Montgomery County Planning Board
Public Hearing
Friendship Heights Sector Plan
September 10, 2026

Video: https://www.youtube.com/watch?v=Z3Dhp_aBlQU&t=598s

Good morning everyone. This is our first board meeting back after our summer recess and it's great to see everyone. While we weren't meeting here on Thursdays, we were still working to support current and future residents of Montgomery County.

Commissioners attended various professional development opportunities including the Maryland Association of Counties Conference, BizNow State of the Market for Montgomery County, and the National Association of Counties Economic Mobility and Opportunity Conference. We also had the opportunity to connect with our next generation of leaders visiting with Montgomery Parks Trail Ambassador Program. Thank you to these local teenagers that built bridges, restored natural surface trails, and hopefully made a lifelong connection to our parks.

We also had the opportunity to tour the area under discussion for the Friendship Heights Sector Plan. We walked the neighborhood for about two hours seeing the places that we'll hear about more from the community this afternoon and next week during our public hearing. Speaking of which, we have a very busy fall coming up.

In addition to Friendship Heights Sector Plan public hearings and work sessions beginning today and going through the fall, we have our last event of the Growing Smarter and Changing Climate Speaker Series on October 1st. We'll have the opportunity to explore nature-based solutions with Brett Ken Karn. At the end of the month we'll also be joined by a number of experts to delve into commercial land trusts.

Both these events are open to the public and we invite you to visit our website for more information. I also want to thank the staff across planning and parks for the work they did this summer and the work they do year-round. As we approach our hundredth anniversary in 2027, I am honored to be back on the dais so that the board can do its part to make our county welcoming, strong, and sustainable.

Before we move on to today's business, on behalf of myself and my fellow commissioners, we want to take a moment to wish Councilmember Will Juwando best wishes and a full recovery. That being said, let's start with our formal matters. The first is preliminary matters adoption of resolutions.

We have six this morning. The Clarksburg Library Forest Conservation Plan, the Clarksburg Library Water Quality Plan, Friendship Commons Geico Site Sketch Plan, Friendship Commons Geico Site Preliminary Plans, and Friendship Commons Geico Site Site Plan and

end with Friendship Commons Forest Conservation Plan. Do I have a motion for approval of these six resolutions? Moved to adopt the six resolutions.

Second. All in favor? Aye. The ayes have it.

5-0. Next we have minutes for approval. The first is minutes of June 25th, 2026 and closed session of June 25th, 2026 and July 23, 2026.

All commissioners can vote on this one. Do I have a motion for approval of these three minutes? Four. Oh, there are four.

One, two, oh, these four. Moved to approve the four minutes. I don't think I can.

You can. Okay, second. All in favor? Aye.

The ayes have it. 5-0. And this is the last one you cannot vote on, Commissioner Petermann.

It's the minutes of July 16th and closed session minutes of July 16th. Do I have a motion for approval of these two minutes? I'll move for approval the July 16th minutes. Second.

All in favor? Aye. The ayes have it. 4-0-1.

Next we have selection of vice chair. So annually in September we take the time to select the vice chair of the planning board. With such an esteemed board, we've set an annual rotation of this position.

Therefore, I want to thank Commissioner Linden for serving in this role this past year. Personally, it's an honor to have you on my side and supporting this board. So thank you very much.

For the next year, I'm honored to request a nomination for Commissioner Bartley as our vice chair. Yeah, I'm very happy to nominate Commissioner Sean Bartley to be vice chair for the coming year. I'll second.

It's been moved and second. All in favor? Aye. The ayes have it.

It's an honor to be nominated and voted in as the vice chair. It's especially an honor to be the second man next to Artie Harris, who in my opinion is the finest public servant and leader in the county in chairing the planning board. It will be an honor to fill in when you're not present.

It's also an honor to be the vice chair with such a tremendous staff and such outstanding leaders that we have here at the planning board under the direction of Mr. Sartori and Mrs. Figurito. I look forward to continuing the great work that other people who came before me accomplished. It's an honor to follow behind Mr. Linden, who is dedicated to the county and making sure that people have a place to live.

Thank you. Well, thank you. I really appreciate it.

So thank you again, Commissioner Linden for your tenure as vice chair and congratulations to Commissioner Bartley. I look so forward to working with you. Thank you.

So we'll go to our next item. We have a couple of, I have a correction, a correction of the resolutions 14522 Jones-Lang Administrative Subdivision and 14522 Jones-Lang Forest Conservation Plan. These are, and the corrected resolution for Emery Grove Village Preliminary Plans.

Do I have a motion for these three corrections? Move to approve the corrections of the resolutions. Second. All in favor? Aye.

The ayes have it, 5-0. We'll now move on to our record plats. We have three this morning, the subdivision plat for Burdensville, the subdivision plat for Cashel Estates, and the subdivision plat for North Park at Montrose, where staff is recommending approval of these three record plats.

Do I have a motion for approval of these three record plats? I'll move to approve the record plats. Second. All in favor? Aye.

The ayes have it, 5-0. And next we're on to a regulatory extension request. We have eight this morning.

We can vote for them all at once. The first is Oak Hill Estates, extension request number one. The second is Lakes addition to Old Georgetown Estates, administrative subdivision and forest conservation.

A regulatory request number, extension request number two. The third is Olney FSU site plan, extension request number three. The fourth is New Birmingham Manor preliminary plan and forest conservation plan, extension request number one.

The fifth is 1-8801 Jerusalem Church Road preliminary plan, extension request number two. The sixth is Hussein Residence preliminary plan, extension request number nine. The seventh is 21927 Greenbrook Drive administrative subdivision, regulatory extension request number four.

The eighth is Big Woods Manor administrative subdivision plan, preliminary and final forest conservation plan, extension request number seven. Do I have a motion for approval of these eight extension requests? I'll move to approve the eight extension requests. Second.

All in favor. Aye. Aye.

The ayes have it, 5-0. And next we're on to our roundtable discussion where we have our parks director, Mitty Figueredo, presenting this morning. Welcome, Director Figueredo.

Thank you. Mr. Chair, just one thing I want to point out. Administratively, I realize that Vice Chair Bartley is new to the role, but you really need to jump in there and second things because that's part of your official duties.

And I understand that Commissioner Peddawim got used to doing that a couple years ago, but sometimes she can, you got to get in ahead of her. What about just moving? That's more important than seconding. I will leave that to you, but traditionally the Vice Chair is the designated second person.

Are you kidding me? You're taking my only job away from me. Now I feel bad. Yeah, that's good.

I want you to make Anyway, sorry. I'm a strong silent type. Okay, I get that.

All right. That was amazing to witness. Welcome back to the planning board and congratulations, Vice Chair Bartley.

Thank you for those kind words, obviously about our planning board chair, but also about all of the parks and planning staff who work so hard here every day. We really appreciate it. I thank you on their behalf.

So we're going to start out with, unfortunately, summer's over. So I wanted to do a little bit of a recap of our very successful summer camp offerings that our staff put together. We had camps that served people all the way from preschool kids to adults.

We hosted dozens of summer camps. We had an all sports camp, a girls hockey camp, an archeology camp, a CNO canal cycling camp, golf camp, camp trail mix, which was our camp for adults, and so much more. There's a lot of work that goes on behind the scenes to make all of this kind of come together.

First, obviously, you have to come up with the ideas for the camps. You have to hire your counselors. You have to train them.

You have to do their background checks. You have to make sure that all of your safety processes are in place. And then, of course, you just have to run the camps and keep them fun.

So I want to thank the staff who work so hard behind the scenes to make this happen every summer. In July, we celebrated, once again, Disability Pride Month. This is the 36th anniversary of the landmark Americans with Disabilities Act.

And we hosted a variety of inclusive and hands-on programs that are, of course, specifically designed for individuals with disabilities. Our program access team also worked with our media team and PACP to create social media posts that highlighted some of the very unique accessible amenities in our park system. And you can see a couple of them pictured here.

During the first week of August, teachers from Montgomery and Frederick Counties joined our cultural resources stewardship staff at Poolsville High School for a five-day professional development workshop that was focused on the history and archaeology of Royce Hansen Conservation Park. As you may recall, this was part of the vision that former Chair Royce Hansen had for the park, that we would partner with Poolsville High School and with educators to make this park a resource for them. There were presentations at the Institute from, of course, the former Planning Board Chair Royce Hansen, from Piscataway Elder Rico Newman, because there are Indigenous Native American archaeological sites in this park.

Park staff, of course, and educational consultants who provided guidance on how to connect the research we're doing to Maryland state standards and classroom instruction and basically be able to design a curriculum around this. And then on the second day, they

visited Royce Hansen Conservation Park for a walk in the park so they could plan future school tours. They also got to excavate a recently discovered 19th century house, and they learned about archaeological techniques.

They found a number of old household items, including ceramics, buttons, pipes, nails, a glass bottle. But I think the highlight was one teacher unearthed an approximately 9,000-year-old quartz projectile point. So that's pretty incredible.

So I want to also, once again, thank the Montgomery Parks Foundation for their very generous support of this program. We have an outstanding stream restoration program that you all are familiar with. We like to talk about it all the time.

Erin McArdle of our Park Development Division, and you can see her pictured here, was asked to present to the Maryland Critical Areas Commission about our stream restoration program. Among other things, she was able to share how we very carefully select sites for stream restoration and the great lengths we go to to preserve the existing forest buffer around the stream sites where we're doing restorations and talk about our methodology. And the presentation is actually available on the commission's YouTube channel, and we can share a link with you.

So I like to talk during my opportunities to present to the board about some of the things that go on behind the scenes at Montgomery Parks to make everything work. And you can't get too much more behind the scenes than ITI and the efforts of our ITI section for both parks and planning are invaluable to us for so many reasons. Just our day-to-day operations, we obviously cannot function without a IT system that's working.

But they do other stuff that's pretty cool too. So recently they installed a new network that supports functions at Ovid Hayes and Wells Rec Park, includes security cameras, and they're also soon going to be wrapping up the installation of public Wi-Fi, but also Wi-Fi for our staff in and around the playground, the skate park, and the pavilions. So I want to thank them for that work.

So during the summer, we love to have music in the parks, and our activation team hosted a number of concerts in July and August, including heavy funk brass, high energy bluegrass, and a K-pop dance group and DJ. And then the series ended on a high note with a Taylor Swift tribute concert that was very popular. But we're not done with all of our music in the parks.

Brookside Gardens is going to be hosting their annual fall twilight concert series this September every Wednesday from six to eight. The band Ocho de Vastos, a Latin pop rock band, started the series off this past Wednesday. They're repeat performers for us, and they put on a great show.

Despite the fact that it was rainy that morning, we had something like 300 people turn out for that event. The series is supported by revenues that are generated by Brookside Gardens enterprise functions, which include the gift shop, rentals, the butterfly experience, and Garden of Lights. Our managed deer hunting program is now 30 years old, and it is comprised of archery managed hunting that goes from September 14th to January 30th,

firearms based managed hunting from October 8th to January 23rd, and our park police sharpshooting which starts February 1st to March 4th.

Participants for the managed hunting are selected by lottery. We have a deadline for new applicants to be considered. It's the first Friday of June every year.

We expect during this upcoming year to collect about somewhere between 850 to 1,000 deer. This program began 30 years ago with managed shotgun hunts in just two of our parks and then later expanded to include the archery hunting and our police sharpshooting. Today it covers 75 parks and nearly 24,000 acres of our 37,000 acres.

That's more than 60 percent of Montgomery Park's property. Over the last 30 years we have removed over 26,000 deer and almost over 400,000 pounds of venison have been donated for distribution through the Capital Area Food Bank. So I want to talk a little bit about our athletic field renovation program.

We have six employees. They're responsible for doing most of our athletic field renovation and the overall management of the team resides within our Southern Parks Division, though Northern Parks is involved as well. They're able to complete something like around 20 athletic field renovations every year and they're also responsible for a significant percentage of the delivery of our field nutrient plants so that this takes a little bit of the burden off of the regions to do that work.

I have a couple of examples here. One is our Sundown Park softball field renovation. It began in July.

It took about 10 days. It was completed August 10th. There were challenges with this softball field including, of course, soil compaction, slopes leading to some of the bases, low-lying areas that hold water, uneven surfaces.

We had to add over 100 tons of infield mix and then level it out using a laser-equipped grading machine. The total cost including materials and labor for this field renovation was over $18,000. The other project I want to highlight for you is Stratton Local Park, another softball field.

This renovation began, I think, the day the other one ended and took about two weeks to complete and some of the same issues that had to be corrected, including some issues with the overall low surface area of the field, which is, of course, undesirable because the water collects, and this one cost about $22,000 to complete. So Montgomery Parks is observing the 250th commemoration of Montgomery County, the state of Maryland, and the United States of America with this Montgomery Parks 250th booklet, which was created by our cultural resources stewardship staff. It's downloadable and interactive, and it encourages the public to explore the history of eight parks within our system.

You can learn about an elephant's visit to Clarksburg. You can learn about a Rosenwald School in Norbeck, and you can take in an extraordinary view of the Potomac River at Blockhouse Point. There's educational signage and outdoor recreation like trails and playgrounds and water activities that make visiting each of these parks really fun.

And to go along with the booklet, there's a wooden post at each of the parks. You can see them there. They have the Maryland 250 logo, and you can use like a pencil or a crayon to do a transfer on the raised image that you see at the top of those posts.

You can collect all eight images and then, you know, post on social media. The eight park sites included Seneca Landing, Royce Hanson, Blockhouse Point, Darnestown Heritage Park, Dowden's Ordinary Special Park, Kensington Cabin, Ready Branch Dream Valley, and Norbeck-Moncaster Mill Neighborhood Park. I want to particularly thank our exhibit shop for collaborating on the designs of the rubbing images and, of course, building the posts, the northern and southern region for coordinating and installing them, and, of course, our staff from PPSD who were the brains behind the whole project.

Once again, this is an example of how our divisions work with each other across the department. Yesterday, we celebrated the reopening of our 50-year-old Meadowside Nature Center. We were joined by our chair, Artie Harris, and Councilmember Don Lutke, Councilmember Lorianne Sayles, our Parks Foundation Board of Trustees.

We had a very special donor who also attended, Patricia Liszewski. She and her husband, Joe Pasternak, were longtime volunteers at Meadowside and brought their children there for years. I actually had the pleasure of meeting Patricia and her daughter.

Her daughter now works at the Maryland Zoo, so the love of nature and animals really took hold in this young woman, and that's what we're looking to create. And they had, you know, of course, donated funds to help renovate the center. Again, first update since the center opened in 1972, the exhibits were older.

The new ones are amazing. They include a nature nook for young children, a habitat hollow that's for older kids, bilingual learning stations, and, of course, the Nature Center is not just for children. We also offer programs for adults here as well.

This is where we did our trail mix adult summer camp. These folks at Meadowside are always coming up with great ideas on how to connect people to each other and to nature, and we still have all of our raptors, and I'm sure you all know what raptors are, but they're birds of prey. So, speaking again of the cool programs they have at Meadowside, this is an event called Crabs, and I think it's called Crabs and Beer, Crabs, Creeks, and Cold Brews, a Maryland Day celebration.

This was on September 5th. Apparently, this is the third year they've done this. The idea came from Jen Sims, who is a park naturalist at Meadowside, and the idea is to give parents a break, to give them a date night.

They can bring their kids. There's child care, and they can have crabs and beer and hang out with their friends, take a stroll. This just sounds fabulous to me, and our own Kendall is performing there on the right.

If you recall, she's in PPSD, and she works in stewardship, and she's also a musician, and I think she's performing there with her husband. So, our staff are very talented in multiple ways, and then here's just to save the date. The thing I want to highlight for you most immediately is on September 18th, we are cutting the ribbon at Bottleworks Lane Park.

It's going to be in the evening. I think it starts at 5, I think, and this is essentially going to be acoustics and ales masquerading as a ribbon cutting. We're going to have beer trucks and music, and it's going to be a party celebrating this new urban park, and I hope you can all make it, and the rest of the events are posted, and look to see you at as many of them as possible.

Thank you. All I can say is wow. It's really important for people, including the board and our constituents, to see the vast array and variety of the work that Parks does, and focusing on, you always talk about the three pieces, exercise, social connections, environmental stewardship, and so you're showing all of those.

So, congratulations, and all I could say is for the constituents of Montgomery County and people that come through to attend some of these events. They're really wonderful. Thank you.

Thank you. Any other comments or questions from the board? Hearing none, thank you so much. We appreciate it, and we will just take a two-minute break and start with our next item, which is 8A and 8B with their zoning text items, zoning text amendments 26-10, general development requirements, driveway access, and shared parking, and 2602, road street types, and design standards.

Thank you. Thank you. Good morning again.

We're on item 8A and 8B. 8A is the zoning text amendment 26-10, and 8B is the subdivision regulatory amendment SRA 2602, and we have Mr. Burbitt from the planning department presenting these two items. Welcome.

Good morning, Chair, newly elected Vice Chair and board members, and thank you for that introduction. I am here presenting a package of two items, ZTA 26-10 and SRA 2602, that are both transportation-related. Our recommendation is that the board transmit comments to the district council supporting both of these policy items.

These may look familiar, at least I hope they do. You as the board approved transmitting these to the council on May 7th of 2026. They were introduced by the council president on July 21st, and we have an upcoming council public hearing scheduled for September 15th to take these items up.

They don't do a lot. They're kind of part of a bigger policy initiative that will hopefully also involve updating Chapter 49, where I think most of the actual substance of these policies are really implemented through. The zoning text amendment does two minor things.

One, it's just clarifying how we will review taking access from alleys from new developments, and it's just kind of specifically pointing to where in Chapter 49 to find that information. This was part of a long discussion. I think originally the thought was we'd actually put that in the zoning ordinance.

It was determined later that actually should stay in Chapter 49, so this is just clarifying that. And then the other change that's happening with the ZTA is an update to the shared parking model. Right now it's a very specific version 2 that we're referencing.

It's outdated. It's been updated. Not having to want to come back to you again when version 3 becomes version 4. We're just going to say the most recent version of the shared parking model.

A little more substance in the SRA. It's removing the parkway street type and adding the growth corridor boulevard type. This is consistent with the master plan of highways and transitways recommendations.

And really the main place this shows up is there is a table that talks about protected crossings in the subdivision ordinance and how far apart they should be at target. And so that table is removing and adding the street type, and it's setting the new street type with a crossing target of 600 feet, consistent with the other boulevard types. The other sort of change happening here is there's a section on horizontal alignment.

Right now there are very specific curve radii that are set based on street type. Those radii, if implemented, actually create a design speed faster than what we actually want targeted on these roads. And so what we're actually recommending is that we follow the AASHTO standards as they might be modified over time, which should result in slightly tighter turning radii and a slightly slower design speed of roads.

And then providing the board the opportunity with Department of Transportation to modify this if there's a unique situation at hand. So I just want to get, understand this, that actually is going to, this change make us to be in accordance with what AASHTO recommends? Yes. Okay, thank you.

For the ZTA specifically, there was a climate assessment that was conducted by staff and has been transmitted to the council. They found that there was no impacts to anything measured, greenhouse gas emissions, sequestration, or the ability to ensure community climate resilience. Again, the ZTA really doesn't do very much.

It's sort of just sort of pointing the policy to other sections of code that actually do the implementing in this case. And there will be a climate assessment done for the bill that would move forward, amendments to chapter 49, that would be done by the Office of Legislative Oversight. So for this very specific situation here, there really are no impacts.

And with that, staff is recommending the board support and transmitting comments on both of these, the ZTA and the SRA. Thank you so much. I have no comments and agree with moving forward.

Thank you. Any other questions or comments from the board? Just one question, not related to the specifics of the changes, but for growth corridor boulevards, do we have a sense of, you know, outside of our downtown areas, what like a typical spacing between protected crossings currently is? Because I imagine it's in many cases is probably quite, assuming they exist beyond our downtown areas, I can't remember exactly what the extent is. Good morning.

David Anspacher, Chief of the Transportation Planning Division. Currently, we have one growth corridor designated that was designated as part of the University Corridor Master Plan. The idea is that more will be designated over time.

We do have this information. It is in the travel monitoring report that was published last year. I don't have that before me, but we can get that to you.

No, that's helpful. I'd forgotten, I guess, that was the only one that currently exists. So, yeah.

It is much larger than the target though, for sure. Yeah, yeah. Okay, thank you.

Any other questions, comments from the board? So, is there a motion to transmit comments to the district council supporting ZTA 26-01 and the SRA 26-02? Yeah, I'll move to transmit comments to the district council for ZTA 26-10 and SRA 26-02. I will happily give up my second to Mr. Bartley, although I think that he's more fit to do the moving. I second.

All in favor? Aye. Aye. Aye.

The ayes have it, 5-0. So, we'll just take a one minute break and go to the next one, or can we just go automatically? Okay, we'll just take a one minute break and go to the next ZTA 26-11, Temporary Uses Benefit Performance. Thank you.

Good morning. We're on number nine, the Zoning Text Amendment 26-11, Temporary Uses Benefit Performance, where staff is recommending transmitting comments to the district council. And we have, again, Ben Burbert presenting this item.

Thank you. All right, thank you again for the record. Ben Burbert with Design, Placemaking, and Policy, and this is ZTA 26-11, Temporary Uses Benefit Performance.

Again, we are requesting that the council transmit, or excuse me, that the board transmit comments to the district council supporting this ZTA with some technical amendments, which we'll discuss here. This was introduced on July 28th of 2026 by Councilmember Lutke, and there is a public hearing scheduled next week for September 15th of 2026. This one was new to me, so I'm assuming it's probably new to everybody.

So I am going to just sort of walk through the definition of what this is so that we all have a great vision in our mind. And the definition is not even really clear, even in Chapter 30. I had to piece this together from like subsections, but this is effectively a bona fide non-profit organization that may conduct a performance for the exclusive benefit of a volunteer fire department or a charitable, benevolent, patriotic, fraternal, educational, religious, or civic object.

Benefit performance concludes an outdoor or indoor carnival, fair, picnic, dance, card party, bazaar, concert, contest, or show, exposition, lecture, barbecue, or dinner to which the public is invited or admitted, with or without charge for admission, and any net proceeds must benefit solely the non-profit organization, and a benefit performance must be managed by the organization that will benefit from it and may be operated by or with a contractor of that organization. So basically, any social gathering that extends beyond neighborhood block party, in theory, would qualify for this, and there is a license that you should be applying for through the county to host said event. Now that we have that shared

understanding, the current regulations around benefit performances, at least as based on the discussion with the council member that introduced this, were seen as a little restrictive.

Currently, if a performance is within 600 feet of any dwelling, notice has to be sent to all those parties, and you have to receive permission from 75% of them to have the benefit performance. And I think the concern that was being raised by the council member is that effectively could allow neighbors to veto the ability for some what could be very small, very benevolent event to be happening, and so this ZTA was introduced as a way to sort of mitigate some of those concerns. The zoning tax amendment, as it was proposed and introduced, says that for benefit performances held for more than a day must be 600 feet away from a dwelling unless notice has been sent to occupants within 600 feet.

What this particularly does is it removes any need for consent from the surrounding property owners, and it only requires noticing if you're within 600 feet of dwellings and if the performance is for more than a day. The other thing that the zoning tax amendment would do is it would have DPS upon receipt of this license application to notify the county's department of homeland security, the police department, and the fire and rescue services that a benefit performance will be happening, kind of putting them on notice that there could be a large gathering of people at a specific place. This appears more visible here.

It was pointed out to me that probably doing red line and staff reports isn't great because if you print them in black and white, they don't show up. So we'll walk through this here. What staff is proposing is sort of a hybrid of the two.

I think the concern that we had was, you know, we understand not wanting to have to get consent from all the property owners, but we still kind of felt the noticing was warranted, particularly if there's an outdoor aspect of the benefit performance, because that's really where the externalities are going to originate from. And so our sort of recommended amendment, and we have discussed this with the council members, staff, and they seem open to the idea, is that any benefit performance with outdoor activities or any benefit performance indoors for more than one day would trigger the notice. And so the real difference here is if it's outside, even if it's just for an afternoon, send notice to the neighbors, let them know that you're having it.

And then again, the indoor one, you know, if it's a longer duration, we think that's appropriate. And we would keep the recommended notice that DPS would send to the county agencies as part of our recommendation. Am I reading it right, that the notice is only required if it's within the 600-feet limit? Correct.

Any other ones just under the standard benefit? Correct. Are these paid performances, or does it matter? It doesn't matter if it hits that very long, cumbersome definition in any way, and they apply for that application, they'd sort of fall under this. I imagine most of them are probably used as some sort of charity or fundraiser, but I have heard examples where like just a community association wants to do an annual awards ceremony of their best members of the association that year and just have a big potluck, but they're doing it under the umbrella of that association and they're doing it at a charitable hall.

It triggers this. And that's really what I think the council member was concerned about, is some of these very good for community morale building events were getting held up by

neighbors just not wanting to consent to allowing this to happen. So there doesn't have to be money transaction involved, but there often is.

Okay, thank you. This may be an issue of the cumbersome definition, but like frequently during sort of post-COVID and things like that, indoor home concerts and things like that, like acoustic concerts within homes that are smaller often have a benefit aspect to a particular homelessness organization or something like Manner or something like that. Would that qualify under this? I'm not entirely sure.

I don't know. I believe we have Mr. Salazar from DPS on the call who might be able to answer, but my initial take is it would because it is a performance on behalf of a charity and that seems like it's the spirit of the definition of this. But I don't know if Mr. Salazar is better able to sort of opine on how DPS would look at this.

Yeah, just curiosity. Language is fine, I think. Just, I can help Ben with that.

Victor Salazar, I'm the division chief for zoning and code compliance. Thank you board chair and members of the planning board for having me today to represent DPS. When we talk about benefit performances and the fine line that determines whether it will be a benefit performance and whether the organization falls within that category, it's mostly designated 501c3 non-profit organizations.

So that's where we start our questioning with the applicant about whether they are applying for a benefit performance or a special event permit. And a special event would be something like, just to clarify, without the benefit aspect but would operate roughly under the same rules? Yes, yes. I mean the only difference between the special event permit and the benefit performance is there is an outlined 15-day limitation for the listed organizations that Ben had listed before.

But that's really the basic difference. The level of scrutiny in terms of making sure tents are safe, electric generators are safe, and things like that. Those inspections will continue to occur.

Okay, great. Thank you. Hi Victor.

Thank you for being here. Does it have to do with how many people are going to be participating? Does it have a maximum or minimum number? Supposedly you have an HOA event that it could be just 50 people or 100 people. And that's the first question.

And the second question is that if it is just a private party that they may have 50 or 100 people attending to that party, does that fall under any kind of permit? So, okay, so the first answer to your question is the zoning ordinance nor the ZTA dictates a number of people, whether it's maximum or minimum. So that's your first answer to that. And that bleeds into why Homeland Security, MCPD, and Fire and Rescue are being contacted because not knowing the exact number, the application will list how many people they expect.

But you know, sometimes more people show up than the organizer or the applicant. And so by contacting Police, Fire and Rescue, and Homeland Security, for example, in Silver Spring, we have the annual, there are concerts that happen in Silver Spring. And so what normally

happens is then they are aware of the location of the event and they can dedicate resources or utilize over time to have resources available to respond to any emergencies that may occur.

The second piece about the applicability of a private event, again, it depends. And there are private events and there's a private event associated with a nonprofit for the benefit of the nonprofit. And so that is where we have a pre, kind of a pre-design consultation with the applicant and we ask these questions.

And if we determine that the private event meets the criteria and the elements of the definition that Ben had articulated earlier, then we would demand, not demand, but we would require them to apply for a benefit performance permit. So private event, they don't need any permit, correct? No. Okay.

And I just want to confirm, so there is no number associated how many people, I didn't hear you correctly the first time that you answered my question. There is no maximum or minimum. Okay.

Thank you. That's correct. It has the sort of lengthy definition of, you know, I guess uses for lack of a better word or activities that would move it in this direction.

Has that ever been an issue? Maybe this is also a question for Mr. Salazar, but has that ever been sort of definitionally, has that ever been an issue that's come up of like whether these events, you know, fit this benefit performance use? I'm not understanding the question clearly, but I will just say that we have not had any dispute, like whether it's a 501c3 applying for a benefit performance or whether someone generally is asking for a special event permit. To my knowledge, I've not ever received or had to mitigate a conversation where there was a complaint about our categorization of an applicant's event. Okay.

Yeah. I think that's kind of what I was, what I was getting at. I was, I was just kind of curious if, I mean, some of these, some parts of this definition, you know, feel, I don't know, a little bit maybe out of date.

I mean, some are certainly relevant and very clearly describe things that would, you know, happen today, things that do happen today. So I was just curious if, you know, we or the ZTA sponsor had considered, you know, I don't know, cleaning up the definition a little bit or sort of making it a little bit more concise and in some ways, but if it's not, you know, I'm not trying, if it's not an issue today, if it hasn't sort of come up as in the context of like a dispute, you know, you were saying that someone needs to apply and they're saying, no, I actually don't fit. Then I, you know, I think that's fine.

I was just curious. Yeah. There's lots of beauties in our code.

I think this is one of them. Unfortunately, because it is in chapter 30 and not 59, like it would be a whole separate process to write a bill to clean up with this. And I obviously the sponsor hasn't thought of it.

There is not a companion bill. I mean, we as the board could recommend it, but I think as Mr. Salazar said, I don't know, there's probably other things of code that are probably more

pressing to clean up in this one, given that I don't have any complaints. If everything in the code were crystal clear, people like me would have a lot less to do.

Sorry, Matt, I'm not trying to put you out of a job. I appreciate that very much. Let's just keep that in mind, shall we? Yeah.

I think this is an exciting opportunity for the nonprofit industry in Montgomery County. And I think the sponsor of the bill is doing a great thing in giving nonprofits an opportunity to fundraise with these types of activities. And I think your amendments are good.

Thanks. Yeah. I also agree that it's important to have less red tape.

And if this is holding up these events happening or delaying them, let's take care of it. So I'm in support of the ZTA as amended. Okay.

Real quick, there also was a climate assessment with the ZTA that staff performed and is also transmitted to council with no measurable impact to the goals of addressing greenhouse gas emissions or carbon sequestration. Because we've seen a real measurable impact on the number of events probably happening, we're just trying to make it easier for them. But this could have moderate to minor positive impacts on community climate resilience.

As noted, having the requirement to notify all the different emergency management groups. If there were an unfortunate emergency, they're hopefully a little better prepared to deal with that now, and that would be a minor positive. So with that, I conclude recommending transmitting comments.

Great. Seeing, hearing no other comments, do I have a motion to transmit comments to the district council with amendments? As brought before us by Mr. Burbett. Yeah.

Yeah, I'll move to transmit comments to the council with the amendments provided by the staff. Second. All in favor? Aye.

Aye. The ayes have it. Five zero.

Thank you so much. And we will take a one minute break and start with our next item. Item number six, transportation demand management resolution and policy for implementing council bill 24-25, where staff is recommending approved policy and resolution.

Thank you. Oh, good morning. We're still morning.

We're on item number six, transportation demand management resolution and policy for implementing council bill 24-25, repeal of article two, chapter 42A, where staff is recommending approved policy and resolution. This morning, we have David Anspacher with the planning department presenting this item. Welcome.

Good morning, commissioners. Again, for the record, David Anspacher, I'm the chief of the transportation planning division. I'm joined by a few folks first from the planning department.

Richard Brockmeyer is one of our transportation planning supervisors. And then we have a few colleagues from the Montgomery County Department of Transportation. Kelly Peckett is deputy director for policy and Sandy Brecker is the chief of the commuter services division.

So we're here today to talk about how staff from our two agencies propose to implement council bill 24-25, which was approved in January and repealed, chapter 42A, article two of the county code. That's the chapter of the county code focused on transportation demand management. I'll get into the details, but just this at the stage, we're asking for you all to consider approving two items.

So code interpretation policy 20-26-02 would establish the process and general approach for reviewing requests to terminate or amend traffic mitigation agreements. We also call those TMAGs. And resolution 26-83 would delegate the planning board's authority to the planning director to terminate or amend TMAGs.

And we'll explain the rationale for all that. So to start, just wanted to give you a little bit of background and history on transportation demand management in Montgomery County. Transportation demand management, or TDM, first of all, is a collection of strategies intended to maximize the efficiency of our transportation networks by promoting alternatives to driving, whether that's taking transit, carpooling or vanpooling, walking or bicycling, or telework.

And TDM, of course, has benefits for the transportation system, but also has larger benefits, including improving safety, reducing vehicular emissions, noise levels, energy use, and climate impacts. There's a lot of strategies that one can follow for TDM, but, and I'm not going to go through them all here, but just to highlight a few of them, designating a TDM contact person, providing on-site commuter outreach events so that your staff, employees, people that live in a building know what the transportation system has to offer, to participate in travel behavior surveys or charging market rates for parking. Sorry, I'm having trouble with the mouse.

So Montgomery County has been involved in TDM for at least four decades, starting in the mid-1980s. Many new developments have been required to submit traffic mitigation plans to reduce traffic and encourage travel by other means of transportation. These plans were originally referred to as TMAGs, Traffic Mitigation Agreements, and importantly, they were three-party agreements between the applicant, the planning board, and MCDOT.

TMAGs were required from development projects within six transportation management areas. Those are the areas in blue highlighted on the map here. They included Bethesda, Friendship Heights, Greater Shady Grove, North Bethesda, Silver Spring, and White Oak.

TMAGs were also used on a case-by-case basis when needed to help projects in other areas of the county achieve their adequate public facilities requirements by reducing motor vehicle trips. There's approximately 170 TMAGs for development projects that are currently in effect in Montgomery County. Can you just provide some background that what was the reason for this transportation management district or some criteria, very summary, that how did they get formed or established? Sure.

Hi, I'm Sandy Bracker to Commuter Services. Each of the TMDs, Transportation Management Districts, was formed by a council resolution. The original one was downtown Silver Spring.

That dates back to the 80s. That was the very first one, and there was a sense that that area could benefit from these types of actions, and so the council created that one. And then from there, additional areas that were high activity areas with several options in each case for alternative modes of transportation.

So in each case, there was some sort of incentive. Sometimes it was a master plan. One example of that actually is the last one that was created, which is White Oak, where the entire master plan area was created as a TMD, and part of that was because the residents of that area felt very strongly they wanted these types of actions to be available for businesses and residential complexes in that area.

So in each case, there was somewhat different reasoning, but it was always as a result of a council resolution. Does it require like a tax generation revenue? Is it a tax applied to it, or is it like some kind of fees that people have to pay? Like the parking district, they have separate parking to collect the revenue for that area. I'm wondering if that has any kind of revenue generation activity attached to it.

So originally, there were no fees involved, and it was only later in the process of the evolution of the TMDs that in 2006, the council passed a bill that included TDM fees for commercial development only, although the enabling legislation said it could be applied to multi-unit residential. That was never done, and so it was only commercial development in those TMDs, new commercial development that was approved after the fee legislation was adopted that needed to pay, and it was 10 cents per square foot of commercial development, and that fee was in place until this most recent repeal. So the fee was paid by the developers? That's right.

It was the development or the owner, right, that paid that fee, right. And was paid to Montgomery County to develop better transportation. It was dedicated to support these programs in each of those TMDs, yes.

It was by law, the funds needed to be dedicated to those areas. But it's being repealed now? It has been repealed as part of this repeal, yes, and a corresponding budget cut, I would add. Okay, thank you.

Thank you. So initially, we had TMAGs, but in 2019, the County Council approved Bill 3618 to streamline the TDM process to provide flexibility, ensure fairness, and increase effectiveness. There were two primary parts to the bill.

One applied to new development projects and some existing projects and buildings, and the other applied to employers. The portion applying to new development projects and existing projects were subject to the Planning Board's authority. The others were not.

Okay, so under Bill 3618, new and existing development projects were called Transportation Management Plans or TDM plans. Those were two-party agreements between the applicant and MCDOT only. The Planning Board was not a part of those anymore.

That was part of the streamlining. There are, I believe, about 17 TDM plans for development projects currently in effect in the county. While certain basic TDM strategies were required under this bill, details regarding other specific TDM strategies and requirements were not codified in law, but were to be delineated in executive regulations.

So in 2024, MCDOT put forth those executive regulations. However, the County Council paused review of the executive regulations, and they were never approved. So that takes us to the current bill.

So in January 2026, the County Council approved Bill 2425, repealing Chapter 42A, Article 2 of the County Code. Again, that's the chapter focused on transportation demand management, and the bill went into effect on July 1st of this year. The bill does reaffirm the Planning Board's authority under Chapter 50 to impose TDM strategies, TMAGs, TDM plans, or similar agreements as part of development approvals, and it also clarifies MCDOT's authority under Chapter 2 to approve, manage, or amend new and existing TMAGs, TDM plans, or similar agreements.

Additionally, the bill requires MCDOT to notify parties with an existing TMAG or TDM plan that the agreement may be eligible for termination or amendment. It also requires MCDOT to develop a form for eligible parties to request the amendment or terminate their agreement. However, the bill does not specify the process that applicants should go through to request to terminate or amend their TMAG or TDM plan, nor does it specify how the agencies are to review these applications, which brings us today.

So, in coordination with DOT staff, we've developed Code Interpretation Policy 2026-02 to establish two separate processes, one for terminating and amending TMAGs and the other for terminating and amending TDM plans. So, you'll see that as attachment A to the staff report. So, the first process I'll go over is the process for TMAGs.

So, applicants seeking to terminate or amend an existing TMAG can select one of two options. Option one is our new option that we've called the Administrative Amendment for TMAG review. So, for TMAGs that were tied to an application's adequate public facilities requirements, we got a trip reduction for that, applicants are permitted to request an amendment to the TMAG.

That amendment would focus on reducing unnecessary costs and burdens for property owners, removing requirements for physical on-site improvements that are documented in the conditions of approval but have been constructed, modernizing outdated requirements, and retaining zero or very low-cost operational strategies. And again, it's important to note that under this process, they would be permitted to amend, not terminate, their TMAG as these applications were granted a reduction in their APF requirements. I'm sorry, can I ask you a question? Because I'm confused with all of these TMAGs and, you know, the abbreviation we have.

What are these requirements? What are these agreements? What is the applicant has to do? And is it tied to a specific time, like you have to do it for three years, four years, five years? And what is it required? And what is the difference between these two different things, that TDM and TMAG? So I'll turn this over to MCDOT in a moment, but just going

back a few slides, these agreements are looking at ways to reduce traffic congestion and improve the overall operations of the transportation system. This slide here is showing a number of different components of those agreements. So an applicant could have been required to, again, designate a TDM contact person, provide onsite commuter outreach events, charge market rate parking, and participate in travel behavior surveys.

Any of these items would have been fair game. Can I just say, I'm not sure, I think, I'm not sure how long you may be getting close to the end or may not. Maybe some of these things will come maybe, and then save, I'm suggesting that save that question for, and then let's get through, because I'm sure there's going to be other ones coming up.

And if you feel like you're getting close to the end, I would love for them to finish and then answer your question. Doesn't matter whenever the answer, the thing is that when they continue not being weighed, it's hard to follow the rest of the things that they are telling us. And I'm just not sure that if these things were there, if they're being enforced, and if they were timing, and now we decide that we don't need them anymore, and so why did we put it at first there? That's fine, you can answer anytime.

I'm fine. Could I just clarify one thing? This says providing onsite commuter outreach events. We do that.

It's just to have access to doing that and coordinating with them. Just want to clarify that. Okay.

We can take a moment to answer the rest of the questions, if that's going to help you understand. Whatever you feel comfortable. I'm fine either way.

Thank you. I can briefly just note that these are plans that have occurred through time. So, 30 years ago, the types of activities that we required look pretty different than the ones that are more recent.

Some are very extensive. If you have a huge development that was many thousands of trips, then they might be required to provide an hourly or 15-minute shuttle service that goes to a metro station. Sometimes there's a transit benefit.

Sometimes it says you must do this for the first year of occupancy. Sometimes some of those programs could be more, there's a huge variety because of the time required. And so, you'll see reflected in the process that Dave will describe that we're trying to give some flexibility that the way that we treat a project that is extremely extensive and has a very detailed TMAG would be different than one that had a much more minor one or one where a lot of the time limitations have been completed.

Thank you. Good. Okay.

So, right. So, TMAGs, so it's going through the options. So, option one was the administrative amendment for TMAG review.

Some projects are tied to adequate public facilities findings. Others are not. For those that are not tied to APF, and we think this is probably the majority of them, applicants would be permitted to request termination of their TMAG.

Option two is the existing process that applicants already have for requesting an amendment to the preliminary plan. The applicant may request a new APF review under the current growth and infrastructure policy. This review would follow the standard preliminary plan amendment process and analyses considering the removal or replacement of the original TMAG.

It could result in new conditions being imposed on a development project, you know, following the current growth and infrastructure policy. So, for that reason, I wouldn't expect many applicants to take the option two route. That's why we're creating the option one route.

Nonetheless, it is available to applicants if they so choose. So, the administrative amendment process would include several components. So, first, the applicant submits an application form and applicable payments.

The form, you know, requests some basic information about the project. It asks whether the application is to amend or terminate the TMAG. It requires a statement of justification.

We want applicants to explain why they're requesting a amendment or termination. If it's a termination, why do they think that they qualify for that and to provide some supporting materials to back it up. Next, planning and NCBOT staff would review the application and determine if we do believe the TMAG is tied to APF or not.

I think it's important to note some of these TMAGs are quite old. They go back 40 years. It might not be possible to find all of the supporting documentation.

So, staff will need to apply reasonable judgment to the review of requests to amend or terminate the TMAG. Third, for TMAGs that are determined to be tied to APF at the time that they were approved, the agencies will review and consider substitute strategies to include in an amended agreement that continues to reduce trips. So, these could include physical improvements in the public right-of-way that have been constructed, such as bicycle and pedestrian facilities.

If those have been constructed, we think that they can be removed from the TMAG. Physical improvements on site may be removed if already completed as well, or they may be updated to current standards. A lot has changed in 40 years.

Our approach to bike parking, for example, has changed, so we could consider modernizing those requirements. And then operational strategies may continue to be required, but we'll prioritize establishing on-site and on-site TDM coordinator, the distribution of transit and other transportation information, and collecting and sharing information from project occupants regarding their awareness, perception, and use of the transportation system. In general, these requirements should be pretty low cost.

Fourth, upon completion of the agency review, the staffs will prepare a joint memo documenting the approved termination amendment and or substitute TDM strategies. The memo would be signed by the two directors, the DOT director and the planning director. And if the condition of approval required a TMAG and the TMAG is deemed eligible for

termination, we would need to include a note in the memo that states that the planning board's original condition of approval is satisfied by virtue of the enactment of Bill 2425.

Any termination or amendment of a TMAG will be signed by the two directors and recorded in the land records by the applicant. And then the regulatory file will include the memo documenting the revised strategies and a copy of the recorded release. We just want to make sure all of our bases are covered so that, you know, if a property is to be sold, it's clear that while the planning board's approval had a condition that a TMAG needed to be completed, that condition is no longer applicable.

The second process is for TDM plans. So since TDM plans are those two-party agreements between MCDOT and the applicant, there's not the similar level of involvement by planning staff or the planning board. MCDOT will be developing a similar approach for considering requests to terminate or amend TDM plans.

However, where MCDOT and the planning department find that the agreement can be terminated, both agencies will need to prepare that joint memo stating that the original condition of approval is satisfied because the bill was approved. So planning staff have also developed a proposed regulation developing or delegating the planning board's authority to terminate or amend TMAGs to the planning director. That's included as attachment B to the staff report.

The purpose of delegating this authority is to satisfy the terms of the TMAG, avoid unnecessary and numerous cases being brought to the planning board, and to expedite the process of terminating and releasing TMAGs, which staff have found to be eligible for termination. In addition, to the planning board's delegation, the executive director of the commission has delegated this authority already to the planning director to execute the actual release that will be recorded in the land records as it's the executive director that has recorded the TMAGs on behalf of the planning board. There's some next steps.

By October 1st, 2026, so in a couple weeks, MCDOT will send out notification to the extent feasible to all known building owners or responsible parties with an existing TMAG or TDM plan that the agreement may be eligible for termination or amendment. Additionally, we need to start thinking about how we're going to apply TDM moving forward with new development projects, so I think we'll be coming to you in the near future with some thoughts on that. We have received one piece of testimony on this topic from Bill Commoners of Merchandise Brewer, who has expressed support for the code interpretation policy and the resolution.

And just in summary, planning staff is recommending that the board approve the following code interpretation policy and resolution. And that concludes my presentation. Thank you so much.

I just had a couple questions. So there are, you said, 170 or so of these TMAGs and 17 of the TMDs, right? Have you, and you say that by October 1st, you're going to have surveyed them all and determine which buckets they fit into or what happens on October 1st? And then also, is there going to be a period of time, like, is there a period of time, is this like a study you're going to say within a year we're going to have gone through all of them and be able to determine, or have you determined of the 170 that probably only 25 are, have some,

are related to the APF that require more details, the, you know, negotiation study with the developer? I mean, what, what is the process you're going to take to, and when do you think all of this will be, you would have done, you know, satisfied all these requirements? So I'm going to, I'll turn it over to Sandy Brocker to answer the question. Okay.

So the way that the law that was passed reads is we need to notify all of the owners, or responsible parties, I think the language says, for each of those 170 plus the 17 TDM plans, the 170 older TMAGs, we need to notify them they may be eligible for amendment or termination. It is then up to them to come back and say, we want to pursue this, and then we will work with them about the process for doing that. So it's not that we will have 170 determined as to whether they are eligible or they're not prior to this notification.

The notification deadline is in the law. So, yeah, go ahead. One thing we haven't stated is TDM is generally a great thing.

It is a low cost way to retain, recruit employees, like reduce congestion area. Like we want to be encouraging it. And what we're trying to do with this policy is to, you know, be consistent with the intent of counsel who repealed this law and created some direction, but also continue to encourage employers and property owners to use TDM strategies as really low cost ways to make things better for the public, but also for their own occupants and employees.

So there may be many that are already doing these low cost strategies. They've already put in their bike shower rooms and so forth, and now they're just living their lives. They talk to some of our outreach contractors and get some cool events and get information about some red line shutdowns and new mark service and so forth, and they want to keep those.

So if they're not coming to us to say, let's change this, and this goes for the employers as well, we don't need to do anything. But if there's someone who says this is a problem because I'm trying to, you know, sell my land or have a very outdated onerous condition and I want a simplified way to, you know, walk back that condition, this is the process that they can come to us and we can help them to update and modernize or to terminate the plan if eligible. Okay, so and my other question, are there, would there, so there's some of these projects have been completed and they've paid their fees and when they're moving on.

Others have not, I mean, are there, if they continue, would there still be fees need to be paid? No fees will ever need to be paid in any of these anymore. Is that? Well, the TDM fees are what was repealed. I can't promise there will never be any fees of any sort, but the TDM fees were repealed.

Okay, okay, okay, great. And then the last. Can I ask a quick follow-up on that? The TDM fees, are those, those were an annual fee they paid or were those at one time? Those are annual.

Yeah, they were annual fees beginning when they occupied. Okay. And so probably you won't know what you're going to get into until you get into it, correct? And you may have to amend some things as you, and what happens if you can't agree with the developer? Is there an appeal process or is it automatically they have to go to you on the ADM, you know,

and they just have to then say, if you can't agree, you say, okay, then you just have to go through the current growth and infrastructure policy of how do you do things.

And that's, I'm just trying to, is there appeal process given the board is out of it, you know, and why I'm fine the board be out, but if they can't come to agreement on something, right, you said it's the director has the approval rights. And so I'm just saying, is there an appeal process or no, or, or it's not even worth talking about. Okay.

No, it is worth talking about. They, they, they can always go to the board with a preliminary plan amendment. Our staff's review would, you know, review that we're required to review the project under the current growth and infrastructure policy.

So we'll do that review at the end of the day. Of course, that that's your call. How, how you respond to that amendment.

Okay. And then will this create need for more people power from the divisions, or you feel like this is like a, you know, a little here, I mean, like in terms of reviewing, like, is this, is this a major thing from the divisions to go through? I mean, for DOT and the planning department? We don't know how many of these are going to be submitted. Okay.

Okay. So it's a wait and see. But, you know, I think I'm being directed to say, yes, always need more staff, but, you know, honestly, we don't know.

Okay. Great. Great.

Great. Can we apply that to MCDOT too? Okay. Okay.

I was just going to say that there's no, no, I'm just, we didn't want to put a, like, we will respond within 10 business days because we don't know if everyone will flood us on day one, or we'll get responsive throughout the year. Like that's an unknown right now. So we want to work expeditiously, but within our capacity.

Okay. Thank you. Those are my questions.

I just want to add, we only have four transportation regulatory reviewers. So yeah, we don't know what the workload will be, but yeah, you know, staff, staffing challenges already exist. Okay, great.

Thank you. So disagreements, the way that I'm hearing it is actually not with the developers, it's with the employers, correct? Because developers are going to come and go. They build a thing and they're gone.

So who is disagreement with disagreements? Okay. The way that these agreements work is if the developer builds and is no longer the owner, sells the project, is gone, we have an assignment process where they submit who is the new responsible party, who is the new owner. And so it's with the owner.

Those responsibilities devolve to the owner. Now, you're right in that if it's a commercial building with offices and their employers in there, they have a, the developer has a certain amount of things that they can do, that we work with them at the beginning, okay, in terms

of like a known number of parking spaces and bike facility, whatever, a bike room or for storage and things like that. But then after that, we're just looking for that building owner to facilitate access to the employers and the employees in that building or to the residents, because we do work with multifamily residential complexes as well.

So it would be working with the resident manager or, you know, whoever the responsible person is for that facility, for that residential complex. So there is a process for changing hands that the agreement would change that way. I'm just surprised to see things have been there for 40 years and never reviewed.

Oh, that we have been working with these complexes for, you can't say 40 years because I haven't been there that long. But yes, we've been working with them. I didn't get a chance to explain.

It's the same agreement. Yeah, we're doing outreach. We're doing events.

We're providing information. We're doing that with most of these developments. Now, some of the older ones, in some cases that we didn't even know existed, that would be a different story.

In some cases, we would not have known. But generally speaking for the TMDs, especially, we've been working with these buildings. I understand we are working, but the agreement has stayed the same.

So this is the first time that we are looking at it to see that how we terminate and move on. So this is going to play for the future ones also, correct? Or this is, because how do we make sure that the future ones, we don't have this issue? This policy is for the existing agreements only. We will come to you with an approach to transportation demand management new projects in the coming weeks.

Okay. So that would be- We have thoughts on that. We're talking about that actively, but we're not ready for that yet.

So we are going to make sure that in future, it's a way that easily they can amend or get out of it, correct? If there are agreements. Okay. Thanks.

Are there other questions or comments? I commend you for, this is a heavy lift and it's important that we resolve the old and we won't know until we get into it. And I appreciate it. But I do agree that, well, the developers, most developers are pretty savvy and I think that they want to attract tenants and they will, I think they market, probably will market their buildings like close to transportation, walkable community, biking, all of the other things.

So I don't, personally, I don't think we have to push them too much to do that. I think that they will probably, I'm just thinking that they will do that. Most will do it.

Yeah. I mean, I think of the transportation system as any other product, right? Like you can have a great product, but if people don't know about it, then maybe they're not purchasing it or using it. So marketing of the transportation system is important.

Yes, a lot of people do know how great our transportation system is, but there's always room for expanding that knowledge. Right. Yeah.

Let me just say, it is true what you're saying that people do find out, but you constantly have new people coming in and out of these areas. Right. So this is maybe more of a discussion we can have about the future ones.

Right, right. But the reasoning underlying this is that just like with the auto industry who spend about $12 billion a year, those were the latest figures, on promoting their products, we need to promote ours. Right, right.

I understand. And I think that's done through economic development, through all these other, you know, how do we market the county and the market, whatever, and I'm sure that developed, but great. You'll come up with some things and we'll look at them.

Thank you. So let's, well, is there a motion to approve the policy and resolution amongst the board? Yeah. Yeah.

I'll move to improve the code interpretation policy 2026-02 and the resolution MCBB number 26-83. I second. All in favor? Aye.

The ayes have it. Thank you so much. I appreciate it.

You coming before us, especially also MCDOT. Thank you for your working together collaboratively on this. Thank you.

We're going to take a two minute break and start with our next item. Item number 74719 Hamden Lane administrative subdivision plan and expedited approval plan and forest conservation plan. Thank you.

Good morning and welcome back. We're on item number 74719 Hamden Lane administrative subdivision plan, expedited review plan and forest conservation plan. And all three staff is recommending approval with conditions.

And this morning we have Jeff Server here presenting this item. Welcome. Good morning.

Thank you, Chair Harris. Good afternoon to everyone. Before you today is 4719 Hamden Lane.

It's administrative subdivision plan number 62026-0170 expedited approval plan number E2026-0050 and forest conservation plan number F2026-0850. The location for this application is at 4719 Hamden Lane and 4720 Montgomery Lane. This is shown in the image to the right with the yellow star.

It's subject to the 2025 Bethesda downtown plan minor master plan amendment and the 2017 Bethesda downtown sector plan. And the property is on CR and it's located within the Bethesda overlay zone. This is a view looking at the vicinity of the property.

The subject property is outlined in red. And to the north is the Bethesda metro center. To the west is the Charles which is a recent project that was constructed.

And sort of to the southeast of that is the Hamden house. The purple line, future purple line connection is also right there along with the capital crescent trail to the south. And just to the south of this is ascending property which I'm going to go into more detail about shortly.

This is zooming in a little bit looking at it as an aerial view. Again, it has frontage along three streets, Montgomery Lane, East Lane, and Hamden Lane. And so for the administrative subdivision, the proposals to subdivide by generally creating one lot from two existing lots.

So the two existing lots are six and seven. It's worth noting that this property was previously approved for a project that was called Hamden East. And as a part of this, the image to the far right is showing what the subject property was for the original approvals.

And so for this, for 4719 Hamden Lane, it's using a smaller portion of that previous property. So you can see this in the image to the left which is showing the scope for the subdivision. So that would unify it all into a single lot.

Currently the property is improved. There are two existing office buildings which would be raised and that would be to provide a multifamily residential development. And as a part of this, they would also need to vacate the previous approvals for Hamden East.

Looking at the scope of the expedited approval plan, the image to the right is showing, this is the same view we were looking at for the vicinity maps, just rotated 90 degrees counterclockwise. So they are proposing 250,000 square feet of multifamily residential development with 17.6% MPDUs. This would equate to about 44 units.

As a part of Hamden East, there was a density transfer that was done and that added up to 148,995 square feet. That has already been recorded, but they're going to take advantage of and use that density as part of this proposal. As such, there isn't any density and there isn't a need to include any density from the Bethesda overlay zone.

And they're also qualifying for an MPDU bonus density that allots them an additional four. So it's limited currently by the zoning at 250 feet. With this additional bonus density, it allows them to get up to 262 feet.

Looking at transportation, the vehicular access is going to be primarily provided from East Lane. This is to structured parking that's located below the building and that would equate to about 68 spaces. Vehicular circulation is primarily from the three street frontages, so East Lane, Montgomery Lane, and Hamden Lane.

As I just mentioned, the parking is provided below grade, underground in the structured parking, but also off-site as well. And loading is allocated with an existing curb cut that is in Hamden Lane. Looking at environmental, the application is meeting the forest conservation requirements.

Those are going to be met off-site by either forest banking or fee-in-lieu. And this would be for about 0.08 acres. Most of the site is very limited in what it can accommodate.

There is an approved stormwater management concept. There are canopy trees to be provided along East Lane and Hamden Lane for the street frontages. And it doesn't quite meet the full 35% for the green cover requirement.

It is meeting it at 32%. And this is primarily just due to physical constraints of the site. So the site is very limited in how much space it actually has.

There is also a need for access to have maintenance, safety requirements, as well as accommodating all the building infrastructure for a building of this type. And then also providing an abundance of amenity spaces as well, both at ground level and then on the building as well. Looking at these are two renderings showing the building.

You can see that the renderings are showing the articulation of the architecture, the massing of the architecture, as well as how each of the frontages of the building are activating these street frontages. So along Montgomery Lane, Hamden Lane, and East Lane. The application did go to the DAP twice.

The first time it was seen at the DAP was back on December 10, 2025. And then the most recent one was on May 27, 2026. And so what you're seeing in these renderings is what was accepted and endorsed, more or less, by the DAP.

There are a couple of corrections to be made to some of the conditions. This first one is on the administrative subdivision portion. At the time of posting, the agency letter had not been received from DHCA.

So since the time of the posting of the report, that letter has been received and it is postdated for September 2nd. So that's the only correction. It's actually providing the date of the letter.

Going on to the expedited approval plan, same thing. So for Condition 6, just including that date for the DHCA approval letter. Going down, there's another revision to be made to another condition of approval.

This is under the public benefit point system. So whereas it had been stated that the exceptional design was being focused on the open space, a correction needed to be made, which basically is saying that the applicant is going to construct the building in accordance with the recommendations from the DAP and what was presented at the DAP. And so that's what that correction is.

And then the last one is a condition that was added that's basically calling for some of the planting beds located roughly at the intersection of East Lane and Montgomery Lane, that the angular geometry to be replaced with something more curvilinear, something a little bit more organic. And that's it for the corrections and updates. The applicant has met all the noticing requirements for signage and notice of application.

Notice of public hearing was mailed by staff. Following the posting of the staff report, we did receive one item of correspondence. That item just posed some general questions about the development as a whole, more specifically about trying to see better resolution plan views and images of that sort.

So those were answered by staff and addressed by staff. And then there were some additional questions related to construction and transportation. Those were forwarded on to with a suggestion to reach out to DPS and to the applicant team for more information.

So staff, the application conforms with all the applicable requirements of the subdivision regs, the zoning ordinance, the master plans as conditioned. Staff recommends approval with conditions for the administrative subdivision plan, the expedited approval plan, and the forest conservation plan with the corrections as noticed. Thank you.

Thank you. Would the applicant like to come up and make a presentation? Good morning, Chair Harris and members of the planning board. Matthew Gordon, land use attorney on behalf of the applicant, Hamden Lane Project LLC, which is an affiliate of Washington Property Company, who is a large local multifamily and other commercial real estate owner.

We're happy to be here today. We're in full agreement with planning staff. And we're appreciative of all their efforts to get through this expedited process with a lot of moving pieces.

And it creates a lot of work for staff. And they collaborated with us throughout the process. And we appreciate that.

We don't have any concerns with any of the conditions. But we're happy to answer any questions that you have. And I have Janelle Cosner from Washington Property Company seated to my left.

And then to her left, our landscape architect, Brian Bowen from Parker Rodriguez. And if necessary, we also have the architect from Design Collective, I believe, virtually. Thank you.

Thank you so much. I appreciate it. Any questions or comments from the board? I had just a curiosity about the process.

So the sending property, just so people can understand, you were borrowing density or you bought density from another property at one time. And you're using that density to meet your requirements here. Is that what it is? Yes.

So Washington Property Company acquired some excess density from another developer that owned the property at one time to the south, where the sending property along Hamden Lane as well. It was JBG at the time before they sold the property. That was above and beyond what's built there today with the office uses.

So that was a private transaction where they paid for the density knowing that they were going to have this project across the street or somewhere else in Bethesda that they could use. So that property they bought won't be able to use that density in the future, correct? It's limited to what's there today, which is the office building. And then the public use space, so the public use space does not necessarily have to have amenities on it, correct? So if they say 10% public use or common area, does it? Correct.

That's correct. They were required to have a minimum of 5% public open space, just due to the fact that the size of the site and then the frontage along three right of ways. So that basically lowered the requirement from what would usually be 10% to 5%.

They are providing 10% of public open space. Great. Thank you.

So I feel the project is attractive project. It's built as shown and we need more housing. We have a housing crisis.

So I really appreciate you guys taking advantage of the expedited approval process to bring this project to the board and hopefully you can move it to the next step and get it built as quickly as possible. So do we, any other questions or comments from the board? I may have missed this. I apologize.

I stepped out for a second, but it's, I just wanted to confirm it's the case that there's no access through on Montgomery lane, correct? There's no access to the structure that cuts through those existing bike lanes. Yes, that's correct. Okay.

That's great. Yeah. I appreciate kind of attention to that to maintain the protection of that facility.

Yeah, I think it's a great project. It's a tight fit on that site, but a really good infill opportunity. So yeah, thank you.

I'd like to state that I like the project also, it's going to be replacing something and adding to the skyline of Bethesda and I look forward to its construction and hopefully future buildings that continue to add to the skyline of Bethesda to make it a signature place to visit. Thanks. Is it still in flux? Whether is it going to be a rental or condo building? Do you have, are you, or as you know, specifically where you're going to slot this thing? We're still determining that at this time.

So we have up to 250 units possible and we're determining that based on market conditions. Okay. Thank you.

So hearing no other comments or questions, we'll take three votes on this. So I have a motion to approve the administrative subdivision plan. Staff is recommending approval of conditions and corrections.

We have to do one, three separate ones. All right. Move to approve the administrative subdivision plan with conditions.

Second. Is there a motion? All in favor? Aye. The ayes have it, five zeros.

A motion to approve the expedited approval plan where staff is recommending approval with conditions and corrections. Yeah, I'll move to approve the expedited approval plan with conditions and updates. Second.

All in favor? Aye. The ayes have it, five zero. And lastly, is there a motion to approve the forest conservation plan where staff is recommending approval with conditions? Yeah, I'll move to approve the forest conservation plan with conditions.

I second. All in favor? Aye. The ayes have it, five zero.

So thank you. We look forward to you moving forward with the project. Thank you.

We're going to take another two minute break and then start with item number 10, Montgomery County Council Bill 35-26. Thank you. We're back.

Sorry about the technical difficulties, but we're back. And sorry about any inconvenience. We're on item number 10, Montgomery County Bill 35-26 where staff is recommending transmitting comments to the county council.

And this morning we have Kelsey Desmond and Amy Lindsay presenting this item. Thank you. Welcome.

Thank you. Good morning, commissioners. Thank you for having us.

For the record, I'm Kelsey Desmond, Forest Conservation Planner 3 with the Environment and Climate Division. And I'm here today to brief you all on Montgomery County Council Bill 35-26 with a recommendation to transmit comments to the council. Some background on this legislation.

It was first introduced by council legislative staff on July 21st, just before the August recess. It was lead sponsored by council members Sayles and Balcombe. And the intent of the bill is to clarify that routine vegetation maintenance performed on land used or intended for use as agriculture need not obtain a written exemption from the planning director.

However, the language as proposed we think creates potential loopholes and unintended consequences. I will also note it's highly unusual that the council would introduce legislation to Chapter 22A. Typically the planning department would recommend amendments and introduce such amendments as we are most impacted by changes to the Forest Conservation Law.

Before I use the bill text in its entirety, I have highlighted a couple of key phrases. Just to note where in the law this would go, this would be under the applicability section 22A.4. This section of the law outlines what specifically is subject to the Forest Conservation Law. And while there is currently an exemption for agriculture under Chapter 22A.5, we've heard from the ag community that they would want it specifically stated that certain ag activities are not subject to the law and therefore not required to submit a Forest Conservation Plan or exemption.

So in the text of the bill you'll see that requirements of the chapter do not apply to land used or intended for use as agriculture for routine vegetation maintenance and does not require a waiver or written exemption from the planning director. So our analysis is that as written, the language of the bill could allow for forest to be removed without oversight or legitimate agricultural use. Without this amendment, just to give you a sense of the context now, without this amendment outlined in the bill, farmers are currently able to mow, till, and remove brush in their fields without intervention.

So given this with the current language in the legislation and the changes made, we are concerned that forest can be removed without us even looking to see if it qualifies for an exemption. We would not be able to track the amount of acres removed and our concern is

not with current approved ag uses but with forest removal without oversight or regulatory review and once it's lost we can't get it back. More specific analysis of this bill is the use of intended for use.

So intention of agriculture makes forest vulnerable should the property owner not have a clear plan for agricultural use. We think this might also be out of alignment with the state law which defines agricultural use as a recognized commercial enterprise. So this intended for use could be difficult to claim or proposed if it's not recognized and this commercial agriculture is from the state law.

Historically all changes have originated with the planning department as I've mentioned and we usually take it through the whole process including review by DNR. We're not sure if the council has brought this in front of the state agency so we're not sure if this would be in or out of step with the state law as a whole. Next another issue we would find is that the proposed legislation points to guidelines outlined by the USDA which is a federal agency.

We think that the guidelines are too vague to support consistent application and rely on broad discretionary language. They're also not specific to Montgomery County and furthermore the bill would increase enforcement burden for our forest conservation inspectors who don't have clear guidelines to follow in the law. And finally one issue we find is that the routine vegetation management nor brush have clear definitions.

So our proposed amendment we worked with the office of agriculture and agreed with them on alternative language which you see before you. It ensures that there's an existing plan for agriculture either existing or in the future and it also removes ambiguity while retaining the intent of both bill. Our recommendation therefore is to propose the amendments that you just saw and I can bring them back up if you have questions.

So to propose these amendments that provide clarity and remove a language that may lead to ambiguity while meeting the original intent of the bill. This addresses farmers concerns that they cannot conduct routine vegetation management and must engage in an additional regulatory process. It also addresses the planning department's concerns that the previous language contained an unintended loophole that could have resulted in forest removal without a recognized agricultural activity.

Next steps we hope that you support that we transmit the proposed amendments to the council. From here I will go to testify at the public hearing next week on September 15th. We'll submit written and verbal testimony with these proposed amendments and from there staff will attend the transportation and environment committee hearing scheduled on the 5th but we'll look for the final scheduled hearing.

I welcome any questions you might have. Thank you for your concise presentation. Are there any questions or comments from the board? No so it doesn't seem to be any so they aren't any but I would like to say I commend both you and the ag staff and the county council members are looking at a process that allows the farmers or to to do routine maintenance on in the forested areas without having to go through extensive processes and this simplifies that and also for you guys to you know look at where there could be loopholes and and discuss that with the office of ag and the council members to come up with a compromise solution.

So I really appreciate that and I'm in support of this bill with the amendments. Thank you. So hearing nothing else do I have a motion to transmit the comments to the county council with the amendments specified? Yeah I'll move to transmit the comments to the county council with the information provided by staff.

I second. All in favor? Aye. The ayes have it.

Thank you so much. Thank you for working on this and we're going to break for lunch and then come back at 1 30 where we'll have the public hearing friendship height sector plan public hearing part one. Thank you and we'll see you at 1 30.

Good afternoon everyone and welcome. We're starting our afternoon session of our planning board meeting for today with our public hearing for the friendship height sector plan public hearing part one. Before we get started I'd like Altara Margolis to go over the guidelines for our public testimony today.

Good afternoon. I'm going to read what is called the statement of record which is how we begin a public hearing for a sector plan. My name is Altara Margolis and I am the lead planner for the friendship height sector plan and a planner in the west county division.

This is a public hearing for the friendship height sector plan which was advertised in the Washington Times on August 6, 2026. The friendship height sector plan public hearing draft is a comprehensive amendment to the approved and adopted 1998 friendship height sector plan as amended and portions of the 1990 Bethesda Chevy Chase plan as amended. It also amends Thrive Montgomery 2050 as amended, the 1979 master plan for historic preservation as amended, the 2013 countywide transit corridors functional master plan as amended, the 2018 bicycle master plan as amended, the 2023 pedestrian master plan as amended and the 2025 master plan of highways and transit as amended.

I would like to note that the following documents will be entered into the public record. The 1998 friendship height sector plan, the appendices for the friendship heights sector plan public hearing draft which are resource documents and are not part of the sector plan itself, a letter transmitting the public hearing draft to the county council president Natalie Fanny Gonzalez dated August 6, 2026, a letter transmitting the public hearing draft to the county executive Mark Elrich dated August 6, 2026, a letter transmitting the public hearing draft to village of friendship heights mayor Roy Schaefer dated August 6, 2026, a letter transmitting the public hearing draft to Chevy Chase board of managers chair Alyssa Leonard dated August 6, 2026, the friendship height sector plan working draft from July of 2026, the friendship height sector plan scope of work approved by this planning board on February 6, 2025, a copy of the newspaper ad and the affidavit of publication from the Washington Times which is certified proof of publication in the paper's August 6, 2026 issue. All written testimonies received since July 16, 2026, the date when the planning board approved publishing the public hearing draft and set the date for this public hearing as September 10, 2026.

The recording of this public hearing when it is available and all correspondence including emails received from the public and government agencies between the announcement of the public hearing on July 16 and the close of the public hearing. Staff recommends that the

public record remain open until midnight on September 17, 2026. And that completes the statement for the record.

Thank you. Thank you, Ms. Margolis. We'll begin our public testimony.

We have approximately 20 people or groups to present this afternoon. Individuals get three minutes and groups get six minutes. So we'll start.

And again, welcome. Thank you for coming. We appreciate public testimony.

So the first person is Alfred Muller. Welcome, Mr. Muller. Chairman Harris and members of the planning board, I thank you for addressing the challenges of this third sector plan for Friendship Heights.

I have lived in the village since 1973 and have had the privilege of serving on its council for 30 years, including as its secretary, chairman, and its first mayor. I presently serve as the village historian and in that role as an individual and as a physician for 60 years, I address you today. I joined 15 other community and developer representatives on the county council's citizens advisory committee for the 1998 sector plan.

We worked with the park and planning staff and the planning board and successfully united it around a common goal, balanced growth. More housing, yes, but on a smaller scale and with more amenities. We all supported the lower density of the 1973 plan.

Together, the county and the developers built a community rec center on Friendship Boulevard. Community is not just a word. It really means a common unity.

In that spirit, let's actually implement those five excellent plan goals that your planning staff team summarized in chapter one of the new sector plan. Community amenities, accessibility, economic growth with housing affordability, new experiences, and mitigation of climate change. Let's remove the unnecessary emphasis on trying to make Friendship Heights a, quote, regional destination for shopping and retail.

Yes, Friendship Heights has always been a mecca, but mainly to attract new residents, not shoppers, to a special quality of life dependent on its nearby amenities. First, the electric trolley, and now the metro, its nearby grocery stores, restaurants, and theaters, our community center, our shuttle bus, our post office, our numerous medical facilities, our breathing spaces such as Humphrey Park, Willoughby Park, and Page Park, our canopy of signature trees, a safe, quiet home for thousands of residents, the historic and unique diversity of our high-rise population. These qualities will continue to attract new residents to Friendship Heights if we maintain them.

So let's add two distinctive new amenities as capital improvements into Table 7, Chapter 5.2, a learning center containing a library, art center, and community theater, and a dog park to fulfill the county's long commitment to the hundreds of dog owner families within the vicinity of the plan. Please, let's maintain the original description of Friendship Heights as quoted in Appendix E of your draft sector plan, quote, Friendship Heights, the prettiest view and healthiest suburban place near the city. Evening Star, May 1st, 1903.

Thank you so much. Next, Ms. Philbin. Hi, my name is Kathy Philbin, and I live in Chevy Chase Village directly adjacent to the collection in the SAC site.

In Bethesda, an aging commercial and industrial area was transformed into one of the most beloved destinations in the Washington region, wide sidewalks, outdoor cafes, neighborhood-serving retail, a genuine heart for the community. That happened because a developer came in with a specific vision and executed it. Retail was required.

Human scale was required. It was designed in from the beginning, not hoped for. That is what revitalization looks like.

From your own engagement summary, it shows that residents pointed to Bethesda Row as their vision for Friendship Heights. They were very specific. They wanted ground floor experience, the walkable streets, the restaurants, retail shops, all at a human scale.

They did not want Friendship Heights to turn into downtown Bethesda with its towers and canyon-like streets. Yet the planning staff recommended exactly that for the collection in the SAC site, 250-foot towers at the Metro entrance, 200-foot towers running up Wisconsin and Western Avenue, CR3 density that allows a developer to build three times the total land area in floor space with no retail requirement. This is called a sector plan, but where is the planning? Setting heights in density is not planning.

Writing requirements is planning. Requiring retail is planning. Community amenities is planning.

Defining green space and ensuring human scale is planning. None of this is in the proposal. The county has set heights, the county has set the density, and the county is stepping back and expecting a private developer whose job is to maximize return on investment to deliver the revitalization this community has been asking for.

That is not planning. That is wishful thinking and hoping the developer does the right thing. And by your own projections, your own Appendix F, the proposed zoning produces 6,700 more residents and 865 fewer jobs than the zoning it replaces.

Your own model says this is a housing plan, not a revitalization plan. Again, this is not revitalization. This is handing maximum heights and maximum density to a private developer and hoping for the best.

As written today, this plan gives up on friendship heights. Friendship heights deserves better. Friendship heights deserves true revitalization, not a wall of residential towers along Wisconsin and Western Avenue that people just drive past.

Thank you so much. Mr. Philbin. Good afternoon.

My name is John Philbin. The working draft is not an expression of what the majority of residents, property owners, or visitors to friendship heights want for the height and density of new buildings. It is a depiction of what planning staff thinks should be there.

The report emphasizes 1,200 touch points with the public, yet there were only two sessions where building height and density were the primary focus, 69 attendees in the fall workshop

and 154 participants in the online visioning exercise. Your largest instrument, a questionnaire with 564 respondents, asks nothing about building height, density, compatibility, transition, setbacks, and adjacency. The scope of the working draft is one-dimensional.

It failed to ask about building height and density and ignored what it did here. The working draft does not contain a reasonable analysis for heights and densities recommended. There is a singular universal justification reading, quote, increased flexibility for future development.

The working draft contains none of the typical measurements contained in master plans regarding density and height for individual parcels, shadow studies, building mass, site lines, preservation of mature vegetation, lighting. It is as if the staff is saying we will do all that at the time of the sketch plan. The stated goal of this plan is to respect the transition of building heights from the downtown core to the surrounding residential neighborhoods.

That goal is not achieved by this plan. This site is one block deep. It abuts single-family homes.

It cannot carry what is being mapped on it. The working draft is based on the presumption that any new development that complies with the 45-degree plane is automatically compatible. That is not a rational assumption.

I believe that the Friendship Heights Sector Plan Amendment working draft is not comprehensive enough in its formulation and is too superficial in its recommendations. Therefore, I request the following. One, set the heights and densities based on the context of the site, not the distance from the metro.

Two, state the edge limits as a height in feet and a depth over which that height holds and put both on the zoning map. Three, at a minimum, describe the transition area in the plan text now, a stated height and a stated depth, and complete the Friendship Heights overlay zone text with dimensions before this plan is transmitted to the council. Lastly, on the southern frontage, state a depth less than rover and park boundary in which no building height is authorized.

The plan's own drawings already show that corner as open space. Those drawings do not bind. I ask that what the plan shows be written to confirm such land use.

Thank you, and I hope you are able to read my full submission. Thank you. We will.

Next is Robert Pestronk. Robert Pestronk, 18-year resident. I ask you for the following.

Formally designate the Reynolds House as an historic property. Earmark the revenue collected from the Reynolds House for maintenance of the house grounds and Willard Avenue Neighborhood Park. Use the green space south of the Reynolds House as a public area with benches, tables, and chairs, a community garden, bike racks, and drinking fountain.

Preserve Willard Avenue Neighborhood Park as green, quiet, natural, and forested. Plant native and climate change tolerant trees and shrubs as necessary to maintain canopy and

cover in shade. Within Willard Avenue Neighborhood Park, do not install a full court basketball, a pickleball court, small game areas, interactive art, or a dog park.

Place any new pedestrian entries to Willard Avenue Neighborhood Park along River Road through new signage on Willard Avenue reserve space for maintenance vehicles. Require a protected shaded pedestrian and bicycle greenway of standard uniform widths along the southwest edge of Friendship Commons from Western Avenue to Willard Avenue. Install a traffic light at the intersection of Willard Avenue and North Park Avenue and align the exit from Friendship Commons with that intersection.

Designate the orphaned property between 4701 Willard Avenue and Willard Avenue Neighborhood Park as part of Willard Avenue Neighborhood Park. Install a raised concrete island in the center of Willard Avenue from Friendship Boulevard to River Road to calm traffic and create a shaded boulevard. Along River Road from Western Avenue to Little Falls Parkway, install a buffered bicycle and pedestrian lane.

Provide a longer leading pedestrian traffic signal interval at Willard Avenue and River Road to safely accommodate school children crossing in the morning and afternoon. Install a brief left turn signal for vehicles exiting Green Acres subdivision westbound onto River Road. Install a carved out pullover lane on Wisconsin Avenue in front of the Barlow Building to enable patient drop off and pick up.

Site a canine and human recreation area at the intersection of Friendship Boulevard and Western Avenue or work with DC government to place those on the roof of the proposed bus garage on the current Lord and Taylor site. Work with EYA to establish a Montgomery County Library branch along Friendship Boulevard and Friendship Commons, perhaps by trading the location of the Massachusetts Avenue branch for multifamily housing or work with and possibly subsidize the Village of Friendship Heights to extend its shuttle service to serve the Massachusetts Avenue Library. Find another design allegory for the public realm along Wisconsin Avenue other than the Pike and Rose example displayed in the draft and include any capital improvement designations needed for these changes in the final sector plan.

Thank you. Thank you so much Mr. Bannock. Thank you.

I'll move this a little closer. I've been living in Brookdale since 2009. As I mentioned during the Friendship Commons testimony and I've been the CCCFH's rep to the Friendship Heights TMD, which hasn't been eliminated yet, but because the funding was pulled, we'll see.

Still waiting to hear from the coordinators in the county on that. But other residents are giving you very specific recommendations and commentary. I want to bring up something that was not discussed in Friendship Commons, but because of Burt Construction's work is now a big concern in the Brookdale neighborhood, and that is the infestation of rats coming into the neighborhood because of the stirring up of the ground on the property at Geico for Friendship Commons.

I saw one when I was walking my dog late at night. I have two other neighbors that have also talked about rats in their property. And so I think it's incumbent on the planning board

to require any work in an urban area to eliminate any rodent infestation, especially from running into the adjacent neighborhoods.

I think this is a big problem. And the further down they come on that building on the Geico property, the bigger the problem is going to be in our neighborhood. I don't know if that's something you can require or if you can go to the proper parts of the county to require Burt Construction to do some kind of perimeter protection from the neighborhood from having a rat infestation growing beyond what it is already.

Then separately, as the TMD person, I continue to be concerned about traffic and with the planned bike lane from the district on Western Avenue, taking Western Avenue from four lanes to two lanes with a protected bike lane on the Maryland side and the impact that it will have on the Brookdale neighborhood with cut through traffic trying to get to River Road and make a turn. Those are very big concerns that I don't think are properly addressed and haven't been in the Friendship Commons development or in this development. And then finally, my last comment is I know Natalie Fanny Gonzalez is the current chairman.

When she was on the planning board, she wrote in the Washington Post in an op-ed that her goal and the planning board's goal was to eliminate all single-family home near metro stations. And so I'm assuming she still feels that way and I'm assuming that that is what she has charged you to do. And it's unfortunate that the single-family home neighborhoods that do exist that are unique in the region will be destroyed because of efforts by people like Natalie Fanny Gonzalez.

Thank you. And I should have been on three minutes, not six, but I still finished in time. Okay, thank you.

You yield your last three to someone else. Okay, great. Thank you.

So last in this group is Michael Lawrence. Good afternoon. My name is Michael Lawrence and I live at 4620 North Park Avenue.

My building faces the Shoemaker Block parcel. The letter and intent of the previous sector plan should inform this new plan. Maintaining the green space with small-scale building capped at 45 feet, as you will hear in later testimony, the desired FAR III can be achieved at this scale.

This parcel is called an opportunity site. This single break in the 10 building canyon of high-rises from Wisconsin to Willard Avenue along North Park. If this board's aim is to allow the greatest density possible, then this plan is an opportunity fulfilled.

But this is a system which is broken. There are 213 projects in this county with more than 15,000 units mostly approved but unbuilt. The 5500 Wisconsin project lies dormant, 300 units.

8100 Wisconsin is delayed for years, 350 units. Our friends at EYA have delayed two projects totaling 494 units. Outrageous density, guaranteeing profits for developers, engaging, then ignoring community feedback, and using resources to defend against litigation are tactics which are not creating new housing.

And who are the culprits here? The organized residents of this community? An aging population exercising its privilege? I think not. Rather, rising interest rates, record mortgage rates, a war with Iran, trade tariffs, expensive labor and materials. If the board believes that the only solution is to cram more density wherever imaginable, then we need to do better.

What amount of density and profit will satisfy the developers? This board is ill-served by your staff if they spend months gathering stakeholder input, then pass along a document devoid of the reasonable compromise that the community loudly called for. The planning staff tells us there's a new reality that we must recognize. It is a new reality indeed.

We can feel the winds of change. We met with county council candidates leading up to the June primaries. They hold in common, at best, a skeptical opinion of this board and its planning process.

The next likely county executive succeeded without resorting to a million and a half dollars of real estate and developer funding. A new council will decide on this plan and on the future appointments or reappointments to this board. I look to each of you for your leadership.

You have experience in housing creation, consulting, the law, engineering and parks administration. Show us that your planning can be creative, collaborative and bring the new housing we all want while keeping Friendship Heights a desirable community for current and future residents to thrive. Thank you.

Thank you, Mr. Lawrence. We'll now have our next group consisting of Abner Oaks, Kenneth Niles, Lloyd Garrissey, Arthur Perry, Mikkel Moore and Valeria Orlandini. And we'll start with Abner Oaks.

Good afternoon. My name is Abner Oaks and I am the president of the Brookdale Citizen's Association. Brookdale is a close-knit tree-lined neighborhood of about 400 homes in southern Montgomery County immediately adjacent to the District of Columbia and nestled between Friendship Heights and Chevy Chase.

Thank you for the opportunity to comment on the sector plan. Brookdale is generally supportive of the direction of this plan, particularly its emphasis on creating a more connected, walkable, green and welcoming Friendship Heights. The plan envisions a community where people of all ages, backgrounds and abilities can live, work and play with stronger connections to surrounding neighborhoods and better access to recreation and community amenities.

But I want to focus particularly at the end of my comments on two questions. How do we make sure these goals actually happen as the plan is implemented and how do we ensure meaningful community input as planning board decisions are made over time? The plan's recommendations regarding parks and public spaces are particularly encouraging. It calls for improving connections to parks, preserving and extending greenways and using pedestrian and bicycle paths to connect surrounding neighborhoods with the downtown core.

It also recognizes the relationship between these connections, wildlife habitat and watershed protection. Brookdale strongly supports these recommendations. The plan correctly recognizes that simply having parks nearby isn't enough.

Limited physical and visual access, poor design and weak connectivity can reduce their usefulness. This connectivity needs to be treated as a fundamental part of the public space system, not as an afterthought to development. We also want to raise an important piece of Friendship Heights planning history.

The 1998 Friendship Heights sector plan specifically called for two new open spaces on the Geico property, one north of Brookdale Park and one along Western Avenue. That plan stated that, quote, a ball field for youth 12 and under or other active recreational uses could be appropriate, close quote. It also called for space to be reserved for a little league-sized field near Brookdale Park and a junior practice-sized field along Western Avenue.

We recognize that conditions have changed since 1998 and we're not suggesting that the county simply reproduced that plan, but this history matters. The community has been talking about active recreation and open space on the Geico property for nearly three decades. Active recreational space there was not a new idea created by the current plan.

It was an explicit recommendation of the previous sector plan. We therefore believe the current plan should acknowledge that history and clearly explain how the recreational needs identified in 1998 will be addressed today. Brookdale supports the current plan's recommendations for Brookdale Park and the former Geico site, including new park amenities, active recreation, environmental protections, and a visible northeast entrance from the Geico property, but implementation needs more specificity.

We need clarity about long-term maintenance and stewardship. Who will maintain these public spaces? How will they be funded? And what role Montgomery Parks will play in their oversight? Environmental protection must also remain central. The plan calls for protecting specimen trees, buffering the stream area, improving forestation and stream health, and protecting natural resources and watershed functions.

Those principles should guide the detailed design of Brookdale Park and the Geico site. The proposed linear park along the Geico property could become an important public space connection between Brookdale, the new development, and downtown Friendship Heights. We encourage the county to make sure it functions as more than a pathway alongside development.

This brings me to what I believe is the most important issue. The plan is much stronger on what Friendship Heights should become than how the community will participate as that transformation takes place. We applaud that the plan recognizes the importance of community input, but that principle shouldn't end when the plan is adopted.

The plan will be followed by years of development applications, park improvement, infrastructure changes, and private development. Those decisions will determine whether the vision in this document becomes reality. We therefore ask the Planning Board to establish a formal, predictable mechanism for ongoing community communication and input during implementation.

For example, planning in Montgomery Parks could provide regular updates to a designated community clearinghouse such as CCCFH, which could distribute that information to the broader Friendship Heights community, which includes Brookdale. Residents need to understand what is happening, what is coming next, who is responsible, and where opportunities for input exist. In closing, Brookdale is not asking for veto power over development.

We are asking for something much simpler—transparency, regular communication, and meaningful opportunities for community input. Our neighborhood is still very much stung by the mysterious dismissal of the binding elements from the 1998 plan, which was relayed to me and Brookdale Citizens Association VP Alison Fultz during a virtual meeting with planning staff. We were never given a heads up.

Friendship Heights is entering a period of significant change. The success of this plan will ultimately be judged not by the document adopted by the Planning Board, but by what Friendship Heights looks and feels like 10 or 20 years from now, and whether the community believes it was a partner in getting there. A more transparent, coherent process over the life of the sector plan will provide the Planning Board a meaningful way to implement its goals rather than simply abandoning them when expedient.

Thank you very much. Thank you so much. Mr. Perry, you could also come up to Arthur Perry.

Oh, you're there. Okay, we're all here. Okay, great.

Thank you. So why don't you—yeah, Kenneth Niles can go next. My name is Kenneth Niles.

I am a retired head librarian from the National Library of Medicine, and I have been a resident of the village of Friendship Heights for over 30 years. The Planning Board, in its urban design study, observed that Friendship Heights is notably missing educational and cultural uses. In response, our village council sent a letter to the Planning Board requesting in Friendship Heights a public library and community performing arts center, which is often referred to as a learning and gathering center.

The same request was made in petitions, signed by about 500 residents, and submitted to Planning Board staff. This community amenity will serve residents of all ages. We have one of the largest concentrations of seniors in the region.

We also have a growing number of families with children. Residents total over 9,000 when adding those in the adjoining Wisconsin Place, Somerset Houses, and Brookdale, and there will be more when Friendship Commons is completed. Many others may cross Western Avenue from D.C. or come by metro or bus to the station or hub within a block or so from the likely location of this facility.

Our residents were heartened to hear from EYA executives that they would support a public-private partnership to build a public library. Building this learning and gathering center would be the same type of partnership as the Planning Board arranged with the developer of Wisconsin Place for the county recreation center. Like it, the learning and

gathering center would be financed through Tier 4 and the county capital improvement budget.

All this may have prompted your staff to emphasize in the draft sector plan the need to prioritize and incentivize the library and arts or cultural center through new development. I respectfully request that when the Planning Board approves the sector plan, a public library and community performing arts center be proposed on the same basis and made the principal capital improvement project under Section 5.2 of the sector plan. Thank you all very much for your consideration.

Thank you. Thank you so much for your testimony. Next is, is it Lloyd Gercy? Yes, I have three exhibits, two PDFs of emails and a photo.

If you have them, fine. If you don't, that's okay. Thank you.

Chair Harris, I'm Lloyd Gercy. I live south of Bethesda. I oppose the BRT provisions of the draft plan.

It isn't clear what's being proposed, an evaluation or actual BRT, dedicated lanes or not. I'll assume dedicated lanes. Within the Beltway, the county's plan now is for BRT without dedicated lanes on Wisconsin Avenue ending in Bethesda.

The sector plan proposal for BRT in Friendship Heights is BRT to nowhere because it's largely grounded on BRT into D.C. But D.C. has no BRT. It has no plan. It's also BRT inconsistency.

Under the current program, dedicated bus lanes end at Tuckerman. But under the sector plan, dedicated bus lanes would reemerge in Friendship Heights. Makes no sense.

BRT routes in the county are under the countywide transit corridors functional master plan. This provides for the extension of BRT south of Bethesda to Friendship Heights if and when the District of Columbia incorporates into its master plan dedicated BRT lanes from Friendship Heights to National Cathedral or Georgetown. Emails.

DDOT emails say there is no plan for BRT in D.C. They're just studying that now. The condition in the corridors plan is not met. BRT won't work on Wisconsin Avenue in Friendship Heights as was shown during this summer's WMATA shuttle service.

This is due to delivery and other vehicles parked in the bus lanes, vehicles letting off elderly patients, etc. Also, right turning vehicles at intersections or traffic lanes clogged the bus lanes. They didn't work.

The elimination of the right bus lane neglects the safety of elderly who would no longer be led from vehicles standing in front of medical buildings. Photo please of the elderly person. The elimination of the right lane for dedicated BRT is bad for business.

It would remove parking spaces. BRT in Friendship Heights is not justified. That's the photo with the man on the water.

Because a bus lane does not meaningfully speed up travel. WMATA has studies, they're in my written comments, that shows it doesn't speed it up. And as the shuttle service ended

just last weekend, state highways said the data did not support extending the bus-only lanes on Wisconsin Avenue beyond the metro construction period.

Did not support. Appendix S to the sector plan makes a model-based forecast to advocate for lane reductions. That model base is incontestant with database.

The data that SHA looked at said it didn't support it. Appendix SF is further at odds with growing populations and current traffic congestions. The model understage projected traffic counts by using a 2024 database, which doesn't include the federal back to work.

Thank you for listening. Thank you so much. Next is Arthur Perry.

Good afternoon, Chair and board members. The August 24 New Yorker Magazine article, Taking the Heat, outlines some of the extreme heat challenges that Europe is facing, and we soon will be facing too. Tree canopies in two favored European cities are Paris, 21 percent, Barcelona, 25 percent.

In the United States, tree canopies in New York City are 23 percent. In Manhattan are 21 percent. Locally, you, the planning board, have approved the removal of 190 trees on the GEICO site.

The remaining tree canopy would be 8 percent. The New Yorker article discussed several heat remedies. Barcelona is a European leader in green urbanism, building linear green parks similar to the Brookdale Greenway, long planned on the west side of the GEICO site.

Friendship Heights is already recognized as an urban heat island. You, the Montgomery County Planning Board, have approved the developer's narrowing of the greenway and the developer's removal of 190 trees, leaving 13 trees standing. The retention of 13 trees represents a tree preservation rate of 6 percent, which is significantly below the clear cutting benchmark minimum of 15 percent.

The planning board has hereby approved the developer's clear cutting. To avoid being an active agent of environmental defilement, I request that the planning board consider restoring Warren Buffett's intended 3.7 acres to the Brookdale Park, restoring the intended 50 to 70 foot widths on the Brookdale Greenway, restoring Willard Avenue Promenade to its intended 40 foot width, approve the construction of the pedestrian bridge over Friendship Boulevard at 5311 Friendship Boulevard to make the pedestrian crossing of Friendship Boulevard safe, and to finally to restore Warren Buffett's grant of a full one acre Little League playing field at Western and Friendship Boulevard, Western Avenue and Friendship. With those, the planning board, without those, the planning board is ignoring Mr. Buffett's community spirit and declaring itself willing to disregard the environment and the public welfare.

Thank you. Thank you so much. Next is Mikkel Moore.

Hi, my name is Mikkel Moore. I've lived in the Brookdale neighborhood for 24 years and I have three points. The first is privately owned public spaces or POPs.

Brook developers get density and credit for providing community open space, but too often those spaces are designed to feel private. Look at the entrance at the Bloomingdale's

entrance at Western Avenue. That was given as community open space, yet it's landscaped to make Bloomingdale's feel exclusive.

Next photo. Another example, the park at Willard and Friendship Boulevard next to the Whole Foods. It reads as a front yard of the Wisconsin Place Apartments, a low wall of dense hedges rudges along the sidewalks.

That's not welcoming. Photo three. At Westbard, the Civic Green is smaller than envisioned.

Here it is on a nice cool recent evening, already crowded, and the big multifamily building isn't even finished yet. Next month, there's a hearing to shrink it further. That space is wholly insufficient for a development of that size.

Number four. The recently approved Friendship Commons plans two small community spaces on the Green Spine walking street. Both sit next to the private clubhouse.

I fear they will be designed to feel like the clubhouse's yard. Number four. Oh, I'm sorry.

It's still on number five. That's my bad. And where the Green Spine meets Willard Avenue, there's supposed to be a Gateway Plaza, and yet in EYA's current plans, it shows no plaza at all.

The Green Spine is narrower than just a regular street with sidewalks, and so if you're walking or driving past along the sidewalk or on Willard Avenue, easy to miss it. Please insist on a large, welcoming Gateway Plaza with shade trees and grass activated, yes, but not clogged with restaurant tables. And please make sure every community space in this sector plan is designed to be genuinely open to the public and not just technically public.

Number two. Stormwater. I applaud the plan's stormwater goals, but the language is just aspirational.

It needs teeth. Stormwater management should not be optional. Time and again, developers over-plan a site, then cry hardship.

Oh, there's no room for stormwater. We need a waiver, please. And by then, there's no way to claw the plan back.

There are many proven practices for capturing stormwater. There's no reason for waivers. Please require full compliance.

Photo five, please. I'd also like staff to identify places in this sector to retrofit rain gardens and curb cut by a retention that catches street runoff and treats it before it reaches the storm drains and Little Falls branch. The Golden Triangle District downtown has built 17 rain gardens along 19th Street, and several are certified wildlife habitat.

We should be doing that here. And third, just say no to synthetic turf. It gets over 150 degrees in the sun.

It sheds microplastics into our water, soil, and air. It's expensive to install. It only lasts eight to ten years, and it can't be recycled.

It's plastic, so it holds sweat, spit, animal waste, blood. It's when real grass has soil microbes that break down. Can you wrap up your presentation, please? But plastic doesn't, and you don't want children playing on that.

Finally, make the pocket forest larger at the top of the plan. It's right above where the creek is. Let's restore more nature there.

Thank you. Thank you. And next, and last in this group is Valeria Orlandini.

Good afternoon, Mr. Artie Harris. My name is Valeria Orlandini, and I think a lot of you received a lot of my nice emails in which I didn't get really a response. But this is not a testimony per se.

I want you to hear my voice, that I have an accent because I'm an immigrant. I came to Friendship Heights 20 years ago to work at the Library of Congress, and when I see change in D.C., in the capital, and I see the change in Friendship Heights, well, you know, I give the time to Miguel because I'm going to be very short. I have been advocating for environmental health, safety, protection, climate change to comply with the regulations and laws of Montgomery County and the state of Maryland.

We are not in Texas. And unfortunately, nobody here, Atara Margolis was the only one who replied, some emails. But the majority, Elsa Giese McCoy, never, ever replied.

Artie Harris never replied. And I'm about Montgomery County officials are throwing us under the bus. And we can be 60 testimonies, one million.

You already have your decisions made for us. Please, listen to us. Thank you.

Thank you so much. We'll now have the next group, please, which will be Peter Bill Stecker, and then Jonathan Zeigenheim, J.J. Rivers, Josh Sloan, and Steve Robbins, and Stu Simon, please. So we'll have Peter and Stu go first, and then we'll have the CCLC Holdings group go last.

Okay. Yep. Peter, you can go.

Yeah, we'll have them go first. Thank you. Turn on your mic, sir.

Can you hear me now? Great. I'm Peter Bill Stecker. I'm a Brookdale resident.

I'm also a cyclist. I nonetheless urge the planning board to reject the draft sector plan's recommendation of two bike lanes, first on River Road from Western Avenue to Willard Avenue, and second on Friendship Boulevard. Alternatively, the board should defer action to permit the staff to perform a meaningful cost-benefit analysis of its recommendations and the alternatives.

It hasn't done that. Let's talk about River Road. According to the D.C. District of Transportation DDOT, the level of service at the intersection of River Road and Western Avenue is currently unacceptable.

It will only get worse if the recommended River Road bike lane were installed. Increased delays mean more idling, more pollution, more cut-through traffic, and likely a reduction in emergency vehicle response times. There is an alternative way to connect to the Capitol Crescent Trail that avoids these costs and that would better serve both cyclists and motorists, namely the approved cyclist-pedestrian path on Friendship Commons, which runs from Western to the Willard Avenue Park.

It could be coupled with the master plan's side bike path lane on River Road that goes from the park to the Capitol Crescent Trail and beyond. Let's talk about the recommended bicycle lane on Friendship Boulevard. It's a few hundred feet away and roughly parallel to the cyclist-pedestrian pathway on Friendship Commons.

A primary stated goal is to connect to DDOT's Jennifer Street bike lane. However, the Jennifer Street bike lane already will or could easily connect to three other bike lanes, the Western Avenue bike lane on the sidewalk at Wisconsin Place, the Friendship Commons path, and DDOT's proposed Western Avenue bike lane. Moreover, the staff's recommendation poses a significant issue that it does not address.

Will the current parking lane on Friendship Boulevard be needed now or in the future to absorb increased traffic on Friendship Boulevard due to increased development, including at Friendship Commons, and cut-through traffic seeking to avoid the more than two or three-fold increases in some of the traffic signal delays at River and Western that DDOT's proposed Western Avenue bike lane alone would cause? If so, the recommended bike lane would divert cut-through traffic onto relatively narrow neighborhood streets, most of which have no sidewalks, in Brookdale and other residential communities. Thank you for your attention and consideration. I'd be happy to entertain any questions.

Thank you so much for your testimony. And next is Stu Simon. Good afternoon, everybody.

Thank you for inviting us. So my name is Stu Simon. I'm with Montgomery for All.

I'm a resident of Chevy Chase, and I'm speaking as the steering committee of Montgomery for All, which is focused on advocating for more affordable housing in Montgomery County, also known as the missing middle. I just want to divert from my standing testimony first to address some of the, I think, some of the core issues that are being raised. People talk about adding all kinds of amenities to the area, which would be great, but they all cost money.

And right now Montgomery County is in a situation where younger people can't afford to live here, so they're moving out, and so the county is aging. And as the county is aging, it means it has less tax revenue, because they don't get the revenue from the young workers. Retirees have less money, less taxable money, and the businesses that need the young workers for their business, they're either disappearing or they're getting less revenue.

So tax revenue is going down, and we saw it in this cycle. To maintain the same level of service, you have to higher taxes. People generally don't want higher taxes, but that's what we're facing for the foreseeable future, an ever-worsening situation, unless we do something to add to our affordable housing base.

Basically, housing choices for all. In my personal situation, I'm in a very nice house, but it's larger than we need and has a lot of stairs. You want a smaller place without stairs, and there's not a lot of choices.

We've been looking around, but there's relatively few choices, believe it or not, that are walkable to a metro station, walkable to services nearby. This plan would provide another opportunity for Friendship Heights to become another area where it would become much more walkable for many more people. So what happens when you don't have a lot of housing around metro? People move up county a lot, and what are they doing? People mentioned about the environment.

So up county, the biggest area up county that is being worked on right now is Clarksburg. So what are they doing when they're building in Clarksburg? They're plowing down, they're cutting down trees, they're plowing up meadows, they're despoiling the clean water supplies we rely on. Far preferable, instead of forcing lots of money to put in new infrastructure, is to do infill housing around the metro stations, and this is exactly what the plan would do.

So let me get into the specifics of this plan. We're excited at Montgomery for all about the Friendship Heights sector plan, for the vision to transform the area into a more vibrant, walkable community. It's kind of eerie when you go to Friendship Heights in the evening and there's hardly anybody on the street.

That's not what you call a vibrant community. May have once been there that way, I don't know. I didn't live in Friendship Heights 20 years ago, but I'm telling you what I see today.

As we know right now, Friendship Heights has a lot of vacant and underutilized properties, and part of the reason is because you have very strict regulations in the current plan for making those for only requiring commercial and not allowing mixed-use development. This plan would enable a wide range of new housing right near transit that will in turn draw in new amenities and business. And I might add, when you get new amenities, new businesses, new housing, that means a lot more tax revenue.

So instead of worrying about your raising property tax rates, you can follow the example, we'd be following the example of Falls Church, where property tax rates went down when they had a lot more, a lot denser housing around the metro stations. More housing for more people near transit. Zoning changes proposed in the plan will make it possible to build many more homes within walking distance of the metro station, allowing many more people to save money on transportation and live car-free or car-light.

Well, my second car is a bicycle. You know, I'm able to do it because I'm living relatively close to a metro station. I'm actually closer to Bethesda than I am to Friendship Heights, but it'd be wonderful if more people had that opportunity.

They generally don't, and they certainly don't at Friendship Heights, where almost everything is zoned for single family and for commercial. Allowing young people and families to live in Montgomery County. Friendship Heights has fewer young people, that number is decreasing as a percentage, and families in other parts of the county, and I should say than other states.

People are leaving Montgomery County, people are leaving Maryland, and we're getting, we're becoming an aging community. New homes, including those with family-sized units, will allow more young people to call this a great neighborhood home. So the plan for EOIA, for example, has a whole mix of homes, townhouses, condos, rentals.

That's what you want. More people have more choices. Safer places to walk and bike.

The plan proposes major bike and pedestrian improvements, new bike lanes along Willard and other places, protected crosswalks, and fewer obstructions in the sidewalks. New residents, as I was saying, means thriving local businesses. It's not just the tax revenue from the new residents.

The more new residents you have, the more you can support the local businesses. The restaurants, the fitness centers, you know, whatever, various stores. You had a food mall.

It's just gone out of business. They don't get enough business. So this food mall, great idea, there's not enough residents nearby because you don't have enough housing nearby.

Not only will new mixed-use developments bring in amenities that benefit everyone, like potential future library, improved sidewalks, and new public spaces, they'll also bring in the people needed to sustain local businesses and help them thrive. A chance for generational change. This plan is coming at exactly the right time for Friendship Heights, which is ripe for reimagining of its underutilized commercial and retail space.

Over the next 20 plus years, the plan would help transform the sites into a sustainable, walkable, transit-oriented community. You know, it was interesting. I looked years ago when the Thrive Plan was being discussed.

I looked up the history of zoning in Montgomery County because we were the first county to put in zoning. When they did it, they contacted Charleston, South Carolina, and said because Charleston, South Carolina had a zoning-like situation, and there they coded historical neighborhoods. When they did that, Charleston answered, well, yeah, it's worked very well, but realize it'll push out all the poor people.

And, you know, Montgomery County was fine with that. Thank you so much. So, you two can go back to your seats, and then we'll have the last four presenters here from the CCLC Holdings Group, and we could start with John Ziegenheim, or whomever you'd like to start, and would it be possible to just put up the full time, like we had written in the email, and and then we'll work through it.

Okay, great. Good afternoon, Chair Harris and members of the Planning Board. My name is John Ziegenheim, and I am the President and CEO of the Chevy Chase Land Company, or CCLC.

First, I would like to thank the Planning Department staff for the tremendous amount of work that has gone into this Sector Plan. This has been a very thoughtful and comprehensive process, and we do appreciate the countless hours that staff, community members, and stakeholders have invested in creating a vision for the future of Friendship Heights. Within

the Sector Plan, CCLC owns several significant properties, including the former Saks Fifth Avenue, the collection at Chevy Chase, and 2 Wisconsin Circle.

As you can see in this neighborhood context image, our holdings include the entire eastern section of the plan boundary off Wisconsin Avenue. As a single owner controlling over 20 acres, we have the opportunity to create a cohesive master plan with a thoughtful consideration for walkability, open space, public engagement, and numerous uses to support the broader community. Today, we are very excited about this Sector Plan.

We think the timing is right, the market is evolving, consumer preferences are changing, and the region is increasingly focused on creating walkable mixed-use urban environments. This is the moment to position Friendship Heights for the next generation. Our assumption is that the next time a Sector Plan is done for Friendship Heights, it will be close to, if not beyond, the year 2050, making this plan extraordinarily important for the rebirth of Friendship Heights.

Our vision is to transform our properties into dynamic mixed-use destinations that bring new residents, new businesses, new investment, and a renewed energy to Friendship Heights while enhancing the public realm and strengthening the tax base. The working draft comes very close to capturing that vision, however, there are several key areas that need further refinement. Today, you'll hear testimony regarding our view on meaningful open space, our belief that the existing 45-degree angular plane accommodates and accomplishes proper height transitions, the impact of minimum setbacks, having meaningful building heights along Wisconsin Avenue and at 2 Wisconsin Circle, and finally, defining 2 Wisconsin Circle as mixed-use, allowing flexibility to create a meaningful gateway to Montgomery County from Washington, D.C. We believe that these changes are 100% aligned with the Sector Plan's stated primary goals of bringing more people and activity to Friendship Heights via new housing developments and expanded community amenities, enhancing existing connections and creating safer ways for people to walk, bike, or ride between Friendship Heights and the surrounding areas, strengthening the Wisconsin Avenue corridor as a center of activity with opportunities for economic growth, and providing new experiences for social connection, activity, and respite in parks and public spaces throughout the plan area.

Most importantly, this Sector Plan must create the conditions necessary for investment to occur. Friendship Heights is one of the most important commercial districts in Montgomery County. To reach its full potential, the plan must provide flexibility, encourage development, and allow property owners to have market conditions and flexibility over time.

If we do that, we believe we can create a stronger, more vibrant, and more economically resilient Friendship Heights for generations to come. Thank you. Good afternoon, everyone.

My name is J.J. Rivers. I'm principal and co-managing director of Gensler in our Washington, D.C. office. First, I'd like to commend staff on some amazing work done to date so far to shape the Friendship Heights Sector Plan.

You know, we've had the privilege of working on very transformational urban redevelopment projects here in the DMV and all across the country, and we know the amount of effort it takes to create amazing spaces. So, we've been working with CCLC to study the redevelopment potential and possibilities of their land on the eastern side of

Wisconsin Avenue. And before drawing a single line, we spent time engaging with different stakeholders to really understand what is missing in Friendship Heights today, and what will attract future tenants, residents, and visitors for years to come.

At a high level, we envision a dynamic site with three distinct zones that differ in character and activity levels, from the vibrant, mixed-use location near the metro, to a more residential place to the north. But to achieve this vision over the next 20 years, the Sector Plan must not be overly prescriptive so that the design can evolve to different market conditions, tastes, and trends. First, with so many different open spaces and options in the area, we feel strongly that the plan should not dictate the location nor minimum sizes of the green spaces.

Rather, the language should establish functional requirements and allow the sizes and locations to be determined through the site planning process. This is to really ensure a holistic design effort and approach similar to so many master plans that we've done all across the country. Now, within a five-minute walking radius of the CCLC property, there are approximately seven acres of park and open space, and this includes the 1.9 acres Western Grove Park, truly an underutilized amenity today.

This is where setting the performance of the open space rather than the placement is key. Next slide. We must have the freedom to compare open space characteristics that exist today and will exist tomorrow with the eventual building designs to ensure light, air, resiliency, and movement are all key so that experience and activity can reign true.

Now, this will allow us to better connect to some of the existing amenities like the Western Grove Urban Park that is currently underutilized. Second, we believe that the treatment of the 45-degree angular plane and height transitions should be paid more attention to, especially since staff is recommending standards in excess of those required by the existing zoning ordinance. After careful study, the existing 45-degree angular compatibility plane provides the best path to ensuring a variety of building activity and experiences while maintaining appropriate transition heights to the adjacent neighborhoods.

Now, the standards in excess of those required by the zoning ordinance do little to actually increase compatibility. The 45 and 60-foot max height restriction significantly impacts what ultimately can be built upon the site, negatively resulting in the activity and the vibrancy that we all want, including density loss. Now, when compared to staff's proposal, the existing angular plane as seen by the thick blue line in this diagram results in a similar condition as staff's proposal as seen in the thinner blue line.

Yet, the existing angular plane creates much more efficient and plannable multifamily and affordable residential construction. And while staff's proposal currently allows the same number of floors along Belmont, it results in inefficient single-loaded corridors that ultimately are not viable. The orange hatching shown here shows the approximate loss of potential housing opportunities, and this is significant.

I would also like to point out that on the left side of this diagram, that complete streets requires approximately 20-foot deep setback along Wisconsin Avenue, which restricts an already narrow site of the CCO property and actually constrains the property both on the eastern and western side, with staff's recommendation for an undefined setback from the

curve along Belmont to accommodate a double row of trees. Now, to lessen the impact and loss of what we're showing here, we propose increasing the maximum height along Wisconsin Avenue for the entire staff's proposal to 150 feet, and this is also more in line with keeping the existing heights along the western side of Wisconsin Avenue to create a better experience along that street. Next slide.

Taking a closer look at the Belmont Avenue condition, there is significant space between the curb and the CCLC property line already. The double row of trees staff proposes can already be accommodated partially within the public right-of-way and partially within the setback. What is on screen shows a similar visual experience between staff's recommendation on the left and the existing condition on the right.

However, as I mentioned, the difference is the loss of housing opportunities as previously mentioned with staff's recommendation. Given the visual experiences are so similar, we feel strongly that the existing zoning ordinance should be maintained. Next slide.

Lastly, we study the transition along the collection edge towards Western Avenue. As shown in this section, much of the CCLC property site sits significantly below the residential neighborhoods to the northeast. Consistent with other areas on the site, staff's proposal reduced development and housing opportunities up to 16 percent, causing extreme hardship for the development and again that vibrancy and activation that we all want.

In closing, the Gensler team feels very encouraged with the direction of the sector plan and we look forward to continuing the work together to make sure that Friendship Heights has a transformational project that benefits all. Good afternoon. I'm Josh Sloan, a partner with Leica Maryland, Director of Planning and Landscape Architecture.

I'll be expanding on a couple technical points for your consideration. I'd like to start by reiterating that the angular plane standards were written into the zoning ordinance to build in an objective form-based measure of compatibility that is not captured by typical zoning standards. This codified restriction ensures that there are no unsuitably tall building walls adjacent to detached residential homes and that access to light and air is preserved.

This is especially true when properties are separated by a right-of-way as in this case. As my colleagues have pointed out, when implementing the existing code standard, an appropriate transition will still be provided, leaving space for architectural and landscape details that will maintain a harmonious residential streetscape. For these reasons, we support the inclusion of the double row of trees along Belmont Avenue to create a green corridor but with the compatibility standards as defined in the existing zoning ordinance.

The ordinance states, Section 418B2B, when the subject property confronts a property in a residential detached zone that is improved with residential uses, any structure may not protrude beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed for a detached house in the confronting zone at the front or side street setback line determined under Article 59-4. This existing height restriction is sufficient to maintain compatibility between the CCLC property and the neighborhood. Establishing a restriction in excess of this requirement could undoubtedly create an unnecessary and undesirable precedent for future plans.

Turning to the proposed setback along the eastern boundary, the Belmont Buffer Park provides a beautiful, linear open space that is 60 feet wide and generally sits above the elevation of the CCLC property. The current draft sector plan recommends a setback of 20 feet along this park in combination with the additional dedication of land along Wisconsin Avenue to provide the required complete streets elements. This additional 20-foot setback squeezes the potential development envelope.

Although a minor request, we would like to reduce this recommendation to 15 feet, which allows room for bays, stoops, a small yard, and additional plantings to complement the Belmont Buffer Park. The request is tied to the building options available under the angular plane to create, for example, townhouse-like fronts along Park and Belmont Avenue. Finally, I would like to turn to the specific zoning of 2 Wisconsin Circle.

During the visioning process that the CCL team has undergone, the question of how to redevelop 2 Wisconsin Circle posed many complex challenges. First, any redevelopment will likely have to address the bus terminal and WMATA facility requirements, including an open, light-filled, safe ground floor that requires tall ceilings. Thus, a significant portion of the ground floor will not be a usable floor area, and extra height is required to make up this deficit.

Luckily, the site sits approximately 50 feet below the southern portion of Chevy Chase Village near the Belmont Buffer Park. We believe a height of 300 feet on top of the metro station is more appropriate. This will allow for flexibility to create a true gateway feature when entering Maryland from the District of Columbia.

300 feet is very much in line with heights in other central business districts as well as what can be achieved in North Bethesda-White Flint. Second, we anticipate that any redevelopment of the 2 Wisconsin Circle right-of-way will require abandonment and reorientation of the Wisconsin Circle right-of-way. The standard zoning of abandoned rights-of-way split at the centerline, each side taking on the abutting zoning.

But while it is not typical to zone rights-of-way, this strategy has been used in unique circumstances in other sector plans where the same owner dedicated the entire right-of-way and controls the properties on both sides. This is allowed under Section 22482, which states that zone boundaries within rights-of-way, previously dedicated by plat or other method of subdivision, can be included in map amendments for density purposes. Rights-of-way included in a map amendment boundary assume the new zoning assigned in the map amendment.

Given the probable redevelopment scenarios for this unusually shaped parcel and right-of-way, we believe this is one such case. To accommodate potential reorientation or expansion of the WMATA bus terminal and implement a more urban grid pattern and workable building footprint without a split zone type designation, we request zoning the entire Wisconsin Circle right-of-way, the same as the two Wisconsin Avenue building parcel, and both with a 300-foot limit, CR5-C5R5-H300, as shown on Area 4 in blue in our exhibit. I'll conclude by noting that this sector plan is the first step guiding future development, and that any redevelopment of the CCLC properties will undergo significant public review through later sketch plan, design advisory panel, and site plan scrutiny.

Thus, the requests proposed by our team, while modifying certain limitations, retain a solid regulatory framework allowing us to bring forward a design that will serve the purposes of the plan and maintain a harmonious relationship with our neighbors. Good afternoon. My name is Stephen Robbins of Lurcher Land Brewer, and I represent CCLC.

First, I'd like to commend the planning staff for their thoughtful work on the plan and thank them for their efforts. We agree with staff's recommendation to eliminate the Chevy Chase neighborhood retail overlay zone as part of the plan. That overlay has outlived its usefulness, constrained flexibility, and limited redevelopment opportunities.

Staff recommends creating a new Friendship Heights overlay zone to advance the sector plan's goals and provide a mechanism to achieve additional density in exchange for public benefits. The overlay is similar to those established in Bethesda and Silver Spring. The overlay should be designed to encourage reinvestment, redevelopment, housing production, commercial development, and public benefits.

It should not call for height or transition restrictions beyond what the zoning ordinance already accomplishes through its compatibility provisions that Mr. Sloan was referring to, provisions that were heavily vetted by the council and the planning board when the CR zone was enacted. We also need to ensure that the overlay zones recommended excel to build density above the map density will enable an applicant to achieve the density necessary to establish the map heights by providing reasonable and realistic public amenities that do not hinder a project's economic viability or render the densities unachievable. Simply stated, the overlay should ensure that the designated opportunity sites, such as CCLC's properties, can reach their potential and satisfy the plan's visions.

I would like to summarize some of the land use and implementation considerations that we have raised. Again, use the existing 45 degree angular plane standard in the zoning ordinance to address compatibility rather than imposing more restrictive standards. For the northern portion of the Sachs parcel, increase the recommended height to 150 feet so the entire parcel is recommended at that height.

Again, the angular plane analysis addresses the height transitions nearest the neighborhood. Lower the proposed 20-foot setback along Belmont Park to 15 feet. The buffer is wide and very attractive.

Increase the recommended height at 2 Wisconsin circle to 300 feet to accommodate future transit infrastructure and to create the opportunity for a signature building adjacent to the metro station. I concur with Mr. Sloan that the zoning recommendation for the Wisconsin circle right of way in its entirety should mirror that of CCLC's two Wisconsin circle property. In the plan, do not specify minimum sizes or exact locations for public open space.

Address the functional requirements for these spaces but let the design and development approval process determine them. Avoid being overly prescriptive. And last, ensure that environmental recommendations, particularly those regarding green cover and tree canopy, remain achievable, practical, and balanced.

Endorsing these modifications we propose can unlock significant housing production, including affordable housing, which is lacking today, and support commercial and

entertainment development, public amenities, open space, and transportation and environmental enhancements in Friendship Heights. More residents means more activity, more customers, and a stronger foundation for the vibrant mixed-use environment envisioned through this planning process. Thank you very much.

Thank you so much for your presentations. We'll now go, we have two, three teams' presentations. Josh Silver, P.A. Brown, and Rod Juan Chaudhary.

We'll start with Josh Silver. You have three minutes, sir. Hi, good afternoon.

My name is Josh Silver and I live in Merrimack Park in Bethesda, about two miles away from Friendship Heights. And I grew up in Bethesda and I've lived in Merrimack Park for 26 years. So Friendship Heights I'm very familiar with and I think it's important for Friendship Heights to be a jewel and to be something that is attractive and people like to go to.

First, I'm going to address housing and the need for affordable housing and that allows a diversity of people to live there. We need teachers, police officers to be able to live in Montgomery County. Oftentimes they do not, they cannot afford it.

We need to provide starter homes for our children. Our children are being priced out of Montgomery County. I looked at the draft plan and I noticed that there were 4,000 apartment units and only 28 of them are under the moderately priced dwelling unit program.

We really need to increase this. I want to go above the minimum percentages that are required. I believe it's 12%.

I want to see 15%. I want to see 18%. We become a more vibrant community when we are a more diverse community, when the teacher and the janitor is living next to the lawyer.

I just think it's a more interesting and exciting place. And yes, I'm going to say we need more people of color in Friendship Heights and this part of Montgomery County. I am an expert in the Community Reinvestment Act, which requires banks to serve all communities, including low and moderate income households and low and moderate income communities.

And I think that the Montgomery County Planning Board and the Housing Department should work with banks, should encourage banks to finance affordable housing for low and moderate income people in Friendship Heights to provide opportunities and living in an integrated community that would look good on bank's CRA exams. The County also mentions, I'm sorry, the Planning Board mentions the commercial and residential expedited plan to try to use that. I encourage that.

And also think about the low income housing tax credit. I have bicycled from home to my work for more than 20 years. Sometimes I come back from the Metro on Friendship Heights, particularly on rainy summer nights.

It is not safe to ride your bike down Willard Avenue. I support the idea of much better bike lanes. I also support the need for community theater, for libraries.

We need a new movie theater. We need a pharmacy. We need a library.

And last but not least, think about child care centers. That's probably desperately needed. Let's indeed make Friendship Heights more vibrant than it was before COVID.

COVID really dealt a blow to Friendship Heights, and we need to revitalize it to make it a vibrant and diverse community. Thank you so much. And thank you so much.

Next is P.A. Brown. Good afternoon, Mr. Chairman. Thank you.

My name is P.A. Brown. Since the last sector plan, there have been many changes in Friendship Heights. There's been a loss of retail.

Steep rents have led to a loss of some residents, including our own family, after 18 years of living in Friendship Heights. The number of office professionals has shrunk considerably. The health care sector is vibrant, although many of the staff are low wage.

Meanwhile, neighboring MCPS elementary schools are now under capacity, a trend that is forecast to worsen as the surrounding population ages and as younger families have been priced out of the area. The draft sector plan offers a thoughtful pathway forward to a more dynamic urban space that would provide more housing with some additional density. I very strongly support it.

Still, I do believe that the draft remains too modest in its height allowances along Wisconsin Avenue and Friendship Boulevard, two locations where tall residential towers seem appropriate. That has worked around the Bethesda metro station, and it could work immediately around Friendship Heights. I know greater density is controversial.

Some resist change, but without it, we would never have had the village of Friendship Heights' own evolution in the 1960s from a community of small family homes to large multifamily apartment buildings. Greater density around a metro station is logical and financially prudent, given more residents will boost ridership and fare revenue. More residents also means more tax revenue for the county at a time when the fiscal outlook is very, very challenging.

We won't have vibrancy without more people. The draft proposals on this streetscape are excellent, including improved pedestrian and bicycle infrastructure, providing better balance and equity among various modes of transport. As a bus patron, I support the BRT recommendation.

I do want to end by commenting on the importance of history, something that has not been mentioned so far. A special aspect that planners and the board need to keep in mind is the history of injustice at the sites on the eastern side of Wisconsin Avenue, those sites that Chevy Chase Land control. I refer, of course, to the Jim Crow era erasure of the Belmont Syndicate development.

What could have been a dynamic neighborhood was crushed at its outset. We owe it to the Belmont founders to consider the importance of opportunity and openness to change, progress, and growth, exactly what they were denied. It's encouraging to hear Chevy Chase Land argue for changes that would provide more density and more housing.

Those are welcome. Thank you very much, board and Mr. Chairman, for your work and your leadership. Thank you.

Thank you, Mr. Brown. So this ends all that was on my list. If I missed someone, please raise your hand.

If not, this is the first of two public hearings on this topic. The second one will be on Monday at 3.30. I'm sorry. Oh, I'm sorry.

Did I miss one? Oh, okay. Mr. Chowdhury, are you there? Yes, Mr. Harris. I'm sorry.

I was good. I was almost going to end. So sorry about that.

Yeah, please. You have, yeah, you have three minutes. Good afternoon, Mr. Harris and the member of the planning board.

My name is Radwan Chowdhury. I appear before you today as a resident and the community member and advocate on behalf of Friendship Heights and in greater Montgomery County. As someone who has publicly campaigned on the foundational principle that our government must never act at the expense of its residents, I approach this Friendship Heights sector plan update with a simple and a simple ask that our citizens must always be our first and utmost responsibility.

Friendship Heights is a critical crossroad, both geographically and economically. Over the past two decades, we have watched our neighborhoods transition from a world-class regional retail destination to an area marked by commercial vacancies, aging infrastructure, and shifting demographics and a fiscal strike. But growth that compromises the quality of life, peace, and the equity of the people already living here is not progress.

It is a failure and a stewardship. Economic optimization and residents' well-being are not mutually exclusive. In fact, sustainable economic growth requires prioritizing the existing community.

As you consider the zoning proposal, increased density recommendations and broader transit oriented goals outlined in the public hearing draft, I ask the board to ensure a few things that are outlined below. Protect the neighborhood, charter, and livability. Density must be connected where infrastructure can naturally and mutually absorb it, specifically along the primary commercial of Wisconsin Avenue.

Increased building heights and a high-density mixed-use zoning must feature a soft transition and a robust process to safeguard neighborhoods and residential communities such as the Village of Friendship Heights and nearby single-family neighborhoods from intrusive shadow lines, noise, and the traffic spillover. To mitigate traffic and infrastructure strain, transitioning to a modern transit-oriented district cannot mean penalizing current residents that already exist with a vehicle gridlock around local parks. Any proposed development must be explicitly contingent to current infrastructure investment.

Enhanced pedestrian safety, preserved green space like Willard Avenue Neighborhoods Park, and rigorous traffic mitigation strategy. Capture economic value in the community.

Commercialization and the new development must deliver tangible direct benefit to our residents.

Meaningful continuous resident engagement. Master planning is not a one-time approval. It is an ongoing partnership as major projects move forward such as the development of the former Geico site.

This local civic association and resident must have a permanent structure at the site. Thank you so much for your time. Thank you for your testimony.

I mean before I have I missed anyone? Would planning like to have any final remarks? Okay if none this is as I said this is part one of two public hearings on this subject. The next will be on Monday from 3 30 to 7 30 at the I mean four okay four I'm sorry four to seven around seven at the Bethesda Chevy Chase Regional Services Center. So thank you all for coming out.

We really as I said again we really appreciate public testimony. Thank you and this ends our planning board meeting for today. Thank you.