



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, April 28, 2016, at 9:04 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:25 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Natali Fani-González. Commissioner Amy Presley joined the meeting at 9:24 a.m.

At the start of the meeting, Chair Anderson welcomed all those present who were participating in the Commission “National Bring Your Child to Work Day” event.

The Board convened in Closed Session at 9:34 a.m. to take up Item 6, a Closed Session Item.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board’s Closed Session:

The Planning Board convened in Closed Session at 9:34 a.m. in the 3rd floor conference room with the Prince George’s County Planning Board, as the Maryland-National Capital Park and Planning Commission (Full Commission), via telephone conference. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(9) and (b)(7), to conduct collective bargaining negotiations or consider matters that relate to the negotiations, and consult with counsel to obtain legal advice.

Also present for the meeting in Montgomery County were the Commission Executive Director Patricia Barney; Montgomery County Park Police Chief Antonio DeVaul; Montgomery County Parks Department Director Michael Riley; and James Parsons of the Commissioners’ Office.

In Closed Session the Full Commission received briefing and discussed collective bargaining negotiations. An open session report will be included in the Full Commission Meeting Minutes.

The Closed Session meeting was adjourned at 9:49 a.m.

The Montgomery County Planning Board reconvened in the auditorium at 10:04 a.m.

Items 1, 2, 5, and 3, discussed in that order, are reported on the attached agenda.

Items 9 and 4 were removed from the Planning Board agenda.

The Board convened in Closed Session at 11:02 a.m. to take up Item 8, a Closed Session Item.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 11:02 a.m. in the 3rd floor conference room on motion of Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Fani-González voting in favor of the motion, and Commissioner Presley temporarily absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the meeting were Director Gwen Wright, Deputy Director Rose Krasnow, Robert Kronenberg, and Leslye Howerton of the Planning Department; Senior Counsel Megan Chung of the Legal Department; Director Michael Riley, Acting Deputy Director Mitra Pedoeem, Brooke Farquhar, Rachel Newhouse, Brenda Sandberg, and Cristina Sasaki of the Parks Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed potential park acquisitions in Bethesda.

The Closed Session meeting was adjourned at 11:51 a.m.

The Board recessed for lunch at 11:51 a.m. and reconvened in the auditorium at 1:05 p.m. to take up Item 7, a worksession for the Bethesda Downtown Sector Plan.

Commissioner Presley left the meeting at 4:10 p.m. during discussion of Item 7.

There being no further business, the meeting was adjourned at 5:25 p.m. The next regular meeting of the Planning Board will be held on Monday, May 9, 2016, 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, April 28, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

6. CLOSED SESSION - Teleconference Meeting of the Maryland-National Capital Park and Planning Commission (Full Commission)

According to MD ANN Code, General Provisions Article, §3-305(b)(9) and (7), to conduct collective bargaining negotiations or consider matters that relate to the negotiations, and to consult with counsel to obtain legal advice.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative Meeting Minutes of the Maryland-National Capital Park and Planning Commission.

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**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

AVA Wheaton, Site Plan Amendment No. 82014019A --- Request to relocate wayfinding signage from the right-of-way to the property; remove a streetlight on Blueridge Avenue; add five street trees along Elkin Street; and minor revisions to building elevations and amenity spaces. 3.7 acres zoned CR 4.0, C 3.5, R 3.5, H100 located at the northeast corner of the intersection of Georgia Avenue and Blueridge Avenue in the Wheaton CBD and Vicinity Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Site Plan Amendment cited above and adopted the attached Resolution.

***D. Approval of Minutes**

Planning Board Meeting Minutes of April 14, 2016

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of April 14, 2016, as submitted.

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 recent review by the County Council's Planning, Housing, and Economic Development Committee and approval of the FY17 budget, with the Committee approving nearly all of the proposed initiatives, projects, and programs, and the full Council vote scheduled for May 10; the recent selection of staff to fill three open Planning Department positions, including Caroline McCarthy as the new Chief of the Research and Special Projects Division, current Planning Department staff member Michael Brown as the new Area 1 Master Plan Supervisor, and Simona Jones as the new Web Specialist; the status of the Westbard Sector Plan, with the County Council scheduled to approve the Resolution on May 3; the status of the Bethesda Downtown Sector Plan, with a worksession scheduled for later today; the status of the Lyttonsville Sector Plan, with the next worksession scheduled for May 19; the status of the ongoing work for the MARC Rail Communities Plan, the White Flint 2 Sector Plan, the Bicycle Master Plan, and the Rock Spring Sector Plan, including recent work with Parks Department staff and executive branch staff regarding short term ideas for Rock Spring activation; the upcoming Makeover Montgomery 3 conference scheduled for May 4 through 6; and the recent Urban Land Institute Spring Meeting held on April 19 through 21 in Philadelphia, Pennsylvania.

There followed a brief Board discussion.

~~9. 8711 Georgia Avenue (Wells Fargo Bank), Limited Site Plan Amendment 82008023C CBD 2 Zone, 0.87 acres, Request to add a drive-up ATM and teller in the alley along the south building face and reduce the public use space on site; located at 8711 Georgia Avenue approximately 250 feet northeast of Cameron Street, Silver Spring CBD Sector Plan~~ **REMOVED**

Staff Recommendation: Denial of the Limited Amendment

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Planning Board agenda.

~~4. Sligo Creek Trail Improvements Sligo Creek Trail and Forest Glen Road Improvements to be provided by Holy Cross Hospital.~~ **REMOVED**

Staff Recommendation: Approval of project schedule and additional amenities

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Planning Board agenda.

5. Carl Douglas Lord, Conditional Use No. CU 16-10 --- Request for a Conditional Use for a Clinic with up to 4 Medical Practitioners in the R-90 Zone; located at 11016 New Hampshire Ave, Silver Spring within the White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval with Conditions and transmittal of Comments to the Hearing Examiner

(NOTE: Action required for hearing by Hearing Examiner on May 16, 2016)

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Conditional Use request to validate an existing medical clinic use. The 18,591-square foot site, identified as lots 10 and 11, is located on the west side of New Hampshire Avenue (MD650), approximately 100 feet north of its intersection with Northwest Drive, and is zoned Residential within the White Oak Science Gateway Master Plan area. The site is currently improved with an existing 6,500-square foot building, originally constructed as a split-level single-family dwelling unit that straddles the lot boundary line and is currently used as a medical clinic for an existing practice with four doctors. Paved parking spaces for 21 vehicles, including one handicapped accessible space, are located on the north, west, and east sides of the existing building. Access to the site is provided via a service road that runs parallel to southbound MD650, with a curb cut located at the northern end of the site providing an ingress to the parking areas on the north and west sides of the building, and a curb cut at the southern end of the site providing ingress and egress to parking on the east side of the building. Egress from the property for the parking areas on the north and west side of the building is currently located on the adjacent property to the south, which is also owned by the applicant but not part of the application. The site has been used as a medical practitioner's office and a private residence since 1957. In 1990, the applicant purchased the property. Since then, the building has not been used as a residence, therefore the clinic no longer qualifies as a medical practitioner's office and has been operating without the required conditional use approval.

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5. Carl Douglas Lord, Conditional Use No. CU 16-10

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The applicant is seeking approval to continue the existing medical clinic use on the site, which will operate between 9:00 a.m. and 5:00 p.m. Monday through Friday. The number of practitioners will be reduced to a maximum of three doctors, with two doctors on-site at any given time. The applicant also proposes to add five additional staff members, with a maximum of 50 patients seen daily, and to improve parking lot circulation by reconfiguring, restriping, and reducing the existing parking areas to accommodate 18 total on-site spaces. Staff stated that the applicant is requesting parking waivers for drive aisle width; parking setbacks; parking lot landscaping, including landscaped area, tree canopy coverage, and perimeter planting; and number of vehicle parking spaces. Staff supported the waivers, stating that the site is located within a transitional area between residential use and more intense commercial use to the west and the south. Also, the site is the only property on the block that utilizes the service road. Staff added that the medical clinic is well-integrated into the neighborhood and has never received a violation or been the subject of a complaint.

Staff recommendations include alternative compliance for screening requirements, with the applicant proposing to plant trees, shrubs and evergreens along the west lot line, and to construct a 6-foot board-on-board fence along the north and west lot lines. Staff added that although the proposed exterior lighting meets conditional use requirements, it does not meet Illuminating Engineering Society of North America standards. For this reason, staff also recommended that the applicant add supplemental low-lighting in the rear parking lot to assure safety during evening hours.

Mr. Bill Landfair, member of applicant's team, offered comments, noted that the proposed lighting conforms with current County standards, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Landfair.

3. Montgomery Parks FY16 Operating Budget Adjustment --- Additional Funding for the Emerald Ash Borer

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Budget Adjustment Request cited above.

Parks Department staff briefed the Board regarding an FY16 Operating Budget Adjustment request of \$383,010. Staff stated that all budget adjustments exceeding \$50,000 require Planning Board approval. Staff noted that on March 17 of this year, the Board approved a \$400,000 Budget Adjustment for tree removal services for damage caused by the emerald ash borer, a non-native invasive beetle. Those funds have since been spent. The funds requested today will be transferred from the Non-Departmental Personnel Services Budget to the Horticulture, Forestry, and Environmental Education division for additional tree removal services.

There followed a brief Board discussion with questions to staff.

8. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Topic to be discussed is the potential for park acquisitions in Bethesda.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative minutes.

7. Bethesda Downtown Sector Plan - Worksession #11

Staff Recommendation: Briefing and Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and testimony followed by Board discussion.

Planning Department staff offered a multi-media presentation and discussed affordable housing recommendations for the Bethesda Downtown Sector Plan followed by discussion of zoning requests from property owners, which were deferred by the Planning Board, as well as zoning requests that were received after the Public Hearing process. Staff noted that if time permits, they will also discuss the transportation sensitivity analysis prepared as a result of increases in density throughout the Plan following Planning Board discussions at the previous worksessions.

Staff noted that the Sector Plan envisions downtown Bethesda as a place consisting of a well-rounded community of residents and workers who contribute to the health and vitality of the area. However, given its attractiveness and proximity to employment and the Metro, housing costs are increasingly out of reach for most residents across Montgomery County. Downtown Bethesda is anticipated to grow at a faster rate than Montgomery County as a whole, with households projected to increase by 28 percent, population by 24 percent, and employment by 40 percent. As housing demand continues to increase as a result of this growth, Bethesda housing costs will become even more cost-prohibitive for most Montgomery County residents. The monthly homeowner costs in the Bethesda area currently average approximately \$4,660, which is two-third higher than the County. The average rent for the area is \$1,916, which is about 20 percent more than the average rent for the County, and newly built residential apartments typically rent for \$2,750, which is 40 percent more than the County.

Staff added that with high housing costs, downtown Bethesda also continues to have a shortage of committed affordable housing. Of the 4,669 multi-family rental apartments in the area, only 826, or 17.69 percent, are rent-restricted as defined by the Moderately Priced Dwelling Units (MPDUs) requirements, or in the low-income housing tax credit category, or public subsidies category. There also exist about 1,992 market-affordable rental apartments in Bethesda, which rents fall within affordable income levels due to their age or limited amenities. Given Bethesda high land values and overall desirability, these rents have the potential to increase considerably. Staff commented that in the absence of special efforts, there will be a

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7. Bethesda Downtown Sector Plan - Worksession #11

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continuing shortfall of new units to meet the needs of moderate-to-low income households that require the services or are employed by retail establishments in Bethesda. The goal is to preserve existing market-rate affordable housing; provide a mix of housing options to increase the provision of MPDUs in exchange for incentives to the developers.

Staff recommended a minimum of 15 percent MPDUs for residential development within the high performance area in downtown Bethesda, and to preserve existing market-rate affordable housing by identifying sites as Priority Sending Sites for density averaging. Owners of Affordable Housing Sending Sites that choose to transfer their density must enter into a rental agreement to retain 30 percent of their existing affordable units, defined as 65 percent of Area Median Income (AMI) or below for 20 years.

Mr. Zachary Marks of the Department of Housing and Community Affairs (DHCA), and Mr. William Kominers, attorney from Lerch, Early & Brewer, and representing the Housing Opportunities Commission (HOC) offered comments and answered questions from the Board.

There followed substantial Board discussion with questions to staff and the speakers.

Staff then continued discussion of height and zoning requirements for additional properties that were not discussed at previous worksessions.

The following speakers offered testimony: Ms. Nancy Regelin, attorney from Shulman & Rogers, and representing Aldon Management Co.; Ms. Barbara Sears, attorney from Linowes & Blocher, and representing property owner Mr. Mardirossian; Mr. Aris Mardirossian, property owner; Mr. Steve Robbins, attorney from Lerch, Early & Brewer and representing the Office Park Condo on Old Georgetown Road; Ms. Michele Rosenfeld, attorney from Ambleside Drive and representing the Christopher and Mews properties; Mr. David Brown, attorney from Knopf & Brown and representing property owner Mr. Peter Manion; Ms. Heather Dlhooopsky, attorney from Linowes & Blocher representing the Novo and 20M buildings; Mr. Angus Sinclair of Mooreland Lane; Ms. Melanie Manfield of Leland Street; Mr. Alan Eicoff of Modacaid Lane; Mr. Jody Kline, attorney from Gamby & Gamby and representing the Radhakrishmman Properties and the Clark Building; Mr. Tim Dugan, attorney from Shulman & Rogers and representing a property owner Mr. Neil Cullen; Mr. Andrew Cretal of Westpark Drive; Mr. Todd Brown attorney from Linowes & Blocher and representing property owners on Cordell Avenue; Mr. Fred Cecele of Leland Street; Mr. Todd De Binder of Border Road; Mr. Walter Propps of Burdette Court; Mr. Robert Brewer, attorney from Lerch, Early & Brewer representing a property owner on Bethesda Avenue; and Mr. Robert Harris, attorney from Lerch, Early & Brewer representing property owner on Strathmore Street; Ms. Susan Turnbull of Montgomery Lane; Mr. Michael Hemmer of Montgomery Lane; and Ms. Patricia Harris, attorney from Lerch, Early & Brewer, and representing the SJG properties.

There followed extensive Board discussion with questions to staff and some of the speakers.

Chair Anderson noted that the transportation sensitivity analysis discussion will take place at the next worksession scheduled for Thursday, May 12 starting at 6:25 p.m.