

Page 3 of Planning Report

1. Conditional Use Development Conditions Issues
 - a. Development Condition #3 - “The petitioner must remove the existing non-code compliant paint striping for vehicle parking spaces in the driveway.” Are you able to propose/recommend a timeframe within which this must occur?
 - i. **Response: A suggested addition is “Within 12 months of approval of this Conditional Use” or an alternative timeframe that is deemed appropriate.**
 - b. How would you view the addition of a Development Condition for outdoor play time hours?
 - i. **Response: In the past, the Planning Department has provided a standard recommendation to limit outside playtime hours. In our current practice, we have moved away from recommending limits on outdoor activities for children due to the importance of time outside and the inflexibility imposed on lesson planning.**

Page 7 of Planning Report

2. Property Description. Is it possible to:
 - a. Clarify the location of any existing foundation plantings or landscaping on site.
 - i. **Response: Noted on Page 7, along the Property’s southwest edge at Randolph Road there is a retaining wall that wraps around the street frontage and is separated by the lead-in concrete. A grass panel is between the base of the retaining wall and the sidewalk. There is a mature tree located on the front lawn and various small shrubs along the perimeter (with exceptions as noted in Footnote No. 6) and long the wall of the residence. The Property’s grass panel and landscaping can be seen in Figures 7, 8, and 9 on pages 13 and 14 of the Staff Report.**
 - b. Provide a description and location of outside residential lights on the site.
 - i. **Response: The outdoor lighting is described and photographed on Page 21 of 35 of the Petitioner’s Application materials and provided in this excerpt: “This setup includes a total of eight lights, which features several high-intensity 2600 lumen LED floodlights”.**
3. Provide description, location and square footage of the existing sign on the site.
 - a. **Response: The existing pole-mounted sign is located in the lawn area on the corner of the Property at the intersection of Randolph Road and Terrapin Road. It is primarily facing east. The sign can be seen in Figures 7 and 8 on page 13 of**

the Staff Report, adjacent to the Development Activity Sign. A sign description and an annotated photograph with dimensions (2 feet by 2 feet) are provided on Pages 22 & 23 of 35 of the Application materials submitted by the Petitioner.

4. Describe any on-street parking restrictions abutting the subject property along Randolph and Terrapin Roads. Provide linear distance restrictions on these streets abutting the site.
 - a. **Response: The on-street parking restrictions are noted throughout the Planning report including Pages 4, 7, 12, and 22. No parking is permitted on Randolph Road 40 feet west from the intersection of Terrapin Road. While parking is intermittently permitted west of the sign, the permissible hours occur outside of the daycare AM drop-off hours and the Applicant was previously conditioned to exclude Randolph Road for drop-offs. The location of the Terrapin Road parking restriction sign (40 feet from the intersection) is shown in Figure 8 on page 8 of the Staff Report.**

5. Clarify what is the total gross floor area for the proposed use.
 - a. **Response: As submitted by the Petitioner, it is 2,034 square feet. The Subject Property is a single-story structure with an attic and no basement. The Petitioner was contacted for additional clarification, but no additional information was provided at the time of the issuance of this written response.**
 - i. **Update: Additional information was provided to Planning Staff on 1/7/25, after the issuance of the Planning Staff's response to the Hearing Examiner. According to correspondence (attached to this memo) from the Petitioner's Architect, the total gross floor area for the Property is 2,667.15 square feet, of which 1,917.15 square feet are dedicated to the daycare use¹.**

6. Add a sentence and the applicable Zoning Ordinance citation, that the applicant has submitted a parking waiver request for 2 of the required parking spaces for the proposed use. Section 59.7.31.E, of the Conditional Uses; Development Standards Table 2 p. 19. Footnotes 1 through 6 appear to be missing from Development Table 2. Do these footnotes need to be added to Table or do the existing footnotes need to be revised with correct footnote notations.
 - a. **Response: The Applicant's request for the parking waiver and the associated Code citation is stated on Page 22 of the Staff Report. Only Footnote Nos. 7-9 are associated with Table 2 on page 19.**

Page 20 Planning Report

7. Parking Queuing and Loading (Sec. 59-2) - The following sentence on page 20 provides conflicting information on the square footage for the proposed use: "The Property contains approximately 2,000 square feet of living area above grade."
 - a. **Response: This sentence is a general description of the preceding Staff Report section which reflects 2,034 square feet being rounded down ("approximately 2,000 s.f.") and the rounded figure was not used for calculations.**

¹ No new architectural drawings for the Subject Property were provided with this square footage update from the Petitioner's Architect on 1/7/25.

8. Parking spaces are based on gross floor area not total square footage of above grade living space. Please clarify whether the gross floor area, not the above grade living space, of the proposed use is 2,000 square feet or 2,034 square feet. If the gross floor area is 2,034 square feet; please recalculate the total number of required parking spaces for the proposed use per Section 59.6.2.3.A.1 of the Zoning Ordinance.

a. Response:

- i. **The parking calculation provided in Table 2 on page 20 is based on 2,034 square feet. See note above about the use “approximately 2,000 s.f.” as a general description in the supporting paragraph.**
- ii. **As previously noted, there are no below grade areas of the one-story home. The GFA encompasses the Property’s attic. The parking calculation is based on the 2,034 s.f. square footage figure provided by the Petitioner for the day care use as shown in the proposed floor plan in the Application materials.**
- iii. **The Petitioner was contacted for additional clarification, but no additional information was provided at the time of the issuance of this written response.**
 - i. **Update: Additional information was provided to Planning Staff on 1/7/25, after the issuance of the Planning Staff’s response to the Hearing Examiner. Based on new information received from the Petitioner’s Architect² regarding square footage for the daycare use, the Planning Staff has recalculated³ the required parking shown on Table 2 on Page 19 of the Planning Report dated 12/19/24. However, based on the rounding up of 5.751 spaces, the required parking for the daycare use remains the same (6 spaces total).**

Page 22 Planning Report

9. However, while on-street parking that abuts the property is permissible for family day cares, Section 59.6.2.4 of the Zoning Ordinance states that the required parking spaces may **not** be allowed on the street abutting the site for Day Care Centers. I am wondering if that is a typo because: Section 59.6.2.4 states the following parking requirements for a day care center. Day care center – 1,000 sq ft per GFA. Baseline minimum - 3.00 parking spaces in the Residential zone. Additionally, this finding appears to contradict the Day Care Center use standards under Section 59.3.4.4.D.2.c of the Zoning Ordinance which states: “c. The number of parking spaces under Division 6.2 may be reduced if the applicant demonstrates that the full number of spaces is not necessary because: i. existing parking spaces are available on abutting property or on the street abutting the site that will satisfy the number of spaces required; or ii. a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems.”

² No new architectural drawings for the Subject Property were provided with this square footage update from the Petitioner’s Architect on 1/7/25.

³ $(1,917.15/1,000) \times 3 = 5.751$ parking spaces

- a. **Response: The sentence noted is not a typo. The Planning Report summarizes the differences between off-street requirements and on-street parking permissions applicable to the use. Further, the Code sections noted (Sections 59.6.2.4 and 59.3.4.4.D.2.c) both apply to the Application. The former reference establishes the off-street requirement whereas the latter provides an avenue for relief from the requirement. In this instance, the Planning Staff makes the argument that the physical conditions of the Subject Property and the circumstance of the Proposal warrant consideration of that relief for the reasons summarized on Page 22 of the Planning Report.**

Page 23 Planning Report

10. Parking Design text from the staff report: Are you able to kindly:

- a. Clarify how the Application complies with the location of a surface parking area.
 - i. **Response: Please see below. Also noted on Page 23, the existing driveway parking for any vehicle or trailer in the area between the lot line and the front or side street building line must be on a surfaced parking area. The driveway parking is located between the lot line and the Terrapin Road side street. The setbacks are defined in Table 2 on Page 19 of the Staff Report.**
- b. Provide the calculation of how the 34% coverage was determined. What is the maximum surfaced parking area between the lot and the front or side street building line?
 - i. **Response: Per Section 59.6.2.5.M, the maximum surfaced parking area between the lot line and the front or side street building line in the R-60 and R-40 zones, 35% or 320 square feet, whichever is greater. Noted on Page 23, the driveway is approximately 52 feet long by approximately 47 feet wide. Therefore, $(2,444 \text{ s.f.} / 7,211 \text{ s.f. (area between the lot line and the front and side street building line)} \times 100) = 33.89\%$. This does not exceed the maximum of 35% permitted for the surface parking area.**
- c. Are you able to address Section 59.6.2.5.M of the Zoning Ordinance regarding surface parking in the R-60 zoning district.
 - i. **Response: Please see the responses above.**

Page 24 Planning Report

11. Is it possible to add a sentence that provides a more detailed explanation why Section 59-6.2.9.B is not applicable to the proposed use based on the number of proposed parking spaces.

- a. **Response:**
 - i. **Since the parking count in this instance is not paramount to the finding, the first portion of the first sentence in the first paragraph on page 24 may be**

omitted which states “since less than 10 parking spaces are provided...”. The remainder of the sentence applies.

- ii. This finding of “not applicable” was determined during the Applicant’s initial Conditional Use Application (CU No.18-10) where the requirements of Section 59-6.2.9.B for parking lot landscaping area and perimeter planting were reviewed for compliance and addressed in detail in Pages 29-30 of the Hearing Examiner’s Report dated November 9, 2018. Page 30 concludes with “Therefore, the Hearing Examiner interprets Staff’s statement that no further screening “is necessary” as a finding that the present arrangement provides sufficient screening to ensure that adequate parking is provided in a safe and efficient manner and that it is compatible with the neighborhood.” In the current Application, the required parking remains within the same range (5-9 spaces) and no physical changes are proposed to the Property or the retaining wall or grading which were key factors in determining compliance.

Page 26 Planning Report (5) Signage

12. Is it possible to provide information on square footage of the existing sign on the property.
 - a. **Response: A sign description and an annotated photograph with dimensions (2 feet by 2 feet) are provided on Pages 22 & 23 of 35 in the Statement of Justification submitted by the Petitioner.**

13. Is the existing sign illuminated?
 - a. **Response: The sign is not illuminated.**

From: [Pablo Barrios](#)
To: [Graham, Tamika](#)
Subject: FW: Gross Floor Area Information for 2801 Randolph Road, Silver Spring, MD 20902 – Attn: Tamika Graham
Date: Tuesday, January 7, 2025 4:53:39 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please see the email below from the architect.



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From: Luis Ligorria <ligorriadesign@gmail.com>
Date: Tuesday, January 7, 2025 at 4:31 PM
To: Pablo Barrios <pablo@harvesttitle.com>
Cc: teresita hernandez <terres25@yahoo.com>
Subject: Gross Floor Area Information for 2801 Randolph Road, Silver Spring, MD 20902 – Attn: Tamika Graham

Dear Ms. Graham,

As requested by my client, **Ms. Teresita Hernandez**, I am providing the square footage information for the property located at **2801 Randolph Road, Silver Spring, MD 20902**.

Based on your definition of Gross Floor Area (GFA), I have confirmed that the total gross floor area for the property is **2,667.15** square feet, of which **1,917.15** square feet are dedicated to the daycare use.

We appreciate your time and attention to this matter. Please do not hesitate to reach out if further clarification or additional details are needed.

Best regards,

Luis P Ligorria
Architect - AIA, NCARB
Tel. (301) 915-5562
Ligorriadesign@gmail.com