

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mailing Date:

December 14, 2023

MCPB No. 23-117
Sketch Plan No. 320230070
4861 Battery Lane
Date of Hearing: November 16, 2023

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 August 23, 2023, Investors Battery Lane LLC (“Applicant”) filed an application for approval of a sketch plan for construction of up to 480,000 square feet of residential development, with 15 percent Moderately Priced Dwelling Units, including up to 340,930 square feet of Bethesda Overlay Zone density and associated Park Impact Payment (PIP) on 2.13 acres of CR-1.5, C-0.5, R-1.5, H-120 & Bethesda Overlay Zone zoned-land, located at Battery Lane approximately 250 feet west of its intersection with 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. 320230070, 4861 Battery Lane (“Sketch Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 6, 2023, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on November 16, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of 4-0 Chair Harris, Vice Chair Pedoem, Commissioners Bartley and Hedrick voting in favor, with Commissioner Linden being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320230070, 4861 Battery Lane, for construction of up to up to 480,000 square feet of

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605
www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

residential development, with 15 percent Moderately Priced Dwelling Units, including up to 340,930 square feet of Bethesda Overlay Zone density and associated Park Impact Payment (PIP) 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 of 480,000 square feet of total residential development with 15 percent MPDUs. This maximum includes up to 340,930 square feet of BOZ density. The final amount of BOZ density will be determined at Site Plan. The number of dwelling units will be determined at Preliminary Plan and Site Plan.

2. Height

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

3. Incentive Density

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 Site Plan. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the CR Zone Incentive Density

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.

Implementation Guidelines must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance, and a through-block connection;
- b) Diversity of Uses and Activities, achieved by providing units with enhanced accessibility for the disabled;
- c) Quality of Building and Site Design, achieved through architectural elevations, exceptional design, public open space, structured parking, and tower step-back;
- d) Protection and Enhancement of the Natural Environment achieved through the purchase of building lot terminations, cool roof, vegetated area, and vegetated wall.

4. Public Open Space

The Applicant must provide a minimum of 1.8 percent of the Site Area as Public Open Space, totaling 1,500 square feet.

5. Park Impact Payment

The Applicant must make a Park Impact Payment (PIP) to the M-NCPPC before the release of the first above-grade building permit. The final amount will be determined at Site Plan.

6. Streetscape

The Applicant must install along the Site frontage the Bethesda Streetscape Standards or equivalent approved by MCDOT and Planning Staff, including the undergrounding of utilities.

7. Through-Block Connection

The Applicant must design and construct the on-site segment of the east-west pedestrian connection for the Battery Lane District to connect Woodmont Avenue to the Bethesda Trolley Trail, as envisioned in the Sector Plan. The corridor provided for the through block connection shall be a minimum of 29 feet in width, with the paved pathway to be a minimum of 10 feet in width, with details to be finalized at Site Plan. This connection must be ADA-accessible.

8. Green Cover

- a) At the time of Site Plan, the Applicant must provide a minimum 35% of Site Area as green cover as described in Section 2.4.1 of the *Bethesda Downtown Sector Plan* and Section 2.3.2 of the associated Design Guidelines; any proposed tree canopy must utilize tree species and canopy sizes at 20-year maturity per the *M-NCPPC Approved Trees Technical Manual*.
- b) Green roof areas credited towards the Green Cover requirement must be built in place and not utilize tray systems.
- c) The green cover credit on the garage structure and rooftops must meet or exceed the minimum of intensive green roof standards, with a depth of appropriate media that is 6 inches or deeper.

9. Bethesda Downtown Plan Design Guidelines

- a) Comments have been addressed from the Design Advisory Panel as specified in their October 25, 2023 meeting minutes; and
- b) Project conformance for street typology, parks and open space, site design, building form, creative placemaking, and any site-specific guidelines in accordance with the *Bethesda Downtown Plan Design Guidelines*.

10. MCDOT Letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated October 25, 2023, and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

11. Future Coordination for Preliminary Plan and/or Site Plan

In addition to any other requirements, the following must be addressed in future Preliminary Plan and/or Site Plan applications as applicable:

- a) Provide and receive approval of a Preliminary/Final Forest Conservation Plan.
- b) Place variance mitigation tree plantings at least five feet away from site elements such as structures, fences, light fixtures, paving, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
- c) Provide and receive approval of a stormwater management concept plan consistent with Chapter 19 of the Montgomery County Code, which also addresses the

- recommendations of the Bethesda Downtown Sector Plan Water Quality Section (2.4.2.B) and the associated Design Guidelines on Pages 54-62 of the Sector Plan.
- d) Incorporate Bird-Safe Design elements into the building's architecture with emphasis on Glass Coverage and Glazing, per pages 80-81 of Bethesda Downtown Plan Design Guidelines.
 - e) Address the SITES & LEED recommendations of the Sector Plan.
 - f) Incorporate the Sector Plan recommendation to underground utilities.
 - g) Provide a noise analysis as part of the Preliminary Plan submission.
 - h) Include provisions for soil restoration/ soil profile rebuilding for Site areas not associated with paving or structures.
 - i) Provide a Canopy Exhibit and supplemental tree planting along streets and public spaces to achieve a minimum of 50 percent overall canopy cover per the Sector Plan recommendations.
 - j) Create a small node or sitting space at the eastern terminus of the on-site through-block connection segment. Design the space to allow for an easy connection with the through-block connection segment to be provided with future redevelopment of the abutting property to the east.

12. Validity

A site plan must be submitted within 36 months after the date the Sketch Plan resolution is sent.

13. DHCA Letter

At the time of Site Plan and Preliminary Plan review, the Applicant and Staff will review the current market-rate affordability in the development for consistency with Sector Plan recommendations regarding affordable housing and options for incorporating additional affordable units.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as 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 2.13 acres zoned CR-1.5, C-0.5, R-1.5, H-120 and Bethesda Overlay Zone. The data table below demonstrates the Application’s conformance to the applicable development standards for CR Zone, Optional Method, Section 59.4.5.4

4861 Battery Lane Sketch Plan Data Table

Development Standard	Permitted/ Required	Approved in Concept
Tract Area	n/a	92,713 sf (2.13 acres)
Prior Dedication	n/a	5,592 sf (0.13 acres)
Proposed Dedication	n/a	2,237 sf (0.05 acres)
Site Area	n/a	84,884 sf (1.95 acres)
Mapped Density		
CR-1.5 C-0.5 R-1.5 H-120		
Residential (GFA/ FAR)	139,070 sf (1.5)	139,070 sf (1.5)
Commercial (GFA/FAR)	46,357 sf (0.5)	0 sf (0.0)
Total Mapped Density (GFA/FAR)	139,070 sf (1.5)	139,070 sf (1.5)
MPDU requirement	15 percent	15 percent
BOZ Density	n/a	340,930 sf
Total GFA/FAR	139,070 sf (1.5)	480,000 sf (5.18)
Residential	139,070 sf (1.5)	480,000 sf (5.18)
Commercial	46,357 sf (0.5)	0 sf (0.0)

Development Standard	Permitted/ Required	Approved in Concept
Building Height, max average	120 ft	120 ft
Public Open Space (min s.f.)	0	1,500 sf (1.8 percent)

i. Implement the recommendations of applicable master plans (59.4.5.1.A)

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 include:

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

The Property is located within the Battery Lane District and is designated as part of Site 6 on page 129 of the Sector Plan, which recommends rezoning the Site to CR to promote enhanced redevelopment opportunities to foster a quality mix of housing options. The existing Battery Lane District includes 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 residential 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. 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:

Battery District - Land Use and Zoning

- *Preserve existing market-rate affordable housing.*

The current garden style apartment building on the Property includes 84 units, none of which are regulated affordable housing units. The Application proposes to replace the existing 84-unit building with a new 453 multifamily-unit building, to include 15 percent MPDUs, resulting in 68 regulated affordable units to be provided. The Application notes the existing building is at the end of its useful life and the Applicant explained it is not practical to maintain or attempt upgrade it. The ability to increase the overall number of residential units on this Site in Downtown Bethesda by five-fold and to have 15 percent of those units be dedicated as MPDUs for 99 years, where there are no current controls, is a positive change.

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

The Proposal will increase the quantity of housing units on the Property by over fivefold (from 84 existing units to 453 units proposed) provide a variety of unit types ranging from studios to two-bedroom with den units. Additionally, ten Type A enhanced accessible units are included in the mix of units.

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

The Project proposes to improve the Site's frontage with new streetscape elements consistent with the Bethesda Design Guidelines and the enhanced framework established by the Battery Lane District Project zoning and subdivision approvals. Additionally, the Project will provide a segment of the Sector -Planned east/west pedestrian through block connection that will ultimately provide access from Woodmont Avenue to the east to the Bethesda Trolley Trail to the west.

Battery District - Urban Design

- *Improve and activate connections throughout the district to enhance neighborhood livability.*

The Sketch Plan provides the on-site portion of the Sector-Planned through-block connection to link between Woodmont Avenue and the Bethesda Trolley Trail. This will be located on the northern portion of the Site. The Sketch Plan is also responsive to the north-south through-block connection to be provided adjacent to the Site's western property line. The north-south connection is to be provided with the neighboring redevelopment of 4901 Battery Lane.

General

- *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, the Sketch Plan achieves the Sector Planned goal of 35% green cover through a combination of green roof and tree canopy.

Environmental Recommendations

Battery Lane is identified in the Sector Plan as a Canopy Corridor. Canopy Corridor designations are intended to create green corridors that connect parks, trails, stream buffers, and denser forest networks beyond the Bethesda boundaries. The corridors also align with recommended bike and pedestrian priority streets where tree canopy becomes a crucial element to enhance shade and comfort while also providing an ecological benefit. In aligning the proposed development with these goals, the Applicant proposes improvements to the Battery Lane streetscape as well as a segment of the planned east-west through block connection that will eventually provide a landscaped pedestrian corridor from Woodmont Avenue to the Bethesda Trolley Trail and Battery Lane Urban Park. Both the streetscape and the through block connection will improve the pedestrian realm for the benefit of the greater Battery Lane District neighborhood. Along the Site frontage, the proposed building is setback 26 feet from the curb of Battery Lane, providing space for a 7-foot-wide sidewalk buffered on both sides by trees. The Property also has access to the existing bike lanes along Battery Lane and the proposed cycle track to be re-built to the south side of Battery Lane.

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

The existing Site includes one garden style apartment building with 84 units that is wrapped by associated surface parking with three separate access points to Battery Lane. The Proposal redevelops the Site in its entirety and provides a new 453-unit multifamily building with structured parking and site access consolidated to a single point.

- iii. *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 Proposal will provide a range of unit types from studios to two-bedroom units. The unit mix includes ten Type A enhanced accessible units, and 15 percent MPDUs. The consolidation of the three existing vehicular access points to a single point at Battery Lane, inclusion of an on-site portion of a Sector-Planned through-block connection, and improvement of the streetscape will enhance walkable, bikeable routes in direct support of the Sector Plan's goal of improving nonvehicular mobility options in the Battery Lane District. All parking and loading is to be internal to the Site and the Proposal also provides an off-street, short-term pick-up and drop-off area adjacent to the building's lobby.

- iv. *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 density and mix of multifamily unit types on the Site within a single building with a height and massing that is compatible with the desired character of infill redevelopment within the Battery Lane District. The existing development along Battery Lane is generally a mix of low-height garden style apartments and taller condominium buildings reaching approximately 100+ feet in height. The proposed building will have a maximum height of 120 feet, which is similar in height with the existing condominium buildings and the same as the recently approved Site Plan building height for the abutting property to the west, 4901 Battery Lane, and confronting property to the south, Battery District Site C.

- v. *Integrate an appropriate balance of employment and housing opportunities.*

The Proposal provides a new high-density residential building with a variety of unit types in proximity to existing commercial and employment opportunities, including NIH and businesses of Downtown Bethesda.

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

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

b. General Requirements

i. *Site Access*

The development concept provides for safe and convenient vehicular, bicycle and pedestrian circulation on the property and between lots. The proposal will enhance circulation around the property by consolidating vehicular access points from three existing to one proposed, reducing potential points of conflict with pedestrians and cyclists. The proposal also will enhance sidewalks in the Site's frontage and provide the on-site segment of a Sector Plan-envisioned through-block connection to further enhance walkability and cycling opportunities in the Battery Lane District.

ii. *Parking, Queuing, and Loading*

All vehicular access to the Site will be provided by a single, consolidated driveway on Battery Lane. The driveway is located on the eastern side of the Site and includes a turnaround and drop-off area adjacent to the building's southeast corner. The driveway extends to the building's northeast corner where the loading bay and entrance to the subsurface parking garage are located. The Sketch Plan provides 453 vehicular parking spaces and two designated bicycle storage rooms in the parking garage. The parking design and total number of vehicular and bicycle parking spaces will be finalized at the time of Site Plan.

iii. *Open Space and Recreation*

The Site has a tract area of approximately 2.13 acres and frontage on one street. As such, the Application is not required to provide onsite public open space per Section 59.4.5.4.B.1 of the Zoning Ordinance. However, the Sketch Plan provides for a 1,500 square-foot linear strip of public open space on the south side of the Site, in-between the proposed building and Battery Lane. The inclusion of public open space in this location will contribute to the enhancement of the Battery Lane streetscape.

A mix of private and publicly accessible on-site recreational amenities are envisioned for the development. Private amenities may include rooftop pool, lounge area and grilling stations. Exercise and social gathering spaces may also be included. Outside of the building sitting spaces are envisioned for the area along

the on-site through block connection segment, and a courtyard space with multiple elements of interest is to be provided central to the site.

iv. *General Landscaping and Outdoor Lighting*

Outdoor lighting and landscaping will be provided with the proposed development. Details are to be determined at the time of Site Plan review.

2. *The Sketch Plan substantially conforms to the recommendations of the 2017 Bethesda Downtown Sector Plan.*

As discussed in Finding 1.a.i. above, the Proposal substantially conforms to the recommendations of the *2017 Bethesda Downtown Sector Plan*. The Proposal will replace a garden apartment building and associated surface parking with a larger multifamily building with 15 percent MPDUs and the on-site segment of a Sector-Planned through block connection.

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.*

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

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

The Project will achieve compatible relationships with existing and pending nearby development. The proposed building height is a maximum of 120 feet, which is consistent with the heights of the recently approved Site Plans for the redevelopment of the properties abutting the Site to the west (4901 Battery Lane) and confronting the Site to the south (Battery Lane District Site C). Additionally, Battery Lane District Sketch Plan (No. 320190080) includes a permissible building height of 120 feet for Site A of that proposal, which abuts the Subject Site to the east.

The proposed design provides for the on-site portion of a larger east-west through-block connection and embraces a second through-block connection to be provided directly adjacent to the Property's western boundary shared with 4901 Battery Lane. Streetscape improvements and enhancement of the pedestrian realm on Battery Lane

is also provided, to the same general standards established with the redevelopment approvals for the Battery District and 4901 Battery Lane.

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

The Sketch plan's modifications to the Site's access and circulation will improve safety for all travel modes. As shown on the plans, the two existing curb cuts will be consolidated to a single 22-foot driveway. All vehicular activities will be contained within the Site including loading, off-street parking, and pick-up/drop-off at the front lobby.

The existing unbuffered, substandard sidewalk along the Site frontage on Battery Lane will be replaced with a six-foot landscaped street buffer and a seven-foot sidewalk. Behind the sidewalk will be a second row of trees. The Sketch Plan shows construction of an east-west trail connection across the rear of the Property that will connect with 4901 Battery Lane to the west and will allow for connections eastward in the event of redevelopment.

All vehicular and bicycle parking will be provided on-site in the subsurface parking garage. The final number of spaces will be determined at the time of Site Plan. The revised access and circulation for the Site reflect best practices for urban infill development.

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. The final determination of public benefit point values will be determined at Site Plan.

Public Benefit	Maximum Points Allowed	Approved in Concept
Connectivity and Mobility		
Minimum Parking	20	4
Through-Block Connections	30	15
Diversity of Uses and Activities		
Enhanced Accessibility	20	6
Quality Building and Site Design		
Architectural Elevations	30	15
Exceptional Design	30	15
Public Open Space	30	2
Structured Parking	20	20
Tower Step-Back	20	10
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	9
Cool Roof	15	1
Vegetated Area	15	9
Vegetative Wall	10	5
Total Points	Minimum of 100 required	111

Per Section 59.4.9.2.C.4.g of the Zoning Ordinance, the Bethesda Overlay Zone increases the maximum amount of public benefit points available in certain categories. Applicable to this Sketch Plan are the Overlay Zone’s increase in maximum points available for Minimum Parking (from 10 to 20 maximum points), Through Block Connection (from 20 to 30 maximum points), Architectural Elevations (from 20 to 30 maximum points), Exceptional Design (from 10 to 30 maximum points), Public Open Space (from 20 to 30 maximum points), Tower Step-Back (from 10 to 20 maximum points), Cool Roof (from 10 to 15 maximum points), and Vegetated Area (from 10 to 15 maximum points).

Connectivity and Mobility

Minimum Parking

The Applicant requests four (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 numbers of spaces on-site. The Planning Board supports the subcategory at this time, with final points determined at the time of Site Plan.

Through Block Connection

The Applicant requests 15 points for providing the on-site segment of a Sector-Planned through block connection. This through block connection will create a new east-west, pedestrian, and bicycle-friendly link across the northern edge of properties located in between Woodmont Avenue and the Bethesda Trolley Trail. The Planning Board supports the subcategory at this time with final points determined at the time of Site Plan.

Diversity of Uses and Activities

Enhanced Accessibility

The Applicant requests six (6) points for exceeding the requirements of the Americans with Disabilities Act (ADA) by proposing to construct ten (10) residential units that satisfy the American National Standards Institute A117.1 Residential Type A standards, or County equivalent. The Planning Board supports the subcategory at this time with final points determined at the time of Site Plan.

Quality Building and Site Design

Architectural Elevations

The Application requests 15 points for providing architectural elevations that will be attractive, well-proportioned faces to the public realm, and agrees to be bound to include particular elements of the façade design on a future Certified Site Plan. The architectural concept and narrative included with the Sketch Plan speak to the creation of a modern and contemporary building that is respectful and responsive to the existing and changing architectural character of the neighborhood. The Planning Board supports the subcategory at this time, with further details and refinement to be provided at the time of Site Plan along with final points.

Exceptional Design

The Application requests 15 points for exceptional design. At their October 25, 2023 meeting, the Bethesda Design Advisory Panel (DAP) voted in support that the Project was on track to receive the minimum 10 points required for exceptional design in the Bethesda Overlay Zone. The DAP requested the Applicant to further refine architectural massing and base-level design of the building, advance the design of

public and quasi-public outdoor space, and provide additional drawings to illustrate specific viewpoints and design features. The Planning Board supports the subcategory at this time, with final review and determination of points at the time of Site Plan.

Public Open Space

The Application requests 2 points for providing approximately 1,500 square feet of public open space along the Site's Battery Lane frontage. Points for this incentive are granted on a sliding scale, based on the percentage of Site area to be dedicated for public open space purposes above the minimum public open space otherwise required by the CR Zone. The Planning Board supports the subcategory at this time, with final points determined at the time of Site Plan.

Structured Parking

The Application requests 20 points for providing all on-site parking in a subsurface parking structure. Points for this incentive are granted on a sliding scale, based on the percentage of total on-site spaces provided in a below-grade parking structure multiplied by 20 points. The Planning Board supports the subcategory at this time, with final points determined at the time of Site Plan.

Tower Step-Back

The Application requests 10 points for providing a tower step-back that is a minimum of six feet behind the first-floor façade, beginning at a building height of 60 feet (7th floor). The Planning Board supports the subcategory at this time, with final points determined at the time of Site Plan.

Protection and Enhancement of the Natural Environment

Building Lot Terminations (BLTs)

The Application requests nine (9) points for the purchase of BLT easements of equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board supports the subcategory and associated points request at this time, with final points determined at the time of Site Plan.

Cool Roof

The Application requests one (1) point for proposing to provide a cool roof over a portion of the building that will meet or exceed a solar reflective index (SRI) of 75. The Planning Board supports the subcategory at this time with final review of the size and location of cool roof at the time of Site Plan to determine the final number of points.

Vegetated Area

The Application requests nine (9) points for the provision of plantings in a minimum soil depth of 12 inches covering at least 5,000 square feet, and further seeks to replace existing impervious area with this vegetated area. The Planning Board supports the subcategory at this time with final details, layout, planting design and number of points to be reviewed and determined at the time of Site Plan.

Vegetated Wall

The Application requests five (5) points for the provision of vegetated wall covering at least 300 square feet of the building façade on the southside of the building's loading and service bay. The vegetated wall will face into the at-grade courtyard on the east side of the building. The Planning Board supports the subcategory at this time, with final design details to be reviewed at the time of Site Plan to determine the number of points.

- 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 Project is to be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at the 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 4861 Battery Lane Sketch Plan No. 320230070 received by M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

December 14, 2023

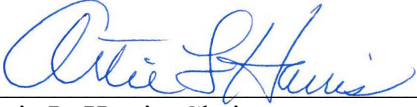
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of **4-0-1**, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Linden abstaining, at its regular meeting held on Thursday, November 30, 2023, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

Somer Cross
1401 Rockville Pike, 4th Floor
Rockville, MD 20852

Michael Miller
2120 L St. NW
Washington DC 20037

Andrew Kossow
1130 Taft St.
Rockville, MD 20850

Ian Duke
20251 Century Blvd, Suite 400,
Germantown, MD 20874

Josh Sloan
20251 Century Blvd, Suite 400,
Germantown, MD 20874

Faik Tugberk
6740 Brigadoon Drive
Bethesda, MD 20817

Chong Cho
6740 Brigadoon Drive
Bethesda, MD 20817

Jiayu Liu
6740 Brigadoon Drive
Bethesda, MD 20817

Robert Harris
7600 Wisconsin Avenue, Suite 700,
Bethesda, MD 20814

Christopher Ruhlen
7600 Wisconsin Avenue, Suite 700,
Bethesda, MD 20814

Chris Kabatt
7200 Wisconsin Avenue, Suite 500,
Bethesda, MD 20814

William Whelan
101 Monroe Street, 10th Floor
Rockville, MD 20850

Rebecca Torma
101 Monroe Street, 10th Floor
Rockville, MD 20850

Maggie Gallagher
1401 Rockville Pike, 4th Floor
Rockville, MD 20852