

LAND USE REPORT

Friends House (the "Petitioner") respectfully submits this request to the Montgomery County Board of Appeals for a Major Modification to the existing Special Exception for the property located at 1010 Quaker Knoll Road and 17301 Norwood Road in Sandy Spring, Maryland (the "Property"). As discussed in greater detail below, the existing Special Exception (Case Nos. S-452-D and S-856-B) contemplates the future expansion of this long-standing campus-style senior living facility. The Special Exception allows for a total of 451 living units, including up to 321 independent living units (with up to 126 independent living apartments, 163 lodge apartments, 32 cottage duplex units), 48 assisted living units, and up to 82 skilled nursing beds on the Property, to be constructed in multiple phases. Phase One has largely been built-out (with the exception of only two cottage duplex units). Phase Two was initially envisioned to include 48 assisted living units. However, to respond to changes in the healthcare field and market following COVID, and to ensure the long-term sustainability of Friends House, the Petitioner is seeking to adjust the phasing to construct up to 107 independent living units in the next phase. Specifically, as discussed herein, the Petitioner is proposing modifications to the previously approved phasing, building architecture, and site design to allow for the construction of a five-story, independent living building on the "North Forest" area (defined below). Importantly, the long-standing senior living use of the Property will remain unchanged and no changes are proposed to the overall number of units previously approved. As such, the Project will continue to be compatible with the surrounding neighborhood. Additionally, the proposed independent living use will satisfy the applicable standards of the RE-2 Zone, the Special Exception use standards contained in Section 59-G-2.35, and substantially conforms with the *1998 Approved and Adopted Sandy Spring/Ashton Master Plan* (the "Master Plan"). As discussed in Section II.c below, pursuant to Section 7.7.1.B.3 of the Montgomery County Zoning Ordinance, this Modification is being submitted for review under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 (the "Prior Zoning Ordinance").

Exhibit 5
OZAH Case No: S-856-C

I. BACKGROUND

a. Petitioner

Friends House is 501(c)(3) non-profit organization founded on Quaker values. Friends House has provided mission-driven continuum of care for seniors for nearly 60 years on the Property. Friends House was founded in 1967 by members of the Religious Society of Friends, who opened Sandy Spring's first home for older adults. Friends House has expanded over the years, with the continuing mission "to build a community through caring." The current campus composition includes recent duplex cottages, recent multi-story Lodge apartment buildings, legacy single cottages, and legacy modest single-story apartment buildings. The campus also supports a multi-story, 80 unit mixed-income, tax credit apartment building owned and managed by Homes for America. Healthcare on campus includes a legacy licensed nursing care facility and a legacy licensed assisted living care facility. Modest activity, exercise, meeting, art, and dining spaces round out the community. Adding new independent living options and renovating or replacing legacy buildings to meet market demand, to enhance operational efficiencies, and to support sustainability, is paramount to Friend House success.

b. Market Need

COVID dramatically re-shaped the healthcare industry. As a result of these lasting changes, the Petitioner and its Board embarked on a strategic planning effort to re-evaluate current market needs and formulate a plan for the long-term sustainability and success of Friends House. Friends House has been a fixture in this community for almost 60 years and the strategic plan is aimed at ensuring this facility can continue to serve the surrounding community for the next 60 years, and beyond. The Strategic Plan has identified a need for additional independent living services on the campus, in the very near term, to meet current market demands and provide the necessary framework for the long-term sustainability of Friends House.

II. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

a. Property Location, Characteristics, and Existing Conditions

The Property is an irregularly shaped lot with interrupted frontage along Norwood Road, near its intersection with Dr. Bird Road, in Sandy Spring, Maryland. The expansive Property is

comprised of approximately 62 acres of land, zoned RE-2.¹ The Property is more particularly known as Parcel C in the “Friends House” subdivision, as recorded among the Land Records of Montgomery County, Maryland at Plat No. 14595.

The Property is currently improved with a campus style senior living facility, that was first established almost 60 years ago. The Property provides a continuum of care, offering independent living, assisted living and nursing care on-site. These senior living uses are provided through various buildings on the campus, which are organized around an internal ring road. A central organizing element of the campus is the communal green space, which includes a stormwater pond, community gardens, and a large green field where residents can socialize and connect with nature. The proximity of the central green to the various residential uses is important, making this an integral part of the campus. The remaining portions of main campus are either currently occupied by legacy cottages or are reserved for future healthcare expansions (given the need for the healthcare uses on-site to remain proximate to one another for operational efficiencies). As such, when evaluating the campus to determine where additional independent living units could be built in the near-term, it became evident to Friends House that there really is no location on main campus that could accommodate an independent living building of this scale in the next phase, without displacing existing residents (which is a key priority for the Petitioner) or compromising future expansions to Friends House’s continuum of care. As a result, the vacant land on the north side of campus (approved for development with up to 40 independent living units in three separate two- and three-story buildings) (referred to herein as “North Forest”) was identified as both the ideal and only suitable location for the next phase of development.

b. Surrounding Neighborhood

The Property is located within the larger neighborhood, as defined by M-NCPPC Staff in their November 23, 2016 Staff Report issued in connection with the prior Special Exception modification, bounded by Olney-Sandy Spring Road to the north, the RNC zoned properties to the east, Ednor Road to the south, and the western edge of the RE-2 zoned properties and the forest/stream valley to the west. (The "Surrounding Neighborhood"). The Surrounding Neighborhood is depicted in Attachment A. The Surrounding Neighborhood includes a true mix

¹ The Property was also zoned RE-2 on October 29, 2014.

of uses, including residential detached homes, commercial uses in the Sandy Spring Village Center, and institutional uses (like the Sandy Spring Friends School, the Woodlawn Cultural Park and Sherwood High School), in a variety of zone classifications.

The Property is immediately surrounded by single-family residential and institutional uses. Many of the homes surrounding the Property are large, containing over 7,000 square feet (according to State Department of Assessment and Taxation records). These larger single-family uses are located in the RNC zone, to the northeast of the Property (along Nesbit Farm Lane) and confronting the Property to the northwest in the Bancroft subdivision. Abutting the Property to the north, along Norwood Road, are three single-family detached homes zoned R-200 and located in the Sandy Spring/Ashton Rural Village overlay zone. To the southwest of the Property, directly at the intersection of Norwood Road and Dr. Bird Road, is a historic site known as “Norwood” (Master Plan Site #28/13, constructed circa 1751). Located to the southeast of the Property is the Sandy Spring Friends School, a private educational institution located on approximately 139 acres.

There is a natural vegetative buffer that exists around the perimeter of North Forest, that will largely screen the proposed building from view of the surrounding neighborhood. As discussed further below, the Petitioner is proposing to further enhance this natural buffer with carefully selected landscaping material designed to enhance the understory screening.

c. Grandfathering

Section 7.7.1.B.3 of the current Zoning Ordinance allows an applicant to amend a previously approved Special Exception under the development standards and procedures of the property’s zoning on October 29, 2014, until October 30, 2039. Specifically, Section 7.7.1.B.3.c allows a special exception approved under the code in effect on or before October 29, 2014 to be amended or expanded under the applicable standards and procedures of the code in effect on October 29, 2014 (without regard to the other limitations of Section 7.7.1.B.3). As such, the Petitioner is submitting this Special Exception Modification under the standards and procedures of the Prior Zoning Ordinance.

d. Zoning and Permitted Uses

As shown on the Certified Zoning Map, submitted concurrently with this Statement, the Property is currently zoned RE-2. Pursuant to Section 59-C-1.31, *housing and related facilities for*

senior adults and persons with disabilities and nursing home are permitted as Special Exception uses within the RE-2 zone, subject to the requirements contained in Sections 59-G-2.35 and G-2.37 of the Prior Zoning Ordinance. The Petitioner is seeking to continue the long-standing senior living use on the Property. The independent living units proposed in the next phase will help ensure the long-term success of the community and enable Friends House to continue to expand the continuum of care offerings provided on-site.

III. PRIOR SPECIAL EXCEPTION APPROVALS

The Property has served the community as a senior living facility for almost 60 years. A Special Exception was first established for the Property in 1965, to allow for a church sponsored Care Home for the elderly. (Case No. CBA-1885). Numerous Special Exceptions and modifications have been approved to-date. Notably, the Special Exception was modified on April 12, 2017 (Effective Date May 8, 2017) to allow for up to 316 independent living units, and a total of 130 assisted-living/nursing beds (see Condition No. 2), to be built in four phases (as shown in the phasing chart below). Phase One has largely been completed, with the exception of four cottage homes that will be built in a subsequent phase. Phase One included an 80 unit, predominately affordable senior housing building funded through Low-Income Housing Tax Credits, which front-loaded the affordable housing units required for the overall campus. Phase Two was initially planned to include 48 Assisted Living units. However, much has changed in the healthcare field and the market following the COVID-19 Pandemic. As a result of these changes, the Petitioner is seeking to amend the phasing to allow for the construction of independent living units in the next phase. Importantly, no changes are proposed to the approved unit count.

	Existing Units to remain	Phase 1	Phase 2	Phase 3	Phase 4	Total
New Independent Living		80		30	16	126
Lodge Apt Units		33			125	158
Duplex Cottage Dwelling Units	8	24				32
Assisted Living			48			48
Skilled Nursing	82					82
Total	90	137	48	30	141	446

Currently approved phasing chart.

IV. REQUEST FOR MODIFICATION TO SPECIAL EXCEPTION APPROVAL

a. Overview

The Petitioner is proposing to develop the North Forest with a single building containing up to 107 independent living units. As noted, there is no change in the overall number of units proposed within the campus (*i.e.* 316 independent living units and 130 assisted living/nursing beds). Rather, the Petitioner is merely seeking to adjust the phasing and location of units within the campus, to respond to current market demands in a manner that will avoid displacing current residents.

The North Forest was most recently proposed to be constructed in Phase Four with three separate, two- and three-story independent living buildings, collectively containing 40 dwelling units, with associated surface parking.² However, for all the reasons discussed above, as the Petitioner began to study the approved campus plan, it became evident that the North Forest is the only real location where an independent living building, of the necessary scale, could be constructed on-site in the near-term, without displacing existing residents. Accordingly, the Petitioner is proposing to replace the three approved buildings with a compatible and more efficient single structure. The proposed building has been designed to provide for two, five-story building components joined by a single-story connector, atop a below-grade resident parking structure. This design allows the building to read as two separate buildings, while still maintaining

² The North Forest area has gone through various iterations over the years and at one point, was planned to contain a single-consolidated building.

the design and operational efficiencies that come from having a single structure. The building will be comprised of up to 107 independent living units (as compared to the 40 units previously proposed for the North Forest, but with no increase in the total number of approved units for the overall Property).

The North Forest is uniquely situated for the proposed development. The North Forest sits in a depressed area of the site. Specifically, the North Forest is approximately 10 feet lower in elevation, as compared to the closest home on Nesbit Farm Lane, and almost 16 feet lower in elevation, as compared to the Stabler building on-site. This grade-change, in combination with the existing mature trees surrounding the Property, which have an overall height of approximately 65-70 feet, largely conceal the proposed building from view of the surrounding neighborhood. Additionally, as shown on the landscape plan, submitted concurrently with this Statement, the Petitioner is proposing understory plantings around the perimeter of the site to further enhance this screening.

b. Architecture and Building Layout

The site layout and building architecture have been designed to be compatible with and complementary to the surrounding residential neighborhoods. The proposed building will maintain the minimum setbacks previously approved. Notably, the consolidation of the project into one building, as opposed to the three separate buildings previously approved, results in an improved relationship with the surrounding residential homes. The consolidation allows the building mass to be shifted farther south, which improves the viewsheds from the immediately adjacent property to the east (which was previously, directly aligned with the northern-most building). Additionally, the proposed landscaping and the existing mature trees to remain (to the north and west) will provide both a visual and physical buffer to the surrounding residential homes.

The exterior architecture has been designed to complement the rural character of the surrounding community. The exterior of the building has been designed to be residential in nature, with varying massing, materials, and details that effectively reduce the apparent scale of the overall building. The exterior design features many human-scale design elements that make the building feel approachable and establish an inviting sense of place. This is achieved by incorporating a variety of materials, colors, projections and recesses to break down the perceived mass of the building. The building architecture incorporates traditional residential features, such as balconies,

gables, large operable windows, trim and details, and a variety of other features that evoke an inviting residential feeling of “home” and tap into the rich architectural history and rural character of the area. The overall effect is a decidedly residential place that complements the residential character of the surrounding area. Playing off the natural setting of the North Forest, biophilic design principles are utilized to connect the building with nature through the use of plantings, green roof (on the single-story connector), and earthy materials. Color tones, textures, and materiality are all selected to activate feelings of calm, beauty, and rest in the human psychology. These timeless design principles blend beautifully with the surrounding community. The overall effect is that the design not only maintains, but enhances the residential character of the area, and promotes compatibility with the Surrounding Neighborhood.

The proposed building will have an overall height of five-stories or 64 feet. Given the helpful grades, in combination with the mature trees that provide effective screening, the proposed building height will be compatible with the heights of the existing buildings on campus and surrounding residential homes. As noted above, the closest home on Nesbit Farm Lane, which has an approximate building height of 35 feet, sits 10 feet higher in grade, as compared to the North Forest, resulting in an effective height of 45 feet. The Stabler Building, has an overall height (as measured to the roof peak) of approximately 57 feet. Because the Stabler Building sits at an elevation approximately 16 feet taller than the North Forest, it will have a taller effective height, as viewed from the surrounding community, than the proposed building.

The Project also is designed to minimize surface parking. This is achieved by locating most parking underneath the building, resulting in only a small surface parking lot for visitors by the front entrance. The building’s main entry is highlighted by a porte cochere, which provides residents and visitors with a safe weather protected entry for drop off and pick up.

Only minimal building lighting is proposed and the lighting for the parking and amenity areas will be limited to the amount necessary to ensure safety. Exterior lighting has been designed to eliminate light exposure on adjacent properties – all outdoor lighting for the Project will be directed, shielded, or screened. Full cut-off fixtures will be used in the parking lot to focus the light on the parking areas only. The Photometrics Plan, submitted in connection with this Application, illustrates that lighting has been carefully designed so that it will not spill into adjacent properties.

c. Vehicular Access

Under the approved Special Exception there is no direct vehicular connectivity between the North Forest and the main campus. Rather, access to the North Forest was envisioned to be provided through a full-movement access on Norwood Road. The Petitioner has heard from the community that there is a concern about traffic on Norwood Road and has closely studied the site access, as a result. For the reasons discussed below, Petitioner is no longer proposing vehicular access to the North Forest from Norwood Road, and instead, is proposing to provide internal access and circulation.

Much has changed in the years since the vehicular access to the North Forest was initially contemplated. Tragically, there was a recent fatality in 2024 involving a high-school student driving to school on Norwood Road, near the Property. As a result of this accident and neighbor concerns, Petitioner conducted in depth analysis regarding the site access. A speed study was performed, which confirmed that there are speeding concerns along Norwood Road, with an observed 85th percentile speed in both directions of 43 mph (above the 35 mph posted speed limit). Sight distance requirements have also changed since the North Forest access was initially contemplated. Using the updated sight distance requirements, Petitioner evaluated site distance along the North Forest's Norwood Road frontage. While there is one location along the frontage that can technically meet the 550 feet of sight distance required, there are many factors that must be considered when determining if safe sight distance is provided. Based on the vertical profile, which leaves zero margin on error, the Petitioner does not believe that a full movement access point can be safely accommodated at this location. Based on early correspondence, the Montgomery County Department of Transportation ("MCDOT") has expressed a similar concern regarding sight distance at this location. While Petitioner had initially planned provide both an internal connection to the North Forest and a secondary, right-in and right-out access along Norwood Road, MCDOT expressed similar concerns with even a restricted access point along Norwood Road, noting that there is always the potential that visitors and residents could ignore those traffic restrictions. As such, based on all of this feedback, Petitioner has removed the proposed access along Norwood Road entirely. Instead, to address these safety concerns and to promote efficient internal operations, the Petitioner is proposing to provide access to the North Forest via an internal roadway connection between the main campus and the North Forest.

The Petitioner recognizes the importance of minimizing and mitigating environmental impacts from this internal roadway connection, to the maximum extent practicable. As such, the Petitioner is proposing a bridge that has a long-span, that will both provide a rural character and minimize horizontal impacts within the stream valley. The proposed bridge will span the Northwest Branch of the Anacostia River its floodplain and the sanitary sewer main that runs parallel to it.. The Petitioner is also proposing to relocate the existing utility easements, that are designed to serve the North Forest, so that they overlap with the proposed bridge, in an effort to minimize disturbances within the forest conservation easement areas. Impacts to the existing floodplain and forest conservation easement areas have been minimized to the maximum extent practical.

Because there is no change to the overall number of units proposed, there are no net new trips generated by this modification. But this modification to the site access will reduce traffic on Norwood Road (as compared to the approved development of the North Forest), thereby decreasing the Project's impact on the surrounding neighborhood. The proposed modification (even with the changes to the building design) will result in a significant reduction in the overall daily trips along Norwood Road. Previously, residents of the North Forest needed to utilize Norwood Road to access the amenities and services (including meal services) provided on the main campus. This would have resulted in a notable number of trips entering and exiting the northern-most site access on Norwood Road each day solely for travel between the northern area and the main campus. However, with the elimination of the site access along Norwood Road, the proposed modification will minimize traffic on Norwood Road, by keeping those daily trips internal to the site.

V. MASTER PLAN RECOMMENDATIONS

The Property falls within the boundaries of the *1998 Approved and Adopted Sandy Spring/Ashton Master Plan* (the "Master Plan"). The Master Plan is now over 25 years old. "Master plans generally look ahead about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years." (*See Master Plan, Page vii*). The Master Plan specifically recognizes that "the specifics of a master plan may become less relevant as time goes on." (*See Id.*). Regardless, the proposal substantially conforms with the goals and recommendations of the Master Plan.

The Master Plan seeks to accommodate new development while simultaneously preserving the rural character of Sandy Spring/Ashton. But the Master Plan recognizes that there is no clear definition of what “rural character” is. (*See* page 1). The Master Plan instead notes that rural character includes many elements, such as rural open space, rural traditions and new rural neighborhoods. (*See* page 9). While the land use and density recommendations of the Master Plan were largely based on the then-relevant General Plan – On Wedges and Corridors. The General Plan has since been comprehensively amended by Thrive Montgomery 2050, as discussed in greater detail below.

Nonetheless, the Master Plan specifically includes a recommendation to “encourage and maintain a wide choice of housing types and neighborhoods for people of all incomes, ages, lifestyles and physical capabilities at appropriate densities and locations.” (*See* page 6). The Master Plan “...provides for expansion of apartments and other group care options for the elderly.” (*See Id.*). The proposed modification directly addresses this goal by providing additional, needed senior living options on-site that serve an unmet market demand.

The Master Plan seeks to “[e]nhance mobility by providing a safe and efficient transportation system offering a wide range of alternatives that serve the environmental, economic, social, and land use needs of the County and provides a framework for development.” (*See Id.*). The Master Plan also seeks to “[c]onserve and protect natural resources... [and to] [m]anage the impacts of human activity on our natural resources **in a balanced manner** to sustain human, plant and animal life.” (Emphasis added) (*See Id.*). The proposal appropriately balances these objectives. As discussed herein, the proposed modification will enhance the safety of the roadway network by eliminating the previously contemplated access along Norwood Road, which minimizes external daily vehicular trips on Norwood Road. While the internal roadway connection proposed will require a bridge to cross the existing stream, this connection will be designed to be environmentally sensitive, while accommodating these other very important County objectives regarding the need for senior living and pedestrian/vehicular safety.

The Master Plan “strongly supports” the goal of promoting community identity, recognizing the Plan area’s Quaker heritage. Friends House is a non-profit organization founded on Quaker values, which has been serving the community for almost 60 years. Friends House is an important fixture in the community and the Master Plan specifically seeks to retain “...campus

institutional uses such as Friends House Retirement Community.” (See page 6). This modification is essential to the long-term success of Friends House and their ability to continue to serve the community for the next 60 years (and beyond).

The Property falls within the Rural Legacy Area of the Master Plan, which reflects the cultural heritage of Sandy Spring. The Plan seeks to accommodate new residential growth in this area, while maintaining a rural setting. (See page 16). The Master Plan uses the open space requirement to preserve key rural settings and views. The Master Plan recommends a minimum of 60% open space for the Friends House Retirement Community (and Sandy Spring Friends School), some of which shall be located along Norwood Road to maintain this rural setting. Toward this end, the Property provides an approximately 100-foot minimum buffer along Norwood Road that will remain unchanged by this Modification, which contributes to this rural setting. Ample open space will continue to be provided on-site.

In addition to encouraging the incorporation of rural open space, the Master Plan recommends that campus institutional uses be compatible with the rural character of the area by encouraging the use of traditional buildings in Sandy Spring/Ashton for design inspiration – incorporating deep setbacks, significant landscaping and screening. (See page 38). As discussed in this Statement, the building has been designed to complement the rural character of Sandy Spring and will be compatible with the surrounding residential community.

For all of these reasons, the proposed North Forest addition will continue to promote the unique character of Sandy Spring, by both honoring the rural character and also ensuring the retention of this important campus-style institutional senior living use.

VI. GENERAL PLAN RECOMMENDATIONS

Thrive Montgomery 2050 sets forth a renewed vision for Montgomery County. Thrive places an emphasis on addressing the housing needs of the County. Toward this end, Thrive seeks to “[p]lan for a wide range of housing types and sizes to meet diverse needs,” and recommends facilitation of “development of a variety of housing types in every part of the county....” (See page 132). Another main principle of Thrive is the creation of Complete Communities and “15-minute living.” (See page 85). Complete Communities are places that include the range of land uses, infrastructure, services, and amenities that allow them to meet a wide range of needs for a variety

of people. They include housing suitable for different household types...” (See page 85). Thrive recognizes that development outside the defined growth areas “should be allowed to increase the diversity of housing types in existing residential neighborhoods and make these areas more complete, particularly near existing centers of activity or development.” (Emphasis Added). (See page 86). Sandy Spring Village is a designated “Village and Neighborhood Center” in Thrive. The additional independent living proposed by this Modification will not only help to address the County’s housing needs, but also contribute to the creation of Complete Communities, given the Property’s proximity to the Sandy Spring Village Center.

The Project also helps to support healthy living for seniors, which Thrive recognizes is an important objective, particularly as the County’s population continues to grow. (See page 21). Specifically, Thive recognizes that “[a]ctive lifestyles supported by improved housing choices in compact, Complete Communities can serve to improve public health for all, while simultaneously reducing the ecological footprint of human activity.” (See page 21). Friends House, with its diversity of care offerings, in a bucolic setting with ample services and amenities, directly supports the County’s goal of fostering healthy living for seniors.

VII. ZONING ORDINANCE REQUIREMENTS

As described below and illustrated on the Data Table on Sheet SE-2 (submitted concurrently with this Statement), the Special Exception will satisfy the applicable standards of the Prior Zoning Ordinance for the Housing and Related Facilities for Senior Adults or Persons with Disabilities use in the RE-2 Zone, including the Special Exception standards set forth in Section 59-G-2.35, the development standards set forth in Section 59-C-1.32, and the general development requirements.

A. Compliance with Standards in Section 59-G-2.35

A special exception may be granted for housing and related facilities for senior adults or persons with disabilities, subject to the following provisions:

(a) Prerequisites for granting:

- (1) A minimum of 15 percent of the dwelling units is permanently reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. If units are reserved for households of*

more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined as follows:

- (A) "MPDU income" is the income limit determined by the Department of Housing and Community Affairs in the administration of the moderately priced dwelling unit (MPDU) program, as prescribed by Chapter 25A.*
- (B) "Low income" is income at or below 60 percent of the area median income adjusted for household size.*
- (C) "Very low income" is income at or below 50 percent of the area median income adjusted for household size.*
- (D) "Area median income" is as determined annually by the U.S. Department of Housing and Urban Development.*

The Project is approved for up to 321 independent living units. Phase One front-loaded the affordable housing obligations for the campus master plan and included the construction of an 80 unit, predominately affordable senior housing building funded through Low-Income Housing Tax Credits (known as "Homes on Quaker Lane"). The Homes on Quaker Lane building provides 8 units occupied by households whose income is 30% or less of the Area Median Income ("AMI") and 64 units that are occupied by households whose incomes is 60% or less of AMI (the remaining 8 units are market rate). These income restrictions are reflected in the Low-Income Housing Tax Credit Covenant recorded among the Land Records of Montgomery County, Maryland at Book 57129, Page 19 (as required by condition of approval number 10). This results in a total of 72 units that are "low income" or "very low income," which is in excess of the 20% (or 65 units) required.

(2) The site or the proposed facility has adequate accessibility to or provides on site public transportation, medical service, shopping areas, recreational and other community services frequently desired by senior adults or persons with disabilities.

As confirmed by the Board of Appeals in approving the underlying Special Exception, the Property is located in close proximity to a variety of commercial services, including those in the Sandy Spring and Ashton Village Centers and even Olney Town Center. Additionally, the Project provides dining facilities, social and recreational opportunities and medical services on-site. The proposed internal bridge connection will facilitate access to these amenities on main campus for future residents of the North Forest. Additionally, Friends House offers a shuttle service that provides transportation for residents to nearby commercial services.

(3) The site or the proposed facility is reasonably well protected from excessive noise, air pollution, and other harmful physical influences.

The Property is well protected from excessive noise, air pollution, and other harmful physical influences by virtue of its surroundings. The Property is surrounded by existing single-family residential and institutional uses. And as discussed herein, the North Forest will be nestled amongst the existing forest on-site and will be largely buffered from Norwood Road by the existing mature trees and forest (to remain). Furthermore, the ample open space and natural features on-site provides opportunities for residents to connect with nature and creates an ideal setting for this senior living use.

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

- (1) A senior adult or person with disabilities, as defined in Section 59-A-2.1;*
- (2) The spouse of a senior or disabled resident, regardless of age or disability;*
- (3) A resident care-giver, if needed to assist a senior or disabled resident; or*
- (4) In a development designed primarily for persons with disabilities rather than senior adults, the parent, daughter, son, sister or brother of a handicapped resident, regardless of age or disability.*

Additional Occupancy Provisions are:

- (5) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, and subsequent amendments thereto. (In that Act, "familial status" refers to discrimination against families with children.)*

The occupancy of the proposed independent living building will comply with this requirement.

(6) Resident staff necessary for operation of the facility are also allowed to live on site.

The independent living building is not expected to have any resident staff living on-site.

(c) Development standards, other than density, in residential zones where allowed by special exception:

(1) Minimum setbacks:

- (A) From street: 50 feet. Except for an access driveway, this must be maintained as green area. However, if development does not exceed the height limit of the applicable one-family zone, the minimum setback specified by the zone applies.*

(B) From side and rear lot lines: 25 feet or as specified by the relevant zone, whichever is greater.

The proposed independent living building on the North Forest will meet these requirements. As shown on the data table, submitted concurrently with this Statement, the minimum front setback will be 50 feet and the side and rear lot lines will have a minimum setback of 17 feet (side) and 35 feet (rear).

(2) Maximum building height: four stories or the height of the applicable zone, whichever is less. Additional height up to six stories is permitted if the additional height is in conformity with the general character of the neighborhood considering population density, design, scale and bulk of the proposed building, traffic and parking conditions.

The Petitioner is proposing a maximum building height of five-stories (or 64 feet). As illustrated on the architectural elevations submitted concurrently with this Statement, the proposed building will be in keeping with the character of the Surrounding Neighborhood. As noted herein, the Property is surrounded by generally large single-family homes (e.g. many with over 7,000 square feet). Importantly, the proposed building will be largely screened from view by the existing, tall mature trees that surround the Property. These trees have an overall height of approximately 65-70 feet and as such, will be taller than the roofline of the proposed building. Furthermore, given the helpful grades on-site, the proposed independent living building will sit approximately 10 feet lower in elevation, as compared to the closest home on Nesbit Farm Lane. Furthermore, the building architecture will incorporate varying massing, materials, and details that effectively reduce the apparent scale of the overall building and promote compatibility with the surrounding architecture.

(3) Maximum lot coverage: As specified by the relevant zone.

The maximum coverage of buildings on the lot in the RE-2 zone is 25%. After completion of the North Forest expansion, the Friends House campus will have an overall coverage of approximately 12%, well below this requirement.

(4) Minimum green area:

(A) R-60, R-90, and the RT Zones: 50 percent

(B) R-150 and R-200 Zones: 60 percent

(C) RE-1, RE-2, and RE-2C Zone: 70 percent, except where the minimum green area requirement is established in an approved and adopted master plan.

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

The Property is zoned RE-2, although the minimum green area is established by the Master Plan for this site (per the provision above). The Master Plan specifically recommends 60% open space. Following this modification, the overall campus will continue to provide a minimum green area of 60%.

(d) Development standards, other than density, in the R-30, R-20, R-10 and R-H Zones are as specified by the relevant zone in Section 59-C-2.41, except that the lot coverage and building setbacks may be modified as specified in Section 59-C-2.42 concerning standards for moderately priced dwelling units.

This provision is not applicable to the Project, which is located in the RE-2 zone.

(e) Maximum density:

In the Rural, Rural Cluster, RE-2, RE-2C, RE-1, R-200, R-150, R-90, R-60, R-40, RT-6, RT-8, RT-10, and RT-12.5 Zones, the number of units is governed by the overall size of the building as determined in accordance with the development standards by Paragraph (c) of this section. Minimum unit size is governed by the minimum space and other relevant standards of Chapter 26, title "Housing Standards," of this Code, as amended.

The Petitioner is not proposing any change to the overall number of units approved by the existing Special Exception. Rather, the Petitioner is merely seeking to reallocate that approved density within the Property, to better respond to current market demands. As such, the Project will continue to comply with the density allowances.

(f) Parking and loading:

Parking must be provided in accordance with the provisions of Section 59-E-3.7 and Section E-2.83. The Board must require adequate scheduling and long-term continuation of any services for which parking credits are granted in accordance with Section 59-E-3.33(b) and may require additional parking for any facilities and services provided in accordance with Paragraph (g)(2) of this section, if they serve nonresident senior adults or persons with disabilities. When considering the need for additional parking, the Board may consider the availability of nearby public or private parking facilities.

The Project will provide more than sufficient parking on-site to accommodate the anticipated demand. Pursuant to Section 7.7.1.B.3.b of the current Zoning Ordinance, the

Petitioner is seeking to amend the parking requirements of the previously approved Special Exception in a manner that satisfies the parking requirements of Sections 6.2.3 and 6.2.4 of the current Zoning Ordinance. As demonstrated on Sheet SE-2, the Project satisfies the parking requirements.

(g) Additional provisions:

(1) One or more of the following ancillary facilities and services may be included to serve the residents and possibly nonresident senior adults or persons with disabilities. The Board may restrict the availability of such services to nonresidents and specify the manner in which this is publicized.

(A) Provision for on-site meal service;

(B) Medical or therapy facilities or space for mobile medical or therapy services;

(C) Nursing care;

(D) Personal care services;

(E) Day care for senior adults or persons with disabilities;

(F) On-site facilities for recreation, hobbies or similar activities; or

(G) Transportation to such off-site facilities and services as shopping, religious, community or recreational facilities, or medical services.

The Project provides all of these services on-site. There is an on-campus dining hall for residents and several resident amenities, such as internal walking trails, a multi-purpose room for social activities, and an on-site garden. Additionally, the Property is located within approximately 1 mile of the Sandy Spring Village Center and 3 miles of the Olney Town Center, which collectively contain a variety of commercial services. The facility provides scheduled local transportation services for its residents through group or private shuttles.

(2) Retail facilities may be included to serve exclusively the residents of the building.

Residents run a second-hand store, which primarily serves the residents and staff of the campus, the proceeds from which go to fund the resident association. No additional retail facilities are proposed with this Modification.

(3) The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.

This vicinity map is included on Sheet SE-2, submitted concurrently with this Statement.

(4) Construction is subject to all applicable Federal, State and County licenses or certificates.

The North Forest addition will comply with all applicable Federal, State and County licensure and certificate requirements.

(h) Provisions governing facilities approved prior to March 7, 1990:

(1) A housing facility for senior adults or persons with disabilities existing before May 6, 2002, is a conforming use and structure, and may be continued in accordance with the terms and conditions of the special exception grant. Modifications may be approved that are in compliance with the special exception standards in effect at the time the modification is filed. If damaged, the facility may be rebuilt, repaired or reconstructed as it existed on May 6, 2002.

The Applicant is not seeking to take advantage of this allowance.

(2) A housing facility for senior adults or persons with disabilities existing on March 7, 1990, or for which a petition was approved prior to March 7, 1990, located on property containing at least 85 acres of land, may be extended, enlarged, or modified in accordance with the special exception standards in effect prior to March 7, 1990.

This Provision is not applicable.

B. Compliance with Standards in Section 59-C-1.32

The Property is zoned RE-2. The applicable standards for development in the RE-2 zone are set forth in Section 59-C-1.32 of the Prior Zoning Ordinance. As demonstrated on Special Exception plans, the Property continues to comply with these development standards.

VIII. SPECIAL EXCEPTION FINDINGS

Pursuant to Section G-1.21, a Special Exception may be granted when the Board of Approvals or Hearing Examiner finds from a preponderance of the evidence of record that the proposed use conforms to the following guidelines:

- a. The proposed use is a permissible special exception in the zone.*

Pursuant to Section 59-C-1.31 of the Prior Zoning Ordinance, Housing and Related Facilities for Senior Adults is permitted as a Special Exception use in RE-2 zone.

- b. The proposed use complies with the standards and requirements set forth for the use in Division 59-G-2.*

As discussed in detail in Section VIII of this Statement, the North Forest addition will comply with the use requirements set forth in Section 59-G-2.35 for housing and related facilities for senior adults and persons with disabilities.

- c. The proposed use will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location.*

The Petitioner is seeking to continue the long-standing Special Exception use of the Property. As discussed in detail in Sections VI and VII above, the North Forest addition substantially conforms with the goals and recommendations of the Master Plan and furthers many of the housing objectives in Thrive 2050, by providing additional senior living facilities that allow residents to remain in their community as they age.

- d. The proposed use will be in harmony with the general character of the neighborhood, considering population density, design, scale, and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.*

The use of the Property will remain unchanged – Friends House, which has been serving the needs of the surrounding community for almost 60 years, will continue to provide a continuum of care on-site. No changes are proposed to the overall approved density on-site. Rather, the Petitioner is merely seeking to re-allocate that density within the campus and adjust the phasing, to better respond to current market demands. The proposed North Forest addition has been designed to be in keeping with the character of the existing buildings on-site and the surrounding neighborhood. The five-story building will incorporate traditional residential architectural elements that evoke an inviting residential quality of “home”. The overall effect is a decidedly residential place that complements the residential character of the surrounding area. Furthermore, the building will be largely buffered on all sides by the existing mature trees and forest

conservation easement areas (to remain). As discussed herein, the Petitioner is proposing to eliminate the full-movement access on Norwood Road (approved in connection with the previous Special Exception); and instead, provide internal circulation between the North Forest and main campus. This modification will actually decrease intensity of traffic on the surrounding roadway, by keeping those daily trips internal to the site. As such, this modification will result in a less intense use (from a traffic perspective) and will enhance safety on the adjacent roadway.

- e. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The Special Exception Modification will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood. The senior living facility use of the Property has existed for almost 60 years. The Petitioner is not proposing any changes to the approved use or density. And as discussed above the North Forest addition has been designed to be in keeping with the character of the surrounding neighborhood.

- f. The proposed use will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The independent living use proposed on the North Forest will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the Property. As shown on the photometrics plan, the Project incorporates full cut-off fixtures and will not cause light to spill onto the surrounding properties. The lighting levels will be at or below 0.1 footcandles at the Property boundary. The activity on-site will be largely screened from view of the surrounding community by the existing mature trees/forest conservation easement (to remain) and proposed understory plantings. As such, the Modifications herein requested will have no adverse impacts on the surrounding community.

- g. The proposed use will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area.*

The Petitioner is merely seeking to modify an existing Special Exception on the Property. As such, this Modification will not result in an increase in the number of Special Exceptions in the

surrounding neighborhood. Irrespective, Friends House is a long-standing residential use that will not alter the residential nature of the area.

- h. The proposed use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The proposed Modification to the existing Special Exception will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area of the Property. Rather, the Project provides an important opportunity to develop much needed, additional senior housing, which will serve County residents and allow Sandy Spring (and nearby) residents to stay in their community, close to family and friends, as they age. The proposed facility will provide a quality lifestyle and the necessary services to allow senior residents to remain vital members of their community.

- i. The proposed use will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The Petitioner is not seeking any increase in the number of units already approved for the Property. As such, the Property will continue to be served by adequate public facilities and the Application is exempt from Local Area Transportation Review. The Petitioner is submitting a transportation statement prepared by Gorove Slade, the Petitioner's transportation consultant, which demonstrates that the proposed Modification will reduce trips along Norwood Road by providing an internal connection and removing the access point along Norwood Road, thereby decreasing the Project's overall impact on the surrounding roadway network (as compared to the approved conditions with a full-movement secondary access on Norwood Road). And because the Project provides only senior living uses, the Project will not generate any school-aged children or result in any school impacts.

Other public facilities and services – including police stations, firehouses and health care facilities – will continue to be more than adequate to support and service the campus. The nearest police district station serving the Property is located at 1002 Milestone Drive in Silver Spring, Maryland. The nearest firehouse is the Sandy Spring Volunteer Fire Department located at 17921 Brooke Road in Sandy Spring, Maryland.

The Property will continue to be served by existing water and sewer. Electric, gas and telecommunications services will also continue to be available.

IX. CIVIL ENGINEERING

i. Forest Conservation Plan Amendment

The Property is subject to the requirements of Chapter 22A of the Montgomery County Code (The "Forest Conservation Law"). A Natural Resources Inventory/Forest Stand Delineation ("NRI/FSD") was prepared for the Property and approved on November 21, 1996. The Property is also subject to an approved Forest Conservation Plan. The Applicant is submitting a Forest Conservation Plan Amendment concurrently with the Special Exception Modification. In connection with the Forest Conservation Amendment, the Petitioner is seeking to release a portion of existing Forest Conservation Easement to accommodate the internal bridge connection and internal site circulation.

The Property is not located within a Special Protection Area.

ii. Stormwater Management Concept Plan

The Project is also subject to the requirements of Chapter 19 of the Montgomery County Code. Since the Project will disturb more than 5,000 square feet, the Applicant has prepared and submitted a Stormwater Management Concept Plan revision in connection with the North Forest Addition. In accordance with applicable MDE Stormwater Management Regulations, the site will implement Environmental Site Design ("ESD") practices to the maximum extent practicable ("MEP"). Specifically, the Project proposes to incorporate micro-bioretenion facilities to the MEP to meet the stormwater management ESD requirements on-site. The location of the micro-bioretenion facilities are shown on the Stormwater Management Concept Plan. To the maximum extent practical, ESD facilities have been designed and positions to treat the majority of the proposed impervious and disturbed area for the Project.

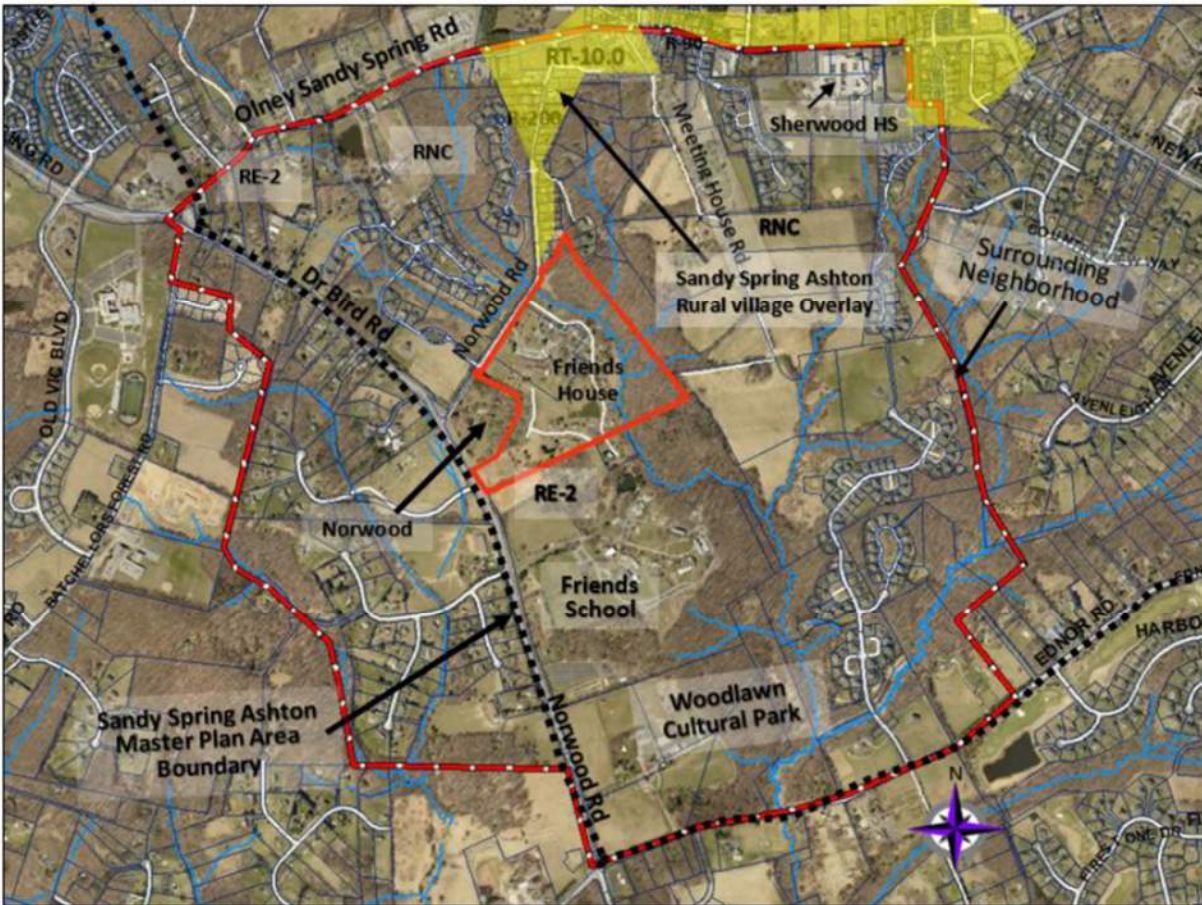
iii. Sediment and Erosion Control

A Sediment and Erosion Control Plan will be prepared and submitted to DPS for approval after Stormwater Management Concept approval and prior to commencement of construction on the Property.

X. CONCLUSION

As explained above, the Project meets or exceeds all of the criteria and standards for Housing and Related Facilities for Senior Adults and Persons with Disabilities in the RE-2 Zone, as set forth in the Prior Zoning Ordinance. Importantly, the proposed modification will allow the Petitioner to provide additional independent living units in the very near term, to meet the needs of the community and ensure the sustainability of Friends House for the future. For all of these reasons, the Petitioner respectfully requests approval of the Special Exception Modification.

Attachment A



Excerpt from page 6 of November 23, 2016 Staff Report of Staff delineated Surrounding Neighborhood Boundary.