



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

Following an International Women's Day reception, the Montgomery County Planning Board met in regular session on Thursday, March 5, 2020, at 9:43 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:17 p.m.

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

The Board recessed at 9:44 a.m. and convened in Closed Session at 9:54 a.m. to take up Item 7, a Closed Session Item.

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 9:54 a.m. in the 2nd floor conference room on motion of Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson temporarily absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were Acting Principal Counsel Matthew Mills and Associate General Counsels Christina Sorrento and Delisa Coleman of the Legal Department; Director Gwen Wright, Deputy Director Robert Kronenberg, Elza Hisel-McCoy, Stephanie Dickel, and Grace Bogdan of the Planning Department; and James Parsons of the Commissioners' Office.

In Closed Session, the Board received briefing and legal advice regarding a proposed reconsideration request.


The Closed Session meeting was adjourned at 10:00 a.m.

The Board reconvened in the auditorium at 10:04 a.m.

Items 8 and 1, and Items 3 through 6, discussed in that order, are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 1:17 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 12, 2020, in the Montgomery Regional Office in Silver Spring, Maryland.


James J. Parsons
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting
Thursday, March 5, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600**

7. 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.

8. Reconsideration Request for 7025 Longwood Drive, Administrative Subdivision Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **No motion was made to reconsider.**

Following a brief Board discussion regarding the reconsideration request for the Longwood Drive Administrative Subdivision Plan, the Board made no motion to approve the request to reconsider its previous decision.

1. Consent Agenda

***A. Adoption of Resolutions**

1. The Claiborne Site Plan 82017008C MCPB No. 20-009

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat Nos. 220141510 - 1560 Tapestry

R-200 zone; 67 lots and 20 parcels; located at the intersection of West Old Baltimore Road and Frederick Road (MD Rt 355); Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220200190 and 220200200 Polo Club Estates

RE-2 zone; 5 lots; located immediately east of the intersection of Query Mill Road and Glen Road; Potomac Sub-Region 2002 Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

**1. Adoption of Corrected Resolution for 7025 Longwood Drive Administrative Subdivision
Plan No. 62020100 – MCPB No. 19-137.**

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the corrected Resolution cited above, as submitted.

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Planning Board Meeting Minutes submitted for approval.**

~~2. Roundtable Discussion~~

~~Planning Director's Report~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***3. St. Elmo Apartments**

A. Sketch Plan Amendment No. 32015004B---CR 5.0 C 5.0 R 5.0 H 225, 1.06 acres, Sketch Plan Amendment to reduce the amount of previously approved non-residential uses from 16,000 square feet to 6,000 square feet, increase the number of dwelling units from 245 to 279 units while remaining at the previously approved maximum density of 330,000 square feet and maximum height of 225 feet; and modify public benefit categories and access points.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Preliminary Plan Amendment No. 12015020B---CR 5.0 C 5.0 R 5.0 H 225, 1.06 acres, Preliminary Plan Amendment to reduce the amount of previously approved non-residential uses from 16,000 square feet to 6,000 square feet, increase the number of dwelling units from 245 to 279 units while remaining at the previously approved maximum density of 330,000 square feet, and modify access points.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

C. St. Elmo Apartments, Site Plan Amendment No. 82017003A---CR 5.0 C 5.0 R 5.0 H 225, 1.06 acres, Site Plan Amendment to increase the building height from 174 feet to 225 feet, increase the overall FAR from 256,000 square feet to 330,000 square feet, increase the number of dwelling units from 210 to 279 units, reduce commercial square footage from 15,488 square feet to up to 6,000 square feet, modify density transfers, building footprint, and streetscape, and include an allocation of 162,012 square feet of BOZ density.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: A., B., & C. CICHY/VERMA

Vote:

Yea: A., B., & C. 5-0

Nay:

Other:

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

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

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

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***3. St. Elmo Apartments**CONTINUED

Planning Department staff offered a multi-media presentation and discussed proposed Sketch, Preliminary, and Site Plan Amendment requests to reduce non-residential uses and increase the building height of a previously approved mixed-use development project. The 0.7-acre property, consisting of Lots 58, 59, 644, and 82 through 86, is located on St. Elmo Avenue, approximately 275 feet northeast of Old Georgetown Road, and is zoned Commercial/Residential (CR) in the Bethesda Downtown Sector Plan area and the Bethesda Overlay Zone (BOZ). The property is currently improved with one- and two-story buildings containing commercial uses and associated surface parking, with frontage on both Fairmont and St. Elmo Avenues. The application also includes 15,625 square feet of additional density transferred from Lots 263 through 267 located on Del Ray Avenue, increasing the total tract area of the property to 1.06 acres. The sending property on Del Ray Avenue is currently improved with a low-rise commercial building and associated surface parking. Staff added that the applicant is also requesting an additional 162,012 square feet of BOZ density for a total 330,000 square feet of development. Staff offered background information, noting the original Sketch, Preliminary, and Site Plans were all adopted prior to the 2017 approval of the Bethesda Downtown Sector Plan. Following the adoption of the Sector Plan, the property was rezoned to allow development of up to 225 feet in height. In 2018, the Planning Board approved Sketch Plan and Preliminary Plan Amendment requests to allow an increase in building height of the mixed-use building to 225 feet; increase density to 330,000 square feet, including up to 245 units of residential uses with 15 percent Moderately Priced Dwelling Units (MPDUs); and maintain the previously approved 16,000 square feet of ground floor non-residential uses and enhancement of an existing through block connection. The Amendments utilized density from only one of the three sending properties originally proposed, with up to 162,012 square feet of density to be purchased from the BOZ.

The applicant proposes to construct a mixed-use, 22-story building with a maximum of 330,000 square feet, including 279 residential units, and 6,000 square feet of non-residential uses at a maximum height of 225 feet. The project will include underground parking and improvements to the existing through-block connection shared with the adjacent residential Bainbridge building, which will connect St. Elmo Avenue through to the County Public Parking Garage 11. The proposed Amendments under review today will allow the following: 1) a maximum density of 330,000 square feet; 2) an increase in units from 245 to 279 through a decrease in floor to floor heights, to allow additional floors within the existing height maximum of 225 feet; 3) a reduction of non-residential uses from 16,000 square feet to 6,000 square feet; 4) a modification of public benefit categories to add the sub-category for enhanced accessibility under Diversity of Uses and Activities; 5) a modification of access points to allow through block loading condition; 6) an increase in building height from 174 feet to 225 feet; 7) up to 162,012 square feet of BOZ density with a Park Impact Payment of \$1,334,885; 8) modification of the original 2017 Site Plan approval to be consistent with Sketch and Preliminary Plan Amendments; and 9) modification of access points, building footprints, and streetscape improvements. As proposed, the project will expand the width of the existing through block connection by

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***3. St. Elmo Apartments**CONTINUED

contributing 5,150 square feet of public space, which will include a combination of planters, benches, lighting, hardscape, new public art, and retail uses located on the ground floor to activate the passageway. The proposed amendments will also reconfigure the loading to allow trucks to enter from Fairmont Avenue and exit onto St. Elmo Avenue, eliminating trucks backing out into the roadway. Vehicular access to the residential parking garage remains from St. Elmo Avenue as previously approved. Pedestrian access will be from St. Elmo Avenue, Fairmont Avenue, and the through block connection. Staff then discussed a minor revision to one of the Preliminary Plan Amendment conditions of approval.

Mr. Steve Robins, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Mark Dubick, member of the applicant's team, also offered comments.

There followed a brief Board discussion with questions to staff.

4. **2020-2024 Subdivision Staging Policy (SSP): Schools Element Initiatives---**The Planning Board will be briefed on the work of the Schools Technical Advisory Team (STAT) in support of the schools element of the 2020-2024 SSP. This briefing will include the presentation of relevant data reviewed by the STAT, an overview of similar policies in other jurisdictions, and staff's preliminary recommendations.

Staff Recommendation: Receive Briefing and Provide Comments

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 2020-2024 Subdivision Staging Policy (SSP) Update, specifically the schools component. Although certain aspects of the policy, such as Student Generation Rates (SGRs) and school test results, are updated more frequently, the SSP is updated every four years to ensure that the tools used for evaluating the impact of development on essential public facilities reflect the latest growth patterns of the County. According to staff, the 2020 update will focus less on stopping development in areas with inadequate school infrastructure and more on providing the school infrastructure required to support the type, amount, and location of the growth the County needs. To that end, the update will be data-driven, stakeholder-informed, and will review all aspects of the SSP, including the moratorium, its thresholds, and its exceptions; the Annual School Test procedures; estimating enrollment impacts; development queue and pipeline impacts; impacts of neighborhood turnover on enrollment; and potential reintroduction of school facility payments.

Staff noted that communications, outreach, and engagement efforts have included the creation of an SSP website, which has been frequently updated throughout the process; a kick-off workshop held on October 7, 2019, at the Silver Spring Civic Building; numerous outreach presentations held throughout the County for various civic organizations; SSP roundtable meetings for developers held on January 24, the Montgomery County Council of Parent-Teacher Associations held on February 8, Up-County residents held on February 20, East County residents held on February 24, and Planning Department staff held on March 4; eLetter updates to Constant Contact SSP Group members; and the formation of the Schools Technical Advisory Team (STAT), which have thus far met on October 22, November 12, December 3, January 16 and 28, and February 28. Staff has also reviewed school adequacy measures in other jurisdictions, both regionally and nationally. Feedback from these outreach efforts has shown a

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4. 2020-2024 Subdivision Staging Policy (SSP): Schools Element Initiatives**CONTINUED**

general agreement that the moratorium has not been effective in slowing enrollment growth, and that there is no single growth context for the County. Other discussion topics included the desire to explore the re-definition of the policy adequacy standards to include other facility conditions, the appropriateness of setting impact taxes at 120 percent of the calculated impact, the justification for charging the supplemental impact tax for large homes, and potentially re-introducing School Facility Payments in a tiered way.

Staff then briefly discussed relevant data regarding school growth trends, which will be shared in greater detail at a future meeting, including kindergarten through 12th grade SGRs by census tracts, including percent of households with children under 18 years of age, housing type, median age, median household income, percentage of the white, black, and Hispanic population; percentage of the foreign-born population; and population density. Staff also briefly discussed location-based SGRs by the Transportation Policy Area classification, distance to a Metro Rail station, distance to nearest school, location in regard to the Beltway, location in regard to Equity Emphasis Areas, and location in regard to Priority Funding Areas. Staff also discussed dwelling-based SGRs by average rent per square foot, average square footage, and share of three-bedroom units for multi-family dwelling units; lot size, gross floor area, and average length of time since units were last sold for single-family dwelling units; and year built and dwelling type. Staff then briefly discussed the sources affecting increased enrollment, including housing growth, the share of students and units by dwelling type, unit mix, the year that units were built, new development, and neighborhood turnover.

Staff added that the next steps for the SSP Update include a Planning Board briefing on growth trends scheduled for March 26, a Board briefing on the Update Working Draft scheduled for May, a Planning Board Public Hearing Scheduled for June 11, Planning Board worksessions scheduled for June and July, and approval of the Planning Board Draft and transmittal to the County Council scheduled for July 30.

There followed extensive Board discussion with questions to staff.

5. MR2020013: PSSM at Fire Station 16

A. Final Forest Conservation Plan Amendment MR2020017--- Final Forest Conservation Plan Amendment filed by Montgomery County Department of Technology Services to construct a 195-foot monopole at 111 University Blvd E in Silver Spring. This tower is part of the County's Public Safety System Modernization (PSSM) Project to provide adequate radio coverage in several areas in the County the new base stations are sited and designed to provide complete and effective coverage according to a '95/95' coverage mandate: 95% coverage reliability in 95% of the County service area.

Staff Recommendation: Approval with Conditions

B. Mandatory Referral MR2020013--- Mandatory Referral filed by Montgomery County Department of Technology Services to construct a 195-foot monopole at 111 University Blvd E in Silver Spring. This tower is part of the County's Public Safety System Modernization (PSSM) Project to provide adequate radio coverage in several areas in the County the new base stations are sited and designed to provide complete and effective coverage according to a '95/95' coverage mandate: 95% coverage reliability in 95% of the County service area.

Staff Recommendation: Staff Recommends Approval of the Mandatory Referral with Comments To Be Transmitted to Montgomery County Department of Technology Services

BOARD ACTION

Motion: A. & B. CICHY/FANI-GONZÁLEZ

Vote:

Yea: A. & B. 3-0

Nay:

Other: PATTERSON & VERMA ABSTAINED

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

B. Approved staff recommendation to transmit comments to Montgomery County Department of Technology Services, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral and an associated Final Forest Conservation Plan Amendment requests from the Montgomery County Department of Technology Services (DTS) to construct a Public Safety System Modernization (PSSM) radio communications tower that will fill in the coverage gap in the Four Corners area and provide greater reliability, allowing police, fire, medical, and other first responders to react more quickly and efficiently in an emergency. The 0.69-acre site, identified as Parcel 384, is a portion of the surrounding 42-acre Blair High School site and is

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5. MR2020013: PSSM at Fire Station 16CONTINUED

zoned Residential in the Four Corners Master Plan area. Though nearly surrounded by Montgomery Blair High School, approximately 68 feet of the parcel fronts along University Boulevard (MD193). The property is completely developed with Montgomery County Fire Station 16 and associated parking. Staff added that the proposed tower will be part of the County PSSM project, a multi-agency, \$110,000,000 capital improvements project to replace the current systems that support Montgomery County public safety agencies and personnel but do not provide adequate coverage for the County.

Staff noted that the applicant proposes to construct a 195-foot self-support monopole with a 4-foot lightning rod. No lights will be installed. The tower will be contained within an approximately 30- by 60-foot pad site area in the southeast area of the property, and a 12- by 32-foot shelter and generator will be located next to the tower.

Staff also discussed community outreach, noting that they had received numerous correspondence from neighboring property owners in opposition to the project, expressing concern regarding lack of public input, transparency, equity, master plan conformance, the feasibility of alternative sites, the concentration of towers near Blair High School, potential negative health effects, and setbacks from nearby residential areas. Staff addressed each of these issues, as detailed in the February 24 technical staff report.

Staff then briefly discussed the proposed Final Forest Conservation Plan Amendment, noting that the Amendment only adds the Level of Disturbance proposed by the new construction activities to the current Final Forest Conservation Plan. No additional forest clearing or tree impacts are proposed.

The following speakers offered testimony: Ms. Harriet Quinn of the Woodmoor/Pinecrest Citizens Association, who also offered a multi-media presentation; Ms. Katherine Katzin of Aspen Avenue; Mr. James Williamson of Edgehill Lane; Ms. Susan Kahn of Bradley Lane; and Ms. Kathryn Desmond of Park Avenue.

Messrs. Justin Blanset of Network Building + Consulting; Gerry Adcock of DTS; Dallas Lipp of Montgomery County Fire and Rescue Service, Station #35; and Ms. Judy Miller of DTS offered comments and answered questions from the Planning Board.

There followed extensive Board discussion with questions to staff and some of the speakers.

6. FY20 Budget Adjustment Request for the Commissioners' Office*Staff Recommendation: Approval***BOARD ACTION****Motion: PATTERSON/VERMA****Vote:****Yea: 5-0****Nay:****Other:****Action: Approved staff recommendation to approve the Budget Adjustment Request cited above.**

Planning Board Administrator to the Montgomery County Planning Board Joyce Pettigrew Garcia briefed the Board and discussed a proposed FY20 Budget Adjustment Request of \$60,000. Because the proposed budget adjustment exceeds \$50,000, it will require Planning Board approval. Due to projected FY20 personnel savings, Ms. Garcia is requesting to reallocate the savings from the major budget category of Personnel Services and allot \$30,000 to Supplies and Materials and \$30,000 to Other Services and Charges to fund Planning Board attendance at conferences and trainings, staff trainings, increased contributions to internal cultural events, and Wheaton Headquarters furniture and equipment purchase. Ms. Garcia added that the Commissioners' Office is on track to meet the needs of the office and will not exceed the adopted FY20 budget.

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