



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

**APPROVED
MINUTES**

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, February 17, 2022, at 9:05 a.m., and adjourned at 3:13 p.m.

Present were Chair Casey Anderson and Commissioners Partap Verma and Carol Rubin.

Commissioner Gerald R. Cichy joined the meeting at 9:07 during discussion of Item 2, with Commissioner Tina Patterson joining at 10:28 a.m. during discussion of Item 5.

Items 1 through 6 are reported on the attached agenda.

The Planning Board recessed for lunch at 10:41 a.m. and reconvened in the auditorium and via video conference at 12:20 p.m.

Items 7, 9, and 10 are reported on the attached agenda.

Item 8 was removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 3:13 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 24, 2022, 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, February 17, 2022
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

Subdivision Plat No. 220210690, Chevy Chase, Section 4-A

CRT zone; 1 parcel; located on the north side of Newdale Road, 250 feet west of Connecticut Avenue (MD-185); Chevy Chase Lake Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 3-0

Nay:

Other: CICHY & PATTERSON ABSENT

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

***C. Other Consent Items**

1. 8001 Wisconsin Avenue, Sketch Plan No. 320210050 and Preliminary Plan No. 120210140, Regulatory Extension Request No.3---Request to extend the regulatory review period for the concurrent Sketch Plan and Preliminary Plan applications for two months, from February 28, 2022 to April 28, 2022; Applications propose to create 1 lot for a mixed-use development of up to 375,000 square feet, comprised of up to 350 multifamily dwelling units and up to 15,000 square feet of commercial uses; future Bethesda Overlay Zone density allocation; 2.74 acres; CR-3.0, C-3.0, R-2.75, H-90; CR-3.0, C-2.0, R-2.75, H-90; CR0.5, C-0.5, R-0.5, H-70; CRT-0.5, C-0.25, R-0.5, H-70 and the Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval of Extension Request

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 3-0

Nay:

Other: CICHY & PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Sketch and Preliminary Plan Extension requests cited above.

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no minutes submitted for approval.**

2. Roundtable Discussion

- Planning Department Director's Report

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

Planning Department Director's Report – Planning Department Director Gwen Wright offered a multi-media presentation and briefed the Board on the following ongoing and upcoming Planning Department events and activities: the status of the Corridor Forward – The I-270 Transit Plan, with a County Council Public Hearing held February 15; the status of the Downtown Silver Spring and Adjacent Communities Plan, with a County Council Public Hearing scheduled for this evening; the status of Zoning Text Amendment (ZTA) 12-09, Office and Professional – Biohealth Priority Campus, with the County Council approving the ZTA on February 15; the status of THRIVE Montgomery 2050 Update to the General Plan, with a briefing to the Office of Legislative Oversight (OLO) held on February 15 and a County Council worksession forthcoming; the status of the Fairland and Briggs Chaney Master Plan; the status of the Takoma Park Minor Master Plan Amendment; the upcoming Congress for New Urbanism conference scheduled for March 23; the upcoming panel discussion, Lessons Learned: A Conversation on Expanding Housing Types from Across the Country, scheduled for February 24, which will feature former Minneapolis City Council President Lisa Bender, Director of the Division of Affordable Housing Research and Technology Division in the Office of Policy Development and Research, U.S Department of Housing and Urban Development (HUD) Regina C. Gray, and Comprehensive Planning Section Supervisor, Department of Community Planning, Housing and Development, Arlington County, Virginia, Kellie Brown, among others; and the status of the Planning Department's ongoing environmental sustainability work, including THRIVE Montgomery 2050 blog posts, the Reforest Montgomery program, for which 10,252 trees have been planted and 69 acres reforested, the No Net Loss of Forest initiative, the Montgomery County Climate Action Plan, with staff participating on the Climate Leadership Group and offering support and guidance, and the Silver Spring Cool Streets Guidelines and Green Loop for the Downtown Silver Spring and Adjacent Communities Plan.

There followed a brief Board discussion with questions to Ms. Wright.

***3. 4725 Cheltenham Drive**

A. Sketch Plan Amendment No. 32020006A: Sketch Plan Amendment seeks to convert up to 5,000 square feet of residential uses to commercial use to accommodate up to 8 Live/Work units and modify the public benefit categories to eliminate structured parking and add points for cool roof and Live/Work Units; located on Cheltenham Drive approximately 110 feet east of the intersection with Wisconsin Ave; 0.245 acres in the CR 3.0 C 2.0 R 2.75 H 90 and Bethesda Overlay Zones; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan No. 820220060: Request for up to 76,841 square feet of density including up to 72,490 square feet of residential uses for up to 102 dwelling units with 15% MPDUs and 4,351 square feet of commercial uses for 8 Live/Work units; request for Bethesda Overlay Zone density and associated PIP payment; located on Cheltenham Drive approximately 110 feet east of the intersection with Wisconsin Ave; 0.245 acres in the CR 3.0 C 2.0 R 2.75 H 90 and Bethesda Overlay Zones; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A & B. RUBIN/VERMA

Vote:

Yea: A & B. 4-0

Nay:

Other: PATTERSON ABSENT

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

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

Planning Department staff offered a multi-media presentation and discussed proposed Sketch Plan Amendment and Site Plan requests to modify the approved residential and commercial uses for a mixed-use development. The site is accessed from Cheltenham Drive via one existing curb cut and is currently developed with a single-story automotive repair shop and associated surface parking lot. An improved public alley along the site’s eastern boundary provides vehicular service and parking access to the commercial uses to the north and connects through to Chase Avenue. The existing access from the Cheltenham Drive curb cut will be eliminated, with all vehicular access to be moved to the existing alley along the eastern boundary

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***3. 4725 Cheltenham Drive**

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of the site. No on-site parking will be provided, with parking to be accommodated offsite at Public Parking Garage 42, located immediately southeast along Cheltenham Drive. Proposed amenities include a green roof, private amenities, and streetscape improvements along the frontages, including separated bike lanes. Staff noted the addition of new Site Plan Condition 21 regarding the validity of the Adequate Public Facility (APF) review.

Mr. Steve Robins, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Grant Epstein, member of the applicant's team, offered comments regarding the proposed Live/Work Units.

There followed a brief Board discussion with questions to staff.

***4. Wheaton Woods, Preliminary Plan Amendment Plan No.12016006A**---Preliminary Plan Amendment to increase the total number of residential lots, from five (5) lots to thirteen (13) lots, expand the plan limits to include additional land area, and associated landscape and streetscape modifications; provide 60’ right-of-way to a non-standard cul-de-sac; located at the terminus of Landgreen Street, 300 feet west of the intersection of Landgreen Street and Marianna Drive; on approximately 4.08 acres of land zoned R-90; within the Aspen Hill Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of the Resolution

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan Amendment request to modify the approved number of lots, increase the approved plan limits, and provide additional right-of-way (ROW) for a residential development. The site is currently developed with two in-ground concrete pools, a bathhouse, paved recreation areas, tot lots, open fields, a picnic area, integrated hard-surface parking lots, and storage buildings associated with the former Wheaton Woods Community Swimming Pool.

Following the demolition of the existing pools and associated structures, the applicant proposes to remove the pool lot and subdivide the property into 13 approximately 10,840-square foot single-family lots along a non-standard cul-de-sac containing stormwater management and open space with a trail connection that will be maintained by the Montgomery County Department of Transportation (MCDOT). The applicant will dedicate 36,815 square feet of public ROW for the extension of Landgreen Street, which will transition to the proposed cul-de-sac to provide access to the proposed development. Pedestrian access will be provided by a five-foot-wide sidewalk that will extend on both sides of Landgreen Street out to Marianna Drive.

The project Final Forest Conservation Plan has a planting requirement of 0.65 acres, which will be met in an off-site mitigation bank or by fee-in-lieu payment. The applicant has also submitted a variance request to remove eight high-priority trees and impact five others, which will be mitigated through the planting of 72 caliper-inches of native shade trees. Staff supports the variance request. Staff then briefly discussed a minor correction to Condition 13 regarding the requested tree variance.

Mr. Jeffrey Ott, member of the applicant’s team, offered brief comments.

There followed a brief Board discussion.

5. Preliminary FY23 Operating Budget Discussion**BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing on the FY23 Spending Affordability Guidelines, followed by discussion.**

As detailed in the February 10 memorandum to the Planning Board, Corporate Budget Director John Kroll briefed the Board and discussed the Spending Affordability Guidelines (SAG) for the FY23 Operating Budget, which the County Council approved on February 8. According to Mr. Kroll, the guidelines currently project a 3.33 percent reduction from the proposed budget, or approximately \$5.44 million in Montgomery County funded departmental budgets, including the Montgomery County funded portion of the bi-county departments. The required reductions may be revised with the release of the County Executive's proposed budget, which is scheduled for March 15. Mr. Kroll added that excluding possible Other Post-Employment Benefits (OPEB) and Compensation marker reductions, straight pro-ratio of the proposed budget across all departments would result in savings of 3.64 percent. Due to the short amount of time to respond to the County Executive's proposed budget, Mr. Kroll recommends that departments begin to formulate possible reduction scenarios for discussion with the Planning Board. The next budget discussion is scheduled for March following the release of the Executive Budget.

There followed a brief Board discussion.

6. FY23 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report Presentation---Required annual presentation of the Resource Conservation Plan and Annual Business Recycling and Waste Reduction Reports. The presentation includes recycling, solid waste, energy expenditures, and budgeting forecast.

Staff Recommendation: Approval of Resource Conservation Plan and Annual Business Recycling and Waste Reduction Reports

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, approved staff recommendation for approval of the FY23 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report.

Parks Department staff offered a multi-media presentation and discussed the FY23 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report for the Departments of Planning and Parks. According to staff, the reports reflect Parks Department regarding energy and water resource conservation within the agency. The Resource Conservation Plan is a summary of the programs and projects implemented to improve the efficient use of water resources and energy-related utilities on Commission property and will be submitted to the Montgomery County Government for inclusion in the annual combined-agency Resource Conservation Plan document. The Annual Business Recycling and Waste Reduction report will be submitted to the Montgomery County Department of Environmental Protection (MCDEP) – Recycling and Resource Management Division. Staff noted that the reports reflect the accomplishments to conserve both energy and water resources as of December 2021 and include plans for FY23 to conserve resources based on the Commission's Comprehensive Resource Conservation Plan.

Staff then discussed the recent changes to and accomplishments of the recycling and waste reduction program in 2021, and upcoming projects and goals for 2022, as detailed in the February 1 technical staff report.

There followed a brief Board discussion with questions to staff.

7. Review of County Executive’s FY23 Capital Budget and FY23-28 CIP – Transportation---Review of transportation elements of the County Executive’s Recommended FY 23 Capital Budget and FY23-FY28 Capital Improvements Program (CIP)

Staff Recommendation: Transmit Comments to County Council

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 the proposed FY23-28 Capital Improvements Program (CIP), specifically the County Executive’s January 15 recommendations for the FY23 Capital Budget and CIP for transportation projects. The overall FY23 Capital Budget recommended by the County Executive is \$16.86 billion, \$4.289 billion of which is slated to fund 125 transportation projects, including six new projects, representing 25.4 percent of the total budget. The County Executive’s recommended CIP is \$5.06 billion, with transportation projects totaling \$1.497 billion, or 29.6 percent of the recommended CIP. Compared to the approved FY21-26 CIP, the County Executive has recommended a \$740,580,000, or 17.2 percent, increase in the overall CIP, including a \$418,988,000, or 39 percent, increase for transportation projects. Staff added that transportation funding includes \$463.323 million in federal aid, and \$169.679 million from Op Lanes, and \$101.2 million from Local Area Transportation Improvement Program (LATIP), which are new funding sources.

The major transportation projects on the Planning Board priority list with proposed significant funding changes include a \$ 302.87 million increase for the Bus Rapid Transit (BRT) MD355 Central project; a \$74.8 million increase for the BRT Veirs Mill Road project; a \$11.123 million increase for the Forest Glen Passageway project; a \$4.218 million/\$663,000 increase for Bethesda bikeway and pedestrian facilities improvements; a \$6.7 million increase for the Fenton Street Cycle track project; a \$2.27 million increase for sidewalk program minor projects; a \$4.6 million increase for Bicycle Pedestrian Priority Area (BiPPA) improvements within the Wheaton Central Business District (CBD); a \$56.07 million increase for the Observation Drive extension; and a \$56.72 million reduction for the Capital Crescent Trail (CCT) tunnel. No funding changes are proposed for the White Flint Metro North Entrance project or for Great Seneca Science Corridor Transit improvements. Staff then discussed projects included in the County Executive’s recommended CIP that are not included on the Planning Board priority list, as well as concerns

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**7. Review of County Executive’s FY23 Capital Budget and FY23-28 CIP –
Transportation**

CONTINUED

not addressed in the CIP, as detailed in the February 9 technical staff report.

Staff recommendations include the funding for the CCT tunnel, the creation and implementation of a program to upgrade bicycle racks at all public libraries and recreation centers, and creation and implementation of a project to address the safety deficiencies/improvement needs recommended in the Aspen Hill Vision Zero Study.

Mr. Tim Cupples of Montgomery County Department of Transportation (MCDOT) offered brief comments regarding funding sources.

There followed extensive discussion, during which the Planning Board instructed staff to include comments stressing the need for the pedestrian, bicycle, and Vision Zero improvements, as well as the CCT tunnel.

**8. ~~Review of County Executive’s FY23 Capital Budget and FY23-28 CIP— Schools—~~
Review of schools elements of the County Executive’s Recommended FY 23 Capital Budget and
FY23-FY28 Capital Improvements Program (CIP)—**REMOVED****

Staff Recommendation: Transmit Comments to County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Planning Board agenda.

9. Policy Guidance on Construction and Fee-in-Lieu for Frontage Improvements---
 Develop criteria for the use of fee-in-lieu for frontage improvements. Identify de minimis criteria and fees for small residential and commercial projects.

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and discussed a proposed policy for construction and fee-in-lieu for frontage improvements. In October 2021, staff presented the initial recommendations regarding the approval of waivers for pedestrian and bicycle frontage improvements on very small residential and commercial projects, de minimis payments, and fee in lieu payments. Since that time, staff has been involved in 10 stakeholder meetings to establish a consistent, criteria-based approach for determining when to approve waiver requests for pedestrian and bicycle frontage improvements, how to set a de minimis payment, and when payments in lieu of constructing frontage improvements are to be permitted.

Staff recommendations include allowing applicants the choice to either construct sidewalk, side-path, conventional bike lane, or bikeable shoulder improvements along their frontage or make a de minimis payment for the improvements when specific criteria are met. Staff noted that the formula for properties with frontages with excessive length will be adjusted for properties with multiple frontages.

Applicants may also request a full payment in lieu of constructing transportation frontage improvements, the amount of which will be determined with input from Montgomery County Department of Transportation (MCDOT), if the improvements would lead to severe environmental impacts in areas with wetlands, floodplains, significant grades or forest conservation easements; or if they require removing a lane of traffic for a very short distance to construct separated bike lanes or conventional bike lanes in a manner that MCDOT or Maryland Department of Transportation State Highway Administration (MDOT/SHA) determine to be unsafe. Applicants may request a partial payment and construct a construct a partial improvement if the improvement is separated bike lanes or conventional bike lanes that would be constructed outside of the paved area of the roadway and would not connect to intersections of roadways, bikeways, or walkways in the near-term; if MCDOT cannot resolve timing issues

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9. Policy Guidance on Construction and Fee-in-Lieu for Frontage ImprovementsCONTINUED

between the development project a capital project; or if MDOT/SHA is unwilling to issue an access permit for a frontage improvement.

The following speakers offered testimony: Ms. Heather Dlhopsky representing Wire Gill, LLP; Mr. William Zeid representing Gorove Slade transportation planners and engineers; Mr. Patrick La Vay representing Macris, Hendricks, and Glascock civil engineering; Ms. Francoise Carrier representing Bregman, Berbert, Schwartz, and Gilday; and Hannah Henn of MCDOT.

There followed extensive Board discussion, during which the Planning Board recommended that the proposed payments require objective, consistent findings that the Board can make in determining if a frontage requirement burden is so disproportionate as to violate the due process clause; and that staff evaluate whether or not circumstances create conditions where environmental impacts or impacts to projects will fulfill the recommended criteria, in order to better advise the Planning Board. The Planning Board also requested further discussion with staff on this matter.

10. Revisions to the 2021 Local Area Transportation Review (LATR) Guidelines--- Modifications to the Local Area Transportation Review (LATR) Guidelines to ensure that offsite transportation system requirements are proportional to a project's impact on the overall safety and functionality of the transportation system.

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and discussed proposed technical revisions to the Local Area Transportation Review (LATR) Guidelines. According to staff, the purpose of the revisions is to ensure that transportation system requirements are not out of proportion with a project's impact on the overall safety and functionality of the various modes of transportation. To that end, staff has developed a two-step approach, which includes identifying an upper limit on offsite mitigation costs and identifying off-site improvements. Staff made changes to the proposed language in the LATR as set forth in the Staff Report. Staff added that following additional discussion with MCDOT staff to address outstanding concerns, they will return in two weeks to have the Planning Board approve the revised LATR Guidelines.

The following speakers offered testimony: Ms. Hannah Henn of MCDOT; Ms. Katie Wagner representing Gorove Slade transportation planners and engineers; and Ms. Francoise Carrier representing Bregman, Berbert, Schwartz, and Gilday.

There followed discussion with questions to staff, during which the Planning Board recommended that staff make several edits including replace the term inflated with a term without a negative connotation.