



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, January 14, 2021, at 9:05 a.m., and adjourned at 2:51 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 4, and Items 6, 9, and 7, discussed in that order, are reported on the attached agenda.

The Planning Board recessed for lunch at 12:01 p.m. and reconvened via video conference at 1:10 p.m.

Item 8 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 2:51 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 21, 2021, via video conference.

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Montgomery County Planning Board Meeting
Thursday, January 14, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. 8516 Meadowlark Lane subdivision plan no. 620210030 MCPB No. 20-124
2. Westwood Preliminary Plan No. 12017017A MCPB No. 20-135
3. Kensington Village Site Plan no. 820200200 MCPB No. 20-136
4. French International School FCP S-862-C MCPB No. 21-002
5. Vigers subdivision plan no. 620200070 MCPB No. 21-001

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 5-0

Nay:

Other:

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. Wisconsin Place

A. Preliminary Plan Amendment 11999030C---CR 3.0 C 2.75 R 3.0 H 145T, 7.97 acres, Request to allow up to 13,385 square feet of existing retail to be converted to 5,037 square feet of medical clinic and 8,348 square feet of medical/general office use; located on the northwest quadrant of Wisconsin Avenue and Western Avenue; 1998 Friendship Heights Sector Plan.
Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan Amendment 82001010H---CR 3.0 C 2.75 R 3.0 H 145T, 7.97 acres, Request to allow up to 13,385 square feet of existing retail to be converted to 5,037 square feet of medical clinic and 8,348 square feet of medical/general office use; located on the northwest quadrant of Wisconsin Avenue and Western Avenue; 1998 Friendship Heights Sector Plan.
Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. & B. FANI-GONZÁLEZ/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 Amendment cited above, subject to conditions, and adopted the attached Resolution.

***D. Approval of Minutes**

Planning Board Meeting Minutes of December 17, 2020

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of December 17, 2020, as submitted.

2. Roundtable Discussion

- Planning Department Directors Report

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

Planning Department Director's Report – Planning Department Director Gwen Wright briefed the Board on the following ongoing and upcoming Planning Department events and activities: the recent promotion of Associate General Counsel Christina Sorrento to Division Chief of Intake and Regulatory Coordination (IRC), and a recent County Council Transportation and Environment (T&E) Committee meeting regarding amendments and new provisions to the Forest Conservation Law; the status of the Shady Grove Sector Plan Minor Master Plan Amendment, with a County Council Public Hearing scheduled for February 23, and a County Council briefing and virtual tour of the Plan area forthcoming; the status of the Ashton Village Center Sector Plan, with a County Council Public Hearing forthcoming; the status of the THRIVE Montgomery 2050 Update to the General Plan, with a worksession scheduled for later today and any necessary schedule updates forthcoming; the status of upcoming Zoning Text Amendments (ZTAs), with three ZTAs scheduled to be presented to the Planning Board later today; and the upcoming Spring 2021 Speakers Series, which will potentially focus on issues and topics related to the Fairland/Briggs Chaney Minor Master Plan Amendment.

There followed extensive Board discussion with questions to staff.

Planning Department staff then offered a multi-media presentation and discussed the future of the County's office use market. According to staff, the County currently contains over 74,000,000 square feet of leasable square office space at a cost of \$7,500 to \$12,500 per employee. However, the ongoing COVID-19 pandemic and the resulting widespread telework have reduced the perceived value of physical office space. For Montgomery County, the devaluing of suburban office space could potentially lead to companies reverting to primary office space locations in Downtown Washington, DC, and Northern Virginia, hub and spoke office models, and possible widespread migration to lower cost cities, all of which imply a period of soft office demand in Montgomery County following a decade of limited office growth. Staff noted that successful office districts are activated, intentionally managed, at or

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2. Roundtable Discussion

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near organizational capacity and have devoted resources. Staff added that because every office submarket cannot feasibly be invested in and activated, a prioritization strategy must be established.

There followed extensive Board discussion with questions to staff, during which Vice Chair Fani-González requested an analysis and briefing regarding hotel uses in the County.

3. Planning Board Discussion and Action on a Resolution to rename a group of streets that commemorate nationally known Confederate officers**BOARD ACTION****Motion: PATTERSON/FANI-GONZÁLEZ****Vote:****Yea: 5-0****Nay:****Other:****Action: Approved staff recommendation to adopt the Resolution cited above, as submitted.**

Planning Department staff offered a multi-media presentation and discussed a proposed Resolution to initiate the process of renaming three public streets that are currently named for nationally known Confederates. On June 15, the County Council sent a letter to the County Executive and Chair Anderson, requesting a comprehensive review of all County owned and maintained street names and public facilities to determine all those named for Confederate soldiers or those who otherwise do not reflect Montgomery County values, and a subsequent public process to rename these county streets and facilities in a manner that more appropriately reflects the community to which they belong, with the expectation that all County agencies would undertake the renaming effort. Montgomery County Public Schools (MCPS) has since initiated renaming efforts, beginning with renaming E. Brooke Lee Middle School to Odessa Shannon Middle School, with the Parks and Planning Departments continuing to coordinate with MCPS while proceeding with their own work on renaming local parks, facilities and streets. To allow public input on the project, a dedicated website & email address to inform the community of the project and to collect information from residents and stakeholders has been launched. To date, staff has received comments from five members of the public regarding the project.

Staff noted that Phase I of research has identified 709 known Confederates, 5,826 slaveholders, 3,300 named enslaved individuals held in bondage in Montgomery County, with 325 streets and two parks matching national known Confederate surnames. Phase I findings will focus on a subset of the streets and park assets that have full name matches with nationally known Confederates, with three streets and one trail identified thus far, which include J.E.B. Stuart Court, J.E.B. Stuart Road, Jubal Early Court, and J.E.B. Stuart Trail at Woodstock Equestrian Park. Staff noted that the J.E.B. Stuart Trail at Woodstock Equestrian Park has already been renamed the Northern Edge Trail. Staff noted that during a December 7, 2020, County Council Planning, Housing, and Economic Development (PHED) Committee briefing, the Committee instructed staff to proceed with renaming of the three streets identified in Phase 1, follow up with City of Takoma Park regarding certain streets with nationally known Confederate last name matches, focus on facility place names per County Council staff recommendations,

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3. Planning Board Discussion and Action on a Resolution to rename a group of streets that commemorate nationally known Confederate officersCONTINUED

identify named associations that have nothing to do with the geographic location, identify named associations that are not named for property owners or farms, and identify named associations that represent deliberate choice to send message as to who is welcome and who is not in certain communities. To that end, staff recommends the adoption of the submitted Resolution to initiate the process of renaming Jubal Early Court, J.E.B. Stuart Road, and J.E.B. Stuart Court.

Following the adoption of the Resolution, the next steps for the project will include the Planning Department initiation of the renaming process for the three streets; the continuation of place name research; follow-up briefings with the Planning Board, PHED Committee, and Full County Council; notification to the affected property owners of impending street renaming; selection and Planning Board approval of new street names; notification to the United States Postal Service, Washington Suburban Sanitary Commission (WSSC), Montgomery County Fire and Rescue, the Maryland State Department of Assessments and Taxation (SDAT), and the Montgomery County Department of Permitting Services (DPS) and Department of Technology Services (DTS) regarding new street names; notification to property owners of the need to notify banks, utilities, school, Maryland State Motor Vehicle Administration (MVA), physicians, insurance, places of worship, relevant federal agencies, and personal contacts regarding new street names; and a request to the Montgomery County Department of Transportation to replace existing street signs.

There followed extensive Board discussion with questions to staff.

4. Subdivision Regulations Amendment – Modifications, Corrections, and Clarifications

Staff Recommendation: Recommend County Council Approval of SRA 20-02

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

Planning Department staff offered a multi-media presentation and discussed a proposed Subdivision Regulations Amendment (SRA) regarding utility easements. According to staff, since the comprehensive revision of Chapter 50 of the Subdivision Regulations went into effect in February 2017, an additional amendment is necessary to further clarify language, correct mistakes, and add necessary missing provisions. During the October 22, 2020 Planning Board hearing, the Board recommended a draft SRA, which the County Council has since introduced as SRA 20-02. Staff noted that during the October meeting, the Planning Board instructed staff to work with the Montgomery County Department of Permitting Services (DPS) and ultraMontgomery, a broadband economic development program of the Montgomery County Department of Technology Services, to finalize language related to utility easements. Based on that work, additional changes are proposed in the SRA that reflect the needs of those County agencies, specifically the removal of the requirement for a separate four-foot wide area for utilities adjacent to private roads. In place of that requirement, new provisions have been added to the existing section on easements that require utility easements to be available to serve all utilities, thus ensuring that lots in a proposed subdivision will have adequate utility access. Staff noted that the revised language in this SRA is simpler than the existing language and meets the County's needs. Staff added that a County Council Public Hearing on the proposed SRA is scheduled for February 9, 2021.

There followed a brief Board discussion with questions to staff.

6. Zoning Text Amendment No. 20-08: Residential Care Facility - Continuing Care Retirement Community---ZTA 20-08 amends the Montgomery County Zoning Ordinance to define the term Continuing Care Retirement Community and generally amend the provisions for Residential Care Facilities.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council Public Hearing of 1/19/21)

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed proposed Zoning Text Amendment (ZTA) 20-08, which would provide a definition for the term Continuing Care Retirement Community (CCRC) as a type of Residential Care Facility. According to staff, during the October 29, 2020 Planning Board hearing, the Board approved the transmittal of a recommendation to the County Council to introduce a ZTA that would define a CCRC for the purposes of allowing a senior living project with some amount of stand-alone or one-family type dwelling units, with proposed ZTA 20-08 being the response to this request. Staff noted that the ZTA as introduced by the County Council initially intended to only define CCRCs. However, as this term is a state regulated term, staff proposes a new separate term, Senior Care Community, as an additional, alternative use type. Staff noted that the proposed change to the submitted ZTA still provides all the same flexibilities that were contemplated when the Board first transmitted the request to the Council, but now clarifies the distinction between state and county defined terms. As modified, the ZTA would allow a wider variety of building types for Residential Care Facilities to be built in a campus-like setting, providing an alternative to apartment-like living for seniors, while meeting all the intent of the submitted ZTA.

Ms. Patricia Harris, attorney from Lerch, Early & Brewer, offered testimony.

There followed a brief Board discussion with questions to staff.

9. Zoning Text Amendment No. 20-06: Surface Parking – Residential Zones---ZTA 20-06 amends the definition of “Surface Parking for Use Allowed in the Zone” and allows site plans to supersede a special exception for parking in a residential detached zone under special circumstances.

Staff Recommendation: Transmit Comments to County Council
(NOTE: Action required for County Council Public Hearing of 1/19/21)

BOARD ACTION

Motion: CICHY/VERMA

Vote:
Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed proposed Zoning Text Amendment (ZTA) 20-06, which would amend the definition of “Surface Parking for Use Allowed in the Zone” to include parking on residentially zoned property that was approved by a special exception prior to October 30, 2014 and would move the regulatory authority of such parking from the conditional use process to the site plan process. The proposed ZTA will also allow property owners the option to reduce the regulatory burden and potential for conflicting decisions on development approvals. As introduced, ZTA 20-06 is intended to provide property owners with split-zoned property, or those who own development over multiple properties located in different zones, the option to streamline the process for amending development approvals. Specifically, it will provide relief for properties with a commercial use in a commercial zone, as well as the associated parking for that commercial use that was approved through special exception in a residential zone. As a result, staff believes that the proposed ZTA provides more flexibility to certain commercial developments that have approved associated parking within a residential zone without sacrificing the original intent of the code or weakening any review requirements. The ZTA will also simplify the process going forward for amendments or redevelopments of properties by providing the option to shift the entire review authority to the site plan process at the Planning Board.

There followed a brief Board discussion with questions to staff.

7. Zoning Text Amendment No. 20-05: Commercial/Residential Zones – Additional Height---ZTA 20-05 amends the Montgomery County Zoning Ordinance to allow additional building height in the Commercial Residential (CR) zone under certain circumstances

Staff Recommendation: Transmit Comments to County Council
(NOTE: Action required for County Council Public Hearing 1/19/21)

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to transmit comments to the County Council, as discussed during the meeting, and as stated in the attached transmittal letter.**

Planning Department staff offered a multi-media presentation and discussed proposed Zoning Text Amendment (ZTA) 20-05, which would allow additional building height if certain criteria are met. According to staff, height recommendations are generally developed during the master or sector planning process. However, the proposed ZTA as introduced will allow the Planning Board to approve a maximum building height of 200 feet in the Commercial/ Residential (CR) zone on a property that is located in a Central Business District (CBD); located within 0.25 miles of a Metrorail Station; mapped with a maximum building height of 145 feet; abutting or confronting, on at least two sides, properties that are zoned CR and are mapped with a building height of at least 200 feet; and required by an approved sketch plan and site plan to provide a major public facility under and at least 15 percent Moderately Priced Dwelling Units (MPDUs) or at least 15 percent of residential floor area for MPDUs. Staff added that the proposed ZTA has a sunset provision, with the amendment expiring two years after the effective date of approval.

Staff noted that they have analyzed properties within 0.25 miles of Metrorail Stations in the county’s four CBDs, including Friendship Heights, Bethesda, Wheaton, and Silver Spring, and found that the proposed ZTA has only a narrow application to a small number of properties in the Silver Spring area. In addition to the narrow application, staff is also concerned that the sunset provision and the limited applicable time and geographic scope of the proposed amendment could potentially circumvent the public process currently underway for the Silver Spring Downtown and Adjacent Communities Plan. Given these concerns, staff recommends denial of the proposed ZTA.

Staff received correspondence suggesting that one way to expand the applicability of the proposed amendment was to broaden the language by replacing the phrase “abutting or confronting, on at least two sides, properties that are zoned CR and are mapped with a building

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7. Zoning Text Amendment No. 20-05: Commercial/Residential Zones – Additional HeightCONTINUED

height of at least 200 feet” with “on at least two sides, adjacent to, confronting, or directly across a public right-of-way from properties that are zoned CR and are mapped with a building height of at least 200 feet.”

Mr. Tim Eden, representing Starr Capital LLC, offered testimony and a multi-media presentation regarding the need for the ZTA in order for Starr Capital to redevelop a property on the western quadrant of the intersection of Georgia Avenue and Colesville Road with a 14-story hotel.

In response to Mr. Eden’s testimony, staff suggested that a Local Map Amendment (LMA) may be a more efficient way to complete the proposed hotel project with the necessary height.

There followed extensive Board discussion with questions to staff and Mr. Eden, during which the Planning Board agreed that the proposed ZTA needs to be revised to broaden its scope. The Board also agreed with staff’s suggestion regarding the LMA option. To that end, the Planning Board instructed staff to state in the comments to the County Council that pending further discussion between Planning Department and County Council staff, they take no position on the matter.

8. Thrive Montgomery 2050 -- Worksession No. 3: Affordable and attainable housing: more of everything

Staff Recommendation: Discuss Issues and Provide Direction to Staff

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

Action: Received Briefing followed by Board discussion and provided guidance to staff.

At the start of the meeting, Planning Department staff informed the Planning Board that the two worksessions which were scheduled for Monday, January 25 and February 4 will be rescheduled.

Staff then offered a multi-media presentation and discussed: i) the analysis of residential development capacity; and ii) the proposed draft of the Housing Chapter of the Thrive Montgomery 2050 Plan. Staff noted that The Residential Development Capacity Analysis (RDCA) is an estimate of the total potential residential development that may be built in Montgomery County, MD under a certain set of assumptions and constraints. These assumptions include applicable market trends, zoning rules and existing policy decisions but do not include municipalities that govern their own zoning. The RDCA will serve as a baseline measure that aims to estimate current residential capacity in Montgomery County in dwelling units. Staff also noted that there are many factors that can affect residential development or feasibility, such as, among others: market forces; public policy decisions; infrastructure costs; Master Plans lifespan; development incentives; and height limits. Staff discussed the RDCA methodology, which establish the existing dwelling unit count; add current development pipeline to the existing dwelling unit count to account for parcels currently approved for development; apply attributes to all parcels to enable identification of environmental or man-made factors that constrain the development potential; filter remaining parcels for environmental or man-made constraints to determine remaining additional residential development capacity and determine the residential development potential allowed by the existing zoning for all remaining parcels in the county.

Staff also added that the Public Hearing testimonies focused on the missing middle housing, single-family zoning, affordable housing, and going bold. Staff discussed the existing conditions of the housing markets, citing the following obstacles:

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8. Thrive Montgomery 2050 -- Worksession No. 3: Affordable and attainable housing: more of everythingCONTINUED

1. Not enough new housing to meet demand.
2. Anemic supply is driving the price of housing up for both renters and home buyers.
3. A growing gap between changing living patterns and the older housing stock.
4. The high cost and limited variety of available housing exacerbate inequality.
5. Expansion and diversification of our housing stock is an essential step toward reducing these kinds of racial and socioeconomic inequalities.
6. Not enough new housing to meet demand.
7. Anemic supply is driving the price of housing up for both renters and home buyers.
8. A growing gap between changing living patterns and the older housing stock.
9. The high cost and limited variety of available housing exacerbate inequality.
10. Expansion and diversification of our housing stock is an essential step toward reducing these kinds of racial and socioeconomic inequalities.

The Thrive Montgomery 2050 Plan proposes the following policies and actions: Encourage the production of more housing to better match supply with demand; plan for a wide range of housing types and sizes to meet diverse needs; and promote racial and economic diversity and equity in housing in every neighborhood.

There followed extensive Board discussion with questions to staff during which the Board provided guidance to staff.

Staff then offered a preview of the next worksession scheduled for Thursday, January 21, during which Planning Department staff will discuss a summary of the transportation analysis report and an outline of the revised transportation chapter of the Plan.