



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 17-087
Site Plan No. 820170090
Brightview Grosvenor
Date of Hearing: September 28, 2017

OCT 19 2017

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on December 21, 2016, the Office of Zoning and Administrative Hearings approved Conditional Use Application No. CU 16-14 to permit a Residential Care Facility for up to 98 units (up to 104 beds) ("Approved Conditional Use") on 2.75 acres of land in the R-90 zone, located 5510 Grosvenor Lane, Bethesda ("Subject Property"), in the Area 2 Policy Area and in the North Bethesda/Garrett Park ("Master Plan") area, subject to certain conditions; and

WHEREAS, on April 26, 2017, Shelter Development, LLC ("Applicant") filed an application for approval of a site plan for the Approved Conditional Use on the Subject Property; and

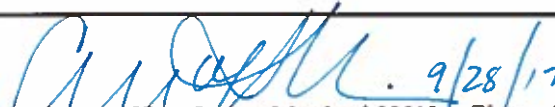
WHEREAS, Applicant's site plan application was designated Site Plan No. 820170090, Brightview Grosvenor ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 15, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 28, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on September 28, 2017, the Planning Board approved the Forest Conservation Plan on motion of Commissioner Cichy; seconded by Commissioner Fani-Gonzalez; with a vote of 4-0, Commissioners Cichy, Dreyfuss, Fani-Gonzalez, and Patterson all voting in favor, with Chairman Anderson being absent.

Approved as to
Legal Sufficiency:

 9/28/17

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170090 for a Residential Care Facility (Over 16 Persons) with 98 units (104 beds), on the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals & Agreements

1) Conditional Use Conformance

The Applicant must comply with the conditions for approval of Conditional Use No. CU 16-14, dated December 21, 2016.

2) Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120170270.

Environment

3) Forest Conservation

The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

- a) Prior to any demolition, clearing, or grading, a Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed. The Liber Folio for the easement must be referenced on the record plat.
- b) Prior to Certified Site Plan, the Final Forest Conservation Plan must be amended to enumerate landscape trees and canopy coverage totaling at least 0.10 acres of landscape credit per Forest Conservation Regulation 22A.00.01.08(G)(4)(c).
- c) Prior to any land disturbing activities occurring onsite, the Applicant must obtain a financial security agreement reviewed and approved by M-NCPPC Associate General Counsel Office for the planting requirements and invasive management work specified on the Final Forest Conservation Plan.
- d) The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the Final Forest Conservation Plan.
- e) Site inspections are required by M-NCPPC Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- f) Prior to forest conservation planting, the Applicant must submit a Maintenance and Management Agreement for approval by Staff.
- g) The Forest Conservation Inspector may require additional tree save measures to protect the "Moon Tree" on the adjacent Wild Acres property.

Transportation & Circulation

4) Transportation

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way (MCDPS-ROW) in its letter dated July 18, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply fully with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of the Site Plan approval.

5) Pedestrian & Bicycle Circulation

- a) The Applicant must provide two inverted-U bicycle racks near the main building entrance, and two inverted-U bicycle racks in the garage in a secure, well-lit area. The specific locations must be shown on the Certified Site Plan.
- b) The Applicant must provide a five-foot wide sidewalk along Grosvenor Lane, and a 10 foot-wide shared-use path along the frontage of Fleming Avenue, as shown on the Certified Site Plan.

Site Plan

6) Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet 09-ARCH-820170090-AA4.0 of the submitted architectural drawings, as determined by M-NCPPC Staff.

7) Landscape Plan

Prior to the end of the first planting season after issuance of the final Use and Occupancy Certificate, all landscape plant materials must be installed.

8) Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior lighting must be installed in accordance with these standards.
- b) All onsite down-lights must have full cut-off fixtures.

- c) Illumination levels generated from on-site lighting must not exceed 0.1 footcandles (fc) at any lot line that abuts a lot with a detached house.
- d) All onsite pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

9) Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, onsite lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths, sidewalks, bikeways, storm drainage facilities, street trees and street lights.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

10) Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

11) Certified Site Plan

The following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, Conditional Use Opinion/Resolution, Preliminary Plan Resolution, and Site Plan Resolution.
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”

- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Revised conditional use plans (including lighting and landscaping plans), consistent with the approved site plan, must be filed with the Office of Zoning and Administrative Hearings.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Brightview Grosvenor Site Plan No. 820170090, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

The proposed development is generally consistent with Conditional Use CU 16-14, approved by the Hearing Examiner on December 21, 2016. Minor modifications have been made to the site plan because of additional right-of-way dedication required along Grosvenor Lane. Alterations to the landscape plan include the addition of street trees along Grosvenor Lane and changes to some of the species in the plant schedule. The outdoor light fixtures have been modified from the conditional use plan, however, the revised photometric plan indicates that illumination will not exceed 0.1 footcandles at any property line. The site plan, landscape plan, and photometric plan approved with the conditional use will need to be updated with the Office of Zoning and Administrative Hearings to reflect modifications made during the site plan process.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

Not applicable; the proposed development is not subject to a development plan or schematic development plan.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

Not applicable; the zoning classification for the Property on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use Standards

In approving Conditional Use No. 16-01, the Hearing Examiner found that the proposed development satisfied the applicable use standards for a Residential Care Facility (Over 16 Persons) under Section 3.3.2.E.2.c.ii.

- b. Development Standards

The Subject Property includes approximately 2.75 acres zoned R-90. The Application satisfies the applicable development standards as shown in the following data table:

Applicable Development Standards, R-90 Zone Section 59-4.4.8.B. Standard Method Development ¹		
	Required / Allowed	Proposed
1. Lot and Density		
Lot (min)		
Lot area <i>Section 59-3.3.2.E.2.c.ii(d)</i>	Greater of 2 acres or 83,200 SF (800 SF per bed)	2.66 acres/ 1,115 SF per bed
Lot width at front building line	75'	345'
Lot width at front lot line	25'	314'
Density (max)		
Density <i>Section 59-3.3.2.E.2.c.ii(d)</i>	Greater of 2 acres or 83,200 SF (800 SF per bed)	2.66 acres/ 1,115 SF per bed
Coverage (max)		
Lot	30%	21%
2. Placement		
Principal Building Setbacks (min)		
Front setback	30'	133'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30'	38'
Side setback <i>Section 59-3.3.2.E.2.c.ii(e)</i>	20'	40'
Sum of side setbacks	25'	78'
Rear setback	25'	37'
3. Height		
Height (max)		
Principal Building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30', or 40' with site plan approval	40'

¹ As noted in the table, certain development standards are modified by the use standards for a Residential Care Facility (Over 16 Persons) in Section 59-3.3.2.E.2.c.

c. General Requirements

i. *Site Access*

The site design will provide safe and convenient vehicular, bicycle, and pedestrian access to, and circulation within, the Property. The existing single driveway curb cut on Grosvenor Lane will be retained at its current location. A lead-in sidewalk will be provided

parallel to the driveway. An additional pedestrian connection will be provided from the surface parking lot to the northwest corner of the Property to connect to the bike path running along the east side of Fleming Avenue to the corner of Grosvenor Lane. The sidewalk along Grosvenor Lane will be widened from 4 feet to 5 feet, and a 10-foot-wide shared use path will be provided along Fleming Avenue.

ii. *Parking, Queuing, and Loading*

Adequate parking and loading will be provided to serve the facility. The Zoning Ordinance requires a minimum of 41 vehicle parking spaces for this Property (0.25 spaces per bed, plus 0.5 spaces per employee); the development will provide 51 spaces. Thirty-seven parking spaces will be provided below ground and the 14-space parking lot in the front of the building will be well-screened. The 80-foot-wide swath of retained forest along Grosvenor Lane will function as the perimeter planting area to the north of the parking lot. A landscape planting bed to the north of the parking lot will provide additional screening. To the east, the drive aisle will be buffered by a six-foot planting bed, and canopy trees will be planted along the drive aisle adjacent to retained trees. Canopy trees and a mix of evergreens and flowering shrubs within a 28-foot-wide planting bed will screen views of the parking area from the west. Eight bicycle parking spaces will be provided (four near the main building entrance and four in the garage) and one loading space will be located on the east side of the building and will be screened by a substantial planting bed, including a mixed evergreen hedge.

iii. *Open Space and Recreation*

The majority of open space will be located in the northern portion of the Property and will be retained in a forest conservation easement. The primary outdoor amenity space for residents is a large patio located at the rear of the building, near the southern border of the Property. The building has several indoor amenity spaces for residents including an exercise room, a library, and activity rooms.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities provided, will be safe, adequate, and efficient for year-round use and

enjoyment by residents, employees, and visitors. The Photometric Plan demonstrates that illumination will not exceed 0.1 footcandles (fc) at any property line in order to prevent light spilling onto nearby properties.

v. *Screening*

The screening requirements are applicable along the Property's southern lot line because the abutting lots are located in a Residential Detached zone and improved with residential uses. The landscape plan indicates that the planting bed proposed along the southern lot line satisfies the planting requirement prescribed in Section 6.5.3.C.7 (Option B) for a conditional use in a Residential Detached Zone.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on March 16, 2017. Stormwater treatment will be accomplished through the use of porous pavement, proprietary filtration structures, and micro-bioretenion facilities.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Environmental Guidelines

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for this Property on December 18, 2015. The Property contains no streams or their buffers, wetlands or their buffers, steep slopes, 100-year floodplains, or known habitats of rare, threatened, and endangered species. The Property drains to the Rock Creek watershed, which is not in a Special Protection Area or Primary Management Area. The property adjacent to the east includes a historic resource identified as the Wild Acres/Grosvenor Estate, Resource #30/15. This plan complies with the Montgomery County Planning Department's Environmental Guidelines.

Previous Preliminary Forest Conservation Plan and Variance Approval

A Preliminary Forest Conservation Plan (PFCP) and Variance were approved as a part of the Planning Board's review and recommendation of approval of Conditional Use No. CU 16-14. The site contains 0.98 acres of forest. The PFCP proposed clearing 0.95 acres of forest, and retaining 0.33 acres in a Category I Conservation Easement. The land use, zoning, net tract area, forest cleared, and forest retained yielded a reforestation requirement of 0.54 acres of forest planting. The Applicant must fulfill the planting requirement through a combination of landscape credit and by planting an area on the adjacent Wild Acres property that is contiguous with an existing Category I Conservation Easement on that property. The accompanying Variance request was also approved, permitting removal of seven trees and permitting impacts to an additional 13 trees defined as high priority for retention and protection under Section 22A-12(b)(3) of the County code. The trees are on the subject property and the adjacent Wild Acres property. A condition of the approval of the Preliminary Forest Conservation Plan was "A Final Forest Conservation Plan (FFCP) that substantially conforms to the PFCP must be approved with the Preliminary Plan approval, or with the Site Plan approval if a Site Plan is required."

Final Forest Conservation Plan

Changes to the Site Plan result in a slightly reduced reforestation requirement of 0.52 acres of forest planting. Sidewalk improvements required as part of the conditions of Site Plan approval change the area of forest retained to 0.32 acres. This area will be protected within a Category I Conservation Easement. This easement area will include supplementary understory plantings to enhance the function and aesthetics of the easement to act as a buffer between the development and the neighborhood.

The Applicant proposes to fulfill the 0.52-acre forest planting requirement with 0.10 acres of landscape credit, and by planting a 0.45-acre area on the adjacent Wild Acres property. The 0.45-acre planting area will be protected in a Category I Conservation Easement that abuts an existing Category I Conservation Easement on the Wild Acres property. The Applicant has a Memorandum of Understanding with the Wild Acres property owner authorizing the Applicant to plant and record the Category I easement on the Wild Acres property.

The Applicant is planting a sufficient number of native canopy trees outside of the Category I Conservation Easement areas to total more than the 0.10 acres of landscape credit needed. Prior to Certified Site Plan, the FFCP must be amended to identify which of these trees will be counted toward the landscape credit. These trees should be outside of road rights-of-way and utility easements.

The Forest Conservation Plan is required to have “a maintenance plan which includes provisions for necessary watering, control of competing vegetation, protection from disease, pests, and mechanical injury, and reinforcement planting if plant survival falls below the requirements of subsection 108E(3)(c)” (Section 22A.00.01.08(E)(3)(c) of the Forest Conservation Regulations). This includes control of invasive species as necessary.

The “Moon Tree” mentioned in the conditions of approval is a loblolly pine that was grown from one of 500 seeds carried into space on Apollo 14 and planted to test the effects of a period of weightlessness on the germination and growth of tree seeds. The seedling germinated from one such seed was given to Gilbert H. Grosvenor, former editor of National Geographic Magazine and president of the National Geographic Society, and former owner of the adjacent Wild Acres estate. While this tree is not within the proposed Limits of Disturbance for this project, it is nearby, and special care should be taken to protect it during the construction process to prevent inadvertent damage.

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to two Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. The CRZ impacts are a direct result of the sidewalk improvements required along the property frontage on Grosvenor Lane to

bring the existing sidewalk up to current standards. A denial of the variance request would prevent the Applicant from making the required improvements to the sidewalk along Grosvenor Lane.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Given the proximity of two specimen trees to the required sidewalk improvements, impacts to the two trees are unavoidable. Reasonable steps have been taken to reduce impacts, and granting the variance will not confer a special privilege to the Applicant because any applicant developing this Property would be required to make the sidewalk improvements along Grosvenor Lane that would impact those trees.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is based on the constraints of the site and the required sidewalk improvements, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the required sidewalk improvements and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The two trees being impacted are both to be saved, and should continue to intercept, detain, filter, and evapotranspire water as before. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately 1" replaced for every 4"

removed. No mitigation is required for Protected Trees impacted but retained.

- 6. The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

Parking

The 51 approved parking spaces are well-integrated into the development plan and will allow for safe and efficient circulation around the Site. Thirty-seven of the parking spaces will be located in a below grade parking garage, and 14 spaces provided in front of the building will be screened with extensive landscape plantings and a forest conservation area along Grosvenor Lane.

Circulation Patterns

The existing driveway from Grosvenor Lane will provide safe and efficient vehicular access to the Site. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area, and provides safe access to bus routes and the Grosvenor Metro Station.

Building Massing

Due to the grading of the Property, the proposed building will be three stories with a “walk-out basement” level. The east and south (rear) sides of the building will be four stories, while the front and west side will be three stories. The building’s architecture will be Craftsman style, using residential-style materials, sloped roofs, chimneys, and mullioned windows to achieve a residential feel, and enhance compatibility with the surrounding properties. The building’s orientation places a smaller façade along Fleming Avenue, reducing the visual impact of the building’s overall mass, and preserving an appropriate sense of scale from the residential street. The north and south ends of the building façade along Fleming Avenue have been stepped down to two stories to further ensure compatibility with the houses across Fleming Avenue.

Open Spaces and Site Amenities

The majority of open space on the Property will be located in the northern portion of the Property and will be retained in a natural state in a forest conservation easement. The primary outdoor amenity space for residents is a large patio located to the rear of the building, near the southern border of the Property. Extensive landscaping is provided along the western and southern property lines. The proposed building has several indoor amenity spaces for residents including an exercise room, a library, and activity rooms.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

As described below, the Preliminary Plan substantially conforms to the 1992 *North Bethesda/ Garrett Park Master Plan*. The Master Plan does not specifically address the Property, but several general recommendations in the Master Plan are relevant to this Application:

- *“Direct future development to land nearest to Metro stops and new transit stations, and to areas best served by transportation infrastructure.”* (page 33, 35)

The Property is served by existing transportation infrastructure. The Grosvenor Metro Station is within a mile, and Ride On Bus Route 6 runs along Grosvenor Lane, with stops at the intersection of Fleming Avenue and Grosvenor Lane. The North Bethesda Trail also runs adjacent to the Property along Fleming Avenue.

- *“Encourage a land use pattern that provides opportunities for housing and employment.”* (page 35)

The proposed facility will provide up to 98 residential units of assisted living, and it will employ up to 65 full time equivalent employees, providing housing for the elderly population as well as adding a modest amount of employment to the area.

- *“Protect and reinforce the integrity of existing residential neighborhoods.”* (page 33)

The design of the proposed facility is residential in character. The extensive landscaping along Fleming Avenue and retention of the existing forest along Grosvenor Lane will screen the proposed facility from the existing houses in the neighborhood. The residential nature of the use is consistent with the surrounding residential neighborhood. Noise, outdoor lighting, and service deliveries will be kept to a minimum and the garage and parking/service areas are screened from the adjacent properties. The orientation of the building with a smaller façade facing Fleming Avenue, craftsman style architecture, and articulation of the facades will create a building that blends in with the predominantly residential character of the neighborhood. Therefore, the proposed facility will protect and reinforce the integrity of the existing residential neighborhood.

The proposed residential care facility contributes to the diversity of housing in the Plan area; it will provide 98 assisted living units including 29 units for memory care patients. There is only one other elderly care facility in the Neighborhood: Bethesda Health and Rehabilitation Center.

The proposed building and site design will be compatible with the surrounding residential neighborhood. The proposal uses the site's topography (lower elevation than Fleming Avenue), existing natural features (existing forest along Grosvenor Lane), the style of architecture (residential, Craftsman), the building step-downs at the corners facing Fleming Avenue, and articulation of the building facades to create a facility that fits well in its context and will be compatible with the surrounding neighborhood. The Property's grade difference along Fleming Avenue--approximately six to eight feet below the Fleming Avenue elevation--helps reduce the visual impact of the height and the bulk of the building when viewed from the Fleming Avenue side. Thirty-seven of the 51 parking spaces are below grade under the building, allowing the retention of the existing forested area in the front of the building. The building employs Craftsman style architecture to achieve the appropriate visual compatibility with the residential buildings in the area, specifically those across Fleming Avenue and Grosvenor Lane. The articulation of the facades, sloping roof with design variations to create a more interesting roof line, building orientation with smaller façade facing Fleming Avenue, and screening on all sides will make the building compatible with the surrounding buildings.

Housing Diversity

The Plan emphasizes the need for a variety of housing, including elderly housing, located in proximity to transportation corridors:

- *This Plan recommends that future development be focused at...areas best served by transportation infrastructure, with more emphasis on housing.* (page 2)
- *A wide range of housing types within each neighborhood should be encouraged to avoid large concentrations of any single type and increase the potential for pedestrian connection between diverse housing types.* (page 12)
- *Preserve and increase the variety of housing stock, including affordable housing.* (page 33, 35)
- *Encourage a land use pattern that provides an opportunity for housing and employment.* (page 33)
- *Encourage the location of elderly housing and elderly support service along bus routes.* (page 228, 244)

- *Support the provision of housing for special populations through the special exception process. (page 229)*

The residential care facility satisfies several of the Plan's housing goals. A Residential Care Facility (which includes an assisted living facility) is classified as "Group Living" under the Residential Use Category in the Zoning Ordinance. The facility will increase the housing diversity in a neighborhood, which comprises primarily detached houses, by increasing the area's housing choice for elderly residents. In addition, 29 of the 98 units will be for residents who need specialized memory care. The facility will be along Ride On Bus Route 6, which travels between Parkside and the Montgomery Mall transit center via Grosvenor Metro Station. Bus stops are located on Grosvenor Lane adjacent to the Property.

Environment/Green Infrastructure

The Property is located on Grosvenor Lane, one of the Plan's designated "Green Corridors." The purpose of the Plan's Green Corridors policy is, "to ensure the identity and integrity of residential areas along major roadways, and to strengthen community identity by creating attractive transportation corridors." (page 250). The Plan provides further guidance on preservation and enhancement of environmental features:

- *Preserve existing woodland and encourage reforestation throughout the Planning Area. (page 34)*
- *Retain mature trees as buffers in new residential development to create visual separation from major roads. (page 247)*
- *Retain the maximum number of specimen trees on sites where they occur. (page 247)*
- *Provide screening for parking, even when less than six parking spaces are involved. (page 251)*
- *Retain green space, particularly when it provides trees that screen buildings. (page 251)*

The building is setback 133 feet from Grosvenor Lane and 0.32 acres of the forest along Grosvenor Lane will be retained, which will maintain the existing "Green Corridor." Further, the Applicant will remove of a stand of bamboo, a non-native invasive species, on the adjacent historic property that will be replanted as forest to expand the existing forest conservation easement. The 14 surface parking spaces will be screened by the preserved forest to the north and landscape plantings to the east and west of the Property.

8. *The development 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.*

Transportation infrastructure and other public facilities are adequate to support and service the facility. The Property is located along both Grosvenor Lane and Fleming Avenue, with convenient access to MD-355, I -270, and the Capital Beltway. The Property is proposed to be served by public water and public sewer. This application has been reviewed by the Montgomery County Fire and Rescue Service, who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

The 2017 Annual School Test does not apply to this Property, because the use does not generate any children/students.

9. *The development is compatible with the character of the residential neighborhood.*

The orientation of the building with a smaller façade facing Fleming Avenue, craftsman style architecture, and articulation of the facades will create a building that blends in with the predominantly residential character of the neighborhood. The Fleming Avenue façade also includes step-downs to reduce the building height to two stories at the north and south ends, creating a visual break and thus reducing the perceived size of the façade along that frontage. The topography of the Property will also minimize the perception of the building's height from most vantage points, and will allow most of the onsite parking to be accommodated below ground. The extensive landscaping along Fleming Avenue and retention of the existing forest along Grosvenor Lane will screen the proposed facility from the existing houses in the neighborhood. The forest retention area on the north side of the Property will obscure views of the building from Grosvenor Lane.

The west wing of the building will shield the outdoor patio area from view of the single-family homes on the west side of Fleming Avenue. Extensive landscaping will buffer the patio area from the new residences to the south. The entrance to the garage, the loading dock, and the dumpster are located on the east side of the building, well away from the existing homes.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 19 2017 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, October 12, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board