



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

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, September 24, 2015, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:10 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Amy Presley, and Natali Fani-González.

Commissioner Norman Dreyfuss joined the meeting at 9:05 a.m.

Items 1, 11, and Items 2 through 7, discussed in that order, are reported on the attached agenda.

Commissioner Fani-González left for the day at 2:40 p.m. following discussion of Item 7.

The Board received testimony for Item 8 – Public Hearing for Westbard Sector Plan from 2:50 p.m. through 6:05 p.m.

Item 10 was discussed at 6:10 p.m. and is reported on the attached agenda.

Following discussion of Item 10, the Board continued receiving testimony for the Westbard Sector Plan.

There being no further business, the meeting was adjourned at 9:10 p.m. The next regular meeting of the Planning Board will be held on Thursday, October 1, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, September 24, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

Subdivision Plat No. 220150690, Allanwood

R-200 zone, 3 lots; located in the southeast quadrant of the intersection of Woods Center Road and Norbeck Road. Aspen Hill Master Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Record Plat cited above, as submitted.

MCPB, 9-24-15, APPROVED

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Other Consent Items submitted for approval.**

MCPB, 9-24-15, APPROVED

***D. Approval of Minutes**

Planning Board Meeting Minutes of September 10, 2015

BOARD ACTION

Motion: WELLS-HARLEY/PRESELY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of September 10, 2015, as submitted.

11. Request for Reconsideration of the Planning Board’s approval with amendments of Subdivision Plat Nos. 220120040 – 220120060, and 220120510, Greentree Farm.

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY AND DREYFUSS ABSTAINED.

Action: Denied the Request for Reconsideration cited above.

Following a request for a motion for reconsideration, and with none made, the Board briefly discussed a request by petitioner Equestrian Partners in Conservation (EPIC) for reconsideration of the September 3 approval with amendments of Subdivision Plats 220120040, 220120060, and 220120510. Citing numerous correspondence, Chair Anderson offered clarification regarding the Board’s approval of the plats, stating that the Board had concluded that the plats satisfied all applicable conditions, including Condition 3 of the Barnesville Oak Farm Preliminary Plan, which requires the plat to reference a public use trail easement (PUTE) as part of the subdivision agreement. Chair Anderson also stated that neither requirement for inclusion of the easement on the plats, including approval by the Office of the General Counsel within 120 days of the mailing date of the Preliminary Plan Resolution and acceptance of the terms set forth in the resolution by EPIC or another suitable grantee, have been met. Because the two requirements were not met, the plats can be recorded without the PUTE. Chair Anderson added that although now permitted to record the plats without the PUTE, the applicant voluntarily entered into a covenant in which the PUTE would be recorded.

Legal Department staff noted that recent documents submitted by the petitioner and the applicant were not received in time to be considered by the Board.

There followed a brief Board discussion.

Vice Chair Wells-Harley and Commissioner Dreyfuss abstained because they were not present when the initial vote to approve the record plats was taken at the September 3 Planning Board Meeting.

2. Roundtable Discussion
- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department Director's Report – Planning Department Director Gwen Wright briefed the Board on the following ongoing and upcoming Planning Department events and activities: the status of the Lyttonsville Plan, with the working draft scheduled to be presented to the Board in October; the status of a September 17 community meeting with representatives from Montgomery County Public Schools regarding schools in the Rock Spring and White Flint II Sector Plan areas, and particularly school capacity in the Walter Johnson cluster; the September 18 Parking Day event, a collaboration by the Planning Department, Parks Department, and Montgomery County Department of Transportation, which was held at the new Silver Spring Library; the September 23 meeting with the Colorado Agricultural Leaders Group, and a subsequent tour of the County Agricultural Reserve; the status of the Rental Housing Study and the third Advisory Group meeting scheduled for September 28; the Design Excellence Ceremony scheduled for October 22 at the Silver Spring Civic Building; the status of a September 22 meeting with representatives from Montgomery County Department of Permitting Services (DPS) regarding private roads; and a meeting with Representatives from DPS and the City of Alexandria regarding the record plat review process scheduled for early October.

There followed a brief Board discussion.

3. Ovid Hazen Wells Recreational Park Facility Plan --- Proposed carousel and other amenities in the vicinity of the existing ballfields along Skylark Road to create a family destination; Clarksburg Master Plan and Ovid Hazen Wells Recreational Park Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Park Facility Plan cited above, subject to revised conditions discussed during the meeting.

Parks Department staff offered a multi-media presentation and discussed the proposed facility plan request for a two-phase expansion of Ovid Hazen Wells Recreational Park. The 290-acre park, which is accessed from Ridge Road at two points, is bounded by Piedmont Road to the northwest and Skylark Road to the southwest within the Clarksburg Master Plan and Ovid Hazen Wells Recreational Park Master Plan areas. The park is currently developed with two softball fields, one baseball field, two soccer fields, one playground, three large picnic shelters, 264 parking spaces, portable restrooms, and hard surfaced paths connecting the park facilities and adjacent communities. In addition to the relocation of the Wheaton Regional Park carousel to the site, proposed improvements include construction of an amphitheater, a community green, a kite lawn, a water play area, a roundhouse, an accessory building, a teen adventure area, a skate park, a fitness track, a 2,020-square foot dog park, additional parking spaces, restroom facilities, an agricultural-themed playground, and a maintenance building. Improvements to existing athletic fields, pedestrian access, and stormwater management are also proposed. Staff noted that the current facility plan is for phase one only and is limited to the relocation of the carousel, the construction of the roundhouse, accessory building, themed playground, amphitheater, 100 of the proposed new parking spaces, restrooms, and associated utilities. The total cost for both phases of the project is approximately \$19,000,000, with approximately \$8,100,000 required for phase one. Staff added that the cost is included in the FY17-22 Capital Improvements Program.

Mr. Paul Majewski of Piedmont Road offered testimony.

Following extensive Board discussion with questions to staff, the Board recommended eliminating some of the projects proposed for phase one.

4. Little Bennett Regional Park Trail Connector Facility Plan, Preliminary Forest Conservation Plan, and Preliminary/Final Water Quality Plan

***A. Preliminary Forest Conservation Plan PP2015002:** Request for a Preliminary Forest Conservation Plan to allow for the construction of a new hard surface trail located along a one mile stretch on the east side of MD Route 355 connecting Snowden Farm Parkway to the future Little Bennett Regional Park Day Use Area, stream stabilization measures for Sopers Branch tributary, and stormwater runoff mitigation measures; Clarksburg; Clarksburg Master Plan and Hyattstown Special Study Area.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution
Little Bennett Supplement*

~~***B. Preliminary/Final Water Quality Plan PP2015002: 10 Mile Creek Special Protection Area:** Request for a Preliminary/Final Water Quality Plan to allow construction of a new hard surface trail located on the east side of MD Route 355 connecting Snowden Farm Parkway to the future Little Bennett Regional Park Day Use Area, Clarksburg; Rural Density Transfer (RDT) Zone; Clarksburg East Environmental Overlay Zone; 10 Mile Creek Special Protection Area; Clarksburg Master Plan and Hyattstown Special Study Area.~~

~~*Staff Recommendation: Approval with Conditions*~~

B. Little Bennett Regional Park Trail Connector Facility Plan: Proposed hard surface trail located on the east side of MD Route 355 connecting Snowden Farm Parkway to the future Little Bennett Regional Park Day Use Area; Clarksburg; Rural Density Transfer (RDT) Zone; Clarksburg Master Plan and Hyattstown Special Study Area.

Staff Recommendation: Approval

BOARD ACTION

Motion: A & B. WELLS-HARLEY/PRESLEY

Vote:

Yea: A & B. 5-0

Nay:

Other:

Action: A. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to conditions, and adopted the attached resolution.

B. Approved staff recommendation for approval of the Park Facility Plan cited above.

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4. Little Bennett Regional Park Trail Connector Facility Plan, Preliminary Forest Conservation Plan, and Preliminary/Final Water Quality Plan

CONTINUED

Planning Department staff and Parks Department staff offered a multi-media presentation and discussed the proposed Park Facility Plan and Preliminary Forest Conservation Plan requests for the construction of a hard surface trail and associated stream stabilizing and storm runoff mitigation measures. The proposed 3.77-acre project site is located along the east side of Frederick Road (MD 355) from its intersection with Snowden Farm Parkway to the planned entrance to the future Little Bennett Regional Park Day Use Area. The project site is zoned Rural Density Transfer within the 2014 Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area Master Plan area in the Ten Mile Creek Special Protection Area (SPA). The Montgomery County Department of Parks proposes to construct an approximately one-mile long, 8 to 12-foot wide hard surface path that will connect an existing trail at Snowden Farm Parkway to the southern entrance of the future Little Bennett Regional Park Day Use Area. The path will include a segment of 12-foot wide boardwalk through steep portions near Sopers Branch. The Americans with Disabilities Act compliant, multi-use trail will eventually serve as a public sidewalk following the Montgomery County Department of Transportation construction of a bikeway planned for the west side of the same segment of MD 355. In addition to the proposed path, the project also includes stream restoration improvements for Sopers Branch tributary as well as stormwater management measures for portions of adjacent MD 355. According to staff, the trail will eventually be part of a system of trails that will connect Little Bennett Regional Park, Ten Mile Creek Greenway, and Black Hill Regional Park. Staff also proposes the construction of a pedestrian refuge area and the installation of a stop sign at the intersection of Comus Road and MD 355. The total cost of the project is approximately \$2,780,000.

Staff stated the site currently contains approximately 1.9 acres of forest and one stream with associated wetlands and environmental buffers. Staff added that the northern portion of the proposed project is located within the Little Bennett Creek watershed, and the southern portion of the project falls within the Little Seneca Creek watershed. Parks Department staff proposes to remove 1.63 acres of forest, including 0.17 acres within the SPA, and to retain 0.27 acres of forest, requiring 1.25 acres of forest planting as mitigation. Parks staff is also requesting a variance to remove one protected tree and impact four others.

Ms. Ginny Barnes, representing Conservation Montgomery, offered testimony.

There followed a brief Board discussion with questions to staff.

5. Heritage Care, Inc. Child Day Care Center, Conditional Use No. CU 15-07 --- Request to replace the existing special exception for an adult day care use with a child day care use for up to 40 children. Located at 4011 Randolph Rd, Silver Spring; 1.97 acres zoned R-60 within the 1989 Master Plan for the Communities of Kensington-Wheaton.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments and recommendations to the Hearing Examiner regarding the Conditional Use request cited above, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Conditional Use request to replace an existing special exception. The 1.9-acre property, lot 29, block K, is bounded by Randolph Road to the south, Colie Drive to the southwest, and Downer Drive to the west, and is zoned Residential in the Kensington-Wheaton Master Plan area. The property, which is accessed from Randolph Road and Colie Drive, is currently developed with a two-story structure. Staff noted that the Board must make a recommendation prior to the Hearing Examiner public hearing scheduled for October 9. The site is currently approved for use as a 112-bed nursing home and 35-person elderly day care facility. The applicant is requesting approval to replace the existing elderly day care use with child day care use for up to 40 children ranging in age from six weeks to five years old. The applicant proposes to use a total of 1,910 square feet to provide four classrooms, three restrooms, and one office. The nursing facility will continue operating on the first and second floors. The applicant has proposed no exterior modification to the structure or site. Staff stated that although the current use requires a total of 90 parking spaces, because nursing home visiting hours do not coincide with proposed day care drop off and pick up times, and because the proposed day care facility will require only 10 employee spaces, the proposed 71 spaces are sufficient. Staff added that 11 parking spots that encroach beyond the front building line on the east side of the site are not detrimental and should remain.

Mr. Jason Fabritz of Ilford Road offered testimony and requested that all deliveries to the site be after 6:30 a.m. Mr. Fabritz also requested that the applicant be required to plant vegetation on the northwest portion of the property as a noise buffering measure.

Following a brief board discussion with questions to Mr. Fabritz, the Board agreed to include prohibiting delivery times prior to 6:30 a.m. and planting noise buffering vegetation in the recommendations to the Hearing Examiner.

***6. Plaza Del Mercado, Site Plan Amendment No. 82006004A** --- Request for a site plan amendment to decrease the approved density from a total of 130,236 square feet to 113,962 square feet including a smaller grocery store, a new health club, and modifications to the internal site circulation and landscaping improvements on 9.76 acres zoned NR0.75 H45, located in the northwest quadrant of the intersection of Layhill Road and Bel Pre Road, within the Aspen Hill Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to revised conditions discussed during the meeting, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Limited Site Plan Amendment request to reduce the total square footage; modify the approved landscape, hardscape, and parking lot design; and remove traffic mitigation conditions for a previously approved development. The 9.76-acre site, comprised of lots 2 and 4, is located on the northwest quadrant of the intersection of Layhill Road and Bel Pre Road and zoned Neighborhood/Retail within the 1994 Aspen Hill Master Plan area. The site is currently developed with an 89,379-square foot shopping center that includes a vacant 1,927-square foot gas station on a separate pad adjacent to Bel Pre Road. The applicant is requesting to remove a 35,000-square foot portion of the existing shopping center, which includes in-use retail and a vacant grocery store, and construct an 18,294-square foot grocery store and a 37,000-square foot fitness center. The proposed development will total 113,962 square feet, less than the previously approved 126,683 square feet of development. The applicant is also requesting to make improvements to the façade, sidewalks, and landscaping, and to improve the parking lot by adding landscape islands and other landscaping. Staff noted that because the amendment will decrease density by reducing the proposed floor area, which will result in fewer than 30 peak hour trips, the applicant proposes the removal of two traffic mitigation conditions associated with approved but unbuilt development that was proposed in the original site plan.

Ms. Barbara Sears, attorney representing the applicant, concurred with the staff recommendation.

Mr. Steven Morrison, representing Layhill Civic Association, offered testimony.

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***6. Plaza Del Mercado, Site Plan Amendment No. 82006004A**

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Ms. Eugenia Mays, representing Kimberly Place Condominium, offered testimony and requested the addition of visual screening to the north side of the site.

Mr. Matt Monahan, member of the applicant's team, offered comments and noted that the applicant would be amenable to additional visual screening.

Following a brief Board discussion with questions to staff, Ms. Mays, and Mr. Monahan, the Board agreed that visual screening should be added to the north side of the site.

Staff noted that the Resolution would be revised to reflect the modifications discussed during the meeting.

7. Proposed Text Amendment to the Comprehensive Water Supply and Sewerage Systems Plan for the Glen Hills Area Sanitary Study --- The proposed text amendment proposes policies for the provision of community service to the Glen Hills neighborhood in Potomac. It implements the Glen Hills Area Sanitary Study, undertaken by the Department of Environmental Protection following the 2002 Potomac Sub-region Master Plan. The Planning Board’s recommendation is needed for the Transportation, Infrastructure, Energy, and Environment Committee worksession on September 28.

Staff Recommendation: Transmit comments to the County Council

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-1

Nay: DREYFUSS

Other:

Action: Approved staff recommendation to transmit comments to the County Council.

Planning Department staff offered a multi-media presentation and discussed a proposed text amendment to the Comprehensive Water Supply and Sewerage Systems Plan. According to staff, the County Executive proposed the amendment following a 2013 consultant study of sanitary conditions in the Glen Hills neighborhood conducted for the Montgomery County Department of Environmental Protection (DEP). The study was recommended in the 2002 Potomac Subregion Master Plan in response to numerous failures of aging septic systems. Glen Hills, the study area, is located southwest of the City of Rockville, bounded loosely by Watts Branch to the east, Piney Branch to the west, and Viers Drive to the northwest. The current Master Plan recommendations limit extension of public sewer service to only properties that demonstrate septic system failures and where service could be extended in an environmentally sound way. The proposed amendment recommends on-site septic disposal systems as the primary disposal method, and establishes conditions that allow extension of public service to individual property owners who are able to demonstrate septic system failure, and to designated public health problem areas, and properties abutting existing or planned sewer mains that meet existing policy standards, and any properties located in the Piney Branch restricted service area that can demonstrate septic failure. Staff noted that a County Council committee session originally scheduled for October 5 has been rescheduled for October 26.

The following speakers offered testimony: Ms. Susanne Lee representing West Montgomery County Citizens Association; Mr. Paul Roepe representing Glen Hills Neighborhood Association; Mr. Krishna Kumar of Carriage Court; Ms. Mary Yakaitis

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7. Proposed Text Amendment to the Comprehensive Water Supply and Sewerage Systems Plan for the Glen Hills Area Sanitary Study

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representing Potomac Highlands Citizens Association; Mr. Knowles Little representing Potomac Highlands Citizens Association; Ms. Jill Asman of Lakewood Drive; Mr. Dennis Eisen representing Greater Glen Hills Coalition; Doris Eisen representing Greater Glen Hills Coalition; Mr. James Noonan representing Greater Glen Hills Coalition; Mr. Jeffrey Kurland representing Potomac Highlands Citizens Association; Mr. William Kisse representing Potomac Highlands Citizens Association; Ms. Tracy Clark of Scott Drive; Mr. William Chen, attorney representing Potomac Highlands Citizens Association and Greater Glen Hills Coalition; Mr. Ted Smart of Cleveland Drive; Ms. Roxanne Smart of Cleveland Drive; Ms. Alison Mrohs of Valley Drive; Mr. Jeremy Raines of Cleveland Drive; Ms. Pat Brick representing Greater Glen Hills Coalition; Mr. Kenneth Brawer of Cleveland Drive; Mr. John Brick representing Greater Glen Hills Coalition; Mr. Thomas Gallagher of Lloyd Road; Mr. David Scull of Bevern Lane; Mr. William Wainger representing Potomac Highlands Citizens Association; Mr. George Simmons representing Greater Glen Hills Coalition; and Ms. Ginny Barnes of Glen Road.

Messrs. Alan Soukup and Dave Lake of DEP offered comments.

Following extensive Board discussion with questions to staff and Messrs. Soukup and Lake regarding the need for specific language as to what constitutes a failed septic system, the Board agreed to include clarification in the recommendations to the County Council that if the failure of an existing septic system cannot be addressed with a currently approved new septic field on the property, then failure of the system has been adequately demonstrated and the property owner is deemed to have met the criteria to apply for sewer service.

10. M-NCPPC- CIP FY17-22 – Worksession #2 --- Worksession for the M-NCPPC Capital Improvements Program for FY17-22

Staff Recommendation: Conditional approval of non-GO bond funded projects (including those funded with Park and Planning bonds, Enterprise revenue and other sources) for inclusion in the Parks' FY17-22 CIP, and general guidance regarding CIP development.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Action: Received briefing and provided additional comments and recommendations to staff to be included in the final CIP.

In keeping with the September 24 staff report, Parks Department staff offered a multi-media presentation and discussed the Department of Parks FY17-22 Capital Improvements Program (CIP). Staff noted that to date, the Board has had three sessions with Parks staff to prepare the FY15-20 CIP preceded by a joint public forum in March with the Montgomery County Recreation Advisory Boards to hear testimony from citizens and advocacy groups. The previous worksessions included discussion of strategy for the CIP, including criteria, process, and schedule. Staff discussed additional scenarios to consider regarding GO bond-funded projects and the remaining projects in the CIP, the majority of which are Park and Planning bond-funded. At the adoption session scheduled for October 8, staff will present recommendations for all projects in the CIP. The Planning Board will receive a complete set of Project Description Forms (PDFs), including Operating Budget Impacts (OBIs) for final approval. The recommended FY17-22 CIP will be forwarded to the County Executive and County Council by November 1, as required by State Law, with a favorable recommendation.

Following the November 1 transmittal, the County Executive will recommend a proposed FY17-22 CIP by January 15, 2016 to be transmitted to the County Council, which will hold public hearings on the proposed CIP for the entire County, inclusive of the Parks Department CIP, in early February. The County Council will conduct worksessions in February and March, and the CIP is scheduled for adoption by the County Council in late May 2016. Staff reviewed the natural and surface trails and resource-based recreation facilities; the GO-bond funded projects; the Legacy Open Space Program; Park and Planning bond-funded projects; new Park and Planning bond-funded stand-alone projects; and projects funded without bonds. Staff added that the Planning Board directed staff to focus on urban parks in the acquisition program to serve existing urban areas and communities that are increasing in density. Over the past decade, the Department has renewed its focus on urban parks and the new types and preferred locations for

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10. M-NCPPC- CIP FY17-22 – Worksession #2 --- Worksession for the M-NCPPC Capital Improvements Program for FY17-22

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urban park amenities. As outlined in the Vision 2030 report and the 2012 PROS Plan, our urban areas have the lowest levels of service for parks and recreation per population. In order to promote livable communities with convenient access to parks, additional parkland will have to be acquired. Urban parkland can be acquired through two primary funding sources that are placed in three CIP projects, i.e., the Program Open Space (POS); and the Legacy Open Space (LOS). A third source that is not as typical is the Advanced Land Acquisition Revolving Fund (ALARF). All properties acquired with ALARF must first be shown on adopted area master plans as needed for future public use.

There followed a brief Board discussion with questions to staff.

8. Westbard Sector Plan - Public Hearing

Staff Recommendation: N/A

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

A VERBATIM TRANSCRIPT OF THIS ITEM IS AVAILABLE IN THE MONTGOMERY COUNTY REGIONAL OFFICE OF THE PARK AND PLANNING COMMISSION.

9. Continuation of the Westbard Sector Plan - Public Hearing

Staff Recommendation: N/A

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

A VERBATIM TRANSCRIPT OF THIS ITEM IS AVAILABLE IN THE MONTGOMERY COUNTY REGIONAL OFFICE OF THE PARK AND PLANNING COMMISSION.