



8101 Glenbrook Road, Preliminary Plan Amendment No. 12016001A and Site Plan Amendment No. 81981081A

 Kathleen A. Reilly, AICP, Coordinator, Area 1, Kathy.Reilly@montgomeryplanning.org, 301.495.4614

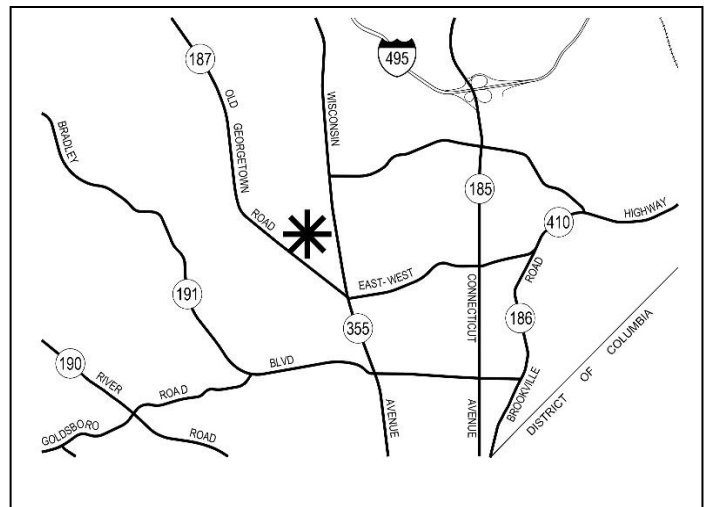
 Elza Hisel-McCoy, Supervisor, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

 Mark Pfefferle, Interim Chief, Area 1, Mark.Pfefferle@montgomeryplanning.org 301.496.4730

Staff Report Date: 7/8/19

Description

- Request to convert 21,200 square feet of office space to a child day care facility for up to 231 children.
- Current use(s): Office Uses
- Address: 8101 Glenbrook Road; Bethesda
- Size: 25,733 square feet of land
- Zone: CR 3.0, C. 3.0, R-3.0, H120, Bethesda Overlay Zone
- Master Plan: *2017 Bethesda Downtown Sector Plan*
- Applicant; MDR 8101 Ground Lease, LLC
- Acceptance date: October 5, 2018



Summary

- Staff recommends approval of Preliminary Plan Amendment No. 12016001A and Site Plan Amendment No. 81981081A with conditions.
- The Planning Board on January 24, 2019, granted a 60-day extension of the review period for these applications, from January 31, 2019 to March 31, 2019, and a second extension on March 28, 2019, for 120 days, to July 25, 2019.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATION & CONDITIONS	3
Preliminary Plan	
Site Plan	
SECTION 2: SITE DESCRIPTION	6
Site Vicinity and Analysis	
SECTION 3: PROJECT DESCRIPTION	7
Previous Approvals	
Proposal	
SECTION 4: PRELIMINARY PLAN	9
Analysis and Findings	
Master Plan	
Adequate Public Facilities Review	
Environment	
Compliance with the Zoning Ordinance and Subdivision Regulations	
SECTION 5: SITE PLAN	13
Analysis and Findings	

SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan Amendment No. 12016001A

Staff recommends approval of Preliminary Plan Amendment No. 12016001A for Lot 671 only, subject to the following conditions. All other Preliminary Plan conditions of approval for this project remain valid, unchanged and in full force and effect.

1. This Preliminary Plan Amendment is limited to 1 lot, Lot 671 only for up to 30,304 square feet of non-residential uses comprised of up to 21,200 square feet of day care facility use (up to 231 students) and up to 9,104 square feet of general office use.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 4, 2019 for Lot 671 only, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Applicant must install short-term public bicycle parking near the main entrances and secure long-term private bicycle parking within the existing building or garage. The exact number and location of bicycle parking will be determined at the time of Certified Site Plan.
4. Before the release of any above-grade building permit, the Applicant must amend the existing Traffic Mitigation Agreement (TMAg) approved under Preliminary Plan No. 120160010 for Lot 671 with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.
5. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“SHA”) in its letter dated June 12, 2019, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated June 10, 2019, for Lot 671 only, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan Amendment approval.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated May 7, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan Amendment approval

8. The Certified Preliminary Plan Amendment must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
9. The Adequate Public Facility (“APF”) review for the Preliminary Plan Amendment for Lot 671 only, will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
10. Before approval of the Certified Preliminary Plan Amendment the following revisions must be made and/or information provided subject to Staff review and approval.
 - a. Include the stormwater management concept exemption letter from DPS and the Preliminary Plan Amendment resolution on the approval or cover sheet(s).
 - b. Revise Data Table to show correct required open space requirement and provided open space requirements.
 - c. Revise Preliminary Plan to show removal of on-street parking spaces on Glenbrook Road.

Site Plan No. 81981081A

Staff recommends approval of Site Plan Amendment 1981081A for one building with up to 30,304 square feet of non-residential uses comprised of up to 21,200 square feet of daycare center use (up to 231 students) and up to 9,104 square feet of general office use, on 25,733 square feet of land, zoned CR 3.0 C 3.0 R 3.0 H-120 subject to the following conditions which supersede all conditions of approval for Site Plan 819810810 and the subsequent December 2, 1982 amendment.

1. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan Amendment No. 12016001A.
2. Public Open Space, Facilities, and Amenities
The Applicant must maintain all open space areas located on the Subject Property.
3. Transportation
A daycare employee must be present in the garage to direct traffic during the morning drop-off and evening pick-up periods.
4. Pedestrian & Bicycle Circulation
 - a. The Applicant must provide a minimum of (7) seven bicycle parking spaces to include both long-term and short-term bicycle parking spaces.
 - b. The long-term spaces must be in a secured, well-lit bicycle room in the garage or building, and the short-term spaces must be inverted-U racks (or approved alternative) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
5. Department of Permitting Services-Right-of-Way
The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated May 10, 2019 and incorporates them as

conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

6. Landscaping

- a. Prior to issuance of final Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lights, sidewalks/pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.
- c. Any limits of disturbance must be shown on the Certified Site Plan.

7. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All on-site down-lights must have full cut-off fixtures.
- c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

8. Development Program

The Applicant must construct the development in accordance with the Development program table as shown on the Certified Site Plan.

9. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept exemption letter and the Site Plan Amendment resolution on the approval or cover sheet(s).
- b. Revise Data Table to show the correct required open space requirement and provided open space requirement and show the entire fence that encloses the playground.
- c. Revise Site Plan to show removal of on-street parking spaces on Glenbrook Road.

SECTION 2: SITE DESCRIPTION

Site Vicinity

Subject Property and Surrounding Uses

The subject property is located at the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road, in Bethesda Central Business District (CBD). The surrounding uses include multi-family residential dwellings, both low-rise garden apartments and high-rise buildings, single-family detached residences, offices, and retail uses. A 120-unit assisted living facility, approved under Site Plan, #820160120, is currently under construction on the site's eastern property line. Battery Lane Urban Park, owned by M-NCPPC, is directly across Glenbrook Road and west of the site.



Figure 1: Vicinity Map, Subject Site Outlined in Red

Subject Property Analysis

The property (Subject Property or Property) at 8101 Glenbrook Road is located at the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road and comprises approximately 25,733 square feet of land in CR-3.0, C-3.0, R-3.0 H-120 and the Bethesda Overlay Zones. The Property has 135 feet of frontage on Rugby Avenue and 280 feet frontage on Glenbrook Road. The Subject Property is shown as Lot 671 on record plat (#25299) in the County land records.

The Site is improved with an existing two-story commercial office building to remain consisting of 30,204 gross square feet, an underground parking garage for 29 parking spaces and a surface lot with 6 parking spaces. The Property is entirely developed. There are no streams, floodplains, forests or other sensitive environmental features or historic resources on the site. It is located in the Lower Rock Creek Watershed. The Property is within the 2017 *Bethesda Downtown Sector Plan* (the Sector Plan) area and the Bethesda Parking Lot District (PLD). Tiered landscaping planters containing heathy and mature landscaping are located along the site's frontage on Glenbrook Road.

There are three entrance points to the site: the pedestrian entrance is from the main building entrance on Glenbrook Road, service vehicles use the loading dock on Rugby Avenue and vehicular access is from the underground parking garage entrance located off of Glenbrook Road. On-street-parking for five vehicles is located along on Glenbrook Road, in front of the site, and two on-street parking spaces are located on Rugby Avenue. Pedestrian access is provided to the site via sidewalks along Rugby Avenue and Glenbrook Road. Private vehicular access is from Glenbrook Road, commercial vehicles use a loading dock on Rugby Avenue.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

On January 6, 1982, the Planning Board approved Preliminary Plan 11981190 with conditions to create one lot for the subject property.

On January 21, 1982, the Planning Board, approved Site Plan 819810810 for subject site with conditions.

On December 2, 1982, the Planning Board approved Site Plan Amendment 819810810 with conditions for the site.

On December 28, 2015, the Planning Board approved Sketch Plan No. 320160010 and Preliminary Plan 120160010 for two lots. Lot 1, the Subject Property, would retain the existing office building, and Lot 2 proposed an assisted living facility of up to 120 assisted living units and 3,125 square feet of non-residential uses in an 8-story building.

All previous Planning Board opinions are contained in Attachment A.

Proposal

Use and Building

The Applicant, the Primrose School, proposes to convert 21,200 square feet of existing office uses to a day care facility for 231 children.

The existing building's footprint will remain unchanged under this proposal. However, the existing 6-space parking surface lot at the site's northern boundary will be removed and replaced with an outdoor play area for the child care facility. The outdoor play area will be enclosed with a fence and supplemental landscaping along the eastern lot line to further screen the building and use.

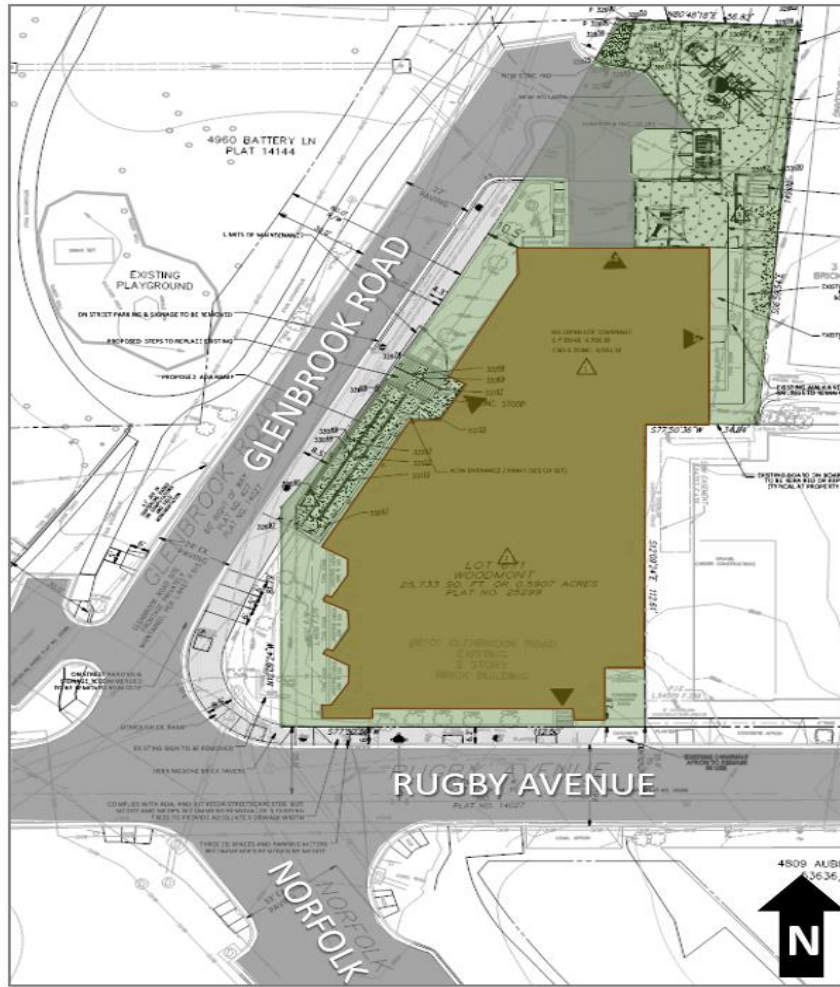


Figure 2: Proposed Preliminary Plan Amendment and Site Plan Amendment

Circulation

Vehicular access to the Property is proposed directly from Glenbrook Road into a entrance that leads to the 29-space underground parking garage. The loading dock on Rugby Avenue will remain. Pedestrian and bicycle access to the Property will be provided by the existing sidewalks along both Rugby Avenue and Glenbrook Road.

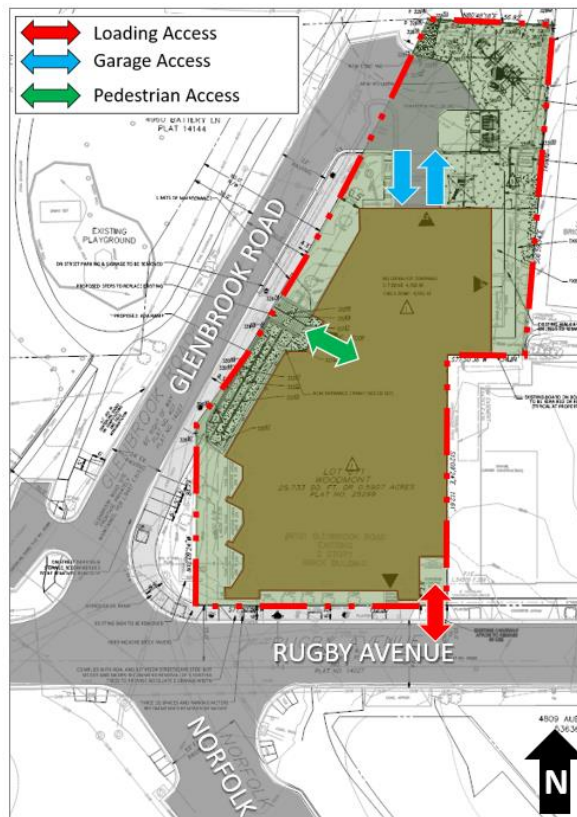


Figure 3 Pedestrian and Vehicular Circulation

Open Space

Under the CR zone the required amount of open space is 10% for a property greater than 10,000 square feet. The proposed open space is 4,018 square feet or 16% which exceeds the 10% requirement.

SECTION 4: PRELIMINARY PLAN 12016001A

ANALYSIS AND FINDINGS

The proposed Amendment does not alter the original intent and all findings of Preliminary Plan No. 120160010 remain in full force and effect, except as modified by the findings below.

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

Staff finds the lot size, width, shape and orientation continue to be appropriate at this location for this subdivision amendment when considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lot was reviewed and found to be in compliance with dimensional requirements for the CR Zone as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Preliminary Plan Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The site is not subject to an Urban Renewal Plan. The Property is located in the area designated as the “Battery Lane District” and is designated as “Site 12” on page 129 of the Sector Plan. Specifically, the Project addresses the following goals as outlined in the Sector Plan:

Battery Lane District

- *Improve pedestrian, and bike connectivity through the district and along the park. P.128*

Bicycle connectivity will be increased by the addition of seven bicycle spaces for both the day care facility and future office users. The final location and details of these bicycle spaces will be determined at time of Certified Site Plan. The existing vehicular access point from Glenbrook Road into the underground parking garage will remain. On-street parking along Glenbrook Road and Rugby Avenue will be removed to facilitate safer pedestrian access into the building’s entrances and will provide more space for pedestrian circulation into and around the property.

Human Services

- *Encourage child care facilities in key locations throughout Downtown Bethesda area. p.88*

The Property’s location in Downtown Bethesda is within close proximity to existing residential and office uses and is served by various transit options, such as the Bethesda Metrorail, Metrobus, Ride-On, Bethesda Circulator and the future Purple Line. The location for this proposed use coupled with the concentration of residences and office buildings will provide a needed service throughout downtown Bethesda that will serve the surrounding community. The proposed use fulfills a Sector Plan goal.

Transportation

- *Improve the use of non-auto driver travel. P.35*

A recommended condition of approval for this Amendment will require the Applicant to amend the existing Traffic Mitigation Agreement (TMAg) approved under Preliminary Plan No. 120160010 for Lot 671 with the Planning Board and MCDOT and to participate in the Bethesda Transportation Management District (TMD) to achieve the Plan’s goal of 55% for Non-Auto Drive mode share. By undertaking the TMAg, the Applicant will be meeting the Plan’s goal for reduced non-auto driver travel.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Access and Circulation

Pedestrian and bicycle access to the site are provided from the perimeter sidewalks along both Rugby Avenue and Glenbrook Road. The primary pedestrian entrance to the building is along the Site's Glenbrook Road frontage. Seven bicycle parking spaces for employees of both the office and daycare uses will be provided under this proposal. The final location of these spaces and details will be identified on the Certified Site Plan. The vehicular entrance to the building's structured underground garage and daycare drop-off is at the rear of the building, accessed via Glenbrook Road. Loading operations will be limited to the Site's existing loading dock on Rugby Avenue. Ingress and egress along Glenbrook road will be improved as a result of this project, with the removal of the existing on-street parking spaces on Glenbrook Road.

All parking and daycare drop-off operations will occur within the existing garage. The garage will include 29 vehicular parking spaces, 27 of which will be dedicated to the daycare use with the remaining vehicular parking spaces available for use by the Site's office uses.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately ½ mile south of the site), Metrobus, Ride-On, the Bethesda Circulator and the future Purple Line.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. Glenbrook Road, along the western site frontage, as a Business District Street; no minimum right-of-way width specified;
2. Rugby Avenue, along the southern site frontage, as a business district roadway with a minimum right-of-way width of 50 feet.

Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. To meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. The development is required to amend the existing Traffic Mitigation Agreement (TMAg) for Lot 671 with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

Adequate Public Facilities

A transportation study, dated April 4, 2019, was submitted to analyze the Project. The proposed development is estimated to generate 149 net new morning peak-hour person trips (71 vehicle trips) and 180 net new evening peak-hour person trips (85 vehicle trips) (Table 1). Because the estimated transportation impact of the Project exceeds 50 net new vehicular trips, the Project evaluated the adequacy of the roadway network to satisfy the Local Area Transportation Review requirement.

Table 1: Project Peak Hour Trip Generation

Existing	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
21,120 SF General Office	24	26	15	16	31	34
Existing Trips	24	26	15	16	31	34
Proposed						
	AM	PM	AM	PM	AM	PM
9,004 SF Office ¹	--	--	--	--	--	--
Day Care Center (231 Students)	180	182	112	113	235	238
Subtotal Net New Proposed	156	156	97	97	204	204
Pass-by Credit (27% AM; 12% PM)	42	19	(26)	(12)	(55)	(24)
Net New Trips						
	114	137	71	85	149	180

¹ 9,004 square feet of existing office uses to remain; No transportation impact associated with this use.
 Source: The Traffic Group Transportation Study, dated April 4, 2019.

Vehicle Adequacy

This Project generates between 50 and 149 net new peak hour vehicle trips. The Applicant was required to evaluate one tier of intersections within Downtown Bethesda, resulting in a total of four intersections. In accordance with the *2016-2020 Subdivision Staging Policy*, the results of the HCM methodology are presented in Table 2.

Table 2 Intersection Capacity
 Highway Capacity Manual Methodology
 Control Delay (seconds)

Intersection/Corridor	Delay Standard	Existing Conditions		Background Conditions		Future Conditions	
		AM	PM	AM	PM	AM	PM
1 Glenbrook Rd/ Rugby Ave/ Norfolk Ave	120	7.2	7.5	7.4	7.6	7.7	7.9
2 Woodmont Ave/ Rugby Ave	120	2.2	5.7	5.2	15.6	10.9	29.7
3 Old Georgetown Rd/ Glenbrook Rd ¹	120	2.6	--	18.2	--	19.4	--
4 Norfolk Ave/ St Elmo Ave	120	12.6	13.7	13.3	14.7	13.5	15.0

¹HCM methodology cannot be applied to Intersection #3; since the CLV is below 1,150, the intersection is adequate.
 Source: The Traffic Group Transportation Study, dated April 4, 2019.

School Capacity

This Amendment is solely for a change in the amount and type of commercial square footage and no residential dwelling units are proposed. Therefore, a school capacity test is not required.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

- 4. *All Forest Conservation Law, Chapter 22A requirements are satisfied.*

A Forest Conservation Exemption Request No. 42018199E for the subject property was confirmed by Staff on September 11, 2018. Chapter 22A-59(s)(2) of the Forest Conservation Law permits exemptions for activity on a tract of land less than 1 acre and that will not result in the clearing of more than a total of 20,000 square feet of existing forest or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. The tract area and proposed limits of disturbance are less than 0.60 acres. This proposal does not trigger afforestation requirements and there are no existing forest or champion trees within the tract area, Therefore, this property is exempt from Forest Conservation Plan (FCP) requirements. Attachment D.

- 5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Property is exempt from submitting a stormwater management concept plan because less than 5,000 square feet of land will be disturbed under both amendment applications. An exemption letter from the Montgomery County Department of Permitting Services (MCDPS) dated June 10, 2019 is included in Attachment C.

SECTION 5: SITE PLAN 81981081A

FINDINGS

- 1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
- 2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. satisfies any previous approval that applies to the site;*

The Site Plan conforms to all binding elements of Sketch Plan No. 320160010.

- b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

i. *Division 4.5. Commercial/Residential Zones*

Development Standards

This property is zoned CR 3.0 C-3.0 R-3.0 H-120, within the Bethesda Overlay Zone, and was developed under the Optional Method of Development. The following Data Table shows the Application’s conformance to the development standards of the zone.

Table 3
Development Standards CR Zone (Optional Method of Development)

Site Plan 81981081A Data Table			
Section 59.4	Development Standard	Permitted/Required	Proposed
	Gross Tract Area (sf)	n/a	26,591 sf
	Dedications (sf)	n/a	858 sf
	Net Tract Area (sf)	n/a	25,733 sf
4.5.4.B.2.b	Density (CR-3.0, C-3.0, R-3.0, H-120) Commercial FAR/GFA Residential FAR/GFA Total FAR/GFA	3.0/79,773 sf 3.0/79,773 sf 3.0/79,773 sf	Up to 3.0/30,204 sf 0 Up to 3.0/30,204 sf
4.5.4.B.2.b	Building Height (feet)	120 ft	35 ft
4.5.4.B.1	Minimum Public Open Space (10%)	10% 2,574 sf	16% 4,018 sf
4.5.4.B.3	Min. Building Setbacks (feet) Front Side Side street Rear	0 ft 0 ft 0 ft	10.5 ft 2.8 feet 0 ft
6.2	Parking Spaces, minimum-maximum ¹ Day Care Facility Office TOTAL Bicycle Spaces Office Day Care	64-85 18-27 82-112 2 4	27 20 29 3 4

¹The Project is located within the Bethesda Parking District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking.

i. Division 4.7. Optional Method Public Benefits

The existing office building will remain under this Application. Since this Amendment proposes no new development, it is not required to provide public benefits.

ii. Division 6.1. Site Access

Vehicular access will continue to be from Glenbrook Road into the existing underground parking garage. Access for pedestrians and short-term bicyclists will be from the existing building's main entrance on Glenbrook Road, while long term bicyclists will enter from the underground parking garage. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

iii. Division 6.2. Parking, Queuing, and Loading

Parking for the building will be provided in the existing underground parking garage. Vehicular access will occur from the garage's entrance on Glenbrook Road. Commercial vehicles will continue to service this site from the existing loading dock on Rugby Avenue. This separation of vehicular movements will limit the potential for conflicts between private and commercial vehicles.

iv. Division 6.3. Open Space and Recreation

In the CR zone the required amount of open space is 10% for a property greater than 10,000 square feet. The proposed open space is 4,018 square feet or 16% which exceeds the 10% requirement

v. Division 6.4. General Landscaping and Outdoor Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by office users and visitors to the site. The existing tiered planters along the Glenbrook Road frontage will continue to provide plantings that soften the existing building's façade and street presence. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan Amendment meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The site is exempt from the Chapter 19 regarding storm-water management requirements as outlined by the Montgomery County Department of Permitting Services, Water Resources Section in a letter dated June 10, 2019. Additionally, a drainage study for the site and the surrounding area was completed by the Applicant and found to be adequate.

ii. *Chapter 22A, Forest Conservation.*

This development is exempt from the requirements of Article II of Montgomery County Code, Chapter 22A (Forest Conservation Law). A Forest Conservation Exemption request was confirmed by Staff on September 11, 2018, (No. 42018199E) under the exemption category 22A-5(s)(2) (Attachment D). The proposed development is an activity occurring on a tract of land less than 1 acre in size that will not, 1) result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree and 2) reforestation requirements would not exceed 10,000 square feet.

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The building's existing location provides ease of access to the adjoining and surrounding sidewalks in Downtown Bethesda area, Battery Lane Urban Park, and the surrounding residential area. The on-site open space continues an existing and well-maintained streetscape along both Glenbrook Road and Rugby Avenue which will activate both the proposed use and the sidewalk along the property. The open space and landscaping adequately and efficiently address the needs of the proposed use and fulfills recommendations of the *Bethesda Downtown Plan* while providing a safe environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. The vehicular circulation is designed to minimize pedestrian and bicycle conflicts. The emphasis on pedestrian and bicycle circulation on the site coupled with the recommendations contained in the *Plan* are an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles. The locations of the buildings and structures are adequate and efficient and do not pose any safety concerns on the site.

g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in the Preliminary Plan Findings of this staff report, the Site Plan Amendment substantially conforms with the recommendations of the Sector Plan. The Site Plan Amendment fulfills the Plan's recommendations through improved bicycle and pedestrian connections, reduced non-auto driver travel, and establishment of a child care facility in Downtown Bethesda.

h. *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 development 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 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;*

As discussed in the Preliminary Plan No. 12016001A findings, the development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm

drainage, and other public facilities. An Adequacy test for public schools is not required as the Amendment proposes no residential units.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing, approved or pending adjacent development.*

The building is existing and proposed changes under this Site Plan Amendment will be internal to the building and underground parking garage. The only exterior proposed change is the removal of the surface parking lot for 6 vehicles along the northern boundary and the installation of outdoor play area in this location. The outdoor play area will be enclosed by a fence. Therefore, the existing building (structure) and its uses continues to be compatible with existing and proposed adjacent development in the Battery Lane District through the building's massing, setbacks, and height that were found compatible under previous Planning Board approvals for this site.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

Section 6: Community Outreach and Concerns

The Applicant has complied with all submittal and noticing requirements for both applications.

To date, staff has not received any comments on the applications.

CONCLUSION

The proposed development complies with the general requirements and development standards of CR Zone and the general development requirements of Section 59-4.5 of the 2014 Zoning Ordinance. The proposed development satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan No. 12016001A and Site Plan No. 81981081A with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Previous Planning Board Approvals
- B. Applicant's extension requests
- C. Agency Letters
- D. Forest Conservation Exemption Letter