Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY
Thursday, June 6, 2024
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, June 6, 2024, beginning at 9:07 a.m. and adjourning at 5:34 p.m.

Present were Chair Artie Harris, Vice Chair Mitra Pedoeem, and Commissioners Shawn Bartley and James Hedrick.

Commissioner Linden was necessarily absent.

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

The Planning Board recessed for lunch at 12:43 p.m. and reconvened in the auditorium and via video conference to return to open session at 1:46 p.m. to discuss Items 8, 9, 9A, and 11 as reported in the attached Minutes.

Item 10 was postponed until June 27, 2024.

There being no further business, the meeting adjourned at 5:34 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 13, 2024, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich

Rachel Rochrich.

Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

BOARD ACTION

Motion: Vote:

Other:

Action: There were no Resolutions submitted for adoption.

B. Approval of Minutes

- 1. Minutes for May 9, 2024
- 2. Minutes for May 16, 2024

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Planning Board Meeting Minutes of May 9, 2024 and May 16, 2024,

as submitted.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no other Preliminary Items submitted for approval.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220221000, Foxborough Farm

AR zone; 1 lot; located on the east side of Cattail Road, approximately 1,900 feet south of Cattail Lane; Agriculture and Rural Open Space Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220230640, Wolfe's Subdivision

R-90 zone; 15 lots; located on the west side of Greentree Road, 240 feet north of Barnett Road; North Bethesda – Garrett Park Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220240820, Bradmoor

R-60 zone; 1 lot; located on the south side of McKinley Street, 150 feet west of Hempstead

Avenue; Bethesda – Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation for approval of the Record Plats cited above,

as submitted.

Item 3. Regulatory Extension Requests (Public Hearing)

Clarksburg Chase, Preliminary Plan No. 120240040, Site Plan No. 820240050 and Forest Conservation Plan No. F20240180 Regulatory Extension Request No. 2 - Request to extend the regulatory review period for approximately two months until July 25, 2024.

An application for 101 dwelling units (49 single-family units and 52 townhouses); Located at 22600 Clarksburg Road, Northwest quadrant of the intersection of Gosnell Farm Drive and Clarksburg Road; 136.18 acres, RNC zone and Clarksburg West Environmental Overlay zone, 1994 Clarksburg Master Plan & Hyattstown Special Study Area and the 2014 Ten Mile Creek Area Limited Amendment.

Staff Recommendation: Approval with conditions

J. Casey

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation for approval of the Regulatory Extension

Request cited above.

Li Meadow, Administrative Subdivision No.620230100: Regulatory Review Extension Request No. 3 - Request to extend review period, from June 6,2024 to August 7, 2024

Application to create 2 lots for 2 new single-family detached dwelling units; 14194 Travilah Road; R-200; 1 Acre; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the Extension Request

U. Njeze

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation for approval of the Regulatory Extension

Request cited above.

Item 4. Roundtable Discussion

Parks Director's Report M. Figueredo

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden was necessarily absent.

Action: Received briefing.

Montgomery Parks Director, Miti Figueredo, offered a multi-media presentation regarding recent updates and events for the Parks Department.

Ms. Figueredo discussed the recent training on adaptive mountain biking, the Bethesda Big Train opening night at Shirley Povich Field in which Chair Harris threw out the first pitch, the tour of Royce Hanson Conservation Park at Broad Run, and the reopening of Woodlawn Manor House, noting guided tours take place every Saturday and Sunday.

Ms. Figueredo also discussed numerous upcoming Parks events including but not limited to Pride Comedy at Brookside Gardens, the Twilight Concert Series taking place every Tuesday, the Oakley Cabin Augmented Reality Unveiling, Park Police Community Day, and MudFest.

Lastly, Ms. Figueredo welcomed the Parks summer interns and discussed the recent CLIMB workshop and Staff awards for internal CDL Licenses Driving instructors and First Aid/CPR/AED instructors.

The Board asked questions regarding the exact location of Royce Hanson Conservation Park and if Woodlawn Manor would be reopened for events.

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

Item 5. Budget Transfer Request FY24 Operating Budget – Montgomery Parks and Montgomery Planning

Staff Recommendation: Approve Transfer Request

N. Steen/K. Warnick

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation to approve the Budget Transfer Request for

Montgomery Parks cited above.

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation to approve the Budget Transfer Request for

Montgomery Planning cited above.

Nancy Steen, Parks Budget Manager and Karen Warnick, Chief of Management Services for Planning, discussed the FY24 Operating Budget transfer requests for their respective departments. Further information can be found in the Staff Reports dated May 31, 2024.

The Board asked the Parks Department questions regarding sufficient time for year end purchases, backlogged reclassifications, and if the budget adjustments were planned for.

Ms. Steen offered comments and responses.

The Board also asked the Planning Department for further explanation of the Risk Management Fund and Ms. Warnick offered comments and responses.

Item 6. 2024 Growth and Infrastructure Policy Update – Work Session Number 2 (Transportation)

Work session to discuss the recommendations for the Transportation Element of the 2024 Growth and Infrastructure Policy update. The Planning Board must transmit the draft 2024-2028 Growth and Infrastructure Policy (GIP) to the County Council by August 1, 2024. Council will adopt an updated policy by November 15, 2024.

Staff recommendation: Provide guidance direction to Planning Department Staff. D. Buckley

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden was necessarily absent.

Action: Received briefing followed by discussion and guidance from the Planning

Board.

Darcy Buckley, Planner III, offered a multi-media presentation regarding Work Session Number 2 of the 2024 Growth and Infrastructure Policy Update. Further information can be found in the Staff Report dated May 30, 2024.

Ms. Buckley gave an overview and discussed the recommendations, testimony received, and Staff's responses for transportation in the 2024–2028 Growth and Infrastructure Policy (GIP) update in greater detail.

Recommendation 3.1: Update policy areas to support the County's goals.

The Board asked questions regarding inclusion of definitions with distance to public transportation and location clarification of the White Oak policy area. The Board also held further discussion regarding being as expansive as possible for the red and orange policy areas.

Staff, including Planning Director, Jason Sartori and Acting Division Chief of Countywide Planning and Policy, Dave Anspacher, offered comments and responses to the Board's questions and suggestions.

Haley Peckett and Andrew Bossi of MCDOT offered comments regarding BRT investment, Master Planned BRT, and policy area definitions being consistent with designations on the map.

The Board agreed with Staff's recommendations, and requested Staff bring back further details regarding the White Oak Town Center policy area at a future Work Session.

Recommendation 3.2: Require a LATR study for any proposed development generating 30 or more net new peak-hour motor vehicle trips.

The Board asked questions regarding onsite traffic mitigation, what LATR studies determine, potential LATR study costs, the LATR threshold, and recommended traffic mitigation.

Staff offered comments and responses to the Board's questions. Staff also noted at the prior Work Session the Planning Board requested Staff to consider the impact of raising the LATR threshold to 50+ net new peak-hour motor vehicle trips, and Staff offered responses to the Board's previous request.

Haley Peckett, Andrew Bossi, and Rebecca Torma of MCDOT offered comments regarding trips thresholds, reasoning for LATR studies, and estimated cost of offsite improvements that have accumulated over the past four years.

The Board held further discussion regarding the LATR threshold and agreed by consensus to increasing the threshold to 50+ new peak-hour trips.

Recommendation 3.3: Update the LATR Intersection Congestion Standards to reflect changes to policy area boundaries and designations.

The Board agreed with Staff's recommendation.

Recommendation 3.4: Establish a Non-Motor Vehicle Adequacy Test with five components: Pedestrian Level of Comfort (PLOC), illuminance, Americans with Disabilities Act (ADA) compliance, bicycle system, and bus transit system. This test replaces the individual pedestrian, bicycle, and bus transit systems tests.

The Board asked questions regarding ease of performing the Non-Motor Vehicle Adequacy Test and potential trigger for the test.

Staff, including Acting Transportation Planning Supervisor, Eli Glazier, offered comments and responses.

Haley Peckett of MCDOT also offered comments regarding person generated versus vehicular generated trips.

The Board agreed with Staff's recommendation.

Recommendation 3.5: Modify the non-motor vehicle adequacy test requirements to maintain the County's high standards while minimizing unnecessary data collection and analysis.

The Board agreed with Staff's recommendations.

Recommendation 3.6: Refine the Vision Zero Statement to focus on managing speed for safety.

The Board agreed with Staff's recommendation.

Recommendation 3.7: Remove the reference to the Safe Systems Adequacy Test.

The Board agreed with Staff's recommendation.

Recommendation 3.8: As part of the 2025 LATR Guidelines update, develop a vehicle trip—based Proportionality Guide calculation that better accounts for impacts.

The Board asked questions regarding developer agreement with Staff defined proportionality and if there is an existing definition for a de minimus payment.

The Board also offered comments regarding elements of the Proportionality Guide and requested further information on how neighboring jurisdictions compare to Montgomery County's formula.

Staff, including Deputy Director of Planning, Robert Kronenberg, offered comments and responses to the Board's questions and comments.

The Board agreed with Staff's recommendation and requested Staff bring back further information regarding surrounding jurisdictions to a future Work Session.

Recommendation 3.9: Allow all fee-in-lieu funds to be spent in both the subject policy area and adjacent policy areas.

The Board held discussion regarding the use of fee-in-lieu funds designated for equity focus areas be spent on adjacent or non-equity focus areas and requested MCDOT to return with more information from the Department of Finance.

Staff offered comments to the Board, and the Board agreed to support Staff's recommendation noting the funds should be allocated to equity focus areas if at all possible.

Recommendation 3.10: Rather than limiting the use of funds to specific modes, allow fee-in-lieu funds collected for non-motor vehicle deficiencies to be used for any non-motor vehicle improvement within the subject policy area or an adjacent policy area.

The Board agreed with Staff's recommendation.

Recommendation 3.11: Expand the current off-site mitigation exemption for affordable housing units, which currently only includes mitigation payments, to include constructed improvements. Adjust the Proportionality Guide limit by subtracting trips attributed to new affordable units. The trips generated by these units will still count toward the 30-vehicle-trip LATR threshold.

Ms. Govoni stated under the current recommendation, individual affordable housing units would be proportionally exempt from off-site mitigation payments and constructed improvements; and explained Staff's proposed options.

The Board asked questions regarding affordability thresholds, offsite mitigation, and which proposed option would provide the best housing option.

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

The Board agreed with Staff's recommendation, but requested further exploration of potential alternative options, and Staff noted further information would be brought back in a future Work Session.

Recommendation 3.12: Exempt multi-family units with three or more bedrooms from off-site mitigation construction and payment. Adjust the Proportionality Guide limit by subtracting trips attributed to new multi-family units with three or more bedrooms.

The Board asked if three plus bedroom units included 3 bedrooms and what percentage of projects would be affected. Staff offered comments and responses.

The Board agreed with Staff's recommendation.

Recommendation 3.13: Exempt daycares from the requirement to complete an LATR study.

The Board agreed with Staff's recommendation.

Recommendation 3.14: Extend the Bioscience LATR exemption for another four years, so it applies to applications filed before January 1, 2029.

Staff also noted a change to section T5.1 Temporary Suspension for Bioscience Facilities and recommended removing the three-year time limit to file an application for building permit after the approval of any required preliminary plan or site plan.

The Board agreed with Staff's recommendations.

Recommendation 3.15: Update the NADMS goals to reflect recently adopted master plans. Establish NADMS goals for new policy areas and other areas without NDAMS goals.

Haley Peckett of MCDOT offered comments regarding the NADMS goals, and Staff requested to bring the recommendation back to a future Work Session after further consultation with MCDOT.

Recommendation 3.16: Revise the policy to reflect updated county plans, policies, laws, regulations, and guidance.

The Board asked questions regarding accepted applications, and Staff offered comments and responses.

The Board agreed with Staff's recommendation.

Recommendation 3.17: Reorganize and update the LATR Guidelines. The revised version will reduce duplicative and contradictory language, address frequently asked questions, and include example documents and directions for common challenges.

The Board agreed with Staff's recommendation.

Recommendation 3.18: Continue to work with the Maryland State Highway Administration (SHA) and State Elected Officials to codify SHA review times. Clarify mutual expectations for stakeholders in the development review process, particularly for projects in Red policy areas, where motor vehicle analysis and mitigation are not a County priority. The Board agreed with Staff's recommendation.

Lastly, Staff discussed additional testimony received, Staff's responses, and next steps.

Item 7. Local Housing Targets

Local Housing Targets is a collaborative effort between the County Council's Planning, Housing, and Parks (PHP) Committee and Montgomery Planning to allocate countywide housing targets for 2020, 2030, and 2040 to 22 small areas of the county. Planning Staff will brief the Planning Board on work completed to date on the initiative.

Staff recommendation: Brief the Planning Board

L. Govoni

BOARD ACTION

Motion: Vote:

Other: Commissioner Linden was necessarily absent.

Action: Received briefing.

Lisa Govoni, Acting Planning Supervisor, Countywide Planning & Policy, offered a multi-media presentation regarding Local Housing Targets. Further information can be found in the Staff Report posted on the website under the June 6, 2024 Agenda.

Ms. Govoni stated Local Housing Targets is a collaborative effort between the County Council's Planning, Housing, and Parks (PHP) Committee and Montgomery Planning to allocate countywide housing targets for 2030, 2040, and 2050 to 22 Planning Areas based on how well each area scored by weighting the following factors: Thrive Growth Area, Household Forecast, Zoned Residential Capacity, Activity Center Density, Premium Factor, Transit Quality, and Pipeline Contribution. The targets will allow both community members and decision makers to better contextualize and understand the housing shortage at a more local level—and to develop strategies that help the County meet its housing goals

Additionally, Ms. Govoni discussed the affordable housing goals, and stated the goals could be reached by a number of mechanisms beyond mandatory inclusionary zoning requirements including bonus density, additional height, public benefit points, impact tax waivers, or financial subsidies.

The Board asked questions regarding housing targets for Gaithersburg and Rockville, how additional target units were determined, built inventory versus permitted, the North Bethesda conversion rate, and potential timing for County Council discussion of local housing targets, consideration for dropping of Gaithersburg and Rockville analysis, and possibility of adjusting the conversion rate to 51 percent.

Staff, including Planning Director, Jason Sartori, offered comments and responses to the Board's questions.

Ms. Govoni also suggested checking in with DPS for data from the last 4-6 months to see how things are going for the year so far.

Item 8. Briefing on Recent Research on Economic and Income Trends in Montgomery

County

B. Kraft

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden was necessarily absent.

Action: Received briefing.

Ben Kraft, Research Planner, offered a multi-media presentation regarding Recent Research on Economic and Income Trends in Montgomery County. Further information can be found in the Staff Report posted on the Planning Board website under the June 6, 2024 Agenda.

Mr. Kraft gave an overview of recent research on Montgomery County's economy and the changing economic characteristics of its residents. Mr. Kraft also discussed the key economic indicators in a regional and national context, Montgomery County's income shifts, as well as how the trends tie into housing and what they mean for Montgomery County moving forward.

The Board asked questions regarding reasoning for increased lower income families within Montgomery County, the category for retired and aging populations, the declining middle-income group, affordability of to-be built housing for the lower-income group, and potential for welcoming middle-income residents to Montgomery County.

Staff, including, Chief of Research and Strategic Projects, Carrie McCarthy, offered comments and responses.

Item 9. Incentive Zoning Update Study – Listening Session (Public Testimony Accepted)

Planning Board will hear public testimony on the Incentive Zoning Update Study A. Sharma

BOARD ACTION

Motion: Vote:

Other: Commissioner Linden was necessarily absent. Action: Received briefing followed by testimony.

Chair Harris noted no one signed up to testify during the Public Listening Session.

Item 9A. Incentive Zoning Update Study – Working Session

Staff will provide the Planning Board with a summary of draft recommendations to update the Public Benefits Point System for Commercial Residential and Employment Zones. Staff will share recommendations related to public benefit requirements for the applicable zones, the overall structure of the policy and specific public benefits.

A. Sharma

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden was necessarily absent.

Action: Received briefing followed by discussion and guidance from the Planning

Board.

Robert Kronenberg, Deputy Director of Planning, offered brief comments regarding the work that went into the Incentive Zoning Update Study and recommendations; and Atul Sharma, Assistant to the Deputy Director, offered a multi-media presentation regarding the Incentive Zoning Update Study. Further information can be found in the Staff Report posted on the website under the June 6, 2024 Agenda.

Mr. Sharma discussed the outreach and engagement, the evolution of the point system, and how the policy is applied in development review, as well as the proposed overall approach for public benefits and structure of the update.

Daughan Pitts of Hayat Brown discussed the financial feasibility of providing public benefits, the impacts of the new approach on prototypical projects under multiple scenarios, and costing methodology.

Grace Bogdan, Planner III, introduced the four applicable zones the updated policy would apply to, including the Employment Office (EOF), Life Sciences Center (LSC), Commercial/Residential (CR), and Commercial Residential/Town (CRT). Ms. Bogdan continued by discussing each of the zones in greater detail as well as Staff's recommendations, and Luwei Wang, Planning Contractor, discussed the data for each of the zones. The recommendations for each zone are listed below:

EOF Zone

Staff recommend removing EOF from the list of zones that require public benefits, allowing properties to develop by-right under standard method up to the mapped FAR, and requiring a Site Plan above 0.5 FAR so Code requisites are still met.

The Board asked questions regarding what Code requisites need to be met and if the EOF Zone has the option to permit residential development.

Staff offered comments and responses, and the Board agreed with Staff's recommendations

LSC Zone

Staff recommend regulating the public benefits through the Great Seneca Life Science Overlay Zone, exempting remaining properties from providing public benefits under the Optional Method of Development, and requiring a Site Plan for all projects above 0.5 FAR so Code requisites are met.

The Board agreed with Staff's recommendations.

CR and CRT Zones

Staff recommend establishing a standardized Optional Method threshold set at greater than 0.5 FAR for both the CR and CRT zones, introducing a tiered density framework including Standard method FAR, incentive density up to the mapped FAR per parcel, and additional Excel-To-Build Density, established per sector plans, switching from a point based to an FAR based evaluation of public benefits determined by proposed FAR, and granting Master Plans the flexibility to modify the menu of public benefits.

The Board asked questions regarding how public benefits are determined under the Standard Method of development, reasoning and impacts of recommending .5 FAR, possibility to go above the max height of mapped FAR, development improvements considered as public benefits, and number of potential projects.

Staff, including Deputy Director of Planning, Robert Kronenberg offered comments and responses.

Mr. Sharma then discussed the proposed structure of the updated public benefit menu for the CR and CRT Zones beginning with the Public Benefits Categories which include: Housing for All, Environmental Resilience, Infrastructure for Compact Growth, and Complete Community Amenities. Mr. Sharma explained the thirteen different public benefits divided among the four categories as well as tiered benefits for each category to provide flexibility.

Ms. Bogdan discussed the existing categories, benefits, evaluation system, and double-dipping practices versus the proposed approach for all as well as the BLTs and TDRs existing criteria and proposed criteria.

The Board asked questions regarding unique Master Plan recommendations for the tiered benefits, BLT purchases, what the agricultural preservation fund is used for, and potential credit for constructed connections if recommended by a Master Plan.

Staff including Chief of Upcounty Planning, Patrick Butler, offered comments and responses to the Board's questions.

Mr. Sharma explained how the new system will apply to projects in the CR and CRT zones, public benefits for incentive density, and provided possible project scenarios. Ms. Pitts also discussed excel-to-build density, when to consider excel-to-build density, developer expectations, and evaluation criteria as well as payments-in-lieu.

Lastly, Mr. Sharma gave a brief overview again of the proposed overall approach and next steps.

Item 10. POSTPONED - Adequate Public Facilities at Building Permit

Briefing of the Adequate Public Facility policy at building permit review where the APF validity periods have expired or do not exist.

Staff Recommendation: Allow the Planning Director to administratively approve on certain APF reviews for platted and recorded residential lots.

R. Kronenberg

BOARD ACTION

Motion: Vote:

Other:

Action: Postponed until June 27, 2024.

Item 11. Centers and Corridor Segment Typologies

Staff Recommendation: Staff will brief the Planning Board on the work completed to date to establish a shared vision for corridor-focused growth through the development of a Corridor Planning Strategic Plan, including corridor segment typologies and associated characteristics. J. McVary

BOARD ACTION

Motion: Vote:

Other: Commissioner Linden was necessarily absent.

Action: Received briefing.

Jessica McVary, Planning Supervisor, offered a multi-media presentation regarding Centers and Corridor Segment Typologies. Further information can be found in the Staff Report dated May 30, 2024.

Ms. McVary discussed the background and process stating the effort began with a series of internal workshops to define corridor-focused growth and identify actions necessary to achieve it. Following the internal workshops, Planning Supervisors across several of Montgomery Planning's divisions analyzed the feedback received and presented recommendations to Department leadership. These recommendations included the development of corridor segment typologies and developing transportation, urban design, and base requirements for each corridor segment typology.

Ms. McVary stated the corridor segment typologies establish a shared vision for compact, corridor-focused growth within three corridor typologies including: transformational growth, modest growth, and no growth. Ms. McVary, Dave Anspacher, Acting Division Chief of Countywide Planning and Policy, and Atul Sharma, Assistant to the Deputy Director, discussed each of the different typologies in greater detail and showed illustrative images of the potential typologies. Ms. McVary also discussed the baseline assumptions for all corridor segment typologies in greater detail as well.

Lastly, Ms. McVary discussed the next steps including evaluating the typologies through corridor master plans and applying lessons learned to elements and assumptions, as well as, evaluating the ability of existing policies, practices, and tools to deliver Thrive Montgomery 2050's vision for corridor-focused growth through the Planning Department's strategic plan.

The Board asked questions regarding typology locations, interim and permanent high-quality transit, role of Historic Preservation within the corridors, number of corridor master plans projected, and potential for no growth typologies within growth corridors.

Staff, including Planning Director, Jason Sartori, Planning Supervisor, Larissa Klevan, and Historic Preservation Supervisor, Rebeccah Ballo, offered comments and responses to the Board's questions.