



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 9, 2020, at 9:03 a.m., and adjourned at 4:30 p.m.

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

Items 1 through 6 are reported on the attached agenda.

The Board recessed for lunch at 11:46 a.m. and convened in Closed Session at 12:02 p.m. to take up Item 9, 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 12:02 p.m. via video conference on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the meeting were Senior Counsel Megan Chung of the Legal Department; Director Mike Riley, Deputy Director Miti Figueredo, Brenda Sandberg, Andy Frank, Henry Coppola, Edward Glover, Sean Harbaugh, Gary Burnett, Lynn Lewis, Jai Cole, and Hyojung Garland of the Parks Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the proposed acquisition of land as an addition to the Willard Avenue Neighborhood Park.

The Closed Session meeting was adjourned at 12:21 p.m.

The Planning Board reconvened via video conference at 12:42 p.m.

Items 8 and 7, discussed in that order, are reported on the attached agenda.

MCPB, 7-9-20, APPROVED

There being no further business, the meeting was adjourned at 4:30 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 16, 2020, via video conference.

M. Clara Moise

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons

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Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, July 9, 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**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Other Consent Items submitted for approval.**

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 25, 2020

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of June 25, 2020, as submitted.

2. Roundtable Discussion

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

BOARD ACTION

Motion: B. CICHY/VERMA

Vote:

Yea: B. 5-0

Nay:

Other:

**Action: A. Received briefing.
B. Approved staff recommendation to transmit comments to the County Council regarding the FY21 Budget Savings Plan recommendations, as stated in the attached transmittal letter.**

A. Parks Department Director’s Report – Parks Department Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of Stage Two of the Maryland Strong: Roadmap to Recovery re-opening plan, noting that Cabin John Ice Rink and Wheaton Ice Arena, the Pauline Betz Addie Tennis Center and Wheaton Indoor Tennis facilities, the Wheaton Sports Pavilion, athletic fields, the Lodge at Little Seneca Creek and Rockwood Manor event centers, the Black Hill Boats at Little Seneca Lake and Lake Needwood Boats, the MiniGolf at South Germantown Recreational Park, the miniature trains at Cabin John and Wheaton Regional Parks, and some playgrounds have opened with limited, distanced, or low contact programs; and the status of recent lead testing at 24 parks containing rubberized surfaces, with initial results showing elevated levels of lead on deteriorated rubber surfaces at Calverton-Galway Local Park, Countryside Neighborhood Park, Fairland Recreational Park, and Fox Chapel Neighborhood Park, two subsequent tests showing safe lead levels, and repairs currently in progress at the parks, which will re-open in late July.

There followed a brief Board discussion.

B. Briefing on FY21 Budget 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 Budget savings plan, noting that at today’s meeting he will provide greater detail to the summary presentation given during the July 2 Planning Board hearing. Mr. Kroll reminded the Board that prior to the finalization of the FY21 budget, the County Executive requested that the

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2. Roundtable DiscussionCONTINUED

Commission participate in a savings plan to identify savings in the Operating Budget equal to six percent, or \$7,776,937, and reduce the Capital Improvements Budget (CIP) by \$628,000.

Mr. Kroll then briefly discussed proposed reductions to the FY21 CIP budget, noting that in response to a Planning Board request for staff to explore other options to mitigate reductions related to the Vision Zero Project Description Form (PDF), the previously proposed \$50,000 reduction has now been spread out in small increments among several other Level of Effort (LOE) projects.

Mr. Kroll also noted that the County Council requested additional information regarding the current number of vacant positions on the Montgomery County side of the Commission, whether those positions will be held as vacant, and how the Commission plans to use lapsed savings to meet the savings target. As of July 1, there are 126 vacancies on the Montgomery County side. Lapsed savings over and above the budgeted lapse will be used for the Savings Plan, which does not mean that all 126 vacant positions will remain vacant throughout FY21. Mr. Kroll added that the response will be transmitted to the County Council along with the FY21 Budget Savings Plan.

There followed a brief Board discussion with questions to Mr. Kroll.

***3. 8015 Old Georgetown Road**

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 and Adoption of Resolution

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 and Adoption of Resolution

BOARD ACTION

Motion: A. & B. CICHY/VERMA

Vote:

Yea: A. & B. 5-0

Nay:

Other:

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

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

Planning Department staff offered a multi-media presentation and discussed proposed Preliminary Plan Amendment and Site Plan requests to revise the approved density, number of residential units, uses, and Development Plan requirements for a multi-family residential building. The 2.52-acre property is located on the northeast quadrant of the intersection of Old Georgetown Road (MD187) and Glenbrook Road and is zoned Commercial/Residential (CR) in the Bethesda Downtown Sector Plan area and the Bethesda Overlay Zone (BOZ). The site is currently developed with the Christ Evangelical Lutheran Church of Bethesda-Chevy Chase, consisting of a church building and adjoining three-story community building, three single-family detached houses used for a child daycare and other community purposes, and a surface parking lot. Prior to the adoption of the Bethesda Downtown Sector Plan, the property was rezoned from the Commercial Zone to the Planned Development (PD) Zone, subject to the binding elements and requirements of the approved Development Plan. Subsequently, the Planning Board approved Preliminary and Site Plans to allow the property to redevelop with a 53,000 square-foot church/community center building and a 145,863 square-foot multi-family

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***3. 8015 Old Georgetown Road**CONTINUED

residential building containing a maximum of 107 units. The Planning Board also approved a Sketch Plan in June 2019 for up to 320,000 square feet of multi-family development with an allocation of up to 128,036 square feet of BOZ density. Staff noted that given the rezoning of the property implemented through the Bethesda Downtown Sector Plan and the approval of the 2019 Sketch Plan, the property is no longer subject to the previous Development Plan.

Staff also added that the applicant is requesting to increase the approved maximum density, increase the number of residential units, remove the commercial and church uses, remove the existing Development Plan requirements, and proposes to create one lot for a multi-family residential development with a maximum density of 316,500 square feet for residential uses in a 90-foot tall building with up to 297 dwelling units, including 15 percent Moderately Priced Dwelling Units (MPDUs). Staff noted that the proposal includes up to 124,536 square feet of BOZ density, which will require a Park Impact Payment (PIP) of approximately \$974,253. Vehicular access will be provided from MD187 and Glenbrook Road via two new driveways, with a third access point from Rugby Avenue to be available to emergency vehicles only. The driveway from MD187 is proposed as the main driveway, which will allow full-movement ingress and egress access to both a new internal structured garage and the designated loading and trash collection area. Staff also noted that the applicant is seeking alternative compliance to allow a driveway that will allow right and left turns into the parking garage from Glenbrook Road and only right turns onto Glenbrook Road from the garage. Pedestrian and bicycle access will be maintained along the property frontage sidewalks and adjacent public roadways. Additional pedestrian access will be provided through the site from Rugby Avenue to Glenbrook Road via a new public through-block connection.

Staff then discussed forest conservation, noting that while there is no existing forest on the property, the proposed project has a 0.3-acre afforestation requirement, which the applicant proposes to meet through the planting of on-site canopy trees. The site area does include nine specimen trees both on-site and within 100 feet of the property line, one of which was removed to avoid hazardous conditions for a neighboring residence but is still included in all necessary forest conservation calculations and variance mitigation requirements. The applicant has submitted a variance request for the previously removed specimen tree and to remove five additional specimen trees, for which the applicant proposes to mitigate with the on-site planting of 18 trees.

Staff has received one letter regarding the safety of the proposed driveway from Glenbrook Road, which staff addressed, as detailed in the June 21 technical staff report.

The following speakers offered testimony: Mr. Greg Kiel representing the Battery Park Association; Mr. Bryce Vermillion, adjacent property owner; and Ms. Sherry Wheeler representing Christ Lutheran Church, the property owner.

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

Mr. Graham Brock and Ms. Lauren Brandes, members of the applicant's team, also offered comments and answered questions from the Planning Board.

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

4. Shady Grove Sector Plan Minor Master Plan Amendment Worksession No. 2---
Historic Resources: Listing of the Derwood Store and Post Office in the Master Plan for Historic Preservation.

Staff Recommendation: Discussion and Provide guidance to Staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, approved staff recommendation to include the Derwood Store and Post Office in the Master Plan for Historic Preservation.

Planning Department staff offered a multi-media presentation and discussed Historic Resources recommendations for the proposed Shady Grove Sector Plan Minor Master Plan Amendment, specifically a request that the Planning Board evaluate the Derwood Store and Post Office, located on Redland Road, for listing as a Historic Site in the Master Plan for Historic Preservation. According to staff, the Montgomery County Historic Preservation Commission (HPC) recommended the Historic designation for the site in 1984. However, the County Council denied designation of the Derwood Historic District in the Master Plan for Historic Preservation, and with the exception of the Crabb Family Cemetery, removed the district from the *Locational Atlas and Index of Historic Sites* in 1991. The Planning Board re-listed the Derwood Store and Post Office in the *Locational Atlas and Index of Historic Sites* in 2004. Two years later, the approved Shady Grove Sector Plan recommended evaluation of the property for designation in the Master Plan for Historic Preservation. In May 2019, the Historic Preservation Commission (HPC) unanimously recommended that the Planning Board and County Council amend the Master Plan for Historic Preservation to designate the Derwood Store and Post Office as a Master Plan Historic Site. Staff added that the Public Hearing Draft of the Plan Amendment also recommends the designation of the property to the Master Plan for Historic Preservation.

Staff then discussed the designation criteria for Master Plan Historic Sites, including, but not limited to, character, interest, or value as part of the development of the county, state, or nation; exemplification of county or local heritage; distinctive characteristics of a type, period, or method of construction; and an established visual feature. Staff and the HPC agree that the Derwood Store and Post office meets these four criteria and therefore warrants an amendment to the Master Plan for Historic Preservation to list the property as a Master Plan Historic Site. Additionally, the HPC has supported staff's recommendation to rezone the property from

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4. Shady Grove Sector Plan Minor Master Plan Amendment Worksession No. 2

CONTINUED

Residential to Commercial/Residential/Neighborhood (CRN) to facilitate the rehabilitation of the building. Staff noted the rezoning would also allow redevelopment of the eastern portion of the 11,580-square foot lot with up to 4,896 square feet of residential uses.

Ms. Sandra Heiler, representing the HPC, offered testimony.

There followed extensive Board discussion with questions to staff.

5. Glenstone Foundation – Bell Property Forest Conservation Plan SC2020008---
 Request to construct the Four Rounds Pavilion art installation. Adjust the platted building restriction line to the current floodplain delineation. Amend conservation easement to allow permanent disturbance of 0.38 acres and to replace the easement 1:1 for non-buffer area and 2:1 for stream buffer area onsite. Install pedestrian raised wooden board walks within existing easement area across Greenbriar Branch floodplain. The Bell Property (Part of the Glenstone Foundation) is located on the south side of Glen Road between Greenbriar Branch stream valley Great Elm Drive. 5.87 acres; RE-2 zone; Watts Branch Stream Valley; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: VERMA/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Final Forest Conservation Plan (FFCP) Amendment to remove conservation easement areas to facilitate improvements to a property’s museum and education uses and to address a Forest Conservation violation. The site, consisting of Lot 1, identified as the Bell property, and Parcel P527, is located on the eastern portion of a larger 200-acre site located on the south side of Glen Road and is zoned Residential Estate (RE-2) within the Potomac Subregion Master Plan Area. The property is currently developed with an existing art museum, art education center, visitor center, and two single-family residences, all of which are proposed to remain. According to staff, the original FCP was approved in 2013 and has been subsequently revised numerous times. These amendments have generated approximately 64.2 acres of conservation easement along the Greenbriar Branch and Sandy Branch stream valleys, both on and off the Glenstone site. Much of this conservation easement area is existing forest, but there are also planting areas totaling approximately 3.64 acres. A recent amendment also allowed a natural surface bridle trail and an amendment to the easement language will allow on-going maintenance.

Staff noted that the applicant proposes to amend the Final Forest Conservation Plan to remove two sections of the Category I Conservation Easement, the first being approximately 0.2 acres on the Bell property, 0.01 acre of which is located within the Greenbriar Branch stream valley, which was first placed on the property when it became part of the Glenstone

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5. Glenstone Foundation – Bell Property Forest Conservation Plan SC2020008CONTINUED

property and a house and barn were demolished. The removal of this portion of the easement will accommodate the construction of a new art pavilion and a raised boardwalk, which will access the new pavilion from an existing boardwalk that was approved by the Planning Board with a previous amendment. The applicant then proposes to remove approximately 0.16 acres of conservation easement on Parcel P527, 0.08 acres of which is also located within the Greenbriar Branch stream valley, to complete an access roadway connecting to the existing Greenbriar Branch bridle path. The approximately 0.38 total acres of easement removal from these two areas will be mitigated at a 1:1 ratio for non-buffer easement removal and at 2:1, or 0.52 acres, for buffer easement removal on the Bell property. An additional 1.16 acres of forest will remain on the Bell property but will not be permanently protected by an easement. Staff noted that the applicant proposes 0.26 acres of onsite forest clearing and 0.46 acres of offsite forest clearing on an area located just south of the Bell property, which was added to the net tract area due to a disturbance associated with construction on the Bell property prior to a pre-construction meeting having taken place. A Notice of Violation was issued to the applicant during the review cycle of this plan. This disturbed area was subsequently added to the FFCP area. The applicant has also submitted a variance request to remove one tree and impact, but not remove, two other high priority trees. Staff noted that mitigation for the removal of variance trees is not required because the existing tree is within a forested area that is currently within the easement that is proposed for removal.

Mr. Scott Wallace, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

***6. Cedar Ridge Community Solar, Site Plan No. 820200040---**Request to construct a solar collection system on a portion of the Cedar Ridge Community Church property, 2420 Spencerville Road, located on the north side of Spencerville Road, opposite of Thompson Road, RC zone & RE-1 zone, 62.71 acres, 1997 Cloverly Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan request to construct a free-standing solar collection system. The 62.71-acre property, identified as Parcel A, is located on the northside of Spencerville Road (MD198), confronting its intersection with Peach Orchard Road, and is split-zoned Rural Estate (RE-1) along the MD198 frontage and Rural Cluster (RC) on the remainder of the property within the Upper Paint Branch Overlay Zone and the Cloverly Master Plan area. The property is currently improved with the Cedar Ridge Community Church; a surface parking lot; a picnic area; a small play area; and the 2.5-story Spencer-Carr House, a Historic Site built in 1855 listed in the Master Plan for Historic Preservation; a historic silo; and a historic barn that is now used as a school, all of which are located within the RC Zone portion of the property. The portion of the property directly north of the church is undeveloped and currently maintained as a lawn. The property is currently accessed via an existing driveway that serves the church and will remain in place in its current orientation. Staff noted that the property is located within two watersheds. The 12.3-acre southern portion of the property that abuts MD198 is within the Upper Paint Branch watershed, the Upper Paint Branch Special Protection Area (SPA), and the Upper Paint Branch Overlay Zone. The remaining 50.9-acre portion to the north is located within the Lower Patuxent River Watershed and the Patuxent River Watershed Primary Management Area (PMA).

Staff noted that the applicant proposes to construct a freestanding solar collection system capable of generating no more than two megawatts of electricity, on 8.62 acres of land located north of the existing church within the Patuxent River Watershed PMA of the property RC Zone. In addition to the photovoltaic panels, two concrete pads will house electrical cabinets containing recombiners, inverters, transformers, and switchgear needed to convert direct current electricity

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***6. Cedar Ridge Community Solar, Site Plan No. 820200040**CONTINUED

to alternating current. A seven-foot tall chain-link fence without barbed wire will surround the solar array and will include a 20-foot vegetative screen along the southern fence line. While the existing driveway will remain for the church, a new paved driveway and turnaround pad will be built at the entrance of the solar field to provide access and an area for maintenance vehicles and fire department apparatus to turn around. Staff noted that due to the solar array's location north of the existing church building and the proposed vegetative screening, it will not be visible from the Spencer-Carr House, which suffers from years of deferred maintenance and is an unoccupied shell with no remaining interior features. The Montgomery County Historic Preservation Commission (HPC) generally agrees with a Planning Department Historic Preservation staff report finding that the solar array and additional equipment will be located at sufficient distance from the historic resources. Staff then briefly discussed a minor correction to the staff report.

Staff has received correspondence from the Cloverly Civic Association regarding current and future maintenance responsibilities, a request to plant a meadow mix that supports pollinator species, safety of and access to the solar field, historic preservation concern, procedures for disposing of panels, and a perceived lack of open communication with Planning Department staff. Staff addressed each of these issues, as detailed in the June 26 technical staff report.

Ms. Sandra Heiler, representing the HPC, offered testimony.

Ms. Soo Lee-Cho, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Matthew Dyer, Head Pastor of the Cedar Ridge Community Church, and Ms. Frances Yuhas of Turning Point Energy, members of the applicant's team, also offered comments and answered questions from the Planning Board.

There followed extensive Board discussion with questions to staff.

9. CLOSED SESSION

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

The topic to be discussed is the proposed acquisition of land as an addition to Willard Avenue Neighborhood Park

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. 2020-2024 Subdivision Staging Policy (SSP)/ County Growth Policy: Worksession # 4A – Transportation Element--- Worksession on recommendations for the 2020 update to the county’s Subdivision Staging Policy and related infrastructure funding mechanisms.

Staff Recommendation: Briefing and Planning Board Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing Followed by Board Discussion and Provided Guidance to Staff.

Planning Department staff, accompanied by Mr. Alex Rixey of Fehr and Peers DC Transportation Consultants, and Ms. Barbara Moxier of Toole Design Group Engineering Consultants, filling in for Ms. Emily Koehle, offered a multi-media presentation and discussed the 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy recommendations for the Transportation Element update. Staff noted that this worksession will continue the Planning Board’s discussion of the transportation element of the draft 2020 update to the Subdivision Staging Policy/County Growth Policy. The topics for discussion will include recommendations and comments received pertaining to Vision Zero integration into the Local Area Transportation Review (LATR) process, traffic congestion standards, policy categorizations for emerging Transit-Oriented Development areas and alternative policy area-level transportation review approaches for master plan evaluation. In preparation for this worksession, the Planning Department has prepared two maps depicting conceived boundaries for new Purple Line Station policy areas located beyond the Silver Spring Central Business District: i) the Lyttonsville and 16th Street/Woodside Purple Line Station Areas – As depicted in the map provided as Attachment 1 in the report available on the Planning Department website, these two areas are combined into a single policy area given their proximity and overlapping walksheds; and ii) Dale Drive and Manchester Place Purple Line Station Areas - As depicted in the map provided as Attachment 2, these two areas are combined into a single policy area given their proximity and overlapping walksheds. In addition, based on the Planning Board discussions during worksession #2 on June 25, 2020, it is anticipated that the Board will provide an opportunity to receive public testimony regarding the following proposed policy area boundary actions pertaining to two Metro Station Policy Areas (MSPAs): Forest Glen MSPA - In accordance with a provision in the resolution

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8. 2020-2024 Subdivision Staging Policy (SSP)/ County Growth Policy: Worksession # 4A – Transportation ElementCONTINUED

approving the recently adopted Forest Glen/Montgomery Hills Sector Plan, the precise boundary of the new Forest Glen Metro Station Policy Area (MSPA) is to be determined as part of the 2020 County Growth Policy; and Grosvenor MSPA – The industrial zoned Academy of the Holy Cross and Saint Angela Hall properties abutting the northeast end of the Grosvenor MSPA are contemplated to be rezoned to accommodate residential development. As a parallel action, these properties are also contemplated to be incorporated within the boundary of this policy area.

Staff noted that the proposal to reduce the threshold for the pedestrian system, transit system and bicycle system adequacy tests to five peak-hour trips is too onerous and would require smaller development projects in Metro Station Policy Areas to expend considerable resources to satisfy these new regulatory mandates that involve off-site improvements which may be disproportionate to the size of the project. The enhanced Vision Zero revised LATR would reduce the estimated number of crashes based on predictive safety performance functions or number of conflict points and recommend retaining the existing capacity test of 50-peak hour person trip trigger per motor vehicle. The pedestrian system would retain the existing test for Americans with Disabilities (ADA) compliance and maintain the acceptable pedestrian level of comfort within 500 feet of a site boundary or to transit stops within 1,000 feet and would review the lighting at the stations. The bicycle system has conducted tests with low-level of traffic stress within 750 feet of a site boundary, and the transit system has existing capacity test at peak load level of service.

Staff added that it recommends eliminating the LATR study requirement for motor vehicle adequacy in Red Metrorail Station Policy Areas (MSPAs) because capacity-based measures often result in mitigation requirements in conflict with Vision Zero, it helps leverage significant Metrorail investments to support desired development, and the multi-modal environment provides alternative travel mode opportunities and robust street grids that disperses traffic. Staff recommended retaining adequacy tests for non-auto modes, i.e., pedestrian, bicycle and transit. Staff also recommended that the Planning Board support this recommendation given that there are few improvements that can be made in MSPAs, and most recommended LATR improvements in MSPAs run counter to the direction Vision Zero would propose. Ideally, a Unified Mobility Program (UMP) and resulting fees should be developed before making this change. However, until such a time that UMPs can be developed, a flat fee should be applied in order to provide uniformity among the MSPAs, Staff is recommending using the average of the Local Area Transportation Improvement Program (LATIP) fee for White Oak and Bethesda until individual MSPAs fee can be established. Staff noted that the Planning Board generally supports this recommendation but questions its application in “terminal” MSPAs such as Shady Grove and Glenmont. Staff also discussed the Transit Corridor Congestion Standard noting that it recommends increasing the intersection delay standard to 100/seconds/vehicle for transit corridor roadways in Orange and Yellow policy areas to promote multi-modal access to Planned Bus Rapid Transit (BRT) service in transit corridors. Staff also discussed the Purple Line Station

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8. 2020-2024 Subdivision Staging Policy (SSP)/ County Growth Policy: Worksession # 4A – Transportation Element

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Policy Area Categorization and recommended placing all three Purple Line policy areas, i.e., Chevy Chase Lake, Long Branch, and Takoma/Langley, which the Purple Line traverses, in a new dark red policy area category. Conceptually, this change will reflect a “hybrid” between the Red and Orange policy areas categorization. Staff also discussed Policy Area Review – Auto and Transit Accessibility and noted that the proposed auto and transit accessibility metrics is the average number of jobs that can be reached within a 45-minute travel time by car or walk to access transit.

Ms. Gwen Wright, Planning Department Director offered comments.

There followed extensive Board discussion with questions to staff

7. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Worksession #4B – Impact Taxes and Recordation Tax

Staff Recommendation: Briefing and Planning Board Discussion

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:**

Action: Received Briefing Followed by Board Discussion and Provided Guidance to Staff.

Planning Department staff offered a multi-media presentation and discussed the 2020-2024 Subdivision Staging Policy (SSP) - Impact Taxes and Recordation Tax. Staff discussed the following school impact taxes recommendations: change the calculation of school impact taxes to include one tax rate for all multi-family units in both low-rise and high-rise buildings, based on the student generation rate for multi-family units built since 1990 and calculate standard school impact taxes at 100 percent of the cost of a student seat using School Impact Area student generation rates. Apply discount factors to incentivize growth in certain activity centers and maintain the current 120 percent factor within the Agricultural Reserve Zone (Ag. Reserve), except for projects with a net increase of only one housing unit, in which case a 60 percent factor would be applied. Staff added that a school impact tax credit should be allowed for any school facility improvement constructed or funded by a property owner with Montgomery County Public School's (MCPS) agreement and eliminate the current impact tax surcharge on units larger than 3,500 square feet. Developers currently charge a premium of \$2.00 for each square foot over 3,500 to a maximum of 8,500 square feet. The preference is to charge a premium based on school overcrowding. Staff then discussed the pros and cons of these recommendations.

Staff then discussed the 2019 Student Generation Rates by School Impact Area and noted that the data provided to the Board include rates by School Impact Area, which are based on the actual growth context and the September 2019 school enrollment and housing data. Staff also noted that applying impact tax discounts in Activity Centers will help encourage growth in those areas, is consistent with smart and sustainable growth principles and can help reduce the cost burden in these areas by increasing the housing supply and number of affordable housing units built, and help counter the rising housing cost burden in the County. Staff then noted that growth should not be encouraged in the Ag. Reserve Zone where development should be limited to one unit per 25 acres, to avoid large-scale development, and apply a 60 percent discount factor for single-unit projects as to not burden the occasional property owner looking to build a single

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7. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Worksession #4B – Impact Taxes and Recordation TaxCONTINUED

home for farm workers or a family member. Staff also discussed proposed new School Impact Tax Rates, including infill, turnover and greenfield impact areas. Staff supports the targeting of impact taxes because it encourages transit-oriented development in urban centers such as White Flint, it is sound public policy and planning to prioritize residential growth in the County's 23 designated activity centers, because these locations have proximity to employment centers and transit, and impact taxes are a tool to either incentivize or disincentivize economic development. Reducing the School Impact Tax for areas where growth is desired will not compromise MCPS capital budget, but impact taxes play a significant role in whether or not new housing development projects are realized. The Urban Land Institute panel is in agreement with this policy recommendation but considers both the relative value of the property and the socio-economic standing of the owner or tenant.

Staff then discussed some of the public comments received regarding School Impact Taxes and noted that as a general policy, development impact taxes should be lowered as much as possible to increase the County's economic competitiveness. Staff stated that the impact taxes should be considered to cover 110 percent of estimated costs using applicable student generation rates, including an allocation for land, which is not included in the cost-per-student. Staff suggested a look at the amount that builder revenues will go up to when the moratoria are lifted and a decision made on what a fair amount of impact tax would be to leave our schools in a better capital situation than they are in now. The Taxpayers League supports reducing the School Impact Tax to 100 percent. Staff noted that they could not support differential taxes, such as the lower 60 percent in activity centers, as it will exacerbate the problem we now face. The rationale is that this is where growth should be focused is inequitable and continues the tradition of the down-county being subsidized by the rest of the county's residents. The incentive should apply to all activity centers, as those are the locations where development should be targeted.

Staff then discussed recommendations for Impact Tax Exemptions on residential uses and noted that the current impact tax exemptions should be eliminated for development in former Enterprise Zones, which are identified by the State of Maryland and provide tax incentives for employers to create jobs. The current exemptions applied to all housing units when a project includes 25 percent affordable housing units should be modified to not apply the exemption to school impact taxes in the Greenfield Impact Areas, require that the affordable units be placed in the County's Moderately Priced Dwelling Units (MPDUs) Program, and require the project to include two times the standard share of MPDUs applicable to the project location, and continue to apply impact taxes on a net impact basis, providing a credit for any residential units that are demolished. Staff also added that the loss of impact tax revenue for each additional MPDU can be quite hefty and recommend doubling the MPDU share required to receive the school impact tax exemption. The Greenfield Impact Areas are experiencing high amount of residential development generating large number of students, and growth should not be incentivized through impact tax policy in these areas, with the schools struggling to keep pace, it should be a priority to ensure that impact taxes are paid when residential development occurs.

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7. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Worksession #4B – Impact Taxes and Recordation Tax

CONTINUED

Staff then discussed the Recordation Tax and noted that we should incorporate progressive modifications into the calculation of the recordation tax to provide additional funding for school construction and the County’s Housing Initiative Fund. Staff noted that all the funding options considered thus far are paid by the developers. The recordation tax is paid on the sale of a property by the purchaser and is progressive, the amount paid is based on the property sale price and the rate paid increases based on the sale price. Given the increasing role that single-family turnover plays in school enrollment growth, staff recommended and discussed proposed modifications to the calculation of the recordation tax to contribute more funding to MCPS capital budget.

Staff added that there will be another worksession on July 16 and the Planning Board will finalize and approve its recommendations for the 2020-2024 SSP/County Growth Policy on July 30.

There followed extensive Board discussion with questions to staff.