Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
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**DATE MAILED:**

**November 2, 2026**

MCPB No. 26-94
Preliminary Plan No. 120260110
4861 Battery Lane
Date of Hearing: October 8, 2026

## RESOLUTION

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

WHEREAS, on May 13, 2026, Investors Battery Lane, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot for up to 480,000 square feet of multifamily uses for up to 446 units on 2.12 acres of land in the CR-1.5, C-0.5, R-1.5, H-120 and Bethesda Overlay zones, located on the north side of Battery Lane, 350 west of Woodmont Avenue ("Subject Property"), in the Bethesda CBD Policy Area and 2025 *Bethesda Downtown Plan Minor Master Plan Amendment* and 2017 *Bethesda Downtown Sector Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120260110, 4861 Battery Lane ("Preliminary Plan" or "Application"); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20260570 and Site Plan No. 820260110; 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 September 28, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 8, 2026, 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 Vice Chair Bartley, with a vote of 5-0; Chair Harris, Vice Chair Bartley, and Commissioners Hedrick, Linden and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 1202600110 to create one lot and up to 446 multifamily units on the Subject Property, subject to the following conditions:[1]

**General Approval**

1. This Preliminary Plan is limited to one (1) lot for up to 480,000 square feet of multifamily uses.

**Adequate Public Facilities**

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

**Plan Validity Period**

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date 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 filed.

**Outside Agencies**

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 28, 2026, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.

6. 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 letter dated August 5, 2026, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated July 22, 2026 and incorporates them as conditions of approval. The Applicant

[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.

must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated July 31, 2026 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

**Other Approvals**

9. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, and sidewalks is determined through site plan review and approval.

10. If an approved site plan or site plan amendment 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 amendment.

**Environment and Noise**

11. Before the issuance of the first building permit associated with this application, the engineer who specializes in acoustical treatments must provide certification to M-NCPPC Staff that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

12. If any changes occur to the Site Plan that affect the validity of the noise analysis dated June 8, 2026, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes, and new noise attenuation features may be required.

13. Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and MCDPS that the noise impacted units have been constructed in accordance with the recommendations by the engineer that specializes in acoustical treatments.

14. For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those units are impacted by transportation noise. Such notification may be accomplished by inclusion of this

information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans. A copy of this notification must be provided to the Planning Department and MCDPS, Site Plan Enforcement Section prior to the issuance of a Use and Occupancy Certificate or final inspection, whichever is relevant, for any noise impacted residential unit.

**Transportation**

**Frontage Improvements on Existing Roads**

15. 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 Property frontage for Battery Lane in support of a master-planned 70-foot right-of-way.

16. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDOT to ensure construction of a seven-foot-wide (7 ft) sidewalk and six-foot-wide (6 ft) street buffer along the property frontage on Battery Lane.

**Off-Site Improvements (LATR)**

17. Before the recordation of the plat, the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT requirements:

    a) Woodmont Avenue (south of Battery Lane): Construct four (4) streetlights and streetscape features as shown in the Certified Preliminary Plan.

18. If, at the time the Applicant submits permits to construct the required LATR Off-Site Improvement, the improvement is no longer necessary or desirable because: (i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or (ii) the applicable master plan has changed and no longer requires or suggests the improvement, the Applicant may propose an alternative LATR Off-Site Improvement from the priority list of improvements provided in the subject Staff Report that is of similar value. If reviewed and approved by Planning Staff, the alternative improvement may be substituted and shown on a revised Certified Preliminary Plan.

19. Before issuance of the first above-grade building permit or right-of-way permit, whichever comes first, the Applicant must make a payment of $461,272.74 to MCDOT towards the construction of a bikeway improvement in the Bethesda

BIPPA policy area(s). The payment will be indexed to the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of application for the first above-grade building permit or right-of-way permit, whichever comes first. Proof of payment is required.

**Record Plats**

20. There shall be no clearing or grading of the site before recordation of plat(s).

21. The record plat must show necessary easements.

22. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

23. The record plat must reflect a common use and access easement/covenant for the benefit of the public over the through-block connection. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.

**Developments with MPDUs**

24. The final number of MPDUs is determined by site plan approval.

**Certified Preliminary Plan**

25. The certified Preliminary Plan must contain the following notes:
*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.*

26. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
    a) Include resolutions and approval letters on the certified set.
    b) Update the Local Area Transportation Review (LATR) to include the following revisions:
        i) Include language identifying the location and implementation of the proposed streetlighting improvements needed to address the illuminance deficiencies identified in the LATR.
        ii) Provide 10% design plans for the proposed off-site streetlighting improvements identified in the Illuminance section of the LATR.
        iii) Include an exhibit illustrating the locations of LATR improvements.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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 block design is existing and appropriate for the proposed development and use. The length, width and shape of the block are compatible with the development patterns in the Battery Lane District.

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

The Preliminary Plan consolidates two existing lots into a single lot, with appropriate right-of-way dedication. The size and shape of the lot are appropriate for the Project location and proposed multi-family residential use.

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

*i. Master Planned Sites*

The Bethesda Downtown Sector Plan ("Sector Plan") (page 132) identifies a segment of an east-west pedestrian through-block connection to be provided along the northern portion of the Property. The Preliminary Plan includes the on-site portion of the through-block connection.

*ii. Local Recreation*

The proposed subdivision does not include dedication of land for public recreation purposes. As detailed in accompanying Site Plan No. 820260110, adequate private, onsite recreational facilities for future residents are proposed and include a rooftop amenity area, indoor fitness and recreation rooms, and ground-level open space.

*iii. Transportation and Utilities*

The Sector Plan requires a publicly accessible through-block connection on the Property, which is provided. A public access easement will be required to ensure public access along the through-block connection. Utilities are to be undergrounded along the Property's Battery Lane frontage.

***d) The Lot(s) and Use comply with the basic requirements of Chapter 59***

As demonstrated in the following table, the subdivision is appropriate for the Project location and proposed multi-family residential use and conforms with the applicable requirements of Chapter 59 for the CR zone and Bethesda Overlay Zone.

Table 1: 4861 Battery Lane, Preliminary Plan Data Table
for CR-1.5, C-0.5 R-1.5 H-120 Zone, Optional Method, Section 59.4.5.4

| Development Standard | Permitted/ Required | Approved Sketch Plan No. 320230070 | Proposed |
|---|---|---|---|
| Tract Area | n/a | 92,713 sf (2.13 acres) | 92,713 sf (2.13 acres) |
| Prior Dedication | n/a | 5,592 sf (0.13 acres) | 5,592 sf (0.13 acres) |
| Proposed Dedication | n/a | 2,237 sf (0.05 acres) | 2,237 sf (0.05 acres) |
| Site Area | n/a | 84,884 sf (1.95 acres) | 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) | 139,070 sf (1.5) |
| Commercial (GFA/FAR) | 46,357 sf (0.5) | 0 sf (0.0) | 0 sf (0.0) |
| Total Mapped Density (GFA/FAR) | 139,070 sf (1.5) | 139,070 sf (1.5) | 139,070 sf (1.5) |
| MPDU Requirement | 15% | 15% | 15%[2] |
| BOZ Density | n/a | 340,930 sf | 340,930 sf |

[2] Additional affordable units (non-MPDUs) are to be provided in accordance with DHCA's letter of approval for the Application.

| Development Standard | Permitted/ Required | Approved Sketch Plan No. 320230070 | Proposed |
|---|---|---|---|
| Total GFA/FAR<br>Residential<br>Commercial | 139,070 sf (1.5)<br>139,070 sf (1.5)<br>46,357 sf (0.5) | 480,000 sf (5.18)<br>480,000 sf (5.18)<br>0 sf (0.0) | 480,000 sf (5.18)<br>480,000 sf (5.18)<br>0 sf (0.0) |
| Building Height | 120 ft | 120 ft | 120 ft |
| Public Open Space (min s.f.) | 0 sf | 1,500 sf (1.8%) | 6,000 sf (7.1%) |
| Minimum Setbacks (ft) - Front | 0 ft | 0 ft | 0 ft |
| Minimum Setbacks (ft) – Side | 0 ft | 0 ft | 0 ft |
| Minimum Setbacks (ft) – Rear | 0 ft | 0 ft | 0 ft |
| **Parking Requirements** | | | |
| Vehicle Spaces (min / max) | 18[3] / 520 | n/a | 436 |
| Loading Spaces | 1 | n/a | 2 |
| Long-term Bicycle Parking spaces | 95 | n/a | 95 |
| Short-term Bicycle Parking spaces | 5 | n/a | 5 |

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

a) *Land Use*

The Preliminary Plan substantially conforms to the *Bethesda Downtown Sector Plan* ("Sector Plan"). The Property is within the Battery Lane District and is designated as part of Site 6 on page 129 of the Sector Plan, which recommended rezoning the Site to the CR zone, "to promote enhanced redevelopment opportunities to foster a quality mix of housing options". The residential development proposed is consistent with this land use and zoning recommendation of the Sector Plan. Additionally, the

[3] Per Section 59-6.2.3.I.8, as the proposed residential development is located within ½ mile of Metro Station, it is exempt from the minimum residential parking requirement but must provide one handicapped space for every 25 dwelling units (18 handicapped spaces).

Preliminary Plan conforms with the Sector Plan's goals for the Battery Lane District as follows:

*i. Preserve existing market-rate affordable housing.*

In general, due to their age (built in the 1950s and 1960s) and general lack of modern conveniences, most existing low-rise apartment buildings along Battery Lane can be considered to provide "market-rate affordable" units. The Subject Property is currently improved with one low-rise apartment building with 84 units that can be considered market-rate affordable units.

The total number of MPDUs and other affordable units to be provided through this Preliminary Plan and associated Site Plan is 84 units, equal to the number of existing market-rate affordable units existing onsite. The proposed development includes up to 446 multi-family dwelling units, of which 15% (67 units) will be MPDUs, and an additional 17 affordable units will be provided through rental agreements with the Department of Housing and Community Affairs.

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

The Sector Plan (page 129) specifically recommends, and the County Council subsequently approved, rezoning of the subject Site to the CR zone "to promote enhanced redevelopment opportunities to foster a quality mix of housing options". The Preliminary Plan and accompanying Site Plan propose a comprehensive redevelopment of the Site which will replace an existing 84-unit low-rise apartment building, with a new, larger, building containing up to 446 multifamily dwelling units, to include 15 percent MPDUs and additional affordable units. This is a total increase of 362 dwelling units on the Property over existing conditions, with a mix of studio, one bedroom and two-bedroom units contemplated.

*iii. Expand neighborhood green at Battery Lane Park.*

Battery Lane Urban Park is 375 feet west of the Property and is not abutting nor contiguous with it. No expansion of the Park is contemplated with this Application. However, planned frontage improvements and provision of a segment of a through-block

connection on the Property will enhance the pedestrian realm near the Park.

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

A segment of a through-block connection will be provided consistent with the recommendation of the Sector Plan. The east-west path segment provided along the northern section of the Property is a portion of the master-planned pedestrian connection between Woodmont Avenue to the east and Bethesda Trolley Trail to the west. The Trolley Trail links to the Battery Lane Park to the south and continues north through the NIH campus into North Bethesda. The provision of the sector-planned through-block connection will improve bicycle and pedestrian connectivity in the Battery Lane District and is supportive of the Sector Plan's broader goal to "link streets, through-block connection, greenways and trails to create a well-connected network" (page 17).

*b) Environment*

*i. Canopy Corridor*

Battery Lane is designated as a Canopy Corridor in the Sector Plan. This designation is intended to create green corridors that connect parks, trails, stream buffers, and dense forest networks within and beyond downtown Bethesda. The corridors also align with recommended bike and pedestrian priority streets where tree canopy becomes an essential element to enhance shade and comfort while also providing an ecological benefit.

In furtherance of Canopy Corridor goals, Condition No. 11.i. of Sketch Plan No. 320230070 required 50% canopy be provided along streets and public spaces. The associated Site Plan No. 820260110 includes a canopy exhibit demonstrating tree planting along Battery Lane provides 45.1% canopy coverage within the right-of-way. The publicly accessible through-block connection corridor will have 61.8% canopy coverage. The average canopy coverage to be provided in the right-of-way and through-block connection is 53%.

*ii. Green Cover*

The Sector Plan recommends private properties provide a minimum of 35% green coverage, which may be achieved through any combination of the use of intensive green roof and tree plantings. The Project, as conditioned in the associated Site Plan, provides

35% green cover through a combination of intensive green roof, ground-level plantings atop of the subsurface parking structure, and ground-level plantings.

*iii. Bird-Safe Design*

The Bethesda Downtown Plan Design Guidelines recommends incorporating best practices in building design to protect birds from striking windows and glass surfaces. In furtherance of Bird-Safe Design, Condition No. 11.d of Sketch Plan No. 320230070 stated that bird-safe design elements, with an emphasis on Glass Coverage and Glazing, shall be incorporated into the design of the proposed building. The Glass Coverage and Glazing guidelines focus on reducing the reflectivity of glass surfaces to minimize bird strikes by angling glass surfaces, and/or adding patterns or film to the glass.

Bird-safe design practices incorporated into the design of this building include limiting the use of floor-to-ceiling windows (with the exception of the lobby area fronting on Battery Lane), incorporating balconies with balustrades, including shutters or shades for windows in all units, and utilizing downlighting for all exterior lighting. These bird-safe design techniques are intended to work together to reduce bird strikes by making the building's exterior more visible, and its glass surfaces less reflective. This satisfies the recommendation of the Design Guidelines and intent of the Sketch Plan condition.

*Noise Analysis*

A Traffic Noise Impact Analysis was prepared for the Property due to its location along Battery Lane, and the results were provided in a report dated June 8, 2026. A noise analysis is necessary to demonstrate conformance with the 1983 Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development ("Noise Guidelines") by determining the projected interior and exterior noise levels and whether or not mitigation for residential units and outdoor recreational areas is required. The Noise Guidelines stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

The results of the analysis for this Property indicate that future unmitigated traffic noise levels above 65 dBA Ldn will moderately impact proposed residential building facades along Battery Lane, while the nearby Woodmont Avenue was found not to be a significant noise source. All

ground level outdoor spaces, (other than those south of the building's south face) will be exposed to noise levels less than 65 dBA Ldn, and therefore acceptable for outdoor recreational use. Outdoor rooftop spaces will also be less than 65 dBA Ldn. As conditioned, the Applicant will be required to conduct further analysis and provide certification that interior noise levels are less than 45 dBA Ldn.

*c) Transportation*

The Sector Plan recommends pedestrian-oriented streetscape improvements along Battery Lane to support multimodal mobility and an enhanced public realm. The roadway is county-owned roadway classified Downtown Street and is planned to accommodate wider pedestrian facilities, streetscape improvements, and a future separated bicycle facility. The 2018 *Bicycle Master Plan* recommends a separated bike lane facility along Battery Lane, while the Bethesda Downtown Plan Design Guide and Bethesda Streetscape standards call for enhanced pedestrian and landscaping elements along the corridor.

This Application conforms to the Sector Plan by dedicating an additional ten feet (10 ft) of right-of-way to Battery Lane to achieve the 70-foot master-planned right-of-way width. Frontage improvements are provided consistent with the Bethesda Downtown Plan Design Guide and Bethesda Streetscape Standards, and include a seven-foot (7 ft) sidewalk, a six-foot (6 ft) tree panel, and the relocation of an existing Ride On bus stop on the Property's Battery Lane frontage to accommodate the enhanced streetscape. The bus stop will move several feet from its existing location to accommodate the frontage improvements. The through-block connection segment recommended for the Property by the Sector Plan is included and attractively designed. The Project also preserves the opportunity for the future implementation of the master-planned separated bike lane facility along Battery Lane, which is anticipated to be constructed as part of other redevelopment projects contemplated along this section of Battery Lane.

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

*a) Roads and other Transportation Facilities*

*i. Existing Facilities*

The Property has frontage along Battery Lane, a County-owned and maintained public Downtown Street. Battery Lane is a two-lane roadway with an existing 50-foot right-of-way. Existing pedestrian facilities on the north side of Battery Lane are limited to a sidewalk directly adjacent to the roadway. Additionally, there is an existing Ride On bus stop along the Battery Lane frontage that will be relocated as part of the Project to accommodate the proposed frontage improvements.

*ii. Proposed public transportation infrastructure*

Right-of-way dedication of ten feet is provided to achieve the master-planned 70-feet feet of right-of-way width. To conform with the Bethesda Downtown Plan Design Guide, a seven-foot-wide (7 ft) sidewalk with a six-foot-wide (6 ft) street buffer are included along Site's frontage on Battery Lane.

*b) Local Area Transportation Review (LATR)*

*Travel Mode Adequacy Test*

The Project is estimated to generate 60 total peak hour motor vehicle trips in the morning and 67 total motor vehicle peak hour trips in the evening. After accounting for peak hour motor vehicle trips currently associated with the existing 84 dwelling units on the Site -- 16 morning peak hour motor vehicle trips and 14 evening peak hour motor vehicle trips -- the Project is estimated to generate 44 net new morning peak hour motor vehicle trips and 53 net new evening peak hour motor vehicle trips. As a result of the estimated transportation impact, the Project must submit a Transportation Impact Study (TIS) with the Preliminary Plan to satisfy the Local Area Transportation Review Guidelines (LATR).

Table 2: 4861 Battery Lane Estimated Vehicle Trip Generation Table [4]

| Use | Quantity | AM ITE Vehicle Rates | PM ITE Vehicle Rates | AM Adjusted Bethesda CBD Policy Area Rates | PM Adjusted Bethesda CBD Policy Area Rates |
|---|---|---|---|---|---|
| *Existing* Multifamily Housing (Mid Rise) ITE-221 | 84 Dwelling Units | 27 | 24 | 16 | 14 |
| *Proposed* Multifamily Housing (High Rise) ITE-222 | 447 Dwelling Units | 103 | 116 | 60 | 67 |
| | | | **Net Change** | **44** | **53** |

The 2024-2028 Growth and Infrastructure Policy requires a comprehensive review of the transportation network, including evaluation of adequacy for non-motor vehicles (walking, biking, transit) for any project estimated to generate 30 or more new net peak hour weekday motor vehicle trips. Within Red Policy Areas, such as the Subject Site, motor vehicle adequacy evaluation is not required, but non-motorized adequacy must be evaluated.

*Non-motor Vehicle Analysis*

*Adequacy Standards*

Non-Motor Vehicle Adequacy must be achieved within a certain walkshed beyond the frontage of the Site along roadways designated as highways, boulevards, connectors, and streets (excluding Neighborhood Streets, Neighborhood Yield Streets, Rustic Roads, and Exceptional Rustic Roads), paths, and intersections (excluding Controlled Major Highways and Freeways, and their ramps).

Pedestrian Level of Comfort ("PLOC") Adequacy was evaluated within 250 feet of the Property. Adequacy is defined as providing a

[4] Source: Transportation Impact Study from Galloway & Company., April 15, 2026.

"Somewhat Comfortable" (PLOC-2) or "Very Comfortable" (PLOC-1) score:

The PLOC analysis found that most sidewalks within the study area do not meet the required comfort standard. Except for the sidewalk near the Lionsgate building at Battery Lane and Woodmont Avenue, most segments were rated Uncomfortable or Undesirable due to narrow widths, obstructions, and limited separation from traffic.

Several pedestrian improvements are planned by nearby approved developments to address these deficiencies. These improvements are expected to enhance pedestrian comfort, safety, and connectivity within the study area, therefore no additional pedestrian improvements are required for this Application aside from the lighting and streetscape improvements discussed below.

Illuminance Adequacy is defined as meeting the MCDOT streetlight and illuminance standards. The Applicant performed photometric evaluations within 250 feet of the Property using field observations and photometric modeling to determine compliance with MCDOT streetlighting and illuminance standards. The analysis found that existing lighting levels along Battery Lane do not meet County standards, and portions of the study area remain deficient under both existing and future conditions. The analysis notes that existing right-of-way constraints limit opportunities to make streetlight improvements along Battery Lane.

As conditioned, the Applicant will install four (4) new streetlights and provide streetscape improvements proximate to the south side of the intersection of Battery Lane and Woodmont Avenue to improve existing lighting deficiencies, enhance pedestrian safety, and bring the neighborhood closer to County streetlighting standards as redevelopment occurs.

ADA Compliance Adequacy was evaluated within 125 feet of the Property to determine compliance with current Americans with Disabilities Act (ADA) standards and identify accessibility issues within the public right-of-way. No intersections are located within the study area; therefore, ADA curb ramps and traffic signal facilities were not evaluated. The review found that sidewalks along Battery Lane slope down at driveway crossings for adjacent properties on both sides of the roadway, creating accessibility concerns.

These conditions are expected to be addressed as adjacent properties redevelop and construct frontage improvements. As a result, the analysis concluded that no additional ADA mitigation is required as part of this Application.

Bicycle System Adequacy was evaluated by analyzing bikeways within 400 feet of the Property. Adequacy is defined as providing a Low Level of Traffic Stress (LTS-2) or Very Low Level of Traffic Stress (LTS-1).

A bicycle adequacy review was conducted within 400 feet of the Site to evaluate bicycle comfort and connectivity using the County's Level of Traffic Stress (LTS) standards. Under the LATR Guidelines, bicycle facilities should provide a Low or Very Low level of traffic stress. The analysis found that Battery Lane west of the site and along the Site's frontage generally operates at a Low LTS, providing relatively comfortable conditions for bicyclists. However, segments east of the site, including portions of Battery Lane and Woodmont Avenue, were identified as having Moderate to High LTS, indicating deficiencies in the bicycle network.

The review also considered existing and planned bicycle facilities identified in the *Bicycle Master Plan*. To address the identified deficiencies, the approved Battery Lane District development (Preliminary Plan No. 120190240) is required through conditions of approval to construct a two-way separated bike lane on the south side of Battery Lane, which will improve bicycle connectivity and comfort in the area. Additional mitigation measures for the remaining deficient segments will be addressed with a contribution to the Bethesda Bicycle and Pedestrian Priority Areas program, as conditioned.

Bus Transit Adequacy is defined as providing ADA-accessible bus shelters and amenities at bus stops located within 500 feet of the Property per MCDOT guidelines.

A transit adequacy review was conducted  and identified six bus stops in the study area, including three along Battery Lane and three along Woodmont Avenue. Under the LATR Guidelines, bus stops should provide ADA-accessible shelters and amenities; however, none of the existing bus stops within the study area currently include ADA-accessible shelters.

To address this deficiency, a new bus shelter is planned at a relocated bus stop on the north side of Battery Lane as part of the approved 4901 Battery Lane development (Preliminary Plan No. 12022010A). Additionally, if the Subject Project advances to construction before that development, the Applicant will be required to relocate the bus stop to the 4925 Battery Lane frontage and construct the associated shelter. While shelters are not proposed at the remaining bus stops due to space constraints, the planned improvements will enhance transit accessibility and rider amenities in the immediate vicinity of the site.

Under Chapter 4 of the 2025 Local Area Transportation Review Guidelines (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of 446 residential units/square feet is not to exceed $606,645, based on the calculation below.

LATR Proportionality Guide Amount =
(Net New Daily Motor Vehicle Trips) X (LATR Proportionality Guide Rate)
$606,645 = (793) X ($765)

For the Subject Preliminary Plan, the cost of construction and/or mitigation payments for the mitigation project(s) is not to exceed $606,645. After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to Planning Staff and MCDOT for review. In compliance with the 2025 LATR Guidelines, a final list of two (2) projects, one that will be constructed and one alternative if the project cannot be constructed, along with a mitigation payment of $474,067.04 was finalized by the reviewing agencies and is a condition of approval for this Preliminary Plan. The Staff Report contains a table that identifies projects that can be constructed, as well as those projects that are not feasible to construct and are addressed by way of mitigation payments. The final list of projects is included in the Staff Report, with a final map illustrating offsite project locations is required with the certified preliminary plan.

All off-site mitigation projects must be permitted, bonded for construction, and all mitigation payments must be paid before the issuance of the first above grade building permit or right-of-way permit, whichever comes first. With the conditions of approval, the

Project will satisfy the requirements of the LATR, and the public transportation facilities will be adequate for the Site.

*c) Schools*

The Property is within the Bethesda CBD Policy Area, which is categorized as an Infill Impact Area by the 2024-2028 Growth and Infrastructure Policy.
The Preliminary Plan is subject to the results of the FY2027 Annual School Test. The FY2027 Annual School Test evaluates for the 2030-2031 school year, during which the Property will be served by Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. The enrollment and capacity projections of these schools reflected in the FY2027 Annual School Test and the default Utilization Premium Payment (UPP) tier placements are shown in the following table.

Table 3: FY2027 Annual School Test Projections (2030-2031 School Year) & UPP Tier Placements Table

| | Program Capacity | Enrollment | Utilization Rate | Seat Surplus or Deficit | UPP Tier Placement |
|---|---|---|---|---|---|
| Bethesda ES | 560 | 592 | 105.7% | -32 | No UPP |
| Westland MS | 1,064 | 743 | 69.8% | +321 | No UPP |
| Bethesda-Chevy Chase HS | 2,475 | 2,238 | 90.4% | +237 | No UPP |

Based on the FY2027 Annual School Test results, the school service areas of the Project are not placed in any UPP tiers by default. A payment will be triggered however if the project's enrollment impact estimate exceeds an adequacy ceiling of a school shown in the following table.

Table 4: FY2027 Annual School Test Adequacy Ceilings Table

| | Tier 1 Adequacy Ceiling | Tier 2 Adequacy Ceiling | Tier 3 Adequacy Ceiling |
|---|---|---|---|
| Bethesda ES | 42 | 80 | 164 |
| Westland MS | 441 | 534 | 694 |
| Bethesda-Chevy Chase HS | 397 | 732 | 1,104 |

The following table shows the Project's enrollment impact estimate calculation based on the School Impact Area classification and net residential units proposed, using the FY2026-2027 Student Generation Rates.

Table 5: Student Enrollment Impact Estimate (reflects FY2026-2027 Student Generation Rates) Table

| Type of Unit | Net Number of Units | Infill ES Student Generation Rate | ES Student Estimate | Infill MS Student Generation Rate | MS Student Estimate | Infill HS Student Generation Rate | HS Student Estimate |
|---|---|---|---|---|---|---|---|
| MF Low-rise | -84 | x 0.066 | = -5.544 | x 0.034 | = -2.856 | x 0.049 | = -4.116 |
| MF High-rise | 446 | x 0.039 | = 17.394 | x 0.016 | = 7.136 | x 0.020 | = 8.920 |
| TOTAL (rounded down) | | | 11 | | 4 | | 4 |

The enrollment impact of the proposed units during an average year throughout the life of this project is estimated to be 11 elementary school students, 4 middle school students, and 4 high school students. This does not exceed the adequacy ceilings identified. Therefore, a UPP is not required.

*d) Other Public Facilities and Services*

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance

with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20260570, which are included in a separately approved resolution and are incorporated herein.

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

   The Board finds that the Application satisfies this requirement, as MCDPS approved the Stormwater Management Concept Plan on August 5, 2026. The Project will meet stormwater management requirements using green roof and planter box micro bioretention.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M*

   This finding is not applicable to this Application, as the Applicant has no actual or constructive knowledge of any burial site on the Property.

7. *Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied***.**

   No other provisions apply to the Subdivision.

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

**NOVEMBER 2, 2026**

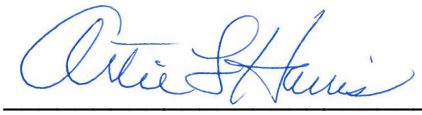
(which is the date that this Resolution is mailed to all parties of record); and

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 the motion of Vice Chair Bartley, seconded by Commissioner Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Bartley, and Commissioners Linden and Pedoeem, voting in favor of the motion, Commissioner Hedrick was necessarily absent at its regular meeting held on Thursday, October 29, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department