

Item 5 - Correspondence

From: [Vanessa Lide](#)
To: [Graham, Tamika](#); OZAH@montgomerycountymd.gov; [MCP-Chair](#); [Rebecca.Torma-Kim@montgomerycountymd.gov](#)
Cc: Councilmember.Friedson@montgomerycomd.gov; [Kip Edwards](#); [Kacky Chantry](#); nechesw@yahoo.com; [Arthur Ribeiro](#); jeff.waldstreicher@senate.state.md.us
Subject: No. H-143 LMA/Rezoning of Holy Cross Property at 4910-4920 Strathmore Avenue
Date: Wednesday, December 15, 2021 12:19:27 PM
Attachments: [4910-4920 Strathmore Avenue rezoning - objections from Vanessa Lide 12-14-2021.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning:

Attached are my written comments, observations, and objections to the proposed rezoning of the Holy Cross site at 4910-4920 Strathmore Avenue, in advance of testimony at the Dec. 16, 2021 LMA/rezoning hearing.

In my letter, I detail the shortcomings of the planning documents, and the many reasons why this proposal does not warrant approval as an appropriate use of this site, given the many concerns of residents of the surrounding neighborhoods.

Thank you for your careful consideration of these points.

Sincerely,

Vanessa Lide
5013 Strathmore Ave
Kensington, MD 20895

December 14, 2021

Gwen Wright, Planning Director
Montgomery County Planning Board
2425 Reedie Drive 14th floor
Wheaton, Maryland 20902

Re: *REVISED* Comments from a resident of Strathmore Avenue, across from the proposed development site being discussed for rezoning: Local Map Amendment No. H-143 - Rezoning of Holy Cross Property/4910-4920 Strathmore Avenue

Dear Ms. Wright:

I live on the north side of Strathmore Avenue, and I'm writing to echo many of the submitted written objections of the Garrett Park Estates-White Flint Park Citizens Association ("GPE-WFP"). After meeting with the developer of this project, discussions with my neighbors, very helpful meetings with Ms. Tamika Graham and other Montgomery County planning officials, and also email correspondence with Ms. Brenda Pardo in the Montgomery County Department of Transportation, I remain very concerned that the proposed zoning change for the 4910-4920 Strathmore Avenue property, Local Map Amendment No. H-143, would bring highly unwanted changes to the surrounding neighborhoods.

For the single-family homes located on the north side of Strathmore Avenue, separated from the main Strathmore Avenue artery by a green buffer strip with trees and bushes, this proposed development and the certainty of increased traffic threatens to materially damage the value of our homes. Many of my neighbors and I are highly concerned that the increase in traffic, despite the traffic mitigation proposals the developer has promised, will effectively bring more traffic noise, automobile emissions, and even light pollution from oncoming headlights into our bedrooms and living rooms, as well as far more traffic on Strathmore Avenue and the surrounding neighborhood streets.

My primary objections are as follows:

1) The request to **change the zoning for the subject property** from R-60 to a CRNF 0.75, C 0.25, R 0.75, H 50 zone **seems rushed and haphazard**, as it is predicated on faulty or missing data, particularly on road usage and typical traffic conditions. **Please do not make this zoning decision without a recent, reliable, accurate, and comprehensive traffic study** — and please consider the reality that a lower-density, R-60 development may be a far more prudent decision, as fewer homes would put fewer cars on the road, and have less of an impact on the environment.

Indeed, **new data from a neighborhood-sponsored traffic video study this week shows 1,200 vehicles passing through the Stillwater Ave. and Strathmore Ave. intersection between 7:20 a.m. and 8:20 a.m. on Monday, Dec. 13, 2021**—this is a far higher number of cars than the base numbers claimed in the LATR analysis that purports there will be "minimal traffic impact" from the addition of 120+ new homes and a new 150-bed care facility.

Traffic currently backs up several times daily along Strathmore Avenue, in part timed to when students arrive and depart from the three schools located in close proximity to each other — but also simply because of heavier traffic during the morning and evening rush hour. When traffic backs up, some drivers seek to jump the queue, either by zipping far too quickly down our Strathmore access road (which is narrow, with cars parked in front of our homes on the north side, making this effectively a one-lane, go-slow road), or by making a quick turn onto Flanders Avenue or Stillwater Avenue to the only other alternative exit, at Rockville Pike. With added traffic, more drivers will no doubt cut through our Garrett Park Estates neighborhood.

The traffic data and traffic studies also seem to rely on studies taken during the pandemic (when schools were not meeting in person, and many people were working from home) and an earlier data set from a traffic study taken during a Friday afternoon in mid-summer, with no schools in session. It's simply not plausible, to anyone who lives here, that the proposed development will have no detrimental impact on local traffic, as the developer claims! **The new data from the neighborhood-generated video traffic study will support our concerns about adding even more traffic to this major traffic artery.**

An added concern about traffic backups is the fact that Strathmore Avenue provides critical access for emergency vehicles from the Kensington Fire Department, who frequently use this route to travel to emergencies along Rockville Pike or the Beltway, or transport patients to Suburban Hospital. What may appear as “extra curb space” is much needed, as this is how cars pull over to let emergency vehicles pass.

The developer has proposed the addition of a new traffic signal will resolve any traffic issues — and proposes to locate this light for the convenience of the new development. If the County is serious about overall traffic safety, and pedestrian safety, the logical place for a new traffic signal would be **at the bottom of the hill**, where the proposed plans indicate the current Stillwater intersection would become a

4-way intersection, continuing the road into the new development. A traffic signal at that intersection would allow GRE-WFP residents to exit safely onto Strathmore, and allow walkers/bikers to cross Strathmore safely on their way to the Metro (there is currently a pedestrian crossing and island, but the crossing on Strathmore is not signalized — see photo).



2) Local residents want to **fully protect the current Strathmore Avenue green buffer** zone that separates our homes from traffic along this busy roadway.

This buffer zone, with its trees and shrubs, is vital to mitigating road noise and pollution that affect our homes along the north side of Strathmore Avenue, but is also a place where people walk. This usage has become even more evident during the pandemic, as large numbers of local residents used the sidewalk, street, and the green buffer zone to move up and down Strathmore Avenue. Even the Holy Cross Academy cross-country team uses this side/access roadway to do interval workouts.

The developer has assured me that their plans for enlarging Strathmore Avenue to accommodate the proposed left turn lanes **would NOT encroach** on this green buffer zone, and comments from County planning and traffic officials also say that any right of way to accommodate the entries to the proposed development and road frontage to accommodate the proposed bike path must come from the south side of Strathmore Avenue.

Nonetheless, my neighbors and I seek assurances that any zoning changes, any future developments, and any future changes to the main roadway **will not materially alter the current buffer zone or our access road along the north side of Strathmore Avenue** — and that any destroyed trees and shrubs would be replanted. These may seem “minor” changes that might appear inconsequential on paper or schematic drawings, and yet matter immensely, as they materially threaten the livability, comfort, and value of the homes of people who live directly across from the proposed development plot.

3) The proposed **stormwater solutions appear inadequate**, given the downward slope towards the Strathmore-Stillwater Avenue dip in the road, where the roadway crosses over a small creek. Because of this terrain, what would stop rainwater from a new development, and more paved roads/built space, from flowing down the proposed center entrance and down the south side of Strathmore Avenue? The developer’s answers seem to involve rainwater gardens—and blanket assurances—but I remain unconvinced.

Currently, the dip at the bottom of Strathmore Avenue (near the pedestrian crossing at Stillwater Avenue) tends to flood during heavy rains, making driving dangerous or impossible. Please see this August 2021 photo taken after one storm, and note the debris level along the fence fronting the south side of Strathmore Avenue, at the southwest corner of the 4910-4920 Strathmore Avenue property, just west of the



current entrance to Holy Cross Academy. That's a foot or more of running water, running down Strathmore Avenue and depositing leaves and debris precisely where 2 new houses are proposed. How does this make any sense?

4) **Loss of overall green space in the area.** The recent Strathmore Square development, which was approved, offered maps that included the 4910-4920 parcel as "green space," to show that the Strathmore Square development would be surrounded by plenty of trees and green space. Does the County simply ignore one development's surrounding "green space," when considering the rezoning of that very "green space" to allow more dense development, in a hearing held just weeks later? This appears to be happening right now. What green space will be left in our area to mitigate hotter temperatures, and help keep the air clean?

5) **Lack of parks/play areas, or connected walkways,** in the proposed rezoning/development.

The proposed plans accompanying this rezoning effort call for a bike/walking path that goes only as far as the eastern property line, but does not connect to anything east of the property. The proposed development also includes a "heart health" path that similarly goes nowhere — and County planners have raised concerns about the safety of that path, given that it will not be visible from the proposed new homes, and the lack of lighting or benches.

Every neighborhood deserves outdoor space, and it seems foolhardy to propose a new development that excludes a playground altogether — are families supposed to hop in their cars to drive toddlers to a park or playground? Are older children expected to hop on their bikes and cross a busy road to meet up with their friends? The proposed plans that are prompting this rezoning request simply don't make sense when it comes to parks and recreation, and the overall health and well-being that open spaces, playgrounds, and communal green space offer—please insist that plans include more green space/play areas that are accessible, ADA-compliant, and designed with both older/younger County residents in mind.

In any future development of the 4910-4920 parcel, wouldn't direct walking paths from the development to Metro be a priority? And if we encourage children to walk to schools, wouldn't creating direct, safe pathways to the surrounding schools (Garrett Park Elementary and Holy Cross Parish School K-8) be a priority? Why would parents opt to walk out to the main road, then carefully walk along the busy roadway to bring their children safely to either one of these schools? Out of convenience and safety considerations, it's likely most parents simply put their children in the car, even for a relatively short school run.

Objections to the rezoning of the 4910-4920 Strathmore Avenue property,
Local Map Amendment No. H-143
Revised December 14, 2021
Page 5 of 5

Thank you for your close consideration of these concerns, which are shared by many of my neighbors.

Sincerely,

Vanessa Lide
5013 Strathmore Avenue
Kensington, MD 20895
v.lide2345@gmail.com

cc: Tamika Graham (tamika.graham@montgomeryplanning.org)
Kip Edwards, President, Garrett Park Estates - White Flint Park Mayor
(president@gpewfp.org)
Kacky Chantry, Mayor of Garrett Park: (mayorkacky@garrettparkmd.gov)
William Neches, President, Strathmore Place HOA: (nechesw@yahoo.com)
Casey Anderson, Planning Board Chair: (MCP-Chair@mncppc-mc.org)
Rebecca Torma-Kim, Development Review Team Manager:
(Rebecca.Torma-Kim@montgomerycountymd.gov)
Senator Jeff Waldstreicher: (jeff.waldstreicher@senate.state.md.us)
Andrew Friedson: (Councilmember.Friedson@montgomerycomd.gov)
OZAH@montgomerycountymd.gov

From: [Eric Bruskin](#)
To: [MCP-Chair](#)
Cc: [Heather Bois Bruskin](#)
Subject: Public Comment regarding H-143 Local Map Amendment, 4910 and 4920 Strathmore Avenue
Date: Wednesday, December 15, 2021 10:05:10 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

To: Casey Anderson, Chair, Montgomery County Planning Board, 2425 Reddie Drive, Wheaton, MD 20902

Re: H-143 Local Map Amendment, 4910 and 4920 Strathmore Avenue

Good morning,

My name is Eric Bruskin and I live with my wife and two children near Strathmore Avenue in Garrett Park Estates, a few hundred yards from the proposed development at 4910 and 4920 Strathmore Avenue. I strongly support smart development in the County and view the addition of new housing units within walking distance to the Grosvenor-Strathmore Metro as a positive development in that regard. I also commend the developers for proposing to align the Holy Cross driveway with Stillwater Avenue. However, I write to express deep concern with some aspects of the proposed development:

- **Traffic:** As anyone who drives in this area knows, the traffic on Strathmore Avenue between Rockville Pike and Beech Drive (extending to Connecticut Ave) is already more than the two-lane road can handle, frequently requiring our community to seek alternative and less convenient routes during the morning and afternoon rush hours. It can take us 25-30 minutes just to get to downtown Kensington at the wrong time of the day. I understand the developers of this project, relying on old and/or pandemic-era traffic studies, contend the addition of hundreds of housing units will have "minimal traffic impact." This conclusion defies common sense, as anyone driving on Strathmore Avenue can see what a tremendous impact just one school's dismissal has on the road's traffic. It would do a grave disservice to the existing community here in Garrett Park Estates, as well as the surrounding communities who rely on Strathmore Avenue for direct access to Kensington, Rockville, Wheaton, North Bethesda, and Silver Spring, if the planning board approves this development based on faulty traffic assessments. In addition, the developers should explain why there are no alternatives to using Strathmore Avenue as the only way in and out of the new development. Although it may be more expensive, having traffic enter from and exit to Tuckerman would go a long way towards alleviating the negative traffic impacts on Strathmore Avenue. Given the County's smart growth objectives, it would also make sense to require the development to have a roadway to Tuckerman, which is a larger and less congested thoroughfare, as well as being much closer to Metro.
- **Sidewalks:** I understand the proposed sidewalk to be added along Strathmore would be right on the roadway. In light of recent sidewalk-related tragedies, including the nearby accident on Old Georgetown Road caused by the lack of buffer between the road and sidewalk, it shows a real disregard by the developer for the community's safety to propose such new sidewalks here. Please ensure any new sidewalks include a safe

buffer so those walking or biking along Strathmore Avenue are not in danger should they fall or trip.

- Noise: I understand the assisted living project will have an entrance and loading dock that is visible to the homes across the street from Strathmore Avenue. This means that houses in that area, possibly including mine, will not only be able to see the lights of cars, buses, and trucks coming and going from the facility at all hours of the day, but they will also hear trucks back-up up to make deliveries and haul away garbage, etc. The plan should be amended to ensure that noise and light disturbance is minimized as much as possible for the surrounding homes.
- School Impact: As experience shows, families with small children will live in any new development (see the new Strathmore townhomes) -- please make sure there is a realistic assessment of how many children the new development will add to the local elementary and middle schools.
- Green Space: The drawings of the development I have seen did not appear to include any new green space for the families living in the development or the families in the adjoining neighborhoods. Given the County's traditional commitment to public parks, it would be a wasted opportunity if the development did not include new green space for everyone to enjoy.

Thank you for your consideration, and for ensuring that *smart* growth means more than just growth near public transit.

Best regards,

Eric Bruskin
4912 Aurora Drive
Kensington, MD 20895
(617) 721-1455

From: [REDACTED]
To: [MCP-Chair](#)
Cc: suzannehudson@verizon.net; [REDACTED]
Subject: Casey Anderson, Chair, Montgomery County Planning Board, 2425 Reddie Drive, Wheaton, MD 20902. Re: H-143 Local Map Amendment, 4910 and 4920 Strathmore Avenue.
Date: Wednesday, December 15, 2021 8:48:21 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning, Casey Anderson,

I have lived at [REDACTED], Kensington, MD 20895 for 13 years. I observe firsthand the current density and traffic congestion that occurs EVERY DAY on Strathmore Avenue.

I live across the street, a few steps, from the proposed development, and am 100% against this development. It is development intended to maximize profits of hundreds of millions of dollars at my personal expense.

I am a Registered Nurse working full time in a hospital and I cannot attend hearings. I am available to discuss further rationale to STOP this development by phone, cell [REDACTED].

This development would be a disaster for the Garrett Park Estates, White Flint, Garrett Park and adjoining communities. We all pay hefty taxes and we all vote.

Do NOT ALLOW THIS DEVELOPMENT TO PROCEED.

Thank you,

[REDACTED]

--

[REDACTED]

From: [Eric Fowler](#)
To: [MCP-Chair](#)
Subject: Grosvenor-Strathmore Development Project
Date: Wednesday, December 15, 2021 8:08:12 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

To the Planning Board Chair,

My name is Eric Fowler, and I am a resident of Bethesda. I recently learned of the Grosvenor-Strathmore development project, and wanted to voice my support for the project. Not only does MoCo need more dense housing near established metro stations and other mass transit services, MoCo needs better senior living integrated within the rest of the community. I hope the planning board seriously considers this great opportunity, and others even bolder. Thank you,

-Eric

From: [Gerilee Bennett](#)
To: [MCP-Chair](#)
Cc: [Kacky Chantry](#); [Barbara Matthews](#); [Phil Schulp](#); [Elizabeth Henley](#); rebecca.tormakim@montgomerycountymd.gov; [Wright, Gwen](#); [Graham, Tamika](#)
Subject: Statement for Planning Board Hearing December 16
Date: Wednesday, December 15, 2021 8:07:27 AM
Attachments: [Ltr Testimony to MC Planning Board re LMA case H-143.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Chair Anderson,
Attached please find a statement of testimony on behalf of the Town of Garrett Park expressing serious concerns regarding LMA case H-143.

Regards,
Gerilee Bennett
Town Councilmember
Garrett Park



Town of Garrett Park

Incorporated 1898

December 14, 2021

Chair Casey Anderson
Montgomery County Planning Board
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

Dear Chair Anderson,

Thank you for the information your office has shared with the Town of Garrett Park regarding LMA case H-143. Please accept the enclosed testimony statement in advance of the hearing regarding Case No. H-143 scheduled for December 16, 2021. I plan to attend the meeting and deliver the testimony in person. Please let me know if you need any further information.

Regards,

Gerilee Bennett
Councilmember

cc: Mayor Kacky Chantry
Councilmember Phil Schulp
Town Manager Barbara Matthews



Town of Garrett Park

Incorporated 1898

Hello, I am Gerilee Bennett, Town Councilmember of Garrett Park. I am submitting this testimony on behalf of the Town of Garrett Park.

Thank you for the opportunity to provide input for this Local Map Amendment application review. This development is of great interest to the Town of Garrett Park and our residents. The Town limits are less than 1/4 mile away along Strathmore Avenue and the Town-owned Community Center and playground is adjacent to the Holy Cross church and school property.

It is **our position that the County should not approve the LMA for this development as currently proposed**. We would like to take this opportunity to summarize the feedback and concerns we have after our review of the detailed application materials made available for public review. We appreciate the care the developers are taking to preserve green space and attract multi-generational occupants.

Our foremost concern is the **automobile orientation** of the site plan despite the proximity to Grosvenor Metro, and the subsequent impact of additional traffic flowing in and out of the already highly congested stretch of Strathmore Avenue. With three school complexes along this same stretch of Strathmore, we are very concerned that this development will add much more congestion to this heavily travelled thoroughfare. We **question the reliability of the traffic study** results, given the weight given to Fall 2020 counts prior to COVID-19 vaccine availability, as well as dated traffic studies that do not adequately account for planned development in the area of the former White Flint Mall and Pike and Rose.

We're grateful for the efforts of the County's senior planner to make sure the project lives up to its transit-oriented billing. We agree with the senior planner that the project's initial design too heavily emphasizes automobile travel. For example, we agree the wide and long Townhouse driveways will result in an auto-dominated streetscape. In addition to her recommendations, we suggest the following:

First, **consolidate the entrance/exits, consistent with 2.11 of Bicycle Master Plan**, which calls for driveways/curb cuts to be consolidated along master planned bikeway facilities. Strathmore Avenue has a master-planned side path, which is a type of bikeway facility. Given the developer's transportation study finding of minimal anticipated vehicle trips resulting from the project, three entrances are excessive and will further encourage automobile trips. The comprehensive project information indicates an estimate that the development only adds 82

vehicle trips at the peak afternoon hour. One entrance for the development should be sufficient.

We appreciate the addition of a traffic signal and left turn lane to improve the flow of traffic along Strathmore during busy hours. However, **the light and lane should be at Stillwater Avenue aligned with what is the most appropriate main entrance of the development.** A signal located at Stillwater Avenue and Strathmore would benefit both the existing residents in Garrett Park Estates and White Flint Park as well as the residents of the new development. The inclusion of two alternative entrances/exits will serve to undermine the effectiveness of the signal and turn lane measures. The care facility could be moved to the western side of the development, which would help to disguise the building's height and massing at this lower point of the property. The site plan should be modified so that the care facility as well as the school are accessed via the single entrance to the development at Stillwater Avenue.

Second, the **parking lots and loading dock** supporting the residential care building should be tucked behind the building rather than facing Strathmore Avenue and accessed from a road within the development. As currently depicted, large delivery trucks will be motivated to back into the loading area directly from Strathmore Avenue creating further traffic disruption. Such a fundamental shift from the current tree-lined character of Strathmore Avenue is an unacceptable alteration towards a commercial streetscape in the neighborhood. The development circulation plan can easily be modified to support access to the rear via a signaled intersection at Stillwater, which is the more appropriate entrance for trucks. We note the Planning Board has repeatedly articulated a preference for MCPS school site plans to place parking lots to the rear and for the street facing side to be more inviting to pedestrians. This development should also follow these good design principles.

Third, the plan should include both a **pedestrian/bike path directly from the property to Metro as well as an additional vehicle outlet** for the Academy of the Holy Cross and/or the new development directly on to Cloister Drive or Tuckerman Lane. We understand the topography and stream at the south-western portion of the lot is a challenge but urge the incorporation of transit-oriented ingress/egress if feasible. Such a footpath would not only promote transit use by employees of Brandywine and residents of the new homes but also allow for access to new dining and retail at Grosvenor as well as events at Strathmore Hall without automobiles.

Fourth, this development feeds into **Garrett Park Elementary School (GPES), which has a history of overcrowding** and portable classrooms. New developments at Strathmore Square, Harwood Flats, and the White Flint area all feed into GPES. It is unacceptable to approve an LMA for this property to add denser housing without a clear, funded **MCPS plan for another elementary school in this cluster**. Additionally, the LMA should not be approved without a **funded and planned safe pedestrian access to GPES**.

Fifth, a housing development of this size, designed for families of all ages, should also provide **adequate recreational space for its residents**. It is shocking that the development includes

only one small (not clearly laid out) play area on the outskirts of the townhomes adjacent to a roadway rather than centrally located within the residential area. The locations of the closest existing playgrounds in the area were strategically situated to support their associated communities and the neighboring elementary and preschools. It is also shocking that the developer's planning documents cite the surrounding neighborhood playgrounds as adequate to support the new development. First, the new development lacks a safe pedestrian access to the playgrounds near the schools and families would need to cross the heavy traffic of Strathmore Avenue to reach any others. Secondly, the development itself should provide adequate play area to avoid overcrowding at existing playgrounds.

Finally, the Land Planning Report, Page 18, indicates that no commercial buildings or uses are proposed and that a binding element will prohibit any commercial density. We support this provision and request that this stipulation be incorporated directly into the Local Map Amendment, if approved.

Thank you for your consideration of our recommendations and concerns. Please let us know if we may clarify any points or answer any questions about our testimony.

From: david.shaffer@davidshafferlaw.com
To: [MCP-Chair](#)
Cc: ["Joyce Winston"](#); ["Kip Edwards"](#); ["Arthur Ribeiro"](#)
Subject: Comments on Local Map Amendment No. H-143 - Rezoning of Holy Cross Property
Date: Tuesday, December 14, 2021 8:09:56 PM
Attachments: [accessibility report of planning board website.pdf](#)
[Letter to Planning Board Final Draft JLW 14Dec2021.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please find attached our comments to the above-referenced application.



David J. Shaffer

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**Practice in the District of Columbia and
The Federal Courts and Agencies**

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WCAG 2.1 Level AA Success Criteria

COMPLIANCE AUDIT

For montgomeryplanning.org | Verdict: Non-compliant

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This audit evaluates the adherence level of **montgomeryplanning.org** as of Wed Dec 15 2021, to the "Web Content Accessibility Guidelines" (WCAG) 2.1 level AA success criteria.

Below you'll find the results for dozens of tests that focus mainly on 3 categories: **screen-reader** adjustments (for blind users), **keyboard navigation** adjustments (for the motor impaired) and **UI, design, and readability** adjustments (for the vision impaired).

This audit is subjected to the [terms of service](#)

#	Requirement	Relevant	Successes	Failures	Score
1	Visually deleted texts (often used to show a previous price of a sale) should include an "aria label" attribute or a screen reader only text that explains this is deleted text.	No	0	0	
2	Breadcrumbs main element should include a "role" attribute that equals to "navigation" and an "aria label" attribute that describes the functionality."	No	0	0	
3	Ratings/scores that are represented visually using stars, meters or other indicators should either have an "aria label" attribute or a screen reader only texts conveying the score/rate.	No	0	0	
4	Making use of an accessibility interface helps to ensure that vision impaired users can adjust some of the UI and the design (font size, colors, spacing, etc.) to their needs. It is not a compliance requirement, but can help to improve compliance.	No	0	0	
5	Iframe elements should include a "title" or an "aria label" attribute explaining the purpose, the functionality or the destination of the iframe, or be tagged hidden for screen readers if irrelevant.	Yes	2	0	100%

Code snapshots of some successful elements

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<iframe style="border: 0;" src="https://#" allowfullscreen="allowfullscreen" spusrc="https://www.ustream.tv/embed/20139640?html5ui&volume=80&autoplay=false" width="480" height="270" frameborder="0"></iframe>
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<iframe style="display: none !important; width: 1px !important; height: 1px !important;
```

```
opacity: 0 !important; pointer-events: none !important;" name="_hjRemoteVarsFrame" title="_hjRemoteVarsFrame" id="_hjRemoteVarsFrame" src="https://vars.hotjar.com...
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6	Font sizes should be at least 11px in size in order to stay readable in the majority of font families. This should be verified also when using dynamic units such as REM or percents.	No	0	11
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Code snapshots of some successful elements

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<a href="https://www.montgomeryparks.org/" >Parks</a>
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<a href="https://montgomeryplanning.org/" target="_blank" >Planning<span class="screen-reader-only" style="position:absolute; display:block; text-indent:-9999px;" >(opens in a new tab)</span></a>
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<a href="https://montgomeryplanningboard.org/" target="_blank" >Planning Board<span class="screen-reader-only" style="position:absolute; display:block; text-indent:-9999px;" >(opens in a new tab)</span></a>
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<button class="gsc-search-button gsc-search-button-v2" ><svg width="13" height="13" viewBox="0 0 13 13" ><title >search</title><path d="m4.8495 7.8226c0.82666 0 1.5262-0.29146 2.0985-0.87438 0.57232-0.58292 0.86378-1.2877 0.87438-2.1144 0.010599-0.82...
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<button class="translate-button single-language" data-translate="es" >Español</button>
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<button class="translate-button single-language" data-translate="zh-CN" >中文</button>
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<select onchange="changeLanguageOther(this)" id="translation_select" open-select="" > <option value="none" selected="true" disabled="true" >Other</option> <option value="" >Select Language</option><option value="af" >Afrikaans</option><opt...
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<option value="" >Select Language</option>
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<option value="af" >Afrikaans</option>
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7	Letter spacing should not be set to below 1px in order to stay readable in the majority of font families. This should be verified also when using dynamic units such as REM or percents.	Yes	Pass	100%
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8	Elements that have texts should meet a minimum contrast ratio of 4.5:1 between their foreground (usually text color) and background color.	Yes	203	6	97%
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Code snapshots of some successful elements

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<a href="https://www.mncppc.org" title="The Maryland-National Capital Park and Planning Commission" class="mncppc-link" target="_blank" >The Maryland-National Capital Park and Planning Commission<span class="screen-reader-only" style="position:absolu...
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<a href="https://www.montgomeryparks.org" >Parks</a>
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```
<a href="https://montgomeryplanning.org" class="parks-planning-logo t-indent" title="Back to Home" >Montgomery Planning</a>
```

```
<p class="montco">Montgomery County, MD</p>
```

```
<p class="name">Montgomery Planning</p>
```

```
<a href="https://www.facebook.com/montgomeryplanning" target="_blank" >facebook<svg data-name="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"
```



```
><defs><style>.cls-1fb{fill:#547bbc}.cls-2{fill:#fff}</style></defs><title>social-fb</ti...
```

```
<a href="https://twitter.com/montgomeryplans" target="_blank">twitter<svg data-na  
me="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"><defs><st  
yle>.cls-1tw{fill:#5ea8dd}.cls-2{fill:#fff}</style></defs><title>social-tw</title><pat  
h...
```

```
<a href="https://www.instagram.com/montgomeryplanning/" target="_blank">instagra  
m<svg xmlns="http://www.w3.org/2000/svg" viewBox="0 0 291.319 291.319"><path  
d="M145.659 0c80.44 0 145.66 65.219 145.66 145.66S226.1 291.319 145.66 291.319  
0 226.1 0 14...
```

Code snapshots of some failed elements

```
<a href="/" class="ico ico-home" title="Back to Home">Back to Home <svg data-name  
="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 31.9 30"><defs><sty  
le>.cls-1{fill:#79ba00}</style></defs><title>icon-home...
```

```
<div class="close">x</div>
```

```
<a href="https://www.facebook.com/montgomeryplanning" class="btn">Open Facebo  
ok</a>
```

```
<a href="https://twitter.com/montgomeryplans" class="btn">Open Twitter</a>
```

```
<a href="https://www.instagram.com/montgomeryplanning/" class="btn">Open Instag  
ram</a>
```

9 Tables that are being used as layout structures should include a "role" attribute that equals to "presentation" to indicate to screen readers that it is not really a table.

No

0

2

Code snapshots of some failed elements

```
<table class="gsc-search-box" cellpadding="0"><tbody><tr><td clas  
s="gsc-input"><div class="gsc-input-box" id="gsc-iw-id1"><table style="width: 100%;
```

```
padding: 0px;" id="gs_id50" class="gstl_50 gsc-input" cellspacing="0" cellpadding="...
```

```
<table style="width: 100%; padding: 0px;" id="gs_id50" class="gstl_50 gsc-input" cellsp  
acing="0" cellpadding="0"><tbody><tr><td id="gs_tti50" class="gsib_a"><input aut  
ocomplete="off" type="text" size="10" class="gsc-input" name="search" title="search.  
..
```

10	If nested tables are used (a table element within a table cell), set the nested tables "role" attribute to "presentation".	No	Fail
----	--	----	------

Code snapshots of some failed elements

```
<table style="width: 100%; padding: 0px;" id="gs_id50" class="gstl_50 gsc-input" cellsp  
acing="0" cellpadding="0"><tbody><tr><td id="gs_tti50" class="gsib_a"><input aut  
ocomplete="off" type="text" size="10" class="gsc-input" name="search" title="search.  
..
```

11	Tables that are missing a THEAD row with TH elements, should include a "role" attribute that equals to "rowheader" on the TD elements of the TR that represents the visual table headings.	No	0	0
----	--	----	---	---

12	Form fields should either include an "aria label" attribute or a connected LABEL element describing the requirement of the field (email, phone, name, etc.).	Yes	2	1	67%
----	--	-----	---	---	-----

Code snapshots of some successful elements

```
<select class="goog-te-combo" aria-label="Language Translate Widget"><option value  
="">Select Language</option><option value="af">Afrikaans</option><option value=  
"sq">Albanian</option><option value="am" >Amharic</option><option value="ar" >  
Arabic</opt...
```

```
<select onchange="changeLanguageOther(this)" id="translation_select" open-select=""
> <option value="none" selected="true" disabled="true" >Other</option> <option val
ue="" >Select Language</option><option value="af" >Afrikaans</option><opt...
```

Code snapshots of some failed elements

```
<input autocomplete="off" type="text" size="10" class="gsc-input" name="search" titl
e="search" style="width: 100%; padding: 0px; border: medium none; margin: 0px; heig
ht: auto; outline: currentcolor none medium;" id="gsc-i-id1" dir="ltr" spellcheck="...
```

13	Form elements cannot have the same ID, or else their corresponding label will provide false information.	No	0	0	
14	Required form fields should include an "aria required" attribute that equals to "true" so blind users using screen readers know their validation.	No	0	0	
15	The validity status of every form element must be represented in the code at all times using the "aria invalid" attributes and the "true/false" values, and change dynamically when the status changes.	No	0	0	
16	aria describedby and aria labeledby attributes should be connected by ID to an element that either has text description or an "aria label" attribute.	No	0	0	
17	All forms should have a submission button that is built as an input type "submit" or a "button" element, or include a "role" tag that equals to "button". Buttons can be hidden if the form can be submitted using the Enter key.	Yes	2	0	100%

Code snapshots of some successful elements

```
<form action="/"> <script > (function() { var cx = '015286172176025413535:gj0owiult  
e8'; var gcse = document.createElement('script'); gcse.type = 'text/javascript'; gcse.asyn  
c = true; ...
```

```
<form class="gsc-search-box gsc-search-box-tools" accept-charset="utf-8"><table clas  
s="gsc-search-box" cellspacing="0" cellpadding="0"><tbody><tr><td class="gsc-inp  
ut" ><div class="gsc-input-box" id="gsc-iw-id1"><table style="width: 100%; padding:  
0...
```

18	Search forms should include a "role" tag that equals to "search" (or be wrapped by one) to indicate a search landmark for screen readers.	No	0	2
----	---	----	---	---

Code snapshots of some failed elements

```
<form action="/"> <script > (function() { var cx = '015286172176025413535:gj0owiult  
e8'; var gcse = document.createElement('script'); gcse.type = 'text/javascript'; gcse.asyn  
c = true; ...
```

```
<form class="gsc-search-box gsc-search-box-tools" accept-charset="utf-8"><table clas  
s="gsc-search-box" cellspacing="0" cellpadding="0"><tbody><tr><td class="gsc-inp  
ut" ><div class="gsc-input-box" id="gsc-iw-id1"><table style="width: 100%; padding:  
0...
```

19	An H1 title provides information to blind users using screen readers of what the main topic of the page is and each page should have exactly one H1 title.	Yes	Pass	100%
----	--	-----	------	------

Code snapshots of some successful elements

```
<h1 style="display:block; text-indent:-9999px; position: absolute;">Montgomery Plannin  
g</h1>
```

20	HTML title elements (H1-6) should have texts. If images or links are used, they should include an alternative or screen reader only text.	Yes	18	0	100%
21	Elements that visually appear as titles but are coded with a non heading HTML Tag should include a "role" attribute that equals to "heading" or have their tags fixed.	No	0	0	
22	Title levels should not be skipped and should be built with consistent hierarchy. For example: you cannot have "h4" titles and "h2" titles without having "h3" titles.	No	Fail		

Code snapshots of some failed elements

```
<h1></h1>
```

23	Images should have an alternative text description that describes both the objects and the embedded text that the image contains, using the "alt" attribute.	Yes	17	0	100%
----	--	-----	----	---	------

Code snapshots of some successful elements

```

```

```

```

```

```

```

```

```
lt="ssp">
```

```

```

```

```

```

```

```

```

```

```

```

```

24	Background images that are not just for decoration purposes and should have the same treatment as standard images and include a "role" attribute that equals to "img" and an alternative text description in an "aria label" attribute.	No	0	0	
25	Font icons, SVG or images that are being used as spacers, decorations or their purpose is already described by the content should include a "role" attribute that equals to "presentation" or "none".	Yes	11	5	69%

Code snapshots of some successful elements

```
<span ></span>
```

```
<svg viewBox="0 0 24 24" aria-hidden="true" class="svg-inline--fa r-4qtqp9 r-yyyyoo r-
```



```
50lct3 r-dnmrzs r-bnwqim r-1plcru r-lrvibr r-1srniue" ><g ><path d="M17.53 7.47l-5-5c
-.293-.293-.768-.293-1.06 0l-5 5c-.294.293-.294.768 0 1.06s.767.294 1.06 0l3.7...
```

```
<span class="spu-timer" ></span>
```

Code snapshots of some failed elements

```
<svg xmlns="http://www.w3.org/2000/svg" viewBox="0 0 291.319 291.319" ><path d
="M145.659 0c80.44 0 145.66 65.219 145.66 145.66S226.1 291.319 145.66 291.319 0
226.1 0 145.66 65.21 0 145.659 0z" fill="#9b6954" ></path><path d="M195.93 63.70
8H95.38c-17....
```

```
<i class="icon-thumbs-up"></i>
```

```
<svg xmlns="http://www.w3.org/2000/svg" class="goog-te-spinner" width="96px" heig
ht="96px" viewBox="0 0 66 66" ><circle class="goog-te-spinner-path" fill="none" strok
e-width="6" stroke-linecap="round" cx="33" cy="33" r="30" ></circle></svg>
```

26	Figure elements that are used to display images should have a "role" attribute that equals to "none" and the image provide itself should provide the description using an "alt" attribute.	No	0	0
27	Every "area" element of a "map" tag should be regarded as a standard image and receive an alternative text description using an "alt" attribute.	No	0	0
28	Small or hidden tracker pixel images (often used for analytics or marketing purposes) should include a "role" attribute that equals to "none" or "presentation" so they are excluded from screen readers.	No	0	0
29	Interactive elements such as links, buttons and form fields should all be navigable using the keyboard by	No	0	4

either using a focusable element (a, button, input, etc.) or including the "tabindex" attribute that equals to "0".

Code snapshots of some failed elements

```
<option value="none" selected="true" disabled="true" >Other</option>
```

```
<option value="" >Select Language</option>
```

```
<option value="af" >Afrikaans</option>
```

```
<option value="sq" >Albanian</option>
```

30	Interactive elements that can be navigated using the keyboard should be surrounded by a visual outline whenever they are focused.	Yes	Pass		100%
31	Active popups should include an "aria modal" attribute that equals to "true", and a "role" attribute that equals to "dialog", so screen reader users know how to navigate within it.	No	0	0	
32	Every page should include hidden links that by clicking on them (either using keyboard navigation or a screen reader), the user will "skip" certain blocks directly to main landmarks such as main content, menu or footer.	No	Fail		

Code snapshots of some failed elements

```
<a class="modal-open" href="#" >Text Size</a>
```

33	Elements that are hidden using CSS	No	0	0	
----	------------------------------------	----	---	---	--

manipulations (opacity, height, text indent, off canvas, etc.) should be wrapped inside an element with an "aria hidden" attribute that equals to "false", or include it directly, and have it dynamically changed to "true" when they become visible.

34	Elements that are hidden using CSS manipulations (opacity, height, text indent, off canvas, etc.) should include a "tabindex" attribute that is below 0, and have it dynamically changed to 0 when they become visible.	No	0	0
35	Menus should either be built using the HTML5 "nav" element or include a "role" attribute that equals to "menu" or "navigation" to indicate a navigation landmark for screen readers.	No	Fail	

Code snapshots of some failed elements

```
<ul id="menu-hot-topics" class="menu" ><li id="menu-item-3468" class="menu-item menu-item-type-custom menu-item-object-custom menu-item-3468 top-nav-item"><a href="/media-center/eletters/" >eLetters</a></li> <li id="menu-item-394" class="menu-item me...
```

36	Menu items that have a dropdown menu include an "aria haspopup" attribute that equals to "true".	No	0	0
37	Menu items that have a dropdown menu include an "aria expanded" attribute that equals to "false" that changes to "true" and back when opening or closing the dropdown.	No	0	0
38	The title tag of the HEAD section (also the title that appears in the browser tab and Search Engine result pages) should exist and describe the name of	Yes	Pass	100%

the current webpage for screen reader users.

Code snapshots of some successful elements

```
<title> Montgomery Planning - Development in Montgomery County, MD </title>
```

39	The HTML tag should include a "lang" attribute that represents the main language of the webpage so screen readers can calibrate on it for blind users.	Yes	Pass	100%
----	--	-----	------	------

Code snapshots of some successful elements

```
<html class="no-js dj_gecko dj_ff95 dj_contentbox fontawesome-i2svg-active fontaweso  
me-i2svg-complete" style="height: 100%;" lang="en-US"><head> <base href="https://  
montgomeryplanning.org"><meta name="aceClient" content="false"><meta name="
```

40	The meta viewport tag should allow vision impaired users to pinch zoom at least double the standard scaling using the user-scalable="yes" and maximum-scale={2 or higher} content strings.	No	Fail
----	--	----	------

Code snapshots of some failed elements

```
<meta name="viewport" content="width=device-width, initial-scale=1, maximum-scale  
=12.0, minimum-scale=.25, user-scalable=yes">
```

41	Landmarks such as main content and footer should be built using their corresponding HTML5 element or include a description using an "aria-label" attribute and a "role" tag that equals to "contentinfo" or "main".	Yes	1	2	33%
----	---	-----	---	---	-----

Landmarks such as search and navigation are tested in other sections.

Code snapshots of some failed elements

```
<div class="cc-m p-x"> <div class="nav mobile" > <a href="#" class="prev t-indent"
>prev</a> ...

<div id="footer" class="main-footer planning-footer"> <div class="hot-topics row"> <di
v class="cc-m"> <h3>Topics</h3> <div cl...
```

42	Carousels should include an "aria label" attribute that equals to "carousel"/"slider" or something else that indicates the functionality, as well as be tagged as a landmark for screen readers using a "role" tag that equals to "contentinfo".	No	0	0	
43	Control elements such as next and previous icons should include an "aria label" attribute or a screen reader only text that explains the functionality to screen readers.	Yes	8	0	100%

Code snapshots of some successful elements

```
<a href="#" class="prev t-indent" >prev</a>

<a href="#" class="next t-indent" >next</a>

<a href="#" class="prev t-indent" >prev</a>

<a href="#" class="next t-indent" >next</a>
```

44	A common accessibility mistake is to treat carousels as live regions using	No	0	0	
----	--	----	---	---	--

the "aria live" attribute and the "polite" or the "assertive" values. Using this practice will cause screen readers to cut and skip announcements.

45	Carousel pagination items (usually used as small dots at the bottom of the carousel) should indicate their functionality and slide number they control using an "aria label" and a screen reader only text.	No	0	0	
46	Elements that behave as buttons but are built using other tags such as span, div, a or others, should include a "role" attribute that equals to "button".	Yes	3	9	25%

Code snapshots of some successful elements

```
<button class="gsc-search-button gsc-search-button-v2" ><svg width="13" height="13" viewBox="0 0 13 13"><title>search</title><path d="m4.8495 7.8226c0.82666 0 1.5262-0.29146 2.0985-0.87438 0.57232-0.58292 0.86378-1.2877 0.87438-2.1144 0.010599-0.8266...
```

```
<button class="translate-button single-language" data-translate="es" >Español</button>
```

```
<button class="translate-button single-language" data-translate="zh-CN" >中文</button>
```

Code snapshots of some failed elements

```
<a class="modal-open" href="#" >Text Size</a>
```

```
<a href="#" class="prev t-indent" >prev</a>
```

```
<a href="#" class="next t-indent" >next</a>
```

```
<a href="javascript:;" class="ft-gallery-link-popup" title="Social Share Options" > <svg viewBox="0 0 24 24" aria-hidden="true" class="svg-inline--fa r-4qtp9 r-yyyyoo r-50lct3 r-
```



```
-dnmrzs r-bnwqim r-1plcrui r-lrvibr r-1smiue"><g><path d="M17.53 7.47l-...
```

47	Buttons should include text explaining their functionality, and if icons are used as buttons, a screen reader only text or an "aria label" attribute should be used for that description.	Yes	6	6	50%
----	---	-----	---	---	-----

Code snapshots of some successful elements

```
<button class="gsc-search-button gsc-search-button-v2" ><svg width="13" height="13" viewBox="0 0 13 13"><title>search</title><path d="m4.8495 7.8226c0.82666 0 1.5262-0.29146 2.0985-0.87438 0.57232-0.58292 0.86378-1.2877 0.87438-2.1144 0.010599-0.8266...
```

```
<button class="translate-button single-language" data-translate="es" >Español</button>
```

```
<button class="translate-button single-language" data-translate="zh-CN" >🇨🇳</button>
```

```
<a class="modal-open" href="#" >Text Size</a>
```

```
<a href="#" class="prev t-indent" >prev</a>
```

```
<a href="#" class="next t-indent" >next</a>
```

Code snapshots of some failed elements

```
<a href="javascript:;" class="ft-gallery-link-popup" title="Social Share Options" > <svg viewBox="0 0 24 24" aria-hidden="true" class="svg-inline--fa r-4qtqp9 r-yyyyoo r-50lct3 r-dnmrzs r-bnwqim r-1plcrui r-lrvibr r-1smiue"><g><path d="M17.53 7.47l-...
```

48	Links should include text that is setting expectations to what page they are leading to. If empty links are used as	Yes	148	4	97%
----	---	-----	-----	---	-----

layout wrapping elements, a screen reader only text or an "aria label" attribute should be used for that description.

Code snapshots of some successful elements

```
<a href="https://www.mncppc.org" title="The Maryland-National Capital Park and Planning Commission" class="mncppc-link" target="_blank" >The Maryland-National Capital Park and Planning Commission<span class="screen-reader-only" style="position:absolu...
```

```
<a href="https://www.montgomeryparks.org" >Parks</a>
```

```
<a href="https://montgomeryplanning.org/" target="_blank" >Planning<span class="screen-reader-only" style="position:absolute; display:block; text-indent:-9999px;">(opens in a new tab)</span></a>
```

```
<a href="https://montgomeryplanningboard.org/" target="_blank" >Planning Board<span class="screen-reader-only" style="position:absolute; display:block; text-indent:-9999px;">(opens in a new tab)</span></a>
```

```
<a href="https://montgomeryplanning.org" class="parks-planning-logo t-indent" title="Back to Home" >Montgomery Planning</a>
```

```
<a href="https://montgomeryplanning.org" title="Back to Home" > <div class="title-wrap"> <p class="montco">Montgomery County, MD</p> <p class="name">Montgomery County, MD</p></div>
```

```
<a href="https://www.facebook.com/montgomeryplanning" target="_blank" >facebook<svg data-name="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"><defs><style>.cls-1fb{fill:#547bb6}.cls-2{fill:#fff}</style></defs><title>social-fb</title>...
```

```
<a href="https://twitter.com/montgomeryplans" target="_blank" >twitter<svg data-name="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"><defs><style>.cls-1tw{fill:#55a862}.cls-2{fill:#fff}</style></defs><title>social-tw</title><path class="twitter" d="M28.8 29.2 11.6 11.6 0 0 11.6 11.6 28.8 29.2z"></path></svg>
```

```
<a href="https://www.instagram.com/montgomeryplanning/" target="_blank" >instagram<svg xmlns="http://www.w3.org/2000/svg" viewBox="0 0 291.319 291.319"><path d="M145.659 0c80.44 0 145.66 65.219 145.66 145.66S226.1 291.319 145.66 291.319 0 226.1 0 145.66S80.44 0 145.659 0z"></path></svg>
```

```
<a href="https://www.youtube.com/channel/UCeSWMUuIDP6T8k7MICsga7g?view_as=subscriber" target="_blank" >youtube<svg data-name="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"><defs><style>.cls-1yt{fill:#e9644a}.cls-2{fill:#fff}</style>...
```

Code snapshots of some failed elements

```
<a href="https://twitter.com/montgomeryplans/status/1470862666600267782" ><svg class="svg-inline--fa fa-twitter fa-w-16" aria-hidden="true" focusable="false" data-prefix="fa" data-icon="twitter" role="img" xmlns="http://www.w3.org/2000/svg" viewBox="..."
```

```
<a href="https://twitter.com/montgomeryplans/status/1470845193909768192" ><svg class="svg-inline--fa fa-twitter fa-w-16" aria-hidden="true" focusable="false" data-prefix="fa" data-icon="twitter" role="img" xmlns="http://www.w3.org/2000/svg" viewBox="..."
```

```
<a href="https://twitter.com/montgomeryplans/status/1470769208996810757" ><svg class="svg-inline--fa fa-twitter fa-w-16" aria-hidden="true" focusable="false" data-prefix="fa" data-icon="twitter" role="img" xmlns="http://www.w3.org/2000/svg" viewBox="..."
```

```
<a href="https://twitter.com/montgomeryplans/status/1470758660913651722" ><svg class="svg-inline--fa fa-twitter fa-w-16" aria-hidden="true" focusable="false" data-prefix="fa" data-icon="twitter" role="img" xmlns="http://www.w3.org/2000/svg" viewBox="..."
```

49

Links that open in a new tab or a new window should either have an "aria label" attribute or a screen reader only element explaining to screen readers that this opens in a new tab.

Yes

65

1

98%

Code snapshots of some successful elements

```
<a href="https://www.mncppc.org" title="The Maryland-National Capital Park and Planning Commission" class="mncppc-link" target="_blank" >The Maryland-National Capital Park and Planning Commission<span class="screen-reader-only" style="position:absolu...
```

```
<a href="https://montgomeryplanning.org/" target="_blank" >Planning<span class="screen-reader-only" style="position:absolute; display:block; text-indent:-9999px;">(opens in a new tab)</span></a>
```

```
<a href="https://montgomeryplanningboard.org/" target="_blank" >Planning Board<span class="screen-reader-only" style="position:absolute; display:block; text-indent:-9999px;">(opens in a new tab)</span></a>
```

```
<a href="https://www.facebook.com/montgomeryplanning" target="_blank" >facebook<svg data-name="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"><defs><style>.cls-1fb{fill:#547bbc}.cls-2{fill:#fff}</style></defs><title>social-fb</title>...
```

```
<a href="https://twitter.com/montgomeryplans" target="_blank" >twitter<svg data-name="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"><defs><style>.cls-1tw{fill:#5ea8dd}.cls-2{fill:#fff}</style></defs><title>social-tw</title><path c...
```

```
<a href="https://www.instagram.com/montgomeryplanning/" target="_blank" >instagram<svg xmlns="http://www.w3.org/2000/svg" viewBox="0 0 291.319 291.319"><path d="M145.659 0c80.44 0 145.66 65.219 145.66 145.66S226.1 291.319 145.66 291.319 0 226.1 0 145...
```

```
<a href="https://www.youtube.com/channel/UCeSWMUuIDP6T8k7MICsga7g?view_as=subscriber" target="_blank" >youtube<svg data-name="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"><defs><style>.cls-1yt{fill:#e9644a}.cls-2{fill:#fff}</style>...
```

```
<a href="https://montgomeryplanning.org/rss-feed/" target="_blank" >rss<svg data-name="Layer 1" xmlns="http://www.w3.org/2000/svg" viewBox="0 0 30 30"><defs><style>.cls-1rss{fill:#f29100}.cls-2{fill:#fff}</style></defs><title>social-rss</title><path ..
```

```
<a href="https://www.facebook.com/10150095942110508" target="_blank" rel="nofollow" ><span class="screen-reader-only" style...
```

```
<a href="https://www.facebook.com/10150095942110508" target="_blank" rel="nofollow" >Montgomery County, Md., Planning Department<span class="screen-reader-only" style="position:absolute; display:block; text-indent:-9999px;">(opens in a new tab)</span>...
```

Code snapshots of some failed elements

```
<a class="goog-logo-link" href="https://translate.google.com" target="_blank" >...



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December 14, 2021

Chair Casey Anderson  
Montgomery County Planning Board  
2425 Reddie Drive 14th Floor  
Wheaton, Maryland 20902

RE: Comments on Local Map Amendment No. H-143 - Rezoning of Holy Cross Property

These comments are presented on behalf of myself and Joyce Winston, who live at 5012 Aurora Dr., Kensington, MD 20895. We are residents of the affected area subject to the above-referenced rezoning proposal. We join in, and incorporate by reference the comments of Garrett Park Estates -White Flint Park Citizens Association ("GPE-WFP") and Arthur Ribeiro and provide the following additional comments in opposition to the application.

Introduction

Mr. Shaffer is legally blind but is an advanced user of assistive technology for the blind. Mr. Shaffer is also an attorney with years of experience in environmental law, past President of the Stanford Law Society, Senior Editor of the Stanford Environmental Law, a former employee of the Natural Resources Defense Council (NRDC), and has represented NRDC, the Sierra Club, National Wildlife Federation, Friends of the Earth, and other environmental organizations in significant Clean Water Act, NEPA, and other causes. Mr. Shaffer is also an expert in web accessibility and has served as the Section 508 officer of a governmental agency. However, due to lack of accessible formats to some of the materials supporting this petition, and that parts and only pieces from the documents were made available to him in accessible format, and only after invoking Justice Department regulations requiring that these documents be produced in accessible format, neither he nor the community has been able to have his full input. . As a result, not only have we been deprived of a full understanding of the issues in the proposal, but the GPE-WFP is deprived of his expert input into environmental issues here, as well as other members of the disability community. Who may be affected by the application.



We reserve the right to raise additional issues in further proceedings that would have been raised here if full access to the documents supporting the application had been granted, and requests that these proceedings be continued in until they are available to all residents of the affected area including the 20% of whom have disabilities that may interfere with their ability to access these documents or participate meaningfully in these proceedings.

1. This Hearing Violates the Notice and Hearing Requirements of Maryland Law.

Maryland law requires that interested parties be given meaningful opportunity to offer informed comments at statutorily mandated public hearings. *Free State Recycling Corp. v. Fredrick County*, 885 Supp. 798 (D. Md. 1994). If notice is not adequate, County commissioners are obligated by law to readvertise proposal and offer proper supplemental opportunities for interested parties to be heard. *Id.*

Mr. Shaffer, as well as others with disabilities in the affected area, because he is blind, has been denied equal and meaningful access to the documents supporting this application, and although some documents have been produced in partial accessible formats, he still has no full accesses to the record, and has not had the time available to non-disabled residents of the affected area to comment and analyze these documents.

The Websites for the Montgomery Planning Board (including, but not limited to, <https://montgomeryplanning.org/>, <https://montgomeryplanningboard.org/>, and <https://www.mncppc.org/>) (“Websites”) violates the standards under the Americans with Disabilities Act (ADA) because it is not accessible to the blind. See, e.g., *v. Robles v. Domino’s Pizza, LLC*, 913 F. 3d 898 9th Cir.t cert. denied, 140 S. Ct. 122 (Mem) (U.S., 2019), requiring apps and places of public accommodation, including websites, be in compliance with the ADA. Moreover, Justice Department regulations provide that all documents must be provided in accessible format. 28 C.F.R. Section 35.160. Mr. Shaffer invoked these regulations, and some documents have been provided, but not all, and, moreover, the remainder of the community does not have access to these documents since no accessible documents have been posted to the Planning Board’s inaccessible Websites. Moreover, even the documents that purport to explain the zoning process and how to participate are in themselves inaccessible. Since these documents are unavailable to the disability community of the County, not even the most basic information is available in compliance with the ADA. In fact, Mr. Shaffer has yet to find a single fully accessible document on the Planning Board’s Websites, to the best of his ability to navigate.

Recently, the Fourth Circuit court of Appeals Maryland’s Held absentee voting process system in violation of the ADA. See *Nat. Fed. Of the Blind v. Maryland*, (4<sup>th</sup> Cir. 2015), because, although the ballots could be accessed on the Election commission’s site, they could not be filled out online and a blind person could not vote independently. The Court stated:

Title II of the ADA provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

*Id.* (citing *Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 498 (4th Cir.2005)). These Planning Board proceedings run directly contrary to Department of Justice regulations, as recognized by the Fourth Circuit.

The Fourth Circuit recognized that “Congress has explicitly directed the Attorney General to promulgate regulations implementing Title II’s non-discrimination mandate. 42 U.S.C. § 12134. Pursuant to this directive, the Department of Justice (“DOJ”) promulgated a number of regulations, including 28 C.F.R. § 35.130. That regulation provides:

A public entity, in providing any aid, benefit, or service, may not ... [a]fford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others ... [or] [p]rovide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result.

28 C.F.R. § 35.130(b)(1)(ii)-(iii). “

In striking down the absentee voting procedures, the Court held “This finding is also not clearly erroneous. This sharp disparity makes obvious that defendants have provided “an aid, benefit, or service [to disabled individuals] that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.” See 28 C.F.R. § 35.130(b)(1)(iii).

The same is true here. In the *National Federation of the Blind*, the flaw was the fact that, although a blind person could download an absentee voting form, he or she could not fill it out independently. It is significant that the district court concluded, and the Fourth Circuit affirmed, that the new voting system must comply with WCAG (Web Content Accessibility Guidelines), which is the standard followed by the federal courts that have considered the subject. (See *Robles*, *surpass*<sup>1</sup>, *denied review* by the Supreme Court.) The attached report proves the county’s violation of Title II of the ADA.

The fact that the entire Website of the Montgomery County Planning Department is inaccessible to persons with disabilities, including those in the subject area denies County residents with disabilities meaningful access and participation in the affair of this body and therefore this proceeding, and all future proceedings undertaken without Notice to the 20% of the county residents lacks legal validity. A copy of the accessibility report from a leading web testing company is attached hereto.

The lack of meaningful access to the Websites is further exacerbated by the lack of accessible documents within the web site and all documents supporting this application. Every document that Mr. Shaffer attempted to access produced testing reports of inaccessibility. Accordingly, to be legally valid, this hearing should not be continued until the County’s Websites and documents supporting its zoning accessible to the county’s residents with disabilities. Although Mr. Shaffer has provided many of the

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<sup>1</sup> For a detailed explanation of the WCAG criteria and how they have been applied by the Courts can be found at Shaffer and Simoneaux, *Web Accessibility and Layered Approaches*, <https://davidshafferlaw.com/web-accessibility-and-layered-approaches/>

documents in the docket in arts, not all documents have been provided or either this application certainly lacks any factual basis to proceed.

2. Lack of consideration of needs of persons with disabilities in the plan

GPE-WFP proposes a light at the corner of Strathmore and Stillwater for in order permit our area to not be overrun our community, and the undersigned agrees with these points. Nonetheless, due in part to the County's lack of outreach to its disabled residents, we also advocate for an APS for people with disabilities and seniors at this intersection, which may become terribly busy. In fact, in this case, the APS is required under the ADA. See American Council for the Blind v. New York City, 495 F.Supp.3d 211 (S. D. Ny. 2020)(ADA required APS in area where blind cross).

We understand, but have not been provided with documents to review, that the walking path to the Metro will be made dark and unsafe. This path needs to be maintained and accessible to the community, and particularly those who are seniors and persons with disabilities, since our walking path would become unsafe under the proposal.

3. Environmental Concerns

The Storm Water Management Plan is nothing but a promise to have a plan. It fails to even mention the area of impermeable surface that will be created by the project, only saying that it will be managed by first level of stormwater management review by the County is a Concept Storm Water Management Plan (Stage 1). This plan is required to accompany the Preliminary Plan and must include an approved Natural Resource Inventory as well as conceptual ESD design and computations to demonstrate how the stormwater management criteria including ESD will be implemented to the MEP. The County produces a letter, accepting the design elements (types of facilities, requiring fees, etc.). Preliminary Storm Management Plan.

However, the Preliminary Storm Water Management Plan does not, in fact, contain "ESD design and computations," while other documents recognize wetlands on the property and the fact that since it flows into the Rock Creek, further Army Corp of Engineers permits may be required.

The environmental inventory also errs when it concludes there are no significant wildlife on the property, but we see bald eagles there daily. This species, as well as the Barred Owls heard nightly on property and the effect on them, and other wildlife clearly demonstrates the inadequacy of the environmental analysis.

According, we request that the application be denied, or, in the alternative , delayed until the developer and the County makes its documents available to the disabled population of the County.

\_\_\_\_\_/s/\_\_\_\_\_  
David J> Shaffer

\_\_\_\_\_/s/\_\_\_\_\_  
Joyce Winston

**From:** [David Murray](#)  
**To:** [MCP-Chair](#)  
**Subject:** Comments for the Record on Item 5: Local Map Amendment No. H-143  
**Date:** Tuesday, December 14, 2021 6:33:39 PM  
**Attachments:** [strathmore.pdf](#)

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[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good evening,

Please pass along my attached comments on Item 5 on Thursday's agenda (Local Map Amendment No. H-143) and include them in the record. Please confirm receipt.

Regards,  
David Murray

14 December 2021

**To:** Montgomery County Planning Board  
**From:** David Murray, Garrett Park  
**Subject:** 4910-4920 Strathmore Local Map Amendment No. H-143

To the Chair and Members:

Thank you for the opportunity to comment on Local Map Amendment No. H-143.

I strongly support transit-oriented development at the former Saint Angela Hall site, because we urgently need more housing. Unfortunately, transit-oriented development is not what this applicant's site plan delivers. What the applicant proposes is transit-proximate development that is unequivocally oriented toward automobile travel. The applicant fails to capitalize on nearby transit and instead promises more than 300 parking spaces and three automobile entrances onto Strathmore Avenue, which would threaten pedestrian and cyclist safety.

When it transmits its comments to the Montgomery County hearing examiner, the Planning Board should recommend limiting the site to one access point on Strathmore Avenue and requiring parking to be placed to the rear of the care facility. Endorsing the site plan as proposed — even tacitly — would contradict the overall vision that the Planning Board has championed for Montgomery County through Thrive, the Growth and Infrastructure Policy, and recently adopted master plans.

### **Limit the site to one entrance from Strathmore Avenue**

The staff memo mistakenly relies on the existing site condition to justify its endorsement of three access points. Because the site's use is changing, the Planning Board should review the site's access to Strathmore Avenue *de novo*, based on the site's proposed new use, on the site's needs, and on modern safety and design principles, while taking into account master plans adopted since the existing structures and access were approved.

- The Bicycle Master Plan calls for “greater consolidation of driveways as part of facility planning and development approvals along master-planned bikeways.” The Bicycle Master Plan rightly notes that “Driveways create a conflict area between bicyclists and motorists, and stronger policies are needed to require greater driveway consolidation.” Strathmore Avenue has a master planned bikeway. Thus, the proposal for three entrances from Strathmore Avenue is inconsistent with the Bicycle Master Plan as well as common sense.
- The applicant's traffic study forecasts that the project will generate less than two car trips per minute even during the peak hour, so the three entrances to the development from Strathmore appear to exceed the site's needs and create unnecessary risk for pedestrians and cyclists. Accordingly, the site should have just one access point from Strathmore Avenue.
- The staff memo's reliance on fire department requirements to justify three access

points deserves further examination of alternatives. Symphony Park, which has a similar number of units, has just one access point from Strathmore Avenue. If more than one fire department entrance is required for 4910-4920, the site could provide one access point for the public and two additional access points for fire department use only, or the site could have one access point for ingress and egress and two access points that are designed for ingress only. Such approaches would provide equivalent fire department access similar to what the applicant has proposed while prioritizing pedestrian and cyclist safety.

**Require the parking lots to be placed behind the residential care facility, away from Strathmore Avenue**

Located as proposed, the care facility's two parking lots will be prominent features for people approaching it on Strathmore Avenue from either Rockville Pike or Beach Drive.

- As the chair and Planning Staff have noted, parking should never be the dominant feature of buildings. "What we keep asking to do is bring the building to the street and don't put parking in front of the building," the Chair said during a September meeting.
- Strathmore Avenue is the only east-west street that runs from Rockville Pike to Connecticut Avenue between Montrose Avenue and the Beltway. As such, it is one of this area's main streets. Trying to hide parking lots behind shrubbery is not sufficient; this approach is heavily — though ineffectively — used in commercial areas and is not appropriate for Strathmore Avenue. Accordingly, the care facility's parking lots should be moved behind the building.

If Montgomery County is to achieve its climate and economic development goals, transit orientation must be an ideal that imbues site plans, especially for sites that are as close to Metrorail stations as this site is. Planning Staff has excused this site plan's shortcomings by noting that the site plan is consistent with existing structures in the area. But much of the existing housing in this area was built decades ago, when the County was built around the car. If developers continue to build in a manner similar to existing structures, the County will continue to put the car at the center of the built environment. To change the County's car orientation, the Planning Board should insist that sites near transit be oriented toward transit.

I recognize that the question before the Planning Board today only involves the rezoning request. However, the staff memo endorses some of the site plan's most troubling features, including the site's excessive automobile access points and the site's excessive parking. I urge the Planning Board to recommend that the hearing examiner place stricter conditions on the zoning approval to promote pedestrian and cyclist safety and further the County's climate goals.