Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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DATE MAILED:

November 2, 2026

MCPB No. 26-93
Site Plan No. 820260110
4861 Battery Lane
Date of Hearing: October 8, 2026

RESOLUTION

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

WHEREAS, on May 13, 2026, Investors Battery Lane, LLC ("Applicant") filed an application for approval of a site plan for one building for up to 480,000 square feet of multi-family residential use, utilizing up to 340,930 square feet of Bethesda Overlay Zone density with an associated Park Impact Payment, for up to 446 dwelling units, including a minimum 15% MPDUs and additional affordable units, and associated site features on 2.12 acres of 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 the 2017 *Bethesda Downtown Sector Plan* ("Master Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820260110, 4861 Battery Lane ("Site Plan" or "Application"); and

WHEREAS, the Application was submitted for concurrent review and approval with
Forest Conservation Plan No. F20260570 and Preliminary Plan No. 120260110; 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 Site Plan No. 820260110 for one building for up to 480,000 square feet of multi-family residential use, utilizing up to 340,930 square feet of Bethesda Overlay Zone density with an associated Park Impact Payment, for up to 446 dwelling units, including a minimum 15% MPDUs and additional affordable units, and associated site features the Subject Property, subject to the following conditions:[1]

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 480,000 square feet of total development on the Subject Property, for up to 446 multi-family dwelling units.

2. Height

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

3. Bethesda Overlay Zone Density and Park Impact Payment

The Applicant must pay to the M-NCPPC a Park Impact Payment (PIP) of $4,185,558.54 before release of the first above-grade building permit for the allocation of 268,822 square feet of Bethesda Overlay Zone Density, with MPDU density being exempt from the PIP calculation. In the event the final allocation of density from the BOZ is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor site plan amendment.

Open Space, Facilities and Amenities

4. Public Open Space, Facilities, and Amenities

a) Before release of the surety bond, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage on Battery Lane. Streetscape improvements must be consistent with the Bethesda Streetscape Standards, or equivalent as approved by MCDOT and Planning Staff.

[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.

b) Before the issuance of final use and occupancy certificate (excluding core and shell), all public and private open space and amenity areas on the Subject Property must be completed.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a) Connectivity between Uses, Activities, and Mobility Options

i. Minimum Parking – The Applicant must not provide or construct more than 436 parking spaces.

ii. Through-Block Connection – The Applicant must provide the east-west pedestrian connection spanning the north end of the Property. The through-block connection must be an average minimum width of 29 feet and include a ten-foot-wide ADA accessible paved path. The through-block connection must be shown on the Certified Site Plan.

b) Diversity of Uses and Activities

i. Affordable Housing/MPDUs

a. The development must provide 15 percent MPDUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.

b. The Applicant must provide a total of 84 affordable units, consisting of necessary MPDUs, and additional affordable units through a rental agreement as determined acceptable by DHCA.

c. Before issuance of any building permit, the Applicant must execute the MPDU agreement to build and rental agreement for additional affordable units with DHCA.

d. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated July 31, 2026, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

c) Quality Building and Site Design

i. Architectural Elevations – Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by Planning Staff.

ii. Exceptional Design – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.

iii. Public Open Space – The Applicant must provide a minimum of 6,000 square feet of public open space on-site.

iv. Structured Parking – The development must provide all parking spaces within a below-grade structure.

v. Tower Step-Back – The Applicant must step back the building's middle floors by eight feet behind the first-floor façade and must step back the building's tower element by 13 feet behind the first-floor facade. The Certified Site Plan must show the step-backs.

d) Protection and Enhancement of the Natural Environment

i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 1.0325 BLTs to the MCDPS and M-NCPPC staff.

ii. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

iii. Vegetated Area – The Applicant must install plantings in a minimum of 12 inches of soil, covering a minimum of 6,500 square feet of the site.

6. Recreation Facilities

Before issuance of final use and occupancy certificate, the Applicant must provide the required recreation facilities as shown on the Certified Site Plan.

Environment

7. The Applicant must provide a Green Cover plan that meets at least 35% Green Cover onsite and incorporates the following elements:

a. The credited green roof areas shall provide a six-inch (6 in) minimum depth throughout; a four-foot (4 ft) minimum depth in areas of landscape tree plantings, and a minimum of five-foot (5 ft) depth for areas of variance mitigation tree plantings.

b. Provide appropriate details, notes and specifications to clearly show the soil volumes/depth associated with plantings and include provisions for irrigation and maintenance as applicable.

c. Include provision for professional assessment from appropriate consultants to determine the cause(s) of any significant mortality of subject plantings that may occur. The assessment shall include recommended improvements to the planting conditions that may reduce or eliminate future mortality.

d. Implementation of any recommendation improvements shall be performed as possible and include items such as installation or adjustment of irrigation and drainage systems, installation of buried heating elements, adjustment/replacement of the soil mix and/or increasing the depth of the soil (within limits of weight restrictions).

Transportation & Circulation

8. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo September 8, 2026, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

Pedestrian & Bicycle Circulation

9. The Applicant must provide 95 long-term and five (5) short-term bicycle parking spaces.

a) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor with a key lock door, as shown in the Certified Site Plan

b) The short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected

preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

10. The Applicant must provide one (1) bicycle repair station.

11. Before the release of the right-of-way bond, the Applicant must construct the following master planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:
    a. Battery Lane: a seven-foot-wide (7 ft) sidewalk with a six-foot-wide (6 ft) street buffer.

Agency Coordination

12. Fire and Rescue

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 July 22, 2026, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

13. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings, as determined by M-NCPPC Staff.

14. Lighting

a) Before Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.

c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.

d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.

e) The on-site exterior lighting is to be controlled by photocells or timers and remain off during daylight hours.

f) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

g) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

h) Any lighting changes as a result of utility company or contractor installation will require a new lighting certification from a qualified professional that the design conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations.

15. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate (excluding core and shell), whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

a) A cost estimate of the materials and facilities, which, upon Planning Staff approval, will establish the surety amount.

b) The cost estimate must include applicable Site Plan elements only for facilities located on the Property including, but not limited to on trees and landscape material, exterior lighting, indoor and outdoor recreational facilities, site furniture, retaining walls, fences, railings, private sidewalks, private utilities, through-block connection and associated features, and storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.

c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

17. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

a) Include the public agency review approval letters, approved fire access plan, development program, and Site Plan and Preliminary Plan resolutions in the Certified Site Plan set.

b) Before submittal of the Certified Site Plan, the Applicant must make the following changes:

c) Add the following notes:

i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times during construction."

d) Modify data table to reflect development standards approved by the Planning Board.

e) Modify the public benefits table to reflect the points approved by the Planning Board.

f) Ensure consistency of all details and layout between Site and Landscape plans.

g) Show noise impacted units on the architectural plans.

h) Include a Recreation Plan delineating location and detail of the recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

i) Provide a loading management plan.

j) Include an updated Canopy Coverage exhibit showing proposed canopy coverage along Battery Lane and the proposed canopy coverage along the through-block connection corridor.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 4861 Battery Lane, Site Plan No. 820260110 submitted via ePlans to the M-NCPPC as of the date of the Staff Report September 28, 2026, are required, except as modified by the above conditions of approval; and

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 development satisfies any previous approval that applies to the site.*

   Sketch Plan No. 320230070 applies to the Site and was approved by the Planning Board (MCPB No. 23-117, dated December 14, 2023) subject to five Binding Elements and 13 conditions.

   The binding elements of the Sketch Plan are:
   a. Maximum density and height;
   b. Approximate location of lots and public dedications;
   c. General location and extent of public open space;
   d. General location of vehicular access points; and

e. Public benefit schedule.

The Site Plan conforms with the binding elements and conditions of approval of the Sketch Plan as it is within the specified density and height limits, provides one lot with appropriate dedications, includes open space area in the locations contemplated, includes a single vehicular access point at the location contemplated, and provides public benefits in-line with the schedule approved with the Sketch Plan.

In accordance with the conditions of approval of the Sketch Plan, the Site Plan provides adequate public open space, streetscape design, a through block connection, green cover, park impact payment, and affordable housing.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 2.12 acres zoned CR-1.5, C-0.5, R-1.5, H-120 and within the Bethesda Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

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	Required by Sketch Plan No. 320230070	Approved
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
Total GFA/FAR	139,070 sf (1.5)	480,000 sf (5.18)	480,000 sf (5.18)
Residential		480,000 sf (5.18)	480,000 sf (5.18)
Commercial	139,070 sf (1.5)	0 sf (0.0)	0 sf (0.0)

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

Development Standard	Permitted/ Required	Required by Sketch Plan No. 320230070	Approved
	46,357 sf (0.5)		
Building Height	120 ft	120 ft	120 ft
Public Open Space (min sf)	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		5

The Bethesda Overlay Zone (BOZ) allows an applicant to request an allocation of density over the base density to build ("BOZ density") to the maximum height permitted by the zone, as needed. A Park Impact Payment (PIP) is required for an allocation of BOZ density based upon the area of density requested and current PIP rate. As of the date of publication of this Report, the PIP rate is $15.57 per square foot of BOZ density.

[3] Per Section 59-6.2.3.I.8, as the proposed residential development is located within ½ mile of a 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).

Based on the requested 340,930 square feet of BOZ density, reduced by 72,108 square feet of MPDU density, the Applicant is required to pay for 268,822 square feet of BOZ density at a value of $4,185,558.54.

(BOZ density requested – MPDU density) x PIP rate = PIP

(340,930 sf - 72,108 sf) x $15.57 = $4,185,558.54 PIP required

Section 4.5.4.B.4 - Form Standards

The Site Plan addresses transparency, blank walls and active entrances as required. The Project proposes ample fenestration at the ground-level for transparency as well as activating features on the ground-floor level, including an expansive residential lobby and amenity area fronting on Battery Lane and opening to an outdoor plaza on the east side of the building. The southeast corner of the building includes a covered porte cochere for the lobby. This is designed as an architecturally significant feature that will further activate the space while separating vehicular and pedestrian activity around the lobby. The building incorporates an architectural design that leaves no blank walls.

Division 4.7 Optional Method Public Benefits

In accordance with Section 59.4.7.1.D, this Site Plan is reviewed under the rules and procedures for approving public benefits under Section 59.8.4 of the Zoning Ordinance, the Site Plan proposes greater than the minimum required public benefit points in four categories to satisfy the requirements:

Public Benefit	Maximum Points Allowed	Approved
Connectivity and Mobility		
Minimum Parking	20	1.67
Through-Block Connections	30	15
Diversity of Uses and Activities		
Affordable Housing	no limit	22.8
Quality Building and Site Design		
Architectural Elevations	30	15
Exceptional Design	30	20
Public Open Space	20	7.07
Structured Parking	20	20

Public Benefit	Maximum Points Allowed	Approved
Tower Step-Back	10	12.5
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	9.29
Cool Roof	15	1.05
Vegetated Area	15	12.5
Total Points	**100 (minimum required)**	**136.88**

The Bethesda Overlay Zone increases the maximum amount of public benefit points available in certain categories, as noted below:

CONNECTIVITY AND MOBILITY

Minimum Parking

The Applicant requests 4.44 points for the provision of a lesser quantity of on-site parking than the maximum allowed. The maximum public benefit points available for minimum parking is increased from 10 to 20 points in the BOZ. Points for this incentive are granted on a sliding scale, with zero points for providing the maximum number of on-site parking spaces, and 20 points granted for providing no more than the minimum number of on-site parking spaces required.

Based on the formula set forth in the Incentive Density Implementation Guidelines, the proposed project is eligible for 1.67 benefit points in this category.

{((Maximum Allowed Parking) - (Parking Provided)) / ((Maximum Allowed Parking) - (Minimum Parking))} * 10 = number of public benefit points

(520-436) / (520-18) * 10 = 1.67 points

The Application provides 436 parking spaces, which is fewer spaces than the maximum allowed, but more than the minimum parking requirement applicable for the proposed residential use (zero residential parking spaces are required, plus 1 handicapped space per 25 units, which equals 18 handicapped spaces minimum per Section 59-6.2.3.I.8 of the Zoning

Ordinance). The Planning Board approves 1.67 public benefit points for minimum parking.

Through-Block Connections

The Site Plan provides an east-west through-block connection segment along the northern portion of the Property as prescribed by the Sector Plan. The east-west link will eventually provide a pedestrian connection between the Bethesda Trolley Trail to the west and Woodmont Avenue to the east. As required by conditions of approval of Sketch Plan No. 320230070, the through-block connection is designed to be an average minimum width of 29 feet, with a ten-foot-wide ADA accessible paved path, and it includes a seating area proximate to its eastern terminus. The through-block connection corridor is attractively landscaped and will be accessible from the rear of the building. The path is designed to connect with additional through-block connection segments to be provided with the future redevelopment of properties to the east and west, as envisioned by the Sector Plan.

The maximum public benefit points available for through-block connections is increased from 20 to 30 points in the BOZ. The Planning Board approves 15 public benefit points for the provision of the Sector Plan-recommended through-block connection.

DIVERISTY OF USES AND ACTIVITIES

Affordable Housing

The Applicant requests 22.8 public benefit points for providing affordable units in addition to the minimum 15% MPDUs required. This Application provides 67 MPDUs (15%) and shall enter into rental agreements with DHCA to provide 17 additional affordable units. This equates to 3.8% additional affordable units, for which 6 points can be granted for each percentage increase in the BOZ. The Planning Board approves 22.8 public benefit points for Affordable Housing based on the following formula:

Percentage additional affordable units x 6 = number of public benefit points
3.8 x 6 = 22.8 points

QUALITY BUILDING AND SITE DESIGN

Architectural Elevations

The maximum public benefit points available for architectural elevations are increased from 20 to 30 points in the BOZ. The Applicant requests 15 public benefit points for providing high-quality architectural elevations on all four sides of the building that include binding design elements approved with the Sketch Plan. These elements include, but are not limited to, minimum transparency requirements for the section of the building fronting Battery Lane, minimized door separation and strategic canopy placement. The building elevations support the creation of a vibrant and human-scale streetscape and ground plane around the building. The Planning Board approves 15 points.

Exceptional Design

The maximum public benefit points available for exceptional design is increased from 10 to 30 points in the BOZ. The Applicant requests 15 public benefit points for providing a building and site design that enhance the character of the Battery Lane setting. As a Site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to review by the Design Advisory Panel, which recommends awarding of points based on the quality of the design. The Applicant asserts the Project will fulfill recommendations of the Bethesda Downtown Sector Plan and associated Design Guidelines.

The Site Plan was reviewed by the Design Advisory Panel twice. At their second meeting on June 24, 2026, the Panel voted to support 20 points for design excellence, exceeding the 15 points requested by the Applicant. The Panel praised the building design for being responsive to its location, including articulation, materials and details that create a distinctive character for the building, and for its artful porte-cochere. The Planning Board approves 20 points for Exceptional Design.

Public Open Space

The Applicant requests 7.07 public benefit points for providing Public Open Space. The maximum number of points in this category increases in the BOZ from 20 to 30 points. Points are achieved through the provision of publicly accessible open space on the Property in excess of any minimum required amount. The Site Plan is not required to provide any public open space in accordance with Section 59.4.5.4.B.1 of the Zoning Ordinance. A total of 6,000 square feet of open space is provided, mostly with the

through-block connection along the northern portion of the Property. A smaller, but visually significant area of open space is located on the south side of the building where it will contribute to creating a pleasing public realm along Battery Lane. The Planning Board approves 7.07 public benefit points.

Structured Parking

The Applicant requests 20 public benefit points for providing Structured Parking. The proposal includes below-grade structured parking with 436 spaces. All on-site parking will be provided in the subsurface garage. This parking regime qualifies for 20 public benefit points as 100 percent of the proposed parking spaces for the project will be located in a subsurface parking structure. The Planning Board approves 20 public benefit points.

Tower Step-Back

The maximum public benefit points available for tower step-back is increased from 10 to 20 points in the BOZ. Up to ten points is appropriate for stepping back a building's upper floors by a minimum of six feet behind the first-floor façade, with the step-back beginning at a height no greater than 72 feet. Such setbacks should be retained across at least 70% of the building's frontage on any right-of-way or open space. Additional points are appropriate if step-backs in the upper floors are deeper, begin at lower levels, or are integrated with reduced floor plate sizes on upper floors.

There are two step-backs incorporated into the building's façade design facing Battery Lane. The first is a step-back of seven feet that begins at a height of 22 feet (3rd floor), and second additional three-foot step-back is integrated at a height of approximately 100 feet (12th floor). The Applicant requests ten points for these tower step-backs.

The Planning Board approves 12.5 points as the design exceeds the minimum criteria to qualify for 10 points. Additionally, with this case, the two tower step-backs provided work particularly well to improve the overall character of the building, and to reduce the impact of its scale at the street level along Battery Lane.

PROTECTION AND EHANCEMENT OF THE NATURAL ENVIRONMENT

Building Lot Terminations (BLT)

The Applicant requests 9.29 points for the purchase of 1.0325 BLT easements or equivalent payment made for every 31,500 square feet of

gross floor area comprising the 7.5 percent incentive density floor area, exclusive of any density allocated for MPDUs. Points are granted by the calculation of BLTs as provided in Section 59.8.4.3.F.1 of the Zoning Ordinance. The Planning Board approves 9.29 public benefits points requested based on the following calculation:

(((480,000 - (46,357)) * 7.5%) / 31,500 * 9 = 9.29 points

Cool Roof

The maximum public benefit points available for providing cool roof is increased from 10 to 15 points in the BOZ. The Applicant requests 1.05 points for providing cool roof area that meets the minimum solar reflective index (SRI) on 9,000 square feet of the building's non-vegetated roof area. The Planning Board approves 1.05 public benefit points.

Vegetated Area

The maximum public benefit points available for vegetated area is increased from 10 to 15 points in the BOZ. Points are available for installation of plantings in a minimum of 12 inches of soil, covering an area of at least 5,000 square feet (not including stormwater facilities or vegetated roofs). This area must not be part of the required public open space or open space used for incentive density, nor within a stormwater easement.

The Site Plan requests eight points for providing 6,500 square feet of vegetated area with a soil depth of at least twelve inches on the west side of the proposed building. This area is not part of any open space used to satisfy another requirement or incentive density category. The proposed vegetated area will replace existing impervious surface.

The vegetated area provided exceeds the basic requirements to receive up to ten public benefit points. The Planning Board approves 12.5 public benefit points.

b. <u>General Requirements</u>

i. *Site Access*

The Project satisfies all the requirements for safe and efficient access to the Site, under Division 6.1. and 6.2. of the Montgomery County Zoning Ordinance.

Vehicular Access

Vehicular access into and out of the Site is proposed via a single curb cut along Battery Lane. A 22-foot-wide driveway will accommodate vehicle and loading traffic in and out of the Site. The driveway design conforms with MCDOT standards.

Pedestrian and Bicyclist Access

The Applicant will provide safe pedestrian and bicyclist access into and out of the Site. A seven-foot-wide (7 ft) sidewalk with a six-foot-wide (6 ft) street buffer will be constructed along Battery Lane. The building design includes multiple points of access, primarily proximate to the building's southeast corner, for pedestrians and bicyclists, including convenient access from outdoors to interior bicycle storage rooms. The on-site through-block connection segment provides a wide paved pathway that is planned to connect across other abutting properties and provide access to the Trolley Trail.

ii. *Parking, Queuing, and Loading*

Vehicle and Bicycle Parking

Per Section 59-6.2.3.I.8, residential uses are exempt from the baseline parking requirement if located within a ½ mile of a Metro Station. As the Property is located within ½ mile of the Medical Center Metro Station, no on-site parking spaces are required. However, the Applicant will provide 436 parking spaces. This is below the maximum parking requirement of 520 spaces.

A total of 100 bicycle parking spaces are provided, including five (5) short-term and 95 long-term bicycle parking spaces, in conformance with Section 59.6.2.4 of the Zoning Ordinance. The short-term bicycle parking spaces will be provided using inverted U-Racks, adjacent to the building. The long-term bicycle spaces will be located in two designated, secure bicycle parking rooms, one on the lobby level and a second on the first level of the subsurface parking structure, in conformance with Section 59.6.2.6 of the Zoning Ordinance.

Loading

One (1) loading space is required and two are provided. The loading spaces will be located at the northeast corner of the building, adjacent to the parking garage entrance. This location is generally removed from pedestrian and bicyclist activity and roadway traffic. Loading spaces are intended to be used for residential move in/out, trash pickup and service vehicles. As conditioned, a loading management plan will be provided with the Certified Site Plan to help ensure loading operations are safe and efficient. The covered looped driveway at the building's southeast corner provides a curbside location at the main lobby entrance for "quick" deliveries of packages and passenger pick up/drop offs.

iii. *Open Space and Recreation*

In accordance with Section 59.4.5.4.B.1 of the Zoning Ordinance, no public open space is required to be provided on the Property. However, the Application provides 6,000 square feet of public open space in two areas, along the through-block connection and along the building's Battery Lane frontage, contributing to an enhanced public realm.

Private, on-site recreational amenities are provided and include a rooftop pool and associated seating and cooking areas, indoor fitness spaces, a pet spa, maker space, well-located bicycle storage rooms, and an outdoor plaza and seating areas proximate the building's lobby. These features meet the requirements of the Recreation Guidelines.

iv. *General Landscaping and Outdoor Lighting*

Generous landscaping is provided throughout the Property. A photometric plan provided shows appropriate exterior lighting is provided around the building and that lighting fixtures are appropriate for minimizing offsite glare.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. <u>Chapter 19, Erosion, Sediment Control, and Stormwater Management</u>

The Planning Board finds that the applicable requirements are met, as a Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on August 5, 2026 and meets the

required stormwater management goals via Green Roof and Planter Box Micro Bioretention.

b. Chapter 22A, Forest Conservation

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.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing, and where required, open spaces and site amenities.*

The Site Plan provides well-integrated parking and circulation that is safe and efficient for vehicles, pedestrians, bicyclists, and loading operations. Parking and loading facilities are internal to the Site and generally removed from the public right-of-way, sidewalks, or bicycle facilities. To further support safe operations and minimize potential conflicts, a Loading Management Plan will be included with the Certified Site Plan. The Loading Management Plan will outline best practices for loading activities such as deliveries and move-in/move-out activities to help maintain safe and efficient site circulation.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

a) Land Use

The Site 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 Site 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 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 Site Plan proposes 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. This Application 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%. As conditioned, the Applicant will update the canopy coverage exhibit at the time of certification of the Site Plan to show this breakdown.

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 Application 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 to ensure the 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 site'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 Bethesda Downtown 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.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

   The Planning Board approved associated Preliminary Plan No. 120260110 concurrent with this Site Plan. In making the findings approving the Preliminary Plan, which are included in a separately approved resolution and are incorporated herein, the Board determined adequate public services and facilities exist to serve the development.

9. *The development is compatible with existing and approved or pending adjacent development*.

   The Subject Property is in the CR Zone and Bethesda Overlay Zone, and the proposed development has been carefully sculpted to be compatible with existing, approved, and pending adjacent developments in the Battery Lane District. The height, massing and form of the proposed building and site design are in-line with the size, shape and general appearance of other redevelopment proposals contemplated for the neighborhood. The design is also responsive to the existing low-rise apartments that exist on adjacent properties and incorporates various architectural and planting techniques that soften the visual bulk of the building and employs materials that are in harmony with the brick of

existing nearby buildings.

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 this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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

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.

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on 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