



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, July 2, 2020, at 9:08 a.m., and adjourned at 4:05 p.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.

Items 1 through 3, and Items 5 through 7 are reported on the attached agenda.

Item 4 was removed from the Planning Board agenda.

The Board recessed for lunch at 11:51 a.m. and reconvened via video conference at 12:33 p.m.

Items 8 and 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:05 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 9, 2020, via video conference.

M. Clara Moise

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Sr. Technical Writer/Editor

James J. Parsons

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Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, July 2, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Downtown Silver Spring Project Plan 91998005C - MCPB No. 20-046
2. Downtown Silver Spring Site Plan 81999002M – MCPB No. 20-047

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ ABSTAINED
PATTERSON ABSENT

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

1. CSAAC Headquarters, Site Plan No. 82003004D, Regulatory Extension Request #2---

Request to extend the regulatory review period from July 2, 2020 to July 30, 2020 to install up to 1,450 free-standing solar panels that generate no more than 120% of onsite energy consumption; located at the northwest corner of the intersection of East Village Avenue and Silverfield Drive, Montgomery Village; on approximately 6.82 acres zoned R-200 and Montgomery Village Overlay Zone; within the 2016 Montgomery Village Master Plan area.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 18, 2020

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved Planning Board Meeting Minutes of June 18, 2020, as submitted.

2. Roundtable Discussion

- A. Planning Department Director's Report
- B. Briefing on FY21 Savings Plan Reductions Submitted by the Planning Department, Parks Department, and Central Administrative Services

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

- Action:**
- A. Received briefing.**
 - B. Received briefing followed by discussion.**

A. 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 ongoing community outreach efforts for the Thrive Montgomery 2050 Update to the General Plan, with a presentation to the County Council Planning, Housing, and Economic Development (PHED) Committee regarding Goals, Policies, and Actions scheduled for July 27, and the Working Draft scheduled to be presented to the Planning Board in September; the recent County Council approval of the Germantown Town Sector Plan; the status of the Shady Grove Minor Master Plan Amendment, with Planning Board worksessions forthcoming; the status of the Ashton Village Sector Plan, with the Working Draft to be presented to the Planning Board prior to the August break; the status of the Silver Spring Downtown and Adjacent Communities Plan, with kick-off listening sessions forthcoming; the status of the Great Seneca Science Corridor Amendment, the Takoma Park Minor Master Plan Amendment, and the Fairland-Briggs Chaney Minor Master Plan Amendment; the status of the Pedestrian Master Plan, with a Planning Board briefing on the related Purple Line Pedestrian Connectivity Report scheduled for later today, and a Predictive Safety Analysis forthcoming; the status of a Mixed-use Development Study; and the status of an Equity Opportunity Index, which will measure the success of Planning Department efforts in addressing racial equity.

There followed a brief Board discussion.

B. Briefing on FY21 Savings Plan Reductions Submitted by the Planning Department, Parks Department, and Central Administrative Services – The Commission’s Corporate Budget Director, Mr. John Kroll, briefed the Planning Board on the proposed FY21 savings plan, which was requested by the County Executive before finalization of the FY21 Budget and required the Commission to identify savings in the FY21 Operating Budget equal to

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2. Roundtable Discussion

CONTINUED

six percent, or \$7,776,937, and reduce the Capital Improvement Budget (CIP) by \$628,000, which Mr. Kroll noted would be addressed in a separate memo. As with past savings plans, debt service and Other Post-Employment Benefits (OPEB) budgets are removed from consideration before the six percent is calculated. Also, the Planning Department has agreed to assist the Commissioners' Office, and the Department of Human Resources and Management (DHRM), and the Finance Department have agreed to assist the Inspector General office in meeting their reduction targets.

According to Mr. Kroll, identified savings will come from holding more positions vacant and for longer periods of time, reducing training budgets, and from utilizing FY20 savings to prepay FY21 needs. Further steps necessary to generate the remainder of the requested savings are still being determined and will be presented to the Planning Board on July 9, with transmission to the County Council to follow on June 10. Mr. Kroll added that any future savings plan reductions will result in a loss of service.

Director Gwen Wright then briefly discussed proposed Planning Department FY21 budget reductions to address the savings plan, which total \$1,299,926 and are detailed in the July 1 staff memorandum to the Planning Board.

Director Mike Riley then discussed proposed Parks Department FY21 budget reductions, which total \$6,553,988 and consist of \$5,925,988 in reductions from the FY21 Park Fund Operating budget, approximately \$2,000,000 of which can be achieved through low-impact savings measures. The remaining savings will be achieved through more impactful reductions, including, but not limited to, \$947,508 through deferred and reduced hiring; \$1,063,245 through reduced spending on maintenance supplies, equipment, and parts; \$479,417 through reduced use of contracts and professional services; \$2,372,322 through cuts to repairs and maintenance; and \$139,908 through reduced spending for construction supplies, among others. Proposed reductions to the FY21 Capital Budget, which total \$628,000 in reductions to General Obligation Bond funded projects, including \$100,000 for the implementation of Ovid Hazen Wells Recreational Park improvements, \$690,000 for Planned Lifecycle Asset Replacement (PLAR) projects, \$75,000 for Minor New Construction – Non-Local Parks projects, \$8,000 for Energy Conservation – Non-Local Parks projects, \$50,000 for hard-surface trail renovations, and \$50,000 for Vision Zero implementation projects.

There followed extensive Board discussion, during which the Planning Board instructed staff to explore if the proposed reductions to Vision Zero related projects can be addressed with assistance or collaboration from the Montgomery County Department of Transportation (MCDOT).

Chair Anderson also noted that due to time constraints, additional Planning Board comments regarding the Savings Plan must be submitted by close of business on July 3.

***3. Fieldcrest Community Solar: Site Plan No. 820200110 and Final Water Quality Plan**---Request to construct a solar collection system on a portion of Parcel P707; located in the southwest quadrant of the intersection of Fieldcrest Road and Olney Laytonsville Road (MD 108); 35.73 acres; RE-1 zone; 2004 Upper Rock Creek Area Master Plan.

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 the Applicant’s Request for a Deferral.

At the outset of the discussion, Chair Anderson briefly noted that Legal Counsel to the Planning Board informed him that although Planning Department staff had mailed out the required notifications for this Item in a timely manner, numerous neighboring property owners did not receive them. Counsel believes the noticing issues could be related to the ongoing COVID-19 pandemic and could require a deferral of the Item.

Ms. Soo Lee-Cho, attorney representing the applicant, offered comments and requested that the Item be deferred in order to give Planning Department staff sufficient time to resend the required notices.

Mr. Miller Poppleton, adjacent property owner representing the Stanbrook Lane Homeowners Association, offered testimony.

There followed a brief Board discussion with questions to staff.

~~*4. 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.

***5. Key Bridge Estates, Preliminary Plan 120190170**---Request to create five lots and one outlot for five single-family detached houses; located at 1415 Smith Village Road, approximately 1500 feet east of Randolph Road, on approximately 2.17 acres of land zoned R-90; within the 1997 White Oak Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to subdivide a parcel for the construction of new single-family dwelling units. The 2.17-acre property, identified as Parcel P338, is located on the north side of Smith Village Road and is zoned Residential in the White Oak Master Plan area. The site is currently developed with a single-family home and shed and is accessed from Smith Village Road via a shared driveway that serves the properties beyond the terminus of the publicly dedicated portion of Smith Village Road. There is no existing forest on the property, though several individual trees are located along the south and west property lines. Staff noted that there are numerous constraints on the site, including ingress and egress easements, Washington Suburban Sanitary Commission (WSSC) easements, proposed development from a shared driveway, and the terminus and width of Smith Village Road.

Staff noted that following the demolition of the existing house and shed, the applicant proposes to subdivide the property into five lots for construction of five new single-family detached dwelling units and one outlot, which currently contains stormwater management facilities, is further constrained by a storm drain, and will be owned and maintained by a Homeowners Association. A cul-de-sac will be constructed to complete the public portion of Smith Village Road and provide access for the five units, with three of them fronting on the new cul-de-sac and the other two units to share a driveway with one of the units with frontage. Staff noted that the Planning Board may approve up to two lots without frontage, to be served by a private driveway that serves no other lots without frontage. Access to the lots without frontage must be adequate for emergency vehicles and for installation of utilities and must not be detrimental to the future development of adjacent properties. The proposed development will maintain the existing ingress/egress easements for the shared private driveway, the property and

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***5. Key Bridge Estates, Preliminary Plan 120190170**CONTINUED

proper completion of Smith Village Road, while preserving the option for further development of the properties that access the shared driveway by dedicating additional Right-of-Way (ROW) for any potential road connection.

Staff then briefly discussed forest conservation issues, noting that the applicant proposes to meet the 0.33-acre forest conservation requirement at an off-site mitigation bank. The applicant has also submitted a tree variance request to remove three high priority trees and impact but not remove a specimen tree, which will be mitigated by planting three native shade trees. Staff supports the variance request.

The following speakers offered testimony: Mr. Ed Limberger, adjacent property owner representing the Brooks Farm Homeowners Association, and Ms. Renita Smith of Smith Village Road offered testimony.

Messrs. Mamo Assefa and Hailu Aichehi, members of the applicant's team, offered a multi-media presentation and comments, and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff.

***6. 11140 New Hampshire Avenue, Site Plan No. 81979030A**---Request to convert an existing 2,102-square-foot bank to a Dunkin Donuts with a single drive-thru window; located at 11140 New Hampshire Avenue, approximately 3,000 feet southeast of the intersection of New Hampshire Avenue and Columbia Pike, Silver Spring; on approximately 4.2 acres of land zoned CRT-1.5, C-1.5, R-0.25, H-60; within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan Amendment request to redevelop a former bank site with restaurant uses. The 4.2-acre property is located on the west side of New Hampshire Avenue (MD650), approximately 3,000 feet south of its intersection with Columbia Pike (US29), and is zoned Commercial/Residential/Town (CRT) within the White Oak Science Gateway Master Plan area. The site is located on a pad site within a larger shopping center that also includes a five-story office building and a one-story strip mall and is currently developed with a 2,102-square foot vacant bank with a drive-thru.

Staff then briefly discussed previous approvals, including a 1980 Site Plan for the 81,118 square feet of development currently in the existing shopping center. Staff noted that while the original approval covered the entirety of this site, the Amendment under review today only covers the existing bank area.

Staff noted that the applicant is proposing to convert the former vacant drive-thru bank building into a Dunkin Donuts/Baskin Robbins drive-thru restaurant on the eastern portion of the property. The existing drive-thru area will be reconfigured to accommodate a queue length of seven cars, with new striping and curbing that will better separate the drive-thru circulation from the flow of traffic that moves through the parking lot. The reconfiguration of the drive-thru will result in the elimination of five parking spaces, resulting in a total of 292 parking spaces for the entirety of the Site Plan area. Two handicapped-accessible parking spaces will be relocated from a row of parking spaces along the eastern edge of the property to the north side of the building, immediately outside the front door. In addition, an existing pedestrian handicapped ramp will be

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***6. 11140 New Hampshire Avenue, Site Plan No. 81979030A**CONTINUED

removed and replaced with two shorter ramps at the east and north sides of the building. The applicant will also install a new pedestrian connection, via a crosswalk, to connect the sidewalk on the west side of MD650 to the entrance of the building. The applicant proposes to provide 1,030 square feet of open space in the form of a sidewalk on the east and north sides of the building, which staff noted exceeds the required 945 square feet of open space. Staff noted that the applicant is requesting waivers regarding the locations of the drive-thru window and queuing area, which were previously approved as part of the original Site Plan, and the build-to area requirements, which staff noted is addressed by the proposed improvements to the marking and circulation, and a proposed right-out only from the drive-thru onto MD650.

Staff has received correspondence from one community group expressing concern regarding the proposed circulation in the parking lot. Staff addressed this issue, as detailed in the June 22 technical staff report.

Ms. Francoise Carrier, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. William Carbaugh, member of the applicant's team, also offered comments and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff.

***7. Residences at Knowles Station: Preliminary Plan No. 120200160**---Request to subdivide the Subject Property into six (6) lots for the construction of six (6) townhomes, and includes public open space, common open space and off-street parking; located at 4000 Knowles Avenue, at the intersection of Summit Avenue, Town of Kensington; 0.19 acre in the CRN 1.0, C-1.0, R-0.5, H-45 and within the Town Center District of the 2012 Kensington Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON 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.

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to subdivide a lot for the construction of a townhome development. The 0.19-acre property, a triangular shaped lot, is located on the southeast quadrant of the intersection of Knowles Avenue (MD547) and Summit Avenue and is zoned Commercial/Residential/Neighborhood (CRN) in the Town Center District of the Kensington Sector Plan area. The property, which has frontage along MD547, Summit Avenue, and Kaiser Place, is currently developed with an existing single-family detached home with vehicular access from Kaiser Place. Though there is no forest, the property has one specimen tree which is located within the proposed area of dedication for Knowles Avenue.

Staff noted that following the demolition of the existing house, the applicant proposes to subdivide the existing lot into six lots to accommodate the construction of six rear loaded, four-story townhomes, one public open space and two common parcels. Due to the unusual shape of the parcel and site constraints as an infill residential subdivision, the proposed lots sizes exceed the minimum required lot size of 800 square feet, varying from 825 to 1,615 square feet. Access to the site will be provided via an existing curb cut on Kaiser Place that will be configured to accommodate 12-foot-wide driveways on each lot with one internal parking space, with the exception of proposed Lot 1, which will have an 18-foot-wide driveway to accommodate two off-street parking spaces. Three open space parcels are proposed with varying ownership, with 432-square foot Parcel A, a gateway plaza to be located near the intersection of Summit Avenue MD547, proposed as a public open space parcel to be dedicated to the Town of Kensington, and Parcels B and C, with a combined total of 1,741 square feet, proposed to meet the common open

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***7. Residences at Knowles Station: Preliminary Plan No. 120200160**CONTINUED

space requirement as privately-owned common open space to be located adjacent to Parcel A and along the MD547 frontage, respectively. Staff noted that Parcel C will be designated as a civic green. Proposed on-site amenities include an art sculpture and seating, to be located within the gateway plaza at the corner of MD547 and Summit Avenue. Staff then briefly discussed minor corrections to the conditions of approval.

Staff also discussed forest conservation issues, noting that because the project proposes to remove one onsite specimen tree and one specimen tree on an adjacent property, which cannot be removed without the adjacent property owner's permission, the applicant has submitted a Tree Save Plan. As mitigation for the removal of the trees, the applicant proposes to plant two native canopy trees and three ornamental trees, as well as street trees in the right-of-way.

Staff has received numerous correspondence expressing concerns regarding additional traffic and parking, cumulative impacts when the confronting property to the north is developed, and the proposed bicycle improvements. Staff addressed each of these issues, as detailed in the June 22 technical staff report.

Mr. Bob Kyte, member of the applicant's team, offered comments and answered questions from the Planning Board.

At the request of the Planning Board, Ms. Rebecca Torma of the Montgomery County Department of Transportation (MCDOT) discussed the turning radius from Summit Avenue to MD547, noting that the existing turn radius is suitable to accommodate bus traffic.

There followed extensive Board discussion with questions to staff and Ms. Torma.

8. Briefing on Purple Line Pedestrian Connectivity Report*Staff Recommendation: Planning Board Discussion***BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received Briefing followed by Planning Board Discussion.**

Planning Department staff offered a multi-media presentation and discussed the Purple Line Pedestrian Connectivity Report, available on the Planning Department website. Staff noted that the report provides an analysis of pedestrian connectivity for each of the Purple Line stations in Montgomery County, along with a series of targeted recommendations. The analysis utilized the Pedestrian Level of Comfort tool, developed for the Pedestrian Master Plan, to evaluate the comfort of the pedestrian network, combined with a residence-to-station connectivity analysis, to determine comfortable connectivity for each station area. The report found that most stations would be lacking in comfortable pedestrian connectivity at the time of the Purple Line opening. To address this, Planning Department staff developed a series of short- and medium-to-long-term recommendations for improving pedestrian connectivity within each station area, with a focus on improving connectivity in station areas that overlap with the Metropolitan Washington Council of Government's Equity Emphasis Areas.

Staff then discussed pedestrian connectivity, level of comfort, and the existing conditions and recommendations at the various stations. Staff stated that the Purple Line light rail, scheduled for completion in 2023, will rely on a predominantly pedestrian ridership base. However, comfortable pedestrian access to many of the stations is notably lacking, particularly as the line passes through neighborhoods designed for cars. To quantify comfortable pedestrian access and make recommendations to increase pedestrian comfort, the Montgomery County Planning Department has assessed pedestrian access to all Purple Line light rail stations serving Montgomery County, accounting for all current and upcoming projects that will affect pedestrian infrastructure before the opening of the light rail in mid-2023. These projects included the infrastructure improvements of the Purple Line Project itself, plus additional Capital Improvement Program (CIP) projects expected to be completed by mid-2023 and private development projects currently under construction. Comfort level was assigned to each segment of the pedestrian network using Montgomery Planning's Pedestrian Level of Comfort (PLOC)

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8. Briefing on Purple Line Pedestrian Connectivity Report

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evaluation, which considers the characteristics of each pedestrian pathway and crossing segment using such factors as pathway width, speed limit, or crosswalk type, and assigns it a score on a four-point scale, ranging from “very comfortable” to “unacceptable.” A subsequent connectivity analysis used the PLOC scores to determine the most comfortable route for each residence-to-station trip. Percent connectivity for each station area was then calculated by dividing the total comfortable distance of all residential trips by total distance of all residential trips. Once the total miles of comfortable access were calculated for each station area, staff made a series of targeted recommendations to make walking to Purple Line stations more comfortable, which included short-term, less costly and quicker-to-implement options, such as reducing speed limits and installing high visibility crosswalks; and medium-to-long term options, more costly and slower-to-implement, such as the installation of wider sidewalks and sidewalk buffers strategies.

Staff added that the results also reveal that, in general, stations located in Central Business Districts, such as Bethesda, Silver Spring, and the Silver Spring Library area, all have high pedestrian connectivity even before considering additional recommendations. All stations located on major highways with higher posted speed limits – Woodside, Long Branch, Piney Branch Road, and Takoma-Langley – demonstrate low connectivity prior to additional recommendations. Wherever possible, substantial increases in pedestrian connectivity were achieved with additional recommendations, but some station areas saw limited increases in connectivity, i.e., Dale Drive, Long Branch, and Piney Branch Road, because pedestrian improvements would require either taking away front yard space from private owners or redevelopment of privately-owned properties. For most station areas, 25 miles per hour speed limits are recommended within a half-mile of the station. Major road crossings should be signal-controlled and have high-visibility crosswalks. These lower-cost and quicker-to-implement improvements can yield substantial increases in comfortable pedestrian connectivity. However, higher-cost and slower-to-implement projects that include the installation of separated bikeways, which provide an extra buffer between pedestrians and cars, and the widening of sidewalks and sidewalk buffers are essential to transforming major highways into comfortable places for pedestrians and bicyclists.

Staff added that the report will be transmitted to the Purple Line Corridor Coalition and the County Council for review.

Staff noted that Mr. Gerrit Knapp of Shoreham Drive and representing the National Center for Smart Growth was present at the meeting.

There followed extensive Board discussion with questions to staff.

9. 2020-2024 Subdivision Staging Policy (SSP)/ County Growth Policy: Worksession # 3 – Schools 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 Briefing and Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing Followed by Planning Board Discussion.

Planning Department staff offered a multi-media presentation and discussed the 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy recommendations for the Schools Element 2020 update to the County’s SSP and related infrastructure funding mechanisms, available on the Planning Department website. Staff noted that it will continue the discussion on the Schools Element of the draft 2020 update to the SSP/County Growth Policy. The topics for discussion will include recommendations and comments received pertaining to school impact area designations, residential development moratoria, moratoria exceptions, student generation rates, development application review and Utilization Premium Payments. If time permits, staff may also have an initial discussion on the impact tax and recordation tax recommendations in the draft policy report. Staff has included information on two School Impact Area designation options and a new potential recommendation for Planning Board consideration. These are based on Planning Board discussions during worksession #1.

Staff discussed residential development moratorium stating that the proposal is to establish a new exception that allows the Planning Board to approve residential development in an area under a moratorium if a school, at the same level of any school causing the moratorium, is located within 10 network miles of the proposed subdivision and meets the following adequacy standards: Elementary School – 50-seat deficit and 110 percent utilization; Middle School – 90-seat deficit and 110 percent utilization; and High School - 110 percent utilization. Staff expressed concern that this will render the moratorium tool moot in an area where it can still be helpful, and also raised a few questions for the Planning Board to consider. Staff then discussed school moratorium and its proposed elimination, as previously discussed in a prior worksession, and stated that under the current SSP, when schools reach 120 percent capacity utilization, the affected area goes into a moratorium, which means the Planning Board cannot approve new

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**9. 2020-2024 Subdivision Staging Policy (SSP)/ County Growth Policy:
Worksession # 3 – Schools Element**CONTINUED

residential development. A moratorium generally lasts one year, or until school enrollment drops, school boundaries are changed, or additional classroom space is found or created. Since July 2019, 12 percent of the county's total land area has been placed in a residential development moratorium as a result of the FY 2020 Annual Schools Test. The coverage and impact of this moratorium is considerably higher in the areas of many recently adopted master plans.

Staff added that the School Impact Area Options document contains data pertaining to two School Impact Area (SIA) options for the Board's consideration: SIA Option A - this is based on the School Impact Area designations recommended in the Public Hearing Draft, and SIA Option B - this option uses the designations in the Public Hearing Draft, but also designates all Metro station policy areas, Red Policy Areas, as Infill Impact Areas. For each option, staff has provided tables showing the applicable student generation rates by dwelling type and School Impact Area; the corresponding impact tax rates; and the corresponding Utilization Premium Payments. Regarding a potential moratorium exception, staff offered the following potential language for the Board's consideration based on a suggestion from worksession #1 to allow borrowing from nearby or adjacent schools: "When a moratorium is imposed in a Greenfield Impact Area, the Planning Board may nevertheless approve a subdivision in the subjected area if a school located within ten network miles of the subdivision, at the same level as any school causing the moratorium, has a projected utilization rate in the current Annual School Test of no more than 110 percent and less than a 55-seat deficit if at the elementary school level; less than a 90-seat deficit if at the middle school level."

Staff also discussed the Student Generation Rate Calculation, noting that County-wide and School Impact Area student generation rates should be calculated by analyzing all single-family units and multi-family units built since 1990, without distinguishing multi-family buildings by height. Staff also added that multi-family buildings built in the last decades generate students differently than older ones because they have fewer and smaller bedrooms, are more expensive and less family oriented. Staff also added that the County Growth Policy should explicitly allow the Planning Board to deny a residential development project in Turnover Impact Areas and Infill Impact Areas, if the Board deems that there is inadequate public school infrastructure, after consideration of the applicable data and circumstances.

Staff also discussed the SSP comments-tracking spreadsheet prepared after the Public Hearing, which lists and summarizes the numerous public comments received.

At the Board's request, Ms. Essie McGuire, Associate Superintendent of Operations at Montgomery County Public Schools (MCPS), offered comments.

The following speakers offered testimony: Ms. Melissa McKenna of Hidden Field Drive; Ms. Katya Marin of Fairfield Drive and representing the Montgomery County Council of Parents/Teachers Association; and Ms. Wendy Calhoun of Ashburton Lane.

There followed extensive Board discussion with questions to staff and Ms. McGuire.