



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

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session via Microsoft Teams video conference on Thursday, May 7, 2020, at 9:01 a.m., and adjourned at 10:40 a. m.

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

Commissioner Tina Patterson was necessarily absent

At the start of the meeting Chair Anderson requested a moment of silence in memory of Vice Chair Fani-González's mother who passed away last week.

Item 1 is reported on the attached agenda.

The Board recessed at 9:03 a.m. and reconvened in Closed Session at 9:04 a.m. to take up Item 2, 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 9:04 a.m. via teleconference on motion of Commissioner Cichy, 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 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 Closed Session meeting were General Counsel Adrian Gardner, Associate General Counsels Kristen Maneval and Donna Calcote, Senior Counsel Megan Chung of the Legal Department; Director Mike Riley and Deputy Director for Administration Miti Figueredo of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the Commission's Commemorative Naming Policy.

The Closed Session meeting was adjourned at 9:16 a.m.

The Board reconvened via video conference at 9:21 a.m.

MCPB, 5-7-20, APPROVED

Items 3 through 9 are reported on the attached agenda.

Item 7 was moved to the Consent Agenda.

There being no further business, the meeting was adjourned at 10:40 a.m. The next regular meeting of the Planning Board will be held on Thursday, May 14, 2020, via video conference.

M. Clara Moise
M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, May 7, 2020
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. 220190760, Wildoak Estates -- R-60 zone, 17 lots, 4 parcels; located on north side of Beech Avenue at the intersection of Wildoak Drive; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220200530, Samuel. T. Robertson's Addition to Bethesda -- R-60 zone, 1 lot; located on the north side of Rugby Avenue, 150 feet west of Glenbrook Road; Bethesda Downtown Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation to approve the Record Plats cited above, as submitted.

***C. Other Consent Items**

Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment – County Executive’s AD 2020-2 Administrative Amendment Group – Three Water/Sewer Service Category Change requests.

Staff Recommendation: Transmit Comments to the County Executive

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation to transmit Comments to the County Executive regarding the Proposed Amendments to the Water Supply and Sewerage Systems Plan Category Map Amendment, as cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of April 23, 2020

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ ABSTAINED
PATTERSON ABSENT

Action: Approved the Planning Board Meeting Minutes of April 23, 2020, as submitted.

2. 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.

3. Commemorative Naming Policy

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Commemorative Naming Policy for the Parks Department.

General Counsel Adrian Gardner and Associate General Counsel Kristen Maneval briefed the Planning Board on the Parks Department proposed revision to the Commemorative Naming Policy. Counsel noted that it recommends that the Planning Board strongly encourage naming each park asset to signify nearby geographical or ecological features, a neighborhood identity, or a relationship to other nearby public facilities, generally, to assist the public in associating the park asset positively within a relevant named community or significant place. For this purpose, the Planning Board retains its sole and exclusive discretion regarding the Commemorative Naming, as defined by this policy. Only in exceptional circumstances will the Planning Board consider a Commemorative Naming proposal with respect to a particular park asset.

Legal Counsel also noted that a Commemorative Naming will not be considered unless each of the following conditions has been demonstrated to the satisfaction of the Planning Board: 1) The individual proposed as the subject for naming: a) has been deceased for at least five (5) years; and b) has achieved an exemplary level of community esteem during his/her life; 2) A broad cross-section of community leaders: a) expresses formal support for the naming; and b) demonstrates that a substantial consensus in favor of the naming exists both in the area immediately surrounding the park or facility to be named and in the larger Montgomery County civic community; and 3) After appropriate research and evaluation, the Parks Department produces documentation sufficient for the Planning Board to conclude that: a) the requirements and conditions set forth above in paragraphs (1) and (2) have been satisfied; b) during his/her life, the individual proposed as the subject for naming established and maintained an exceptional level of support for the park asset, park system, or related trails and open spaces in Montgomery County; and c) for purposes of this paragraph, an “exceptional level of support” means a sustained civic contribution during his/her life that necessarily involved making personal sacrifices which inured to the benefit of other people in their access, utilization or enjoyment of the park asset, park system, or related trails and open spaces in Montgomery County.

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3. Commemorative Naming Policy

CONTINUED

Legal Counsel then added that if a park asset already bears a Geographic Name, or a Commemorative Naming that changes the way a park or facilities is publicly identified, this may result in confusion among park patrons and a financial burden on the park system associated with acquiring and installing new signage, changing maps and other wayfinding resources, and publicizing the new name. The Planning Board will evaluate among other factors, whether funds to cover the direct and indirect costs of the renaming would be provided outside of the Parks Department budget.

There followed a brief Board discussion with questions to Legal Counsel.

4. 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 regulatory work program items; national recognition of the Planning Department for the Vision Zero Plan; on April 30 staff was invited by InfraDay to a series of webinars focusing on a series of meetings on infrastructure and transportation; the American Planning Association virtual three-day conference in which 12 staff members from the Planning Department participated and will hold a Lunch & Learn to share what they have learned; congratulations to staff for getting an award for the Veirs Mills Corridor Master Plan; staff working closely with the Department of Transportation to implement the recommendations in the Veirs Mills Corridor Master Plan and the Aspen Hill Master Plan; Advancing the Pike District project in the works; a Subdivision Staging Policy report to be presented to the Board on May 28, and is scheduled for review and vote by the County Council in early November; first Thrive Montgomery virtual outreach meeting hosted by Chair Anderson and Commissioner Verma; other online Thrive Montgomery virtual outreach meetings coming up on May 15, 18, 20, and 23; Pedestrian Master Plan implementation efforts; and the Asian American and Pacific Month scheduled events with the first one taking place this Friday with Commissioner Partap Verma and Executive Director Asuntha Chiang-Smith as speakers.

There followed a brief Board discussion with questions to staff.

5. FY20 Budget Transfer Requests for the Planning Department

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval of the FY20 Budget Transfer Requests discussed at the meeting.

Planning Department Director Gwen Wright discussed the proposed FY20 Budget transfer requests as detailed in the April 30 staff memorandum and noted that all budget adjustments over \$50,000 require Planning Board approval. The Planning Board has authority to transfer appropriations between divisions as long as each divisional appropriation does not exceed 10 percent. The Department requests approval to adjust the FY20 divisional line item budgets to accommodate needed funding for 1) support of currently on-going or assigned work program initiatives, and 2) information technology PC replacement. The Planning Department estimates it will have personnel savings in FY20 and is requesting to reallocate these savings to better position the department regarding the upcoming FY21 budget year and to continue to meet their commitment to the County residents to provide the best services possible. The Planning Department is seeking the Planning Board’s approval to transfer \$685,000 from the Personnel Services category to the Other Services & Charges and Supplies & Materials categories.

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

***6. Bannockburn Estates, Preliminary Plan No. 12006067A---R-200 zone, 1.15 acres, Request to reinstate Preliminary Plan 120060670 and extend the Adequate Public Facilities finding to coincide with the Preliminary Plan reinstatement; located at 7501 Helmsdale Road; 1990 Bethesda Chevy Chase Master Plan.**

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a request to reinstate a Preliminary Plan for the Bannockburn Estates project, as discussed in detail in the April 24 technical staff report. Staff noted that the request is to reinstate Preliminary Plan #120060670, which granted approval for the creation of two lots to accommodate an existing single-family detached dwelling unit, which would remain, and construction of a new dwelling unit, through March 31, 2021. Due to a series of practical difficulties and undue hardship experienced by the applicant, the previous approval expired on August 2, 2018. Staff also noted that no additional lots are proposed, and the configuration of the lots remains unchanged. The reinstatement criteria are set forth in Section 50.4.2.H.2.b. of the Subdivision Regulations, which permits the Planning Board to reinstate a preliminary plan and establish a new validity period if the applicant demonstrates practical difficulty or undue hardship.

Staff added that the property is located on Helmsdale Road in Bethesda, which is generally described as the northeast corner of the Selkirk Drive/ Helmsdale Road intersection. The property is within the area encompassed by the Bethesda-Chevy Chase Master Plan. The site has a tract area of approximately 1.15 acres and is zoned Residential/ R-200. The property is currently improved with a single-family detached dwelling unit, which has been partially demolished in accordance with Condition No. 5 of the previous approval, as established in Planning Board Resolution 07-72. Vehicular access to the property is currently provided through two existing curb cuts on Selkirk Drive and one curb cut on Helmsdale Road. There are no known rare, threatened, or endangered species on site. There are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties on site. In his Statement of Justification for the reinstatement, the applicant explained that the partial demolition of his home and existing mortgage debt, resulting from site work associated with the previous Preliminary

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***6. Bannockburn Estates, Preliminary Plan No. 12006067A**CONTINUED

Plan approval, prohibit the applicant from filing a new Preliminary Plan application, thus the request for reinstatement to finish executing the original approval. The applicant and his family have lived on the property for over 20 years and have shown good faith efforts to comply with the original approval, including the partial demolition set forth in Condition of Approval No. 5.

Staff further added that it received a phone call from a resident who is opposed to reinstatement of the Preliminary Plan and had concerns about stormwater management on the property. The resident informed staff that they went on record in opposition to the project at the time of the original approval. Staff informed the resident that the new application required the applicant to amend the stormwater management concept approval with the Department of Permitting Services prior to any action by the Planning Board. The amended stormwater management concept approval was granted on March 25, 2020.

Ms. Casey Cirner, attorney representing the applicant, and Messrs. Shafi Azimi and David Mckee were present via teleconference to answer any questions.

There followed a brief Board discussion with questions to staff.

~~7. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment – County Executive’s AD 2020-2 Administrative Amendment Group – Three Water/Sewer Service Category Change request~~ -- **MOVED TO ITEM 1C OF THE CONSENT AGENDA**

Staff Recommendation: Transmit Comments to County Executive

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This Item was moved to Item 1C of the Consent Agenda.**

8. Traffic Counts Data Collection Policy During COVID-19 Pandemic---The Planning Board will be briefed on a Planning Staff policy recommendation pertaining to the collection of traffic counts during the COVID-19 pandemic.

Staff Recommendation: Planning Board Briefing and Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing followed by discussion.

Planning Department staff offered a multi-media presentation and discussed traffic counts data collection policy during the COVID-19 pandemic. Staff noted that the COVID-19 pandemic has introduced a new level of uncertainty into traffic analysis in Montgomery County. The impact on businesses, public offices, schools, other facilities, transit, coupled with the expansion of telework, has substantially reduced the total amount of motor vehicle and other traffic in the County. The Planning Board will be briefed on the Planning Department plans to move forward with the collection of traffic counts and the acceptance of transportation impact studies during this unprecedented event. Specifically, two items will be discussed: (1) the consideration of alternative approaches to collect traffic counts; and (2) a recommended policy, described in the attached Planning Department staff memorandum, for the acceptance of traffic counts and transportation impact studies.

Staff added that the value of a Transportation Impact Study (TIS) or the baseline traffic counts used in support of the evaluation of the transportation element of master plans is undermined if the underlying assumptions are flawed in some way. Any traffic count data collected for a TIS or in support of a master plan/sector plan evaluation in the current environment would be too skewed to be valid. In response, the Planning Department has established a policy to suspend traffic count data collection in the County until further notice. At the same time, there is the recognition that the Department does not want to inhibit development applications and master plan evaluations from proceeding and has considered the following methods for temporarily addressing this issue: 1) The Growth Factor Approach - this approach requires using previously collected traffic counts and applying a growth factor to bring these counts “up-to-date.” Under this approach, the growth rate for a development would be created using the historical data from the nearest Maryland State Highway Administration (SHA) roadway. Traffic counts which are less than one year old would be permitted without a growth factor and traffic counts one to three years old would be permitted with a growth factor. Traffic

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8. Traffic Counts Data Collection Policy During COVID-19 PandemicCONTINUED

counts more than three years old should not be permitted. It is our understanding that SHA has also recommended against using traffic counts that were collected more than three years ago; 2) The Traditional Counts After Specified Time Approach - this approach would require the current suspension of traffic counts to be maintained until a specified date. After that date, the collection of traffic counts to support submission of TISs and the evaluation of master plans would resume as normal, and 3) Adjustment Factor Approach -This approach requires taking new counts under current conditions and applying an adjustment factor reflecting expected conditions under a non-COVID-19 scenario. This approach involves making assumptions that could just as easily be made without conducting any counts at all.

Staff recommends that a combination of the first two approaches be used. Under this recommendation no *new* counts for development applications or master plan evaluation shall be collected until fall 2020, at a date to be determined by staff. After this date, traffic counts may resume under the existing guidelines, assuming pandemic-related restrictions and conditions subside. Until new traffic counts can be collected, a TIS in support of a Preliminary Plan or Site Plan application may proceed if there are existing counts for all critical intersections of the proposed development that were collected within three years of the date the applicant is required to submit final drawings for completion of staff and agency reviews of the application.

There followed a brief Board discussion with questions to staff.

9. Consideration of Proposals for Parks Bonds

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval of the proposals for Parks Bonds discussed at the meeting.

The Maryland-National Capital Park and Planning Commission Secretary Treasurer, Joe Zimmerman, briefed the Planning Board on proposals for Parks Bonds acquisition in the amount of \$10 million for this fiscal year, through Capital One Bank, rather than go through a public sale. Mr. Zimmerman noted that Ms. Cheryl O'Donnell Guth, Bond Counsel at McGuire Woods LLP., Mr. Joe Mason and Ms. Jennifer Diercksen of Davenport & Company are available to answer any questions the Planning Board may have.

There followed a brief Board discussion.

Mr. Zimmerman added that the letter of approval will be given to the Chair after the meeting for signature.