



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, June 25, 2020, at 9:00 a.m., and adjourned at 1:01 p.m.

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

Commissioner Tina Patterson joined the meeting at 11:12 a.m. during discussion of Item 9.

Items 1, 3, 4, 7, 8, and 9 are reported on the attached agenda.

Items 2, 5, and 6 were removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 1:01 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 2, 2020, via video conference.

James J. Parsons

James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, June 25, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Metro Tower Site Plan 82019011A - Adoption of MCPB No. 20-051

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220151460, Windcrest -- AR zone; 2 lots; located on the south side of Damascus Road (MD 650), approximately 2,000 feet east of Hipsley Mill Road; Olney Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

***C. Other Consent Items**

1. Ashford Woods: Preliminary Plan No. 120200110, Regulatory Review Extension Request No. 2---Request to extend the regulatory review period for an additional 5 months until November 20, 2020, as modified by Staff; Application for up to 326 lots for 322 new one-family attached dwelling units and 42 two-over-two units for a total of 364 units, including 25% MPDUs; and one +/-39.9 acre parcel for dedication to M-NCPPC; 139.1 acres; R-90, Rural, Clarksburg East Environmental Overlay and Clarksburg West Environmental Overlay Zones; located on the southwest quadrant of the intersection of Frederick Road and Comus Road; 2014 Clarksburg Ten Mile Creek Area Limited Amendment.

Staff Recommendation: Approval of the Extension Request as Modified by Staff

2. Hillendale Gateway

A. Sketch Plan Amendment No. 32018002A Extension Request #3---Request to extend the regulatory review period from June 25, 2020 to September 24, 2020 for up to 598,721 square feet of mixed-use development, with up to 16,039 square feet of commercial and up to 582,682 square feet of residential development with 463 units, 155 of which are age-restricted; located at the southwest corner of the New Hampshire Avenue (MD 650) and Powder Mill Road intersection, Silver Spring; on approximately 6.60 acres of land zoned CRT 1.75, C-0.5, R-1.5, H-85; within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval of the Extension Request

B. Preliminary Plan No. 120190220 Extension Request #3---Request to extend the regulatory review period from June 25, 2020 to September 24, 2020 for up to 598,721 square feet of mixed-use development, with up to 16,039 square feet of commercial and up to 582,682 square feet of residential development with 463 units, 155 of which are age-restricted; located at the southwest corner of the New Hampshire Avenue (MD 650) and Powder Mill Road intersection, Silver Spring; on approximately 6.60 acres of land zoned CRT 1.75, C-0.5, R-1.5, H-85; within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval of the Extension Request

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***C. Other Consent Items**

CONTINUED

C. Site Plan No. 820190130 Regulatory Extension Request #3---Request to extend the regulatory review period from June 25, 2020 to September 24, 2020 for up to 598,721 square feet of mixed-use development, with up to 16,039 square feet of commercial and up to 582,682 square feet of residential development with 463 units, 155 of which are age-restricted; located at the southwest corner of the New Hampshire Avenue (MD 650) and Powder Mill Road intersection, Silver Spring; on approximately 6.60 acres of land zoned CRT 1.75, C-0.5, R-1.5, H-85; within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: **1. CICHY/VERMA**
 2A., B. & C. VERMA/CICHY

Vote:
 Yea: **1. & 2. 4-0**

Nay:

Other: **PATTERSON ABSENT**

Action: **1. & 2B. Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.**

2A. Approved staff recommendation for approval of the Sketch Plan Amendment Extension request cited above.

2C. Approved staff recommendation for approval of the Site Plan Extension request cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 11, 2020

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved Planning Board Meeting Minutes of June 11, 2020, as submitted.

2. Roundtable Discussion

- Parks Director's Report — **REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

3. Equity in Master Planning Framework

Staff Recommendation: Brief the Planning Board on the Equity in Master Planning Approach and Framework

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing followed by discussion.**

Planning Department staff offered a multi-media presentation and discussed the proposed approach and framework for the Equity in Master Planning Action Plan. Staff noted that the Montgomery County Racial Equity and Social Justice Act was adopted by the County Council on March 2 to provide quality service to current and future community members, incorporate racial equity and social justice when preparing Master Plans, use current best practices to analyze adverse impacts on the community, strengthen partnerships with stakeholders, and continue to address the present-day challenges on a regional scale. To that end, a Planning Department work group developed a draft action plan for incorporating racial equity and social justice when preparing a Master Plan or Functional Plan. Though the draft action plan primarily focuses on Master and Functional Plans, it also includes other Departmental equity initiatives.

Staff then discussed the scope of the action plan, the goal of which is to document the procedure used for incorporating racial equity and social justice findings when preparing a Master Plan or Functional Plan, with eight initial action items as the recommended procedure, which include viewing all aspects of the planning effort through an equity lens, a tool used to improve planning, decision-making, and resource allocation for more racially equitable policies and programs, which will be modified and updated as necessary to incorporate lessons learned from the field; developing an Equity Opportunity Index to determine ways to bring racial equity and social justice considerations into the master planning process and develop methods to facilitate these considerations, which will be completed by July 2021; and developing Community Equity Emphasis Areas (CEEA) for analysis of racial equity and social justice issues for the General Plan discussion and as a guide for the Parks Department to prioritize capital improvement projects, which will be completed by September 2020. Ongoing action items include completing a Racial Equity and Social Justice Timeline highlighting the impacts of previous planning efforts to learn from the past and prevent repeating mistakes in the future, conducting staff equity trainings, continuing to provide expansive demographic research and data

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3. Equity in Master Planning FrameworkCONTINUED

points for each plan area, developing a community engagement strategy for each master plan addressing racial equity and social justice tailored to the specific master or functional plan, and creating and implementing an Equity Peer Review Group.

Staff then added that other department-wide research includes coordinating with national and regional resources, such as the Government Alliance on Race and Equity (GARE), the American Planning Association (APA) Planning for Equity Policy Guide, and the Urban Sustainability Directors Network (USDN); developing a historical Redlining Mapping Tool to identify neighborhoods that may have been subjected to restrictive lending practices or racial and religious covenants; developing Review Navigators to provide a new service to applicants that are not as familiar with the development review process and regulations; and the creation of HP@40, an in-house comprehensive evaluation and analysis of the 40-year history of the County's Historic Preservation program through the lens of equity and environmental sustainability. Staff added that the list of action items will continue to evolve as new information and better opportunities become available.

The next steps for the Action Plan include a Lunch and Learn session with staff, encumbering FY20 funds for training, conducting virtual training sessions, and coordination with Prince George's County Planning Department staff.

There followed extensive Board discussion with questions to staff.

4. Staff Draft of Amended Administrative Regulations for Chapter 22A, Forest Conservation – Public Hearing

Staff Recommendation: Receive Testimony

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

Planning Department staff briefed the Planning Board and discussed the proposed changes to Chapter 22 of the Forest Conservation Administrative Regulations, which were first presented to the Planning Board on May 21. According to staff, today’s Public Hearing will allow the public and regulated community to provide comments on the draft regulations. Following the Public Hearing, Planning Board worksessions will be promptly scheduled based on the comments received.

Mr. Steve Allison of Rodgers Consulting, Incorporated, representing the Maryland Building Industry Association (MBIA) offered testimony.

There followed a brief Board discussion, during which Chair Anderson instructed staff to allow the record for public comments to remain open until Monday, June 29.

***5. 8015 Old Georgetown Road — ~~REMOVED~~**

A. Preliminary Plan Amendment 12016022A — ~~CR 2.5, C 0.75 R 1.75 H 120, 2.52 acres; Request to increase maximum density from 145,863 square feet to 316,500 square feet, increase residential units from 107 to 297 units, remove the commercial/church use, and remove Development Plan requirements; Located on Old Georgetown Road at Glenbrook Road; 2017 Bethesda Downtown Sector Plan.~~

~~Staff Recommendation: Approval with Conditions~~

B. Site Plan 820200130 — ~~CR 2.5, C 0.75 R 1.75 H 120, 2.52 acres; Request to construct a multi-family residential building of up to 316,500 square feet for a maximum of 297 units, including up to 124,536 square feet of BOZ Density with a Park Impact Payment; Located on Old Georgetown Road at Glenbrook Road; 2017 Bethesda Downtown Sector Plan.~~

~~Staff Recommendation: Approval with Conditions~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Planning Board Agenda

6. Hillandale Gateway: Sketch Plan Amendment No. 32018002A, Preliminary Plan No. 120190220 and Site Plan No. 820190130 ————— **REMOVED*

~~**A. Sketch Plan Amendment No. 32018002A**—Request to amend condition Nos. 1 and 2 to allow an increase in density and height for up to 598,721 square feet of mixed use development, with up to 16,039 square feet of commercial development and up to 582,682 square feet of residential development (including a 35% density bonus for providing 25% MPDUs); located at 10110 and 10140 New Hampshire Avenue, at the southwestern corner of the intersection of New Hampshire Avenue and Powder Mill Road, Silver Spring; 6.61 acre tract in the CRT-1.75, C-0.05, R-1.5, H-85 Zone; 2014 White Oak Science Gateway Master Plan.~~

~~*Staff Recommendation: Approval with Conditions*~~

~~**B. Preliminary Plan No. 120190220**—Request to create two lots for up to 598,721 square feet of mixed use development, with up to 16,039 square feet of commercial development and up to 582,682 square feet of residential development (including a 35% density bonus for providing 25% MPDUs); located at 10110 and 10140 New Hampshire Avenue, at the southwestern corner of the intersection of New Hampshire Avenue and Powder Mill Road, Silver Spring; 6.61 acre tract in the CRT-1.75, C-0.05, R-1.5, H-85 Zone; 2014 White Oak Science Gateway Master Plan.~~

~~*Staff Recommendation: Approval with Conditions*~~

~~**C. Site Plan No. 82019013**—Request to redevelop the property with up to 598,721 square feet of mixed use development, with up to 16,039 square feet of commercial development and up to 582,682 square feet of residential development (including a 35% density bonus for providing 25% MPDUs); located at 10110 and 10140 New Hampshire Avenue, at the southwestern corner of the intersection of New Hampshire Avenue and Powder Mill Road, Silver Spring; 6.61 acre tract in the CRT-1.75, C-0.05, R-1.5, H-85 Zone; 2014 White Oak Science Gateway Master Plan.~~

~~*Staff Recommendation: Approval with Conditions*~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

*7. **12500 Ardennes, Site Plan No. 820200080**---Request to redevelop the property with up to 198,718 square feet of residential uses and 203 units in a multi-unit building; located at the southwest corner of the intersection of Twinbrook Parkway and Ardennes Avenue, Rockville; on approximately 1.3 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 with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: 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 a proposed Site Plan request to redevelop a property with a multi-family residential building. The 1.32-acre property, an existing subdivision lot of record identified on a plat as the Spring Lake Park Halpine Subdivision, is located on the south side of Ardennes Avenue, bounded by Twinbrook Parkway to the east, zoned Commercial/Residential within the Twinbrook Sector Plan area, and currently developed with a single-story office building with approximately 21,700 square feet of above-grade area and surface parking. Staff noted that there is a 12-foot grade change from the southeast corner to the northeast corner of the property. While there is no forest or other environmental features on the property, a national champion southern crabapple tree is located on the eastern side of the property along Twinbrook Parkway.

Staff noted that the applicant proposes to redevelop the site into a 100-foot multi-family building consisting of 198,718 square feet of residential development with up to 203 residential units and internal structured parking for up to 181 parking spaces. Fifteen percent of the residential density will be Moderately Priced Dwelling Units (MPDUs), and ten percent of the residential density will be Work Force Housing Units (WFHUs) resulting in a 22 percent density bonus for providing MPDUs and a 10 percent density bonus for providing workforce housing. An urban plaza is proposed at the northeast corner of the site, at the intersection of Ardennes Avenue and Twinbrook Parkway, which will include a mixture of hard space and greenspace and will provide a transition from the busy intersection. While access from adjacent sidewalks will be encouraged, the site elements provide buffering from passing traffic while negotiating the necessary change in grade. Pedestrian and vehicular entrances to the proposed building are

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***7. 12500 Ardennes, Site Plan No. 820200080**CONTINUED

located on Ardennes Avenue. Vehicular access to the site will be from an existing curb cut on Ardennes Avenue, on the northwestern edge of the property, with separate entrances for private vehicles and loading and service access. Staff briefly discussed minor corrections to the conditions of approval.

Staff then briefly discussed the Forest Conservation Plan, noting that the proposed project will generate an afforestation requirement of 0.26 acres, which the applicant proposes to fulfill through a fee-in-lieu payment. The applicant has also submitted a variance request to impact but not remove the existing national champion southern crabapple tree on the eastern portion of the site. Due to the unique status of this tree as the national champion of its species, this project has been on hold for some time as the applicant has sought an acceptable nearby area to relocate the tree. Recently, permission has been secured from the owner of a single-family house on Vandegrift Avenue in Rockville to move the tree to the front lawn of that property. Staff added that although the tree is being relocated, it is considered retained, so no mitigation is required.

Ms. Erin Gerard, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

8. FY21 Annual School Test---The annual school test determines if new residential subdivisions in any school cluster service area or individual school service area should be subject to a moratorium, based on the estimated utilization of school facilities.

Staff Recommendation: Approve the FY21 Annual School Test results effective July 1, 2020

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval of the FY21 Annual School Test Results effective July 1, 2020.

At the outset of this item’s discussion, the Planning Board consulted with its Legal Counsel, seeking advice regarding requests from two attorneys representing clients with ongoing projects in Clarksburg, for permission to offer testimony requesting accommodations for their clients. The requested accommodations include the creation of a new grace period for pending development applications, and the use of the FY20 Annual School Test results for a particular school cluster beyond July 1. In response, Counsel noted that while the Board could entertain comments specially pertaining to the FY21 Annual School Test, the Planning Board does not legally have the authority to grant either request.

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

Planning Department staff then offered a multi-media presentation and discussed the FY21 Annual School Test Results. Staff noted that every spring, following the adoption of the Capital Budget by the County Executive and County Council, the Planning Board adopts the annual school test for the upcoming fiscal year. The annual school test determines if new residential subdivisions should be subject to either a school facility payment or a moratorium, based on the estimated utilization of school facilities.

Staff added that under the current Subdivision Staging Policy (SSP), school capacity is monitored by means of an annual school test. The hybrid school test compares projected enrollment five years into the future with projected capacity for each of the 25 high school clusters at the elementary, middle, and high school levels. The school test results are finalized every year in May, upon the County Council’s adoption of the Capital Budget and amendments to the Capital Improvements Program (CIP). If projected enrollment at any level exceeds 120 percent of program capacity for the 2025-2026 school year, new residential subdivisions in the

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8. FY21 Annual School TestCONTINUED

affected cluster will be under moratorium. If projected enrollment at an individual elementary or middle school exceeds 120 percent of program capacity and results in a projected seat deficit of at least 110 students or 180 students respectively, the service area for that school will be under moratorium, and no new residential subdivisions of more than three units can be approved. Staff noted that for FY21, Richard Montgomery and Quince Orchard High Schools will exceed the 120 percent program capacity utilization ceiling, which will place residential subdivisions within those two cluster service areas under moratorium. Also for FY21, four elementary schools, including Highland View, Mill Creek Town, and Judith A. Resnik, as well as Argyle Middle School will exceed both the 120 percent program capacity utilization ceiling and the 110-seat deficit threshold. Residential subdivisions in these five elementary school service areas will be placed under moratorium as well. Staff added that the Montgomery Blair, Albert Einstein, and Walter Johnson High School clusters, and the Rachel Carson, Clarksburg, JoAnn Leleck, Strawberry Knoll, and Summit Hall Elementary Schools will avoid moratorium and open conditionally due to approved CIP projects.

Staff then briefly discussed minor revisions to the cluster test results for Northwest High School.

There followed a brief Board discussion with questions to staff.

9. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Work Session # 2 - Transportation Element---The Planning Board will hold a work session on recommendations for the 2020 update to the county’s Subdivision Staging Policy and related infrastructure funding mechanisms.

Staff Recommendation: Planning Board Discussion

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 Transportation Element of the 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy. According to staff, proposed County Growth Policy is a set of policy tools that guide the timely delivery of public facilities, including schools, transportation, water, sewer, and other infrastructure, to serve existing and future development. These policy tools are the guidelines for the administration of the county’s Adequate Public Facility Ordinance (APFO). The transportation element of the 2020 County Growth Policy Public Hearing Draft contains new elements intended to retrofit the current Local Area Transportation Review (LATR) process to better incorporate safety standards, reflect Vision Zero principles, and evaluate transportation adequacy for master plans/sector plans. Staff noted that the purpose of today’s worksession is intended to give the Planning Board the opportunity to review and provide comments on the transportation recommendations in the Public Hearing Draft, including the proposed policy area boundary definition actions pertaining to the Forest Glen and Grosvenor Metro Station Policy Areas (MSPAs), and to consider the acceptance of public testimony on this topic during the fourth worksession scheduled for July 9.

Ms. Emily Koehle of Toole Design Group Engineering Consultants, discussed recommendations for the integration of Vision Zero into the LATR, which include designing roads immediately adjacent to new development in order to account for all identified recommendations from applicable planning documents, including Functional, Master, and Area Plans; prioritizing mitigation strategies designed to improve travel safety; adding a specific Vision Zero representative to the Development Review Committee (DRC) to review the development application and Vision Zero elements of LATR transportation impact studies and to make recommendations regarding how to incorporate the conclusions and safety recommendations of LATR transportation impact studies; introducing a Vision Zero Impact

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**9. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Work Session #
2 - Transportation Element**CONTINUED

Statement for all LATR studies pertaining to subdivisions that will generate 50 or more peak-hour person trips; combining multi-modal transportation adequacy tests with options that can be implemented over time utilizing Vision Zero-related tools and resources currently available or under development for LATR studies of new development generating 50 or more peak-hour weekday person trips; and continuing to produce the Mobility Assessment Report (MAR) on a biennial schedule as a key travel monitoring element of the County Growth Policy. Ms. Koehle added that the current multi-modal transportation adequacy tests should be updated when an appropriate set of tools are operational.

There followed extensive Board discussion with questions to staff and Ms. Koehle, during which the Planning Board recommended that bicycle and pedestrian improvements be treated the same as road improvements in regard to financial contribution requirements, and that language be included stating that under an approved Peak Hour Trips threshold, applicants will not be required to undertake a separate traffic study, though they will be permitted to either undertake and submit their own study as possible alternative to the staff recommendation or implement staff recommended improvements.

Ms. Koehle then discussed recommendations for congestion standards in Transit Oriented Development (TOD) areas, which include eliminating the LATR study requirement for motor vehicle adequacy in Red Metrorail Station Policy Areas (MSPAs); increasing the intersection delay standard to 100 seconds per vehicle for transit corridor roadways in Orange and Yellow policy areas in order to promote multi-modal access to planned Bus Rapid Transit (BRT) service in transit corridors; placing the three Purple Line Station policy areas in a new Dark Red Policy Area category to reflect a hybrid between the Red and Orange Policy Area categorization; and changing the congestion standard for signalized intersections and transportation impact tax rates in the three Purple Line Station policy areas that have been re-categorized Dark Red.

There followed extensive Board discussion with questions and staff and Ms. Koehle, during which the Planning Board recommended that staff return with additional information regarding the effects of the elimination of the LATR Motor Vehicle Adequacy Test in Red Policy areas on the Red Line terminus locations at Shady Grove and Glenmont; that the Lyttonsville and Purple Line Station Policy areas remain Red Policy areas; and that staff explore the feasibility of Dark Red, Purple, or Dark Orange Policy areas for BRT corridors.

Mr. Alex Rixey of Fehr and Peers DC Transportation Consultants, then discussed Policy Area Review recommendations, including the use of the average number of jobs that can be reached within a 45-minute travel time by automobile or walk access transit for the auto and transit accessibility metric; the average time per trip for the auto and transit travel times metric; daily miles traveled per service population for the vehicle miles traveled per capita metric; the percentage of non-auto driver trips for the Non-Auto Driver Mode Share (NADMS) metric; and the Countywide Connectivity metric documented in the 2018 Montgomery County Bicycle Master Plan for the bicycle accessibility metric.

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**9. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Work Session #
2 - Transportation Element**CONTINUED

Planning Department staff then briefly discussed proposed MSPA boundaries. Staff recommends defining the Forest Glen MSPA as the portion of the adopted Forest Glen/Montgomery Hills Sector Plan area that falls within a 0.5-mile radius of the Forest Glen Metro Station. For the Grosvenor MSPA, staff recommends revising the current boundary to include the abutting Academy of the Holy Cross and Saint Angela Hall parcels along the northeast end of the policy area.

There followed extensive Board discussion with questions to staff, Ms. Koehle, and Mr. Rixey.