



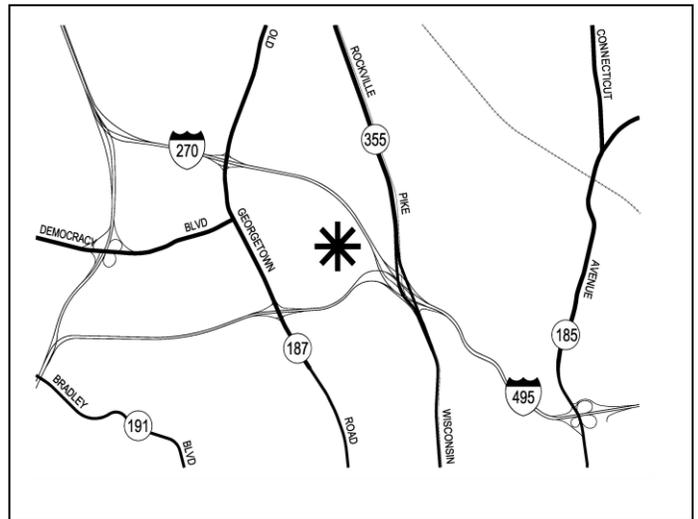
**Brightview Grosvenor Residential Care Facility Conditional Use, CU 16-14**

- ET Emily Tettelbaum, Senior Planner, Area 2 Division, emily.tettelbaum@montgomeryplanning.org, 301-495-4569
- YA Khalid Afzal, Supervisor, Area 2 Division, khalid.afzal@montgomeryplanning.org, 301-495-4650
- JK Glenn Kreger, Chief, Area 2 Division, glenn.kreger@montgomeryplanning.org, 301-495-4653

**Completed: 9/1/16**

**Description**

- Request for a Residential Care Facility with 98 assisted living units (104 beds);
- Located at 5510 Grosvenor Lane, Bethesda;
- R-90 Zone, 1992 *North Bethesda/ Garrett Park Master Plan*;
- Lot area: 2.67 acres;
- Applicant: Shelter Development, LLC.;
- Filing Date: June 3, 2016;
- Public Hearing by the Hearing Examiner: September 30, 2016.



**Summary**

- Staff recommends approval with conditions.
- A Preliminary Forest Conservation Plan (No. CU2016-14) associated with this application has been filed, reviewed, and recommended for approval with conditions in a separate staff report.
- The Application satisfies the requirements for approval under Chapter 59, the Montgomery County Zoning Ordinance.
- If the conditional use is approved, a Preliminary Plan will be required.
- If the conditional use is approved with a height of 40 feet as proposed, a Site Plan will be required.

## **STAFF RECOMMENDATION**

Staff recommends approval for CU 16-14 subject to the following conditions:

1. No more than 104 residents may reside at the proposed facility.
2. The living units must not have full kitchens.
3. No more than 30 employee vehicular trips may occur during either of the weekday peak periods of 6:30 to 9:30 a.m. and 4:00 to 7:00 p.m.
4. No more than 30 employees may work on-site at any one time.
5. The architecture of the building must be consistent with the architectural renderings submitted with the conditional use application.
6. Waste pick-up and truck deliveries (excluding mail and parcel deliveries) are prohibited between 9 p.m. and 9 a.m., and on weekends.
7. Parking spaces in the surface parking lot (excluding the ADA spaces) must be reserved for visitors, and wayfinding signage must be provided to direct overflow visitor parking to the garage. All employees must park in the garage.
8. The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code.
9. At the time of Preliminary Plan, the Applicant must address improvements to Fleming Avenue, as described in this staff report, subject to Montgomery County Department of Transportation approval.
10. The Applicant must provide two inverted-U bike racks (or equivalent approved by Staff that conform to American Pedestrian and Bicycle Professionals Guidelines) intended for employees to store four bicycles in the underground parking garage near the garage entrance in a well-lit area.
11. Prior to any land disturbing activities, the Applicant must receive approval of a Final Forest Conservation Plan by the Montgomery County Planning Board.

## PROJECT DESCRIPTION

### Site Description

The Property is located at the southeast corner of the intersection of Grosvenor Lane and Fleming Avenue in Bethesda, Maryland. The Property consists of two parcels, identified as Parcels P963 and P980 on Tax Map HP13, with a total area of approximately 2.75 acres.

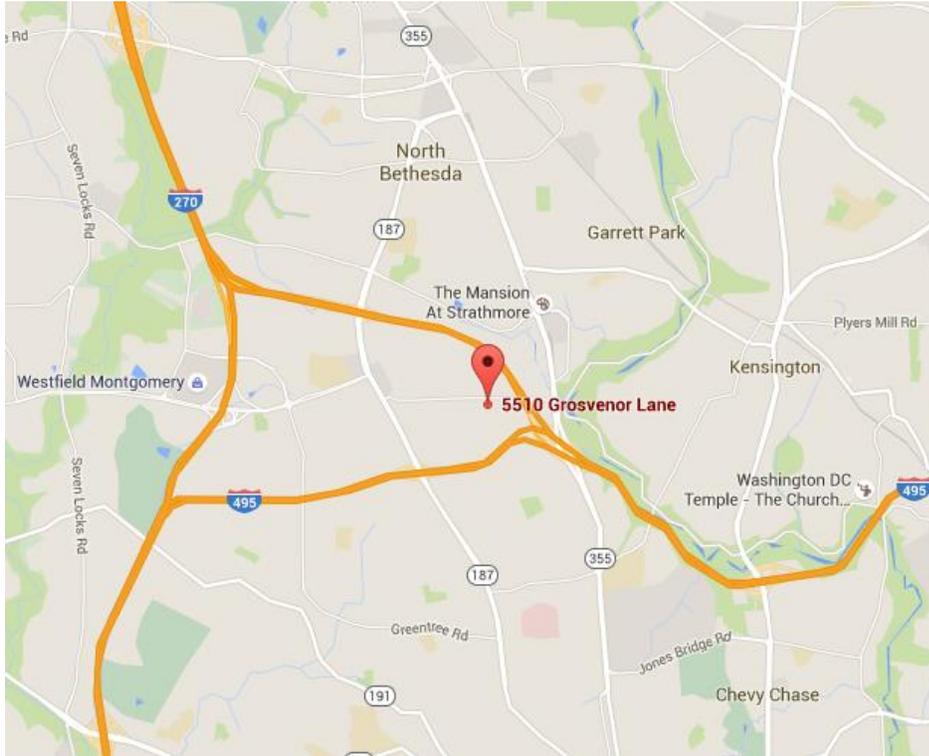


Figure 1: Vicinity Map

The Property is currently improved with a two-story, 3,488-square-foot detached house that the Applicant proposes to demolish. A driveway provides access to the Property from Grosvenor Lane. The Property is irregular in shape, and slopes down towards the southeastern corner, with an elevation change of approximately 15 feet. A 0.98-acre forest stand is located on the north and west sides of the Property, obscuring the view of the existing house from Grosvenor Lane and Fleming Avenue.



Figure 2: Ariel view with Property outlined in red



Figure 3: View of Property from Grosvenor Lane (facing south)



Figure 4: View of the Property from Fleming Avenue (facing east).



Figure 5: Existing House and Garage

## Neighborhood Description

Staff agrees with the Neighborhood boundaries delineated in the Applicant's Land Use Report, as it includes the area most likely to be affected by the proposed facility. The Neighborhood is generally bound by Interstate 495 and Kingswood Road to the south, Interstate 270 to the east, Cheshire Drive to the north, and Hurst Street and Hatherleigh Drive to the west. All the properties in the Neighborhood are classified in either the R-60 or R-90 Zone.



Figure 6: Staff Defined Neighborhood

The Neighborhood is predominately residential, consisting of townhouses and one or two-story detached homes. It also contains various institutional, civic, and commercial uses, which are located in the northwest and southeast quadrants of the Neighborhood. The northwest quadrant of the Neighborhood includes the Wildwood Manor Swimming Pool (approved by special exception S-125); the

Bethesda Health and Rehabilitation Center (approved by special exception BA-1987); and the Grosvenor Center, a Montgomery County Public Schools (MCPS) elementary level holding school.

The southeast quadrant of the Neighborhood includes Fleming Local Park and approximately 11.3 acres of Legacy Open Space. The site that directly abuts the Property to the south and east is owned by EYA, including the Wild Acres/Grosvenor Estate, a historic site designated in the Master Plan for Historic Preservation (#30/15). Wild Acres contains the 8,000-square-foot, three-story Grosvenor mansion and a caretaker's house. The Grosvenor mansion houses the headquarters of the Society of American Foresters, a use approved by Special Exception S-257.

The balance of the EYA site is under development with a residential subdivision known as Grosvenor Heights. It will consist of 142 townhomes and 10 detached houses. EYA is constructing 123 of the townhouses, Michael Harris Homes is constructing 19 townhomes, and Sandy Spring Builders is constructing 10 detached dwellings. The detached houses will front on Fleming Avenue, immediately south of the Property. Four of the townhouses and one of the detached houses will directly abut the Property. A modern, two-story office building, approved as Special Exception S-257 in the 1980s, is in the middle of the EYA property and will remain on the site.

The Neighborhood has two additional special exceptions: a Verizon telephone company dial center (CBA-2683) that fronts on Grosvenor Lane; and an accessory apartment on Greenlawn Drive (as indicated by The Department of Housing and Community Affairs accessory apartment map).

### **Zoning**

At the time of the 1954 comprehensive rezoning of the County, the Property was classified in the R-90 Zone. The R-90 zoning classification was most recently confirmed by the *1992 North Bethesda/ Garrett Park Master Plan*.

### **Previous Iterations of Applicant's Proposal**

The Applicant shared initial concept plans with neighboring residents and Planning staff in the fall of 2015. The original plan had a large surface parking lot in front of the building, and parking spaces closer to the western (Fleming Avenue) property line. After feedback from Planning staff and neighbors, the Applicant revised the plans and put most of the parking spaces below grade. Subsequent to the submittal of the Application, Staff worked with the Applicant to add a lead-in sidewalk from Grosvenor Lane to the proposed facility, increase the amount of evergreen screening along the east and west lot lines, and to add a step-down to the south side of the building façade facing Fleming Avenue.

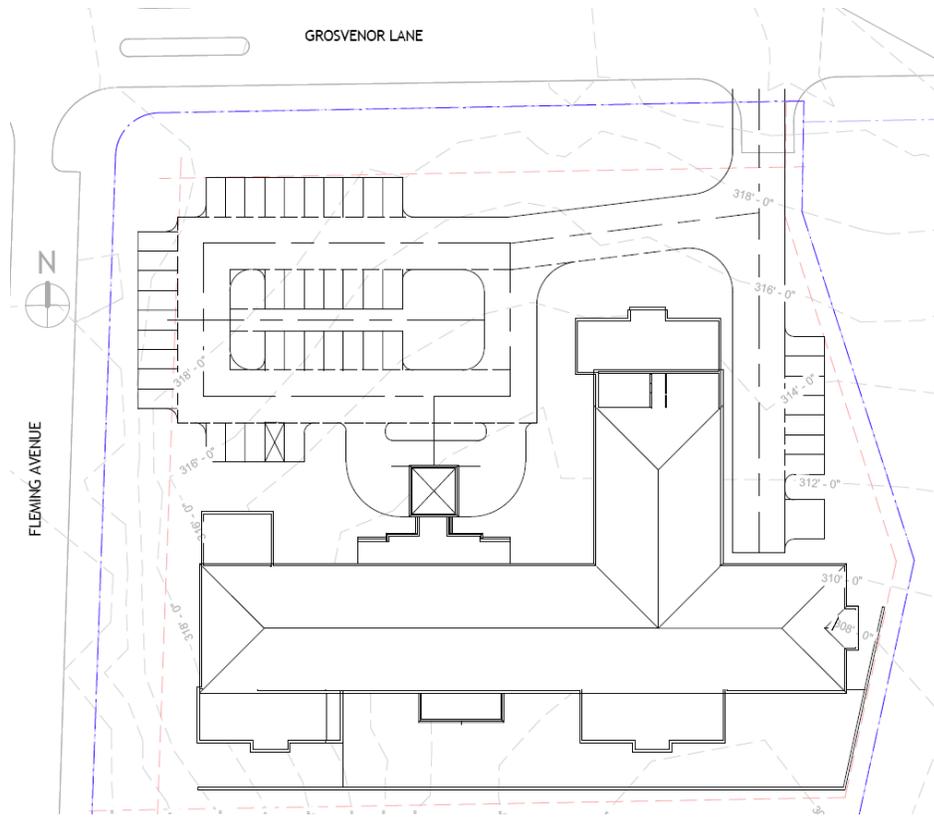


Figure 7: Original Concept Plan for the Proposed Assisted Living Facility (not submitted as part of the application)

### Proposed Use

The Applicant proposes to redevelop the Property with an 85,000-square-foot residential care facility. It will have 98 assisted living units (with a total of 104 beds), and 29 of the units will provide specialized memory care. Residents will receive assistance with daily living activities such as bathing, dressing, grooming and medication management. The proposed facility will also offer personalized services to residents including concierge, security, meals, housekeeping, laundry, 24-hour emergency call response systems, wellness programs, social and recreational activities. A 15-passenger shuttle bus will be utilized for daily off-site excursions, including shopping, medical appointments, and social events. When not in use, the van will be parked on site. Limited personalized health care management will be provided by on-site nurses and visiting health care professionals.

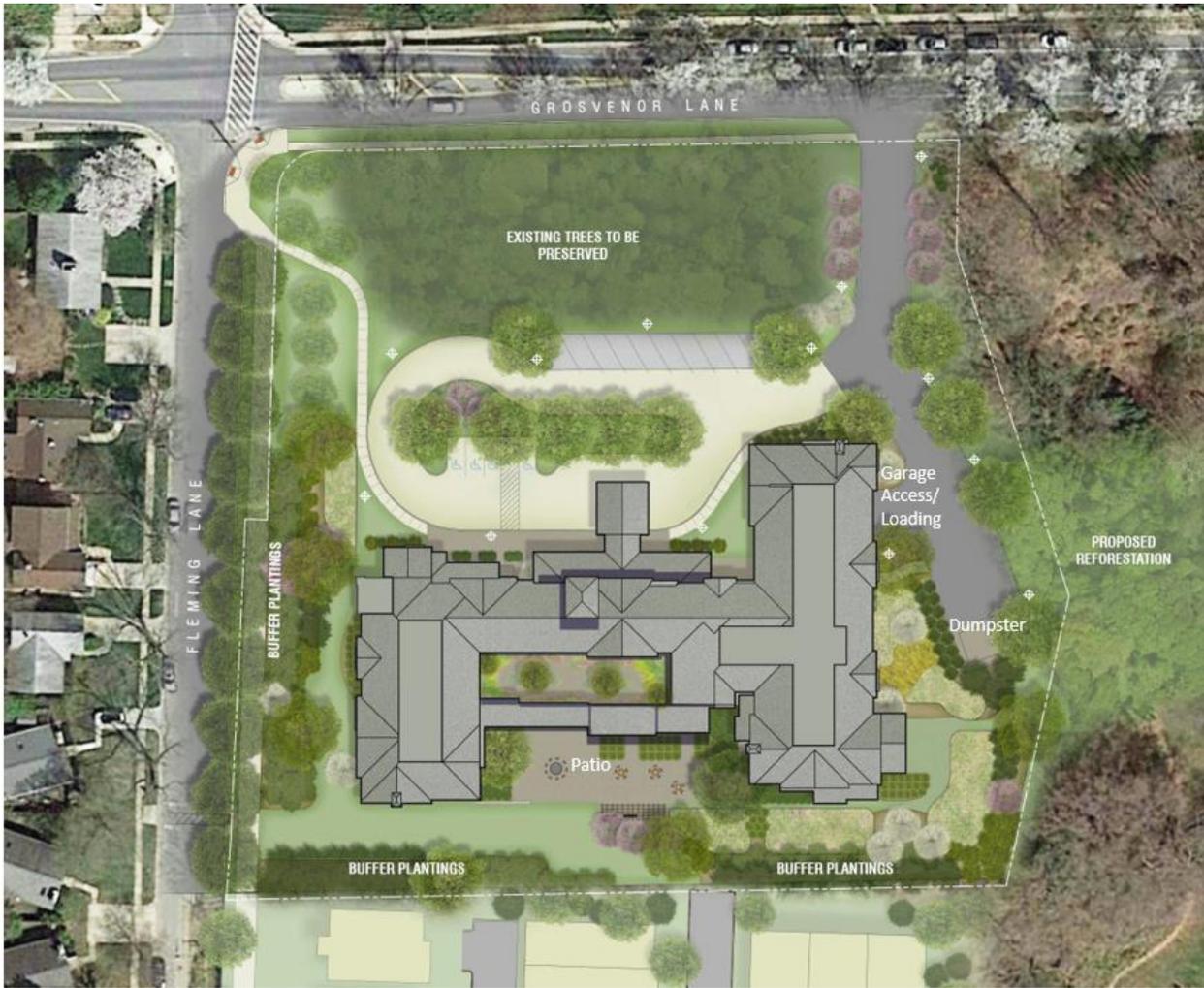


Figure 8: Conditional Use Plan



Figure 9: Rendering of the proposed building from northwest



Figure 10: Rendering of the proposed building from southwest (Fleming Avenue)

The proposed facility will be open 24 hours per day, seven days a week, but access will be controlled after 8:00 p.m., when the doors will be locked for security purposes. The facility will employ 65 full time equivalent employees. Approximately 5 managerial staff will work on-site, typically from 9:00 a.m. to 5:30 p.m. The remaining employees will be divided between three proposed shifts:

1. 25 employees from 7:00 a.m. to 3:00 p.m.;
2. 15 employees from 3:00 p.m. to 11:00 p.m.; and
3. 5 employees from 11:00 p.m. to 7:00 a.m.

The proposed building will be set back approximately 134 feet from the Grosvenor Lane right-of-way, and the existing mature forest stand along Grosvenor Lane will be retained and preserved through a forest conservation easement. Subsequent to a proposed dedication, the building will be set back 38 feet from the Fleming Avenue right-of-way with a 28-foot wide landscape buffer.

The proposed building will utilize the topography and natural characteristics of the Property to minimize building height and provide the majority of parking below grade. The Applicant proposes a building height of 40 feet, which requires site plan approval in the R-90 Zone. Due to the grading of the Property, the proposed building will be three stories with a “walk-out basement” level. The east side and rear 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 length of the proposed building façade facing Fleming Avenue will be 117 feet. The first floor elevation of the building is six to eight feet lower than the elevation of Fleming Avenue, reducing the

perceived height of the building. In addition, the north and south ends of the building's façade facing Fleming Avenue have been stepped down to two stories to further mitigate visual impact to the houses along Fleming Avenue.



Figure 11: Illustrative design of the west elevation (Fleming Avenue)

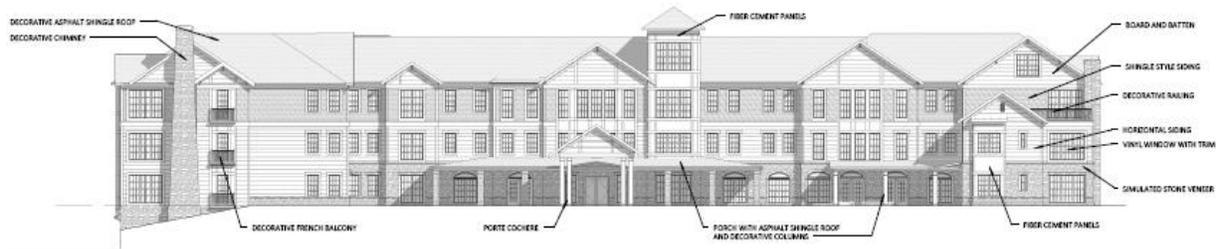


Figure 12: Illustrative design of the north elevation (Grosvenor Lane)

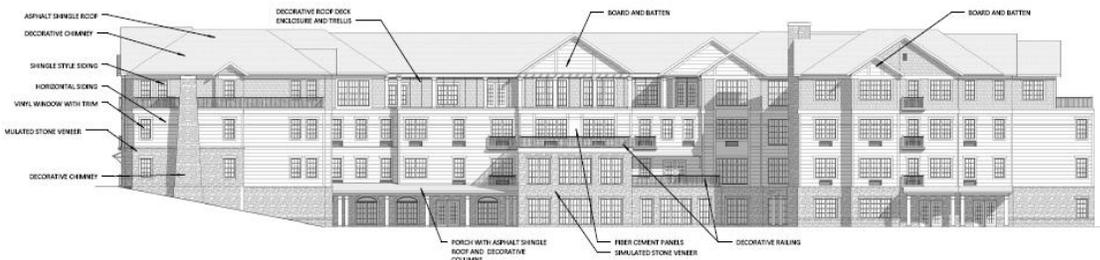


Figure 13: Illustrative Design of South Elevation (EYA Property)

Outdoor amenity space for the residents will be located in the rear (south) of the building. A ground level patio will be shielded from the view of the detached homes on the west side of Fleming Avenue, and from the properties to the south by additional landscaping installed along the perimeter of the Property. The top level of the building will include a small outdoor terrace space for memory care patients.

The Property will be accessed by the existing driveway on Grosvenor Lane. The Applicant proposes to provide 51 total parking spaces for employees and visitors, 37 of which will be located below grade. The remaining 14 parking spaces will be provided in surface parking areas in front of the building. Based on the operations at 31 other Brightview communities located on the east coast, the Applicant indicates

that peak visiting times are typically early evening on weekdays, and late morning to mid-afternoon on weekends, and that the proposed parking is more than adequate to accommodate the use. In addition, the vast majority of residents will not drive. The surface parking lot will be set back 82 feet from the Grosvenor Lane right-of-way and buffered by the retained forest to the north, and an evergreen hedge planted adjacent to the parking area. A substantial landscape buffer will be installed to screen the view of the surface parking area from the detached homes along Fleming Avenue to the west. The proposed circular drive aisle will be 42 feet from the Fleming Avenue right-of-way, and the parking spaces will be set back 80 feet. Two sidewalks will provide pedestrian access to the Property from Grosvenor Lane: one adjacent to the driveway, and one near the corner of Grosvenor Lane and Fleming Avenue.

The building's loading area will be located on the east side of the building to minimize disturbance to nearby residential properties. General deliveries, including food and linens, are anticipated to occur three to four times per week during daytime hours. A dumpster will also be located on the east side of the building near the entrance to the parking garage. A proposed landscape screen and a decorative enclosure will conceal the dumpster from adjacent properties. The Applicant indicates that the dumpster will be emptied approximately twice per week.

The Applicant proposes to install a new shared use path along Fleming Avenue in accordance with the *Countywide Bikeways Functional Master Plan*. The shared use path will upgrade the segment of the North Bethesda Trail that runs along the western edge of the site and continue the upgrades on this block initiated by EYA.

Extensive landscape plantings are proposed along the driveway access at Grosvenor Lane, along Fleming Avenue, and along the side and rear property lines. A proposed segmented retaining wall, approximately 126 feet long, and ranging in height from one to 3.5 feet, will be constructed between the driveway and the eastern property line. The Applicant proposes ten square lanterns mounted on 10-foot poles. The lanterns will be distributed on the north and east sides of the Property to provide exterior illumination.

A single, freestanding 96" x 20" monument sign is proposed near the driveway entrance on Grosvenor Lane. The Applicant plans to use one of Brightview's standard sign designs (Figure 15). Mechanical equipment will be provided on top of the building, where it will be concealed by the building's gabled roof. The facility will employ a maintenance director to provide for the upkeep of the building and grounds. The director will hire subcontractors, including a landscaping company, to assist with maintenance needs.

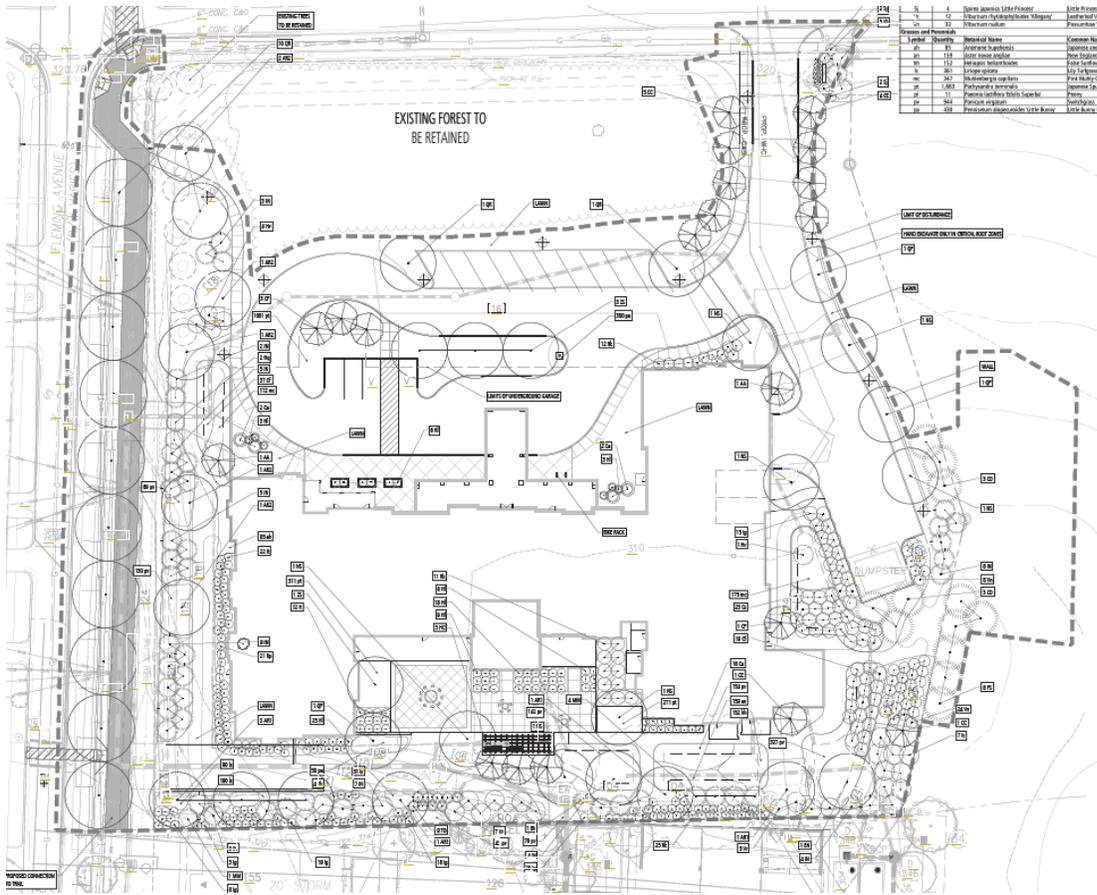


Figure 14: Landscape Plan



Figure 15: Rendering of one option for a standard Brightview sign design

## ANALYSIS

### Master Plan

The Property is within the boundary of the 1992 *North Bethesda/ Garrett Park Master Plan*<sup>1</sup>. The Plan does not specifically address the Property, but several general recommendations in the 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 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 and retention of the existing forest along Grosvenor Lane will screen the proposed facility from the surrounding 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 addresses the predominantly residential character of the neighborhood. Therefore, the proposed facility will protect and reinforce the integrity of the existing residential neighborhood.

### Guidelines on Special Exceptions

The Master Plan provides five guiding principles for special exceptions in the North Bethesda/ Garrett Park area (page 38):

---

<sup>1</sup> The Planning Department has recently initiated a Grosvenor Strathmore Metro Area Minor Master Plan Amendment. It is anticipated that this will address only the portion of the Metro Station area east of Rockville Pike.

1. *Avoid excessive concentration of special exception and other nonresidential land uses along major highway corridors.*

Grosvenor Lane is not a major highway corridor, and the proposed facility will not create excessive concentration of special exceptions (now called conditional uses) in the area.

2. *Avoid over-concentration of commercial service or office-type special exception uses in residential communities.*

This facility is classified as a residential use in the Zoning Ordinance.

3. *Protect major highway corridors and residential communities from incompatible design of special exception uses.*
  - a. *Any modification or addition to an existing building to accommodate a special exception use should be compatible with the architecture of the adjoining neighborhood and should not be significantly larger than nearby structures.*

The proposed project is not a modification or addition to an existing building. The proposal is to demolish the existing single-family house on the Property with associated access, parking, landscaping and other improvements. The proposed project is compatible with the architecture of the neighborhood as described in response to guideline #4 below.

- b. *Front yard parking should be avoided because of its commercial appearance; however, in situations where side or rear yard parking is not available, front yard parking should be allowed only if it can be comprehensively landscaped and screened.*

Although the majority of the proposed parking will be provided below grade under the building, 14 spaces will be provided in a small parking area with a circular driveway and a drop-off area in front of the building. This parking area will be set back over 80 feet from the Grosvenor Lane right-of-way and screened by the retained forest and an evergreen hedge. The circular driveway will be set back 42 feet from the Fleming Avenue right-of-way (the parking spaces are set back 80 feet) and screened with extensive landscaping. In addition, the proposed parking and circulation area will be lower in elevation than Fleming Avenue, further minimizing visual impacts.

4. *Support special exception uses that contribute to the housing objectives of this Plan. In general, the Plan endorses meeting special population needs through provision of elderly housing and group homes that are compatible with nearby land uses.*

The proposed conditional use 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. Based on the Staff's and the community's initial input, a majority of the parking, initially proposed as a surface parking lot in front of the building, was placed below grade under the proposed building allowing the retention of the existing forested area in the front of the building. The proposed 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 proposed building compatible with the surrounding buildings.

5. *Support special exception uses that contribute to the service objectives of the Plan... In general, the Plan endorses provision of child day care, group homes, elder day care, and nursing homes.*

The proposed assisted living facility will contribute to the service objectives of the plan by providing 98 assisted living units as described above.

### 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 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 proposed assisted living 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 proposed 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, 25 of the 98 units will be for residents who need specialized memory care. The facility will also be located 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)*
- *The Board of Appeals should require full adherence to the following guidelines for special exceptions in Green Corridors:*
  - *Require screening for parking, even when less than six parking spaces are involved.*
  - *Retain green space, particularly when it provides trees that screen buildings. (page 251)*

The Applicant proposes to retain the 0.33 acres of forest along Grosvenor Lane, which will maintain the existing “Green Corridor.” Further, the Applicant proposes the removal 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 facility will have a limited number of surface parking spaces, which will be screened by the preserved trees to the north and landscape plantings to the east and west. Some of the existing mature trees will be removed from the Property, but the proposed forest planting on the adjacent property and native shade trees planted onsite will mitigate the loss of the removed trees.

## Transportation

### Master-Planned Roadway and Bikeways

In accordance with the 1992 *North Bethesda/Garrett Park Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, Grosvenor Lane is designated as a two-lane primary residential street, P-5, with a recommended 70-foot-wide right-of-way. A signed shared roadway, SR-36, is recommended in the *Countywide Bikeways Functional Master Plan* while a Class 3 bikeway is recommended in the *North Bethesda/Garrett Park Master Plan*. The existing right-of-way ranges from 72 to 76 feet wide, more than the recommended 70 feet in the Master Plan.

Fleming Avenue is not listed in the Master Plan, but is a secondary residential street requiring a 60-foot wide right-of-way. The existing right-of-way abutting the Property is 60-feet wide along the northern segment near the intersection with Grosvenor Lane, and approximately 45-foot wide along the southern segment. Additional right-of-way will be required at Preliminary Plan for up to 15 more feet for a total of 60 feet to upgrade the street to the County Road Code standards. A shared use path, SP-41, the North Bethesda Trail, is recommended in the 2005 *Countywide Bikeways Functional Master Plan* while a Class 3 bikeway is recommended in the *North Bethesda/Garrett Park Master Plan*.

### Pedestrian and Bicycle Facilities

Currently, a four-foot wide sidewalk with a 5.5-foot wide green panel exists along the Grosvenor Lane frontage. Fleming Avenue has no sidewalks, but has an existing shared use path along the property frontage. The Applicant proposes to replace the existing shared use path with a 10-foot wide shared use path along the east side of Fleming Avenue that will connect to the shared use path required of the adjacent EYA townhouse project (Preliminary Plan No. 120130110 and Site Plan No. 820130130) and provide access to Fleming Local Park to the south.

A lead-in sidewalk is provided from Grosvenor Lane for a more direct path for employees walking to the Metrorail station.

Staff recommends that the Applicant provide eight bicycle parking spaces on four inverted-U bike racks that store two bicycles each. Two inverted-U racks should be located near the main entrance and two should be located in the underground parking garage for employees.

### Public Transit Service

Along Grosvenor Lane, Ride On Route 6 operates between the Grosvenor Metrorail Station and Westfield Montgomery Mall with 30-minute headways on weekdays. The bus stops are located at the intersection of Grosvenor Lane and Fleming Avenue. The Grosvenor Metrorail Station is located to the northeast of the Property just under a mile away.

### Transportation Demand Management

The Applicant is not required to participate in the North Bethesda Transportation Management District (TMD) because the site is located outside the TMD's boundary.

### Local Area Transportation Review

The Applicant's revised traffic statement, dated June 30, 2016, analyzed the number of projected site-generated vehicular trips based on the proposed schedule of employee work shifts and the trip generation rates in the Institute of Transportation Engineers' (ITE) *Trip Generation* report for assisted living facilities (Attachment 3). Using the ITE rates, the proposed 104-bed assisted living facility will generate six peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 23 peak-hour trips during the evening peak period (4:00 to 7:00 p.m.). The proposed schedule of employees work shifts has five employees leaving and 25 employees arriving at 7:00 a.m. for a total of 30 a.m. peak-hour trips and only five employees leaving within the p.m. peak-hours. However, not all of the employees will commute by single-occupancy vehicles. A traffic study is not required to satisfy the Local Area Transportation Review (LATR) test because the proposed facility generates fewer than 30 total peak-hour trips within the weekday morning and evening peak periods.

### Policy Area Review

Under the current 2012-2016 Subdivision Staging Policy, the Property is located within the North Bethesda Policy Area for the Transportation Policy Area Review (TPAR) test. For the North Bethesda Policy Area, the current roadway test is adequate, but the transit test is inadequate. Therefore, at Preliminary Plan review, the Applicant will be subject to a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax. The timing and amount of the payment are set forth in Chapter 52 of the Montgomery County Code. However, if the Policy Area Review test changes this fall when the County Council reviews the draft Planning Board recommendations, the project will be subject to the applicable APF requirements at the time of Preliminary Plan review.

### Improvements to be Addressed at Preliminary Plan

At the time of Preliminary Plan, the Applicant must address the dedication of additional right-of-way needed for a total of 60 feet from the opposite right-of-way line along two different segments of Fleming Avenue. In addition, the Applicant must address the continuation of improvements along the Property's Fleming Avenue frontage initiated by EYA just south of the Property, subject to MCDOT approval. The improvements are described in the conditions of approval for Preliminary Plan 120130110, as amended by the email from MCDOT, dated February 26, 2016 (Attachment 4).

The Applicant should also address the following pedestrian improvements:

1. A marked crosswalk and handicap ramps at the curb cut from Grosvenor Lane.
2. A lead-in sidewalk from Grosvenor Lane along the west side of the vehicular access drive.
3. A marked crosswalk and handicap ramps/at-grade crossing across the interior drive aisle from the lead-in sidewalk to the sidewalk along the building's north.

## Environment

### Environmental Guidelines

Staff approved a Natural Resources Inventory/Forest Stand Delineation on December 18, 2015 (NRI/FSD No. 420160670). The site contains no streams or their buffers, wetlands or their buffers, steep slopes associated with a stream buffer, or known habitats of rare, threatened or endangered species. There is an existing forested area of 0.98 acres. The site also contains a number of specimen-size trees. 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. A Preliminary Forest Conservation Plan (PFCP) submitted as part of this application is in conformance with the *Environmental Guidelines*.

### Forest Conservation

A PFCP and associated variance request was submitted with the Conditional Use application. A separate staff report for this PFCP has been prepared for the Planning Board's review and action. Approval of the PFCP will demonstrate compliance with the requirements of Chapter 22A, Forest Conservation.

## Community Outreach

The Applicant has complied with the required signage along the Grosvenor Lane and Fleming Avenue frontage. Although not required by the Zoning Ordinance, the Applicant has conducted outreach meetings with neighbors in the community, and surrounding Home Owner's Associations (Attachment 5).

Staff met with two separate groups of concerned neighbors, and received a number of emails and letters expressing concern about, or opposition to, the proposed project. In addition to emails from individuals, Staff also received correspondence from the Wildwood Manor Citizen's Association, the Fleming Park Community Association, and a group of neighbors who live across Fleming Avenue from the proposed facility (Attachment 6). Comments from the correspondence are summarized below:

- *Noise, traffic, lighting, and general disturbance from the proposed facility will have an adverse impact on the neighborhood.*
- *The height and scale of the proposed building are not compatible with the surrounding neighborhood.*
- *The proposed facility will have an adverse economic impact on the existing houses on the west side of Fleming Avenue that will face the proposed facility.*

Staff believes that the Applicant has addressed all of these issues. Loading and waste removal will occur on the east side of the building, well removed from the surrounding residential properties. Noises will be buffered by the proposed building itself, and by the additional landscape planting. The HVAC system will be located on top of the building, and concealed by the Project's gabled roof, which will buffer noise generated by the mechanical equipment. Deliveries and trash-pick up will be prohibited on weekends

and between the hours of 9:00 p.m. and 9:00 a.m. on weekdays. The existing road network can accommodate the amount of the traffic generated by the proposed facility during the morning and evening peak periods. As demonstrated by the Applicant's photometric plan, illumination from proposed exterior lighting will be barely perceptible beyond the Property's lot line.

The proposed facility uses the grade and natural features of the Property to make the building more compatible with the surrounding neighborhood. From Fleming Avenue, the height of the building will be similar to the adjacent newly constructed detached homes on the EYA property (Figures 16, 17). As previously discussed, although the building is larger than the surrounding detached houses, the facades, sloping roofs, varying heights of the roof line, smaller façade along Fleming Avenue, and screening on all sides will make the proposed building compatible and visually in character with the surrounding buildings.

As discussed on page 31 of this report, the Applicant submitted a real estate appraisal report concluding that the proposed facility will not have an adverse economic impact on the houses on the west side of Fleming Avenue.



Figure 16: Comparison of proposed building with adjacent Sandy Spring Builders detached houses



Figure 17: Rendering of the view from Fleming Avenue facing west towards the proposed building and the new detached homes in the Grosvenor Heights property to the north.

## FINDINGS

### Conditions for Granting a Conditional Use

#### Section 7.3.1.E Necessary Findings<sup>2</sup>

*To approve a conditional use application, the Hearing Examiner must find that the proposed development:*

**Section 7.3.1.E.1.a.** *satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

No applicable previous approvals exist.

**Section 7.3.1.E.1.b.** *satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds it necessary to ensure compatibility, meets applicable general requirements under Article 59-6;*

#### Use Standards for a Residential Care Facility (Over 16 Persons) in Article 59-3

A Residential Care Facility (Over 16 Persons) is allowed as a Conditional Use in the R-90 Zone. Section 3.3.2.E.2.c.ii contains the specific use standards for this type of facility. The use standards applicable to this application are:

*(a) The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents. Any such service may be restricted by the Hearing Examiner.*

The Application proposes to provide a number of ancillary services as described on page 8 of this report. Staff does not recommend any particular restrictions.

*(d) Where facility size is based on the number of beds, not dwelling units, the following lot area is required:*

\*\*\*

*(2) In all other zones, the minimum lot area is 2 acres of the following, whichever is greater:*

\*\*\*

*(ii) in R-60, R-90, and R-40 zone: 800 square feet per bed;*

---

<sup>2</sup> Section 7.3.1.E.4 thru Section 7.3.1.E.6 are not applicable to this application and are not included in this report.

The proposed facility has 104 beds. At 800 square feet per bed, a lot area of 83,200 square feet (1.91 acres) is required. The Property has 1,117 square feet for each of the proposed 104 beds. The Property is 2.67 acres, satisfying the requirement for the greater of 2 acres, or 800 square feet per bed.

*(e) The minimum side setback is 20 feet.*

The side setbacks are 40 feet to the east and 38 feet to the west.

*(i) Height, density, coverage, and parking standards must be compatible with surrounding uses; the Hearing Examiner may modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.*

As described in more detail in the Master Plan Guidelines section of this report on page 15 (guideline #4), because of the Property's grade, proposed building orientation, and the style of architecture, the building's 40-foot height (three stories with a basement), number of units, building coverage and proposed parking will be compatible with the surrounding existing uses and the adjacent Grosvenor Heights development currently under construction. The density and coverage of the proposed facility are significantly less than allowed under the Zoning Ordinance. The proposed facility is designed to preserve the forested area on the north side of the Property. The majority of the parking will be provided below grade and the 14 spaces in front of the proposed building will be sufficiently screened to maximize compatibility with the surrounding neighborhood.

Development Standards under Article 59-4

Section 4.4.8.B. R-90 Zone, Standard Method Development Standards<sup>1</sup>

	Required / Allowed	Proposed
<b>1. Lot and Density</b>		
<b>Lot (min)</b>		
Lot area	9,000 SF	116,168 SF
Lot width at front building line	75'	345'
Lot width at front lot line	25'	314'
<b>Density (max)</b>		
Density (units/acre)	4.84	Density based on the number of beds rather than units/ acre <sup>2</sup>
<b>Coverage (max)</b>		
Lot	30%	21%
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback	30'	134'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30'	38'
Side setback	8'	40'
Sum of side setbacks	25'	78'
Rear setback	25'	37'
<b>3. Height</b>		
<b>Height (max)</b>		
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 <sup>3</sup>	40'
<b>4. Form</b>		
<b>Allowed Building Elements</b>		
Porch/Stoop	yes	yes
Balcony	yes	yes

<sup>1</sup> For a "Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone."

<sup>2</sup> Under Section 3.3.2.E.2.c.ii(d), density for this Residential Care Facility (Over 16 Persons) is based on the number of beds rather than dwelling units. See page 22 of this report.

<sup>3</sup> Under Section 4.4.8.B.3.a, "in a development with a detached house building type, height may be increased to 40' if approved by the Planning Board in a site plan under Section 7.3.4." Based on the fact that the zoning code contains other references to the "detached house building type" where it is intended to encompass a "detached house or a building for a cultural institution, religious assembly, public use, or conditional use allowed in the zone," and that these building types are generally subject to the same development standards, Staff interprets this Section to allow this building for a conditional use to go up to 40' in height with site plan approval.

### General Development Requirements under Article 59-6

The Application has been reviewed for conformance with Article 6, General Development Requirements. Specifically, Staff has found the following Divisions apply in order to ensure the compatibility of the proposed conditional use: Division 6.2 Parking, Queuing and Loading; Division 6.4. General Landscaping and Outdoor Lighting; Division 6.5. Screening, and Division 6.7 Signs. Unless otherwise noted, any sub-sections not listed were considered not applicable to the Application.

#### **Division 6.2. Parking, Loading, and Queuing**

##### *Section 6.2.4. Parking Requirements*

The Applicant proposes to provide more than the required number of parking spaces. For vehicle parking, 0.25 parking spaces per bed, plus 0.5 spaces per employee are required. The number of employees is based on the time when the maximum number of employees is present. In sum, 41 spaces are required for this Residential Care Facility, and the Applicant plans to provide 51 spaces. The majority of spaces (37) are provided below-grade, under the building. Fourteen spaces are located in the surface parking area in front of the building.

Bicycle parking is not required for this use, but the Applicant plans to provide eight parking spaces. Four will be located outside the main entrance, and four will be provided within the underground parking garage.

##### *Section 6.2.5. Vehicle Parking Design Standards*

Based on the submitted site plan, the Proposal satisfies the applicable general vehicle parking design standards under Section 6.2.5. This Section also provides specifications for off-street parking facilities for a conditional use in a Residential Detached zone:

*Section 6.2.5.K. Facilities for Conditional Uses in Residential Detached Zones*  
*Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:*

##### *1. Location*

*Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.*

As previously described, the majority of parking for this facility will be provided below-grade and will not be visible. The 14 surface spaces that will be provided in front of the building will be set back 82 feet from Grosvenor Lane and will be screened by the forested area on the north side of the Property. The parking facility will be screened with landscaping to the east and west. The driveway and loading dock are positioned to minimize disturbance of surrounding residential properties.

## 2. Setbacks

- b. *The minimum side parking setback equals 2 times the minimum side setback required for the detached house.*

The minimum side setback in the R-90 zone is eight feet, so the parking must be set back at least 16 feet. The loading area is set back 16 feet from the Property's eastern property line, and the circular drive aisle is set back 42 feet from the western lot line.

### *Section 6.2.8. Loading Design Standards*

Residential Care Facilities fall into the Group Living use group, and are required to provide one off-street loading space per 25,001-250,000 square feet of gross floor area. The proposed assisted living facility provides one loading space.

### *Section 6.2.9. Parking Lot Landscaping and Outdoor Lighting*

#### *Section 6.2.9.C. Parking Lot Requirements for 10 or More Spaces*

##### *1. Landscaped Area*

- a. *A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot...*

The Applicant's land use report indicates compliance with this requirement.

##### *2. Tree Canopy*

*Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.*

The Applicant's land use report indicates compliance with this requirement.

##### *3. Perimeter Planting*

- a. *Not applicable*
- b. *The perimeter planting area for a property that abuts any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential Detached zoned property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use must:*
  - i. *be a minimum of 6 feet wide;*
  - ii. *contain a hedge or low wall a minimum of 3 feet high; and*
  - iii. *have a canopy tree planted every 30 feet on center...*

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 proposed evergreen hedge to the north of the parking lot will provide additional screening. To the east, the drive aisle will be buffered by a 6-foot planting bed, and canopy trees will be planted along the drive aisle adjacent to retained trees. The dumpster and loading area on the east side of the building will be screened by a substantial planting bed, including a mixed evergreen hedge. Canopy trees and a mix of evergreens and flowering shrubs within a 28-foot planting bed will screen views of the parking area from the west.

#### **Division 6.4. General Landscaping and Outdoor Lighting**

##### *Section 6.4.4. General Outdoor Lighting Requirements*

###### *B. Design Requirements*

###### *1. Fixture (Luminaire)*

*To direct light downward and minimize the amount of light spill, any outdoor lighting fixture must be a full or partial cutoff fixture.*

The Applicant informed Staff that the lanterns are full cutoff fixtures.

###### *2. Fixture Height*

*... A freestanding light fixture located within 35 feet of the lot line of any detached house building type that is not located in a Commercial/Residential or Employment zone may be a maximum height of 15 feet...*

The Applicant's photometric plan indicates that the proposed lighting fixtures are approximately 12.3 feet tall.

###### *3. Light Source (Lamp)*

*A light source must use only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium, unless the applicable deciding body approves an alternate light source based on new technology.*

The Applicant informed Staff that the light source uses metal halide.

##### *Section 6.4.4.E. Conditional Uses*

*Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.*

This requirement applies along the south (rear) lot line, where the Property abuts a lot with a detached house in a Residential Detached zone. The Photometric Plan shows that illumination along this lot line will be 0.0 footcandles. In addition, the illumination along the western property line (adjacent to Fleming Avenue) will be either 0.0 or 0.1 footcandles, with the exception of the location where the pedestrian path intersects with the public shared use path, where the illumination will be 0.2 footcandles.

**Division 6.5. Screening Requirements**

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:

	Option A	Option B
<b>Dimensions (min)</b>		
Depth	8'	12'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	--
Wall, Fence or Berm (min)	4' fence or wall	--

**Division 6.7. Signs**

*Section 6.7.8. Residential Zones*

*A. Base Sign Area*

*The maximum total area of all permanent signs on a lot or parcel in a Residential zone is 2 square feet, unless additional area is permitted under Division 6.7.*

*1. Freestanding Sign*

- a. One freestanding sign is allowed.*
- b. The minimum setback for a sign is 5 feet from the property line.*

- c. *The maximum height of the sign is 5 feet.*
- d. *Illumination is prohibited.*

The Applicant proposes a freestanding 96" x 20" monument sign at the Grosvenor Lane driveway entrance. The proposed signage will require a sign variance from the Department of Permitting Services under Section 7.4.4.

**Section 7.3.1.E.1.c.** *substantially conforms with the recommendations of the applicable master plan;*

As discussed on page 12 of this report, the proposed assisted living facility substantially conforms with the housing, special exception, and environmental recommendations of the 1992 *North Bethesda/Garrett Park Master Plan*. The assisted living facility will increase the housing diversity in the neighborhood by providing housing for the elderly residents who need assistance with activities of daily living. The location of the proposed facility along Ride On Bus Route 6 is consistent with the Plan's recommendation to locate elderly housing and support services along bus routes.

By retaining the forested area on the north side of the Property, this southern portion of Grosvenor Lane along the Property's frontage will remain a "Green Corridor", as designated in the Plan. The Applicant also proposes to remove the bamboo on the adjacent historic property and replant forest in that area, which will mitigate some of the forest that will be cleared on the Property, and will enhance the environmental setting of the historic property.

**Section 7.3.1.E.1.d.** *is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

The proposed site design of the Property, the architecture of the building, and operational limitations included as conditions of approval will ensure that the proposed assisted living facility will not alter the character of the surrounding neighborhood in a manner inconsistent with the Plan. The Proposed building placement and site design capitalize on the Property's topography to minimize impacts to the surrounding residential neighborhood. Most of the parking is located under the building, and the decrease in elevation from Fleming Avenue to the first floor of the proposed building minimizes the perception of height. Further, the access driveway, loading dock, and dumpster area are located to the east of the building, away from the surrounding homes.

Views of the building and parking area will be sufficiently screened from the surrounding neighborhood. The forest planting proposed on the adjacent historic property will expand the existing conservation easement and enhance the environmental setting of that property.

The building employs architecture based on the Craftsman style to achieve visual compatibility with the surrounding residential homes. Residential-style materials, sloped roofs, chimneys and mullion windows will echo the architecture of the nearby existing homes and the homes under construction on the adjacent EYA property.

Staff recommended operational limitations (as conditions of approval) will minimize any potential noise or other disturbance to the surrounding neighborhood. The recommended prohibition on waste pick-up and truck deliveries between 9:00 p.m. and 9:00 a.m. on weekdays, and all day on weekends, will prevent noise and truck traffic on evenings and weekends. Another recommended condition of approval requires employees to park in the garage while the spaces in front of the building will be reserved for visitors. This will help minimize late night traffic in the circular driveway in front of the building, and prevent overflow visitor parking on Fleming Avenue.

**Section 7.3.1.E.1.e.** *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;*

As described on page 13 of this report, the conditional use substantially conforms with the recommendations of the Master Plan, and thus does not alter the nature of the area. Several other existing and approved conditional uses (special exceptions) operate within the R-60 and R-90 zones in the Surrounding Neighborhood, as discussed on pages 6-7 of this report. The Bethesda Health and Rehabilitation Center, like the proposed conditional use, is a Residential facility with an inherent commercial component (employees, commercial services and deliveries). The other existing conditional uses, with the exception of the accessory apartment, are not residential in nature, but have been deemed compatible with the surrounding neighborhood. The proposed conditional use, which is primarily residential with an accessory commercial component, has been designed to maximize compatibility with the surrounding residential neighborhood by providing context-sensitive architecture, much of the parking below-grade, and a significant amount of landscape screening. Further, as described in the Master Plan section of this report, the design of the proposed building takes advantage of the Property's topography to minimize potential disturbances to neighboring residents.

**Section 7.3.1.E.1.f.** *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. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:*

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or*
- ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

Because the Property is not a recorded lot, a Preliminary Plan of subdivision will be required if the conditional use is approved. The Planning Board review will determine if Adequate Public Facilities exist to support the proposed use of the Property as an assisted living facility. The Hearing Examiner is not required to assess the adequacy of the public facilities as part of this Application, but a preliminary assessment by Staff indicates that the proposed development will be served by adequate public services and facilities.

**Section 7.3.1.E.1.g.** *will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:*

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or*
- iii. the health, safety, or welfare of neighboring residents, visitors, or employees.*

In a recent decision regarding the Artis Senior Living Facility on River Road in Bethesda (CU 15-05), the Hearing Examiner identified six inherent effects associated with a Residential Care Facility for more than 16 persons. The inherent effects were identified as (1) buildings and related outdoor recreational areas or facilities; (2) parking facilities; (3) lighting; (4) vehicular trips to and from the site by employees, visitors, residents, delivery vehicles and waste removal; (5) noise generated by equipment for the facility and by occasional outdoor activities of residents and their visitors; and (6) driveway impacts.

Non-inherent adverse effects may result from a situation unique to the physical location, operation, or size of a proposed use. Staff has not identified any non-inherent adverse impacts from the proposed use. There is no expected undue harm to the neighborhood either as a result of any non-inherent adverse effect, or a combination of inherent or non-inherent adverse effects.

The proposed assisted living facility will not disturb the use, peaceful enjoyment, economic value, or development potential of abutting and confronting properties or the general neighborhood. The proposed building and site have been designed to be compatible with the surrounding residential neighborhood. The architecture, orientation of the building, extensive landscape screening, and limitations imposed by conditions of approval will ensure that the proposed facility will not disturb the use or peaceful enjoyment of neighbors.

The Applicant submitted a report prepared by a Maryland State General Certified Real Estate Appraiser entitled "The Impact of the Economic Value or Development Potential of Existing or Proposed Houses Proximate to the Proposed Brightview Assisted Senior Living Facility" (Attachment 7). In the report, the appraiser evaluated the Property and the surrounding neighborhood, reviewed the site and building plans for the proposed assisted living facility, and evaluated the affects the proposed development would have on the neighborhood. The appraiser also performed a Matched Paired Sales Analysis of sales of houses abutting, or proximate to, other assisted living facilities. The purpose of the analysis was to evaluate the affects, if any, that proximity to an assisted living facility had on the sales price and marketability of a property.

The appraiser's report concludes that the proposed design of the building and site for this assisted living facility would minimize any adverse impacts on the use and enjoyment of nearby existing or proposed homes. The report further concludes the proposed assisted living facility will not have any adverse impact on the properties closest to the facility, nor on any other nearby property. In addition, the report explains that the new houses under construction in the Grosvenor Heights development, and the many houses being demolished and replaced with much larger houses, are having a net positive impact on underlying land values and housing prices in the neighborhood.

The proposed facility will not cause undue harm to the neighborhood as a result of traffic, noise, odors, dust, illumination, or a lack of parking. The Applicant's revised Traffic Statement indicates that the facility will generate less than 30 trips in the morning and evening peak periods, and that the traffic generated will be acceptable without mitigation. Any noise, odors and dust associated with the assisted living facility will be similar to those of other like facilities. Noises will be minimized by the building design, natural features, and screening. Loading and waste collection will occur on the east side of the Property, where the building and landscaping will buffer nearby residences from noise or odors associated with these activities. Mechanical equipment will be provided on the roof of the building, within a well behind the sloped portion of the roof, which will mitigate any operational noise when in use. Finally, the outdoor area for residents and visitors in the rear of the building will be buffered by landscape plantings to the south, and by the west wing of the building towards Fleming Avenue.

As demonstrated on the photometric plan, lighting for the project will be 0.0 footcandles at the property line abutting the residential uses to the north. In addition, the illumination along the western property line (adjacent to Fleming Avenue) will be either 0.0 or 0.1 footcandles, with the exception of the location where the pedestrian path intersects with the public shared use path, where the illumination will be 0.2 footcandles.

The facility will provide more than the number of minimum parking spaces required for the use in the Zoning Ordinance. Staff recommends a condition of approval requiring the staff of the assisted living facility to park in the underground garage so the surface parking in the front of the building is available to visitors who might otherwise park on the street. Further, the Property's location offers several alternative modes of transportation. The Property is within one mile of the Grosvenor Metro Station, and on weekdays, a Ride On bus to the Metro station runs along the Property's frontage on Grosvenor Lane. The Property is also adjacent to the North Bethesda Trail, a shared use path, and the proposed facility will also provide bicycle parking near the main entrance and in the parking garage.

There will be no undue harm to the health, safety, or welfare of neighboring residents, visitors, or employees because the proposed Conditional Use meets all applicable development standards, and has adequate and safe circulation in and around the site.

**Section 7.3.1.E.2.** *Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.*

The proposed building will be compatible with the character of the surrounding residential neighborhood. The building's Craftsman style architecture will complement the residential character of the nearby existing houses and the houses under construction on the abutting EYA property. The building's orientation places a smaller façade along Fleming Avenue reducing the visual impact of the building's overall mass. 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. A 28-foot landscape buffer will be planted along the Property's western lot line to screen the views of the proposed building from Fleming Avenue. The proposed 40-foot building setback on the east side of the Property and the expanded forest conservation easement on the historic Grosvenor mansion property will provide a sufficient buffer between the mansion and the proposed assisted living facility. The forest retention area on the north side of the Property will obscure views of the building from Grosvenor Lane.

The proposed facility will have two outdoor recreational spaces for residents. A patio on the south (rear) side of the building will be the primary outdoor amenity space for residents. 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. Landscaping will buffer the patio area from the new residences to the south.

**Section 7.3.1.E.3.** *The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.*

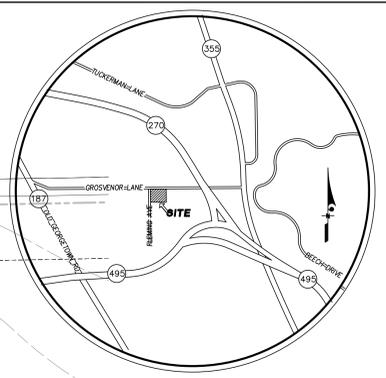
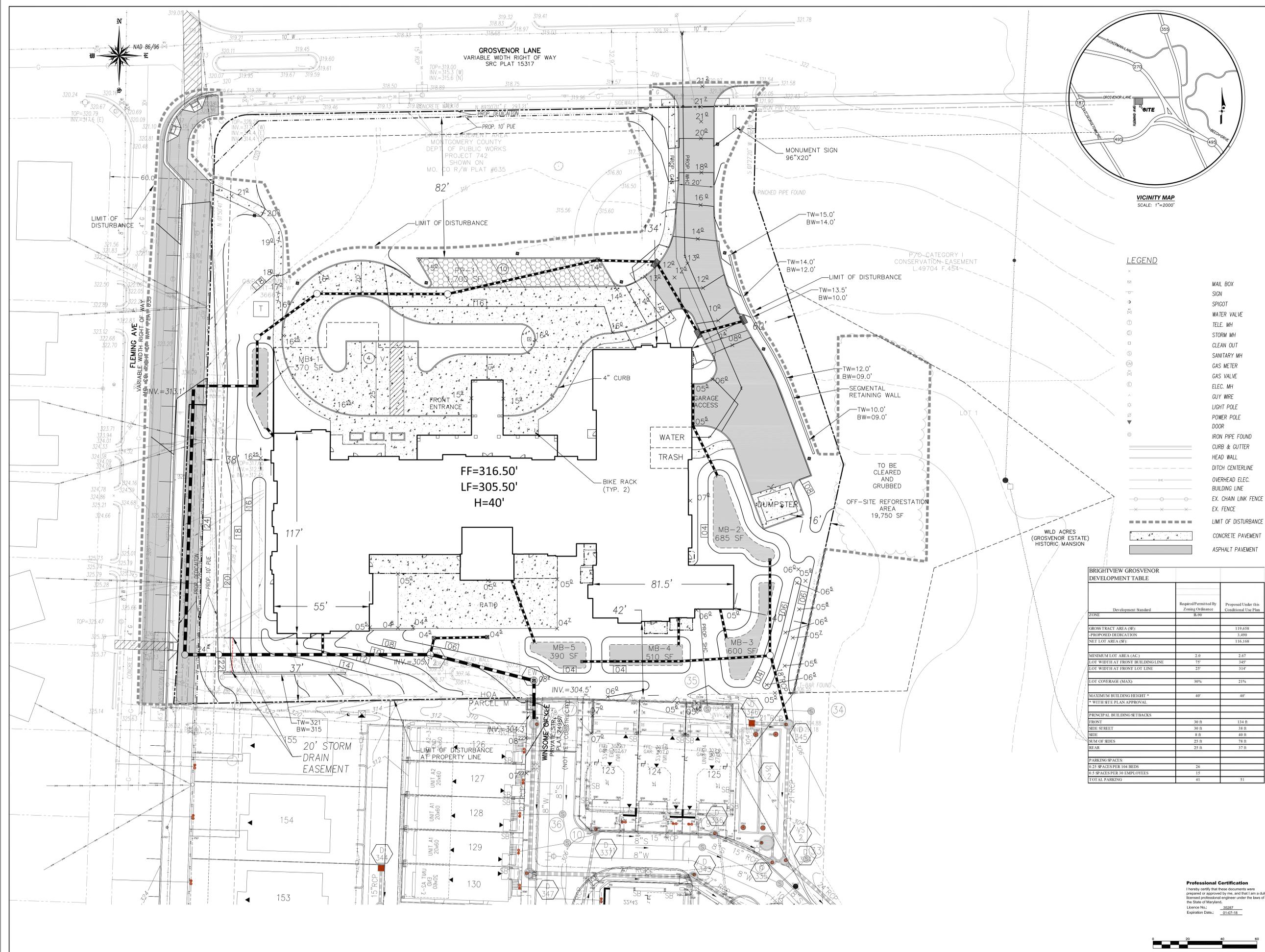
Staff recommends approval with conditions.

## **CONCLUSION**

The proposed assisted living facility complies with the general conditions and standards for a conditional use. The proposed use is consistent with the goals and recommendations of the 1992 *North Bethesda/Garrett Park Master Plan*, and it will not alter the character of the surrounding neighborhood. Further, it will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

## ATTACHMENTS

1. Conditional use plan
2. Landscape plan
3. Applicant's transportation statement (excerpt)
4. Preliminary Plan 120130110 (excerpt) and Amendment email from MCDOT
5. Applicant's list of community meetings
6. Correspondence
7. Real estate appraisal report (excerpt)



**LEGEND**

- MAIL BOX
- SIGN
- SPICOT
- WATER VALVE
- TELE. MH
- STORM MH
- CLEAN OUT
- SANITARY MH
- GAS METER
- GAS VALVE
- ELEC. MH
- GUY WIRE
- LIGHT POLE
- POWER POLE
- DOOR
- IRON PIPE FOUND
- CURB & GUTTER
- HEAD WALL
- DITCH CENTERLINE
- OVERHEAD ELEC.
- BUILDING LINE
- EX. CHAIN LINK FENCE
- EX. FENCE
- LIMIT OF DISTURBANCE
- CONCRETE PAVEMENT
- ASPHALT PAVEMENT

**BRIGHTVIEW GROSVENOR DEVELOPMENT TABLE**

Development Standard	Required/Permitted By Zoning Ordinance	Proposed Under this Conditional Use Plan
ZONE	R-90	
GROSS TRACT AREA (SF)		119,658
PROPOSED DEDICATION		3,490
NET LOT AREA (SF)		116,168
MINIMUM LOT AREA (AC)	2.0	2.67
LOT WIDTH AT FRONT BUILDING LINE	75'	145'
LOT WIDTH AT FRONT LOT LINE	25'	314'
LOT COVERAGE (MAX)	30%	21%
MAXIMUM BUILDING HEIGHT *	40'	40'
* WITH SITE PLAN APPROVAL		
PRINCIPAL BUILDING SETBACKS		
FRONT	30 ft	134 ft
SIDE STREET	30 ft	38 ft
SIDE	8 ft	40 ft
SUM OF SIDES	25 ft	78 ft
REAR	25 ft	37 ft
PARKING SPACES		
0.25 SPACES PER 100 BEDS	26	
0.5 SPACES PER 10 EMPLOYEES	15	
TOTAL PARKING	41	51

**Professional Certification**  
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.  
 License No.: 35297  
 Expiration Date: 01-07-18

**JBA**  
 Johnson - Bernat - Associates, Inc.  
 205 N. Frederick Ave. S. 100  
 Gaithersburg, MD 20877  
 Tel. (301) 963-1133  
 Fax: (301) 963-6306  
 www.jba-inc.net  
 Engineering Surveying Planning

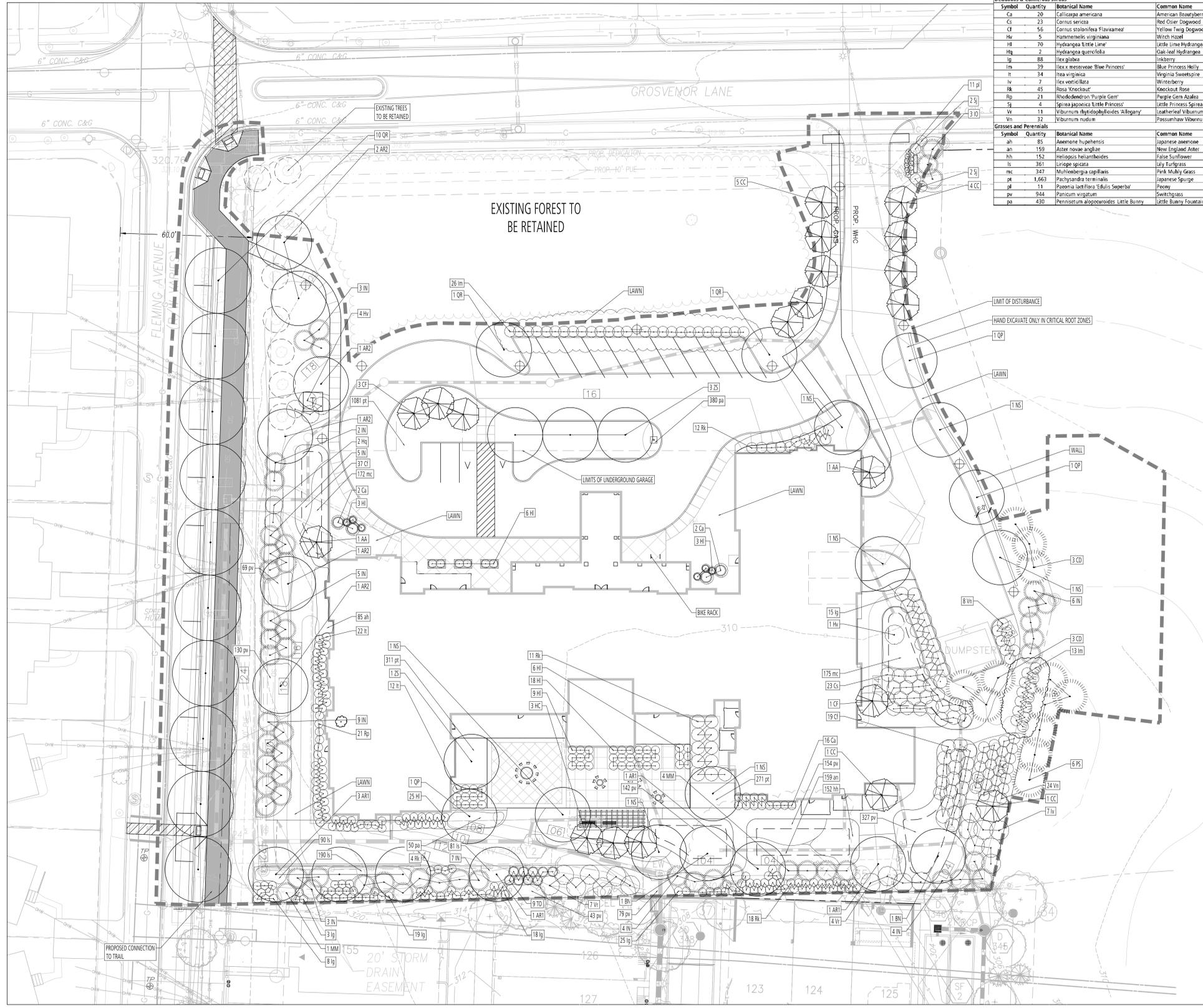
**5510 GROSVENOR LANE**  
**CONDITIONAL USE PLAN**  
 PARCEL 963  
 7TH ELECTION DISTRICT, BETHESDA, MARYLAND



PLAN NO.:  
 SCALE: 1"=20'  
 DATE: 8/11/16  
 SHEET 1 OF 1  
 FILE NO: 15-058

SCREENING REQUIREMENTS (applicable only to southern property line)				
Screening #7, Conditional Uses in the Residential Detached Zone				
REQUIREMENTS	REQ'D PER 100'	REQUIRED	PROVIDED	
Depth	12'	358 LF		
Canopy Trees (min per 100')	2	7.1	7	
Understory or Evergreen Trees	4	14.3	23	
Large Shrubs	8	28.6	21	
Medium Shrubs	12	43.0	95	
Small Shrubs	0	0.0		
Wall, Fence or Berm	4' ht	N/A	N/A	

MASTER PLANT SCHEDULE						
Symbol	Quantity	Botanical Name	Common Name	Size	Mitigation For Variance Trees	Total Afforestation Credit
AR1	6	Acer rubrum	Red Maple	2.5' Cal		10,806 SF
AR2	6	Acer rubrum	Red Maple	3.0' Cal	18.0'	
BN	2	Betula nigra	River Birch	6' Ht.		402 SF
NS	7	Nyssa sylvatica	Black Gum	2.5' Cal		
OR	12	Quercus rubra	Red Oak	2.5' Cal		
QP	3	Quercus palustris	Pin Oak	2.5' Cal		
ZS	4	Zelkova serrata 'Green Vase'	Green Vase Zelkova	2.5' Cal.		
Minor Trees						
Symbol	Quantity	Botanical Name	Common Name	Size	Root	Notes
AA	2	Amelanchier arborea	Downy Serviceberry	8' Ht.	BBB	Multistem
CC	11	Cercis canadensis 'Forest Pansy'	Forest Pansy Eastern Redbud	8' Ht.	BBB	
CF	4	Cornus florida	Flowering Dogwood	8' Ht.	BBB	
HC	3	Halesia carolina	Carolina Silverbell	8' Ht.	BBB	
Evergreen Trees						
Symbol	Quantity	Botanical Name	Common Name	Size	Root	Notes
CD	6	Cedrus deodara	Deodara Cedar	8' Ht.	BBB	
IO	3	Ilex opaca	American Holly	8' Ht.	BBB	1 male/5 female
IN	48	Ilex x Nellie R. Stevens'	Nellie R. Stevens Holly	8' Ht.	BBB	1 male/5 female
MM	4	Magnolia virginiana Moonglow'	Moonglow Magnolia	8' Ht.	BBB	
PS	6	Pinus strobus	Eastern White Pine	6' Ht.	BBB	
TO	9	Thuja occidentalis 'Green Giant'	Green Giant Arborvitae	6' Ht.	BBB	
Deciduous & Coniferous Shrubs						
Symbol	Quantity	Botanical Name	Common Name	Size	Root	Notes
Ca	20	Calliargis americana	American Beautyberry	24" Ht.	375' OC	
Ca	7	Cornus sericea	Red Osier Dogwood	36" Ht.	375' OC	
Cl	55	Cornus stoloniifera 'Flavivamea'	Yellow Twig Dogwood	36" Ht.	#3 CG	
Hv	5	Hammamelis virginiana	Witch Hazel	36" Ht.	BBB	
Hi	70	Hydrangea 'Little Lime'	Little Lime Hydrangea	24" Ht.	#5 CG	
Hg	2	Hydrangea quercifolia	Oak Leaf Hydrangea	36" Ht.	#5 CG	
Ig	88	Ilex glabra	Irkberry	36" Ht.	BBB	1 male/5 female
Im	39	Ilex x meserveae 'Blue Princess'	Blue Princess Holly	36" Ht.	BBB	1 male/5 female
It	34	Itea virginica	Virginia Sweetspire	24" Ht.	#3 CG	
Iv	7	Ilex verticillata	Winterberry	24" Ht.	BBB	
Rk	45	Rosa 'Knockout'	Knockout Rose	24" Ht.	#5 CG	
Rp	21	Rhododendron 'Purple Gem'	Purple Gem Azalea	24" Ht.	#5 CG	
Sj	4	Spiraea japonica 'Little Princess'	Little Princess Spiraea	24" Ht.	#3 CG	
Vv	11	Viburnum hybridum 'Allegany'	leatherleaf Viburnum	36" Ht.	BBB	
Vn	32	Viburnum nudum	Possumhaw Viburnum	36" Ht.	BBB	
Grasses and Perennials						
Symbol	Quantity	Botanical Name	Common Name	Size	Note	Notes
ah	85	Anemone hepatica	Japanese Anemone	1 Qt.	18" OC	
an	150	Aster novae-angliae	New England Aster	1 Qt.	18" OC	
hh	152	Heliopsis helianthoides	False Sunflower	1 Qt.	18" OC	
ls	361	Liriope spicata	Lily Turfgrass	1 Qt.	12" OC	
mc	347	Muhlenbergia capillaris	Pink Moody Grass	#1 Cont.	18" OC	
pt	1,663	Pachystima terminalis	Japanese Spurge	2.5' Pots	12" OC	
pl	11	Paeonia lactiflora 'Edulis Sapporai'	Pecony	1 Qt.	12" OC	
pv	944	Panicum virgatum	Switchgrass	#1 Cont.	18" OC	
pa	430	Pennisetum alopecuroides 'Little Bunny'	Little Bunny Fountain Grass	#1 Cont.	24" OC	



PROFESSIONAL CERTIFICATION: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional landscape architect under the laws of the State of Maryland.



BRIGHTVIEW - GROSVENOR  
5510 GROSVENOR LANE

REVISION:	DATE:

PROJECT #: ###-##

DRAWN: BM

CHECKED: ZR

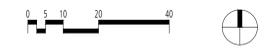
SHEET TITLE:  
LANDSCAPE PLAN

DATE: 2016-08-25

SCALE: 1" = 20'

L2.0

SHEET 1 OF 1



# Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

Date: June 30, 2016

---

**Memorandum:**

TO: MNCPPC – Area 2  
8787 Georgia Avenue  
Silver Spring, MD 20910

FROM: Mike Lenhart

RE: Traffic Statement for Brightview Grosvenor

---

The purpose of this report is to provide a Traffic Statement for the property at 5510 Grosvenor Lane as required in the Montgomery County Subdivision Staging Policy. The property is currently utilized as a single family residence and is proposed to be developed as an assisted living facility with a maximum of 104 beds.

The property is located in the North Bethesda Policy Area just outside the Capital Beltway on the south side of Grosvenor Lane and east side of Fleming Avenue. Access to the site is proposed on Grosvenor Lane. A site location map is shown on Exhibit 1. A copy of the concept site plan is included in Appendix A.

The Subdivision Staging Policy establishes the “*Local Area Transportation Review (LATR) and Transportation Planning Area Review (TPAR) Guidelines*”. These Guidelines are utilized by the Montgomery County Planning Board for the administration of the Adequate Public Facilities Ordinance.

The Guidelines require a Traffic Statement to determine the applicability and status of the LATR and TPAR requirements as it applies to the project.

The site is proposed to be developed with a maximum of a 104 bed assisted living facility. The LATR Guidelines state that “*Trips projected to be generated by the proposed development and background traffic should be determined in accordance with the latest Trip Generation Guidelines (See Appendix I).*” Table I-7 of the LATR Guidelines contains trip generation rates for Assisted Living facilities with posted rates of 0.03 trips per bed in the morning peak hour and 0.06 trips per bed in the evening peak hour. The trip generation total shown on the top table in Exhibit 2 indicates that the proposed 104 bed assisted living facility will generate three (3) AM peak hour trips and six (6) PM peak hour trips.

When comparing the LATR trip generation rates against the applicants Statement of Operations, it appears that the site would generate more than three (3) AM peak hour trips. More specifically, the applicant proposes the following staffing levels and shift changes.

- Approximately 25 employees from 7:00 AM to 3:00 PM
- Approximately 15 employees from 3:00 PM to 11:00 PM
- Approximately 5 employees from 11:00 PM to 7:00 AM
- Approximately 5 managerial positions from 9:00 AM to 5:30 PM

# Lenhart Traffic Consulting, Inc.

## Transportation Planning & Traffic Engineering

Based upon these staffing levels and shift changes, it would be expected that 25 employees would be entering the facility between 6:00 and 7:00 AM, and that five (5) employees would be exiting the building between 7:00 and 8:00 AM. However, given that this site is located less than one mile from the Grosvenor-Strathmore Metro Station with bus service and stops in front of the site, and sidewalk connectivity to the Metro Station, the vehicular trips would be reduced to account for transit and pedestrian trips. In addition, trips will be reduced by ridesharing and carpooling. These reductions are evidenced by Brightview's operating experience, which demonstrates that at similarly situated facilities, there are a number of employees that commute to work by alternative methods – including carpooling, buses, bike and walking. After factoring in these considerations, the site will generate less than 30 peak hour trips. It should also be noted that the managerial trips do occur within the AM and PM peak periods, however, these trips do not coincide with the staffing shift changes and would be well below 30 peak hour trips.

In addition, Exhibit 2 also contains the trip generation rates and totals for the site using the Institute of Transportation Engineers (ITE) Trip Generation Manual for Assisted Living Facilities. Based upon the ITE rates for a 104 bed facility, the site would be estimated to generate 15 AM peak hour trips and 23 PM peak hour trips. It is our opinion that the PM projection in this instance is overstated since none of the shift changes will occur during the 4:00 to 7:00 PM peak hour period.

This statement considers the trip generation for this site using the LATR trip generation rates, the ITE trip generation rates, and a qualitative analysis of the trips based upon the Statement of Operations, and in all cases the site will generate fewer than 30 peak hour trips; therefore, the site is exempt from LATR.

The project is located in the North Bethesda Policy Area which has been identified as “inadequate” under the TPAR transit test and “adequate” under the TPAR roadway test. As a result, a mitigation fee equal to 25% of the transportation impact is required to mitigate the TPAR analysis.

The site plan is contained in Appendix A and access is planned via Grosvenor Lane in the vicinity of the existing site driveway. Grosvenor Lane at the location of the property is a two lane roadway with a posted speed limit of 30 MPH. Furthermore, existing signage indicates that speeds in this section are photo enforced.

The site is well served by transit with numerous Ride On stops for Route 6 along Grosvenor Lane along the site frontage. Route 6 runs from Parkside to Montgomery Mall Transit Center with stops at Grosvenor Metro Station. A copy of the route map and schedule is included in Appendix A, and the morning and evening peak hour headways are roughly 30 minutes between buses. Grosvenor Lane has existing sidewalks along both sides of the road between Cheshire Drive and MD 355.

According to the Countywide Bikeways Functional Master Plan (2005), Grosvenor Lane is identified as a proposed shared roadway (SR-36) from Cheshire Drive to the I-270 eastern spur. There are existing six to eight foot shoulders along both sides of Grosvenor Drive for the majority of the road link; however, there are intersection chokers at several intersections between Cheshire Drive and MD 355 to serve as traffic calming devices. Fleming Avenue is identified as a proposed shared roadway (SP-41) from Rossmoor Drive to North Bethesda Tr. The Bethesda Trolley Trail is existing along the Fleming Avenue frontage of the property.

# Lenhart Traffic Consulting, Inc.

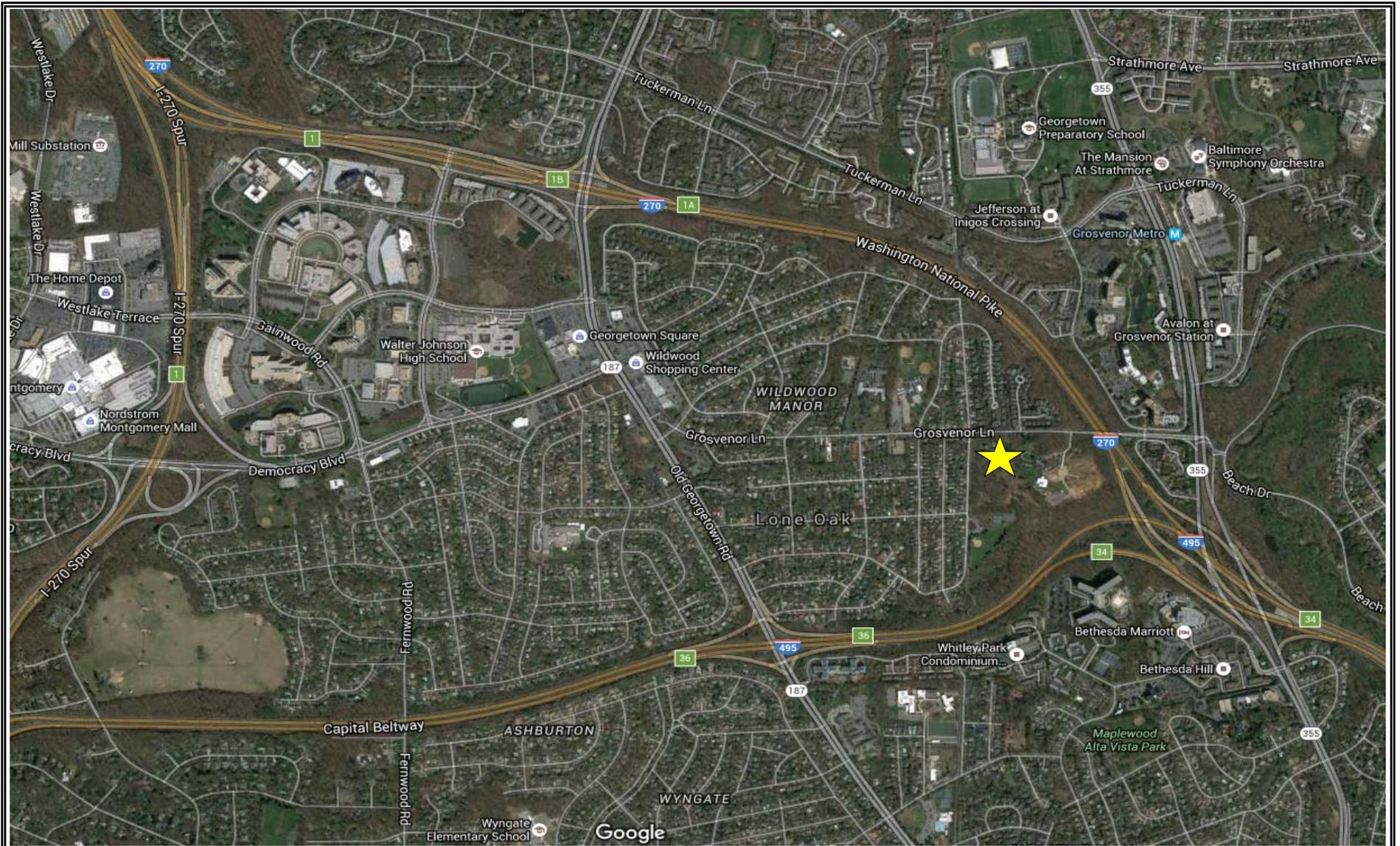
Transportation Planning & Traffic Engineering

Based on the information contained in this report:

- The project is located in the North Bethesda Policy Area which requires a mitigation fee equal to 25% of the transportation impact to mitigate the TPAR analysis.
- The project will generate fewer than 30 peak hour trips (3 AM and 6 PM), therefore is exempt from LATR.

If you have any questions regarding this matter, please do not hesitate to contact me at the number below.

Thanks,  
Mike



Traffic Impact Analysis	Site Location Map	<b>Exhibit</b>
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning	★ = Site Location	<b>1</b>

### Trip Generaton Rates

**Assisted Living Facilities (Montgomery County Rates, Units)**

Morning Trips = (0.03 x Beds)

Evening Trips = (0.06 x Beds)

**Trip Distribution (In/Out)**

65/35

44/56

**Assisted Living (ITE Rates, LU Code-254, Beds)**

Morning Trips = 0.14 x Beds

Evening Trips = 0.22 x Beds

**Trip Distribution (In/Out)**

65/35

44/56

### Trip Generaton Totals

			AM Peak			PM Peak		
			In	Out	Total	In	Out	Total
Mont. Co. Rates	Assisted Living Facilities (Montgomery County, Beds)	104 beds	2	1	3	3	3	6
<b>Total:</b>			<b>2</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>6</b>

			AM Peak			PM Peak		
			In	Out	Total	In	Out	Total
ITE Rates	Assisted Living (ITE-254, Beds)	104 beds	10	5	15	10	13	23
<b>Total:</b>			<b>10</b>	<b>5</b>	<b>15</b>	<b>10</b>	<b>13</b>	<b>23</b>

**NOTES:**

The Montgomery County Growth Policy states that projects with fewer than 30 peak hour trips are exempt from LATR.

Traffic Impact Analysis	<b>Trip Generation for Site</b>	<b>Exhibit</b>
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning		<b>2</b>



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

MAR 11 2014

MCPB No. 13-170  
Preliminary Plan No. 120130110  
**Grosvenor**  
Date of Hearing: January 9, 2014

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on January 23, 2013, 5400 Grosvenor LLC c/o EYA LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property pursuant to the Optional Method of Development regulations of the R-90 Zone for projects containing MPDUs, per Section 59-C-1.621 of the Zoning Ordinance, that would create 155 lots (12 one-family detached lots and 143 one-family attached lots) and associated Homeowners Association ("HOA") and stormwater management parcels on approximately 35.4 acres of land, located on the south side of Grosvenor Lane and west of I-270 near the intersection of Grosvenor Lane and Fleming Avenue ("Subject Property"), in the 1992 *North Bethesda Garrett Park Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120130110, Grosvenor ("Preliminary 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 December 30, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 9, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 9, 2014, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Anderson seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

Approved as to  
Legal Sufficiency

2/5/14  
M-NCPPC Legal Department

10877 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120130110 to create 155 lots (12 one-family detached lots, and 143 one-family attached lots) and associated HOA and stormwater management parcels on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Approval is limited to 143 one-family attached lots, 12 one-family detached lots, and associated Homeowners Association ("HOA") and stormwater management parcels for a total of 155 lots (including two lots for the existing uses), of which a minimum of 15% of 153 new residential lots (23) must be moderately priced dwelling units ("MPDUs"). The existing 31,931 square feet of philanthropic office uses under Special Exception No. S-257 will be retained on one of the one-family detached lots.
2. The Applicant must dedicate, and the record plat must reflect, the Master Plan recommended 70-foot right-of-way for Grosvenor Lane (70 feet from opposite right-of-way line along the Subject Property frontage).
3. The Applicant must dedicate, and the record plat must reflect, the Master Plan recommended 60-foot right-of-way for Fleming Avenue (60 feet from the opposite right-of-way line along the Subject Property frontage).
4. Prior to issuance of the 50<sup>th</sup> Use and Occupancy Certificate, the Applicant must improve Fleming Avenue to secondary residential street standards, as shown on the Preliminary Plan with parking on the east side, and include the following improvements between Grosvenor Lane and M-NCPPC's Fleming Local Park:
  - a. A vehicular and pedestrian access point for the Subject Property from Fleming Avenue;
  - b. A 10-foot wide North Bethesda Trail (a master-planned shared-use path) on the east side of Fleming Avenue, which must be extended off site along Fleming Avenue approximately 42 feet to the south of Fleming Local Park, with the necessary handicapped ramp/ADA accommodations;
  - c. A minimum 6 foot wide green panel and street trees along the east side of Fleming Avenue;
  - d. Street lighting, if needed, to satisfy the American Association of State Highway and Transportation Officials ("AASHTO") lighting recommendations; and
  - e. Any other improvements required by applicable agencies.
  - f. If the Applicant is unable to obtain off-site dedication or a Public Improvement Easement along Fleming Avenue (between the northern property line of Applicant's property and Grosvenor Lane) from the adjacent property owner, then the Applicant shall only construct the ten

---

<sup>1</sup> 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.

(10)-foot shared use path, as shown on the Certified Site Plan, and install street lighting across the Subject Property's frontage at this time. Completion of the remaining improvements to Fleming Avenue along the Subject Property's frontage (including pavement widening, curb and gutter, enclosed storm drainage and appurtenances, and street trees) will be addressed in a recorded covenant prior to the Montgomery County Department of Permitting Services (DPS) approval of the record plat whereby the Applicant agrees to pay a pro-rata share for the future construction or reconstruction of Fleming Avenue, whether built as a Montgomery County project or by a private developer under permit. The deed reference for this covenant must be provided on the record plat.

- g. At the intersection of the private road and Fleming Avenue, the Applicant must install a bulb/bump out as a safety measure to ensure adequate sight lines for trail users.
5. Prior to issuance of a building permit, the Applicant must make the required transportation impact tax payment of \$340,891.50 to the Montgomery County Department of Permitting Services ("DPS") in order to satisfy the Transportation Policy Area Review ("TPAR") test.
6. Prior to issuance of the first Use and Occupancy Certificate, the Applicant must coordinate with the Montgomery County Department of Transportation ("MCDOT") and the Maryland State Highway Administration ("SHA") on the feasibility of providing improvements to reduce the existing excessive queuing at the intersections of Cheshire Drive/Grosvenor Lane-Wildwood Shopping Center and Cheshire Drive/Old Georgetown Road in order to satisfy the Local Area Transportation Review ("LATR") test. If an implementable and feasible solution is possible, the Applicant shall be responsible to make a payment equal to the Applicant's pro-rata share of the cost based on the impact of the traffic from the project on these intersections as determined by MCDOT and/or SHA.
7. The Applicant must provide, and the record plat must reflect, a 20-foot-wide ingress/egress easement to the internal private road for use of the adjoining Anne Grosvenor property to the north, as shown on the Preliminary Plan.
8. The Applicant must provide handicapped ramps at Grosvenor Lane/new private street intersection, Fleming Avenue/new private street intersection, Fleming Avenue/Lone Oak Drive (across Fleming into the Park), and any internal intersections at the time the internal roads and sidewalks are constructed.
9. All sidewalks and bike paths along Grosvenor Lane and Fleming Avenue must be ADA compliant.
10. The private street network must be located within its own parcel (Parcel A), separate from the development, and the record plat must reflect a public use and access easement over the private streets and adjacent parallel sidewalks.
11. The Applicant must convey to M-NCPPC, in fee simple, 11.35 acres of land adjacent to existing Fleming Local Park as shown on the Preliminary Plan. The exact boundaries of the conveyance must be shown on the record plat.

## Tettelbaum, Emily

---

**From:** Leck, Gregory <Gregory.Leck@montgomerycountymd.gov>  
**Sent:** Thursday, February 26, 2015 4:55 PM  
**To:** Butler, Patrick; atiq.panjshiri  
**Cc:** Rubin, Carol; Axler, Ed; Dickel, Stephanie; 'BSears@linowes-law.com' (BSears@linowes-law.com); 'Wyndham Robertson (wyndhamr@eya.com)'; 'jlester@eya.com' (jlester@eya.com); 'Jason Sereno (jsereno@eya.com) (jsereno@eya.com)'; 'John Clapsaddle (clapsaddle@vika.com)'; marie.labaw; sam.farhadi; henry.emery; brian.jeeves; deepak.somarajan; Dewani, Avinash; Torma, Rebecca; william.whelan  
**Subject:** RE: Grosvenor (Preliminary Plan No. 120130110) - DOT email to amend previous comments regarding Fleming Avenue improvements  
**Importance:** High

Good afternoon everyone,

This email is to advise you that we have completed our review of information provided by the applicant with respect to their negotiations to acquire off-site right-of-way and easements needed to improve Fleming Avenue off-site to the intersection with Grosvenor Lane. Those documents demonstrate the nearly year-long unsuccessful efforts between the two parties to reach agreement on the terms of those property acquisitions.

Condition no. 4 (f) of the Planning Board's March 11, 2014 Resolution contains the following statements: *"If the applicant is unable to obtain off-site dedication or a Public Improvements Easement along Fleming Avenue (between the northern property line of Applicant's property and Grosvenor Lane) from the adjacent property owner, then the Applicant shall only construct the ten (10)-foot shared use path, as shown on the Certified Site Plan, and install street lighting across the Subject Property's frontage at this time. Completion of the remaining improvements to Fleming Avenue along the Subject Property's frontage (including pavement widening, curb and gutter, enclosed storm drainage and appurtenances, and street trees) will be addressed in a recorded covenant prior to the Montgomery County Department of Permitting Services (DPS) approval of the record plat whereby the Applicant agrees to pay a pro-rata share for the future construction or reconstruction of Fleming Avenue, whether built as a Montgomery County project or by private developer under permit. The deed reference for this covenant must be provided on the record plat."*

Condition no. 14 in that same Resolution accepted the recommendations in MCDOT's December 13, 2013 preliminary plan review letter. Comment no. 19 (A) in the MCDOT letter calls for widening Fleming Avenue across the site frontage and off-site to the intersection with Grosvenor Lane. The Planning Board Resolution also authorizes MCDOT to amend its recommendations, so long as the amendments do not conflict with other conditions of the Preliminary Plan approval.

Please note that MCDOT was not aware of the deferred construction/covenant language in condition 4 (f) nor did we support it once it became known (following the January 9, 2014 Planning Board hearing). In subsequent inter-agency discussions with the Applicants, it was agreed that the future residents of this subdivision and the nearby neighborhood will be better served by constructing the proposed improvements along the Fleming Avenue site frontage coincident with the project development. It was also determined that there is sufficient existing right-of-way to implement an approximately two (2) foot off-site pavement widening on Fleming Avenue (between the site's northern property line and Grosvenor Lane) to facilitate emergency vehicle access.

**Accordingly, this email is to advise you of our decision to amend certain recommendations contained in our December 13, 2013 preliminary plan review letter, as described below. This email is being provided in lieu of a formal preliminary plan amendment letter.**

The recommendations in MCDOT's December 13, 2013 remain applicable unless modified below:

- Comment no. 1: the second paragraph (regarding acquisition of off-site right-of-way or a Public Improvements Easement along Fleming Avenue) is deleted.
- Comments nos. 9 and 19(A) are amended to limit the reconstruction along Fleming Avenue to:
  - Widen the pavement on Fleming Avenue to thirty (30) feet and construct a six (6) foot wide lawn panel, a ten (10) wide shared use path, and a two (2) maintenance strip across the site frontage. Transition the new shared use path to connect with the existing shared use path within the limits of the site frontage.
  - From the northern property line of the site (approximately centerline station 16+25.06 on the Applicant's November 17, 2014 DRAFT Storm Drain and Paving Plans) and Grosvenor Lane, widen the pavement to nine (9) feet from centerline [twenty (20) from the existing opposite curbline] and construct new curb and gutter. The existing shared use path (off-site) within these limits is to remain in its current location. All improvements to be done within the existing right-of-way.
  - Provide positive drainage along Fleming Avenue to the existing inlet on Grosvenor Lane [approximately one hundred fifty (150) feet east of the centerline intersection].
  - Construct intersection chokers on the east side of Fleming Avenue on both sides of the private street intersection (approximately centerline station 14+15).

As a result of these actions, the dedication of additional right-of-way, acquisition of necessary easements, and reconstruction of Fleming Avenue (between the northern property line and Grosvenor Lane) is being deferred. They will most likely be happen in conjunction with subdivision of the adjacent property.

We understand that, with this amendment to our plan review comments letter, approval of the record plat(s) and right-of-way plans may now occur. Please advise if this interpretation is incorrect or if additional DOT comments are necessary.

Thank you to those who provided comments on the earlier draft of this message. If you have any questions or comments regarding this message, please contact me at your earliest convenience.

Greg

*Greg Leck, Manager  
Development Review Team*

*Division of Traffic Engineering and Operations  
Montgomery County Department of Transportation*

*100 Edison Park Drive, 4th floor  
Gaithersburg, Maryland 20878*

*greg.leck@montgomerycountymd.gov  
office: 240-777-2197  
fax: 240-777-2080*

# ATTACHMENT 5

## Brightview Grosvenor - Community Meetings

Date	Attendees	Location
Sept 2015	EYA	EYA office
10/5/2015	Fleming Park Community Association (FPCA), Wildwood Manor Citizens Association (WMCA), Grosvenor Woods, Thornbush/Grosvenor Homeowners Association	Grosvenor Woods homeowner's house (Cheryl Leahy)
10/15/2015	Michael Harris Homes	Michael Harris Homes office
10/19/2015	Fleming Avenue neighbors	Elke Jordan's house (10114 Fleming Ave)
Oct 2015	Conversation with Office Condominium	Spoke with Denise Spencer - represents office condominium
11/6/2015	Fleming Avenue neighbors	Brightview Falls Grove - toured building and property
12/15/2015	Society of American Foresters	American Foresters office (Grosvenor mansion)
Dec 2015	Conversation with Office Condominium	Spoke with Denise Spencer - represents office condominium
2/5/2016	EYA, Sandy Spring Builders, Michael Harris Homes	EYA office
2/11/2016	Fleming Avenue neighbors	Elke Jordan's house (10114 Fleming Ave)
2/11/2016	Society of American Foresters	American Foresters office (Grosvenor mansion)
2/26/2016	EYA, Sandy Spring Builders, Michael Harris Homes	EYA office
4/21/2016	EYA, Sandy Spring Builders, Michael Harris Homes	EYA office
4/25/2016	Fleming Park Community Association Annual Meeting	Ratner Museum (10001 Old Georgetown Road)
5/2/2016	Wilwood Manor Citizens Association	Grosvenor Woods homeowner's house (Linda Lizzio)
5/18/2016	Fleming Avenue neighbors	Elke Jordan's house (10114 Fleming Ave)
5/25/2016	EYA	EYA office
6/10/2016	EYA	EYA office

6311 Berkshire Drive  
Bethesda, Maryland 20814  
August 4, 2016

Emily Tettelbaum  
Maryland – National Capital Park and Planning Commission  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Ms. Tettelbaum:

This letter summarizes concerns and recommendations of the Wildwood Manor Citizens Association (WMCA) regarding the Conditional Use application (CU 2016-14) submitted by Shelter Development/Brightview Senior Living to build an assisted living facility at 5510 Grosvenor Lane in our neighborhood. The applicant proposes to “include 98 assisted living units (including 104 beds and 29 units providing specialized memory care,” and anticipates having 65 FTE employees working in three shifts.

The property is zoned R-90. There are single-family houses on two sides of the property (directly across Grosvenor Lane in front and Fleming Avenue on one side); single-family houses and townhouses are being built in back; and the historic Gilbert Grosvenor/Wild Acres mansion, carriage house/garage, caretaker’s cottage, and environmental setting (which are in Montgomery County’s Master Plan for Historic Preservation because of their historic and natural resources significance) are on one side. WMCA represents more than 500 single-family houses in the neighborhood adjacent to this property, including houses directly across Grosvenor Lane.

The applicant proposes to build a large facility on a relatively small 2.67-acre lot (according to the application). An “illustrative design” in the application shows a massive building with three stories and a four-story portion in front, four stories in back, three stories on one side, and four stories on the other side, and a pitched roof. The proposed building would be the tallest, most massive structure in our residential neighborhood of single-family homes. Our houses are one or two stories high. On Grosvenor Lane, the Grosvenor mansion has two stories and limited space in the attic under the pitched roof; the smaller carriage house and caretaker’s cottage have one to two stories; the existing nursing home/rehabilitation facility has one to two stories; the elementary school has one story; St. Luke’s Church has a one-story sanctuary set back from Grosvenor Lane and an attached building with one story facing the street; and the Verizon building has one story. Currently, no structure on Grosvenor Lane in our neighborhood has more than two stories with a pitched roof.

Nearby assisted living facilities with adjacent single-family houses are only one to two stories high. (One has two stories on most sides and three stories in back.) We understand that almost all nearby similar facilities with adjacent single-family houses have fewer residents than the applicant proposes. The exception is the Bethesda Health and Rehabilitation Center (BHRC), which is on a much larger property at 5721 Grosvenor Lane, only 1½ blocks from the proposed facility.

BHRC has 200 available beds. Currently it has about 168 residents; it is only about 84% filled. It provides nursing, long-term, and dementia/“memory” care, and rehabilitation services; there is some overlap in services BHRC provides and services proposed by Shelter Development. BHRC consists of a neighborhood-compatible two-story stone house and attached one- and two-story buildings, on a large property with a significant building setback from Grosvenor Lane. There are single-family houses on two sides (front and back), single-family houses and a community swimming pool on one side, and an elementary school on one side. We think it likely has a special exception. If Shelter Development gets Conditional Use approval for a 104-resident facility on only 2.67 acres (39 residents per acre) in our neighborhood of single-family houses, we are concerned that BHRC might apply for significant expansion to increase the height and footprint of its facility and number of residents, saying that equal/nondiscriminatory standards and treatment should apply. We also are concerned that other nearby facilities and businesses might try to use this precedent to justify increasing the height and/or footprint of their buildings within or adjacent to neighborhoods of single-family houses, saying that they shouldn’t be denied the opportunities Shelter Development had.

Currently, there apparently are three suburban Brightview facilities in the D.C. metro area. Brightview's existing local facility with 100 units is on a 6.5-acre property (per staff at this facility) – essentially the same number of units/residents as proposed for the 2.67-acre Grosvenor Lane property, but on a property more than twice as large. The other two local Brightview facilities (including one on Darnestown Road in Montgomery County) apparently have 90 to 94 units on properties of 3.5 acres or more – fewer units/residents than proposed for Grosvenor Lane, and on larger properties. Brightview isn't treating the smaller suburban Grosvenor Lane property consistent with its treatment of the larger suburban properties. If Shelter Development wants to build a new suburban facility with 104 residents/98 units, it should seek approval to do so on a considerably larger site.

After discussions with M-NCPPC staff and community residents, Shelter Development made some positive changes to its earlier draft plans: increasing setbacks from Grosvenor Lane and Fleming Avenue, preserving/adding perimeter trees/vegetation as buffering, and putting some parking underground. We support these changes. However, we believe that these changes don't sufficiently mitigate the adverse impact this proposed project would have on our residential neighborhood and aren't enough to make the project compatible with adjacent properties or the neighborhood, or to justify Conditional Use approval.

We have significant concerns about the size of the proposed facility – its height and footprint – and the number of residents and staff proposed for this large facility on a relatively small property in our neighborhood of single-family houses. We believe that the proposed building and proposed number of residents and staff are too large for the property, setting, nearby properties, and neighborhood. We believe they are too large to be considered harmonious or compatible with the character of the residential neighborhood, would alter the character of the surrounding neighborhood, and would affect the area adversely.

The size, architecture, and setting of the new facility should be compatible and harmonious with the neighborhood's single-family houses and the adjacent historic buildings and their setting. The historic Grosvenor mansion would be "next door," with both buildings facing Grosvenor Lane. The proposed structure's large size isn't compatible with the much smaller nearby single-family homes and the considerably smaller Grosvenor mansion, and it would alter the character of the neighborhood. It is out of scale compared with the single-family houses on three sides of the property and the historic Grosvenor mansion on the fourth side. The proposed massive facility would be out of proportion and out of place at this location.

Green space needs to be maintained and enhanced along Grosvenor Lane, a Green Corridor. We understand that Green Corridor guidelines applicable to special exceptions/conditional use include retaining existing green space, maintaining and enhancing vegetation along the roadside, and taking into account visibility of buildings to residents of nearby communities.

A (mostly) townhouse development, "Grosvenor Heights," is being built behind the wooded 8.9-acre Wild Acres environmental setting and the wooded property the applicant proposed to develop; the environmental setting and this property screen/buffer the townhouses from Grosvenor Lane. The Grosvenor Heights developers were required to build single-family houses rather than townhouses along Fleming Avenue at the western edge of their property, and the maximum height of these new houses was specifically limited, for compatibility with the existing single-family houses across the street. Comparable limitations regarding building height and size should apply to this property as well, since single-family houses also are next to this property, on the north and west sides and on part of the south side. The size and height of our homes and the historic Wild Acres buildings need to be taken into account and respected, in order for a facility on this site to be considered compatible and harmonious with the character of our neighborhood, and so that it doesn't alter the character of the neighborhood.

Although the county might decide that increased traffic and noise related to the proposed facility wouldn't cause "undue harm," the additional traffic and noise would have adverse impacts on our neighborhood.

The facility as proposed would generate noticeable and significant (to us) traffic on Grosvenor Lane, a two-lane residential street. This traffic would add to the congestion at the Grosvenor Lane/Rockville Pike, Grosvenor Lane/Cheshire Drive, and Cheshire Drive/Old Georgetown Road intersections. Traffic would be generated by

the 65 FTE employees; visitors; providers of medical, repair, and other services; deliveries of food and supplies; linen/laundry deliveries and removal; trash and recycling removal; transportation for residents; ambulances; etc. The application's "trip generation totals" of only three AM peak hour trips and only six PM peak hour trips appear to be unrealistically low. We believe it is unrealistic to expect staff to use carpools to travel to and from the facility, and we note that the #6 Ride-On bus, whose route includes Grosvenor Lane, operates only every half hour on weekdays, is sometimes unreliable, and doesn't operate on weekends and holidays.

We have concerns about additional noise that would be related to the proposed facility. Ambulances going to and from the facility would create loud noise along Grosvenor Lane. Currently, there often are several ambulances per day on Grosvenor Lane, going to and from BHRC on this residential street, with loud sirens in the daytime and sometimes at night, and always flashing lights at night. Trash pick-ups, deliveries, etc., would create significant noise on the property, affecting nearby residences and the Grosvenor mansion. Also, the HVAC/air conditioning unit(s) needed for a facility this size would create loud ongoing noise that might not be sufficiently mitigated by their apparent proposed placement on the building's roof.

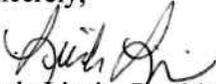
For the reasons described in this letter, we believe that Conditional Use approval should not be granted for the application as submitted. Significantly reducing the size (height and footprint) of the proposed facility and proportionately reducing the number of residents, staff, and trips/services needed, and assuring sufficient setbacks and screening would help to mitigate the concerns we've raised.

We strongly recommend the following changes and conditions to help make the proposed project compatible and harmonious with our neighborhood, keep it from altering the character of the neighborhood, and reduce its adverse impact:

- Significantly reduce the height, footprint, and square footage of the facility. It shouldn't be higher than the Grosvenor mansion located "next door," with both facing Grosvenor Lane. For compatibility, the new facility shouldn't be out of scale with the historic mansion. The new facility's height shouldn't exceed the maximum height for nearby single-family houses, including the ten single-family houses being built directly behind this site. Per Planning Board resolution MCPB No. 13-171 (date-stamped March 11, 2014), the maximum height of these ten one-family detached houses is "35 feet to the ridgeline or 30 feet to the midpoint of the roof," for compatibility with the neighborhood's single-family houses. Also, the new facility shouldn't be higher than nearby similar facilities with adjacent single-family houses – a maximum of two stories in front.
- Significantly reduce the number of residents, and reduce the number of staff proportionately. As noted, Brightview operates three local suburban facilities with considerably fewer residents per acre than it proposes here. The maximum number of residents on this smaller property should be reduced by more than 30%.
- Assure that the structure/architecture is appropriate for the setting and compatible with our homes and the historic Grosvenor mansion. We note, for example, that the proposed front façade's odd four-story area appears to serve no function and would make the building more visible from Grosvenor Lane.
- Assure that most parking is underground, under the building.
- Assure that there are sufficient setbacks on all four sides of the property. The setback from Grosvenor Lane, a Green Corridor, should be "more than 134 feet" (quoted from the application). Greater setbacks than proposed on all four sides would provide better buffering and would allow more space for landscaped walkway(s) with benches for residents and their visitors.
- Assure that there are effective green buffers on all four sides of the property, especially along Grosvenor Lane and Fleming Avenue. Retain and enhance the existing tree stand along Grosvenor Lane. Assure that additional appropriate trees and shrubs are planted as screening on all sides of the property.

Thank you for your kind and careful consideration of our concerns and recommendations.

Sincerely,

  
Linda Lizzio, President  
Wildwood Manor Citizens Association

  
Ann Bowker  
WMCA Development Committee

# ATTACHMENT 6b

August 16, 2016

Ms. Emily Tettelbaum  
Area 2  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 2091  
Via Email: [Emily.Tettelbaum@montgomeryplanning.org](mailto:Emily.Tettelbaum@montgomeryplanning.org)

***Re: Shelter Development Conditional Use Application, 5510 Grosvenor Lane, Bethesda (Corrected)***

Dear Ms. Tettelbaum,

Shelter Development, LLC has submitted a special exception application requesting that it be permitted to construct a 104-bed assisted living facility on the wooded, one-house, 2.7 acre lot, currently zoned R-90, at the corner of Grosvenor Lane and Fleming Avenue. The confronting residents of Fleming Avenue submit this letter to reiterate to you our serious concerns about the incompatibility of the Shelter Development's special exception proposal with our homes, our street and our neighborhood.

We, the letter writers, are the homeowners in the 10000 block of Fleming Avenue, whose homes will face directly onto the proposed development along Fleming Avenue. Because Shelter Development's proposal is incompatible with the residential neighborhood for which it is proposed, we respectfully request that you recommend against approving the proposal in its current form.

## (1) Shelter Development's Proposal

Shelter Development proposes constructing a large, 3-4 story building with 98 assisted living apartments for elderly residents, containing a total of 104 beds. Although the total square footage of the proposed building is unspecified in the application, we understand total square footage of the building to be approximately 85,000 square feet. The building will be set back 134' from

Grosvenor Lane, but only 38' from its Fleming Avenue property line. Aside from the portion of the lot that is devoted to the building itself, about one-quarter of the property will be paved to be used for a driveway, delivery area and guest parking lot of approximately 14 spaces. Due to the close proximity to the Bethesda Trolley Trail, the plan proposes to connect a concrete walkway from the front driveway of the facility to the trail.

The business operations of the assisted living facility will occur on a round-the-clock-schedule, consisting of 3 employee shifts, which will change at approximately 7 am, 3 pm and 11 pm. The building will have exterior lighting on all night. Shelter Development estimates that approximately 65 employees will travel to the facility daily, together with an unknown number of independent contractors and guests. The facility will operate a large shuttle bus on several daily trips to assist the residents with their errands and appointments as well as to provide recreational opportunities.

The facility will offer tenants not only an apartment style residence with a kitchenette where they might prepare their own meals, but also full restaurant-style dining operations for three meals per day. Other hospitality-style services, such as daily happy hours in their lounge, as well as support services, such as laundry and housekeeping are also provided. In addition, a full schedule of classes will be offered to provide the residents with exercise and other pastimes.

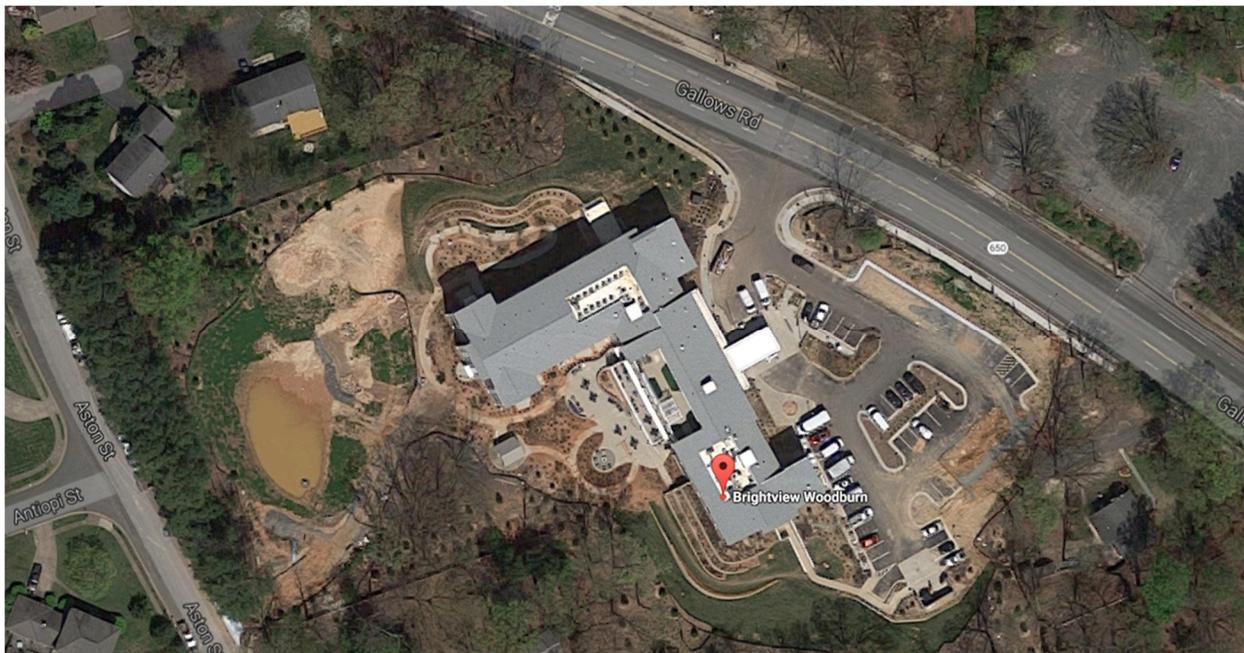
In support of these services, according to the application, weekly food and other deliveries will occur from large trucks 3-4 times per week, and trash and recycling will be collected from dumpsters twice per week.

(2) Shelter Development's Proposal is Substantially Larger than Any of Its Approved Comparable Local Operations

Shelter Development has been expanding into the region over the past few years and has at least 6 local facilities that have been completed, are under construction or are in the planning stages. Three of the completed facilities are similar suburban-style assisted living communities. There are several important takeaways from a review of Shelter Development's other similar suburban

assisted living facilities: (1) the other facilities sit on lots that are significantly larger than the 2.7 acre 5510 Grosvenor Lot; (2) the other facilities are either on a major road or adjacent to commercially zoned property; and (3) single family homes do not have their front doors and windows faced onto the side wall of any of Shelter Development's other suburban facilities.

Brightview Woodburn is located at 3450 Gallows Road, in Fairfax County, Virginia. It has 100 apartments and 104 beds and is approximately 55000 square feet.<sup>1</sup> The facility sits on a 6.2 acre parcel along Gallows Road, Virginia 650 – a four-lane road. The facility, with the identical number of beds as is proposed for Grosvenor Lane, is located on a lot that is more than double the size. To give perspective on the relative size of this lot for the number of beds, the equivalent number of beds for the 2.7 acre lot on Grosvenor Lane would be 45.



Picture 1: Brightview Woodburn (Google Maps)

As the photograph above illustrates, there are some homes on the side and back of the Brightview Woodburn facility. Of those homes, only 1 faces directly in the direction of the building. It is across the street, on Ashton Street, and is separated

---

<sup>1</sup> <http://patch.com/virginia/annandale/planning-commission-approves-brightview-senior-living98c8590e5d>

by over 200 feet of mature trees. The home is in the picture below in the lower left corner.



Picture 2: Brightview Woodburn Neighbor on Aston Street (Google Maps)

The next comparable facility is in the City of Rockville. Brightview Falls Grove, located at 9200 Darnestown Road (Maryland Route 28), a four lane roadway, has 90 apartments and 100 beds.<sup>2</sup> The facility is located on a 3.6 acre lot. To give perspective on the relative size of this lot for the number of beds, the proportional number of beds for the 2.7 acre lot on Grosvenor Lane would be 78.

As is shown in the picture of Brightview Falls Grove below, no homes in the area face directly onto the facility. The homes across the street are side-facing to the facility. Those homes have front doors and windows that look across at similar homes over a smaller side street. The immediately adjacent neighbors all have back yards that abut the Shelter Development facility. The lot lines of the homes depicted in the bottom of the photo are 97 feet from the Shelter Development building, and are behind a line of substantial evergreen trees that were original to the property.

---

<sup>2</sup> The total square footage for this facility was not readily available. Based on City of Rockville planning documents, the footprint of the building is approximately 21000 square feet.



Picture 3: Brightview Fallsgrove (Google Maps)

The final comparable facility in this area is Brightview Great Falls. Shelter Development's Great Falls facility is located on a 3.6 acre lot adjacent to a commercially zoned plaza in the business district in the Village of Great Falls. The facility has 90 apartments and 94 beds in a building of approximately 57000 square feet<sup>3</sup>. To give perspective on the relative size of this lot for the number of

---

<sup>3</sup> [https://www.washingtonpost.com/blogs/the-state-of-nova/post/great-falls-debates-nursing-home-on-site-of-thelmas-ice-cream/2011/05/09/AFXAVgZG\\_blog.html](https://www.washingtonpost.com/blogs/the-state-of-nova/post/great-falls-debates-nursing-home-on-site-of-thelmas-ice-cream/2011/05/09/AFXAVgZG_blog.html)

beds, the proportional number of beds for the 2.7 acre lot on Grosvenor Lane would be 71.

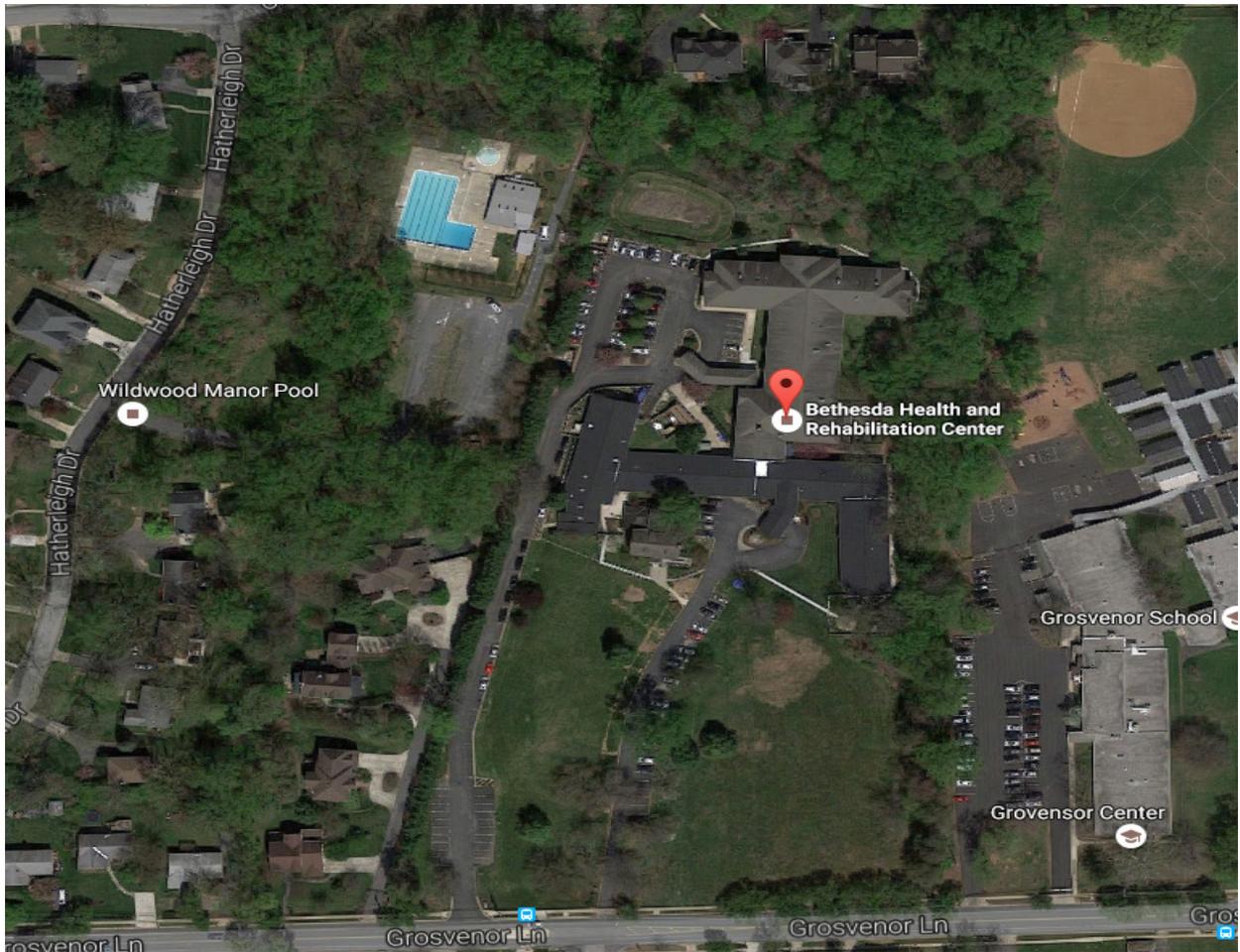
As is seen in the picture below, few homes are near the facility. The closest home, shown below, has a portion of its back yard abutting the parking lot, from which it is separated by a line of trees and a tall fence.



Picture 4: Brightview Great Falls (Google Maps)

### (3) The Existing Nursing Home Facility in Wildwood

Our neighborhood already has a 200-bed nursing home facility within the neighborhood, Savacare's Bethesda Health and Rehabilitation Center. Bethesda Health is approximately one-quarter mile from 5510 Grosvenor Lane, at 5721 Grosvenor Lane. The 9 acre lot is approximately 3 and 1/3 times the size of the lot at 5510 Grosvenor. The proportional density for the proposed facility would be about 35 beds.



Picture 5: Bethesda Health and Rehabilitation Center

As is shown in the picture above, Bethesda Health is located on an approximately 9 acre lot. The building is set back over 350 feet from Grosvenor Lane, and has a 4 acre forest preservation easement in the rear and side of the facility to protect the existing homeowners. The building is situated between the Wildwood Pool complex and the Grosvenor School building. Three single family homes on Cheshire Drive have back yards abutting the forest easement at the rear of the Bethesda Health property. Four single family homes were built after this facility was constructed, and can be seen along left-hand driveway on the Bethesda Health property. Even those homes do not face the side of the building, but

rather face onto the 350 foot length lawn and driveway, and are fully screened by densely planted, tall evergreen trees.

The example of the Bethesda Health and Rehabilitation property demonstrates a nursing home development that is more compatible with the neighborhood than is the current proposal. Confronting neighbors across Grosvenor Lane that face onto the building are more than 350 feet away, and separated by a large lawn and numerous trees. The building itself aligns with the other noisier, non-residential uses in the neighborhood (the pool and the holding school). The 7 single family homes that are directly adjacent to the property are not facing onto a wall of the facility. Three single family homes have their back yards abutting the 4 acre large forest preservation easement in the rear of the property. Even the infill development along Grosvenor Lane has views of the large lawn and has dense screening separating it from the asphalt.

In sum, when Shelter Development's proposal is compared to Shelter's other approved suburban facilities and to the Bethesda Health facility in our neighborhood, it is clear that the current proposal is far more aggressive and dense than any of these other facilities. It has far more beds for the amount of land, and far less protection for the existing confronting owners.

#### (4) The Shelter Proposal is Incompatible with Character of the Neighborhood; Specific Effects on Fleming Avenue Residents

The Shelter Development proposal is incompatible with the Fleming Avenue neighborhood due to non-inherent adverse effects pertaining to the large size of the building, particular situation of the lot, the placement of the proposed building on the lot, and an existing storm water easement on the property.

Fleming Avenue is a street that is composed of small single-family homes. When the Planning Board considered the development of the adjacent parcel on Fleming Avenue a couple of years ago, it *sua sponte* insisted that the development along Fleming Avenue only include single-family homes to preserve the neighborhood character. A representative of the current owners and his

lawyer showed up at the Planning Board meeting to explain that the owners intended to continue that plan along Fleming Avenue. Presumably in part on the basis of those representations, the Planning Board granted the right to develop the adjacent parcel.

Shelter Development is of course not proposing single-family homes as previously represented to the Planning Board. It is not even proposing a typically dense assisted living facility. Because Shelter Development has proposed a facility that houses residents in apartments, rather than in single rooms, the proposed building is necessarily larger than would be a similar building containing 104 beds in single or double rooms. Indeed, if these apartments were to have an installed cooktop, rather than have residents bring their own microwaves, Shelter Development would be limited to approximately 45 dwelling units on the 2.7 acres. There is a significant difference in the square footage required for 98 apartments vs. 45 apartments.

Fifteen of the proposed apartments will be on 3-story (40 feet tall) wing overlooking Fleming Avenue. For the residents of Fleming Avenue, this means that they will look out their front doors every morning either at a parking lot in the front of the building, or at a large side-wall. The wall is about 117 feet wide and 40 feet high, and is placed only 38 feet from the property line. There are no other Shelter Development facilities in the DC Metro area where confronting neighbors are required to look at a side-wall.

Although the building is immense, the proposed application offers a setback from the property line of a mere 38 feet. In comparison, the front windows of the small single-family homes on Fleming Avenue are set back 35 feet. The mere 38 foot setback limits the amount of tree screening Shelter Development can actually provide to the homes along Fleming Avenue. As Shelter's plans depict, 38 feet is only enough to plant one line of trees and shrubbery. This minimal screen will provide open sight lines from our homes directly to the 117 by 40 foot wall, even after the many years it will take for new trees to grow. For comparison, the Bethesda Health facility in our neighborhood has four acres of forest easement to screen the facility from nearby homes.

Not only is one tree per house insufficient screening from the wall of the facility, the southwest corner of the building cannot be screened from Fleming Avenue at all. A storm water easement involving a large pipe prevents planting on that corner. The break in foliage is clearly visible on the proposed plan and is directly across from the driveway of 10104 and 10102 Fleming Avenue.

The practical effect of this proposal is to drastically change the character of Fleming Avenue. Instead of a quiet street lined with single-family homes, this small street would suddenly house a gigantic commercial complex plainly visible and directly across from several homes. It will dominate the street and the area like no other nearby structure.

This minimal buffer is not only a problem because of sight lines. Shelter's proposed facility would house 104 residents, and host 65 employees in three shifts, plus contractors, visitors, deliveries, dumpster trash removal, medical waste removal, linen services, food services for a full restaurant, concession services, and all the other traffic associated with a large commercial complex. Employee shift changes will happen at 11pm at night, with breaks presumably at 3am. And all of these activities will happen with only 38 feet of buffer from the confronting homes. Even with noise restrictions in place (which Shelter has not proposed), only a very extensive buffer could prevent 11pm shift changes, 3am smoking breaks, and 7am dumpster crashes from waking every confronting owner every night. Rather than the quiet tree-lined R-90 street we bought in reliance on, Shelter's proposal will turn our homes into the sidelot of a large commercial enterprise – a restaurant, laundromat, apartment building, medical building, and concessionary all in one.

In short, Shelter Development's proposal as currently drafted is not harmonious with the existing homes on Fleming Avenue and alters the character of the neighborhood, creating a large commercial venture within a residential neighborhood that is barely screened from the confronting neighbors.

(5) Even Shelter's Appraiser's Report Indicates Economic Harm will Befall Homeowners on Fleming Avenue

Although Shelter Development's appraisal report attempts to reach the conclusion that Fleming Avenue homeowners confronting Shelter Development's proposed facility will suffer no economic harm, when reviewed objectively, the report indicates that it is more likely than not that the Fleming Avenue homeowners WILL suffer financial loss if the facility as proposed is constructed.

As a starting point, it is important to note the characteristics of the facility Shelter is proposing: a 3-4 story 85,000 square foot 104-bed facility on a 2.7 acre R-90 lot with only 38 feet of buffer to homes looking directly onto the side of the facility.

The appraisal report appears to demonstrate that Shelter Development is proposing an unprecedented situation in Bethesda –the appraiser was apparently *unable to find a single home* in Bethesda that has its front doors and windows facing directly onto the side of an assisted living facility that sits even within 200 feet of the property line, let alone 38.

Instead, the appraiser's paired sales analysis uses homes that have backyards adjacent to assisted living facilities, or in one case a home that is in the general vicinity of assisted living facilities. Paired sales analyses 1-3 each discuss homes that have their backyard abutting the property line of an assisted living facility. This is a materially different situation than having the home facing forward onto the wall of the assisted living facility. Indeed, analysis 1 focused on a home that backs onto the county-mandated 4-acre forest preservation easement.

Nevertheless, even when the analysis looked at homes with a back yard adjoining an assisted living facility, two out of three of the analyses showed either a definite economic loss related to the proximity to an assisted living facility (paired sales analysis 2) or a potential loss (paired sales analysis 3). Even paired sales analysis 4, in which the home faces onto a significant area of woods, and does not seem to have any view of the assisted living facility that is some distance away, the appraiser concluded that there was a possibility of an economic loss to the homeowner due to the proximity to an assisted living facility.

In short, because the appraiser's report did not compare a single home in like circumstances to the confronting homes on Fleming Avenue, it should be read to

deeply underestimate the negative economic effect on the confronting homes on Fleming Avenue.

There is another reason to discount the report's conclusion: common sense. Not only does the economic literature demonstrate that commercial development within 250 feet of suburban homes decreases economic value,<sup>4</sup> but it is self-evident to all that facing the sidewall or parking lot of an all-hours commercial facility is not as desirable as facing a deep acreage of trees or single-family homes. It seems more likely that our homes would incur a 10% or greater loss in value.

Residents on our street would not have chosen to buy their homes across from such a facility. Instead, we paid a premium to live in an area protected by R-90 zoning. We did not bid on a property across the street from an existing assisted living facility, and thus would bear 100% of the economic loss related to this change in circumstance. Even according to the evidence provided by Shelter Development's own appraiser, it is more likely than not that the close proximity of the proposed facility to our homes will cause us to suffer a financial loss.

#### (6) Shelter Development's Proposal is Incompatible More Generally with the Residential Character of the Neighborhood

As is described above, Shelter Development's proposal introduces a significant apartment building with 24/7 staffing and full restaurant service into a neighborhood that, with the exception of the new Grosvenor Heights Townhouse development, is comprised almost entirely of single family homes. The building it proposes to construct is far larger than the largest structure in the nearby Grosvenor Heights development, and dwarfs the homes in the surrounding neighborhood. With three-four stories and total of 85,000 square feet above ground, the sheer size of this building is imposing. Moreover, this imposing building is placed on a very small lot for a structure of its type and size. For perspective, most of the confronting homes in which we live are 800-1700 square

---

<sup>4</sup> See, e.g., John Matthews, *The Effect of Proximity to Commercial Uses on Residential Prices* (2006), at 137 ("Up to about 250 feet, the negative effect of disamenities results in a net loss."), found at [https://smartech.gatech.edu/bitstream/handle/1853/10496/matthews\\_john\\_w\\_200605\\_phd.pdf](https://smartech.gatech.edu/bitstream/handle/1853/10496/matthews_john_w_200605_phd.pdf).

feet. Thus, the building Shelter proposes that we face would be 50-105 times the size of our homes.

This proposal brings with it numerous negative impacts on the residential neighborhood, inherent to a project of this type. The large 104-bed size of this development and its small lot exacerbates these effects. Traffic in the neighborhood will be impacted by the addition of 65 employees on the road daily. Not only will the workers likely drive to and from work, but they will make additional trips during shifts to run small errands. Further, 130+ additional car trips through the neighborhood is an underestimate of trips to the facility because it does not account for any independent contractors and it does not account for guest visits to the 104 residents. Additional delivery and trash trucks will travel on a regular weekday schedule, and we can anticipate that ambulance visits to the neighborhood will also increase. A large shuttle bus will also be running several trips per day to and from the facility. The additional traffic from the facility will negatively impact the already-congested Grosvenor Lane. Although the traffic statement says that rush hour traffic will not be impacted much by the proposal, it is not clear from the report whether the traffic engineer has any specific experience with conditions on Grosvenor Lane. Traffic starts on Grosvenor Lane when secondary schools starts – in the 7:00 am hour - and continues on until the Grosvenor holding school bell rings at 9:25 am.

In addition to traffic, the facility will generate noise. There will be noise from the building itself, such as the sounds of air conditioning units and back-up generators. There will also be added noise from the delivery trucks and the shuttle bus (rumbling, back-up beepers). In addition to rumbling loudly, the trash trucks will make loud banging noises as they attempt to lift and empty the dumpsters on the property. In addition to noise, all of these large vehicles will create more air pollution than is currently experienced – especially the shuttle bus, which idles for long periods of time in front of the facility.

The facility will cause light pollution in the neighborhood. For safety reasons and to support its shift workers, the driveway on the front of the building will be required to have lights on all night. This will significantly increase the brightness

at the corner of Fleming and Grosvenor. In addition to the lighting for the building, cars will be circling in the driveway at night with their headlights on. Moreover, Shelter's light survey does not account for the fact that 15 units will face directly onto Fleming from ground level to 40 feet. All of these units could have lights on deep into the night; unless Shelter intends to impose "lights out" rules on its residents, we can expect a major difference in the light profile facing our homes.

Although Shelter Development has acknowledged these inherent adverse effects related to their application, and the effects are well known to disturb the peace and quiet enjoyment of the residents, the plan offers no suggestions as to how these effects can be ameliorated. In fact, with a facility so large, they cannot; the facility is just too large and too close to the surrounding homes not to have detrimental effects on the neighborhood.

### Conclusion and Recommendations

Shelter Development's own patterns of development in the metro area and its own appraiser's report show that it is making an unprecedented proposal to construct an over-sized assisted living facility in a densely developed residential area. More people are proposed for the 2.7 acre lot at the corner of Grosvenor Lane and Fleming Avenue than populate Shelter Development's comparable facilities in Rockville and Great Falls, each of which sit on 3.6 acres. Indeed, Shelter Development is proposing the same number of residents that they have on a 6.2 acre property in Fairfax County. The physical plant itself is significantly larger than Shelter Development's other facilities – outspacing Woodburn and Great Falls by approximately 30000 square feet. Shelter's appraiser's report also shows that this development proposal is unprecedented – nowhere in Bethesda could the appraiser locate homes confronting a facility set back only 38 feet from the property line.

The planning staff has several options before it to address Shelter's proposal.

First, it could oppose the proposal as not compatible with the surrounding neighborhood. It has the ability to do so; the Master Plan for our area (p. 38)

states that a goal of the Master Plan is to protect residential uses from special uses that are incompatible, even when they are consistent with the other goals of the Master Plan.

Second, the planning staff could recommend that this facility be scaled down to a reasonable size that fits the unique characteristics of the lot and that takes into account the larger square footage required for the apartment-style residences that exist in this proposal. Such a facility should be moved back more than 38' from the Fleming Avenue property line, so that proper landscape screening can be placed on the lot to shield Fleming Avenue residents from the parking lot, driveway and 117' x 40' wall. Reducing the scale of the facility will also help ameliorate the traffic situation in the neighborhood as fewer employees, independent contractors, and visitors will be traveling on Grosvenor Lane. If the facility were reduced to 45 units (10 units denser than the Bethesda Health facility in our neighborhood and the maximum allowed by law if the apartments had cooktops), which is the density equivalent of Brightview Woodburn, it would be possible to establish treed buffers on all sides of the property. If it were reduced to 60 units, the facility would be able to have true treed buffers on Grosvenor and Fleming. Even if it were reduced to a very dense 75 units, it would be the density equivalent of the four-lane highway Brightview Fallsgrove and the commercial zone-adjacent Brightview Great Falls. Even then, the nearest proposed wing on Fleming Avenue could be shaved off to provide a greater treed buffer along Fleming.

In addition, the planning staff should recommend other operational limitations to protect the neighborhood from traffic, noise, and light, including by restricting truck traffic and other noisy activities to the 9-5 hours and setting up a system to manage nighttime traffic. We would be happy to discuss such limitations with you further.

Thank you for your time and consideration of our concerns.

Sincerely,

/s/

Elke Jordan 10114 Fleming Avenue	John & Anne May 10112 Fleming Avenue	Jeremy & Lauren Medovoy 10110 Fleming Avenue
-------------------------------------	---	---

Jeff Klein & Sara Gottovi 10108 Fleming Avenue	Tracy Boyle 10106 Fleming Avenue	Umang Malhotra 10104 Fleming Avenue
---	-------------------------------------	--

Leila Kiani-Falavarjani & Fardad Hormozi  
10102 Fleming Avenue

**Tettelbaum, Emily**

---

**From:** PAUL ANDREWS <paulandrews@me.com>  
**Sent:** Tuesday, August 16, 2016 7:35 PM  
**To:** Tettelbaum, Emily  
**Subject:** Grosvenor Sr Living Facility

Hello, as a neighbor who lives at 10103 Edward ave. I would like to voice my disapproval for the project:

This facility will bring a large-scale commercial operation to the neighborhood, including:

+a 24 hour schedule, consisting of 3 employee shifts, which will change [at 7 am](#), [3 pm](#) and [11 pm](#)

+The building will have exterior lighting on all night

+65 employees will travel to the facility daily on the already-congested Grosvenor Lane, together with an unknown number of independent contractors and guests (causing increased cut-through traffic to Lone Oak and Kingswood as people get frustrated with Grosvenor Lane)

+The facility will operate a large shuttle bus up and down Grosvenor Lane on several daily trips to support residents

+according to the application, weekly food and other deliveries will occur from large trucks 3-4 times per week, and trash and recycling will be collected from dumpsters twice per week

+ noise from dumpsters, trucks, large mechanical features of the building (heating/cooling, back-up generators)

With this plan and the EYA townhouses under construction the safety of our children is in grave danger....especially considering there is no sidewalk on the main road of Loan Oak.

Thanks

Paul Andrews

Sent from Paul D's iPhone

**Tettelbaum, Emily**

---

**From:** Mark Bernstein <mdbernstein@gmail.com>  
**Sent:** Friday, August 12, 2016 8:34 PM  
**To:** Tettelbaum, Emily  
**Subject:** 5510 Grosvenor

Dear Ms. Tettelbaum,

It's my understanding that you are the person to write about a concern our family has about the proposed construction of a 150,000 sq ft assisted living facility at the corner of Grosvenor and Fleming in Bethesda.

I am very familiar with the NIMBY phenomenon, and understand that things need to go somewhere or we won't have them around. However, **this would bring a large-scale commercial operation to a residential neighborhood**, and would be very disruptive to those who live right near it. It will be open 24 hours and there will be exterior lighting on all night. It will cause a great increase in traffic on narrow roads. It will cause a lot of noise from dumpsters/trucks making deliveries/etc. This information comes from the application, so this is not me making things up....

All I ask is that you please consider whether this is the right fit, because I honestly do not. And please think about how you would feel if it was your neighborhood. Perhaps the answer - if not disallowing the construction - is simply scaling it down somewhat....I hope you will be open-minded as the process moves forward. This will greatly impact those who live here....

Thank you,  
Mark Bernstein, Carolyn Weiss and Lila Bernstein  
Greenlawn Drive

**Tettelbaum, Emily**

---

**From:** Jeff Breslow <jeffbreslow@yahoo.com>  
**Sent:** Friday, August 12, 2016 9:30 AM  
**To:** Tettelbaum, Emily  
**Subject:** Senior Living Facility on Grosvenor Lane

Dear Ms. Tettelbaum,

It has come to my attention that there is a development proposal to construct an approximately 150,000 square foot senior apartment/assisted living facility at the corner of Grosvenor and Fleming Avenue (5510 Grosvenor Lane) to house 104 people.

Given the existing new construction where the conservation facility once was, which is adding hundreds of people to the already cramped Grosvenor corridor, this facility will be too much for the area. I ask that the proposal to change the zoning from residential be reject.

Thank you.

Jeff Breslow  
5807 Kingswood Rd  
Bethesda, MD 20814

# ATTACHMENT 6f

**Tettelbaum, Emily**

---

**From:** Levy, Stacy N <Stacy\_N\_Levy@mcpsmd.org>  
**Sent:** Tuesday, August 16, 2016 11:00 PM  
**To:** Tettelbaum, Emily  
**Subject:** New Development Proposal on corner of Fleming Avenue and Grosvenor

Hi Emily,

We moved to the Grosvenor Lane neighborhood from the city to raise our three toddlers. We selected this area because it is a calm, quiet residential neighborhood zoned only for residential homes and are strongly opposed to any sort of commercial operation and the issues it brings on our block/neighborhood.

Thank you for your attention,

Stacy

Stacy Levy  
Algebra Teacher  
PTSA Staff Liaison  
T.W. Pyle Middle School

## Tettelbaum, Emily

---

**From:** Lieberman, Carolyn <clieberman@wtop.com>  
**Sent:** Tuesday, August 16, 2016 9:26 PM  
**To:** Tettelbaum, Emily  
**Subject:** Concerned Resident

Hi Emily. I am writing in hopes you will consider saying **NO** to developing a senior center on Grosvenor and Fleming Road. We have lived in this neighborhood for 8 years now and between the new home construction, the townhome development, and the recent long term water main replacement project, the neighborhood is unrecognizable and quite honestly, stressful. With all the development noise, construction crews, and people cutting through streets like Lone Oak and Edward to take short cuts it is far from 'Home sweet home.'

We no longer get the treelined sunrise view from my kitchen window that I enjoyed with a cup of coffee every morning. The schools are way overcrowded, and I have seen several raccoons in our backyard due to animals being displaced with all the activity and woods reduction. I beg you to stop the growth in this area and give the families who live in this neighborhood a much needed break. There is already a Bethesda Rehab center up the street and with all the townhome construction and new homes going up on Fleming, the area is way overcrowded.

The last thing this neighborhood needs is a large scale 24 hour commercial facility/operation with shuttle buses, trucks coming in and out, and 104 senior residents and their visitors. It is vital that you stop to consider this and at some point realize enough is enough. We need to preserve what is left of this residential community that we call home to our children, pets and fellow neighbors.

I urge you to vote NO for this as that is the logical and smart way to go on this one.

Thank you in advance for preserving what is left of our neighborhood. I truly appreciate it and Teddy Roosevelt would have too. 😊

Please call with any questions. Wishing you all the best.

Carolyn Lieberman

**Tettelbaum, Emily**

---

**From:** Philip MacMillan <philipdmacmillan@gmail.com>  
**Sent:** Friday, August 26, 2016 4:34 PM  
**To:** Tettelbaum, Emily  
**Subject:** Retirement Home

Dear Ms. Tettlebaum,

I am writing to express my concern and opposition about the proposal to build a retirement home at the corner of Grosvenor Lane and Fleming Ave. in Bethesda.

As I understand, the property is currently zoned for residential homes, and the developer has to obtain approval for a special exception from the County in order to build the retirement home. In my opinion, rules are created for a specific purpose and any deviation from them means that they no longer serve the purpose for which they were established in the first place. In this case, the rules were intended to preserve the residential character of our neighborhood, which has already been significantly altered since we moved to the area in 2008. As you know, about 150 townhouses are presently being constructed on the grounds of the former Grosvenor Estate and another 46 townhouses are being proposed for Grosvenor Place. These two areas represented a small measure of green space in an urban area, but have now given way to development. I am not clear why there has been a sudden proliferation of construction in our neighborhood and the razing of so many trees. I thought that at least some green space should be preserved. With the retirement home proposal as well, the residential character of our neighborhood will, in a very short period of time, be irreparably changed.

The retirement home will bring a large-scale commercial operation to our neighborhood, which is incompatible with its residential character. Moreover, there will be a considerable increase in traffic, which will further impact the enjoyment of our neighborhood. I am also perplexed how such a large facility can be constructed on a relatively small tract of land. Because of limited space, there will also be cars parked all the time outside the facility, adding more congestion to the narrow streets.

I respectfully ask that the applicable zoning rules be respected and that no exception be granted to allow a commercial enterprise into our residential neighborhood.

Thank you for your kind consideration of this matter.

Sincerely,

Philip MacMillan  
5607 Lone Oak Dr.  
Bethesda, MD 20814

## Tettelbaum, Emily

---

**From:** MARY E MAHER <marymaher1@me.com>  
**Sent:** Friday, August 12, 2016 9:20 AM  
**To:** Tettelbaum, Emily  
**Subject:** nursing home on Grosvenor Lane

Dear Ms. Tettelbaum,

I am a long time resident on Greenlawn Drive/parallel to Grosvenor Lane. This is getting totally out of line and unacceptable to the residents of this area. I plan on contacting Chris Van Hollen with my complaints and am contacting the Washington Post and WTOP. Where in god's name is the traffic supposed to go?--- Through my neighborhood? Montgomery County has become very greedy with it's pursuit of the 'almighty dollar' and total disregard for its residents. We totally oppose the building of the Nursing Home on Grosvenor and Fleming Drive. love, Mary Maher  
5823 Greenlawn Drive, Bethesda, Md. 20814

## Tettelbaum, Emily

---

**From:** David Mathison <davidmathison@hotmail.com>  
**Sent:** Tuesday, August 16, 2016 10:40 PM  
**To:** Tettelbaum, Emily  
**Subject:** from 10101 Edward Ave.

My family at 10101 Edward is opposed to the building of this project on the corner of Grosvenor and Fleming, unless the permitting is very strict with the following:

--need to **preserve large trees and tree landscape on major streets**. many trees have been cut down as part of the neighboring townhome development and by WSSC and Pepco because of interference with power and sewers respectively. You need to preserve the aesthetics of the neighborhood

--need to **limit evening lighting**. all exterior lighting should be low-voltage up-spot lights and not bright downward spot lights.

David J. Mathison, MD MBA  
<http://lnkd.in/Xn2A8Z>

## Tettelbaum, Emily

---

**From:** Scott <onlinestuff3@yahoo.com>  
**Sent:** Friday, August 12, 2016 10:36 AM  
**To:** Tettelbaum, Emily  
**Subject:** Grovsner assisted living.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Emily,

I just wanted to express my concern on the assisted living project.

While in concept I don't have an issue (although the size seems a bit big) I do have one with continuing to add cut through traffic to loan oak drive.

If the county would work on the issue perhaps with traffic calming circles on lone oak, placement of the facility entrance and maybe blocking off the grovosner heights entrance except for emergencies and changing Fleming to a one way street I think it is something that we can support.

Again the biggest issue is adding more traffic to lone oak.

Regards,

Scott

Sent from my iPhone

## Tettelbaum, Emily

---

**From:** Heather Skinner <heather5432\_1@yahoo.com>  
**Sent:** Friday, August 12, 2016 9:35 AM  
**To:** Tettelbaum, Emily  
**Subject:** Please No!! Development Proposal on corner of Fleming Avenue and Grosvenor Lane

Hello Emily,

I am writing to oppose the proposed development of a senior apartment/assisted living facility at the corner of Grosvenor and Fleming Avenue (5510 Grosvenor Lane).

I am very much against a large-scale commercial operation in the neighborhood which will increase traffic, noise, distracting lighting all night, and filth - just imagine the dumpsters (and their smell and rodents!) for 104 residents + employees. Also it will further challenge the already difficult parking situation on Fleming avenue. There are just too many negative impacts and is incompatible with the neighborhood.

We want a strictly residential neighborhood, a peaceful place for our families to live. Think of our children, our pets, and just the average citizen who cares to live in a safe, clean, quiet, and less stressful environment. This is why we live here now and this is the quality of life we want to protect.

Please deny the developer's request for special exception and help us preserve our community.

Thank you!

Heather Skinner  
10010 Fleming Avenue  
Bethesda, MD 20814  
240-381-0556

**Tettelbaum, Emily**

---

**From:** Amy K. Swers <amyksa@gmail.com>  
**Sent:** Friday, August 12, 2016 9:19 AM  
**To:** Tettelbaum, Emily  
**Cc:** Jeffrey Swers  
**Subject:** Senior living proposal at Grosvenor and Fleming

Hi Emily,

I write as a resident of the Fleming neighborhood of two years. We learned recently of the proposal of a senior living facility at the corner of Grosvenor and Fleming. While not opposed in concept, we are quite concerned about the increased traffic and change to the neighborhood feel to where we live. We understand that building the facility requires changing the zoning for the property and are not keen on seeing the city approve this request, given the other development projects already underway that will affect the neighborhood.

Thanks,  
Amy Swers

---

Amy Kirschenbaum Swers  
Phone: 512-905-7094  
Skype: amyksa4226

Ms. Emily Tettelbaum  
Area 2  
Montgomery Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Conditional Use Application, 5510 Grosvenor Lane, Bethesda

The Fleming Park Community Association asks for your consideration of neighborhood views during deliberations over the above application. We represent the residents between Fleming Avenue, I 495, Grosvenor Lane and Old Georgetown Road, immediately adjacent to the proposed development.

It is our judgment that the facility proposed is much too large for the available acreage. The proposed facility will develop 98 units/104 beds on 2.7 acres. Similarly sized facilities by this company are on significantly larger plots (Brightview Woodburn has 100 units/104 beds on 6.2 acres; Brightview Falls Grove has 90 units on 3.6 acres).

The facility as proposed, on the corner of Grosvenor Lane (a two-lane road) and Fleming Avenue (effectively a one-lane access road at several points), in a densely populated community will constitute a severe negative impact on the community. Similarly sized facilities by this company are in areas with significantly better accessibility (Brightview Woodburn, with 100 units/104 beds, is located along the four-lane Gallows Road; Brightview Falls Grove, with 90, is located along Route 28, which is a divided four-lane road).

It is our judgment that the placement of a commercial facility in such constrained space in a densely populated residential community will constitute a severe negative impact on the community due to the presence of what is effectively a residence hotel, with a full-service restaurant, cleaning, and linen service for 104 residents, with the daily transport and commuting of goods and individuals necessary to accommodate the hotel.

The building size, placement, and aesthetics will be incompatible with the neighborhood to the extent of lowering housing values and reducing homeowners' comfort and satisfaction. The constraints of acreage and surrounding setbacks will force the builders to place the facility very close to Fleming Avenue, which will impose a looming presence over confronting houses; a big, forbidding expanse of wall; and loss of greenspace views. Although the developer shared plans to put in a green

barrier, it will be insufficient due to the limited size of the lot. and the presence of a large underground pipe.

The master plan (1992 North Bethesda/Garrett Park) assures us that a goal is to protect residential communities from special exception uses that are incompatible, and the senior living facility that is proposed is totally incompatible.

During a recent community association meeting, neighbors voiced concerns about the increased level of traffic and noise we will be subjected to on a daily basis if this facility is built. The Grosvenor Heights Development under construction will already add significant new traffic, stressing our narrow streets. Adding the proposed Bright View development is likely to cause critical congestion, noise and light pollution. We urge you to consider the totality of all the development in our area when evaluating this new proposal.

The Fleming Park Community Association implores the Planning Board to deny this application, or at least to reduce its size to at most half the size proposed. A smaller building would allow for adequate screening to minimize the impact and would reduce the amount of new traffic.

*Jody Chase / EG*

Jody Chase  
Acting president  
Fleming Park Community Association

## ATTACHMENT 6o

23 August 2016

10010 Edward Ave  
Bethesda, MD 20814

Ms. Emily Tettlebaum  
Area 2  
Montgomery County Planning Department  
8787 Georgia Ave  
Silver Spring, MD 20910

Dear Ms. Tettlebaum:

I live in a formerly quiet neighborhood under siege by construction.

I have lived here for 15 years and have seen massive changes as it is the land of perpetual teardowns. Two thirds of my block has been replaced with McMansions and more are to follow, including my own house eventually.

Since April, WSSC has undergone a large pipe replacement throughout this area (from the Beltway to Old Georgetown Road and Grosvenor Lane); some blocks were completed quickly, some, including mine, not too fast. In fact, I learned that now the sewer pipe will need replacement. The contractor is slow and the work is irregular. The workers leave their food and fluid trash all over the grass and street. I do see the benefit of replacing 60+ year old pipes, but the contractor is sloppy and inefficient.

The 37 acre Grosvenor woods tract of land is now being developed for 153 luxury townhomes (with elevators) and an additional ten single family homes backing on to Fleming Avenue. The trucks haul tens of thousands of pounds of soil and equipment down our narrow blocks. The noise, mud and dust is relentless. The trucks cut through my block all day long. This is a construction project that will take years, as the homes will only be built as fast as they are sold. All of this is one block from me.

On top of all of this chaos and mess and noise, a nursing home is applying to be built on the corner of Fleming and Grosvenor. This is just completely inappropriate for this neighborhood and especially at that tiny corner. Does this three story monstrosity have no where else to build? Do we need another nursing home when there is one just a few blocks down Grosvenor Lane? Do we need more emergency ambulance sirens at all hours? We certainly do not need more traffic on a congested two lane road or staff and visitors using up a trivial amount of on street parking. Many homes on Fleming do not have driveways and there is limited parking on Grosvenor. This will all get worse when the single family homes are completed and sold and the other 153 units move in. That will be more than 300 more drivers using a tiny intersection on a two lane road a day!!

Please, please reject this proposal. Make it a little park to supplement Fleming Park which is heavily used and will be more so when the townhouses discover it. You have a responsibility to the current, long-time homeowners of the neighborhood, not to continue this constant infilling of any available plot of ground.

Additionally, if this is within the scope of your office, the WWK construction company is operating their business from a mc mansion they recently built, at 10108 Dickens Ave. This neighborhood is not zoned for business. It doesn't matter to me that the owner lives there. Their trucks are parked there at all times. Their HUGE company sign is featured prominently on their lawn. The garage is stuffed with building materials.

Please consider the long term neighbors before you approve such wildly unsuitable project for a peaceful residential area. We paid for the peace when we bought in.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Garabedian".

Elizabeth Garabedian

**EVALUATION REPORT**

**OF:**

**The Impact on the Economic Value or  
Development Potential of Existing or Proposed  
Houses Proximate to the Proposed Brightview  
Assisted Senior Living Facility at  
5510 Grosvenor Lane  
Bethesda, MD 20814**

**PREPARED FOR:**

**Mr. Andrew M. Teeters, P.E.  
Vice President of Development  
Shelter Development, L.L.C.  
218 North Charles Street  
Suite #220  
Baltimore, MD 21201**

**AS OF:**

**December 29, 2015  
(Date of Inspection)**

**PREPARED BY:**

**BOUCHER AND BOUCHER, INC.**

**4200 Wisconsin Avenue, NW, #106-261  
Washington, D.C. 20016-2143  
301-261-5767 - OFFICE  
202-744-3246 - CELL  
donboucher@msn.com**

**DONALD S. BOUCHER, SRA  
PRESIDENT  
Maryland State General Certified Real Estate Appraiser #10212**

# **TABLE OF CONTENTS**

## **EVALUATION REPORT: PAGES #1 – #29**

**Letter of Transmittal:** Pages #1 - #2

**Purpose, Client, Intended User(s) and Intended Use of the Evaluation Report:** Pages #3 -#5

**Scope of Work for the Evaluation Report:** Pages #5 - #6

**Description of the Proposed Development:** Pages #6 - #8

**Description of the Immediate Neighborhood:** Pages #8 - #13

**Analysis of the Economic Impact of the Proposed Development on Nearby Residential Houses:** Pages #13 - #19

**Paired Sales Analysis Methodology:** Pages #19 - #21

**Paired Sales Analysis Summary:** Pages #21 - #28

**Conclusion:** Pages #28 - #29

## **ADDEDNUM/EXHIBITS:**

**Paired Sales Analysis**

**Photographs of the Subject Property and Neighborhood**

**Aerial Images of the Subject Property and Neighborhood**

**Conceptual Building Elevations**

**Conceptual Building Floor Plans**

**Schematic Site and Grading Plan**

**Proposed Site Plan With Sections Showing the Building Footprint and Elevations in Relation to Nearby Existing or Proposed Houses**

**Certifications and Appraiser Qualifications**

***BOUCHER AND BOUCHER, INC.***

**REAL ESTATE APPRAISERS AND CONSULTANTS  
FAMILY OWNED AND OPERATED SINCE 1947**

**4200 Wisconsin Avenue, NW  
#106-261  
Washington, D.C. 20016-2143  
301-261-5767 – Land Line  
202-744-3246 - Cell  
donboucher@msn.com**

Donald S. Boucher, SRA  
President

May 9, 2016

Mr. Andrew M. Teeters, P.E.  
Vice President of Development  
Shelter Development, LLC  
218 North Charles Street  
Suite #220  
Baltimore, MD 21201

RE: Brightview Senior Living – Grosvenor Site  
Economic Value Impact Study

Dear Mr. Teeters,

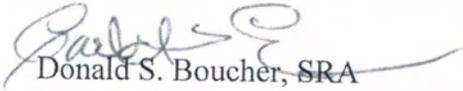
Pursuant to your request I inspected the site for the above referenced, proposed senior living facility on December 29, 2015. The purpose of my inspection was to identify the site and nearby houses in order to provide an analysis of the impact the proposed development on the site will have, if any, on the economic value or development potential of abutting and confronting properties or the general neighborhood. I understand this analysis and my report will be used in conjunction with an application before the Montgomery County Office of Zoning and Administrative Hearings in connection with a Conditional Use Application for the project.

After inspecting the site, reviewing conceptual plans for the proposed development and based on the analysis contained in my report that follows, it is my opinion that the proposed development, when completed, will not have any adverse effect on the economic value or development potential of abutting and confronting properties or the general neighborhood.

The attached report provides my reasoning and analysis leading me to these conclusions.

Please feel free to contact me if you or anyone else working on this matter have any questions relating to this report or further needs.

Respectfully Submitted;



Donald S. Boucher, SRA  
Maryland State Certified General Real Estate Appraiser #10212

## **PURPOSE OF THE EVALUATION, CLIENT, INTENDED USER AND INTENDED USE**

Shelter Development, LLC is proposing to construct a three story plus basement, 35 - 40+/- foot tall, 98 living unit (104 beds), assisted living facility for seniors on a 2.70+/- acre site located at 5510 Grosvenor Lane in Bethesda, MD 20814. Shelter Development, LLC is my Client.

The proposed development will be located in the R-90 zoning district which is primarily intended for small lot single family detached dwellings. Assisted living facilities of the size and scope of the proposed development are considered Conditional Uses that must meet the conditional use standards found in Division 3.2 through Division 3.7 of the zoning code, and requires approval by the Hearing Examiner under rules and requirements found in Section 7.3.1 of the zoning code.

Section 7.3.1 (g) of the code requires a Hearing Examiner to determine if a proposed Conditional Use will, or will not, adversely affect the economic value or development potential of abutting and confronting properties or the general neighborhood.

"1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:

g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;"

The purpose of this evaluation report will be to provide the Montgomery County Office of Zoning and Administrative Hearing Examiner with information relating to the impact of the proposed development on the economic value or development potential of abutting and confronting properties or the general neighborhood. The term "Economic Value" is not defined in the zoning code. For the purposes of this report "Economic Value" is considered to be synonymous with "Market Value". The definition of Market Value follows:

The Appraisal Institute's Dictionary of Real Estate Appraisal, 5th Edition, includes the following in its entry for "Market Value":

"The most probable price that the specified property interest should sell for in a competitive market after a reasonable exposure time, as of a specified date, in cash, or in terms equivalent to cash, under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, for self-interest, and assuming neither is under duress."

The Dictionary goes on to cite the definition of "Market Value" used by agencies that regulate federally insured financial institutions in the United States:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their best interests;
  - A reasonable time is allowed for exposure in the open market;
  - Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
  - The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

(12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994)

The intended use of this evaluation report will be in conjunction with the Conditional Use zoning application.

The intended users of this report included the Client (Shelter Development, LLC), attorneys and others assisting the Client in this matter, the Hearing Examiner as well as other

County Boards who may review and adjudicate this matter. Others who may review this report include opposing parties and their representatives.

### **SCOPE OF WORK FOR THE EVALUATION ASSIGNMENT**

The Scope of Work to solve the evaluation problem identified in the Purpose and Intended Use section above included:

- 1) Inspecting the subject property site on December 29, 2015.
- 2) Reviewing conceptual site and building plans for the proposed senior living project.
- 3) Identifying other senior assisted living facilities in nearby areas, and sales or listings of houses that abutted or were proximate to those facilities.
- 4) Evaluating existing neighborhood characteristics.
- 5) Evaluating the affects subject's proposed development will have on neighborhood characteristics once the development has been completed.
- 6) Performing a Matched Paired Sales Analysis of sales of houses abutting, or proximate to, other assisted senior living facilities in order to evaluate the affects, if any, the proximity of those sales to the assisted senior living facilities had on the sale prices and marketability's of the properties.

The Scope of Work also included:

- 1) Review of the MRIS Multiple listing service files to identify sales and listing of houses that could be included in the evaluation analysis.
- 2) Review of MLS listing fact sheets, photographs in the MLS listings, and tax record data to identify factual data relating to the comparables used in the analysis.
- 3) Review of available site plats, maps, aerial images and other readily available information from public data sources to confirm information relating to the sites, the

location of improvements on the sites, and the location of nearby properties for the comparables analyzed for this report.

- 4) Discussing the comparables analyzed for this report with the listing or selling real estate agents to confirm factual data for all comparables, and the effects on the sale prices for those properties that abutted or were proximate to existing senior living facilities.

In short, the Scope of Work for this evaluation assignment included everything required to provide reliable and credible assignment results.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

Shelter's Brightview at Grosvenor is proposed as a senior assisted living community of 98 living units (with a total of 104 beds) to be located at 5510 Grosvenor Lane in Bethesda, Montgomery County, Maryland, 20814. The Brightview at Grosvenor community will provide residential care services for senior citizens and persons with memory impairment disabilities. Residents of similar facilities have an average age of over 82 years. The community will be relatively self-contained with extensive communal amenities; residents' outside activities will typically be limited to sitting on one of the community's porches/patios.

The physical development of the 2.70+/- acre site is proposed with a three story plus basement structure of approximately 85,000 gross square feet. Architecture is planned to be designed so that the building is attractive and compatible with surrounding residential development. The building will have a gabled roof. Proposed building elevations are included in the addendum.

The development will be served by a macadam paved driveway with curb cut on Grosvenor Lane to the front and east side of the site. The driveway will loop in front of the building to a covered front entry into the building. To the sides of the driveways will be 14 lined parking spaces for employees, residents and guests. An additional 37 parking spaces will be

provided in a below grade parking structure. The entry into the garage will be to the east side of the building, a good distance away from the closest existing houses on Fleming Avenue that are located to the west side of the building, and the proposed houses that will be constructed to the south side of the building in the Grosvenor Heights development. It should be noted that few residents will retain personal vehicles after establishing Brightview residency.

The site will be heavily landscaped and attractively finished for the enjoyment of Brightview residents, with a courtyard garden and top floor Alzheimer's garden. To the front and north side of the site will be a large yard space where existing trees will be preserved. These trees will provide a visual screening of the building from houses across Grosvenor Lane. To the west and south sides of the site additional trees will be added to screen the view of the building and site from the existing residential houses across Fleming Avenue and the proposed houses that will be constructed in the Grosvenor Heights development. Additionally, the building will be situated on the property at an elevation that is approximately 6' – 8' feet lower than Fleming Avenue and Grosvenor Lane to minimize the perceived height of the building. Site sections showing the elevation of subject's building in relation to the fronts of the existing houses on Fleming Avenue, the side of the proposed Sandy Spring detached house, the side of the proposed Michael Harris attached house, and the rears of the three EYA attached houses are included in the addendum.

All of the subject's individual units are assisted living units, either private suites or companion suites. The Brightview at Grosvenor development will provide a range of supportive services to each resident, depending on their particular needs, from the basic service package (including three meals per day, housekeeping, laundry, linen and shuttle bus transportation services) through assistance with activities of daily living (bathing, dressing, grooming, medications, etc.) and up to the 29-unit Wellspring Program level of care for memory-impaired residents. Nursing and specially trained staff are on premises 24 hours per day. Communal features include: living room, dining room and cafe, multi-purpose room, activities room, library, beauty/barber salon, outdoor courtyards, and exercise/physical therapy room. There will also be

a full service kitchen. Trash disposal dumpsters will be located to the east side of the building sufficiently removed from any nearby existing or proposed houses.

In my opinion the conceptual design of the building and site will minimize any adverse affects' on the peaceful use and enjoyment of nearby existing or proposed houses.

Conceptual plans for the building and site that I relied on for this report are included in the addendum.

**DESCRIPTION OF THE IMMEDIATE NEIGHBORHOOD**

The immediate neighborhood is defined for the purposes of this report as being bordered by Interstate Route #495 (the Capital Beltway) to the south, Old Georgetown Road to the west and Interstate Route #270 to the east and north. The immediate neighborhood is depicted in the aerial image below (subject's site is identified by the orange icon):



The immediate neighborhoods to the west and north of subject's site are primarily

developed with single family detached dwellings on relatively small suburban sites. Many of the houses, especially to the west and northwest of subject's site, are relatively modest size dwellings that were mostly constructed in the 1950's and 1960's. To the immediate north of subject's site across Grosvenor Lane are a number of newer houses that were constructed in the 1980's. These houses are on the east side of Fleming Avenue and have Fleming Avenue, Snow Point Drive or Thornbush Lane addresses, and are identified as being the Grosvenor Woods subdivision.

In addition to the smaller, older houses and the Grosvenor Woods houses described above there has been a trend over the last decade or so for developers to acquire the existing older houses and then demolish them to build new, much larger and more expensive houses. Finally, there is ongoing development of new houses in the same quadrant where subject's development is located. This quadrant is bordered by Fleming Avenue to the west, Grosvenor Lane to the north, Interstate Route #270 to the east and the Capital Beltway (Interstate Route #495) to the south.

Additional comments relating to each of these areas are provided below.

### **OLDER HOUSE SECTIONS**

The area where I did research for this analysis is the neighborhood boundaries described above. The older sections of the defined market area include a variety of house styles including rambler, split level and colonial style houses. These older houses are typically selling in a range of \$500,000 to \$850,000 with a most typical range of about \$650,000 to \$750,000. The median sold price for 25 of these houses was \$656,500 in 2015, and these 25 houses were exposed on the market for a median of 20 days between the initial list dates and the dates that contracts for sale were ratified. The relatively short exposure times indicate good demand. While demand for these houses has been good as evidenced by the relatively short exposure times, prices have been stable most recently.

As noted above, developers are buying many of these older homes and demolishing the houses to build new and much larger houses. In reviewing the MLS listing files I found 21 houses in the area defined above that were newly constructed in 2014, or later, that are currently listed for sale, were recently listed for sale but have been withdrawn from the market or which sold recently. These new houses are priced in a range of \$1,150,000 to \$1,600,000+/- with a mostly typical price range of \$1,300,000 to \$1,450,000+/- . Review of previous sales of these new houses indicates that builder/developers have been paying between \$475,000 and \$675,000 for the sites upon which the new houses were constructed (the sites were improved and the older houses were demolished). Further analysis of this data indicates builder/developers are paying between 36% and 47%+/- for the sites; 36% to 47% of what the new houses sold for to include the land. The most typical percentage range is 38% to 44%.

#### **SNOW POINT DRIVE, FLEMING AVENUE AND THORNBUSH LANE HOUSES**

The houses to the east side of Fleming Avenue and north side of Grosvenor Lane that were built in the 1980's (the Grosvenor Woods subdivision) range in size from about 2,533 – 4,166 square feet (above grade gross living area square footage per tax records). Since the first of 2014 there have been seven sales of these houses. The sale prices of these seven houses ranged from \$935,000 to \$1,185,000, with a median sale price of \$1,027,500, and these seven houses were exposed on the market for a median of 13 days between the initial list dates and the dates that contracts for sale were ratified. The relatively short exposure times, again, indicate good demand.

#### **NEW DEVELOPEMNTS IN THE SAME QUADRANT AS SUBJECT**

Three developers are building, or proposing to build, new houses in the same quadrant parcel where subject's development is proposed, the southeast quadrant of the intersection of Grosvenor Lane and Fleming Avenue. This new development is described as being Grosvenor

Heights. The primary developer of Grosvenor Heights is the Eakin Youngentaub Company (EYA). The other two developers are Sandy Spring Builders and Michael Harris Homes. A brief summary of the Grosvenor Heights Development and the offerings of each of the three builders is summarized below.

The Grosvenor Heights development will consist of 142 elevator townhouses and 10 single family detached dwellings. EYA will construct 123 of the townhouses, Harris will construct 19 of the townhouses, and Sandy Spring will construct the 10 detached dwellings. The 10 detached dwellings will all front on Fleming Avenue and will be located immediately south of subject's site. The townhouses will all be accessed from Grosvenor Lane and Fleming Avenue. The north side of one of the Sandy Spring's detached houses and one of the Michael Harris attached houses will face the rear of subject's building. The rears of three of the EYA attached houses will face the rear of subject's building. Site sections and other images attached in the addendum depict the locations of these houses in relation to subject's building.

The EYA development is currently under construction (photographs of the EYA townhouses being built are included in the addendum). The EYA houses will all be three stories with no basements. There will be built-in garages on the lowest levels of each of the houses and the roof tops of each of the houses will be designed to provide significantly additional outdoor living spaces. EYA is currently offering houses in a range of \$1,129,000 to \$1,389,000.

Harris has not yet started constructing their houses and no prices are available.

Sandy Springs has not yet started constructing their houses. They have listed one house in the MLS system with a list price of \$1,495,000.

## **OTHER EXISTING PROPERTIES IN THE SAME QUADRANT AS SUBJECT**

Immediately east of subject's site, at 5400 Grosvenor Lane, is a 1.26+/- acre site where the campus for the Society of American Foresters is located. The offices of this Society are housed in a large, approximately 12,194 square foot, stone house (see photograph of this house in the addendum).

To the rear of the Forester's property are two, two story non-profit office buildings that are divided into individually owned condominium suites. These buildings have the same address as the Forester's property, 5400 Grosvenor Lane.

## **ANALYSIS OF THE ECONOMIC IMPACT OF THE PROPOSED DEVELOPMENT ON NEARBY RESIDENTIAL HOUSES**

The purpose of this report is to evaluate the impact subject's proposed development will have, if any, on the economic value or development potential of abutting and confronting properties, or the general neighborhood.

First, I think it important to discuss the impact of subject's proposed development on the houses in Grosvenor Heights. EYA is a very seasoned and savvy developer of residential subdivisions in a variety of locations throughout the Washington Metropolitan area, as are Harris and Sandy Spring. All three of these builders identified the location of Grosvenor Heights to be attractive for building upscale and "upper bracket" housing. Except for a few houses to the west side of the Grosvenor Heights project, the EYA townhouses will not be as proximate to subject's site as compared to the Harris and Sandy Spring houses which will basically abut subject's site to the south. One of the Sandy Spring detached houses will have a side view of subject's development (the north side of the house). One of the Harris townhouses houses will also have a side view of subject's development (the north side of the house). Three of the Eya townhouses will abut and view subject's development to the rear of the houses (see aerial image and storm drain extension/relocation site plan, and site sections in the addendum showing the locations of

the Grosvenor Heights houses in relation to subject's site). Importantly, the subject building will be set back a minimum of 40 feet from the shared property line and the height of the subject building will be comparable, and this compatible, with the adjacent Grosvenor Height's houses. The developer of subject will add significant trees to screen any views of the building from these houses, and the locations of the trash dumpster and garage entry will be located to the east side of the proposed building at a sufficient distance away from these houses so as to mitigate any adverse influence. In my opinion the site plan as proposed (see conceptual site plans in the addendum) will mitigate any possible adverse influences the development could have on the five abutting houses in the Grosvenor Heights development discussed above.

The existing houses that are closest to subject's development would be the five houses positioned directly across Fleming Avenue from subject's site (the Fleming Avenue houses). These houses have the postal mailing addresses of 10106, 10108, 10110, 10112 and 10114 Fleming Avenue. Photographs of these five houses are included in the addendum. Additional information relating to these five properties obtained from the MRIS/MLS system files and available tax record data follows:

**10106 Fleming Avenue**

This property is improved with a small, one story plus basement rambler style house that was originally built new in 1953. The house contains 850 square feet of gross above grade living area space and has a full basement. The house has two bedrooms and one full bathroom above grade. The house is situated on a 5,995 square foot site. The house last sold on July 15, 2009 for \$590,000, and at that time the listing agent described the property in the following manner: "Charming home has a gorgeous kitchen with SS appliances and custom cabinets. Two BR and one FB on main level, basement has another FB and could be made into third BR. Beautiful 30' in-ground pool. Pristine hardwood floors, open floor plan...this one is a winner!"

### **10108 Fleming Avenue**

This property is improved with an average size, four level split style house that was originally built new in 1955. The house contains 1,680 square feet of gross living area space on the four levels. The house has three bedrooms and 1.5 bathrooms. The house is situated on a 5,615 square foot site. The house last sold on April 26, 2005 for \$589,000, and at that time the listing agent described the property in the following manner: "THIS SPLIT IS LOADED WITH CHARM! FOUR LEVELS, 3 BEDROOMS, 1.5 BATHS, TABLE SPACE KITCHEN, FORMAL LIVING ROOM, SEPARATE DINING ROOM, LOWER LEVEL FAMILY ROOM AND LAUNDRY/ STORAGE. TRUE WALKING DISTANCE TO GROSVENOR METRO AND WILDWOOD SHOPPING CENTER. CLOSE TO I-495, I-270, NATIONAL INSTITUTES OF HEALTH, STRATHMORE HALL. WALTER JOHNSON SCHOOL DISTRICT. THIS ONE WON'T LAST!"

### **10110 Fleming Avenue**

This property is improved with an average size, cape cod style house that was originally built new in 1955. The house contains 1,680 square feet of gross above grade living area space and has a no basement. The house has three bedrooms and 1.5 bathrooms above grade. The house is situated on a 5,635 square foot site. The house last sold on June 24, 2008 for \$635,000, and at that time the listing agent described the property in the following manner: "SUPER CHARMING home in FANTASTIC location! Walk to Grosvenor Metro, Balducci's, Fleming Park! Across street from Hiker/Biker Trail...ride your bike to NIH, Bethesda or downtown! Lush landscaping, deck, renovated kitchen with granite counters and SS appliances, beautiful hardwood floors, 3 bedrooms, 2 full baths, wood stove in family room. CUTE AS A BUTTON!"

### **10112 Fleming Avenue**

This property is improved with an average size, four level split style house that was

originally built new in 1955. The house contains 1,680 square feet of gross living area space on the four levels. Tax records indicate the house has two bedrooms and two full bathrooms. The house is situated on a 5,656 square foot site. The house last sold on July 19, 1999. No information was available for this house in the MRIS/MLS system files.

### **10114 Fleming Avenue**

This property is improved with an average size, cape cod style house that was originally built new in 1950. The house contains 1,456 square feet of above grade gross living area space and 520 square feet in the basement. Tax records indicate the house has two bedrooms and 2.5 bathrooms. The house is situated on an 8,352 square foot corner site (the southwest corner of the intersection of Fleming Avenue and Grosvenor Lane. No previous sales of this property were found in available records, including the MRIS/MLS system files.

### **Comments Relating to the Five Fleming Avenue Houses**

The five houses on Fleming Avenue identified above each face east and are directly across the street from subject's site. Due to the location of the proposed building towards the rear (south side) of the site, and the orientation of the building (the long section of the front of the building will face Grosvenor Lane, the west side of the building facing Fleming Avenue will be shorter than the front) only the three houses at 10106, 10108 and 10110 Fleming Avenue could have any direct view of the building. The houses at 10112 and 10114 would have views of front yard and driveways. However, the developer plans to include significant trees to screen any views of the building, driveways or grounds from these houses. The trash dumpster and garage entry will be located to the east side of the proposed building a good distance away from the Fleming Avenue houses. So, headlights from cars entering the garage or noise from trash trucks picking up trash should not be an issue. Because most of the parking will be provided in the garage, noise and headlights from cars and other vehicles using the driveways should be minimal. Again, any possible noise or headlights from cars and other vehicles using driveways

will be mitigated due to trees proposed to be planted to the west side of the site along Fleming Avenue. In my opinion the site plan as proposed (see conceptual site plans in the addendum) will mitigate any possible adverse influences the development could have on the five houses across Fleming Avenue from the site, and on any other nearby existing houses.

With respect to development potential it is my opinion that subject's proposed development will not have any adverse impact on the economic value of five houses across Fleming Avenue, the five houses in the Grosvenor Heights development discussed above, or on any other nearby houses. As discussed above there is considerable new housing development in subject's immediate area. In addition to the numerous existing houses that are being demolished to make way for new and much larger houses, there are the 142 house being proposed or constructed in the Grosvenor Heights development. All of these developments are having a very positive impact on underlying land values and housing prices.

Whatever the existing values of the five houses across Fleming Avenue may be it is certain that a significant amount of the values would be in the underling sites. The tax assessment office assigns between about 75% and 81% of the assessed values for these five properties to the land. As time goes by and the Grosvenor Heights development gets completed each of these five properties (as well as other nearby existing houses) could become candidates for demolition and new construction. In my opinion the other new housing developments in the immediate area of subject's site (the Grosvenor Heights development and new houses that are being constructed after existing houses are demolished) will have a positive impact on the development potential of existing houses in the immediate area. So, it is my opinion that subject's proposed development will not adversely impact the development potential of the five houses directly across Fleming Avenue from subject's site, or on any other existing houses nearby.

With respect to the 1980's vintage houses across Grosvenor Lane from subject's site (the Grosvenor Woods houses) it is my opinion that they will not be affected. First I note that the

houses directly across Grosvenor Lane having Fleming Avenue, Snow Point Drive and Thornbush Lane addresses have an east-west orientation. This means that none of the houses directly face subject's site. The houses on the south side of Thornbush Court have north-south orientations with the rears of the houses facing Grosvenor Lane. None of these houses directly face subject's site. Next I note that there are existing mature trees to the south sides of the houses along Grosvenor Lane (see photographs in the addendum), and the existing dense bank of mature trees to the front and north side of subject's site will be preserved (again, see photographs in the addendum). Finally I note that Grosvenor Lane to the front of subject's site and the south side of these houses is a very wide connector road which means it is wider than side streets. Therefore, the views from the houses across Grosvenor Lane from subject's site (the Grosvenor Woods houses) should not be much different, if at all different, than it currently is when subject's development is completed.

With respect to the impact subject's proposed development will have, if any, on the economic value or development potential of abutting and confronting properties or the general neighborhood I have also considered alternative possibilities for the development of subject's site. Subject's site contains some 2.70+/- acres of land (117,612 square feet). The site is currently zoned R-90 which provides for matter of right development with single family detached dwellings having a minimum site size of 9,000 square feet of land. Without consideration of any land that may need to be provided for streets, the site size is large enough to accommodate 13 houses ( $117,612/9,000 = 13.068$ ). Because subject's site already fronts on two existing streets it is possible that any new houses could be sited fronting, or siding on, the two existing streets. While the exact density and site plan/house location of a new matter of right development cannot be determined without going through a review process, it is likely in my opinion that such a development would include new houses fronting on Fleming Avenue directly across the street from the five houses discussed above (the Sandy Spring houses in the Grosvenor Heights development discussed above will front on Fleming Avenue). In my opinion the affect, if any, on the economic values or development potential on the five existing houses on Fleming Avenue (or on other nearby existing or proposed houses) would be similar to subject's proposed

development. Also, it is possible that another buyer of subject's site could propose a residential development using another alternative provided for in the zoning code. This could include development with townhouses (EYA obtained approval to develop townhouses on the Grosvenor Heights development which is zoned as a matter of right for single family detached dwellings). So, it would be possible there could be more houses directly across the street from the five existing houses on Fleming Avenue, and other nearby existing or proposed houses. Under alternative residential development scenarios it is again my opinion that the effect on economic value or development potential on the five existing houses on Fleming Avenue (and other nearby existing or proposed houses) would be similar to the proposed development.

In order to evaluate the effect of subject's proposed development on the economic value of nearby existing or proposed houses I also considered and analyzed the affect existing nursing homes/assisted senior living facilities in nearby locations are having, if any, on the marketability's and values of existing houses that abut or are proximate to those facilities.

### **PAIRED SALES ANALYSIS and METHODOLOGY**

In order to evaluate the impact subject's proposed development will have, if any, on the economic value of nearby residential properties I first identified similar, existing nursing home/assisted senior living facilities in Montgomery County. After identifying other similar projects to that proposed for subject's site I then searched the files of the MRIS/MLS (Multiple Listing Service) system to identify houses that are currently listed for sale, or that sold, and are or were proximate to the existing assisted senior living facilities. I searched for sold houses going back as far as 2010 because I perceived there might not be sufficient comparables close in time to the effective valuation date for this report. Also, including analysis as of different dates provides a better indication of value effect's over time. My research did identify some sales and listings of houses that are, or were, proximate to existing nursing homes and senior assisted, rehabilitation or care facilities. I then searched the MLS files to identify sales of houses in the same or nearby subdivisions as the affected house that are not proximate to the identified

facilities. Using a “Matched Paired Sales” analysis I then evaluated the affects, if any, the existing facilities had on the sale prices or marketability’s of the affected houses.

A “Matched Paired Sales” analysis is an appraisal technique used to find the value of one particular attribute. Also referred to as “Paired Sales Analysis”, the paired data analysis is a quantitative technique used to identify and measure adjustments to the sale prices of comparable properties. To apply this technique sales data for comparables are analyzed to isolate and estimate a single characteristic’s effect on value, in this case, the effect the proximity of the “Subject” property to the existing facility had on the sale price of the property.

This matched paired analysis first identifies and summarizes factual data for the “control” or “Subject” property, which is the sale of the house that was proximate to an existing assisted senior living facility. On a sales comparison analysis grid I then list factual data for comparable sales that were in the same neighborhoods or competing market areas as the “control” (subject) house but did not abut or view senior living facilities. Various adjustments were made to the comparables for the differences noted, except for “Location” differences, because the location difference is the “unknown” difference being isolated and quantified. The various individual adjustments to the comparables were based on my ongoing review of sales data for houses in the specific market areas of the subject and comparable properties. The various individual adjustments to the comparables were made in the same manner, and same amounts, that I would typically make for any appraisal and any intended use. After all adjustments are made to the comparables an adjusted sale price is arrived at. The adjusted sale price of the comparable is then deducted from the gross sale price of the control (subject) property to arrive at a difference which would be attributable to the location difference.

In other words, by way of example, if the control or subject property sold for, say, \$300,000, and the adjusted sale price of a comparable was, say, \$325,000, then the \$25,000 difference would be attributable to the “unknown” indicating the sale price of the subject property was adversely affected due to the unknown by \$25,000. Said in another way, if the

adjusted sale price of the comparable was \$25,000 higher compared to the sale price of the subject this would mean the subject sold for \$25,000 less because of the effect of the unknown. If this analysis indicated no difference that would mean the unknown had no effect on the sale price, and if the analysis resulted in a positive number that would mean the unknown had a positive effect on the sale price.

In addition to undertaking the matched paired sales analysis I also conducted interviews with listing and/or selling real estate agents for the properties being analyzed. I asked the agents what effects the proximity of the “subject” properties to the existing assisted senior living facilities had, or is having, on the marketing and/or sale/offering prices of the properties.

### **PAIRED SALES ANALYSIS SUMMARY**

Based on my research I found four houses that were proximate to existing nursing homes or senior care facilities that sold at various times over the last five or so years. In the addendum are my matched paired sales analyses of these four properties. Below is a summary of the results of my analysis. Also below I summarize the results of my real estate agent interviews that included interviews with agents for listings or sales of other houses affected by nursing homes or senior assisted living facilities.

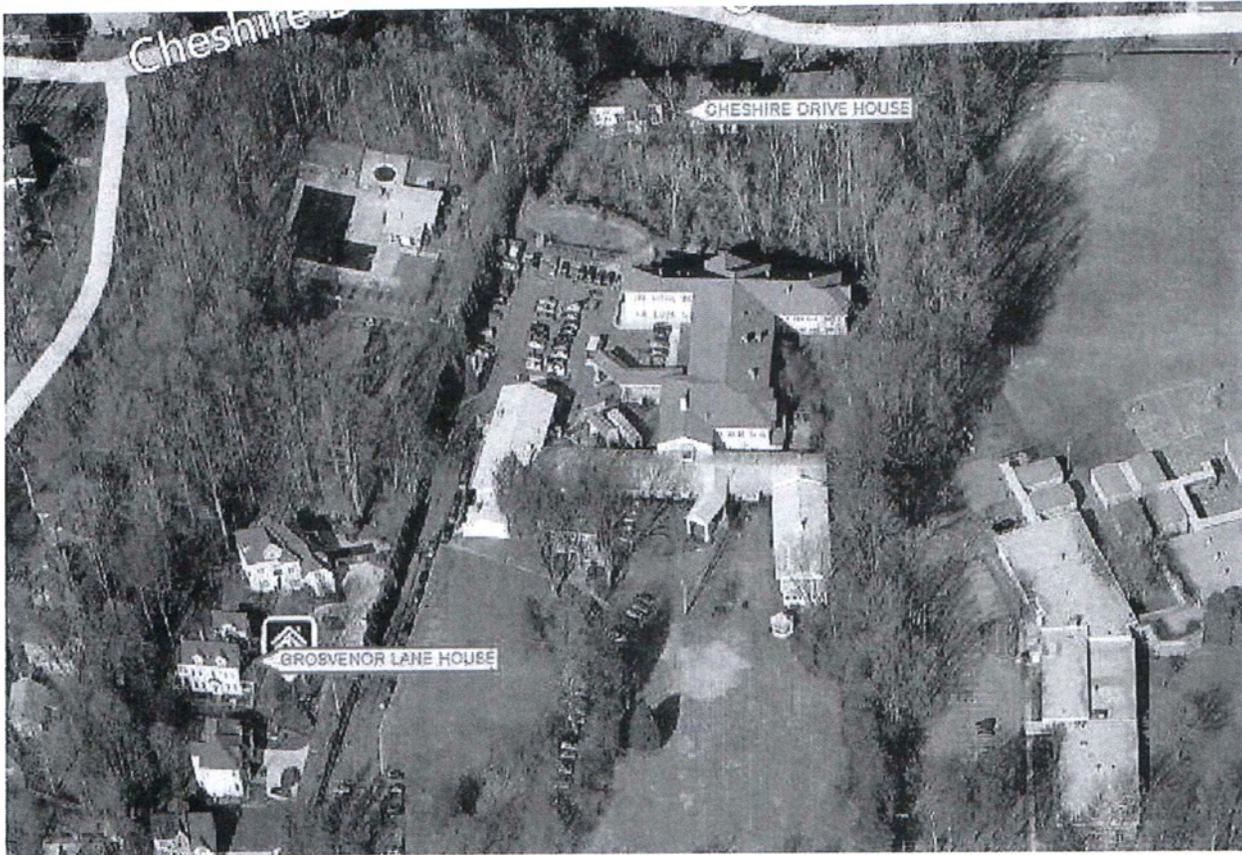
### **PAIRED SALES ANALYSIS #1**

Just west of subject’s proposed development is the Bethesda Health and Rehabilitation Center property which is located at 5721 Grosvenor Lane. I was able to locate a recent sale of a house that abutted this facility to the north. I was also able to locate a house that was recently listed for sale, and sold in 2007, that was located immediately west of this facility. I only conducted a matched paired sales analysis of the recently sold property. For the other property I interviewed the real estate agents for the recent listing and 2007 sale.

The house I did the matched paired sales analysis of is located at 5818 Cheshire Drive (the subject). This house sold on June 8, 2015 for \$1,300,000. I was able to find three sales of other similar size and style house that were close to this property. After adjusting these three comparables for various differences between the comparables and the Cheshire Drive house, but not making any adjustment for the proximity of the Cheshire Drive house to the rehabilitation center, the adjusted sale prices ranged from \$1,257,500 to \$1,262,500. Deducting these adjusted sale prices from the \$1,300,000 sale price of the Cheshire Drive property indicates the Cheshire Drive property sold for a premium of between \$37,500 and \$42,500, or, around 3% of the \$1,300,000 sale price. I also considered that the Cheshire Drive property sold in 12 days which is within a similar exposure time compared to the three sales (which sold in 60, 3 and 3 days respectively).

I spoke with the listing and selling real estate agents for this property. The listing agent said she was not aware that the Cheshire Drive property abutted the rehabilitation facility and that the proximity to this facility did not in any way affect the marketing or sale price. The selling agent said the proximity this facility did not have any adverse effect on the buyers.

In addition to my matched paired sales analysis of the Cheshire Drive property I also looked at, and considered, a recent expired listing of a house at 5809 Grosvenor Lane. The proximity of this property (and the Cheshire Drive property) to the rehabilitation center is show in the aerial image below:

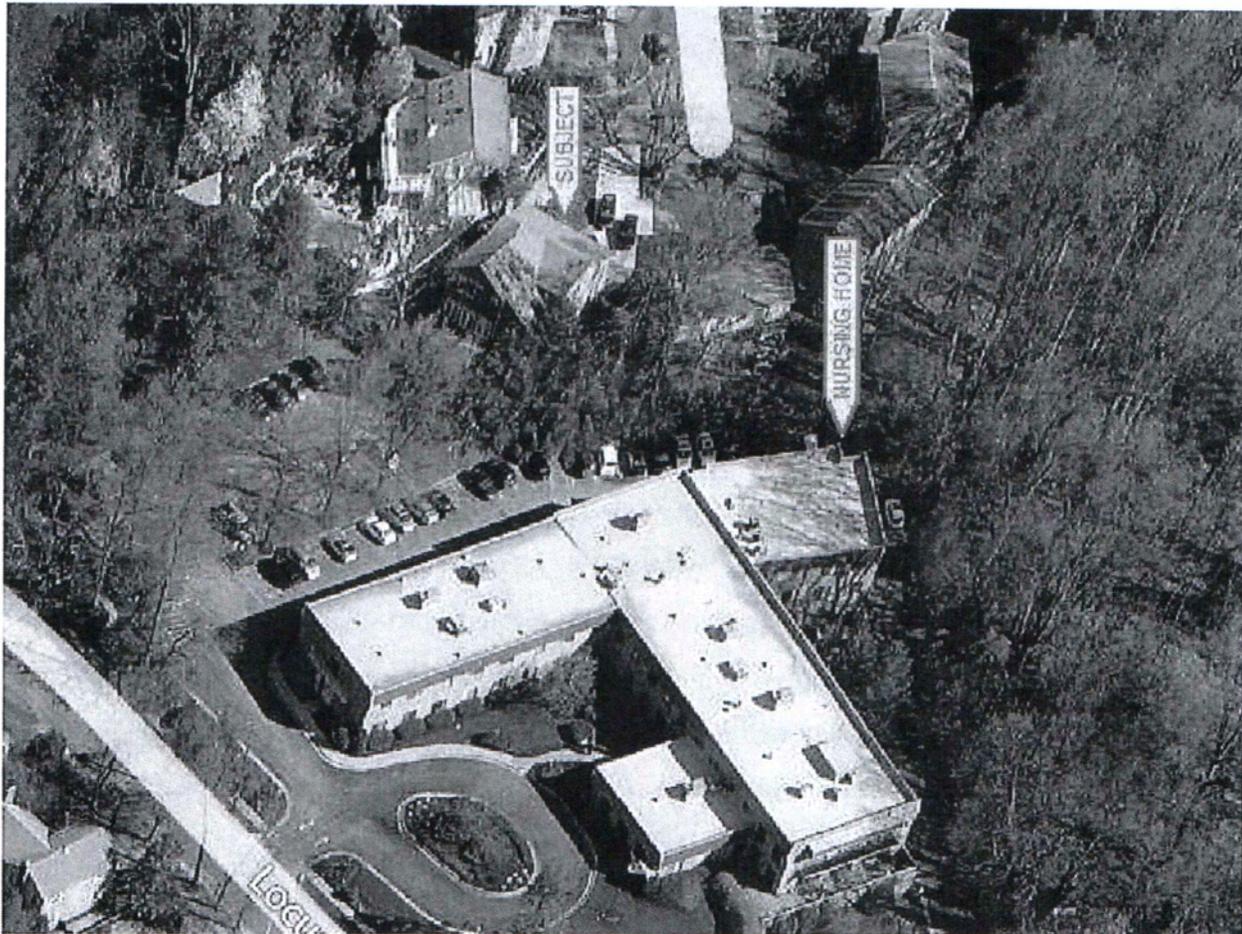


The house at 5809 Grosvenor Lane was listed for sale on September 5, 2015 at a list price of \$1,475,000. This listing expired without being sold on November 27, 2015, 83 days after the initial listing date. This property previously sold on October 11, 2007 for \$1,475,000. I spoke with both the listing agent for the most recent expired listing as well as the listing agent for the 2007 sale. The recent listing agent said there had been very few showings of the property because the list price was excessive. Indeed, since this property last sold in 2007 house prices have declined. So, she was unable to provide any information relating to the effect on marketability or price the proximity to the rehabilitation center had. However, the listing agent for the 2007 sale recalled the property well and stated the proximity to the rehabilitation center did not have any adverse effect on the marketability or sale price of the property. In 2007 this property sold 36 days after the initial list date which supports her opinion.

In conclusion, my analysis of these two comparables indicates the proximity of the houses to the Bethesda Health and Rehabilitation Center did not have any adverse impact on the economic values or marketability's of the properties.

**PAIRED SALES ANALYSIS #2**

On January 8, 2011 a house located at 5309 Danbury Road (the subject) sold for \$910,000. This house is located directly to the rear, and north of, the Carriage Hill nursing home and rehabilitation center at 5215 Cedar Lane in Bethesda. The proximity of this house to the Carriage Hill facility is shown in the aerial image below:



For my paired sales analysis of this property I was able to find four other sales of houses that are considered comparable to the Danbury Road property. My analysis of these four comparables provided adjusted sale prices in a range of \$919,400 to \$941,000. Deducting the \$910,000 sale price of the Danbury Road property from the adjusted sale prices of the four comparables indicates the proximity of the Danbury Road house to the rehabilitation center adversely affected the sale price by between \$9,400 and \$31,000, or, between 1% and 3.4%+/- of the sale price. I also considered that the Danbury Road property sold in 29 days which is within a similar exposure time as compared to the four sales (which sold in 5, 12, 72 and 14 days respectively).

I spoke with both the listing and selling real estate agents for the sale of 5309 Danbury Road. Due to the passage of time the selling agent said she did not recall much about the property and was unable to say how the proximity to the rehabilitation center affected the buyers. However, the listing agent did recall the marketing of the property and said that potential buyers did not have any issues relating to the property proximity to the rehabilitation facility, and that the eventual buyers did not bring this up as an issue during contract negotiations.

### **PAIRED SALES ANALYSIS #3**

On April 30, 2013 a house located at 6511 Winnepeg Road (the subject) sold for \$722,500. This house is located directly to the rear, and south of, the Manor Care nursing home and rehabilitation center at 6530 Democracy Boulevard in Bethesda. The proximity of this house to the Manor Care facility is shown in the aerial image below:



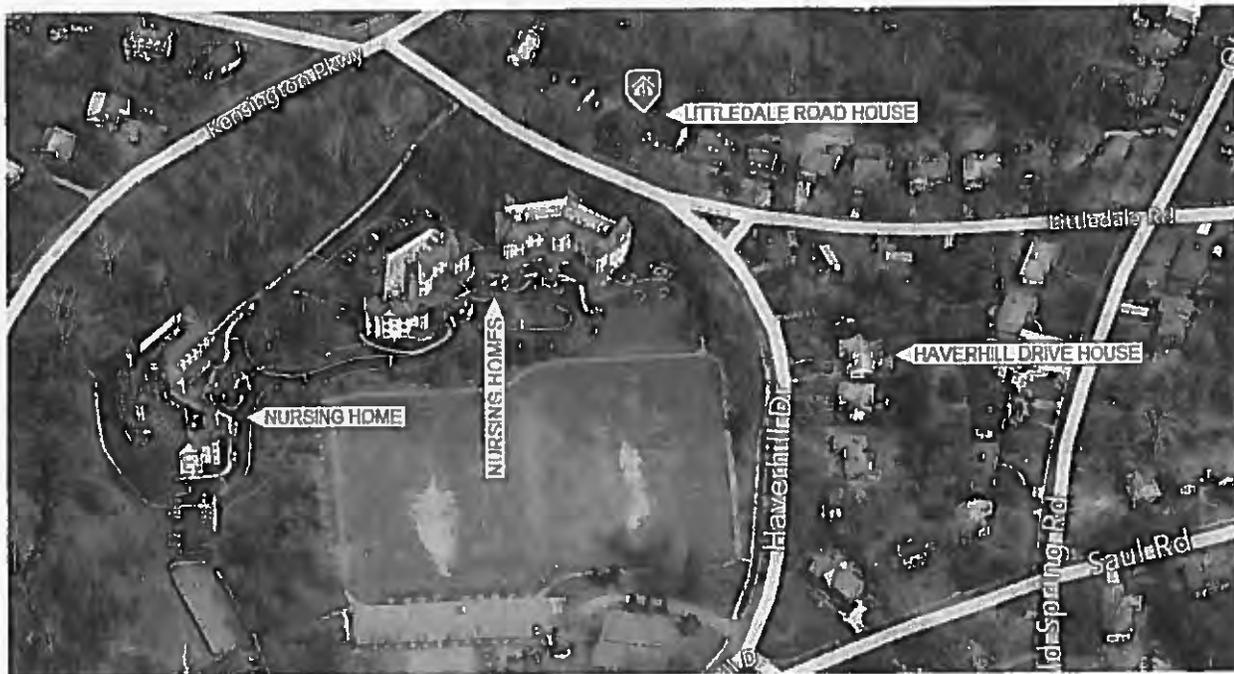
For my paired sales analysis of this property I was able to find three other sales of houses that are considered comparable to the Winnepeg Road property. My analysis of these three comparables provided adjusted sale prices in a range of \$720,500 to \$728,000. Deducting the \$722,500 unadjusted sale price of the Winnepeg Road property from the adjusted sale prices of the three comparables indicates the proximity of the Winnepeg Road house to the rehabilitation center affected the sale price by between positive \$2,000 to negative \$5,500, or, less than 1% of the unadjusted sale price of the Winnepeg Road property. I also considered that the Winnepeg Road property sold in 4 days which is lower compared to the exposure times for the three sales (which sold in 29, 12 and 18 days respectively).

I spoke with both the listing and selling real estate agents for the sale of 6511 Winnepeg Road. The listing agent recalled that some potential buyers considered the proximity to the rehabilitation facility to be objectionable, but that others did not. The selling agent said that the

proximity to the rehabilitation facility did not have any adverse effect on the buyers.

#### PAIRED SALES ANALYSIS #4

On December 6, 2013 a house located at 9815 Haverhill Drive (the subject) in Kensington sold for \$832,500. This house is located just east of, and across Haverhill Drive from, the Kensington Park Senior Living and Rehabilitation facility at 3620 Littledale Road. In addition to my matched paired sales analysis of the Haverhill Drive property I also looked at, and considered, a current active listing of a house at 3619 Littledale Road which is directly across the street, and north of, the rehabilitation facility. The proximity of the Haverhill Drive and Littledale Road houses to the Senior Living and Rehabilitation facility are shown in the aerial image below:



For my paired sales analysis of the Haverhill Drive house property I was able to find four other sales of houses that are considered comparable to the Haverhill Drive property. My

analysis of these four comparables provided adjusted sale prices in a range of \$824,500 to \$842,000. Deducting the \$832,500 sale price of the Haverhill Drive property from the adjusted sale prices of the four comparables indicates the proximity of the Haverhill Drive house to the rehabilitation center effected the sale price by between positive \$8,000 to negative \$9,500, or, just under to just over 1%. I also considered that the Haverhill Drive property sold in 10 days which is a similar time frame compared to the exposure times for the four sales (which sold in 4, 4, 14 and zero days respectively; sale #4 sold the same day the property was listed for sale).

I spoke with both the listing and selling real estate agents for the sale of 9815 Haverhill Drive. Both agents said the proximity of the house to the rehabilitation center had no adverse effect on potential buyers or on the buyer who acquired the property.

With respect to the current active listing at 3619 Littledale Road I reviewed the MLS listing for this property and spoke with the listing agent. This property was initially listed for sale on October 12, 2015 at \$799,900. As of the December 29, 2015 effective valuation date for this report this property had been exposed on the market for 78 days. The listing agent stated that he has had very few showings of this property, only five showings. He believes the house is priced aggressively, and the high list price is the reason potential buyers are not reacting favorably to the offering. He said to date no agents who have shown the property, or are considering showing the property, have expressed any concern relating to the proximity to the rehabilitation facility, concern on their behalf of the behalf of their Clients.

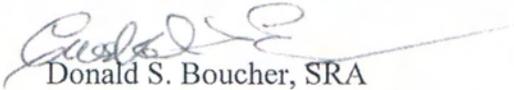
## CONCLUSION

The matched paired sales analyses of the four properties discussed above (see addendum for the detailed analysis of each property) indicates the proximity of the houses to existing assisted senior living facilities affected the property prices in a range of 3.0% positively to 3.4% negatively. This is considered to be a relatively nominal percentage range which is insignificant resulting in an analysis that would be considered trustworthy.

The adjustment process was undertaken in the same manner and using the same adjustments that I would typically use in any appraisal I did in the areas of the properties being analyzed. The results are considered to be within a reasonable margin of error for real property valuations, which is generally considered to be 5%+/- for residential property valuations.

Therefore, based on the paired sales analysis, my discussions with real estate agents and considering the days on market for each of the four subject properties as compared to the days on market for the comparables used in the analyses, it is my opinion that proximity to existing nursing homes and senior rehabilitation facilities has no adverse economic value impact on nearby properties which includes marketability's.

Respectfully Submitted,



Donald S. Boucher, SRA

Maryland State Certified General Real Estate Appraiser #10064

attachments