




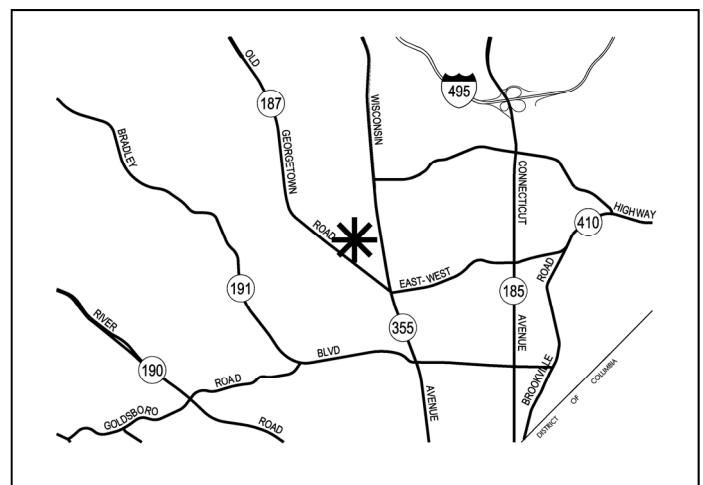
Battery Lane District, Sketch Plan No. 320190080

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Completed: 12.02.19

Description

- Sketch Plan to allow up to 1,752,000 square feet of total development on five sites including up to 12,000 square feet of non-residential uses and up to 1,740,000 square feet of residential uses with an overall average of 20% MPDUs project wide and a minimum of 15% MPDUs on each site, and a request of density from the Bethesda Overlay Zone;
- Current use: six below market-rate garden apartment buildings totaling 477 units with associated surface parking;
- Located on Battery Lane between Old Georgetown Road and Woodmont Avenue;
- 11.29 acres of tract area zoned CR 3.5 C 0.5 R 3.5 H 120 and CR 1.5 C 0.5 R 1.5 H 120 and the Bethesda Overlay Zone (BOZ) in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: Aldon Properties;
- Acceptance date: July 3, 2019.



Summary

- Staff recommends approval of the Battery Lane District Sketch Plan with conditions.
- The Proposal includes a total of 1,530 units over five sites (a net increase of 1,053 units) with a project goal of 20% MPDUs, and an allocation of density from the Bethesda Overlay Zone (BOZ).
- The entire Project is anticipated to be built out over a 10 to 15 year period and will be subject to subsequent Preliminary Plan and Site Plan reviews.
- This Application received an administrative review extension on August 21, 2019 to allow concurrent review with the Preliminary Plan, and an additional extension from the Planning Board to January 31, 2020. At this time, however, the Preliminary Plan still has unresolved issues and the Applicant has elected to move forward with only the Sketch Plan Application at this time.

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SECTION 1: EXECUTIVE SUMMARY

Location and Background

The subject site (Subject Property, Property, or Project) is located on both the north and south sides of Battery Lane between Woodmont Avenue and Old Georgetown Road. The individual sites are addressed as 4857 Battery Lane (Site A), 4858 Battery Lane (Site B), 4890/4900 Battery Lane (Site C), 4949 Battery Lane (Site D), and 4998 Battery Lane (Site E). The Project has a total tract area of 11.29 acres. The Property is within the area encompassed by the 2017 *Bethesda Downtown Sector Plan* (Sector Plan), and Sites A, B, C, & D are within the Height Incentive Area of the Bethesda Overlay Zone (BOZ).



Figure 1 - Aerial View

Prior to the adoption of the 2017 *Bethesda Downtown Sector Plan* (Sector Plan), the County Council approved Zoning Application No. G-909 by Resolution No. 17-555. This approval reclassified sites A, B, and C of the Property from the R-10/TDR zone to the PD-100 zone, subject to the binding elements and requirements of the approved Development Plan. The Sector Plan rezoned Sites A, B, and C to CR 3.5 C 0.5 R 3.5 H 120' Sites D, & E to CR 1.5 C 0.5 R 1.5 H 120'. Given the rezoning implemented Sector Plan recommendations, the Property is no longer subject to the Development Plan, and the Project has been conditioned to submit a letter of withdrawal for the Development Plan.

Proposal

The Applicant proposes to redevelop the five sites with four high-rise residential buildings and two high-rise mixed use buildings with structured parking totaling 1,752,000 square feet of development, including 1,740,000 square feet of residential uses and a maximum of 12,000 square feet of non-residential uses which includes an allocation of density from the BOZ of up to 500,110 square feet. Each of the new buildings will provide structured parking which may be achieved through a combination of podium style and below grade garages.

Currently, the five sites contain 477 below market-rate garden apartments. The Project will provide approximately 1,530 units, with a net increase of 1,053 units. The Applicant proposes exceeding the minimum required amount of Moderately Priced Dwelling Units of 15% for projects within the Bethesda Overlay Zone with a project-wide goal of 20% MPDUs.

The Applicant anticipates this to be a multi-phase project over a 10 to 15 year build out period. Given the long term nature of this Project, there is no guarantee that all five sites will complete development as proposed. Therefore, Staff's review of the Sketch Plan and recommended conditions for future Site Plan review are written to ensure that each individual Site Plan can fulfill the Project goals and conformance with the Zoning Ordinance and Sector Plan without reliance on any other phase. Conditioning each subsequent Site Plan in this manner protects the public interest and ensures delivery of public benefits commensurate with the level of development proposed in each future Site Plan.

Issues

Site D Open Space / Stream Valley Buffer

Site D is located on the northern side of Battery Lane across from Battery Lane Urban Park, and adjacent to the southern property line for the National Institutes of Health (NIH). This site is partially encumbered by a stream valley buffer at the northwest corner (shared border with NIH) where a piped stream that carries water from Downtown Bethesda daylighting into a tributary stream that travels onto the National Institutes of Health (NIH). The existing Bethesda Trolley Trail also runs along the eastern property line of Site D.



Figure 2 - Site D, Existing Conditions

The 2017 *Bethesda Downtown Sector Plan* (Sector Plan) includes several references and recommendations for this site and the piped stream. Within the Parks, Trails and Open Space goals section of the Sector Plan, Site D is recommended to have an enhanced open space, which is described as the North Bethesda Trail Urban Greenway (page 82 of the Sector Plan). This Greenway is recommended to be 0.9 acres in size and envisioned to be a major bicycle and pedestrian link with an active and green linear park. Specifically, the Sector Plan notes the greenway

would be wide enough for stream improvements, environmental interpretation and play elements. Within the site-specific goals for the Battery Lane District, it is recommended to consider daylighting of the existing piped stream.

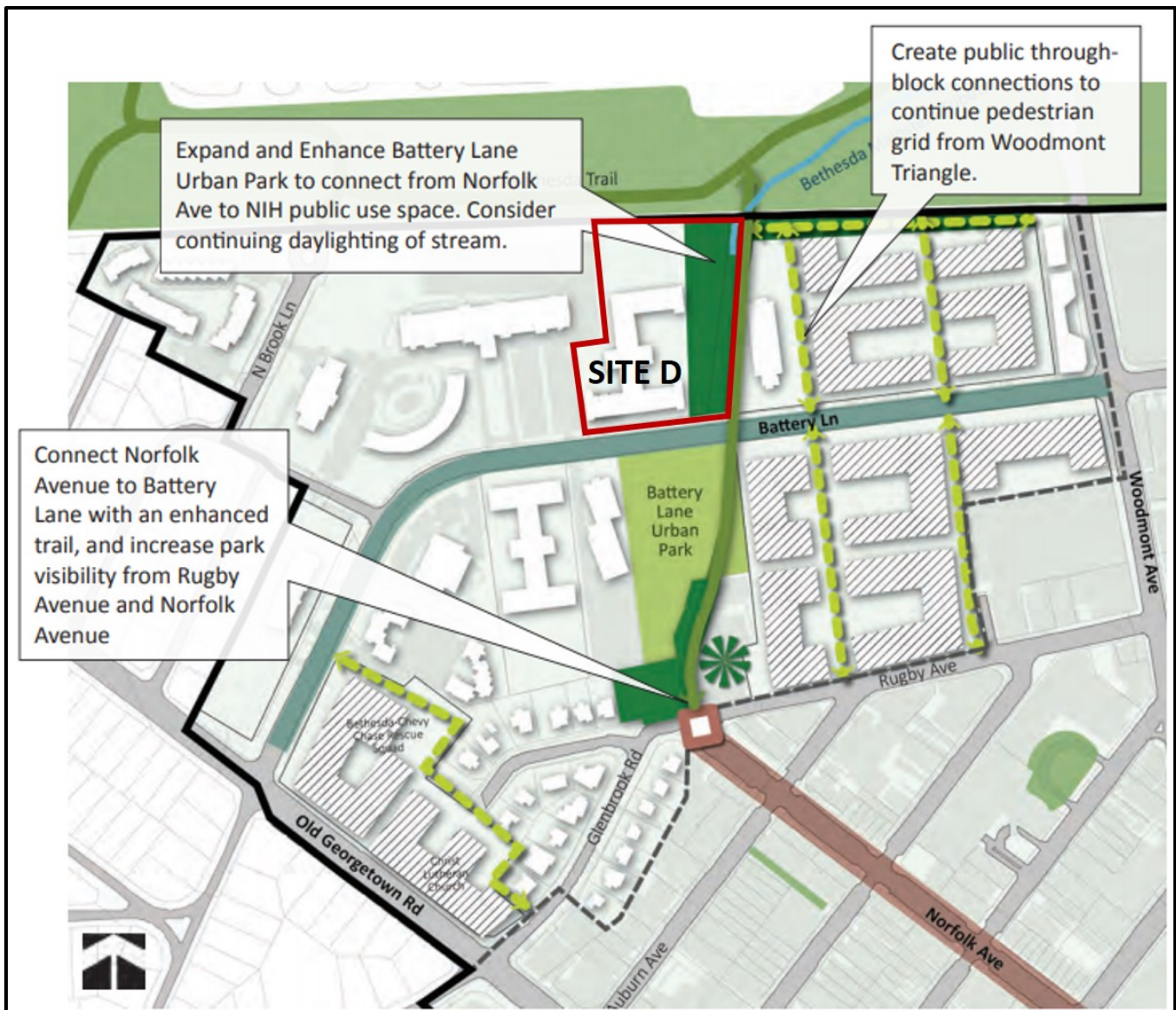


Figure 3 - Battery Lane District Public Realm Improvements, 2017 Bethesda Downtown Sector Plan (p.132)

Conceptually, the Applicant proposes to construct two separate buildings on Site D, one fronting Battery Lane and the second in the rear, fronting onto a proposed motor court which separates the two buildings. The Applicant proposes to enhance the existing Bethesda Trolley Trail per the recommendations of the Sector Plan and 2018 *Bicycle Master Plan*, and provide an open space fronting the Trolley Trail with interpretive stormwater elements. This open space is located generally where the Sector Plan recommends, adjacent to the Bethesda Trolley Trail, and would be at its widest in the middle of the property where the Applicant proposes a staircase that separates into private stairs leading to a proposed motor court. The narrowest width of the open space would be in the rear portion of the site where the existing piped stream daylight. Generally, the size of this space is smaller than the Sector Plan recommended 0.9 acres, at 0.58 acres, and more importantly, the width is smaller with an average 60 feet. The Applicant proposes additional open space in the rear of the site, which does not support the Sector Plan goal of a linear greenway. In lieu of daylighting the stream, the Applicant proposes a series of stormwater features

in this open space. The Applicant states that daylighting of the stream is infeasible due to the depth and size of the piped stream. The pipe is approximately 66 inches in width and varies in depth from the existing grade, between 7.5' and 10' below existing grade.

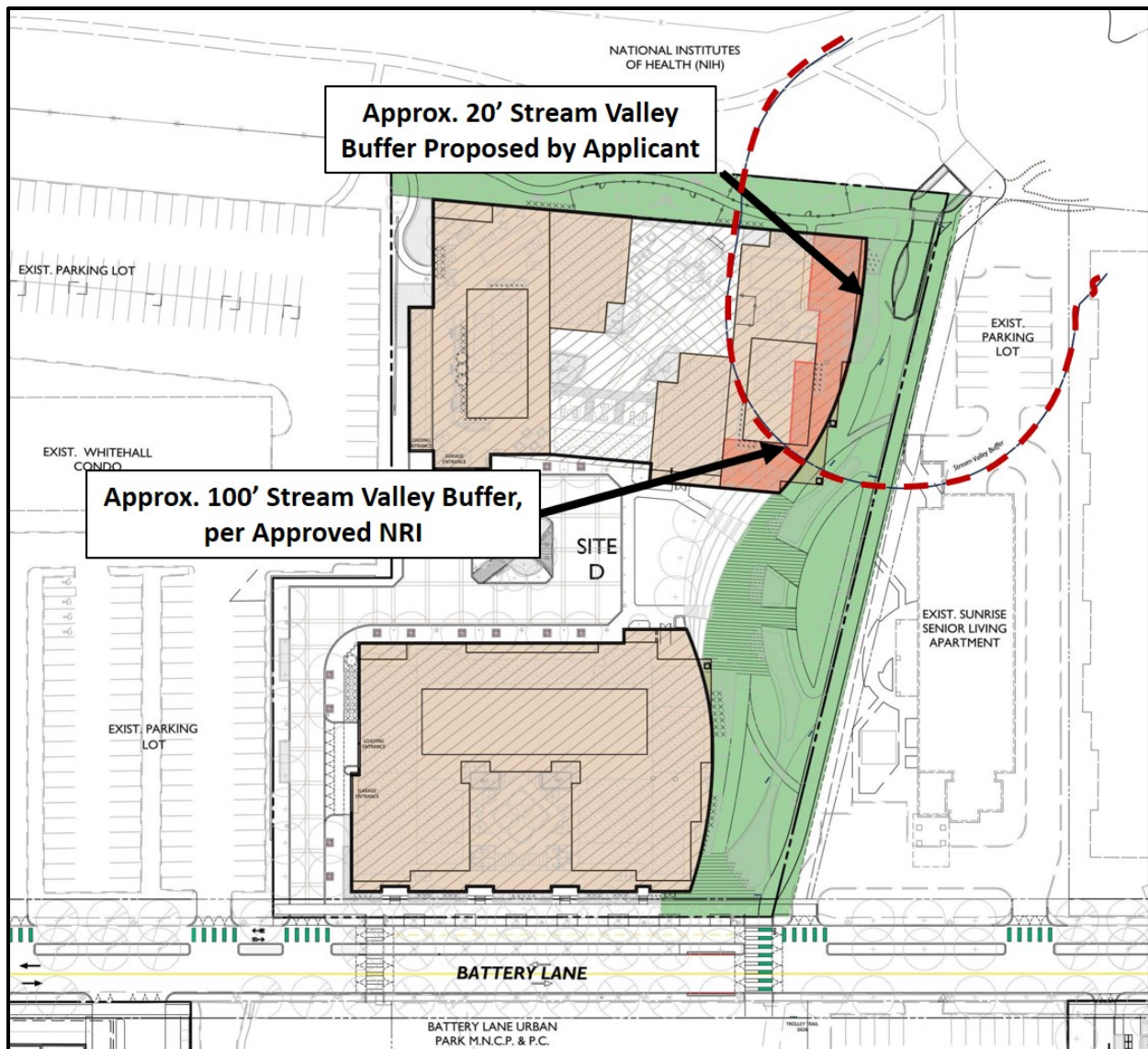


Figure 4 – Applicant proposed conceptual layout for Site D

The Montgomery County *Environmental Guidelines* requires new development to maintain a 100-foot stream valley buffer, only allowing limited encroachments into the buffer for bicycle, pedestrian and other stormwater facilities. The Applicant proposes encroaching within the buffer, providing a 20-foot building setback from the stream, with other enhancements of the existing streambed, including a new headwall and other structural elements. At Sketch Plan, the Planning Board does not make findings relative to the stream valley buffer, however given the relation of the stream valley buffer with the Sector Plan recommendations for an enhanced open space, this is a major point of discussion within the Staff Report. Staff recommends a condition that would require the Applicant to explore increasing the width of the linear park to an average of 95 feet, allowing the width to increase and decrease along the site. A second condition would require the Applicant to minimize encroachment into the stream valley

buffer, and to provide mitigation for any unavoidable encroachments as specified in the Montgomery County Environmental Guidelines.

Proposed Separated Two-Way Bicycle Facilities

The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane along Battery Lane beginning at Old Georgetown Road travelling east past Woodmont Avenue and Wisconsin Avenue. The Applicant proposes to redesign the existing right-of-way of Battery Lane to include the new separated bike lane with a 7' tree-lined buffer from the travel lanes on the northern side of the road (see Figure 5 below). Staff is in support of the updated right-of-way street section and inclusion of the 7' buffer, but recommends locating the bikeway on the south side of Battery Lane (see Figure 6 below) to ensure maximum bicycle network continuity and bicyclist comfort, simplify lane alignment, and reduce points of conflict with vehicles.

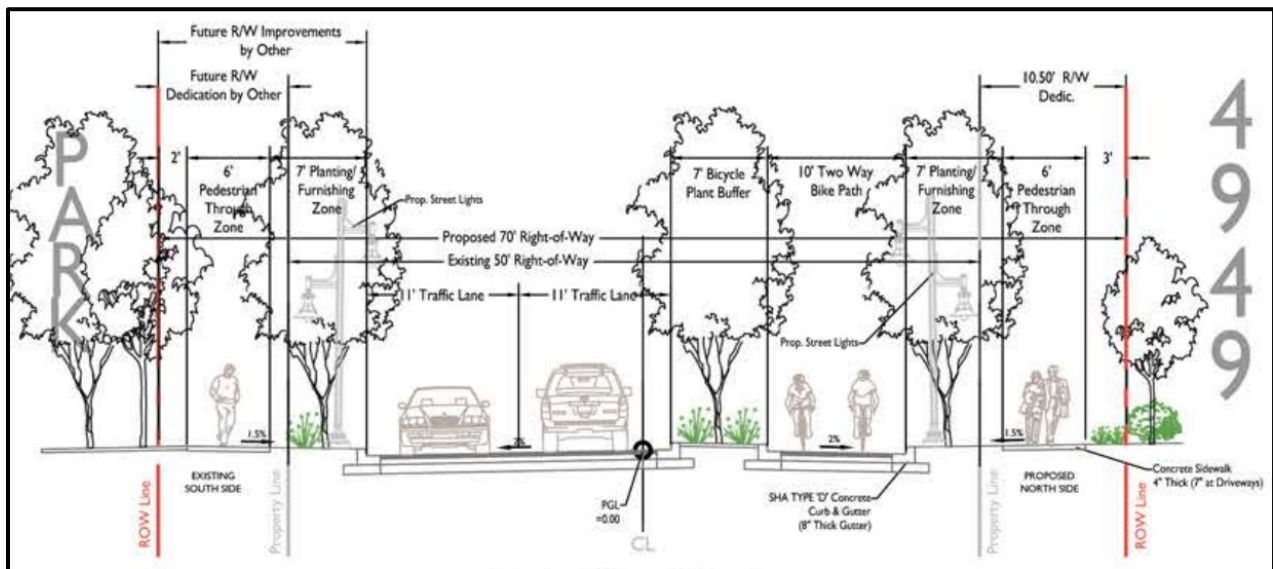


Figure 5 - Applicant Proposed Separated Bike Facility on north side of Battery Lane looking west

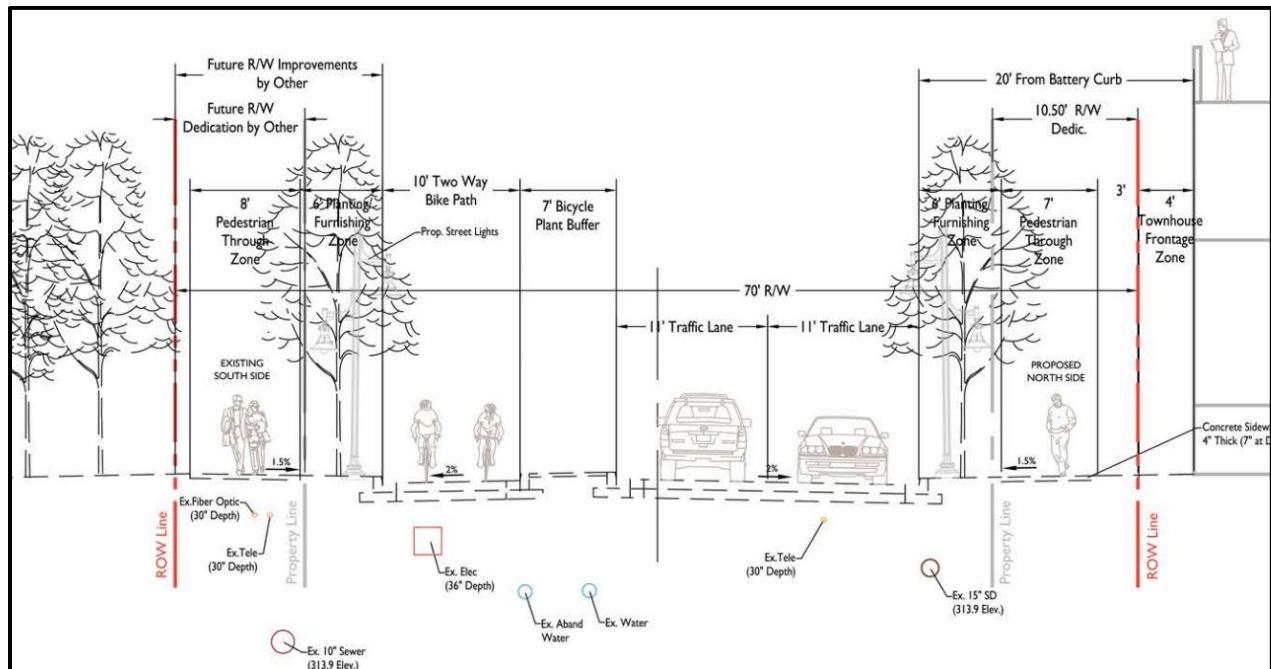


Figure 6 - Staff Recommended Separated Bike Facility on south side of Battery Lane looking west

Based on the recommendations contained within the 2018 *Bicycle Master Plan* (Master Plan) and the recently approved development in the vicinity, Staff has determined the south side achieves maximum continuity. Locating the bike lanes on the north side of the road, as proposed by the Applicant, would require bicyclists to cross two legs of the intersection of Battery Lane and Woodmont Avenue to continue east-west travel, increasing bicyclist delay and exposure to motor vehicle traffic (see Figure 7). Furthermore, constructing the separated bike lanes on the north side of Battery Lane would preclude the construction of a protected intersection at this busy intersection, given that the property on the northwest corner has recently redeveloped.

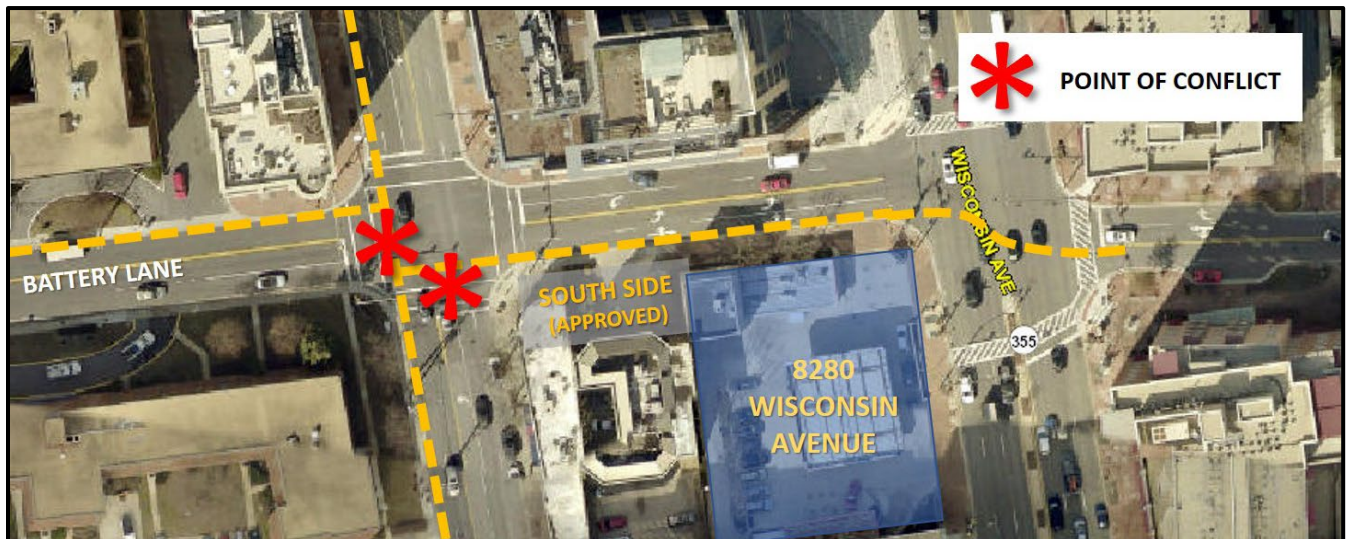


Figure 7- Points of conflict for Applicant proposed north side separated bicycle lanes

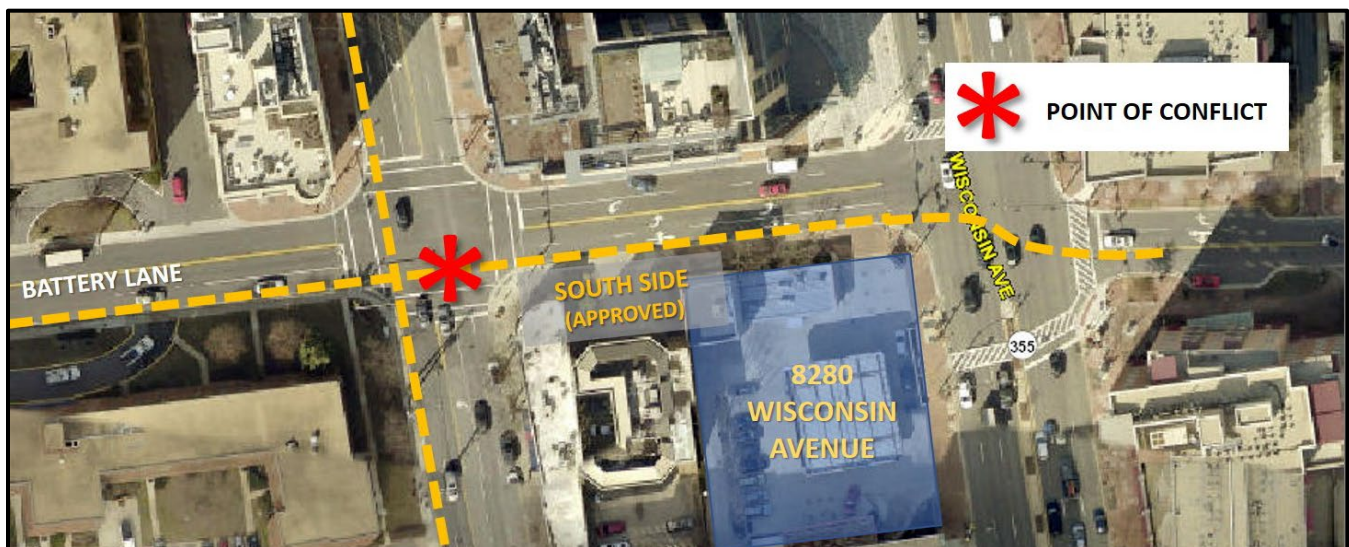


Figure 8 - Point of conflict for Staff preferred south side separated bicycle lanes

The Applicant states that existing water lines along the south side of Battery Lane may preclude the planting of trees within the proposed 7' buffer if the separated bicycle lanes are constructed on the Staff preferred south side. While the addition of trees in the buffer would add canopy to the right-of-way, a tree lined median is not a requirement or recommendation of the Master Plan or Sector Plan. Under both designs submitted by the Applicant, the separated bicycle lanes would meet the design criteria recommended in the Master Plan. The Staff preferred alternative better addresses bicycle comfort, simplifies the alignment and reduces vehicular conflict. For these reasons, Staff recommends a condition requiring the bike lanes to be located on the south side.

Community Concerns

This Project is located along Battery Lane among several existing multi-family developments. These developments range in height from smaller garden style apartment buildings to high rise condominiums (10-11 stories). A single-family detached zone is located at the rear of Site E, for which the Applicant has provided diagrams showing conformance with the residential compatibility requirements. Throughout the review process, Staff has received letters of concern from these residents which focus concerns on the proposed increase in height, massing, and density which are discussed in Section 6 of this Staff Report. In summary, the Sketch Plan Application, with the conditions proposed by Staff, is generally in keeping with the requirements of the Zoning Ordinance and the goals and recommendations of the Sector Plan, with the understanding that this development will be built out over 10 to 15 years and further review will be required at the time of Site Plan.

SECTION 2: RECOMMENDATION AND CONDITIONS

Sketch Plan No. 320190080

Staff recommends approval of Sketch Plan No. 320190080, for up to 1,752,000 square feet of total development on five sites including up to 12,000 square feet of non-residential uses and up to 1,740,000 square feet of residential uses with an overall average of 20% MPDUs project wide and a minimum of 15% MPDUs on each site. The maximum density includes an allocation of up to 500,110 square feet of density from the Bethesda Overlay Zone (BOZ). The final allocation of BOZ density will be determined at Site Plan for each phase. The following site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below:

1. Density

The Sketch Plan is limited to a maximum density of up to 1,752,000 square feet of total development over five sites, including up to 1,740,000 square feet of residential uses and up to 12,000 square feet of non-residential uses, and an allocation of up to 500,110 square feet of Bethesda Overlay Zone density on the Subject Property. The final square footage and BOZ allocation will be determined with each associated Site Plan.

2. Height

Maximum building height is limited to 120 feet, as measured from the building height measuring point illustrated on the Certified Site Plan for each phase. At the time of Site Plan, individual building heights may exceed the maximum zoning height of 120 feet as allowed by the provision of MPDUs in Section 59.4.9.2.3.b of the Zoning Ordinance.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. At the time of each Site Plan, a minimum number of 100 public benefit points must be provided from the following categories and in conformance with Section 59.4.9.2.C.3.d and 59.4.7 of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines*. Final points and categories will be established at each Site Plan.

- a. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ overlay, through block connections, and way finding;
- b. Diversity of uses and activities, achieved by providing a variety of dwelling unit types and moderately priced dwelling units;
- c. Quality of Building and Site Design, achieved through exceptional design and structured parking; and
- d. Protection and Enhancement of the Natural Environment, achieved through cool roof design, vegetated roof, and building lot terminations.

4. Bethesda Downtown Plan Design Guidelines

At the time of Site Plan for each building, the Applicant must demonstrate the following:

- a. Comments have been addressed from the Design Advisory Panel as specified in their March 27 and May 22, 2019 meeting minutes;
- b. Project conformance with the *Bethesda Downtown Plan Design Guidelines* in regards to street typology, parks and open space, site design, building form, creative placemaking, and any site-specific guidelines.

5. Building & Site Design

Prior to submittal of individual Site Plans associated with this Sketch Plan, the Applicant must explore the following:

- a. Site A (4857 Battery Lane)
If the building height is in excess of 90 feet, provide a step-back as specified in the Design Guidelines.
- b. Site C (4890 Battery Lane)
Submit design alternatives that remove the proposed layby and increase public open space adjacent to the right-of-way.
- c. Site D (4949 Battery Lane)
 - i. Submit alternative designs that explore each of the following for Sector Plan Conformance:
 - a. In coordination with applicable County agencies, determine the feasibility of daylighting the piped stream;
 - b. Increase the width of linear park space with a minimum average of 95' which includes the existing trail easement on the adjacent property;
 - ii. Increase the setback of the northern building to minimize encroachment into stream valley buffer. Mitigation for any encroachment must be provided as specified in the Environmental Guidelines.
 - iii. Provide furniture and/or play equipment that activates space along the Bethesda Trolley Trail and pedestrian paths.
- d. Site E (4998 Battery Lane)
 - i. If public open space is proposed at the rear of Site E, provide a public connection to Battery Lane meeting the criteria within the Bethesda Design Guidelines for through block connections;
 - ii. If the building height is in excess of 90 feet, provide a step-back as specified in the Design Guidelines.

6. Master Planned Bicycle Facilities

- a. Bethesda Trolley Trail
Upgrade the Bethesda Trolley Trail to Breezeway standards or Staff approved equivalent, including:
 - i. 11-foot-wide two-way separated bike lanes, with 2-foot-wide shoulders on either side (a total of 15 feet);
 - ii. An 8-foot-wide separated walkway with 2-foot-wide shoulders on either side (a total of 12 feet);
 - iii. The existing design of the separated pedestrian path should be straightened to reduce the number of curves and provide pedestrian level lighting.
- b. Separated Bicycle Lanes on Battery Lane
 - i. The Applicant must design and participate in the implementation of the separated two-way bicycle lanes along the southern side of Battery Lane.
 - ii. At the time of Preliminary Plan, submit a phasing plan detailing the design and implementation of the separated two-way bicycle lanes.

7. Park Impact Payment (PIP)

The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to the release of the first above-grade building permit for each associated Site Plan. The final amount will be determined at each associated Site Plan.

8. Streetscape

The Applicant must install the Bethesda Streetscape Standard or approved equal by MCDOT and Planning Staff along each of the Site Frontages, including the undergrounding of utilities.

9. Public Open Space

The Project is required to provide as Public Open Space 10% of the total Site Area of 441,030 square feet, 44,103 square feet. Off-Site open space associated with the Separated Bike Lane Facility may count towards the Project's required open space, to be determined at the time of Site Plan review.

10. Green Cover

At the time of each Site Plan, the Applicant must provide a minimum 35% of site area on each site as green cover as described in Section 2.4.1 of the *Bethesda Downtown Sector Plan* and any proposed tree canopy must utilize tree species and canopy sizes at 20-year maturity per the M-NCPPC Approved Trees Technical Manual.

11. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide a minimum of 15% MPDUs on each site in accordance with Chapter 25A.
- a. The Applicant must provide the following minimum MPDUs at each individual Site Plan:
 1. Site A (4857 Battery Lane): 15%
 2. Site B (4858 Battery Lane): 25%
 3. Site C (4890 Battery Lane): 15%
 4. Site D (4949 Battery Lane): Building D-1 – 17.6% and Building D-2 – 25%
 5. Site E (4998 Battery Lane): 15%
- b. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated November 13, 2019, and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA, provided that the amendments do not conflict with any other conditions of the Sketch Plan approval. The Planning Board encourages the Applicant to continue to work with DHCA to provide more MPDUs and/or more affordable MPDUs (less than 50% AMI) in the development.

12. MCDOT letter

The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated November 15, 2019 and does hereby incorporate them as conditions of the Sketch 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 Sketch Plan approval.

13. Future Coordination for Preliminary and Site Plans

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plans, as appropriate:

- a. Fire and Rescue access and facility details;
- b. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- c. Prior to submittal of a Site Plan proposing to receive public benefit points for wayfinding, coordinate with Bethesda Urban Partnership for any proposed wayfinding signage;
- d. Prior to Certified Preliminary Plan, submit a letter of withdrawal for Development Plan G-909;
- e. Prepare a draft Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District;
- f. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;

- g. SWM concept approval which also addresses the recommendations of the *Bethesda Downtown Sector Plan* Water Quality Section (2.4.2.B);
- h. Prior to Preliminary Plan approval, submit a Tree Save Plan prepared by an ISA Certified Arborist who is also a Maryland Licensed Tree Care Expert;
- i. At the time of each Site Plan, address Bird-Safe Design per the *Bethesda Downtown Sector Plan* Design Guidelines;
- j. At the time of each Site Plan, provide a noise analysis or a waiver per Section 2.2.2 of the 1983 Noise Guidelines.

SECTION 3: SITE DESCRIPTION

Site Vicinity and Analysis

Subject Property

The subject site (Subject Property, Property, or Project) consists of an assemblage of noncontiguous lots along Battery Lane that were originally created in 1910 by Plat No. 134, “Northwest Park”, located on both the north and south sides of Battery Lane between Woodmont Avenue and Old Georgetown Road. The individual sites are addressed as 4857 Battery Lane (Site A), 4858 Battery Lane (Site B), 4890/4900 Battery Lane (Site C), 4949 Battery Lane (Site D), and 4998 Battery Lane (Site E). The Project has a total tract area of 11.29 acres.



Figure 9 - Aerial View

The Property is within the area encompassed by the 2017 *Bethesda Downtown Sector Plan* (Sector Plan), and Sites A, B, C, & D are within the Height Incentive Area of the Bethesda Overlay Zone (BOZ). The Project is located approximately ½ mile north of the Bethesda Metrorail Station and approximately ½ mile south of the Medical Center Metrorail Station. The Project is not within the Parking Lot District or the Bethesda Urban District.

Site Analysis

Three of the sites (Site A, B, & C) are zoned CR 3.5 C 0.5 R 3.5 H 120' and the remaining two (Sites D, & E) are zoned CR 1.5 C 0.5 R 1.5 H 120', all within the Bethesda Overlay Zone (BOZ). All five sites are currently improved with below market-rate garden apartment buildings, totaling 477 units, with associated surface parking. The Subject Property is within the Lower Rock Creek, Use I-P watershed. Each site contains significant and/or specimen trees in addition to street trees and trees along property borders measuring less than 24" in DBH. Each site is also bounded by offsite specimen trees with critical root zones that may be impacted by site development.

Sites A, B, and C are not associated with any sensitive environmental features such as forest, streams or stream buffers, wetlands, or 100-year flood plains. However, Site D, 4949 Battery Lane, intersects with an unnamed

tributary to Rock Creek. The tributary daylight from a piped stream in the northeast corner of the site and drains to the North towards NIH. The piped stream, which is owned by MCDOT, captures stormwater runoff from areas south of this site and runs along the eastern portion of Site D. From the daylight head of the tributary stream, a stream valley buffer extends towards the site, encompassing approximately 0.39 acres (16,945 sq. ft.). There are no known historic properties on the Property.

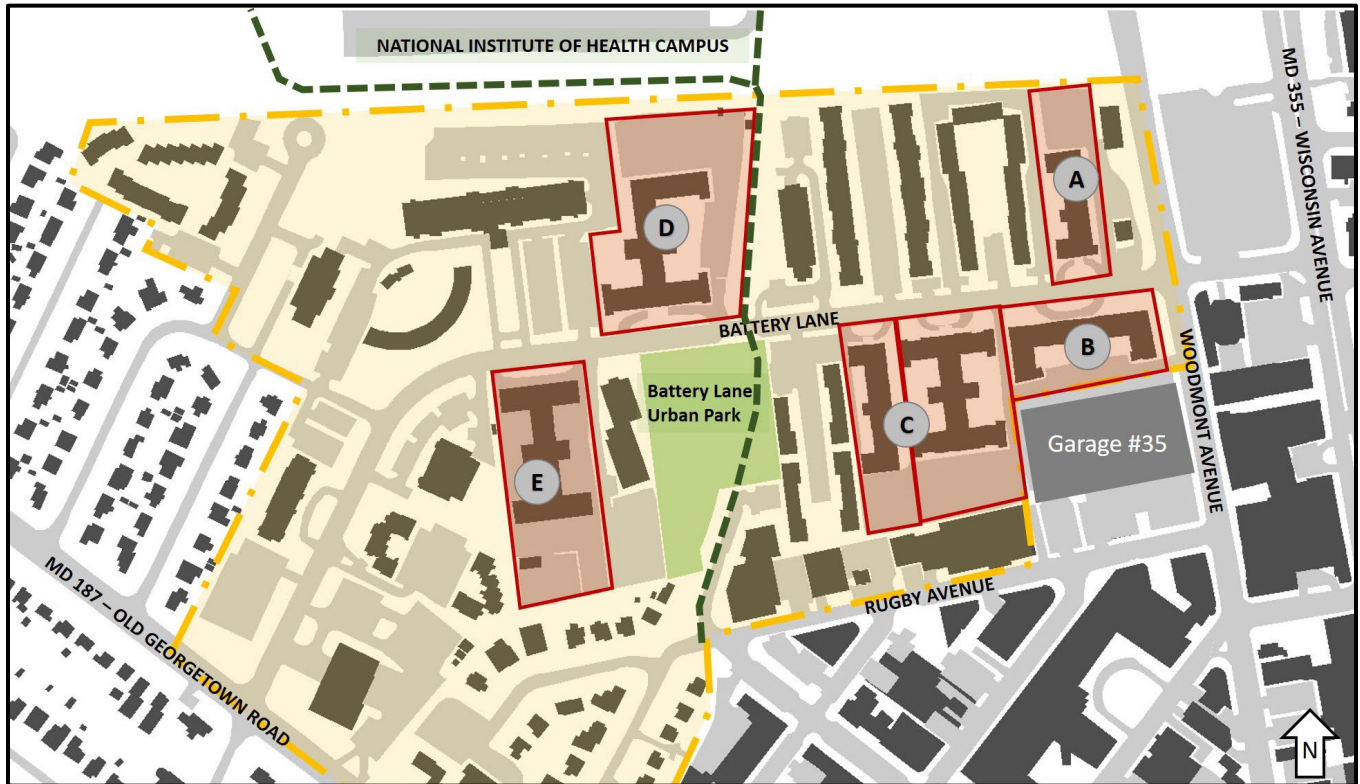


Figure 10 – Project Vicinity, Green dashed line indicates Bethesda Trolley Trail

Surrounding Uses

The surrounding uses along Battery Lane are predominantly mid-rise residential buildings varying from three stories (City Commons of Bethesda adjacent to Site E, and garden apartments adjacent to Site A and Site C) to ten stories (Whitehall and Madison Park Condominiums and Sunrise Senior Living adjacent to Site D) in height. To the south of the Project, particularly Site E, there is a single-family detached zone along Rugby Avenue. To the south of Site B & C is a mix of newer development including the newly constructed Brightview Bethesda (senior living) and 2nd District Police Station, Parking Garage 35, and other commercial uses. To the north of Site A and D is the beginning of the National Institutes of Health (NIH) Campus. Battery Lane Urban Park is located in the middle of the Project, confronting Site D.

SECTION 4: PROJECT DESCRIPTION

Previous Approvals

Prior to the adoption of the 2017 *Bethesda Downtown Sector Plan*, the County Council approved Zoning Application No. G-909 by Resolution No. 17-555. This approval reclassified sites A, B, and C of the Property from the R-10/TDR zone to the PD-100 zone, subject to the binding elements and requirements of the approved Development Plan. The Applicant could proceed with the PD-zoned application and apply the densities, heights and binding elements from that case or implement what the Sector Plan applied to the site. Since the Applicant has chosen to implement the densities, heights and recommendations of the recent Sector Plan, the Project has been conditioned to submit a letter of withdrawal for the Development Plan.

Proposal

Battery Lane District

The Applicant proposes to redevelop the five sites with four high-rise residential buildings and two high-rise mixed use buildings with structured parking totaling 1,752,000 square feet of development, including 1,740,000 square feet of residential uses and a maximum of 12,000 square feet of non-residential uses which includes an allocation of density from the BOZ of up to 500,110 square feet. The Project will provide approximately 1,530 units, approximately 1,053 unit increase from what exists today, with a combined average of 20% MPDUs and a minimum of 15% MPDUs on each site. The maximum building height for all five sites is 120 feet, while development on sites B & D may exceed the 120-foot height maximum based on the provision of MPDU's in excess of 17.5%. Each of the new buildings will provide structured parking which may be achieved through a combination of podium style and below grade garages.

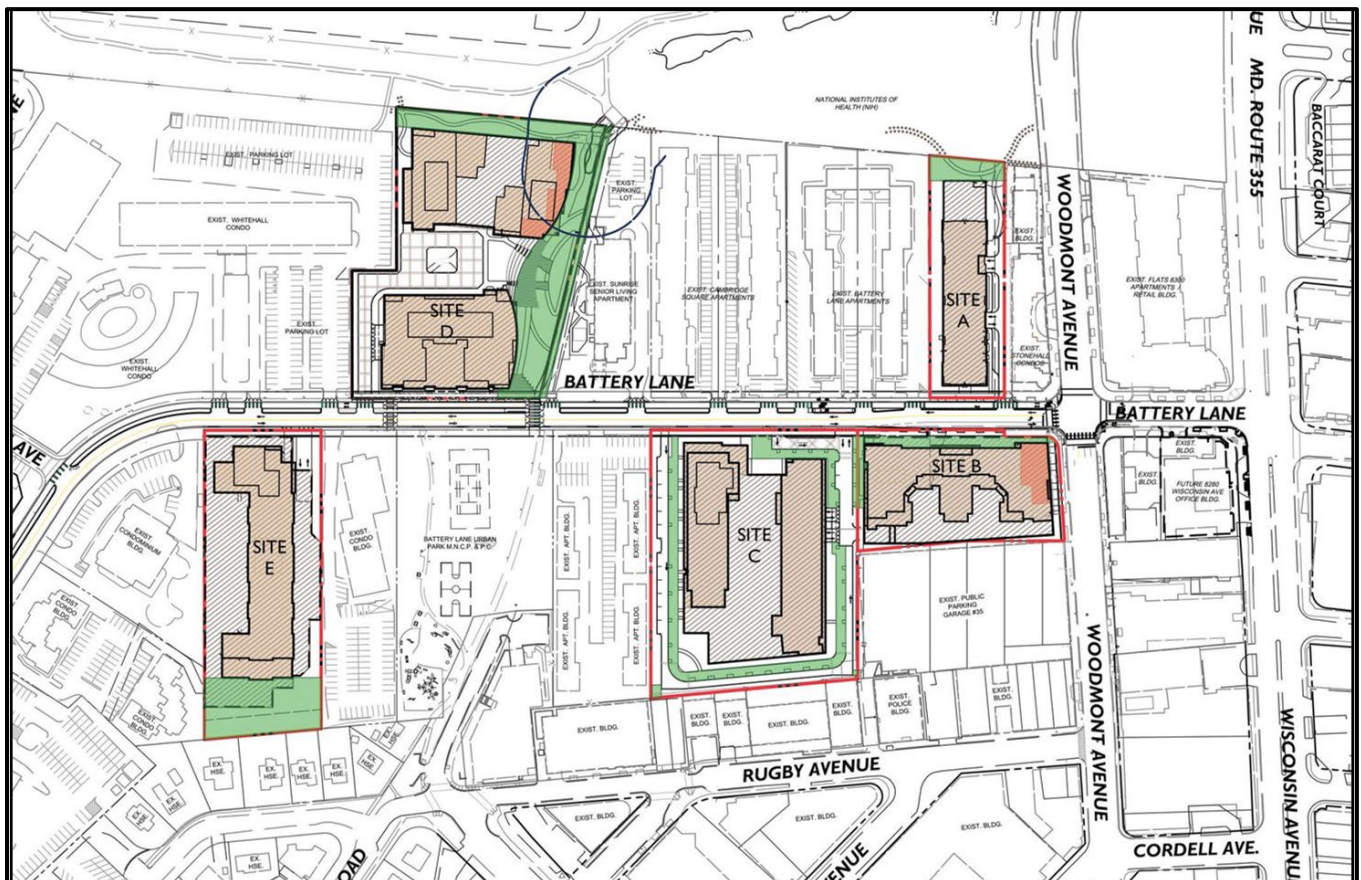


Figure 11 – Sketch Plan

The Applicant proposes to connect these individual sites into the Battery Lane neighborhood district through a redesign of the existing Battery Lane right-of-way (ROW) with new separated bike lanes and street furniture to create a distinct district identity. Details for any non-standard streetscape elements will be subject to review and approval by County Agencies during subsequent application review. The Applicant also proposes to enhance the Bethesda Trolley Trail and linear park through Site D.

Proposed Sites

As previously described, the Applicant anticipates the build out of this Project to extend over a 10 to 15 year period. The total development is limited to 1,752,000 square feet with up to 1,740,000 square feet of residential and up to 12,000 square feet of non-residential over the entire five sites. Each of the individual sites described below are conceptual, and the Applicant may increase or decrease density and other site elements at the time of Site Plan submittal, however any subsequent Preliminary and Site Plan applications must remain in keeping with the binding elements, conditions, and findings of this Sketch Plan.

Site A (4857 Battery Lane)

Site A has a total site area of 0.98 acres. The Applicant envisions a 120-foot tall residential building containing 142 units including 15% MPDUs and structured parking.

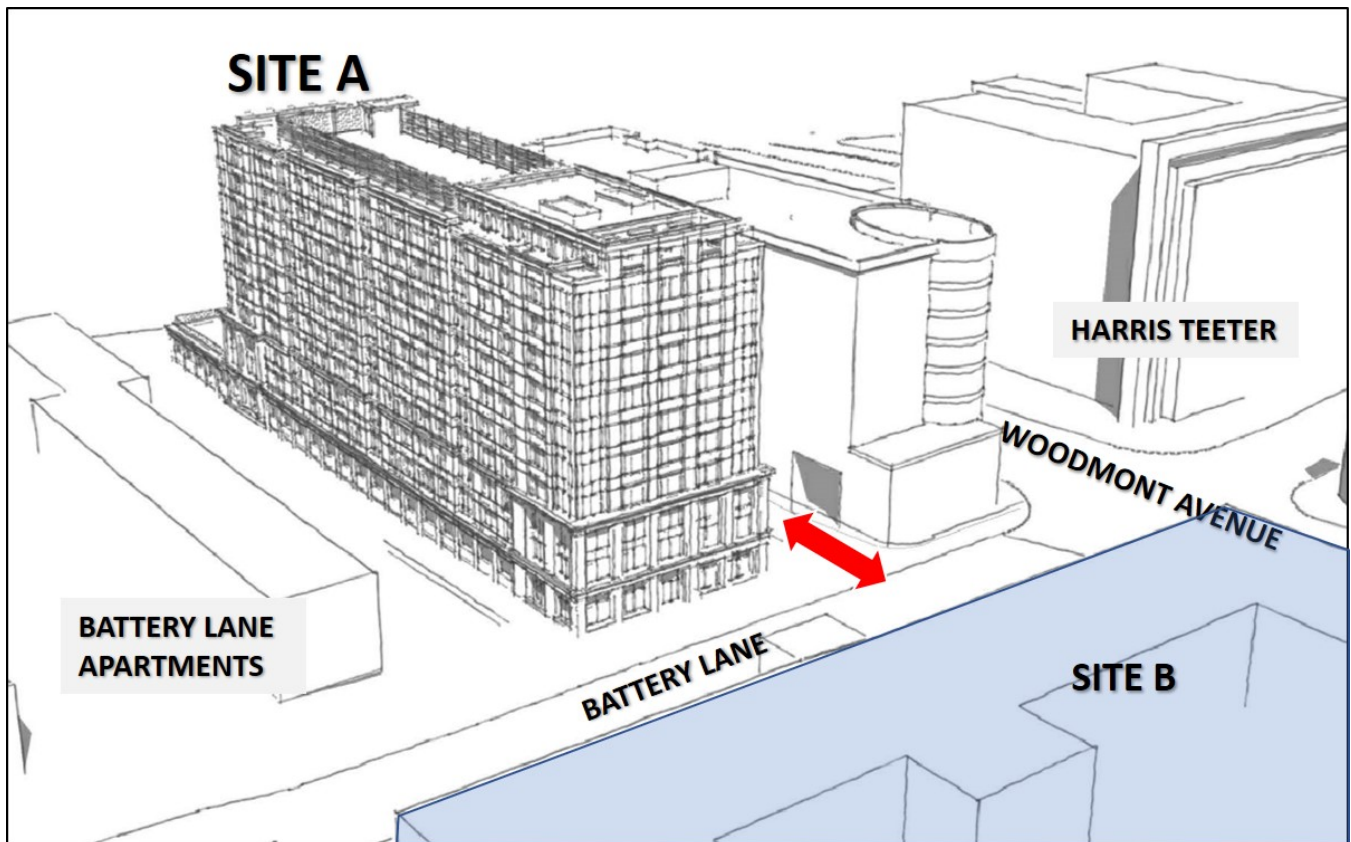


Figure 12 – Site A Massing from Battery Lane

Site B (4858 Battery Lane)

Site B has a total site area of 1.21 acres with frontage on Woodmont Avenue and Battery Lane. The Applicant envisions this corner site to be a 160-foot tall (through the provision of MPDUs in excess of 17.5%) mixed-use building with a maximum of 6,000 square feet of ground floor non-residential uses, approximately 400 units with 25% MPDUs and structured parking.

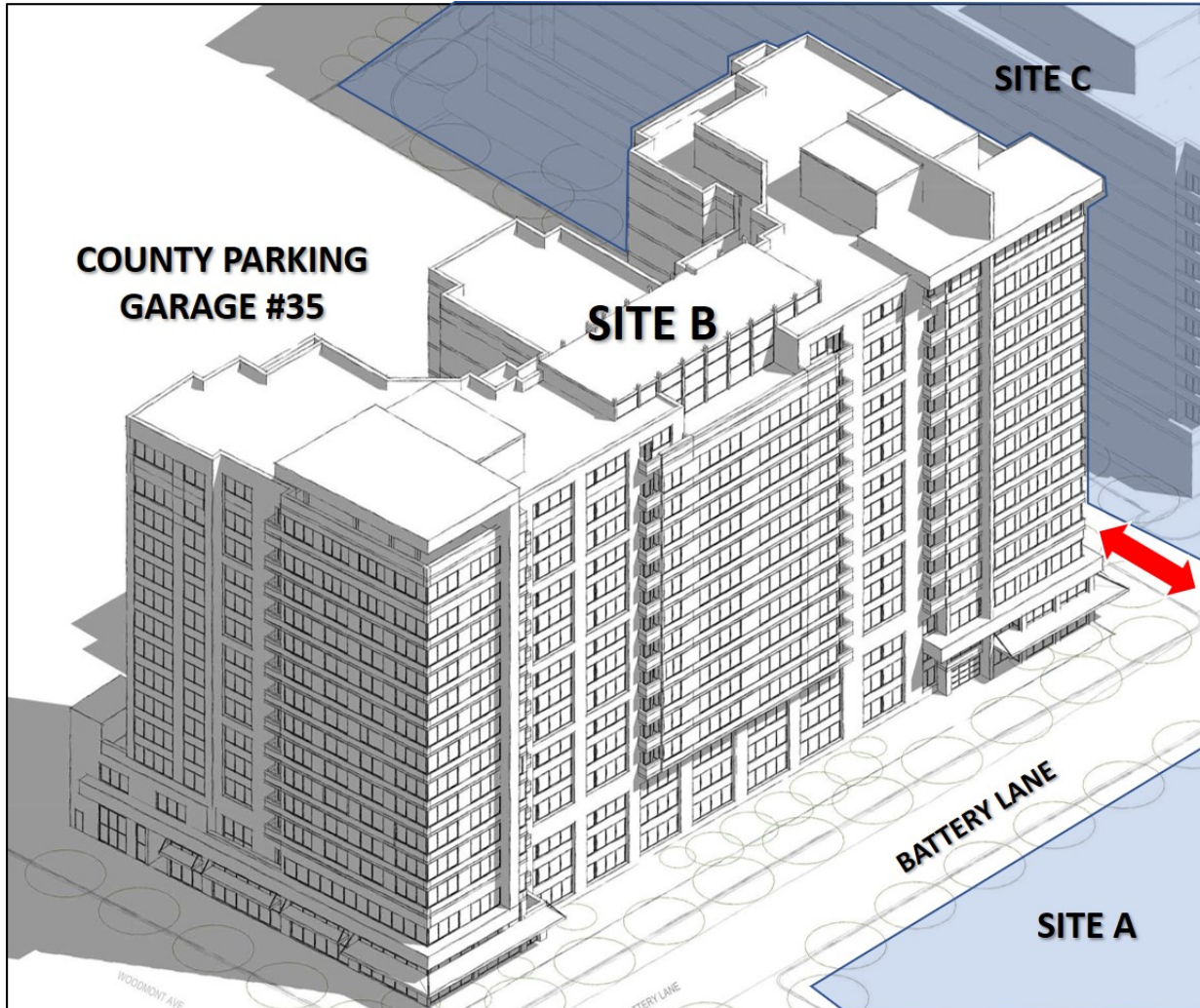


Figure 13 – Site B Massing from Battery Lane

Site C (4890 & 4900 Battery Lane)

Site C has a total site area of 2.93 acres and is adjacent to Site B. This Site is envisioned to be an entirely residential building (approximately 315 units) with structured parking. The Site will provide a loop road around the building that will provide shared access to Site B and also proposes a layby fronting onto Battery Lane. The western side of the building will be lined with townhouse-style units and two towers will rise to a maximum of 120 feet with a raised private courtyard in the middle. This Site will also provide two through-block connections at the rear to the 2nd District Police Station to the southeast and Brightview Bethesda to the southwest.

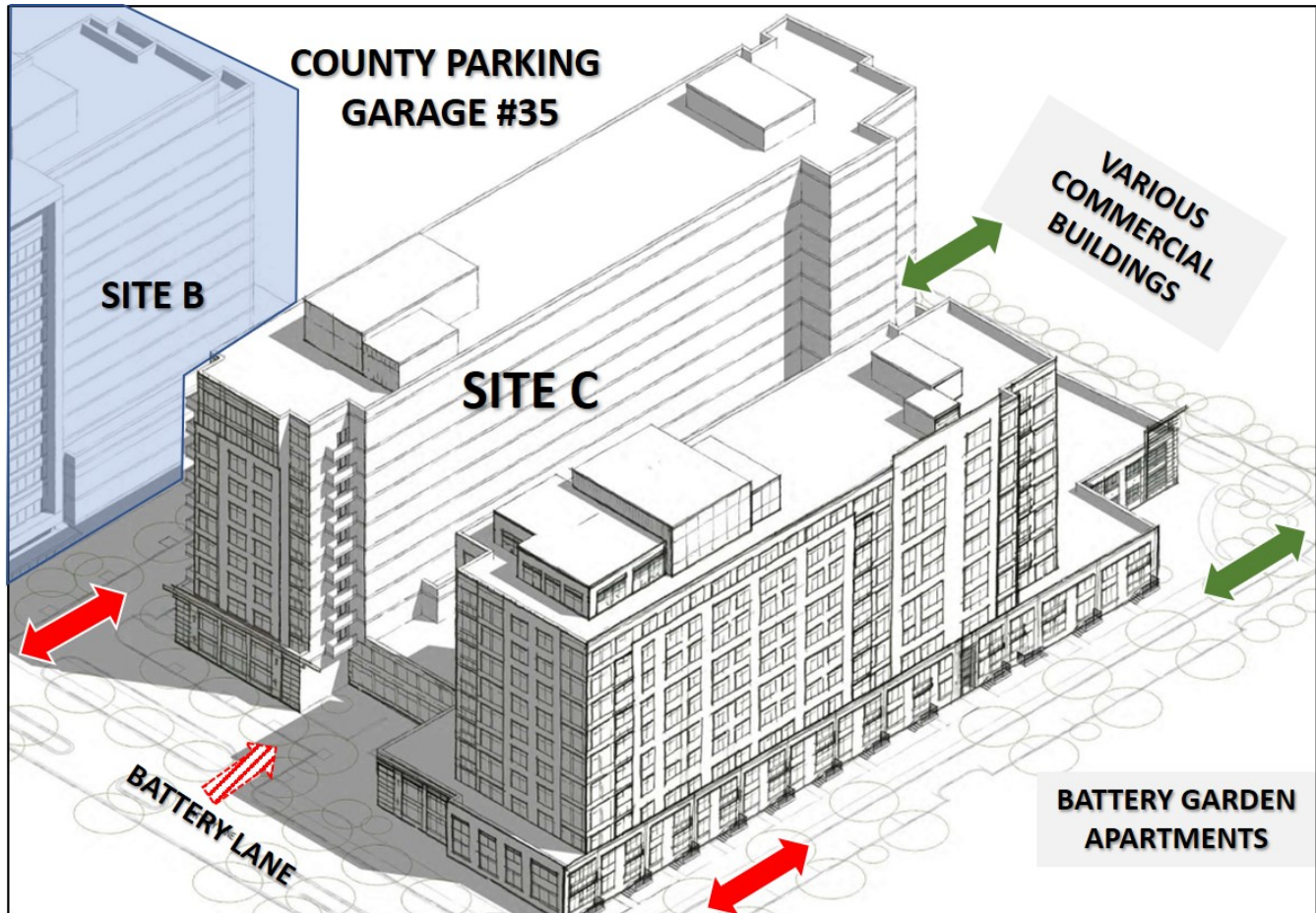


Figure 14 – Site C Massing from Battery Lane

Site D (4949 Battery Lane)

Site D has a total site area of 3.05 acres, is adjacent to the Bethesda Trolley Trail, and backs onto NIH property. The Applicant proposes two separate buildings to break down the massing throughout the large site. One residential building will front onto Battery Lane with townhouse-style units and will step back and rise to a maximum of 120 feet. The second building will be in the rear of the site fronting on a proposed vehicular access courtyard. The rear mixed-use building is proposed as a structured parking base with ground floor non-residential uses fronting onto the linear greenway and Bethesda Trolley Trail, with two residential two towers at a maximum height of 160 feet. Between the two buildings a total of 468 units are proposed on Site D, the Applicant anticipates one building to provide 25% MPDUs and the second building to provide 17.6% MPDUs.

The Applicant proposes to enhance the existing alignment of the Bethesda Trolley Trail to provide a breezeway as recommended in the 2018 *Bicycle Master Plan*, as well as a separated pedestrian path that will draw users of the trail into Site D's proposed public use space. The Applicant proposes a mixture of passive uses within this area and an assortment of stormwater management interpretive uses.

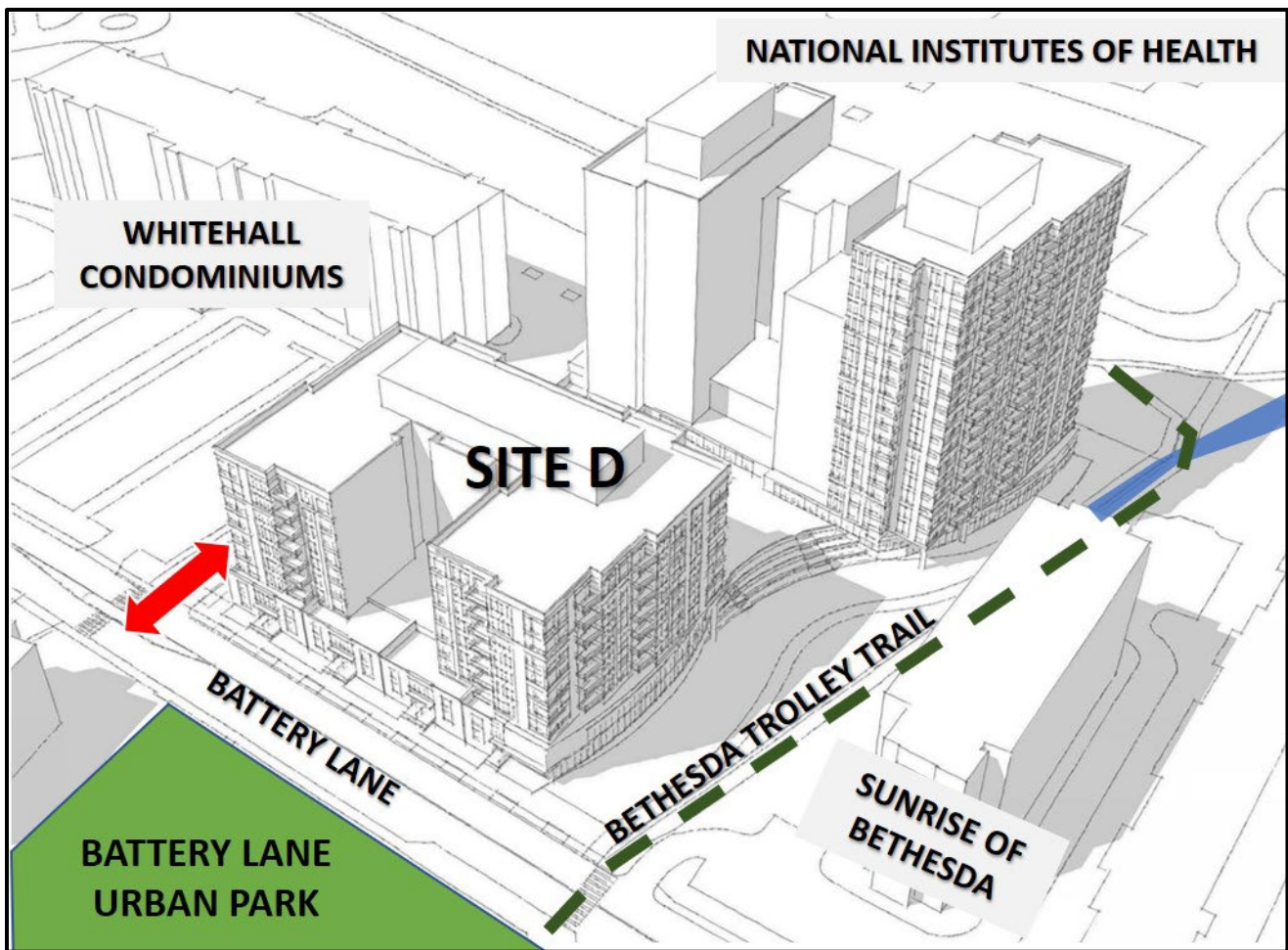


Figure 15 – Site D Massing from Battery Lane Urban Park

Site E (4998 Battery Lane)

Site E has a total site area of 1.95 acres. The Applicant proposes to construct a residential building containing approximately 205 units with 15% MPDUs with a conceptual height of 90 feet, and a maximum height of 120 feet with structured parking. Site E is adjacent to a single-family-detached residential zone in the rear and therefore any new development is required to meet the residential compatibility standards of Section 59.4.1.8 of the Zoning Ordinance. The Applicant has provided a sketch of the proposed development at the rear showing conformance with these standards, which will be further reviewed at the time of Site Plan.

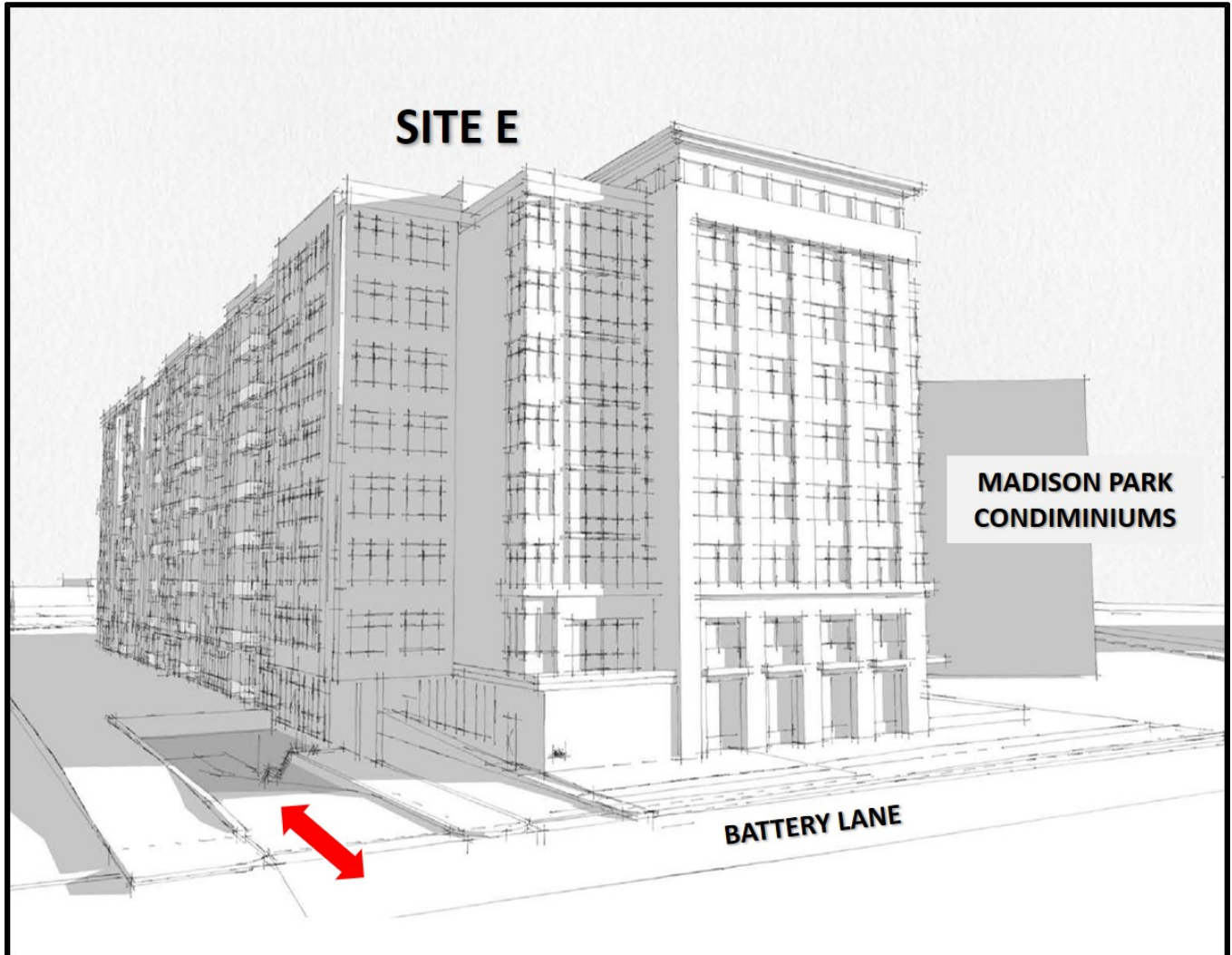


Figure 16 – Site E Massing view from Battery Lane

Architecture and Design

Building Height

Section 59.4.9.2.C.3.b of the Zoning Ordinance states that if a project exceeds 17.5% MPDUs and is located in the height incentive area, the height limit of the applicable zone does not apply to the extent required to provide MPDUs. With the exception of Site E, all sites are within the height incentive area of the BOZ. The Proposal conceptually shows Sites B & D exceeding the zoning height based on the provision of MPDUs. Staff acknowledges many changes may occur within the Project over the anticipated build out period. Additional height for the provision of MPDUs will be further evaluated at the time of Site Plan based on the number of MPDUs, unit size, floorplate average of the individual buildings containing the MPDUs, and compatibility with the surrounding environment.

Design Advisory Panel

This Project was reviewed by the Design Advisory Panel on March 27 and May 22, 2019. The Panel's scope of review was focused on the Project from a district level and therefore did not review each individual site for conformance with the *Bethesda Downtown Plan Design Guidelines* (Design Guidelines). Each site will be reviewed by the DAP at the time of Site Plan review, which may result in comments beyond issues listed below.

The Panel provided these initial recommendations at the March 27, 2019 meeting:

- Provide an urban design vision for the entire street from Woodmont Avenue to Old Georgetown Road. Incorporate opportunities for deeper setbacks, increased canopy trees and plantings to create a garden district that differentiates itself from the more urban areas in downtown Bethesda.
- Widen the public open space on site D, the North Bethesda Trail Urban Greenway, as recommended in the Bethesda Downtown Plan. Create a better visual and physical connection between Battery Lane Urban Park and the NIH public open space.
- Reconfigure the massing and orientation of the buildings on site D to relate to the widened public open space along the Bethesda Trolley Trail. Consider reducing the footprint and increasing the height of the midrise building along Battery Lane.
- Create a brief pattern book or selection of materials to provide cohesion for the multiple projects in the district. Make sure to avoid excessive homogeneity while aiming to provide consistency.
- Consider making one of the connections on site C pedestrian-only rather than having a vehicular loop around the site. In addition, study the feasibility of a street connection through site C from Battery Lane to Rugby Avenue.

The Panel voted at the May 22, 2019 meeting that the Project is on track to receive a minimum of 10 exceptional design points with the following recommendations:

- The panel is generally supportive of the district vision but there are implementation concerns that should be coordinated with County agencies including phasing of Battery Lane improvements, drop-off areas and parking strategy.
- Develop the approach for programming of the linear park near NIH as an important social gathering space.
- Show an arrow for a potential future connection to Auburn Avenue and Woodmont Triangle District from Site C.
- Illustrate the connection between each site and the overall vision at Site Plan.

Open Space

The Project size is 11.29 acres and must provide 10% of the total Site Area as public open space. The Applicant has provided a public open space exhibit showing potential areas throughout the five sites, with the bulk of open space being provided on Site D through the enhancement of the linear park and Bethesda Trolley Trail. The Applicant has requested to utilize a provision in the Zoning Ordinance allowing offsite open space to be counted towards the Project total. Staff supports this request and will further review the details at the time of site plan submittal.

Phasing

The Applicant anticipates the build-out of the Project to extend over 10 to 15 years and in multiple phases. These phases may occur in any order or may be combined. The phasing will be determined by the Applicant based on market demand and operational needs. A Preliminary Plan application is currently under review for 4 of the 5 sites (Sites A, C, D & E) which may require phasing of certain improvements that will be determined at the time of Preliminary Plan approval. Site B will be the subject of a future preliminary plan because the Applicant envisions constructing the Project beyond the maximum Adequate Public Facilities validity allowed within the Subdivision Ordinance regulations.

Environment

Sector Plan Recommendations

Chapter 2.7 of the Sector Plan details recommendations for meeting Park, Trail, and Open Space Goals. Site Specific recommendations are made for Site D of the Subject Property as specifically labeled B1 on page 79 of the Sector Plan. As described above, at the northeast corner of Site D a piped tributary to Rock Creek emerges and drains to the North. The length of this piped stream runs parallel to a current pedestrian path along the eastern border of Site D.

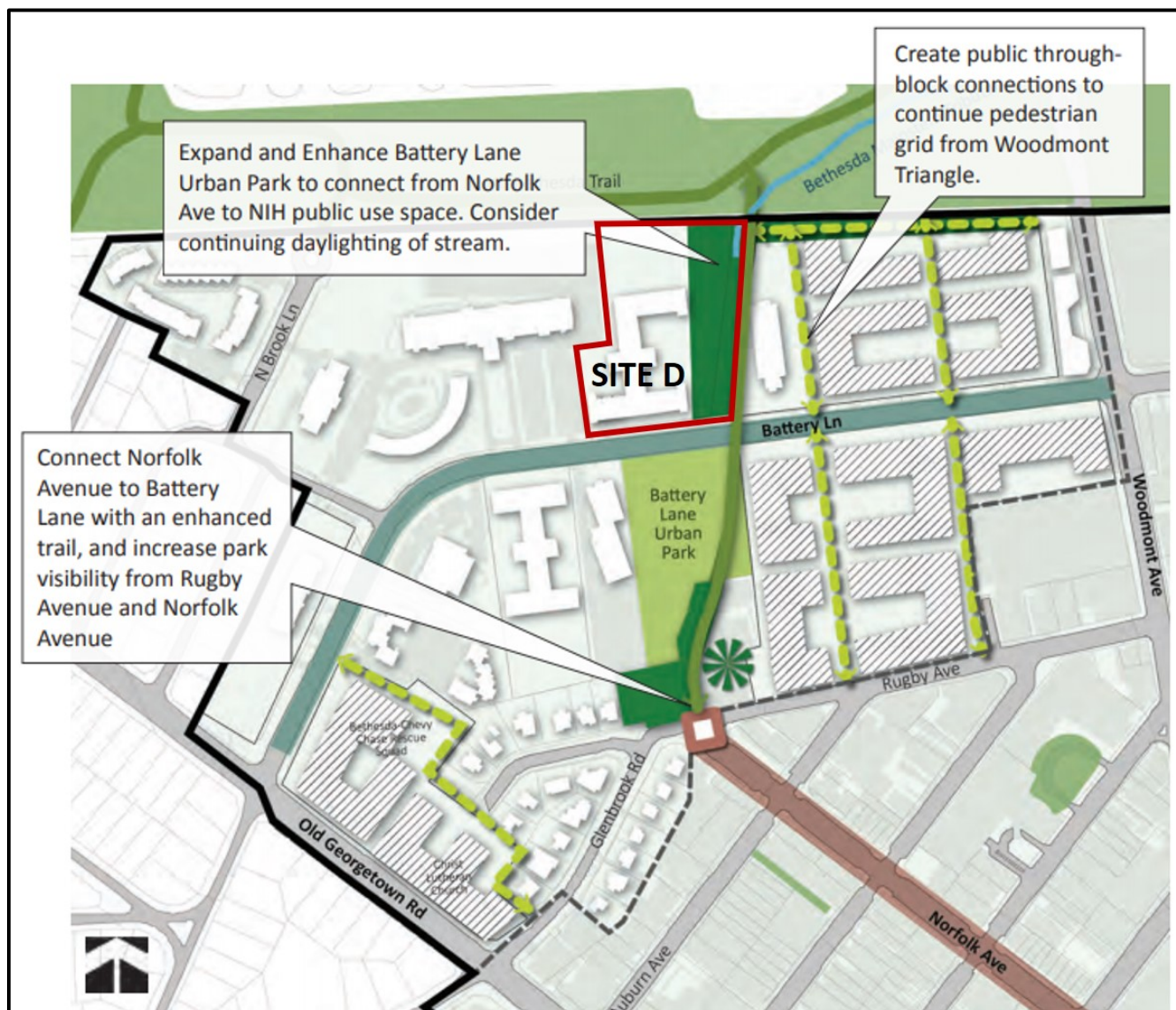


Figure 17 - Battery Lane District Public Realm Improvements, 2017 Bethesda Downtown Sector Plan (p.132)

Recommendations for this site are expanded upon on page 82, 2.7.3(B)(1). The Sector Plan calls for a 0.9-acre Urban Greenway to serve as a linear park which provides a bicycle and pedestrian trail, stream improvements, environmental interpretation, and play elements. This site is further cited for Public Realm Improvements on page 132 of the Sector Plan (Figure 17 above) and retains the same 0.9-acre area contained within Site D and recommends an expanded and enhanced connection to NIH and daylighting of the piped stream.

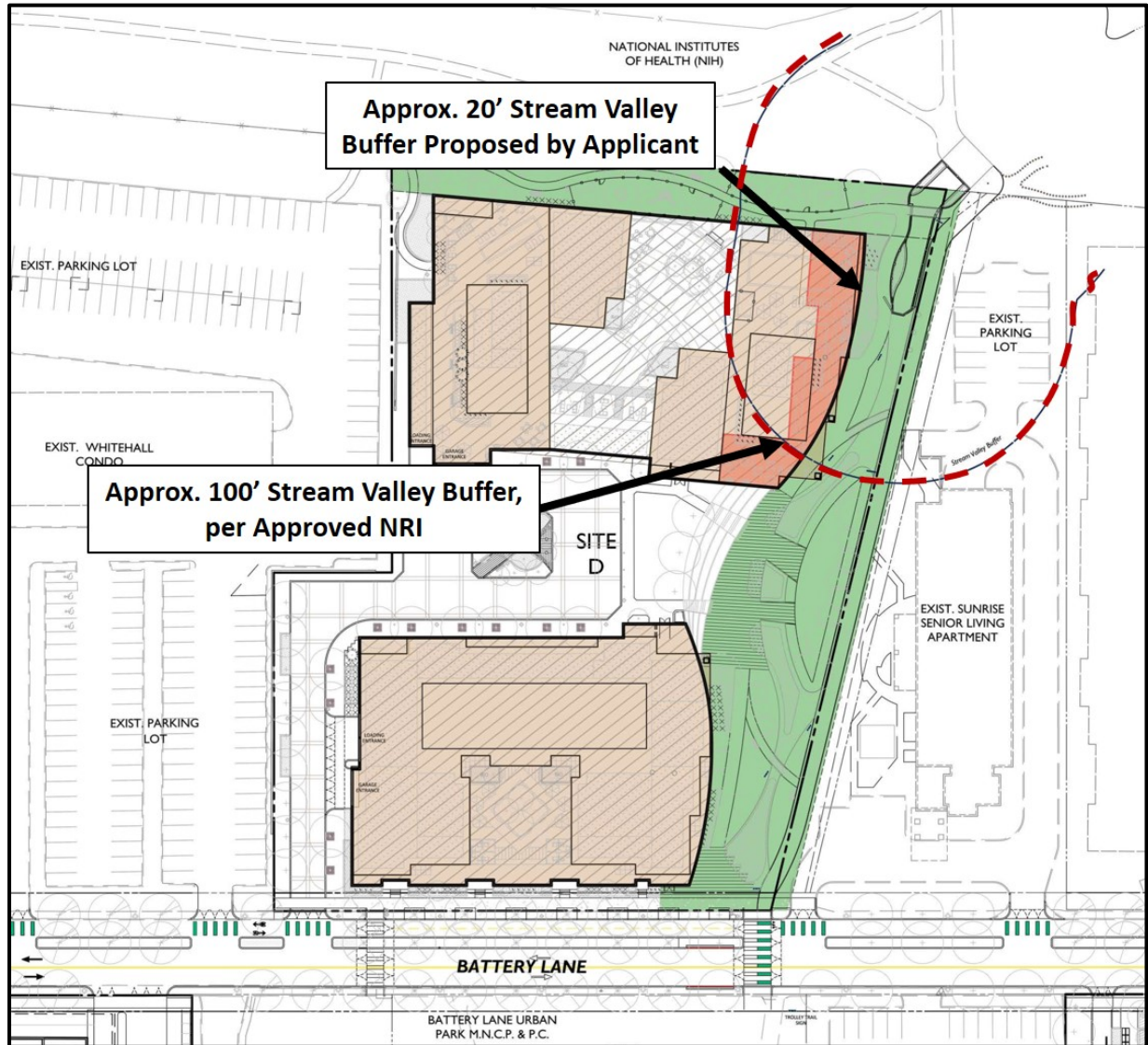


Figure 18 - Proposed Site D with 100' stream valley buffer

The Applicant proposes a mixed-use building at the rear of Site D adjacent to a proposed open space. Generally, the size of this space is smaller than the Sector Plan recommended 0.9 acres, at 0.58 acres, and the width is smaller with an average 60 feet. Pursuant to Sector Plan recommendations, Staff is recommending the Applicant explore moving building footprints at the time of Site Plan in order to provide for an enlarged linear Urban Greenway with an average width of 95 feet to be more in keeping with the width and size of the linear greenway as portrayed in the referenced figures of the Sector Plan. The proposed condition would also require the Applicant to continue working with applicable County agencies to determine the feasibility of daylighting the stream. The Applicant has stated that daylighting of the stream is not feasible due to the size of the 66-inch pipe and the depth of the pipe below the existing grade. Figure 19 below shows sections of the existing piped stream at various points along Site D, as well as the proposed grading, stormwater elements, and headwall improvements proposed by the Applicant, in lieu of daylighting the stream.



Figure 19 - Site D sections of piped stream

Environmental Guidelines

The northernmost buildings proposed on this site overlap with the approximately 100-foot stream buffer (See Figure 18). Per Montgomery County Environmental Guidelines, no buildings or structures are permitted within stream buffers. Exceptions to this guideline may, however, be made for bikeways, trails, and infrastructural uses found to be necessary, unavoidable, and minimized.

Given that Site D is the largest of all five sites (3.05 acres), and the limited size and location of the stream valley buffer, a large developable footprint remains outside of the stream valley buffer. To date, the Applicant has not submitted any justification for encroachment into the stream valley buffer. Pursuant to Environmental Guidelines, Staff is recommending the Applicant revise Site D building placement and/or footprints in order to minimize and mitigate any encroachment into the Stream Valley Buffer. Staff acknowledges that the Project is located within an urban environment and therefore future constraints of the site may be identified. Any unavoidable encroachment into the stream valley buffer must be minimized and mitigated per Environmental Guidelines recommendations. Staff supports daylighting of the stream as potential mitigation for encroachment into the buffer, as illustrated in Figure 20 below, an increased building setback allows for an uninterrupted urban greenway that meets the Sector Plan urban green goals of interweaving the built and natural environments to make spaces livable for humans and all biota. Further, the ecosystem benefits provided by daylighting the piped stream, which include significantly increased stormwater capture; improved water quality; and increased biodiversity and habitat, are also directly linked to Sector Plan goals.



Figure 20 - Staff recommended Alternative with stream daylighting and modified stream valley buffer

Green cover

The Sector Plan includes recommendations to achieve the urban green goals within downtown Bethesda. An important recommendation to this effect is the onsite 35% green area coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper), bioretention over structure, or tree canopy cover.

The green cover exhibit submitted by the Applicant shows a combined Site Area of 441,030 square feet, which results in a green coverage requirement of 154,360 sf total, with each site achieving at least 35% coverage individually. The Applicant currently demonstrates each site exceeding this requirement, through a combination of green roof and bioretention over structure, leading to an overall green coverage of 228,830 sf or 52% of the net tract area.

Forest Conservation

Individual Natural Resource Inventory Forest Stand Delineations (NRI/FSD) were approved for each site within this application on April 29, 2019. The plans, designated No. 420191430; 420191440; 420191450; 420191460; and 420191470 identify the existing man-made and natural features associated with the Property, such as the buildings, associated parking, the street trees and landscape elements. The on-site setting includes significant and specimen trees present within Sites A, C, D, and E.

Sketch Plan Applications do not require a Forest Conservation Plan, however based on plans submitted, approximately 114.50 caliper inches of variance mitigation tree plantings are anticipated as well as an afforestation requirement of approximately 1.51 acres to be met onsite. Any variance mitigation plantings must be done onsite and consist of native canopy trees. This required planting may also be counted toward the Sector Plan green cover requirements (35% of each site) provided that the selected tree species are consistent with the approved species list found in the MNCPPC Trees – Approved Technical Manual.

Forest Conservation Variance & Tree Save Plan

Due to the impact anticipated by the proposed project, this application will also be subject to forest conservation variance. Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. Unless the variance is granted, the law requires no impact to trees that measure 30 inches DBH or greater.

Prior to Preliminary Plan Approval, the Applicant must submit a variance request which will be evaluated by the Montgomery County Arborist. Staff recommends a condition requiring the Applicant to consult an ISA certified arborist who is also a Maryland Licensed Tree Care Expert to prepare and sign a tree save plan and to explore techniques and methods to preserve applicable variance trees and reduce impacts.

Noise

The Subject Application proposes residential units to be built within 600 feet of arterial roads with more than 20,000 cars per day on sites A and D. As a result, a noise analysis, or waiver per Section 2.2.2 of the Noise Guidelines, is needed prior to approval of each individual Site Plan.

Stormwater Management (SWM)

A Stormwater Management Concept Plan is not required at the time of Sketch Plan. Submission of the concept to the Department of Permitting Services (DPS) and approval will be required at the time of Preliminary Plan. The final SWM plan approval should also address the Sector Plan recommendations regarding SWM.

Transportation

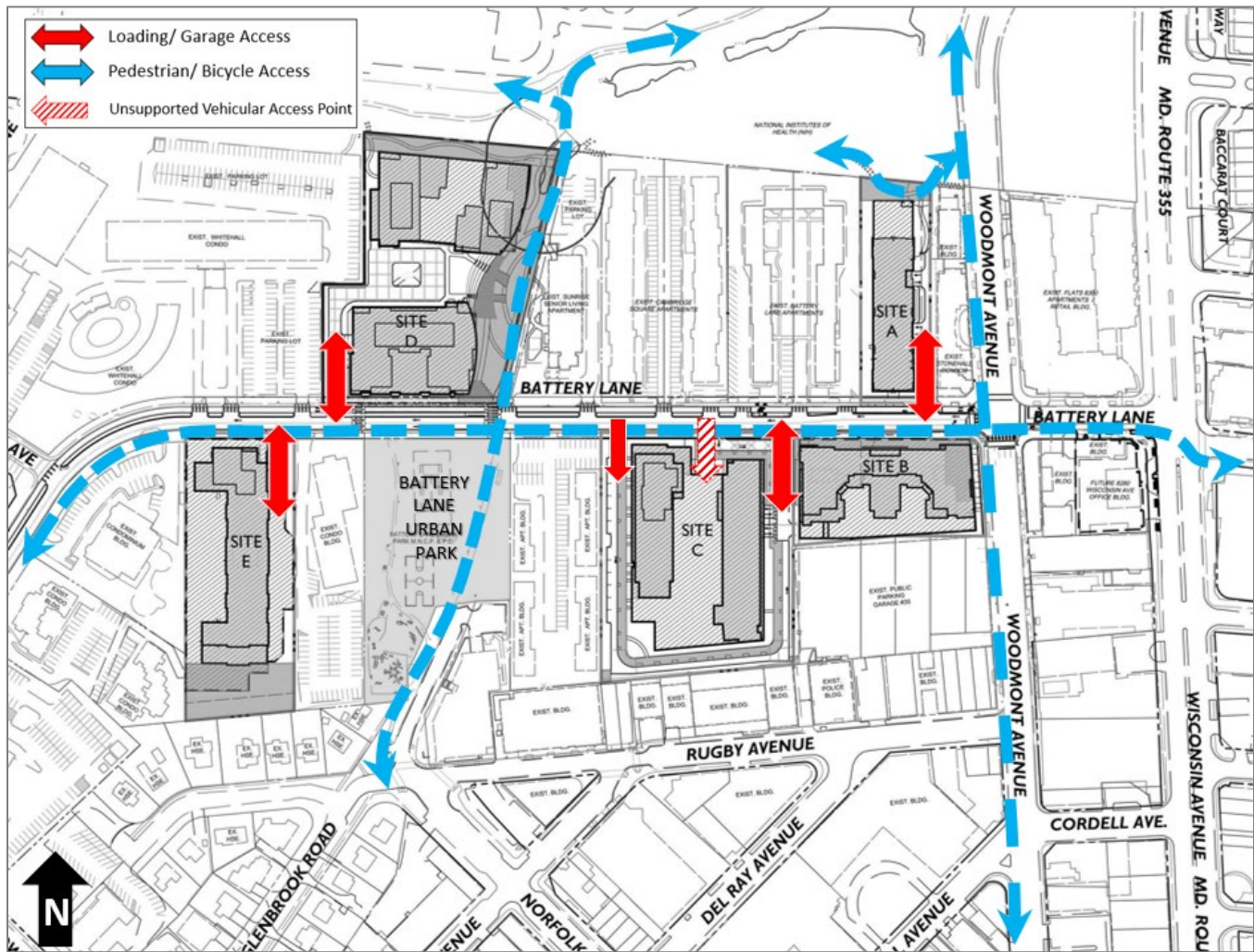


Figure 21 - Pedestrian and Vehicular Circulation

Access and Circulation

Pedestrian access to the sites will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards or approved equal by MCDOT and Planning Staff, and an improved Bethesda Trolley Trail connection, from Battery Lane to property owned by NIH, along Site D. Battery Lane is designated as a neighborhood connector street in the Design Guidelines, which requires a minimum planting/buffer area of 6-8 feet, pedestrian zone of 6-10 feet, and a frontage zone of 5-8 feet with a setback of 20 – 25 feet from the curb to the building facade. The Sketch Plan proposes dedication along both frontages and approximate build-to-lines that will satisfy the minimum requirements specified in the Design Guidelines. Further detail will be provided at the time of Site Plan. Conceptual vehicular access to each of the sites is discussed below and the final location, design, and approval of site access points will be determined at the time of preliminary plan:

Site A: Site A, located on the eastern edge of the Battery District near Woodmont Avenue, proposes its conceptual access point as a consolidated garage and loading driveway at the southeast corner of the site via the north side of Battery Lane. This conceptual access point is immediately adjacent to the adjacent driveway for 4811 Battery Lane.

Site B: Site B, located on the eastern edge of the Battery District near Woodmont Avenue, proposes its conceptual access point as a consolidated garage and loading driveway at the northwest corner of the site via the south side of Battery Lane. This conceptual access point is shared with one of two conceptual access points for Site C which is adjacent to Site B to the west.

Site C: Site C, located on the south side of Battery Lane, just west of Site B, proposes three conceptual access points via the south side of Battery Lane: The western-most access point is a one-way inbound driveway that circumnavigates the perimeter of Site C before exiting the site at the eastern-most driveway, which is shared with Site B, as discussed above. The third access point, located in the middle of Site C, is a one-way inbound lay-by that connects with the eastern-most driveway shared with Site B. Staff does not support the proposed lay-by and, as conditioned, Site C will be limited to the western-most inbound driveway and eastern-most driveway shared with Site B.

Site D: Site D, located in the center of the Battery District adjacent to the Bethesda Trolley Trail proposes its conceptual access point as a consolidated garage and loading driveway at the southwest corner of the site via the north side of Battery Lane. This conceptual access point will facilitate all vehicular traffic to the site and will minimize potential conflicts between vehicles and bicyclists along the Bethesda Trolley Trail.

Site E: Site E, located on western of Battery Lane Urban Park, proposes its conceptual access point as a consolidated garage and loading driveway at the northeast corner of the site via the south side of Battery Lane. This conceptual access point is immediately adjacent to the adjacent driveway for 4970 Battery Lane.

Proposed Separated Bike Lane Facility

The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane along Battery Lane beginning at Old Georgetown Road travelling east past Woodmont Avenue and Wisconsin Avenue. The Applicant proposes to redesign the existing right-of-way of Battery Lane to include the new separated bike lane with a 7' tree-lined buffer from the travel lanes on the northern side of the road (see Figure 22 below). Staff is in support of the updated right-of-way street section and inclusion of the 7' buffer, but recommends locating the bikeway on the south side of Battery Lane (see Figure 23 below) to ensure maximum bicycle network continuity and bicyclist comfort, simplify lane alignment, and reduce points of conflict with vehicles.

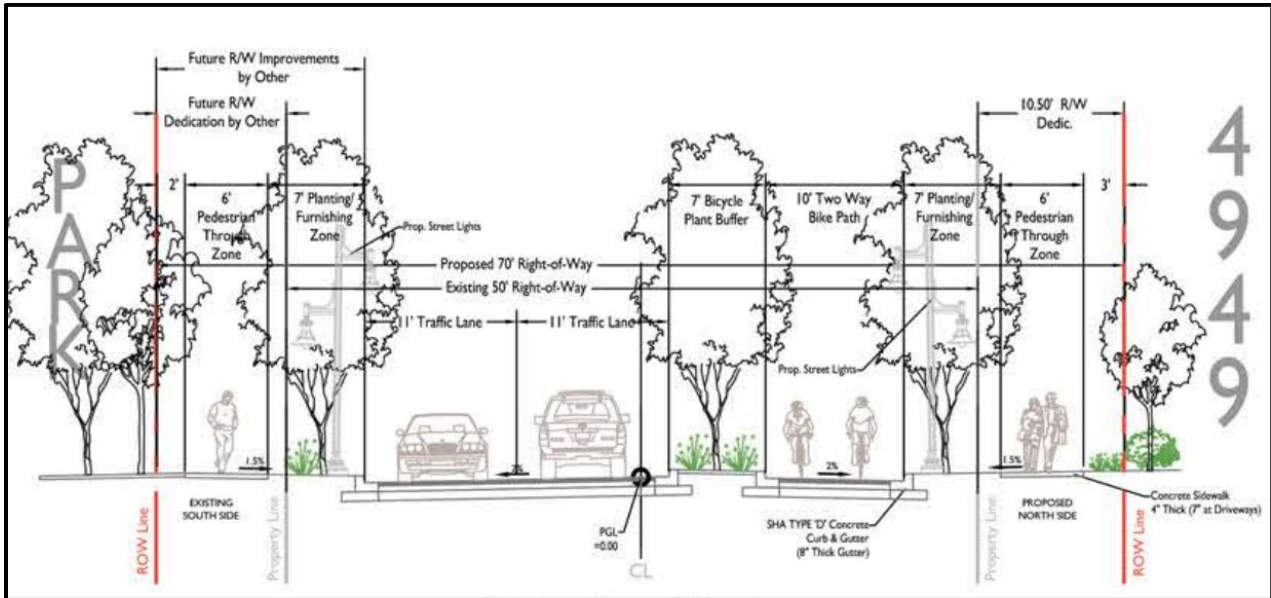


Figure 22 - Applicant Proposed Separated Bike Facility on north side of Battery Lane looking west

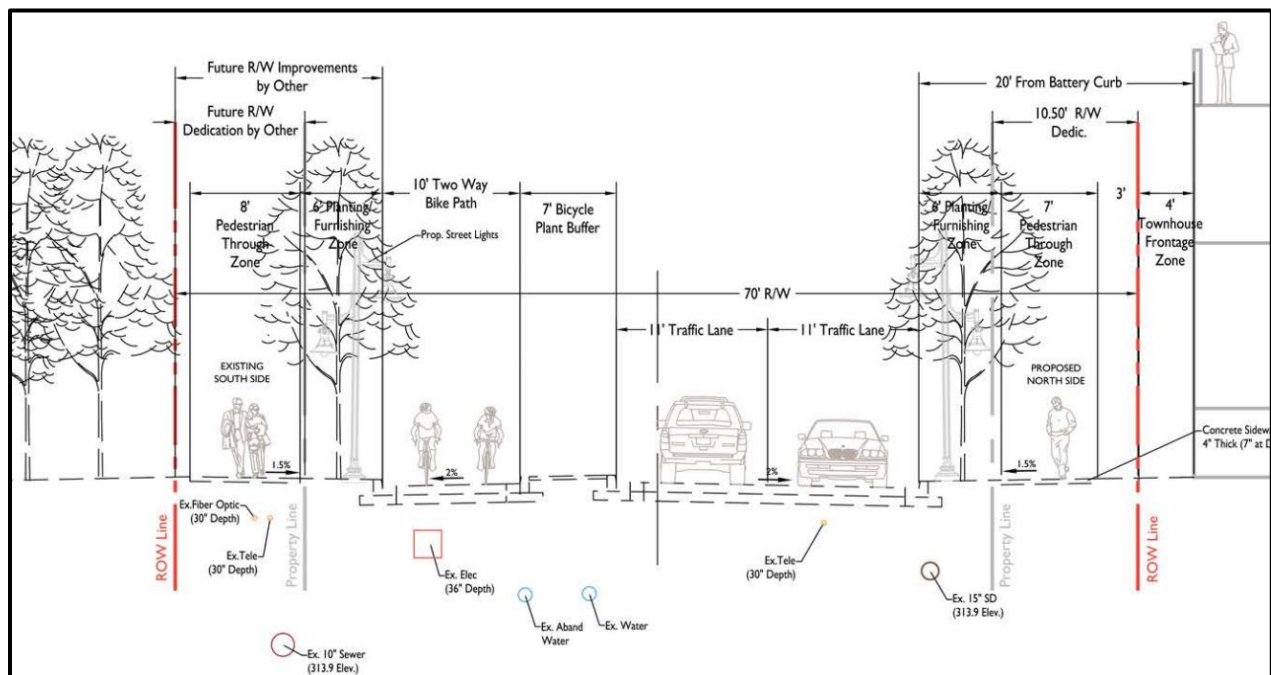


Figure 23 - Staff Recommended Separated Bike Facility on south side of Battery Lane looking west

In coordination with Functional Planning and Policy, Staff reviewed the policies and recommendations of the 2018 *Bicycle Master Plan* (Master Plan) along with the recently approved development in the vicinity. The Master Plan indicates the separated bicycle lane location is “to be determined” for two of the three legs (See Figure 24 below), with the third leg being designated on the north side. The development approval located at 8280 Wisconsin Avenue studied the separated bike lanes on the north and south side of Battery Lane and found the south side to be the safest given the existing site constraints and the southern alignment of Rosedale Avenue. Further, the intersection of Wisconsin Avenue at Battery Lane and Rosedale Avenue is an offset intersection (i.e. the west and east legs of the intersection do not align), crossings from Battery Lane to Rosedale Avenue are far simpler if the bikeway is on the south side of Battery Lane. Given this network context, Staff has determined the south side achieves maximum continuity.



Figure 24 - 2018 *Bicycle Master Plan* Bicycle Network Recommendations (p. 213)

Locating the bike lanes on the north side of the road, as proposed by the Applicant, would require bicyclists to cross two legs of the intersection of Battery Lane and Woodmont Avenue to continue east-west travel, increasing bicyclist delay and exposure to motor vehicle traffic (see Figure 25). Furthermore, constructing the separated bike lanes on the north side of Battery Lane would preclude the construction of a protected intersection at this busy intersection, given that the property on the northwest corner has recently redeveloped.

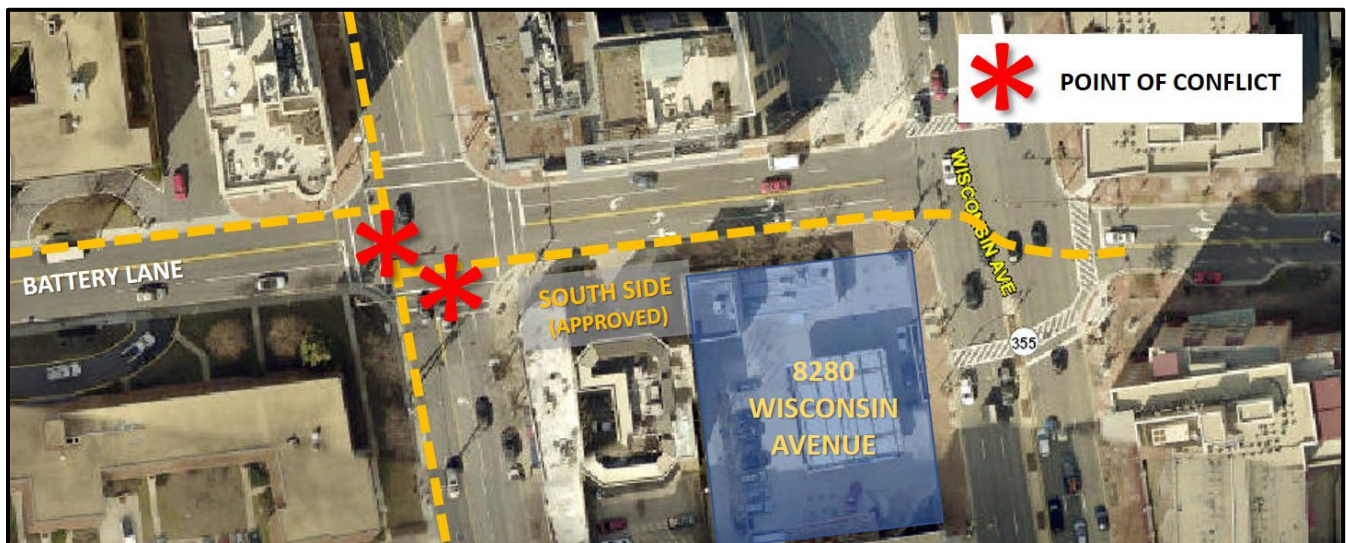


Figure 25 - Points of conflict for Applicant proposed north side separated bicycle lanes

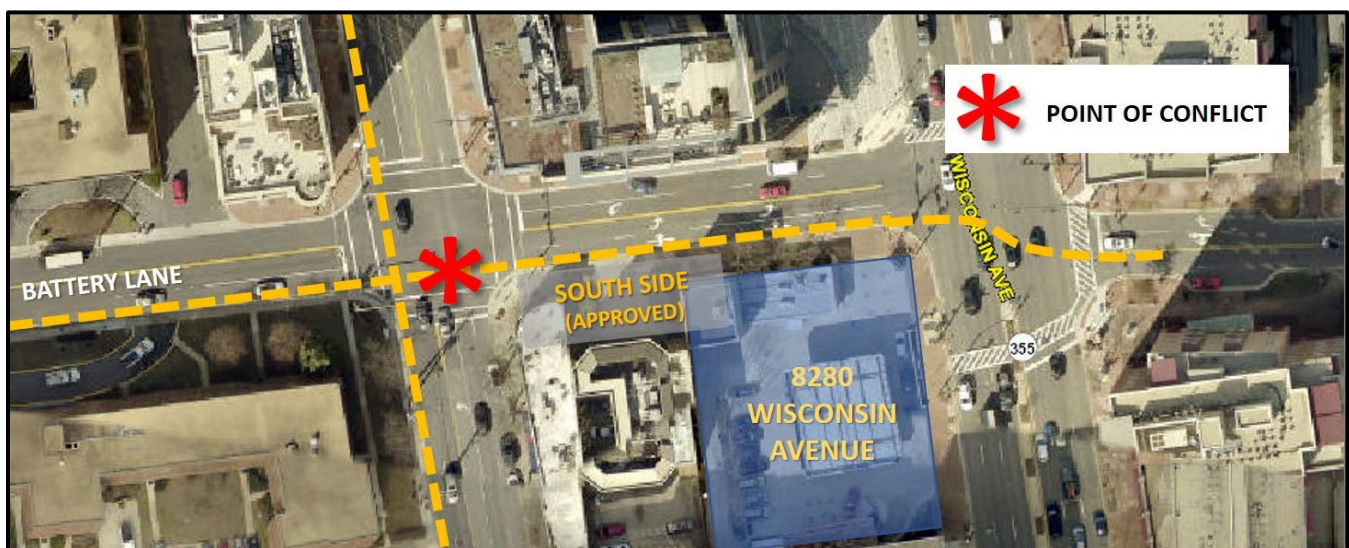


Figure 26 - Point of conflict for Staff preferred south side separated bicycle lanes

The Applicant has provided a “Pros and Cons” list for each alternative, contained in Attachment D. The Applicant states that existing water lines along the south side of Battery Lane may preclude the planting of trees within the proposed 7’ buffer if the separated bicycle lanes are constructed on the Staff preferred south side. While the addition of trees in the buffer would add canopy to the right-of-way, a tree lined median is not a requirement or recommendation of the Master Plan or Sector Plan. The canopy corridor goals of the Sector Plan are recommended to be achieved by planting street trees in the frontage zones outside of the roadway.

Under either the design submitted by the Applicant or the Staff preferred alternative, the separated bicycle lanes would meet the design criteria recommended in the Master Plan. Although the Applicant’s preferred north side alignment would accommodate a new tree lined median between the separated bike lanes and the travel way, the addition of a tree lined median in the roadway complicates realization of the Master Plan goals to maximize bicycle comfort, simplify bicycle lane alignment, and reduce vehicular conflicts. The Staff preferred alternative better addresses bicycle comfort, simplifies the alignment and reduces vehicular conflict. For these reasons, Staff recommends a condition requiring the bike lanes to be located on the south side.

Bicyclist access to the Property via Battery Lane, the Bethesda Trolley Trail, and Woodmont Avenue will be improved as part of the Subject Application. As conditioned, the Applicant will participate in the implementation of separated bicycle lanes on Battery Lane, and Woodmont Avenue, and improve the width of quality of the Bethesda Trolley Trail. The design of these facilities, as well as the scope and manner of participation, will be determined at the time of Preliminary Plan.

Transit Connectivity

The immediate area is served by Metrobus, RideOn, the Bethesda Circulator and the WMATA Metrorail Red Line. Two metrorail stops are generally between ½ mile from the development sites.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan* and 2018 *Bicycle Master Plan* recommend the following master plan facilities along Property frontage:

1. Battery Lane: A minor arterial roadway (MA-8) with a minimum right-of-way width of 70-feet and two-way separated bicycle lanes on the south side of Battery Lane.
 - a. Between the Old Georgetown Road and the Bethesda Trolley Trail, the *2018 Bicycle Master Plan* does not specify the north or south side of the street;
 - b. Between the Bethesda Trolley Trail and Woodmont Avenue, the separated bicycle lanes are designated as a portion of the *City of Rockville to Friendship Heights Breezeway Network* and are recommended to be on the north side of Battery Lane¹;
2. Woodmont Avenue: An arterial roadway (A-68) with a minimum right-of-way width of 80-feet and two-way separated bicycle lanes on the west side of the street;
3. Bethesda Trolley Trail: an off-street trail, this bicycle facility is designated as a portion of the *City of Rockville to Friendship Heights Breezeway Network*.

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. In order 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. As a Project the includes at least 100 residential dwelling units, the the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD. Specific details of the TMAg will be determined during the Preliminary Plan review.

Adequate Public Facilities (APF)

The Project, which represents an increase of up to 1,053 net new dwelling units, is estimated to generate up to 496 net new morning peak-hour person trips and up to 591 net new evening peak-hour person trips. Since the Project will generate more than 50 net new person trips, the Preliminary Plan review will evaluate the transportation impact study in accordance with the Local Area Transportation Review requirement.

¹ As conditioned, the Battery Lane separated bicycle lanes will be on the south side of the street to coordinate with previously approved bicycle lanes east of the project along the 8280 Wisconsin Avenue frontage and facilitate safe and efficient travel across the Battery Lane / Woodmont Avenue intersection and Wisconsin Avenue/ Battery Lane/ Rosedale Intersection

SECTION 5: SKETCH PLAN 320190080

ANALYSIS AND FINDINGS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: "To approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan. The Sketch Plan must:"

1. *Meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Table 3: Sketch Plan Data Table

Project Data Table (Section 59.4)		
Development Standard	Permitted/ Required	Proposed
Tract Area (Square Feet/ Acres) CR 3.5 C-0.5 R-3.5 H-120' Site A Site B Site C Subtotal CR 3.5 CR 1.5 C-0.5 R-1.5 H-120' Site D Site E Subtotal CR 1.5 Total Tract Area	n/a	46,553 (1.07) 71,420 (1.64) 139,099 (3.19) 257,072 (5.90) 143,307 (3.29) 91,452 (2.10) 234,759 (5.39) 491,831 (11.29)
Site Area (Square Feet/ Acres) CR 3.5 C-0.5 R-3.5 H-120' Site A Prior Dedication Proposed Dedication Site A Area (Tract Area – Dedications) Site B Prior Dedication Proposed Dedication Site B Area (Tract Area – Dedications) Site C Prior Dedication Proposed Dedication Site C Area (Tract Area – Dedications) CR 1.5 C-0.5 R-1.5 H-120' Site D Prior Dedication Proposed Dedication Site D Area (Tract Area – Dedications) Site E Prior Dedication Proposed Dedication Site E Area (Tract Area – Dedications) Total Site Area	n/a	2,914 (0.07) 1,165 (0.03) 42,474 (0.98) 15,722 (0.36) 3,066 (0.07) 52,632 (1.21) 8,094 (0.19) 3,238 (0.07) 127,767 (2.93) 7,078 (0.16) 3,133 (0.07) 133,096 (3.05) 4,648 (0.11) 1,743 (0.04) 85,061 (1.95) 441,030 (10.12)
Residential Density (GFA/ FAR) CR 3.5 C-0.5 R-3.5 H-120' CR 1.5 C-0.5 R-1.5 H-120' Subtotal	899,752 (3.5) 352,138 (1.5) 1,251,890 (2.55)	-- -- 1,239,890 (2.53)
Commercial Density (GFA/ FAR) CR 3.5 C-0.5 R-3.5 H-120' CR 1.5 C-0.5 R-1.5 H-120' Subtotal	128,536 (0.5) 117,379 (0.5) 245,915 (0.49)	-- -- 12,000 (0.02)

Total Mapped Density (GFA/FAR)	Residential 1,251,890 (2.55) Commercial 245,915 (0.49) 1,251,890 (2.55)	1,239,890 (2.53) 12,000 (0.02) 1,251,890 (2.55)
MPDU Density (GFA)¹	15%	20% (345,780)
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	500,110 (1.02)
Total GFA/ FAR	n/a	1,752,000 (3.56)
Building Height		
Site A	120 feet	120 feet ²
Site B	120 feet	120 feet ²
Site C	120 feet	120 feet ²
Site D	120 feet	120 feet ²
Site E	120 feet	120 feet
Public Open Space (min)³	10%	10% (44,103 sf)
Green Cover³	35%	35% (154,360 ft)
Minimum Setbacks	n/a	0'

¹ Percentage based on running average of all sites. Gross floor area subject to change at Site Plan. MPDU density is included in the BOZ Density for tracking purposes, however any density attributed to MPDUs is not subject to a Park Impact Payment.

² At the time of Site Plan, individual building heights may exceed the maximum zoning height of 120 feet as allowed by the provision of MPDUs in Section 59.4.9.2.3.b of the Zoning Ordinance.

³ Based on total Project Site Area and will be evaluated during individual Site Plan applications.

The Application will provide the minimum required number of bicycle parking spaces within each building, which will be determined at the time of Site Plan. The final number of vehicular parking spaces will be determined at Site Plan based on the residential units and non-residential square footage.

The Sketch Plan conforms to the intent of the CR zone as described below:

a) *Implement the recommendations of applicable master plans.*

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

- 1. Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
- 2. Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
- 3. Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
- 4. Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is located in the Battery Lane District, designated as sites 4, 7, 9, 11, & 14 on page 130 of the Sector Plan, which recommends rezoning to the CR zone to promote enhanced redevelopment opportunities to foster a quality mix of housing options. This District consists of a range of housing types including garden style apartments along Battery Lane as well as single unit homes and low- to high-rise buildings. Within this district are over 1,000 units in 16 building complexes that provide one of the major sources of market-rate affordable housing in Bethesda. These buildings were mostly built in the 1950s and 1960s and lack amenities found in newer residential development. Battery Lane Park and the North Bethesda Trail are located in the center of the District and are heavily utilized, however wider buffered sidewalks and connections through long blocks are needed to make this neighborhood a truly walkable area. Specifically, the Project addresses the following applicable goals as outlined in the Sector Plan:

- *Preserve existing market-rate affordable housing.*

The Applicant owns two additional buildings within the Battery Lane District that are not part of this development application that will remain as market-rate affordable. 306 of the 477 existing market-rate affordable units within the development application will return as guaranteed affordable housing for low income residents.

- *Promote enhanced redevelopment opportunities to foster a quality mix of housing options.*

The Project will redevelop five existing sites to provide six new buildings with a mix of housing styles including townhouse entry units and taller residential apartment buildings. The Proposal includes a mix of unit sizes including efficiency, one-bedroom, two-bedroom, and three-bedroom units. Each site will provide a minimum of 15% MPDUs and proposes 25% MPDUs on two of the sites that averages out to 20% MPDUs throughout the Project, which further enhances the mix of housing options.

- *Expand neighborhood green at Battery Lane Park.*

While the Project proposes to provide public use space along the existing Bethesda Trolley Trail on Site D, the proposed size of the space is significantly less than Sector Plan recommended 0.9 acres. The Sector Plan refers to this space on page 82 as the North Bethesda Trail Urban Greenway, and calls for this enhanced expansion of Battery Lane Urban Park to be a green and active linear park connection between the National Institutes of Health and Woodmont Triangle. The Sector Plan recommends an approximately 0.9 acres in size and wide enough to allow stream improvements including daylighting of the existing piped stream, environmental interpretation and play elements. The Applicant has proposed, in lieu of daylighting the piped stream, to provide stormwater features as well as other passive amenities in the public use space, which would be further determined at the time of Site Plan. The Applicant proposes a mixed-use building at the rear of Site D adjacent to a proposed open space. The size of this space is smaller than the Sector Plan recommended 0.9 acres, at 0.58 acres, and the width is smaller than the Sector Plan visualizes, with an average width of 60 feet. The Applicant has stated that daylighting of the stream is not feasible due to the size of the 66-inch pipe and the depth of the pipe below the existing grade. As conditioned, the Applicant will be required to explore moving building footprints at the time of Site Plan in order to provide area for an enlarged linear Urban Greenway with an average width of 95 feet to be more in keeping with the width of the linear greenway as portrayed in the referenced figures of the Sector Plan. The

condition will also require the Applicant to continue working with applicable County agencies to determine the feasibility of daylighting the stream.

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

The Applicant proposes to enhance the existing Bethesda Trolley Trail which will separate the pedestrian and bicyclists on two separate paths. This separation will further support the 2018 *Bicycle Master Plan* vision to create the MD 255 South Breezeway network. As conditioned, each path will meet the minimum standards as set in the 2018 *Bicycle Master Plan*.

- *On private property, provide a minimum of 35 percent green cover, which may include singularly or a combination of intensive green roof and tree canopy.*

As proposed, each site will meet the minimum requirements for 35 percent green cover through green roof, tree canopy, or a combination of the two. The Applicant has provided a green cover exhibit conceptually showing how each of the five sites may provide green roof and/or tree canopy meeting the Sector Plan's goals. Each site's green cover will be further reviewed at the time of each Site Plan.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Project will redevelop six entirely residential areas that also contain several surface parking lots into residential and mixed-use buildings with structured parking, and enhancements to the existing Bethesda Trolley Trail and open space areas for public use. The inclusion of non-residential and enhancement of public use space may encourage more activity along the Bethesda Trolley Trail and proposed open space and removing the surface parking lots.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project encourages such development by proposing market-rate residential units in a variety of unit types with the inclusion of 20% MPDUs that exceeds the minimum requirement within the Bethesda Overlay Zone, offering housing opportunities for a range of incomes proximate to the numerous transit options of Downtown Bethesda. The Project will accommodate all modes of transit – pedestrian, bicycle, and vehicular – as it will provide significant streetscape improvements including a new separated bike lane facility, two through block connections, and enhancements to the existing Bethesda Trolley Trail. The Project is located within ½ mile of two Metro stops and numerous bus stops such as RideOn and the Bethesda Circulator. The Project does not propose any parking between the building and the street frontages.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Proposal will increase the mix of housing type and density while proposing a height and massing that is compatible with the desired character of infill development within the Battery Lane District. The existing development located on along Battery Lane is a mix of lower-height garden style apartments and taller condominium buildings that reach about 10-11 stories. Four of the proposed buildings are anticipated have a maximum of 120' in height, which is similar in height with the existing condominium

buildings. The Proposal conceptually shows Sites B & D exceeding the zoning height based on the provision of MPDUs. Many changes may occur within the Project over the anticipated build out period and the provision of MPDUs may change throughout the proposed sites. Additional height for the provision of MPDUs will be further evaluated at the time of Site Plan based on the number of MPDUs, unit size, and floorplate average of the individual buildings containing the MPDUs. All sites will be further reviewed at the time of Site Plan for conformance with the *Bethesda Downtown Plan Design Guidelines* (Design Guidelines) and compatibility within the surrounding area.

e) Integrate an appropriate balance of employment and housing opportunities.

The Project will increase housing opportunity by providing high-density residential of varying styles in proximity to existing commercial and employment areas such as NIH and other commercial businesses within Downtown Bethesda.

f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

The Project will provide the required public benefits from the minimum number of categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan based on the total number of MPDUs provided at that time.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the *Bethesda Downtown Sector Plan* as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$11.08/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 128,036 square feet from the BOZ initiating a Park Impact Payment (amount to be determined during Site Plan review) to be paid at the time of building permit. The amount of BOZ density will be deducted from the 32.4 million square feet cap.

2. Substantially conform with the recommendations of the applicable master plan;

Chapter 2.7 of the Sector Plan details recommendations for meeting Park, Trail, and Open Space Goals. Site Specific recommendations are made for Site D of the Subject Property as specifically labeled B1 on page 71 of the Sector Plan. Recommendations for this site are expanded upon on page 82, 2.7.3(B)(1). The Sector Plan calls for a 0.9-acre Urban Greenway to serve as a linear park which provides a bicycle and pedestrian trail, stream improvements, environmental interpretation, and play elements. This site is further cited for Public Realm Improvements on page 132 of the Sector Plan recommends an expanded and enhanced connection to NIH and daylighting of the piped stream. The Applicant proposes a mixed-use building at the rear of Site D adjacent to a proposed open space. The size of this space is smaller than the Sector Plan recommended 0.9 acres, at 0.58 acres, and the width is smaller than the Sector Plan visualizes, with an average width of 60 feet.

As discussed in Finding 1.a above, the Project, as conditioned, substantially conforms to the recommendation of the 2017 *Bethesda Downtown Sector Plan*. The Project will provide a variety of high density multi-family residential buildings within the Battery Lane District, increase the supply of housing

to serve a variety of income levels, provide two through block connections, enhance the existing Bethesda Trolley Trail and redesign the Battery Lane right-of-way to allow for a separated bike lane facility that will enhance the safety, connectivity, and character of the Battery Lane District. As conditioned, the Applicant will be required to explore moving building footprints at the time of Site Plan in order to provide area for an enlarged linear Urban Greenway with an average width of 95 feet to be more in keeping with the width of the linear greenway as portrayed in the referenced figures of the Sector Plan. The condition will also require the Applicant to continue working with applicable County agencies to determine the feasibility of daylighting the stream.

3. *Satisfy any development plan or schematic development plan in effect on October 29, 2014;*

Development Plan G-909 was previously approved for this site; however the Property is no longer subject to this development plan pursuant to Section 59.7.7.1.B.5.a.i of the Zoning Ordinance as a Sectional Map Amendment was approved after October 30, 2014 implementing the 2017 *Bethesda Downtown Sector Plan*. The Applicant could proceed with the PD-zoned application and apply the densities, heights and binding elements from that case or implement what the Sector Plan applied to the site. Since the Applicant has chosen to implement the densities, heights and recommendations of the recent Sector Plan, the Project has been conditioned to submit a letter of withdrawal for the Development Plan.

4. *Achieve compatible internal and external relationships between existing and pending nearby development;*

Site D proposes a building at the rear of the site adjacent to the Bethesda Trolley Trail and existing stream outfall, which encroaches into the 100' stream valley buffer by approximately 80'. The Project has been conditioned to explore increasing the building setback from the stream to better conform with the Montgomery County Environmental Guidelines and provide mitigation for any unavoidable encroachment, which will be further reviewed at the time of Site Plan for compatibility.

The Project will achieve internal and external relationships with existing and pending development through the inclusion of public open space and offsite open space improvements such as upgrades to the Battery Lane ROW street section, the creation of two through block connections at the rear of Site C, the enhancement of the existing Bethesda Trolley Trail and street crossing, and the design of each of the proposed buildings. At the time of Site Plan, each building will be reviewed for conformance with the Design Guidelines which sets a level of architectural excellence. Given that the location of the Project abuts a residential detached neighborhood in the rear of Site E, the Project is required to conform with the residential compatibility standards in Section 4.8.1.A of the Zoning Ordinance, which the Applicant has conceptually showed and will be further reviewed at the time of Site Plan.

5. *Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading:*

Pedestrian access to the sites will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards or approved equal by MCDOT, and an improved Bethesda Trolley Trail connection, from Battery Lane to property owned by the National Institutes of Health, along Site D. The immediate area is served by Metrobus, RideOn, the Bethesda Circulator and the WMATA Metrorail Red Line. Two metrorail stops are generally between ½ mile from the development sites. Conceptual vehicular access to each of the sites is discussed below and the final location, design, and approval of site access points will be determined at the time of Preliminary Plan:

Site A: Site A, located on the eastern edge of the Battery District near Woodmont Avenue, proposes its conceptual access point as a consolidated garage and loading driveway at the southeast corner of the site via the north side of Battery Lane. This conceptual access point is immediately adjacent to the adjacent driveway for 4811 Battery Lane.

Site B: Site B, located on the eastern edge of the Battery District near Woodmont Avenue, proposes its conceptual access point as a consolidated garage and loading driveway at the northwest corner of the site via the south side of Battery Lane. This conceptual access point is shared with one of two conceptual access points for Site C which is adjacent to Site B to the west.

Site C: Site C, located on the south side of Battery Lane, just west of Site B, proposes three conceptual access points via the south side of Battery Lane: The western-most access point is a one-way inbound driveway that circumnavigates the perimeter of Site C before exiting the site at the eastern-most driveway, which is shared with Site B, as discussed above. The third access point, located in the middle of Site C, is a one-way inbound lay-by that connects with the eastern-most driveway shared with Site B. The proposed layby is not supported and, as conditioned, Site C will be limited to the western-most inbound driveway and eastern-most driveway shared with Site B.

Site D: Site D, located in the center of the Battery District adjacent to the Bethesda Trolley Trail proposes its conceptual access point as a consolidated garage and loading driveway at the southwest corner of the site via the north side of Battery Lane. This conceptual access point will facilitate all vehicular traffic to the site and will minimize potential conflicts between vehicles and bicyclists along the Bethesda Trolley Trail.

Site E: Site E, located on western of Battery Lane Urban Park, proposes its conceptual access point as a consolidated garage and loading driveway at the northeast corner of the site via the south side of Battery Lane. This conceptual access point is immediately adjacent to the adjacent driveway for 4970 Battery Lane.

Bicyclists access to the Property via Battery Lane, the Bethesda Trolley Trail, and Woodmont Avenue will be improved as part of the Subject Application. The Applicant proposes to redesign and implement separated bicycle lanes on a portion of Battery Lane and Woodmont Avenue, and improve the width of quality of the Bethesda Trolley Trail as recommended in the 2018 *Bicycle Master Plan*. The design of these facilities, as well as the scope and manner of participation, will be determined at the time of Preliminary Plan.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan* and 2018 *Bicycle Master Plan* recommend the following master plan facilities along Property frontage:

1. Battery Lane: A minor arterial roadway (MA-8) with a minimum right-of-way width of 70-feet and two-way separated bicycle lanes on the south side of Battery Lane.
 - a. Between the Old Georgetown Road and the Bethesda Trolley Trail, the 2018 *Bicycle Master Plan* does not specify the north or south side of the street;
 - b. Between the Bethesda Trolley Trail and Woodmont Avenue, the separated bicycle lanes are designated as a portion of the *City of Rockville to Friendship Heights Breezeway Network and are recommended to be on the north side of Battery Lane*;
2. Woodmont Avenue: An arterial roadway (A-68) with a minimum right-of-way width of 80-feet and two-way separated bicycle lanes on the west side of the street;
3. Bethesda Trolley Trail: an off-street trail, this bicycle facility is designated as a portion of the *City of Rockville to Friendship Heights Breezeway Network*.

6. *Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

Taking into account the considerations in Section 59.4.7.1.B and the Public Benefit Points established with the Bethesda Overlay Zone in Section 59.4.9.2.C.4, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 100 points in four categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points. At the time of each Site Plan submittal, the points will be reviewed to ensure each Site Plan is contributing a minimum of 100 points. If a Site Plan proposes 20% or more of residential units as MPDUs, public benefits are not required, except for Exceptional Design, per Section 59.4.9.2.C.3.d.iv of the Zoning Ordinance.

Table 4: Proposed Public Benefits

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3C: Connectivity and Mobility		
Minimum Parking¹	20	12.4
Through Block Connection	30	30
Way finding	10	10
59.4.7.3D: Diversity of Uses and Activities		
Dwelling Unit Mix	30	30
Moderately Priced Dwelling Units	n/a	75
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design¹	30	30
Structured Parking	20	15
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	33.27
Cool Roof	15	15
Vegetated Roof	20	20
TOTAL	100 (min)	270.97

¹Denotes Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 12.4 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing maximum allowable number of on-site spaces to 20 points for providing no more than the minimum number of spaces on-site. Final determination will be made at each Site Plan. The c

Through Block Connection: The Applicant requests 30 points for providing a through block connection through Sites C & D. Points for this incentive are granted based on basic criteria listed in the Zoning Ordinance and additional points may be granted if additional criteria are met. The conceptual proposal shows the basic and some additional criteria being met, however further review at Site Plan will be required to determine the final points achieved. The category is supported at this time.

Way Finding: The Applicant requests 10 points for design and implementation of a way finding system orienting pedestrians and cyclists to major public open spaces, cultural facilities and transit opportunities. The Applicant has provided conceptual designs of way finding systems taking into consideration the regional context of the public spaces such as Battery Lane Urban Park, the Bethesda Trolley Trail, and the numerous transit stops located throughout the Battery Lane. The category is supported at this time, and the Project has been conditioned to work with BUP at time of Site Plan to further develop the concept.

Diversity of Uses and Activities

Dwelling Unit Mix: The Applicant requests 30 points for providing a mix of efficiency, one-bedroom, two-bedroom, and three-bedroom units. Points for this incentive are granted based on a percentage of each unit type to be provided. The Applicant has provided a conceptual number of unit types, however additional efficiency and three-bedroom dwelling units will be required at the time of each Site Plan to achieve the maximum amount of points requested. The category is supported at this time.

Moderately Priced Dwelling Units: The Applicant requests 75 points for providing more than 15% dwelling units as MPDUs. There is no limitation to the number of points to be requested or approved for providing affordable housing. The proposal includes a project wide goal of 20% MPDUs with some individual sites providing up to 25% MPDUs. The exact number of units to be provided as MPDUs and the unit type will be required at the time of each Site Plan for review and final approval by DHCA. The category is supported at this time.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 30 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines. The category is supported at this time and the Design Advisory Panel will review the Project again at the time of each Site Plan.

This Project was reviewed by the Design Advisory Panel on March 27 and May 22, 2019. The Panel's scope of review was focused on the Project from a district level and therefore did not review each individual site for conformance with the *Bethesda Downtown Plan Design Guidelines* (Design Guidelines). Each site will be reviewed by the DAP at the time of Site Plan review, which may result in comments beyond issues listed below.

The Panel provided these initial recommendations at the March 27, 2019 meeting:

- Provide an urban design vision for the entire street from Woodmont Avenue to Old Georgetown Road. Incorporate opportunities for deeper setbacks, increased canopy trees and plantings to create a garden district that differentiates itself from the more urban areas in downtown Bethesda.
- Widen the public open space on site D, the North Bethesda Trail Urban Greenway, as recommended in the Bethesda Downtown Plan. Create a better visual and physical connection between Battery Lane Urban Park and the NIH public open space.

- Reconfigure the massing and orientation of the buildings on site D to relate to the widened public open space along the Bethesda Trolley Trail. Consider reducing the footprint and increasing the height of the midrise building along Battery Lane.
- Create a brief pattern book or selection of materials to provide cohesion for the multiple projects in the district. Make sure to avoid excessive homogeneity while aiming to provide consistency.
- Consider making one of the connections on site C pedestrian-only rather than having a vehicular loop around the site. In addition, study the feasibility of a street connection through site C from Battery Lane to Rugby Avenue.

The Panel voted at the May 22, 2019 meeting that the Project is on track to receive a minimum of 10 exceptional design points with the following recommendations:

- The panel is generally supportive of the district vision but there are implementation concerns that should be coordinated with County agencies including phasing of Battery Lane improvements, drop-off areas and parking strategy.
- Develop the approach for programming of the linear park near NIH as an important social gathering space.
- Show an arrow for a potential future connection to Auburn Avenue and Woodmont Triangle District from Site C.
- Illustrate the connection between each site and the overall vision at Site Plan.

Structured Parking: The Applicant requests 15 points for providing structured parking in a below grade parking structure. The category is supported at this time.

Protection and Enhancement of the Natural Environment

BLTs: The Applicant requests 33.27 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. While the Applicant has requested 33.27 points be granted for BLTs, a maximum of 30 points can be granted. The category is supported at this time and will be further reviewed for points at each Site Plan review.

Cool Roof: The Applicant requests 15 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) as specified in the Incentive Density Implementation Guidelines. On sites that are larger than one acre, incentive density of 5 points are appropriate for development that meets the cool roof requirements of the Zoning Ordinance. The category is supported at this time and will be further reviewed for points at each Site Plan review.

Vegetated Roof: The Applicant requests 20 points for the installation of vegetated roofs with a soil depth of at least 4 inches covering at least 33% of each building's roof, excluding space for mechanical equipment. The Applicant has provided a conceptual layout showing each of the six proposed buildings with vegetated roofs. The category is supported at this time and will be further reviewed for points at each Site Plan review.

7. *Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Applicant anticipates the build out of the Project to extend over 10 to 15 years and in multiple phases. These phases may occur in any order or may be combined. The phasing will be determined by the Applicant based on market demand and operational needs. As conditioned, each phase will be required to achieve a minimum of 100 public benefit points as described in Section 59.4.7.3 and 59.4.9.2.c.3.d. A

Preliminary Plan application is currently under review for 4 of the 5 sites (Sites A, C, D & E) which may require phasing of certain improvements that will be determined at the time of Preliminary Plan approval.

SECTION 6: COMMUNITY OUTREACH

The Applicant has conducted a thorough community outreach beyond the basic requirements of the Zoning Ordinance to inform their current occupants as well as residents living in proximity to and along Battery Lane. Staff has received a handful of letters from community residents with concerns regarding the proposal, which are included in the report as Attachment D and summarized below.

Many of the concerns centered around the proposed height of the new development and impacts to existing residences. The proposed height of 120 feet for the four buildings is similar to existing condominium buildings along Battery Lane that reach approximately 10-11 stories in height. Numerous residents adjacent to Site D are particularly concerned with the increase in height on Site D, which is currently proposed to reach 160 feet. This Sketch Plan will approve the height and density, which as proposed, exceeds the zoning maximum based on the inclusion of MPDUs, with the final height to be determined at Site Plan. The Zoning Ordinance does not provide any maximums for additional height earned from providing MPDUs. Many changes may occur within the Project over the anticipated build out period and the provision of MPDUs may change throughout the proposed sites. Additional height for the provision of MPDUs will be further evaluated at the time of Site Plan based on the number of MPDUs, unit size, floorplate average of the individual buildings containing the MPDUs, and architectural design. The Design Advisory Panel did not have any notable concerns with the proposed increase in height, however as previously mentioned, the DAP did not thoroughly review each proposed building for compliance with the Design Guidelines and further review will be required during Site Plan review.

Some residents of the neighboring developments requested the Applicant to consider additional screening and stepping back of the proposed buildings to lessen the impact of views from their Property. As the adjacent properties are predominantly zoned R-10 and improved with multi-unit residential buildings, there is no requirement for additional screening per Section 59.6.5 nor residential compatibility per Section 59.4.1.8 of the Zoning Ordinance, with the exception of Site E and the single family detached zone to the south. Landscaping and screening are not typically reviewed as part of a Sketch Plan application, and the Applicant may consider providing additional screening at the time of Site Plan beyond the requirements of the Zoning Ordinance. With the exception of Site B, the conceptual building footprints provide a setback from each of the property lines and do not fully build out the envelope of the lot, leaving ample room for landscaping. The Design Guidelines provide additional guidance on stepbacks and tower separation to encourage breaking down the massing of larger developments, which the conceptual massings are in keeping with and will be further reviewed at the time of each Site Plan.

Other concerns centered around the increase in density, and potential increase in traffic as a result of that density, and proposed changes to the existing Battery Lane ROW. The Sketch Plan evaluates a range of peak hour trips and defers further traffic analysis to the Preliminary Plan. Based on the size of the development, the traffic analysis will be in the form of a full traffic study that will evaluate multiple modes of transportation in accordance with Local Area Transportation Review (LATR) guidelines. Other concerns related to the final design of the Battery Lane ROW and bike lanes will be further reviewed at the time of Preliminary Plan.

The design of proposed public open spaces and through block connections were also noted as concerns, however Staff recognizes these spaces require a Site Plan level of detail to fully review, which is not appropriate at the time of Sketch Plan.

CONCLUSION

As conditioned, the Sketch Plan application satisfies the findings under Section 59.4.5.4 of the Zoning Ordinance and substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of the Sketch Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Design Advisory Panel Meeting Notes
 - 1. March 27, 2019
 - 2. May 22, 2019
- B. Agency Letters
 - 1. DHCA
 - 2. MCDOT
- C. Sketch Plan
- D. Pros/Cons List Separated Bicycle Lane Location
- E. Correspondence