

MINUTES OF THE JOINT LAND USE/LONG RANGE PLANNING COMMITTEE MEETING 10-4-2021

The meeting was called for 7 pm on Zoom. Present were Dedun Ingram, chair; Tom Collins, Kathy Flaxman, Sybil Freeman, Jay Kelly, Tandra Leonard, Mark Patterson, Joe Rubin, Steve Seidel, Stuart Sessions, Adele Waugaman; and Ellen Cornelius Ericson and Irene Lane, Council liaisons.

Chair Dedun Ingram called the meeting to order at 7:03 pm. No members of the public were present.

Thrive Montgomery 2050/Attainable Housing: Dedun reported that the County Planning Board and the Planning, Housing, and Economic Development (PHED) committee are still looking at these. The County's Office of Management and Budget has estimated the cost of implementing Thrive to be \$8.16 billion with revenues of only about \$200+ million (OMB had to make a lot of assumptions). Both the Planning Board and the PHED rejected OMB's analysis, saying that Thrive is "just a vision, no one expects it all to happen, only what will fit in the County's budget will happen, so the estimate is pointless. The PHED, despite requests by the Coalition and others did not remove the language from Thrive that tosses out the concept of compatibility. The Department of Transportation noted that Thrive, as written, sounds very anti-car and some stated goals are incompatible with county policies and regulations regarding traffic flow, parking etc. Planning denied that Thrive is anti-car but the wording of some of the goals DOT objected to were modified.

The next Planning Board Attainable Housing work session (October 7) will look at the Attainable Housing Optional Method of development (AHOM). The recommendation currently is to apply this to properties abutting BRT routes and Connecticut Ave. and River Road. Planning appears to have dropped their proposal to allow AHOM on lots within 300 feet of a commercial property. However, starting with a covered property, adjoining properties could be strung together which could bring an AHOM development deep into a neighborhood. The purpose of the Optional Method is to allow larger structures (townhouses, small [<20 units] apartment buildings, cottage courts). Planning is working on the development standards for AHOM, so far proposed setbacks are smaller than those for by right housing in the zones. There will be one more wrap-up meeting, then a final meeting to present the final Zoning Text Amendment.

Irene noted that Thrive and Attainable Housing information has been communicated to Town residents via the Town Crier, but she would like to know if it is getting through, and if not, any suggestions about how to improve communication.

Minutes of the September 14 meeting: Tom moved to approved as circulated. Seconded, passed.

Chevy Chase Library: The county is proposing to replace the Chevy Chase library with a multi-story building with the library on the first floor and residential uses on the upper floors. This would be accomplished through a public-private partnership with the County providing the

land. Three developers responded to a Request for Proposals some time ago, but everything was delayed by the pandemic. The project appears to be moving again as information sessions have been scheduled.

Farm Women's Market and potential Town contribution: Dedun noted that there was a presentation to Town residents on September 20 and that at the end, Mayor Barney Rush addressed the issue of funding from the Town.

Funding for the undergrounding of the parking spaces and creation of the parks needs to be worked out now because EYA/Bernstein want to present plans for their residential building to the Planning Board in January/February of next year. The funding would need to be in place by then or they will revert to the original plan which only call for a building at 7121 Wisconsin and refurbishment of the Farm Women's Market building. The Town Council has received comments from residents with most in support of the Town contributing to development of the parks and some in opposition.

Dedun asked committee members whether they thought that the project had benefits for the Town and whether that would make it worth making a financial contribution. The committee should assume that any Town contribution would come with conditions; --what should those be?

The committee agreed that having parks on Lots 10 and 24 would be highly beneficial for the Town, even though the parks would not be ours. There are huge buildings going up along Wisconsin and Lots 10 and 24 are the only substantial open space left in the area. The parks may have the greatest benefit for Bethesda residents, but will no doubt be used by Town residents and will be useful as a buffer (just as Elm Street Park has been all these years). And this would be a far preferable outcome to 9-10 story buildings on the lots with just a narrow greenway along 46th St. The committee further agreed that if the Town must contribute in order to make this happen, some level of contribution seems warranted. One member commented that he thought it would show leadership for the Town to contribute.

There was discussion about the cost of undergrounding the parking and developing the parks and the level of the Bernstein/EYA contribution and possibility of nearby businesses contributing. The committee was reminded that the Town originally supported undergrounding all 300+ spaces as many Town residents were concerned about adequate parking in the area for nearby businesses and the expanded Farm Women's Market retail. The Bethesda Parking District also originally wanted to underground all 300+ spaces, but post-Covid has proposed undergrounding only 200 spaces, but is presently doing a study to determine the final number of spaces needed. At \$65,000/space, the number of spaces undergrounded has a big impact on the total cost of the project. Some members suggested that given the available parking in both Lots 10 and 24 these days and the lot under the Flats, the Town should not push for a particular number of spaces, the fewer the better, and if nearby businesses want the parking spaces they should contribute. Undergrounding zero spaces is not an option. The final number will be determined by the Parking District.

The estimated cost for undergrounding 200 spaces and developing the parks on both lots is around \$24-\$27 million. With Bernstein/EYA kicking in \$7 million (the assessed value of the portion of Lot 24 they are using), this leaves a shortfall of \$17-20 million. Some members thought that Bernstein/EYA should be putting in more money – were reminded that they had originally proposed larger buildings to cover the costs of the whole project but had scaled back because the community and County Executive thought this left too little park space on the two lots. The Parking District had been going to issue bonds to cover the shortfall, but due to Covid, cannot do that now. As for how much the Town should contribute, members thought a contribution would need to be in the millions but did not want to see the Town's reserves overly depleted and thought funds needed to be retained for any possible use on the 4-H site. One member stated that the source of the funds in the reserves (some are from an error the state made in distributing income tax revenues years ago) should not affect their use. It was stated that if the Town made a meaningful contribution, perhaps others would follow. One member suggested that we estimate how many people will be living within a 15-minute walk of the park and what percentage of these would be Town residents and use this to help guide the size of a contribution. The committee thought that the county's contribution should be considerably larger than the Town's contribution, perhaps 3 to 4 times larger.

The committee discussed using the ARPA funds for stormwater management measures when developing the parks. We have been told that it is legal to use them for this purpose. Some members stated that the Town should not use all of the funds for this project – town residents have noted stormwater issues within the Town and some of the funds should be used to address them.

The committee thought any Town contribution should be tied to conditions and some guarantee that the Town has a say in how the parks are developed and managed. A charrette for Town residents to express their views is great, but how do we ensure that ideas from it are actually implemented. Also, it is probable that not all residents will get the amenities in the parks that they want.

Stormwater management: Kickoff discussion. The Committee has been asked to consider two issues:

1. Current stormwater management regulations say that if a project adds more than 700 square feet of impervious surface area, a stormwater management plan (which usually involves installation of a stormwater management system) is required. But after two years this is reset, and one can add up to an additional 700 square **feet of impervious area without** a stormwater management plan. Should this grace period be lengthened? Some other approach taken.
2. Impervious surfaces in rear yards: Currently we do not control these, only in the front yard. Should we consider limiting impervious surfaces in the rear? One concern is that if multi-family housing is approved, it could lead to increased rear-yard impervious surfaces for parking and exacerbated stormwater run-off problems. If we limit rear yard impervious surface area, what would be a reasonable number? [for context, front-yard

limit is 35% impervious, but rear yards often contain a garage/tool shed or a detached ADU.]

Committee discussion: With respect to (1), why wouldn't the requirement to have a stormwater management plan be triggered by a cumulative increase in impervious surface area? One reason behind this was to be fairer to people in smaller houses, to allow them to expand without the expense of a stormwater management plan.

The committee wondered if there has been "abuse" of the reset with people strategically breaking up their projects in order to avoid having to install a system. Even without abuse, repeated projects could have a cumulative impact on stormwater runoff from a property which might support modifying the reset rule. It was suggested that there is a case to be made for expanding stormwater concerns beyond new construction to retrofitting on properties which are demonstrably causing problems for their neighbors. Suggested that carrots as well as sticks can be used (e.g., promote rain gardens). This is a broader issue than just requirements that click in at a level of new development. We may want to get technical assistance from the county though it has somewhat different goals for stormwater management.

Committee business: Dedun asked whether members of this committee wanted to try meeting in person. Committee members indicated a preference to continue meeting remotely.

The meeting adjourned at 8:30 pm.

Next meeting is Monday, November 1.