion: The Hearing Examiner finds that while open space and recreation facilities may not be required, they add significantly to the attractiveness of the proposed use and thus the feasibility of offering a Residential Care Facility in this area.

4. Outdoor Lighting (Division 6.4)

Staff concluded that, as required by Section 59-6.4.4.E, the photometric plans for the development indicate that illumination will not exceed 0.1 footcandles at any lot line that abuts a lot with a detached house, which is consistent with the testimony of Applicant's expert, Mr. Sloan, and the Lighting Plan provided in Exhibit 17.

Of note, the proposed fixtures cited on Exhibit 17 must also meet the design requirements and fixture height limits specified in Zoning Ordinance §59.6.4.4.B.

Conclusion: Worldshine's photometric study demonstrates that illumination levels are at 0.0 footcandles within the interior of the property along all property boundaries. No party contested that the fixtures proposed do not meet the applicable standards. Therefore, the Hearing Examiner concludes that his requirement has been met.

5. Screening (Division 6.5)

As stated, Staff found that the Applicant complied with the requirements of this section but recommended additional screening would be necessary to provide effective mitigation and Applicant responded by amended the landscaping plan twice.

Conclusion: The Hearing Examiner finds that this standard has been met as, in response to community concerns and Staff and Hearing Examiner recommendations, the Applicant's plan intentionally exceeds requirements for the provision of effective screening.

6. Signage (Division 6.7)

The Applicant reported to Staff and during the hearing that it is proposing to provide a residential scale monument sign at the Property entrance on West Old Baltimore Road, as well as one building-mounted sign on the community center building, and necessary internal wayfinding and directional signage. The Applicant expressed understanding that any new signage intended for placement on the Property must be reviewed by the Montgomery County Department of Permitting Services ("MCDPS") and designed and installed in accordance with the applicable Zoning Ordinance requirements and procedures for Division 6.7.

Conclusion: The Hearing Examiner finds that the proposed signage should be compatible with the surrounding area but imposes as a condition of approval that the Applicant comply with the

procedures of MCDPS and that all signage comply with Zoning Ordinance requirements. If necessary, the Applicant must obtain a variance from the Sign Review Board and file a copy of the variance in the record of this case.

IV. Conclusion and Decision

Based on the foregoing findings and conclusions and a thorough review of the entire record, the application of Worldshine Homes, LLC (CU 23-11) for a conditional use under Section 59.3.3.2.E.c. of the Zoning Ordinance to build and operate a Residential Care Facility (Over 16 Persons) at 12450 West Old Baltimore Road and 21908 Ruby Drive is hereby **GRANTED**, subject to the following conditions:

1. Physical improvements to the Subject Property are limited to those shown on the Applicant's Conditional Use site plan, Lighting Plan and Landscape Plan (Exhibits 5, 17c and 36).
2. The maximum number of residential care units is limited to eight (8) buildings with 120 beds.
3. The height of any structure will be limited to forty (40) feet.
4. The maximum number of employees on-site at any one time must not exceed 44.
5. Food supply deliveries to the facility shall be limited to twice per week.
6. The collection of solid waste refuse and recyclable materials must occur on weekdays only, between 8:00 a.m. and 9:00 p.m., consistent with Solid Waste Regulations. No collection shall occur on Saturdays or Sundays.
7. The Applicant must maintain 52 parking spaces as shown on the Conditional Use Plan and may not expand or reduce the parking facility without explicit permission from the Hearing Examiner through modification of this Conditional Use.
8. The Applicant must provide a minimum of five (5) bicycle parking spots.
9. Before issuance of any building permit for the subject Conditional Use, the Applicant must obtain approval of a Preliminary Plan of Subdivision and a Record Plat pursuant to Chapter 50 of the Montgomery County Code. If changes to the approved Conditional Use site plan or other plans filed in this case are required at Subdivision, the Applicant must file a copy of the revised site and related plans with OZAH.
10. Before approval of the Preliminary Plan of Subdivision, the Applicant must obtain approval of the Final Water Quality Plan from the Montgomery County Department of Permitting Services (MCDPS).

11. The Applicant must obtain a permit for the proposed monument sign from the Department of Permitting Services, or if required, the Sign Review Board, and a copy of the permit for the approved sign must be submitted to the Hearing Examiner before the sign is constructed.
12. The Applicant must obtain and satisfy the requirements of all licenses including a use and occupancy permit.
13. The Applicant and any successors in interest must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code.
14. The Applicant must obtain approval of a Final Forest Conservation Plan.
15. The facility must be operated in accordance with all applicable County noise regulations.
16. Transfers to successor conditional use holders must follow the procedures in Rule 27.0 of OZAH's Amended Land Use Rules of Procedure.
17. The conditional use must be operated in a manner to provide the facilities and services to residents outlined in Applicant's Statement of Operations (Exhibit 6). Use of the on-site facilities and services must be restricted to residents of the conditional use site, their guests and employees, and personnel providing services to the residents.
18. The Applicant and any successors in interest must obtain and satisfy the requirements of all Federal, State, and County licenses, regulations, and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the conditional use premises and operate the conditional use as granted herein. The Applicant and any successors in interest shall at all times ensure that the conditional use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of conditional use administrative fees assessed by the Department of Permitting Services.

Issued this 16th day of April, 2024.



Andrea LeWinter
Hearing Examiner

RIGHT TO APPEAL

Any party of record may file a written request to appeal the Hearing Examiner's Decision by requesting oral argument before the Board of Appeals, within 10 days issuance of the Hearing Examiner's Report and Decision. Any party of record may, no later than 5 days after a request for oral argument is filed, file a written opposition to it or request to participate in oral argument. If the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. A person requesting an appeal, or opposing it, must send a copy of that request or opposition to the Hearing Examiner, the Board of Appeals, and all parties of record before the Hearing Examiner.

Additional procedures are specified in Zoning Ordinance §59.7.3.1.f.1. Contact information for the Board of Appeals is:

Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850
(240) 777-6600
<http://www.montgomerycountymd.gov/boa/>

Please contact the Board of Appeals by calling 240-777-6600 or visit its website (<http://www.montgomerycountymd.gov/boa/>) with any questions or to obtain updated procedures for filing an appeal.

The Board of Appeals will *consider* your request for oral argument at a work session. Agendas for the Board's work sessions can be found on the Board's website and in the Board's office. You can also call the Board's office to see when the Board will *consider* your request. If your request for oral argument is granted, you will be notified by the Board of Appeals regarding the time and place for oral argument. Because decisions made by the Board are confined to the *evidence* of record before the Hearing Examiner, no new or additional *evidence* or witnesses will be *considered*. If your request for oral argument is denied, your case will likely be *decided* by the Board that same day, at the work session.

Parties requesting or opposing an appeal must not attempt to discuss this case with *individual* Board members because such *ex parte* communications are prohibited by law.

NOTICES TO:

Elizabeth Rogers, Esquire
Steven Robins, Esquire
Barbara Jay, Executive Director
Montgomery County Board of Appeals
Patrick Butler, Planning Department
Cliff Royalty, Esq., Office of the County Attorney
Greg Nichols, Department of Permitting Services
Michael Coveyou, Director of Finance
Parties of Record to CU 23-11

NOTICE OF RIGHT TO REQUEST ORAL ARGUMENT

Any party of record or aggrieved party may file a written request to present oral argument before the Board of Appeals, in writing, within 10 days after the Office of Zoning and Administrative Hearings issues the Hearing Examiner's report and decision. Any party of record or aggrieved party may, no later than 5 days after a request for oral argument is filed, file a written opposition or request to participate in oral argument.

Contact information for the Board of Appeals is listed below, and additional procedures are specified in Zoning Ordinance §59.7.3.1.F.1.c.

Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850
(240) 777-6600

NOTICES TO:

Elizabeth Rogers, Esquire
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Greg Nichols, Department of Permitting Services
Michael Coveyou, Director of Finance
Parties of Record



January 25, 2024

Mrs. Lynn Robeson Hannan, Director

Montgomery County Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, MD 20850

Subject: Request for a Conditional Use for Residential Care Facility (Over 16 Persons) located at 12450 West Old Baltimore and 2190 Ruby Drive, Clarksburg

Dear Director Robeson Hannan:

At its regular meeting on January 18, 2024, the Montgomery County Planning Board reviewed Conditional Use Application CU202311, for a Residential Care Facility (Over 16 Persons) on approximately 4.66 acres, located at 12450 West Old Baltimore and 21908 Ruby Drive, Clarksburg, R-200 Zone, in the 1994 *Clarksburg Master Plan*.

The Applicant, Worldshine Homes, LLC., proposes to redevelop the Property with a Residential Care Facility (Over 16 Persons) (see Section 59-3.3.2.E.c). Specifically, the Project includes eight structures containing up to 120 assisted living beds. Associated lighting, landscaping, and screening for the use on the approximately 4.66-acre property. The Conditional Use Plan shows the proposed layout of the Site.

In its staff report dated January 5, 2024, technical staff recommended approval of the Conditional Use with conditions. The Planning Board concurred with the findings and recommendations of the staff report with one additional condition to address concerns raised during the hearing:

14. Applicant shall use building materials on the rear of the units on the east side of the property closest to Ruby Drive to be equivalent or better than what is on the existing homes on Ruby Drive.

The Planning Board agreed with staff's conclusion that the use is consistent with the recommendations of the 1994 *Clarksburg Master Plan*. The application satisfies all the applicable requirements and regulations of the approval of a Conditional Use for a Residential Care Facility (Over 16 Persons). The Applicant has also met the burden of proof by showing that operating the use at this location will not be a detriment to the neighborhood and will not adversely affect the public interest.

Director Robeson Hannan

January 25, 2024

Page 2

On a motion by Commissioner Hedrick, seconded by Commissioner Linden, and Chair Harris voting in favor of the motion, the Planning Board, voted 3 to 0 (with Commissioner Bartley abstaining and Vice Chair Pedeoem absent) to recommend that the Hearing Examiner approve the Conditional Use with the conditions as discussed herein.

The Planning Board appreciates the opportunity to review this project and looks forward to working with your staff on subsequent reviews. If you have any questions, please contact Joshua Penn at 301-495-4546 or joshua.penn@montgomeryplanning.org.

Sincerely,



Artie L. Harris

Chair

Attachment E: Agency Letters



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

October 10, 2024

Kevin Huang
Endesco, Inc
15245 Shady Grove, Suite 355
Rockville, MD 20850

Re: **FINAL WATER QUALITY PLAN** for
Ruby Senior Homes
Preliminary Plan #: CU202311
SM File #: 289123
Tract Size/Zone: 4.09 Acres
Total Concept Area: 4.34 Acres
Lots/Block: Pt Lot 1. Lots 2 and 3
Parcel(s): N/A
Watershed: Little Seneca Creek-Clarksburg SPA

Dear Mr. Huang:

Based on a review by the Department of Permitting Services Review Staff, the Final Water Quality Plan for the for the above-mentioned site is **acceptable**. The Final Water Quality Plan proposes to meet required stormwater management goals via Drywells and Microbioretention (ESD). This approval is for the elements of the Water Quality Plan of which DPS is the lead agency and does not include limits on the imperviousness or for buffer encroachments.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The Final Water Quality Plan approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Huang,
October 10, 2024
Page 2 of 2

there are subsequent additions or modifications to the development, a separate Water Quality Plan request shall be required.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,

Mark Etheridge

Mark Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: agk

cc: Neil Braunstein - MNCPPC
SM File # 289123

ESD: Required/Provided 11,333 cf / 12,373 cf
PE: Target/Achieved: 1.8"/1.96"
STRUCTURAL: N/A cf
WAIVED: N/A cf.



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 05-Jan-24
TO: Guoxing Kevin Huang
Endesco, Inc
FROM: Marie LaBaw
RE: Ruby Senior Homes
520220060

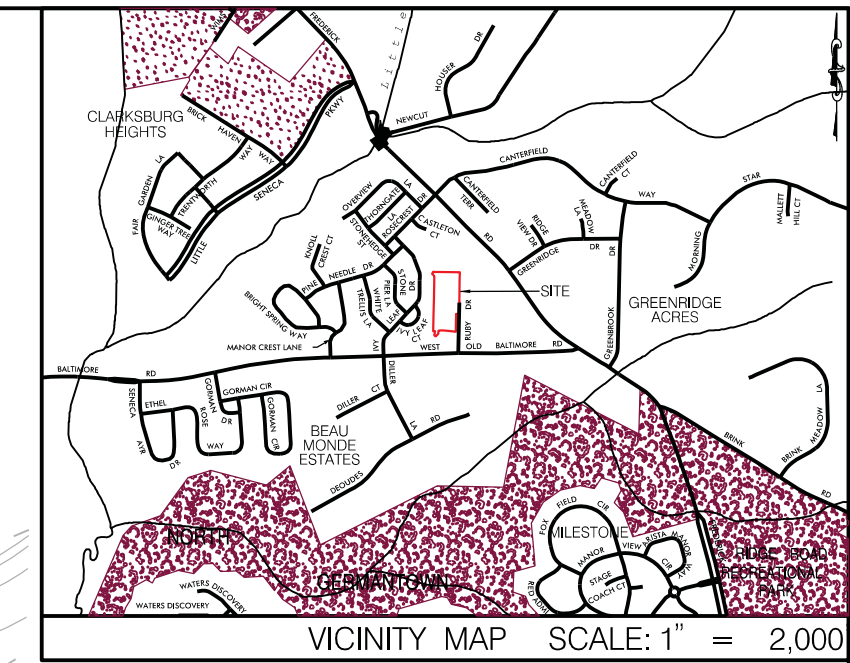
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **05-Jan-24** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

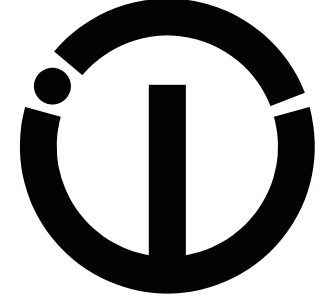
***** Applicant shall submit for FD access amendment if floor plans or any other FD access design elements change *****

***** Fire lane order shall be resubmitted for final processing when addresses are officially assigned *****

***** 8/12/2024 Revise House A floorplan and sidewalk *****



ENDESCO, INC.
 ENGINEERS, DESIGNERS &
 CONSULTANTS
 15245 SHADY GROVE RD
 SUITE 335
 ROCKVILLE, MD 20850
 TEL: (301) 987-8776
 FAX: (301) 987-8777

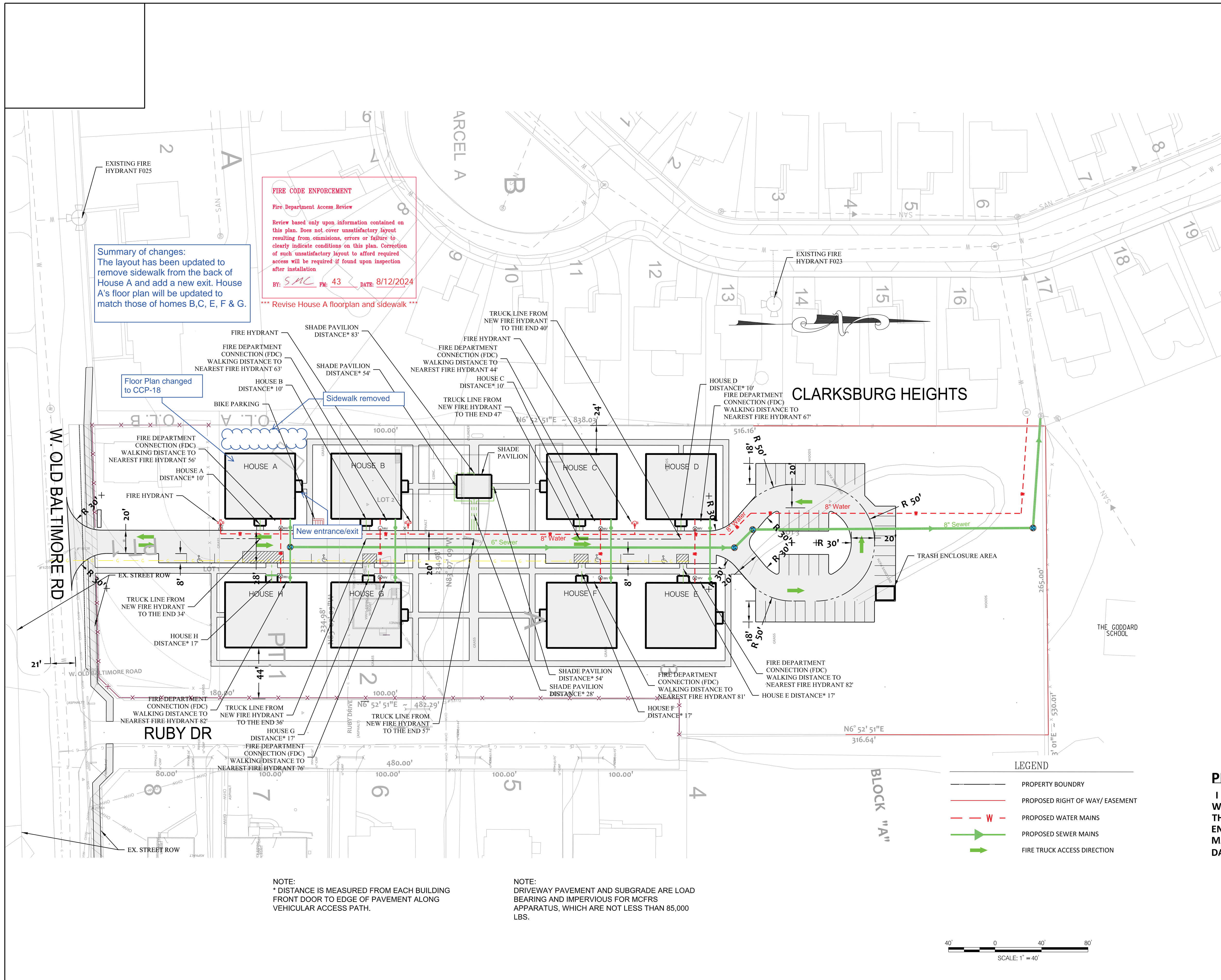


PT LOT 1, LOTS 2 AND 3
RUBY SENIOR HOMES
 MONTGOMERY COUNTY, MARYLAND

REVISIONS	
NO.	DESCRIPTION
1.	
2.	
3.	
4.	

TITLE	FIRE DEPARTMENT ACCESS PLAN
DATE	JUN 2024
SCALE	1"=40'
SHEET	CPP-5
DRAWN:	GJ
DESIGNED:	GJ
CHECKED:	KH

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSED NO. 23093, EXPIRATION DATE 05/06/2025



Summary of changes:
 The layout has been updated to remove sidewalk from the back of House A and add a new exit. House A's floor plan will be updated to match those of homes B,C, E, F & G.

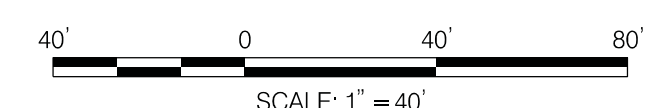
FIRE CODE ENFORCEMENT
 Fire Department Access Review
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
 BY: SAC PM: 43 DATE: 8/12/2024

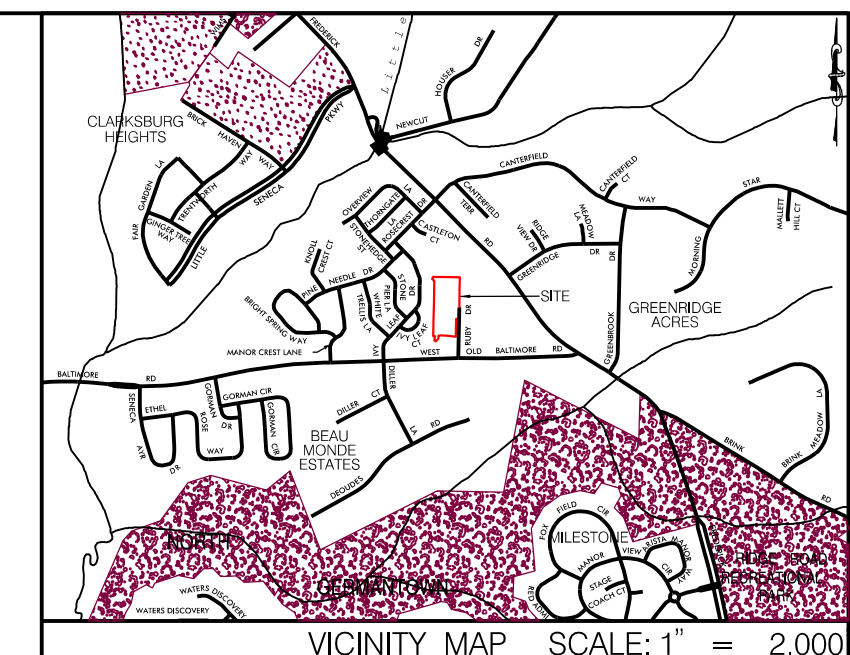
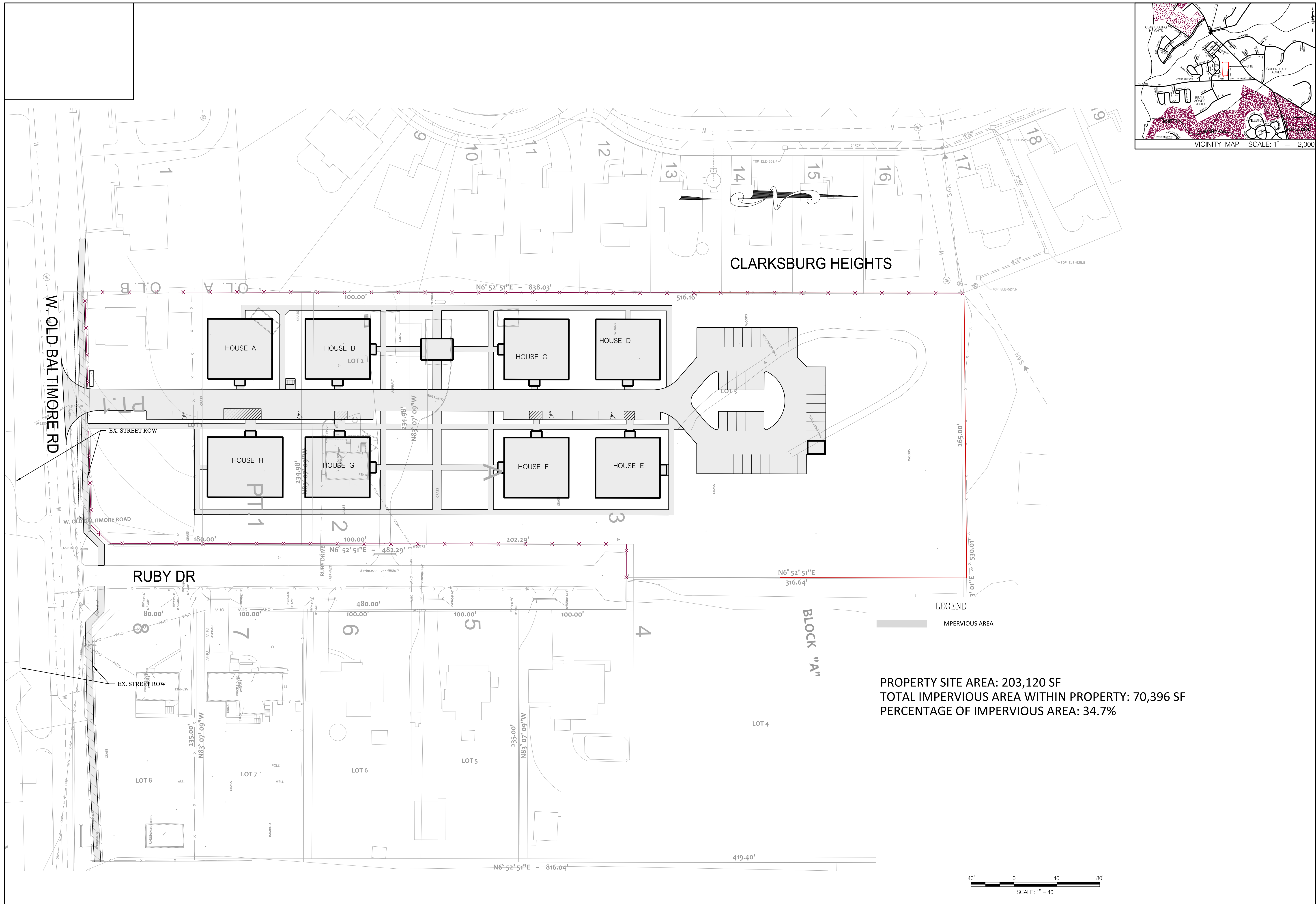
*** Revise House A floorplan and Sidewalk ***

Other callouts on the plan include:
 - Floor Plan changed to CCP-18
 - Sidewalk removed

NOTE:
 * DISTANCE IS MEASURED FROM EACH BUILDING FRONT DOOR TO EDGE OF PAVEMENT ALONG VEHICULAR ACCESS PATH.

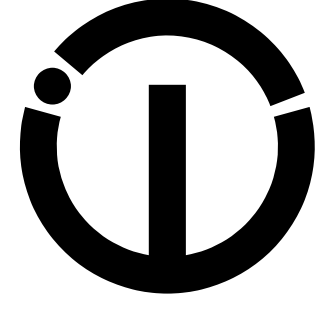
NOTE:
 DRIVEWAY PAVEMENT AND SUBGRADE ARE LOAD BEARING AND IMPERVIOUS FOR MCFRS APPARATUS, WHICH ARE NOT LESS THAN 85,000 LBS.





ENDESCO, INC.
 ENGINEERS, DESIGNERS &
 CONSULTANTS

15245 SHADY GROVE RD
 SUITE 335
 ROCKVILLE, MD 20850
 TEL: (301) 987-8776
 FAX: (301) 987-8777

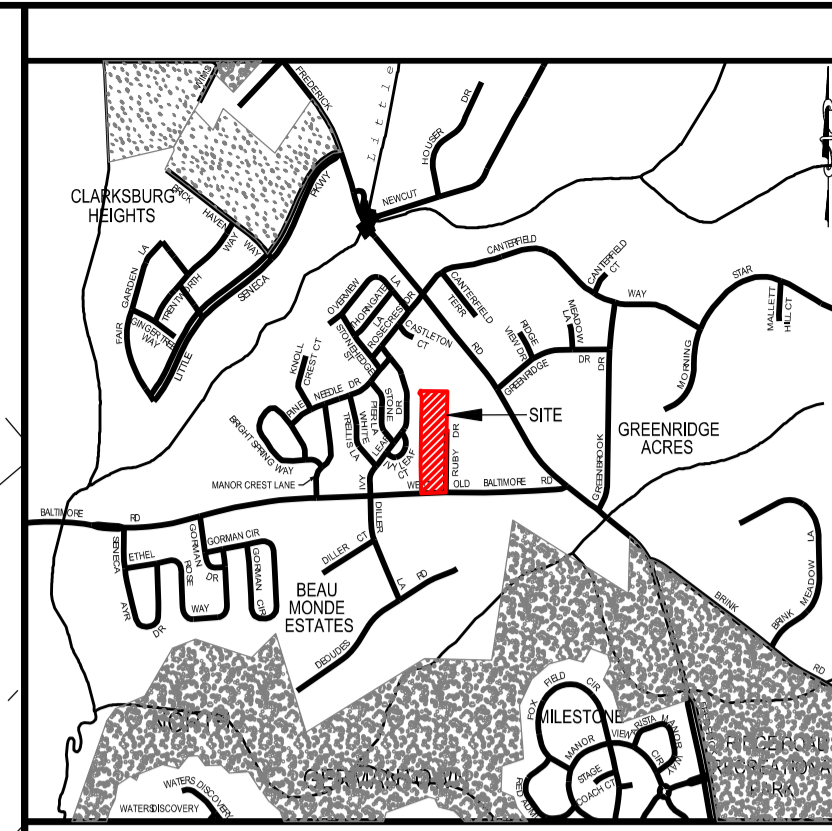
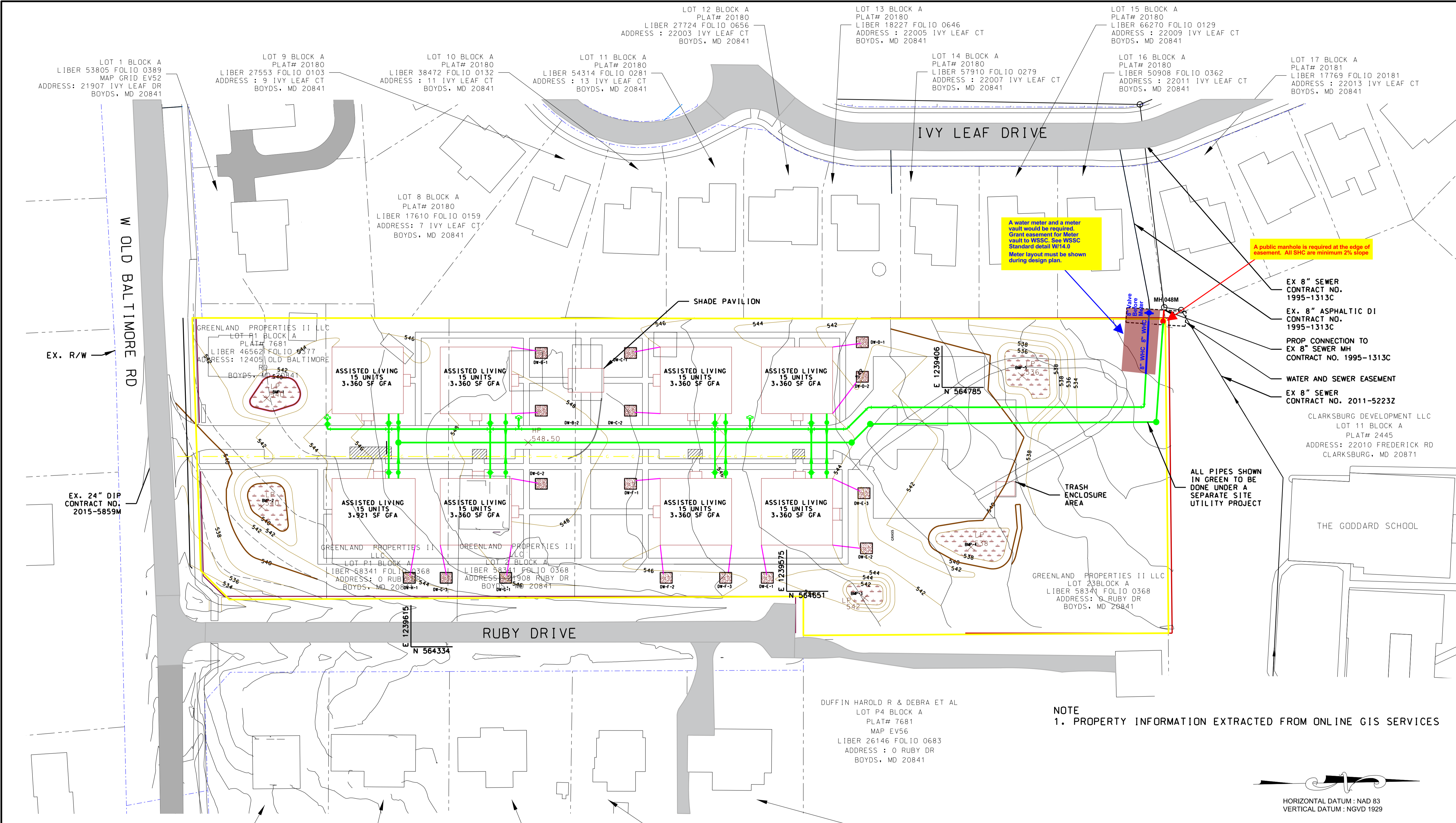


PT LOT 1, LOTS 2 AND 3
RUBY SENIOR HOMES

MONTGOMERY COUNTY, MARYLAND

REVISIONS	
NO.	DATE DESCRIPTION
1.	
2.	
3.	
4.	

DATE	TITLE	EXHIBIT - IMPERVIOUS AREA
JAN 2024		
SCALE	DRAWN:	GJ
1"=40'		
SHEET	DESIGNED:	GJ
	CHECKED:	KH



VICINITY MAP
 RUBY SENIOR HOMES Co. SCALE 1" = 200'
 PAGE 0 GRID

LEGEND

- APPLICANT'S PROPERTY
- MNCPPC, MARYLAND PARK SERVICE, NATIONAL PARK SERVICE, AND BOARD OF EDUCATION PROPERTY
- ADJACENT PROPERTIES
- EXISTING WATER MAINS (CONTRACT # & SIZE)
- EXISTING SEWER MAINS (CONTRACT # & SIZE)
- PROPOSED WATER MAINS
- PROPOSED SEWER MAINS
- PROPOSED LOW PRESSURE SEWER/ FORCE MAIN
- PROPOSED ON-SITE WATER & SITE UTILITY CONNECTIONS
- PROPOSED ON-SITE SEWER & SITE UTILITY CONNECTIONS
- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- STREET NAME ROAD NAMES
- EXISTING PAVING
- EXISTING / PROPOSED EASEMENTS
- PROPOSED 10' CONTOURS
- PROPOSED 2' CONTOURS
- EXISTING 10' CONTOURS
- EXISTING 2' CONTOURS
- HP/LP XXX.XX PROPOSED HIGHLOW POINT ELEVATIONS

A water meter and a meter vault would be required. Grant easement for Meter vault to WSSC. See WSSC Standard detail W/14.0. Meter layout must be shown during design plan.

A public manhole is required at the edge of easement. All SHC are minimum 2% slope

EX 8" SEWER CONTRACT NO. 1995-1313C

EX. 8" ASPHALTIC DI CONTRACT NO. 1995-1313C

PROP CONNECTION TO EX 8" SEWER MH CONTRACT NO. 1995-1313C

WATER AND SEWER EASEMENT

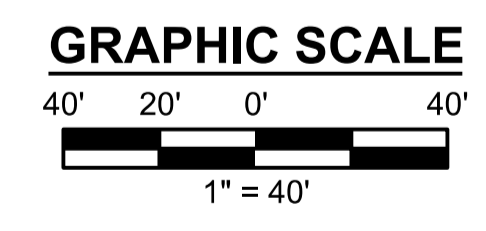
EX 8" SEWER CONTRACT NO. 2011-5223Z

CLARKSBURG DEVELOPMENT LLC
 LOT 11 BLOCK A
 PLAT# 2445
 ADDRESS: 22010 FREDERICK RD
 CLARKSBURG, MD 20871

ALL PIPES SHOWN IN GREEN TO BE DONE UNDER A SEPARATE SITE UTILITY PROJECT

NOTE
 1. PROPERTY INFORMATION EXTRACTED FROM ONLINE GIS SERVICES

HORIZONTAL DATUM : NAD 83
 VERTICAL DATUM : NGVD 1929



DEVELOPMENT INFO		
	ASSISTED LIVING	# BEDS/UNIT
	SEE PLAN FOR UNIT SIZE	15
TOTAL	8 UNITS (27,440 SF)	120

SERVICE CATEGORIES	
W - 1	S - 1
HYDRAULIC GRADES	
HGG	772
LHG	770
PRESSURE ZONE (TEMP)	760B
PRESSURE ZONE (FINAL)	760A

WASHINGTON SUBURBAN SANITARY COMMISSION



ENGINEER:
 NAME: ENDESCO INC
 CONTACT: Kevin Huang
 ADDRESS: 15245 Shady Grove Rd, Suite 335, Rockville, MD 20850
 PHONE: (301) 887-8776
 EMAIL: kevin@endescoinc.com

APPLICANT:
 NAME: WORLDSHINE HOME, LLC
 CONTACT: WORLDSHINE GROUP
 ADDRESS: 700 Professional Dr, Gaithersburg, MD 20879
 PHONE: (301) 250-3555
 EMAIL: info@worldshinegroup.com

15-073
 DRAINAGE BASIN / MINI BASIN SENECA CREEK

HYDRAULIC PLANNING ANALYSIS
 RUBY SENIOR HOMES

CONTRACT DA7861225
 200'S 230NW13 08/22/2024

APPROVED
 HPA

 09/30/2024

TEMPLATE LAYOUT CURRENT as of 08/01/2024



COMMISSIONERS

T. Eloise Foster, Chair
Mark J. Smith, Vice Chair
Fausto R. Bayonet
Lynnette D. Espy-Williams
Jonathan Powell
Regina Y. Speed-Bost

GENERAL MANAGER

Kishia L. Powell

September 30, 2024

Worldshine Home, LLC
c/o Worldshine Group, Becky Jia
700 professional Dr,
Gaithersburg, Md 20879

Re: Letter of Findings, WSSC Project No. DA7861Z25, Ruby Senior Homes

Dear Ms. Jia:

A hydraulic planning analysis has been completed on the Ruby Senior Homes project. The project has been conceptually approved. Please refer to the enclosed sketch along with the summary table and list of conditions included in this letter, which provide the results of our analysis.

HYDRAULIC SUMMARY TABLE	
Proposed Development: 120 bed Assisted Living	
200-ft Sheet: 230NW12	
SEWER	WATER
WRRF Service Area: Seneca Creek	Hydraulic Zone Group: Montgomery High
Mini-Basin Number: 15-073	Pressure Zone: Currently 760b(Temp), 760A (Permanent)
	High Grade: 772 feet
	Low Grade: 720 feet

The following is a list of conditions that apply to this project and must be met before a Service Connection Permit will be issued under the Applicant Built process”, as applicable.

OUTSIDE METER AND VAULT IS REQUIRED

The project will require construction of a Meter vault for ultrasonic meter on the 8” water house connection. An 8” valve is required prior to meter vault. Meter vault will require easement to be granted to WSSC at no cost, see sketch for preliminary location of water house connection, valve, and required easement.

MANDATORY REFERRAL PROCESS

This project may be subject to the Maryland-National Capital Park and Planning Commission's Mandatory Referral Program, depending on its planned water / sewer infrastructures and associated appurtenances. It is the Applicant's responsibility to contact the appropriate County's Department of Park and Planning for specific guidance and their standards for Mandatory Referral Review. During Phase 2 Design Review, WSSC must be notified, if the project is subject to the Mandatory Referral Process.

SUBMIT SHEETING AND SHORING PLAN

If this project involves subsurface features such as an underground parking garage or a deep excavation which will require tiebacks in the area of existing or proposed WSSC mains, submit an Excavation Support System Plan (ESS) to WSSC for review. This ESS Plan must be submitted as a Non-DR Plan to WSSC. No work should be done in the vicinity of WSSC mains until the ESS Plans have been reviewed by WSSC.

BLASTING PERMIT

If blasting is proposed within 200 feet of WSSC buried infrastructure, WSSC notification is required per COMAR 29.06.01.10. B (2) at the time of the County's Development Review Committee (DRC) process. This Blasting Plan must be submitted as a Non-DR Plan to WSSC. No blasting work should be done within 200 feet of WSSC mains until the Blasting Plans have been reviewed by WSSC.

CORROSION CONTROL

In accordance with the requirements of the latest approved WSSC Pipeline Design Manual Part 3 Section 28, the Form "B" Corrosion Documentation may be required to be submitted as part of the design. If you would like to discuss the corrosion control requirements for this project prior to the submission of the design plans, please contact the Development Services Division's Project Manager.

SANITARY SEWER CONDITIONS

SEWER AVAILABLE

An existing sanitary sewer is available to provide service to this project. Sanitary sewer service may be obtained by constructing service connections without a public extension. Propose sewer house connection must be 8".

INSTALL EJECTOR/GRINDER PUMPS

On the sketch, first floor elevation for buildings is not available to make a definite determination. If ejector or grinder pumps are required for service, a registered plumber must install the pumps at the developer's expense.

For properties to be served by a grinder pump system, the developer is responsible for all on-site installation (i.e. materials, electrical equipment, the grinder pump unit and plumbing hook-up which shall be installed by a registered plumber). Grinder pump units must be approved by WSSC. Ultimately the property owner will be responsible for all on-site maintenance of grinder pump systems. Builder/developers/owners should disclose this requirement to purchasers at property settlement.

EXTRA-DEPTH SEWER

Due to the topography, it will be necessary to construct sewers deeper than 16 feet. See the latest approved WSSC Pipeline Design Manual, Section C-2.2, for easement width requirements for deep sewers. Any pipe deeper than 20 feet (trench bottom) will require a special design that takes into consideration future maintenance of the deep sewer.

ENVIRONMENTAL IMPACTS

The proposed sewer main outfall may impact wetlands, stream buffers, 100-year flood plain, steep slopes, and possibly large trees. The alignment may need adjustment during the design stage.

WATER MAIN EXTENSION CONDITIONS

WATER AVAILABLE

An existing water main is available to provide service to this project. Water service may be obtained by constructing service connections without a public extension. Water house Connection must be minimum 8 inches.

EXCESSIVE WATER PRESSURE

This project is in a WSSC designated pressure zone defined as 760 pressure zone where high and low hydraulic grades fluctuate between 772 feet to 720 feet. Pressure reducing valve/regulator may be required since the static pressure exceeds 80 psi below an elevation of 587 feet.

OUTSIDE METERS

For outside meter requirements, See WSSC Plumbing and Fuel Gas Code Section 112.5.2.

EASEMENT CONDITIONS

GENERAL

WSSC easements must be free and clear of other utilities, including storm drain systems, ESD devices, gas, electric, telephone, CATV, etc., with the exception of allowed crossings designed in accordance with the latest approved WSSC Pipeline Design Manual.

Landscaping and Hardscaping are also not allowed without approval. Under certain conditions (and by special request) the items listed above may be permitted within the

WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement and/or Hold Harmless Agreement between WSSC and the developer.

COORDINATION WITH OTHER BURIED UTILITIES

Refer to the latest approved WSSC Pipeline Design Manual, pages G-7 and G-8 for utility coordination requirements. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC easement unless specifically approved by WSSC. Longitudinal occupancy of WSSC easements (by other utilities) is not permitted. Proposed utility crossings of WSSC pipelines or easements that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at the design plan review phase. Refer to the latest approved WSSC Pipeline Design Manual, Section 3. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including impacts to proposed street and building layouts.

The applicant must provide a separate "Utility Plan" to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and easements. Upon completion of the site construction, any utilities that are found to be located within WSSC's easements (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.

IMPACTS DUE TO GRADING / PIPE LOADING CHANGES

Any grading, change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC easement requires **advance approval** by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street easement requires WSSC approval directly on the original GEP **prior to** approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation, or abandonment) of existing WSSC facilities is done at the sole expense of the applicant / builder / developer. For Relocations work associated with a Systems Extension Project or a Site Utility Project, contact the Development Services Division. Please arrange for this review before plan submittal. See WSSC Design Manual, Part 3, Section 11.

PROVIDE FREE EASEMENT TO WSSC

WSSC Easements for water and sewer house connections must be provided at no cost to the WSSC. The Applicant shall execute and deliver on-property and off-site WSSC easements prior to permit issuance in accordance with the Development Services Code, which shall constitute an irrevocable offer by the Applicant to convey all on-property

easements to WSSC. On-property easements for Site Utility plans shall be executed and delivered prior to plan approval.

OFF-PROPERTY EASEMENTS MUST BE OBTAINED

The proposed water and sewer house connections will require the acquisition of easements from other property owners. It is the Applicant's responsibility to obtain these easements.

ADHERE TO MINIMUM EASEMENT WIDTHS

The minimum easement width for a normal (14 inches diameter or less) extension, either water or sewer, installed at normal depth is 20 feet. A minimum easement width of 30 feet is required when both normal-diameter water and gravity sewer lines are installed in the same easement at normal depth. Installation of deep or large water and / or sewer mains will require additional easement width. For minimum horizontal separation between a building and a WSSC pipeline, refer to the requirements in the latest approved WSSC Pipeline Design Manual, Part Three, Section 3. d. 2). Based on WSSC requirements, the minimum spacing between adjacent buildings with both water and sewer lines between them should be at least 40 feet and, in some cases, greater when connections, fire hydrants, or deep sewer or water lines are involved. Balconies and other building appurtenances are not to be within the easement. Additionally, water and sewer pipeline alignment should maintain 5 feet horizontal clearance from storm drain pipeline / structures and other utilities.

CONNECTION AND SITE UTILITY CONDITIONS

SERVICE CONNECTION PERMIT FOR NEW AND ABANDONMENT REQUIREMENTS

Individual permit numbers will be required for both new service connections and the abandonment of existing service connections, whether for new, replacement and/or relocation service mains as well as for non-SEP projects.

SITE UTILITY PROCESS REQUIRED

The Site Utility process is usually required for water lines greater than 2 inches in diameter or sewer lines greater than 4 inches. Contact Permit Services at 301-206-8650 or at www.wssewater.com for more information on electronic submittal of Site Utility plans.

MULTIPLE BUILDINGS AND COVENANT REQUIREMENT

In general, where multiple properties or buildings under single ownership are served by water and sewer services connections as allowed or required, a multiple building covenant shall be submitted for the Commission's approval. The covenant shall require the property owner to notify the Commission prior to any subdivision or sale of any or all of the properties covered by the multiple building covenant. Such action may require the property owner to obtain separate water and sewer connections or a Shared Site Utility System Agreement.

ENVIRONMENTAL CONDITIONS

Per WSSC Haz screen response 6023, see the signed folder for this project in WSSC ePlan review system, there doesn't seem to be any environmental issues associated with this property. Had there been environmental issues, all environmental issues must be directly resolved with the Environmental reviewer. All outstanding environmental issues must be resolved prior to the Design Phase.

The next step in the process is Site Utility Plan Review. See "Site Utility Process Required," above.

This Letter of Findings will expire if no "actions" are taken by the applicant over the 3-year period following the date of this letter. For definition of "actions", see the latest Development Services Code, Section 405.1.1.

If you have any questions or concerns, please feel free to contact me at 301-206-8812 or Shari.Djourshari@wsscwater.com.

Sincerely,



Shari Djourshari
Development Services Division

Enclosure: sketch

cc: Kevin Huang – Endesco, Inc
Mr. Fred Mejias (Fred.Mejias@wsscwater.com) - Development Section Manager
Mr. Alan Soukup (alan.soukup@montgomerycountymd.gov) - Department of Environmental Protection - Montgomery County Government

bcc: WSSC Development Service
WSSC Accounting Division
WSSC Planning Division
WSSC Environmental and Engineering Services Division