



**PREVIOUS RELATED ACTION:**

- 2005:** Residential Townhouse Initial Application RTH2005-00020, Montgomery County Government – a proposal to construct 44 town homes on the subject 3.85 acre parcel (then) located in the R-90 (Single Family Detached, Restricted Residential) Zone. The Application was filed on December 20, 2005. Note: The Application was not fully processed due to denial of related Text Amendment.
- 2006:** SCA2006-00097 - Application to Close and Abandon Public Right-of-Way – a request for the permanent closure and abandonment of public right-of-way, an unimproved street running between Maryland Avenue and Monroe Street, north of Block 3 in the Rockville Heights subdivision and dedicated per Plat No. 56. On June 24, 2009 the Planning Commission recommended the Mayor and Council deny the request until added information be provided and/or certain actions be taken. The Application was filed on January 26, 2006. (Scheduled for public hearing by the Mayor and Council on September 14, 2009)
- 2009:** Historic District Commission Application HDC2010-00473 - a courtesy review of pending Preliminary Subdivision Plan PLT 2009-00498, a proposal to re-subdivide the subject county-owned properties, creating a total of seven (7) new record lots. Of the proposed newly created record lots, a total of six (6) lots will be located within the Rockville Heights Historic District. The Commission's courtesy review also included discussion of pending Special Exception SPX2009-00378, the subject request to redevelop the applicant property for use and operation of a senior housing facility. On July 16, 2009, the Commission voted to recommend PLT2009-00498 and SPX2009-00378 be approved by the Planning Commission and Board of Appeals respectively, subject to certain conditions.
- 2009:** Preliminary Subdivision Plan Application PLT2009-00498, Victory Housing Inc. – a proposal to consolidate several deeded and recorded properties owned by Montgomery County Government in order to create seven new record lots. The Application was filed on June 9, 2009. (Pending review and action by the Planning Commission)

**STAFF RECOMMENDATION:**

Approval is recommended subject to the following conditions:

1. Proposed site improvements and building construction activity must be conducted in substantial accordance with the site development and building plans as submitted, or as may be modified by the Board of Appeals in its decision of approval.
2. The proposed site development plan should be amended to clearly denote/identify location of resident, staff, and visitor parking spaces.

3. The proposed twelve (12)-space parking lot located within the site's historic district must be eliminated and shall be redesigned as an access way for emergency vehicular access via Maryland Avenue.
4. The applicant will work with the Fire Marshal to determine appropriate signage and/or other improvements needed to clearly demarcate the "End of Fire Department Access," e.g., the area (as shown on the accompanying site plan) that will allow fire department vehicular access via Maryland Avenue.
5. Prior to the project's Site Plan Application stage, the applicant and property owner will work with the County agency which has oversight over its structured parking facilities, to determine the feasibility of allowing employees of the proposed senior housing facility, to access and park their personal vehicles in the neighboring County-owned parking garage located at the corner of Fleet Street and Monroe Street. Such an agreement would enable the applicant to pick up the twelve (12) on-site parking spaces eliminated with the removal of the proposed twelve (12) space parking facility located within the site's historic district.

In addition, there is on-street parking along the Monroe Street frontage with is part of an existing permit parking district for area residents, including the residents of Victory Housing. This offers another outlet to reduce the needs for excess parking and the 12-space lot in the Historic District. The Traffic and Transportation Commission would review modifications to the district, if needed.

6. The "Transportation Report" as submitted with the special exception request must be revised to include supplemental information as directed by staff.
7. Site refuse and trash collection must be conducted in accordance with applicable City Code and the County's Noise Ordinance.
8. The applicant will upgrade the existing water main located in Monroe Street between the two existing 8-inch mains at Fleet Street and Courthouse Walk.
9. The applicant must comply with the Stormwater Management (SWM) concept plan conditionally approved on April 23, 2009. If final engineering plans and a permit for construction are not approved and issued by May 4, 2010, the concept plan approval may become void. The site must then comply with the new State of Maryland stormwater regulations.
10. The applicant must study the existing storm drain outfall for safe conveyance of stormwater between the project site and the Mount Vernon Place outfall behind Richard Montgomery High School. The results of this study may require an upgrade to the public storm drain system by the applicant.

11. The applicant will upgrade and install new sidewalk along with accompanying planting strips along Maryland Avenue and Monroe Street and a shared use path along the site's Fleet Street frontage. Ultimate design of all such street frontage improvements will be determined at the project's Site Plan Application stage.
12. A Final Forest Conservation Plan shall be submitted in connection with the Site Plan and reflect the following revisions to the Preliminary Forest Conservation Plan:
  - a. Reduce and revise the proposed planting within the forest save/forest conservation easement area to reflect the locations of the existing trees.
  - b. Provide tree planting on the lots within the historic district.
13. Work with the City Forester and Planning staff to refine the landscaping in the rear of the building, i.e., proposed site locations, species type, and number of proposed plantings.
14. All forest conservation and significant tree replacement requirements shall be met on site in accordance with the plans submitted.
15. All proposed outdoor/exterior site lighting must be installed in accordance with applicable requirements of the City's Landscaping, Screening, and Lighting Manual. The location of all lights should be clearly denoted on the site plan, and a lighting plan showing that lights do not create glare or excessive light spillage onto neighboring land uses must be submitted for review and approval by the Chief of Planning as part of the project's Site Plan Application.
16. The applicant shall contribute, prior to the issuance of any building permit, a monetary contribution of \$6,500 for the implementation of one bus shelter to be located nearby to the subject site. This contribution will be incorporated into the Bus Stop Beautification CIP project. The applicant will also provide a Public Improvement Easement for the bus shelter and concrete pad along the applicant's Monroe Street frontage. The easement must be recorded prior to issuance of the building permit.

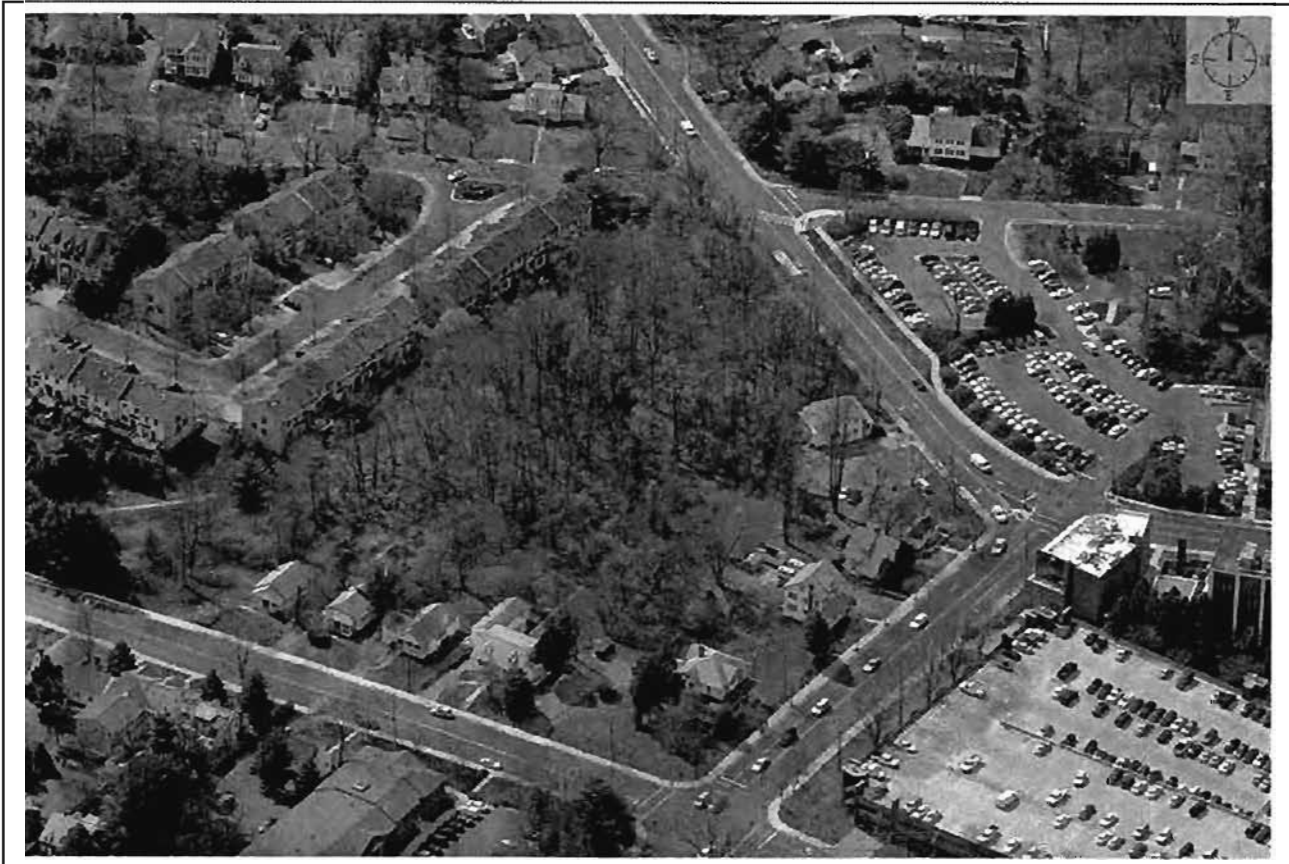
## **ANALYSIS:**

### **Property Description**

The subject property is bordered by Maryland Avenue on the west, Fleet Street on the north, Monroe Street on the east, and public right-of-way, an unimproved street (known as Mount Vernon Place) running between Maryland Avenue and Monroe Street on the south. The site is bounded on the west and north by City and County governmental land uses, to the east by office,

institutional, and single family detached residential land uses, and to the south by attached single family dwelling units, i.e., known as the Courthouse Walk townhouse development.

#### Aerial Overview of Site



The site contains a collection of deeded properties, owned by Montgomery County Government, located within the Rockville Heights subdivision. The properties that will be referred to in this staff report as the subject site, collectively total 3.47 acres (151,197 square feet) and are zoned for Mixed Use Transition (MXT) land usage. There are five houses currently located on the subject site which make up the Rockville Heights Historic District, four (4) that front Fleet Street and the one (1) other facing onto Maryland Avenue. The site also contains four other houses that front Monroe Street which are not located within the historic district.

As noted in the July 16, 2009 Historic District Staff Report, “The Rockville Heights Historic District is significant as an intact collection of early 20<sup>th</sup> century residential architecture of varying styles. The district borders the Town Center and conveys small town land use patterns that characterized Rockville’s built environment prior to WWII. The Rockville Heights Historic District is located at the northern end of the Rockville Heights subdivision, platted in 1890. The house at 107 Fleet Street dates to 1904 and reflects the late 19th century Queen Anne style. The other four houses were built between 1926 and 1936. Together, they present an early 20<sup>th</sup>

century streetscape and reflect the early residential character of this part of Rockville, where commercial, office and governmental offices now dominate.” The dwelling structures and accompanying properties were acquired by the County in the 1960s and have been used for a variety of office uses.

In addition to the noted dwelling/building structures that are located on the subject site, the 3.47-acre site contains approximately 1.45 acres of forest. The site’s topography ranges from relatively flat to gradual and pronounced sloping. The surface grades however, in and around the dwellings located along Monroe Street, Fleet Street, and the one on Maryland Avenue are relatively flat. The site surface grades located along all street frontages are somewhat higher than those that make up the overall site. As noted, the site contains an array of mature trees, shrubs, and hedges, flowering and non-flowering plantings, all ranging in species and size.

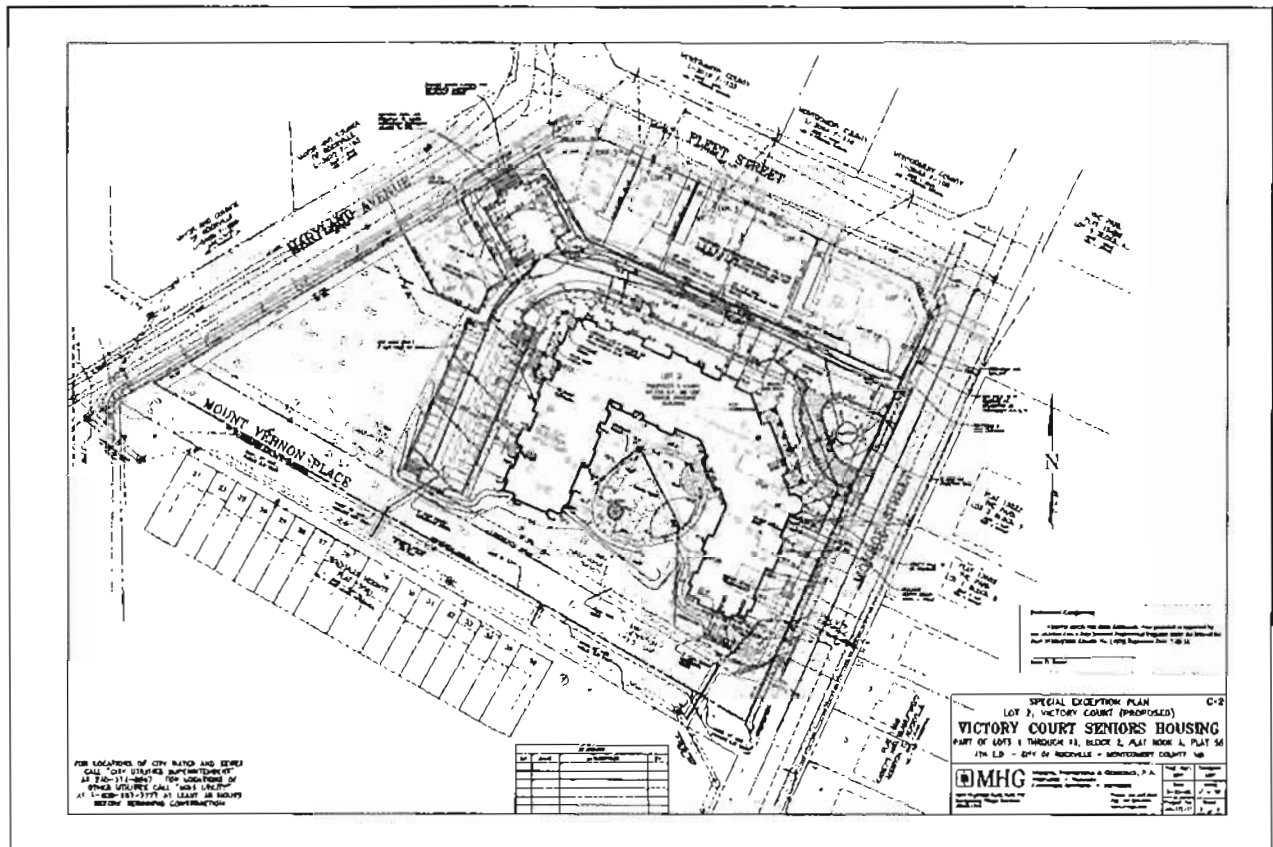
### **Site Use & Project Proposal**

As previously noted, the subject site is located within the Rockville Heights subdivision and currently contains several dwellings located along the site’s three street frontages. The applicant (Victory Housing, Inc. – VHI) has entered into an Option to Lease agreement with Montgomery County Government (owner of the property to develop and operate a 86-unit Senior housing facility for independent elderly residents in the City to be known as Victory Court. Under the planned development of the site, four dwellings on Monroe Street would be razed and those located on Fleet Street and Maryland Avenue located in the Rockville Heights Historic District would remain.

It is important to note that although the dwellings which are located within the historic district are shown on the site development plans submitted with the subject special exception request, they are not included in the special exception request land use proposal. However, the applicant has included the proposed twelve (12) space parking facility that is located within the historic district, in its proposed special exception project area.

The proposed building will be approximately 47 feet tall, consisting of four (4) levels, i.e., a basement level, first, second, and third floors. The facility will contain 48 one-bedroom living units and 38 two-bedroom living units. The senior housing amenities will be located on the ground level and include a community room with a small kitchen, a living room, television room, arts & crafts room, computer room, exercise room, and a wellness center. Residents will have access to a landscaped courtyard and outdoor seating area (See Exhibits 2 & 3).

The proposed building will be located somewhat in the center of the site, with vehicular access onto Monroe Street. The front building entrance will be oriented facing Monroe Street at an angle. The building will be set back approximately 31 feet from the site’s Monroe Street (eastern) property line, 37 feet from the site’s Mount Vernon Place (unimproved public right-of-way) (southern) property line, 180 feet from the site’s Maryland Avenue (western) property line, and 59 feet from the proposed northern property line, which is the rear yard property lines of the abutting historic homes located within the Historic District.



### Proposed Special Exception Site Development Plan

In reviewing the proposed landscape and preliminary forest conservation plans, Forestry staff has recommended the following minor revisions to the plan: a) revise the tree planting in the rear of the site, b) reduce the tree planting within the forest save area (proposed Forest Conservation Easement), and c) provide tree planting on the historic lots. These revisions will not affect the applicant's ability to meet forest conservation on site. The City Forester has requested some revisions of the plans to ensure compliance with applicable requirements of Forest and Tree Preservation Ordinance.

The applicant has also worked with the City's Department of Public Works (DPW) staff on the initial design and site placement of the stormwater management (SWM) facility. As shown on the accompanying site development plans the proposed SWM facility would be located in the southeast area of the site, adjacent to the Mount Vernon Place unimproved public right-of-way. Based on information provided and the plans submitted, the applicant's stormwater management plan was approved by the Department of Public Works on April 23, 2009.

As shown on the proposed site development plans, the bulk of the site surface parking will be located in the western area of the site. The proposed twelve (12) space parking area located

between Lot #1 and Lot #3, within the site's historic district, has been designed to allow for emergency vehicle access via Maryland Avenue. In accordance with the Zoning Ordinance a total of one (1) parking space for each three (3) living units is required for the 86-unit facility. Under the special exception request as submitted a total of 29 parking spaces are required and the applicant proposes to provide 53 on-site parking spaces. The applicant states in the request, that based on experience and the fact that the facility is designed for independent seniors, who will retain use of their personal vehicles on site, the applicant believes the additional/surplus parking is warranted.

In its review of this request, staff has raised a number of concerns with regard to the applicant's planned use of this proposed twelve (12) space parking facility, e.g., the physical impact construction of the parking lot will have on the abutting large mature trees, the applicant's need for these added spaces for the use as proposed, and the impact the lot has on the historic character of the properties and the street in the historic district. As a condition of approval, staff has recommended that the proposed twelve (12)-space parking lot located within the site's historic district be eliminated and redesigned and reconstructed solely as an emergency access way/travel-way. Said access way is to allow fire department and emergency vehicular access via Maryland Avenue.

It is suggested that the lot area where the proposed parking spaces will be eliminated, be formally joined/incorporated into the abutting Lots #1 and Lot #3. The incorporation of the additional land area into Lots #1 and Lots #3 is to be accomplished under project's pending preliminary subdivision plan PLT2009-000498 and via final record plat.

### **Coordination With Related Applications**

As referenced in the beginning of this staff report, the property owner in conjunction with the applicant has also filed a "preliminary subdivision plan" (PLT2009-00498) and a "street closing and abandonment application" (SCA2006-00097). These two application requests are pending action by the Planning Commission and Mayor and Council respectively. Under the preliminary subdivision plan, the County-owned properties which now make up the site project area would be re-subdivided into seven new record lots, which is consistent with the proposed record lots illustrated on the special exception site plan. If the special exception is granted, the applicant must obtain both preliminary subdivision plan and final record plat approval prior to the effective date of the abandonment of the street.

With regard to the pending Street Closing and Abandonment Application (SCA2006-00097), the applicant has requested the abandonment of the entire public right-of-way of the segment of Mount Vernon Place, between Maryland Avenue and Monroe Street. If the Mayor and Council grant said request, one-half of the property area within the right-of-way would be joined with the existing County-owned property. Most of this area is proposed to remain forested, thus creating a buffer between the now proposed Victory Court Senior Housing facility and the existing Courthouse Walk townhouse development to the south (See Exhibits 5 thru 7). The applicant has affirmed that the additional land area that they would receive from the abandonment of this



## **FINDINGS:**

In accordance with Section 25.13.02 of the City of Rockville Zoning Ordinance, "Housing for senior adults and persons with disabilities" is permitted in the MXT (Mixed-Use Transition) zoning district subject to Board of Appeals approval of a special exception. Section 25.15.01.a.2 of the Ordinance identifies the findings required for approval of a Special Exception. Staff feels that the subject application satisfies these findings as follows:

**(a). The proposed use does not violate or adversely affect the Master Plan (the Plan), Zoning Ordinance, or any other applicable law; and**

The applicant's request to develop the site as proposed would not be adverse to the Zoning Ordinance, the Master Plan, or other applicable law. The Rockville Town Center Master Plan designates the site for "Preferred Residential – Single Family Attached". The Proposed Zoning Map of the Master Plan recommended the zoning of the property as "R-30, Multiple Family, Low Density Residential" as implementation of the land use designation. With the development of the new Zoning Ordinance, which became effective on March 16, 2009, the property was rezoned to "MXT". Both the "MXT" district, and the earlier proposed "R-30" district, allow for Senior Housing as a Special Exception. Additionally multi-family dwellings are consistent with the intent of the Master Plan designation and MXT Zone even if they were not for "senior housing."

The proposed use serves as a transitional use between the medium intensity of the City Hall and County Government buildings and the adjacent single-family residential. This transition is in keeping with the intent of the MXT district, which according to the Zoning Ordinance is:

Intended for areas that are located between medium and high-intensity development and single-unit dwelling detached residential neighborhoods. This zone allows for development of multi-unit and townhouse residential development, and may include neighborhood-serving retail uses.

The MXT district allows for a broad variety of uses including office, bank and apparel stores as permitted uses. Multi-unit dwellings are Special Exceptions in the MXT zone and it is inferred from the Ordinance that special exception land uses are deemed appropriate in respective zones if it can be demonstrated that the requested use will not adversely impact neighboring land uses.

Section 25.15.02 of the Zoning Ordinance outlines Additional Requirements for Certain Special Exceptions. The applicant seeks Board of Appeals approval to allow the proposed senior housing facility to exceed the 35 feet height limit of the MXT Zone, and permit a building height of 47 feet. In accordance with Section 25.15.02.j.3.(e) of the Zoning Ordinance, the Board of Appeals can grant a maximum height of 50 feet in its consideration of the request. With the exception of the noted 3 foot building setback shift and request to exceed the minimum height limit, at this

initial stage in the development review process, the land use development proposal as submitted complies with applicable development standards of the Zoning Ordinance.

The proposed site use and development is found to adhere to requirements of Section 25.13.07.g. of the Ordinance (Special Design Regulations for Individual Mixed-Use Zones).

1. *Building Location* - Buildings in the MXT Zone should be located at or close to the front property line or the build-to-line where established by the Plan.

In accordance with the plans submitted, the site location of the proposed building facility does and will comply with applicable setback requirements of the zone.

2. *Uses by Floor* – The ground floor may contain retail, public-related service, office, or residential uses. The upper floors may be additional retail, office, residential, or a combination of uses.

While the proposed site use is classified as an institutional use, it is residential in operation and character, i.e., a multi-family residential building facility designed for independent senior citizens. As previously noted, the top three levels of the four-story building will contain the vast majority of the facility's one and two-bedroom living units. The ground level of the building facility will contain some living units and the majority of the facility's residential living amenities.

3. *Façade* – Building facades should be generally consistent with the façade designs in the immediate neighborhood. Roofs should have a pitch compatible with nearby single-unit residential development.

The building's is residential in character and is designed with varying roof heights, with a series of pitches that break up the massing of this proposed multifamily building structure. Since there is an array of residential uses located primarily to the southeast, south and southwest of the site, there is no true uniform roof pitch predominate throughout, which could have been readily incorporated in to the design of the subject building (See Exhibits 13 and 14).

The proposed building's exterior façade walls are not uniform and consist of varying projections and indentions, so as not to create a continuous uniform building façade. The exterior of the building will be constructed of the materials which include but may not be limited to the following: manufactured stone siding, shake and horizontal lap siding, tapered fiberglass columns, metal roofing on turrets and porches, and architectural grade fiberglass roof shingles.

4. *Fenestration* – Fenestration is to be by framed individual windows. Continuous strip windows are discouraged unless they are used to maintain compatibility with existing projects.

The windows as shown on proposed building elevation drawings will be single hung "energy star windows."

5. *Sidewalks* - Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with provisions of Sections 25.17.05.

As a condition of approval staff has recommended that “the applicant will upgrade and install new sidewalk along with accompanying planting strips along Maryland Avenue and Monroe Street and a shared use path along the site’s Fleet Street frontage. Ultimate design of all such street frontage improvements will be determined at the project’s Site Plan Application stage.”

6. *Parking* – On-site parking must comply with standards and requirements of Article 16. Most parking should be located to the side or rear of the buildings. Structured parking, either above or below grade is preferred and may not be visible from a public street. Any parking structure facades visible from the street must be treated in the same manner as the primary buildings façade. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.

The site’s proposed parking exceeds the minimum on-site parking requirements of Article 16 of the Zoning Ordinance, i.e., twenty-nine spaces are required and fifty-three spaces to be proposed. The proposed surface parking facilities will be located in the side yard area of the facility. Note, the proposed 12 space parking lot proposed to be located between Lot #1 and #3 is recommended to be eliminated and redesigned as an emergency access travelway. The building’s proposed surface parking will be screened from open site view by trees and other planted materials. Lastly, the parking facilities are oriented to face inward on the site, so as not to allow vehicle headlights of parked cars to shine into adjoining residential properties.

7. *Adjacent to Residential* – Where the MXT Zone is opposite or immediately adjacent to any property zoned or recommended in the Master Plan for single-unit detached residential development, the architectural design of buildings adjoining or confronting one-family residential uses should reflect the design and character of the existing residential buildings I the immediate vicinity.

The site is bounded by residential on two sides, to the east by single family detached residential land uses and to the south by attached single family dwelling units, i.e., known as the Courthouse Walk townhouse development. As previously noted the architecture of the proposed senior housing facility is designed as a multifamily building with varied roof lines and façade changes to minimize the massing and it uses materials typical to residential buildings nearby.

**(b) The proposed use at the location selected will not:**

**i) Adversely affect the health and safety of residents in the area; or**

Based on available information, senior housing on the subject property will not adversely affect the health and safety of residents in the area. The property is located within the Town Center Planning Area, and located in the MXT (Mixed-Use Transition) Zone. The proposed multi-

family senior housing will serve as a transitional land use between the City and County governmental uses to the north and northwest, the office and single family detached dwellings to the east and southeast, the attached single family dwellings (town homes) to the south, and single family detached dwellings to the west and southwest. Given other uses permitted by right or as Special Exceptions, this use will have relatively few impacts.

Based on the Comprehensive Traffic Report (CTR) that was submitted with the special exception request, the proposed site use will not generate greater than thirty (30) peak hour vehicle trips, hence the applicant is only required to do a formal on-site analysis. This is lower than the trip generation of most other permitted uses on this 3.47-acre site. The applicant has affirmed that a facility of the size proposed for Victory Court, would employ three (3) full time staff members on site. Staffing is anticipated to include, one full-time property manager, one part-time assistant manger, one full time maintenance supervisor, and one-part time janitor. The availability of parking on Monroe Street, might further serve to lessen the amount of on site parking spaces needed during times of high peak demand and/or on special occasions.

As illustrated on the site's preliminary forest conservation plan, trees located in the southwestern and a portion of the southern most area of the site will be preserved, while those removed elsewhere on site to accommodate the site development will be replaced (See Exhibits 5 & 6) . Any stormwater impacts will have to be mitigated by the applicant.

**ii) Overburden existing and programmed public facilities as provided in Article 20 of the Ordinance and as provided in the adopted Adequate Public Facilities Standards Manual; or**

The APFO tests the capacity of public facilities based on current and projected data available at the time of the development application. Once a development project is approved, capacity of public facilities required by that project is reserved, provided the project remains on its service commitment, as determined at the time of project approval. In the subject case, the land use request will not overburden site area roadways and streets, public schools, or water and sewer services. Certain classes of land uses are deemed to have little or no impact on some or all public facilities. As such, the deciding body (i.e., the Board of Appeals) may waive full compliance with the APFO provisions if it finds that there will be minimal adverse impact resulting from such a waiver. Such a waiver does not exclude any project from the final adequacy check for water and sewer service, if needed for the project.

In accordance with Article 20 and the APFO standards of the Zoning Ordinance, Housing for the Elderly and Physically Handicapped, falls in the class of uses eligible for a waiver from the APFO requirements. The applicant requests the Board of Appeals to waive any requirements pertaining to APFO with regard to public school capacity, since no children will reside at the proposed senior housing facility. However, as noted, said site use is not exempt from the adequacy check for water and sewer services. Thus, at this initial stage in the development review process, the Department of Public Works (DPW) has determined that the applicant will be required to upgrade the water main in Monroe Street between the two existing 8-inch mains at

Fleet Street and the Courthouse Walk townhouse community. The subject property would be served from this upgraded water main in Monroe Street. With these noted improvements and/or upgrades the proposed site use is not expected to overburden said public facilities within the site area.

The traffic impact statement was submitted in accordance with the City's Comprehensive Transportation Review (CTR) analysis for new development projects. The CTR focuses on auto, transit, pedestrian, and bicycle levels of service, as well on Transportation Demand Management (TDM) programs. The purpose of the CTR process is to ensure that adequate transportation facilities exist during and after a development project.

As previously noted, the proposed use will not generate greater than thirty (30) peak hour vehicle trips and as such, will not substantively alter or change vehicular traffic flow movements in and around the site area. The use will have vehicular access onto Monroe Street, with restricted access onto Maryland Avenue, that can be used only by emergency equipment, i.e., fire and rescue services. At the project's site plan application stage, staff will work with the applicant to determine the ultimate design of street frontage improvements that will be required along Maryland Avenue, Fleet Street, and Monroe Street. As stated in "condition #11, such improvements will include new sidewalk on Monroe Street and Maryland Avenue and a shared use path on Fleet Street. The applicant is also proposing to install a bus shelter on Monroe Street at the existing bus stop, adjacent to the historic home located at 107 Fleet Street.

**iii) Be detrimental to the use or development of adjacent properties or the neighborhood;  
or**

While staff finds the use as proposed is consistent with the intent of the Master Plan and MXT Zone in which the site is located, staff acknowledges that a substantial amount of the existing 1.75 acres of forest area of the site will have to be removed to accommodate the land use as proposed. The applicant's proposed landscape and preliminary forest conservation plans denote that there will be significant replacement and replanting of trees and other vegetative materials, to ensure the site development complies with applicable requirements of the Forest and Tree Preservation Ordinance.

As illustrated on the applicant's proposed preliminary forest conservation and landscape plans, the tree cover located in the southwest corner of the site would be retained. The plans also show that the mature tree cover located along the site's southern tract boundary adjacent to the neighboring town homes, would also be retained under the land use and development proposal. Retention of those tree-covered areas, would continue to act as a visual and vegetative buffer between the subject site development and the neighboring town homes to the south. Along that segment of the southern site tract boundary where mature trees and vegetation would have to be removed to accommodate the site development, the applicant proposes to install replacement trees and supplemental plantings, which also serve as a buffer between the proposed site development and neighboring land uses. While it is understood that the replacement trees and plantings will not provide the level of screening that the existing site vegetation currently affords

to the neighboring homeowners to the south, such new plantings will in time mature and serve the intended purpose.

In reviewing the Landscape Plan submitted in conjunction with Preliminary FCP, Forestry staff recommends the following minor revisions to the plan: revise the tree planting in the rear of the site, reduce the tree planting within the forest save area (proposed Forest Conservation Easement), and provide tree planting on the historic lots. These revisions will not affect the applicant's ability to meet forest conservation on site.

**iv) Change the character of the neighborhood in which the use is proposed, considering services currently required, population density, character, and number of similar uses; and**

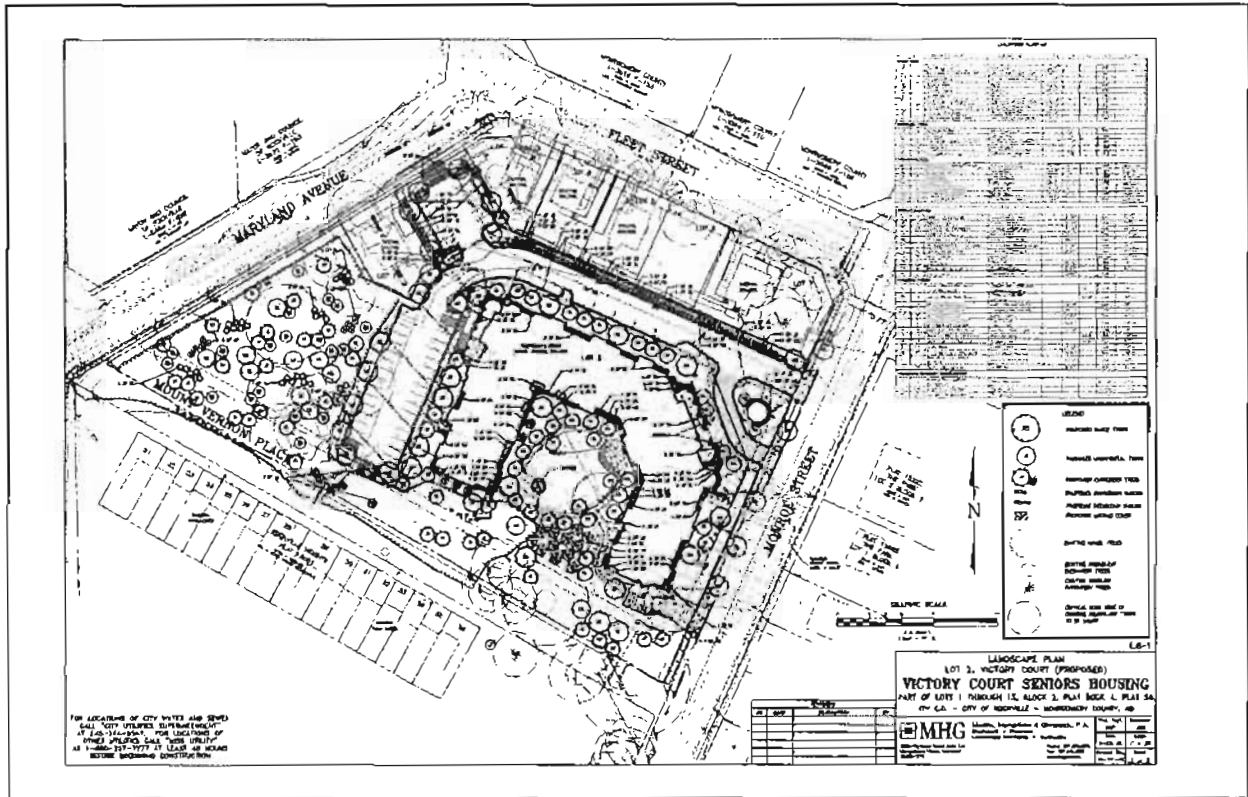
The proposed four-story senior housing facility will be approximately 97,049 square feet in size, 47 feet in height, and of masonry and frame construction. As previously noted, the site is bounded to the west and north by City and County governmental land uses, to the east by office and single-family detached dwellings, and south by single family attached dwellings. Due to their site placement along Fleet Street and Maryland Avenue, the site's historic district homes coupled with the planned site use will serve as a transition between the site and the City and County governmental land uses located to the north and northwest, and the residential attached dwellings (i.e., town-homes) to the south. Based on the range of land uses, i.e., governmental, institutional, office, residential, etc., that are located within the immediate site area, the proposed establishment of the senior housing facility would not change the character of the neighborhood, with regard to the type and level of services that are currently required and/or is being provided within the site area.

As previously mentioned, the APFO analysis of this proposal shows little impact on the service capacities. If the special exception is granted, the applicant will have to mitigate its impacts by providing infrastructure improvements. For example, DPW staff has requested the applicant study the existing storm drain outfall located between the project site and Mount Vernon Place outfall behind Richard Montgomery High School for safe conveyance. The results of that study may result in a public improvement project, e.g., upgrade of the public storm drain system.

The proposed senior housing facility will be located well over 100 feet from the closest residential dwelling to the south or southeast of the subject property. While the proposed four level housing facility will be approximately 47 feet in height (if approved by the Board of Appeals), said development would be 12 feet (approximately one story) in excess of the 35 foot height limit allowed in the MXT Zone, and the RMD-10 (Residential Medium Density) zone of the neighboring Courthouse Walk town homes. The increased building height is not viewed to be excessive, due to the 100 foot separation between it and the nearest residential dwellings, the sloping surface grades of the site, and the forest buffer remaining.

Based on existing land use patterns, current zoning classification of properties within the site area, coupled with the availability of developable land, it is unlikely that approval of the requested special exception use would bring about the proliferation of similar land uses within

the subject site area. By allowing "housing for senior adults and persons with disabilities" in respective mixed use zones as special exception land uses, the proliferation of similar land uses within a given site area is unlikely. It is important to note that although the subject use will increase population densities within the neighborhood, the impact on utilities, roads and schools is of less impacts than most other permitted or special exception uses.



**Proposed Landscape**

**v) Constitute a nuisance because of traffic, number of people, noise or type of physical activity; and**

The use as proposed will not constitute a nuisance because of traffic or the number of people. As noted the site use will not generate greater than 30 peak hour trips. The site is located within the Town Center Planning Area, which provides convenient access to shopping, dining, public and private services, and access to public and mass transportation. Under the proposal as submitted, there will be 38 two-bedroom units and 48 one-bedroom units. Since this facility is being designed for independent seniors, the applicant affirms that a number of residents will maintain and have use of their personal vehicle on site. For those who have use of a private vehicle, it is highly likely they will use their automobiles for their travel needs. Other residents, dependent upon their health and physical abilities, will likely be more reliant upon public transportation or family and friends for their travel needs. However, based on all available information staff has



As previously noted, the site is located within the Town Center Planning Areas, allowing for ready access to shopping, physician services, public transportation, and an array of public and private services.



**Proposed Elevation Drawings**

***Section 21.15.02.j.3 of the Ordinance requires the use comply with the following Special Development and Use Requirements:***

- (a) ***Minimum Lot Size*** – Development must be on a record lot of at least two (2) acres. The subject property is approximately 3.47 acres (151,197 square feet) in size.
- (b) ***Minimum Street Frontage*** – The lot must have at least 100 feet of frontage on a public street. The subject site has in excess of 300 feet of frontage on Maryland Avenue alone.
- (c) ***Setbacks*** – All structures on the site must be set back at least as follows:
  - (i) Front Yard: 50 feet, except for projects in the MXT Zone, the setback may be the minimum required in the zone; and

Note: The proposed facility has a front yard setback of 31 feet; the minimum setback required is 10 feet.

(ii) Side and rear yards; Twice the minimum in the zone.

Note: The building has a side setback of 59 feet; the minimum setback required is 20 feet. The building has a rear yard setback of 67 feet; the minimum setback required is 40 feet. Note, the required setback assumes the Mount Vernon Place unimproved public right-of-way is abandoned. If the Mayor and Council do not grant the abandonment, the building setback would be 20 feet, as the side yard setback requirement would apply due to the unimproved right-of-way.

(d) Maximum Lot Coverage: Not applicable to the MXT Zone.

(e) Building Height: Building height is normally limited to the height allowed in the zone. Additional height up to 50 feet may be allowed by the Board of Appeals in a mixed-use zone without the requirement of additional setbacks.

Note: Under this provision the applicant seeks Board Appeals approval to allow the proposed building facility to be constructed at 47 feet in height, 12 feet in excess of the maximum 35-foot height limit of the MXT Zone.

Based on all of the noted factors, staff finds adequate justification to recommend Special Exception SPX2009-00378 be approved subject to the conditions referenced on page two of this staff report.

## **COMMUNITY NOTIFICATION PROCESS**

Notification letters were sent by the applicant to property owners within the subject site area, informing them of the application request and pending Planning Commission meeting and Board of Appeals public hearing, where the request will be publicly heard and considered. Also, in accordance with requirements of the Zoning Ordinance, the applicant held a Post-Application Area Meeting on July 20 2009, to provide interested persons an opportunity to hear and ask questions about the land use request as proposed. A list of addresses is contained in the project's application file for public review and inspection.

List of attachments:

Attachment "A" – Stormwater Management Concept Approval Letter

Attachment "B" – PAM Community Meeting Materials

Attachment "C" – Post Area Meeting Materials

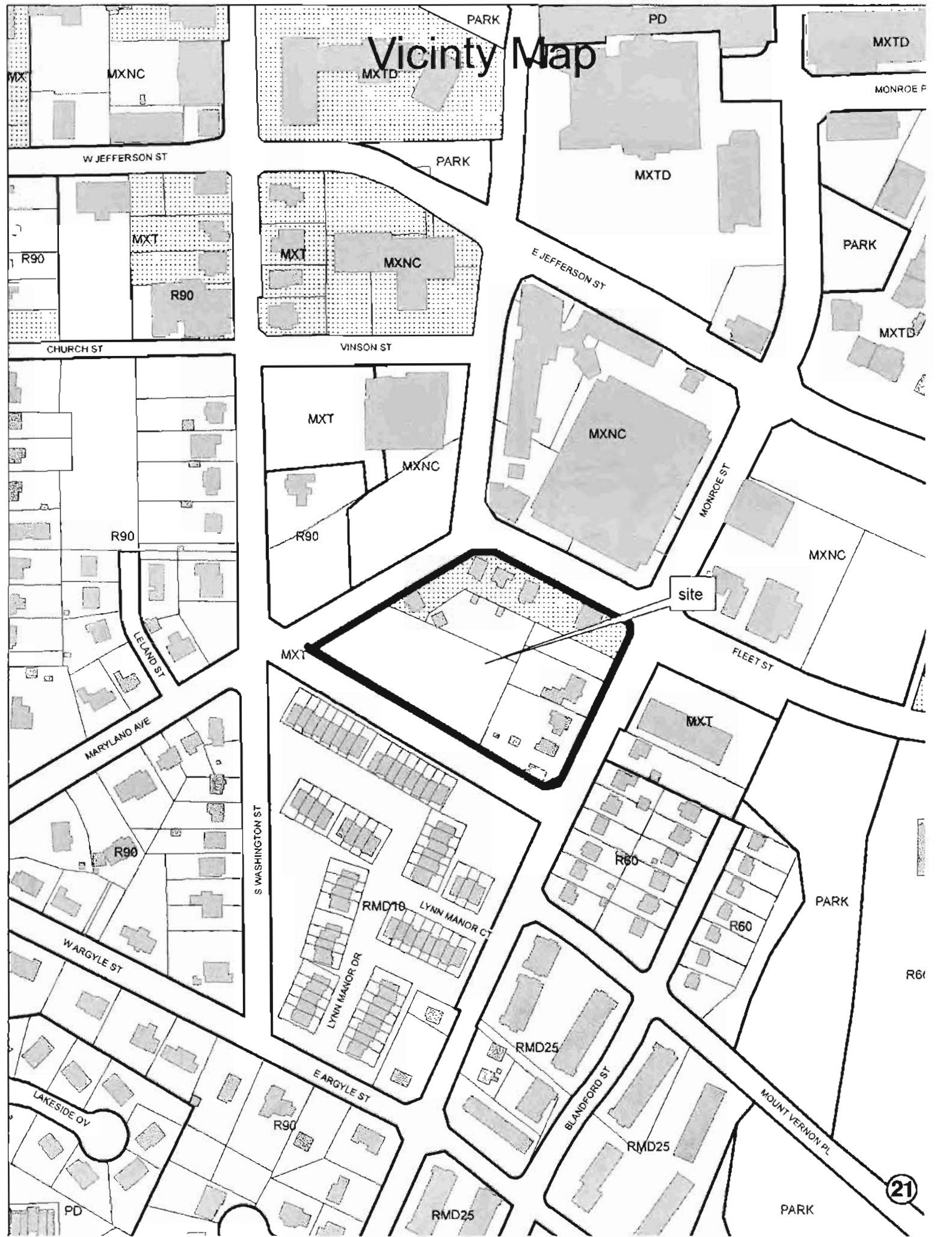
Attachment "D" – Statement - New Marks Commons Homes Association, Inc.

Attachment "E" – Historic District Commission Recommendation

Exhibits "1 & 2" – Cover Sheet and Proposed Site Development Plan

Exhibit "3 & 4" – Proposed Landscape  
Exhibit "5 thru 7" – Proposed Preliminary Forest Conservation Plans  
Exhibit "8" - Vehicle Movement Exhibit  
Exhibit "9 thru 12" – Proposed Building Floor Plans  
Exhibits "13 & 14" – Proposed Building Elevation Drawings

# Vicinity Map





Application for

# SPECIAL EXCEPTION APPLICATION



## City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

### TYPE OF APPLICATION:

- Special Exception     
  Special Exception Modification - Major  
 Special Exception Modification - Minor

*Please Print Clearly or Type*

Property Address information 209 Monroe Street, Rockville, MD 20850

Subdivision Rockville Heights Lot (S) Parts of Lots 1 through 13 Block 2

Zoning MXT Tax Account (S) See Attached List

### Applicant Information:

*Please supply Name, Address, Phone Number and E-mail Address*

Applicant Victory Housing, Inc. | 5430 Grosvenor Lane, Bethesda, MD 20814 | 301-493-6000  
blackwell@victoryhousing.com

Property Owner Montgomery County | 100 Maryland Ave, 4 Floor, Rockville, MD 20850 | 240-777-3600  
alisa.wilson@montgomerycountymd.gov

Architect Grimm + Parker Architects | 11720 Beltsville Dr., Suite 600, Calverton, MD 20705 | 301-595-1000  
lschutz@gparch.com

Engineer Macris, Hendricks & Glascock, PA | 9220 Wightman Rd, Suite 120, Montgomery Village, MD 20886 |  
301-670-0840 | mplitt@mhgpa.com

Attorney Miller, Miller & Canby | 200-B Monroe St., Rockville, MD 20850 | 301-762-5212 | slcho@mmcanby.com

Project Name Victory Court Seniors Housing

Project Description 86-unit, 3 story senior housing building and associated parking

### STAFF USE ONLY

#### Application Acceptance:

Application # SPX 2009-00378  
 Pre-Application PAM 2009-00005  
 Date Accepted 6/9/09  
 Staff Contact CDC

OR

#### Application Intake:

Date Received 6/9/09  
 Reviewed by TWT  
 Date of Checklist Review 6/9/09  
 Deemed Complete: Yes  No

**Level of review and project impact:**

This information will be used to determine your project impact, per section 25.07.02 of the Zoning Ordinance for Project Plan and Site Plan applications only.

Tract Size 3.47 acres, # Dwelling Units Total 86 Square Footage of Non-Residential 0 sq.ft.

Residential Area Impact 37 %

Traffic/ Impact/Trips less than 30

Points/Elements	1	2	3	4	Points
Tract size - Acres	1 or fewer	1.1 to 2.5	2.6 to 5	5.1 or greater	3
Dwelling Units	5 or fewer	6 to 50	51 to 150	151 or greater	3
Square Footage of Non-Residential Space	5,000 or fewer square feet	5,001 to 10,000 square feet	10,001 to 50,000 square feet	50,001 or greater square feet	1
Residential Area Impact	No residential development in a residential zone within 1/4 mile of the project	35% of area within 1/4 mile of the project area is comprised of single-unit detached residential units	65% of area within 1/4 mile of the project area is comprised of single-unit detached residential units	Development is within single-unit detached unit area.	2
Traffic Impact - Net new peak hour trips	Fewer than 30 trips	30-74 trips	75-149 trips	150 or more trips	1
<b>Points Total*</b>					<b>10</b>
The total of the points determine the level of notification and the approving authority .					

**Based on the Impact Total Your Level of Notification Will Be:**

- 0-6 pts. - mailed to 750 ft. of a project area     
  7-9 pts. - mailed to 1,000 ft. of project area  
 10-12 pts. - mailed to 1,250 ft of project area     
  13+ pts. - mailed to 1,500 ft. of project area

**Proposed Development:**

Retail 0 Sq. Footage # of Required Parking Spaces 29  
 Office 0 Sq. Footage # of Provided Spaces 53  
 Restaurant 0 Sq. Footage # of Required Handicap Parking Spaces 3  
 Other 97,049 (building) Sq. Footage # of Provided Handicap Parking Spaces 3

Bicycle Parking: # Long Term 2 # Short Term 2 Total # Provided 4



Existing Site Use(s) (to include office, industrial, residential, commercial, medical etc.) \_\_\_\_\_

Four single-family homes owned by Montgomery County. Three are vacant and one is currently being used as offices. \_\_\_\_\_

**Previous Approvals: (if any)**

Application Number	Date	Action Taken
PAM 2009-00005	PAM DRC: 4/9/09	

***A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.***  
I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this application.

   
Please sign and date \_\_\_\_\_ JIM BROWN, PRESIDENT, VICTORY HOUSING, INC.

**Application Checklist:**

**Submitted:**

- Complete Application
- Filing Fee (to include Sign Fee)
- Pre-Application Number PAM 2009-00005 Documentation (Development Review Committee Meeting Notes)
- Proposed Area Meeting Date TBD including location TBD
- A copy of the either a subdivision plat or an identification plat
- A copy of the official zoning map (should have purchased when PAM application was applied for.)
- An explanation of how this proposed use will meet the general requirements for granting a special exception and the special requirements, if any.
- A site plan that includes all existing and proposed site improvements.
- Plans and specifications for any signs that may be required in residential zones.
- A detailed site development plan prepared and certified by a professional engineer. (Eleven (12) copies- Fifteen (15) if on a state highway: (size 24' x 36')(folded to 8 1/2' X 11').
- Submittal of CTR (Comprehensive Transportation Review) Report- with Fee (copy to CPDS) (if applicable).
- Approved NRI/FSD (if required)
- Landscape Plan (if required) (6 copies)
- Approved Stormwater Concept Plan
- A preliminary schedule of development including time specific staging and phasing of:
  - Residential area to be developed in order of priority of type of dwelling unit
  - The construction of streets, utilities, and other improvements necessary to serve the project are;
  - The dedication of land to public use; and
  - The construction of nonresidential facilities
- Scope of work narrative to include statement of justification that address compliance with:
  - Mixed Use design Standards
  - Layback slope
  - LSL manual
  - APFO
  - Parking
  - Shadows
  - Signs
  - Public use per Zoning
  - Impervious surface
- Additional Information Required by Planning Staff
- Electronic Version (PDF format)

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**Comments on Submittal: (For Staff Use Only)**

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**VICTORY HOUSING, INC.  
FLEET STREET**

<u>Property Description</u>	<u>Tax I.D. No.</u>
Part of Lots 1 and 2, Block 2, assessed as 30,214 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205053
Part of Lot 3, Block 2, assessed as 15,210 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205042
Part of Lots 4 and 5, Block 2, assessed as 23,108 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-204993
Part of Lots 6 through 13, Block 2, assessed as 42,034 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205007
Part of Lots 7, 9 and 11 through 13, Block 2, assessed as 57,111 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-204947



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
*County Executive*

Richard Y. Nelson, Jr.  
*Director*

March 9, 2009

City of Rockville  
Department of Community Planning and Development Services  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: Rockville Heights Subdivision, Block 2

To Whom It May Concern:

This letter confirms that Montgomery County hereby authorizes Victory Housing, Inc. to submit any and all necessary development applications to the City of Rockville for the development of a senior housing project on the County-owned property at Block 2 of the Rockville Heights Subdivision, excluding 101, 103, 105 and 107 Fleet Street and 150 Maryland Avenue.

Sincerely,

Richard Y. Nelson, Jr.  
Director

RYN:aaw

Victory Housing, Inc. is a 501(c)(3) non-profit organization located at 11111 Rockville Pike, Rockville, MD 20850. For more information, please contact Victory Housing, Inc. at 301-771-1111.

~~FEDERAL~~ INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
31 HOPKINS PLAZA  
BALTIMORE, MD 21201

DEPT. OF THE TREASURY

Date: *MAR* 11 1991

Employer Identification Number:  
52-1261881

Contact Person:  
MRS. K. FENTON

VICTORY HOUSING INC  
15204 OMEGA DRIVE SUITE 100  
ROCKVILLE, MD 20850

Contact Telephone Number:  
(301) 962-7756

Addendum Applies:  
Yes

Dear Applicant:

Based on the information you recently submitted, we have classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Internal Revenue Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in 501(c)(3) is still in effect.

This classification is based on the assumption that your operations will continue as you have stated. If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status.

This supersedes our letter dated October 15, 1987.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Letter 1078(DO/CG)

28

VICTORY HOUSING INC

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

A handwritten signature in cursive script that reads "A. J. Lightower". The signature is written in black ink and is positioned above the typed name.

District Director

Enclosure:  
Addendum

**BEFORE THE BOARD OF APPEALS  
FOR THE CITY OF ROCKVILLE, MARYLAND**

**In the Matter of the Petition of** :  
**VICTORY HOUSING, INC.** :  
**for a Special Exception for** : **Case No.:** \_\_\_\_\_  
**Housing for Senior Adults** :

**SCOPE OF WORK NARRATIVE / STATEMENT OF JUSTIFICATION**

Petitioner Victory Housing, Inc., on behalf of a to-be-formed entity, hereby submits this petition for a special exception to develop and operate an 86-unit affordable housing community for independent elderly residents in the City of Rockville to be known as “Victory Court.”

The subject property is located in the Rockville Heights subdivision, on a block that is bordered by Maryland Avenue on the west, Fleet Street on the north, Monroe Street on the east and the “Court House Walk” townhouse community on the south. The property is classified in the MXT (“Mixed-Use, Transition”) zone. The proposed senior housing community will be sited on a new lot (to be created in a companion Preliminary Plan of Subdivision application) that consists of approximately 3.47 acres of land owned by Montgomery County, Maryland. Principal access to the property will be from a driveway on Monroe Street.

**PARTIES**

The owner of the property, Montgomery County, Maryland, entered into an Option to Lease agreement with Victory Housing, Inc. (VHI), the principal sponsor of this project. A formal Ground Lease between the parties will be entered into at a later date.

Victory Housing is the nonprofit housing development arm of the Archdiocese of Washington. VHI's mission, in part, is to provide housing for low- and moderate-income independent elderly households. VHI takes the role of developer and owner on all of its developments. It currently operates seven assisted living facilities, including six in Montgomery County. VHI has also developed 13 other properties in the Metropolitan Washington area, including six in Montgomery County.

VHI has an excellent reputation for providing affordable housing for the elderly and is the recipient of numerous state and local awards.

### OPERATIONS

The proposed affordable housing community will include a combination of 86 one- and two-bedroom apartments for independent elderly households. Victory Court will include amenities on the ground floor such as a community room, living room, TV room, arts & crafts room, wellness center, computer room, and an exercise room. In addition, residents will have access to a landscaped courtyard and outdoor seating area. A third-party management company will be retained to oversee the operation of the community.

### COMPLIANCE WITH ZONING ORDINANCE REQUIREMENTS

The proposed project complies with all requirements of the Zoning Ordinance as follows:

1. MXT Zone Design Standards

Housing for senior adults and persons with disabilities are permitted by special exception in the MXT Zone with its own development standards set forth in Section 25.15.02.j. Victory Court will comply with all of the

specific development standards for the proposed use which are not inconsistent with the Special Design Regulations for the MXT Zone established in Section 25.13.07.g, all of which the proposed buildings satisfies.

2. Layback Slope

Pursuant to Section 25.13.05.b.2(d)(i), the layback slope requirement is not applicable to the MXT Zone.

3. Landscape, Screening and Lighting Manual

The landscape and lighting plans which are part of the Applicant's submission show a rich combination of plantings that both accentuate certain features of the project while screening it from off-site views where appropriate. Lighting fixtures, and their placement, were chosen because of their appropriateness in close proximity to surrounding uses, both residential and non-residential, and for their ability to provide lighting appropriate for the senior resident population while not causing glare or spillage of light onto adjacent residential properties.

4. Adequate Public Facilities Ordinance

As a senior housing community, Victory Court will have minimal peak-hour trips as supported by the attached Comprehensive Transportation Review Statement, and will have no impact on area schools.

5. Parking

The base requirement for parking spaces for the Victory Court Project is 1 space per 3 units, or 29 spaces. However, based on VHI's

experience and the fact that the community will be designed for independent seniors, the Petitioner believes more parking is warranted. Therefore, a total of 53 parking spaces are proposed.

6. Shadows

The requirements of Section 25.17.06 relative to shadow regulation are not applicable in the MXT Zone.

7. Signs

A community entrance sign is proposed to be located within the landscaped island located at the main entrance drive off of Monroe Street as indicated on the detailed site plan. This sign will be discreet and appropriate for its location.

8. Public Use Space Requirements

Pursuant to Section 25.17.01.e, projects consisting of entirely affordable housing units and/or housing for senior adults are exempt from the public use space requirements.

9. Impervious Surface Requirements

There are no maximum impervious surface limits applicable in the MXT zone.

SUMMARY

Victory Court will be well-located so that residents can take advantage of the myriad of opportunities available in Rockville, including shopping, personal services, health care, professional services, dining opportunities and cultural sites. The fact that the property will

provide housing for independent seniors means that there will be no impact on schools. The project is designed to be complementary with the existing topography and the scale and context of the surrounding community.

**VICTORY COURT SENIOR HOUSING PROJECT**  
**STATEMENT OF COMPLIANCE WITH GENERAL AND SPECIAL**  
**REQUIREMENTS FOR GRANTING OF SPECIAL EXCEPTION**

The property that is the subject of the attached Special Exception Application is located in the Mixed Use Transition (MXT) Zone. Development of the property as a senior housing community will require special exception approval under Sections 25.07.09 and 25.15.01 of the City of Rockville Zoning Ordinance.

The attached Special Exception Application contains information (e.g., detailed site development plan, landscape plan, conceptual building elevations, Comprehensive Transportation Review statement, stormwater management concept plan, etc.) necessary to satisfy the general requirements of Section 25.15.01.a.2, as well as the special requirements of Section 25.15.02.j. In particular, the proposed use:

1. Will not violate or adversely affect the Plan, Chapter 25 of the City Code or any other applicable law;
2. Will not adversely affect the health and safety of residents or workers in the area;
3. Will not overburden existing and programmed public facilities as provided in Article 20 of Chapter 25 and as provided in the adopted Adequate Public Facilities Standards Manual;
4. Will not be detrimental to the use or development of adjacent properties or the neighborhood;

5. Will not change the character of the neighborhood in which the use is proposed considering services currently provided, population density, character, and number of similar uses; and
6. Will not constitute a nuisance because of noise, traffic, number of people, or type of physical activity.

Furthermore, the proposed use will comply with all applicable requirements of the Zoning Ordinance, including, but not limited to, the general purposes outlined in Section 25.01.02., as well as the special requirements contained in Section 25.15.02.j. (“Housing for Senior Adults and Persons With Disabilities”) as follows:

*Additional Required Findings – “that the site proposed for such use has adequate accessibility to, or provides onsite, public transportation, medical services, shopping areas, recreational, and other community services frequently used by residents of such use.”*

The Victory Court Project will be ideally located so that residents can take advantage of the myriad of opportunities available in Rockville, including shopping, personal services, health care, professional services, dining opportunities and cultural sites. The site is not only within a short walking distance to all of the above, but is also well-serviced by public transportation.

Special Development and Use Requirements

(a) Minimum Lot Size – Development must be on a record lot of at least two (2) acres. The lot (to be created in a companion Preliminary Plan of Subdivision application) on which the Victory Court Project will be located consists of 151,197 square feet or 3.47 acres.

(b) Minimum Street Frontage – The lot must have at least 100 feet of frontage on a public street. The lot on which the Victory Court Project will be located has 330 feet of street frontage along Monroe Street.

(c) Setbacks – All structures on the site must be set back at least as follows:

(i) Front Yard: 50 feet, except for projects in the MXT Zone, the setback may be the minimum required in the zone. The proposed building has a front yard setback of 31.9 feet from Monroe Street, which exceeds the MXT Zone’s minimum requirement of 10 feet.

(ii) Side and Rear Yards: Twice the minimum required in the zone. The proposed building exceeds both the side and rear yard setback requirements with a side yard setback of 59.0 feet (20 feet required) and a rear yard setback of 67.4 feet (40 feet required).

(d) Maximum Lot Coverage – Notwithstanding the provisions of Sections 20.10.05.a and 25.10.05.b, in the R-400 and R-200 Zones, the maximum lot coverage is limited to 30%; provided that the development of the facility does not exceed one (1) story and also does not exceed 20 feet in height, except as provided in subsection (e) below. This provision is not applicable to the MXT Zone.

(e) Building Height – Building height is normally limited to the height allowed in the zone.... Additional height up to 50 feet may be allowed by the Board in a mixed-use zone without the requirement for additional setbacks. To provide architectural interest and character, the proposed building is designed with varying roof heights. The vast majority of the building has a lower roof line, which results in a building height of 44.33 feet<sup>1</sup>. The main entrance façade of the building at the corner of Monroe and Fleet Street has a slightly higher roof line (adding another 2.67' feet to the height), which brings the building height in that portion of the structure to 47.0 feet<sup>1</sup>. Therefore, this development standard is satisfied by the proposed project.

---

<sup>1</sup> Building height is measured from the centerline grade of Monroe Street opposite the middle of the building fronting Monroe Street to the middle of the hip roof, as required by Section 25.03.03.c.3.(a)(iii) of the Zoning Ordinance.

(f) Occupancy – Residents occupying the proposed facility will meet all of the qualifying criteria including the definition of a senior adult being 62 years of age or older.



City of Rockville  
 111 Maryland Avenue  
 Rockville, Maryland  
 20850-2864  
 www.rockvillemd.gov

Public Works  
 240-314-8500  
 TTY 240-314-8137  
 FAX 240-314-8589

Public Works Operations  
 240-314-8570  
 FAX 240-314-8589

Environmental Management  
 240-314-8870

Fleet Services Division  
 240-314-8485  
 FAX 240-314-8499

Water Treatment Plant  
 240-314-8555  
 FAX 240-314-8564

# ATTACHMENT "A"

April 23, 2009

Mr. Jeff Blackwell  
 Victory Housing, Inc.  
 5430 Grosvenor Lane, Suite 210  
 Bethesda, Maryland 20814

RE: SWM Concept Review – Victory Housing  
 SMP2009-00011

Dear Mr. Blackwell:

Your March 5, 2009 stormwater management (SWM) concept plan application for the Victory Housing project, which is in the Cabin John watershed, has been reviewed and conditionally approved. The proposed development consists of a three-story building and parking lot for a senior housing project. The current site has several single-family homes.

According to your application, the proposed development will require a total of 59,000 square feet (SF) of impervious area requiring SWM, within the 120,000 SF limits of disturbance. The overall site area is 151,197 SF (3.47 acres). Your SWM concept proposes the following:

**1. Water Quality Volume (WQ<sub>v</sub>)**

Water quality is proposed for the impervious area via an underground sandfilter, an underground cartridge filter and a biofilter. The amount (acres) of impervious area being treated by these three facilities is as follows: 0.96, 0.22 and 0.03 respectively. The majority of the rights-of-way do not drain through these facilities and staff would support a monetary contribution for those areas along Maryland Avenue, Fleet Street and Monroe Street. The drainage area of the proposed site improvements does not currently have SWM.

**2. Overbank Flood Protection (Qp<sub>10</sub>) and Channel Protection Volume (CP<sub>v</sub>)**

Water quantity control (Qp<sub>10</sub> and CP<sub>v</sub>) is proposed for the impervious area via underground corrugated metal pipe storage. The amount of impervious area being managed by these two systems is 0.96 and 0.22 impervious acres. The majority of the rights-of-way do not drain through these two facilities and staff would support a monetary contribution for those areas along Maryland Avenue, Fleet Street and Monroe Street. The drainage area of the proposed site improvements does not currently have SWM.

**3. Recharge Volume (Re<sub>v</sub>)**

Recharge Volume is being proposed via a stone recharge trench sized to store the recharge volume for the entire site.

MAYOR  
 Susan R. Hoffmann

COUNCIL  
 John B. Britton  
 Piotr Gajewski  
 Phyllis Marcuccio  
 Anna M. Robbins

CITY MANAGER  
 Scott Ulery

CITY CLERK  
 Claire F. Funkhouser

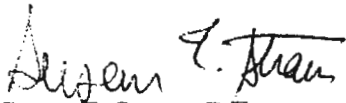
CITY ATTORNEY  
 Debra Yorg Daniel

Mr. Blackwell  
April 23, 2009  
Page 3

9. Provide an exhibit showing the impervious areas being treated (quantity and quality), as well as the areas covered by a SWM alternative, i.e. monetary contribution including the public right-of-way. Show the proposed SWM structures on this exhibit.
10. Submit drainage study, detailed storm drain and SWM plan and computations for approval by DPW.
11. Submit a Rockville SWM permit application, permit fees and SWM Database Sheet associated with the SWM plans.
12. Post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
13. Submit a SWM Easement/Maintenance Agreement signed by the property owners for review and approval by DPW and the City Attorney's Office. Approved SWM Easement Agreement for maintenance must be recorded in the Montgomery County Land Records prior to DPW permit issuance.
14. Submit a Forest Conservation Plan (FCP) to the Assistant City Forester for review and approval. The FCP must be approved prior to DPW issuing SWM and sediment control permits.

If you have any questions, please contact John W. Hollida, Civil Engineer II, of my staff at 240-314-8526.

Sincerely,



Susan T. Straus, P.E.  
Chief Engineer/Environment

SS/JH/mbw

cc: ~~Pearce Wroe~~, Macris, Hendricks and Glascock, P.A.  
Jim Wasilak, Chief of Planning  
Castor Chasten, Planner III  
Elise Carey, Assistant City Forester  
Mark Wessel, Civil Engineer III  
John Hollida, Civil Engineer II  
Permit Plan  
Day File

# ATTACHMENT "B"



## LAW OFFICES MILLER, MILLER & CANBY

CHARTERED

PATRICK C. McKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
ELLEN S. WALKER  
MAURY S. EPNER (DC)  
JOSEPH P. SUNTUM

200-B MONROE STREET  
ROCKVILLE, MARYLAND 20850  
(301) 762-5212  
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SUSAN W. CARTER  
ROBERT E. GOUGH  
DONNA E. McBRIDE (DC)  
GLENN M. ANDERSON (FL)  
MICHAEL G. CAMPBELL (DC, VA)  
SOO LEE CHO (CA)  
AMY C. GRASSO

*\* All attorneys admitted in Maryland and where indicated*

SLCHO@MMCANBY.COM

### MEMORANDUM

**TO: JIM WASILAK**

**CC: JIM BROWN  
JEFF BLACKWELL  
ALICE LIU**

**FROM: SOO LEE-CHO**

**DATE: APRIL 30, 2009**

**RE: VICTORY COURT – SENIOR HOUSING PROJECT;  
PRE-APPLICATION COMMUNITY AREA MEETING – APRIL 28, 2009  
SUMMARY OF ISSUES AND CONCERNS RAISED BY ATTENDEES**

The following is a summary of the issues/concerns raised by attendees of the Pre-Application Community Area Meeting held on April 28, 2009 for the Victory Court Senior Housing Project. Attached are copies of the sign-up sheets with names and addresses of attendees, along with a copy of the meeting notification letter and mailing list used for notification, as required by the City of Rockville's Area Meeting Guidelines.

#### **Introduction:**

Jim Brown of Victory Housing opened the meeting by stating that Victory's goal over the past year has been to balance the interests of the various stakeholders involved and impacted by the proposed project, i.e., concerns of the neighbors, the historic preservation of perimeter houses, the City's forest conservation/environmental requirements, and the urgent need for affordable seniors' housing.

In addition to Alisa Wilson, attending on behalf of the County Department of Housing and Community Affairs, other members of the development team present at the meeting were as follows:

Jeff Blackwell, Victory Housing, Inc., Development Manager  
Soo Lee-Cho, Miller, Miller & Canby, land use/zoning attorney  
Logan Schutz, Grimm & Parker, architect  
Michael Plitt, Macris, Hendricks & Glascock, civil engineer  
Carl Starkey, Street Traffic Studies, traffic engineer

The Applicant's architect first went through a PowerPoint presentation showing the location of the project and the various special exception plans, cross-sections and building elevations, before opening up to the following Q&A session with attendees.

**Questions / Comments:**

1. *Do you have a simulated of the project view from the townhouses? (Ralph Smith, 7 Lynn Manor Ct.)*
  - a. **Applicant's Response:** A simulated view of the project from the Courthouse Walk townhouses that had previously been shown to members of the community was shown to the group present.
  
2. *What is the elevation of the Maryland Avenue parking lot compared to the main Victory Court parking lot? (Noreen Bryan, 207 S. Washington St.)*
  - a. **Applicant's Response:** There is approximately a 5-6 foot drop in elevation from the Maryland Avenue lot to the main lot, or about a 5% grade, which is ADA compliant.
  
3. *The current plan's footprint has expanded toward Courthouse Walk, specifically the parking lot. Also, why have some of the trees been marked with white nylon bands? Are these trees going to be preserved or removed? There are a number of trees that are 75-90 feet tall that add intrinsic value to the townhomes, some of these now have white bands around them. What do they mean? (Jonathan Lock, 206 Lynn Manor Dr.)*
  - a. **Applicant's Response:** The building footprint has not been expanded at all from what was originally shown to the City and community. The increase in number of units from 88 to 90 was a result of an internal reconfiguration, not an increase in building footprint. The southern portion of the parking lot has been expanded to accommodate 4 additional parking spaces. Based on Applicant's past experience on other projects, the City's minimum parking requirements for senior housing will be inadequate.

Applicant's landscape architect (at MHG) had requested that about 6-7 trees be "field located" by surveyors, and may have simply used the white bands to identify those trees. The white bands do not mean those trees will be removed.

4. *How bright will the security lights be in the parking lot that is now closer to the townhouses? What is the lighting plan? (Alice Liu, 232 Lynn Manor Dr.)*
- a. **Applicant's Response:** The City requires that there be no light spillage (zero foot-candles) onto adjacent property. The lighting will be directed down to prevent glare.
5. *Even with a fence to screen the parking lot, you will be able to see the parking lot from the third story of the townhouses. When will the trees grow tall enough to screen the parking lot? How tall will the trees be when planted? (Maxine Rozar, 230 Lynn Manor Dr.)*
- a. **Applicant's Response:** The trees will not be 20 feet tall when planted, but evergreens should grow relatively quickly.
6. *The size of the building is going to completely change the character of the neighborhood. The building should be reduced by one level. What is the height of the structure on the backside, i.e., the part closest to the townhouses? (Brian Shipley, 211 S. Washington St.)*
- a. **Applicant's Response:** 45 feet measured to the midpoint of roof.
7. *It's like putting Town Center in a residential neighborhood. (Noreen Bryan, 207 S. Washington St.)*
8. *Did you look at any schemes that would put the 3<sup>rd</sup> floor into the roofline of the building with use of dormers and reduce the roof height? Maybe make the building more single-family in scale by possibly making it look like individual units that are joined. The scale of the building is what's bothering everyone. What about breaking up the C shape? It's still a big mass. Has anyone looked at these things? (Laurent Myers, 14 West Argyle St.)*
- a. **Applicant's Response:** Applicant's architect agreed that that is an excellent way to mask height, but if you angle the wall, it reduces interior space for these small apartments and also gets more into custom building which isn't compatible with affordable housing.
9. *In response to Applicant's statement that the highest point of the building is more than 200 feet away from the townhouses, a comment was made that in actuality a distance of 200 feet is not that long. (Bridget Newton, 10 Dale Dr.)*
10. *What are the dimensions of the building? What is the distance from the parking lot to the property line? (Melanie Zaletsky, 101 North St.)*
- a. **Applicant's Response:** Distance of 24.5 feet from corner of parking lot to property line. Dimensions of the building were not immediately known, but provided to Ms. Zaletsky after the meeting.

11. *Did you consider other properties besides this one to build on? (Jay Brooks, 300 Lynn Manor Dr.)*
- a. **Applicant's Response:** Applicant indicated that while they're always looking for viable sites for new projects, a project site involving County-owned land in a superb location for seniors housing was most compelling.
12. *The County should consider that when we bought our homes, we expected something similar to our homes would be built on this site like townhouses. (Indra Antonipillai, 226 Lynn Manor Dr.)*
- a. **Applicant's Response:** A previous townhouse proposal for the site did not proceed due to lack of adequate school capacity and traffic impact issues.
13. *The HDC's intent was to have a compatible use on the site with the historic houses. Concerned that the historic homes will become isolated from rest of the neighborhood, especially with the project's use of the Maryland Avenue parking lot. There is another constituency not represented here... users of the historic homes. Should reduce the number of units and not use the Maryland Avenue parking lot. Whole point is compatibility with everything... with Victory Housing's proposal you lose the feel of a neighborhood in transition. Historic houses will look down on a parking lot and driveway and one house is already isolated. (Mary Van Balgooy, Peerless Rockville)*
- a. **Applicant's Response:** Rendered perspectives depicting views of the project from both Maryland Avenue and Fleet Street (between the historic houses) were shown as well as a cross-section comparing the average height of the houses on Fleet Street with the proposed building.
14. *A concern was raised relative to the viability of the historic houses as residences. Who will want to live in these houses when they are surrounded by the Victory Housing building and government buildings? Parking will be an issue for the historic properties. How many units would you have to cut if you can't use the Maryland Avenue parking lot? (Sally Ann Stinner, 125 S. Washington St.)*
- a. **Applicant's Response:** Each house could have two parking spaces provided, which is the City's requirement for a single family residence. There is also public parking available on the first floor of the County parking garage.
15. *Have you seen the Gazette article about boosting tree cover in Montgomery County? This project will result in a loss of more than an acre of natural green growth. Why is the County okay with that? Also, how are you going to manage the stormwater? (Jonathan Lock, 206 Lynn Manor Dr.)*
- a. **Applicant's Response:** With respect to the comments re tree removal, Applicant responded by indicating that the site has approximately 82 significant trees, approx. 42 of

which is proposed to be removed, which would require that approx. 103 trees be re-planted on site. Applicant's civil engineer provided a detailed description of the recently approved stormwater concept plan.

16. *Seems like the right hand doesn't know what the left hand is doing at the County. One side wants to preserve more trees and the other is letting open space be cut down. (Alice Liu, 232 Lynn Manor Dr.)*
17. *Who in the County approved the use of this property for housing? Is this assignment reversible? (Commenter unknown)*
18. *A comment was made that this isn't the City's land or the County's land, it's the public's land. They are custodians of the land. The public therefore should have a lot of say. This is one of the last areas of open space left in the West End... there are so many empty lots that could be built on. Look for a site that won't use up this green space. (Kevin Zaletsky, 101 North St.)*
19. *We have a high percentage of affordable housing already in the West End as compared to the rest of Rockville. What is the percentage of affordable housing in our area? How does this enhance the Town Center? Seniors are not likely to walk to Town Center. Would rather see family housing or have the site remain green so that the vitality of Town Center is not messed up. (Patricia Spevak, 329 Lynn Manor Dr.)*
  - a. **Applicant's Response:** Applicant did not know the percentage of affordable housing that generally exists in the area, but indicated that Victory Housing's wait list for affordable senior housing in particular far surpassed the number of units being proposed here and that the need is only expected to increase in the coming years.
20. *A comment was made that 31% of affordable housing in Rockville is in the West End. At present, there are 100+ units of senior housing at Heritage House, adjacent to that is 60-70+ prospective units by MHP, and we're next to Blanford, etc. There's too much affordable housing in this area, and there's a lot of senior housing already. (Dennis Cain, 502 Carr Ave.)*
21. *A comment was made that part of the problem is that Applicant is not conversant with the facts. Someone who builds affordable housing should know what other affordable housing is in the area. Need to be aware of overall impact, not just of your own development. (Kevin Zaletsky, 101 North St.)*
22. *What is a special exception? What consequence does our input have? (Al Ripskis, 301 Lynn Manor Dr.)*
  - a. **Applicant's Response:** A special exception is a type of zoning approval required by the City for certain types of uses. Here, it's for senior housing. The approval process involves a recommendation by the Planning Commission and final approval by the Board

of Appeals. After the special exception process, there's a detailed site plan review process that ultimately gets approved by the Planning Commission.

The height of the building is something that gets reviewed/approved as part of the special exception approval for senior housing. The project proposes a certain height (up to what is allowable under the Zoning Ordinance) for the building, regarding which the Planning Commission will make a recommendation and the Board of Appeals will either approve or deny in conjunction with its review of the special exception.

The community will have multiple opportunities to weigh-in on the project throughout this process and, in our experience, the community's input has quite a lot of consequence in what ultimately gets approved, especially in the City of Rockville.

23. *Is Victory Housing using public funding in addition to getting the land from the County? What leverage do we have? What obligation does Victory Housing have to accommodate our concerns? Is community support required to use the land, get public funding? (Alice Liu, 232 Lynn Manor Dr.)*
24. *A comment was made that not much has changed on the plans after 4-5 meetings with Victory Housing. Would like to see the overall size of the project reduced. Also concerned that the City is not present at this community meeting. Community doesn't have as much of a voice with the City as Victory Housing does. Community doesn't get invited to the same meetings that Victory Housing attends, specifically DRC meetings. One community member noted that she had been told by a City Planner that he didn't think the DRC meeting was open to the public. (Alice Liu, 232 Lynn Manor Dr.)*
  - a. **Applicant's Response:** Applicant's land use attorney indicated that DRC meetings may not be publicized, but they were not closed to a member of the public who wanted to attend.



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*\* All attorneys admitted in Maryland and where indicated*

SLCHO@MMCANBY.COM

April 13, 2009

Dear Property Owner/Resident/Tenant:

Please be advised that an application (PAM2009-00005) has been submitted to the City of Rockville seeking approval of a Special Exception for Housing for Senior Adults on property bordered by Maryland Avenue on the west, Fleet Street on the north and Monroe Street on the east, also known as the "Fleet Street Property".

The petitioner is proposing to develop and operate a 90-unit affordable housing community for independent elderly residents (to be known as "Victory Court") that will also include amenities for the residents such as a community room, living room, TV room, arts & crafts room, wellness center, computer room and exercise room.

In compliance with the City's Zoning Ordinance, an Area Meeting will be held to provide you an opportunity to become fully aware of our development intentions and to give you an opportunity to comment on the proposal. The Area Meeting will be held on **Tuesday, April 28th at 7:00PM** in the Auditorium of the Council Office Building (COB) located at 100 Maryland Avenue, Rockville, MD 20850.

At this meeting the petitioner will make every effort to illustrate how the property will be developed and to answer any questions. Should you have questions prior to the meeting, please contact me.

Sincerely,  
On behalf of Applicant, Victory Housing, Inc.

  
Soo Lee-Cho

VICTORY HOUSING, INC.

APPLICATION NO. PAM2009-00005

SPECIAL EXCEPTION FOR HOUSING FOR SENIOR ADULTS

PAM - COMMUNITY AREA MEETING

APRIL 28, 2009

Auditorium, Council Office Building, 100 Maryland Avenue, Rockville, MD

ATTENDEE INFORMATION

<u>NAME (PLEASE PRINT)</u>	<u>ADDRESS *(PLEASE PRINT) (Include City, State, Zip Code)</u>	<u>Do you wish to be made a party of record when filed? (If so, mark ✓)</u>
Brian Shipley	211 S. Washington St. Rockville, MD 20850	✓
LAURENT MYERS	14 WEST ARGYLE ST. 20850	✓
Alexandra Manolatos	334 New Market Exp. 20850	✓
Patricia Spvak	329 Lynn Manor Dr, 20850	✓
Melanie Zaletsky	101 North Street, Rockville MD 20850	✓
KEVIN ZALETSKY	101 NORTH ST. ROCKVILLE, MD 20850	✓
Bridget Newton	10 Del Q. Rvill. MD	
DENNIS GAIN	502 CARA Rv Rockville MD	
Laurie Brooks	300 Lynn Manor Dr 20850	✓
Sally Ann Stinner	125 S. Washington St Rockville 20850	✓
Mary van Balgooy	Peerless Record	✓
Marcella Howell	58 Argyle St Rockville 20850	✓

\*Also provide phone/e-mail address, if desired.

VICTORY HOUSING, INC.

APPLICATION NO. PAM2009-00005

SPECIAL EXCEPTION FOR HOUSING FOR SENIOR ADULTS

PAM - COMMUNITY AREA MEETING

APRIL 28, 2009

Auditorium, Council Office Building, 100 Maryland Avenue, Rockville, MD

ATTENDEE INFORMATION

<u>NAME (PLEASE PRINT)</u>	<u>ADDRESS *(PLEASE PRINT) (Include City, State, Zip Code)</u>	<u>Do you wish to be made a party of record when filed? (If so, mark ✓)</u>
Jonathan Lack	206 Lynn Manor <sup>Rockville</sup> MD 20850	✓
Maxine Rozar	230 Lynn Manor <sup>Rockville</sup> Drive MD 20850	✓
Alice T. Liu	232 Lynn Manor Dr. 20850	✓
Bob + Betty Ann McGoing	121 S. Van Buren St 20850	
AL RIASKIS	301 LYNN MANOR DR 20850	✓
FALPH SMITH	7 LYNN MANOR CT. 20850	✓
KARIN Redrich	7 Big Oak Court	✓
Bob Redrich	11 Rockville, MD 20850	✓
Barbara Piczak	104 Monroe St. #102, 20850	✓
Chester V. Piczak	211 Blandford St. 20850	✓
DAMON VONEIFF	2 West Arqyle Street	
Cynthia Cotte Griffiths	609 Monroe St. 20850	✓
Imelda Antomichilli	226 Lynn Manor Dr. 20850	✓
NOREEN BRYAN	207 S. WASHINGTON ST 20850	✓

\*Also provide phone/e-mail address, if desired.





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SLCHO@MMCANBY.COM

June 29, 2009

Dear Property Owner/Resident/Tenant:

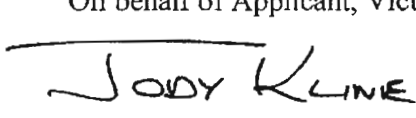
Please be advised that an application (SPX2009-00378) has been submitted to the City of Rockville seeking approval of a Special Exception for Housing for Senior Adults on property located within the City block that is bordered by Maryland Avenue on the west, Fleet Street on the north and Monroe Street on the east, also known as the "Fleet Street Property".

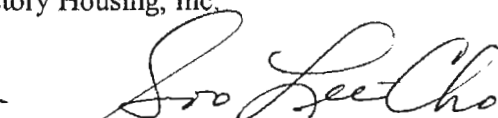
The petitioner is proposing to develop and operate an affordable housing community for independent elderly residents (to be known as "Victory Court"). In direct response to comments from the community during the pre-application period, the size of the building was reduced from 90 to 86 units. The deleted units were located on the top floor of the building wings, which resulted in lowering the roof line on the portion of the building closest to the Courthouse Walk community. Additional landscape screening and a fence were also added to further screen the view and improve the appearance of the current wooded area to the south of the project.

In compliance with the City's Zoning Ordinance, a Post-Application Area Meeting will be held to provide you an opportunity to become fully aware of our development intentions and to give you an opportunity to comment on the proposal. The Area Meeting will be held on **Monday, July 20th at 7:00PM** in the Cafeteria of the Council Office Building (COB) located at 100 Maryland Avenue, Rockville, MD 20850.

At this meeting the petitioner will make every effort to illustrate how the property will be developed and to answer any questions. Should you have questions prior to the meeting, please contact our office.

Sincerely,  
On behalf of Applicant, Victory Housing, Inc.

  
Jody S. Kline

  
Soo Lee-Cho

## VICTORY COURT - Area Meeting Notes - 7/20/2009

Paul Goldsmith & Judith Whalen

Q. **Concerns about the type of housing and whether or not it will remain 100% senior housing.**

A. Jim Brown: Yes, it will remain 100% senior housing

Q. **Does the county want to move ahead and is it a done deal?**

A. Jim Brown: Yes, it is.

Q. **Can the units be rented out on a seasonal basis?**

A. Jim Brown: No, as long as they are qualified, it is first come first serve.

William Myer

Q. **Overall questions about the storm-water management system, the extent of on-site forest removal area and the status of abandonment issue.**

A. Mike used posters and drawings to explain where we will carry the pipes, the area of trees to be removed, and the need for the trees as a screen.

Nathan Carrick

Q. **Overall questions about the floor plans, landscaping, and housing type. He was familiar with the abandonment hearing.**

A. Jeff Blackwell described the project and overall description.

Kathy Carpenter

Q. **What will happen to the existing row houses?**

A. Jim Brown: It is up to the county as it is in their jurisdiction.

MingChee Wen

Q. **Overall questions about the layout of the floor plan and kitchenette appliances.**

A. Jim Brown uses floor plans and drawings to illustrate the layout.

Kevin Byrne

Q. **What are the qualifications to rent a unit?**

A. Jim Brown: 62+ years of age and qualified in our low-income requirements

Q. **Is there market demand and do the units fill up quickly?**

A. Jim Brown: Yes, there is strong demand and it will fill up very quickly.

Q. **How do you determine the qualifications to rent?**

A. Jim Brown: Our third-party property managers Habitat America, LLC sets up the requirements that will be in line with the regulations for affordable housing.

Paul Goslin

Q. **Who determines whether it is 100% affordable?**

A. Jim Brown: since there is need for it, we plan on having it 100% affordable.

Susan Prince

Q. **Overall questions about parking and site conditions and question on the location of the road to be abandoned.**

A. Jim Brown points out the location of the road to be abandoned.

Q. **Scale of building as compared to townhouse**

A. Jim Brown: The side facing Maryland Avenue is about the same length as 7-8 townhouses.

Q. **Are the units 1-bedrooms or 2-bedrooms?**

A. Jim Brown: the property will have both 1-bedrooms and 2-bedrooms.

Q. **I don't really like the square parking lot to the right of Maryland Ave.**

A. Jim Brown: that is an existing parking lot that the public often uses and that is not a new addition.

Melanie Zaletzky

Q. **How does Victory Housing pay for tax?**

A. Jim Brown: we will pay property tax as required.

Comment: Expresses the need to have the total length of building on the drawings next time. Expresses concern that this open-format might not be the most efficient as there is a lot of repetition. MZ suggests opening with a 15-min presentation then break-up for questions or smaller groups afterwards.

Marcella Bowell

Q. **Is the housing 100% affordable?**

A. Jeff Blackwell: Yes, it is.

Q. **What will change this into partially affordable and partially market rate?**

A. Jim Brown: this will change only if a qualified senior makes too much money, in which case he/she will then be required to pay market rate.

Q. **But it will still be seniors?**

A. Jim Brown: Yes, it will still have to be seniors 62 or older.

Q. **For the 49 parking spaces available, how do you decide who can have parking?**

A. Jim Brown: there is no assigned parking for each individual unit. But the parking available should accommodate all the units. Victory

Housing also provides van service that can transport seniors from Victory Housing properties. It does not make trips to the doctor's office, but it can make grocery or shopping trips.

Jody Kline: typically, the greatest need for parking is when the property just opened. Then the parking needs grow less as the same residents remain in the property, with a few exceptions.

William Myer

Q. **What about the option of sharing a van or transportation service with Rockville Senior Center?**

A. Jim Brown: we will definitely explore that option and do whatever we can for our seniors.

Margaret Chao

Q. **Is there really demand for this type of housing? If so, where are the supporters of this development?**

A. Jim Brown: there is definitely demand for it. We will definitely invite the seniors who need these housing to these meetings next time.

Marcella Howell

Q. **Is there a point system that maintains the qualifications of a senior?**

A. Jim Brown: No, we don't have a point system. But Victory Housing and Habitat America work intimately with the tenants. If our property managers feel that a certain senior is beginning to need assisted living, we will call their family, inform them of the development, and recommend them to our assisted-living properties. But we will not force them out of their units.

Margaret Chao:

Q. **How do you maintain fire safety in each units and how do you prevent fire in each unit?**

A. Jim Brown: just like any other properties, we install sprinkler systems, fire-rated materials, and fire alarms as required. But what residents do in each unit in their own privacy is something that is mostly out of our control, just like in all other types of housing.

Alice Liu

Q. **Overall questions about the types of the trees and the height of the trees. Of particular concern is growing a tree that is already 15-ft or higher when planted. The trees are known to go into shock when it is moved and it will take them another 5-10 years or more before it starts growing again.**

A. Mike and Jim Brown: we have heard of that and we will take that into consideration when selecting our trees.

Q **What will be done after the 5-year warranty runs out for the planted trees?**

A: Mike: From our experience, if a tree lasts after five years, it is not likely that it will die on the 6th year. However, there is of course no guarantee.

Bill Myer

Q **How tall is the new structure?**

A: 3 stories

Q **Where is the transformer?**

A: Outside, as required (showed on plan)

Alan Tolerton

Q **Concern over deforestation of urban forest. Does Victory own existing Fleet Street lots?**

A: No

Melanie Zolotsky

Q **Wants to know length of buildings. Why are rooflines so "peaked" and "high"?**

A: Talked about Craftsman style and relationship to Victorian architecture in Rockville. Main front gable is 18'; others are 16'

Kathy Carpenter:

Q **What type of lighting will be used? Impact on townhouses?**

A: 14-16 foot poles. No spillover across property line – have to submit drawing to the County showing "spillover" lines to demonstrate

Q **Is the driveway the only entrance?**

A: Yes, that is the main entrance. There is a service entrance as well.

Q **Is there a wall around the generator?**

A: yes

Q. **What time will the trash be picked up? (concern over noise at trash pickup area)**

A: Up to the County pickup schedule

Roald Schrack

Q. **What is Victory's experience with seniors and car usage?**

A: There are a good number of seniors who will be mobile and independently driving. Victory is providing MORE parking than required. Also will have shuttle buses and served well by city buses

Note: the question was termed in concern of spillover parking from the project onto the street where resident parking is already tight

Q **Is there nearby city bus service?**

A: yes

Q. What is construction timeframe?

A: one year

Linda Yan

Q. **Questions on water tanks, water management. Why were the units reduced from 90 to 86?**

A: to enable the project to be lower profile from the front

Nathan Carrick (Gazette):

**Discussed: green features – energy star, insulation, energy efficient lighting and timers/electric eyes, no off-gassing of carpeting, rainwater collection and dosage into system. Manual given to residents along with training session on toilets (low flow), electric system. Talked about Universal Design concept.**

Other Questions from attendees

Q. **Do the images on the boards reflect the latest parking changes?**

A. The planned parking is for 49 spaces.

Q: **Why doesn't the City talk to us?**

A. They will be conducting several review meetings starting with the Planning Commission on August 12 and the Board of Appeals on September 12.

Q: **Will there be a barrier between Victory Court and the townhouses?**

A. Yes, the plans show that there will be fencing and additional landscaping installed between the two properties.

Q: **What's the ratio between new trees to be added and existing trees to be removed?**

A. More than 100 trees will be added, about 50 will be removed.

Q: **Can we see the other site plans?**

A. Yes, they are here for you to see and review.

Q: **Have you thought about outdoor lighting yet?**

A. Yes, there are specific plans for outdoor lighting. We plan to install lighting that casts light downwards, lighting walkways and gardens.

Q: **Shouldn't you have more parking than what's planned?**

- A. This is the amount of parking that is planned for the apartments. We anticipate that not all residents will drive; we expect some will take buses or Metro.
- Q: **Do you still need to abandon the right-of-way between the properties?**
- A. Attorneys explained the process for abandonment, the reasons and the fact that it is public property.
- Q: **I have questions about how the City handled the abandonment issues.**
- A. There are no city officials here tonight but there are opportunities to raise your questions with them, including the recent hearing.
- Q: **Can you describe the buffer, forestation plans?**
- A. (Described by identifying the planting and forested areas on the site plans).
- Q: **What are the heights of the buildings?**
- A. (Detailed descriptions from architect showing the varying heights from different ground levels).
- Q: **Is it possible to get the overall length of the building?**
- A. Yes. (Architect showed the building's measurements on site plan from different points on the property).
- Q: **Who sets the income levels for the prospective renters?**
- A. Income limits are not set by the developer. They are adjusted regularly by state income level statistics.
- Q: **Where is the height limits measured from?**
- A. Architect identified on the renderings the heights from street level to rooflines, and showed the relative heights to the neighboring townhomes.
- Q: **Why do the rooftop features seem so large?**
- A. Architecture, like art, involves perspective. If you gaze at Michelangelo's famous statue of David from below and front, his head looks proportionate to his body. Actually, Michelangelo sculpted David's head larger than life so that it would appear in proportion from a viewer's ground-level perspective. The same design is done in architecture to keep all elements in proportion. And the same thing occurs in the design of Victory Court.
- Q: **Is the County a partner in this development?**
- A. No. The County owns the land, selected Victory Housing as the preferred developer of the property, and is entering into a long-term lease with Victory Housing.

Alice Liu

**Q. What exactly has changed in the application when compared with the pre-application? Please provide this in a table form so that we can compare them side-by-side (e.g. Maximum height for pre-application side-by-side with the application). If there is a change in the roof lines please show this. Ideally there would be elevation drawings with overlays or red lines.**

A: Jim/Jeff - Nothing has really changed in terms of height or roof-line.

### **Trees and Forest**

**Q. Can you show us exactly which trees you're cutting down and why? Can you show us exactly which new trees you're planting, their height, and which of these are evergreens?**

A: Mike Plitt - See NRI plan, it is approved, or Forest Conservation Plan. See answer to #5.

**Q. Why doesn't the Forest Save Area extend all the way to Monroe St?**

A: Mike Plitt - The trees are not considered forest (trees 45-47, 60, 61). There's a technical definition of forest (understory, growth, # trees/acre) and these trees do not constitute a forest.

**Q. Why did you inventory the trees that are not on your property but are on Courthouse Walk property (trees 50-57)?**

A: Mike Plitt - Required to inventory significant trees within 30 ft of property

**Q. Why are you planting only 7-10 foot trees? Why not taller trees, 12-15 foot for instance?**

A: Mike Plitt - The shade trees are measured by caliper, the ones at time of planting will be 12-15 ft high and will grow to 60-80 ft. Other trees - this is the standard way they sell evergreens.

**Q. Have you taken the trees into account into your building design, attempting to preserve as many tall or significant trees as possible (like New Mark Commons)? If not, why not?**

**Are you willing to sign an agreement not to cut down any trees over say, 12 feet tall, between your building and the Mt. Vernon place road?**

**What will you do to maintain and replace trees after the five-year warranty runs out?**

A: Mike Plitt - Not obligated to replace trees in forest. If a tree dies, it dies. If tree on VC property needs to be replaced, it will be replaced.

**Q: Accidents happen, what if a bulldozer accidentally knocks down a tree that was not supposed to be cut down?**

A: Jody – will have to pay a fine. City watches construction very closely.  
Mike - There's a pre-construction meeting, they mark limit of disturbance. Every week the city inspector checks construction site for trees, construction, sediment control.

**Q: Where will sediment control be?**

A: Mike Plitt - not determined yet, probably at low point, near Monroe St, where there are no trees.

**Q. Use as Affordable Housing for Independent Seniors  
How many of these units are actually for affordable housing----  
1 or all 86? How will this be determined? When will this be determined?**

A: Jody Kline – it will be 100%. Don't know why Rick Nelson would say otherwise. Will confirm with Jim Brown.

Jeff Blackwell - Haven't settled on funding source. Haven't settled that it has to be 100% affordable. Rick's direction is the one to take.

Jim Brown - Intent of VH is that it will be 100% affordable – that's their mission. What might change it is if a lot of people say they want to live there but make too much income. 14 units are market rate in Potomac. If had to do market rate it would be a small percentage - 10-15%.

(When Noreen and Alice talked with Rick Nelson, Head of the Montgomery County Department of Housing and Community Affairs, he said that at completion of the construction of the building, the county and the developer would assess the current real estate market and thereby determine how many of the units would be rented as affordable housing and how many units would be rented at fair market price. He said that the relative proportion of each was determined just before occupancy of the building when they have the knowledge of costs and revenues. Further he said that a sliding scale was typical. Noreen asked if there was any minimum number of affordable housing units (e.g. 20% or 40%) required by the county. He said no. She asked if it was possible to have only 10% of the units be affordable housing and he balked at that idea, but would provide no specifics.)

Jody - For County Special Exception, developer ( ? ) is required to do a needs study for senior affordable housing.

(Rockville does not require this?)

Jody - Residents will be Income qualified – first come first serve, may do a lottery if there are a lot of applications.

Jeff - Income calculation based on last 2-3 years of income, ask for assets like house (take imputed income). Good credit, rental history.

Jim - VH Newbridge property didn't fill up right away but full now.

**Q. Can children or other family members live with an independent senior?**

A. As long as one of the residents is over 62 yrs, can have younger person live with you. Can have a caregiver come in if needed but generally during the day, not the evenings. No school-age children allowed to live there.

**Q. Can residents sub-lease their unit for a few months, especially in the winter?**

A. Jim - No subletting allowed.

**Q. What will be the terms of the apartment lease – one year, month-to-month, medical statement stating that the leaseholder is capable of living independently? Is the leaseholder required to also be the occupant?**

A. Jim - One-year lease. No medical statement required (see next question).

**Q. Who determines if a senior is independent or no longer independent? What is the definition of independent – is it a medical diagnosis or other definition? What happens when the person is no longer considered independent – do they have to move out?**

A. Jim – will not evict someone – move in at 71 and live there to 100. As long as they're not a danger to themselves or others they can stay there. But we know our residents well and if we notice if they're not doing well, not getting around, we will talk to them and advise them that they may need to move to an assisted living facility.

Staff of three will be from a third party company Habitat for America, manages 8000 units (VH manages assisted living themselves because it's intensive)

**Q: Could it ever be converted to assisted living?**

A: conversion is extensive (didn't catch the rest)

**Q. How long are visitors allowed to stay?**

A. Jody/Jim - Standard rule is 2 weeks.

**Q. What happens if an independent senior marries someone who is not a senior and has school-age children – can they move in**

**or must the independent senior move out? If they're allowed to move in, it would impact schools, traffic and noise.**

- A. Jim - no school-age children allowed to live there  
Jody - As long as one of the residents is over 62 yrs, can have younger person live with you. (see question 10)

### **Traffic and Parking**

- Q. **Page 2 of the Statement of Compliance with General and Special Requirements for Granting of Special Exception, Item #6---"will not constitute a nuisance because of noise, traffic, number of people, or type of physical activity."**

**Why do you need to encroach on other property such as the Mt. Vernon Place right-of-way (ROW)? At the July 13 Mayor and Council meeting, Cas Chasten said that now you may not need to do this - what has changed?**

- A. Jim - was told not to encroach by DRC. Did this by reducing parking by four spaces, from 53 to 49 spaces.
- Q. **What data do you have to support the need for more parking than the required one space for three units of senior housing?**
- A. Jody - County requirement is 2/3 of a space to 1 unit, Rockville says 1/3 to 1. Jim - thinks that VH Potomac property has 60 spaces for 72 units but not sure. City is wrong based on VH experience. 29 spaces will not be enough for 86 units.
- Q. **How was "less than 30" new peak hour trips calculated - what does this mean and how was this estimated? What does "Net new peak hour trips" mean and what is considered a "trip"? Is a trip each entrance and each exit from the project or is it a "round trip"?**
- A. Jody - Based on a formula by the Institute of Transportation Engineers (ITE) Trip Generation Manual. Entry and exit are separate trips. Don't have to do full Comprehensive Transportation Review (CTR) because of calculation. Trip generation assumes residents going to store, work, etc. and not people coming to pick residents up.

- Q: **What happens if traffic estimate is off?**

A: Jody - there isn't a follow-up afterwards.

- Q. **Are you willing to give preference to residents who do not own a car and have residents sign a contract that says they will not park a car at Victory Court? Are you considering Zipcar? If not, why not?**

A. Jim - VH is researching this. Intern is finding that seniors are not driving Zipcar. Would be too much hassle for them to deal with, to find Zipcar location, use their credit card, not the type of car they like

to drive, etc. Zipcar cannot be on private property, has to be in ....  
(didn't catch this).

Q. **Where will employees park? How many full-time and part-time employees will there be? How many will be on-site during the day and at night and on weekends?**

A. 49 parking spaces – Jim believes this allows any resident who wants to have a car will be able to park.

Jim - They have four 15-passenger shuttles to take people to the store. Rockville has a senior citizen shuttle service, will come pick you up at your door, takes people to senior center. Unassigned parking spaces for residents and visitors – no designated space for visitors. Don't have to pay for parking space.

Q. **Where will visitors park? How many visitors per day (vehicle trips per day) do you expect?**

A. Jim – thinks they can accommodate visitors on street or in garage across street. Also see answer to #21.

Q. **On average with your other independent senior developments, how many ambulance trips per day should we expect?**

**Also, since there is not a parking space for each unit, then those without cars will be dependent on others for transportation---either cabs, relatives, friends. That means 1 trip to go in and pick them up – and either having to park in the entrance way or finding an available parking spot – and then another trip to bring the resident back home. That's two "trips", yet on page 2 of the application, under "Traffic Impact – Net new peak hour trips" it says fewer than 30 trips. Are these trips counted?**

**See #18 – it looks like the Trip Generation Manual formula does not count trips made by visitors, just by residents.**

### **Victory Housing Storm water Management**

Q. **Can you show us where your stormwater tanks, gutters and overall drainage systems are?**

A. Mike - To address drainage issues known in this area, VH is proposing to put inlets at the two points where the VC storm drain will connect to city's 54" pipe. Storm tanks are designed to carry a certain-year storm, not a 100-year storm.

Q. **Can you show us where this taps into the 54-inch drainage pipe that runs through the Mt. Vernon PI right-of-way (ROW)? What kind of access are you going to need to maintain this**

**connection – an easement within the forest conservation easement that will be in this ROW? Will we be notified if you have to do maintenance that requires digging/excavation in the area? Emergencies we understand, but for non-emergencies, what kind of notification will we get, how far in advance, and what time of day will the maintenance be done?**

**Also at the July 13 Mayor and Council meeting we heard from Cas Chasten that there is a slight encroachment of your stormwater management facility but from preliminary discussion you're saying now that you probably won't have to encroach. Can you explain what has changed?**

### **Size and Scale**

**Q. Why did you reduce the number of units by only 4? Why did you not reduce the height? There has been no significant reduction in size or scale since the Pre-application Area Meeting. You will still be 18-26 feet higher than Courthouse Walk. Here are the heights – all data provided by Victory Housing (see attached PDF of email from Jeff Blackwell).**

	<b>Avg Height</b>	<b>Max Height</b>
<b>Pre-Application</b>	<b>461.5 ft</b>	<b>468.5 ft</b>
<b>Special Exception Application</b>	<b>461 ft</b>	<b>469 ft</b>

**The only difference is a decrease of .5 ft (1/10 of one percent) of average height for an increase of .5 ft of max height.**

**Your argument that we will not be staring at a barracks-long building does not work with us. We will be looking at a four-story building from the rear of our townhouses, and it will also be readily apparent to residents who will not be immediately adjacent to the property because Lynn Manor Dr and S. Washington St have an uphill slope and Argyle St is also at a higher elevation.**

**Q: Why does it have to be so big? Why 86 units? Your other properties are smaller, around 70 units. This is our biggest concern – it's out of scale with the neighborhood.**

**A Jim - County wants "reasonable density". Designed it to not be a barracks-style building. Trying to get economies of scale. Does not think that 3.5 stories is out of character. Seniors aren't here to speak for themselves.**

- Q: Courthouse Walk does not want a four story building looming over us. Why can't you knock down a story so that Victory Court is no taller than Courthouse Walk and the trees?**
- A. Jim - We would lose 20 units, we cannot lose that many.**

**Neighborhood Impact/Contribution**

- Q. Page 1 of the Statement of Compliance with General and Special Requirements for Granting of Special Exception, item #4 says:**

**"will not be detrimental to the use or development of adjacent properties or the neighborhood;"**

**We feel that VH is detrimental to Courthouse Walk and possibly to Town Center and Town Square - putting more affordable/low income housing and senior housing is NOT going to bring more consumers to Town Center/Town Square; people on fixed income aren't going to buy \$7 milkshakes; seniors who don't have cars will NOT be walking to Town Center/Town Square to buy groceries (since they won't want to carry heavy bags of groceries home) and most seniors do NOT take public transportation for safety issues, so there will be more traffic. So how does Victory Court help Town Center/Town Square? We are not anti-poor or anti-senior but the fact is that we have a struggling Town Center and this VC project will have a marginal effect on business at the Town Center.**

**Page 2, item #5, "will not change character...". Yes it will, it will be a huge building towering over the neighboring houses and out of character with the neighborhood. It is being shoehorned into the space and creating a McMansion effect. Courthouse Walk is shielded from neighbors and vice versa on all sides by tall (at least 30 - 50 foot) trees. Now one side of Courthouse Walk will lose this shield due to the Victory Court project. This will change the character of our neighborhood and impact our property values.**

**Information from Jeff Blackwell regarding Building Height (and updated at the meeting):**

<b>Building</b>		
Building footprint	28,055 sq.ft.	0.64 acres
Number of stories	3 (IBC classification); 4 at the back due to grade change	

Building height (per zoning ordinance formula)	Low Roof: 44' High Roof: 47'	
<b>(Note: Due to the topography, elevations are used in order to accurately compare building height differences)</b>		
Elev. Of the Building	16% of ridge line (corner of Fleet and Monroe Streets) 469'	(62' of total 400' of ridge line = 16%)
Average elevation of building ridgeline	461'	(total ridgeline of 400')
Typical elevation of Courthouse Walk	443'	
Difference in average elevation of building and typical elevation of Courthouse Walk	18'	
Difference in highest elevation of building and typical elevation of Courthouse Walk	26'	
Distance of Victory Court from Courthouse Walk Building	132'	(nearest wing of Victory Court)
Distance of Victory Court from CHW Townhome Property Lines (overall property)	108'	(nearest wing of Victory Court)
Distance between highest elevation of building and Courthouse Walk	245'	
Average Elevation of Fleet St./MD Ave. Houses	455'	(6' shorter than the average elevation of the building)
Width of Each Wing Facing Courthouse Walk	60'	
Width of West Side of Building (facing Maryland Avenue)	175'	
Width along North Side of Building (facing Fleet St)	160'	
Width along East Side of Building (facing Monroe St)	190'	
Width along South Side of Building (facing Courthouse Walk)	160'	

OPEN HOUSE - COUNTY OFFICE BUILDING CAFETERIA  
 VICTORY HOUSING, INC  
 JULY 20, 2009, 7PM-9PM

	Name	Address	Phone	Email
1	Nathan Cerrick	Timbra Zett	301-670-2075	nccarrick@gazette.net
2	Peter Blaes	208 Monroe St.	301-520-3104	pblaes4602@aol.com
3	Alan Tolerton	4 Lakeside Overlook	240 403 7025	alan-tolerton@yahoo.com
4	Alice T. Liu	232 Lynn Manor Dr.	301-340-7032	alice.t.liu@gmail.com
5	JONATHAN ROTH	214 MONROE ST	301-279-2915	roth2510742@hotmail.com
6	Paul Goldsmith	202 Lynn Manor Drive	301-424-7254	PKG.howmed@verizon.net
7	JOSEPH JORDAN	328 NEW MARC BLANDE	3-294-8006	jordanjos@comcast.net
8	Mungchee Wen	100 E argyle st Apt 1	(301) 424-0368	mungcheewen@hotmail.com
9	ROALD Schrack	13 Farsta St.	301-279-7017	RSCHRACK@verizon.net
10	Michael Aghaz	11 Kensington Ct	240-554-6566	

OPEN HOUSE - COUNTY OFFICE BUILDING CAFETERIA  
 VICTORY HOUSING, INC  
 JULY 20, 2009, 7PM-9PM

	Name	Address	Phone	Email
1	William Meyer	804 Lewis & Paul Rockville 20852	301-279-2185	HOFFMAN2@fahok.com
2	KEEL SANDOZ	146 New Market Esplanade Rockville 20850	301-675-6238	KEEL5@windsping.com
3	Lois Narvey + Carl Yaffe	218 Lynn Manor Dr.	3014245131	CYAFFE202@comcast.net
4	Jonathan Loch	206 Lynn Manor	301-580-7164	JLLOCH@comcast.net
5	Katya Byron Carpenter	212 Monroe Street Rockville, Md 20850	(301) 792-0539	Katya.Carpenter@hulster.net
6	Jennifer Whalen	202 Lynn Manor Drive Rockville, MD 20850	(301) 424-7254	jmw.whelan@verizon.net
7	Kevin Byrne	9 Stonygate Ct. Rockville, MD 20854	301-279-5960	kevin_byrne@comcast.net
8	Melanie Zalesky	101 North St Rockville, MD 20850	(301) 214-1474	melanie_zalesky@fahok.com
9	Cindy Cotte Griffiths	609 Monroe St Rockville MD 20850	301-309-9018	Cynthia.cotte.griffiths@gmail.com
10	Marcella BOWELL	5E Argyle St Rockville	(301) 294-6071	Marcella.bowell@comcast.net

OPEN HOUSE - COUNTY OFFICE BUILDING CAFETERIA  
 VICTORY HOUSING, INC  
 JULY 20, 2009, 7PM-9PM

	Name	Address	Phone	Email
1	Lorraine Priestley	609 Lomberton Dr S.S. - Md 20902	301 681-9495	priestj@comcast.net
2	Margaret Chao	3 Bracknell Circle Rockville 20850	301-537-6157	MTC@Daly.com
3	Linda Yan	302 Lynn Manor Dr Rockville MD 20850	301-762-6712	liefyan.yan@jmail.com
4	FRED MARINUCCI	11504 FARMLAND DR ROCKVILLE MD 20852	301-816-1145	Fjmarinucci@ VERIZON.NET *
5	Caitlin Mosinacci	11504 Farmland Dr Rockville MD 20852		
6	Susan Perrino	206 Evans St Rockville MD 20850	301 762-5354	
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OPEN HOUSE – COUNTY OFFICE BUILDING CAFETERIA  
 VICTORY HOUSING, INC  
 JULY 20, 2009, 7PM-9PM

	Name	Address	Phone	Email
1	MARY JEFFERSON	220 Lynd Manor	301-467-2501	
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OPEN HOUSE - COUNTY OFFICE BUILDING CAFETERIA  
 VICTORY HOUSING, INC  
 JULY 20, 2009, 7PM-9PM

	Name	Address	Phone	Email
1	Cheryl Kagan	1048 Went Ten Rd		
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# ATTACHMENT "D"

July 19, 2009

Board of Directors  
New Mark Commons Homes Association, Inc.  
P.O. Box 4206  
Rockville, MD 20850-0023

We, the undersigned members of the New Mark Commons Homes Association, take exception to the action of the New Mark Board of Directors supporting "the concerns expressed by residents of Courthouse Walk regarding the size, density, and loss of green space of the currently proposed Victory Court project" and acting as agent for the Courthouse Walk group by distributing its petition. Our support of Victory Housing, Inc. and Montgomery County in their plans for Victory Court arises from our recognition of the need in the County for affordable housing for low- and moderate-income citizens, particularly for senior citizens. Moreover, we are aware of the excellent projects that Victory Housing has done in the County in years past, and we are confident that this will be another excellent residential project.

While the Board's statement of support was limited in scope, citing concerns about "the size, density, and loss of green space of the currently proposed...project," the Courthouse Walk petition printed in the New Mark Homes newsletter, citing additional reasons for their opposition, makes clear the petitioners' desire and intention to oppose the project in its entirety. For example, the petition states that "a high concentration of lower-than-market housing exists in the West End neighborhood." That assertion is questionable and irrelevant. The Courthouse Walk community has opposed every project that has been proposed on the land adjacent to them over many years and has been able to block each one. We believe the Victory Housing proposal is a very worthwhile endeavor that would benefit the entire city. It would be a shame to lose this much-needed housing simply because someone doesn't want it in their backyard. We do agree that the height and scale should be carefully considered to be sure that compatibility with Courthouse Walk is maximized.

By distributing the petition, the New Mark Board produced the impression of support and, thus, influenced New Mark residents to support it as well. We request that the Board balance that action by providing Victory Housing, Inc., an opportunity to make its case to the New Mark Homes Association Board of Directors and homeowners for this needed housing initiative. Please respond on this matter to Ken Sandin (contact information below).

Ken Sandin  
146 New Mark Esplanade  
301-675-6238  
kens.s@mindspring.com

Roald Schrack and Pat Wilson  
13 Farsta Court

Sharrill Dittmann  
7 Tapiola Court

Karen Kullgren  
154 New Mark Esplanade

Rose and Steve Krasnow  
5 Don Mills Court

Constance Tonat  
846 New Mark Esplanade



## ATTACHMENT "E"

City of Rockville

### MEMORANDUM

August 3, 2009

TO: Planning Commission

FROM: Historic District Commission

SUBJECT: Recommendation on Victory Housing Preliminary Plan of Subdivision; and Special Exception – HDC Courtesy Review

The Historic District Commission (HDC) held a third Courtesy Review on July 16, 2009, to provide comments on the proposed Preliminary Plan of Subdivision and the Special Exception for the Victory Housing for Seniors. The proposed facility is adjacent to, and proposed to be partially within, the designated historic district known as the Rockville Heights Historic District.

The materials that were presented to the HDC for their review were not the finalized proposal, but the HDC reviewed the plans as submitted due to the meeting schedule. With this in mind, the HDC comments apply to different aspects of the development proposal, some of which apply to the Preliminary Plan of Subdivision, some of which apply to the Special Exception, and some of which apply to a potential Site Plan review. Due to the schedule, the HDC minutes are still in draft form, and therefore are not included for the Planning Commission's review.

#### **Parking within the Historic District**

On several occasions, the HDC has discussed the potential for the Victory Housing use of the existing parking area along Maryland Avenue. The HDC has repeatedly voiced concerns that limited parking options associated with the historic homes will limit the future viability of these buildings. Historic structures without a viable use are vulnerable to vandalism and loss. The HDC therefore made three recommendations that concern this:

- 1) In general, lot boundaries should adhere to the historic district boundaries;
- 2) The existing Maryland Avenue parking lot should be platted as a separate lot, perhaps for use as a green space, acknowledging that parking cannot be the primary use of a lot in the zone; and
- 3) The proposed Maryland Avenue parking lot will have a negative impact to mature trees in the historic district, and this should be avoided.

**Boundary Line alterations:**

- 1) Lot 1 should be platted concurrent with the historic district boundaries;
- 2) The west boundary for Lot 3 should be amended to provide a larger west sideyard for the historic house with a straight-line boundary that parallels, and is as close as feasible to, the proposed parking lot on Maryland Avenue;
- 3) The east property line for Lot 5 should assure compliance at least with the minimum sideyard setback in the zone (10'); and
- 4) The property for Lot 7 should be platted with the property shown as "Lot 6" thereby reducing the number of lots in the historic district.
- 5) The existing parking lot on Maryland Avenue should be platted as a separate lot.

**Right-of-Way Width**

The right-of-way along Fleet Street has been enlarged over the years, reducing the front yard area of the historic homes. The proposed shared-use path was only presented as an abstraction to the HDC. As an idea, the HDC was supportive, but deferred making any specific remarks pending their review of a drawing with an actual proposal.

**Tree plantings within the Historic District for Victory Housing requirements**

The HDC discussed the benefits of planting at the front and rear edges of the historic district, which planting will also qualify towards Victory Housing's aforestation requirements. The Commission was supportive, in that the plantings in the front yard will help serve as street trees along Fleet Street; and in the rear yard, the trees will help screen the view towards the new senior housing building, parking and driveway. In addition, planting may also occur in the area of the existing parking lot on Maryland Avenue.

The HDC was not supportive of reducing the size of Lot 1 by moving the south property line to avoid the existing forested area. They felt strongly that the lot lines within the historic district should follow the historic district boundaries.

**Pedestrian Connections to Maryland Avenue**

The HDC had suggested the addition of a pedestrian walkway from the Senior Housing back door area to Maryland Avenue. They felt that this would facilitate pedestrian access to the Town Center, and the Commission was supportive of the new sidewalk from the Senior Housing project to the corner of Maryland Avenue.