

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY

Thursday, April 20, 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, April 20, 2023, beginning at 9:04 a.m. and adjourned at 5:27 p.m.

Present were Chair Zyontz, Vice Chair Roberto Piñero, and Commissioners Shawn Bartley, James Hedrick, and Mitra Pedoeem.

Items 1 through 4, Item 13, and Item 5, Item 8, and Item 7 were discussed in that order and reported in the attached Minutes.

Item 6 was postponed to May 4, 2023.

The Planning Board recessed for lunch at 12:33 p.m. and reconvened in the auditorium and via video conference at 1:33 p.m. to discuss Items 9 through 12 as reported in the attached Minutes.

Vice Chair Piñero left the meeting when the Planning Board recessed for lunch and was necessarily absent during Items 9 through 12.

Commissioner Hedrick necessarily left the meeting at 3:13 p.m. before Item 10 and rejoined the meeting virtually at 3:47 p.m. during Item 10.

There being no further business, the meeting was adjourned at 5:27 p.m. The next regular meeting of the Planning Board will be held on Thursday, April 27, 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

Adoption of Resolutions

1. Hillcrest Avenue Preliminary Plan No. 120230010 – MCPB No. 23-032
2. The Quarry Site Plan Amendment No. 82005029C – MCPB No. 23-035

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 4-0-1
Other: Chair Zyontz abstained.
Action: Adopted the Resolutions cited above, as submitted.

3. Johns Hopkins Belward Property Forest Conservation Plan No. F20230020 – MCPB No. 23-031
4. Belward Campus – Parcel A & Belward Campus Drive Site Plan No. 82022025 – MCPB No. 23-030

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 5-0
Other:
Action: Adopted the Resolutions cited above, as submitted.

Approval of Minutes

1. Minutes for March 23, 2023

BOARD ACTION

Motion: Hedrick/Bartley
Vote: 3-0-2
Other: Vice Chair Piñero and Commissioner Pedoeem abstained.
Action: Approved Planning Board Meeting Minutes of March 23, 2023, as submitted.

Other Preliminary Matters

1. Corrected – Preston Place Preliminary Plan No. 120220130 – MCPB No. 23-016
2. Corrected – Preston Place Site Plan No. 820220180 – MCPB No. 23-017
3. Corrected – 4824 Edgemoor Preliminary Plan Amendment No. 12020007A – MCPB No. 23-021
4. Corrected – 4824 Edgemoor Site Plan Amendment No. 82021004A – MCPB No. 23-022

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 3-0-2

Other: Vice Chair Piñero and Commissioner Pedoeem abstained.

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

Item 2. Record Plats (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Record Plats submitted for approval.

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

Planning Director's Report
T. Stern

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Acting Planning Director Tanya Stern offered a multi-media presentation providing updates on the Planning Department's recent activities.

Acting Director Stern and Planning staff including Pamela Nkwantabisah, Don Ziegler, Angelica Gonzalez, Katie Mencarini, Aaron Savage, and Lauren Stamm attended the 2023 National Planning Conference in Philadelphia, Pennsylvania. Acting Director Stern recognized Angelica Gonzalez and Tina Schneider who presented at the 2023 National Planning Conference. Upcounty Planner Angelica Gonzalez served as a panelist for the Equity + Placemaking in the Capital Region presentation, which focused on the 2019 Burtonsville Placemaking Festival. Downcounty Planner Tina Schneider was also featured a speaker for the Future of Cooler Streetscapes session of the conference, with a focus on strategies to reduce Urban Heat.

Acting Director Stern also took advantage of a mobile tour of West Philadelphia: Born & Raised-Beyond UPENN, which focused on the role the University of Pennsylvania has on the community surrounding the university. It was led by Matt Kenyatta who is a UPENN professor and Council Member Jamie Gauthier.

Acting Director Stern then highlighted the upcoming conferences which Planning staff will be attending including the Urban Land Institute Spring Meeting and the Congress for New Urbanism, as well as noting the month of April is Earth Month. During the month of April, the Earth Month Film Festival will occur each Friday, there will be a Reforest Montgomery Arbor Day Webinar, and a tree-planting sites tour in Wheaton.

Lastly, Acting Director Stern reminded the Planning Board of the Design Excellence Awards taking place October 19, 2023, at the M-NCPPC headquarters in Wheaton. The Planning Department will host in partnership with the AIA Potomac Valley Chapter, and will honor projects with two Design Excellence Awards: Buildings, Urban Design and Landscapes and Exceptional Housing.

Item 13. Department of Parks FY23-28 Capital Improvements Program and FY24 Capital Budget, State and Federal Funding Amendments

Approve amendments to the Department of Parks FY23-28 Capital Improvements Program (CIP) and FY24 Capital Budget to receive additional state and federal funding.

Staff Recommendation: Approve transmittal of amendments to Montgomery County Council
R. Peele

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of Department of Parks FY23-28 Capital Improvements Program and FY24 Capital Budget, State and Federal Funding Amendments with transmittal to the Montgomery County Council.

Director Mike Riley gave a brief overview and discussed the Montgomery Parks Capital Budget. Further information can be found in the Staff Report dated April 18, 2023.

Because the Capital Improvements Program (CIP) is currently under review at the County Council, in the interest of meeting their schedule, a request was directly submitted to the County Council for additional appropriation on April 14, 2023, with a stipulation that Montgomery Parks would be bringing the additional appropriation requested for FY24 of the FY23-28 CIP to the Planning Board for approval at the earliest available time.

Director Riley noted the 2023 Maryland General Assembly session ended on April 10, 2023, with Montgomery Parks receiving \$5.495 million in Legislative Bond Initiative funding for thirteen projects. Additionally, the FY24 Program Open Space funds allocated exceeded the projected levels by approximately \$7 million. Furthermore, Montgomery Parks was awarded two Federal Community Funding Project grants, which we are now in the process of executing with HUD.

In total, the Parks Department received an additional \$12,548,617 in State Aid from Legislative Bond Initiatives and Program Open Space, as well as \$1,000,000 in Federal grant projects. The total additional appropriation requested for FY24 of the FY23-28 CIP is \$13,548,617.

The Board offered comments regarding the hard work it takes to raise funding and noted the \$13 million received can be distributed and used for projects in need.

Item 5. Incentive Zoning Update

Staff will provide the board with an overview of the project and the scope of work for updating the Public Benefits Point System for Commercial Residential and Employment Zones.

Staff Recommendation: Approve the proposed scope of work

A. Sharma

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Scope of Work cited above, as amended by Planning Board comments during the meeting.

Robert Kronenberg, Deputy Director of Planning, gave an overview of the background of the project and provided the Board with some context regarding Incentive Zoning.

Atul Sharma, Assistant to the Deputy Director, offered a multi-media presentation regarding the Scope of Work for the Incentive Zoning Update. Further information can be found in the Staff Report dated March 20, 2023.

As part of its work program for FY2023, Montgomery Planning is undertaking a review of the incentive zoning point system for mixed use and employment zones, allowing for the highest density in the County. Developers must provide public benefits, like affordable housing, environmental features, or public infrastructure facilities to maximize the allowable density in these zones. To achieve greater densities, the Optional Method of development is applied to the Commercial Residential (CR), Commercial Residential – Town (CRT), Life Science Center (LSC), and Employment Office (EOF) zones.

Mr. Sharma stated real estate fundamentals and development standards have considerably evolved since 2010, while the policy has undergone only some minor-to-moderate changes. As an incentive zoning program, the point system is also the subject of recommendations of more recently adopted policies like Thrive Montgomery 2050, the Climate Action Plan, and the Racial Equity and Social Justice Act. Furthermore, financial feasibility is fundamental for the policy to function as an incentive, so the policy must be grounded in up-to-date market conditions. Finally, the point system is a tangible mechanism that regulatory reviewers within Montgomery Planning and developers utilize regularly, so it is critical that the policy is designed with efficiency and ease of use in mind.

Mr. Sharma presented the proposed scope of work for the Incentive Zoning Update project, including the overview and context, background of the policy, overall planning framework, elements to explore, public engagement strategy, and the project schedule.

Bilal Ali, Real Estate Market Researcher, described the current point system and provided an overview of how the point system works for the incentive zones within the County for the Optional Method of Development. Mr. Ali noted that there needs to be an approved site and preliminary

plan to use the Optional Method of Development, and presented an example prototype of a benefit points model.

Mr. Ali also provided an overview of the role of the Implementation Guidelines which will define each public benefit option, provide guidance for evaluating public benefits as well as awarding points, and ensure predictability and transparency in the development review process.

Mr. Sharma then discussed the larger policy context and how this update will better align the point system with countywide priorities as envisioned in initiatives like Thrive Montgomery 2050, the Climate Action Plan, and implementation of the county's Racial Equity law.

Some high-level goals for this project include modernizing the policy and aligning it with current planning priorities and market conditions, developing clear standards to effectively maximize the positive impact of public benefits in new developments, improving coordination of Points System with existing legislation, and identifying best practices and recommended actionable changes to the policy while ensuring a balance between the public benefits required, the costs of development, and county goals.

Jay Brown, Chairman and Managing Director at Hayat Brown, explained the composition, structure, and mission of the firm Hayat Brown. Mr. Brown noted Hayat Brown is a small, minority woman-owned national advisory and engineering firm focused on mission-oriented institutions. Mr. Brown stated Hayat Brown brings a project lifecycle perspective to the planning, design, construction, and maintenance of commercial and economic development projects.

Daughan Pitts, Director, of Hayat Brown then discussed the consultant scope of work which included: analyzing the cost to developers of providing public benefits under the existing system; developing pro forma models to evaluate whether the value of incentive density is commensurate with the cost of providing required public benefits; benchmark the current point system with regional and/or nationally successful programs, identifying best practices for incentive zoning implementation in similar markets; and providing a set of actionable recommendations to modernize the policy to better reflect market conditions and planning priorities

Mr. Ali shared an early look at data analysis and preliminary findings from approved sketch plans and site plans for all optimal method projects in the CR/CRT/LSC/EOF zones from January 2010 to August 2022.

The Data Hub, which can be found on the Planning Department's website, was then introduced. Mr. Ali noted all data analysis collected to date can be found and is tracked on the Data Hub, and Deputy Director of Planning Robert Kronenberg noted the Data Hub tool analyzes public benefits for every project within different parts of Montgomery County.

Mr. Ali highlighted the preliminary takeaways with the existing points system, and Mr. Sharma then highlighted the preliminary takeaways for the delivery of Public Benefits as well as the preliminary takeaways for relationships to other Planning policies.

Lastly, Mr. Sharma presented the outreach strategy, early outreach efforts, and next steps for the policy including the project timeline.

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The Board asked questions regarding public benefit points for mandatory/required items and inclusion of Council staff and members of the development community during development of policy.

The Board also offered comments regarding need to focus on points for non-metro transportation including the MARC System, BRT and Purple Line, reward of benefit points for development in areas where development is wanted, not to limit density where density is needed, clarity on what is wanted as well as transparency on what is delivered, and simplification within benefit point categories.

Staff including Acting Planning Director Tanya Stern and Deputy Director Robert Kronenberg offered comments and responses to the Board's questions and comments.

Item 6. POSTPONED TO MAY 4, 2023 - Diener School, Conditional Use and Preliminary Forest Conservation Plan No. CU-23-06 (Public Hearing)

A. Conditional Use No. CU-23-06 – Request for Conditional Use approval to allow conversion of an existing office building to a private educational institution in Phase 1, with a building addition for a gymnasium in Phase 2, for up to 120 students and 57 Staff members. R-60 Zone, 2.52-acres, located at 9312 Old Georgetown Road, approximately 550ft N of Alta Vista Road, within the 1990 Bethesda-Chevy Chase Master Plan

B. Preliminary Forest Conservation Plan No. CU-23-06 – Request for approval of a Preliminary Forest Conservation Plan associated to impact and remove specimen trees and satisfy afforestation/reforestation requirements associated with a conditional use application CU-23-06. R-60 Zone, 2.52-acres, located at 9312 Old Georgetown Road, approximately 550 feet N of Alta Vista Road, within the 1990 Bethesda-Chevy Chase Master Plan

Staff Recommendation: Transmit Conditional Use comments to the Hearing Examiner and Approval with Conditions of the Preliminary Forest Conservation Plan

T. Gatling

BOARD ACTION

Motion:

Vote:

Other:

Action: POSTPONED TO MAY 4, 2023.

Item 8. Jerome Freibaum Lot 4 Administrative Subdivision 620210080 (Public Hearing)

Request to create two (2) lots for one single-family detached dwelling on each; R-60 Zone; 0.59 acres; Located on the north side of Elgin Lane, approximately 155 feet east of its intersection with Pyle Road; 1990 Bethesda-Chevy Chase Master Plan.

Staff recommendation: Approval with Conditions

A. Bossi

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Adam Bossi, Planner III, offered a multi-media presentation regarding Jerome Freibaum Lot 4. Further information can be found in the Staff Report dated April 10, 2023.

The Application proposes to subdivide one residential lot into two lots located at 6535 Elgin Lane in Bethesda, approximately 155 feet east of its intersection with Pyle Road. Lot 101 will have an area of 15,492 square feet and include the existing single-family dwelling and other existing site elements on the south side of the Site. Lot 102 will have an area of 10,040 square feet to support the future development of a new single-family detached dwelling on the north side of the Site. Access to Lot 101 will continue to be provided by the existing driveway on Elgin Lane. Access to Lot 102 will be from a new 20-foot-wide driveway on Fallwind Lane, and the driveway apron width for Lot 102 is larger than typical in order to meet access requirements for the Fire Department.

Concerns were expressed that the Application will result in the loss of tree canopy from the Site. The Tree Save Plan shows a total of thirteen large canopy trees (those measuring 24 inches in diameter or greater) impacted by the Application. Five were previously removed with the reconstruction of the dwelling on Lot 101 and two are proposed for removal with the development of Lot 102. The remaining six are to be retained, protected during construction and their condition monitored for three years after work is completed.

Christopher Weals (Merrimack Park Homeowners' Association) offered testimony in opposition to the construction of the driveway onto Fallwind Lane.

Lawrence Dwight (Adjacent Prop Owner) offered testimony in opposition to the construction of the driveway onto Fallwind Lane and supported the written objections of Merrimack Park Homeowners' Association.

Peter Sklarew (Individual) offered testimony in opposition to the construction of the driveway onto Fallwind Lane, emphasized character of the street, and potential safety concerns.

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Christina Sklarew (Individual) offered testimony regarding pedestrian safety concerns with potential driveway constructed at the top of the hill.

Jody Kline of Miller, Miller and Canby offered comments on behalf of the Applicant regarding the character of the street on Fallwind Lane, the lack of traffic impact created by potential driveway, and original intention of the buffer.

Rob Friebaum, the Applicant/Homeowner, offered comments regarding the background and history of the lot and addressed the concerns raised in the testimony.

The Board asked questions regarding maintenance responsibility of the right-of-way and buffer, potential encroachment of the driveway into the buffer zone, potential impact to the bicycle path by the driveway, and reason for initial rejection of access permit.

The Board offered comments and noted sizing of houses on both lots represent the character of the neighborhood.

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

Item 7. Takoma Park Minor Master Plan Amendment, Presentation of Preliminary Recommendations

Staff will provide the Planning Board with an overview of the preliminary recommendations for the Takoma Park Minor Master Plan Amendment, including land use, zoning, transportation, environment, parks and open spaces, housing and community facilities.

Staff Recommendation: Discussion and provide guidance

M. Williams

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by discussion.

Melissa Williams, Planner III, offered a multi-media presentation regarding the Preliminary Recommendations for the Takoma Park Minor Master Plan Amendment. Further information can be found in the Staff Report dated April 20, 2023.

Ms. Williams stated this Plan is a minor amendment to the approved and adopted 2000 Takoma Park Master Plan and is a joint effort with the City of Takoma Park. Although it is a minor amendment, it is for a Plan Area made up of roughly 136 acres and has its own vision, a defined boundary and provides the recommendations typically found in a Master Plan.

The Preliminary Recommendations are informed by the results of the community engagement efforts, the visioning process and guidance from the other stakeholders including the City of Takoma Park and property owners. These efforts began in Fall 2021 after the Planning Board approval of the Scope of Work. Staff has also provided briefings to the Planning Board and Takoma Park City Council on Existing Conditions, Community Engagement and Outreach and the plan process.

Ms. Williams then discussed the area-wide recommendations for the Takoma Park Minor Master Plan Amendment, including land use and zoning, public amenities, public facilities, historic preservation, climate-forward planning and design, transportation, parks, and housing and community.

Ms. Williams discussed the connectivity across the Plan Area which envisions a Green Promenade, improved sidewalks and bicycle safety, and new private roads that conform to the Montgomery County Complete Streets Design Guide.

Ms. Williams then discussed the Plan's District Recommendations which included the Municipal District which would be the heart of the city; the Maple Avenue District representing the established residential center; and the Flower Avenue District of yesterday and tomorrow. Ms. Williams discussed the proposed districts' land use, zoning, and reimagined visions for each district.

Lastly, Ms. Williams explained the timeline and next steps of the Plan.

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The Board asked questions regarding suggested heights for properties along Maple Avenue, timing of feasibility study, and if the sites listed for Historic Preservation were considered for Locational Atlas designation for protection.

The Board also offered comments regarding the Takoma Park area and lack of commercial buildings, bikeways, and sidewalks for pedestrians.

Kacy Rohn, Historic Preservation Planner II, offered comments and responses regarding the historic preservation sites.

Staff, including Chief of Downcounty Planning Elza Hisel-McCoy, offered comments and responses to the Boards questions and comments.

**Item 9. Waters Village, Preliminary Plan No. 120220200 and Site Plan No. 820220260
(Public Hearing)**

- A. Preliminary Plan No. 120220200
- B. Site Plan No. 820220260

Application to create one lot for the construction of 26,680 square feet of retail and 3,200 square feet of drive-thru restaurant; located at 19621 Waters Road, Germantown; 3.52 acres; CRT 1.0 C-0.75 R-0.75 H-65; 2019 MARC Rail Communities Sector Plan.

Staff Recommendation: Approval with Conditions

A. Duprey/J. Casey

A. BOARD ACTION

Motion: Pedoeem/Bartley

Vote: 4-0

Other: Vice Chair Piñero absent.

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

B. BOARD ACTION

Motion: Pedoeem/Bartley

Vote: 4-0

Other: Vice Chair Piñero absent.

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

Alexandra Duprey, Planner II, offered a multi-media presentation regarding Waters Village. Further information can be found in the Staff Report dated April 10, 2023.

The Subject Property is currently improved with a residence, two commercial storage buildings, two gravel parking areas, a wall, and fencing. The Property is currently accessible from two driveways on Waters Road and a third entrance on Wisteria Drive. The Property slopes from the higher elevations in the northeast of the Property along Wisteria Drive and Waters House Avenue, down to the lower southwestern portion of the Property. Access and frontage improvements are proposed on Waters Road and Waters House Avenue. The existing buildings will be demolished, the gravel parking areas will be removed, and the grade will be leveled. The Applicant is providing 12,289 square feet or ten percent of the net tract area as Public Open Space which includes landscaped seating areas, open walkways lined with vegetation, and vegetated structural stormwater management features. The Application also activates the intersection of Waters Road and Wisteria Drive with plantings, a seating area, and retail use.

The Applicant will dedicate and construct the master-planned Waters House Avenue along the property's frontage, including a 10-foot multi-use path. The Applicant will also make a financial

contribution towards the construction of a shared-use path on Walter Johnson Road between Bowman Mill Drive and Middlebrook Road as their off-site LATR mitigation improvement.

Staff received one letter during the review of the Application. The letter detailed concern regarding existing and potential traffic along Waters Road, as well as concerns regarding the proposed drive-thru and retail uses.

Staff supports the Applicant's request to modify Build-to-Area requirements for Building A along Waters House Ave and Buildings B1 and B2 along Waters Road, although, Staff does not support the Applicant's request to modify Building Orientation requirements for Building A, and recommends two building access points on Wisteria Drive.

Stuart R. Barr of Lerch, Early and Brewer offered comments on behalf of the Applicant regarding Goodwill and the project. Mr. Barr offered further comments regarding the conditions the Applicant is opposed to including the two access points on Wisteria Drive and the undergrounding of utilities.

Catherine Meloy, President and CEO of Goodwill, offered comments regarding Goodwill and the overall mission of Goodwill. Ms. Meloy offered further comments and concerns regarding the requested number of entrances proposed by staff.

The Board asked questions regarding whether additional entrances were requested for cosmetic reasons or real use, amount of consideration given to Goodwill's mission as opposed to other retail stores, potential artistic enhancements along the frontage on Wisteria Drive instead of additional entrances, potential for undergrounding a portion of utilities, and if utilities in the surrounding area were underground.

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

Dawn Holland, Vice President of Retail for Goodwill, offered comments regarding number of entrances throughout the retail environment.

Dave Post of Macris, Hendricks and Glascock and the Applicant team, offered comments regarding the undergrounding of utilities along Wisteria Drive.

The Board held further discussion regarding the frontage on Wisteria Drive and undergrounding of utilities. The Board agreed to allow the modification to building orientation for Building A, and include the following modified conditions:

- Prior to certified Site Plan staff will work with the Applicant to provide artistic enhancements or mural for the building frontage along Wisteria Drive; and
- Utilities will be undergrounded up to the amount of \$400,000.

Item 10. Great Seneca Plan: Connecting Life and Science

Staff Recommendation: Review “big ideas” and provide comments for the Great Seneca Plan.
M. Hill

BOARD ACTION

Motion:

Vote:

Other: Vice Chair Piñero absent.

Action: Received briefing followed by discussion.

Maren Hill, Planner III, offered a multi-media presentation regarding the “big ideas” for the Great Seneca Plan. Further information can be found in the Staff Report dated April 14, 2023.

The Great Seneca Plan is an update to the 2010 Great Seneca Science Corridor Master Plan and follows the 2021 Great Seneca Science Corridor Minor Master Plan Amendment (2021 Amendment). The 2021 Amendment focused on adjusting the staging requirements established by the 2010 Great Seneca Science Corridor Master Plan. It also recommended a comprehensive amendment to align the vision, recommendations, and overall staging requirements for the area with the county’s current reality and its adopted plans, policies, and priorities.

The Great Seneca Plan: Connecting Life and Science is a comprehensive Master Plan Amendment evaluating existing conditions for land use, zoning, urban design, transportation, environment, and community facilities and ultimately, making recommendations.

Ms. Hill stated staff began preliminary work on the Great Seneca Plan in February 2022 and presented the Scope of Work for the Great Seneca Plan to the Planning Board in May 2022. Since approval of the Scope of Work, staff have advanced community outreach and engagement, evaluated existing conditions, and initiated the visioning and analysis phase of the plan. Staff provided an update to the Planning Board in January 2023, which included existing conditions for the area.

Throughout the spring and summer of 2023, the Great Seneca team will continue to refine the big and supporting ideas. Community engagement feedback, data analysis and expert guidance will inform the development of recommendations and a Working Draft Plan.

The following “big ideas” are high level and expected to have a transformative effect on the Master Plan area:

- Establish activity hubs that are internally cohesive, walkable and complete while being externally connected. Each hub will embrace the notion of “park once,” reducing auto trips and allowing residents, employees, and visitors to walk between destinations (home, work, parks, retail, etc.).
- Co-locate housing, life sciences, and healthcare.
- Relocate underutilized state- and county-owned facilities to create opportunities for life sciences, residential, retail, open space, and community facilities within the central hub.
- Create a recognizable and fine-grained street grid to improve connectivity.

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- Right-size the number of vehicle travel lanes in roadway cross sections to create a safer and more comfortable environment for people walking, rolling, bicycling, riding transit, and driving.
- Repurpose a portion of the Great Seneca Highway right-of-way between Key West Avenue and Medical Center Drive, reducing the number of travel lanes to one in each direction. Utilize the existing median and western portion of the right-of-way as a linear park.
- Remove the master planned grade-separated interchanges recommended in the 2010 Great Seneca Science Corridor Master Plan and do not plan for new interchanges.

Ms. Hill gave an overview of barriers the 2010 Plan established as well as recommendations to move forward toward implementation. The recommendations included the following: removing staging requirements established by the 2010 Plan; creating a funding mechanism for future infrastructure projects; participating in regional efforts to promote the Biohealth Capital Region; recommending a Life Sciences Center Overlay Zone to augment the allowed uses in the area and reinforce site design requirements; and including Master Plan language that reinforces that site design will conform with the current Master Plan for all new applications and amendments.

Lastly, Ms. Hill explained the next steps for the project and expect bringing the Working Draft to the Planning Board in Fall 2023. Staff will continue to meet with stakeholders and will present the Community Engagement Report to the Planning Board in the near future as well.

The Board asked questions regarding current uses of the underutilized State and County buildings, if reducing lane usage for motor vehicles would be between the existing lanes or proposed lanes, if creation of linear parks would be through reduction in lanes or usage of buffers, whether Montgomery County Department of Transportation has examined level of service for reduction of lanes, and if the transportation ideas presented would be subject to transportation studies.

The Board also offered comments regarding accessibility to linear parks, study to examine compatibility of mixed-uses for the area, and potential for the north hub to be incorporated as a focus area.

Staff including Alex Rixey and Chief of Midcounty Planning Carrie Sanders offered comments and responses to the Board's questions and comments.

Item 11. Mixed-Use Housing Community, Subdivision Regulation Amendment (SRA) 23-01 & Zoning Text Amendment (ZTA) 23-02

A. Subdivision Regulation Amendment (SRA) 23-01 – Mixed-Use Housing Community SRA 23-01 creates a new type of Administrative Subdivision Plan under Division 50.6.1 for certain applications reviewed under the Mixed-Use Housing Community use, as defined by Chapter 59. *Staff Recommendation: Transmit comments to the District Council supporting the ZTA with suggested amendments*

B. Zoning Text Amendment (ZTA) 23-02 – Mixed-Use Housing Community ZTA 23-02 defines a new residential use under Section 59.3.3. called a Mixed-Use Housing Community, and creates a new regulatory approval plan under Section 59.7.3. called a Mixed-Use Housing Community Plan, intended to incentivize certain affordable housing developments through an expedited regulatory review process. ZTA 23-02 Includes the required Climate Assessment. *Staff Recommendation: Transmit comments to the District Council supporting the SRA*
B. Berbert

A. BOARD ACTION

Motion: Pedoeem/Bartley

Vote: 4-0

Other: Vice Chair Piñero Absent.

Action: Approved staff recommendation to transmit comments to the District Council, as stated in a transmittal letter to be drafted at a later date supporting the Zoning Text Amendment with suggested amendments.

B. BOARD ACTION

Motion: Pedoeem/Bartley

Vote: 4-0

Other: Vice Chair Piñero Absent.

Action: Approved staff recommendation to transmit comments to the District Council, as stated in a transmittal letter to be drafted at a later date supporting the Subdivision Regulation Amendment.

Benjamin Berbert, Planner III, offered a multi-media presentation regarding Subdivision Regulation Amendment (SRA) 23-01 & Zoning Text Amendment (ZTA) 23-02. Further information can be found in the Staff Report dated April 13, 2023.

Zoning Text Amendment (ZTA) 23-02, Regulatory Approvals - Mixed-Use Housing Community, and Subdivision Regulation Amendment (SRA) 23-01, Administrative Subdivision - Mixed-Use Housing Community were both introduced by the District Council on March 28, 2023. These two text changes were referenced by the Council during their introduction as part of an initiative called Opening Pathways to Economic Necessity (OPEN).

The intent of these text changes is to incentivize the development of more affordable housing units and more commercial spaces in underserved communities through an expedited regulatory review process for certain projects that help meet these intents. One goal is to incentivize and hasten the production of more affordable housing units. A second goal to expand commercial options in

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underserved areas is based around the Thrive Montgomery 2050 concept of complete communities. The stated intent is to get more commercial opportunities into residential areas currently not well- served with commercial uses, including creating new high-quality mixed-use communities in more parts of the county.

Planning staff commend the ZTA sponsors for the goal of trying to increase the production of affordable housing in the county; however, staff raised a few concerns and amendments to the ZTA language. The primary areas of concern are the affordability thresholds, the requirement for commercial spaces, and the creation of a new use type.

Lisa Govoni, Planner IV, discussed the recommendations for the Housing Affordability Thresholds section of ZTA 23-02, and Mr. Berbert discussed recommendations for the requirements for commercial spaces, and the creation of the new use type.

Mr. Berbert stated Planning staff has no substantive comments on the SRA as introduced. The SRA is in keeping with similar SRAs for Signature Business Headquarters and for Biohealth Priority Campuses. The intent is to allow a more expedient review process, to keep the subdivision portion of an application closer in line to the timelines associated with the expedited reviews in Chapter 59. Staff noted that Administrative Subdivisions are regulated by a 90-day review period, not the 60-65 days allowed in Chapter 59 for the Mixed-Use Housing Community Plan. Maintaining this slightly longer review period is critical because many of the threshold reviews such as adequate public facilities, site access, and general service by other utilities and infrastructure are determined through subdivision plans.

The Board agreed to support staff's recommendation to transmit a memo to the District Council including the below comments:

- Adjust the affordability threshold to include four options:
 - Modify 1 to align with Bill 26-21 with at least 50% of units affordable to households earning under 60% AMI.
 - Modify 2 to slightly reduce the number of deeply affordable units required.
 - Add option 3 to align with the Housing Production Fund with 20% of units affordable to households earning under 50% AMI, and 10% MPDU eligible.
 - Add option 4 for 9% LIHTC projects.
- Modify the Commercial requirements and send Council a prioritized list of modifications to the commercial requirements (swapping the prioritization of #2 and #3).
- Highlight the Mixed-Use Housing Community use is a combination of existing uses.
- Change the use and plan names to Affordable Community use and Affordable Community Plan.
- Call attention to the proliferation of expedited regulatory plan types and the potential to consolidate these in the future.
- Call attention to the effort and resources involved with expediting development application review.

Item 12. Briefing: Bill 17-23, Taxation – Recordation Tax Rates – Amendments

Bill 17-23 would increase the rate of the recordation tax levied under state law for certain transactions involving the transfer of property and allocate the revenue received from the recordation tax to capital improvements for schools and to the Montgomery Housing Initiative Fund (HIF).

Staff Recommendation: Brief the Planning Board

L. Govoni

BOARD ACTION

Motion: Pedoeem/Bartley

Vote: 4-0

Other: Vice Chair Piñero absent.

Action: **Approved Staff's recommendation to transmit a memo to the County Council reminding them of the recommendation from the Planning Board from 2020, with no position taken regarding Bill 17-23.**

Lisa Govoni, Housing Planner IV, offered a multi-media presentation regarding Bill 17-23. Further information can be found in the Staff Report dated March 21, 2023.

Ms. Govoni stated Bill 17-23 would increase the rate of the recordation tax levied under state law for certain transactions involving the transfer of property and allocate the revenue received from the recordation tax to capital improvements for schools and to the Montgomery Housing Initiative Fund (HIF).

The three elements of recordation tax:

1. The base recordation rate, which is allocated to the county's general fund;
2. The school increment rate, which is allocated to the schools Capital Improvements Program (CIP); and
3. The recordation tax premium rate, which is equally allocated to the county's CIP generally and the HIF.

Lisa highlighted the main differences between the current recordation tax rate, 2020 Planning Board proposal and Bill 17-23.

Ms. Govoni stated Planning staff takes no position on the recordation tax bill. Staff understands there is a need for both increased support for rental assistance and the MCPS CIP but is also sympathetic to the plight of homeowners faced with increasing housing costs in a housing market already characterized by low supply and general unaffordability.

The Board agreed to send a memo to the County Council reminding them of the Planning Board's previous recommendation regarding the recordation tax in the context of the Growth and Infrastructure Policy. The Planning Board's previous recommendation does represent an increase, but a more modest increase as compared to Bill 17-23 and provides more support for first-time homebuyers.