



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

**APPROVED  
MINUTES**

Following opening remarks from Chair Anderson welcoming new Planning Board Member Carol Rubin, the Montgomery County Planning Board met in regular session in the Wheaton Headquarters Building in Wheaton, Maryland, and via Microsoft Teams video conference on Thursday, November 4, 2021, at 9:15 a.m., and adjourned at 6:10 p.m.

Present were Chair Casey Anderson and Commissioners Gerald R. Cichy, Tina Patterson, Partap Verma, and Carol Rubin.

Items 1 through 6 are reported on the attached agenda.

The Planning Board recessed for lunch at 11:29 a.m. and reconvened in the auditorium and via video conference at 1:29 p.m.

Items 7 through 12 are reported on the attached agenda.

Commissioner Patterson left the meeting for the day at 5:49 p.m. during discussion of Item 12.

There being no further business, the meeting was adjourned at 6:10 p.m. The next regular meeting of the Planning Board will be held on Thursday, November 18, 2021, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

James J. Parsons  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, November 4, 2021**  
2425 Reddie Drive  
Wheaton, MD 20902  
301-495-4605

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. The Avondale Site Plan 820210140 – MCPB No. 21-108
2. Woodlin Elementary Forest Conservation Plan MR2021029 – MCPB No. 21-109
3. Adventist Healthcare Preliminary Plan 12011016A – MCPB No. 21-117
4. Adventist Healthcare Site Plan 81999024I – MCPB No. 21-118
5. Linthicum West Preliminary Plan 12005003A – MCPB No. 21-111

**BOARD ACTION**

**Motion:** CICHY/VERMA

**Vote:**

**Yea:** 1, 2, & 5. 4-0  
3 & 4. 3-0

**Nay:**

**Other:** 1 through 5. RUBIN ABSTAINED  
3 & 4. PATTERSON ABSTAINED

**Action:** Adopted the Resolutions cited above, as submitted.

**NOTE:** Due to a discrepancy between the numbering for the above Items on the Voting Guidance memorandum and the agenda, the Adventist Healthcare Resolutions were identified as Items 4 and 5 rather than 3 and 4 for Commissioner Patterson’s abstention from the vote.

**\*B. Record Plats**

**Subdivision Plat No. 220200700, Longwood**

R-200 zone; 2 lots; located on the north side of Longwood Drive, 350 feet east of the intersection of Brooke Drive; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: CICHY/VERMA**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

**\*C. Other Consent Items**

**1. Milestone Center Walmart, Site Plan Amendment No. 81994029F**---Request to expand the existing Walmart building by approximately 1,964 ~~2,000~~ square feet to accommodate pick-up for online grocery orders, relocate the pallet and bale storage area, and minor parking lot and landscape revisions; 20910 Frederick Road, Germantown; 15.32 acres; currently CRT-0.75 C-0.5 R-0.25 H-65 T and TDR 1.29 Zones, but reviewed under the former RMX-3/TDR Zone; 2009 Germantown Employment Area Sector Plan.

*Staff Recommendation: Approval with Conditions*

**2. Meadowvale, Site Plan No. 820210100 Extension Request No. 3**---Request to extend the regulatory review period for Site Plan No. 820210100 for one (1) month, from November 18, 2021 to December 16,2021; located at 18857 Cross Country Lane, Gaithersburg, MD, 20879; on approximately 5.17 acres of land zoned R-200/TDR 5.0 & R-90/TDR 5.0; within 1985 Gaithersburg Vicinity Master Plan.

*Staff Recommendation: Approval*

**3. Ramos Property – Administrative Subdivision Plan No. 620210170 – Regulatory Review Extension Request No. 2**---Request to extend the regulatory review period from November 14, 2021 to February 14, 2022: Application to create one (1) lot for a single-family detached dwelling unit; located at 19808 Zion Road; 0.96 acres; R-200 zone; 2002 Olney Master Plan.

*Staff Recommendation: Approval of the Extension*

**BOARD ACTION**

**Motion:** 1. CICHY/VERMA  
2 & 3. CICHY/RUBIN

**Vote:**  
**Yea:** 1 through 3. 5-0

**Nay:**

**Other:**

**Action:** 1. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

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

3. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension request cited above.

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of October 21, 2021

**BOARD ACTION**

**Motion: CICHY/VERMA**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: PATTERSON & RUBIN ABSTAINED**

**Action: Approved Planning Board Meeting Minutes of October 21, 2021, as submitted.**

**2. Roundtable Discussion**

- Planning Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

**Planning Department Director's Report** – Planning Department Director Gwen Wright briefed the Board on the following ongoing and upcoming Planning Department events and activities: the status of the THRIVE Montgomery 2050 Update to the General Plan, with the County Council Planning, Housing, and Economic Development (PHED) Committee worksessions concluded, a County Council Listening Session tentatively scheduled for November 15, and full Council worksessions forthcoming; the status of the Downtown Silver Spring and Adjacent Communities Master Plan, with a Planning Board Public Hearing scheduled for December 2; the status of the Corridor Forward: The I-270 Transit Plan, with a briefing scheduled for later today, and a Planning Board Public Hearing forthcoming; the status of the Great Seneca Science Corridor Minor Master Plan Amendment, with the PHED Committee review completed, and full Council action tentatively scheduled for next week; and the status of the Attainable Housing Strategies Study, with the fifth worksession scheduled for later today, and a community outreach event scheduled for December.

There followed a brief Board discussion.

Ms. Wright then offered a multi-media presentation and announced the winners of the 2021 Park and Planning Photo Contest. The contest theme this year was “New Ways to Use Public Space.” This year’s winners, in no particular order, are Ching-Fang Chen and Marilyn Sklar of the Parks Department; and Elwyn Gonzalez, Jason Sartori, and Kristin Taddai of the Planning Department.

There followed a brief Board discussion.

**3. Right-of-Way Abandonment AB 780: Public Access Easement off Landy Lane---** Miller Development Corporation seeks abandonment of the Public Access Easement covering approximate 1.3-acre parcel at the terminus of Landy Lane in Bethesda, 2016 Westbard Sector Plan.

*Staff Recommendation: Approval and Transmittal of Comments to the Montgomery County Department of Transportation*

**BOARD ACTION**

**Motion:** CICHY/RUBIN

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation to transmit comments to the Montgomery County Department of Transportation, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed right-of-way (ROW) abandonment request. The 1.3-acre proposed abandonment is a public access easement (PAE) located between River Road (MD190) and Little Falls Parkway at the terminus of Landy Lane and is zoned Commercial/Residential/Town (CRT) within the Westbard Sector Plan area. Staff t discussed previous approvals, including a 1999 Preliminary Plan that established the PAE for continuous public vehicular access, and 2016 Preliminary and Site Plans that allow for a subdivision of the lot into proposed Lots 1 and 2 for the construction of an age-restricted multi-family residential building within the majority of the present-day PAE.

As conditioned in the approved Preliminary and Site Plans, the applicant proposes to abandon the PAE for the development of the 1.3-acre site. If approved, the applicant will dedicate 50 feet of public ROW to Montgomery County Department of Transportation (MCDOT) and construct the roadway with a cul-de-sac and vehicular connection to the Washington Episcopal Day School. The abandonment will take effect following the dedication and construction of the Landy Lane extension.

There followed a brief Board discussion.

**\*4. 7070 Arlington Road**

**A. Sketch Plan No. 320210100**---Request to subdivide the Property into a single record lot and construct a 10-story mixed-use project of up to 313,070 total square feet of development (includes 38,070 square feet to remain for existing retail uses) and 275,000 square feet mixed-use development, comprised 250 multifamily dwelling units to include 17.6% allocated towards Moderately Priced Dwelling Units (MPDUs) totaling 261,000 square feet and up to 14,000 square feet of commercial uses with various parking strategies totaling 242 spaces, and amenity spaces; located in the southeastern quadrant of the intersection of Bethesda Avenue and Arlington Road and within the Bethesda Parking Lot District (PLD); 2.39 acres in the CRT-2.25 C-2.25 R-2.25 H-90', CRT-2.25 C-2.25 R-2.25 H-70' and Bethesda Overlay Zones; 2017 Bethesda Downtown Sector Plan

*Staff Recommendation: Approval with Conditions*

**B. Preliminary Plan 11998051A**---Request to subdivide the Property into a single record lot and construct a 10-story mixed-use project of up to 313,070 total square feet of development (includes 38,070 square feet to remain for existing retail uses) and 275,000 square feet mixed-use development, comprised 250 multifamily dwelling units to include 17.6% allocated towards Moderately Priced Dwelling Units (MPDUs) totaling 261,000 square feet and up to 14,000 square feet of commercial uses with various parking strategies totaling 242 spaces, and amenity spaces; located in the southeastern quadrant of the intersection of Bethesda Avenue and Arlington Road and within the Bethesda Parking Lot District (PLD); 2.39 acres in the CRT-2.25 C-2.25 R-2.25 H-90', CRT-2.25 C-2.25 R-2.25 H-70' and Bethesda Overlay Zones; 2017 Bethesda Downtown Sector Plan

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: A & B. CICHY/RUBIN**

**Vote:**

**Yea: A & B. 5-0**

**Nay:**

**Other:**

**Action: A. Approved staff recommendation for approval of the Sketch Plan cited above, subject to revised conditions discussed during the meeting, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

**B. Approved staff recommendation for approval of the Preliminary Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

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**\*4. 7070 Arlington Road**CONTINUED

Planning Department staff offered a multi-media presentation and discussed proposed Sketch Plan and Preliminary Plan Amendment requests to subdivide a property for the construction of a mixed-use development. The 2.39-acre property, identified as Lots 15 and 16, is located on the southeast quadrant of the intersection of Bethesda Avenue and Arlington Road and is zoned Commercial/Residential/Town (CRT) and Bethesda Overlay Zone (BOZ) within the Bethesda Downtown Sector Plan area, the Bethesda Parking Lot District (PLD), and the Height Incentive Area. Staff received correspondence from neighboring residents expressing concerns regarding density, the associated parking, environmental impact, food disposal, and green space. Staff has addressed these issues, as detailed in the October 25 technical staff report.

Ms. Pat Harris, attorney representing the applicant, offered comments and concurred with the staff recommendations, but requested a modification to Sketch Plan condition 5 to state that the issue of undergrounding utilities will be determined at the time of Site Plan review.

Mr. Stefano Sani, member of the applicant's team, offered comments regarding the design elements of the project.

There followed Board discussion with questions to staff and Ms. Harris, during which the Planning Board agreed to the applicant's request to modify Sketch Plan condition 5 to state that the issue of undergrounding utilities will be decided at the time of Site Plan review.

**5. Edgemoor - Lots 20 21 & Pt. Lot 2 Block B, Administrative Subdivision Amendment & Forest Conservation Plan Amendment No. 62020008A (continuance from October 7 Planning Board meeting)---**Request to combine two existing lots, Lot 21 and Part of Lot 2 Block B, to create one (1) single-family lot compliant with existing zoning regulations, construct one new single-family detached house on the newly created lot, and maintain an existing house on existing Lot 20.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: RUBIN/CICHY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the Administrative Subdivision Amendment cited above, subject to revised conditions discussed during the meeting, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

Following brief comments, during which Chair Anderson noted that this Item was a continuation from the October 7 Planning Board meeting that was postponed to allow more time for the applicant to work with the adjacent property owners and come to an agreement on outstanding issues, Planning Department staff offered a multi-media presentation and discussed a proposed Administrative Subdivision Amendment request to create one lot to construct a new single-family detached residence. The 1.52 acre-property, identified as Lots 20 and 21 and part of Lot 2, Block B, is located on Moorland Lane and is zoned Residential within the Bethesda-Chevy Chase Master Plan area. Currently Lot 20 and Part of Lot 2, Block B are each developed with an existing single-family residence, both of which will remain, while Lot 21 is currently vacant with maintained yard space and existing dual driveway aprons that accessed a previous, now demolished, single-family home.

Staff noted that the applicant proposes to combine Lot 21 and Part of Lot 2, Block B to create proposed 32,625-square foot Lot 22 for the construction of a single-family detached residence on the eastern portion of the new lot. Lot 20 will remain as is with no proposed improvements or adjustments. Staff added that new condition 9 regarding stormwater management has been added to the Conditions of Approval.

Staff then discussed the associated Forest Conservation Plan, and a variance request to remove three trees and impact two others. Staff supports the variance request.

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**5. Edgemoor**

CONTINUED

Staff has received correspondence from neighboring residents expressing concerns regarding stormwater management, tree removal, the scale of the proposed lot and single-family home, and the potential for large gatherings at the proposed residence. Staff has addressed each of these issues, as detailed in the September 27 technical staff report.

Ms. Pat Harris, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Ms. Michele Rosenfeld, attorney representing neighboring property owners, offered comments.

There followed a brief Board discussion.

**6. Corridor Forward: The I-270 Transit Plan Working Draft**---The staff will present the Working Draft of Corridor Forward.

*Staff Recommendation: Approve the Working Draft of Corridor Forward: The I-270 Transit Plan as the Public Hearing Draft and Schedule the Public Hearing Date*

**BOARD ACTION**

**Motion:** CICHY/PATTERSON

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval of the Working Draft of the Corridor Forward: The I-270 Transit Plan as the Planning Board Public Hearing Draft and set the Public Hearing for December 9, 2021.

Planning and Parks Department staff offered a multi-media presentation and discussed the staff recommendations for the proposed Working Draft of the Corridor Forward: The I-270 Transit Plan. According to staff, the purpose of the briefing is to reiterate the Plan recommendations, provide additional context, and summarize the proposed preliminary revisions. Staff offered background information, noting that the proposed MD355 Bus Rapid Transit (BRT) will provide upgraded, frequent, and reliable service between Clarksburg and Downtown Bethesda along the Frederick Road/Rockville Pike/Wisconsin Avenue corridor. Currently, Montgomery County Department of Transportation (MCDOT) is advancing preliminary design based on proposed Alternative B Modified, which would provide for a partially median-running BRT between Clarksburg and Bethesda. The project will also provide branded, limited-stop BRT service along Veirs Mill Road between the Wheaton and Rockville Metrorail Stations, which will include queue, jumps, new stations, Transit Signal Priority, and pedestrian and bicycle improvements. Staff added that MCDOT and Maryland Department of Transportation State Highway Administration (MDOT SHA) are retaining curbside dedicated lanes as the long-term BRT alternative for Veirs Mill Road.

Staff noted that in addition to the planned MD355 and Veirs Mill Road BRT alignments, near-term recommendations also include alignments for Observation Drive, which will be aligned with the Crescent Cities Transitway (CCT); Century Boulevard, which will also be aligned with the CCT; Germantown Road (MD118) from the Germantown MARC station to Observation Drive; the Midcounty Highway (MD124) east from Montgomery Village to MD355; MD124 west from MD355 to Great Seneca Highway; Great Seneca Highway from MD124 to Blackwell Road; and Gude Drive, Falls Grove Drive, and Blackwell Road. Long-term recommendations include the extension of the Metrorail Red Line to Germantown.

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**6. Corridor Forward: The I-270 Transit Plan Working Draft**

CONTINUED

Staff then discussed their updated recommendations to support the recommended transit network. Staff then recommended approval of the Working Draft as the Public Hearing Draft and schedule the public hearing for Thursday, December 9, 2021.

There followed extensive Board discussion with questions to staff, during which the Planning Board offered guidance regarding BRT stations, the locations of running-ways for bus lanes, exploring the feasibility of coordinating dedicated bus lane access points with the I-495/I-270 Managed Lanes Study, and additional coordination and dialogue between relevant agencies.

**7. Ashton Village Center Sector Plan: Proposed Sectional Map Amendment H-144---**  
The Sectional Map Amendment (SMA) will implement recommendations contained in the 2021 Ashton Village Center Sector Plan by amending the zoning map accordingly. The SMA is associated with a proposed Zoning Text Amendment to revise the Sandy Spring/Ashton Rural Village Overlay Zone.

*Staff Recommendation: Approval to File SMA H-144*

**BOARD ACTION**

**Motion: CICHY/VERMA**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: RUBIN ABSTAINED**

**Action: Received briefing and approved staff recommendation for approval to file a Sectional Map Amendment for the Adopted Ashton Village Center Sector Plan with the District Council.**

**8. Request to Introduce a Zoning Text Amendment to modify the Sandy Spring/Ashton Rural Village (SSA) Overlay Zone**---Following the approval of the Ashton Village Center Sector Plan, the SSA Overlay Zone is being revised to incorporate the recommendations of the Sector Plan and remove provisions of the overlay zone that are no longer needed.

*Staff Recommendation: Approve Request to Transmit Zoning Text Amendment for Introduction to the District Council*

**BOARD ACTION**

**Motion:** CICHY/VERMA

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** RUBIN ABSTAINED

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

Planning Department staff offered a multi-media presentation and discussed a proposed Zoning Text Amendment (ZTA) that would revise the Sandy Spring/Ashton Rural Village Overlay Zone (SSARVO). According to staff, the proposed ZTA will modify the SSARVO to align with the recommendations set forth in the recently adopted Ashton Village Center Sector Plan by better reflecting what the overlay zone actually accomplishes; deleting the section on sewers; removal of the redundant list of prohibited uses in the Commercial/Residential/Neighborhood (CRN) zone; removal of the development standards that pertain to commercial or mixed-use development that are not covered by CRN zone standards; and removal of the section on parking, as similar protections are offered through the CRN zone and through the parking standards set forth in the current Zoning Code.

There followed a brief Board discussion.

9. **J&M Andrews Farm, Administrative Subdivision Plan No. 620190110**---Application to create one lot greater than 5 acres in the Agriculture Reserve (AR) zone for one single-family detached dwelling unit; 33.92 acres; on Westerly Road, approximately 1,000 feet west of West Willard Road and the Town of Poolesville; Parcel 480 on Tax Map CT12; 1980 Preservation of Agriculture and Rural Open Space Functional Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: RUBIN/CICHY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the Administrative Subdivision Plan cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

Planning Department staff offered a multi-media presentation and discussed a proposed Administrative Subdivision Plan request to create a lot larger than five acres for a single family detached dwelling unit. Staff noted that the Planning Board granted a continuance of this application in 2019 to allow the applicant to wait for a change in the Forest Conservation Law that affected the viability of the application. An existing 10-foot-wide driveway and an associated 60-foot-wide easement that serves an existing residence on adjacent Parcel 100 is located just inside the western property line, both of which will be retained. Staff added that the property is within the W-6 and S-6 water and sewer service categories, respectively. An existing forest stand and a segment of a stream with an associated 100-year flood plain are located along the White’s Ferry Road frontage.

Staff noted that the applicant proposes to create a 30.66-acre lot for the construction of a single-family detached residence and the creation of 2.89-acre un-platted agricultural remainder parcel, which is not part of the application under review today. A new well and sand mound septic system will be installed to serve the lot. Staff added that the applicant must receive approval of a stormwater management concept from Montgomery County Department of Permitting Services (DPS) Water Resources Section prior to record plat.

Staff then briefly discussed an associated Preliminary/Final Forest Conservation Plan Mr. David McKee, member of the applicant’s team, offered comments.

There followed a brief Board discussion.



**10. I-495 & I-270 Managed Lanes Study**---Briefing and Board direction on Staff recommended comments to the Supplemental Draft Environmental Impact Statement (SDEIS)

**BOARD ACTION**

**Motion:** RUBIN/CICHY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation to transmit comments to the United States Department of Transportation Federal Highway Administration and the Maryland Department of Transportation State Highway Administration, as discussed during the meeting, and as stated in the attached transmittal letter.

Deputy General Counsel Debra Borden offered a multi-media presentation and briefed the Planning Board on the status of the I-495/I-270 Managed Lanes Study, specifically the Supplemental Draft Environmental Impact Statement (SDEIS) issued by the Federal Highway Administration (FHWA) and Maryland Department of Transportation/State Highway Administration (MDOT SHA). Counsel offered background information, noting that on May 12, MDOT SHA announced that they would proceed with the National Environmental Policy Act (NEPA) study for Phase 1 South only, which covers Interstate-495 (I-495) from the American Legion Bridge to Interstate-270 (I-270) up to the Inter-County Connector (ICC), with the other two segments along the topside of I-495 through Silver Spring and from Interstate-95 (I-95) to the Woodrow Wilson Bridge to be studied at a later date. Following a revised analysis, MDOT SHA published the results of the SDEIS on October 1, 2021. The 45-day comment period for the results is scheduled to end November 15, 2021. Following review, the I-495 & I-270 Managed Lanes Study Team, consisting of staff from the Planning and Parks Departments, identified several issues of concern in the FHWA and MDOT SHA plans, which the team is amenable to discuss with the FHWA and MDOT SHA teams. Counsel added that the Team is seeking guidance and comments regarding their concerns and recommendations, which will be included in a letter to FHWA and MDOT SHA.

Counsel noted that major issues of concern include a lack of adequate analysis and proposed mitigation for environmental justice impacts; the shifting of bottlenecks related to the project design; the inadequate local road impact analyses, specifically the limited scope of the Interchange Access Point Approval (IAPA); the proposed limit-of disturbance (LOD) for parkland; the proposed Stormwater Management SWM Plans, which fall short of state goals; the inadequate proposed mitigation plan for natural resources and historical and cultural resources;

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**10. I-495 & I-270 Managed Lanes Study**CONTINUED

and the lack of priority bicycle and pedestrian connection that will remove barriers and provide much-needed connectivity. Staff then offered their recommendations, as detailed in Counsel's November 4 Memorandum to the Planning Board.

There followed extensive Board discussion with questions to Ms. Borden and Planning Department staff, during which the Planning Board offered recommendations, including additional comments regarding the funding impact of workarounds on local roads, the feasibility of completing Phase 1 South and Phase 1 North studies concurrently, the need for additional information on how MDOT SHA plans to address the needs of residents in the Phase 1 North area, safety and maintenance issues, and stormwater management.

**11. ZTA 21-07 Density and Height Allocation – Development with Moderately Priced Dwelling Units**---ZTA 21-07 modifies the Density and Height allocations for CR and CRT zoned properties so that a project with a government binding agreement to provide 100% of the units at a level affordable to households earning at or below 60% Area Median Income is exempt from FAR limits up to a FAR level of 2.5.

*Staff Recommendation: Transmit Comments to County Council*

**(NOTE: Action required for County Council Public Hearing of November 9, 2021)**

**BOARD ACTION**

**Motion: RUBIN/VERMA**

**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) 21-07, which would exempt projects with 100 percent Moderately Priced Dwelling Units (MPDUs) from mapped Floor Area Ratio (FAR) limits if the maximum density does not exceed 2.5 FAR and if the underlying zone is Commercial/Residential (CR) or Commercial/Residential/Town (CRT). According to staff, the developments must be built under a government regulation or binding agreement that limits the price or rent charged for each unit for at least 30 years. In addition, the average cost of all units must be affordable to households earning 60 percent or less of the area median income (AMI) to qualify for the exemption. Staff noted that as introduced, the ZTA amends only the Density and Height Allocation section of the Zoning Ordinance. To ensure that a project intending to take advantage of the amendment is eligible, staff recommends broadening the applicability of the ZTA to apply to eligible 100 percent MPDU projects and 100 percent affordable projects that have been awarded a nine percent Low-Income Housing Tax Credit (LIHTC). Staff added that in their Racial Equity and Social Justice (RESJ) statement, the Office of Legislative Oversight (OLO) anticipates that ZTA 21-07 will have a favorable impact on reducing housing inequities and could further reduce racial and social inequities in the County.

The following speakers offered testimony: Ms. Brenda Freeman of Dale Drive; Mr. Ron Basumallik of Wisconsin Avenue; Ms. Heather Dlhopsolsky, attorney at Wire Gill; and Mr. Adam Stockmaster of TM Associates.

There followed a brief Board discussion.

**12. Attainable Housing Strategies – Work session**---Planning Board work session on the Attainable Housing Strategies initiative and recommendations to the County Council on adding more diverse housing options in Montgomery County.

*Staff Recommendation: Work Session*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by discussion.**

Planning Department staff offered a multi-media presentation and discussed the Attainable Housing Strategies initiative, including the elements of the Attainable Housing Optional Method (AHOM) of development and cottage courtyard living and small housing recommendations, which the Planning Board asked staff to revisit during the October 7 worksession. Staff now recommends increasing the base density for AHOM developments to 10 units per acre in the R-90 zone, and 13 units per acre in the R-60 zone and modifying the bonus density to a straight two percent increase in density for a one percent decrease in average dwelling unit size. To address the Planning Board’s October 7 recommendation to explore ways to allow small, detached houses that do not need to directly relate to a courtyard, staff now recommends 1,500 square feet as the maximum dwelling unit size for a detached house in the AHOM, with a maximum principal building height of 25 feet and a 20-foot maximum height for accessory structures. Following a brief discussion, the Planning Board agreed with staff’s recommendations regarding density for AHOM developments and cottage court and small housing.

Staff then discussed their other recommendations and sought guidance regarding affordability; gentrification and displacement; property assessment; forest and tree conservation; impact taxes; restrictive homeowners association (HOA) conditions; municipalities and restrictive conditions; parking; subdivision of property; the creation of a pattern book that provides clear and objective guidance for five form-based standards for the development of house-scale attainable housing, including building placement, massing, frontage design, onsite parking layout, and neighborly house details; and catalyst policies to assist and incentivize the development of attainable housing types, as detailed in the October 28 technical staff report.

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**12. Attainable Housing Strategies – Work session**CONTINUED

The next steps for the initiative include a worksession scheduled for December 2, 2021 and a community meeting to discuss the final Planning Board recommendations, scheduled for mid-December.

There followed extensive Board discussion with questions to staff, during which the Planning Board recommended providing a brief overview of Forest Conservation and tree law and how they are enforced throughout the County, exploring the feasibility of legal mechanisms or legislation that can be put forward to limit the authority of restrictive HOA conditions, multiple parking choices based on elements such as square footage or frontage size, exploring the feasibility of coordination between Planning Department staff and Montgomery County Department of Permitting Services (DPS) staff regarding the proposed pattern book elements, and increasing the amount of the proposed grant funds for development located in transportation analysis zones.