



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, November 1, 2018, at 9:04 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:45 p.m.

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

Items 1, 2, 10, 3, and 5, discussed in that order, are reported on the attached agenda.

Item 4 was removed from the Planning Board agenda.

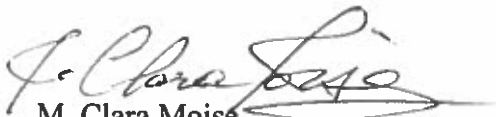
The Board recessed for lunch at 12:15 p.m. and reconvened in the auditorium at 1:47 p.m., with Vice Chair Dreyfuss as acting Chair while Chair Anderson was attending a meeting at the County Council building.

Chair Anderson rejoined the meeting at 2:30 p.m.

Items 6 through 9 are reported on the attached agenda.

Vice Chair Dreyfuss left the meeting at 2:40 p.m. during discussion of Item 7.

There being no further business, the meeting was adjourned at 3:45 p.m. The next regular meeting of the Planning Board will be held on Thursday, November 8, 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, November 1, 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. 220190030, Old Georgetown Estates

R-200 zone, 3 lots; located on the north side of Tilden Lane, 590 feet west of Danville Drive;
North Bethesda-Garrett Park Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/CICHY

Vote:

Yea: 4-0

Nay:

Other: FANI-GONZÁLEZ ABSENT

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

***C. Other Consent Items**

1. The French International School, Preliminary Plan No. 12002079B---R-60, 11.2 net acres, Request to extend the review period for one lot for a private educational institution, located at 9650 Rockville Pike; 1990 Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval of Extension

2. Adoption of Corrected Resolution for Preliminary Plan No. 120180030, MCPB No. 18-065, Bannockburn – 7009 Wilson Lane

BOARD ACTION

**Motion: 1. PATTERSON/CICHY
 2. CICHY/DREYFUSS**

Vote:

Yea: 1. & 2. 4-0

Nay:

Other: FANI-GONZÁLEZ ABSENT

Action: 1. Approved staff recommendation for approval of the Preliminary Plan Extension request cited above.

2. Adopted the corrected Resolution cited above, as submitted.

***D. Approval of Minutes**

Planning Board Meeting Minutes of October 18, 2018

BOARD ACTION

Motion: PATTERSON/CICHY

Vote:

Yea: 4-0

Nay:

Other: FANI-GONZÁLEZ ABSENT

Action: Approved Planning Board Meeting Minutes of October 18, 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 ribbon-cutting ceremony for the re-opening of the Mayor Jayne H. Plank Kensington Cabin held on October 20 at the Kensington Cabin Local Park; the 2018 Pumpkin Rock & Roll event held on October 27 at Warner Circle Park; the 3rd Annual Maintenance and Equipment Showcase event held on October 26 at Pope Farm Nursery; a close-out letter received from the United States Department of Justice (DOJ) noting the Parks Department's compliance with the terms of a 2011 Settlement Agreement between Montgomery Parks, Montgomery County Government, and DOJ regarding Americans with Disabilities Act compliance; the September 2018 issue of *Mid-Atlantic Events Magazine*, which contains an editorial that features the Woodlawn Manor House; a WUSA9 News segment about Josiah Henson that aired on October 24 and featured an interview with Shirl Spicer, History Coordinator/Museum Manager; the Commission-Wide Service Awards Luncheon event honoring employees with 25, 30, 35, and 40 years of service held on October 17 at Brookside Gardens; the 2nd Annual Northern Parks Forum event held on October 17 at Black Hill Regional Park; the Latino Community Liaison Meeting held on October 18 at the Public Safety Headquarters Complex in Gaithersburg, which was attended by Chief McSwain, Captain Adams, Captain Philipose, and Lieutenant Coe of the Montgomery County Park Police; the status of the fall golf classes and clinics at the South Germantown Driving Range, with registration up 62 percent from last year; and the status of the Eye Spy Halloween Trains at Cabin John and Wheaton Regional Parks, with over 6,700 patrons attending this season.

Mr. Riley then briefly discussed the following upcoming events: the Maryland Emancipation Day events scheduled for November 2 through 4 at various locations and times throughout the County; the ribbon-cutting ceremony for the opening of the Neal Potter Plaza at the Capital Crescent Trail scheduled for November 3 in Westbard; the Trees Matter Symposium scheduled for November 14 at the Silver Spring Civic Building; and the next presentation of the Parks Speaker Series scheduled for November 16 at Brookside Gardens, which will feature Mr. Jason Roberts, founding member of the Better Block non-profit organization.

There followed a brief Board discussion.

10. Increase in Admission Fees at the National Capital Trolley Museum---Request from the National Capital Trolley Museum to increase its admission fees due to increases in various expenses.

Staff Recommendation: Approve the Museum's Request for an Increase in the Admission Fees

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: FANI-GONZÁLEZ ABSENT

Action: Approved staff recommendation for approval to increase the admission fees at the National Capital Trolley Museum.

Parks Department staff briefed the Planning Board and discussed a request to increase the admission fees at the National Capital Trolley Museum beginning November 1, 2018, which the Planning Board must approve prior to the rates being raised. According to staff, the museum is a private non-profit organization operated by the National Capital Historical Museum of Transportation, a District of Columbia corporation, to preserve, operate and display the historical streetcars and electric, inter-urban railways of Washington, DC for the benefit of present and future residents of the Washington, DC metropolitan area. In partnership with Montgomery Parks, the museum has been situated on Park property since 1969 and is currently located in Northwest Branch Recreational Park. According to museum officials, an increase in admission fees is necessary to cover increases in expenses, such as depreciation, collection care, insurance, office expenses, salary and wages, accounting, and utilities; and to increase the level of self-reliance for its operations, primarily due to the museum's FY19 Arts & Humanities Council of Montgomery County (AHCMC) grant application being denied due to their heavy reliance on grants, donations, and gifts to fund their operations. Staff noted that the museum's average revenue less expenses was \$22,480 for fiscal years 2015-2017, which approximates the pending grant loss of \$21,000 for FY19. Also, while total revenue increased by only 4.5 percent from 2016 to 2017, total expenses increased by 12 percent. To address these issues, museum officials propose to increase the adult full fare from \$7.00 to \$10.00, the child/senior reduced fare from \$5.00 to \$8.00, and the special school fare from \$4.00 to \$5.00. Staff added that the museum has maintained the same admission fees since 2009.

Mr. Ken Rucker, president of the museum, offered comments.

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

***3. 8787 Georgia Avenue**

A. Preliminary Plan No. 120180100, 8787 Georgia Avenue---CR 3.0, C 2.0, R 2.75, H 90T, 3.19 net acres, Proposal to create one lot for a mixed-use development for up to 413,821 square feet of residential uses (up to 400 units) and up to 32,000 square feet of non-residential uses, located in the eastern quadrant of the intersection with Georgia Avenue and Spring Street; 2000 Silver Spring CBD Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan No. 820180100, 8787 Georgia Avenue---CR 3.0, C 2.0, R 2.75, H 90T, 3.19 net acres, Proposal to create one lot for a mixed-use development for up to 413,821 square feet of residential uses (up to 400 units) and up to 32,000 square feet of non-residential uses, located in the eastern quadrant of the intersection with Georgia Avenue and Spring Street; 2000 Silver Spring CBD Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: A. & B. DREYFUSS/CICHY

Vote:

Yea: A. & B. 4-0

Nay:

Other: FANI-GONZÁLEZ 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 revised conditions discussed during the meeting, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed proposed Preliminary and Site Plan requests to construct a mixed-use project on a 3.19-acre site, consisting of Lot 2, Block C, and Parcel D, located on the southeastern quadrant of the intersection of Georgia Avenue (MD97) and Spring Street, and zoned Commercial/Residential within the Silver Spring Parking Lot District (PLD) and the Silver Spring Central Business District (CBD) Sector Plan area. The site is currently developed with a three-story government office building that serves as the Montgomery Regional Office (MRO) for The Maryland-National Capital Park and Planning Commission (M-NCPPC), and is accessed from Georgia Avenue, just south of the Spring Street intersection, and from Spring Street, via the Garage #2 driveway. Staff briefly

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***3. 8787 Georgia Avenue**CONTINUED

discussed previous approvals for the proposed project, which include a 2014 Mandatory Referral with an associated Preliminary Forest Conservation Plan and tree variance request, and a 2017 Sketch Plan.

The applicant proposes to create one lot for a maximum of up to 413,821 square feet of residential development for up to 400 dwelling units, and up to 32,000 square feet of non-residential development in two 90-foot buildings. Staff noted that while the proposal anticipates up to 32,000 square feet of non-residential development, the applicant seeks flexibility within the approval to construct the entire site as residential uses or a mix of residential and non-residential uses for up to a total development density of 413,821 square feet. The proposed west building, located along Georgia Avenue and Spring Street, will feature ground-floor retail space along Georgia Avenue and multi-family dwelling units on the upper floors on both Georgia Avenue and Spring Street. The proposed east building, located along Spring Street, will be exclusively residential and comprised of mid-rise multi-family residential floors above a defined three-story townhouse-style base. The proposed buildings will be separated by a central open space identified as the Mews, which will function as both a central gathering area and a through-block connection of regional importance and will be limited to pedestrian and bicycle access. The applicant will provide a total of 18,653 square feet of public open space, which staff noted is 4,753 square feet, or 3.4 percent, beyond the minimum requirement. Vehicular access to the property is proposed directly from Spring Street and Georgia Avenue via Planning Place, an existing public street that terminates at Parking Lot #2, which the applicant proposes to extend to Spring Street as a new private driveway. Vehicular parking will be provided with 426 surface parking spaces. Pedestrian access to the property is proposed directly from the existing sidewalks along Georgia Avenue, Spring Street, and Planning Place. Staff noted that they have received correspondence from a neighboring property owner expressing concerns regarding excess parking, the need for more three-bedroom units, and potential impacts during construction of the project. Staff addressed each of these issues. Staff then briefly discussed minor revisions to Site Plan condition 11.

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

Mr. Richard LaRue, representing the Woodside Civic Association, offered testimony.

There followed extensive Board discussion with questions to staff and Messrs. Harris and LaRue, during which the Planning Board instructed staff to prepare a letter to Montgomery County Department of Transportation (MCDOT) encouraging the evaluation of a potential crosswalk across Spring Street north of Fairview Road.

~~*4. Ashton Market: Preliminary Plan No. 120180180 and Site Plan No. 820180160~~

~~A. Preliminary Plan No. 120180180—Application to create 20 lots for 20 townhouses, and one lot for a mixed-use building with 3 apartments 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~~

~~B. Site Plan No. 820180160—Application to construct 20 townhouses, and a mixed-use building with 3 apartments 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:

Vote:

Yea:

Nay:

Other:

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

5. FY20 Budget Discussion Follow-up**A. Office of the Chief Information Officer (CIO)****B. Enterprise Asset Management (EAM) Positions****C. Wheaton Headquarters OBI - Auditorium Audio/Visual (A/V) System****D. Planning Department Operating Budget****BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing followed by discussion.**

B. Enterprise Asset Management (EAM) Positions – Management Services Division staff offered a multi-media presentation and discussed current EAM staffing needs. Staff noted that during the October 18 Planning Board meeting, staff recommended a Data Analyst position as a Program Enhancement for the FY20 Budget. During the presentation, the Planning Board expressed support for the Data Analyst position and instructed staff to return with a request for the top three positions needed to fully achieve the objectives of the EAM Strategic Plan. In addition to the full-time career Data Analyst position, staff recommends a full-time career Northern Parks Division Data Analyst position to complement the existing Data Specialist position in the Southern Parks Division. This position will assist in streamlining everyday operations and routine maintenance processes for park assets such as stormwater management facilities, trails, and playgrounds; ensuring data accuracy that will benefit budget decisions, performance measures, and operational efficiencies; and developing and producing analytical reports and assist with implementation of EAM training initiatives for the Northern Parks Division. Staff also recommends a full-time career Geographic Information System (GIS)/Asset Specialist position. This position will be responsible for entering and managing park asset locations into the EAM and GIS systems, and creating a workflow with the other Divisions to ensure the information is being updated on a regular cycle.

There followed extensive Board discussion with questions to staff, during which the Board agreed that the requests for funding the additional positions should remain in the budget submittal, with staff exploring other options for adding resources to the program if the County Executive does not approve the funding for the positions.

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5. FY20 Budget Discussion Follow-upCONTINUED

A. Office of the Chief Information Officer (OCIO) – Chief Information Officer Mazen Chilet briefed the Planning Board on the proposed FY20 budget request for the OCIO, noting that the budget consists of Corporate Information Technology (IT), which was formerly part of the Finance Department and is funded by the two Administration Funds and chargebacks; the OCIO, an internal service fund (ISF) funded by direct charges to departments that are utilizing the services; and Commission-Wide IT Initiatives (CWIT), also an ISF that is funded by direct charges to departments. Mr. Chilet then briefly discussed several projects that were initiated in FY18 and FY19.

Mr. Chilet then discussed the proposed FY20 Corporate IT budget, which reflects an increase of 7.7 percent over the approved FY19 budget. New initiative requests include \$43,597 for the Computer Refresh Program, and the Division's share of the proposed CIO and CWIT new initiative requests, which amounts to \$39,932.

Mr. Chilet also discussed the proposed FY20 OCIO ISF base budget, noting that the request reflects an increase of 13.7 percent over the approved FY19 budget, which is due in part to the full-year budgeting of an IT Security position that was originally budgeted for only a portion of FY19, and health insurance increases, Other Post-Employment Benefits (OPEB) increases, and compensation markers. New OCIO ISF initiatives include a new Project Manager/Systems Analyst position.

Mr. Chilet further discussed the proposed FY20 CWIT ISF base budget request, which reflects an increase of \$546,000 over the approved FY19 budget. New project initiatives include Microsoft license upgrades at \$400,000, Kronos time and attendance management software upgrades at \$75,000, Phase V of the Active Directory project at \$100,000, remediation of the Security Assessment findings at \$150,000, the replacement of budget software at \$75,000, a feasibility and requirements study for a comprehensive Enterprise Content Management (ECM) system at \$100,000, and a Commission-wide intranet upgrade at \$150,000. Mr. Chilet added that the Commission IT Council supports all the OCIO's new initiative requests.

There followed extensive Board discussion with questions to staff, during which the Board instructed Mr. Chilet to return with a more comprehensive presentation and proposal.

C. Wheaton Headquarters Operating Budget Impact (OBI) – Auditorium Audio/Visual (A/V) System – Management Services Division Chief Karen Warnick briefed the Board and discussed revisions to the proposed FY20 Planning Department operating budget at the Base Budget plus New Initiatives level. During the October 11 Planning Board meeting, the Parks and Planning Departments presented the proposed OBI for the new Wheaton Headquarters building. The original request discussed during that meeting was the mid-point of the range that the Audio/Visual (A/V) system vendor provided, \$1,000,000, \$250,000 of which is for five years of maintenance and support. Of the proposed \$1,000,000, the Montgomery County Department of Transportation (MCDOT) would fund \$200,000, with the Commission funding the remaining \$800,000. Staff noted that the request was based on information from the vendor and

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5. FY20 Budget Discussion Follow-upCONTINUED

benchmarks from other government agencies auditorium A/V projects. Following staff's October 18 presentation, the Board requested additional information regarding cost and comparable benchmarks.

Ms. Warnick noted that following examinations of comparable benchmark projects in other government facilities, including the Montgomery County Council 3rd floor hearing and Council conference rooms, the NASA Goddard Space Flight Center Goett Auditorium, the City of Rockville Mayor and Council chambers upgrade, and the City of Atlanta High Definition Production and Master Control play-out, the initial request has been revised. Though the scope of the project has not changed, the request has been reduced by \$200,000 by shifting four years of maintenance and support at \$50,000 per year to FY21 and beyond, making the revised request \$800,000, with MCDOT to fund \$200,000 and the remaining \$600,000 funded by the Commission. To mitigate the FY20 impact, the cost will be financed at \$114,000 per year over 6 years.

There followed extensive Board discussion with questions to Ms. Warnick, during which the Board instructed her to explore the feasibility of funding the project as a one-time expense, perhaps through a Supplemental Appropriation request, rather than as a financed project.

D. Planning Department Operating Budget – Planning Department Director Gwen Wright briefed the Planning Board regarding the FY20 operating budget, specifically a funding request for consulting support for the General Plan update. During the October 18 Planning Board meeting, the Board instructed staff to return with a more detailed justification of the FY20 request for \$300,000 in consultant funding for the General Plan update. Ms. Wright then briefly discussed comparable consultant costs and other expenditures and resources for General Plan updates in other jurisdictions, including Loudon County, Washington, DC, and Prince George's County. Ms. Wright also discussed the one-time request, noting that \$75,000 will fund the Department's County-wide visioning and community outreach and engagement efforts, with the remaining \$225,000 to fund data and policy research to support the update of the critical elements of the General Plan, including major issues and drivers that will affect the County's development and growth for the next 30 years.

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

6. First National Bank - Germantown: Preliminary Plan Amendment No. 11985200A and Site Plan No. 820180140

A. Preliminary Plan Amendment No. 11985200A---Request to replace an existing Pizza Hut restaurant with a 3,270-square foot bank with a drive-thru; 0.70 acres; GR-1.5 H-45 Zone; located on the southwest quadrant of the intersection of Germantown Road and Crystal Rock Drive; 2009 Germantown Sector Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan No. 820180140---Request to replace an existing Pizza Hut restaurant with a 3,270-square foot bank with a drive-thru; 0.70 acres; GR-1.5 H-45 Zone; located on the southwest quadrant of the intersection of Germantown Road and Crystal Rock Drive; 2009 Germantown Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:

Yea: A. & B. 3-0

Nay:

**Other: ANDERSON TEMPORARILY ABSENT
FANI-GONZÁLEZ ABSENT**

Action: A. Approved staff recommendation for approval, subject to 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 October 19 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan Amendment and a Site Plan request for the First National Bank in Germantown project. Staff noted that the request is to replace an existing Pizza Hut restaurant with a 3,270-square foot bank, with a drive-thru window, on a 0.70-acre property located on the southwest quadrant of the intersection of Germantown Road and Crystal Rock Drive in the Germantown Sector Plan area. Staff noted that a Site Plan review is required because a drive-thru facility is a limited use in the General Retail (GR) zone. Vehicular access to the site is provided from two existing access points, Crystal Rock Drive and through an internal connection from an adjacent gas station/convenience store that is located south of the property, and it will not be modified as part of the project. Staff also noted that the proposed project is exempt from Article II of the Forest Conservation Law because the project site is less than 1.5 acres with no existing forest or existing specimen or champion tree, and the

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6. First National Bank - Germantown: Preliminary Plan Amendment No. 11985200A and Site Plan No. 820180140

CONTINUED

afforestation requirements would not exceed 10,000 square feet. All other facilities and services, including utilities, stormwater management, and water quality, are found to be adequate.

Staff also added that no correspondence was received regarding this application.

Ms. Stacy Silber, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

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

7. **MARC Rail Communities Sector Plan—Worksession 8**---Review the Renew Section of the MARC Rail Communities Sector Plan based on the traffic modeling findings presented at Worksession 7.

Staff Recommendation: Receive Briefing.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed the revised possible development yields for the Germantown portion of the MARC Rail Communities Sector Plan and requested guidance from the Planning Board on the proposed zoning classifications for the area. Staff noted that during previous worksessions, Sabra & Associates, the transportation consultant who has undertaken the traffic modeling for this sector plan, presented its findings to the Planning Board based on directive received from the Board at the July worksession. The densities that Sabra & Associates tested generated between 1.0 and 1.6 plus million square feet of non-residential uses and between 4,600 and 4,800 plus new dwelling units within the Germantown MARC Rail boundaries. Staff also noted that the findings previously presented found that all critical intersections work at an acceptable level of service with the road diet along Middlebrook Road and an expanded street network, which the Planning Board supported. However, the Planning Board was concerned that 4,800-plus dwelling units is not feasible for the Germantown MARC station area and directed staff to look at floor area ratio that allow for more appropriate residential development yields for the area.

Staff then compared the development yields from the Public Hearing Draft of the Sector Plan with the yields discussed at the last worksession which provided the greatest number of residential units, and a new alternative that provides yields with a maximum of 3,400-plus new residential units. Staff also discussed the proposed commercial square footage and noted that there are approximately 290 acres within the Germantown boundary area with approximately 100 developable acres, a total of 111.35 gross acres when the dedicated rights-of-way are included and excluding Seneca Valley High School and existing established residential neighborhoods south of the railroad tracks.

Staff added that a request to transmit the Planning Board Draft of the Sector Plan to the County Council will be presented to the Planning Board in December. The Public Hearing and County Council worksessions will then take place during winter 2019.

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7. MARC Rail Communities Sector Plan—Worksession 8

CONTINUED

Mr. Perry Berman, representing the Walter Johnson property owner, offered comments and requested additional density on behalf of his client.

There followed a brief Board discussion during which the Planning Board, by consensus, approved staff's recommendations on density and height for the properties discussed during the meeting, including Mr. Berman's request.

8. Forest Conservation Administrative Regulations Amendments – Worksession

Staff Recommendation: Receive Briefing and approve staff recommendations

BOARD ACTION

Motion: PATTERSON/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Received briefing followed by discussion and approved staff’s recommendations regarding the proposed amendments to the Forest Conservation Administrative Regulations.

Planning Department staff discussed the comments received during the September 13, 2018 Public Hearing regarding proposed amendments to the Forest Conservation Administrative Regulations (FCAR). Staff noted that the only comments received were from the Maryland Building Industry Association (MBIA), and no additional comments were submitted by the public or the regulated community. Staff noted that the FCAR has not been updated since 2001 and needs to be updated to reflect the numerous changes to the forest conservation law over the years, from increased knowledge on how to protect and enhance forests and trees, and through knowledge gained from administering the forest conservation law since its inception in 1992.

Staff then briefly discussed the comments received from MBIA and staff’s responses, as stated in the October 25 staff report and attachments.

Mr. Matthew Wessel of Century Boulevard, and Chair of MBIA Environmental Committee, present in the audience, indicated his support for staff’s recommendations.

There followed a brief Board discussion with questions to staff.

9. Local Area Transportation Review (LATR) Pedestrian Adequacy Test Technical Guidance---This is a continuation of the Planning Board’s 7/19/18 discussion of this item. 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 into the 2017 LATR Guidelines

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Approved staff recommendation for approval of the Proposed Pedestrian Adequacy Test Technical Guidance for incorporation into the 2017 Local Area Transportation Review (LATR) Guidelines.

Planning Department staff offered a multi-media presentation and discussed the comments received at the July 19, 2018 meeting regarding the Local Area Transportation Review (LATR) Pedestrian Adequacy Test Technical Guidance and staff’s responses. The first issue raised is the financial impact on small development projects, with concern that requirements reflected in the technical guidance language would place an adverse or unreasonable financial burden on small development projects. Staff answered that only medium and large-scale development projects are subject to this requirement due to the 50-trip pedestrian trip generation threshold that would trigger the need for a pedestrian adequacy test. The second issue is the overlapping Americans with Disabilities Act (ADA) compliance requirements, with concern that the technical guidance language does not adequately address the need for equitable cost sharing among projects in close proximity of each other. Staff answered that the tiers reflected in the technical guidance are designed to manage the overlap with declining responsibilities or payment obligations for a project the further away one moves from the project boundary. The third issue is a no Bethesda Unified Mobility Program (BUMP) for Bethesda related projects with recognition that the pro-rata share provision of a BUMP would address many of the expressed issues and concerns regarding the technical guidance for Bethesda related projects. Staff answered that technical work in support of the BUMP is advancing and the program is anticipated to be available for public review in late 2018/early 2019.

Staff then added that in applying the new LATR pedestrian adequacy test, it has come to staff’s attention that there is too little information provided in the 2016-2020 Subdivision Staging Policy (SSP) and the 2017 LATR Guidelines that gives guidance to applicants in completing the

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9. Local Area Transportation Review (LATR) Pedestrian Adequacy Test Technical GuidanceCONTINUED

ADA non-compliance assessment. The execution of the pedestrian adequacy test presents several challenges, particularly in urbanized areas, including: i) the need for applicants to conduct an ADA non-compliance field survey that is fair and reasonable; and ii) the need to ensure that the cost/burden associated with addressing inadequate pedestrian conditions is shared equitably among applicants in proximity of the development site. To address these issues, Montgomery County Department of Transportation (MCDOT) staff recommend the technical procedure described in the April 3, 2018 memo to Planning Department staff and provided to Board members. The proposed MCDOT technical procedure serve to provide useful guidance to other projects in need of addressing ADA non-compliance issues as an element of LATR requirements.

There followed a brief Board discussion with questions to staff.