



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, May 12, 2016, at 9:11 a.m. in the Montgomery Regional Office (MRO) in Silver Spring, Maryland, and adjourned at 9:15 p.m.

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

Items 1 through 3 are reported on the attached agenda.

Item 1.C.1 was removed from the Planning Board agenda.

The Board convened in Closed Session at 10:55 a.m. to take up Items 5 and 4, Closed Session Items, discussed in that order.

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 in the auditorium at 10:55 a.m. on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the meeting was James Parsons of the Commissioners' Office.

In Closed Session the Board approved Closed Session Minutes of February, March, and April 2016.

The Board reconvened in Closed Session at the Black Market Bistro restaurant to discuss Closed Session Item 4 while having lunch. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice, and (8), to consult with staff, consultants, or other individuals about pending or potential litigation.

MCPB, 5-12-16, APPROVED

Also present for the meeting were General Counsel Adrian Gardner, Principal Counsels Bill Dickerson and Carol Rubin, Senior Counsel David Lieb, and Associate General Counsel Elizabeth Adams of the Legal Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and advice regarding pending litigation.

The Closed Session meeting was adjourned at 12:30 p.m.

The Board reconvened in the auditorium at 1:09 p.m.

Items 6 through 10 are reported on the attached agenda.

The Board recessed for dinner at 4:20 p.m. and reconvened in the auditorium at 6:25 p.m. to take up Item 11, a worksession for the Bethesda Downtown Sector Plan.

There being no further business, the meeting was adjourned at 9:15 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 19, 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, May 12, 2016
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. 220101040, Strawberry Knoll

R-200/TDR-4 zone; 13 lots and 1 parcel; located at the terminus of Traxell Way; Gaithersburg Vicinity Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220110170, Edward Brown Subdivision

AR (formerly RDT) zone; 2 lots; located on the southern side of Brown Church Road, approximately 500 feet east of Ridge Road (MD 27); Damascus Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141100, Shady Grove Life Sciences Center

LSC zone; 1 parcel; located at the intersection of Great Seneca Highway and Medical Center Drive; Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220150940, Our Lady of Good Counsel High School

RC zone; 1 lot and 1 parcel; located immediately south of the intersection of Olney-Sandy Spring Road (MD 108) and Dr. Bird Road (MD 182); Olney Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220151040 Chevy Chase Terrace

R-60 zone; 2 lots; located on the east side of Ruffin Road, 300 feet north of Chevy Chase Boulevard; Bethesda – Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220151350 Clarksburg Town Center

CRT zone; 12 lots and 2 parcels; located in the southeastern corner of Clarksburg Road (MD 121) and Public House Road; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220151470, Rock Creek Forest

R-60 zone, 2 lots, 1 parcel; located on the south side of Ashboro Drive, 950 feet west of Grubb Road; North and West Silver Spring Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220160010, Carroll Knolls

R-60 zone; 1 parcel; located in the northeast quadrant of Georgia Avenue (MD 97) and Evans Drive; Kensington - Wheaton Master Plan.

Staff Recommendation: Approval

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***B. Record Plats**

CONTINUED

Subdivision Plat No. 220160460, Rockville Evangelical Mission

R-200 zone; 1 parcel; located on the south side of Central Avenue 1000 feet from its intersection with South Frederick Avenue (MD 355); Shady Grove Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220160810, Rosedale Park

R-60 zone; 2 lots; located on the north side of Chestnut Street, 700 feet east of Wisconsin Avenue (MD 355); Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

1. **Balsamah Property, Adequate Public Facilities Test 1200098A** --- Request for a new Adequate Public Facilities determination on six recorded lots, under County Code Section 8-31(b), Article IV for future building permits; Lots 1-6, Balsamah; 152.61 acres, zoned AR; located on the east side of Peachtree Road. 2,000 feet southwest of Barnesville Road, within the 1980 Preservation of Agricultural & Rural Open Space Master Plan.—**REMOVED**

Staff Recommendation: Approval with Conditions

2. **Residences at Shady Grove Station Site Plan Amendment No. 82009007A** --- Request to reduce the number of dwelling units from 117 to 110, including two Moderately Priced Dwelling Units (approved gross floor area and FAR remain unchanged); shift building entrance and garage entrance locations; add retaining walls at existing pond; modify retaining walls, planter, site grading; and update courtyard design; on a 4.26 acres property, zoned PD-35, located at the intersection of Redland Road and Yellowstone Way in the 2006 Shady Grove Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: 2. FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 2. 5-0

Nay:

Other:

Action: 1. This Item was removed from the Planning Board agenda.
2. Approved staff recommendation for approval of the Site Plan Amendment cited above and adopted the attached Resolution.

MCPB, 5-12-16, APPROVED

***D. Approval of Minutes**

Planning Board Meeting Minutes of April 21, 2016

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of April 21, 2016, as submitted.

2. Worksession #2 on the Working Draft of the 2016 Subdivision Staging Policy

Staff Recommendation: N/A

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the school portion of the 2016 Subdivision Staging Policy working draft, with revisions discussed during the meeting, as the public hearing draft.

Planning Department staff offered a multi-media presentation and discussed the school portion of the 2016 Subdivision Staging Policy (SSP) Working Draft. Staff noted that the SSP is updated every four years and must be evaluated to see that it adequately reflects the impact of new development and accounts for growth, especially in the face of changing growth patterns. Meetings for the SSP have included an Infrastructure and Growth Forum held in March 2015, the Subdivision Staging Policy Kick-off meeting held in October 2015, community meetings regarding schools held in January and February of this year, and a session at the Makeover Montgomery 3 conference held earlier this month. Staff also noted that the Planning Department received two letters in regard to the SSP from the Montgomery County Council of Parent-Teacher Associations Chair Melissa McKenna and County Council Vice President Roger Berliner.

Staff then discussed nine recommendations for the working draft of the SSP regarding school testing, the School Impact Tax, and the School Facility Payment. The first staff recommendation was to calculate School Facility Payments and the School Impact Tax using generation rates associated only with residential structures built over the previous ten years. While implementation of this practice would not significantly change generation rates for single-family attached and detached dwellings, student generation rates would decrease by 54 percent for low and mid-rise multi-family dwellings and 46 percent for high-rise multi-family dwellings. The next recommendation was to implement a hybrid annual school test that combines cluster utilization tests with individual school capacity deficit tests. To ensure that developers are paying an accurate and fair share of school construction costs, staff also recommended updating the calculation of the School Facility Payments on a biennial basis that is concurrent with the annual school test using the latest student generation rates and school construction cost data. Staff noted that while payments for most single-family dwellings will increase, all multi-family dwelling payments will decrease. Recommendation four called for placing a two-year limit on designating placeholder capacity for a particular cluster level or school as funded capacity under the annual school test. According to staff, this would ensure that the four existing placeholders would either be replaced with moratoria or real capital projects in the amended FY17-22 Capital Improvements Program (CIP) that is scheduled for adoption in May 2017.

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2. Worksession #2 on the Working Draft of the 2016 Subdivision Staging Policy

CONTINUED

The next recommendation was to update the School Impact Tax amounts biennially and concurrent with the annual school test to reflect more current school construction costs and student generation rates. Staff recommendation six called for the removal of the 0.9 multiplier in the School Impact Tax in order to capture the full cost of school construction associated with a new residential unit. Staff stated that the School Impact Tax currently represents 90 percent of construction costs for a student seat. By removing the multiplier, the impact tax would cover 100 percent of the cost per student seat. Staff recommended placing the additional 10 percent into the Advance Land Acquisition Revolving Fund (ALARF). Staff added that while the tax for single-family detached dwelling units would increase by \$738, the impact tax for all other unit types would decrease from the current tax amounts by 25.1 percent to 59.4 percent.

Recommendation seven was to re-introduce the School Impact Tax and School Facility Payments in former Enterprise Zones through a phased approach. For the first three years following the expiration of the Enterprise Zone designation, the School Impact Tax and any applicable School Facility Payments would be discounted by 50 percent. After three years, taxes and payments would increase to the full level. Staff added that the Silver Spring Central Business District is currently the only former Enterprise Zone in the County. Staff's eighth recommendation was to conduct further research to review the criteria and process by which an area of the County can be exempted from the School Impact Tax and School Facility Payments.

Future topics for the next SSP include sustainability, water quality as a growth offset factor, adequate green infrastructure and urban parks, and urban environment design guidelines.

Parks Department staff then briefly discussed urban parks and noted that within the next month, they plan to come to the Board with a scope of work for a Functional Urban Parks Plan.

The next steps for the current SSP include the approval of a public hearing draft, setting a June 2 public hearing, Planning Board worksessions in June, transmittal of the SSP to the County Council in July, fall County Council worksessions, and adoption of the SSP scheduled for November 15.

Ms. Melissa McKenna, representing the Montgomery County Council of Parent-Teacher Associations, and Mr. David Sears of Rosedale Avenue offered testimony.

There followed extensive Board discussion with questions to staff, during which Chair Anderson agreed with staff that the base payment for the School Impact Tax should cover 100 percent of construction costs per student seat, but recommended that staff revise recommendation six to reflect that an additional 50 percent payment should be made in crowded clusters, with ten percent of the construction cost per seat going to ALARF, and the funds restricted to the cluster.

3. North Bethesda Conference Center Parking Structure, Mandatory Referral No. 2016017 -
-- Request for the construction of a six-level parking structure to replace the existing surface parking lot serving the Conference Center; CR 4, C 2.0, R 3.5, H250 and CR4.0, C3.5, R3.5, 300H Zones, located in the northeast quadrant of the intersection of Marinelli Road and the realigned Executive Boulevard, within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval to transmit comments to the Office of the County Executive

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the County Executive, as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request to replace an existing surface parking lot with a six-level parking structure. The 2.85-acre site is located on the northeast quadrant of the intersection of Marinelli Road and re-aligned Executive Boulevard, and is zoned Commercial/Residential within the White Flint Sector Plan area. The site is currently developed with the North Bethesda Conference Center.

The applicant proposes to construct an approximately 72-foot high parking structure for 660 spaces that will replace the existing 512-space surface parking lot for the Conference Center. Staff stated that the request is in response to the reconfigured Conference Center property line resulting from the re-alignment of Executive Boulevard for the White Flint West Workaround project. The proposed structure will have two vehicular access points: a right-in, left-out from a proposed access road on the east side of the site that will connect to a proposed new road, identified as B-10/Market Street, to the north; and a right-in, right-out from Executive Boulevard on the west side. Staff noted that a public space will be located on the north side of the site for interim use until a future expansion of the parking structure and a proposed residential building are constructed. Staff added that because the proposed project is on a previously developed site, it will not impact more than 5,000 square feet of forested area or stream buffer and has received a Forest Conservation exemption.

Ms. Tina Benjamin and Ms. Dee Metz of the County Executive's office offered comments and concurred with the staff recommendation.

There followed a brief Board discussion, during which the Board agreed with the staff recommendation to include an additional recommendation for the County to perform a study of the viability of a mid-block pedestrian crossing between this property and Wall Local Park and the aquatics center on the west side of Executive Boulevard.

5. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

The topic to be discussed is the approval of Closed Session Minutes.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7) and (8), to consult with counsel to obtain legal advice and staff, consultants, or other individuals about pending or potential litigation.

The topic to be discussed is the current status of the Pulte litigation.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director's Report – Parks Department Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: a briefing of the May 10 County Council worksession on the FY17 Operating and Capital budgets, with the Council recommending approval of all but approximately \$500,000 in funds and resources for the requested Operating budget, as well as the restoration of \$15,000,000 of the \$28,000,000 cut from the requested Capital budget by the County Executive, with final action for both budgets scheduled for May 19; the recent agreement by the Interagency Coordinating Board for a yearly commitment of funds for the Parks Department to use for the renovation of elementary and middle school ballfields, with \$500,000 to be used to renovate ten existing ballfields this year; the recent recognition of Parks Department projects by the Potomac Chapter of the American Society of Landscape Architects, with awards for East Norbeck Local Park, Evans Parkway Neighborhood Park, and the Little Bennett Regional Park Day Use Area – Phase 1 project; the status of the Brookside Donor event held on May 10, which was attended by County Council President Nancy Floreen and Councilmember Navarro, and Executive Director Mike Nardolilli, Royce Hanson, and John Robinson of the Montgomery Parks Foundation; and the status of a recently formed interagency task force led by members from the United States Department of Homeland Security, with members from the Parks Department, the Department of Health and Human Services, the Department the Environment, and other local agencies, for the development of strategies to prevent the spread of the Zika virus.

There followed a brief Board discussion.

7. Maryland Soccer Foundation Annual Report. Executive Director Trish Heffelfinger will present the Soccerplex 2015 Annual Report

Staff Recommendation: Briefing and Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Ms. Trish Heffelfinger, Executive Director of the Maryland Soccer Foundation (MSF), briefed the Board and discussed the 2015 annual report for the SoccerPlex facility located at South Germantown Recreational Park. As a Commission Public-Private Partnership project, MSF is required to provide the Planning Board with an annual report regarding public programs and services, budget and other financial matters, new initiatives, business plan updates, Soccer Association of Montgomery County (SAM) information, and community outreach and events.

Ms. Heffelfinger briefed the Board on the current operations of SoccerPlex, noting that the facility was named 2015 Small Business Hospitality Company of the Year by the Montgomery County Department of Economic Development. With the completion of fields 1 and 2, SoccerPlex is now a 24-field facility. Both fields were funded through a \$575,000 Maryland State bond bill and utilize an innovative low-cost, low-disturbance drainage system. The new fields will open for play on Memorial Day, with a grand opening scheduled for June 11. Ms. Heffelfinger stated that through a grant from the United States Department of Agriculture and the Maryland Department of Agriculture, and in partnership with the National Turfgrass Federation, SoccerPlex will host the Grass Roots exhibit, a replica of an educational exhibit currently on display at the National Arboretum that focuses on maintaining grass, the history of lawns, irrigation, and the proper use of pesticides. The exhibit is scheduled to open in September.

Ms. Heffelfinger noted ongoing player safety initiatives, which include a lightning detection system, on-site automated external defibrillators, on-site athletic trainers on league weekends, and active shooter response training. SoccerPlex remains the home of the Washington Spirit of the National Women's Soccer League, the only professional sports team in the County, with attendance averaging from 3,000 to 4,000 per match. Also this year, the SAM program increased to include 3,500 participants, and added a program for two-year olds. Other upcoming SoccerPlex events and activities include *Turf Talk*, a weekly newsletter; an Ultimate Frisbee tournament scheduled for July; the second annual Embassy Cup tournament; the addition of a new tournament scheduled for August 19 through 21; a Leveling the Playing Field sports equipment drive for low-income families; the sponsoring of Maryland Senior Olympics basketball; the Summer Solstice Festival; and the hosting of Montgomery County Public Schools physical educators meetings.

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7. Maryland Soccer Foundation Annual Report. Executive Director Trish Heffelfinger will present the Soccerplex 2015 Annual Report

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Initiatives proposed for 2016 include refinancing long-term debt at 3.11; the renewal of field-use agreements with legacy clubs through 2020; and renewal of tournament agreements through 2020. Ms. Heffelfinger noted concern with potential limited capacity, stating that all but five weekends have been programmed.

There followed a brief Board discussion.

8. Worksession #1, Countywide Park Trails Plan Amendment

Staff Recommendation: N/A

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Parks Department staff offered a multi-media presentation and discussed the public hearing draft of the Countywide Park Trails Plan Amendment. Staff stated that the purpose of the worksession is to review the loops and links framework, discuss the issues for which the Board requested more information, discuss possible changes to the amendment resulting from public testimony received at a March 3 public hearing, and review the next steps for the amendment.

The proposed loops and links framework consists of four major County loops, identified as the Upper, Mid, East, and Lower County loops; regional links that act as connectors between loops and other major links; major regional, County, and Municipal bikeways that provide connections to loops, links, and other important destinations that park bikeways cannot provide; and other existing and proposed natural surface trails, hard surface trails, bikeways, and connections. Staff noted that in an effort to simplify the plan, the trail planning areas were reduced from eight to four, which coincide with the four major loops in the plan framework.

Staff stated that testimony from the public hearing yielded several major concerns with the plan regarding which proposed park trails are to be included in the plan amendment and which are not; user designations for natural surface trails; the relationship between the plan amendment and the Master Plan of Bikeways update; the clarification of the term sustainable in the context of the amendment; the potential negative environmental impact associated with the design and construction of the Matthew Henson Trail; trail alignment in regard to environmentally constrained land; the possible deletion of the proposed hard surface trail within Muddy Branch Stream Valley Park; maintenance standards for hard surface park trails; and areas of the County, particularly the eastern County, with lower levels of service. Staff addressed these concerns by noting that review of all Board approved area plans is still currently under way. Regarding trail user designations, staff stated that the process of developing criteria to determine appropriate use types for each individual trail is currently in progress, and noted that while the majority of proposed sustainable trails will be designated as multi-use trails, some existing trails are not sustainable, are located in environmentally sensitive areas, and are therefore not appropriate for shared use.

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8. Worksession #1, Countywide Park Trails Plan Amendment

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Staff then defined a sustainable trail in the context of the plan amendment as one that sheds water; requires relatively low maintenance; causes little erosion; and avoids, minimizes, or mitigates any adverse impacts to sensitive areas. In regard to the Master Plan of Bikeways update, staff noted that the plan amendment cannot make any recommendations to change the policy recommended in the Master Plan of Bikeways. Regarding construction of the Matthew Henson Trail, staff stated that all required permits were obtained, impacts were mitigated, and all work was completed within the project limit of disturbance. In terms of the environment, staff noted that trails are constructed to avoid sensitive areas whenever feasible. If avoidance of sensitive areas is not possible, low impact designs and mitigation measures are used. In response to concerns regarding the proposed trail for Muddy Branch Stream Valley Park, staff recommended its construction and inclusion in the plan. Regarding maintenance standards, staff noted that with the exception of snow clearing on the Capital Crescent Trail, all hard surface park trails are maintained to the same standard. Staff then addressed concerns regarding level of service, acknowledging that due to revisions to plan recommendations, some areas of the County will have a lower level of service. However, staff identified the eastern County, specifically the Upper Paint Branch area, as offering the best opportunity to deliver trails sooner rather than later due to the many existing unsanctioned trails in the area. Staff is currently evaluating the unsanctioned trail system and will present an Upper Paint Branch Trail Plan at a future worksession following approval of the plan amendment.

Following Board approval of the plan amendment, future discussion topics will include policy and procedure for weather-related, seasonal and environmental reasons for closing natural surface park trails; a strategy for evaluating unsanctioned natural surface trails on Commission parkland; a strategy for evaluating trails for 24-hour use; and a map depicting use designations for all natural surface trails in the park system. The next steps for the plan amendment include worksessions scheduled for June and July, and approval of the plan scheduled for July.

Ms. Ginny Barnes of Glen Road, and representing the Legacy Open Space Group, offered testimony.

There followed extensive Board discussion with questions to staff, during which the Board agreed that the basis for exclusion of certain uses for some trails should be clearly stated and supported.

9. Fernwood Daycare, Conditional Use CU 16-07 --- R-90 Zone, Request for a Daycare Center for up to 15 children; located at 9205 Fernwood Road in Bethesda, Maryland; Bethesda-Chevy Chase Master Plan

Staff Recommendation: Recommend Approval to transmit comments to Hearing Examiner

(NOTE: Action required for hearing by Hearing Examiner on June 3, 2016)

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval to transmit comments and recommendations to the Hearing Examiner as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a request for a Conditional Use for a daycare center for up to 15 children on a property located on Fernwood Road in Bethesda in the Bethesda-Chevy Chase Master Plan area. Staff noted that the daycare center will be located in the basement of the existing two-story residence and will consist of 1,136 square feet. Four non-resident employees will work at the daycare center which will operate from 7:00 a.m. to 7:00 p.m. Monday through Friday. The children ages will range from infant through pre-school. The applicant proposes to have no more than ten children in the rear yard at any one time. Staff worked with the applicant to develop an adequate circulation and parking plan. Staff does not support the applicant's request for a waiver for striping and marking of off-street parking spaces. The applicant proposes to place a freestanding sign for the facility within the planting strip between the two existing access points and to supplement the existing landscaping along the northern lot line.

Ms. Leah Hanlon of Old Georgetown Road, the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Ms. Hanlon.

***10. Artery Plaza**

A. Sketch Plan No. 320150050, Artery Plaza, CR-5.0 C 5.0 R 5.0, H 145 Zone, 3.02 acres, Request for 586,611 square feet of non-residential development, located in the northwest quadrant of the intersection with Wisconsin Avenue and Bethesda Avenue; Bethesda Purple Line Station Minor Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Preliminary Plan Amendment No. 11983015A, Artery Plaza, CR-5.0 C 5.0 R 5.0, H 145 Zone, 3.02 acres, Request one lot for 586,611 square feet of non-residential development, located in the northwest quadrant of the intersection with Wisconsin Avenue and Bethesda Avenue; Bethesda Purple Line Station Minor Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

C. Site Plan Amendment No. 81984002B, Artery Plaza, CR-5.0 C 5.0 R 5.0, H 145 Zone, 3.02 acres, Request for 586,611 square feet of non-residential development, located in the northwest quadrant of the intersection with Wisconsin Avenue and Bethesda Avenue; Bethesda Purple Line Station Minor Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: **A. DREYFUSS/FANI-GONZÁLEZ**
 B. DREYFUSS/FANI-GONZÁLEZ
 C. DREYFUSS/FANI-GONZÁLEZ

Vote:

Yea: **A, B, & C. 5-0**

Nay:

Other:

Action: **A. Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.**

B. Approved staff recommendation for approval, subject to revised conditions discussed at the meeting, and adopted the attached Resolution.

C. Approved staff recommendation for approval, subject to revised conditions discussed at the meeting, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed the Sketch Plan, Preliminary and Site Plan Amendments for the Artery Plaza project located on approximately three acres in the northwest quadrant of the intersection of Wisconsin and Bethesda Avenues in the Bethesda Central Business District (CBD) Sector Plan area. Staff noted that the property contains two buildings, one will be demolished and the other one will remain and be improved. The sketch plan will supersede the approved project plan and establish the density of the subject property up to 543,170 square feet of office use, and up to 43,441 square feet of retail, restaurant, or service uses. The total floor area of

***10. Artery Plaza**

CONTINUED

586,611 square feet requested by the applicant will be contained in the two existing buildings and one proposed new building. The proposed amendments will create one lot for office and retail use. Staff added that the proposed project complies with the general requirements and development standards of the Zoning Ordinance, satisfies the findings of the Subdivision Regulations, and substantially conforms with the goals and recommendations of the Bethesda CBD Sector Plan and the Bethesda Purple Line Station Minor Master Plan Amendment.

Ms. Pat Harris, attorney representing the applicant, offered comments and discussed a request to modify two conditions in the preliminary and site plan amendments, and also discussed comments received by staff from the Department of Transportation, and concurred with the staff recommendation.

Ms. Kristi Smith of JBG Companies and Mr. Kevin Johnson, engineer for JBG Companies, members of the applicant's team, also offered comments.

There followed extensive Board discussion regarding Ms. Harris' requests.

Legal Counsel to the Board noted that the proposed modifications to the two conditions of approval requested by Ms. Harris cannot be made as requested, since staff has to follow the Subdivision Regulations law, but can be slightly modified by adding and removing words that staff deemed unnecessary.

11. Bethesda Downtown Sector Plan - Worksession #12

Staff Recommendation: Briefing and Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department staff offered a multi-media presentation and discussed a summary of the density that has been added to the Bethesda Downtown Sector Plan to date, the proposed options to address the overall density in the Sector Plan, and provide a detailed view of the building heights and density approach recommended in the May 2015 Public Hearing Draft. Staff also noted that if time permits, a presentation on the transportation sensitivity analysis, prepared as a result of increases in density throughout the Plan, will be discussed.

Staff then discussed the following options:

Option 1 – Bethesda Overlay Zone - Prioritize the Plan goals including parks and open space, the preservation and redevelopment of affordable housing, environmental innovation, economic competitiveness, accommodate future growth in targeted areas, use the Commercial/Residential (CR) zoning to provide flexibility and to tailor heights and densities, and identify priority sending sites to achieve the Plan goals.

Option 2 – Community Benefits Overlay Zone – The properties that are zoned CR retain existing Floor Area Ratio (FAR) as mapped today and receive an increase in height maximum at Sectional Map Amendment process. For optional method projects, FAR is on a first-come first-served basis and the overall sector plan density capacity is capped at a determined threshold; and once that threshold is reached, properties can only be developed to what they are mapped. The overlay zone requires adhering to design review based on urban design guidelines, providing a percentage below the minimum parking required by the Zoning Ordinance, providing a minimum 15 percent Moderately Priced Price Dwelling Units (MPDUs), and paying a park amenity fee. There are no priority sending sites with this option.

Option 3- Bethesda Downtown Overlay Zone - The properties that are zoned CR retain existing FAR as mapped today and receive an increase in height maximum at Sectional Map Amendment process. Priority sending sites are retained and the Planning Board recommended density is mapped. The overlay zone provides a cap on density and requires a minimum of 15 percent MPDUs on bonus density, and increased density for a property is “use it or lose it” for a period of 12 months. A parks and open space fee will be assessed for any additional density.

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11. Bethesda Downtown Sector Plan - Worksession #12

CONTINUED

The Board then voted on motion of Commissioner Dreyfuss, seconded by Vice-Chair Wells-Harley, with all Commissioners voting in favor to select Option 3 and ask staff to flesh out this option and come back to the Planning Board for further discussion.

The Planning Board continued the extensive discussion of building height for a number of properties in the Sector Plan, which staff reviewed and made recommendations for, as stated in an attachment to the May 12 staff report.