



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

MCPB No. 19-134
Sketch Plan No. 320190080
Battery Lane District
Date of Hearing: December 12, 2019

FEB 06 2020

RESOLUTION

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

WHEREAS, on July 3, 2019, Aldon Properties ("Applicant") filed an application for approval of a sketch plan for construction of 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 on 11.29 acres of CR 3.5 C 0.5 R 3.5 H 120, CR 1.5 C 0.5 R 1.5 H 120, and the Bethesda Overlay Zone (BOZ) zoned-land, located on Battery Lane between Old Georgetown Road and Woodmont Avenue ("Subject Property") in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320190080, Battery Lane District, ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 2, 2019, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on December 12, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 12, 2019 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez,

Approved as to
Legal Sufficiency:

1/6/2020

seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Verma voting in favor, Commissioner Patterson was absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320190080, Battery Lane District, for construction of 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 on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

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.

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

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, 2019 and May 22, 2019 meeting minutes;
- b. Project conformance with the *Bethesda Downtown Plan Design Guidelines* in regard 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.

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.
- b. 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%
- c. 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.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.

a. Development Standards

The Subject Property includes approximately 11.29 acres zoned CR 3.5 C 0.5 R 3.5 H 120, CR 1.5 C 0.5 R 1.5 H 120, and the Bethesda Overlay Zone (BOZ). The data table below demonstrates the Application's conformance to the applicable development standards of the zones.

Data Table

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

Table 1: 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'	128,536 (0.5)	--
CR 1.5 C-0.5 R-1.5 H-120'	117,379 (0.5)	--
Subtotal	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 the North Bethesda Trail Urban Greenway to be 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 conditioned, 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 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 to 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. *The Sketch Plan substantially conforms to the recommendations of the Sector 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. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of 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. *The Sketch Plan achieves 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 minimizing the building encroachment into the stream buffer to 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. *The Sketch Plan 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 the 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. *The Sketch Plan proposes 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, 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 Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

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 2: Proposed Public Benefits

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3C: Connectivity and Mobility		
Minimum Parking ¹	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 Design ¹	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.

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, 2019 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. *The Sketch Plan establishes a feasible and appropriate 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.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 320190080, Battery Lane District, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 06 2020 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Vice Chair Fani-González and Commissioner Patterson absent at its regular meeting held on Thursday, January 16, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board