



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

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

FEB 06 2020

RESOLUTION

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

WHEREAS, on July 3, 2019, Aldon Properties ("Applicant") filed an application for approval of a sketch plan for construction of up to 1,752,000 square feet of total development on five sites including up to 12,000 square feet of non-residential uses and up to 1,740,000 square feet of residential uses with an overall average of 20% MPDUs project wide and a minimum of 15% MPDUs on each site, and a request of density from the Bethesda Overlay Zone on 11.29 acres of CR 3.5 C 0.5 R 3.5 H 120, CR 1.5 C 0.5 R 1.5 H 120, and the Bethesda Overlay Zone (BOZ) zoned-land, located on Battery Lane between Old Georgetown Road and Woodmont Avenue ("Subject Property") in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

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

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

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

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

Approved as to
Legal Sufficiency:

Christina Smith

1/6/2020

MNCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mnccppc-mc.org

MCPB No. 19-134
 Sketch Plan No. 320190080
 Battery Lane District
 Page 2

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320190080, Battery Lane District, for construction of up to 1,752,000 square feet of total development on five sites including up to 12,000 square feet of non-residential uses and up to 1,740,000 square feet of residential uses with an overall average of 20% MPDUs project wide and a minimum of 15% MPDUs on each site, and a request of density from the Bethesda Overlay Zone on the Subject Property, subject to the following binding elements and conditions:¹

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

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

All other elements are illustrative.

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

1. Density

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

2. Height

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

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

3. Incentive Density

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

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

4. Bethesda Downtown Plan Design Guidelines

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

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

5. Building & Site Design

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

- a. Site A (4857 Battery Lane)
If the building height is in excess of 90 feet, provide a step-back as specified in the Design Guidelines.
- b. Site C (4890 Battery Lane)
Submit design alternatives that remove the proposed layby and increase public open space adjacent to the right-of-way.
- c. Site D (4949 Battery Lane)
 - i. Submit alternative designs that explore each of the following for Sector Plan Conformance:
 - a. In coordination with applicable County agencies, determine the feasibility of daylighting the piped stream;
 - b. Increase the width of linear park space with a minimum average of 95' which includes the existing trail easement on the adjacent property;

- ii. Increase the setback of the northern building to minimize encroachment into stream valley buffer. Mitigation for any encroachment must be provided as specified in the Environmental Guidelines.
- iii. Provide furniture and/or play equipment that activates space along the Bethesda Trolley Trail and pedestrian paths.
- d. Site E (4998 Battery Lane)
 - i. If public open space is proposed at the rear of Site E, provide a public connection to Battery Lane meeting the criteria within the Bethesda Design Guidelines for through block connections;
 - ii. If the building height is in excess of 90 feet, provide a step-back as specified in the Design Guidelines.

6. Master Planned Bicycle Facilities

a. Bethesda Trolley Trail

Upgrade the Bethesda Trolley Trail to Breezeway standards or Staff approved equivalent, including:

- i. 11-foot-wide two-way separated bike lanes, with 2-foot-wide shoulders on either side (a total of 15 feet);
- ii. An 8-foot-wide separated walkway with 2-foot-wide shoulders on either side (a total of 12 feet);
- iii. The existing design of the separated pedestrian path should be straightened to reduce the number of curves and provide pedestrian level lighting.

7. Park Impact Payment (PIP)

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

8. Streetscape

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

9. Public Open Space

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

10. Green Cover

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

11. Moderately Priced Dwelling Units (MPDUs)

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

12. MCDOT letter

The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 15, 2019 and does hereby incorporate them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

13. Future Coordination for Preliminary and Site Plans

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

- a. Fire and Rescue access and facility details;

- b. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- c. Prior to submittal of a Site Plan proposing to receive public benefit points for wayfinding, coordinate with Bethesda Urban Partnership for any proposed wayfinding signage;
- d. Prior to Certified Preliminary Plan, submit a letter of withdrawal for Development Plan G-909;
- e. Prepare a draft Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District;
- f. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- g. SWM concept approval which also addresses the recommendations of the *Bethesda Downtown Sector Plan* Water Quality Section (2.4.2.B);
- h. Prior to Preliminary Plan approval, submit a Tree Save Plan prepared by an ISA Certified Arborist who is also a Maryland Licensed Tree Care Expert;
- i. At the time of each Site Plan, address Bird-Safe Design per the *Bethesda Downtown Sector Plan* Design Guidelines;
- j. At the time of each Site Plan, provide a noise analysis or a waiver per Section 2.2.2 of the 1983 Noise Guidelines.

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

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

a. Development Standards

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

Data Table

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

MCPB No. 19-134
 Sketch Plan No. 320190080
 Battery Lane District
 Page 7

Table 1: Sketch Plan Data Table

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

MCPB No. 19-134
 Sketch Plan No. 320190080
 Battery Lane District
 Page 8

Commercial Density (GFA/ FAR)		
CR 3.5 C-0.5 R-3.5 H-120'	128,536 (0.5)	--
CR 1.5 C-0.5 R-1.5 H-120'	117,379 (0.5)	--
Subtotal	245,915 (0.49)	12,000 (0.02)
Total Mapped Density (GFA/FAR)	Residential 1,251,890 (2.55) Commercial 245,915 (0.49) 1,251,890 (2.55)	1,239,890 (2.53) 12,000 (0.02) 1,251,890 (2.55)
MPDU Density (GFA)¹	15%	20% (345,780)
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	500,110 (1.02)
Total GFA/ FAR	n/a	1,752,000 (3.56)
Building Height		
Site A	120 feet	120 feet ²
Site B	120 feet	120 feet ²
Site C	120 feet	120 feet ²
Site D	120 feet	120 feet ²
Site E	120 feet	120 feet
Public Open Space (min)³	10%	10% (44,103 sf)
Green Cover³	35%	35% (154,360 ft)
Minimum Setbacks	n/a	0'

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

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

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

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

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

a) Implement the recommendations of applicable master plans.

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

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

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

- *Preserve existing market-rate affordable housing.*

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

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

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

- *Expand neighborhood green at Battery Lane Park.*

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

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

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

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

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

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

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

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

The Project encourages such development by proposing market-rate residential units in a variety of unit types with the inclusion of 20% MPDUs that exceeds the minimum requirement within the Bethesda Overlay Zone, offering housing opportunities for a range of incomes proximate to the numerous transit options of Downtown Bethesda. The

Project will accommodate all modes of transit – pedestrian, bicycle, and vehicular – as it will provide significant streetscape improvements including a new separated bike lane facility, two through block connections, and enhancements to the existing Bethesda Trolley Trail. The Project is located within ½ mile of two Metro stops and numerous bus stops such as RideOn and the Bethesda Circulator. The Project does not propose any parking between the building and the street frontages.

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

The Proposal will increase the mix of housing type and density while proposing a height and massing that is compatible with the desired character of infill development within the Battery Lane District. The existing development located along Battery Lane is a mix of lower-height garden style apartments and taller condominium buildings that reach about 10-11 stories. Four of the proposed buildings are anticipated to have a maximum of 120' in height, which is similar in height with the existing condominium buildings. The Proposal conceptually shows Sites B & D exceeding the zoning height based on the provision of MPDUs. Many changes may occur within the Project over the anticipated build out period and the provision of MPDUs may change throughout the proposed sites. Additional height for the provision of MPDUs will be further evaluated at the time of Site Plan based on the number of MPDUs, unit size, and floorplate average of the individual buildings containing the MPDUs. All sites will be further reviewed at the time of Site Plan for conformance with the *Bethesda Downtown Plan Design Guidelines* (Design Guidelines) and compatibility within the surrounding area.

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

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

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

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

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

2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

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

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

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

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

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

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

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

The Project will achieve internal and external relationships with existing and pending development through the inclusion of public open space and offsite open space improvements such as upgrades to the Battery Lane ROW street section, the creation of two through block connections at the rear of Site C, the enhancement of the existing Bethesda Trolley Trail and street crossing,

and the design of each of the proposed buildings. At the time of Site Plan, each building will be reviewed for conformance with the Design Guidelines which sets a level of architectural excellence. Given that the location of the Project abuts a residential detached neighborhood in the rear of Site E, the Project is required to conform with the residential compatibility standards in Section 4.8.1.A of the Zoning Ordinance, which the Applicant has conceptually showed and will be further reviewed at the time of Site Plan.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

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

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

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

Site C: Site C, located on the south side of Battery Lane, just west of Site B, proposes three conceptual access points via the south side of Battery Lane: The western-most access point is a one-way inbound driveway that circumnavigates the perimeter of Site C before exiting the site at the eastern-most driveway, which is shared with Site B, as discussed above. The third access point, located in the middle of Site C, is a one-way inbound lay-by the connects with the eastern-most driveway shared with Site B. The

proposed layby is not supported and, as conditioned, Site C will be limited to the western-most inbound driveway and eastern-most driveway shared with Site B.

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

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

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

Master Plan Roadways and Pedestrian/Bikeway Facilities

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

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

3. Bethesda Trolley Trail: an off-street trail, this bicycle facility is designated as a portion of the *City of Rockville to Friendship Heights Breezeway Network*.
6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

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

Table 2: Proposed Public Benefits

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3C: Connectivity and Mobility		
Minimum Parking ¹	20	12.4
Through Block Connection	30	30
Way finding	10	10
59.4.7.3D: Diversity of Uses and Activities		
Dwelling Unit Mix	30	30
Moderately Priced Dwelling Units	n/a	75
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design ¹	30	30
Structured Parking	20	15

59.4.7.3F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	33.27
Cool Roof	15	15
Vegetated Roof	20	20
TOTAL	100 (min)	270.97

¹Denotes Sector Plan priority

Connectivity and Mobility

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

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

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

Diversity of Uses and Activities

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

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

Quality of Building and Site Design

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

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

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

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

- Create a brief pattern book or selection of materials to provide cohesion for the multiple projects in the district. Make sure to avoid excessive homogeneity while aiming to provide consistency.
- Consider making one of the connections on site C pedestrian-only rather than having a vehicular loop around the site. In addition, study the feasibility of a street connection through site C from Battery Lane to Rugby Avenue.

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

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

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

Protection and Enhancement of the Natural Environment

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

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

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

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

The Applicant anticipates the build out of the Project to extend over 10 to 15 years and in multiple phases. These phases may occur in any order or may be combined. The phasing will be determined by the Applicant based on market demand and operational needs. As conditioned, each phase will be required to achieve a minimum of 100 public benefit points as described in Section 59.4.7.3 and 59.4.9.2.c.3.d. A Preliminary Plan application is currently under review for 4 of the 5 sites (Sites A, C, D &E) which may require phasing of certain improvements that will be determined at the time of Preliminary Plan approval.

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

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

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

MCPB No. 19-134
 Sketch Plan No. 320190080
 Battery Lane District
 Page 22

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

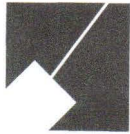
* * * * *

CERTIFICATION

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



 Casey Anderson, Chair
 Montgomery County Planning Board



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

MCPB No. 20-033
Preliminary Plan No. 120190240
Battery Lane District Preliminary Plan
Date of Hearing: April 23, 2020

MAY 14 2020

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on July 3, 2019, Aldon Properties ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 4 lots on 9.65 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

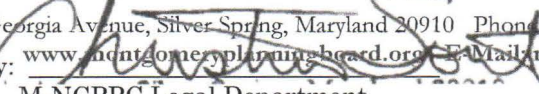
WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120190240, Battery Lane District ("Preliminary Plan" or "Application"); and

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 April 10, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 23, 2020, 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 April 23, 2020, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 3-0; Commissioners Anderson, Cichy, and Verma voting in favor, with Commissioner Patterson abstaining, and Commissioner Fani-Gonzales being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190240 to create 4 lots on the Subject Property, subject to the

Approved as to 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
Legal Sufficiency:  www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org
M-NCPPC Legal Department

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 2

following conditions:¹

General Approval

1. This Preliminary Plan is limited to four lots for up to 1,341,000 square feet of development including 6,000 square feet of non-residential uses and 1,335,000 square feet of residential uses for up to 1,130 units.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for one hundred twenty (120) months from the date of mailing of this Planning Board Resolution, as illustrated on the Certified Preliminary Plan.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 20, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated March 3, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording any plat for any site included in the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. Any record plat for any site within the Subject Property must show all floodplain and associated 25-foot building restriction lines.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letters dated November 13, 2019, November 18, 2019, and April 2, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be

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

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 3

amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated October 22, 2019 and revised February 20, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated November 13, 2019, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Future Site Plan Required

10. Before clearing or grading or Planning Board approval of a record plat for any site included in the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved Site Plan. Demolition and site preparation are permitted. The number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks, and any associated bike path design will be determined through Site Plan review and approval.
11. If any approved Site Plan(s) or Site Plan amendment(s) for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan(s) or Site Plan amendment(s).
12. Building and Site Design
 Prior to Planning Board approval of individual Site Plans associated with this Preliminary Plan, the Applicant must:
 - a. Site C; Submit Alternative Method of Compliance request for the lay-by access point for consideration by the Planning Board and approval by MCDPS – Right-of-Way Permitting Section;
 - b. Sites A, C, & D; Provide public pedestrian and bicycle connections and enhanced open spaces as specified in the 2017 *Bethesda Downtown Sector Plan*;

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 4

- c. Site D; Design of any open space areas between the building and 100-year floodplain must minimize hardscape and maximize planting of native species.
- d. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- e. At the time of each Site Plan, the Applicant must provide a minimum of 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.
- f. For any open spaces on Sites A and E, submit either a noise analysis or a waiver request per Section 2.2.2 of the Noise Guidelines;
- g. Address Bird-Safe Design per the Sector Plan Design Guidelines.

Environment

13. The Applicant must comply with the following conditions of approval of Preliminary Forest Conservation Plan 120190240, approved as part of this Preliminary Plan.
- a. Prior to certification of Preliminary Plan, the Applicant must update the Variance Tree Mitigation Table to reflect the correct number of mitigation trees to be planted based on the 114.50 caliper inch mitigation requirement with a minimum size of 3 caliper inches per tree.
 - b. The Variance Tree Mitigation Table must demonstrate appropriate mitigation plantings for each individual site; however, Staff may approve minor adjustments to the quantities per site at the time of Final Forest Conservation Plan.
 - i. The location of trees credited towards variance mitigation plantings must be at least 5 feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or associated easements.
 - c. Future Site Plan submittals for implementation of any site included in the Preliminary Plan must include an associated Final Forest Conservation Plan.
 - d. Prior to any permit for land disturbance activity for any site included in the Subject Property; the Applicant must record a Certificate of Compliance to use an off-site forest mitigation bank easement in the Montgomery County Land Records. The Certificate of Compliance must address the applicable site(s) and be in a form approved by the M-NCPPC Office of the General Counsel.

Transportation

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 5

14. The Applicant must dedicate and show on the record plat(s) all land necessary to accommodate a minimum of 35 feet from the existing right-of-way centerline along the Subject Property frontages for Battery Lane in support of a master-planned 70-foot right-of-way.
15. Before the release of any above-grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

Off-Site Improvements

16. Separated Bicycle Facility

Due to the Applicant's requested multi-phased build-out, the Applicant must implement the two-way separated bicycle facility along the south side of Battery Lane as both an interim and ultimate condition.

- a. Prior to the issuance of the first above grade building permit, the Applicant must obtain MCDOT acceptance of the Interim Separated Bike Lane Facility between Old Georgetown Road and Woodmont Avenue.
- b. Prior to the issuance of the first residential Use & Occupancy Certificate for the first building, the Applicant must construct and obtain MCDOT acceptance of the protected intersection at Woodmont Avenue and Battery Lane.
- c. Prior to the certification of each Site Plan for each individual site, the Applicant must show the final design of the Ultimate Separated Bike Lane Facility on the Certified Site Plan, subject to MCDOT approval. Construction of the ultimate facility is preferred; however, the final determination of construction or financial contribution will be made by MCDOT. Any financial contribution amount must be approved by MCDOT prior to Certification of each Site Plan.
- d. Prior to the issuance of the first Use & Occupancy Certificate for each individual Site Plan, the Applicant must construct for MCDOT acceptance or financially contribute to the implementation of the Ultimate Separated Bike Lane Facility along the associated site frontage. If a financial contribution is accepted by MCDOT, the contribution must be made prior to issuance of the first Use & Occupancy Certificate for each individual Site Plan.

Certified Preliminary Plan

17. The Applicant must include all applicable agency approval letters and Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 6

18. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

19. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a. Revise Phasing Plans to define "Interim" and "Ultimate" Separated Bike Lane Facility, and to incorporate Off-Site Improvements as stated in the above conditions.
- b. Update Preliminary Plan for Site D to reflect the recently approved floodplain study.
- c. Modify data table to reflect development standards approved by Planning Board.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

a. *The block design is appropriate for the development or use contemplated*

The length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. The proposed subdivision is within an existing block and established street grid that is developed for multifamily housing.

b. *The lot design is appropriate for the development or use contemplated*

The Preliminary Plan meets all applicable sections of the Subdivision Code. The four proposed lot sizes, widths, shapes, and orientation are appropriate for the location of the subdivision, taking into account the recommendations of the Sector Plan, the existing lot pattern of the surrounding properties, and

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 7

for the building-type contemplated for the Property, multi-family development.

As further discussed in Finding 4, the lot design for Site D is large enough to develop for the purposes of multi-family residential while being encumbered by an existing floodplain.

- c. *The Preliminary Plan provides for required public sites and adequate open areas*

Master Planned Sites

The 2017 *Bethesda Downtown Sector Plan* recommends an enhanced public open space, referred to as the North Bethesda Urban Greenway, on Site D. The development of Site D and the related open space and recreation improvements will be reviewed as part of the Site Plan for Site D. The Preliminary Plan has been conditioned to require conformance with the Sector Plan recommendations for Site D at the time of Site Plan review. The Sector Plan also calls for a public connection on Site A and Site C. On Site A, the intent is to create a pedestrian connection going east from Woodmont Avenue, through the rear of the properties on the north side of Battery Lane, to the Bethesda Trolley Trail on Site D. The design for Site A will allow for a public pedestrian connection as recommended in the Sector Plan. The recommended public connection on Site C will provide a north/south pedestrian connection from Rugby Avenue to Battery Lane, which will be accommodated by Site C.

There are no other Sector Plan recommendations for public facilities or local recreation requirements for the Subject Property.

- d. *The Lot(s) and Use comply with the basic requirements of Chapter 59*
 The lots were reviewed under and found to be in compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

a. Land Use

The Project substantially conforms to the site recommendations included in the 2017 *Bethesda Downtown Sector Plan*. 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-

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 8

rise buildings. 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. The associated Sketch Plan was conditioned to require certain sites provide MPDUs in excess of the 15% minimum requirement.

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

The Preliminary Plan will create four lots to allow for redevelopment of older multifamily buildings to provide an increase of multifamily units with a mix of housing styles including townhouse entry units and taller residential apartment buildings. The related Sketch Plan proposal includes a mix of unit sizes including efficiency, one-bedroom, two-bedroom, and three-bedroom units at varying levels of affordability, including MPDU's.

- *Expand neighborhood green at Battery Lane Park.*

On Site D of the Preliminary Plan, the Sector Plan recommends an expansion of Battery Lane Urban Park, referred to as the North Bethesda Trail Urban Greenway (Page 82 of the Sector Plan) and calls for this to be a green and active linear park connection between the National Institutes of Health and Woodmont Triangle. The Sector Plan recommends the expansion 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 proposed configuration of Site D will allow for an expansion of a neighborhood green as recommended in the Sector Plan, with the details of size and design to be reviewed at the time of Site Plan, as conditioned.

b. Environment

The Sector Plan recommends that development on private property provide a minimum of 35 percent green cover, which may include singularly or a

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 9

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.

The Sector Plan calls for any future development on Site D to consider daylighting the existing piped stream. The ecosystem benefits provided by daylighting the piped stream, which include significantly increased stormwater capture; improved water quality; and increased biodiversity and habitat, are also directly linked to Sector Plan goals. While the Applicant has initially stated this is infeasible due to the depth of the existing pipe, the related Sketch Plan conditioned the Applicant to continue working with applicable County agencies to determine the feasibility of daylighting the stream. This feasibility will be determined during subsequent Site Plan review of Site D, along with related Sketch Plan conditions requiring expansion of the neighborhood green.

c. Transportation

The 2017 *Bethesda Downtown Sector Plan* recommended improvements to pedestrian and bike connectivity throughout the Battery District and along the park. The 2018 *Bicycle Master Plan* also recommended specific pedestrian and bicycle improvements such as enhancement of the existing Bethesda Trolley Trail to support the MD 255 South Breezeway network and the construction of two-way Separated Bicycle Facilities along Battery Lane. The Applicant will enhance the existing Bethesda Trolley Trail which will separate the pedestrian and bicyclists on two separate paths. The Preliminary Plan also redesigns the existing Battery Lane right-of-way to allow the construction of a two-way Separated Bicycle facility along the south side of Battery Lane. As conditioned, these improvements will be in conformance with the recommendations of the 2018 *Bicycle Master Plan* and the Sector Plan.

The Preliminary Plan Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Preliminary Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The site is not subject to an Urban Renewal Plan.

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

a. Roads and Other Transportation Facilities

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 10

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

i. *Existing Facilities*

Each of the proposed lots has direct frontage and access to Battery Lane, which contains two travel lanes, sidewalks, and overhead utilities. The Project is located approximately half a mile from two Metro Stations (Bethesda Metro to the south, and Medical Center to the north). The Project will also provide direct access and enhancements to the Bethesda Trolley Trail with access to Battery Lane Urban Park.

ii. *Proposed public transportation infrastructure*

Vehicular access to each of the proposed lots subject to this Preliminary Plan are proposed directly from Battery Lane. The Applicant proposes consolidating many of the existing access points to reduce curb cuts, which will be finalized at the time of Site Plan review. As conditioned, access points proposed for Site C will require the submittal of an Alternative Method of Compliance waiver at the time of Site Plan. Pedestrian and bicycle access to the Property will be provided along Battery Lane, the sidewalks will be enhanced with the Bethesda Streetscape Standards, or alternative standard as directed by MCDOT at the time of Site Plan(s), and the bicycle facilities will be upgraded with the two-way Separated Bicycle facility. The Project is located approximately half a mile from two Metro Stations (Bethesda Metro to the south, and Medical Center to the north). The Project will also provide direct access and enhancements to the Bethesda Trolley Trail with access to Battery Lane Urban Park.

b. Local Area Transportation Review (LATR)

A transportation study, dated May 31, 2019, was submitted to analyze the Project. The proposed development is estimated to generate 360 net new morning peak-hour person trips (183 vehicle trips) and 424 net new evening peak-hour person trips (216 vehicle trips). Because the estimated transportation impact of the Project exceeds 50 net new trips for the vehicular, pedestrian, and bicycle modes, the Project evaluated the adequacy of each of these modes to satisfy the Local Area Transportation Review requirement.

Vehicle Adequacy

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 11

As a project that generates fewer than 250 net new peak hour vehicle trips within Downtown Bethesda, the Applicant was required to evaluate one tier of intersections, resulting in a total of four intersections and the site access points along the Battery Lane corridor. In accordance with the 2016-2020 Subdivision Staging Policy, the intersections included in this analysis were evaluated as part of the Battery Lane corridor within the Downtown area under the Highway Capacity Manual (HCM) methodology. That methodology allows for a more comprehensive operational analysis of the transportation network than an evaluation of each of the intersections in isolation. The four specific intersections studied as part of the Transportation Study are:

1. Battery Lane/ Old Georgetown Road
2. Battery Lane/ Keystone Avenue
3. Battery Lane/ Woodmont Avenue
4. Battery Lane/ Wisconsin Avenue/ Rosedale Avenue

The Transportation Impact Statement concluded that the Battery Lane Corridor would continue to function within the congestion standard set forth in the Subdivision Staging Policy. Staff at the Montgomery County Department of Transportation (MCDOT), MNCPPC, and the Maryland State Highway Administration (MDSHA) accepted the findings of the Transportation Impact Statement. As a point of clarification, the MDSHA approval letter indicated that the Applicant team was unresponsive to requests by that agency to provide analysis of each of the isolated intersections along the Battery Lane Corridor. This supplemental information was requested to further evaluate operations at those intersections in the future, however, it is not necessary in the determination of adequate public transportation facilities for the Subject Application.

Pedestrian Adequacy

Because the Project generates more than 50 peak hour pedestrian trips, the Applicant evaluated each of the crosswalk level of service at LATR study intersections within 500 feet of the site and determined that each of the pedestrian crossings would operate at a level of service "C" or better in the future condition. The Applicant must fix or fund improvements to non-compliant ADA infrastructure pedestrian infrastructure within 500 feet of the Subject Property, in accordance with the 2016-2020 Subdivision Staging Policy and supplemental guidance issued by the Montgomery County Department of Transportation. As conditioned by MCDOT in their letter dated January 15, 2020, the Project is required to construct or fund improvements to provide adequate pedestrian infrastructure for the pedestrian trips generated by the Project.

Bicycle Adequacy

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 12

The Applicant evaluated bicycle travel in accordance with the Planning Department's "Level of Traffic Stress" analysis, which recognizes the effect different roadways have on bicyclists' comfort. That analysis determined that bicycle facilities within 750 feet of the Site were Level of Traffic Stress "2" or better in the future condition. This finding was based, in large part, on the provision of the two-way separated bicycle facility along Battery Lane and enhancement of the Bethesda Trolley Trail. As conditioned, the Applicant will design and construct the required bicycle infrastructure, in accordance with direction from MCDOT, to provide adequate service for the bicycle trips generated by the Project.

c. Other Public Facilities

Schools Analysis

The Project was reviewed for school adequacy based on the applicable annual school test (FY20 Annual School Test) which was approved by the Planning Board on June 20, 2019 and effective July 1, 2019. The Application proposes development of 1,130 multifamily high-rise units, replacing 264 existing multifamily high-rise units and 147 existing multifamily low-rise units.

Calculation of Student Generation

To calculate the number of students generated by the development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

With a net of 719 units, the proposed project is estimated to generate 13 new elementary school students, 5 new middle school students, and 9 new high school students.

Cluster Adequacy Test

The project is located in the Bethesda-Chevy Chase High School Cluster. The student enrollment and capacity projections were based on the FY20 Annual School Test.

The Moratorium Threshold is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. The test indicated the estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle, and high

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 13

school cluster levels to accommodate the estimated number of students generated by this project.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS, respectively. The individual school adequacy is based on the FY20 Annual School Test for student enrollment and capacity projections for these applicable schools.

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. The test indicated the estimated enrollment impacts of this application fall below the moratorium thresholds for both Bethesda ES and Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

Based on the school cluster and individual school capacity analysis performed, using the FY2020 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Application.

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

Adequate Public Facility Validity Period

In accordance with Section 50.4.3.J.5.b.ii, the Applicant requested a validity period longer than the minimum specified in the Code based on the size and complexity of the Preliminary Plan. That request set forth a detailed phasing plan demonstrating when each phase of development would be completed. Unless otherwise specified through a condition of approval, construction

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 14

phasing for any site covered by the Preliminary Plan can take place in any order, either sequentially or simultaneously. As conditioned, the Adequate Public Facility review for the Preliminary Plan will remain valid for one hundred twenty (120) months, phased in the following manner to ensure timely delivery of the public amenities:

1. Prior to the issuance of the first above grade building permit, the Interim Separated Bike Lane Facility must be accepted by MCDOT between Old Georgetown Road and Woodmont Avenue.
2. Prior to the issuance of the first residential Use & Occupancy Certificate for the first building, the protected intersection at Woodmont Avenue and Battery Lane must be constructed by the Applicant and accepted by MCDOT.
3. Prior to the certification of each Site Plan for each individual site, the final design of the Ultimate Separated Bike Lane Facility must be shown on the Certified Site Plan, subject to MCDOT approval. Construction of the ultimate facility is preferred; however, the final determination of construction or financial contribution will be made by MCDOT. Any financial contribution amount must be accepted by MCDOT prior to Certification of each Site Plan.
4. Prior to the issuance of the first Use & Occupancy Certificate for each individual Site Plan, the portion of the frontage for the Ultimate Separated Bike Lane Facility must be constructed and accepted by MCDOT. If a financial contribution is accepted by MCDOT, the contribution must be made prior to issuance of the first Use & Occupancy Certificate for each individual Site Plan.

In accordance with Section 50.4.3.J.5.b.ii, the size and complexity of the Preliminary Plan warrants the extended validity period and, as conditioned, would not be adverse to the public interest.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

a. Environmental Guidelines

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

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 15

All of the Sites lie within the Lower Rock Creek Watershed, which is a use I-P watershed. A perennial stream, observed on approved NRI/FSD No. 420191460, and associated 100' stream valley buffer lies within Site D in the northwest corner. The stream runs on the surface for approximately 80', draining to the north, before it becomes piped to run south along Site D's eastern border towards Battery Lane.

b. Forest Conservation Plan

There is no forest on-site or adjacent to the Property, however there is an afforestation requirement of approximately 1.51 acres which will be addressed off-site, via certificate of compliance from an off-site bank.

c. Forest Conservation Variance & Tree Save Plan

Based on the submitted plans, approximately 114.50 caliper inches of variance mitigation tree plantings are required onsite and must consist of native canopy trees. This required planting may also be counted towards Sector Plan green cover requirements (35% of each site) provided that the selected tree species are consistent with the approved species list found in the MNCPPC Trees – Approved Technical Manual.

Due to the impact anticipated by the proposed project, this Application is subject to a forest conservation variance. Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The Forest Conservation Law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species ("Protected Trees"). Any impact to a Protected Tree, including removal or disturbance within the Tree's critical root zone ("CRZ") requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law.

The Applicant submitted a variance request in a letter dated August 21, 2019, for the impacts/removal of trees. The Applicant proposes to remove ten (10) trees (Protected Trees) that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. As conditioned by Sketch Plan No. 320190080, the Applicant has submitted a Tree Save Plan (TSP) for review with the Preliminary Plan Application. The TSP proposes the use of root

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 16

pruning and tree protection/silt fencing as coordinated by an International Society of Arboriculture certified arborist, who is also a MD licensed tree care expert.

Table 9 - Trees to be Removed

Tree Number	Species	DBH Inches	CRZ Impact	Status
ST-40	Red Maple	30	59%	Good condition
ST-45	Tulip Tree	31	22%	good condition; grading, sidewalk, and dry utility line
ST-47	Red Maple	33	100%	Good condition; trunk cavities
ST-48	Red Maple	37	100%	Good condition; twin trunk
ST-55	Silver Maple	43	27%	good condition; grading, sidewalk, dry utility line, and storm drain
ST-56	Osage Orange	34	30%	Fair condition; trunk cavities
ST-60	Red Maple	39	69%	Good condition
ST-61	Red Maple	41	67%	Fair condition; epicormic branching
ST-62	Red Mulberry	34	34%	Poor condition; leaning; trunk cavities; vines
ST-80	White Ash	36	34%	Poor condition; ash borer

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of a property. In addition to the required findings outlined numerically below, the Applicant has demonstrated that failure to grant the variance would result in an unwarranted hardship because the life cycle of the existing apartment complex has run its course. Redeveloping the site in accordance with the County's Bethesda Downtown Sector Plan would provide an improved quality of life for residents, including those in MPDU's, allow for improved green and open space, and increase connectivity between the Battery District and the rest of Downtown Bethesda. The Planning Board finds that there would be an unwarranted hardship if a variance were not considered.

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 17

Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. The Planning Board made the following determination based on the required findings in the review of the variance request and the preliminary forest conservation plan:

Granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. Further, the redevelopment of the Subject Property, which is a right that has been granted to others on nearby properties, would include the fulfillment of Sector Plan recommendations including providing linkages and gateways to the North Bethesda Trail via an Urban Greenway.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The Subject Property is in the Battery District, which consists of clusters of similar high-rise and garden apartment buildings. This district is also bordered on the north by the NIH facilities. The past development of these properties, which include extensive surface parking extending to adjacent property lines, has resulted in an environment that presents various engineering constraints. These circumstances are specific to the Subject Property and are not related to the actions of the Applicant.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property. The requested variance is based upon the nature of the existing Sites and the resulting location of trees and on-site environmental features and utilities.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 18

The Department of Permitting Services (DPS) approved the stormwater management (SWM) concepts for the project on November 13, 2019, November 18, 2019, and April 2, 2020. The SWM concept proposes to meet required storm water management goals by the use of micro-bioretenention planter boxes and 8-inch thick green roof on proposed buildings. Aside from stormwater management features, water quality will be further enhanced with this project through variance mitigation tree plantings which serve to maximize the permeability of the soil, further reduce water runoff, and provide increased shade and water retention/uptake. Therefore, due to the above, the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Protected Trees

There are 10 trees proposed for removal in association with this Application. Planting mitigation for removals should be at a rate that approximates the form and function of the trees removed. Replacement should occur at a ratio of approximately one-inch caliper for every four inches DBH of removal, using trees that are a minimum of three inches caliper. For the 357 diameter-inches of subject trees to be removed, the Applicant must provide mitigation of at least 114.5 caliper-inches of replacements. Therefore, the mitigation requirements would be satisfied by the planting of 39 three-inch caliper trees. The Applicant currently proposes the planting of 32 three-inch caliper trees. Prior to the approval of Certified Preliminary Plans, the Applicant will be required to update the Variance Tree Mitigation Table to reflect the correct amount of mitigation plantings.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on December 16, 2019. The County Arborist did not provide any comments or concerns regarding this request.

As a result of the above findings, the Planning Board approves the Applicant's request for variance from Forest Conservation Law to remove 10 subject trees with conditions requiring mitigation plantings of at least 114.5 caliper inches.

d. Noise

The Subject Application proposes development within 600 feet of arterial roads with more than 20,000 cars per day on Site A and E, therefore a Noise Analysis

MCPB No. 20-033
Preliminary Plan No. 120190240
Battery Lane District Preliminary Plan
Page 19

for these Sites is required. A waiver per Section 2.2.2 of the Noise Guidelines may be requested for open space only. The Project has been conditioned to require a Noise Analysis be submitted prior to approval of Site Plans for Sites A and E.

e. Environmental Protection

There is an existing piped stream that carries water from downtown Bethesda through Site D along the eastern property line. This piped stream daylights at the northeast corner of the site into an unnamed tributary on the National Institutes of Health property. The portion of the stream that is daylighted on Site D is subject to a 50-foot stream buffer, per the Montgomery County Environmental Guidelines. No buildings or structures are permitted within stream buffers. Exceptions to this guideline may, however, be made for bikeways, trails, and infrastructural uses found to be necessary, unavoidable, and minimized.

Given that Site D is the largest of all five sites (3.05 acres), and the limited size and location of the stream valley buffer, a large developable footprint remains outside of the stream valley buffer. Pursuant to Environmental Guidelines, the related Sketch Plan was conditioned to explore design alternatives for Site D building placement and/or footprints in order to minimize and mitigate any encroachment into the Stream Valley Buffer. The Project is located within an urban environment and therefore future constraints of the site may be identified. Any unavoidable encroachment into the stream valley buffer must be minimized and mitigated per Environmental Guidelines recommendations. Daylighting of the stream may be considered as potential mitigation for encroachment into the buffer.

As part of the Preliminary Plan Application review, the Applicant was required to complete a floodplain delineation study to determine where the existing floodplain line is located within Site D. The study, as approved by MCDPS, determined that the 100-year floodplain is located along the eastern property line. The approval requires the established 100-Year Floodplain and its associated 25-foot Floodplain Buffer to be shown on any associated sediment control plan and record plats. Any disturbance within 25 feet of the approved 100-year floodplain will require a Floodplain District Permit.

Section 50.4.3.K of the Subdivision Ordinance requires that the Planning Board restrict subdivision or development of any property that is located in the 100-year floodplain. The Planning Board may allow a platted lot to contain floodplain when it is demonstrated that there is sufficient safe ground to develop the property within the required setbacks of the zoning classification. Given that this Property (Site D) is zoned CR, there is no required side or rear setbacks

MCPB No. 20-033
 Preliminary Plan No. 120190240
 Battery Lane District Preliminary Plan
 Page 20

where the floodplain exists onsite. After dedication, Site D will be approximately 3 acres in size and large enough to accommodate development despite the encumbrance of the 100-year floodplain and the associated 25-foot floodplain buffer along the eastern property line. The Sector Plan recommends that Site D consider daylighting the existing stream, and the related Sketch Plan conditioned the Project to coordinate the feasibility of daylighting the stream during Site Plan review. The related Sketch Plan also conditioned the Project to explore design alternatives for Site D that would increase the width of the linear open space along the eastern property line with a minimum average of 95' and to minimize encroachment into the stream valley buffer. The Preliminary Plan has been conditioned to update the drawings based on the recently approved floodplain study prior to Certification of the Preliminary Plan. Therefore, Site D will be large enough to develop safely without disturbing the approved 100-year floodplain or 25-foot buffer, and the Project has been conditioned to explore design alternatives that increase open space along this area, minimize hardscape between the building and the 100-year floodplain, and to explore the feasibility of daylighting the stream during Site Plan review.

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

All four lots have received Stormwater Concept Plan approvals from the Montgomery County Department of Permitting Services (MCDPS). Site A/Lot A (4857 Battery Lane) proposes to meet stormwater management requirements through the combination of stormwater planter boxes and extensive (8-inch depth) green roof. Site C/Lot C (4900 Battery Lane) proposes to meet stormwater management requirements through the combination of stormwater planter boxes, extensive (8-inch depth) green roof, and suspended micro-bioretenction (silva cells) areas. Site D/Lot D (4949 Battery Lane) proposes to meet stormwater management requirements through a combination of micro-bioretenction and green roof. Site E/Lot E (4998 Battery Lane) proposes to meet stormwater management requirements through the combination of stormwater planter boxes, extensive (8-inch depth) green roof, non-rooftop disconnection and a partial waiver for the remaining ESD which will drain to an existing NIH stormwater management pond.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 120 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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

MCPB No. 20-033
Preliminary Plan No. 120190240
Battery Lane District Preliminary Plan
Page 21

MAY 14 2020 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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, Patterson, and Verma voting in favor, and Vice Chair Fani-González absent at its regular meeting held on Thursday, April 30, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

Aseem K. Nigam
Director

January 5, 2023

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

Re: Battery District Site C
Site Plan # 820220230

Dear Ms. Bogdan:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval, with the exception that one of the designated MPDU studio unit's must be changed to a 1-, 2-, or 3-bedroom unit in compliance with bedroom ratio requirements of Chapter 25A.

MPDUs must be aligned with Moderately Priced Dwelling Unit rental specifications and affordability requirements outlined in Chapter 25A of Montgomery County Code. The final distribution of MPDU's is subject to review by DHCA and should be reasonably distributed throughout the project.

An Agreement to Build must be submitted to DHCA before permits are obtained from the Department of Permitting Services (DPS). The final MPDU locations, layouts and bedroom mix will need to be approved by DHCA at the MPDU Agreement to Build stage.

Sincerely,

Maggie Gallagher, Program Manager I
Affordable Housing Programs Section

cc: Brown Development, LLC

Division of Housing

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

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



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

December 9, 2022

Mr. Jeff Lynch
Rodgers Consulting, Inc.
19847 Century Blvd. Suite 200
Germantown, MD 20874

Re: **SITE DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for 4890 & 4900 Battery
Lane
Preliminary Plan #: 120190240
SM File #: 284895
Tract Size/Zone: 131,004 sq ft / 3.01 ac,
CR-3.5, C-0.5, R-3.5, H-120
Total Concept Area: 136,449 sq ft / 3.13 ac
Lots/Block: Northwest Park, Lots 8 &
39-42 Block 1
Watershed: Lower Rock Creek

Dear Mr. Lynch:

Based on a review by the Department of Permitting Services Review Staff, the Site Development Stormwater Management Plan for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of green roof and microbioretention planter box.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. This concept is approved with the proposed green roof section as shown. If in the future a proprietary roof system is desired, the manufacturer will be required to provide their retention values for their product so the CN can be determined. Depending on the impact this has on the ESD plan for this project, a concept revision may be needed.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping in areas located within the stormwater management easement which are shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water



2425 Reddie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

Mr. Lynch
December 9, 2022
Page 2 of 2

Management plans by the Montgomery County Department of Permitting Services, Water Resources Section.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The 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 Jean Kapusnick, P.E. at jean.kapusnick@montgomerycountymd.gov or at 240-777-6345.

Sincerely,

Mark Etheridge

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

cc: Neil Braunstein
SM File # 284895

ESD: Required/Provided 14.941 cf / 15,483 cf
PE: Target/Achieved: 1.8"/1.86"
STRUCTURAL: 0.0 cf
WAIVED: 0.0 cf.

820220230 Battery District - Site C

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-SITE-820220230-SP-05.pdf V4” uploaded on/ dated **“12/20/2022”** and

The followings need to be addressed prior to the certification of site plan:

1. Please address the following comments of the MCDOT approval letter for the preliminary plan 120190240 dated February 20, 2020:
 - a. 2: Provide/ specify the sequence for the implementation of bike lane from Old Georgetown Road to Woodmont Ave (interim/ ultimate) to clarify if the frontage improvements will connect to them or not.
 - b. 4: Bus shelter/ median design needs to be ADA compliant (label accordingly) and approved by MCDOT.
 - c. 7: Provide public sidewalk (including transition to the existing facilities) to ADA standards and label it accordingly.
 - d. 15: TIS, ADA required improvements.
 - e. 16: Storm drain analysis. Still the scope of drainage area maps and downstream analysis and adequacy is unclear.
 - f. 17: TDM requirements: MCDOT acknowledgement is required.



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 17-Dec-22
TO: William KC Reed
Rodgers Consulting, Inc.
FROM: Marie LaBaw
RE: Battery District - Site C
820220230

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **12-Dec-22** .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 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.

BY: *SAC* PH: 43 DATE: 12/17/2022

SEAL & SIGNATURE



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 13399, EXPIRATION DATE 01/01/24.

BATTERY DISTRICT - SITE C

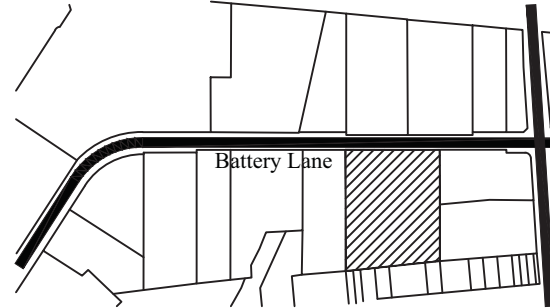
4900 Battery Lane

Site Plan #820220230

WSSC Grid: 210NW05, Tax Map: HN23

Montgomery County, Maryland, Bethesda District 7

KEY PLAN



ISSUE DATE	DESCRIPTION
2022.06.29	M-NCPMC - Initial Submission
2022.10.26	M-NCPMC - Post DRC Submission

REVISIONS NO.	DATE	DESCRIPTION

PROJECT NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

PRELIMINARY NUMBER	0466N
DATE	2022.12.09
SCALE	1" = 20'
DRAWING TITLE	Fire Access Plan

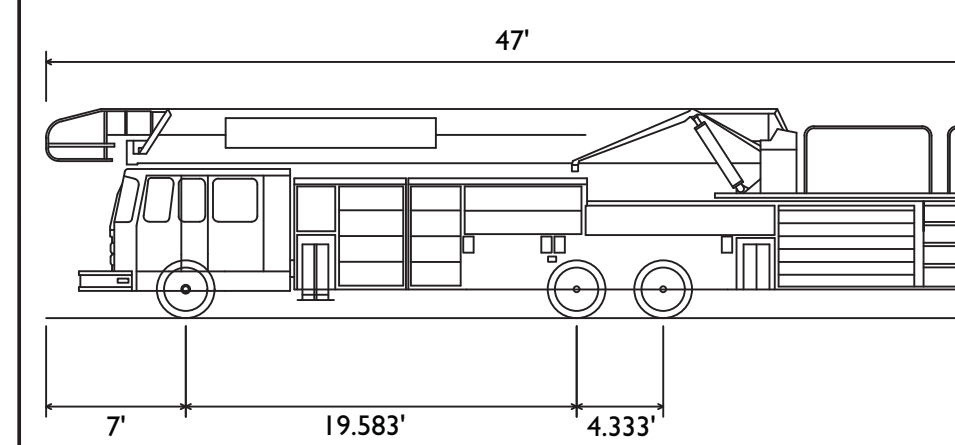
SHEET NOTES

1. Architecture shown hereon is conceptual and is to be determined and finalized at Building Permit phase.
2. Fire Department Access Plan is associated with: MNCPC Site Plan 820220230.
3. Fire access lanes shown to provide pavement with tertiary roadway pavement and subgrade standards to support fire apparatus loads.
4. All proposed buildings are to be sprinklered with all portions of the building located within 450' from fire access road.
5. Each Building is to provide two FDC in remote location that are spaced 1/2 the longest diagonal building dimension.
6. Battery Lane current speed posting is 25 MPH.
7. The Bethesda Master Plan states that "All streets within the Bethesda Downtown Sector Plan have a target speed no greater than 25 MPH." (Pg. 40).
8. All proposed bio facilities are to be no greater than 18" in depth from media to top of wall; if greater than 18" ladder and/or stairs are to be provided for access.
9. For access points into bio facilities, refer to FDA-03 for all FDA SVM access.
10. Slopes can be no greater 4:1 or inaccessible obstructions can not be within 15' of the proposed exposed exterior walls.
11. All Bio-Box locations and sizes are conceptual and will be determined at permitting stage.
12. All newly installed fire hydrants are to be placed no more than 7' away from a Fire Department Access Route.

LEGEND

- Existing Fire Hydrant to be Relocated
- Proposed Fire Hydrant
- FDC Location
- Panel Annunciator Location
- Main Side Hinge Door
- Egress point
- Fire Control Center
- Fire Pump (Fire Pump Room Located on P1 Lvl)
- Travel Directional Arrow
- Fire Access Route
- Fire Access Route (Other Public Right-of-Way)
- Building
- Garage Structure
- Hose Pull
- Subject Site Property Line
- Fire Access (interior)
- Primary Egress
- Secondary Egress

VEHICLE INFORMATION



Copy of AT-729

Overall Length	47.000ft
Overall Width	8.250ft
Overall Body Height	10.475ft
Min Body Ground Clearance	0.906ft
Track Width	8.250ft
Lock-to-lock time	6.00s
Max Steering Angle (Virtual)	33.20°

Developer's Certificate

The undersigned agrees to execute all the features of the Site Plan Approval No. 8-20220320 including Approval Conditions, Development Program, and Certified Site Plan.

Developer: Brown Development LLC.

Company

Brian Andrews

Contact Person

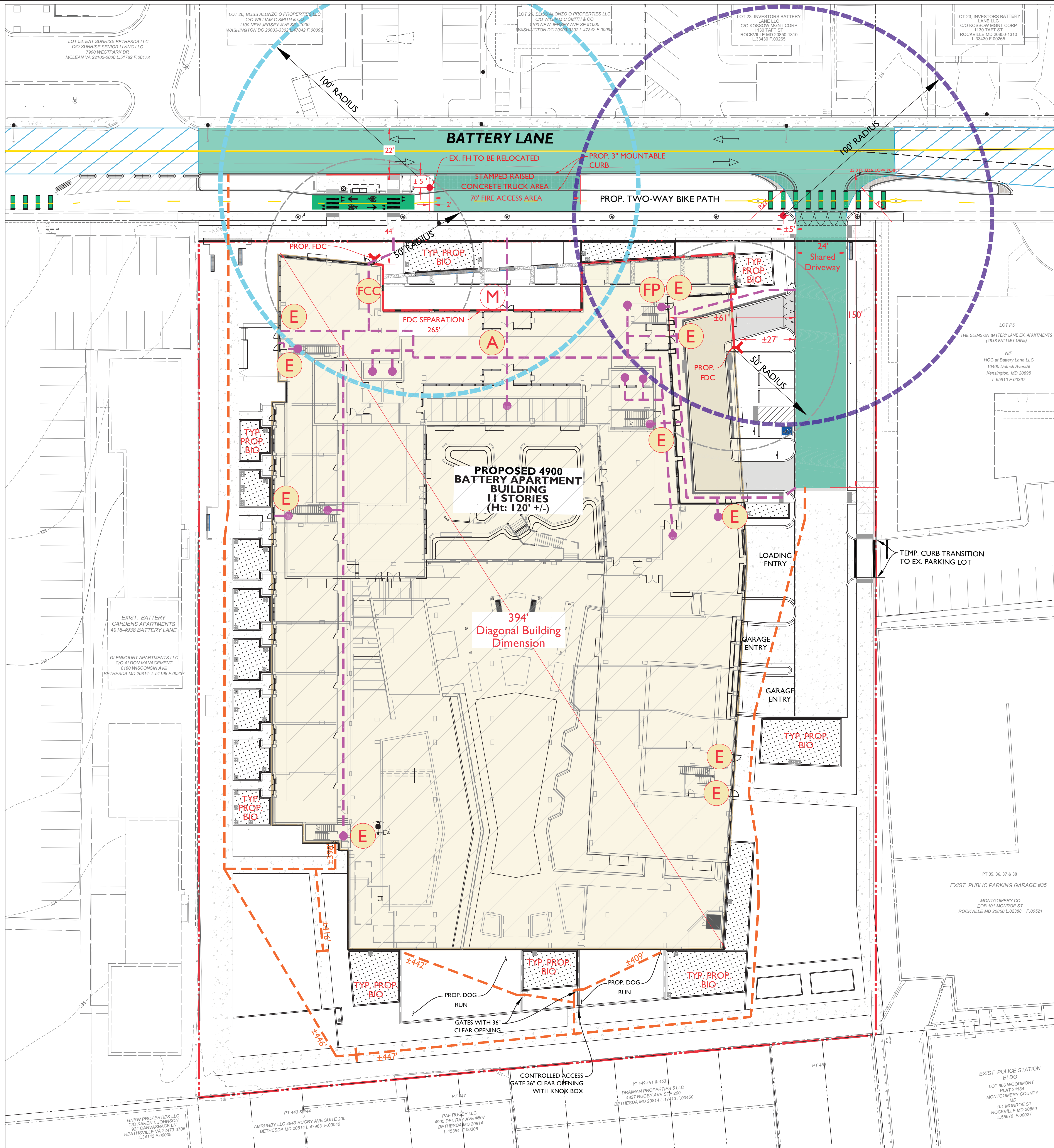
Address: 8180 Wisconsin Ave, Bethesda, MD 20814

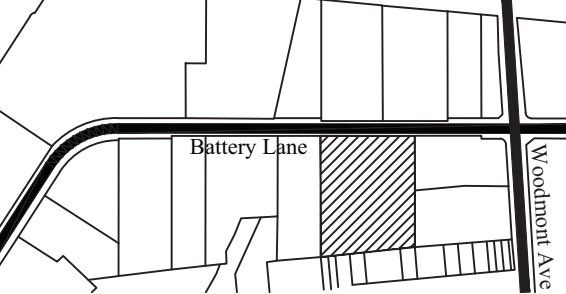
Phone: (703) 828-5504

Signature: *Shulman Rogers*

Preliminary Not For Construction

MNCPC-Preliminary Brown Battery Landscaped Plan Plan Site Plan FDA-01 Fire Access Plan.dwg 2022.12.09 - 08:06 AM





ISSUE DATE	DESCRIPTION
2022.06.29	M-NCPMC - Initial Submission
2022.10.26	M-NCPMC - Post DRC Submission
.	.
.	.
.	.

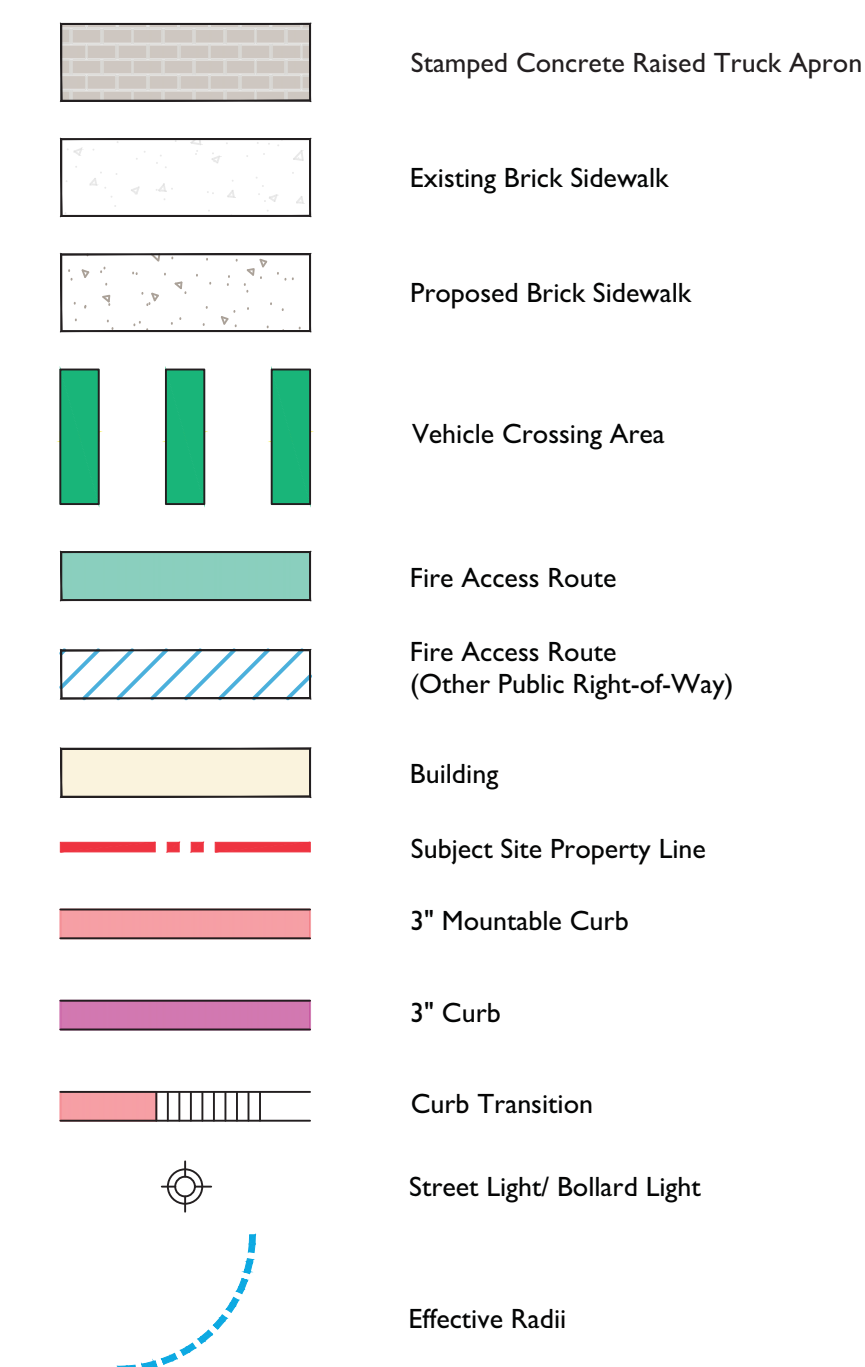
REVISIONS NO	DATE	DESCRIPTION
--------------	------	-------------

PROJECT NUMBER	0466N1
DATE	2022.12.09
SCALE	AS SHOWN

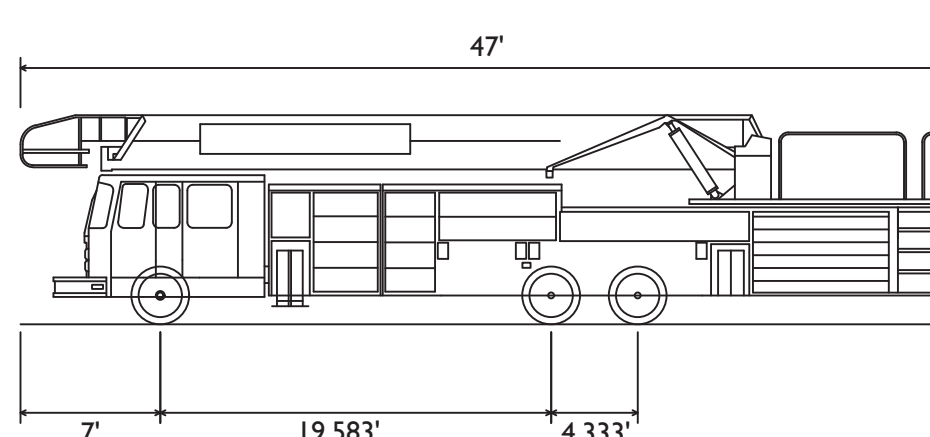
GENERAL NOTES

- Battery Lane public road improvements and details shown hereon, not limited to curb and gutter, special paving, cycle track, and driveway entrance are subject to change at permit plan stage review / approval by MCDOT and MCDPS.
- Architecture shown hereon is conceptual and is to be determined and finalized at Building Permit phase.
- Fire access lanes shown to provide pavement with tertiary roadway pavement and subgrade standards to support fire apparatus loads.
- Battery Lane current speed posting is 25 MPH.
- The Bethesda Master Plan states that "All streets within the Bethesda Downtown Sector Plan have a target speed no greater than 25 MPH." (Pg. 40).

LEGEND



VEHICLE INFORMATION



Copy of AT-729
Overall Length 47.000ft
Overall Width 8.250ft
Overall Body Height 10.475ft
Min Body Ground Clearance 0.906ft
Track Width 8.250ft
Lock-to-lock time 6.00s
Max Steering Angle (Virtual) 33.20°

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.

BY: *SAC* PM: 43 DATE: 2/17/2022

Developer's Certificate

The Undersigned agrees to execute all the features of the Site Plan Approval No. 8-20220320 including Approval Conditions, Development Program, and Certified Site Plan.

Developer: Brown Development LLC, Brian Andrews
Company Contact Person

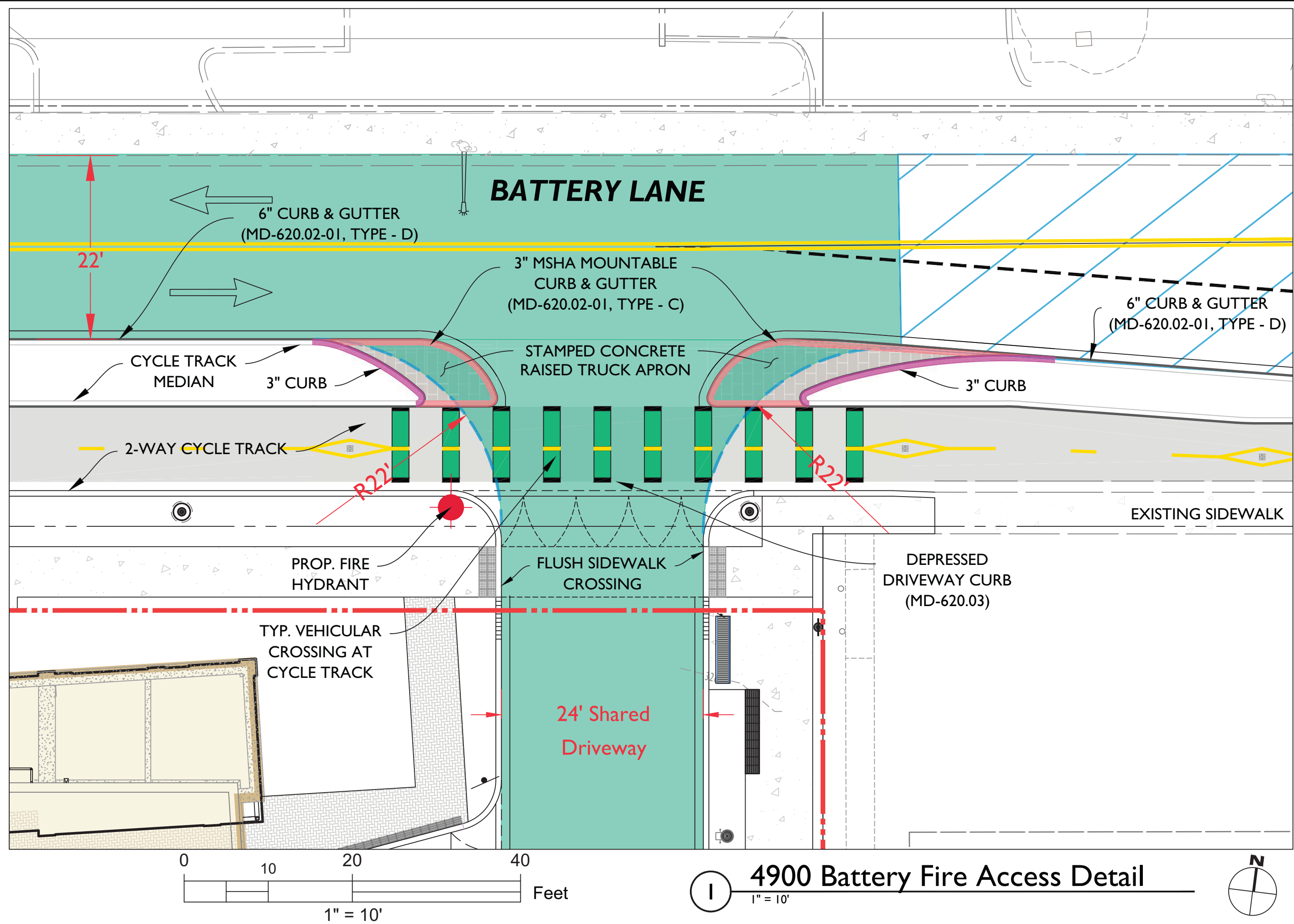
Address: 8180 Wisconsin Ave, Bethesda, MD 20814

Phone: (703) 828-5504

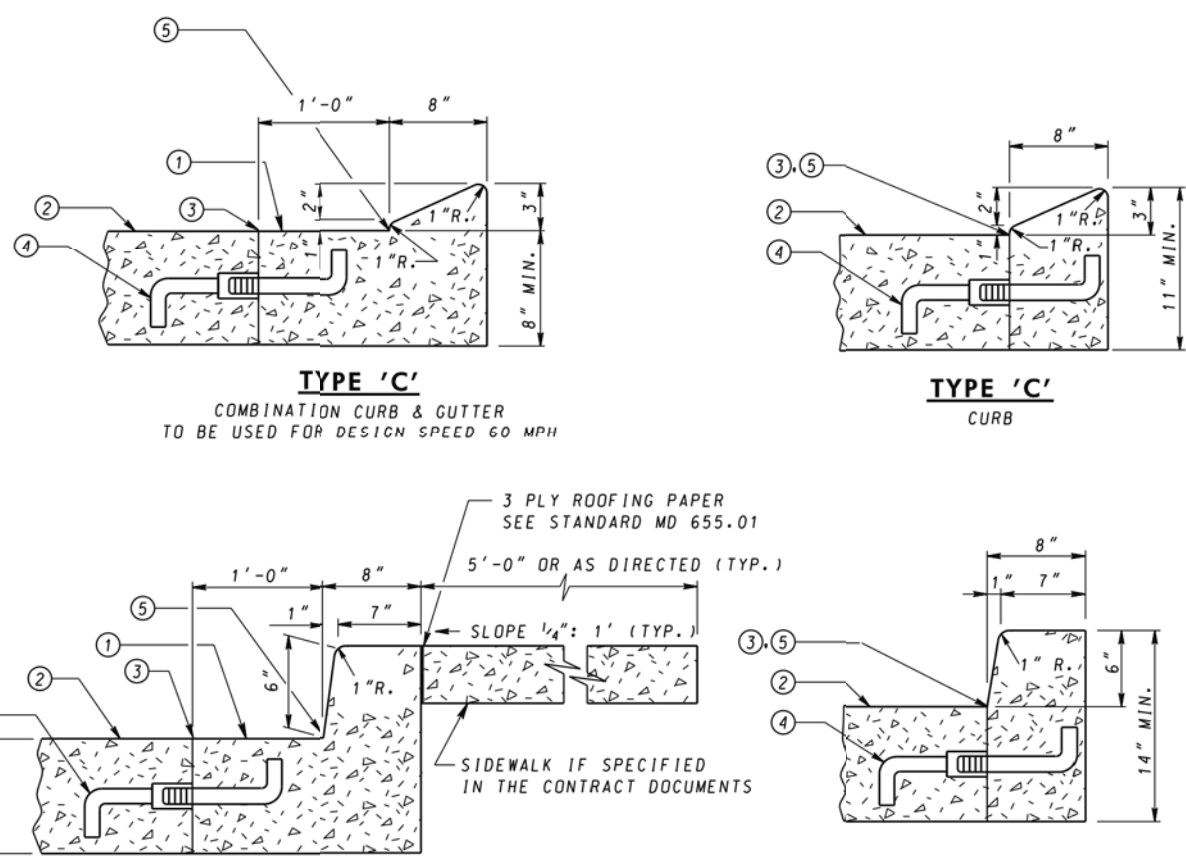
Signature: *Brian Andrews*

Preliminary Not For Construction

N:\MD-Montgomery\Brown Battery Limited\Auto\Plan\Site\Site Plan\FDA-02 Fire Access Notes & Details.dwg 2022.12.09 - 04:21 PM



① 4900 Battery Fire Access Detail
1" = 10'



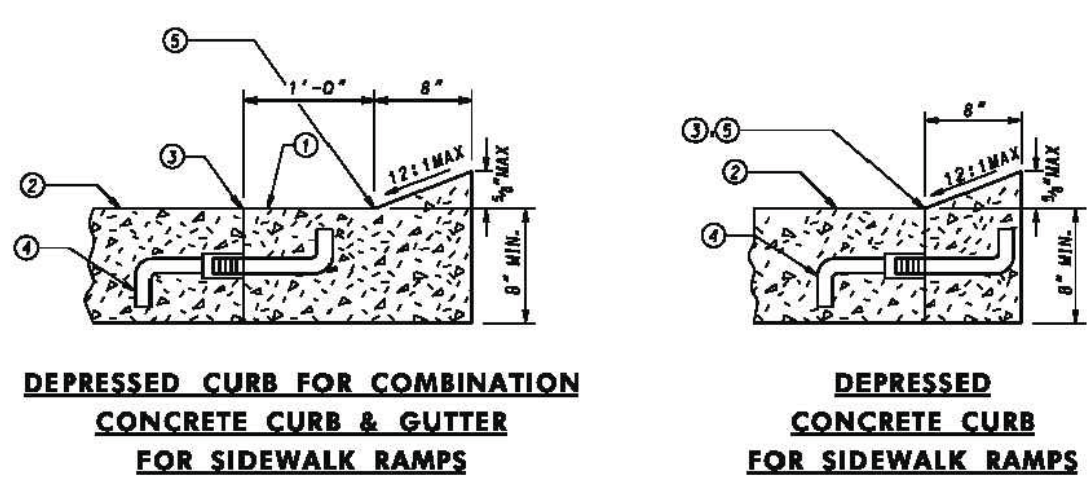
- SLOPE GUTTER PAN 1/4" PER FOOT TOWARD FLOW LINE ON ALL ROADWAYS INCLUDING SUPERELEVATED SECTIONS, EXCEPT INTERCHANGE RAMPS.
- ROADWAY PAVEMENT SLOPE.
- ROADWAY PAVEMENT CONSTRUCTION JOINT.
- PROVIDE LONGITUDINAL TIE DEVICE "J" BAR MODIFIED. REFER TO STANDARD NO. MD 572.51.
- FLOW LINE.

NOTES

- RIGID PAVEMENT ROADWAY ADJACENT TO COMBINATION CURB AND GUTTER AND CLOSED SECTION ROADWAY USING RIGID PAVEMENT WITH COMBINATION CURB AND GUTTER SHALL BE TIED AT THE ROADWAY PAVEMENT CONSTRUCTION JOINT. REFER TO STANDARD NO. 572.51 FOR METHOD OF LONGITUDINAL TIE DEVICES. SPACING OF THE TIE BARS SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS. RIGID PAVEMENT AND CURB SHALL BE CONSTRUCTED AS INDICATED. TIE DEVICES ARE NOT REQUIRED WHEN USING FLEXIBLE PAVEMENT FOR ROADWAY.
- MAXIMUM JOINT SPACING FOR CONCRETE CURB AND COMBINATION CURB & GUTTER IS 10'. SEE SPECIFICATION FOR LOCATIONS AND DESCRIPTION OF TREATMENT FOR THE TYPES OF JOINTS USED.
- TYPE C OR D COMBINATION CURB AND GUTTER SHALL BE USED FOR ALL APPLICABLE NEW CONSTRUCTION AND IN THOSE AREAS WHERE THE COMBINATION CURB AND GUTTER IS TO BE REPLACED IN KIND.
- TYPE C OR D CURB SHALL BE USED FOR THE REPLACEMENT OF LIKE KIND OF CURB ONLY. NOT TO BE USED FOR NEW CONSTRUCTION EXCEPT WHERE INDICATED ON APPROPRIATE INLET STANDARDS.

SPECIFICATION 602	CATEGORY CODE ITEMS	Maryland Department of Transportation STATE HIGHWAY ADMINISTRATION STANDARDS FOR HIGHWAYS AND INCIDENTAL STRUCTURES STANDARD TYPES C AND D CONCRETE CURB AND COMBINATION CONCRETE CURB & GUTTER
APPROVED	DIRECTOR - OFFICE OF HIGHWAY DEVELOPMENT APPROVAL - DATE REVISIONS 2-23-14 2-23-14	STANDARD NO. MD 620.02-01

④ 6" Straight Face and 3" Mountable Curb Detail
NTS



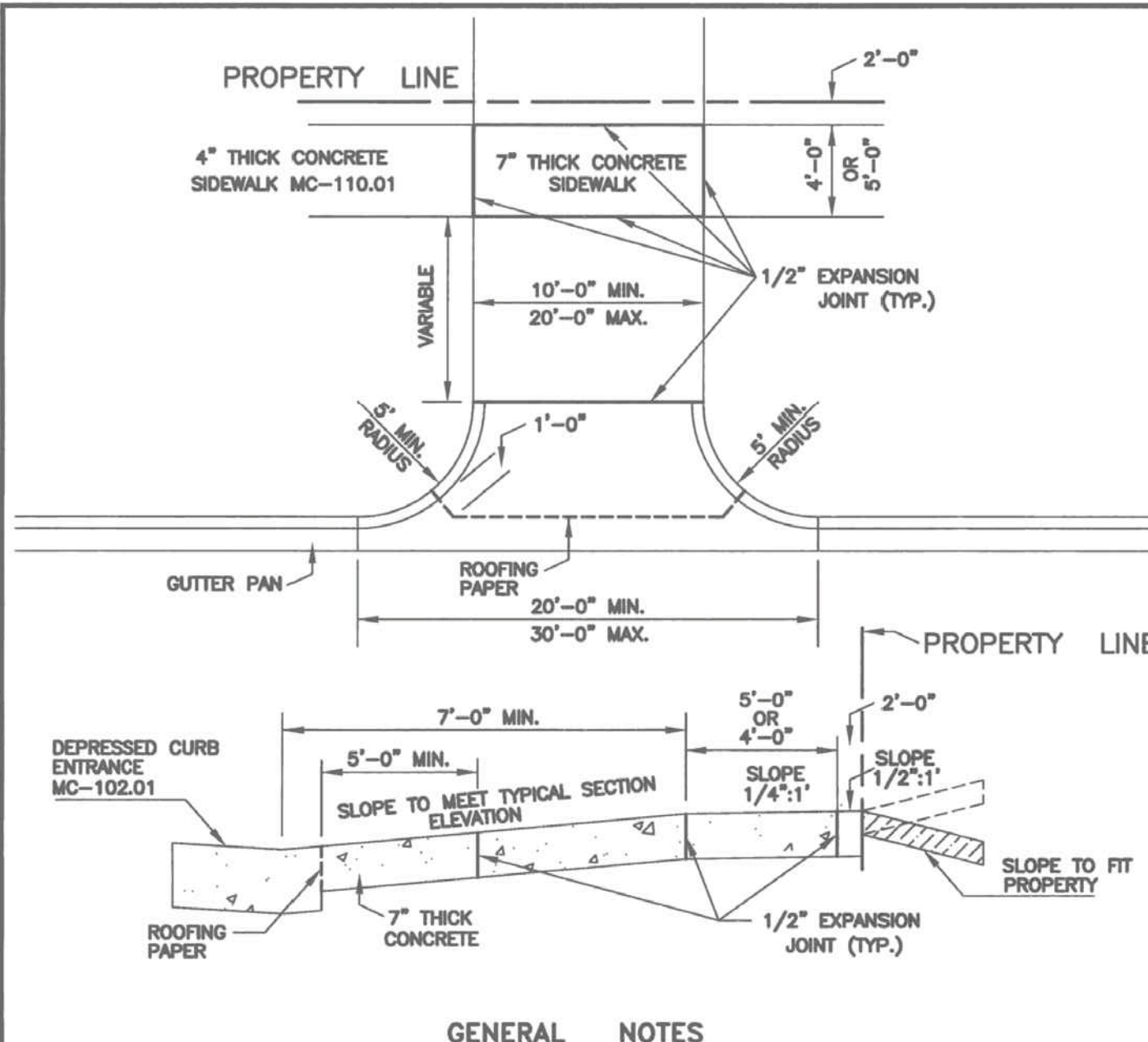
- SLOPE GUTTER PAN 1/4" PER FOOT TOWARD FLOW LINE ON ALL ROADWAYS INCLUDING SUPERELEVATED SECTIONS, EXCEPT INTERCHANGE RAMPS.
- ROADWAY PAVEMENT SLOPE.
- ROADWAY PAVEMENT CONSTRUCTION JOINT.
- PROVIDE LONGITUDINAL TIE DEVICE "J" BAR MODIFIED. REFER TO STANDARD NO. MD 572.51.
- FLOW LINE.

NOTES

- RIGID PAVEMENT ROADWAY ADJACENT TO COMBINATION CURB AND GUTTER AND CLOSED SECTION ROADWAY USING RIGID PAVEMENT WITH COMBINATION CURB AND GUTTER SHALL BE TIED AT THE ROADWAY PAVEMENT CONSTRUCTION JOINT. REFER TO STANDARD NO. 572.51 FOR METHOD OF RETRAY AND LONGITUDINAL TIE DEVICES. SPACING OF THE TIE BARS SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS. RIGID PAVEMENT AND CURB SHALL BE CONSTRUCTED AS INDICATED. TIE DEVICES AND KEPS ARE NOT REQUIRED WHEN USING FLEXIBLE PAVEMENT FOR ROADWAY.
- MAXIMUM JOINT SPACING FOR CONCRETE CURB AND COMBINATION CURB & GUTTER IS 10'. SEE SPECIFICATION FOR LOCATIONS AND DESCRIPTION OF TREATMENT FOR THE TYPES OF JOINTS USED.
- PAYMENT FOR DEPRESSING THE CURB WILL BE INCIDENTAL TO THE CONTRACT UNIT PRICE BID PER LINEAR FOOT FOR THE ITEM CONCRETE CURB OR COMBINATION CONCRETE CURB AND GUTTER, AS SPECIFIED IN THE CONTRACT DOCUMENTS.

SPECIFICATION 602	CATEGORY CODE ITEMS	Maryland Department of Transportation STATE HIGHWAY ADMINISTRATION STANDARDS FOR HIGHWAYS AND INCIDENTAL STRUCTURES DEPRESSED CURB FOR COMBINATION CURB AND GUTTER AND DEPRESSED CURB FOR SIDEWALK RAMPS
APPROVED	DIRECTOR - OFFICE OF HIGHWAY DEVELOPMENT APPROVAL - DATE REVISIONS 2-23-14 2-23-14	STANDARD NO. MD 620.03

③ Depressed Curb Detail
NTS



GENERAL NOTES

- REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
- DRIVEWAY AND DRIVEWAY APRON TO BE MAINTAINED BY PROPERTY OWNER.
- THE EXPANSION JOINTS SHALL BE PLACED AT LOCATIONS SHOWN.
- EXPANSION JOINT MATERIAL SHALL BE 1/2 INCH PREFORMED CORK, TRIMMED AND SEALED WITH NON-STAINING TWO-COMPONENT POLYSULFIDE OR POLYURETHANE ELASTOMERIC TYPE SEALANT COMPLYING WITH ASTM-C920.

APPROVED 14 APR '06 DATE <i>Brian Andrews</i> DIRECTOR, DEPT. OF PUBLIC WORKS & TRANSPORTATION <i>Hugo Severino</i> 1st CHIEF, DIV. OF CAP. DEV.	REVISED REMARKS: 04-27-2009 MCM-C920 4/2009	MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION RESIDENTIAL DRIVEWAY WITH CURB RADIUS STANDARD NO. MC-301.05
---	---	--

② Driveway Detail
NTS

Bethesda Downtown Design Advisory Panel

Meeting Minutes

PROJECT: Battery Lane District Site C

DATE: July 27, 2022

*The **Battery Lane District Site C** project was reviewed by the Bethesda Downtown Design Advisory Panel on July 27, 2022. The following meeting notes summarize the Panel's discussion, recommendations regarding design excellence, and the exceptional design public benefits points. The project is in the Site Plan stage and the Design Advisory Panel will determine if comments from Sketch Plan have been incorporated and take the final vote for design excellence public benefit points if it is determined the Project is suitable. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

Attendance:

Panel

George Dove

Brian Kelly

Damon Orobona

Rod Henderer

Paul Mortensen, ex officio member, Senior Urban Designer in the Director's Office

Staff

Gwen Wright, Director of Planning

Stephanie Dickel, Regulatory Supervisor of DownCounty Planning

Grace Bogdan, Planner III

Adam Bossi, Planner III

Rachel Newhouse, Park Planner

Applicant Team

Nancy Regelin – Shulman Rogers

Robert Graham – Rodgers Consulting

Doug Wrenn – Developer, Aldon Properties

Brian Andrews – Aldon Properties

Robert Graham – Engineer, Rodgers Consulting

Ryan White – Engineer, Rodgers Consulting

Zachary Pawlos – Engineer, Rodgers Consulting

Joanne Trumbo - WDG Architects

Eric Schlegel – WDG Architects



Trini Rodriguez – Parker Rodriguez Landscape Architect
 Steven Sattler – Parker Rodriguez Landscape Architect

Discussion Points:

Staff: The project was just recently at the DAP meeting in June and the Panel had some comments for the Applicant to address and return to the Panel before taking a vote on the Site Plan phase. Those comments were outlined in the staff memo.

Panel:

General Comments

- Are you trying to achieve any type of LEED designation or equivalency on this building?
 - *Applicant Response: Yes, in accordance with the County requirements it will be LEED Silver, a unique pilot program being run by the County. The uniqueness is in regards to acoustics, daylighting, energy compliance.*
- The prior scheme had a variety of ways the building was grounded to the site. This updated scheme is definitely more legible and clean, more restrained. At the southern façade of the building, the rear yard, the relocation of the dog park to this location helps solve an issue with making the space purposeful and allows the dogs to have a larger run. The space is more activated.
- I really like many aspects of this project, I like the level of transparency from Battery Lane, I like the veranda, and its asymmetrical design. I think its really interesting. The only reservation is the parking garage in the back and the potential blank walls associated with the green spaces, but I understand the issue and problems you have.
 - *Applicant Response: Thank you, although while not in this presentation, the parking garage will have features to avoid blank walls, such as ventilation areas, panels, potential perforated metal, something more engaging and fun in the expression of architecture.*
- Adding the outdoor furnishings such as tables and chairs and the grill will undoubtedly promote activating the southwest corner green space. But the southwest sun exposure could be an issue. Consider adding shade structures to make the seating more comfortable and attractive.
 - *Applicant Response: We are planning on putting many trees there and the intent is to make it more parklike and natural, maybe some sail structures could provide some seasonal shade.*
- My comment last time was regarding a more iconic expression of the corner tower. The response to the detail particularly on the top helps. I also think simplifying the base allows that corner to be more iconic from the street and in the overall composition of the elevations.
- One minor comment on page 13, the perspective renderings, I'm not sure why you have a thin strip of grass right in front of the curb of the planter. Perhaps the thin strip can be removed for the width of the plaza and the sidewalk could be wider at that location making it more plaza like. This also starts to address public comments regarding a wider

plaza area in front of the building. What I like about this perspective, you've engaged the arcade and plaza out to the front sidewalk, allowing the plaza to be this width. On page 12, this end is not so successful because the plaza is not directly connected to the fronting sidewalk. Similar to the view on page 13, maybe you can connect this end of the plaza so the trees are more in planters within the plaza rather than a separating element. It would feel more public and engaging and would also respond to some of the public comments regarding the width of the sidewalk.

- *Applicant Response: I think we intended to do that, so it is possible that these images may be slightly inaccurate. The plaza is intended to make those moves and be engaging with the public and this rendering may be a miscommunication. The extra connection does make sense.*
- I echo this comment regarding the plaza, those small moves will certainly help with perception that the space is more generous than a boundary.
- What is the vertically brown material on the facade?
 - *Applicant Response: We are still evaluating the materiality based on the building systems, it could be terracotta, masonry, colored metal panel or wood. It hasn't been determined, but we are intending on a restrained palette of colors that's engaging at a human scale with texture.*
 - My reason for asking is in another Bethesda project they used wood as an accent material and that has greyed out over time eliminating the accent intent.
 - *Applicant Response: Interesting, we rarely use real wood, and would not use it here to avoid fading over time.*

Panel Recommendations:

The Applicant is requesting 20 points for design excellence, the Panel voted in support (4-0) of 20 points.

Bethesda Downtown Design Advisory Panel

Meeting Minutes

PROJECT: Battery Lane District Site C

DATE: June 22, 2022

*The **Battery Lane District Site C** project was reviewed by the Bethesda Downtown Design Advisory Panel on June 22, 2022. The following meeting notes summarize the Panel's discussion, recommendations regarding design excellence, and the exceptional design public benefits points. The project is in the Site Plan stage and the Design Advisory Panel will determine if comments from Sketch Plan have been incorporated and take the final vote for design excellence public benefit points if it is determined the Project is suitable. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

Attendance:

Panel

George Dove

Brian Kelly

Qiaojue Yu

Paul Mortensen, ex officio member, Senior Urban Designer in the Director's Office

Staff

Robert Kronenberg, Deputy Director of Planning

Elza Hisel-McCoy, Chief of DownCounty Planning

Grace Bogdan, Planner III

Adam Bossi, Planner III

Hyojung Garland, Park Planning Supervisor

Emily Balmer, DownCounty Administrative Assistant III

Applicant Team

Nancy Regelin – Shulman Rogers

Robert Graham – Rodgers Consulting

Siti Abdul-Rahman - WDG Architects

Joanne Trumbo - WDG Architects

Eric Schlegel – WDG Architects

Trini Rodriquez – Parker Rodriquez Landscape Architect

Steven Sattler – Parker Rodriguez Landscape Architect



Members of the Public

Holly Clemens
 Anita Kramer
 Dina Soliman
 Michael Fetchko

Discussion Points:

Staff: The project is at Site Plan therefore the review is focusing on detailed architectural review, and the DAP may vote on design excellence points at the meeting's end. Staff provided a memo outlining a summary of changes in response to the DAP's comments from the previous two meetings in 2019 when the related Sketch Plan for the Battery District was reviewed.

Panel:

General Comments

- I think the project has advanced well from the initial design, including connectivity and the layout and geometry is great.
- For an urban site, this project has really a tremendous amount of outdoor experiences that will be an active, positive result. The amount of space that will be available will be successful. I want us to keep in mind that in most urban projects, this one is over the top in terms of public, and semi-public spaces.
- The consolidation of the building access and moving the mass of the building to the north compared to the Sketch Plan phase is far better and puts the mass and density where it belongs on Battery Lane.
- Are the light poles just rendered in green?
 - *Applicant Response: Yes. Ultimately, it depends on DOT.*

Through Block Connections/open space

- Have you thought about putting your vegetable gardens down at grade behind the building? This might help to activate the back lower space.
 - *Applicant Response: We have not, these were going to be private community gardens, so we had them above. At grade, we did want to have something else that was public and activating.*
- I'm asking because I'm very concerned that the back, behind this building is not going to be well activated and might create safety concerns. This is a bigger discussion for this side of Battery Lane because the lots are so deep, on the north side there will be a public through block connection along the entire northern end of the sites and there will be continuous energy and activity and eyes on the path. On this south side I'm not sure what the back of this lot will look like and similarly for the lots to the west.
- I share your concern about that area in the back, not sure if the vegetable garden will be the cure though. The community garden will allow residents to pick their fresh vegetables and herbs and cook in the same location. Maybe the dog park can meander in that rear space? What are the green rectangles?

- *Applicant Response: Stormwater management bioboxes that treat water from the amenity area.*
- In the southwest green area, could there be more programming elements for those working from home?
 - *Applicant Response: Since we have this nice sizeable space, we were thinking about something more active and public. We could work on adding those programming elements but we thought the courtyard area being more useful for that.*
- I agree, the size of the site may also lend to a strange space. These two through block connections do not really go all the way through, and there really is only a 4' sidewalk at one of the connections past the Police Station. I know you can't do much offsite, but I hope you do what you can to make the connection a reality. If this western through block connection really became something and connected to Rugby Ave, you would have hundreds of people using it everyday just because it is such a necessary connection.

Site Layout

- I do have a question about the northwest corner, there are pavement areas that interrupt the green panel, can that be removed to have a continuous green panel in this area?
 - *Applicant Response: That is actually utility services for the building, there is an engaging area to the west side of the lobby.*
- Is there anyway to shift that so the entrance could be more continuous? It seems to interrupt the green panel greatly.
 - *Applicant Response: we can work with the utility companies to see what we can do.*
- On several of your drawings it shows the cycle track and a planting strip and a sidewalk, what exactly is going on there?
 - *Applicant Response: That is a graphical error. There will be a hardened median in between the vehicular travel way and the cycle track and it will end at the property line, beyond that will be striping. We are working with DOT on the materiality, the bus station will be concrete, but we are hoping for something like grass or other vegetation. We are limited based on what DPS will accept but trees are not possible given the utility line locations.*
- I would defend the setback on Battery Lane based on context and not necessarily on ambiguous mathematical dimensions. The building setback to the east is excessive and not an appropriate response to the urban context that the Bethesda Downtown Plan is trying to achieve.

Architecture

- The tripartite architectural expression of the facades is not only unusual but very effective and appropriate on this scale of building. The two-story residential extension on the west does a nice job of completing the cycle of types of units and transition. In my opinion this is far better solution than where we were.

- I think the building has come a long way and I really appreciate the efforts to engage the building with the street. The top of the building, the cornice, is basically the same thick planar top all the way around. The massing diagrams talk about this iconic element of the northwest corner, but it is exactly the same as the rest of the building. I wonder if there is some way to express that differentiation of the corner in the elevation as well. Perhaps there is something different at the top here. At the back you have a colonnade that gives a defined top floor, that was a great move. Is there something else you can do on the rest of the building to further define that?
 - *Applicant Response: We did look at incorporating something like a trellis, and we ended up with an outdoor view at the rooftop and didn't want to block those views. So, we focused on the south of the building. Maybe we can look at different fenestration but that's where our focus was.*
- Your roof plan does not do the building justice. It is much easier to understand as a Nolli plan from the street experience. It took me a long time to realize there is a transparent lobby and a view into the courtyard, and that is an extraordinary aspect of the building and mitigates the pressure of the building to the north.
- One thing that struck me is that there are many languages as to how this building grounds, there are about 3 or 4 strategies. Maybe the building can only ground with one or two variations for better continuity, maybe there is a way to frame the piece along Battery Lane to transition that into the townhouse, and transitions to the rear. I don't know what the answer is.
- If there is something that can heighten that corner mass at the sky, I think that would be helpful. It may be that those top windows are taller? I'm not sure, something that makes the corner band thinner, not sure what the answer is, but you've made an iconic form and it needs to be expressed a little better as a corner element.
 - *Applicant Response: We will look at it.*

Public Comments:

- The presentation proposes connectivity, but I don't think it really provides better connectivity. I only see appropriate setbacks on 3 sides. I feel the proposed building is not in step for other buildings on our block. I don't consider the existing setbacks excessive. Our garden residential character that exists on Battery Lane will be destroyed. Moving some of the rear setback can be moved to the front to address the safety issue. We must not be forced into a downtown urban design when our current character is a garden design.
- In the discussion I hear that they hope the design strengthens the residential character and trying to create an urban character more like downtown. The pedestrian experience is a particularly narrow street and bringing a building of this height and mass 20 feet from the pedestrians, it will actually detract from the pedestrian experience and will be a lesson on what not to do. I would like to see the building pushed back and the open space in the back is excessive.
- I spoke to the DAP back in February with similar concerns that the 4901 Battery Lane will be too close to the street. I think if these distances become real, it will create a canyon along Battery Lane. What really activates the pedestrian experience is more

space, not the uses adjacent to the pedestrian area. The people who use the pedestrian path from Woodmont to Old Georgetown get more space rather than it being hidden behind the building. It will be better programmed at the front of the building. I have two requests: 1) please visit Battery Lane and walk the street and see the open space described today and 2) listen to the pre-submission meeting from Aldon last week. More residents on Battery Lane want to see that space retained rather than being surrounding by brick and glass. I just don't understand a building facing the sidewalk enhances a pedestrian experience, I would like to see more open space.

- *Applicant response: We did discuss this at the community meeting. One of the elements that drives the placement of this building is the fire code. We need a maximum of 50 foot access to the building from the firetruck location, and the maximum distance that a firefighter can traverse around the building can only be 450 feet. When we look at those provisions together, the building footprint can really only fall where we've placed it.*
- Panel: It would be interesting for the Applicant to do a street section, a diagram street section blackening the building (at full proposed heights) on either side, so we can see the width to height ratio of the street better. Below this section should be a partial street plan drawing.
- Panel: A diagram illustrating the life safety restrictions would be helpful also. Rationalizing setbacks on a merit basis is not as successful as a contextual basis. I did say the Bethesda Downtown Plan is advocating a less suburban scenario, but did not mean that it is advocating for a downtown Bethesda/Wisconsin Avenue scenario. Demonstrating the implications of the setbacks with a diagram and understanding it in regard to other elements proposed would be very helpful.

Panel Recommendations:

The Panel requested the Applicant return with comments addressed from today's meeting.

DAP Meeting Aldon Site C June 22, 2022

Holly Clemans,
4977 Battery Lane, #420 Bethesda MD 20814
holclem@aol.com.

I am speaking/writing to you to call attention to the problem of the too small setback for the site C building. The current building today is set back almost 40 feet. The proposed building cuts that setback almost in half, with the new building proposed to be located much too close to the sidewalk pedestrian corridor and street.

The proposed building is not in step with other buildings on our block that have significantly larger setbacks. For example, the recently renovated Sunrise building across the street has a 58 foot setback.

Aldon must not erase the garden residential character that we experience when we walk down Battery Lane.

This project was supposed to support the goal (open quote) “to move Battery Lane from its “car focus” toward a pedestrian focus with expanded streetscape and sidewalks, emphasizing pedestrians, street trees and connections.”(closed quote).

It is imperative that Aldon preserve the setbacks of their current buildings, as they put their new plan in place for our neighborhood. We must not be forced into a downtown urban design, where clearly a residential garden design is needed.

The new site C plan has 35% open green space in the back, and on the side of the proposed building. Aldon needs to reassign some of this open green space, to restore the proper residential set-back. Moving green space to the front of the building is beneficial to the neighborhood, rather than hiding it behind the new building.

The planning board mentioned in an earlier discussion of Battery Lane (quote) “Provide an urban design concept that incorporates opportunities for **deeper setbacks** and increased canopy trees and plantings to create a garden district that differentiates itself from downtown Bethesda.” (end quote)

The site C plan must be corrected, so that it becomes a model for the development to come, so that the pedestrian strolling experience is not changed from that of a garden district to that of an urban canyon.

Thank you for your consideration to review and widen the building setback on site C.

Holly and Jim Clemans

My name is Anita Kramer (4977 Battery Lane, owner for 17 years).

I have worked at the Urban Land Institute (ULI) for 19 years. As you may know, although I am not representing them in any way, they are all about supporting infill development for the purpose of increasing housing supply, particularly in walkable areas. Site C development is a great step in that direction.

I'm here today to talk about walkability and the pedestrian experience. Forgive me for preaching to the choir... walkability is not only about having a sidewalk that goes from point A to B, it's about making that sidewalk a **welcoming** experience so people WANT to use it as their means of mobility. If I understand correctly, site C's on-site parking requirements take into account the proximity of two metro stations. So let's make sure the street level design actively supports and encourages that assumed walkability. And that it encourages the same for all residents in the neighborhood.

A welcoming walkable environment can be created by several factors, not all of which are provided in the Design of Site C, as it is now. Yes, there is a planting bed between the street and the sidewalk, and the sidewalk will be somewhat wider (although not as wide as the upper end of the BDP Design Guidelines)...but then we come to proximity of the building, only 20 feet from pedestrians. The proximity of that hard surface is inescapable due to its height and massing—there is no human scale here for the pedestrian. This proximity only narrow's the experience. It, in effect, negates the pedestrian experience—it certainly diminishes it...all the while, that site has the potential to add to it.

Bringing buildings this close to the lot line is a tool that has value in many instances—creating sense of place along wide streets, like Rockville Pike; creating a sense of community in low-rise neighborhoods where proximity AND an open feeling can both be maintained. But placing buildings of this height, that close to the lot line, on a residential, narrow street just creates a commercial sensibility, and a hemmed in, unwelcoming sidewalk. It has no redeeming value for the pedestrian or the neighborhood feel.

BDP Design Guidelines were developed by experts following urban design best practices and knitting all the pieces together was a feat...still, 1 individual implementation can often bring up unintended consequences. I believe this particular building's siting relative to the street, on this particular narrow street cries out for the building footprint to be moved further away from the sidewalk.

You only have to look at The Madison, 5000 Battery Lane, to see a successful execution of these points.

Please truly create, not just call it, a walkable neighborhood. Move the Site C building back!

From: [DINA SOLIMAN](#)
To: [Balmer, Emily](#)
Cc: [Bogdan, Grace](#)
Subject: Re: Re- Meeting held on June 22nd 2022
Date: Tuesday, June 21, 2022 11:40:44 AM
Attachments: [image002.png](#)
[image001.png](#)
[image005.png](#)
[image004.png](#)
[image003.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thank you.

[Sent from the all new AOL app for iOS](#)

On Tuesday, June 21, 2022, 8:09 AM, Balmer, Emily <emily.balmer@montgomeryplanning.org> wrote:

Good morning,

Thank you so much for reaching out. Below you will find the Microsoft Teams meeting information to join the meeting. Item 1, Battery Lane – Site C begins at 9:30am. Attached you will find instructions to guide you through joining the meeting.

Do you have any comments that you would like to submit prior to the meeting in writing or any comments you would like to make during the meeting?

Thanks again,

Emily Balmer

**Please do not forward this meeting invitation*

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Join with a video conferencing device

[135990691@t.plcm.vc](tel:135990691@t.plcm.vc)

Video Conference ID: 118 007 128 3

[Alternate VTC instructions](#)

Or call in (audio only)

+1 443-961-1463,,19598341# United States, Baltimore

Phone Conference ID: 195 983 41#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)



Emily Balmer

Administrative Specialist I

Intake and Regulatory Coordination Division

Montgomery County Planning Department

2425 Reedie Drive, Wheaton, MD 20902

emily.balmer@montgomeryplanning.org

o: 301.495.4621



[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Emily,

I am a unit owner at Madison Park on Battery lane in Bethesda, MD I would like to attend the meeting held on June 22nd , regarding site C .

Thanks,

Dina Solima, MD

Madison Park Unit Owner

Sent from my iPad

From: [LaBaw, Marie](#)
To: [Bogdan, Grace](#); [Michael Fetchko](#)
Cc: [Robert Graham](#); [Hisel-McCoy, Elza](#); [Dickel, Stephanie](#)
Subject: Re: Fire codes response to public comments at the DAP mtg today
Date: Monday, February 6, 2023 9:39:53 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

The code reference is NFPA 1 Section 18.2.3.2.3. See Montgomery County Executive Regulation 8-16 page 17 at the link below.

https://www.montgomerycountymd.gov/DPS/Resources/Files/Land_Development/ER%208-16.pdf

Fire department vehicular access can be provided via any MCFRS apparatus load bearing maintainable hardscape designed for traffic with the minimum required width and turning radii. That could include a driveway or other type of vehicular access.

If I can provide any other information, please feel free to ask.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reedie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>
Sent: Monday, February 6, 2023 9:26 AM
To: Michael Fetchko <mfetchko@earthlink.net>
Cc: Robert Graham <RGraham@RODGERS.com>; LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Subject: RE: Fire codes response to public comments at the DAP mtg today

[EXTERNAL EMAIL]

Good Morning Michael-

In short, as was presented at the Bethesda Design Advisory Panel, the main side hinge doors to any multifamily building lobby must be located no farther than 50 feet from an operational bay per the National Fire Code, as amended and adopted by Montgomery County. If you have specific questions, I've cc'd the Applicant's engineer, Bob Graham and Marie LaBaw from DPS Fire Access. Additionally from a design perspective, the proposed building location achieves the vision of the

Bethesda Downtown Sector Plan and Design Guidelines.

Thanks,

Grace

-----Original Message-----

From: Michael Fetchko <mfetchko@earthlink.net>

Sent: Friday, February 3, 2023 4:42 PM

To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>; Dickel, Stephanie
<Stephanie.Dickel@montgomeryplanning.org>

Subject: RE: Fire codes response to public comments at the DAP mtg today

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello Grace:

Thanks for the reply.

Yes, I would still like an answer about the minimum distance required for FD access for apartment buildings and how that affects how close the front of the proposed building at Aldon/Brown Site C is to the sidewalk. As I had stated previously, this reason for the unfortunately limited distance between pedestrians on the sidewalk and front of the proposed 120 foot building was entirely new, given the number of times Battery Lane District residents have questioned the reduced space between sidewalk and building walls through this approval process.

An explanation of the legally required distances for FD access will be helpful to understand why these new buildings (including 4901 Battery Lane across the street) must be so close to the sidewalk while significant open space is relegated to back of the both buildings, not particularly accessible for public use.

Thank you.

Michael Fetchko

-----Original Message-----

From: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Sent: Feb 3, 2023 11:59 AM

To: Michael Fetchko <mfetchko@earthlink.net>, Dickel, Stephanie
<Stephanie.Dickel@montgomeryplanning.org>

Subject: RE: Fire codes response to public comments at the DAP mtg today

Hi Michael-

Just circling back on this email. As you may be aware, this project is going to the Planning Board on February 16th and wanted to see if you had any further questions regarding FDA access. If so, we are happy to put you in contact with DPS Fire and Access and/or the Applicant's engineer to discuss the final FDA design, which was approved on December 17, 2022.

The staff report will be posted next Monday, February 6th.

Thanks and have a great weekend,

Grace

-----Original Message-----

From: Bogdan, Grace

Sent: Wednesday, June 22, 2022 2:06 PM

To: Michael Fetchko ; Dickel, Stephanie

Subject: RE: Fire codes response to public comments at the DAP mtg today

Hi Michael-

Thanks for your follow up. I am forwarding the comment to someone over in DPS Fire and Access to review. Some of what Robert mentioned sounded familiar from comments we've received on other plans, but I cannot say specifically how it applies to this site.

We will be in touch shortly.

Grace

-----Original Message-----

From: Michael Fetchko

Sent: Wednesday, June 22, 2022 12:55 PM

To: Bogdan, Grace ; Dickel, Stephanie

Subject: Fire codes response to public comments at the DAP mtg today

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

hello Grace, Stephanie:

I believe it was Robert Graham who responded to public comments at the DAP meeting this morning requesting that the Aldon Site C redevelopment allow for more space between the actual building and the sidewalk by saying that they have only 'inches' to move the footprint of the building due to fire codes.

I have never heard of this reason for keeping buildings too close the sidewalk before and wonder if this is true. If so, what exactly are the fire code requirements for placement of a building, and do such codes actually prevent moving buildings, such as Aldon's Site C building and 4901 Battery Lane across the street, back and away from the sidewalk?

Thanks for confirming and explaining what Robert meant in his response.

Michael Fetchko



For more helpful Cybersecurity Resources, visit:
<https://www.montgomerycountymd.gov/cybersecurity>

From: [Nathan Gill](#)
To: [Nancy Regelin](#); mmariotti@aldonishome.com; smilliren@aldonishome.com; [Bogdan, Grace](#); jwilliams@aldonishome.com; jermaine.jack@montgomerycountymd.gov
Cc: [Matthew Losak](#); [Dickel, Stephanie](#)
Subject: Re: Meeting: Brown Co./Battery Lane development plan
Date: Saturday, January 28, 2023 10:40:36 AM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Nancy, no one reached out to me, and the concern remains unaddressed.

I have added to this email the **following. I demand that Aldon management change the electronic door key on all its buildings on Battery Lane and lock all external doors without further delay, to protect the community from further violations of safety and security, loss and theft. I have obtained images of intruders, the elevator door button is held on with tape, and there are MANY violations here that need to be addressed RIGHT NOW. I believe my neighbors have decided to begin to address their concerns with a mass complaint action to address this neglect; I received a note under my door to join a mass action.**

I and others have tried to work with Matthew Losak without success to address our concerns. I have been in contact with the Montgomery County Executive Mark Elrich, his PR agent Mr. Scott Peterson, Aldon management, Brown development, the Housing Alliance, my neighbors, my landlord's agents and others to date to address major concerns. I understand our former community manager Mary was (fired) for trying to execute illegal business actions, namely an illegal parking fee increase that the tenants fought off in a collective action of more than 100 signatures, delivered by Dr. Jonathan Green. As our continued concerns have been ignored, a housing inspector was in my apartment Thursday and my concerns will be addressed. The Washington Post is aware of the issue. My fellow tenants are beginning to organize, and though I am not a part of the collective action, I suspect Aldon will soon receive a large batch of complaints in a batch action. I received a note under my door, and the building is festooned with demands for action.

"Come on, man!" - Joseph Biden

I am disappointed, and I wonder if **County** should reconsider its proposed partnership with Brown Development and intervene, inspect and review Aldon's operation in Bethesda. The Montgomery County Police have "liked" a Twitter account that I did not start that reports "Aldon Mismanagement". We are tired of being ignored, and the police and county inspectors are now being dispatched to help us, joined by many individual complaints, and I suspect a mass complaint that will be hard to ignore.

I have included Jermaine Jack, Hoseing Dept. to this email. Inspector Dorsey is my direct contact for my personal matters, and we are in touch by cell; I am acting outside the mass action. I will notify County and Police of any retribution I suffer from Aldon or Landlord.

Melissa Mariotti - mmariotti@aldonishome.com - Director of Property Management

Jamison Williams - jwilliams@aldonishome.com - Regional Manager

Sarah Jane Milliren - smilliren@aldonishome.com - Vice President of Investment Management and Strategy

Jermaine Jack, Housing Code Inspector, Department of Housing and Community Affairs

Mr. Losak, the Jan. 22 meeting you proposed did not transpire, and I'm disappointed about that. I'm disappointed that you've taken no action to help, and that nothing has changed since I made you aware of issues many months ago. I and others have tried to work through the Housing Alliance, but no action took place after conversations.

I must note that many of my neighbors speak Chinese, Hindi-Urdu, Spanish, and other languages that are not fluent English, and that many of my neighbors are afraid for their safety, afraid to speak up because retribution, afraid of being housing insecure, and are a vulnerable, international population. None of us know when Aldon will destroy the buildings. Aldon keeps delaying that activity, while buying properties in South Carolina. Aldon is well capitalized and has a legal team at its disposal.

I think that Montgomery County is one of the richest counties in the United States, and Renter voices WILL be a part of the county's future. It is shameful what is happening on Battery Lane, and if you agree, I hope you (yes you, reading this email) take immediate action to address this embarrassment.

I have been a Landlord in Colorado, a property manager in Kansas, and a crime reporter for McClatchy News syndicate, focusing on civic government and elections. I've been working at NIH tirelessly trying to help the nation survive a multi-year global disaster for the last 2 years. Many of my neighbors work at NIH too. Phd Scientists, nurses, oncologists for rare childhood disease, radiologists, janitors, Mds and skilled administrators.

I don't deserve this abuse, we don't deserve this abuse. I demand action now.

Nathan Gill

4890 Battery Lane.
Bethesda Md
20814

From: Nancy Regelin <NRegelin@shulmanrogers.com>
Sent: Monday, December 19, 2022 5:25 PM
To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>; Nathan Gill <nathangill1986@outlook.com>
Cc: Nelson, Cashielle <Cashielle.Nelson@montgomeryplanning.org>; Anne Middleswarth <middab@outlook.com>; Kara Wilhelm <karawilhelm@yahoo.com>; Matthew Losak <mattlosak@rentersalliance.org>; Hallie Shell <hlshell@yahoo.com>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Subject: RE: Meeting: Brown Co./Battery Lane development plan

Thanks Grace for forwarding to my attention.

Nathan – I have forwarded to Aldon to have someone reach out to you. If you have questions on the development you are always welcome to reach out to me.

Nancy Regelin, Esquire
Attorney for Brown Development
301-230-5224

From: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>
Sent: Monday, December 19, 2022 4:22 PM
To: Nathan Gill <nathangill1986@outlook.com>
Cc: Nelson, Cashielle <Cashielle.Nelson@montgomeryplanning.org>; Anne Middleswarth <middab@outlook.com>; Kara Wilhelm <karawilhelm@yahoo.com>; Matthew Losak <mattlosak@rentersalliance.org>; Hallie Shell <hlshell@yahoo.com>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Nancy Regelin <NRegelin@shulmanrogers.com>
Subject: RE: Meeting: Brown Co./Battery Lane development plan

Hi Nathan-

The project was tentatively scheduled for consideration by the Planning Board on December 22nd, however the project has been delayed. The earliest the Planning Board would consider the case is in late January, but again that date is tentative. A notice will be sent in the mail 10 days prior to the hearing and I can have you added to that mailing list if not already on it, I will just need your address. You can also continue to email me as the Lead Reviewer for the development application for updates as the project moves forward.

I've also cc'd the Applicant's representative, Nancy Regelin, who can hopefully get you in touch with the appropriate persons RE: building security and address any specific questions that you were not able to ask at the community meeting.

Thanks,

Grace



Grace Bogdan, AICP (she/her/hers)
Planner III, DownCounty Planning Division

Montgomery County Planning Department
 2425 Reedie Drive, 13th Floor, Wheaton, MD 20902
grace.bogdan@montgomeryplanning.org
 o: 301.495.4533



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
 2425 REEDIE DRIVE, WHEATON, MD 20902

From: Nathan Gill <nathangill1986@outlook.com>
Sent: Monday, December 19, 2022 3:40 PM
To: Hallie Shell <hlshe@yaho.com>; Balmer, Emily
 <emily.balmer@montgomeryplanning.org>
Cc: Anne Middleswarth <middab@outlook.com>; Kara Wilhelm <karawilhelm@yahoo.com>;
 Matthew Losak <mattlosak@rentersalliance.org>
Subject: Re: Meeting: Brown Co./Battery Lane development plan

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good afternoon Emily,

Can you confirm the time and place for the meeting to consider approval for the Brown Company's plan for redevelopment at 4890 and 4900 Battery Lane in Bethesda?

I tried to attend a meeting at the Creation Station but I feel I was shut out by Aldon, which doesn't like to communicate the times and days of community meetings.

Emily, I'm concerned about the security of our apartment. I just spoke with a neighbor, Maria Inez. She is a non-English speaker from Honduras. Her daughters saw a man in the lobby of our apartment which is never locked with his face covered in blood. I feel like this is an issue.

Best regards,
 Nathan Gill.

Get [Outlook for Android](#)

The information contained in this electronic message and any attached documents is privileged, confidential, and protected from disclosure. It may be an attorney-client communication and, as such, is privileged and confidential. If you are not the intended recipient, note that any review,

disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify us immediately by telephone (1-301-230-5200) or by electronic mail (LawFirm@ShulmanRogers.com). Thank you.

From: [Bogdan, Grace](#)
To: [Michael Fetchko](#); [Jack Alexander](#); [Hisel-McCoy, Elza](#)
Cc: [Dickel, Stephanie](#); [Nancy Regelin](#); [Mark Rittenberg](#); [Bill Montrose](#); [Kronenberg, Robert](#)
Subject: RE: Notice of Planning Board Hearing - 2/16/2023 - Battery Lane Site C
Date: Friday, February 3, 2023 5:10:34 PM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)

Thanks for your comments, they will be included in the staff report available next Monday. Have a great weekend.

Grace

From: Michael Fetchko <mfetchko@earthlink.net>
Sent: Friday, February 3, 2023 3:54 PM
To: Jack Alexander <jalexander@amrcommercial.com>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>
Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Nancy Regelin <NRegelin@shulmanrogers.com>; Mark Rittenberg <Mrittenberg@amrcommercial.com>; Bill Montrose <Wmontrose@amrcommercial.com>; Michael Fetchko <mfetchko@earthlink.net>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>
Subject: RE: Notice of Planning Board Hearing - 2/16/2023 - Battery Lane Site C

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

All:

I'd like to thank Jack for reminding us that the noted 'through-block connections' will not exist based on the plans proposed for Aldon/Brown's Battery Lane Site C. I and others have previously questioned these paths throughout the review process of Aldon/Brown's Sketch, Preliminary, and Site plans by the DAP and various Planning Staff members and at Aldon/Brown's public presentations.

At best, one through-block connection will be enhanced, but only on the Site C property. It is not accurate to assert that three actual through-block connections will result from the development on Site C.

- The east side through-block connection between Battery and Rugby has existed for many years and is currently used every day. Unfortunately, this connection was recently reduced in usefulness by the placement of bollards on the sidewalk next to the new 2nd District Police Station. Has Aldon/Brown or Planning Staff discussed with police how to make this sidewalk again useful for those people who are less than fully abled or are walking with strollers or other items? As Jack points out, its width of 38 inches makes it less than ideal as a 'through-block connection.'

- The west side 'connection' is a path to nowhere except the greenspace hidden behind Site C for Aldon/Brown tenants. Unless you are a resident in this new apartment building, it's difficult to see why someone would use this path to go from Battery Lane to anywhere south. For any non-Aldon/Brown resident, it will not be a 'through-block connection.'

- The southern 'connection' is again a path that is not useful for Battery Lane residents who don't live in this Aldon/Brown Site C building and should not be described as a public amenity or a through-block connection.

Like Jack, I hope that the public amenities touted by this project are described accurately, without any aspirational language that elides the need for work on other, unrelated properties to be completed. We who live and work in the Battery Lane District support new pedestrian and biking connections from our neighborhood to the greater downtown Bethesda. But the building changes that Aldon/Brown has proposed for Battery Lane will significantly alter the character of the Battery Lane residential district neighborhood, and we should to discuss such changes honestly and accurately.

I look forward to reading the final Planning Staff report prior to the Planning Board presentation.

Thank you.

Michael Fetchko

-----Original Message-----

From: Jack Alexander <jalexander@amrcommercial.com>

Sent: Feb 3, 2023 1:47 PM

To: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>, Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>, Nancy Regelin <NRegelin@shulmanrogers.com>, Mark Rittenberg <Mrittenberg@amrcommercial.com>, Bill Montrose <Wmontrose@amrcommercial.com>, Michael Fetchko <mfetchko@earthlink.net>, Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>

Subject: RE: Notice of Planning Board Hearing - 2/16/2023 - Battery Lane Site C

Elza- Thanks for reaching out and giving me your take on this. It just strikes us as a bit of gas lighting that these "Three through-block connections" are constantly being touted as one of the main amenities of this project for the community when in fact we are getting nothing of the sort. Grace highlighting that each of the connections will achieve an "average minimum width of 15 feet" is extremely disingenuous when the only true mid-block connection is already existing and is approximately 38 inches wide. I look forward to seeing the staff report on Monday. Have a nice weekend. Jack

John C. Alexander
President
AMR Commercial, LLC
4849 Rugby Avenue, Suite 200
Bethesda, MD 20814
301-961-9696 Ext. 207
amrcommercial.com



ALEXANDER, MONTROSE, RITTENBERG
 Commercial Real Estate Brokerage
 Est. 1994

Celebrating
29 Years
 1994-2023



From: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>

Sent: Friday, February 3, 2023 1:25 PM

To: Jack Alexander <jalexander@amrcommercial.com>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Nancy Regelin <NRegelin@shulmanrogers.com>; Mark Rittenberg <Mrittenberg@amrcommercial.com>; Bill Montrose <Wmontrose@amrcommercial.com>; Michael Fetchko <mfetchko@earthlink.net>;

Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>

Subject: RE: Notice of Planning Board Hearing - 2/16/2023 - Battery Lane Site C

Hello Jack,

Thank you for taking the time to share your comment with us. As I believe you appreciate, improvements like through-block connections are provided on a piecemeal basis as development projects come through. We all recognize that since the property in question does not extend through the block it cannot in itself provide a through-block connection. We refer to these initial, necessarily partial connections as "through-block" as a shorthand, and did not intend to confuse you. The connection efforts undertaken by this project will be carried through to Rugby Avenue as future development makes possible. We will be sure to clarify the distinction in our presentation to the Planning Board next week.

Keep well,

Elza



Elza Hisel-McCoy (he/him/his)
Chief, DownCounty Planning

Montgomery County Planning Department
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902
elza.hisel-mccoy@montgomeryplanning.org
301.495.2115



From: Jack Alexander <jalexander@amrcommercial.com>

Sent: Friday, February 3, 2023 12:12 PM

To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>;

Nancy Regelin <NRegelin@shulmanrogers.com>; Mark Rittenberg <Mrittenberg@amrcommercial.com>; Bill Montrose

<Wmontrose@amrcommercial.com>; Michael Fetchko <mfetchko@earthlink.net>

Subject: RE: Notice of Planning Board Hearing - 2/16/2023 - Battery Lane Site C

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Grace- Thanks so much for your response. We have never spoken, perhaps you are confusing me with my partner Mark Rittenberg. The mid-block connections in the 2017 Bethesda plan are a wonderful concept and most needed. This site plan doesn't provide any new mid-block connections. Touting "three through-block connections" in the description is flat wrong. This comment has been conveyed on numerous occasions to numerous people involved with the project, the description of the project at a minimum should be accurate. Jack

John C. Alexander
President
AMR Commercial, LLC
4849 Rugby Avenue, Suite 200
Bethesda, MD 20814
301-961-9696 Ext. 207
amrcommercial.com



ALEXANDER, MONTROSE, RITTENBERG
Commercial Real Estate Brokerage
Est. 1994



From: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Sent: Friday, February 3, 2023 11:51 AM

To: Jack Alexander <jalexander@amrcommercial.com>

Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Nancy Regelin <NRegelin@shulmanrogers.com>

Subject: RE: Notice of Planning Board Hearing - 2/16/2023 - Battery Lane Site C

Hi Jack –

Thanks for reaching out. I recall having a phone call with you earlier in the application review. As we discussed then, the proposed through block connections are in keeping with the 2017 Bethesda Downtown Sector Plan recommendations. The Applicant will construct three through-block connections on their Site, one along the eastern, western, and rear (southern) sides of the Site. Each of these connections will achieve an average minimum width of 15 feet, however the design of each space varies based on the connection. The staff report will be posted with further detail on each connection on Monday, February 6th. If you have any further questions please feel free to reach out.

Thanks and have a great weekend,

Grace



Grace Bogdan, AICP (she/her/hers)
Planner III, DownCounty Planning Division

Montgomery County Planning Department
2425 Reedie Drive, 13th Floor, Wheaton, MD 20902
grace.bogdan@montgomeryplanning.org
o: 301.495.4533



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Jack Alexander <jalexander@amrcommercial.com>

Sent: Thursday, February 2, 2023 4:10 PM

To: Balmer, Emily <emily.balmer@montgomeryplanning.org>

Cc: Mark Rittenberg <Mrittenberg@amrcommercial.com>; Bill Montrose <Wmontrose@amrcommercial.com>; Michael Fetchko <mfetchko@earthlink.net>

Subject: RE: Notice of Planning Board Hearing - 2/16/2023 - Battery Lane Site C

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Emily- Thanks for sending. I really don't understand how **Three Through Block connections** in the Proposed Use bullet can be touted here with a strait face. I count one at best and it is extremely narrow. I would appreciate having someone explain what I am missing here. Thanks, Jack

John C. Alexander
President
AMR Commercial, LLC
4849 Rugby Avenue, Suite 200
Bethesda, MD 20814
301-961-9696 Ext. 207
amrcommercial.com



ALEXANDER, MONTROSE, RITTENBERG
Commercial Real Estate Brokerage
Est. 1994

Celebrating
29 *Years*
1994-2023



From: Balmer, Emily <emily.balmer@montgomeryplanning.org>

Sent: Thursday, February 2, 2023 3:40 PM

Subject: Notice of Planning Board Hearing - 2/16/2023 - Battery Lane Site C

PUBLIC NOTICE

PLANNING BOARD HEARING

On, **February 16, 2023**, the Montgomery County Planning Board will conduct an in person and virtual public hearing at 2425 Reedie Drive, Wheaton, Maryland on the following development plan:

Name of Plan: Battery Lane Site C

Site Plan Number: 820220230

Zoning: CR 3.5, C-0.5, R-3.5, H-120 & Bethesda Overlay Zone

Property Size: 3.19 acres

Master Plan: 2017 Bethesda Downtown Sector Plan

Proposed Use: Request to construct a multifamily building with a maximum density of 367,500 square feet for up to 315 units with 15% MPDUs, structured parking, three through-block connections.



Located on Battery Lane approximately 350 feet west of the Woodmont Avenue intersection

To review a written report by planners regarding the development plan, check the approximate hearing time, or to sign up to testify via Microsoft Teams, over the phone, or in person, go to our website at montgomeryplanningboard.org/agendas/. To testify, you must fill out the [Sign Up to Testify](#) form on the website or call 301-495-4605 **by 12 noon on the day before the Planning Board meeting**. Any written materials must also be submitted by 12 noon the day before the Planning Board meeting by emailing to mcp-chair@mncppc-mc.org, faxing to 301-495-1320, or mailing to address on the back of this card. The public can watch the Planning Board hearing online via livestream at www.montgomeryplanningboard.org. For ADA accommodations or to request materials in alternate formats, please submit requests one week prior to the meeting date and consult <https://montgomeryplanning.org/accessibility/> or contact the Montgomery Planning ADA Coordinator at 301-495-1324 or 301-495-1331 (TTY) 7-1-1 or 800-552-7724 for MD Relay Service assistance.

For more information or to comment on the development plan, please contact Grace Bogdan the Plan Reviewer via email at Grace.Bogdan@montgomeryplanning.org, or by phone at 301-495-4533.

Thank you for your interest in Montgomery County's future development



Montgomery County Planning Department
M-NCPPC
2425 Reddie Drive
Wheaton, MD 20902

PUBLIC NOTICE

Montgomery County Planning Board HEARING NOTICE

Battery Lane Site C

Site Plan

February 16, 2023

(view additional information on the back of this card)

Written comments should include the agenda item and must be received by **12 noon on Wednesday** before a scheduled Thursday hearing. They may be emailed to Montgomery County Planning Board Chair at mcp-chair@mncppc-mc.org; mailed to Montgomery County Planning Board, 2425 Reddie Drive, Wheaton, MD 20902; or faxed to (301) 495-1320.

Written comments received after the deadline may not be considered by the Planning Board or be included in the public record unless the Chair leaves the record open.



Montgomery
Planning

Emily Balmer

Administrative Specialist I
Intake and Regulatory Coordination Division

Montgomery County Planning Department
2425 Reddie Drive, Wheaton, MD 20902
emily.balmer@montgomeryplanning.org
o: 301.495.4621





GREATER BETHESDA
CHAMBER of COMMERCE

Better business. Stronger community.

ATTACHMENT E

Allie Williams, President & CEO
7910 Woodmont Avenue, Suite 1204
Bethesda, MD 20814
T (301) 652-4900 C (301) 768-2212
AWilliams@greaterbethesdachamber.org
www.greaterbethesdachamber.org

Jeffrey Zyontz, Chair and Members
Montgomery County Planning Board
MNCPPC
2425 Reddie Drive
Wheaton, Maryland 20902

Re: In Support of Approval of Battery District Site C Site Plan
Site Plan 820220230 Agenda: February 16, 2023

Dear Chair, Zyontz and Members of the Planning Board:

The Greater Bethesda Chamber of Commerce supports Brown Development's Site Plan application for Site C scheduled for Planning Board consideration on February 16, 2023. This application is the first site plan to implement the approved Battery District Sketch Plan that proposed major investments along Battery Lane to deliver on many of the goals of the Bethesda Downtown Plan.

The Site C plan will:

1. Support the economic vitality of Bethesda Downtown by delivering new housing choices for the needed workforce as well as new customers for the commercial, retail and service enterprises in the adjacent Woodmont Triangle and throughout the downtown.
2. Enhance multi-modal circulation in Bethesda Downtown by implementing the Battery Lane cycle-track as well as delivering improved pedestrian connections from the Battery residential neighborhood to the Woodmont Triangle, giving residents viable alternatives to driving as their method of travel.
3. Improve sustainability in Downtown Bethesda by replacing acres of surface parking with development that delivers stormwater management, tree canopy, amenities, and open space.
4. Deliver affordable housing units by providing moderately priced dwelling units (MPDUs), including 3-bedroom units, to qualified households, in a neighborhood where no MPDUs existed.

The Greater Bethesda Chamber of Commerce supports approval of Battery District Site C Site Plan 820220230 as a plan that delivers on the goals of the Bethesda Downtown plan. We ask for your favorable consideration and approval.

Kind regards,