

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

FEB 0 6 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:



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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 nonresidential 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. <u>Binding Elements</u>. 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. <u>Conditions</u>. 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. <u>Height</u>

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. <u>Building & Site Design</u>

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. <u>Streetscape</u>

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:

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		46,553 (1.07)
Site B		71,420 (1.64)
Site C		139,099 (3.19)
Subtotal CR 3.5		257,072 (5.90)
	n/a	
CR 1.5 C-0.5 R-1.5 H-120'		
Site D		143,307 (3.29)
Site E		91,452 (2.10)
Subtotal CR 1.5		234,759 (5.39)
Total Tract Area		491,831 (11.29)
Site Area (Square Feet/ Acres)		1 1
CR 3.5 C-0.5 R-3.5 H-120'		
Site A		
Prior Dedication		2,914 (0.07)
Proposed Dedication		1,165 (0.03)
Site A Area (Tract Area – Dedications)		42,474 (0.98)
Site B		
Prior Dedication		15,722 (0.36)
Proposed Dedication		3,066 (0.07)
Site B Area (Tract Area – Dedications)		52,632 (1.21)
Site C		5 (6) (6)
Prior Dedication		8,094 (0.19)
Proposed Dedication		3,238 (0.07)
Site C Area (Tract Area – Dedications)	n/a	127,767 (2.93)
CD 1 5 C 0 5 D 1 5 11 100/		
CR 1.5 C-0.5 R-1.5 H-120'		
Site D		7,078 (0.16)
Prior Dedication		
Proposed Dedication		3,133 (0.07)
Site D Area (Tract Area – Dedications)		133,096 (3.05)
Site E		A CAP (0 11)
Prior Dedication		4,648 (0.11)
Proposed Dedication		1,743 (0.04)
Site E Area (Tract Area – Dedications)		85,061 (1.95)
Total Site Area		441,030 <u>(10.12)</u>
Residential Density (GFA/ FAR)		
CR 3.5 C-0.5 R-3.5 H-120'	899,752 (3.5)	
CR 1.5 C-0.5 R-1.5 H-120'	352,138 (1.5)	-
Subtotal	1,251,890 (2.55)	1,239,890 (2.53)

Table 1: Sketch Plan Data Table

Commercial Density (GFA/ FAR)	1	
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)
	Residential 1,251,890 (2.55)	1,239,890 (2.53)
Total Mapped Density (GFA/FAR)	Commercial 245,915 (0.49)	12,000 (0.02)
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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 Cover ³	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 marketrate 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 threebedroom 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 though 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 $\frac{1}{2}$ 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.

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> 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

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> 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,

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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:

<u>Site A</u>: 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.

<u>Site B</u>: 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.

<u>Site C</u>: 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.

<u>Site D</u>: 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 facillitate all vehicular traffic to the site and will minimumize potential conflicts between vehicles and bicyclists along the Bethesda Trolley Trail.

<u>Site E</u>: 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 rightof-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 rightof-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.

Public Benefits Calculations		
Public Benefit	ic Benefit Incentive Density Pol	
	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

Table 2: Proposed Public Benefits

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 <u>FEB 0 6 2020</u> (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



DEPARTMENT OF TRANSPORTATION

Marc Elrich County Executive Christopher R. Conklin Director

February 20, 2020

Ms. Grace Bogdan, Planner Coordinator Area 1 Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120190240 Battery District

Dear Ms. Bogdan:

We have completed our review of the preliminary plans uploaded to eplans on January 24, 2020. A previous plan was reviewed by the Development Review Committee at its meeting on July 23, 2019. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Design Exception Requests

The applicant submitted a Design Exception dated October 14, 2019, with modifications using the Montgomery County standard MC-2004.21. The Design Exception was not updated when the separated bike lanes were moved from the north side to the south side of Battery Lane. This standard, MC-2004.21, calls for two 11-foot travel lanes, two 5.5 foot bike lanes and 8.5 foot tree lawn, an 8 foot wide sidewalk and a 2 foot maintenance strip. This is all within a 70 foot wide right-of-way. The applicant is requesting the following modifications to the MC-2004.21 standard.

- Pavement width of 42 feet which includes the separated flexi-bollard divider and two-way separated bike lane – The standard calls for a pavement width of 33 feet. The applicant proposes to increase the roadway pavement width of 42 feet, which will consist of two 10 foot travel lanes, one 10 foot turning lane, a 2 foot flex bollard painted divider and a 10 foot wide two-way separated bike lane (now proposed on the south side).
- Pavement width of 39 feet The standard calls for a pavement width of 33 feet. The applicant requests to match the existing rodway pavement width of 39 feet, to consist of two 11-foot travel lanes, and a 10 foot wide two-way separated bike lane with a separated median.
- <u>Vehicle Travel Lane width</u> The standard calls for 11 foot travel lanes and 5.5 foot wide bike lanes. At the intersection of Woodmont Avenue, the lane widths are reduced to 10 feet to a account for the turning lane.
- 4. <u>Bike Lane</u> The standard calls for two 5.5 foot wide bike lanes on either side of the travel lanes. Instead of 5.5 foot bike lanes on either side of the road, the applicant is proposing a combined 10 foot wide, two-way separated bike lanes to meet todays standards. This separated bike lane is proposed to be reduced at some points along the road to allow for a floating bus stop.
- 5. <u>Addition of Flexi-bollard divider</u> The applicant is requesting to provide a two foot concete curb divider with flexi-bollards section between the separated bike lanes and the

travel lanes. The standard does not have a divider between the bike lanes and the travel lanes.

- <u>Addition of median</u> As stated above, the applicant proposes a concrete median to separate the bike lanes from the travel lanes. The current standard has no separation between them.
- 7. <u>Shifted centerline</u> The standard calls for the travel lanes to be centered in the right-of-way with the bike lane on either side. To account for the separated bike lanes on the south side, the travel lanes (1) are offset 3 feet from the centerline approaching the intersection of Battery Lane and Woodmont Avenue; and (2) the travel lanes are offset 9 feet the entire length of Battery Lane (excluding the approach as discussed in Condition 1, as setforth in this letter).
- Intersection spacing MCDOT recommends a distance of 100 feet measured fillet radius point to fillet radius point between driveways. This recommendation includes opposite and adjacent driveways. The applicant is requesting a reduction in the intersection spacing for all the site driveway access points.
- 9. <u>Sidewalk width</u> The standard calls for an eight foot wide sidewalk. The applicant is requesting to reduce the width to 6 feet.
- <u>Tree panel width</u> The standard calls for the tree panel/green space between the curb and sidewalk to be 8.5 feet wide. The applicant is requesting to reduce this area to seven feet.

<u>MCDOT Response</u>: The design exception the applicant submitted is based on the two-way separated bike lanes on the north side of Battery Lane. Since the writing of the Design Exception, the applicant has agreed to move the proposed separated bike lanes to the south side. The design exception requests are still needed with the separated bike lanes on the south side. The applicant is merely bringing the road up to current standards with their proposal that includes separated bike lanes instead of bike lanes. Therefore, MCDOT generally approves the street section modifications for Battery Lane between Woodmont Avenue and Old Georgetown Road as the applicant has proposed; however, we

recommend the applicant provide the following street section, as close as possible:

- 2 11-foot travel lanes;
- A two-way 10-foot separated bike lanes on the south side of the road;
- A concrete median (or striped median as interim condition) between the bike lane and the travel lane (the width may vary);
- A minimum of a 6.5 foot wide tree lawn measured from face of curb;
- A minimum of 5-foot wide sidewalk with a preference to be as close to 8-feet as allowed; and
- Two-foot wide maintenance strip between the sidewalk and property line.

This street section listed above may be modified at the time of site plan and will be finalized and approved by MCDOT prior to issuance of the right-of-way permit. In addition, the applicant will need to submit a signing and marking plan for the interim and final conditions of the separated bike lanes prior to right-of-way permit. The applicant will not need to submit another design exception, provided the street section generally meets the widths listed above.

Significant Plan Review Comments

- 1. Modify the comment from the plan PP-004 that states "All public roadway improvements to provide a minimum Tertiary Roadway pavement section." Battery Lane needs to conform to the Business District standards unless a design exception is granted by MCDOT. This comment is not meant for the applicant to reconstruct the roadway if it doesn't meet current standards; however, any reconstruction of the road due to the separated bike lanes, must comply with the current County Code.
- The applicant shows a separated bike lane on the southside of Battery Lane between Old Georgetown Road (MD 187) and Woodmont Avenue. This is consistent with MCDOT recommendation. The final details, including dimensions and construction timing will be determined at the right-of-way permit. The applicant

> proposes to stripe out the bike facility along the entire Battery Lane between Old Georgetown Road and Woodmont Avenue. Flexi-bollards or other treatments may be needed to separate the travel lane from the separated bike lane. The treatments will be determined prior to issuance of the right-of-way permit.

- 3. The sites including in this preliminary plan are not located in the Bethesda Central Business District. The sidewalks shall be maintained either by Bethesda Urban Partnership or through a maintence and liability agreement. The mechanism will be determined prior to issuance of the right-of-way permit. Otherwise the applicant will need to execute a maintenance and liability agreement for DPS approval.
- 4. Bus shelter and pad site in front of site "C" on plan sheet PP-009 shall be designed prior to issuance of the right-of-way permit for this building or the separated bike lanes, whichever comes first. The pad shall be ADA compliant. The applicant proposes to reduce the separated bike lanes in order to make the bus stop ADA compliant. DOT accepts this reduction unless we determine there is a more feasible solution.
- 5. The applicant shows a layby on their site, which is the only place for small delivery vehicles to stop without blocking a lane of traffic. The layby adds a third crossing of the separated bike lanes. MCDOT believes that the layby will only be used for the one property it fronts along and may be accommodated onsite using the proposed surface parking. This however, is not efficient as the applicant's proposal. MCDOT recommends looking at alternatives to the layby at the time of site plan for site "C". If the layby remains, MCDOT recommends the median be constructed to not allow left turns into the layby.
- 6. Any stormwater management facilities in the County right-of-way, including curb cuts are not approved with this preliminary plan. The facilities, if proposed in the right-of-way for the road, need to be approved by MCDOT prior to issuance of the right-of-way permit.
- 7. Provide a minimum 5 foot wide clear width sidewalk that is ADA compliant.

- No steps, stoops, railings or any other structure is allowed in DOT right-of-way. In addition, doors are not allowed to swing into the right-of-way.
- 9. Paving, other permanent structures or landscaping may not be allowed in the county storm drain easements.
- 10. Location and design of mid-block crosswalk along Battery Lane will be determined prior to issuance of the right-of-way permit for the separate bike lanes (interim condition).
- 11. At the time of each site plan, the applicant will need to submit a truck circulation plan for review by the DPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver.
- 12. The applicant will need to provide a loading management plan for each building prior to issuance of the right-of-way permit. This plan shall include but not be limited to, an on-site liaison, delivery times, trash operations,move-in, move-out and how loading will operate.
- 13. All driveways should be constructed at sidewalk height.
- 14. Prior to issuance of the right-of-way permit for each building(s), submit a completed, executed and sealed MCDOT Sight Distances Evaluation certification form, for the existing and proposed driveway(s), for DPS review and approval.
- 15. The traffic Impact Study has been reviewed and approved by MCDOT in a letter dated January 15, 2020. The applicant completed the pedestrian and bicycle system adequacy test and is required to complete the following:
 - a. The Applicant shall be responsible for the following ADA improvements listed below per the MCDOT Memorandum dated October 25, 2018- "Revised Technical Guidance: 2016 Subdivision Staging Policy (SSP) ADA Noncompliance Test Procedures for urbanized areas". The applicant is required to identify and fix ADA non-compliance issues with sidewalk ramps,

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traffic signals, significant trip hazards, cross slope deviations, and broken, missing or structurally failing sidewalks within 500 feet radius of the site.

- i. The applicant is required to fix the tier 1 items located within 250 feet from the project boundary, measured along the street. The improvements need to be completed prior to issuance of the first Use and Occupancy permit.
- ii. For the tier 2 and 3 items, the applicant can either fix the items and contribute \$100,000 for tier 2 and \$50,000 for tier 3 improvements.
 The contribution needs to be made prior to issuance of the first above grade building permit.

The consultant provided a map showing each tier and identifying the items that need to be fixed for all tiers. They have agreed to fix the items in tier 1 and fund tier 2 and 3.

- b. The consultant completed the bicycle adequacy evaluation; however, no map was provided. They stated that the level of bicycle stress would be accomplished through the modifications planned along Battery Lane that would provide a dedicated two-way separated bike lane adjacent to the five sites. The final details, including timing and construction for this improvement will be determined at site plan stage, in coordination with DOT, Planning and DPS staff.
- 16. The storm drain submission is **incomplete**. Submit storm drain and/or flood plain studies, with computations, for DPS review and approval at time of right-of-way permit. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. Include spread computations in the impact analysis. Mitigation may be necessary in order to bring the flow back to the existing conditions.

17. Transportation Demand Management

a. <u>Applicability of Bill 36-18 Provisions</u>: Assuming that the Planning Board approves the Preliminary Plan for this project after March 13, 2020, the effective date of Bill 36-18, a Traffic Mitigation Agreement (TMAg) will not be required as part of the approval. Instead, per the new legislation, a development located in the Red Subdivision Staging Policy Area and which proposes to develop more than 40,000 sf must submit a Project-Based Level 3 Results Plan. The Plan must be submitted and approved prior to issuance of any building permit from DPS. Battery District is in the Bethesda TMD (part of a Red Policy Area) and proposes to develop more than 1.3 million square feet.

Additionally, the bill allows the following: any building or development project with an existing subdivision or optional method approval after March 13 where a TMAg was a condition of approval may opt to be considered for re-approval of their application under the provisions of Bill 36-18 (Section 42A-32 Section 2 (c). Contact Commuter Services for more information.

b. Project-Based TDM Plans The Battery District project is in the Bethesda TMD, part of a Red Policy Area, and proposes to develop over 1, 340,000 sf of residential (1,130 DUs) and commercial space (6,000 sf). A new development in a Red Policy Area with greater than 40,000 sf must complete a Project-Based Level 3 Results Plan. TDM Plans for new development projects must be submitted to and approved by MCDOT prior to the issuance of any building permit by the Department of ermitting Services.

Level 3 Results Plans requires the following:

- Appoint a Transportation Coordinator;
- Notify the Department within 30 days of receipt of final U&O certificate;
- Provide space in the project for the promotion of TDM;
- Display TDM-related information in highly visible location(s)

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- Identify specific TDM actions to be implemented in order to achieve 5% above the Bethesda commuter goal of 55% NADMS.
- Commit funding if the project has not actually achieved the goal within 6 years of final occupancy
- Provide higher additional funding if the project has not achieved the goal within 8 years of final occupancy
- Conduct independent monitoring to determine if the project is meeting its goals, until the project's goals are achieved.
 - c. Bikeshare and Related Support for Non-Auto Mobility Devices, or, Space for Shared Mobility Devices/Bikeshare

The landscape of mobility devices is dynamic and will likely change significantly over the 10-year span of this development's build-out. Use of any of the various types of personal and shared bicycles or micro-mobility devices to connect to the Bethesda Metro for commuting or non-work-related trips will assist in meeting the 55% blended residential and employee NADMS goal for Bethesda. The project is located in the Bethesda TMD, which is a robust bikeshare service area where the demand for docked bikeshare expected to continue to grow. The Department anticipates significant use of personal and shared mobility devices (i.e., e-bikes and e-scooters) among residents and employees at the Project, as well as increased interest in the use of shared micro-mobility services in Bethesda (currently operated as a pilot program in the County). Therefore, given the number of proposed dwelling units at full build-out, and commercial space at Site D, the likely demand for bikeshare and the probable need to store dockless devices at the Project, the Applicant should:

 Show the location for two sites within the Project, to be used either for a bikesharing docking station to enable this form of transportation to be used by employees, residents and visitors at the Project, or for the orderly storage of dockless, micro-mobility devices. Show the proposed locations of the sites on the revised preliminary plan. The Applicant should consider potential locations

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along Battery Lane at both ends of the Project (near Site A, 4857 Battery and Site E, 4998 Battery Lane).

The final location of these sites will be coordinated between the Applicant and MCDOT, based upon the requirements of the bikesharing system and in a highlyvisible, convenient and well-lit (4 – 6 hours of solar access) location on the Project. The sites should accommodate a 15-dock bikeshare station, the standard size for developments in Bethesda, the size for which is 43' by 7'. Applicant must provide conduit to the sites in the event solar access is insufficient for the potential recharging of a bikeshare station or micro-mobility devices.

 The County maintains full discretion to install, operate, move, relocate or discontinue service of a bikeshare station based on review and analysis of usage, performance, or budget. If on-site bikeshare station(s) is/are not to be installed by the County, racks, repair stations, or suitable facilities and equipment for the orderly storage of micro-mobility devices must be provided by the Applicant within the identified sites, as determined by the County.

The Applicant must allow MCDOT or its contractors access to the Project to install, service and maintain a bikeshare station (a PIE may be required) or micro-mobility devices.

Standard Plan Review Comments

- 18. MCDOT approved the sketch plan in its letter dated November 15, 2019.
- 19. A Public Access Easement may be necessary along Battery Lane in order to accommodate the sidewalk. Prior to submission of the record plat for each building, the applicant's consultant will need to determine if there is sufficient right-of-way to permit the sidewalk in it (maintenance strip is not necessary unless MCDOT will maintain the sidewalk). If the sidewalk will not be located entirely within the right-of-

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way, then the applicant will need to execute a Public Access Easement. This document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.

- 20. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by a common driveway.
- 21. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
- 22. Underground utilities along your street Battery Lane street frontages.
- 23. In all underground utility installations, install identification tape or other "toning" device approximately 2' above the utility.
- 24. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings for Battery Lane, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
- 25. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
- 26. Trees in the County rights-of-way spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
- 27. All bus stops along your Battery Lane street frontage should be made ADA compliant. Contact Mr. Wayne Miller of our Division of Transit Services to coordinate your street improvements that may affect the RideOn bus facilities along Battery

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Lane. Mr. Miller may be contacted at Wayne.Miller2@montgomerycountymd.gov or at 240 777-5836.

- 28. Any removal of on-street parking will need to be approved by the MCDOT Division of Parking Management. At or before the permit stage, please discuss the potential impacts to on-street parking with Mr. Benjamin Morgan of our Division of Parking Management. Mr. Morgan may be contacted at 240 777-8704.
- 29. Bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Median, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Battery Lane.
 - b. The applicant will submit a signing and marking plan along with any other plans that are needed to complete the work of the additional pedestrian crossings along Battery Lane as they proposed on their preliminary plan. MCDOT must review and approve these changes prior to applicant making any changes.
 - c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT <u>Storm Drain Design Criteria</u>) within the County rights-of-way and all drainage easements.
 - d. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
 - e. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

> f. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me for this project at (240) 777-2118 or at rebecca.torma@montgomerycountymd.gov.

Sincerely,

Rebecca Torma, Manager Development Review Team Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/developments/bethesda/120190240 Battery Lane.docx

cc: Plan letters notebook

cc-e: Gary Unterberg, Rodgers Consulting, Inc. Nancy Regelin, Shulman Rogers Matthew Folden, P&P transportation rep; M-NCPPC Area 1 Sam Farhadi, MCDPS RWPR Mark Terry, MCDOT DTEO Dan Sanayi, MCDOT DTEO Benjamin Morgan, MCDOT DPM Kamal Hamud, MCDOT DTEO Wayne Miller, MCDOT DTS ARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION Larry Hogan ATTACHMENT B Boyd K., Rutherford Lt, Governor

> Gregory Slater Acting Secretary

Tim Smith, P.E. Acting Administrator

March 3, 2020

Mr. Christopher Kabatt Wells + Associates 1110 Bonifant Street, Suite 210 Silver Spring, MD, 20910

Dear Mr. Kabatt:

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by Wells + Associates, for the (Battery District development – SHA Tracking #19APMO019XX) in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- Proposed access to the 628 mid-rise apartment units and 502 high rise apartment units is via Battery Lane (County road).
- The following intersections were analyzed under existing, background and future conditions:
 - Old Georgetown Road and Battery Lane
 - Keystone Avenue and Battery Lane
 - Woodmont Avenue and Battery Lane
 - o Wisconsin Avenue/ Battery Lane / Rosedale Avenue
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, please address the following comments in a point-by-point response:

Travel Forecasting and Analysis Division (TFAD) Comments (By: Scott Holcomb):

The responses to TFAD's previous comments are adequate. We do share the concerns previously commented on by District 3 Traffic and TDSD that the scope for the TIS does not include more thorough review of the State maintained intersections (Individual LOS and queues) and defer to them regarding this subject.

Mr. Kabatt SHA Tracking No.: 19APMO019XX Page 2 of 3 March 3, 2020

Traffic Development & Support Division (TDSD) Comments (BY: Cameron Abedi):

TDSD has review the response letter from Well and Associates for the Battery District TIS. All of our comments were addressed except for the addition of a table with the HCM LOS for each intersection. Although this is not a requirement, both District 3 and TDSD had requested that a summary be included in the report. Their response letter only included an updated appendix.

District 3 Traffic Comments (By: Alvin Powell):

The developer has provided insufficient information to allow MDOT-SHA to evaluate the impacts of the development on the adjacent MDOT-SHA roadway network. In this regard, the developer has been non-responsive to SHA's request for relevant information.

Per our previous letter, the following data is required to evaluate impacts on SHA's roadways:

- 1. Summary results of capacity analysis for each intersection evaluated.
- 2. Identification of any movements that are failing or are projected to fail, which will require mitigation.
- 3. Evaluation and recommendation of any required mitigation measures required

Although we do have some concerns about the impacts to the State roadway network, in accordance with the LATR Guidelines, the network would operate within the congestion standard for the Bethesda CBD.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for any/ all construction within the SHA right of way. Please submit one (1) set of the proposed improvement plans (including a set of hydraulic plans and computations) and a CD containing the plans and all supporting documentation to Mr. Andre Futrell at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Kwesi Woodroffe. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at http://www.roads.maryland.gov/pages/amd.aspx.

Mr. Kabatt SHA Tracking No.: 19APMO019XX Page 3 of 3 March 3, 2020

If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number in Maryland only at 1-800-876-4742 (x7347) or via email at <u>kwoodroffe@sha.state.md.us</u>.

Sincerely,

Andre Futrell, District Engineer, District 3, SHA

AF/kw

cc: N

Mr. Cameron Abedi, SHA – TDSD
Mr. Matthew Folden, Montgomery County Planning Department
Mr. Scott Holcomb, SHA – TFAD
Mr. Alvin Powell, SHA – District 3 Traffic





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich County Executive Hadi Mansouri Acting Director

November 13, 2019

Mr. Frank Bossong IV, P.E. Rodgers Consulting, Inc. 19847 Century Blvd., Suite 200 Germantown, Maryland 20878

> Re: Stormwater Management *CONCEPT* Request for 4857 Battery Lane Preliminary Plan #: 120190240 SM File #: 284893 Tract Size/Zone: 1.0 Ac / CR Total Concept Area: 1.0 Ac. Lots/Block: 22 / 2 Parcel(s): N/A Watershed: Lower Rock Creek

Dear Mr.Bossong:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 6 micro-bioretention planter boxes and partial 8" thick green roof areas on the proposed building.

The following items will need to be addressed prior to Planning Board approval of the Site Plan:

1. Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) Approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase.

This list may not be all-inclusive and may change based on available information at the time.

This concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311 www.montgomerycountymd.gov/permittingservices

ATTACHMENT B

Mr. Frank Bossong IV, P.E. November 13, 2019 Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,

5 Mark C. Etheridge, Manager 1

Water Resources Section Division of Land Development Services

MCE: CN284893 4857 Battery La.mjg

cc: N. Braunstein SM File # 284893

ESD: Required/Provided 5149 cf / 5186 cf PE: Target/Achieved: 1.80"/1.81" STRUCTURAL: 0 cf WAIVED: 0 ac.

ATTACHMENT B



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich County Executive Hadi Mansouri Acting Director

November 13, 2019

Mr. Robert Graham Rodgers Consulting, Inc. 19847 Century Blvd., Suite 200 Germantown, Maryland 20874

Re: Stormwater Management *CONCEPT* Request for 4998 Battery Lane Preliminary Plan #: 120190240 SM File #: 284897 Tract Size/Zone: 2.0 Ac. / CR Total Concept Area: 2.0 Ac. Lots/Block: 13/1 Parcel(s): N/A Watershed: Lower Rock Creek

Dear Mr. Graham:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 10 micro-bioretention planter boxes, partial 8' green roof areas, non-rooftop disconnection and a partial waiver of the minimal remaining ESD treatment volume to the downstream NIH stormwater management pond.

The following items will need to be addressed prior to Planning Board approval of the Site Plan:

- 1. Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) Approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase.
- 2. Full ESDv should be provided on-site should changes during the site plan phase allow for additional SWM practices to be provided.

This list may not be all-inclusive and may change based on available information at the time.

This concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311 www.montgomerycountymd.gov/permittingservices Mr. Robert Graham, P.E. November 13, 2019 Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,

Mark C. Etheridge, Manager Water Resources Section

Division of Land Development Services

MCE: CN284897 4998 Battery La.mjg

cc: N. Braunstein SM File # 284897

ESD: Required/Provided 7178 cf / 6921 cf PE: Target/Achieved: 1.80"/1.74" STRUCTURAL: 0 cf WAIVED: .06 ac.





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich County Executive Hadi Mansouri Acting Director

November 18, 2019

Mr. Robert Graham Rodgers Consulting, Inc. 19847 Century Blvd., Suite 200 Germantown, Maryland 20874

Re: Stormwater Management *CONCEPT* Request for 4890/4900 Battery Lane Preliminary Plan #: 120190240 SM File #: 284895 Tract Size/Zone: 3.01 Ac. / CR Total Concept Area: 3.01 Ac. Lots/Block: 39/1 Parcel(s): N/A Watershed: Lower Rock Creek

Dear Mr. Graham:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 20 micro-bioretention planter boxes, partial 8' green roof areas and 7 suspended pavement micro-bioretention (Silva Cells) areas.

The following items will need to be addressed prior to Planning Board approval of the Site Plan:

1. Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) Approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase.

This list may not be all-inclusive and may change based on available information at the time.

This concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311 www.montgomerycountymd.gov/permittingservices Mr. Robert Graham November 18, 2019 Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,

Mark C. Etheridge, Manager Water Resources Section Division of Land Development Services

MCE: CN284895 4890/4900 Battery La.mjg

cc: N. Braunstein SM File # 284895

ESD: Required/Provided 14941 cf / 15173 cf PE: Target/Achieved: 1.80"/1.83" STRUCTURAL: 0 cf WAIVED: 0 ac.

ATTACHMENT B



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich County Executive

April 2, 2020

Hadi Mansouri Acting Director

Mr. Frank Bossong, P.E. Rodgers & Associates, Inc. 19847 Century Blvd # 200, Germantown, MD 20874

Re: Stormwater Management *CONCEPT* Request for 4949 Battery Ln. Preliminary Plan #: 120190240 SM File #: 284896 Tract Size/Zone: 3.13 ac. Total Concept Area: 3.13 ac. Lots/Block: P27 / 2 Parcel(s): NA Watershed: Lower Rock Creek

Dear Mr. Bossong:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Microbioretention, Microbioretention Planter Box, and Green Roof.

Please submit a revised stormwater management concept for review and approval. All submissions must be accompanied by a resubmittal application. Concept resubmissions do not require submission of additional review fees. The revised submission must incorporate the following items:

The following items will need to be addressed prior to Planning Board approval of the Site Plan:

- 1. Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) Approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase.
- 2. Stormwater management practices should be removed from the floodplain.
- 3. Proposed buildings must conform to floodplain requirements, including setbacks and floor elevations.

This list may not be all-inclusive and may change based on available information at the time.

This concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required. If you have any questions regarding these actions, please feel free to contact Bill Musico at 240-777-6340.

Sincerely,

William J Musico

William Musico, Floodplain Administrator Water Resources Section Division of Land Development Services

MCE: WJM

cc: N. Braunstein SM File # 284896

ESD: Required/Provided 14,971 cf / 15,518 cf PE: Target/Achieved: 1.80"/1.87" STRUCTURAL: 0.00 cf WAIVED: 0.00 cf.

ATTACHMENT B



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich County Executive

Hadi Mansouri Acting Director

March 27, 2020

Mr. Robert Graham Rodgers & Associates, Inc. 19847 Century Blvd # 200, Germantown, MD 20874

> Re: Floodplain Study for Battery Lane Floodplain Study Number: 285593 SCP File No: TBD Approximate Address: 4949 Battery Ln Watershed: Rock Creek

Dear Mr. Graham:

The Department of Permitting Services (DPS) has reviewed the 100-year floodplain study dated March 5th 2020, for the above-referenced site and found it acceptable. This approval is only for the hydrologic and hydraulic determination of the floodplain elevations and conveyance; it does not address or imply constructability or acceptable environmental impact. The environmental benefits of a floodplain are protected under Montgomery County Regulation Sec. 22A-12.b 2A and that review of environmental impact is done under Maryland National Capital Park & Planning's Forest Conservation Plan. The limits of this delineation are effective once all construction is complete per approved sediment control and floodplain district permits have been released.

This delineation's did not change to floodplain to adversely affect adjacent properties. The established 100-Year Floodplain and its associated 25 ft. Floodplain Buffer must be shown on any associated sediment control plan and record plats. Any disturbance within 25 feet of an approved 100-year floodplain requires a Floodplain District Permit.

This project has been noted to have the following impacts on the existing Floodplain:
(+) Gross Gain of Floodplain:
334 sq. ft. of land placed into Floodplain By
799 cubic yards of CUT in Floodplain
(-) Gross Loss of Floodplain:
523 sq. ft. of land removed from Floodplain By
8,030 cubic yards of FILL in Floodplain
Net Change in Floodplain (from above subtotals):
189 sq. ft. of Floodplain gain (+) / loss (-) By
7,231 cubic yards of change in Floodplain Storage gain (+) / loss (-)

A copy of this approval letter must be placed on the first page of any required Floodplain District Permit associated with this Study.

If you need any additional information, feel free to contact Bill Musico of this office at 240-777-6340.

Sincerely,

William J Musico

William J. Musico, Floodplain Administrator Water Resources Section Division of Land Development Services

FP Study File No.: 285593

WJM

cc: Mark Pfefferle - MNCPPC Bill Musico – DPS Brian Jeeves – DPS

\\DPS50\\DPSData\Land Development\LD Floodplain\FP Studies\Floodplain Study Approval Letters\2020 FP Studies\285593 Battery Lane.docx



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE:	22-Oct-19
TO:	Frank Bossong - fbossong@rodgers.com Rodgers Consulting, Inc.
FROM:	Marie LaBaw
RE:	Battery District 120190240

PLAN APPROVED

- 1. Review based only upon information contained on the plan submitted 22-Oct-19 .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- 2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

*** Fire department access plans shall be finalized at Site Plan

*** Engineer shall identify specific 3" mountable curb detail at Site Plan

*** Engineer shall further detail bike lane medians at fire department access driveways at Site Plan

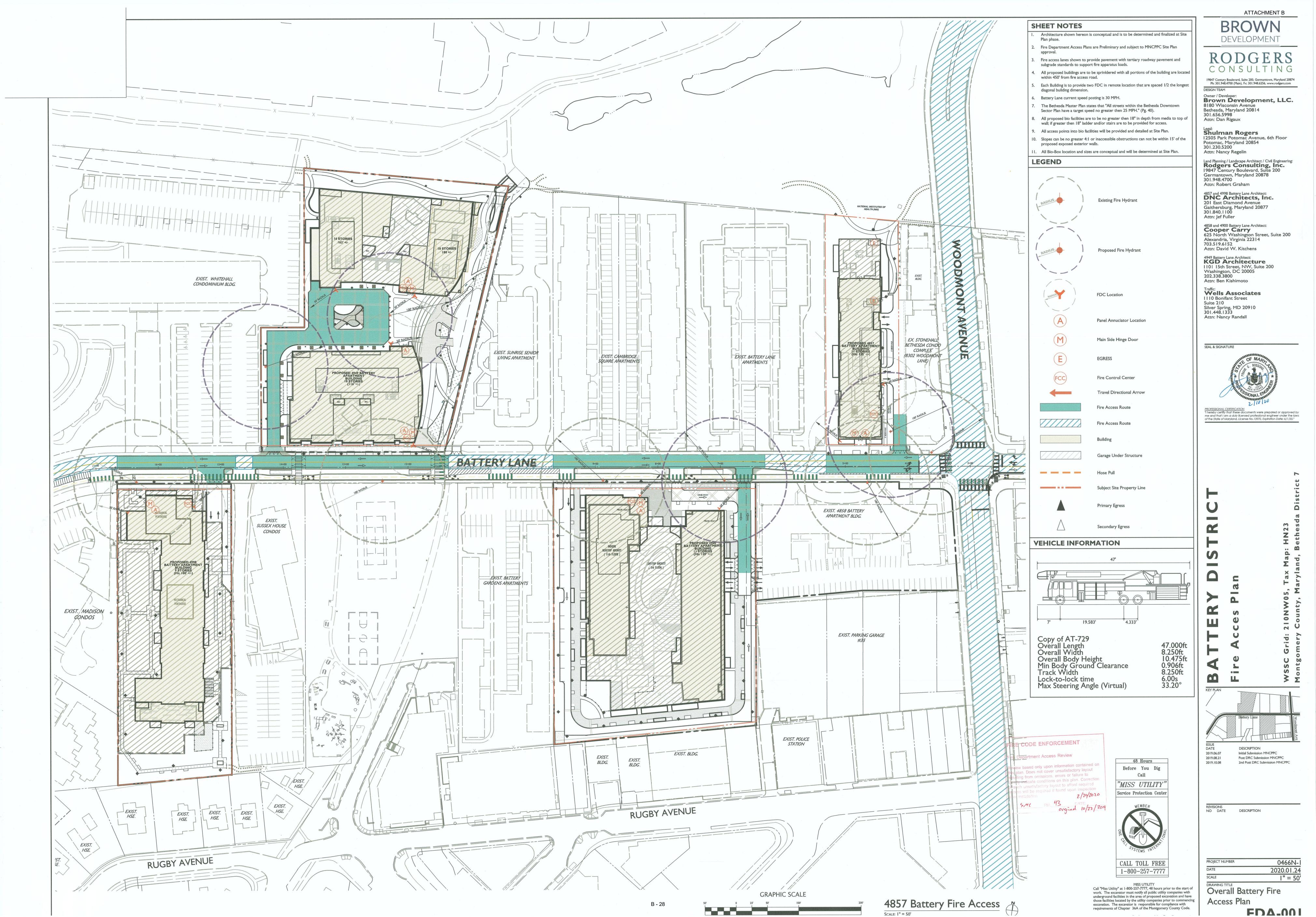
******* GrassCrete GC2 surface shall not have a sod overlay

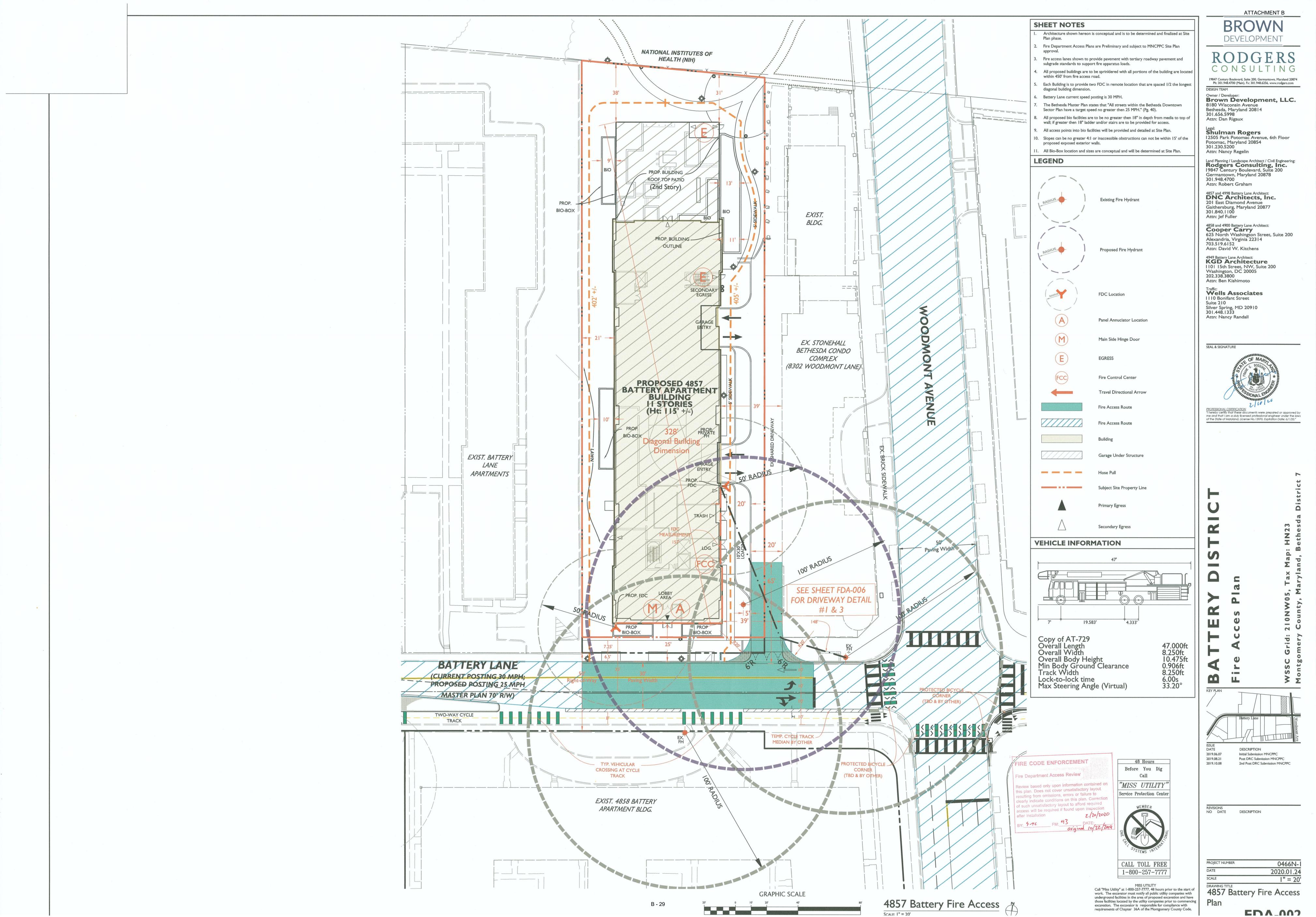
*** All fire lanes and fire department vehicular access paths are on grade (i.e. not on elevated decks)

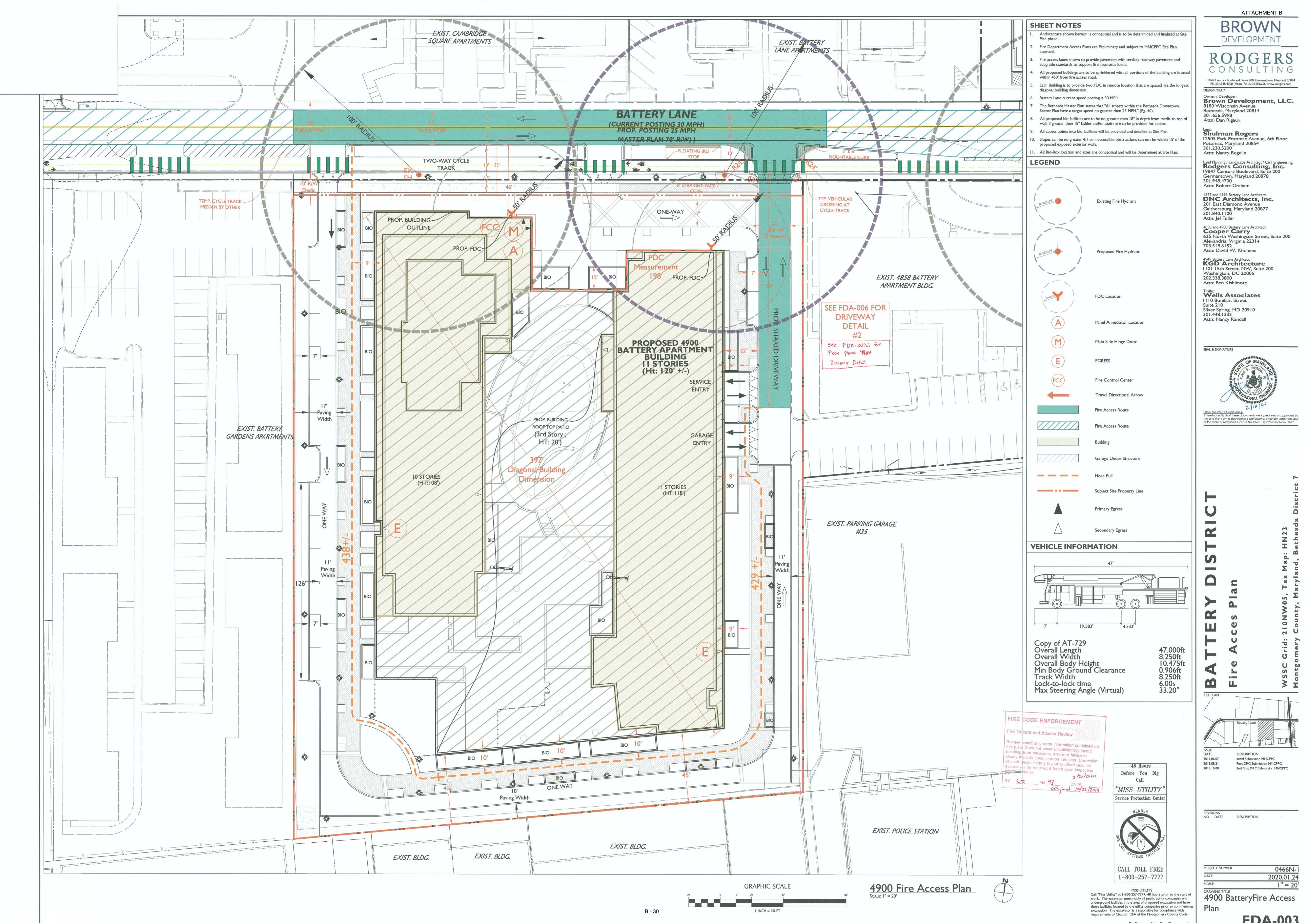
*** Fire lanes orders to be submitted at Site Plan

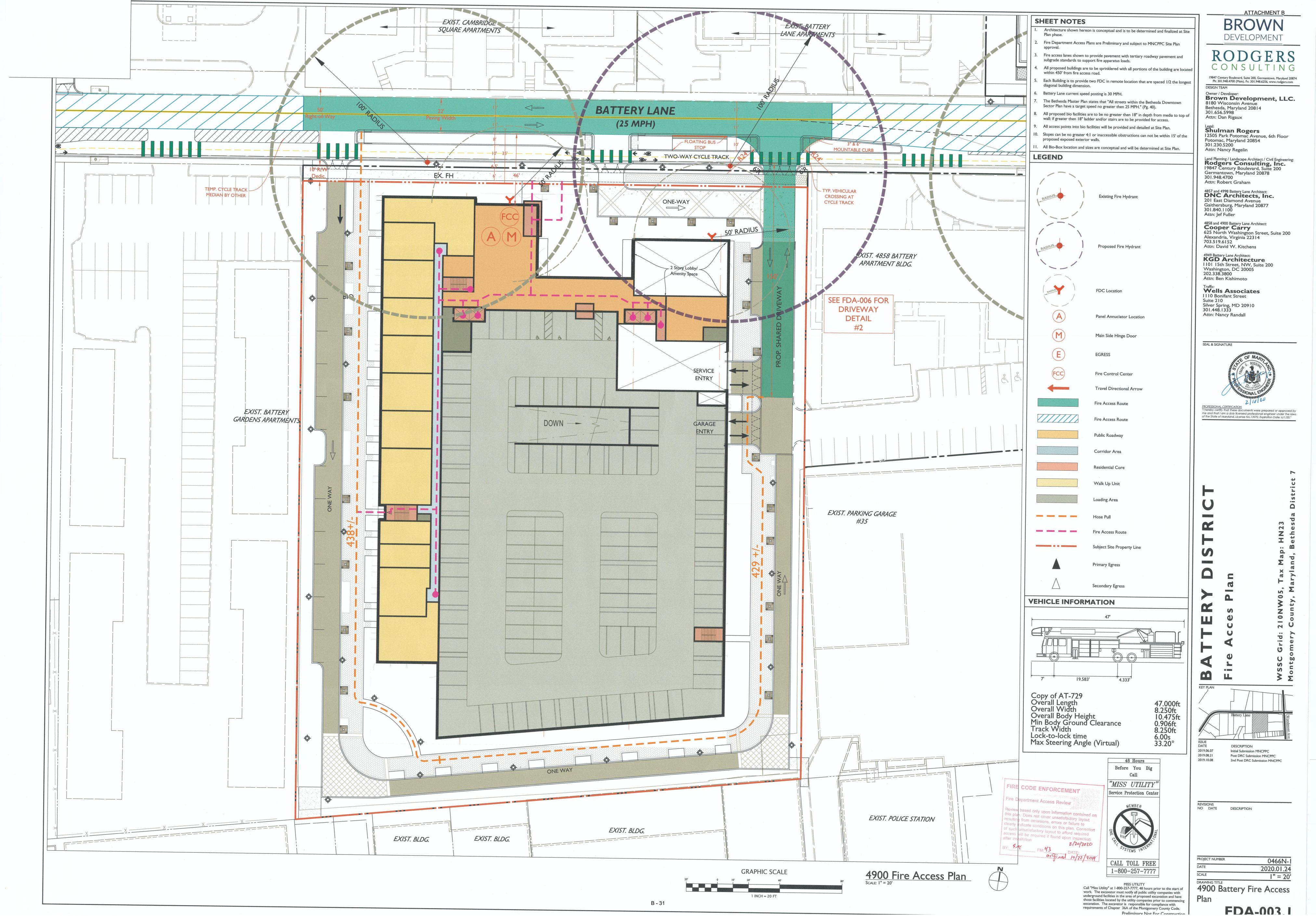
2/20/2020 Revised Preliminary Plan - bikes lanes moved to south side of Battery Lane - add following comment to above:

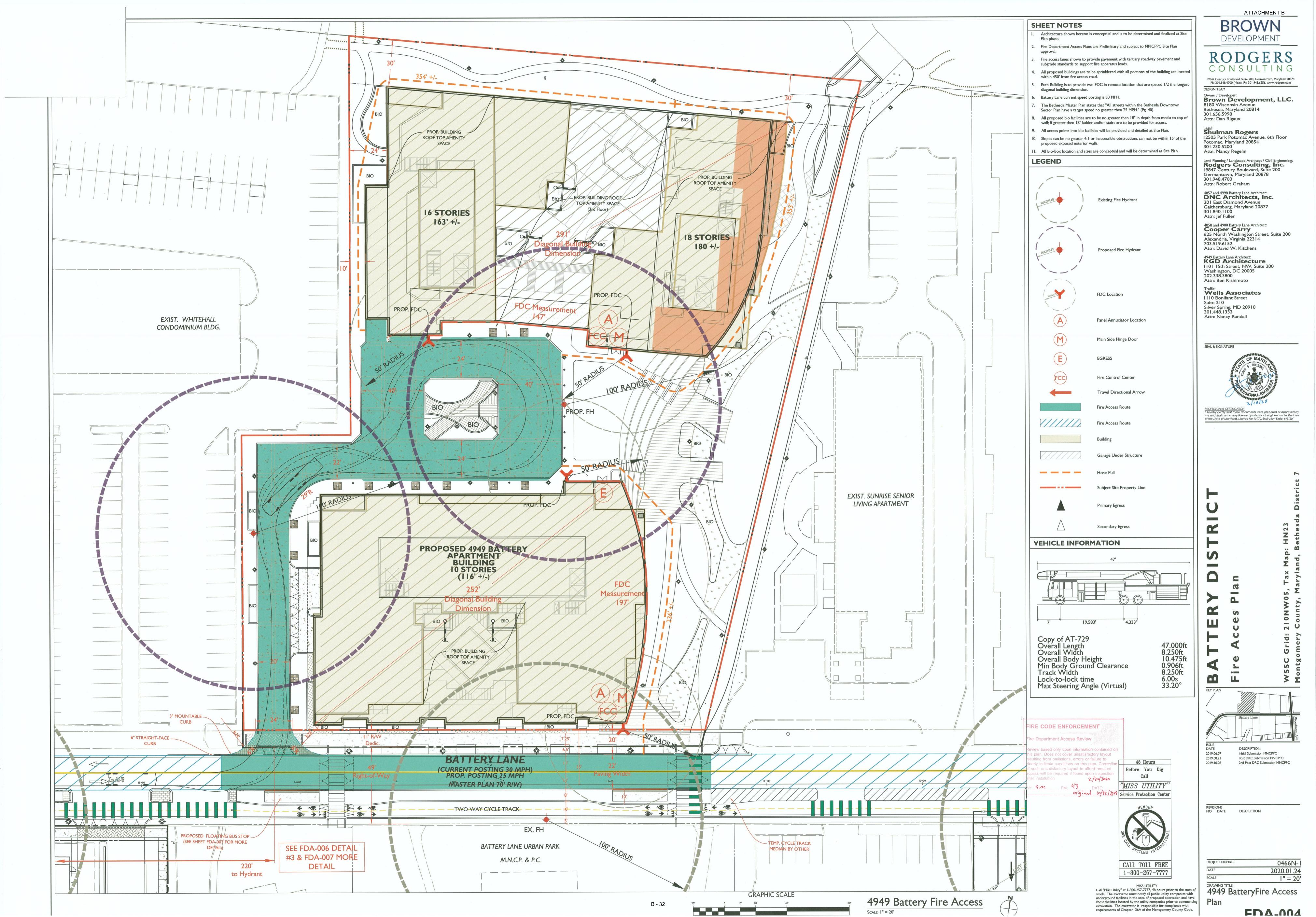
*** Pedestrian access to bus stop at 4900 Battery Lane (Site C) shall not conflict with fire department vehicular access. Details to be submitted at Site Plan

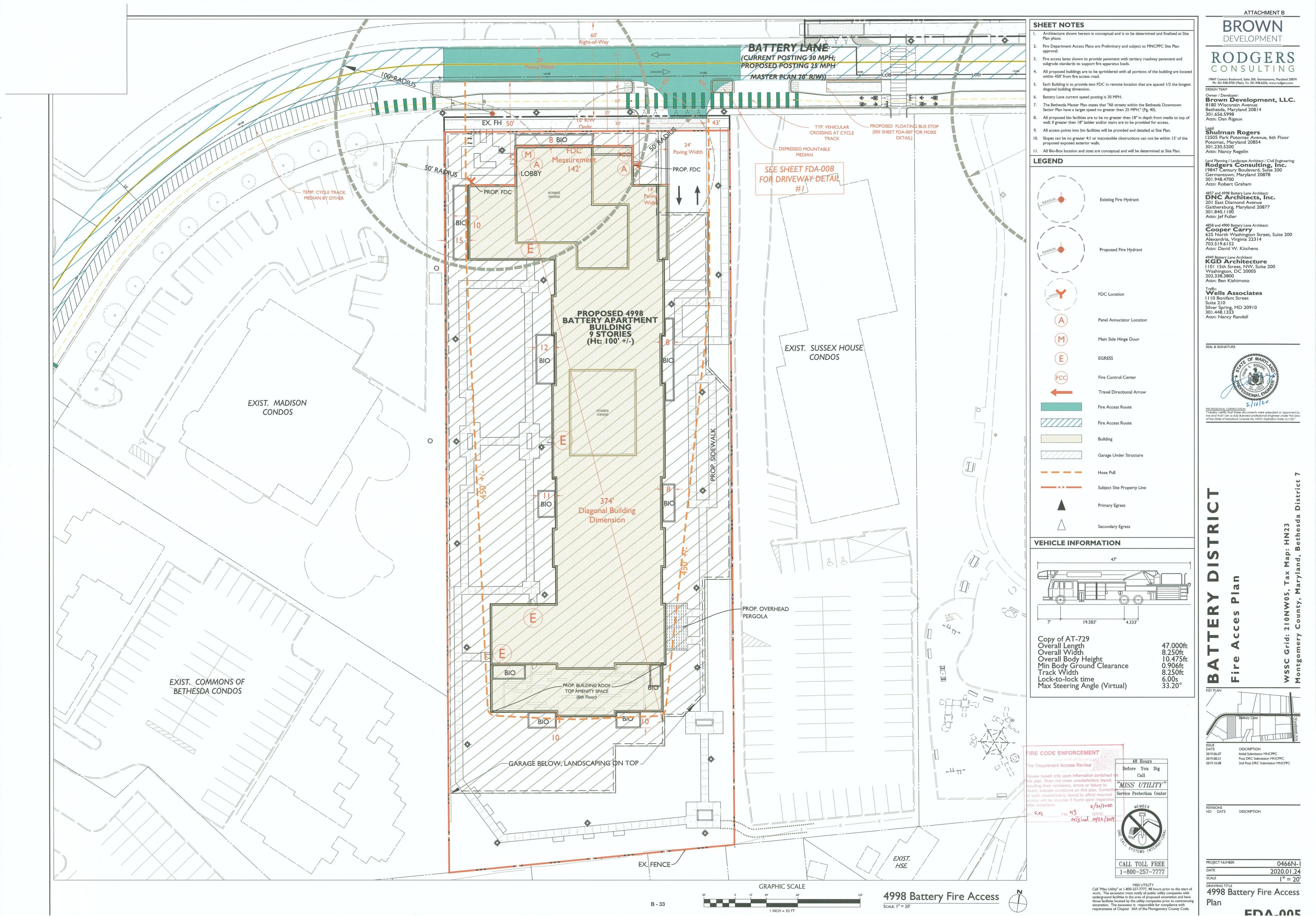


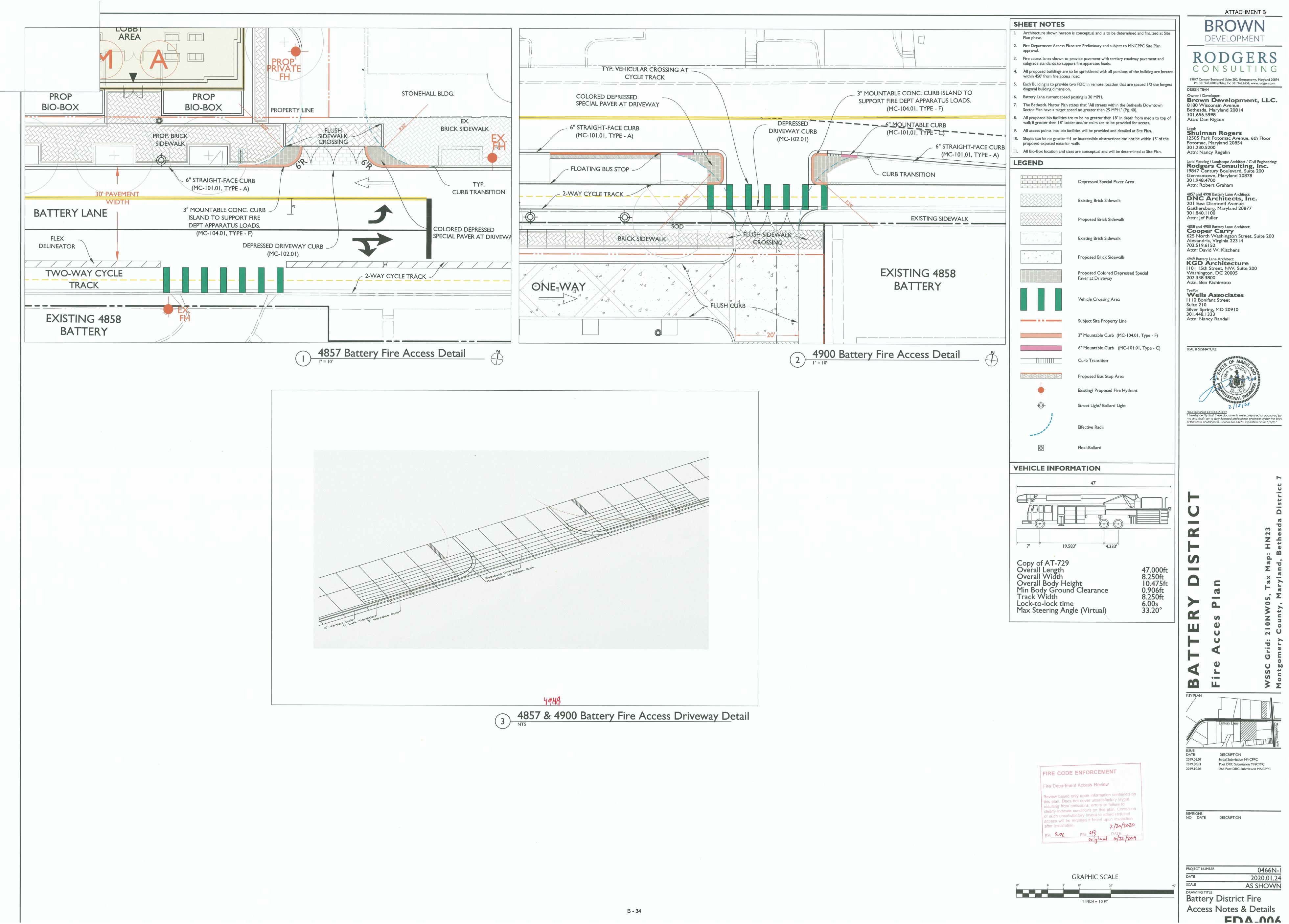




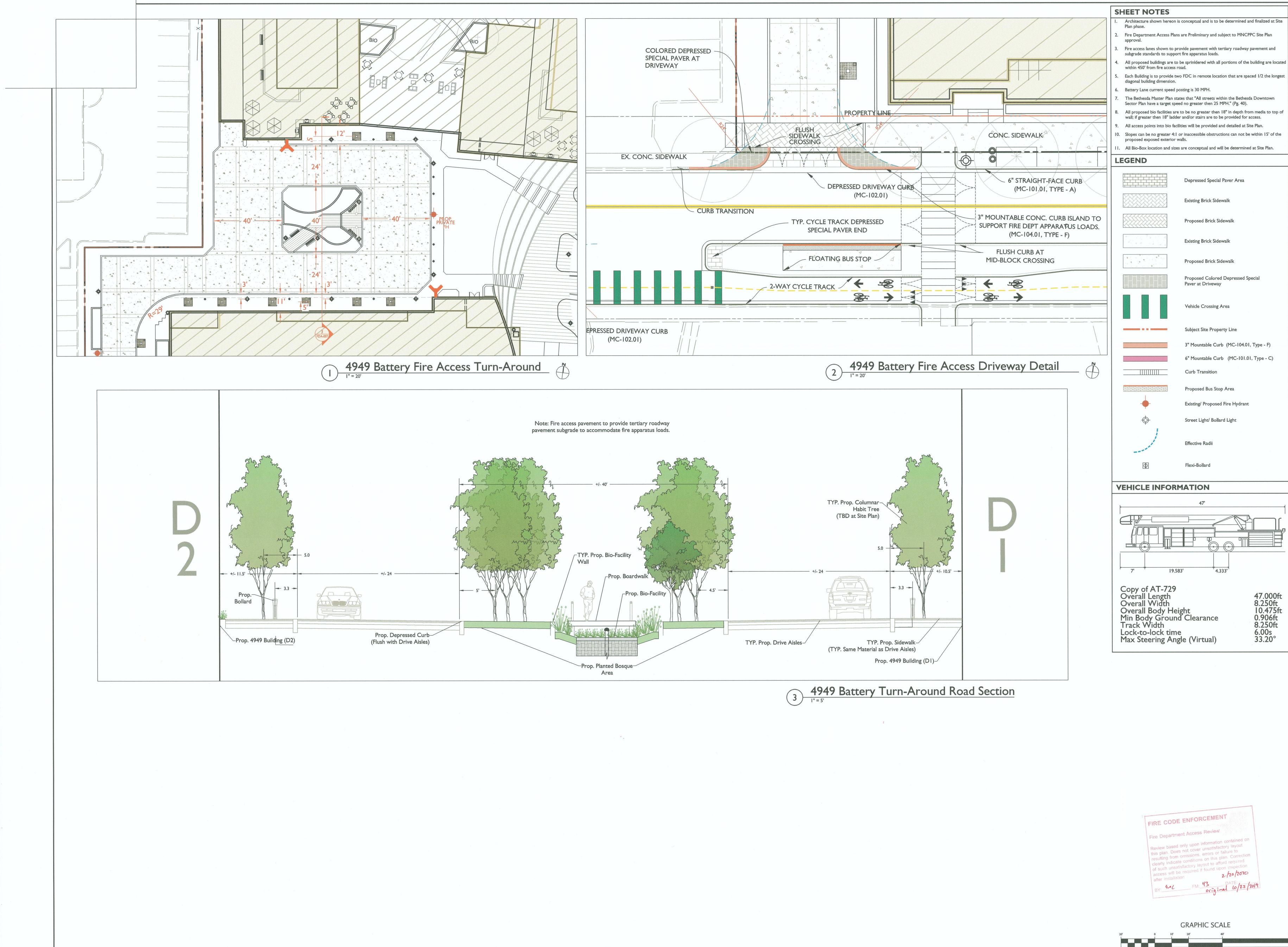






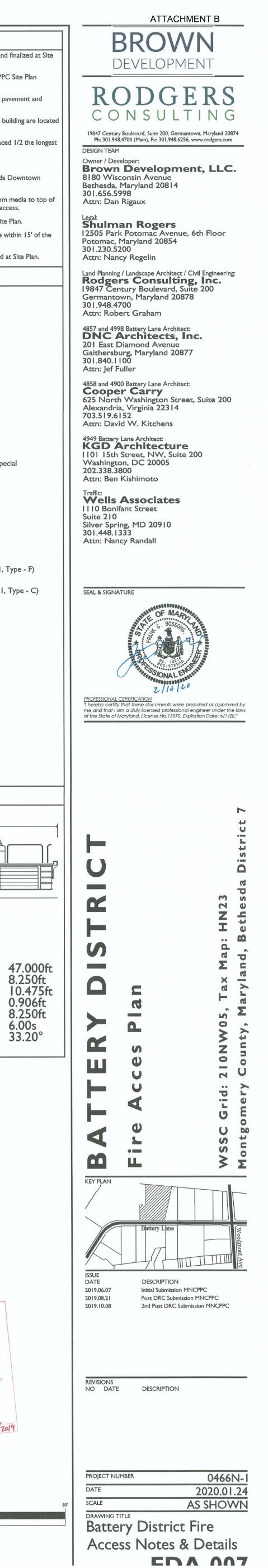


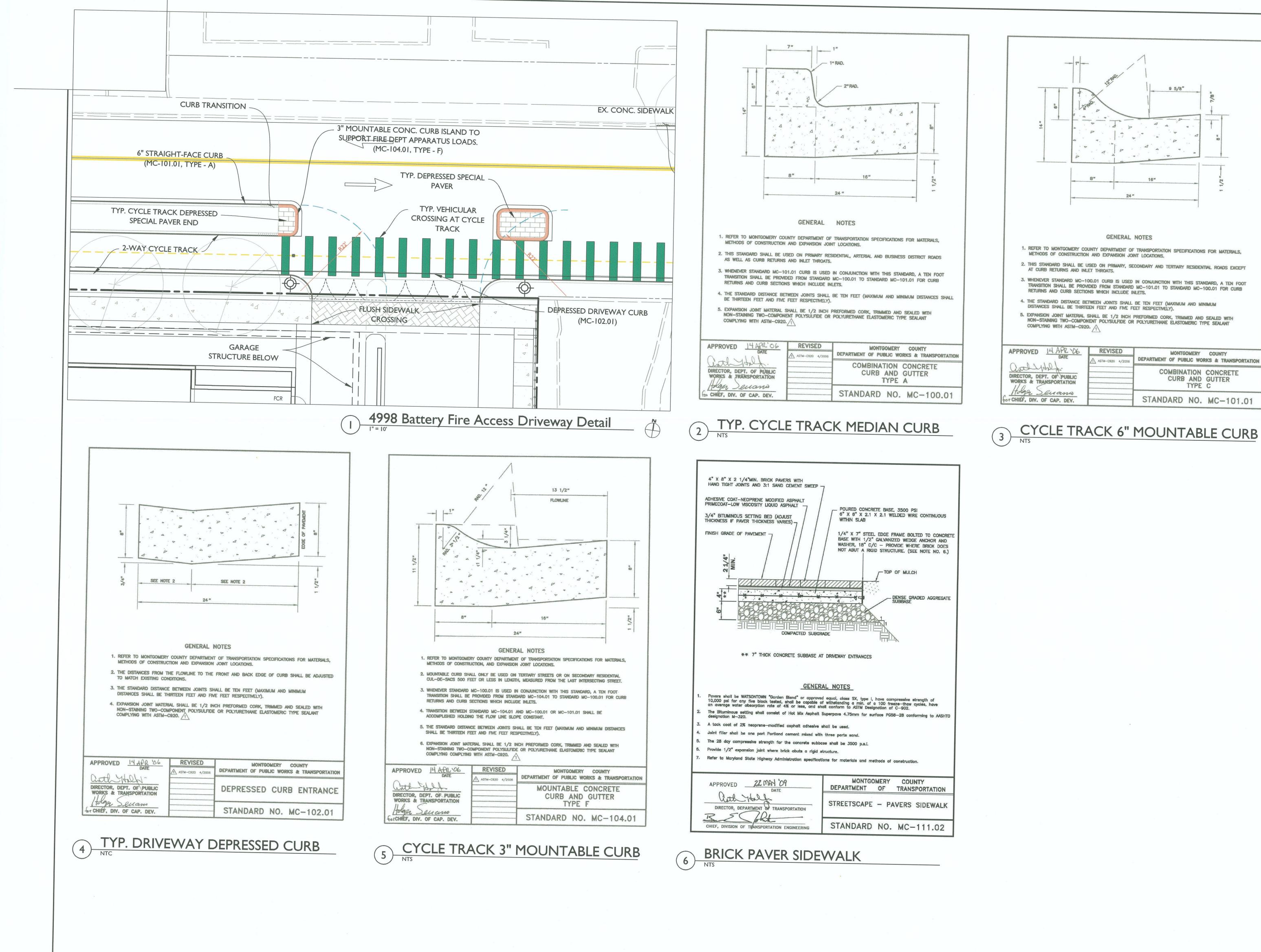
Fire Department	ACCess Neview
this plan Does not	/ upon information contained on t cover unsatisfactory layout
resulting from omis clearly indicate con	ssions, errors or failure to nditions on this plan. Correction tory layout to afford required uired if found upon inspection 2/20/2020
resulting from omis clearly indicate con of such unsatisfact access will be req	ssions, errors or failure to nditions on this plan. Correction tory layout to afford required uired if found upon inspection

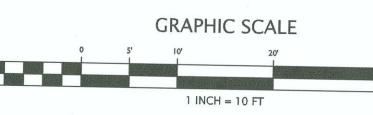


4			

1 INCH = 20 FT







FIRE CODE ENFORCEMENT Fire Department Access Review Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation 2/20/2020 BY: 5,11 FM: 43 DATE: original 10/22/2019

VEHICLE INFORMATION				
7' 19.583' 4.333'				
Copy of AT-72947.00Overall Length47.00Overall Width8.250Overall Body Height10.47Min Body Ground Clearance0.906Track Width8.250Lock-to-lock time6.00sMax Steering Angle (Virtual)33.20				

Proposed Bus Stop Area Flexi-Bollard

Existing/ Proposed Fire Hydrant

Street Light/ Bollard Light

Curb Transition

Effective Radii

within 450' from fire access road.

Battery Lane current speed posting is 30 MPH.

diagonal building dimension.

proposed exposed exterior walls.

LEGEND

4 . P 4

SHEET NOTES

Plan phase.

9 5/8"

mi par

MONTGOMERY COUNTY

DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION

COMBINATION CONCRETE

CURB AND GUTTER

TYPE C

STANDARD NO. MC-101.01

18"

. 1

P

METHODS OF CONSTRUCTION AND EXPANSION JOINT LOCATIONS.

DISTANCES SHALL BE THIRTEEN FEET AND FIVE FEET RESPECTIVELY).

RETURNS AND CURB SECTIONS WHICH INCLUDE INLETS.

AT CURB RETURNS AND INLET THROATS.

COMPLYING WITH ASTM-C920.

10

GENERAL NOTES

1. REFER TO MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR MATERIALS,

2. THIS STANDARD SHALL BE USED ON PRIMARY, SECONDARY AND TERTIARY RESIDENTIAL ROADS EXCEPT

3. WHENEVER STANDARD MC-100.01 CURB IS USED IN CONJUNCTION WITH THIS STANDARD, A TEN FOOT

4. THE STANDARD DISTANCE BETWEEN JOINTS SHALL BE TEN FEET (MAXIMUM AND MINIMUM

REVISED

A ASTM-C920 4/2006

5. EXPANSION JOINT MATERIAL SHALL BE 1/2 INCH PREFORMED CORK, TRIMMED AND SEALED WITH

NON-STAINING TWO-COMPONENT POLYSULFIDE OR POLYURETHANE ELASTOMERIC TYPE SEALANT

TRANSITION SHALL BE PROVIDED FROM STANDARD MC-101.01 TO STANDARD MC-100.01 FOR CURB

approval.

Sector Plan have a target speed no greater then 25 MPH." (Pg. 40).

Depressed Special Paver Area

Existing Brick Sidewalk

Proposed Brick Sidewalk

Existing Brick Sidewalk

Proposed Brick Sidewalk

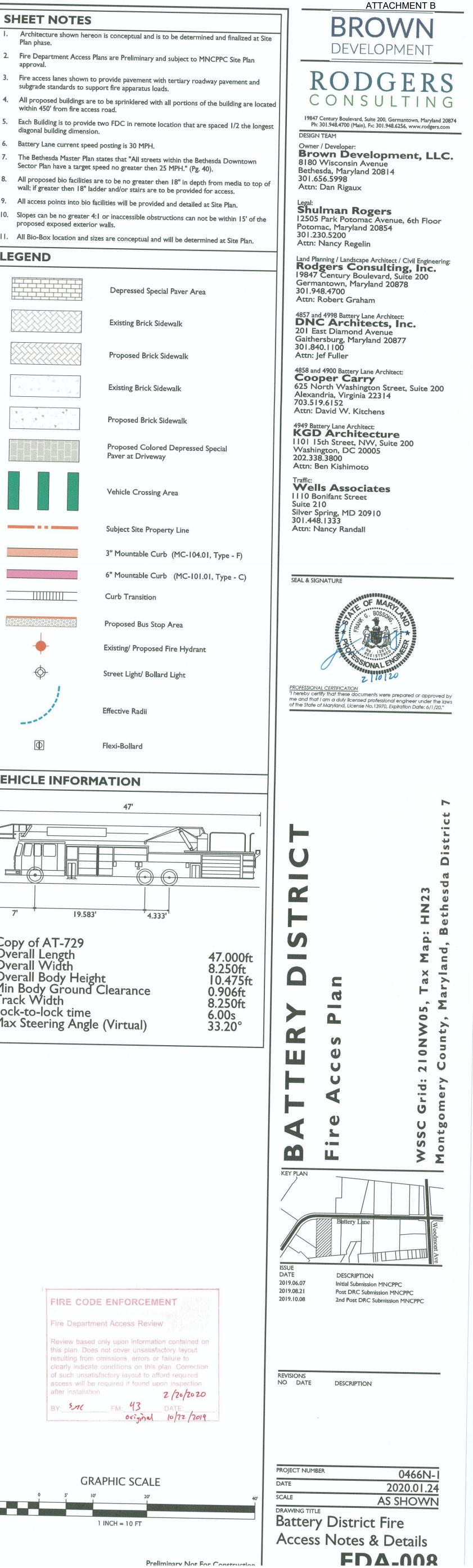
Paver at Driveway

Vehicle Crossing Area

Subject Site Property Line

. Fire Department Access Plans are Preliminary and subject to MNCPPC Site Plan

Fire access lanes shown to provide pavement with tertiary roadway pavement and subgrade standards to support fire apparatus loads.







DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich County Executive Aseem K. Nigam Director

November 13, 2019

Ms. Grace Bogdan Area 1 Division Montgomery County Planning Department 8787 Georgia Avenue Silver Spring, Maryland 20910

Re: Battery District Sketch Plan No. 320190080 and Preliminary Plan No. 120190240

Dear Ms. Bogdan:

Affordable Housing

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval. The plans are consistent with the MPDU Law and Executive Regulations.

DHCA is interested in having further discussions with the developer to explore ways to provide more MPDUs, and more affordable MPDUs (less than 50% AMI) in the development.

Sincerely,

Linkht

Lisa Schwartz, Manager Affordable Housing Programs Section

cc: Ryan White, Rodgers Consulting Nancy Regelin, Shulman Rogers

https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/Battery Lane District/Battery District DHCA Letter_11-13-2019.docx

Division of Housing

Landlord-Tenant Affairs Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca

montgomerycountymd.gov/311

Common Ownership Communities

240-773-3556 TTY

ATTACHMENT C

Marsha B. Liss, Ph.D., J.D. 8315 North Brook Lane # 207 Bethesda, Maryland 20814 lissmjs@gmail.com



OFFICE OF THE CHAIRMAN THE MARYLAND-NATIONAL CAPITAL. patienter assessed materianen.1

July 15, 2019

The Maryland National Capital Park And Planning Commission 8787 Georgia Avenue Silver Spring, MD 20910

Dear Planning Commission:

As a member of the Whitehall condominium community, I am forced to express my dismay about the proposed Aldon redevelopment plan for Battery Lane. I have lived in our peaceful neighborhood for almost 17 years and have witnessed first-hand the recent overcrowding and increased traffic that has already occurred without development of these parcels.

Do the Aldon apartments need development and renovation? Certainly. But to what extent will development negatively impact the enjoyment and lives of those already in the neighborhood? Needless to say, the anticipated 10 years of construction and disruption up and down Battery Lane is troubling.

Mr. Wren's (Renn? didn't provide a business card) presentation on July 8, 2019 was a superb presentation for investors. But, telling residents that part of the reason for development is to preserve for the "4th and 5th generations of Browns" was a slap in the face to any credible suggestion that those of us with a stake in the community already would be benefit. This is pure business greed.

Increasing the number of units on Battery Lane is not totally a bad idea. The buildings could be increased without impacting the peacefulness and lifestyle of the current home/condo owners. Mr. Wren pointed out that there are presently 467 units in the Aldon apartments. The proposal is for 1530 units! That is more than 3 times the number of existing units. That is an absolute increase of over 1000 units on the same street. If even only half the units contain two people (some might have 3-4 depending on family size or roommates) that would likely be 1500-2000 MORE people taking up the space. That space would seriously impact traffic congestion, noise and volume. Today, there was a delivery truck on Battery Lane and it was hard for the traffic to go around it but the cars managed. If the road is narrowed to provide more sidewalk, there is NO way for traffic to flow, it will just be jammed.

Mr. Wren stressed that they are being "sensitive" to the homeowners whose single family homes abut the Aldon properties. That's nice. But, what about being "sensitive" to the condominiums on the block who would be right in the middle of the construction and the overwhelming increase in numbers of people and traffic. Not to even mention the blockage of view and air quality from those in the Whitehall North building side that would be near the proposed 18 story building.

This proposal needs to be scaled back to be "sensitive" to ALL residents in the Battery Lane district while at the same time encouraging re-development of the Aldon units.

much-Respectfully. Marsha B. Liss

C - 1

ATTACHMENT C

Email

Please Do Not Destroy the B...

Email					
From	Steve Beck				
То	MCP-Chair MCP-Chair>; S Grace Bogdan; Grace.Bogdan@montgomeryplanning.org; MCP-Chair #; mc.org; MCP-Chair@mncppc-mc.org				
Cc					
Subject	Please Do Not Destroy the Battery Lane Area by Allowing the Additional of 1000 Extra Units (not occupants) nto the Existing Space				
Date Sent	Date Received 12/9/2019 8:03 AM				
Dear Mr. Anderson an	d Ms. Bogdan,				
I live/own at the Whit	ehall Condo.				
I understand times change, and it's important that if housing is to be increased, it should be in areas close to public transportation.					
However,					
1) Adding an extra 1000 units (not occupants) to the existing network on Battery Lane?					
2) Placing a 16 story tower against the Whitehall Building?					
3) Placing the serv	Placing the service road adjacent to 4977 Battery Lane?				
4) Zero adequate explanation for how the increased vehicular traffic will impact the existing single lane in each direction?					
The developers have essentially told us this is a fait de accompli - and it's coming whether we like it or not.					
The proposal is beyond the scale of this neighborhood - (Rosslyn meets Battery Lane - existing owners be . \dots)					

If we need to increase the housing on Battery Lane - fine - I would support up to another 500 units TOTAL - with heights not to exceed Whitehall.

We are a residential community and we (the voters) deserve far better than this treatment.

Please keep this mind on Thursday (I must work that day), and reduce the scope and size of this monstrosity.

12/10/2019	Email: Please Do Not De	stroy the Battery Lane Area by	Allowing the Additional of	1000 Extra	Units (not occupants) nto the E ATTACHMENT	
Thank	you for your time.					
Steve I 4977 B	Beck attery Lane					
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July 14, 2019

Dear Ms. Bogdan,

I spoke with you last week regarding Battery District Preliminary Plan #120190240 and Sketch Plan #320190080 to develop Parcel E at 4998 Battery Lane in Bethesda. I thank you for the opportunity to provide written public input to the review process.

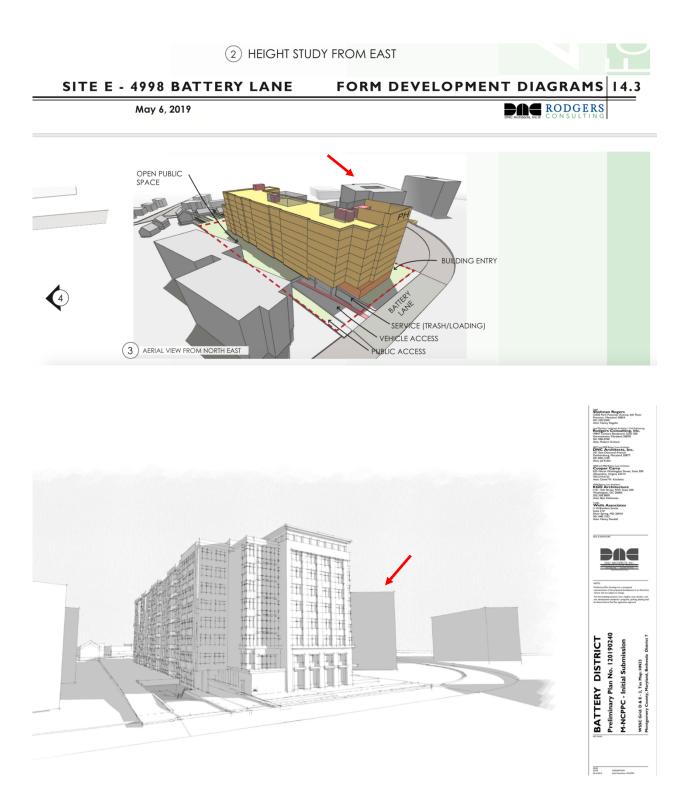
I own and live in Madison Park Condominium unit #701 at 5000 Battery Lane, Bethesda, which I purchased in 2001. I selected and invested in this particular unit because it faces south and has complete privacy and good views, which have also been enjoyed by many other unit owners, some of whom have lived in Madison Park since it was built 30 years ago. I have included images from sketches that have been submitted by the developer for review that demonstrate the impact of the proposed Parcel E on Madison Park Condominiums (see red arrows).

While I understand the desire of the developer to maximize profits by building a large building that will generate income from many apartment units, it would be reasonable and fair to require the developer to prepare and submit for consideration a reconfigured building massing alternative that is lower in height to the south (and perhaps higher to the north towards Battery Lane to accommodate). There is no downside for at least exploring this alternative, and it could greatly reduce the negative impact on Madison Park Condominiums. Otherwise, the benefit to the developer will literally be at the expense of Madison Park owners as the monetary value and enjoyment of our units goes down.

Thank you for your time and consideration. Please do not hesitate to contact me if you need further information.

Sincerely,

Karen Marks



Montgomery County Planning Board

Chairman Casey Anderson Commisioners Natali Fani-Gonzalez, Gerald R Cichy, Tina Patterson, and Partap Verma

CC: Planning Coordinator Grace Bogdan

As property owners in Whitehall Condominium for over five years and residents of the Battery Lane District for over 20 years, we are writing to you to convey our concerns with the Aldon/Brown redevelopment plans for their properties on Battery Lane in our neighborhood.

At the two presentations to the Whitehall community, Aldon's Doug Wrenn described the individual sites and their specific buildings, the overall vision for our Battery Lane District, and the amenities that they plan to provide as they redevelop.

Although Aldon proposes several public amenities including widening a short section of the Trolley Trail between Battery Lane and NIH property, enhanced sidewalks, a two-way bike track, and some new greenspace, we believe that extreme changes proposed for the neighborhood – such as two 16 story towers on Site D and an increase in people and cars in a limited residential neighborhood - are not balanced by these amenities. While we appreciate that Aldon is offering these enhancements to the neighborhood, they are also proposing changes that will negatively alter our open, enjoyable existing neighborhood if completed.

Our concerns include:

1. The extreme height of two towers on 4949 (Site D); initially at 180'/18 stories, now reduced to 160'/16 stories after their first presentation to Whitehall. The reduced height is still excessive, out of context in the middle of Battery Lane, and will loom over our 4977 building and its back yard. Such heights have no relation to the existing neighborhood in the Battery Lane Edge District. We want to see the building heights on Site D to be no more than the allowed 120'. If additional height and density is desired, Site C (proposed at only 120'/12 stories) is backed by four apartment buildings in Bethesda: Palisades and Triangle Towers (both 14 stories) and Gallery I and Gallery II (both 16 stories) and therefore has more context for 160'/16 story height.

Alternatively, the total number of new dwelling units proposed for Aldon's redeveloped properties could be reduced from their proposed 1530 total units overall, making such extreme building heights in an edge district unnecessary.

2. Placement of the single driveway for Site D on the west side of that property abutting our 4977 property will carry all Site D vehicle traffic including residents, deliveries, contractors, and garbage/recycling. Aldon has provided no details about how the driveway will be separated from our property, how the grade difference will be addressed, or how they intend to ameliorate the increase in that driveway's traffic on our quality of living in general and the well-used Battery Lane crosswalk abutting that proposed driveway specifically.

3. Significantly reduced setbacks from those that currently exist on four of five Sites (A, B, C, D), bringing the front of the proposed new buildings much closer to the sidewalks than they are now. Only Site E (4998, across from 4977) will have an equal or slightly greater setback

ATTACHMENT C

of 30 feet from the sidewalk, but all new Aldon buildings on Battery Lane should have the same setback to allow activated, enjoyable use of the sidewalks along the entire street, from Old Georgetown Road to Woodmont Avenue. We urge to you to require Aldon to maintain open and green space all along Battery Lane, as the majority of it is now, and not crowd sidewalks with exterior walls, doors, and windows.

4. The proposed increase of 1053 dwelling units on Battery Lane can result in 2000 or more people living on Battery Lane with resulting increase in vehicle traffic. Our neighborhood infrastructure cannot sustain that increase in people and vehicle traffic. The additional traffic is especially concerning when additional, conflicting pedestrian and bicycle traffic is considered. We believe that maintaining the current number of market affordable units (477) with a modest increase and an addition of new MPDUs can be sustained, but <u>not</u> the 1530 total number of new dwelling units Aldon proposes.

5. Confirm that undergrounding Battery Lane utility poles and guy-wires are part of Aldon's plan; without doing so, any beautification with trees or sidewalk amenities will be negated by such impediments. We appreciate that the Planning Staff report notes this in Section 2, #8, Streetscape. If the undergrounding is confirmed, be sure to include Battery Lane Park's poles and wires as part of the plan. Again, any enhancement of the park by the greenspace across Battery Lane on Site D will be less impactful if poles and wires continue as impediments to the park's aesthetics and use.

6. Increase <u>and</u> maintain the greenspace proposed on Site D along that short section of the Trolley Trail. Again, we appreciate that in their report Planning Staff note the discrepancy between the requested 0.9 acre area in the BDP and the .58 acre space that Aldon proposes and request that the space be increased. In addition, we request that the Planning Board require, as part of any plan, that Aldon appropriately maintain any new greenspace and associated amenities. The greenspace that exists now on Site D abutting the Trolley Trail appears to have been ignored by Aldon for more than ten years, resulting in a neighborhood eyesore with dilapidated split-rail fencing, dead and dying trees, and a swamp-like area after rainfalls.

7. Other spaces described in the Sketch Plan as public open space should be exactly that. While the two small areas behind Site E and Site A may technically qualify as public open space, neither will be connected to the public space on Battery Lane and will be hidden for use by Aldon residents only. Be sure that amenities promised in Aldon's Sketch Plan are provided as intended by the BDP.

Thank you for your consideration of the interests of the more than 450 property owners on Battery Lane. While we appreciate Aldon's interest in upgrading their current buildings and providing additional dwelling units, their needs are no more significant than property owners who call the Battery Lane Edge District neighborhood our home.

Sincerely, Michael Fetchko Keith Petrack 4977 Battery Lane #915 Bethesda MD 20814 December 11, 2019

To: Casey Anderson, Board Chair Montgomery County Planning Board

From: Dr. and Mrs. Deepchand Bajpai, MD

I am a resident of Stonehall, Unit #600, a property that will be impacted by the proposed Battery Lane Development project. I have some concerns regarding the recent changes to the site plan for Site A which is directly next to me. The items of most concern are:

- 1. Traffic on Battery Lane, including access to our driveway, both in and out
- 2. New building height a significant increase from the first proposal
- 3. Set-back from Battery Lane
- 4. Too narrow of a distance between Stonehall and the proposed Building A

Overall, we are concerned about the recent change to the site plan for Site A (the building next to us) which increases the number of dwelling units by 32 and results in a height increase to 120 feet from 100 feet. We are requesting that the new proposal revert to the numbers in the initial plan. We prefer the new redevelopment fit into and compliment the neighborhood. We think the increased density of the new plan will not align with the vision Bethesda's planners implemented several years ago.

We understand this Battery Lane Development is to be an "Urban Edge" property. Thus, a stepped-down height off Wisconsin Avenue would seem to make the most sense, and allow for preservation of the quiet, residential nature of our neighborhood. We are not opposed to redevelopment, however, the greater the density, the greater the impact on all our concerns.

Sincerely,

Dr. and Mrs. Deepchand Bajpai,

Unit #600 Stonehall

8302 Woodmont Ave.

Bethesda, MD 20914



ATTACHMENT C Ginanne M. Italiano, IOM, President & CEO The Greater Bethesda Chamber of Commerce 7910 Woodmont Avenue, Suite 1204 Bethesda, MD 20814 T (301) 652-4900 F (301) 657-1973 gitaliano@greaterbethesdachamber.org www.greaterbethesdachamber.org

December 10, 2019

Casey Anderson, Chairman and Commissioners of the Montgomery County Planning Board Maryland-National Capital Park and Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910

Re: Battery District Sketch Plan 320190080 Preliminary Plan 120190240

Dear Chairman Anderson and Commissioners:

The Greater Bethesda Chamber of Commerce represents more than 550 businesses located throughout the Greater Bethesda area and beyond. Our members form the core of the Greater Bethesda business community. Our mission is to build an environment that encourages business to grow and prosper within a thriving Greater Bethesda community.

One of our guiding principles is that our region should remain on the cutting edge of environmental awareness, transportation opportunities, and community development through novel and innovative partnerships and approaches. Consistent with this principle, we urge the Montgomery County Planning Board to approve the Battery District Sketch Plan and Preliminary Plan.

Our member businesses and their employees, along with residents, enjoy being part of an intergenerational, active community. The Battery District project strengthens the connections throughout the Battery Lane neighborhood. We applaud Aldon Properties to set the goal of 20% MPDUs within this housing resource as identified in the Master Plan. Housing, affordable housing is a key economic development resource for Montgomery County.

In particular we are in support of the proposed improvements along the Bethesda Trolley Trail with the public open space that includes a variety of spaces for walking and active programming. We do not support daylighting of an existing storm drain pipe at the expense of usable public open space along the Trolley Trail.

We support the combined bike lanes with the landscaped median on the north side of Battery Lane which allows an additional row of trees to underscore the residential character and vibrancy of this neighborhood. This is a unique opportunity to use the bike lanes to create a distinctive character for Battery Lane.

We look forward to the new development and welcome the new residents in the Battery District project along Battery Lane. We ask for your approval of the Sketch Plan and Preliminary Plan. Thank you for your consideration.

Sincerely,

mainar Michaltano

Ginanne M. Italiano, IOM President & CEO

cc: Grace Bogdan, Planner MNCPPC Dan Rigaux, Brown Development

Email	
Bat	tery District
Email From	anid Zimbler
То	MCP-Chair MCP-Chair>; MCP-Chair #; mcp-chair@mncppc-mc.org; MCP-Chair@mncppc-mc.org;
Cc	<pre>ezimbler@gmail.com</pre>
Subject	Battery District

Date Sent

Date Received

12/10/2019 5:27 PM

To: Casey Anderson, Chair.

After reviewing the development plan for the Battery District, we are extremely concerned about the impact on this area. Aldon is talking about almost quadrupling the number of people in this small area. As it is, there is much congestion on the roads in the morning and evening during the rush hours. We would like an independent traffic study projection . We would also request a school study projection to see what the impact on the school system of this tremendous increase in people living in this area would produce There is also the question of parking. The one garage in the area will obviously not be able to handle the increased number of cars that this increase in apartments will bring .

As an abutter (8302 Woodmont Ave.) to their reconstruction, we are especially alarmed at the plans for their new building which shows a total disregard for our situation regarding the driveway that we share in the back . It is a very narrow driveway and we only have access to our garage by this road. Their building, at present, has no garage and so no access in this area. However, , their plans for the new building call for their entrance and exit to be on the same driveway that we use, so that all cars from both buildings will be stuck trying to get in and out at the same time. At present, this driveway can be difficult to navigate. With people pulling in and out of the garages from 2 buildings, it will be a nightmare for everyone.We request that they change their plans at this early stage and put their garage entrance and exit on the other side of the building. Evidently, the original plans for Stonehall included a number of guest parking spaces. These spaces were eliminated when the building was constructed so that we have to use the back lane (closest to our building) for parking for anyone servicing the building. We have no where else for them to go. It appears that Aldon is still using the old, invalid plan to show that we do not need to use the back alley for parking, even though this error was pointed out to them. We hope the planning board will take a good look at this complicated issue and help us out.

Sincerely,

Enid and Seymour Zimbler 8302 Woodmont Ave

C - 10

Email

Concerns About Aldon's Ba...

Email From	Stephanie Lowet		
То	<mcp-chair mcp-chair="">; MCP-Chair@mncppc-mc.org</mcp-chair>	🌡 MCP-Chair #; 🧱 mcp	o-chair@mncppc-mc.org; 🏣
Cc			
Subject	Concerns About Aldon's Battery Lane Development Project		
Date Sent		Date Received	12/11/2019 8:48 AM

Dear Chairman Anderson,

We reside in Stonehall, a condo building at the corner of Woodmont Avenue and Battery Lane in Bethesda. Our unit faces Battery Lane, currently a quiet, pleasantly green residential street, so we are very concerned about the potentially overwhelming impact of the proposed Battery Lane Development project. Particularly the recent changes/ expansions to the density of the site plan have us worried about the following:

1. **Increased Traffic** -- It's already tough to turn out of our driveway during most of the day. This massive development will bring increased traffic on Battery Lane, including access to our driveway, both in and out.

2. **Taller building heights** - a significant increase from the first proposal, especially for Building A adjacent to ours.

3. **Insufficient set-back** from Battery Lane, undermining the residential feel of the neighborhood and greatly diminishing the street's greenery of trees and lawns.

4. **Too narrow of a distance between Stonehall and proposed Building A** making it dangerous and difficult for 2-way traffic in and out of the garages.

The recent amendment to the site plan for Building A, next to us, increases the number of dwelling units by 32 and results in a height increase to 120 feet from 100 feet. We would like to suggest that the new proposal revert to the numbers in the initial plan. While we do not oppose a redevelopment plan, we want it to fit into the neighborhood in a balanced way, and believe the proposed increased density is not aligned with the vision Bethesda's planners had implemented some years ago.

We understand the Battery Lane Development aims to create an "Urban Edge" neighborhood bordering on the single family section of Bethesda. Thus, a stepped-down height off Wisconsin Avenue would seem to make the most sense, and allow for preservation of the quiet, residential nature of our area. The greater the density, the greater the impact on all our concerns.

Thank you for your attention to these issues.

Sincerely,

DRAFT

Sierra Club testimony to Planning Board

Re: Battery Lane District

December 12, 2019

Good morning!

I'm Dave Sears, the Land Use Chair of the Montgomery County Sierra Club.

I am here to speak in favor of the proposed Battery Lane District proposal.

Let me explain why Sierra Club enthusiastically endorses the proposal.

Sierra Club's number one priority is addressing climate change.

In Montgomery County, a big piece of the puzzle is reducing Vehicles Miles Traveled per capita.

To reduce VMT, there are a number of transportation actions that need to take place – such as implementing the county's Bicycle Master Plan, and building a county-wide network of Bus Rapid Transit routes. Overall, we need a number of specific transportation investments that will enable more county residents and workers to have a more robust set of safe, efficient, attractive options to get to where they want and need to go – without always hopping in their cars.

But Sierra Club understands another key route to reducing VMT is making smart land use decisions.

Which brings us directly to the proposal in front of you today.

The Battery Lane District proposal will increase the number of housing units in downtown Bethesda – thus giving more folks the opportunity to live in an attractive, mixed use, walkable, transit-served neighborhood. Even better, this proposal will increase the number of affordable housing units in downtown Bethesda.

Upper income folks who live near transit drive less than their counterparts who live farther from transit. The same is true for lower income folks. But also – this is important – lower income folks who live near transit drive less than their upper income neighbors.

So, from a climate perspective, more housing near transit is good; and more affordable housing near transit is especially good!

We note that the county budget is constrained – so that only so much of that budget can go directly toward addressing the affordable housing shortfall – to specific programs such as the Housing Initiative Fund and the Housing Opportunities Commission. Thus, when the private sector can step up to provide affordable housing with no substantial direct impact on the county budget, that's really important.

Success in creating much more affordable housing in Montgomery County, especially in desirable transit-served neighborhoods, will require a multi-pronged approach. The Battery Lane District proposal demonstrates what one of those prongs can be.

To increase quality of life for many county residents, and to help address climate change, Sierra Club urges the Planning Board to approve the submitted proposal.

From:	Ellen Witt
To:	MCP-Chair
Cc:	Bogdan, Grace
Subject:	Battery Lane Redevelopment
Date:	Friday, November 29, 2019 9:50:06 AM

Dear Chairman Casey:

I am a resident and co-owner at the Whitehall Condominium on Battery Lane. This letter is to register my concerns about the Aldon/Brown plans to redevelop five properties on Battery Lane over the next 10 to 15 years.

Aldon/Brown presented their most recent plans to our community on Tuesday, November 19, 2019. The following are my concerns about their plan:

1. Excessive increase in people and cars resulting in potential safety issues and overcrowding of schools. An increase of 1053 dwellings on Battery Lane will result in an additional 2000 – 3000 more people living on Battery Lane. Furthermore, although Aldon/Brown told us they are estimating .67 parking spaces per unit (approximately 706 cars), this number is an underestimate and not realistic as some of these units could be shared by co-dwellers (roommates) who have more than one car. Not only will this increase in people and cars destroy the burden our community from a pedestrian traffic standpoint, but will increase the vehicular traffic to an unsustainable number. We are currently the thoroughfare for emergency vehicles from the BCC-Rescue Squad, and it was not clear from their plans how the emergency vehicles will be able to respond in an efficient and timely manner if traffic is increased and there is no lane for the vehicles to go around ongoing traffic. The developers were not clear whether an increase of 2000-3000 people (which could include families from NIH) would impact the local schools. A school study needs to done and made public.

2. <u>Excessive height on Battery Lane in contradiction to the "tent" like approach to</u> <u>development set out in the original Bethesda Downtown Plan.</u> The original Bethesda Downtown plan called for a tent-like approach to development in Bethesda that would focus the tallest buildings in the center of downtown closer to the Metro, such as the Marriott office and hotel redevelopment, with decreasing heights as one heads further north and south of Downtown Bethesda.

Currently, Aldon/Brown is proposing that the height of two towers on 4949 Battery Lane (Site D); initially at 180'/18 stories, now be reduced to 160'/16 stories. This reduced height is still excessive, is out of context in the middle of Battery Lane, and will loom over the North Building of Whitehall Condominiums and its back yard. As we are considered the outer edge of the Battery Lane Edge District, such heights have no relation to the existing neighborhood. It would be more appropriate to add 4 more stories to their Site C (now only 120'/12 stories), which is backed by four apartment buildings in Bethesda: Palisades and Triangle Towers (both 14 stories) and Gallery I and Gallery II (both 16 stories) in order to reduce the height of buildings at Site D and restore the context of an edge district as described in the original plan.

2.a. Lack of respect for the environmental needs of owners on Battery Lane relative to other Bethesda neighborhoods and need for Aldon to redevelop elsewhere in Bethesda to increase MPDUs. Battery Lane now has five condominium complexes (Whitehall Condominiums, Madison Park Condominiums, Battery Commons, Sussex House, and Stonehall), which together comprise approximately 650-700 owned units. When the rezoning of Bethesda occurred, the east half of Battery Lane, which is clearly and edge district, was rezoned as a Height Incentive Zone which allowed increase in heights in return for Moderately Priced Dwelling Units (MPDUs). This decision was clearly in the interest of the developers and in outright disregard to many pleas and protests by homeowners on Battery Lane in letters, meetings, and visits to Montgomery County Council members to keep our zoning and restrict our heights to no higher than the levels at that time (I believe about 120').

In contrast, the Council decided to cap the heights in South Bethesda where Aldon/Brown has multiple buildings on or around Bradley Blvd in deference to the single-family homeowners in the adjacent neighborhoods in return for an increase in the heights on Battery Lane. The idea was that the increase in MPDUs would occur on Battery Lane through increased building heights at the expense of the wishes and needs of the homeowners on Battery Lane. In my opinion, this is clearly a prejudice, bias and disrespect for homeowners on Battery Lane that we should bear the brunt of excessive development because most of the owned residences are in high-rise buildings and not single-family homes. As it currently stands, the proposed 16 story towers on site D will block the light and views of residents in the North Building of Whitehall, who spent hundreds of thousands of dollars on their units. As far as I'm concerned, the investments and quality of life of unit owners in high-rises are just as important as those in single family homes.

I clearly understand the need for Aldon/Brown to redevelop their properties on Battery Lane, but feel that this should be done in a respectful way with lower building heights that are more in keeping with our edge community and takes into account the needs of homeowners on Battery Lane. I feel that Aldon/Brown should move some of their redevelopment and increase in MPDUs to their old buildings on Bradley Blvd. (which I might add is a four lane road as opposed two a two lane road on Battery Lane) to relieve the burden of increased pedestrian and traffic congestion and reduced quality of life resulting from the excessive building heights currently proposed for Battery Lane.

3. <u>The setbacks of the five proposed buildings needs to be increased</u>. Under their current plans, the setbacks will be reduced on four of five Sites (A, B, C, D), bringing the front of the new buildings much closer to the sidewalks than they are now. Only Site E (4998, across from 4977) will have an equal or slightly greater setback of 30 feet from the sidewalk. In contrast to the current environment where we, as pedestrians, see flowers and trees as we walk along Battery Lane, under the Aldon/Brown Plan we will see brick walls. I think that the setbacks for all the buildings should be maintained at least 25' from the sidewalk.

4. <u>Need for underground utilities poles and wires for entire Battery Lane</u>. It is important to confirm if undergrounding utility poles and wires are part of their plan; without doing so, any

ATTACHMENT C

beautification with trees or sidewalk amenities will be wasted. If so, will the entire Battery Lane get new underground utilities, including will Battery Lane Park's poles and wires? If only the utilities in front of the sites A,B,C, D and E have underground utilities, this will look ridiculous as some utility poles will be above ground and some below.

Sincerely,

Ellen Witt Co-owner Whitehall Condominiums

Aldon development on Batt...

Email From	🏣 Parvati		
То	<mcp-chair mcp-chair="">; MCP-Chair@mncppc-mc.org MCP-Chair@mncppc-mc.org</mcp-chair>	🖁 MCP-Chair #; 🏣 mcp	o-chair@mncppc-mc.org; 🔙
Cc			
Subject	Aldon development on Battery lane in B	ethesda	
Date Sent		Date Received	12/5/2019 9:12 PM

I'm writing to provide my perspective as a homeowner in the battery lane area about the proposed development by Aldon. I am very opposed to the idea of adding so many high rise buildings in that area.

These will add to the traffic, congestion and parking problems in that area and reduce the quality of life for existing residents. Bringing in 2000 or more people from 1053 new housing units will add to the problems that have already occurred with too many buildings being built in downtown Bethesda. In addition the pressure on the green spaces, schools and public facilities in the area is already quite stretched, Thanks,

Parvati

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Aldon project

Email From	Nicholas Mazzeo	
То	MCP-Chair MCP-Chair>; & MCP-Chair #; mcp-chair@mncppc-mc.org; MCP-Chair@mncppc-mc.org	1
Cc		
Subject	Aldon project	
Date Sent	Date Received 12/9/2019 4:52 PM	

Dear Planning Board,

I reside at Stonehall Condominium on the corner of Woodmont Ave and Battery Lane. I have several concerns regarding the proposed sketch plan for the Aldon project.

1. Has a traffic study and or plan been done? It is my understanding that over the 10 year time frame of this project that an increase of over 500 dwelling units will be added and this would seem to cause traffic issues to an already busy traffic pattern on Battery Lane.

2. The building labeled site A has been modified to increase its height and therefore it's dwelling units. What was the reason for this building height augmentation?

3. Stonehall Condominium, another resident/ business building (formerly known as the NIH Children's Inn) and the existing building on Site A share a common alleyway. This alleyway is the only road to access parking for all 3 buildings. The existing building on Site A has a parking lot behind their building also accessed by the common alleyway road. The proposed sketch plan for Site A will remove the exiting parking lot and have underground parking that will be accessed by the alleyway. Unfortunately the sketch plan does not allow for adequate traffic flow for these 3 buildings in the alleyway because the proposed loading dock for Site A is too close to the entrance of the other 2 building garage entrances. Additionally the proposed sketch plan for Site A has its garage entrances almost directly across Stonehall garage entrances making this an awkward traffic pattern if cars were entering or exiting at the same time. I am requesting the Site A building be moved as far to the west of the property lot as mandated by code to allow for a wider shared alleyway road to accommodate the new traffic flow to this already narrow alleyway road. The alleyway road is a place for trash removal truck access, tradesmen to park when servicing Stonehall Condominium residents as well as an area for moving trucks to park.

Thanks for your consideration, Nick Mazzeo

Attachments

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Aldon Redevelopment on B...

Email		
From	Jaybird45	
То	ACP-Chair MCP-Chair>; Sector Grace Bogdan; Grace.Bogdan@montgomeryplanning.org; ACMC MCP-Chair@mncppc-mc.org	
Cc		
Subject	Aldon Redevelopment on Battery Lane	
Date Sent	Date Received	12/6/2019 9:49 AM

I am writing to voice my concern over the density of the proposed redevelopment along Battery Lane. I have lived at the Whitehall Condominium since the 1990's and now rent out my condo. Whitehall and all of Battery Lane is a special place in a busy area of Bethesda. I believe that the redevelopment of the Aldon property is needed but I do not believe that the current proposal is a not net positive to its immediate neighbors (i.e. Whitehall) and to the broader community. Here are my concerns:

1. Density - Currntly there are 477 units with plans to increase to 1530 units. This is a tripling of the amount of units with no increase in traffic capacity. Increased delays and reduced safety due to lack of adequate turn lanes need to be addressed.

Driveway Spacing - There needs to be adequate spacing between the Whitehall east driveway and access to Site D or this could create safety issues, as vehicles exiting both properties could create conflicts. The current plan shows Site D's driveway adjacent to the Whitehall property line this is too close for a high volume driveway. Closely spaced driveways are not an issue today, but with the increase in density, this will be a major concern from a safety perspective. Proper driveway spacing is needed to provide vehicle and pedestrian safety.
 Lack of Turn Lane - Given the density of Site D and only a single lane in each direction along Battey Lane, I am concerned that left turning vehicles into Site D will create traffic issues along Battery Lane. This will not just impact vehicles but also create issues for transit and pedestrians.

4. Building Height - The current proposal is for 16 stories adjacent to Whitehall property with no buffer area. I believe that the height should be consistent with the existing Whitehall Buildings.

5. Parking - I am concerned that Aldon is not providing adequate parking. Since there properties are not within 1,000 feet of a Metro enterance and the proposal is to remove on-street parking, there needs to be adequate on-site parking that is convient to each building. The Montgomery County Zoning Oridance requires a minimum of 1.25 to 1.5 spaces per unit with credits for MPDU. The parking spaces need to adjacent to each building and should be underground where viable from an engineering perspective (cost should not be the concern of a properly planned community). Parking garages where allowed should be limited in height to 2 stories to be consistent with the character of the neighboorhood.

6. Pedestrian crossing of Battery Lane - There is currently a mid-block crossing of Battery Lane adjacent to the Whitehall. The concept plan for Site D shows their driveway right where is is located. This needs to be relocated in a location that does not impact residents along Battery Lane.

7. Concerns with cycle track - Given the number of existing driveways along Battery Lane - I am concerned with the viability of a cycle track on Battery Lane. Alta Planning states that "To minimize conflicts associates with motor vehicles crossing the cycle track, such facilities are more appropriate to areas which have longer block lenghts and fewer driveways..." (Cycle Tracks: Lessons Learned, Alta Planning + Design, 2/4/2009) 8. MPDU units - these units need to be integrated into each of the buildings and not sperated from market rate units.

9. Condo vs Rental Apartment - While I do not know what a good mix is, but there should be some committment to having both. Having long term owners who care about the community is key to long term success of the corridor.

If this concerned are addressed I would be supportive of the project. With a lower density, proper driveway spacing for Site D, reduced building height for Site D, use of parking garges for most of the parking, adequate amounts of off-site parking and a plan to address pedestrians and bicycle safety along Battery Lane I would be supportive of the project.

Thanks Jay Bockisch

Property Owner, Unit 807N and P2-11 Whitehall Condominimum

C - 19

Aldon Redevelopment on B...

То	📰 eicl@aol.com 🖻 <mcp-chair mcp-chair="">; 🛔 MCP-Chair@mncppc-mc.org</mcp-chair>	MCP-Chair #; 国 mcp-	chair@mncppc-mc.org; 🏣
Subject A	Aldon Redevelopment on Battery Lane		
Date Sent Hello,		Date Received	12/6/2019 12:52 PM

As a resident/unit owner at the Whitehall condominium, I feel strongly about the following aspects of this redevelopment and I would like to urge you, the Planning Board and staff, to consider our concerns:

1. Height of two towers on 4949 (Site D); initially at 180'/18 stories, now reduced to 160'/16 stories. The reduced height is still excessive and out of context in the middle of Battery Lane and will loom over the North Building and its back yard. As the outer edge of the Battery Lane Edge District, such heights have no relation to the existing neighborhood.

2. Placement of the single driveway for 4949/Site D on the west side of that property abutting our 4977 property, which will carry all vehicle traffic including residents, deliveries, garbage/recycling, and contractors. They provide no details at this time about how the driveway will be separated from our property or how the increase in traffic will affect our quality of living.

3. Reduced setbacks on four of five Sites (A, B, C, D), bringing the front of the new buildings much closer to the sidewalks than they are now.

4. An increase of 1053 new dwelling units on Battery Lane may result in 2000 or more people living on Battery Lane with resulting increase in vehicle traffic. Can our neighborhood sustain such increases?

5. Confirm if undergrounding utility poles and wires on ALL of Battery Lane is part of their plan.

Thank you for your time and attention! C - 20 https://mncppc.crm.dynamics.com/ forms/print/print.aspx?objectType=4202&id=%7b26D74817-5118-EA11-A813-000D3A3788D7%7d&title=Email%3... 1/2

Aldon Redevelopment Pla...

Email From	Marcy Shapiro		
То	<mcp-chair mcp-chair="">; MCP-Chair@mncppc-mc.org</mcp-chair>	🌡 MCP-Chair #; 🥅 mc	p-chair@mncppc-mc.org; 🏣
Cc	🕹 Grace Bogdan; 🏣 Grace.Bo	ogdan@montgomerypla	inning.org
Subject	Aldon Redevelopment Plan for Battery	Lane	
Date Sent		Date Received	12/11/2019 4:50 PM

Dear Montgomery Country Planning Board members:

Please indulge me while I express a few observations and concerns regarding the redevelopment plan put forth by Brown Development and Aldon Management. This plan was presented to Whitelhall owners and residents in July, 2019 and again in October, 2019. Their plan will include 5 buildings, approximately 1,530 apartment units, bike lanes on Battery Lane alongside vehicular lanes, green space, and other amenities including sidewalks street lighting, etc.

Whitehall has been my home since February, 1982. Since that time I've seen many changes in this area, most of which have enhanced our quality of living here. Once the Bethesda Metro station opened in 1984, I rode it to work daily, walking to the station (about a mile each way) through Battery Lane Park, a walk that gave me an opportunity to see the changes to the area firsthand. Bethesda Urban Partnership, founded in 1994, promotes and markets downtown Bethesda and connects our community in many important ways. Finally, as a result of the Base Realignment and Closure, started in 2005, Walter Reed and the Naval Medical Center combined forces into one military hospital in 2011. At least 6 new apartment buildings went up between 2011 and 2017, on the streets surrounding Battery Lane, to accommodate the demand for housing by people working at Walter Reed and NIH who wanted to live close to their work. Many of them walk to work. All of these events attracted businesses to Bethesda, particularly restaurants and small businesses, adding to the charm and desirability of the area. At the same time, we've experienced a wonderful increase in the diversity of the population that lives here.

When the District of Columbia restricted the height of new buildings, Wisconsin Avenue became the location of choice for higher rise buildings. The residential areas surrounding downtown Bethesda, including Battery Lane, were largely left alone. Now, however, Aldon and Brown are proposing to make Battery Lane into a district that may diminish the quality of our life here.

My concern centers around the plan to raze 5 current low rise buildings, and build 12-16 story dwellings in their place. The current number of dwellings among the 5 buildings is approximately 477 units. That number, according to the plan, will increase to approximately 1530 units (a more than 300% increase), a percentage of which will be moderately price dwelling units. In an effort to promote walking and biking, Aldon is providing only 1025 parking spaces to rent among all the proposed buildings, and removing on street parking. In my opinion, this won't deter people from driving and they'll look for other garages nearby to park their car(s).

What I also believe <u>will</u> happen is an exponential increase in traffic on a street that is no more than 1/2 mile long, hindering our ability to turn from our own parking lot onto Battery Lane, impeding bus schedules (The Circulator, Ride On and Metrobus all have stops on Battery Lane), and resulting in long waits and backups at the traffic lights at Woodmont Avenue, Old GeorgetownRoad, and Wisconsin Avenue. Traffic on Battery Lane is already exceptionally heavy; the prospect of thousands more cars on this small street would be a nightmare. Another issue, which could have tragic consequences, would be a delay in response time from the Bethesda Chevy Chase Rescue Squad if the street is so congested that their emergency vehicles can't get thru.

In addition, a large increase in the number of residents in such a condensed area will create a feeling more like a barracks than a connected community. The higher buildings will block the view of certain residents. The construction noise during each phase of the plan will be disruptive and painful, especially for people with noise sensitivity, not to mention affecting the condition of the street from construction vehicles on site.

While Aldon and Brown's plans had some positive features, some of which could benefit the neighborhood, it seems to me that they are best developed and implemented in a larger and more metropolitan area that can sustain such increases in population and traffic.

I urge the Board members to consider the larger picture, and the negative impact this plan will have on the residents of this small community.

Thank you for your kind attention.

Sincerely, Marcine Shapiro

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Aldon/Brown redevelopmen...

Email	
From	Jane Updegrove
	MCP-Chair MCP-Chair>; S Grace Bogdan; S Grace.Bogdan@montgomeryplanning.org; MCP-Chair #; MCP-chair@mncppc-mc.org; MCP-Chair@mncppc-mc.org
Cc	
Subject	Aldon/Brown redevelopment of Battery Ln
Date Sent	Date Received 12/4/2019 10:06 PM

To the Planning Board and whomever else may be concerned:

I am writing to express my concerns with the Aldon/Brown redevelopment plans for their properties on Battery Lane. My husband and I have lived in Whitehall Condominiums for the past 3 years and have been so happy to call this neighborhood home. Unfortunately, the redevelopment plans by Aldon/Brown threaten to destroy what we love so much about the Battery Ln neighborhood. For us, Battery Lane is a peaceful calm in the ever increasingly congested and dense downtown of Bethesda. The current buildings are modestly sized, allowing plenty of sunlight into the neighborhood, and are set back from the road, allowing residents tiny bits of precious green space. The proposed buildings in the redevelopment plans are pushed up near the sidewalk, creating a crammed environment, and are excessively tall, casting the neighborhood into shadows. These proposed buildings are completely out of context and character of Battery Ln and would be more appropriate downtown. Finally, these proposed buildings would bring an insane amount of extra people and traffic into this quiet neighborhood. Just the sheer impact of an additional thousand cars on our little street is enough to completely transform our calm neighborhood into an environment more akin to downtown DC than a suburb.

These days, my blood pressure goes up whenever I have to drive around Bethesda- the congested traffic, the lane closures around construction sites, and the lack of parking (and this is just trying to get to Trader Joes once a week!). However, whenever I turn onto Battery Ln, I breathe deep and say to myself that I'm home, and somehow the chaos seems worth it in light of the haven we have here. There are many others in this community that feel the same way, so I hope when you're reviewing Aldon/Brown's revelopment plans that you remember this is our home, our community, and our neighborhood at stake.

Sincerely,

Jane and Taylor Updegrove 4977 Battery Ln Bethesda, MD 20814

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Battery Lane development - ...

Email From	Resto Treves
То	 MCP-Chair MCP-Chair>; E Fani-Gonzalez, Natali; Gerald Cichy; Grace Bogdan; Grace.Bogdan@montgomeryplanning.org; MCP-Chair #; MCP-Chair@mncppc-mc.org; MCP-Chair@mncppc-mc.org; Partap MCP-Chair@mncppc-mc.org; Partap Verma; Chair@mncppc-mc.org
Cc	
Subject	Battery Lane development - agreements and disagreements.
Date Sent	Date Received 12/3/2019 4:04 PM

Dear Casey Anderson, Natali Fani-Gonzalez, Gerard Cichy, Tina Patterson, Partap Verma and Grace Bogdan:

I am long-time resident on Battery Lane. I moved here from California to work for DC Public Schools, but decided to make my home in Montgomery County. Specifically, my wife and I liked to "frontier" feeling of the area as a buffer between downtown Bethesda with all the high rises and the more residential single-family neighborhood, just next door to us. We would like to make sure that the initial environmental conditions and qualities that originally made this place attractive to us, will be maintained with the support of the County staff and elected officials.

Regarding the proposed re-development for Battery Lane, I support:

- The improvement of the appearance of the old and poorly maintained brick buildings on Battery Lane.

- Having 2 continuous bike lanes (one going and another one coming) from Old Georgetown to Wisconsin. As long as, no street parking spaces are eliminated.

I disapprove:

- The proposed reduction to the setbacks as they are no benefit to our community or the environment. They should remain as they are now.

- The elimination of street parking spaces. We need each of them and hopefully, we may need more.

- The creation of a median with threes. Two painted yellow lines is more than enough. We don't need more cement and trees can be planted somewhere else.

- The creation of additional recreation space, unless there is a firm, long term commitment from the developer to properly clean it, and to maintain it. Just be aware that Aldon has a very

bad record in regards to maintaining their properties. I would prefer all green areas to remain green. Too much cement is bad for the environment.

- The use of any County money to support the developer plans.

- The continuation of the project until a proper traffic study is conducted, discussed with the community and approved by the County on community agreed-upon approval criteria.

Please let me know how my observations will be taken into consideration.

Thank you, Alberto

Alberto Treves 4977 Battery Lane # 808 Bethesda, MD 20814 Battery Lane resident since 2001

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Battery Lane Development

Email			
From	Phyllis Rosenthal		
То	MCP-Chair MCP-Chair>; Grace Bogdan; Grace.Bogdan@montgomeryplanning.org; MCP-Chair #; mc.org; MCP-Chair@mncppc-mc.org		
Cc			
Subject	Battery Lane Development		
Date Sent	Date Received 12/5/2019 2:13 PM		
December 5,2019			
Dear Mr. Anderson and Ms. Bogdan,			
Around forty years ago, when Whitehall Apartments "went condo", my husband and I bought an apartment for our future retirement. We loved the location, the beautiful trees, the set-back from the street and the size of building. Five years ago we were delighted to move into our apartment. It has been everything we had hoped it would be.			
We and several of our neighbors have been looking forward to aging in place here and have had representatives from "The Villages" here to give us ideas on how to move forward when the timing is right. We have felt the proximity to good doctors, the best hospitals, ideal public transportation, well located shopping, LOW TRAFFIC and SECURITY would help us achieve our goals. The information that we have received regarding plans to redevelop Battery Lane has caused us a great deal of concern.			
We feel that adding 3,000 more residents to our street would compromise our safety, security, our ability to safely cross the street and the added traffic could cause a change in the bus services which are our main means of transportation.			
We feel the design of the redevelopment is esthetically unappealing, with huge, monolith-like structures hovering over small buildings. There doesn't seem to be any real plan, other than building out as many units as will fit into the space.			
We realize that the job of builders is build as many "doors" as possible to create revenue and that the job of local politics is to accept as many tax-producing projects as possible to also create revenue. We do want you to consider where you are planning this redevelopment and the impact it will have on the entire community.			
Before moving to Whitehall, we lived in Bradley Hills. I drove down Bradley Boulevard everyday to my office in the Air			
Rights Building. Each day I passed the red brick Aldon-owned buildings, set back from the street and facing onto four traffic lanes. These buildings are located between the densely populated high rises of Bethesda and the commercial area of Chevy Chase. An ideal location for redevelopment.			
To my knowledge, there is no other area in close-in Bethesda that will safely allow its senior residents (my husband and I are in our 80s) to safely age in place. Please do not destroy this area.			
Thank you for taking the time to read my correspondence.			
, <u> </u>			

Sincerely, **Phyllis Rosenthal** 4977 Battery Lane #615N

Re: Updated Email - Please ...

Email			
From	Jaybird45		
То	👗 Grace Bogdan; 🔚 Grace.Bogdan@montgomeryplanning.org		
Cc			
Subject	Re: Updated Email - Please Disregard My Previous Email		
Date Sent	Date Received	12/6/2019 2:32 PM	

I would like to also add an additional comment about the cycle track (my comment #7). I am concerned with the proposed two-way cycle track. Currently, Battery Lane has a bike lane on each side of the road. When combining them together and installing a two-way cycle track, this creates safety issues at driveways for the "wrong way" cyclist. Motorists pulling out of a driveway and making a right will typically focus on looking to their left to make sure they have an adequate gap to turn out. With the two-way cycle track, motorists will have to make sure a bicycle is not coming from their right before pulling out. This is not something that a motorist naturally does. Denmark has moved away from this type of design due to the inherent safety issues (see http://www.copenhagenize.com/2014/06/explaining-bi-directional-cycle-track.html)

On Fri, Dec 6, 2019 at 10:28 AM Bogdan, Grace <grace.bogdan@montgomeryplanning.org> wrote:

Thank you for your comments. This latest email will be provided to the Planning Board for the December 12, 2019 Hearing.

From: Jaybird45 <jaybird45@gmail.com> Sent: Friday, December 6, 2019 10:00 AM To: MCP-Chair <mcp-chair@mncppc-mc.org>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org> Subject: Updated Email - Please Disregard My Previous Email

I apologize, I sent you my unedited/corrected email, please read this email:

I am writing to voice my concern over the density of the proposed redevelopment along Battery Lane. I have lived at the Whitehall Condominium since the 1990's and now rent out my condo. Whitehall and all of Battery Lane is a special place in a busy area of Bethesda. I believe that the redevelopment of the Aldon property is needed but I do not believe that the current proposal is a net positive to its immediate neighbors (i.e. Whitehall) and to the broader community. Here are my concerns:

1. Density - Currently there are 477 units with plans to increase to 1530 units. This is a tripling of the number of units with no increase in traffic capacity. Increased delays and reduced safety due to lack of adequate turn lanes need to be addressed.

2. Driveway Spacing - There needs to be adequate spacing between the Whitehall east driveway and access to Site D or this could create safety issues, as vehicles exiting both properties could create conflicts. The current plan shows Site D's driveway adjacent to the Whitehall property line this is too close for a high-volume driveway. Closely spaced

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driveways are not an issue today, but with the increase in density, this will be a major concern from a safety perspective. Proper driveway spacing is needed to provide vehicle and pedestrian safety.

3. Lack of Turn Lane - Given the density of Site D and only a single lane in each direction along Battey Lane, I am concerned that left turning vehicles into Site D will create traffic issues along Battery Lane. This will not just impact vehicles but also create issues for transit and pedestrians.

4. Building Height - The current proposal is for 16 stories adjacent to Whitehall property with no buffer area. I believe that the height should be consistent with the existing Whitehall Buildings.

5. Parking - I am concerned that Aldon is not providing adequate parking. Since there properties are not within 1,000 feet of a Metro entrance and the proposal is to remove onstreet parking, there needs to be adequate on-site parking that is convenient to each building. The Montgomery County Zoning Ordinance requires a minimum of 1.25 to 1.5 spaces per unit with credits for MPDU. The parking spaces need to adjacent to each building and should be underground where viable from an engineering perspective (cost should not be the concern of a properly planned community). Parking garages where allowed should be limited in height to 2 stories to be consistent with the character of the neighborhood.

6. Pedestrian crossing of Battery Lane - There is currently a mid-block crossing of Battery Lane adjacent to the Whitehall. The concept plan for Site D shows their driveway right where is located. This needs to be relocated in a location that does not impact residents along Battery Lane.

7. Concerns with cycle track - Given the number of existing driveways along Battery Lane - I am concerned with the viability of a cycle track on Battery Lane. Alta Planning states that "To minimize conflicts associates with motor vehicles crossing the cycle track, such facilities are more appropriate to areas which have longer block lengths and fewer driveways..." (Cycle Tracks: Lessons Learned, Alta Planning + Design, 2/4/2009)

8. MPDU units - these units need to be integrated into each of the buildings and not separated from market rate units.

9. Condo vs Rental Apartment - While I do not know what a good mix is, but there should be some commitment to having both. Having long term owners who care about the community is key to long term success of the corridor.

If this concerned are addressed, I would be supportive of the project. With a lower density, proper driveway spacing for Site D, reduced building height for Site D, use of parking garages for most of the parking, adequate amounts of off-site parking and a plan to address pedestrians and bicycle safety along Battery Lane I would be supportive of the project.

Thanks

Jay Bockisch

Property Owner, Unit 807N and P2-11 Whitehall Condominium

Attachments

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File Size (Bytes)

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