



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

MCPB No. 22-004  
Sketch Plan No. 320220040  
4901 Battery Lane  
Date of Hearing: January 6, 2022

**FEB 03 2022**

**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 October 6, 2021, WC Smith Development (“Applicant”) filed an application for approval of a sketch plan for up to 420,528 square feet of residential density for a multifamily development with 15% MPDUs, including up to 281,865 square feet of BOZ density, on 2.12 acres of CR-1.5 C-0.5 R-1.5 H-120’ and Bethesda Overlay Zone (“BOZ”) zoned-land, located on Battery Lane approximately 450 feet west of 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. 320220040, 4901 Battery Lane (“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 23, 2021, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on January 6, 2022, 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

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Approved as to  
Legal Sufficiency: /s/ **Emily Vaias**  
M-NCPPC Legal Department

WHEREAS, on January 6, 2022 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Cichy, with a vote of 5-0; Chair Anderson and Commissioners Cichy, Patterson, Rubin and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320220040, 4901 Battery Lane, for up to 420,528 square feet of residential density for a multifamily development with 15% MPDUs, including up to 281,865 square feet of BOZ density on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

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

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

All other elements are illustrative.

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

1. Density

The Sketch Plan is limited to a maximum of 420,528 total square feet of residential development, including 15% MPDUs, and up to 281,865 square feet of Bethesda Overlay Zone ("BOZ") Density. The maximum number of dwelling units will be determined at Site Plan.

2. Height

The development is limited to a maximum average building height of 120 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. Incentive Density

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<sup>1</sup> 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.

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Diversity of uses and activities, achieved by providing enhanced accessibility for the disabled;
- b) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and two through-block connections;
- c) Quality of Building and Site Design, achieved through architectural elevations, exceptional design, structured parking, and tower stepback; and
- d) Protection and Enhancement of the Natural Environment, achieved through the purchase of building lot terminations, cool roof, and energy conservation.

4. Park Impact Payment

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

5. Streetscape

- a) The Applicant must install the Bethesda Streetscape Standard along the entire Site Frontage, including the undergrounding of utilities, as modified to accommodate any bus stop required by MCDOT.
- b) The Applicant must provide a double row of trees along the Battery Lane Site frontage, as shown in the Sketch Plan, unless a PUE or bus stop is required by MCDOT.
- c) The Applicant must provide a 7-foot minimum wide sidewalk and a 7-foot minimum wide tree buffer along the Battery Lane Site frontage.

6. Through Block Connection

The Applicant will design and construct two of the master-planned pedestrian connections envisioned for the Battery Lane District: one along the east side of the Site and one along the north (rear) of the Site. The east side connection shall be a minimum of 8 feet in width and the northern connection shall be a minimum of 10 feet in width, with the paving material to be finalized at Site Plan. Both connections will be ADA accessible.

7. Green Cover

At the time of Site Plan, the Applicant must provide on-site a minimum 35% of the site area 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*.

8. Bethesda Downtown Plan Design Guidelines

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

- a) Comments have been addressed from the Design Advisory Panel as specified in their September 22, 2021 meeting minutes; and
- 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.

9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated November 30, 2021, 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 MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

10. Future Coordination for Preliminary and Site Plan

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 Plan, as appropriate:

- a) Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- b) SWM concept approval which also addresses the recommendations of the Bethesda Downtown Sector Plan Water Quality Section (2.4.2.B);
- c) Address Bird-Safe Design per the *Bethesda Downtown Sector Plan Design Guidelines*;
- d) At the time of Preliminary Plan provide a noise analysis and/or request a waiver per Section 2.2.2 of the *1983 Noise Guidelines* for the residential use;
- e) At the time of Preliminary Plan, the Applicant will be required to dedicate an additional 10 feet of right-of-way from the centerline of Battery Lane to comply with the master-planned ROW total width of 70 feet;
- f) The Applicant will include a detailed cross section for the total width of Battery Lane along the Site frontage at the time of Preliminary Plan;
- g) Submit truck-turning templates with the Site Plan.
- h) At the time of Site Plan, refine the streetscape improvements along the Site frontage on Battery Lane, in compliance with the *2017 Bethesda Downtown Streetscape Design Guidelines*; and
- i) Draft a Level 3 Results Transportation Demand Management Plan, per Section 42-A-25(b)(3) of County Code.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations 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. Meet the objectives, general requirements, and standards of this Chapter;***

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

*Table 1 – 4901 Battery Lane Sketch Plan Data Table*

Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area	n/a	92,442 sf (2.12 acres)
	Prior Dedication	n/a	5,316 sf (0.122 acres)
	Proposed Dedication	n/a	2,136 sf (0.049)
	Site Area	n/a	84,990 sf (1.95 acres)
	Mapped Density CR-1.5 C-0.5 R-1.5 H-120 Residential (GFA/FAR)	138,663 sf (1.5)	138,663 sf (1.5)
	Commercial (GFA/FAR)	46,221 sf (0.5)	0
	Total Mapped Density (GFA/FAR)	138,663 sf (1.5)	138,663 sf(1.5)
	BOZ Density	n/a	281,865 sf
	Total GFA/FAR		420,528 sf (4.55)
	MPDU requirement	15%	15%
	Building Height, max average	120 ft	120 ft
	Public Open Space (min s.f.)	0	0

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

**Bethesda Downtown Sector Plan**

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

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



4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is located within the Battery Lane District and is designated as site 6 on page 129 of the Sector Plan which recommends rezoning the Site to CR to promote enhanced redevelopment opportunities to foster a quality mix of housing options. This Battery Lane 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 current garden style apartments on the Property have no regulated affordable housing units. The Project will provide 15% of the total proposed 399 units as MPDUs, which would result in 60 affordable units.

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

The Proposal will provide a variety of unit types ranging from studios to 2 bedroom with den units. Additionally, the Applicant proposes to provide 9 Type A enhanced accessible units.

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

The Project proposes to improve the frontage with new streetscape elements consistent with the *Bethesda Design Guidelines* and the enhanced framework established by the Battery Lane District Sketch and Preliminary Plan. Additionally, the Project will provide two Sector -Planned through block connections, a north/south pedestrian connection will contribute to the overall framework and District goals to allow pedestrian access through the large blocks to the south. The east/west pedestrian connection will contribute to a network that will ultimately provide access from Woodmont Avenue to the east to the Bethesda Trolley Trail to the west.

- *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.*

The Project will achieve the Sector Planned goal of 35% green cover through a combination of green roof, tree canopy, and various bioretention plantings.

### **Environmental Recommendations**

Battery Lane is identified in the Sector Plan as a Canopy Corridor. Canopy Corridor designations are intended to create green corridors that connect parks, trails, stream buffers, and denser forest networks beyond the Bethesda boundaries. The corridors also align with recommended bike and pedestrian priority streets where tree canopy becomes a crucial element to enhance shade and comfort while also providing an ecological benefit. In aligning the proposed development with these goals, the Applicant proposes improvements to the Battery Lane streetscape as well as a segment of the planned east-west through block connection that will eventually connect through to the expanded neighborhood green of Battery Lane Urban Park. Both the streetscape and the through block connection will improve the pedestrian experience and connect the greater Battery District neighborhood to the Bethesda Trolley Trail. Along the site frontage, the current proposal includes a 7-foot-wide sidewalk buffered on both sides by trees. The pedestrian realm is further enhanced by the inclusion of a 25-foot building setback from the curb. The Property also has access to the existing bike lanes along Battery Lane and the proposed cycle track to be re-built to the south side of Battery Lane.

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

The Proposal will replace two three-story garden apartments with associated surface parking with a new multifamily building with a variety of unit types and 15% MPDUs, structured parking, and consolidated access.

***c) Encourage development that integrated 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 Proposal will provide a range of unit types from studios to two bedroom with den units. The Applicant proposes to provide 9 Type A enhanced accessible units as well. The consolidated access point will locate loading, garage access, and pickup/drop off areas internal to the Site, eliminating any parking between the building and the street. The Proposal will also provide two public, bicycle and pedestrian only, through block connections within the Site, contributing to a District wide goal of improving nonvehicular mobility options.

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



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

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

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

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

The Project will provide the required 100 public benefit points from a minimum of 4 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.

***2. Substantially conforms to the recommendations of the applicable master plan:***

As discussed in Finding 1.a above, the Project substantially conforms to the recommendation of the *2017 Bethesda Downtown Sector Plan*. The Proposal will redevelop the 3 story garden apartments and associated surface parking with a new multifamily building with 15% MPDUs and two Sector-Planned through block connections.

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

The Sketch Plan is not subject to a development plan or schematic development plan.

***4. Under Section 7.7.1. B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;***

The Property's zone is not a result of a local map amendment.

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

The Proposal will achieve compatible relationships with existing and pending nearby development. The proposed building will be of a similar height to the neighboring Property to the east which is approximately ten stories in height. The approved Battery Lane District Sketch and Preliminary Plan will redevelop 5 properties in proximity to this Site with a similar maximum building height. The creation of two through block connections will ultimately improve District wide nonvehicular mobility options.

***6. Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;***

As proposed, circulation, parking, and loading is safe adequate and efficient. The existing two curb cuts on the Site will be consolidated into one that can serve pick-up and drop-off, short-term deliveries, on-site loading, trash collection and access to and from the proposed parking garage. The Applicant proposes 322 spaces within the parking garage which is between the minimum and maximum required by the Zoning Code. The final number of parking spaces will be determined at the time of Site Plan. Pedestrian travel will be further enhanced by installation of the Bethesda Streetscape on the Battery Lane frontage, and by implementation of the two master-planned public bicycle and pedestrian connections along the east and north (rear) sides of the Site. The Project will provide long term bicycle parking internal to the parking garage, the design and final placement will be finalized at the time of Site Plan.

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

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the *CR Incentive Density Implementation Guidelines*, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below. For the proposed development, the Zoning Ordinance requires 100 points in 4 categories. The Applicant proposes to exceed the 100 point requirement utilizing 4 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.

*Table 2: Public Benefit Calculations*

Public Benefits	Incentive Density	
	Max Allowed	Requested
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking	20	8
Through Block Connection	30	20
<b>59.4.7.3D: Diversity of Uses and Activities</b>		
Enhanced Accessibility	20	7
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Architectural Elevations	20	15
Exceptional Design	30	15
Structured Parking	20	20
Tower Stepback	20	20
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations (BLT)	30	7
Cool Roof	15	5
Energy Conservation	25	5
<b>TOTAL</b>		<b>122</b>

### Connectivity and Mobility

#### **Minimum Parking**

The Applicant requests 8 point 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 numbers of spaces on-site. The Board supports the subcategory at this time.

#### **Through Block Connection**

The Applicant requests 20 point for providing two Sector-Planned through block connections. Through block connection are intended to create safe and attractive bicycle and pedestrian only connections between streets. The proposed north/south connection will provide pedestrians access from Battery Lane to the rear east/west through block connection, which will ultimately connect pedestrians from Woodmont Avenue to the east through the rear of several properties on the north side of Battery Lane to the Bethesda Trolley Trail to the west. The Bethesda Design Advisory Panel provided comments on further development of the proposed connections hardscape and design elements to be further reviewed at the time of Site Plan. The Board supports the subcategory at this time.

## **Diversity of Uses and Activities**

### **Enhanced Accessibility**

The Applicant requests 7 points for exceeding the requirements for the Americans with Disabilities Act (ADA). The Applicant proposes to construct 9 units that satisfy the American National Standards Institute A117.1 Residential Type A standards, or a County equivalent. The Board supports the subcategory at this time with final calculation to be determined at the time of Site Plan.

## **Quality of Building and Site Design**

### **Architectural Elevations**

The Applicant requests 15 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the applicable Sector Plan and implementing design guidelines. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. The Board supports the subcategory at this time with further details and refinement to be provided at the time of Site Plan.

### **Exceptional Design**

The Applicant requested 15 points for exceptional design and the Design Advisory Panel (DAP) voted in support that the Project was on track to receive a minimum 10 points at their September 22, 2021 meeting with the following comments:

- Strengthen relationship of the rear of the building with the proposed east/west connection at the northern portion of the Property.
- Provide consistent pavement material and design pedestrian connections recognizable as the public realm not private pathways.
- Further identify style of the building with a base, middle, and top that clearly relate to one another.

The Board supports the subcategory at this time, with final review at Site Plan.

### **Structured Parking**

The Applicant requests 20 points for providing structured parking. The Board supports the subcategory at this time.

### **Tower Stepback**

The Applicant requests 20 points for providing a tower stepback. The *Bethesda Implementation Guidelines* state 10 points can be granted for projects that step back a

minimum 6 feet behind the first-floor façade. Additional points can be granted if other criteria are met such as deeper setbacks; setback at a lower level; integration of setbacks with reduced floor plate sizes on upper stories. The Project proposes two setbacks, at the 3<sup>rd</sup> and the 10<sup>th</sup> level. Final points will be evaluated at the time of Site Plan based on final building design and justification that all criteria have been met. The Board supports the subcategory at this time.

### **Protection and Enhancement of the Natural Environment**

#### **Building Lot Termination (BLT)**

The Applicant requests 7 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. The Board supports the Applicant's request at this time.

#### **Cool Roof**

The Applicant requests 5 points for proposing to provide a cool roof that will collectively meet or exceed a solar reflectance index (SRI) of 75. The Board supports the subcategory at this time with final review of size and location at the time of Site Plan.

#### **Energy Conservation**

The Applicant requests 5 points for constructing a building that will exceed the energy efficient standards for the building type. Points are granted based on percent exceeding the standard. The Board supports the subcategory at this time with final review of size and location at the time of Site Plan.

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

The Project will be built in one phase.

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 4901 Battery Lane, 320220040, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 03 2022 (which is the date that this Resolution is mailed to all parties of record); and

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**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 Rubin, with Chair Anderson and Commissioners Cichy, Patterson, Verma, and Rubin voting in favor of the motion at its regular meeting held on Thursday, January 27, 2022, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board