



**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, February 22, 2018, at 12:08 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:30 p.m.

Present were Chair Casey Anderson, Vice Chair Norman Dreyfuss, and Commissioners Natali Fani-González, Gerald R. Cichy, and Tina Patterson.

Items 1 and 3 are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.


The Board recessed at 1:01 p.m., and following a presentation by Ms. Sakina Khan and Joshua Silver from the District of Columbia Office of Planning, reconvened in the auditorium at 2:18 p.m.


Item 4 and Items 7 through 10 are reported on the attached agenda.

Items 5 and 6 were removed from the Planning Board agenda.

Commissioner Fani-González left the meeting at 3:23 p.m. during discussion of Item 8.

There being no further business, the meeting was adjourned at 5:30 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 1, 2018, in the Montgomery Regional Office in Silver Spring, Maryland.

  
M. Clara Moise  
Sr. Technical Writer/Editor

  
James J. Parsons  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, February 22, 2018**  
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. 220171040, E. W. Hights Subdivision of Norwood Heights**  
R-60 zone, 1 lot; located on the northwest side of Leland Street, 125 feet south of the intersection with Curtis Road; Bethesda – Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/DREYFUSS**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

**\*C. Other Consent Items**

**1. Chevy Chase Lake, Preliminary Plan Amendment No. 12002020C --- Block B, CRT 2.0 C 1.0 R 1.75 H 120 zone, and CRT 2.0 C 2.0 R 2.0 H 80 zone 9.06 acres, Request to abandon an easement which has not been put to public use; located at the southeast quadrant of the intersection of Connecticut Avenue and Manor Road, 2013 Chevy Chase Lake Sector Plan.**

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/FANI-GONZÁLEZ**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of February 8, 2018

**BOARD ACTION**

**Motion:                    PATTERSON/FANI-GONZÁLEZ**

**Vote:**

**Yea:                    3-0**

**Nay:**

**Other:                DREYFUSS & CICHY ABSTAINED**

**Action:            Approved Planning Board Meeting Minutes of February 8, 2018, as submitted.**

~~2. Bicycle Master Plan Work Session #2~~

~~Staff Recommendation: Discuss public testimony on the Bicycle Master Plan Public Hearing Draft and provide guidance to staff --- REMOVED~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**3. Briefing--FDA Consolidation at the Federal Research Center in White Oak ---** The U.S. General Services Administration (GSA) is updating the long-range Master Plan for the U.S. Food and Drug Administration (FDA) Headquarters at the Federal Research Center (FRC) at White Oak in Silver Spring, Maryland. The new Master Plan could add up to 9,000 new employees to the FDA campus. GSA will present the status of the Master Plan and address questions from the Board members.

*Staff Recommendation: Provide feedback to the GSA*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by discussion.**

Following brief introductory comments by Planning Department staff, Ms. Stephanie Hamlett of the U.S. General Services Administration (GSA), offered a multi-media presentation and discussed a proposed update to the Master Plan for the U.S. Food and Drug Administration (FDA) Headquarters at the Federal Research Center (FRC) located on New Hampshire Avenue in Silver Spring, specifically a proposed expansion of the FDA Headquarters. Ms. Hamlett offered background information, noting that public scoping for the update began in August 2016, with the preliminary drafts of the Master Plan update, the Environmental Impact Statement (EIS), and the Transportation Management Plan scheduled to be transmitted to the Board on March 2. The goals of the proposed update are to create a compact, walkable, and accessible campus; create a more efficient and cost-effective agency; protect the site's existing tree canopy; maintain bio-diversity; minimize run-off; create a sustainable campus; and foster effective transportation solutions to minimize traffic and parking issues.

According to Ms. Hamlett, the existing site currently consists of 3,800,000 square feet of laboratory and office uses, accommodating 10,987 FDA staff and GSA support staff, with a current peak daily campus population of 7,793. The updated Plan proposes an additional 1,100,000 to 1,200,000 square feet of office use and 300,000 to 400,000 square feet of special-use space, to accommodate a total of 18,000 employees. The preliminary cost estimate for the project is \$1,030,000,000. Following land-use feasibility studies, four potential development strategies were developed: 1) locating the new development adjacent to the existing facilities; 2) locating the new development in the center of the property; 3) locating the new development on the eastern portion of the property; and 4) a no-build option. After Strategy 1 was found to be most compatible, three development alternatives were then developed: A) 1,589,161 square feet

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**3. Briefing--FDA Consolidation at the Federal Research Center in White Oak**CONTINUED

of office and special-use space in several five to nine-floor mid-rise buildings, and four new parking structures with 7,064 new staff spaces; B) 1,748,834 square feet of development in one 20-floor tower and several mid-rise buildings, and three new parking structures with 7,073 new staff spaces; and C) 1,573,124 square feet of development in two 14-floor towers and several mid-rise buildings, and four new parking structures with 7,141 new staff spaces. Ms. Hamlett noted that Alternatives B and C will generate the least amount of impervious surface. Ms. Hamlett then briefly discussed parking for the site, noting that although the facility currently requires 8,498 staff and visitor spaces, there are only 6,817 existing spaces, a deficit of 1,681 spaces. The plan update proposes 7,436 new spaces, which in addition to the 4,273 existing spaces to remain will provide 11,709 total staff and visitor spaces.

The next steps for the Master Plan update include the regional coordination and review of the draft, scheduled throughout the winter and spring; completion and public comment on the draft EIS, scheduled throughout the winter and spring; and the negotiation of the Programmatic Agreement, scheduled through the summer.

Mr. Andrew Dempster and Ms. Elena Garrison, representing the FDA, offered comments. Mr. Adam Catherine of Stantec Consulting Services also offered comments. There followed extensive Board discussion with questions to Ms. Hamlett.



**4. Subdivision Regulation Amendment No. 18-01, Minor Subdivisions – Ownership Units** --- SRA 18-01 amends the Montgomery County Subdivision Regulations to allow the creation of ownership units under certain additional circumstances.

*Staff Recommendation: Transmit Comments to County Council*

**(NOTE: Action required for County Council public hearing of 2/27/18)**

**BOARD ACTION**

**Motion: DREYFUSS/FANI-GONZÁLEZ**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

Planning Department staff briefed the Board and discussed Subdivision Regulation Amendment (SRA) 18-01, which would allow the creation of ownership units under certain circumstances. According to staff, the Subdivision Code currently only allows the creation of an ownership unit on a record plat covered by an approved site plan. The proposed SRA would also allow the creation of these units when the property described in a plat was subject to conditional use or special exception approval. Staff noted that an ownership unit is solely for the convenience of the owner, is not to be used to determine building setbacks or to establish conformance with any other law or regulation, and is not a change to any condition of approval for the subdivision that created the lot in the original subdivision or the site plan. Staff added that the approval of an ownership unit plat would not be a change to the conditional use or special exception approval, and that the conditions of approval for the original subdivision must be adhered to.

Mr. Jody Kline, attorney from Miller, Miller, and Canby, offered comments.  
There followed a brief Board discussion.

~~\*5. — Chevy Chase Lake, Preliminary Plan Amendment No. 12002020C — Block B, CRT 2.0 C 1.0 R 1.75 H 120 zone, and CRT 2.0 C 2.0 R 2.0 H 80 zone 9.06 acres, Request to abandon an easement which has not been put to public use; located at the southeast quadrant of the intersection of Connecticut Avenue and Manor Road, 2013 Chevy Chase Lake Sector Plan.~~

~~Staff Recommendation: Approval with Conditions ---- REMOVED~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

~~6. — MARC Rail Communities Sector Plan~~

~~Worksession for the MARC Rail Communities Sector Plan ---- REMOVED~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**7. 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 2018 spring Semi-Annual Report, which is scheduled to be presented to the County Council on March 20; the status of the proposed FY19 budget, with County Council Planning, Housing, and Economic Development (PHED) Committee meetings scheduled for April 2 and April 30; the status of the Bicycle Master Plan and the Technical Update to the Master Plan of Highways and Transitways, with Planning Board worksessions scheduled for March 1; the status of the MARC Rail Communities Plan, the Forest Glen/Montgomery Hills Sector Plan, and the Veirs Mill Corridor Master Plan, all of which are scheduled to be acted upon by the next County Council; the status of the Co-Location Study, which is currently being reviewed by the Directors Oversight Committee, and the Senior Housing Study, both of which are scheduled to be presented to the Board in the spring; the status of the Employment Trends Study, which is scheduled to be presented to the Board in the summer; the status of the proposed update to the General Plan; the upcoming third and final session of the Winter Speakers Series scheduled for February 28, featuring speaker Mr. Ethan Kent, senior vice president of Project for Public Spaces; the upcoming Makeover Montgomery 4 scheduled for May 9 through May 11, which will feature speaker Mr. Peter Leyden, keynote speaker at the 2017 American Planning Association National Planning Conference in New York City, and will focus on competitive, healthy, inclusive, and smart communities; upcoming Black History Month events, including demonstrations of the martial art capoeira and African drumming, scheduled for February 23 at the Woodside Gym in Silver Spring; and upcoming Women's History Month events scheduled for March 16 and March 30.

There followed a brief Board discussion with questions to Ms. Wright.

**8. Briefing on Proposed Amendments to Chapter 25A, Housing, Moderately Priced ---**  
 Staff will provide a summary of testimony received related to the two bills currently under Council consideration to amend Chapter 25A.

*Staff Recommendation: Briefing and approval to transmit comments to the County Council*

**BOARD ACTION**

**Motion: CICHY/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

**Action: Received briefing and approved staff recommendation to transmit comments to the County Council on proposed Bills 34-17 and 38-17 proposing amendments to Chapter 25A, Moderately Priced Housing Law, as stated in the attached transmittal letter.**

Planning Department staff discussed a summary and analysis of the testimony received on Bills 34-17 and 38-17 which propose amendments to Chapter 25A of the Moderately Priced Housing law. Staff noted that the testimony focused on several key recommendations including: adding language that offers flexibility for a developer to comply with the law by contributing to the Housing Initiative Fund (HIF); requiring 15 percent affordable units in developments, provided the requirements are offset by appropriate incentives; proposing as an alternative to the density bonus that the developer provide units at different Area Median Income (AMI) levels; allowing a reduction in impact taxes when developers are unable to take advantage of the density bonus; permitting decreased unit sizes for affordable units, including studios and one-bedrooms; allowing for reduced or no parking for affordable units in metro accessible locations; allowing for alternative unit types by mixing 100 percent affordable multi-family flats into market rate townhome communities; incentivizing the production of three-bedroom affordable units by allowing flexibility in Moderately Priced Dwelling Unit square footage; and setting a standard formula for the calculation of payments in lieu.

Staff noted that the Council enacted the County’s MPDU law in 1973 with the aim of furthering the objective of providing a full range of housing choices. The MPDU law requires the construction of affordable housing with market rate housing to meet the existing and anticipated needs for low and moderate-income housing while ensuring that moderately priced housing is dispersed throughout the County, consistent with the General Plan and Master Plans. The most recent amendments to the MPDU law were made in 2004, which extended the control period for sale units from 10 to 30 years, and for rental units from 20 to 99 years.

Staff added that proposed Bill 34-17 would clarify certain provisions of law related to MPDUs; would amend certain provisions of law related to the satisfaction of MPDU

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**8. Briefing on Proposed Amendments to Chapter 25A, Housing, Moderately Priced**CONTINUED

requirements; and would amend certain provisions of law related to the sale and rental of MPDUs. Proposed Bill 38-17 would expressly provide in the Code that the minimum MPDU requirement Countywide is 12.5 percent, with 15 percent required in any development in a Montgomery County Public Schools High School Service Area with an eligibility rate for free and reduced meals of 15 percent or less at the time the applicant submits a preliminary plan of subdivision. Staff also noted that consistent with the current policy, staff would recommend that the Payment in Lieu should be 3 percent of gross sales.

Staff also added that worksessions on the Bills with the County Council's Planning, Housing and Economic Development (PHED) Committee will begin on March 5.

At the Planning Board's request, Ms. Stephanie Killian, Manager at the Montgomery County Department of Housing and Community Affairs (DHCA) offered comments and answered questions from Board members.

There followed extensive Board discussion with questions to staff.

**\*9. Glenstone Foundation**

**A. Forest Conservation Plan Revision SC2013009** --- A request to realign and rebuild a bridle trail along Greenbriar Branch; install pedestrian bridges and raised wooden board walks within existing easement area across Greenbriar Branch and Sandy Branch; install tree lights, signage, security cameras and emergency call boxes along bridle trail within existing easement; amend conservation easement language to allow on-going maintenance of trail surface and trail security features; and remove easement from the dam maintenance area of two ponds and other maintenance areas and one pond maintenance area. Located on the south side of Glen Road between Greenbriar Branch stream valley and approximately 1000 feet west of Three Sisters Road and properties on the far east side of Stoney Creek farm located on the west side of Sycamore View Drive, along Sandy Branch. 2.46 acres; RE-2 zone; Watts Branch Stream Valley; 2002 Potomac Sub-Region Master Plan. Approximately 190 acres.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**B. Forest Conservation Plan Amendment 11987272A** --- A request to realign and rebuild a bridle trail along Greenbriar Branch; install pedestrian bridges and raised wooden board walks within existing easement area across Greenbriar Branch and Sandy Branch; install tree lights, signage, security cameras and emergency call boxes along bridle trail within existing easement; amend conservation easement language to allow on-going maintenance of trail surface and trail security features; and remove easement from the dam maintenance area of two ponds and other maintenance areas and one pond maintenance area. Located on the south side of Glen Road between Greenbriar Branch stream valley and approximately 1000 feet west of Three Sisters Road and properties on the far east side of Stoney Creek farm located on the west side of Sycamore View Drive, along Sandy Branch. 2.46 acres; RE-2 zone; Watts Branch Stream Valley; 2002 Potomac Sub-Region Master Plan. Approximately 190 acres.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

**Motion:**                    **A. DREYFUSS/PATTERSON**  
                                   **B. DREYFUSS/PATTERSON**

**Vote:**

**Yea:**                    **A. & B. 4-0**

**Nay:**

**Other:**                **FANI-GONZÁLEZ ABSENT**

**Action:**                **A. Approved staff recommendation for approval of the Forest Conservation Plan Revision request, subject to conditions, and adopted the attached Resolution.**

**B. Approved staff recommendation for approval of the Forest Conservation Plan Amendment request, subject to conditions, and adopted the attached Resolution.**

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**\*9. Glenstone Foundation --- Forest Conservation Plan Revision SC2013009 & Forest Conservation Plan Amendment 11987272A**CONTINUED

In keeping with the February 8 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Forest Conservation Plan (FCP) revision and an FCP amendment request for the Glenstone Foundation located on Hunt Ridge Lane in the Potomac Sub-Region Master Plan area. Staff noted that Glenstone Foundation, the applicant, is requesting approval to remove 0.05 acres of Category I Conservation Easement on Parcel 578 on Stoney Creek Road and to also remove 0.17 acres of Category I Conservation Easement on Hunt Ridge Lane, Lots 24 and 25 on the Thompson Farm in order to construct a vehicle and pedestrian bridge and elevated roadway. The applicant also proposes to remove 1.14 acres of Category I Conservation Easement from the dam maintenance area of a large existing pond that will remain a permanent feature of the site. Staff also noted that the applicant proposes 0.22 acres of on-site replacement for the proposed removal and to mitigate the realignment, resurfacing and extension of Greenbriar and Sandy Branch trails with 1.04 acres of on-site reforestation.

Staff added that Parks Department staff and Legal staff have had on and off-site meetings with the applicant to discuss the proposed trail revisions and have agreed that the proposed improvements can take place with a modified Category I Easement. Mitigation for improvements to the entire length and width of the trail will take place by planting 1.04 acres of forest within the un-forested sections of the Sandy Branch Conservation Easement area within the Glenstone site. Staff also added that the proposed amendment meets all the requirements established in Chapter 22A of the Forest Conservation Law and is recommended for approval with the conditions specified in the staff report.

Mr. Scott Wallace, attorney representing the applicant, introduced Messrs. Anthony Cerveny and Paul Tukey, representatives from the Glenstone Foundation, offered brief comments and concurred with the staff recommendation.

Messrs. Cerveny and Tukey offered a multi-media presentation and discussed the proposed FCP revision and amendment requests.

The following speakers offered testimony: Ms. Ginny Barnes of Glen Road and representing the West Montgomery County Citizens Association; and Ms. Susanne Lee of Circle Drive.

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



**10. Legislative Update - Forest Conservation - SB610/HB766***Staff Recommendation: Briefing***BOARD ACTION****Motion: CICHY/DREYFUSS****Vote:****Yea: 4-0****Nay:****Other: FANI-GONZÁLEZ ABSENT****Action: Received briefing and did not support proposed Senate Bill SB610.**

Legal Counsel to the Planning Board briefed the Board on proposed Senate Bill SB610 regarding forest conservation in Montgomery County. Counsel noted that the Bill proposes to modify the Forest Conservation Act (FCA) by redefining priority forest areas for retention and protection; modifying the standards for approval of clearing of priority retention areas; increasing the reforestation requirement for approved clearing of priority retention areas; modifying the timing of the review of a forest conservation plan; authorizing local governments to enter into agreements for tree planting; and requiring the Department of Natural Resources (DNR) to publish and periodically update an FCA technical manual.

Legal staff noted that staff would recommend that the Planning Board vote to oppose the Bill because the Planning Board would have to require an applicant to provide additional information and go through a strenuous process instead of the variance process in effect. The proposed Bill would require approval of a Forest Conservation Plan (FCP) at concept plan and presently, staff does not accept FCP at concept plan because they are so preliminary in nature. Legal staff also noted the negative impact of the process on the Planning Board current policies and on reasonable development in Montgomery County.

There followed a brief Board discussion with questions to staff.