

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED **MINUTES AND SUMMARY**

SUMMARY

Thursday, March 2, 2023

2425 Reedie Drive
Wheaton, MD 20902
301-495-4605

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, March 2, 2023, beginning at 9:04 a.m. and adjourned at 11:54 a.m.

Present were Chair Jeff Zyontz, Vice Chair Amy Presley, and Commissioners Cherri Branson, David Hill, and Roberto Piñero.

Items 1 through 7 were discussed in that order and reported in the attached Minutes.

There being no further business, the meeting was adjourned 11:54 a.m. The next regular meeting of the Planning Board will be held on Thursday, March 9, 2023, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich

Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. Ourisman Ford at Montgomery Mall Site Plan 82009014C – MCPB No. 23-015

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0-1

Other: Vice Chair Presley abstained.

Action: Adopted the Resolution cited above, as submitted.

2. Donner Property Subdivision Plan 620230010 – MCPB No. 23-010
3. Tregoning Property Pre-Preliminary Plan 720220020 – MCPB No. 23-018

BOARD ACTION

Motion: Piñero/Branson

Vote: 5-0

Other:

Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

1. Minutes of February 9, 2023
2. Minutes of February 16, 2023
3. Minutes of February 23, 2023

BOARD ACTION

Motion: Branson/Piñero

Vote: 5-0

Other:

Action: Approved the minutes of February 9, 2023, February 16, 2023, and February 23, 2023.

C. Other Preliminary Matters

A. State Legislative Update

1. HB797 Maryland-National Capital Park and Planning Commission - Collective Bargaining Agreement Implementation - Dispute Arbitration MC/PG 103-23

Recommendation: Approve staff recommendation to change position to either support with amendments or no position

BOARD ACTION

Motion: **Approved by consensus.**

Vote:

Other:

Action: **Approved staff recommendation to change position to either support with amendments or no position**

General Counsel Debra Borden provided an update regarding language added to the mid-cycle bargaining section pertaining to Arbitration. The language was taken directly from the Montgomery County Code and was added to provide clarity.

The Board raised no questions nor concerns about the amended language.

2. HB942 Wetlands and Waterways Program - Authorizations for Stream Restoration Projects

Recommendation: Approve position statement and staff recommendation to oppose

BOARD ACTION

Motion:

Vote:

Other:

Action: **REMOVED FROM AGENDA**

3. SB526 Natural Resources - Forest Preservation and Retention

Recommendation: Approve proposed amendments and staff recommendation to support with amendments

BOARD ACTION

Motion: **Presley/Piñero**

Vote: **5-0**

Other:

Action: Approved staff recommendation to take the position of support with amendments, with the guidance that if the bill proposes a greater than 1:1 reforestation ratio, the Board would change its position to opposition.

General Counsel Debra Borden gave an update regarding the General Assembly's position to forgo the proposed forest conservation study and move forward with passing the SB526 Natural Resources - Forest Preservation and Retention bill during the current session. Ms. Borden stated the proposed statewide bill will need major amendments which could potentially be worked out in future work sessions.

Montgomery County Planning Board
Public Meeting Minutes of March 2, 2023

Ms. Borden outlined the main amendments that will be proposed by the Maryland-National Capital Park and Planning Commission for the following topics: requirements for tree variances, forest mitigation banks, and minimum reforestation ratios.

Ms. Borden indicated that a 1:1 reforestation ratio may be achievable, provided that the law allows flexibility in the form of a phase-in period or legacy provisions.

Ms. Borden also noted the amendment allows the possibility for the local jurisdictions to determine local programs for forest preservation and retention as long as the program achieves the goal of no net loss.

The Board asked questions and provided comments regarding the general positions of other jurisdictions and organizations, the proposed procedures for monitoring and enforcement, and concerns that one approach for all counties in Maryland would not be appropriate due to differences in density and geology.

Ms. Borden offered comments and responses to the Board's questions and comments.

The Board provided the following guidance for future negotiations with state lawmakers: The Board would oppose the proposed bill if it does not include the baseline amendments discussed by Ms. Borden, including a reforestation ratio no greater than 1:1, or would make the County's No Net Loss of Forest bill currently pending before the County Council noncompliant with state law.

B. Selection of Vice Chair, Montgomery County Planning Board

Recommendation: Approve the appointment of Roberto Piñero as the Planning Board's Vice Chair

BOARD ACTION

Motion: Hill/Branson

Vote: 5-0

Other:

Action: **Approved the appointment of Roberto Piñero as the Planning Board's Vice Chair.**

C. Delegation of authority to approve March 2, 2023 minutes

BOARD ACTION

Motion: Branson/Piñero

Vote: 5-0

Other:

Action: **Approved delegation of authority to the Chair to approve the minutes from the March 2, 2023 Planning Board meeting.**

Montgomery County Planning Board
Public Meeting Minutes of March 2, 2023

D. Corrected Resolution for Chaberton Solar Santa Rose Site Plan 820220210 – MCPB No. 22-113

BOARD ACTION

Motion: Hill/Piñero

Vote: 5-0

Other:

Action: Adopted the Corrected Resolution cited above, as submitted.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220230030, Glen Mar Park

R-60 zone; 1 lot; located on the east side of Carlton Street, 260 feet north of Namakagan Road; Bethesda – Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220230040, Gaither’s Addition to Mount Zion

R-200 zone; 1 lot; located on the west side of Zion Road, 1200 feet south of Brookeville Road; Olney Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Branson/Piñero

Vote: 5-0

Other:

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

Item 3. Regulatory Extension Requests (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Regulatory Extension Requests submitted for approval.

Item 4. Roundtable Discussion

Parks Director's Report
M. Riley

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Montgomery Parks Director Mike Riley thanked Vice Chair Presley, Commissioner Branson, and Commissioner Hill for their work as Planning Board members, as well as introduced Dominique Harlow the recently named Parks Chief of Staff.

Director Riley began the multi-media presentation by highlighting the US Department of Transportation (DOT) "Safe Streets and Roads for All" grant awarded to Parks in the amount of \$7.5 million. The grant will fund projects to prevent roadway deaths and serious injuries within Montgomery County parks and trails.

Director Riley noted the Bethesda Market project and provided information regarding upcoming Bethesda Market Parks Public Meetings, which will take place on March 15, 2023 and March 16, 2023. Each meeting will provide the same information and begin with a brief presentation of the plan followed by an interactive session to give the community a closer look at the project and the opportunity to provide feedback.

Director Riley highlighted the GreenScapes: Designing with Purpose event recently held at Brookside Gardens on February 17, 2023. The event featured experts discussing the latest advancements in landscape design strategies to achieve a range of goals, from public gardens that engage diverse audiences to landscapes that reduce carbon footprints and are resilient to climate change.

Director Riley further stated Montgomery County will be introduced to the spotted lantern fly, a non-native invasive, sap-feeding insect native to eastern Asia. This insect may potentially impact different forms of vegetation throughout Montgomery County, but the Parks Department is anticipating an ecological and recreational nuisance rather than a widespread threat like the emerald ash borer. The Parks Department has met with the state entomologist regarding mitigation, and Parks role will be to train staff on identification and procedures/expectations, inform the public of what to expect, and reassess the situation as the seasons progress.

Lastly, Director Riley gave an update regarding the County Executive's recommended budget cuts of \$1.5 million, and noted the Planning, Housing & Parks (PHP) Committee determined the recommended cuts would not move forward.

The Board asked questions regarding anticipated arrival of the spotted lantern fly and likely timeframe for infestation, and Director Riley offered comments and responses.

Item 5. NoBe Market (formerly North Bethesda Market I), Site Plan Amendment No. 82006017I (Public Hearing)

Request to convert 19,350 square feet of commercial space in Building B into 14 dwelling units and add 3,500 square feet of residential square footage to accommodate new loft space; make modifications to southern façade of Building B and allow for a potential future rooftop residential amenity; and convert 2,022 sf of unimproved residential amenity space in Building C into two dwelling units. Located in southwest quadrant of the Rockville Pike and Executive Blvd. intersection; approximately 5.91 acres; CR-3.0, C-1.5, R-2.5, H-100 and CR-4.0, C-3.5, R-3.5, H-300 Zones; 2010 White Flint Sector Plan.

Staff Recommendation: Approval with Conditions

E. Tettelbaum

BOARD ACTION

Motion: Presley/Piñero

Vote: 4-0-1

Other: Commissioner Hill abstained.

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

Emily Tettelbaum, Planner III, presented a multi-media presentation regarding NoBe Market, formerly known as North Bethesda Market I. Further information can be found in the Staff Report dated February 16, 2023.

NoBe Market is approximately 5.91 acres in the 2010 *White Flint Sector Plan* area. The Property is located to the west of Rockville Pike (MD 355), between Executive Boulevard and Marketplace Lane. The Property is bordered by Executive Boulevard to the north, Marketplace Lane to the south, Woodglen Drive to the west and Rockville Pike (MD 355) to the east.

Buildings A, B and C of NoBe Market are fully constructed and currently contain 424 residential units and approximately 194,941 square feet of non-residential development. Building A (high-rise) contains residential/retail space and is 24 stories tall. Building B (low-rise) contains retail space and is 2-3 stories tall, and Building C (mid-rise) contains retail/residential space and is 6-7 stories tall.

The Subject Amendment will result in an increase in the total number of dwelling units from 424 to 440 and eliminate vacant second story space. Most of the proposed changes are internal to the existing buildings, with no changes to building footprints, open space, or circulation.

The Board asked questions regarding calculation of the building's density, future plans for the rooftop amenity including potential uses, potential displacement of current tenants, the mixed-use zoning and prior approvals, and shared amenities.

The Board also offered concerns regarding the loss of retail space, possible reduction to amenity space, adequate parking, and privacy for newly created units.

Staff offered comments and responses to the Board's questions and concerns.

Montgomery County Planning Board
Public Meeting Minutes of March 2, 2023

Elizabeth Rogers of Lerch, Early & Brewer offered comments and responses on behalf of the Applicant regarding reasons and need for the amendment, clarification of outdoor amenities as well as potential future rooftop amenities, and location of the housing space for additional units.

Steve Robins of Lerch, Early & Brewer offered comments regarding entrances to the cellar and building.

Item 6. Review of County Executive’s FY23 Capital Budget and FY23-28 CIP – Schools

Review of schools (MCPS) elements of the County Executive’s Recommended FY24 Capital Budget and Amendments to the FY23-FY28 Capital Improvements Program (CIP).

Staff Recommendation: Transmit comments to County Council

H. Baek

BOARD ACTION

Motion: Hill/Piñero

Vote: 5-0

Other:

Action: Approved staff recommendation by consensus to transmit comments for the schools elements of the County Executive’s Recommended FY24 Capital Budget and Amendments to the FY23-FY28 Capital Improvements Program (CIP) to the County Council, as stated in transmittal letter to be drafted at a later date.

Jason Sartori, Chief Countywide Planning and Policy, gave a brief overview and background of Planning’s involvement with the schools element of the budget process.

Hye-Soo Baek, Senior Planner, presented a multi-media presentation regarding the County Executive’s Recommended FY24 Capital Budget for the schools element and amendments to the Capital Improvements Program (CIP). Further information can be found in the Staff Report dated February 22, 2023.

Ms. Baek noted that the list of projects and their priorities in the schools CIP each year are mainly determined by Montgomery County Public School System (MCPS), through the Board of Education’s annual request. The County Executive typically does not make decisions on individual line items but recommends a funding schedule for each fiscal year.

The County Council approved a six-year total of \$1.77 billion last year, although the Board of Education’s amendment request totals \$1.94 billion, which is a \$165.7 million increase from the original FY23-28 CIP that was adopted. The six-year total of the County Executive’s recommended amendment is \$104 million more than the original FY23-28 CIP, but falls short of the Board of Education’s request by \$61.6 million.

The Board of Education’s request includes amendments to the following previously approved individual school projects due to construction cost increases: Crown High School, Northwood High School, Poolesville High School, Charles W. Woodward High School, Silver Spring International Middle School, Greencastle Elementary School, and JoAnn Leleck Elementary School. The request also includes an additional \$30 million in funding for Burtonsville Elementary School, to change the project scope from building an addition at the current site to constructing a new school at a new location.

Montgomery County Planning Board
Public Meeting Minutes of March 2, 2023

Among these projects, Charles W. Woodward High School, Northwood High School, and Crown High School are critical in providing capacity relief to many other high schools throughout the County.

Ms. Baek explained the Board of Education discussed MCPS' non-recommended reductions during their business meeting, which was held after the Staff Report was posted. The non-recommended reductions for this year included a two-year delay to the Highland View Elementary School addition, and the major capital project at Damascus High School. The overall non-recommended reduction scenario will close the discrepancy between the Board of Education's request and the County Executive's recommendation to around \$2-3M for the early years.

Ms. Baek summarized the school capital projects included in the CIP, and noted which schools were in Equity Focus Areas and current Master Plan effort areas.

Lastly, Ms. Baek noted the non-recommended reductions will be discussed at the Council's Education & Culture (EC) committee on March 16, 2023 and March 23, 2023.

The Board asked questions regarding potential outcomes for the old Burtonsville Elementary site once the elementary school is moved to new site, if the Board of Education reviews the conditions of the schools as well as Planning's future capacity input before preparation of recommendations for CIP, if budget constraints have affected increase in construction, and if MCPS is required to submit a Social Justice and Racial Equity impact report.

Staff offered comments and responses to the Board's questions.

The Board further asked if recommendations can be made regarding the old Burtonsville Elementary School site once the new school is built, and Acting Planning Director Tanya Stern offered responses.

Item 7. Briefing: Overview of Rental Housing in Montgomery County, MD

L. Govoni

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Lisa Govoni, Housing Planner IV, presented a multi-media presentation regarding the rental housing in Montgomery County based on data received from CoStar.

Ms. Govoni discussed the housing tenure from 1990-2021, in which Montgomery County has added roughly 42,000 renter households since 1990. Of those households nearly 70 percent of the renters are over the age of 35 and roughly 46 percent of renters are over the age of 45. Ms. Govoni stated that while 35 percent of all County households are renter households, disparities do exist by race and ethnicity, and the largest net increases have occurred within the Hispanic, Black or African American, and other races. It was also noted that over half of low-income renters stayed within their rental unit for less than two years, and nearly 46 percent of the rental stock within the County's rental housing was built before 1980.

Ms. Govoni then described the median income ranges between renter-occupied units and owner-occupied as well as the percentage of cost burdened renter households that spend more than 30 percent of their income on housing. This percentage has remained around 50 percent since 2010.

Lastly, Ms. Govoni explained the market growth for the following: market rent per unit and year-to-year rent growth, average asking rent by submarket for 2022, year to year rent growth by jurisdiction, average asking rent by jurisdiction, and vacancy rates.

The Board asked about trends in the data and policy and planning efforts to minimize the turnover of renters and displacement.

The Board also offered comments regarding potential reasoning behind replacing garden-style apartments with high-rise building structures, as well as the need for more detail of low- and moderate-income renter concentrations in connection with location of rental markets.

Ms. Govoni offered comments and responses to the Board.