



4925 Battery Lane, Site Plan Amendment No. 81985085A

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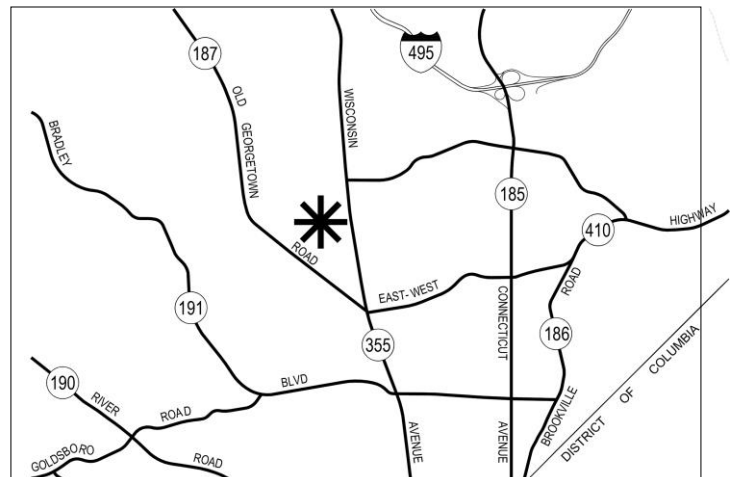
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Staff Report Date: 11/6/15

Description

- Consent Site Plan Amendment to modify Condition #2 of the Site Plan approval which limits the maximum lot coverage to 20% of the net lot area to allow for exterior building modifications and to add associated Stream Valley Buffer (SVB) mitigation conditions;
- Located at 4925 Battery Lane on the north side of the street and just east of the Bethesda Trolley Trail;
- 1.15 acres zoned R-10 in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan;
- Applicant: Sunrise Development, Inc.;
- Filing Date: September 30, 2015;
- Review Basis: Section 59-D-3.7 of 2004 Zoning Ordinance.



Summary

- The Planning Board approved Site Plan 819850850, "Northwest Park" on October 24, 1985 for a 92-unit housing for the elderly facility. The facility was originally approved under the Optional Method of Development for Moderately Priced Dwelling Units in the R-10 Zone.
- The Amendment proposes to increase the limit for maximum lot coverage in order to make exterior modifications to the building including an improved building entrance and a new bay of balconies on three floors of the building's western facing façade.
- The Amendment also proposes an update of parking requirements to reflect the 2014 Zoning Ordinance.
- This Application is being reviewed under the R-10 Zone development standards in effect on October 29, 2014 as permitted under Section 59.7.7.1.B.3 of the Zoning Ordinance.
- Staff received no correspondence regarding this Amendment.
- Staff recommends approval of the consent Site Plan Amendment.

RECOMMENDATION

Staff recommends approval of Site Plan Amendment No. 81985085A, 4925 Battery Lane, to modify the maximum lot coverage condition to allow for minor exterior building modifications and mitigation plantings and soil enhancement, subject to the three conditions below, which are necessary to mitigate for existing encroachments into the Stream Valley Buffer. This Amendment also modifies the parking requirements to reflect the specifications of the current Zoning Ordinance approved on October 30, 2014. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required. This Amendment modifies Condition 2 of Site Plan No. 819850850 as follows, and all other conditions of the original site plan approval remain valid and binding.

2. Adjustment of the coverage not to exceed 26 percent of the net lot area and green space not to be below 45 percent of the net lot area.

This Amendment also adds the following conditions:

8. Prior to Certified Site Plan approval, the Applicant must submit for M-NCPPC Staff approval, a Stream Valley Buffer mitigation plan. Final design, including quantities, species, locations, and soil restoration techniques, must be illustrated on the Certified Site Plan.
9. Prior to Certified Site Plan approval, the Applicant must submit a stormwater management concept plan and sediment control plan to Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section.
10. Prior to building permit, the Applicant must obtain approval of the stormwater management concept plan and sediment control plan from MCDPS - Water Resources Section.

SITE DESCRIPTION

Site Vicinity

The site is located on the north side of Battery Lane 660 feet west of Woodmont Avenue (Subject Property or Property). The Property has a trapezoidal shape with long east and west boundaries between a short northern boundary and a wider southern boundary where the Property meets Battery Lane. The Property is approximately 50,179 square feet or 1.15 acres.

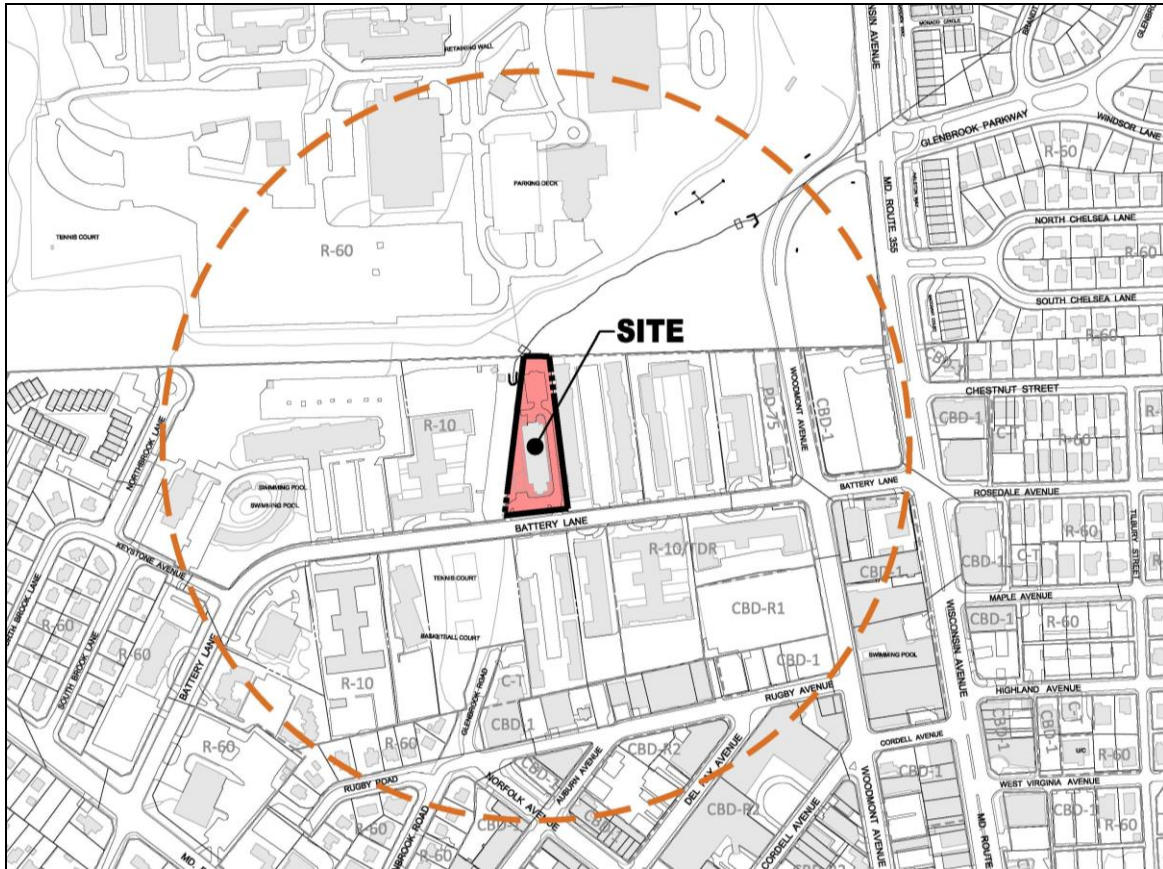


Figure 1-Vicinity Map

The surrounding area contains largely multi-family residential uses in the Residential-10 (R-10) Zone. There are also several lots zoned PD-100, Proposed Development 100 at the northwest and southwest corners of Battery Lane and Woodmont Avenue. The National Institutes of Health is located just north of the Property.

Site Analysis

The site is currently developed with a 10-story, 92-unit housing for the elderly facility. The Bethesda Mainstream Tributary, part of the Rock Creek Watershed, is located directly north of the Subject Property. There is a Stream Valley Buffer that extends into the northern portion of the Subject Property.



Figure 2-Existing Site, View from Battery Lane

PROJECT DESCRIPTION

Previous Approvals

On September 12, 1985, the Montgomery County Planning Board approved Preliminary Plan No. 119851350.

On October 24, 1985, the Montgomery County Planning Board approved Site Plan No. 819850850, Northwest Park, for a 92-unit housing for the elderly facility (opinion mailed November 1, 1985). This Site Plan was originally approved under the Optional Method of Development for Moderately Priced Dwelling Units in the R-10 Zone. The Optional Method of Development provided flexibility for certain development standards, including lot coverage and building setbacks, which are set by the Planning Board. The Planning Board approval included conditions, two of which are relevant here. Condition 1 was "Submission of revised parking calculations to conform to Off-Street Parking section." Condition 2 was "Adjustment of the coverage not to exceed 20 percent of the net lot area and green space not to be below 45 percent of the net lot area."

Proposal

The Amendment proposes to update the parking requirements to the specifications of the current 2014 Zoning Ordinance, which will better align the site's parking provisions with recent projections of parking

demand and County goals to discourage excessive automobile usage. The Amendment proposes to reduce the parking spaces from 53 to 39 total spaces.

The Amendment also proposes to modify Condition #2 of the Site Plan approval, which limited the maximum lot coverage to 20 percent of the net lot area. To allow various exterior building modifications as shown on the Site Plan, which are intended to improve the overall exterior presence of the building and provide for additional residential amenities, the Applicant is seeking an increase in the maximum lot coverage to 26%. The modification of the condition, as proposed by this Amendment, will not alter the intent or objectives of the approved Site Plan. This Amendment will allow the Applicant to update the facility which was constructed almost 30 years ago. The facility will continue to be operated as an assisted living facility, in the same manner as it is currently approved for.

This Application includes minor exterior building modifications. Due to the exterior building modifications and the increased limits of disturbance, the Amendment also proposes to mitigate for the retention of existing encroachments into the Stream Valley Buffer. The Application will not increase the number of dwelling units. Specifically, the Application is proposing the following modifications:

1. Improved Building Entrance Feature

The Applicant is proposing to add a porte-cochere (i.e. covered drop-off) at the front of the building, along Battery Lane. The porte-cochere will further define and enhance the building entrance, help activate the street, and will add a safe passage from the elements for the residents and visitors when accessing the building. As a component of the covered entry, the Applicant will construct a new entry vestibule that will allow for a realigned and improved building entrance. Similarly, a covered porch will be added on the southeast corner of the building. The new entry vestibule and covered porch will result in the creation of a continuous building facade at the pedestrian level and will facilitate the creation of an open and inviting interior building lobby.

2. Improved Residential Amenities

The Applicant is proposing to construct one new bay of balconies accessible on three floors along the Property's western facing facade, for the care and enjoyment of residents. These balconies will have the additional benefit of providing building articulation, which will break up the massing of the western facing facade.

3. SVB Mitigation Plantings and Soil Enhancement

There is an existing stream with an associated Stream Valley Buffer located on site. Due to the exterior building modifications described above, the Applicant must mitigate for the continued encroachment into the Stream Valley Buffer. The Applicant will provide soil restoration and native vegetation (trees, shrubs and groundcover) to enhance the function of the buffer, to be approved by Staff and shown on the Certified Site Plan.

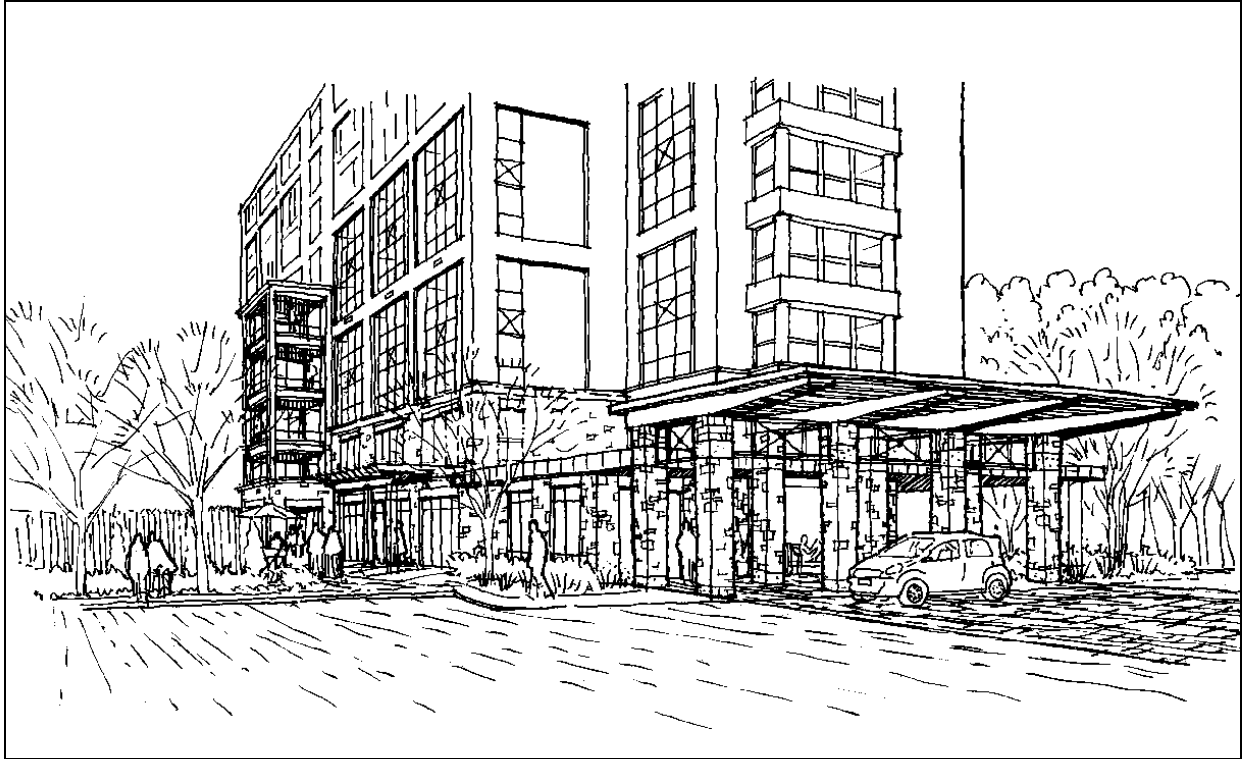


Figure 3-Illustrative Perspective, proposed Porte Cochere and Balconies

ANALYSIS AND FINDINGS

Section 7.7.1.B.3.a. of the Zoning Ordinance allows for an Applicant to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment: (i) does not increase the approved density or building height unless allowed under Section 7.7.1.C; and (ii) either: (a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or (b) satisfies the setback required by its zoning on the date the Amendment or the permit is submitted. The Application complies with this section and accordingly, the Applicant seeks to amend the Site Plan approval under the standards of Section 59-C-2.42 of the Zoning Ordinance in effect on October 29, 2014. The Amendment proposes to modify Condition 2 to increase the allowable lot coverage to allow improvements to the building entrance and western façade. The proposed Amendment for increased lot coverage will have no impact on the approved density or height of the building. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will continue to have appropriate access for fire and rescue vehicles.

Section 7.7.1.B.3.b. of the Zoning Ordinance, allows an Applicant to apply to amend a site plan approved before October 30, 2014, to take advantage of the parking requirements contained in Sections 6.2.3 and Section 6.2.4 of the Zoning Ordinance that went into effect on October 30, 2014. The current parking standards are more aligned with the anticipated parking demand of the approved use and promote current County policies that discourage surplus parking. The update of parking requirements to the specifications of the current 2014 Zoning Ordinance will better align the site's parking provisions with recent projections of parking demand. The proposed modification does not alter the intent of the original Site Plan No. 819850850 approved by the Planning Board, and will not generate any new vehicular trips.

Environmental Guidelines and Forest Conservation

The project was originally developed prior to Forest Conservation Law and the Environmental Guidelines. The proposed Amendment is now subject to the forest conservation review and application of the Environmental Guidelines. The project has qualified for a forest conservation exemption (Application No. 42016051E, Attachment B) which was confirmed on September 29, 2015 under (q)(1) Special Exception Existing Structure for the following reasons:

- (1) the application is for an existing structure and the proposed use will not result in clearing of existing forest or trees;
- (2) the application modifies an existing special exception use which was approved before July 1, 1991, and the revision will not result in the clearing of more than a total of 5000 additional square feet of forest or any specimen or champion tree; or
- (3) the total disturbance area for the proposed special exception use will not exceed 10,000 square feet, and clearing will not exceed a total of 5000 square feet of forest or include any specimen or champion tree;

A Stream Valley Buffer overlaps with most of the rear of the Subject Property (Attachment C). The Environmental Guidelines and priorities of reforestation/afforestation outlined in the Forest Conservation Law emphasize the protection of stream buffer areas. However, since the Subject Property contains a built environment of existing structures and parking, with minor exterior building modifications proposed, a number of factors have been considered to address impacts to the Stream Valley Buffer. The Applicant will provide environmental enhancements including soil restoration and native vegetation (trees, shrubs and groundcover) to improve the function of the buffer justifying the existing onsite environmental impacts and SVB encroachments relative to the Environmental Guidelines. Therefore, conditions of approval for mitigation of the SVB encroachments is recommended.

COMMUNITY OUTREACH

The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant posted a sign regarding the subject Site Plan Amendment on the south side of the property facing Battery Lane on October 5, 2015. A notice about the Amendment was also sent on October 8, 2015. Staff has not received any correspondence on this Amendment.

CONCLUSION

The proposed Amendment is consistent with Section 59-D-3.7 for Plan Amendments. The Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in its review of the originally approved Site Plan. The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved 819850850, remain in full force and effect, as modified by this Amendment. Staff recommends approval of Site Plan Amendment 81985085A.

APPENDIX

- A. Site Plan 819850850 Opinion
- B. Forest Conservation Exemption
- C. Stream Valley Buffer Exhibit

Date Mailed: November 1, 1985

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20907



MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan Review #8-85085

Project Northwest Park - Housing for the Elderly

On August 16, 1985, Loiederman Associates, Inc. submitted an application for the approval of a site plan for property in the R-10 zone. The application was designated Site Plan Review #8-85085.

On October 24, 1985, Site Plan Review #8-85085 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the site plan meets all of the the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

and approved Site Plan Review #8-85085 subject to the following conditions:

1. Submission of revised parking calculations to conform to the Off-Street Parking section.
2. Adjustment of the coverage not to exceed 20 percent of the net lot area and green space not to be below 45 percent of the net lot area.
3. Provision of 12 MPDU's.

4. Provision of a sidewalk connection to Battery Lane.
5. Provision of a safety fence between the bikeway and storm drainage outfall.
6. A final landscape plan shall be submitted to staff, which shall intensify the screen planting and increase the planting on the entire site, and specify the height and fixture type for the site lighting and address the need for adequate security.
7. Submission of a site plan enforcement agreement and development program to staff for approval prior to release of a building permit.



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

September 29, 2015

Sunrise Development Inc.
c/o Philip Kroskin
7902 Westpark Drive
McLean, VA 22102

Re: Northwest Park Lot 58, Block 2
Forest Conservation Exemption Request and Existing Conditions Plan No. 42016051E
Confirmed and Approved on 9/29/2015

Dear Mr. Philip Kroskin:

On September 17, 2015, Development Applications and Regulatory Coordination staff of the Montgomery County Planning Department received a Chapter 22A-5(q)(2) exemption request and existing conditions plan for Northwest Park Lot 58, Block 2. The project includes modifications to the interior of the building and exterior hardscape and landscape. This exemption request and existing conditions plan has been assigned plan number 42016051E. A Site Plan Amendment and Modification to Special Exception (S-1063) is being filed for this project.

The review of the exemption request is complete. The project meets the requirements of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(q)(2) for a special exception application. The Application modifies a Special Exception approved in 1985 and the revision will not result in the clearing of any forest, specimen tree or champion tree. A few small trees next to the building will be cleared as part of this project.

Forest Conservation Exemption Request No. 42016051E for Northwest Park Lot 58, Block 2 is confirmed. The Existing Conditions Plan for the project is approved.

Any changes from the confirmed exemption and approved plan may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications to the approved plans, a separate amendment may be required for Montgomery County Planning Department review and approval prior to those activities occurring.

Sincerely,

A handwritten signature in blue ink that reads "Stephen Peck".

Stephen Peck
Senior Planner
Development Applications and Regulatory Coordination
M-NCPPC - Montgomery County Planning Department

CC: Charles Crislip, VIKA Maryland, LLC

THE UNITED STATES OF AMERICA
L. 1230 F. 93

HEADLINE

BIKE PATH

W.E.S.C. W/A
L. 1070 P. 1000

BILLOUT
REGULATOR

FORM
RAIN
DRAIN

2B

400

LOT 58

NORTHWEST PARK

PLAT BOOK 119 PLAT NO. 15989
50,179 SQ. FT. OR
1.15195 ACRES

LOT 26
PB 1 PG 83

LOT 50

LOT 49

LOT 28
PB 1 PG 83

2B

9 STORY
BRICK W/
GARAGE
#4925

18 STANDARD
PARKING SPACES
IN GARAGE

PLATV

PLATV

SINGLE BRICK BLDG.
W/ GARAGE SQUARE

400

ROCKAGE
FENCE

PLATV

PLATV

IRON PIPE
FOUND W/CAP
(HELD)

IRON PIPE
FOUND W/CAP
(ON LINE)

BATTERY LN

800' ± TO WISCONSIN AVE

2C

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