



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 7, 2019, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 2:48 p.m.

Present were Chair Casey Anderson, and Commissioners Natali Fani-González and Tina Patterson. Vice Chair Norman Dreyfuss joined the meeting at 9:13 during discussion of Item 2.

Commissioner Gerald R. Cichy was necessarily absent.

Items 1 through 6 are reported on the attached agenda.

The Board recessed for lunch at 12:30 p.m. and convened in Closed Session at 12:38 p.m. to take up Items 11 and 10, Closed Session Items, discussed in that order.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 12:38 p.m. in the 3rd floor conference room on motion of Vice Chair Dreyfuss, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioner Patterson voting in favor of the motion, Commissioner Fani-González temporarily absent, and Commissioner Cichy absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice; and §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the meeting were Director Michael Riley, Deputy Director Mitra Pedoeem, Patricia McManus, Brenda Sandberg, Joshua Kaye, and Susanne Paul of the Parks Department; General Counsel Adrian Gardner, Senior Counsel Megan Chung, and Rita Grindle of the Legal Department; and Acting Deputy Director Robert Kronenberg, Mark Pfefferle, and Michael Brown of the Planning Department.

In Closed Session the Board received briefing and discussed the proposed acquisition of land for the future Westbard Urban Recreational Park.

The Closed Session meeting was adjourned at 1:25 p.m.

The Board reconvened in the auditorium at 1:35 p.m. Vice Chair Dreyfuss rejoined the meeting at 1:38 p.m.

Items 7 through 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 2:48 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 14, 2019, 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 7, 2019
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**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Record Plats submitted for approval.**

***C. Other Consent Items**

1. 12500 Ardennes Avenue, Sketch Plan No. 320180200, Regulatory Extension Request No. 3-- Request to extend the regulatory review period from February 7, 2019 to June 6, 2019; for a 149,134 square foot multi-family building (198,718 square feet with replacement MPDU and WFHU density, 225 units, 15% MPDUs), including structured parking, street activating public open space and private amenity uses; located at the southwest quadrant of the intersection of Ardennes Avenue and Twinbrook Parkway; on approximately 1.73 acres of land zoned CR-2.0, C-1.5, R-2.0, H-145T; within the 2009 Twinbrook Sector Plan area.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: PATTERSON/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: CICHY & DREYFUSS ABSENT

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of January 24, 2019

BOARD ACTION

Motion: FANI-GONZÁLEZ/ANDERSON

Vote:

Yea: 2-0

Nay:

**Other: PATTERSON ABSTAINED
CICHY & DREYFUSS ABSENT**

Action: Approved Planning Board Meeting Minutes of January 24, 2019, as submitted.

2. 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 Veirs Mill Corridor Master Plan, with a County Council driving tour of the Plan area held February 6, and a County Council public hearing scheduled for this evening; the status of the MARC Rail Communities Sector Plan, with a County Council briefing and public hearing scheduled for February 12; the status of the Spring 2019 Semi-Annual Report, with the outline scheduled to be presented to the Planning Board on March 21, and presentation to the County Council scheduled for April 2; the status of the Burial Sites Program, with Historic Preservation Division staff scheduled to brief the Planning Board on February 21 and the County Council on April 2, with final action by the Planning Board scheduled for April or May; the status of the Greater Lyttonsville Sector Plan Design Guidelines, with staff offering public drop-in hours scheduled for February 20 and March 21 from 2:30 to 7:30 p.m. at the Gwendolyn E. Coffield Community Center; the status of the Forest Glen/Montgomery Hills Sector Plan, with the Working Draft scheduled to be presented to the Planning Board in late March; the recent appearance of staff member Luis Estrada, Area 2 Planner Coordinator, on Radio America’s Spanish-language radio show *Tuned In with the Montgomery County Council* on February 1, where he discussed staff’s public outreach work for the Veirs Mill Corridor Master Plan; the recent appearance of staff member Lisa Govoni, Special Projects and Research Division Research Coordinator, on National Public Radio’s January 30 edition of *The Kojo Namdi Show* on WAMU where she discussed affordable housing issues in the area; radio host Kojo Namdi’s upcoming *Kojo Roadshow* town hall discussion regarding school diversity in Montgomery County scheduled for February 26 at the Silver Spring Civic Building; and the next installment of the 2019 Winter Speakers Series, which will feature Ms. Harriet Tregoning, former Director of the District of Columbia Office of Planning, scheduled for February 13.

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

***3. New Hampshire Avenue Restaurant Redevelopment: Preliminary Plan No. 120180260 & Site Plan No 820180090; Safeway at Cloverly: Site Plan Amendment 81999004B**

A. Preliminary Plan No. 120180260, New Hampshire Ave. Restaurant Redevelopment: Request to create one lot for an eating and drinking establishment with a drive thru, located on the southwest corner of New Hampshire Ave. and Cloverly Street, 0.77 acres, Neighborhood Retail Zone, 1997 Cloverly Master Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan No. 820180090, New Hampshire Ave. Restaurant Redevelopment: Application to construct an eating and drinking establishment with a drive thru, located on the southwest corner of New Hampshire Ave. and Cloverly Street, 0.77 acres, Neighborhood Retail Zone, 1997 Cloverly Master Plan.

Staff Recommendation: Approval with Conditions

C. Site Plan Amendment 81999004B, Safeway at Cloverly: Request to reduce the number of parking spaces required for Safeway and remove the condition requiring shared parking on the former bank site, located on New Hampshire Ave., 200 feet south of Cloverly Street, 3.66 acres, Neighborhood Retail Zone, 1997 Cloverly Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A through C. FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: A through C. 3-0

**Other: DREYFUSS RECUSED
CICHY ABSENT**

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

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

C. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to revised conditions discussed during the meeting, and as stated in the attached adopted Resolution.

At the outset of the discussion, Vice Chair Dreyfuss recused himself from the proceedings due to a possible conflict of interest, noting that he is a partner in the Leisure World Plaza in Silver Spring, which contains a Burger King restaurant owned by one of the applicants.

Planning Department staff then offered a multi-media presentation and discussed proposed Preliminary Plan, Site Plan, and Site Plan Amendment requests to revise the approved parking requirements for a property in order to redevelop a portion of it with restaurant uses. The

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***3. New Hampshire Avenue Restaurant Redevelopment: Preliminary Plan No. 120180260 & Site Plan No 820180090; Safeway at Cloverly: Site Plan Amendment 81999004B**

CONTINUED

0.77-acre site, identified as Parcel N5 and the subject of the Site Plan and Preliminary Plan applications submitted by the Potomac Food Group, is part of the larger 3.68-acre Parcel D, Block C, the subject of the Site Plan Amendment request submitted by Safeway, Incorporated. The site is located on the southwest quadrant of the intersection of New Hampshire Avenue (MD650) and Cloverly Street within the Cloverly Village Center shopping center, and zoned Neighborhood Retail (NR) within the Cloverly Master Plan area and the Northwest Branch watershed. Parcel N5 is currently developed with a single-story, 1,750-square foot vacant bank building with a drive-thru and 50 surface parking spaces. Parcel D, Block C is currently improved with a 45,000-square foot grocery store and 184 surface parking spaces. The site is currently accessed from MD650 and Cloverly Street.

Staff noted that the applicant for the Preliminary and Site Plan requests proposes to remove the existing bank on Parcel N5 and create one 0.77-acre lot for the construction of a 2,890-square foot Burger King eating and drinking establishment with a single drive-thru. Staff noted that Preliminary Plan review is required because the property is part of a parcel, not a recorded lot, and Site Plan review is required because the proposed restaurant includes a drive-thru, which requires Site Plan approval in the NR zone, per the limited use standards. Approximately 1,250 square feet of the restaurant will be dedicated to an indoor patron area, with outdoor seating provided along the Cloverly Street frontage. As part of the Preliminary Plan, the applicant is dedicating 562 square feet of land for additional right-of-way along the frontage of New Hampshire Avenue. The restaurant site will continue to be accessed from Cloverly Street via an existing curb cut, and from MD650 via two access points from the existing main drive aisle on the Safeway property. Two existing access points on Cloverly Street, located approximately 40 feet and 130 feet east of New Hampshire Avenue will be closed as part of this application. Parking for restaurant patrons will be provided by 20 surface parking spaces. The applicant will also provide a 10-foot wide sidepath along MD650, a new sidewalk along the Cloverly Street frontage, and 32 percent amenity open space.

Staff then discussed the proposed Site Plan Amendment request, noting that the applicant is requesting a waiver for the minimum parking standards for the existing grocery store, reducing the number of required parking spaces from 225 to 178 by removing an existing condition of approval that requires a shared parking easement for 41 parking spaces on Parcel N5 and an additional six parking spaces in the Safeway parking lot. No physical improvements are proposed for Parcel D, Lot C as part of the proposed Amendment.

Staff did receive community correspondence regarding the potential for reduced parking, stormwater management issues, and questions over ownership of the property. Staff addressed each of these issues, as detailed in the January 25 technical staff report.

The following speakers offered testimony: Ms. Mary Hemingway of Snider Lane; Ms. Ellen Mann of Mayflower Drive; Mr. William Tate of Garnewell Road; and Mr. Quentin Remein representing the Cloverly Civic Association, who also offered a multi-media presentation.

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***3. New Hampshire Avenue Restaurant Redevelopment: Preliminary Plan No. 120180260 & Site Plan No 820180090; Safeway at Cloverly: Site Plan Amendment 81999004B**

CONTINUED

Mr. Jody Kline, attorney representing the applicant, offered comments regarding the proposed parking waiver, noting that all parties with a legal interest in the property are willing to sign the record plats of subdivision and any other necessary certifications regarding parking at the site.

Messrs. Peter Cloutier from the Timmons Group engineering firm, Tim McNamara from Safeway, Incorporated, and Shahriar Etemadi from STS Consulting, members of the applicant's team, also offered comments.

There followed extensive Board discussion with questions to staff and some of the speakers, during which the Board instructed staff to include two additional conditions of approval for the proposed Amendment, the first stating that all parties who have a legal right to insist on the proposed parking arrangement must sign a release prior to Site Plan certification. The other condition will allow the applicants to prohibit only overnight parking at their businesses.

***4. Old Angler’s Cove, Preliminary Plan No. 120170290---**Request to subdivide the Subject Property into three (3) lots for three (3) detached single family houses, located on MacArthur Boulevard, 2,500 feet West of Brickyard Road; 1.87 acres, R-200; 2002 Potomac Sub-region Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/DREYFUSS

Vote:

Yea: 2-0-1

Nay: PATTERSON

**Other: ANDERSON RECUSED
CICHY ABSENT**

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

At the outset of the discussion, Chair Anderson recused himself from the proceedings due to a possible conflict of interest, noting that Ms. Bonnie Casper, adjacent property owner, who is offering testimony today, is a friend.

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to subdivide a property located on the south side of MacArthur Boulevard, approximately 2,500 feet west of its intersection with Brickyard Road, and zoned Residential in the Potomac Sub-Region Master Plan area and the Rock Run watershed. The 1.865-acre property, consisting of three un-platted parcels identified as P788, P735, and P09 is currently developed with one existing detached single-family home, associated outbuildings, and a driveway accessing McArthur Boulevard. Adjacent to the southern property line is a federally recognized wetland situated on U.S. National Park Service (NPS) property. A portion of the 25-foot wetland buffer extends onto the site.

Staff noted that the applicant proposes to demolish the existing residence and subdivide the three un-platted parcels to create three lots at 20,000 square feet, 27,435 square feet, and 33,825 square feet for three detached single-family homes, which will be serviced by public water and sewer. Access from MacArthur Boulevard will be provided via a new private shared driveway, which will require the dedication of 42 to 45 feet of right-of-way (ROW). The applicant will also grant ROW and pay into the MacArthur Bikeway Improvement Project for a bike path along MacArthur Boulevard. Staff then briefly discussed an additional condition of approval that will require the applicant to plant 0.29 acres of forest onsite but outside of any ROW or easements within one year of construction.

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***4. Old Angler's Cove, Preliminary Plan No. 120170290**CONTINUED

Staff then discussed environmental issues, noting that due to offsite disturbances and impacts caused by the eight-inch water main extension proposed along MacArthur Boulevard, the applicant has submitted a variance request to remove two and impact but not remove four off-site specimen trees. However, due to the significant impacts to its Critical Root Zone (CRZ) by the trenching required for the installation of the water main line, staff also recommends removal of a tree on an adjacent property that is proposed to be impacted but not removed. Staff added that as of this morning, the property owner has removed the tree due to its state of decay. Staff noted that as mitigation, the applicant will plant nine native canopy trees onsite.

Mr. Russell Reese, engineering consultant representing the applicant, Mr. Benjamin Wisler, also present, offered comments.

Ms. Bonnie Casper, adjacent property owner, offered testimony.

There followed extensive Board discussion with questions to staff, Mr. Reese, and Ms. Casper, during which Commissioner Patterson stated her opposition to the Plan, supporting instead deferring Planning Board action pending continued discussion between staff, the applicant's team, and Ms. Casper.

5. Black Hill Potomac Edison Substation

A. Site Plan Amendment 82013025F: Black Hill (Potomac Edison Substation)

Staff Recommendation: Approval with Conditions

B. Mandatory Referral MR 2019007: Black Hill Potomac Edison Substation

Staff Recommendation: Approval to Transmit Comments

BOARD ACTION

Motion: A & B. PATTERSON/DREYFUSS

Vote:

Yea: A & B. 4-0

Nay:

Other: CICHY ABSENT

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

B. Approved staff recommendation to transmit comments to Potomac Edison, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request by Potomac Edison, an electric power provider, for the construction of a new substation, and a Site Plan Amendment request to revise an approved Final Forest Conservation Plan (FFCP) in order to remove an existing conservation easement. The 2.73-acre property, identified as part of Parcel 374, is located on the east side of Crystal Rock Drive, approximately 3,000 feet north of its intersection with Kinster Drive, and is zoned Transit Mixed-Use (TMX) in the Germantown Sector Plan area. The property, formerly used as a golf driving range but now part of a master planned mixed development, is accessed primarily from Crystal Rock Drive.

Staff noted that the applicant proposes to construct a 0.16-acre pad for a new power substation and an approximately 0.26-acre permanent access road extending northeast from the end of Crystal Rock Drive. The project will connect an existing overhead electrical transmission line to the proposed substation to distribute service to the neighboring Black Hills development, which is currently under construction. The land immediately adjacent to the proposed substation site is proposed for use as a large parking garage, which will generally shield the substation from adjacent residential uses. Staff also noted that the placement of the facility is consistent with other existing power infrastructure.

Staff then discussed the proposed Site Plan Amendment request, which is an amendment to an existing FFCP for which the applicant proposes to remove and relocate 0.02 acres of Category I Conservation Easement from the northeast portion of a 107.1-acre site located on the east side of Crystal Rock Drive, bounded by Interstate-270 (I-270) to the east, and zoned

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5. Black Hill Potomac Edison Substation

CONTINUED

Commercial Residential (CR) in the Germantown Sector Plan area. The proposed Amendment will assist Potomac Edison in meeting the design needs for the proposed substation, which will require safe clearance for existing powerlines that currently cross over I-270. Removal of the easement will be mitigated at a ratio of 2:1 via a fee in lieu payment.

Mr. Patrick G. La Vay from HHG Engineering and member of the applicant's team, offered brief comments.

There followed a brief Board discussion.

6. Review of FY20 County Executive's Recommended Budget for FY19-24 Capital Improvements Program (CIP) --- Planning review of the County Executive's Recommended CIP Budget. The County Executive is required to submit a recommended budget for the Capital Improvements Program by January 15 of every calendar year. The current budget under review is an off-year within the CIP cycle.

Staff Recommendation: Transmittal of Comments to the County Executive and County Council

BOARD ACTION

Motion: FANI-GONZÁLEZ/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: CICHY ABSENT

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

Planning Department staff offered a multi-media presentation and discussed the proposed biennial FY19-24 Capital Improvements Program (CIP), specifically the County Executive's January 15 recommendations for the amended FY20 Capital Budget and CIP for transportation projects and Montgomery County Public Schools (MCPS) projects. According to staff, as this is a biennial year for the budget, changes are limited to project changes that either meet the County CIP amendment criteria or are necessary to balance the CIP. In total, the proposed amended CIP budget has been decreased by \$126,000,000 for transportation CIP project funding and \$3,500,000 for school CIP project funding. This represents an 11 percent reduction over the current CIP funding for transportation projects and a 0.3 percent reduction over the current CIP funding for school projects. Staff noted that although the County Executive did not allocate reductions to specific MCPS projects, the Executive's recommendation requires MCPS to reprioritize and reallocate funds as necessary to reconcile approximately \$51,100,000.

Following extensive discussion, the Board instructed staff to include additional recommendations in the comments to the County Executive and Council, stating that the funding of school capacity projects be a priority, and that school capacity issues be addressed with school design, boundary adjustments, and any other measures that can alleviate overcrowding.

Staff then discussed the key reductions for transportation-related projects in the Executive's recommended amendments, including an \$86,744,000 CIP reduction for the Montrose Parkway East project, an \$11,200,000 CIP reduction for the Forest Glen Passageway project, a \$3,500,000 reduction for the White Flint Metro Station North Entrance project, and a

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6. Review of FY20 County Executive's Recommended Budget for FY19-24 Capital Improvements Program (CIP)CONTINUED

\$5,200,000 reduction in Bicycle-Pedestrian Priority Area Improvements. Staff also briefly discussed an as-yet to be designed short segment of the Capital Crescent Trail (CCT) that will connect the Carr property and the JBG property, noting that the project is not addressed in the proposed CIP.

Staff also discussed their recommendations for the proposed Montrose Parkway East and the Forest Glen Passageway projects, both of which staff recommended advancing without the delays proposed by the Executive. For the CCT project, staff recommended that the project description form (PDF) be modified to include the design of the tunnel portion of the proposed connection.

Parks Department staff then briefly discussed the proposed Wall Local Park garage project, which is to be completed and partially funded by the developer of the nearby Gables White Flint development. Staff noted that although funds for the project have been fully appropriated, the County Executive has recommended delaying the expenditure of FY17 and FY18 funds, which have yet to be spent, until FY23 and FY24. According to staff, this will delay the developer, who wishes to begin construction in FY20 but no longer has available funding. Staff then recommended that the Board include in their comments the recommendation that funding for the garage project be concurrent with the construction of the Gables development. Following a brief discussion, the Board agreed with staff's request.

There followed extensive Board discussion with questions to staff, during which the Board instructed staff to focus comments on the Montrose Parkway East project on the delay of the project rather than its termination, and to include the recommendation that any design modifications to the project, along with traffic analysis that supports the modifications, be made quickly to allow the project's timely completion.

7. **Park Facility Plan: Edith Throckmorton Neighborhood Park**---Facility plan for the renovation of a 0.19-acre park, located at 3925 Hampden Street, Kensington Sector Plan and Kensington-Wheaton Master Plan areas.

Staff Recommendation: Approve Facility Plan and Cost Estimate

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: CICHY ABSENT

Action: Approved staff recommendation for approval of the Park Facility Plan for the Edith Throckmorton Neighborhood Park, including the proposed Cost Estimate, as discussed during the meeting.

Parks Department staff offered a multi-media presentation and discussed the proposed facility plan for the renovation of the 0.19-acre Edith Throckmorton neighborhood park located on Hampden Street in the Kensington Sector Plan and Kensington-Wheaton Master Plan areas. Staff noted that a companion Preliminary Forest Conservation Plan, as well as a variance request for impacts to trees 30 inches or larger in diameter, will also be discussed and included as part of the Planning Board's approval.

Staff also noted that the Edith Throckmorton Neighborhood Park is an existing neighborhood park located approximately two miles outside of the Capital Beltway, west of Connecticut Avenue, and north of Plyers Mill Road at the terminus of Vaughn Street at Hampden Street. The park parcel was originally an abandoned Vaughn Street right-of-way that was co-owned by the abutting property owners. The property owners accepted the 1991 Subdivision Plan for Parcel "A" Block 6, Ken-Gar, by Montgomery County Planning Board Resolution No. 91-28AB, and agreed to convey the property to The Maryland National Capital Park and Planning Commission (M-NCPPC) for use as a public neighborhood park. The 20.2-acre Ken-Gar Palisades Local Park which contains a playground, several athletic fields and restrooms is located approximately .5 miles to the west of the subject park. Access to the Rock Creek Trail near Beach Drive and to Ken-Gar Palisades Local Park is provided by neighborhood sidewalks and a hard-surface trail through a wooded area at the end of Plyers Mill Road. The Leonard D. Jackson Ken-Gar Center, a County-operated recreation center, is located a short distance away on Plyers Mill Road.

Staff then added that existing facilities within the park include a playground and a picnic and sitting area. The aging facilities were installed in the early 1990s and are in poor condition, difficult to maintain and do not meet current accessibility standards. The main entrance to the

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7. Park Facility Plan: Edith Throckmorton Neighborhood ParkCONTINUED

park is from the Hampden Street frontage. A secondary informal entrance is provided from a private driveway at the terminus of Mertford Street, via a timber stairway along the edge of the Rock Creek stream valley park. Part of the timber stairway is located on the abutting Housing Opportunities Commission (HOC) property. The facility planning represents thirty percent of the complete construction documents, including a proposed design, cost estimate and determination of regulatory feasibility. The facility planning study for the project was funded with \$90,000 from the Fiscal Year (FY) 2017-2018 Capital Improvements Program in the Facility Planning Local Parks Project Description Form (PDF). A topographic survey and Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) were prepared by consulting firm A. Morton Thomas & Associates, Inc., and preliminary concept alternatives were developed by Park Development Division staff after meeting with the community. The consulting firm of Norton Land Design was hired in March 2018 as the project's prime consultant. Following approval by the Planning Board, the project will be proposed for final design and construction and funded in the FY2019-2020 Park Refreshers PDF for a total project cost of \$992,630.

In response to a question from Commissioner Patterson, staff stated that the forecasted total operating budget impact for the park is estimated at \$11,000 per year starting in FY2021.

There followed a brief Board discussion with questions to staff, with Board members recommending that amenities for all age groups be included in the design of the park.

11. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

10. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

The topic to be discussed is the proposed acquisition of land for the future Westbard Urban Recreational Park.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***8. The Claiborne**

A. Sketch Plan Amendment No. 32017003A, CR 3.0 C 3.0 R 3.0 H 110 and CR 3.0 C 3.0 R 3.0 H 90 zones and the Bethesda Overlay zone, 0.41 acres, Request for up to 84 multi-family dwelling units and up to 5,000 square feet of non-residential uses; located at the eastern corner of the intersection of Norfolk Avenue and Auburn Avenue; 2017 Bethesda Downtown Sector Plan. *Staff Recommendation: Approval with Conditions*

B. Preliminary Plan Amendment No. 12017025A, CR 3.0 C 3.0 R 3.0 H 110 and CR 3.0 C 3.0 R 3.0 H 90 zones and the Bethesda Overlay zone, 0.41 acres, Request for one lot for up to 84 multi-family dwelling units and up to 5,000 square feet of non-residential uses; located at the eastern corner of the intersection of Norfolk Avenue and Auburn Avenue; 2017 Bethesda Downtown Sector Plan. *Staff Recommendation: Approval with Conditions*

C. Site Plan Amendment No. 82017008A, CR 3.0 C 3.0 R 3.0 H 110 and CR 3.0 C 3.0 R 3.0 H 90 zones and the Bethesda Overlay zone, 0.41 acres, Request for up to 84 multi-family dwelling units and up to 5,000 square feet of non-residential uses; located at the eastern corner of the intersection of Norfolk Avenue and Auburn Avenue; 2017 Bethesda Downtown Sector Plan. *Staff Recommendation: Approval with Conditions*

BOARD ACTION

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

Vote:
 Yea: **A. through C. 4-0**

 Other: **CICHY ABSENT**

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

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

C. Approved staff recommendation for approval of the Site Plan Amendment request cited above, subject to revised conditions, and as stated in the attached adopted Resolution.

In keeping with the January 25 technical staff report, Planning Department staff offered a multi-media presentation and discussed proposed Amendments to the approved Sketch, Preliminary and Site Plans for the Claiborne development project. Staff noted that the 0.41-acre

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***8. The Claiborne -- A. Sketch Plan Amendment No. 32017003A; B. Preliminary Plan Amendment No. 12017025A; and C. Site Plan Amendment No. 82017008A**

CONTINUED

property is located at the eastern corner of the intersection of Norfolk Avenue and Auburn Avenue in the Bethesda Downtown Sector Plan area. The proposed amendments will expand the site area for creation of one lot for construction of a mixed-use project of up to 97,000 total square feet and up to 5,000 square feet of commercial uses. Staff also noted that the Planning Board previously approved the Sketch Plan, Preliminary and Site Plans on July 27, 2017, for up to 58 units and up to 2,800 square feet of retail. Staff added that the project is exempt from a Forest Conservation Plan as there is no existing forest on the site.

Staff also added that the proposed amendments will redevelop the site with a mixed-use building comprised of up to 84 multi-family dwelling units, including fifteen percent Moderately Priced Dwelling Units (MPDUs), up to 5,000 square feet of ground floor retail, structured parking, a green roof and a cool roof, among other amenities. The Project also includes an allocation of the Bethesda Overlay Zone density of up to 36,273 square feet. Ordinarily, this would result in a Park Impact Payment (PIP) of \$362,730, however, the PIP is reduced by the value of 13,800 square feet of MPDUs to \$224,730 which will fund future park acquisition in downtown Bethesda.

Staff also discussed minor revisions and corrections to the proposed Site Plan Amendment.

Ms. Heather Dlhopsky, attorney representing the applicant, introduced Ms. Laura Tallerico, attorney from Linowes & Blocher; Mr. Neil Goradia, the applicant, and Messrs. Marius Radulescu, Anthony Pizzo, Bradford Fox, Bob Kyte, and Bruno Carvalho, members of the applicant's team, offered brief comments and concurred with the staff recommendation.

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

9. **MHP Forest Glen LLC at 9920 Georgia Avenue – Local Map Amendment No. H-129:** Request for rezoning from the existing R-10 Zone to the CRTF-1.75, C-0.25, R-1.5, H-70 Zone at 9920 Georgia Avenue (a.k.a. 2106 Belvedere Boulevard); on 2.63 acres of land; within the 1996 Forest Glen Sector Plan and pending Forest Glen/Montgomery Hills Sector Plan area.

Staff Recommendation: Approval with Conditions

(NOTE: Action required for Hearing by the Hearing Examiner on March 1, 2019)

BOARD ACTION

Motion: PATTERSON/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: CICHY ABSENT

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

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Planning Department staff offered a multi-media presentation and in accordance with the January 25 technical staff report, discussed a proposed Local Map Amendment (LMA) request for rezoning a 2.63-acre property located on Georgia Avenue in the Forest Glen Sector Plan and pending Forest Glen/Montgomery Hills Sector Plan areas from Residential (R-10) to Commercial/Residential Town Floating Zone which allows development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings. Staff noted that the proposed rezoning will facilitate the redevelopment of the existing property, which requires significant repairs. The anticipated development will include approximately 220 affordable dwelling units, including a minimum 20 percent Moderately Priced Dwelling Units (MPDUs). The Floating Zone Plan proposes two levels of parking, which are partially below grade due to the topography of the property. The proposed LMA application was filed under the Zoning Ordinance requirements of Article 59-5 which requires District Council approval. If the LMA request is approved, it will be subject to subsequent Sketch Plan, Preliminary Plan, Site Plan, Water Quality Plan and Forest Conservation Plan review by the Planning Board.

Staff also noted that Montgomery County Planning Department staff is currently working on a sector plan for Forest Glen and Montgomery Hills, which will ultimately amend zoning recommended in the 1996 Forest Glen Sector Plan. While it is atypical for property owners to request zoning actions during an on-going master planning process, the applicant, Montgomery Housing Partnership (MHP), is constrained by financing obligations and a Low-Income Housing Tax Credit application deadline, which necessitate the requested rezoning. Additionally, urgent repairs are necessary to improve conditions for the property’s existing residents. However, the

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9. MHP Forest Glen LLC at 9920 Georgia AvenueCONTINUED

high cost of such improvements makes it more cost-effective to demolish and replace the property's existing three garden-style apartment buildings housing a total of 72 units. The proposed project would result in a net gain of approximately 148 affordable and MPDU units located within a half-mile walk from the Forest Glen Washington Metropolitan Area Transit Authority (WMATA) Metrorail Station.

The Property is bounded to the north by similar garden-style apartments known as the "Belvedere Apartments," to the south by the Americana Finnmark condominium community, to the west by single-family detached and townhome units, and to the east by Georgia Avenue. Single-family detached structures and General Getty Neighborhood Park are on the east side of Georgia Avenue across from the subject property. Properties fronting the Georgia Avenue Corridor between the I-495 Beltway and Wheaton's commercial district include an eclectic mix of single-family detached dwellings, multi-family structures, churches, office buildings, medical office buildings, storage space, and large-format retailers.

Following a short break requested by Planning Department staff, Legal Counsel to the Planning Board noted that a Forest Conservation Plan (FCP) is required with the floating zone, but was omitted by error, and after consultation with the applicant, it is recommended that a condition be added requiring the FCP be submitted to the Planning Board for review and the Hearing Examiner be asked to keep the record open until submittal of the FCP by the applicant. Legal Counsel added that this is to allow the applicant to meet the March 1 hearing deadline with the Hearing Examiner.

In response to Commissioner Patterson, staff added that it will contact the resident at the Americana Finnmark who sent a letter to the Planning Board to address her concerns.

Ms. Emily Vaias, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

Ms. Praj Kasbekar of MHP, the applicant, offered comments.

There followed a brief Board discussion with questions to staff, Ms. Vaias and Ms. Kasbekar.