The Montgomery County Planning Board met on Monday, July 24, 2017, at 8:58 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:04 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Natali Fani-González and Gerald R. Cichy. Commissioner Norman Dreyfuss was necessarily absent.

Items 1 through 7 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 1:04 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 27, 2017, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Sr. Technical Writer/Editor
1. Briefing on Playground Renovation and Surfacing Program

Staff Recommendation: Provide Guidance to Staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Parks Department staff offered a multi-media presentation and briefed the Board regarding the playground renovation program and surfacing work for park projects. Staff offered an overview of the Playground Renovation Capital Improvements Program (CIP) and the criteria for prioritizing renovation projects, noting that the 275 playgrounds maintained by the Parks Department are inspected monthly by a certified playground safety inspector for code compliance. Routine maintenance and repairs are made at that time, with broken equipment repaired periodically by staff. Any necessary component purchases are made through the Playground Renovation CIP Program. Comprehensive playground renovations are funded as Planned Lifecycle Asset Replacement (PLAR) projects through the Playground Renovation CIP Program, which establishes a playground life cycle of 20 years. However, staff noted that 77 playgrounds in the system are over 20 years old. Current funding allows for the renovation of five playgrounds per year at an average cost of $200,000. The typical components for playground renovations include protective surfacing, edging, underdrainage system, and stormwater management improvements; paved pedestrian-accessible routes; separate activities for children ages 2 to 5 and children ages 5 to 12; a mix of activity types, such as active, imaginary and social play; seating for parents and caregivers; and maintenance access. A performance checklist, which assesses safety code compliance, design intent, user satisfaction,
1. Briefing on Playground Surfacing

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and the state of repair for each park is completed every two years to help set and justify CIP priorities. The performance checklist rating, the age of the park, the use of treated wood structures or decking that was installed prior to 2004, and any specific recommendations regarding prioritization made by the inspector are then used to prioritize playground renovations. Staff added that the type of existing surfacing at each playground is also noted.

Staff then discussed playground surfacing, noting that most injuries from falls are due to falls onto insufficient surfacing, and that impact attenuating playground surfacing reduces the number, severity, and likelihood of serious head injuries. Currently, engineered wood fiber is used in 252 playgrounds, with poured-in-place rubber, bonded rubber, and rubber tiles used in 17 parks. The remaining six parks use a combination of fiber and rubber.

Staff then discussed accessibility issues, noting that findings from a 2013 National Center on Accessibility study indicate that within 12 months of installation, each type of surface had performance issues in either impact attenuation or accessibility, with engineered wood fiber retaining its impact attenuation the best over time and rubber tiles retaining accessibility the longest. Staff then noted potential health concerns associated with playground surfacing, such as latex allergies, heat stress, and thermal burns due to high temperatures; as well as possible health concerns regarding materials made with recycled tires, such as chemical exposure due to ingestion, inhalation, dermal exposure, and environmental exposure. At a 2012 meeting with Parks Department staff, inspectors, and stakeholders, staff concluded that there is no single recommendation that works for all sites, but due to the intensive maintenance costs associated with engineered wood fiber, staff recommended that at least 18 percent of the playgrounds in the park system should utilize rubber surfacing. Staff now suggests reconsidering that recommendation based on the 2016 Americans with Disabilities Act (ADA) Transition Plan goal for at least 1/3 of each facility type to be fully accessible. Staff added that the selection of an appropriate surfacing type depends on the project budget, location, size, level of use, and maintenance considerations; and that accessibility concerns require consideration of alternative types of surfacing, such as rubber tiles or a combination of engineered wood fiber and rubber surfacing that provides access to various play elements. Staff also recommended continued monitoring of ongoing health studies by public health and safety agencies.

Mr. Arthur Dodge of Ecore International, and Ms. Kathleen Michaels, representing the Safe Healthy Playing Fields Coalition, offered testimony.

There followed extensive Board discussion with questions to staff, during which the Board recommended that staff explore ways to provide more shade at parks. The Board also recommended continued testing at playgrounds to assess the impact attenuation of all existing surfacing.
*2. Willow Manor at Fairland

A. Preliminary Plan No. 120170080: Request to create one lot for 116 1/2 senior multi-family residential dwelling units including 16 MPDU’s, an existing 23,500 sq. foot recreation center, and a 13,975-office building from two unplatted parcels, located at the East County Regional Services Center at 3300 Briggs Chaney Road, 15.93 acres, R-30 Zone, 1997 Fairland Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan No. 820170050: Request development of a portion of property at the East County Regional Services Center for 116 1/2 senior multi-family residential dwelling units including 16 MPDU’s, 15.93 acres, R-30 zone, 1997 Fairland Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

C. Mandatory Referral No. MR2017003: Construction of 116 1/2 senior multi-family residential dwelling units, including 16 MPDU’s on Montgomery County owned property, 1997 Fairland Master Plan.

BOARD ACTION

Motion: A. B. & C. CICHY/WELLS-HARLEY

Vote:
Yea: A. B. & C. 4-0

Nay:

Other: DREYFUSS ABSENT

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

B. Approved staff recommendation for approval of the Site Plan cited above, subject to conditions, and adopted the attached Resolution.

C. Approved staff recommendation to transmit comments to Montgomery County Department of General Services, as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the proposed Preliminary Plan and Site Plan requests to create a lot to accommodate the construction of a new senior living facility, as well as the existing 13,975-square foot East County Regional Services Center ("ECRSC"), the 23,500-square foot East County Community Recreation Center ("ECCRC"), a Park and Ride facility, and 464 associated parking spaces. The 15.93-acre property, identified as un-platted parcels 765 and A, is located on the northeast side of Briggs

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2. Willow Manor at Fairland

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Chaney Road, approximately 0.25 miles east of its intersection with Columbia Pike (US29), and is zoned Residential in the Green Castle/Briggs Chaney area of the Fairland Master Plan area, as well as the Little Paint Branch watershed. Areas of the property were intended to be protected by a Category I Conservation Easements as part of the requirements of a previously approved Final Forest Conservation Plan (MR19986030), which was approved for the site as part of Mandatory Referral MR1998603. According to staff, the conservation easements were never recorded. There is an existing stream that enters the site from the north, flowing parallel to the northern property boundary before exiting the site in the northeast corner, a stream buffer that encompasses the on-site stream and wetlands, and approximately six acres of forest located in the northern portion of the property, which includes several large trees.

The applicant proposes to build 116 three-story attached senior residential units, including 13.2 percent Moderately Priced Dwelling Units (MPDUs). Staff noted that the applicant reduced the number of units from 121 to 116, which will not generate enough peak-hour trips to warrant a traffic impact study. The applicant plans to revise the application to add back the remaining five units after performing a traffic study and determining if any mitigation is required. The applicant will provide approximately 259,918 square feet of common open space, approximately 15,000 square feet of which will be a gathering area located on the northern side of the proposed building and include circular walking path, landscaping, decorative seating, stormwater management facilities, interactive musical instruments, and two fitness centers. Vehicle access to the northwestern portion of the site will be provided directly from Robey Road, with the southeastern portion to be accessed from Gateshead Manor Way. A total of 398 parking spaces are proposed for the entire property, an increase from the required 352 spaces, with the applicant providing 72 spaces for the senior housing facility. The applicant is also seeking a waiver in order to reduce the number of bicycle parking spaces from 31 to nine, eight of which would be spaces for long-term use, with one for short-term use. Staff also discussed a brief modification to one of the conditions of approval. Staff then recommended that the Board transmit no additional comments to the Department of General Services (DGS) regarding the Mandatory Referral due to the fact that the Site Plan and Preliminary Plan applications provide the Planning Board with more efficient tools to produce positive results in terms of this project.

Staff then discussed a proposed Forest Conservation Plan (FCP) Amendment request to reconfigure the locations of the conservation easements on the site to allow for the construction of the senior housing building, parking lot, and required stormwater management features. The construction of the building will require the relocation of approximately 0.46 acres of unrecorded conservation easement to another location on the site. The 0.46 acres is comprised of 0.24 acres of isolated, upland forest located in the western corner adjacent to Briggs Chaney Road, 0.21 acres of upland forest in the northern corner of the site, and 0.01 acres of forested stream buffer for the construction of a storm drain outfall. The applicant proposes to protect an additional area, including a combination of stream valley buffer and adjacent upland forest, which was not previously identified to be protected in a conservation easement. The originally

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*2. Willow Manor at Fairland

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approved FCP included a total of 3.74 acres of conservation easement and the proposed amended FCP will result in the protection of forest and environmental stream valley buffer area in excess of the 3.74 acres on the property. The applicant has also submitted a variance request to impact but not remove two protected trees. Staff expressed support for the variance request.

Mr. Scott Wallace of Linowes and Blocher, attorney representing the applicant, offered comments, concurred with the staff recommendation, and requested that the application to approve the five additional units be approved as a Consent Agenda Item.

Mr. Dan Wilhem of Cannon Road offered testimony.

Staff stated that they were amenable to having the five additional units approved as a Consent Agenda Item.

There followed extensive Board discussion with questions to staff, during which the Board instructed staff to transmit a letter to DGS, requesting additional information regarding potential bicycle and vehicle parking issues.
*3. Chestnut Ridge/Arden Courts of Germantown: Preliminary Plan No.120170210 ---
Request for two lots, for an existing dwelling and construct a 64-bed Residential Care Facility, located at 19115 Liberty Mill Road in Germantown, at the southeast corner of the intersection of Liberty Mill Road and Dawson Farm Road; 3.62 acres; R-200 Zone; 1989 Germantown Master Plan.
Staff Recommendation: Approval with Conditions and Adoption of the Resolution

BOARD ACTION

Motion: CICHY/FANI-GONZALEZ

Vote:
  Yea: 4-0

  Nay:

  Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to subdivide a property to accommodate an existing dwelling and a new residential care facility. The 3.62-acre property, identified as Parcel 515, is located on Liberty Mill Road, on the southeast quadrant of its intersection with Dawson Farm Road, and is zoned Residential in the Germantown Master Plan area. The property is currently developed with a two-story, 2,584 square-foot detached house with an attached garage, a detached garage, and a looped driveway that accesses Liberty Mill Road at both of its aprons, all of which will remain. The remainder of the property is comprised of lawn areas with trees and other vegetation along the perimeter. A small segment of stream valley buffer that extends from an off-site stream is located in the lower southeast corner of the property. A 30-inch Washington Suburban Sanitary Commission (WSSC) sewer main within a 40-foot WSSC sewer easement and a 24-inch public storm drain line extends along the southeast property line, and on a portion of the property fronting Liberty Mill Road. Staff noted that the Planning Board recommended approval of Conditional Use 2017-02 for the site on November 3, 2016, which was approved with conditions by the Hearing Examiner on January 13, 2017.

The applicant proposes to subdivide the property into two lots: 0.53-acre Lot 1 for the existing structures, and 3.09-acre Lot 2 for the construction of a 31,000-square foot, 64-bed residential care facility for elderly individuals suffering from memory loss and dementia, and 44 parking spaces for staff and visitors. The 64 units will be clustered into four “neighborhoods,” with outdoor residential areas enclosed by a six-foot, six-inch high privacy fence, with an internal system of pathways to be used for recreation for the residents. Access from Liberty Mill Road will be provided via a new curb cut and driveway to be located in the southwestern corner
*3. Chestnut Ridge/Arden Courts of Germantown: Preliminary Plan No.120170210

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of the site. The proposed facility will be open 24 hours a day, seven days a week, and open to visitors at any time of the day. The facility will employ approximately 35 staff members who will be onsite in three staggered shifts. Only 10 employees will be onsite during weekend hours. Staff then briefly discussed minor corrections to the staff report.

Ms. Heather Dlhopolosky, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.
*4. The Claiborne

A. Preliminary Plan No. 120170250, The Claiborne, CR 3.0 Zone, 0.19 acres, Request for one lot for 58 multi-family detached dwelling units and 2,800 square feet of non-residential space; located on Auburn Avenue at the northeast intersection with Norfolk Avenue, 1994 Bethesda CBD Sector Plan and 2006 Woodmont Triangle Amendment. 
*Staff Recommendation: Approval with Conditions (Board action deferred until July 27, 2017)*

B. Site Plan No. 820170080, The Claiborne, CR 3.0 Zone, 0.19 acres, Request for one lot for 58 multi-family detached dwelling units and 2,800 square feet of non-residential space; located on Auburn Avenue at the northeast intersection with Norfolk Avenue, 1994 Bethesda CBD Sector Plan and 2006 Woodmont Triangle Amendment. 
*Staff Recommendation: Approval with Conditions (Board action deferred until July 27, 2017)*

**BOARD ACTION**

**Motion:** WELLS-HARLEY/FANI-GONZÁLEZ

**Vote:**

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

**Action:** Approved staff recommendation to defer action on this Item until the July 27, 2017 hearing.

Planning Department staff offered a multi-media presentation and discussed the proposed Preliminary Plan and Site Plan requests to create one lot for a mixed-use development. The 0.30-acre site is located on Auburn Avenue, east of its intersection with Norfolk Avenue, and is zoned Commercial/Residential (CR) in the Woodmont Triangle Amendment to the Bethesda Central Business District (CBD) Sector Plan area. The application also includes density transfers from four additional sites that are currently developed with various low-rise commercial uses, giving the site a total tract area of 0.90 acres for purposes of floor area ratio (FAR) averaging. The property is currently unimproved with no forest, streams, wetlands, or environmental buffers.

The applicant proposes to create one 8,344-square foot lot to accommodate 73,200 square feet of residential development for up to 58 dwellings, including 15 percent Moderately Priced Dwelling Units (MPDUs), and up to 2,800 square feet of non-residential development. Staff then discussed Site Plan condition of approval 5b3 regarding the applicant’s request to receive five public benefits points for contributing to an upcoming Bethesda-wide wayfinding study. Because the guidelines for the CR Zone do not provide a means of quantifying such a contribution, staff has recommended that the applicant’s contribution to the study be proportional to the requested points versus points required, resulting in a contribution of $20,953. Staff also

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*4. The Claiborne

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noted the addition of Site Plan condition 11e, requiring the applicant to provide vertical and horizontal screening for rooftop mechanical equipment, which staff will approve at Certified Site Plan review. In order to meet noticing requirements, staff requested that the Board defer action on this Item until the July 27 hearing.

Ms. Heather Dlhopolsky, attorney representing the applicant, offered comments regarding condition 5b3, noting that due to increased public amenity points for the project recycling facility plan and energy conservation generation, the five wayfinding points are no longer needed and therefore the applicant should not have to pay the $20,953 contribution.

Mr. Federico Olivera-Sala, member of the applicant’s team, also offered comments. Following a brief adjournment and extensive Board discussion with questions to staff and Legal Counsel, the Board agreed to remove Condition 5b3 from the Site Plan.
5. North Bethesda Town Center (LCOR) Preliminary Plan Amendment No. 12004049B --- Request to modify Conditions No. 3, 8, 11 and 14 of the current approval to allow recordation of a plat for Parcel G before Certified Site Plan. Located at the north side of Marinelli Road between Rockville Pike and Nebel Street in White Flint, CR4.5 C3.5 R3.5 H300 and CR4.0 C2.0 R3.5 and H250 zones within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:
Yea: 4-0
Nay:
Other: DREYFUSS ABSENT

Action: Approved staff recommendation to approve the Preliminary Plan Amendment cited above, with conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Limited Preliminary Plan Amendment request to amend four conditions of an existing approved Preliminary Plan to allow for the recordation of a plat prior to approval of the Certified Site Plan. The parcel proposed for recordation, identified as Parcel G, is located on the southern portion of the larger 32.43-acre North Bethesda Town Center development site, which is located on the north side of Marinelli Road, and is zoned Commercial/Residential in the White Flint Sector Plan area. The site is currently owned by the Washington Metropolitan Area Transit Authority (WMATA), who entered into a Joint Development Agreement (JDA) with the applicant, giving the site development rights to the applicant and requiring the applicant to obtain a record plat for each parcel on the site by a certain date. To date, the applicant has obtained record plats for Parcel C, which is currently developed with an office building that houses the United States Nuclear Regulatory Commission headquarters; Parcel E, which is developed with a 300-unit apartment building and a retail grocery store; and Parcel F, which is developed with a 341-unit apartment building.

The applicant proposes to amend existing conditions 3, 8, 11, and 14 of the approved Preliminary Plan and obtain a record plat for Parcel G prior to approval of the Certified Site Plan. The applicant will also dedicate an additional five feet of right-of-way on the south side of Parcel G along Marinelli Road in compliance with The Sector Plan recommendations. It is anticipated that the Site Plan application for the construction of an approximately 300-unit apartment building on Parcel G will be submitted this fall. Staff noted that three residents have expressed objections to the development of this site, with one resident expressing support. Staff added that they are amendable to the recordation of the plat prior to Certified Site Plan.

There followed a brief Board discussion.
6. Request to File a Sectional Map Amendment with Technical Staff Report to implement the recommendations of the Approved and Adopted Greater Lyttonsville Sector Plan

*Staff Recommendation: Approve Request to File and Recommend Approval of Sectional Map Amendment*

**BOARD ACTION**

**Motion:** FANI-GONZÁLEZ/WELLS-HARLEY

**Vote:**
- **Yea:** 4-0
- **Nay:**
- **Other:** DREYFUSS ABSENT

**Action:** Received briefing and approved staff recommendation for approval to file a Sectional Map Amendment for the adopted Greater Lyttonsville Sector Plan with the District Council.
7. 8787 Georgia Avenue, Sketch Plan No. 320170060 --- CR 3.0 C 2.0 R 2.75 H 90T
Zone, 4.93 acres, Request for one lot for up to 50,000 square feet of non-residential use and
413,821 square feet of residential use including 12.5 percent MPDUs; located on Georgia
Avenue south of the intersection with Spring Street, Silver Spring CBD Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea:  4-0

Nay:

Other:  DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Sketch Plan cited above,
subject to revised conditions discussed during the meeting), and as stated in the attached
adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed
Sketch Plan request to construct a mixed-use development. The 3.24-acre site, identified as Lot
2, Block C, and Parcel D of the Woodside Park subdivision, is located on the west side of
Georgia Avenue (MD97), on the southeast quadrant of its intersection with Spring Street, and is
zoned Commercial/Residential in the Silver Spring Central Business District (CBD) Sector Plan
area. The property is accessed from MD97 via Planning Place, located on the southwest corner
of the site, and from Spring Street on the northeast corner, and is currently developed with a
three-story government office building that serves as the Montgomery County Regional Office
(MRO) of the Maryland-National Capital Park and Planning Commission (M-NCPPC). The site
has been the subject of a public-private partnership development proposal since 2006, with a
2008 charrette concept recommending the retention of the existing MRO building as a new three-
to-seven-story building at the corner of Georgia Avenue and Spring Street, and a new mixed-use
project on the remainder of the site between Spring Street and County Garage 2. The design also
proposed extending Planning Place through to Spring Street. In 2016, the Board denied a
Mandatory Referral request to construct a new Montgomery County Department of
Transportation (MCDOT) Silver Spring Parking Lot District parking meter maintenance facility
in a narrow strip of land between the property and County Garage 2 to the east. However,
MCDOT is moving forward with the plans for the proposed service facility, which directly
impacts redevelopment of the site because it complicates vehicular access and places both
operational and aesthetic constraints along proposed Planning Place extended.

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7. 8787 Georgia Avenue, Sketch Plan No. 320170060

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The applicant proposes to construct up to 413,821 square feet of residential development, including 12.5 percent Moderately Priced Dwelling Units (MPDUs), and up to 50,000 square feet of non-residential uses in two buildings with a maximum height of 90 feet. The buildings will be connected by a shared below-grade parking facility, as well as above-grade by a proposed bridge over a proposed through-block pedestrian mews. The final distribution of uses will be determined as part of the subsequent Preliminary Plan and Site Plan reviews. Vehicular access to the property is proposed directly from Spring Street, Planning Place extended, and a new mid-block access point from Spring Street. Pedestrian and bicycle access will be provided along all frontages and will be further enhanced through the provision of the proposed mid-block mews that will accommodate a portion of the Silver Spring separated bicycle network. The mews will be an extension of the Fenton Street corridor that will link the residential communities to the north of the CBD with the rest of the downtown area. In addition to the mews, MCDOT is currently constructing separated bike lanes on Spring Street, which are expected to be completed in the fall.

Staff then discussed design issues with the proposed project, noting a staff-developed alternative design for the site that maintains the applicant’s proposed density but breaks-up the massing along Spring Street, increases the amount of light and air into the interior public spaces, enhances compatibility with the adjacent Fairview Park development, and eliminates the proposed Spring Street access. Following submittal of the Sketch Plan application, the applicant then submitted an alternative design that re-orients the western building toward the south, improves the relationship between the proposed development and the adjacent Fairview Park development through revised building articulation, and consolidates the internal access points on Planning Place, though the Spring Street access point remains. Although staff supports the proposed access points on Planning Place, they do not support the new mid-block access point from Spring Street, recommending instead that all access occur directly from Planning Place. In order to minimize the view of the County garage, staff also recommends a single-loaded corridor rather than the proposed double-loaded corridor. Staff has also received numerous pieces of correspondence on this matter from residents and local homeowners and civic associations. The major concerns include the proposed building height on Spring Street, building massing, increased traffic, and roadway safety.

Mr. Bob Harris, attorney representing the applicant, offered comments.

Ms. Alisa Rosenberg and Mr. Federico Soifer, members to the applicant’s team, offered comments, and requested that staff relax some of the language in the conditions to allow for additional study and more flexibility, specifically regarding the underground utilities requirement, the width of the proposed bike path, and the proposed mid-block access from Spring Street.

The following speakers offered testimony: Ms. Barbara Ditzler, adjacent property owner; Ms. Katherine Anderson, representing the Woodside Station Homeowners Association; and Mr. Joe Anderson, also representing the Woodside Station Homeowners Association.

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7. 8787 Georgia Avenue, Sketch Plan No. 320170060

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There followed extensive Board discussion with questions to staff and some of the speakers, during which the Board re-affirmed that the utilities for the project should be located below ground, and instructed staff to include all recommended heights and dimensions in the Plan, but to also include language in the conditions of approval that states that the heights and dimensions should be considered approximate and may be discussed and modified by the Board at Site Plan review. The Board also instructed staff to work with the applicant to limit parking to the maximum extent allowed.