



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, July 19, 2018, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:20 p.m.

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

Items 1 through 4 are reported on the attached agenda.

The Board recessed for lunch at 12:52 p.m. and reconvened in the auditorium at 1:49 p.m.

Items 5 through 7, and Items 10, 9 and 8, discussed in that order, are reported on the attached agenda.

The Board recessed for dinner at 5:20 p.m. and reconvened in the auditorium at 6:17 p.m.

Items 11 through 14 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 9:20 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 26, 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, July 19, 2018
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600**

1. Consent Agenda

***A. Adoption of Resolutions**

1. Regulatory Application Refunds and Fees - MCPB No. 18-075

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220170020 - 220170090, 220170110, 220170140, Cabin Branch
RMX/TDR- zone, 165 lots, 11 parcels; located in the vicinity the intersection of Clarksburg Road (MD 121) and Dunlin Street; Clarksburg Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220180570, Spring Garden Estates
R-200 zone, 2 lots; located on the south side of Oak Drive, 250 feet east of Kingstead Road; Damascus Master Plan.
Staff Recommendation: Approval

BOARD ACTION

Motion: PATTERSON/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

C. Other Consent Items*1. Bethesda North Marriott**

A. Preliminary Plan Amendment No. 12000087C---Request for Preliminary Plan Amendment to allow for the conversion of lounge area into five new hotel guest rooms to increase the total number of hotel rooms from 450 to 455. The proposal does not include additional gross floor area (GFA), the modifications are internal, no external changes are proposed; located at the northwest quadrant of the Rockville Pike (MD 355) and Marinelli Road intersection, Bethesda; on approximately 4.70 acres of land zoned CR-4.0, C-2.0, R-3.5, H-250'; 2012 White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan Amendment No. 82000040F---Request for Site Plan Amendment to allow for the conversion of lounge area into five new hotel guest rooms to increase the total number of hotel rooms from 450 to 455. The proposal does not include additional gross floor area (GFA), the modifications are internal, no external changes are proposed; located at the northwest quadrant of the Rockville Pike (MD 355) and Marinelli Road intersection, Bethesda; on approximately 4.70 acres of land zoned CR-4.0, C-2.0, R-3.5, H-250'; 2012 White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

2. Extension of Preliminary Plan No. 120180120: Cabin John Village---Request to extend the regulatory review period by three months to October 18, 2018; to subdivide the Subject Property into fifty-nine (59) lots for 59 townhouses and three (3) platted parcels for 300,000 square feet of retail/office uses (240,915 sq. ft. already existing) from three (3) platted parcels and one (1) unplatted parcel; located on the northeast corner of Seven Locks Road and Tuckerman Lane, 25.32 acres, CRT-0.75, C-0.5, R-0.25, H-35 and R-90, Zone, 2002 Potomac Master Plan.

Staff Recommendation: Approval of the Extension Request

3. Ashton Market

A. Preliminary Plan No. 120180180---Requesting to extend the regulatory review period for an additional 60 days until 10/20/2018; An application to create 20 lots for 20 townhouses, and one lot for a mixed-use building with 3 multi-family units and up to 6,800 square feet of restaurant space, including 12.5 percent MPDUs, located on Porter Road at its intersection with Olney Sandy Spring Road (MD 108); 3.04 acres, TF zone, CRT-0.75, C-0.75, R-0.25, H-35 zone & the Sandy Spring/Ashton Rural Village Overlay zone; Sandy Spring/Ashton Master Plan.

Staff Recommendation: Approval with Conditions

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***C. Other Consent Items**

CONTINUED

B. Site Plan No. 820180160---Requesting to extend the regulatory review period for an additional 60 days until 10/20/2018; An application to construct 20 townhouses, and a mixed-use building with 3 multi-family units and a 6,800 square foot restaurant, including 12.5 percent MPDUs, located on Porter Road at its intersection with Olney Sandy Spring Road (MD 108); 3.04 acres, TF zone, CRT-0.75, C-0.75, R-0.25, H-35 zone & the Sandy Spring/Ashton Rural Village Overlay zone; Sandy Spring/Ashton Master Plan.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: 1A., 1B., 3A., & 3B. PATTERSON/CICHY
2. FANI-GONZÁLEZ/PATTERSON

Vote:
Yea: 1. to 3. 4-0

Nay:

Other: DREYFUSS ABSENT

Action: 1A. Approved staff recommendation for approval of the Preliminary Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.

1B. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.

2. & 3A. Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.

3B. Approved staff recommendation for approval of the Site Plan Extension request cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 28, 2018

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of June 28, 2018, as submitted.

2. 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: the recent Wheaton Urban District Advisory Committee meeting held on July 18, which focused on the future of the Wheaton downtown area, specifically parks, safe pedestrian routes, and access issues, and was attended by Chair Anderson, Commissioner Fani-Gonzalez, and other local elected officials; the recent \$10,000 grant awarded to Brookside Nature Center from the Charles Stewart Mott Foundation for helping to initiate multi-cultural nature programs in Title I neighborhood schools and families; the recent completion of an outdoor classroom at Meadowside Nature Center by staff and 20 volunteers from the Chesapeake Conservation Corps (CCC); the status of the Meadowside Nature Center's Nature on Wheels Program, which was funded through a Chesapeake Bay Trust/CCC mini-grant that was awarded to Donna Bucci, an intern at the Nature Center, who conducted programs at the Rockville Memorial and Olney Libraries this summer; the status of the recent re-organization of the Pop-Up Parks activity program, which on July 1 was relocated to the Public Affairs and Community Partnerships Division from the Forestry and Environmental Education Division; the status of the Real Interesting Summer Experience (R.I.S.E.) initiative by WorkSource Montgomery in collaboration with Montgomery County Public Schools, with the Parks Department participating as a summer worksite; the recent Yappy Hour event held at Elm Street Urban Park on June 29; the recent Parks and Planning Departments tour of urban parks in Philadelphia, Pennsylvania, held June 29 and 30; the recent resurfacing of a basketball court that had fallen into disrepair at Nolte Local Park; a recent tour of Great Seneca Creek Park and the Seneca Greenway Trail conducted by park volunteer Bonnie Bell held on July 10, which was also attended by Chair Anderson, and Ms. Miti Figueredo, Senior Advisor to the Chair; the recent 35th Annual Stewartown Community Day event held on July 14; the recent 5K Fun Run/Walk event held at Brookside Gardens on July 15; the recent Parks Speaker Series with Messrs. Scott Kratz and Jim Foster and their presentation, "Design: 11th Street Bridge Park Project and Anacostia

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2. Roundtable Discussion

CONTINUED

Watershed,” held on July 18; the upcoming Food Matters: Foodie Fridays events scheduled for July 27 and August 24 at Brookside Gardens; the recent presentation of the second annual Shakespeare in the Park event at Brookside Gardens held on July 10; and the upcoming screening and discussion of the documentary about the life of Josiah Henson, *Josiah*, at the AFI Silver Theater and Cultural Center, scheduled for August 10.

There followed a brief Board discussion with questions to Mr. Riley.

3. A Strategic Plan for the Montgomery Parks' Enterprise Asset Management (EAM) System

Staff Recommendation: Receive briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Parks Department staff offered a multi-media presentation and briefed the Planning Board on the proposed strategic plan for the Montgomery Parks Department Enterprise Asset Management (EAM) system. Staff offered background information, noting that the SmartParks EAM system was purchased in 2004 to manage the Department's operational work program. This system remained in use until the end of its shelf life in 2012. At that time, staff partnered with staff from the Prince George's County Department of Parks and Recreation to implement a more robust bi-county system that not only manages the operational work program, but also includes an administrative component, Geographic Information System (GIS) capabilities, analytics, and ease of use. In 2014, staff implemented the Infor EAM system software to provide beneficial data to facilitate a positive experience for the park user and effective park operations, with the goals of creating a system that has accurate and meaningful information regarding parkland, infrastructure, and amenities maintained by the Parks Department; can be used to make business decisions and create efficiencies; effectively accomplishes the Department's mission through consistent business processes and maintenance standards; and enables users to utilize the system to its full potential. The system is currently used for such projects as Americans with Disabilities Act (ADA) barrier tracking, lock and key management, park inventory, and the calculation of the work hours needed to sustain stormwater management facilities. The system is also equipped with a mobile transit application that schedules and tracks staff work programs, including type of project, location, and times of arrival and completion of the project. Staff hopes to integrate this feature with the existing Kronos Workforce Central timekeeper system. Staff added that to effectively achieve all the goals and action items for the EAM system, additional staff resources will be required.

There followed a brief Board discussion with questions to staff, during which Commissioner Patterson recommended that staff review and prioritize action items that are partially funded, unfunded, or pending, and correlate them with the strategic goals and their benefit to not only the Parks Department but to the Commission overall.

***4. 4 Bethesda Metro, Sketch Plan No. 320180110---CR 8.0 C 6.0 R 7.5 H 290 zone. CR 8.0 C 6.0 R 7.5 H 210 zone, and the Bethesda Overlay Zone, 3.48 acres, Request for a total development of 1,092,242 square feet, including a maximum of 500,000 square feet of new development; located on Wisconsin Avenue at the southwestern intersection with Old Georgetown Road; Bethesda Downtown Sector Plan.**

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Sketch Plan application for a mixed-use project on a 3.48-acre site, identified as Part of Lot 37, Block 13, located on the southwest quadrant of the intersection of Old Georgetown Road (MD85) and Wisconsin Avenue (MD355), and zoned Commercial/Residential (CR) within the Bethesda Overlay Zone (BOZ) of the Bethesda Downtown Sector Plan area and the Bethesda Parking Lot District (PLD). The property, which is located on top of the Bethesda Metro Station, is currently improved with the 15-story 3 Bethesda Metro Center office building, the Hyatt hotel, which includes retail and restaurant uses, the Metro Plaza, and below-grade parking. The site is currently accessed from Edgemoor Lane to the north, Woodmont Avenue to west, and MD355 to the east. The portion of the property that is proposed for redevelopment for the 4 Bethesda Metro Center is approximately 71,973 square feet.

According to staff, the project was presented to the Design Advisory Panel (DAP) in April and June, with the applicant revising the plans per the Panel’s comments. The applicant now proposes to redevelop the three-story food court portion of the existing 3 Bethesda Metro Center building and a portion of the Metro Plaza with a mixed-use development of up to 1,092,242 total square feet, including 358,578 existing square feet to remain for 3 Bethesda Metro Center and 233,664 existing square feet to remain for the Hyatt Hotel, to accommodate up to 282 multi-family dwelling units, including 122 existing units. The new building will be located directly above the existing Metro Bus station. In order to respond to changes in market demands, the applicant is requesting approval of two alternative development options. A residential development option proposes ground floor retail, restaurant, and other activating uses with multi-unit residential uses above, with the residential component to include a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs). A commercial development option will

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***4. 4 Bethesda Metro, Sketch Plan No. 320180110**CONTINUED

enable non-residential uses above the ground floor retail. Both scenarios will adhere to the maximum development caps proposed for the property, with the final allocation of uses to be determined at the time of Preliminary and Site Plan review. The proposal does not include an allocation of density from the BOZ and will not require a Park Impact Payment (PIP). The applicant proposes approximately 37,000 square feet of public open space, or approximately 28 percent open space, substantially exceeding the zoning requirement of 10 percent. The open space will be provided in three adjacent zones, identified as the Metro Commons located along the MD355 frontage, the Promenade to the west, and the Lawn to the southwest. The project also proposes improvements to the below-grade Metro bus facilities, and enhanced access to transit. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the site frontages. No changes to the existing vehicular access points are proposed in the application.

Staff has received correspondence from the community regarding improvements to the Metrorail entrance and the Metro Bus bay area, and the size and location of the proposed building in relation to the public open space, specifically near MD355, a concern that has also been raised by staff and the Design Advisory Panel (DAP). Staff noted that as the applicant develops the design, they will need to continue to coordinate with the community, staff, and DAP to achieve a viable solution.

Mr. Robert Harris, attorney representing the applicant, offered comments, and concurred with the staff recommendation.

Mr. Simon Carney, member of the applicant's team, offered a multi-media presentation and discussed the design of the proposed project.

Mr. Peter Glasson, member of the applicant's team, also offered brief comments.

The following speakers offered testimony: Mr. Andrew Scott of the Washington Metropolitan Area Transit Authority (WMATA); Mr. Jody Kline, attorney representing Clark Enterprises, the adjacent property owner to the north; Mr. Jesse Cantrill of McLean Drive; Ms. Amanda Farber, member of the East Bethesda Citizens Association; Ms. Naomi Spinrad of DeRussey Parkway; Mr. Richard Hoye of Lucas Lane; Ms. Linda Miller of Rosedale Avenue; Mr. Abiose Adebayo, representing the Macedonia Baptist Church; Mr. Richard Tustian of Seddon Road; Ms. Patricia Kolesar, member of Protect Bethesda Open Space; Ms. Ginanne Italiano of the Greater Bethesda Chamber of Commerce; Ms. Gail Weiss of Greentree Lane; Ms. Margaret Julia Visconti of Old Georgetown Road; Ms. Maj-Britt Dohlie of Kenwood Forest Lane; Mr. Brad Vali of East-West Highway; Ms. Amelia Sirianni of Wetherill Road; Ms. Mary Peebles of Audubon Lane; Ms. Tracey Johnstone of Bradley Boulevard; Ms. Leanne Tobias of Ridgefield Road; Ms. Marsha Coleman-Adebayo of Earl Court; Ms. Tina Slater of Mansfield Road; Mr. Ben Ross of Bethesda Avenue; Mr. Robert Patchen of Rossmore Drive; Ms. Diane Kupelian of Chestnut Street; and Ms. Debbie Ohlmacher, representing Clark Enterprises, the adjacent property owner to the north.

There followed extensive Board discussion with questions to staff and some of the speakers, during which the Board recommended that the applicant continue to work with the Planning Department, WMATA, and Clark Enterprises staff to resolve any outstanding issues raised during testimony.

***5. 7607 Old Georgetown Road, Sketch Plan No. 320180160---CR 5.0 C 5.0 R 4.75 H 225** zone and the Bethesda Overlay zone, 0.44 acres, Request for 228,000 square feet of total development, with up to 225,000 square feet (200 units) of multi-family residential uses with 15 percent MPDUs and up to 3,000 square feet of non-residential uses; the maximum density includes up to 133,615 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP); located in the northwest quadrant of the intersection of Old Georgetown Road and Commerce Lane; 2017 Bethesda Downtown Sector Plan
 G. Bogdan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/PATTERSON

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 adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Sketch Plan request to construct a mixed-use development on a 0.44-acre site located on Old Georgetown Road (MD187) on the northwest quadrant of its intersection with Commerce Lane, and zoned Commercial/Residential in the Parking Lot District and the Bethesda Overlay Zone (BOZ) within the Bethesda Downtown Sector Plan area. The property is currently developed with a single-story restaurant and associated parking, with a vehicular ingress from MD187 near its intersection with Commerce Lane, and an egress to the north onto Commerce Lane.

The applicant proposes to remove the existing restaurant and redevelop the property with a 225-foot tall, 228,000-square foot mixed-use building, with 225,000 square feet of residential development for up to 200 units, including 15 percent Moderately Priced Dwelling Units (MPDU's), and 3,000 square feet of retail. The project includes an allocation of density from the BOZ of up to 133,615 square feet, which will require a potential Park Impact Payment (PIP) of up to \$988,821, with the final amount of density to be purchased from the BOZ to be determined at Site Plan review. Vehicular access is proposed directly from Commerce Lane through a consolidated garage and loading bay access point with two separate but adjacent entrances at the northeast corner of the site, eliminating vehicular access from MD187 and minimizing interruptions to offsite pedestrian traffic. Resident parking will be provided within a structured below-grade garage, with the final quantity of parking spaces and ingress/egress into the parking

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***5. 7607 Old Georgetown Road, Sketch Plan No. 320180160**CONTINUED

structure to be determined at Site Plan review based on the final number of residential dwelling units. Although pedestrian and bicycle access will be provided along both Commerce Lane and MD187, it will be prioritized along the MD187 frontage. Staff added that they have received one letter in opposition to the project.

Staff then discussed the building setback proposed for the Commerce Lane frontage, noting that the Design Guidelines for the Bethesda Downtown Sector Plan recommend a 15- to 20-foot setback from a mixed-use street like Commerce Lane. The applicant is proposing a 15-foot setback with an eight-foot wide cantilever above the first floor. With Commerce Lane designated a canopy corridor, the overhang as proposed inhibits both the planting and growth of street trees. To address this issue, staff is recommending an additional condition of approval, condition 4a, that limits the setback for the second story and above to 12 feet, allowing for only a five-foot wide cantilever.

Mr. Robert Dalrymple, attorney representing the applicant, offered comments and generally concurred with the staff recommendation, but requested that additional language for condition 4a, allowing for flexibility regarding the building setback.

Ms. Janel Kausner, member of the applicant's team, also offered comments.

Ms. Amanda Farber, representing the East Bethesda Citizens Association, offered testimony.

There followed extensive Board discussion with questions to staff and Mr. Dalrymple, during which the Board instructed staff to include an additional condition of approval that states that on the Commerce Lane façade, the cantilever as proposed needs to be explored further to minimize the degree of overhang above the sidewalk, with a final determination to be made at the time of Site Plan review. The Board also instructed staff to explore the feasibility of providing a pedestrian connection from Commerce Lane to the existing Bethesda Place Plaza, and to explore the feasibility of preserving the existing trees on Commerce Lane that are slated for removal.

***6. Brooke Park, Preliminary Plan Amendment No. 12010003A---R-30 zone, 1.07 acres, Request to renovate the existing multi-family building, parking and circulation; located at the northwest quadrant of the intersection with MacArthur Boulevard and Sangamore Road; Bethesda Chevy-Chase Master Plan.**

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan Amendment request to renovate an existing multi-family residential building, parking lot, and circulation for a 1.07-acre site, identified as Parcel A, located on MacArthur Boulevard on the northwest quadrant of its intersection with Sangamore Road, bounded by Brookes Lane to the northeast, and zoned Residential in the Bethesda-Chevy Chase Master Plan area. The property, located within the Little Falls Watershed, is currently developed with a multi-family building consisting of 17 apartments and an unmarked surface parking area. Vehicular access from Brookes Lane is provided via a curb cut at the northern property line and another just to the south. Landscaping and mature trees exist around the building foundation, throughout the property, and along the property line abutting the residential properties to the north.

According to staff, while the applicant initially proposed 18 multi-family units for this property, 18 units would exceed the density of 14.5 dwelling units per acre that is permitted under the current Zoning Regulations. The applicant now proposes to renovate the existing 17 multi-family units, which will all be developed as Moderately Priced Dwelling Units (MPDUs) and will be leased and maintained by Housing Opportunities Commission (HOC). Staff also noted a minor correction to condition of approval 8a.

Staff then briefly discussed environmental issues, noting that the applicant has submitted a variance request to remove two trees and impact another located offsite, which will be mitigated through the planting of seven trees onsite. Staff supports the variance request.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Messrs. Laurence Frank and Brian J. Donnelly, members of the applicant's team, also offered comments.

There followed a brief Board discussion with questions to staff and Messrs. Donnelly and Frank.

***7. ZOM Bethesda**

A. Preliminary Plan No. 120180140---ZOM Bethesda, CR 2.25, C 0.5, R 2.25, H 60’, CR 2.0, C 0.25, R 2.0, H 60’, CR 1.0, C 0.25, R 1.0, H 60’ and the Bethesda Overlay zones, 1.84 acres, Proposal to create one lot for 253,200 square feet of residential development, including up to 230 multi-family dwelling units containing 15 percent MPDUs, and 168,233 square feet of density allocated from the Bethesda Overlay Zone (BOZ); located in the southeast quadrant of the intersection of Moorland Lane and Arlington Road; 2017 Bethesda Downtown Sector Plan.
Staff Recommendation: Approval with Conditions

B. Site Plan No. 820180120---ZOM Bethesda, CR 2.25, C 0.5, R 2.25, H 60’, CR 2.0, C 0.25, R 2.0, H 60’, CR 1.0, C 0.25, R 1.0, H 60’ and the Bethesda Overlay zones, 1.84 acres, Proposal to create one lot for 253,200 square feet of residential development, including up to 230 multi-family dwelling units containing 15 percent MPDUs, and 168,233 square feet of density allocated from the Bethesda Overlay Zone (BOZ); located in the southeast quadrant of the intersection of Moorland Lane and Arlington Road; 2017 Bethesda Downtown Sector Plan.
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. & B. FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: A. & B. 4-0

Nay:

Other: DREYFUSS ABSENT

Action: A. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached adopted Resolution.

B. Approved staff recommendation for approval, subject to conditions, as stated in the attached adopted Resolution.

In keeping with the June 29 technical staff report, Planning Department staff offered a multi-media presentation and discussed proposed Preliminary Plan and Site Plan requests for the ZOM Bethesda project. The proposed project is to create one lot for 253,200 total square feet of residential development, including up to 230 multi-family dwelling units with 15 percent Moderately Priced Dwelling Units (MPDUs) and 168,233 square feet of density to be allocated from the Bethesda Overlay Zone (BOZ). The 1.84-acre property is located on the east side of Arlington Road between Moorland Lane and Edgemoor Lane in the Bethesda Downtown Sector Plan area. Staff noted that the Planning Board approved the Sketch Plan for this project on November 30, 2017. Staff also noted that the applicant would normally be subject to a Park Impact Payment (PIP) of \$1,682.330, but because 15 percent MPDUs will be provided, the total

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***7. ZOM Bethesda -- A. Preliminary Plan No. 120180140 & B. Site Plan No. 820180120**CONTINUED

MPDU square footage is excluded from the PIP calculation, resulting in a reduction equal to \$242,460. Therefore, the applicant will pay a PIP in the amount of \$1,439,870 to fund park acquisition in downtown Bethesda.

Staff added that the project will provide 5,565 square feet of open space improvements off-site, by either providing open space improvements at the Bethesda Library or by making a financial contribution of \$805,881 toward other open space improvements. The proposed project will redevelop the site with an energy efficient residential building, minimum parking, a vegetated roof and public art. The project also includes construction of entry stops along Arlington Road within a six-foot wide easement in lieu of a full width right-of-way dedication.

Ms. Heather Dlhopsky, attorney representing the applicant, ZMA Development, LLC., introduced members of the applicant's team, offered a multi-media presentation and discussed the proposed plans, including proposed modifications to two of the conditions of approval for the Preliminary Plan, which were acceptable to staff. Ms. Dlhopsky then added that she concurs with the staff recommendation.

Ms. Trini Rodriguez, architect for the applicant, offered brief comments and answered questions from Board members.

Messrs. Chris Love and Andy Czajkowski, members of the applicant's team offered brief comments.

The following speakers offered testimony: Mr. David Brown, attorney representing Mr. Peter Manian, adjacent property owner; and Mr. Angus Sinclair, adjacent property owner.

There followed a brief Board discussion with questions to staff, Ms. Dlhopsky, and the two speakers.

***10. Grosvenor-Strathmore WMATA Garage Expansion**

A. Mandatory Referral No. MR2018026---Request to construct an expansion to the Grosvenor-Strathmore WMATA garage, reconfigure the Kiss & Ride and Arts Walk at the Metro site, and to amend the Final Forest Conservation Plan, including the associated variance; located at 10300 Rockville Pike, North Bethesda, MD 20852; on approximately 14.58 acres zoned CR 3.0, C-0.5, R-2.75, H-300; within the 2018 Grosvenor-Strathmore Metro Area Minor Master Plan area.

Staff Recommendation: Approval to Transmit comments to Washington Metropolitan Area Transit Authority

B. Final Forest Conservation Plan Amendment No. MR2000201---Request to construct an expansion to the Grosvenor-Strathmore WMATA garage, reconfigure the Kiss & Ride and Arts Walk at the Metro site, and to amend the Final Forest Conservation Plan, including the associated variance; located at 10300 Rockville Pike, North Bethesda, MD 20852; on approximately 14.58 acres zoned CR 3.0, C-0.5, R-2.75, H-300; within the 2018 Grosvenor-Strathmore Metro Area Minor Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: A. & B. FANI-GONZÁLEZ/CICHY

Vote:

Yea: A. & B. 4-0

Nay:

Other: DREYFUSS ABSENT

Action: A. Approved staff recommendation for approval to transmit comments to Washington Metropolitan Area Transit Authority (WMATA), as stated in the attached transmittal letter.

B. Approved staff recommendation for approval of the Final Forest Conservation Plan Amendment, subject to conditions, as stated in the attached adopted Resolution.

In accordance with the July 5 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request and the associated amendment to the Final Forest Conservation Plan. Staff noted that the request is to build an expansion to the Grosvenor-Strathmore Washington Metropolitan Area Transit Authority (WMATA) garage, reconfigure the Kiss & Ride parking lot, and Arts Walk at the Metro site, and to amend the Final Forest Conservation Plan, including the associated variance. The 14.58-acre

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10. Grosvenor-Strathmore WMATA Garage Expansion -- A. Mandatory Referral No. MR2018026 & B. Final Forest Conservation Plan Amendment No. MR2000201CONTINUED

property is located on Rockville Pike, within the Grosvenor-Strathmore Metro Area Minor Master Plan area. Staff noted that the Planning Board action on the Mandatory Referral request is advisory but the Board's decision on the related Forest Conservation Plan Amendment is regulatory and binding. Staff noted that this project is the product of a joint development agreement between WMATA and Fivesquares Development for the redevelopment of the property. The first phase of redevelopment is to expand the existing parking garage to eventually replace the surface parking lot to free up land for redevelopment. Subsequent phases will address the larger redevelopment of the remaining site which will undergo substantial regulatory review by Planning staff.

Staff also discussed the Final Forest Conservation Plan Amendment and noted that a Category I Easement was never recorded over the retained forest on the property and there is no record that the 1.4 acres of off-site forest mitigation was ever recorded. In addition, a stairway was constructed through the area that was to be preserved in the Category I Easement. The stairway removed 0.10 acres of forest from the easement area on the eastern side of the property between the garage and Tuckerman Lane. The total mitigation requirement for the applicant is 1.66 acres of forest planting or 3.32 acres of forest preservation. The applicant also requested a variance request to remove four trees that are considered high priority for retention and to impact three trees, and the County arborist supports the request.

Ms. Nina Albert, representing WMATA discussed the proposed request and referred to a WMATA letter distributed to the Planning Board.

Ms. Sylke Knuppel of VIKA Maryland, LLC, and Mr. Andrew Altman of Fivesquares Development, Inc. offered comments.

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

***9. 4900 Nicholson Court, Site Plan 820180150---**Request for approval to construct a 134,922-square foot self-storage building; located at 4900 Nicholson Court; on approximately 3.10 acres of land zoned IL-1.0; within the 2018 White Flint 2 Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

In keeping with the July 6 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Site Plan request to build a 134,922-square foot self-storage building on a 3.10-acre property located on Nicholson Court in the White Flint Sector Plan area. Staff noted that an easement for a future trail shall be provided when the Bicycle Master Plan is approved and adopted as it recommends implementation of the trail, which is included in the Capital Improvements Program (CIP), and a contract for preliminary trail design is executed. Staff noted that as a condition of the Site Plan approval, the applicant has agreed to record a covenant to provide an easement for an 18-foot wide pedestrian and bicycle connection on Parcel P818 for the future implementation of the trail connection recommended between Nicholson Court and Wyaconda Road in the Bicycle Master Plan.

Staff added that a Final Forest Conservation Plan (FCP) and Tree Variance request associated with the Site Plan is also part of the Site Plan request. The applicant submitted a variance request because the project would create an impact to the critical root zone of one tree that is considered high priority for retention. After review of the variance request and in accordance with Section 22A-21 of the County code, staff recommends approval of the revised Final FCP and the variance request.

The following speakers offered testimony: Ms. Judy David of Orleans Way and Ms. Clementina Heglas of Orleans Way, both adjacent property owners.

Mr. William Kominers, attorney representing the applicant, introduced members of the applicant’s team, briefly discussed the proposed request and concurred with the staff recommendation.

Mr. Michael Goodman, engineer from VIKA Maryland, LLC, and member of the applicant’s team, offered a multi-media presentation and discussed the proposed request.

Mr. Jack Wilburn, architect for the applicant, answered questions from the Board. There followed a brief Board discussion with questions to staff and Mr. Kominers.

8. **White Flint Substation 229, Mandatory Referral No. MR2018008**---Request to construct a 31,000-square foot Pepco sub-station and related landscape, hardscape, vehicular, bicycle and pedestrian improvements; located at the southwest corner of Nebel Street and Marinelli Road; on approximately 62,691 square feet of land zoned CR-3.0, C-1.5, R-2.5, H-200; within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval to transmit comments to Pepco Holdings, Inc.

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Mandatory Referral request cited above, subject to conditions, and to transmit comments to Pepco Holdings, Inc., as stated in the attached transmittal letter.

In accordance with the July 6 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request to build a 31,000 square-foot PEPCO sub-station and related landscape, hardscape, vehicular, bicycle, and pedestrian improvements. The 62,691-square feet property is located at the southwest corner of Nebel Street and Marinelli Road in the White Flint Sector Plan area. Staff noted that the proposed PEPCO White Flint sub-station is in the Nuclear Regulatory Commission (NRC) District in the White Flint Sector Plan area. The Plan does not specifically recommend the location of new public utilities. However, utilities are permitted in the Commercial/Residential zone. Furthermore, the proposed sub-station will support the future anticipated residential and non-residential growth in the area.

Staff added that it worked with the applicant on the building design, which resulted in a high-quality design for the sub-station using materials and façade treatment that provide visual interest and better integration with newer construction in the area. An Administrative Subdivision Plan is currently under review for the property. The Forest Conservation Law, frontage improvements, and platting requirements will be applied as part of the review. The property will need to be platted prior to issuance of any building permit. Staff has not received any community correspondence regarding this request.

Mr. Scott Wallace, attorney representing the applicant, The Potomac Electric Power Company (PEPCO), offered brief comments and concurred with the staff recommendation.

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

11. Local Area Transportation Review (LATR) Pedestrian Adequacy Test Technical Guidance ---Review proposed technical guidance designed to improve the implementation of ADA non-compliance pedestrian adequacy test procedures in urbanized areas of the County.

Staff Recommendation: Approve proposed technical guidance for incorporation in the 2017 LATR Guidelines

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department staff offered a multi-media presentation and discussed the review of proposed technical guidance designed to improve the implementation of Americans with Disabilities (ADA) non-compliance issues within a certain distance of a proposed development project. Staff noted that pedestrian system adequacy is defined as providing Level of Service (LOS) D or better for any signalized crosswalk. The methodology for evaluating pedestrian level of service is discussed in Chapter 18 of the 2010 Highway Capacity Manual (HCM). Any development site that generates more than 50 pedestrian peak hour trips, including trips to transit must fix or fund ADA non-compliance issues within a 500' radius of the development site boundary, and ensure LOS D for crosswalk pedestrian delay at Local Area Transportation Review (LATR) study intersection within 500' of site boundaries or within areas where the County's road construction code specifies use of urban design standards. Staff added that regardless of the development site and location, if an intersection operational analysis is triggered for any intersection within a Road Code Urban Area/Bicycle Pedestrian Priority Area (RCUA/BPPA), mitigation must not increase the average pedestrian crossing time at the intersection.

Staff then discussed in detail the application of the proposed ADA non-compliance technical assessment procedure.

At the Board's request, Mr. Chris Conklin of the Montgomery County Department of Transportation (MCDOT) offered comments and expressed MCDOT's willingness to work with staff.

The following speakers offered testimony: Ms. Jane Mahaffie of StonebridgeCarras Development Co.; Ms. Patricia Harris, attorney; and Mr. Bob Dalrymple, attorney.

Ms. Rebecca Torma of MCDOT also offered comments.

There followed extensive Board discussion with questions to staff and the speakers, during which the Planning Board instructed staff to work with MCDOT staff and the speakers to come up with a more equitable solution on how to fund the required ADA improvements.

12. Zoning Text Amendment No. 18-06, MPDU- Bonus Density---ZTA 18-06 amends the Montgomery County Zoning Ordinance to revise or establish Moderately Priced Dwelling Unit (MPDU) density bonus standards for certain Residential, Commercial/Residential, Employment, and Overlay zones.

Staff Recommendation: Transmit Comments to County Council

(NOTE: Action required for County Council Public Hearing of 7/24/18)

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval to transmit comments to the County Council regarding Zoning Text Amendment 18-06 cited above, as stated in the attached transmittal letter.

In keeping with the July 12 technical staff report, Planning Department staff offered a multi-media presentation and discussed proposed Zoning Text Amendment 18-06, which would amend the Montgomery County Zoning Ordinance to revise or establish Moderately Priced Dwelling Unit (MPDU) density bonus standards for certain Residential, Commercial/Residential, Employment and Overlay zones. Staff noted that when the Planning, Housing, and Economic Development (PHED) Committee considered Bill 34-17, MPDUs -Amendments on June 11, the Committee recommended deleting the inappropriately placed bonus density table in Chapter 25A and placing all bonus density provisions in the Zoning Code. ZTA 18-06 was introduced to implement the Committee-recommended revisions to Chapter 25A pertaining to the density bonus provisions. The proposed ZTA uses the bonus density table in Chapter 25A a guidance for creating an equation for calculating the bonus density and amends the Zoning Ordinance by allowing a project that includes 15 percent of the residential units as MPDUs to have a maximum bonus density of 22 percent. ZTA 18-06 would also apply a bonus density provision to the optional method of development in the R-200, R-90, R-60, R-40 (Residential zones), and TLD (Townhouse Low Density) zones, where currently there is none. In addition, bonus density would be calculated as units per acre versus units per acre of usable area of the site.

After review, staff recommends approval of proposed ZTA 18-06 with minor modifications as discussed in the staff report.

Ms. Patricia Harris, attorney, offered testimony.

At the Board's request, Ms. Lisa Schwartz of the Montgomery County Department of Housing and Community Affairs (DHCA) offered comments.

There followed a brief Board discussion with questions to staff, Ms. Harris and Ms. Schwartz.

***13. Black Hill & ViaSat**

A. Black Hill: Project Plan Amendment No. 92012004B---Application to amend existing condition 5 regarding Public Use Spaces and required retail locations, and condition 9 regarding phasing of public amenities located within the employment area of Black Hill; located north of the future intersection of Dorsey Mill Road & Century Boulevard, west of I-270, approximately 96.9 acres, CR 0.75, C-0.5 R-0.5 H-145T; 2009 Germantown Employment Area Master Plan.
Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Black Hill: Preliminary Plan Amendment No. 12012021B---Application to re-subdivide to create one lot for up to 130,000 sq. ft. of office space, and to modify existing lots and private street parcels; located north of the future intersection of Dorsey Mill Road and Century Boulevard, west of I-270, on approximately 96.9 acres, CR 0.75, C-0.5 R-0.5 H-145T; 2009 Germantown Employment Area Master Plan.
Staff Recommendation: Approval with Conditions and Adoption of Resolution

C. Black Hill: Infrastructure Site Plan Amendment No. 82013025E---Application to amend the Final Forest Conservation Plan for Black Hill to include the final elevations and design for a portion of the Site, and to add a condition allowing future Site Plan Applications to amend the Final Forest Conservation Plan for Black Hill without the need to amend the Infrastructure Site Plan; located north of the future intersection of Dorsey Mill Road and Century Boulevard, west of I-270, on approximately 96.9 acres, CR 0.75, C-0.5 R-0.5 H-145T; 2009 Germantown Employment Area Master Plan.
Staff Recommendation: Approval with Conditions and Adoption of Resolution

D. ViaSat: Site Plan No. 820180110---Application to construct up to 130,000 sq. ft. of office over two phases in one building; located on the northeast corner of the future intersection of Dorsey Mill Road and Century Boulevard, west of I-270, on approximately 5.8 acres, CR 0.75, C-0.5 R-0.5 H-145T; 2009 Germantown Employment Area Master Plan.
Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. B. & D. FANI-GONZÁLEZ/PATTERSON**
 C. FANI-GONZÁLEZ/CICHY

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

Nay:

Other: **DREYFUSS ABSENT**

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

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***13. Black Hill & ViaSat --- A. Black Hill - Project Plan Amendment 92012004B; B. Preliminary Plan Amendment 12012021B; C. Infrastructure Site Plan Amendment 82013025E; and D. ViaSat - Site Plan 820180110**

CONTINUED

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

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

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

In accordance with the July 6 technical staff report, Planning Department staff offered a multi-media presentation and discussed requests for a Project Plan Amendment, a Preliminary Plan Amendment, and a Site Plan Amendment for the Black Hill project, and a Site Plan request for the ViaSat project. Staff noted that the Project Plan Amendment request is to amend existing condition 5 regarding Public Use Spaces and required retail locations, and condition 9 regarding phasing of public amenities located within the Black Hill employment area. The Preliminary Plan Amendment request is to re-subdivide an existing lot to create one lot for up to 130,000 square feet of office space, and to modify existing lots and private street parcels. The Infrastructure Site Plan Amendment request is to amend the Final Forest Conservation Plan for Black Hill to include the final elevations and design for a portion of the Site, and to add a condition allowing future Site Plan Applications to amend the Final Forest Conservation Plan for Black Hill without the need to amend the Infrastructure Site Plan. The 96.9-acre property is located north of the future intersection of Dorsey Mill Road and Century Boulevard, west of I-270 in the Germantown Employment Master Plan area.

Staff noted that the Project Plan, Preliminary Plan and Infrastructure Plan Amendment requests are all part of the Black Hill property, which is approximately 97 acres located on the west side of I-270, at the northern terminus of Century Boulevard and Crystal Rock Drive. The Black Hill property is mostly undeveloped and is in pre-development phases, including rough grading, installation of utilities and the two major public roads, and limited stormwater management. Portions of the property along either side of Century Boulevard are cleared of forest while other areas closer to the on-site streams and the Black Hill Regional Park are still forested. The topography features gently rolling hills, with the highest elevation generally in the center. Staff further added that the Black and the ViaSat properties are currently zoned Commercial/Residential (CR) but are being reviewed under the Transit Mixed Use (TMX-2) zone. The Plans were approved by the Planning Board in March 2013 under the previous name of Crystal Rock project.

The ViaSat property is a proposed lot within the Black Hill property, approximately 5.8 acres in size. The Site Plan application for the project includes the construction of 130,000 square feet of office space in one building, in two phases on the property located on the northeast corner of the future intersection of Dorsey Mill Road and Century Boulevard, west of I-270 in

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***13. Black Hill & ViaSat --- A. Black Hill - Project Plan Amendment 92012004B; B. Preliminary Plan Amendment 12012021B; C. Infrastructure Site Plan Amendment 82013025E; and D. ViaSat - Site Plan 820180110**

CONTINUED

the Germantown Employment Master Plan area. Staff also noted that the ViaSat property is in the eastern corner of the Black Hill property within an area that was previously cleared and used as a golf course and driving range. The property contains no noteworthy environmental features.

Mr. Jody Kline, attorney representing the applicants, Black Hills Germantown LLC, the Lerner Properties, and ViaSat Inc., discussed the proposed requests, and concurred with the staff recommendation.

Mr. James D. Policaro of the Lerner Properties offered brief comments

Mr. Derek Johnson of ViaSat offered comments and answered a question from Commissioner Patterson regarding the number of jobs to be created by the proposed ViaSat development.

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

***14. Avalon Residential: Preliminary Plan No. 120180110---**Request for 50 lots for 16 attached and 34 detached dwelling units, including 16% MPDUs; located at 22821 Frederick Road, approximately 600 feet north of the intersection of Frederick Road (MD 355) and Shawnee Lane; identified as parcels P765, P770, and P801 on Tax Map EW41; 10.28 acres; TF-5; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan request for the Avalon Residential project, as discussed in detail in the July 6 technical staff report. Staff noted that the request is to create 50 lots for 16 attached and 34 detached dwelling units, including 16 percent Moderately Priced Dwelling Units (MPDUs) or eight units. Staff noted that the 10.28-acre property is located on Frederick Road (MD 355), approximately 600 feet north of its intersection with Shawnee Lane, and is identified as parcels P765, P770, and P801 on Tax Map EW41 in the Clarksburg Master Plan & Hyattstown Special Study Area. Staff also noted that a Preliminary Water Quality Plan, Stormwater Management Concept Plan, and Preliminary Forest Conservation Plan associated with the proposed project have all been reviewed and recommended for approval by the Planning Board, subject to conditions discussed at the meeting.

Staff also discussed a condition of approval requiring the applicant to record in the Land Records of Montgomery County, a covenant to dedicate or provide an easement over the outlot shown on the Preliminary Plan map, for use as a future inter-parcel road, bike, pedestrian, and infrastructure connection to Parcel 660 to the north of the subject property.

Legal counsel to the Board noted that the Resolution will be submitted for adoption at the next meeting.

Staff also discussed the environmental issues related to the site.

Ms. Soo Lee-Cho, attorney representing the applicant, Mr. Jim Soltesz also present, discussed a proposed revised Condition 15, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff, Ms. Lee-Cho and Mr. Soltesz during which the Planning Board instructed staff to work with Legal Counsel and Ms. Lee-Cho on the wording of a revised condition 15.