


September 17, 2010

REQUEST FOR RECONSIDERATION**MEMORANDUM**

TO: Montgomery County Planning Board

FROM: Christina Sorrento, Associate General Counsel 
301-495-4646

RE: Reconsideration Request for Glenmont Station Parking Garage,
Forest Conservation Plan No. MR1994002

With this memorandum we forward for the Board's review a request for reconsideration of the amendment to the Glenmont Station parking garage Forest Conservation Plan approval filed by David Brown, Esq, on behalf of the Glenmont Civic Association, Inc. and Michael McAtter. Although the amendment to the Forest Conservation Plan was considered in conjunction with a mandatory referral, this reconsideration request is limited to the Board's approval of the amendment to the Forest Conservation Plan.

I. BACKGROUND

On April 8, 2010, the Planning Board voted to approve an amendment to the Glenmont Station parking garage Forest Conservation Plan ("Amendment" or "Forest Conservation Plan") with a vote of 3-1 with Commissioners Dreyfuss, Wells-Harley, and Hanson voting in favor and Commissioner Alfandre opposed. Commissioner Presley was absent from the hearing. The Resolution memorializing the Board's approval was mailed on April 28, 2010 and is attached as Attachment 1.

The Forest Conservation Plan application was made in conjunction with a mandatory referral review by the Planning Board for the construction of the Glenmont Station Parking Garage. It is important to note that the Planning Board held a prior mandatory referral hearing on site selection in April 2006 to determine whether the

garage would be more appropriately located on the east side or the west side of Georgia Avenue. The Planning Board recommended that the garage be located on the east side, but contrary to that recommendation, the County Council funded the project for construction on the west side. However, this reconsideration request is limited to the Forest Conservation Plan, which is a separate and distinct action by the Board,¹ and whether the Planning Board's approval of the Amendment meets the requirements of Section 22A of the Montgomery County Code.

The Forest Conservation Plan was an amendment to a previously approved Forest Conservation Plan that required 2.63 acres of onsite forest retention and planting. The Amendment retains 1.54 acres of forest onsite resulting in a 1.09 acre reduction of protected onsite forest. This reduction in forest is a result of the parking garage project at hand and a previous "Kiss and Ride" facility that was added after the original Forest Conservation Plan was approved. Since the reduction in forest eliminates forest that was originally approved by the Planning Board to be retained, the mitigation required is at a rate of 2 acres of forest planting for every 1 acre of onsite forest that is removed. The 2:1 ratio is the minimum mitigation amount acceptable under Chapter 22A of the Montgomery County Code for removal of forest that was previously designated to be retained on a Forest Conservation Plan.

The Amendment also required a variance under State law² for impacts made to 7 trees that are 30" diameter at breast height or greater. The Planning Board found that the Amendment met the requirements for the variance and granted the variance as part of approving the Amendment to the Forest Conservation Plan.

On May 7, 2010, Mr. Brown filed a request for reconsideration of the Forest Conservation Plan resolution, which is attached as Attachment 2. The grounds cited by Mr. Brown for reconsideration are discussed below.

II. APPLICABLE RULES

A reconsideration request must "specify any alleged errors of fact or law and state fully all grounds for reconsideration because of mistake, inadvertence, surprise, fraud, or other good cause." The Board is responsible for determining if the grounds stated in support of the reconsideration request are sufficient to merit reconsideration.

Only a Board member who voted in the majority of the decision that is the subject of the request for reconsideration can move to reconsider the decision. And any motion to reconsider must be supported by a majority of the Board members who either

¹ The mandatory referral review by the Planning Board is advisory in nature. However, in accordance with Sec. 22A-11(e)(2) of the Montgomery County Code the Planning Board must consider the forest conservation plan, which is a regulatory approval when reviewing a mandatory referral application.

² Section 1607(c) of the Natural Resources Article, MD Ann. Code

participated in the previous decision or read the record on which it was based. Therefore, in this case, Commissioners Dreyfuss and Wells-Harley are eligible to move for reconsideration, and if a motion is made, in order for Commissioners Carrier and Presley to participate in deciding whether to reconsider the case, they must first review the hearing. If there is no motion for reconsideration, the request for reconsideration is denied.

III. RECONSIDERATION REQUEST

In his request for reconsideration, Mr. Brown's primary argument stems from his allegation that the April 2006 hearing on the site selection for the Glenmont Station parking garage was mischaracterized as a mandatory referral because it was not noticed accordingly on the Board's agenda. And as a result, the Board was lead to believe that the garage location could not be adjusted in its deliberation of the Forest Conservation Plan. Mr. Brown contends that had the Board not viewed the April 2006 hearing as a mandatory referral site selection, the Board members would have been free to consider the east side of Georgia Avenue as an alternative location for the garage in order to further protect the forest. Mr. Brown asserts that without the mischaracterization of the April 2006 hearing, the Board would have held WMATA to a higher standard to protect the forest and change the proposed location of the garage.

Based upon this reasoning, Mr. Brown requests a reconsideration of the Planning Board's decision approving the Amendment for the Glenmont Station parking garage.

IV. RECOMMENDATION

The Legal Department does not believe there is any legal or factual deficiency in the Planning Board's action approving the Forest Conservation Plan for the Glenmont Station parking garage. The Board reviewed the Amendment and determined that it met all requirements of Chapter 22A of the Montgomery County Code.

Mr. Brown's justification for requesting reconsideration revolves around a hearing that occurred in 2006, and whether it qualified as a mandatory referral review. The Legal Department contends that this justification is irrelevant to the Board's decision to approve the Amendment to the Forest Conservation Plan. Under the provisions of mandatory referral review as set forth in Article 28 of the MD Ann. Code, §7-112, the body submitting a project for review by the Planning Board³ may, in its discretion, overrule a recommendation of the Board and proceed with the project. Therefore, the Planning Board's recommendation to locate the garage on the east side of Georgia Avenue was simply a recommendation that WMATA, and the County in its funding of the project, were not bound to follow. Since the 2006 hearing, the County Council has

³ The term "mandatory referral" is not used in the body of Article 28 of the MD Ann. Code, §7-112. The language in that provision merely requires that the proposed project be submitted to the Commission for review.

selected the west side as the location for the parking garage. Therefore, the Board limited its review of the Forest Conservation Plan to the application as it was submitted, with the parking garage located on the west side of Georgia Avenue.

However, if the Board determines that Mr. Brown's reconsideration request demonstrates that there was a mistake, inadvertence, surprise, or fraud in its earlier decision or that Mr. Brown has shown other good cause for reconsideration, the Board may grant the request and set a new hearing on the Forest Conservation Plan⁴.

IV. ATTACHMENTS

Attachment 1 – Planning Board Resolution dated April 28, 2010

Attachment 2 – Forest Conservation Plan reconsideration request dated May 7, 2010

⁴ Under Planning Board Rules of Procedure, if the Board votes to reconsider, the reconsidered Resolution is void, and the Chair must promptly schedule a public hearing. (Rules 4.12.2 and 4.12.3)

ATTACHMENT 1



MONTGOMERY COUNTY PLANNING BOARD
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APR 23 2010

MCPB No. 10-43
 Amendment to Forest Conservation Plan No. MR1994002
 Glenmont Station Parking Structure (MR2009737)
 Date of Hearing: April 8, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, Forest Conservation Plan No. MR1994002 ("FCP") was approved on July 16, 1993, which covered six sites used by Washington Metropolitan Transit Authority ("Applicant" or "WMATA"), including the Property (hereinafter defined), for the construction of the tunnel section of the Glenmont Metro line; and

WHEREAS, the portion of the FCP covering this Property, referred to as the Glenmont (METRO) Route - Phase 2 FCP Triangle Site required that 4.62 acres of forest cover existed on the Property (hereinafter defined), of which 2.14 acres of forest was required to be retained and 0.49 acres of on-site reforestation was required, thereby resulting in 2.63 acres of retained and planted forest protected on the Property; and

WHEREAS, on September 10, 2009, WMATA, filed an application for approval of an amendment to the approved FCP for the Glenmont (METRO) Route - Phase 2 FCP Triangle Site to construct the proposed Glenmont Parking Structure project on 10.27 acres of land owned by WMATA on the west side of Georgia Avenue, north of Urbana Drive ("Property" or "Subject Property"), in the Glenmont Transit Impact Area and Vicinity sector plan area ("Sector Plan"); and

WHEREAS, Applicant's forest conservation plan amendment application was designated Amendment to Forest Conservation Plan No. MR1994002, Glenmont Station Parking Structure ("Forest Conservation Plan Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum

Approved as to
 Legal Sufficiency

[Signature] 4/14/10

to the Planning Board, dated March 23, 2010, setting forth its analysis, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on April 8, 2010, the Planning Board held a public hearing on the Application (the "Hearing") during which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 8, 2010, the Planning Board approved the Forest Conservation Plan Amendment subject to certain conditions, on motion of Commissioner Norman Dreyfuss; seconded by Commissioner Marye Wells-Harley; with a vote of 3-1, Commissioners Norman Dreyfuss, Royce Hanson, and Marye Wells-Harley voting in favor, with Commissioner Joseph Alfandre opposed. Commissioner Amy Presley was absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Amendment to Forest Conservation Plan No. MR1994002 as to that portion of the FCP applicable to the Property, subject to the following conditions, which applicant must meet prior to issuance of sediment and erosion control permit(s):

1. Category I conservation easements must be placed over all areas of forest retention, tree save or tree planting areas, and wetlands and wetland buffers.
2. Conservation easements must be recorded in the land records prior to the start of clearing and grading.
3. Preliminary Forest Conservation Plan Amendment must be revised as follows:
 - a. Offsite mitigation shall include 2 acres of planted forest offsite for every acre of on-site forest loss.
 - b. Provide notes that the Final Forest Conservation Plan will include measures to enhance existing forest through removal of invasive species and plant supplemental native trees and shrubs within the forest to create a dense visual screen.
 - c. Remove the forest conservation worksheet.
 - d. Provide a note in the Forest Conservation Table that identifies that the approved forest conservation plan MR1994002 shows 4.62 acres of existing forest and that the current NRI/FSD (# 420092340) shows 2.3 acres of existing forest.
4. Final Forest Conservation Plan must include the following elements:
 - a. Supplemental planting within and around the forest must be determined in the field and must include native trees and shrubs.
 - b. Permanent signs to be placed along the boundary of the conservation easement.

- c. Five-year maintenance program for management of non-native invasive species and required supplemental forest plantings.
- d. Proposed location of forest bank to be submitted for review and approval by M-NCPPC Environmental Planning staff prior to start of clearing and grading.
- e. Specific tree protection measures to be shown.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

Preliminary Forest Conservation Plan MR1994002 required 2.63 acres of onsite forest retention and planting. The Amendment to Preliminary Forest Conservation Plan MR1994002 proposes to retain 1.54 acres of forest onsite. This is a reduction of 1.09 acres of protected onsite forest that was originally approved on the Property. With this Amendment to the Preliminary Forest Conservation Plan, given the access onto the Property and its alignment with Glenallen Road and the County's need to relocate fire station #18 located at Randolph Road and Georgia Avenue due to intersection improvements, the Planning Board found that the Applicant made reasonable efforts to minimize impact and protect the onsite forest through alternative design considerations and providing features that are compatible with forest conservation objectives.

The Applicant must enhance the preserved forest through the removal of invasive species and supplemental planting with native trees and shrubs to create a dense buffer from the adjoining single family home. A Category I conservation easement will be placed over the forest, including planted areas. Applicant must enter into a maintenance and management agreement to adequately maintain, manage and monitor the easement for five years to ensure forest establishment and protection.

The Amendment to Preliminary Forest Conservation Plan MR1994002 requires mitigation for the loss of onsite forest at the rate of 2 acres of planted forest for every acre of onsite forest that is cleared. The mitigation rate is consistent with what the Planning Board has approved for other cases where protected, onsite forests are proposed to be removed. The Planning Board recognizes that the offsite mitigation site may not be located in the same watershed as the Property.

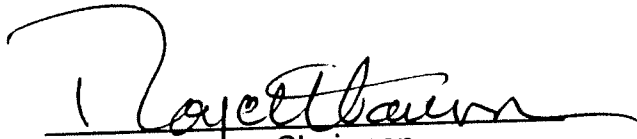
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 28 2010 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Wells-Harley, seconded by Commissioner Dreyfuss, with Commissioners Hanson, Wells-Harley, Alfandre, and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, April 22, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

ATTACHMENT 2

Coleman, Joyce

From: Wells-Harley, Marye
Sent: Thursday, May 06, 2010 3:22 PM
To: MCP-Chair
Subject: FW: Petition for Reconsideration Resolution No 10-43 (Resending - please use this version)
Attachments: Petition for Reconsideration Resolution 10-43.pdf; Stanley ltr 5 6 10.pdf

RECEIVED
0363
MAY 07 2010

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Joy Johnson[SMTP:JOY@KNOPF-BROWN.COM]
Sent: Thursday, May 06, 2010 3:17:06 PM
To: Hanson, Royce; Wells-Harley, Marye; Presley, Amy; Alfandre, Joe; Dreyfuss, Norman
Cc: brown@knopf-brown.com
Subject: Petition for Reconsideration Resolution No 10-43 (Resending - please use this version)
Auto forwarded by a Rule

Attached please find a copy of a letter to Rollin Stanley accompanied by a Petition for Reconsideration of the Resolution No. 10-43, dated April 28, 2010 regarding the Glenmont Metro Parking Garage Amendment to Forest Conservation Plan No. MR 1994002.

Sincerely yours,

Joy Johnson
Office Administrator

KNOPF & BROWN
401 E. Jefferson Street
Suite 206
Rockville, MD 20850
Phone (301) 545-6100
Fax (301) 545-6103
lawfirm@knopf-brown.com

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DAVID W. BROWN

May 6, 2010

Rollin Stanley, Planning Director
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: *Petition for Reconsideration*
Resolution No. 10-43, dated April 28, 2010
Glenmont Metro Parking Garage Amendment
To Forest Conservation Plan No. MR 1994002

Dear Director Stanley:

Enclosed please find an original Petition for Reconsideration for filing in the above-captioned matter on behalf of the Glenmont Civic Association, Inc.

Sincerely yours,


David W. Brown

/enclosure

cc: Planning Board President Royce Hanson Royce.hanson@mncppe-mc.org
Planning Board Commissioner Marye Wells-Harley
Marye.Wells-Harley@mncppe-mc.org
Planning Board Commissioner Amy Presley Amy.Presley@mncppe-mc.org
Planning Board Commissioner Joe Alfandre Joe.Alfandre@mncppe-mc.org
Planning Board Commissioner Norman Dreyfuss
norman.dreyfuss@mncppe-mc.org

IN THE PLANNING BOARD
MONTGOMERY COUNTY, MARYLAND

**In re Resolution No. 10-43 dated April 28, 2010
Glenmont Metro Parking Garage
Amendment to Forest Conservation Plan No. MR 1994002**

PETITION FOR RECONSIDERATION

Glenmont Civic Association, Inc. ("GCAI") and Michael McAtteer, individually, through undersigned counsel, pursuant to Rule 4.12.1 of the Board's Rules of Procedure, respectfully petition the Board for reconsideration of Resolution No. 10-43 (April 28, 2010) ("the Resolution"), approving an Amendment to Forest Conservation Plan No. MR 1994002 ("the Amendment"). Petitioners are Parties of Record in this proceeding, having testified in opposition at the April 8, 2010, hearing on the Amendment.

As detailed below, reconsideration is warranted because it is clear from the Board's deliberations that approval of the Amendment was materially influenced by significantly erroneous factual and legal claims made by staff and Board counsel during the April 8, 2010 hearing. Staff erroneously advised the Board that the Board's prior proceedings dealing with the subject property four years ago, on April 26, 2006, constituted a Mandatory Referral review of the proposed new Glenmont Metro parking garage for site location. Board counsel went along with this error. As a result, the Board regarded the garage location as immutable, thereby effectively excluding garage location adjustments, which should have been a key factor in evaluating the reasonableness of WMATA's efforts to minimize the Amendment's impact on forest protected under the original FCP. Staff's erroneous Mandatory Referral claims were made for the first time at the hearing, not in the staff report, and thus could not reasonably be anticipated for rebuttal at the hearing by petitioners.

STATEMENT OF FACTS

The facts pertinent to the motion are set out in detail in the accompanying Affidavit of Michael McAteer. He was a participant in the April 27, 2006 briefing whose nature was mischaracterized by staff during last month's hearing. Staff described the 2006 briefing as a "mandatory referral for site selection." McAteer Aff. ¶17. Petitioners took exception to this claim during the hearing, prompting Board counsel to opine that the 2006 briefing and the Board letter in consequence met all the requirements of State law for Mandatory Referral. *Id.* ¶18. The factual record, detailed by Mr. McAteer, refutes these claims.

The April 27, 2006 Briefing

Mr. McAteer details that the April 27, 2006 briefing was not denominated a Mandatory Referral hearing in the Board's agenda, even as other matters were so labeled. *Id.* ¶9. In addition, under the Board's Uniform Standards for Mandatory Referral Review ("Standards"), the Board was obliged to notify the Glenmont Civic Association, Inc. ("GCAI") of the proceeding, but failed to do so. *Id.*, ¶¶4-7. There was also no Mandatory Referral application on file for Board review. *Id.* ¶13. In fact, the staff report for the briefing refers to Mandatory Referral as a future event, after submission of an NRI/FSD. *Id.* ¶14.

In terms of substance, Mr. McAteer details that no participant in the 2006 briefing – staff, Board or participants – characterized or treated it as a Mandatory Referral hearing. *Id.* ¶11. It was nothing more than a briefing to update the Board on specific garage location options being considered, at a time the County Council had not made a decision on its preferred location. *Id.* ¶12.

The result of the 2006 briefing was a Board decision to send a letter to the Chair of the County Council T&E Committee endorsing the east side garage option. Consistent with events at the briefing, that April 28, 2006 letter does not purport to be a Mandatory Referral advice letter. Id. ¶17.

Several months after the briefing, Chairman Hanson sent Mr. McAteer a letter referencing the April 2006 briefing that did not characterize it as a Mandatory Referral on site selection. Id. ¶16. Rather, like the April 2006 Staff Report, it described Mandatory Referral as an event to take place in the future. Id.

The April 8, 2010 Hearing and Subsequent Events

The Board's April 8, 2010 deliberations on the FCP Amendment came after staff had mischaracterized the 2006 briefing as a Mandatory Referral on site selection and after Board counsel had concluded that the briefing was the legal equivalent of a Mandatory Referral hearing. Many members of the Board, quite mindful of the Board's "reasonable efforts" standard for evaluating requests to amend forest conservation plans when the landowner wishes to decrease the amount of protected forest, expressed concern at the applicant's failure to explore the possibility of adjustment to the garage location. Those concerns, however, did not lead to denial of the Amendment, squarely raising the possibility that the Board was influenced by staff and Board counsel's characterization of the 2006 briefing as having effectively obviated the Board's Mandatory Referral opportunity to comment on the siting of the garage.

The Staff Report on the Amendment stated the following regarding the issue of garage location adjustments to minimize FCP impact:

Staff had recommended that the garage be shifted northwestward away from the existing homes and forest.

However, WMATA and the Montgomery County Department of transportation (DOT) have indicated that the northwestern portion of the site is reserved for the future Glenmont Fire Station.

Earlier submissions of the FCP Amendment did not show a layout for the fire station. After staff's repeated comments beginning in October 2009 to minimize forest loss, the applicant only recently submitted a FCP Amendment that showed a very conceptual layout for a fire station on the northwestern portion of the property. It should be noted that the fire station layout is so conceptual that a part of the proposed parking lot and entrance road from Georgia Avenue for the fire station lie outside the limits of disturbance line shown for that part of the site.

Staff Report on the Amendment 6 (March 23, 2010). During the hearing, the prospect of moving the garage northwestward into the area "reserved" for a relocated Glenmont Fire Station ("Station") was briefly discussed by the Board and with staff. The Chairman noted or agreed with others on the Board that relocation of the existing Station at Georgia Avenue and Randolph Road was currently not before the Board on Mandatory Referral and had not previously been the subject of Mandatory Referral.

Staff did not explain what was meant by the term "reserved," in relation to a proposal to relocate the Station to the WMATA Triangle Property. At the hearing DOT representative Gary Ehrenrich gave the Board the erroneous impression that the County has already made a decision to relocate the Station to the WMATA Triangle Property, when all that has actually happened is that a site selection committee, one without a GCAI representative, has recommended that site for the Station. McAteer Aff. ¶¶20-21. Six days after the Board's April 8, 2010 hearing, the Council President, at the request of the County Executive, introduced Bill No. 21-10, to authorize the "Glenmont FS 18 Replacement Project No. 450900," which is the legislative vehicle that, if enacted, will

fund replacement of the Station. Id. ¶22. Bill No. 21-10 will be the subject of a public hearing on June 15, 2010. Id. Bill No. 21-10 does not specify where the Station will be relocated. Id. Mr. McAteer has identified numerous factors that make it anything but a foregone conclusion that the Station will be relocated to the WMATA Triangle Property in the future. Id. ¶23.

ARGUMENT

I. STAFF MISTAKENLY CHARACTERIZED THE BOARD'S 2006 BRIEFING AS A MANDATORY REFERRAL ON SITE SELECTION FOR THE GLENMONT METRO PARKING GARAGE

The facts are compellingly clear that the April 2006 briefing conducted at the Board was, at that time, not regarded by the staff, Board or parties as a Mandatory Referral hearing for site selection, or evaluated as such by the Board. It is equally clear that the Board's procedural requirements for Mandatory Referral on site selection, as laid out in the Standards, were not followed in any respect. Hence, it was a clear mistake on fact for the staff, in the course of the April 8, 2010 hearing, to characterize the April 2006 briefing on garage location options as a Mandatory Referral proceeding on site selection.

II. BOARD COUNSEL MISTAKENLY CONCLUDED THAT THE APRIL 2006 BRIEFING AND RESULTING ADVICE LETTER WAS ADEQUATE COMPLIANCE WITH STATE LAW MANDATORY REFERRAL REQUIREMENTS

During the April 8, 2010 hearing the Chairman sought the advice of Board counsel on whether the April 2006 hearing was, as staff claimed, a Mandatory Referral on site selection. Counsel acknowledged that the proceeding was not denominated one for Mandatory Referral on the Board Hearing Agenda for that date, but opined that the

requirements of State law for Mandatory Referral were nevertheless met by the proceeding and resulting advice letter sent to County officials. McAteer Aff. ¶18.

Board counsel reached this conclusion despite the absence of any assessment of whether there had been compliance with the procedural requirements in the Standards or the significance of noncompliance with those requirements. *Id.* ¶19. Nor did Board counsel offer an opinion on, or discuss whether, in terms of all the matters that are to be considered during Mandatory Referral, the 2006 briefing effectively constituted a substantive evaluation of the DPWT-favored west side garage location. *Id.*

Counsel's advice was both factually and legally erroneous. As a matter of fact, since the Board and the parties never treated the 2006 briefing as a Mandatory Referral hearing, the legal conclusion that it was such a hearing is factually unsubstantiated. Further, the Mandatory Referral requirement is triggered by and is predicated on a pre-existing decision by the applicant to utilize a particular piece of property. It is not invoked while the applicant is evaluating multiple options for site location. In the case of the 2006 briefing, the Board decided to offer the Council an opinion which of two properties should be selected by the County. Unless and until that selection, there was no reason – or legal basis – for going through all the machinations of a Mandatory Referral, as the staff clearly recognized in its staff report on the briefing. *Id.* ¶14.

Last and not least, Board counsel ignored the following critical component of the Regional District Act, i.e., the State law prescribing Board review of Mandatory Referrals:

After appropriate public hearings, the Commission shall adopt uniform standards of review to be followed in reviewing changes to public property located in the regional district. The Commission shall publish a notice of

the adoption of the standards of review in one newspaper of record that is published in each county. The notice shall include a summary of the purpose of the standards and the review process. The notice also shall identify a location and a phone number to contact for a complete copy of the standards of review.

Art. 28, §7-112, Md. Code Ann. In compliance with this law, the Board adopted the Standards. Plainly, the Board is required to follow the Standards it adopts, if consistent with the nature and purpose of Mandatory Referral. Otherwise the State law requirement to promulgate decisional standards and procedures would be pointless. For this reason, the Court of Appeals has explicitly recognized a form of what is known in administrative law as the "Accardi Doctrine," based on United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954). Pollock v. Patuxent, 374 Md. 463, 823 A.2d 626 (2003). Under Pollock, the Board is obliged to observe the procedures it has established to adjudicate a matter, or the action is subject to legal challenge and may be overturned if the procedural failing deprives a party of important procedural benefits.

Accordingly, when the 2006 briefing is measured against the detailed requirements for informed review of Mandatory Referral applications in the Standards, Board counsel's efforts to recharacterize a four-year old event as something it never was nor intended to be is legally indefensible, both generally as a matter of administrative law, and specifically in terms of the requirements of the Regional District Act, Art. 28, §7-112, Md. Code Ann. Central to the Standards is the notification provisions that Mr. McAteer makes clear were not followed in convening and holding the 2006 briefing (McAteer Aff. ¶¶4-6):

Section V: Mandatory Referral Hearing and Notification

The Planning Board will conduct a hearing to receive community comments during its regularly scheduled sessions for all projects requiring a full review. The staff will notify the area civic associations when the project is accepted as a complete application and the 60-day clock starts. The notice will generally include, but may not be limited to, project name, applicant, location, a brief description, staff contact, and a tentative date of the Planning Board meeting at which public testimony will be taken. A final notice of the hearing will be published in the Planning Board's weekly agenda, which are available on the Internet at www.mc-mncppc.org.

McAteer Aff. Ex. 2 at 8.

III. THE BOARD SHOULD RECONSIDER ITS APPROVAL OF THE RESOLUTION

A. The Requirements For Reconsideration Have Been Met

Under Board Rule 4.12.1 petitioners are required to "enumerate and specify the alleged errors of fact or law" affecting the Board's decision, and show "good cause" for reconsideration, such as "mistake, in advertence, surprise [or] fraud."

In parts I and II, petitioners have shown both surprise and mistake. Petitioners were surprised by the claim, made for the first time in the course of the April 8, 2010 hearing, that the 2006 hearing was a Mandatory Referral on site selection. Further, petitioners have shown that this claim is mistaken, both as a matter of fact and as a matter of law.

B. Reconsideration Is Warranted Because the Mischaracterization of the 2006 Briefing Had a Material Effect on the Decision to Approve the Amendment, Warranting a Fresh Deliberation On a Corrected Record

In granting reconsideration, the Board does not have to be convinced it will issue a different decision after reconsideration; it need only be satisfied that the

errors of fact or law identified were material to the initial decision. Indeed, when the Board grants reconsideration, the ultimate outcome is not foreordained. Reconsideration voids the original resolution, Board Rule 4.12.2, requiring the Board to decide the matter anew after a hearing on the reconsidered matter. Board Rule 4.12.4. Hence, it is sufficient for petitioners to identify the materiality of the Board's mistake.

In this case, it is clear from the Board's deliberations that once it mistakenly believed that it had long ago provided the Council the duly prescribed Mandatory Referral advice on Glenmont Metro garage site selection, it was inappropriate to insist on any efforts by WMATA, reasonable or not, to adjust the location so as to minimize harm to forest already under FCP protection. Despite paying lip service to its established "reasonable efforts" standard in the Resolution, statements by Board members during the hearing disclosed the reality of understandable Board frustration at DOT/WMATA over their lack of flexibility regarding the garage location. This frustration, and the Board's failure to act on it, makes sense only if the Board regarded the garage location as fixed by a Council decision on garage location that followed a Mandatory Referral. It is only logical to conclude, therefore, that the Board may very well rethink its failure to hold WMATA to the legal standard it holds other FCP amendment applicants once its mistaken notion of a prior Mandatory Referral on site selection is expunged.


Further, should the Board grant reconsideration, it by all rights should be exceedingly skeptical of DOT/WMATA's efforts to rule a segment of the WMATA Triangle Property "off limits" for the purpose of adjusting the garage location so as to minimize destruction of protected forest – an adjustment explicitly urged by staff. As

detailed above, the rationale for WMATA's lack of accommodation in this respect is hoped-for expectation of a sale of a portion of the Property to the County for relocation of the Glenmont Fire Station. In a reconsideration hearing, Mr. McAteer can demonstrate, as summarized in his Affidavit (¶¶21-23), that no decision on relocation of that Station has been made. At the April 8, 2010 hearing, the Board clearly recognized that the future location of the Station was not a matter before it. It was also the clear sense of the Board that no private applicant for an FCP amendment proposing a significant reduction in FCP protection would likely ever be able to justify holding a portion of its FCP-protected property off limits in the "reasonable efforts" analysis on account of some future unrealized desire to sell, develop or otherwise segregate a portion of the FCP-protected site from the requirements of the Forest Conservation Law. In short, reconsideration will be a welcome opportunity for the Board to hold DOT/WMATA to the same "reasonable efforts" standard for FCP-protected forest that it applies to private developers.

CONCLUSION

For the foregoing reasons, the Board should grant reconsideration of its approval of the Amendment to Forest Conservation Plan No. MR 1994002, i.e., Resolution 10-43 (April 28, 2010).

Respectfully submitted,



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AFFIDAVIT OF MICHAEL MCATEER

1. I, Michael McAteer, am over eighteen years of age and competent to testify as to the matters set forth below.

2. This Affidavit is submitted in support of the Petition for Reconsideration, filed by me and the Glenmont Civic Association, Inc. ("GCAI"), of Montgomery County Planning Board ("Board") Resolution No. 10-43 (April 28, 2010), approving an Amendment to Forest Conservation Plan ("FCP") No. MR 1994002 ("Amendment").

3. Along with my wife, Laura McAteer, I am the owner of and reside in a home at 12407 Flack Street, Silver Spring, Maryland 20906. Our home is near the WMATA Triangle Property that is the subject of the FCP and the Amendment. We have lived here since 1985.

4. I am the President of GCAI. I was also the Vice-President of GCAI during all of March – April 2006. At that time, and continuously since, GCAI has been registered with the Board as a civic association representing the interests of residents of the Glenmont community, which is adjacent to the WMATA Triangle Property. I was the GCAI contact on file with the Board in March – April 2006, as now.

Mandatory Referral Notices

5. In connection with Mandatory Referral No. 09737-WMATA-1, heard by the Board in conjunction with the Amendment on April 8, 2010, I received (as GCAI President) a postcard notice of the hearing in the mail at home approximately

180 days before the hearing (originally scheduled for December 3, 2009). A true and accurate copy of this notice is attached as **Exhibit 1**.

6. On April 27, 2006, the Board conducted a public briefing on differing proposals to build a new Glenmont Metro Parking Garage – one proposal locating it on the east side of Georgia Avenue, and the other on the west side. Prior to that briefing, no notice of the Board proceeding was received by GCAI. GCAI was not otherwise provided a written notice of the proceeding by the Board, and I learned of it just a few hours before the briefing took place.

7. Attached as **Exhibit 2** is a true and accurate copy of relevant portions of the Board's Uniform Standards for Mandatory Referral Review (March 25, 2004), in effect as of March – April 2006 ("Standards"). Section V of the Standards required the Board, when conducting a mandatory referral hearing in 2006, where it is to receive community comments, to precede the hearing with notifications of the hearing to area civic associations.

8. In the current version of the Standards, updated as of January 2, 2008, the relevant notice provisions are unchanged from the 2004 version. **Exhibit 3**.

The April 27, 2006 Agenda

9. A true and accurate copy of the Board's April 27, 2006 Agenda is attached as **Exhibit 4**. On this Agenda, Items 10, 11 and 17 are explicitly listed as Mandatory Referral matters, and Item 16 is described as a Forest Conservation Plan for Mandatory Referral for Item 17. On this Agenda, Item 13, the Glenmont Metrorail Parking Garage is described as "Site Selection Recommendations;" it is not described as a Mandatory Referral item. By contrast, the Board's Agenda for April 8,

2010, Exhibit 5, includes in Item 4, Glenmont Station Parking Structure, the FCP Amendment as Item 4A, and, as Item 4B, "Mandatory Referral No. 09737-WMATA-1."

The April 27, 2006 "Briefing"

10. I attended and participated in the Board's "Site Selection Recommendations" briefing on April 27, 2006, on behalf of GCAI, though I did not learn of the briefing from any Board notice. I was there for the entirety of the proceeding, and recently listened to it all again, on the Board's website of archived proceedings.

11. At no point in the proceeding did the staff or any member of the Board refer to the April 27, 2006 proceeding as a Mandatory Referral hearing. Rather, both the staff and Mr. Gonzales for DPWT stated during the briefing that its primary purpose was to bring the Board up to date on the development of specific garage location options. The staff report for the hearing, Exhibit 6, describes the hearing as a "briefing" for the Board on the "parking structure project," and an opportunity for the Board to "transmit recommendations on the Project to the Montgomery County Council, DPWT and WMATA." Exhibit 6 at 3.

12. The gist of the proceeding was in fact a briefing on the two garage location options, on opposite sides of Georgia Avenue, followed by Board discussion of their relative merit and the formulation of a site recommendation by the Board. Mine was the only community input. At that point in time, no decision had been made by WMATA or the County Council regarding the two site location options. In

fact, WMATA had held a public hearing on the options in the evening of the preceding day, April 26, 2006. See Exhibit 6, Attachment No. 1.

13. I am familiar with the material provided to the Board and Board staff by DPWT/WMATA in connection with the April 27, 2006 briefing. It did not purport to be a mandatory referral application, and made no reference to compliance with all or any part of the 15 items specified as Submission Requirements in Section III of the Standards.

14. Similarly, the staff report did not evaluate the materials submitted from the perspective of compliance with the Standards' Section III Submission Requirements. In the one place where the staff report mentions the term "mandatory referral," it notes, in the Environmental Planning staff "preliminary comments on the alternatives under consideration," that "A NRI/FSD must be prepared and submitted to Environmental Planning staff for approval prior to a mandatory referral." "It is noted that staff will provide more detailed comments at the later stages of this project and at the time of a mandatory referral for a preferred alternative." Exhibit 6 at 10.

The April 8, 2010 Hearing

15. During the April 8, 2010 hearing on the Amendment and on Mandatory Referral, Items 4A and 4B, staff erroneously described the April 27, 2006 briefing as a "mandatory referral for site selection." This is a mischaracterization of the briefing that appears nowhere in the various staff reports prepared prior to and for the April 27, 2006 briefing. This mistake came as an unwelcome surprise to me and my

counsel, who objected to it on behalf of GCAI. I had no reason to believe staff would mischaracterize the nature of the April 27, 2006 briefing.

16. Following the submission of citizen testimony during the hearing, the Chairman asked Board legal counsel about our claim that the April 27, 2006 briefing had been mischaracterized. Counsel acknowledged that the Agenda for April 27, 2006 did not describe the Glenmont Parking Garage as a Mandatory Referral item, but opined that the requirements of state law for Mandatory Referral were nevertheless met by the proceeding and the resulting advice letter sent to County officials. A true and correct copy of the Board's April 28, 2006 advice letter to the Chair of the Council T & E Committee is attached as Exhibit 7. It does not purport to be Mandatory Referral advice.

17. In responding to the Chairman at the April 8, 2010 hearing regarding the nature of the April 27, 2006 proceeding, Board counsel did not discuss compliance with the procedural requirements in the Standards in 2006 or the significance of noncompliance with those requirements. Nor did Board counsel offer an opinion on, or otherwise discuss whether, in terms of all the matters to be considered during Mandatory Referral, the 2006 briefing effectively constituted a substantive evaluation of the DWPT-favored west side garage location.

Relocation of the Kensington Volunteer Fire House (Glenmont

18. At the Board hearing of April 8, 2010 in which WMATA requested to amend Forest Conservation Plan No. MR. 1994002, Gary Ehrenrich (DPWT) discussed efforts of Natalie Cantor, Mid-County Services Director, to move the Glenmont Fire House from its current location at Georgia Avenue and Randolph

Road to the WMATA Triangle. He explained the fire house move was necessary to make way for the highway interchange the state plans to build at that location.

19. Ehrenrich said Cantor had established a fire house site selection committee which had chosen the Triangle property. He said if the Board did not approve the Triangle site for the garage, WMATA would probably not sell a portion of the property to the county for the fire house. He said if the fire house is not moved to the Triangle property, this would jeopardize the interchange. Mr. Ehrenrich gave the impression the fire house relocation to the Triangle was a done deal. That is an erroneous conclusion.

20. There are many other factors to consider with regard to moving the Glenmont Fire House. First, Montgomery County has never held a public hearing on moving the Glenmont Fire House. The first hearing is scheduled for June 15, 2010. Second, the site selection committee did not include a representative of the Glenmont Civic Association Incorporated. The committee was not representative of Glenmont. Third, as previously stated, the county does not own the property selected for the fire house. Rather, WMATA owns the property. Fourth, there are other sites in Glenmont which could accommodate the fire house, but if it is built on the Triangle property, it will violate the Glenmont Sector Plan. Fifth, Ehrenrich said work has already begun on the interchange. However, the work being done now is for utility relocation, which was funded for 2007. The state projects that no construction funds will be available until 2014. Given the financial problems of the state, it is questionable whether construction funds will be available in 2014. Sixth, the owner of the current Glenmont Fire House, and the two acres of valuable property it resides on, is the Kensington Volunteer Fire Department. They would have to concur on any plan to move the fire house or sell the property.

I, Michael McAteer, declare under the penalty of perjury that the foregoing is true and correct. Executed on May 6, 2010.

Michael McAteer
Michael McAteer



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARKS AND
 PLANNING COMMISSION
 8787 Georgia Avenue
 Silver Spring, MD 20910-3760



Michael McAteer, President
 Glenmont Civic Association
 12407 Flack Street
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MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND
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Mandatory Referral Planning Board Hearing

Case No. MR-2009-737
 Glenmont Station Parking Structure

Washington Metropolitan Area Transit Authority (WMATA) filed a Mandatory Referral for the Glenmont Station Parking Structure project with the Department of Planning, in conformance with Section 7-112, the Regional District Act. The hearing is tentatively scheduled for **December 3, 2009**, in the Auditorium of 8787 Georgia Avenue in Silver Spring. Public testimony will be taken at the hearing.

If you have any questions regarding this project or wish to see the proposed plans, please contact me, Michael Brown, by telephone at (301) 495-4566 or E-mail: michael.brown@mncppc-mc.org.

**MONTGOMERY COUNTY DEPARTMENT OF
PARK AND PLANNING**

**UNIFORM STANDARDS FOR
MANDATORY REFERRAL REVIEW**

Adopted: April 19, 2001
Effective: October 1, 2001
Updated: February 2002
Updated: June 27, 2003
Updated: March 25, 2004



Montgomery County Department of Park and Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Section I: Introduction

Section 7-112 of the Regional District Act, Mandatory referrals and approval procedures after adoption of master plan of highways, requires all federal, state, and local governments and public utilities to submit proposed projects for a Mandatory Referral review and approval by the Commission. Since in Montgomery County the Planning Board is the statutorily created body under Article 28, and performs the duties of "the Commission", this document will use the term Planning Board, instead of the Commission.

The law is briefly stated but has a very broad application. It requires that the Planning Board review and approve the proposed location, character, grade and extent of any road, park, public way or ground, public (including federal) building or structure, or public utility (whether publicly or privately owned) prior to the project being located, constructed or authorized.

The Planning Board must also review the widening, extension, relocation, narrowing, vacation, abandonment or change of use of any road, park or public way or ground, and the acquisition or sale of any land by any public board, body or official.

The Planning Board must conduct its review within 60 days (of the submission of a complete application) unless a longer period is granted by the applicant. The Board's failure to act within 60 days is deemed an approval, unless the applicant agrees to extend the review period. In case of disapproval, the law requires the Planning Board to communicate its reasons to the applicant agency. In practice, the Planning Board communicates its approval, approval with conditions, and disapproval, with the reasons for its actions to the applicant agency. Mandatory Referral review and comments by the Planning Board are advisory in that the statute allows the applicant to overrule the Planning Board's disapproval, or any conditions attached to approval, and proceed.

See the attachment for the full text of the law.

Section II: Pre-submission Coordination

1. The Department of Park and Planning staff (the staff) will advise the applicant to work with the staff in the early stages of a project's program and design development. The staff will advise the applicant about potential impacts and concerns in terms of proposed land use, consistency with the area master plan, other related projects, and community issues.

2. The staff will advise the applicant to seek community input before formally submitting the project for Mandatory Referral. This may include requesting the applicant to send appropriate, adequate and timely public notice to adjacent and adjoining property owners. The staff will help in the process as needed, including establishing review benchmarks.
3. The staff will work with the applicant to determine the information needed to review any proposal based on its nature and scope. A suggested list of possible plans and other items is included in this package (see Section III: Submission Requirements).
4. The staff will, after analysis of the project and consultation with the applicant and the community, determine and advise the applicant of the type of review needed consistent with Section IV: Types of Review.

Section III: Submission Requirements

A list of suggested exhibits including narrative description, plans, sketches, photographs and other material that may be needed for the Mandatory Referral review is included here as a guide. Some of these items may be needed before others in the review process (e.g. NRI/FSD, Preliminary Forest Conservation Plan). Some may be needed only as preliminary concepts. Therefore, **applicants are advised to consult the staff to determine which exhibits will be needed in what sequence since not all proposals will need everything on the following list.** The plans and documents submitted for the Mandatory Referral should be at a scale sufficient to determine the compatibility, character, scope, quality and scale of a project. All formal requests and applications must be from the head of the applicant agency or a representative public official of the agency and addressed to the Director of the Department of Park and Planning. A complete application (number of copies to be determined by the staff) should be submitted to the Environmental Planning Unit, County-wide Planning Division, Montgomery County Department of Park and Planning, 8787 Georgia Avenue, Silver Spring, MD 20910.

1. Written narrative of the proposal generally describing the project location, access, surrounding land use and other existing conditions, proposed uses, scale and size of proposed structures, and other significant features of the proposal including, but not limited to, the following:
 - a. The hours of operation and the types of uses proposed within the structure(s) or on the property under consideration;
 - b. Whether the proposed project is in conformance with the county's General Plan, functional plans such as the master plan of

highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans or programs for the area. Any deviation/non-conformance should be fully explained;

- c. Whether planned sidewalks and trails would be constructed by the proposed project within the project's limits. If not, a statement that addresses whether the proposed project would inhibit or prevent those facilities from being built;
 - d. Whether the proposed typical roadway section meets the applicable County standard. If not, the variances and the reasons for those variances should be described;
 - e. The status of a Historic Work Permit application if the project would affect County-designated historic properties. For state or federally funded projects, indicate the status of comments by the Maryland Historical Trust. If any historical properties would be impacted, state the proposed measures to be undertaken to limit, and remedial measures to mitigate, the potential impacts;
 - f. Phasing schedule or plan, if applicable;
 - g. A description of the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned, and maintained in perpetuity for the indicated purposes;
 - h. Funding source for the project: county, state, federal, and/or private;
 - i. A description of the potential impacts to public parkland or land owned by M-NCPPC, if applicable, and explain what efforts have been made to minimize these impacts and what mitigation will be undertaken: and
 - i. For all projects involving buildings or other structures, a statement whether or not the proposed project will seek United States Green Building Council Leadership in Energy and Environmental Leadership (LEED) certification. State why if the project is not going to do seek LEED certification (the Planning Board has asked the staff to include it in staff reports on all applicable mandatory referral projects).
2. General location map showing the relationship of the subject property to

existing and proposed surrounding development, land uses and zoning, park property, traffic network, public amenities, community facilities and historical properties (County and National Register).

3. Site plan describing the location of all new and existing uses and structures, size of subject property, existing land uses of the subject and surrounding property, park property lines, proposed limits of disturbance and quantitative assessment of the disturbed area, location and areas of all existing and proposed public and private open spaces, number of existing and proposed parking spaces, calculations of building coverage, the number and type of dwelling units, and square footage, height and number of stories of all buildings, and proposed signage.
4. Utilities and Right-of-Way map reflecting the location of tract boundaries, any utility or pipelines traversing the site, easements, and rights-of-way. All proposed permanent easements and right-of-way takings on park property must be quantified.
5. Pedestrian and vehicular circulation plan identifying existing roadway, site ingress and egress, sidewalks, trails (including equestrian), bikeways, transit facilities, and all on- and off-site connections to those facilities. Indicate paving widths and the location of any anticipated median breaks. Show existing and proposed signage, all striped cross walks, and provision of pedestrian push buttons and signal heads. If striped crosswalks are not provided on all legs of signalized intersection, indicate where and explain why not.
6. Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) plan that has been reviewed and approved by the M-NCPPC staff, depicting existing wooded areas, rock outcroppings, streams, stream buffers, major drainage courses, wetlands, wetland buffers, ultimate 100 year flood plain(s), stream use designation, environmentally sensitive areas and existing improvements as well as the identification of any rare, threatened, or endangered species. (see section VI: Planning Board Consideration, paragraph 5). An approved NRI/FSD is valid for two years only. If it is more than two years old, it must be updated and submitted for staff's review and approval.
7. Special Protection Area Map, Water Quality Plan or Letter from Department of Permitting Services exempting the project from the Water Quality Plan review process if the project is located within a designated Special Protection Area (see www.mc-mncppc.org for Special Protection Area maps). If the Planning Board is reviewing a mandatory referral more than once, the first submission should include a completed Preliminary

Water Quality Plan and the final submission should include a Final Water Quality Plan. If the Planning Board reviews a mandatory referral only once, the submission should include a combined Preliminary and Final Water Quality Plan. Preparation of these plans requires a pre-application meeting with the Department of Permitting Services, M-NCPPC, and the Department of Environmental Protection (see also Section VI: Planning Board Consideration, paragraph 6).

8. Preliminary Forest Conservation Plan based upon a correct and complete forest stand delineation. If a prior mandatory referral action on a project did not have an approved FCP, if required, then any subsequent mandatory referral review must have an approved FCP at the time of the Board review and action.
9. Topographic map depicting the general physical characteristics of the site or sites with contours at an interval no greater than five feet, slopes of 25% and greater, and slopes between 15% and 25% that are associated with erodible soils.
10. Preliminary Stormwater Management Concept plan(s) including runoff computations and pre-and post-development conditions, and off-site drainage areas.
11. Landscape and lighting plan delineating areas of existing vegetation to be retained, new and supplemental planting, paving, seating, street furniture and lighting. Show existing trees that are proposed to be removed and protection for those trees that are to remain within the limits of disturbance. Include a plant schedule indicating the proposed plant material.
12. Overall concept development plan if the proposed project or phase is a portion of a larger development plan.
13. Statement of compliance with Montgomery County's Noise Ordinance, Section 31 (b) of the County Code, and consistency with the Montgomery County Department of Park and Planning Noise Guidelines.
14. Architectural schematics of all buildings.
15. Traffic impact statement or traffic study conducted in accordance with the Department's Local Area Transportation Review Guidelines describing the effect, if any, on the local transportation system and the proposed means of addressing any unmitigated impacts on affected facilities.

Section IV: Types of Review

The staff, after analysis of the project and consultation with the applicant and the community, will decide which of the following types of Mandatory Referral review will be conducted:

1. Administrative review by the staff for minor projects; or
2. Full Planning Board review.

Administrative Review by the Staff for Minor Projects

This type of review will normally be conducted for small additions, alterations, or renovations to existing facilities that do not create any significant impact on the surrounding community, parkland, or natural resources and are completely in compliance with applicable laws and regulations. Examples of projects that may qualify for administrative review are minor modifications as part of routine maintenance, placement of a small equipment shed on a site, paving of a parking area without adding any additional parking spaces, interior improvements that do not alter or increase the programming capacity of the facility, a bridge replacement in-kind, sidewalk construction that does not affect the roadway, minor roadway construction, and other such improvements that do not change the land use, character, intensity, scale or nature of the program or the facility under review.

No mandatory referral hearing or notification will be required for projects approved through administrative review procedures. A letter from the Director of the Department of Park and Planning will notify the applicant that no further review is required for the project.

Full Planning Board Review

This type of review will be conducted for projects that do not fall in the first category and, therefore, will go through a full Planning Board review with mandatory referral hearing and notification as described in this package. The applicant should consult with the Park and Planning staff early in project development to determine when a project should be submitted for review. Projects should be submitted for Planning Board review as soon as all the necessary information is complete and there is still enough time to make changes, if needed, to address the Planning Board's recommendations. Generally, a project is to be submitted at 30-35% completion during the design development stage also referred to as facility planning or schematic design. All site selections and acquisitions, even if they are consistent with the relevant master plans, must be submitted for mandatory referral before they are finalized.

Some projects may need to be reviewed at more than one stage as a Mandatory

Referral depending upon the nature and type of development proposed. For example, a property may be reviewed by the Planning Board initially as site selection and later for approval of the proposed design of buildings and site improvements. For large or particularly sensitive projects, the Planning Board may require a second review when a more detailed design is available. Where appropriate, two or more actions by the Planning Board may be combined into one review, e.g. acquisition of land associated with right-of-way in CIP projects may be part of the full project review and not a separate mandatory referral.

Under the forest conservation law, approval authority for forest conservation plans has been delegated to the Montgomery County Planning Board. While the Planning Board's review of mandatory referrals is advisory, its authority to approve forest conservation plans is final and can have an impact on whether such projects can proceed. Section 22A-11(E) of the forest conservation law provides that sediment control permits for public projects subject to mandatory referral "must not be issued ...until a final forest conservation plan, if required, is approved..." The Planning Board will separately notice and act upon forest conservation plans that are required as part of the mandatory referral applications. Staff will package and present such forest conservation plans together with the associated mandatory referral to facilitate timely review of these projects.

Closed school properties reviewed in accordance with the Council Resolution 13-598* are to be reviewed initially when the properties are transferred to the County and the County prepares a reuse proposal. They may be reviewed a second time when a specific use is selected and a detailed program of development and schematic design is prepared. These two steps may be combined into a single review if a specific use is proposed and schematic plans and other information needed to process the application are submitted for staff review in a timely manner.

(Note: Reuse of closed school properties differs from disposition in that properties designated for reuse remain the property of the County and are subject to long-term leases, whereas disposition entails selling the closed schools after, among other conditions, the Planning Board determines the site is not needed for park use.)

Section 59-G.2.19 (e)(2) of the Zoning Ordinance requires site plan review under Section 59-D.3. for construction of a private educational institution on vacant

*A copy of the Council Resolution 13-598 can be obtained from the Council's Legislative Information Services at 240-777-7910.

land owned or leased by Montgomery County, or any cumulative increase of more than 15% or 7,500 sf, whichever is less, in the gross floor area of a private school located in a closed public school or a building owned or leased by the County. Such projects would not be reviewed as Mandatory Referrals.

In other cases when there may be a need for additional information, or the project could potentially be modified as it proceeds through the customary final design stages before construction, a follow up review by the staff may be needed. The staff will determine if the project needs to be brought back to the Planning Board for a full review unless a follow up review is requested by the Planning Board.

Closed Sessions: If an applicant agency is involved in sensitive negotiations (from a monetary aspect) for site selections or acquisition, and a full Mandatory Referral with public review and disclosure at that point may put the applicant agency at a disadvantage in its negotiations with the property owners, or if there is not enough time to conduct a full review as the available site may be sold to a private party before the review is complete, the staff may decide that a closed session consultation with the Planning Board is warranted. However, such a consultation would only be to provide the Board's informal comments for the applicant's information and consideration. A full review with public hearing and notification will be required before the proposed acquisition or sale is finalized. The comments provided in a closed session will be the Planning Board's initial response based on the information provided and may not be the Board's final decision or conditions.

(Note: Maryland Law permits the Planning Board to meet in closed session to "consider the acquisition of real property for a public purpose." (See Md. Code Ann., State Gov't Art., § 10-508.)

Section V: Mandatory Referral Hearing and Notification

The Planning Board will conduct a hearing to receive community comments during its regularly scheduled sessions for all projects requiring a full review. The staff will notify the area civic associations when the project is accepted as a complete application and the 60-day clock starts. The notice will generally include, but may not be limited to, project name, applicant, location, a brief description, staff contact, and a tentative date of the Planning Board meeting at which public testimony will be taken. A final notice of the hearing will be published in the Planning Board's weekly agenda, which are available on the Internet at www.mc-mncppc.org. It is strongly recommended that applicants' representatives attend the public hearing and be available to discuss the project and answer any questions from the Planning Board.

The Planning Board encourages the applicants to conduct adequate and timely

community outreach and notification including noticing adjacent, abutting and confronting property owners. The staff will work with the applicant to determine appropriate outreach in each case. Interagency coordination and public notification conducted pursuant to other laws and regulations is encouraged but would not be accepted in lieu of appropriate community outreach for Mandatory Referral processes.

Section VI: Planning Board Consideration

During the mandatory referral hearing at the Planning Board's regularly scheduled meeting, the Board will review the proposal and may seek clarifications from the staff, the applicant, or the community, if necessary. The Planning Board will consider all relevant land use and planning aspects of the proposal including, but not limited to, the following:

1. whether the proposal is consistent with the County's General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans or programs for the area;
2. whether the proposal is consistent with the intent and the requirements of the zone in which it is located;
3. whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement and design of structure, is compatible with the surrounding neighborhood and properties;
4. whether the locations of buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
5. whether the proposal has an approved NRI/FSD and a preliminary SWM concept plan, and meets the requirements of the Forest Conservation law (Chapter 22A of the County Code). Forest Conservation Plan, if applicable, must be approved by the Planning Board, either before or at the time of the Board's mandatory referral review and action on the project. Unlike the mandatory referral review by the Board, the conditions of the Forest Conservation Plan are binding on all county projects.
6. whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan for a project on public property, the Board must determine if the plan meets the standards of Article V. WATER QUALITY REVIEW IN SPECIAL PROTECTION AREAS, of the County Code (pursuant to Section 19-65(d)(4));

7. whether or not the site would be needed for park use (pursuant to Section 11B-45(c)(4)(B) of the County Code) if the proposal is for disposition of a surplus school; and
8. whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan or other plans and policies for the area, or has negative impacts on the surrounding properties or neighborhood, the transportation network, the environment or other resources.

Section VII: The Planning Board Decision

Based on the staff report, public comments and input, the applicant's rationale, and the findings and considerations described in Section VI of this document, the Planning Board will approve (with comments, if appropriate) or disapprove Mandatory Referral applications.

Following the Planning Board's review, the Chairman of the Planning Board will send a letter containing the Board's decision and its rationale to the head of the applicant public agency. The chairman's letter will also request a written response from the applicant agency stating how the agency will proceed with the proposal and explaining any variation from the Planning Board's decision and recommendations. It is recommended that the applicant agency advise the Board within 30 days as to whether it will accept the Board's decision. Because the Planning Board's decision and recommendations are advisory only, an applicant may overrule the Planning Board's disapproval and proceed with the proposed project. Furthermore, there is no judicial review of the matter.

Attachment

Section 7-112. Mandatory referrals and approval procedures after adoption of master plan of highways.

When the Commission has adopted a master plan of highways of the regional district and has certified the plan to the County Council and clerk of the Circuit Court of Montgomery County and to the Board of County Commissioners and clerk of the Circuit Court of Prince George's County, thereafter no road, park, or other public way or ground, no public (including federal) buildings or structures, and no public utility, whether publicly or privately owned, shall be located, constructed, or authorized in the regional district until and unless the proposed location, character, grade and extent thereof has been submitted to and approved by the Commission. In case of disapproval, the Commission shall communicate its reason to the State, federal, county, municipal, or district board, body, or official proposing to locate, construct, or authorize such public way, ground, building, structure, or utility. Thereupon the board, body or official in its discretion may overrule the disapproval and proceed. The widening, extension, relocation, narrowing, vacation, abandonment, change of use of any road, park, or other public way or ground in the regional district, or the acquisition or sale of any land in the regional district by any public board, body, or official shall be subject to similar submission and approval; and the failure to approve may be similarly overruled. The failure of the Commission to act within 60 days from and after the date of official submission to it shall be deemed an approval, unless a longer period be granted by the submitting board, body, or official.

After appropriate public hearings, the Commission shall adopt uniform standards of review to be followed in reviewing changes to public property located in the regional district. The Commission shall publish a notice of the adoption of the standards of review in one newspaper of record that is published in each county. The notice shall include a summary of the purpose of the standards and the review process. The notice also shall identify a location and a phone number to contact for a complete copy of the standards of review.

**MONTGOMERY COUNTY DEPARTMENT OF
PARK AND PLANNING**

**UNIFORM STANDARDS FOR
MANDATORY REFERRAL REVIEW**

Adopted: April 19, 2001
Effective: October 1, 2001
Updated: February 2002
Updated: June 27, 2003
Updated: March 25, 2004
Updated: January 2, 2008



Montgomery County Department of Park and Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

located in a closed public school or a building owned or leased by the County. Such projects would not be reviewed as Mandatory Referrals.

In other cases when there may be a need for additional information, or the project could potentially be modified as it proceeds through the customary final design stages before construction, a follow up review by the staff may be needed. The staff will determine if the project needs to be brought back to the Planning Board for a full review unless a follow up review is requested by the Planning Board.

Closed Sessions: If an applicant agency is involved in sensitive negotiations (from a monetary aspect) for site selections or acquisition, and a full Mandatory Referral with public review and disclosure at that point may put the applicant agency at a disadvantage in its negotiations with the property owners, or if there is not enough time to conduct a full review as the available site may be sold to a private party before the review is complete, the staff may decide that a closed session consultation with the Planning Board is warranted. However, such a consultation would only be to provide the Board's informal comments for the applicant's information and consideration. A full review with public hearing and notification will be required before the proposed acquisition or sale is finalized. The comments provided in a closed session will be the Planning Board's initial response based on the information provided and may not be the Board's final decision or conditions.

(Note: Maryland Law permits the Planning Board to meet in closed session to "consider the acquisition of real property for a public purpose." (See Md. Code Ann., State Gov't Art., § 10-508.)

Section V: Mandatory Referral Hearing and Notification

The Planning Board will conduct a hearing to receive community comments during its regularly scheduled sessions for all projects requiring a full review. The staff will notify the area civic associations when the project is accepted as a complete application and the 60-day clock starts. The notice will generally include, but may not be limited to, project name, applicant, location, a brief description, staff contact, and a tentative date of the Planning Board meeting at which public testimony will be taken. A final notice of the hearing will be published in the Planning Board's weekly agenda, which are available on the Internet at www.mc-mncppc.org. It is strongly recommended that applicants' representatives attend the public hearing and be available to discuss the project and answer any questions from the Planning Board.

The Planning Board encourages the applicants to conduct adequate and timely community outreach and notification including noticing adjacent, abutting and confronting property owners. The staff will work with the applicant to determine

appropriate outreach in each case. Interagency coordination and public notification conducted pursuant to other laws and regulations is encouraged but would not be accepted in lieu of appropriate community outreach for Mandatory Referral processes.

Section VI: Planning Board Consideration

During the mandatory referral hearing at the Planning Board's regularly scheduled meeting, the Board will review the proposal and may seek clarifications from the staff, the applicant, or the community, if necessary. The Planning Board will consider all relevant land use and planning aspects of the proposal including, but not limited to, the following:

1. whether the proposal is consistent with the County's General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans or programs for the area;
2. whether the proposal is consistent with the intent and the requirements of the zone in which it is located;
3. whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement and design of structure, is compatible with the surrounding neighborhood and properties;
4. whether the locations of buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
5. whether the proposal has an approved NRI/FSD and a preliminary SWM concept plan, and meets the requirements of the Forest Conservation law (Chapter 22A of the County Code). Forest Conservation Plan, if applicable, must be approved by the Planning Board, either before or at the time of the Board's mandatory referral review and action on the project. Unlike the mandatory referral review by the Board, the conditions of the Forest Conservation Plan are binding on all county projects.
6. whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan for a project on public property, the Board must determine if the plan meets the standards of Article V. WATER QUALITY REVIEW IN SPECIAL PROTECTION AREAS, of the County Code (pursuant to Section 19-65(d)(4));
7. whether or not the site would be needed for park use (pursuant to Section

Printer-Friendly Version - Agenda only, no Staff Reports (PDF)



The Maryland-National Capital Park and Planning Commission
Montgomery County Planning Board Agenda

REVISED

Thursday, April 27, 2006, 9:00 A.M.

8787 Georgia Avenue, Silver Spring, MD20910-3760
 301-495-4600

Back to the Montgomery County Planning Board
 See Planning Board decisions made at this meeting

Important! For a variety of reasons, the following agenda may change, items may be postponed or added, and items may be heard later than the time indicated. The items are listed in the order to be heard. For the latest updated Planning Board agenda, please call 301-495-4600 or check the website, www.montgomeryplanningboard.org. The Planning Board encourages public testimony on individual agenda items unless noted otherwise and welcomes the participation of individuals with disabilities. *Italics* indicate staff's recommendation for Board action. Generally, government officials have seven minutes to testify, organizations have five minutes and individuals have three minutes. The Chairman may extend these time limits if necessary to assist the Board's deliberations. For information on meetings in progress, please call the recorded hotline at 301-495-1333.

Planning Board Recordings

- Part 1 (AM) download
- Part 2 (AM) download
- Part 3 (AM) download
- Part 4 (AM) download
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- Part 6 (AM) download
- Part 7 (AM) download
- Part 8 (PM) download
- Part 9 (PM) download
- Part 10 (PM) download
- Part 11 (PM) download
- Part 12 (PM) download
- Part 13 (PM) download
- Part 14 (PM) download
- Part 15 (PM) download

9:00 A.M. **PLANNING BOARD MEETING** (*MRO Auditorium, 8787 Georgia Avenue, Silver Spring*)

9:00 A.M. **REGULATORY ITEMS**
 Adoption of Opinions -- Postponed

D Kinney Item #1
 Combine Items 1 & 2 **Preliminary Plan No. 120060310 White Flint Crossing:** TS-M zone, 5.91 acres, 440 multi-family dwelling units, including 66 MPDUs, 223,000 gross square feet retail, located on Rockville Pike (MD 355), approximately 460 feet south of Nicholson Lane, North Bethesda/Garrett Park -- **Staff Recommendation: Approval with conditions.**

Part A
 Part B

L Komes Item #2 **Site Plan Review No. 8-20060170 (Formerly 8-06017), White Flint Crossing,** TS-M zone, 5.91 acres, 440 multi-family dwelling units, including 66 MPDUs, 223,000 gross square feet retail, located on Rockville Pike (MD 355), approximately 460 feet south of Nicholson Lane, North Bethesda/Garrett Park -- **Staff Recommendations: Approval with conditions.**

Part A
 Part B
 Part C
 Part D

Right-click here to download pictures.
 target

EXHIBIT 4

- | | | |
|------------------|---------|---|
| D. Kinney | Item *3 | <p>Preliminary Plan No. 120060190 McGowan Subdivision: RDT zone; 11.35 acres; 1 lot requested; 1 one-family detached dwelling unit; located on the east side of Howard Chapel Road, approximately 2,400 feet north of the intersection with Damascus Road (MD 650); Olney – <i>Staff Recommendation: Approval with conditions.</i></p> <p>Part A
Part B</p> |
| L. Srivinas | Item *4 | <p>Site Plan Review No. 820060090 (Formerly 8-06009), Montgomery Village CVS: T-S zone; 1.24 acres; 12,900 square feet of retail development; northwest quadrant of the intersection with Stedwick Road and Montgomery Village Avenue; Montgomery Village – <i>Staff Recommendation: Approval with conditions.</i></p> <p>Part A
Part B
Part C</p> |
| R. Weaver | Item *5 | <p>Record Plats</p> <p>Subdivision Plat No. 2200601520 – H.M. Martin's 3rd Addition to Chevy Chase:</p> <p>R-90 zone; 1 lot; located on the north side of Raymond Street, approximately 1000 feet east of Brookville Road; Bethesda-Chevy Chase – <i>Staff Recommendation: Approval.</i></p> |
| Technical Writer | | Approval of Minutes |
| D. Daniel | | Reconsideration Request |
| | | 1. Danshes Property |
| 10:30 A.M. | | OTHER BUSINESS |
| 10:30 A.M. | Item 6 | <p>Sectional Map Amendment for the Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD – <i>Staff Recommendation: Approval to file and transmit to the County Council.</i></p> |
| K. O'Connor | | |
| N. Yearwood | Item 7 | <p>Sectional Map Amendment for the Shady Grove Sector Plan – <i>Staff Recommendation: Approval to file and transmit to the County Council.</i></p> |
| J. Gallihue | Item 8 | <p>Local Map Amendment No. G-836: Request by the Hearing Examiner that the Planning Board re-review the request by J. Kirby Development, LLC and Vedanta Center of Greater Washington seeking reclassification of 16 acres of land from the RE-2 zone to the PD-2 zone for 21 single-family detached residences (one existing), 12 single-family attached residences and 6 townhouse moderately priced dwelling units (MPDUs) and expansion of an existing worship center; located at the intersection of Bel Pre and Homecrest Roads; Aspen Hill Master Plan – <i>Staff Recommendation: Approval.</i></p> <p>Part A
Part B
Part C</p> |
| 11:00 A.M. | Item 9 | <p>Zoning Text Amendment No. 06-08 Introduced by Councilmember Praisner; amend the Zoning Ordinance to reduce the allowable rear yard coverage and maximum height of an accessory building in certain zones; to increase the minimum setback requirement for an accessory building under certain circumstances; and generally to amend provisions concerning accessory buildings – <i>Staff Recommendation: Transmit comments to County Council.</i></p> |
| G. Russ | | |
| 12:00 P.M. | | LUNCH |
| 1:00 P.M. | | PLANNING BOARD MEETING CONTINUES (MRO Auditorium, 8787 Georgia Avenue, Silver Spring) |

L. Cole	Item 10	<p>Mandatory Referral:New Hampshire Avenue (MD 650)/Holton Lane to Merrimac Drive & University Boulevard (MD 193)/Lebanon Street to 14th Avenue, and Takoma/Langley Park Transit Center, SHA Contract No. MO 3335184, Mandatory Referral No. 04817-SHA-1 – Staff Recommendation: Transmit comments to State Highway Administration (SHA).</p> <p>Part A Part B</p>
L. Cole	Item 11	<p>Mandatory Referral:Dale Drive Sidewalk from Mansfield Road to Hartford Avenue, CIP Project No. 509036, Mandatory Referral No. 05810-DPW&T-1 – Staff Recommendation: Transmit comments to the Department of Public Works and Transportation (DPWT).</p>
D. Janousek	Item 12	<p>Local Map Amendment No. G-840:Magruder Reed Communities, applicant, request rezoning of 3.28 acres of land from the R-90/TDR5 zone to the RT-12.5 zone for 32 townhouses; located at 17720 Washington Grove Lane; Gaithersburg – Staff Recommendation: Approval.</p> <p>Part A Part B</p>
2:00 P.M. C. Eapen	Item 13	<p>Glenmont Metrorail Parking Garage - Site Selection Recommendations:Summarize input received at the April 26, 2006, public hearing conducted by the WMATA on the Environmental Evaluation and General Plans for the Glenmont Parking Structure Alternatives and to request Planning Board comments and/or recommendations on the project – Staff Recommendation:</p> <p><i>Transmit comments to County Council, Department of Public Works and Transportation (DPWT) and Washington Metropolitan Area Transit Authority (WMATA).</i></p> <p>Part A Part B Part C Part D</p>
2:30 P.M.		<p>ROUNDTABLE DISCUSSION (Public testimony will not be taken at this time.)</p>
B. Mooney/ R. Krasnow	Item 14	<p>· Modify recently approved Development Fees to correct inconsistencies – Staff Recommendation: Approve Revised Fee Schedule</p> <p>Part A -- Staff Report Part B -- New Fee Schedule</p>
M. Bradford	Item 15	<p>· Department of Parks' Request to Spend Salary Lapse - FY06 – Staff Recommendation: Approval.</p>
M. Bradford/ F. Hamer	Item 19	<p>· M-NCPPC Work Program - Continued from 4/20/06 Agenda</p> <p>Commissioner's Report Director's Report (Planning Director)</p>
5:30 P.M.		DINNER
7:00 P.M.		PLANNING BOARD MEETING CONTINUES (MRO Auditorium, 8787 Georgia Avenue, Silver Spring)
K. Afzal Combine Items 16 & 17	Item *16	<p>Forest Conservation Plan for Mandatory Referral No. 05504-DPWT-1: Mid County Recreation Center - R-200 zone; 2004 Queensguard Road, Aspen Hill Master Plan – Staff Recommendation: Approval with conditions.</p> <p>Part A Part B Part C Part D</p>

- | | | |
|------------------------------|---------|--|
| K. Afzal | Item 17 | Mandatory Referral No. 05504-DPWT-1:Mid-County Recreation Center - R-200 zone; 2004 Queensguard Road, Aspen Hill Master Plan - Staff Recommendation: Approval to transmit comments to Montgomery County Department of Public Works and Transportation (DPWT). |
| 8:00 P.M.
M. Rifkin/M. Ma | Item 18 | Hearing on Clarksburg Village Violations
-- Postponed to May 4 (Hearing Only - No Decision will be made on this matter at this time.)
ADJOURN |

*Maryland law and the Planning Board's Rules of Procedure regarding ex parte (outside the record) communications require all discussion, review, and consideration of this matter take place only during the Board's public hearing. Telephone calls and meetings with Board members in advance of the hearing are not permitted. Written communications will be directed to appropriate staff members for response.

Notices and Reminders

- | | | | |
|-------|------|------------|--|
| APRIL | 23 - | 6:00 p.m., | Montgomery County NAACP 2006 Freedom Fund Banquet, Bethesda North Marriott Hotel and Conference Center, 5701 Mrine Road, North Bethesda |
| | 24 - | 7:00 p.m., | WMATA Public Hearing on Proposed Construction of Silver Spring Transit Center, MRO Auditorium, 8787 Georgia Avenue, Silver Spring |
| | 24 - | 7:15 p.m., | Upcounty Region Recreation Advisory Board Suite 1600, 12900 Middlebrook Road, Germantown |
| | 26 - | 7:00 p.m., | WMATA Public Hearing on Plans for the Glenmont Parking Structure, Stella B. Werner Council Office Building 7 th Floor, 100 Maryland Avenue, Rockville |
| | 26 - | 7:30 p.m., | Historic Preservation Commission, MRO Auditorium, 8787 Georgia Avenue, Silver Spring |
| | 27 - | 9:00 a.m., | Montgomery County Planning Board Meeting, MRO Auditorium, 8787 Georgia Avenue, Silver Spring |
| | 27 - | 1:00 p.m., | Montgomery County Planning Board, Meeting Continues MRO Auditorium, 8787 Georgia Avenue, Silver Spring |
| | 27 - | 7:00 p.m., | Montgomery County Planning Board, Meeting Continues MRO Auditorium, 8787 Georgia Avenue, Silver Spring |
| | 30 - | Noon | Arbor Day, Agricultural History Farm Park 18400 Muncaster Road, Rockville |

Revised April 21, 2006 1:00 P.M.



THE MONTGOMERY COUNTY PLANNING BOARD AGENDA

8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600
www.montgomeryplanningboard.org

Thursday, April 8, 2010

FINAL
Wednesday, April 7, 2010 - 1:00 pm

Please note:

1. Unless otherwise noted, Planning Board meetings are held on Thursdays and begin at 9:00 a.m. The agenda is subject to change and certain items may be postponed or added.
2. The Planning Board encourages public testimony unless otherwise noted on the agenda. Refer to the Planning Board Rules of Procedure for more information on public testimony. Any individual or organization not scheduled for public testimony may submit a written statement for consideration by the Planning Board. Written comments should be submitted at least 24 hours in advance of the Planning Board hearing date with reference to the matter to ensure that all comments will be included in the record before the Commission. Written comments received on the day of the hearing via email, fax, or postal mail may not be considered by the Planning Board or included in the record unless the Chairman specifically leaves the record open. Comments should be transmitted via e-mail to MCP-Chair@mncppc-mc.org, faxed to Chairman Royce Hanson at 301-495-1320, or addressed to: Royce Hanson, Chairman, Montgomery County Planning Board, 8787 Georgia Avenue Silver Spring, Maryland 20910.
3. Occasionally due to time constraints, the Planning Board may limit the total amount of time dedicated to public testimony. Total time limits will be listed on the agenda. Public testimony will not be taken for items identified as Briefings, Worksessions and/or Roundtables. On other occasions when no public testimony will be taken, the agenda will specify.
4. Sign up online or call 301-495-4600 to testify on any agenda item in advance of a hearing.
5. Listen to the Planning Board proceedings live on our website: www.montgomeryplanningboard.org. Or on Thursdays, call 301-495-1333 for a recorded message on the status of the agenda.
6. The Planning Board makes the final decision on any agenda items with an (*). On such matters, Maryland law and the Planning Board's Rules of Procedure prohibit any member of the public from directly contacting or communicating with Board members outside the public hearing setting. See the Outside Communications section of the Planning Board Rules of Procedure for more information.

The Montgomery County Planning Board is no longer mailing meeting agendas to county residents and associations. To stay involved, consider subscribing to our weekly e-newsletter, InfoShare.

9:00 AM PLANNING BOARD MEETING - (MRO Auditorium)

Item 1 Consent Agenda

*A. Adoption of Resolutions

1. Islamic Center of Maryland - Preliminary Plan No. 12002041B - ADOPTION OF MCPB RESOLUTION No. 10-33
2. Johns Hopkins University - Montgomery County Campus Site Plan Amendment 81986065B - ADOPTION OF MCPB RESOLUTION No. 10-29

*B. Records Plats

*C. Other Consent Items

EXHIBIT 5

***D. Approval of Minutes**

Minutes of March 4, 2010

Item 11**Enforcement Rules - ADDITION**

C. Sorrento

A. Staff Memo**B. Enforcement Rules Draft - REVISED**

Updated draft of Enforcement Rules to adopt hearing procedures for enforcement cases in front of a Hearing Officer and the Planning Board.

Staff recommendation: Adopt Enforcement Rules and Transmit to County Council

Item *3**Ripley Street North**

E. Hisel-McCoy/R.
Weaver/E. Hisel-
McCoy

A. Project Plan Amendment Review No. 92004006B, Ripley Street North, CBD-1 zone; 1.6012 acres; amendment; add 68 dwelling units, change building footprint, enlarge parking deck, revise date table, add green roof, removal of the east park and replace with proposed building, grading changes; located on Ripley Street, approximately 500 feet west of Georgia Avenue; Silver Spring
Staff Recommendation: Approval with Conditions

B. Preliminary Plan 12006054A, Ripley Street North, CBD-2 zone; 1.60 acres; 2 lots requested for 385 multi-family residential dwelling units, including a minimum 12.5% moderately priced dwelling units, and 5,541 square feet of retail (replacing the 318 dwelling units and 5,946 square feet of retail that was previously approved); located on Ripley Street, approximately 500 feet west of Georgia Avenue; Silver Spring.

Staff Recommendation: Approval with Conditions

C. Site Plan Amendment Review No. 82006025A, Ripley Street North, CBD-2 zone; 1.60 acres; amendment; add 68 dwelling units, change building footprint, enlarge parking deck, revise date table, add green roof, removal of the east park and replace with proposed building and grading changes; located on Ripley Street, approximately 500 feet west of Georgia Avenue; Silver Spring

Staff Recommendation: Approval with Conditions

Item 7**Seven Locks Elementary School Modernization - NEW TIME**

A. Lindsey/M.
O'Quinn

***A. Forest Conservation Plan: Intersection of Seven Locks Road and Bradley Boulevard, R-200 Zone, Potomac Master Plan**

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 09736-MCPS-1: Intersection of Seven Locks Road and Bradley Boulevard, R-200 Zone Potomac Master Plan

Staff Recommendation: Approval and Transmit Comments to MCPS

Item 4**Glenmont Station Parking Structure**

C. Bunnag/M.
Brown

***A. Forest Conservation Plan: Glenmont Station Parking Garage - West side of Georgia Avenue near Glenallan Avenue, RT-12.5 Zone, Glenmont Sector Plan**

Staff Recommendation: Approval

B. Mandatory Referral No. 09737-WMATA-1,(REVISED STAFF MEMO) Glenmont Station Parking Garage - West side of Georgia Avenue near Glenallan Avenue, RT-12.5 Zone, Glenmont Sector Plan

Staff Recommendation: Approval and Transmit Comments to Washington Metropolitan Area Transit Authority (WMATA)

12:15 PM LUNCH**Item 5****Closed Session**

D. Lieb Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) (to consult with counsel to obtain legal advice)

Item 12 Closed Session - ADDITION

M. Bradford Pursuant to Annotated Code of Maryland, State Government Article Section 10-508(a)(1) (to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees.)

1:30 PM PLANNING BOARD MEETING CONTINUES - MRO AUDITORIUM

Item 10 Roundtable Discussion - NEW TIME

- 1. Budget Update
- 2. Semi Annual Update - REVISED

Item 6 Policy for Third Party Use of Parkland

J. Nissel Review and discussion of the terms of several agreements that allow 3rd party use of parkland leading to development of a new policy.

- A. Staff Memo
- B. New Adopted Policy
- C. Exhibits

Item 8 Oak Ridge Conservation Park

B. Gries Authorization to acquire 114.82 acres, more or less, unimproved, from King's Valley Limited Partnership, LLLP, located south of Bethesda Church Road, east of Kings Valley Road, Damascus, Maryland 20872 as a Legacy Open Space Natural Resource Protection Area.
Staff Recommendations: Approval

Item 9 Worksession No. 2 - Purple Line Functional Plan

T. Autrey/D. Hardy Review draft plan reflecting Planning Board decisions in Worksession No. 1.

- A. Staff Memo
- B. Appendix A
- C. Appendix B

Staff Recommendation: Transmit Planning Board Draft Plan to County Council and Executive

Item 2 Briefing: Wheaton CBD & Vicinity Sector Plan Amendment - POSTPONED

ADJOURN

7:30 PM RETHINK MONTGOMERY SPEAKER SERIES - MRO Auditorium

Join our ReThink Montgomery panel featuring five local bloggers: David Alpert (Greater Greater Washington), Cindy Cotte Griffiths (Rockville Central), Dan Reed (Just Up the Pike), Eric Robbins (Thayer Avenue) and Barnaby Zall (Friends of White Flint).

The 2010 Montgomery County Planning Department speaker series, Rethink Montgomery, presents ways to connect culture, health, food, knowledge, ecology, economy, local infrastructure, resources, and energy. Join us for our community discussions every Thursday, April 8-June 3, 2010.

PUBLIC NOTICE

COMMUNITY MEETING

Laytonia Recreational Park Updated Concept Plan scheduled for Wednesday, April 7, 2010 from 7-9pm at Shady Grove Maintenance Yard, Training Room, 16641 Crabbs Branch Way, Rockville, MD 20855

PUBLIC NOTICE

**Department of Permitting Services
Division of Water Resources Management
has received a**

PRELIMINARY/FINAL WATER QUALITY PLAN for Maydale Conservation Park

This 19.45 acre site is located at 1638 Maydale Drive, and is within Left Fork of the Upper Paint Branch Watershed. The Upper Paint Branch Watershed is a designated Special Protection Area. The project proposes to restore approximately 1,600 linear feet of existing stream channel, extending from the pond intake weir at the existing Maydale Nature Center parking lot to the confluence with an unnamed tributary near Craddock Street.

If you wish to request a public information meeting, a written request must be submitted to this office within 15 days of this notice, posted March 29, 2010. The Water Quality Plans are available for review at the Department of Permitting Services office during working hours (8:00am-4:00pm Monday through Friday).

For further information, please call Mark Etheridge at (240) 777-6338. The address for the Department of Permitting Services is:

Department of Permitting Services
Land Development Services, Water Resources
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
ITEM NO. 13
4-27-06

April 14, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Richard C. Hawthorne, Chief *RCH*
Transportation Planning

Khalid Afzal, Team Lead *KA*
Community Based Planning Division
301-495-4550

Thomas Autrey, Supervisor *TA*
Transportation Planning
301-495-4533

FROM: Cherian Eapen, Planner/Coordinator *CE*
Transportation Planning
301-495-4525

SUBJECT: Environmental Evaluation and General Plans for the Glenmont Parking Structure
Georgia Avenue East and West Alternatives
Glenmont Sector Plan Area

STAFF RECOMMENDATIONS

Staff requests that the Planning Board approve transmittal of the following staff recommendations to the Montgomery County Council, the Montgomery County Department of Public Works and Transportation (DPWT), and the Washington Metropolitan Area Transit Authority (WMATA):

EXHIBIT 6

1. Proceed with the overall alternatives study for the proposed Glenmont Metro Station parking structure with focus on the alternative on the east side of Georgia Avenue (Alternative B) as the preferred alternative since:
 - a. A parking structure on the west side of Georgia Avenue (Alternative A) would be inconsistent with the goals and objectives of the Glenmont Sector Plan.
 - b. A parking structure on the west side of Georgia Avenue would be more intrusive to the existing residential community on the west.
 - c. A parking structure on the west side of Georgia Avenue would potentially result in greater environmental impact and forest loss.
2. Design and locate the proposed expanded kiss-and-ride lot on the west side of Georgia Avenue under Alternative B (with garage on east side), cognizant of the Glenmont Sector Plan recommendation that environmentally sensitive portions of this property should remain undeveloped and should be enhanced as a natural green area to serve the Glenmont community since a significant portion of the west side consists of wetlands and tree save areas. A kiss-and-ride design that parallels Georgia Avenue, in place of one that extends to the forested portion of the site is preferred.
3. Develop the west side of Georgia Avenue with a pedestrian-friendly greenway that reduces impervious surfaces and provides visual relief from the extensive pavement associated with any new roadway and expanded kiss-and-ride/short-term parking facilities.
4. Use "best management" approaches for noise mitigation at the proposed parking structure since the noise analysis presented indicates that there are currently no sensitive receptors within the area of expected impacts for both proposed alternatives.
5. Assess the degree of engineering expertise and time needed to satisfy the site stormwater management requirements through coordination with Department of Environmental Protection (DEP) and Department of Permitting Services (DPS) at the earliest, as this is essential. Consider use of Environmentally Sensitive Development (ESD) approaches, including innovative infiltration approaches for the project.
6. Prepare and submit a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to Environmental Planning staff for approval prior to a mandatory referral.
7. Under Alternative B, separate in/out private vehicular traffic at the existing parking garage from the in/out bus traffic to Glenallan Avenue with separate access driveways for the bus loop and the parking garage.
8. If a fire station is to be located on the west side of Georgia Avenue, identify a separate stand-alone access driveway for the proposed fire station to Georgia Avenue to separate traffic activity related to the fire station from traffic activity related to Glenmont station.

9. Provide more than one access point to any development on the west side, in consideration of non-availability of the Glenallan Avenue access point to Georgia Avenue in the event of an emergency or an incident.
10. Provide real-time signs on parking availability along roadways that lead up to existing and proposed future parking structures.
11. Advance the planned Georgia Avenue Busway project as a viable enhancement to the parking structure project to insure continued efficient and cost-effective access to the Glenmont Station given the fact that the demand on the station originates mostly from residents to the north of the station. Additionally, confirm if the bus loop under alternatives considered could accommodate service associated with the Georgia Avenue Busway and any other planned expansion of Ride-On and Metrobus services.
12. Emphasize to the Maryland State Highway Administration (SHA) the need to expedite design and funding for the construction of the Georgia Avenue/Randolph Road interchange given the documented capacity constraints and potential availability of new local funding.

PURPOSE OF THIS BRIEFING

This briefing for the Montgomery County Planning Board on the Glenmont Metro Station parking structure project is to:

1. Summarize and present to the Planning Board input received at the April 26, 2006, public hearing conducted by the WMATA on the Environmental Evaluation and General Plans for the Glenmont Parking Structure Alternatives (see Attachment No. 1), and
2. To request Planning Board comments, and approval to transmit recommendations on the project to the Montgomery County Council, DPWT and WMATA.

The County Council Transportation & Environment Committee is scheduled to hold a hearing on the project on May 2, 2006.

PROJECT LOCATION AND EXISTING CONDITIONS

At the request of Montgomery County, WMATA is considering construction of a parking structure near the Glenmont Metrorail Station, within the triangle formed by Georgia Avenue (MD 97), Glenallan Avenue, and Layhill Road. The station location and local features are shown on Attachment No. 2.

As shown on the attachment, Georgia Avenue is to the west, Layhill Road is to the east, and Glenallan Avenue is to the north of Glenmont station. The Glenmont Shopping Center and the Layhill Triangle commercial areas are to the south of the Metro station. Areas to the east, north, and west of the station are mostly residential.

The main entrance to the existing Glenmont Metro Station and the five-level commuter parking structure (containing 1,781 parking spaces) are located on the east side of Georgia Avenue. This area also contains a bus loop to the front of the parking structure along Georgia Avenue, and a kiss and-ride/short-term parking lot (containing 68 parking spaces) along Glenallan Avenue to north of the bus-loop. Additionally, a second station entrance, a kiss-and-ride drop-off area, and a short-term parking lot (containing 24 parking spaces) are located on the west side of Georgia Avenue, opposite from its intersection with Glenallan Avenue.

Access to the existing Glenmont station parking structure is from Georgia Avenue, Glenallan Avenue, and Layhill Road. Access to the east side kiss-and-ride/short-term parking lot is from Glenallan Avenue, and access to the west side kiss-and-ride/short-term parking lot is from Georgia Avenue. Currently, access for both northbound and southbound buses to the bus loop is from Georgia Avenue, directly opposite from its intersection with Urbana Drive, which is also shared by private cars.

PROPOSED ALTERNATIVES – LOCATION, ACCESS, AND CIRCULATION

WMATA is considering two alternative sites for the proposed new parking structure at Glenmont station. The General Plans for the two alternatives are provided as Attachment No. 3. Staff notes that the number of parking spaces and parking structure levels documented in several of the available reports is inconsistent. Information presented in this section is drawn from the General Plans.

Alternative A on the west side of Georgia Avenue (see Attachment No. 4) consists of a six-level parking structure on the site of the existing kiss-and-ride/short-term parking lot, and provides approximately 1,200 new parking spaces. This represents a net addition of approximately 1,176 parking spaces as this alternative will eliminate 24 existing parking spaces on the west side kiss-and-ride/short-term parking lot. Under this alternative, Montgomery County is also considering an option to separately co-locate a future fire station on the WMATA property to the north of the proposed parking structure.

The parking structure under Alternative A is proposed to use the existing entrance to the west side kiss-and-ride lot for access. This will not physically affect the existing parking, bus loop, and kiss-and-ride facilities on the east side of Georgia Avenue. It is anticipated that the new west side parking structure would capture a majority of the parking demand from the north currently experienced at the existing parking structure, and in turn would increase availability of parking at the existing parking structure to service demand from other areas.

Physical and operational intersection improvements proposed under Alternative A for the Georgia Avenue/Glenallan Avenue intersection include:

- Construction of a right turn deceleration lane on southbound Georgia Avenue for vehicles entering the structure at Glenallan Avenue.

- Reconfiguration of the west leg of the intersection with a reversible center lane to allow for two inbound lanes/one outbound lane during the morning peak, and one inbound lane/two outbound lanes during the evening peak. This will permit dual left-turn movement for traffic exiting the parking structure to travel northbound on Georgia Avenue during the evening peak with a left, left/through/right lane combination.
- Reconfiguration of the east leg of the intersection from a left, through, right lane combination to a left, shared through/right, right lane combination.

Alternative B on the east side of Georgia Avenue (see Attachment No. 5) consists of a five-level parking structure attached to the current Glenmont station parking structure, and provides approximately 915 parking spaces. The new east side parking structure would be located over the existing bus loop, which would be relocated to the area currently occupied by the east side kiss-and-ride/short-term parking lot. Alternative B would also expand the existing west side kiss-and-ride/short-term parking lot to a total of 91 parking spaces. Alternative B has no option to separately co-locate a future fire station on the WMATA property.

Vehicles would enter and exit the east side parking structure via the existing bus-loop access point opposite Urbana Drive, as well as bridges to and from the existing parking structure. The proposed bus loop access to Georgia Avenue will be right-turn in/right-turn out only, and would accommodate inbound busses from the south and outbound buses to the north. Inbound buses from the north and outbound buses to the south would use the Glenallan Ave access. Access to the expanded kiss-and-ride/short-term parking lot on the west side of Georgia Avenue would use the existing entrance to the west side lot.

Physical intersection operational improvements proposed under Alternative B for the Georgia Avenue/Glenallan Avenue intersection include:

- Providing an additional lane on the west leg of the intersection to reconfigure the west leg from a left/through, right lane combination to a left, through, right lane combination.

Staff notes that the west side parking structure alternative (Alternative A) does not address the issue of ingress and egress movements at the proposed fire station. Traffic activity related to the fire station should be separated from traffic activity related to the Glenmont station. Staff also notes that evaluation of Alternative B does not address the issue of ingress and egress movements at Glenallan Avenue from the proposed new bus loop and the existing parking garage, and recommends separation of in/out bus traffic to Glenallan Avenue from in/out private vehicular traffic at the existing parking garage with separate access driveways for the bus loop and the parking garage.

The alternatives study should also consider more than one access point to potential development on the west side of Georgia Avenue, since the access scheme proposed under the current plan does not consider non-availability of the Glenallan Avenue access point in the event of an emergency or an incident.

Staff also recommends consideration of real-time signs on parking availability along roadways that lead up to the parking structures. Locating these signs well in advance of the station and directing vehicles to the appropriate parking structure could help users decide early where they could park, manage movement of traffic, minimize unnecessary cruising and delays to locate a parking space, and improve overall parking efficiency.

PROJECT CHRONOLOGY

A narrative on the Glenmont Parking Structure project chronology, as excerpted from the WMATA Metro Electronic Action Document is included as Attachment No. 6. Under current schedule, the WMATA Board adoption of the project into its Adopted Regional System (with a specific alternative approval) is anticipated by Summer 2006. A new Glenmont parking structure is currently scheduled to open in Summer 2008.

PROJECT FUNDING PROFILE

Montgomery County has programmed approximately \$3.8 million in General Obligation Bonds towards the Glenmont Parking Structure project. In addition, approximately \$2.1 million is available for the project in Federal and State aid commitments, and \$10.1 million is available in bond proceeds and cash flow that will be generated by the parking surcharge. The total identified and/or programmed funds available for design and construction of either parking structure is an estimated \$16.0 million.

The estimated cost for constructing Alternative A (west side) is approximately \$17.7 million (excluding the fire station; at \$15,600 per space) and the estimated cost for constructing Alternative B (east side) is approximately \$21.2 million (at \$23,000 per space). The above costs are based on 2004 dollars, escalated to the mid-point of construction. There remains a funding gap with either alternative, with the gap or shortfall for Alternative B being significantly larger. The parking structure is programmed for construction in FY07-08.

The "total cost" for Alternative B is higher than that for Alternative A since the east side parking structure is being proposed at the location of the existing bus loop, requiring its relocation to the existing kiss-and-ride lot on the east side of Georgia Avenue. Additionally, Alternative B includes relocation and enlargement of the existing west side kiss-and-ride operation. The east side alternative provides no room for construction staging either, and will severely limit the hours available for construction as the pedestrian walkway to the station will have to be protected through the construction zone. Alternatively, the parking structure on the west side of Georgia Avenue (Alternative A) is on an unconstrained site, and its construction would minimally interfere with existing transit operations.

The co-location of a fire station on the west side of Georgia Avenue as proposed under Alternative A would possibly allow for the sharing of some of the infrastructure costs also. However, it is not clear from available documents why the same infrastructure cost savings will not be available for Alternative B if a fire station could be located at the same location under this alternative. Staff believes that a fire station could be located on the west side of Georgia Avenue regardless of the ultimate parking structure location.

CONSISTENCY WITH GLENMONT SECTOR PLAN

The Glenmont Sector Plan encourages the use of transit and emphasizes goals and policies that would enhance the use of the metro station. The Sector Plan also emphasizes creating a pedestrian friendly environment through redevelopment of vacant parcels while avoiding negative impacts on the adjoining community. The overall planning goals of the Sector Plan include the following (from page 10 of the Sector Plan):

- "Ensure that the new development is compatible with the existing community."
- "Provide safe and efficient traffic circulation for local and regional travel, balancing transportation needs with the impacts on the community."
- "Encourage the use of the existing and future public transportation systems and reduce reliance on travel by single occupant vehicles."
- "Develop a transportation system that serves as the foundation of an emerging Center in Glenmont."

The Glenmont Sector Plan has specific comments about the WMATA triangle (the subject site for the west side parking structure scenario), which is currently zoned RT-12.5. The Plan recommends rezoning the site to RT-15 to maximize housing potential on the site while protecting its sensitive environmental features.

On page 35, it states: "The application of RT-15 Zone to the WMATA Triangle would help to mitigate the significant development constraints impacting this parcel. A sizeable portion of the WMATA Triangle may be utilized for important community facilities, a proposed Kiss and Ride, and a possible child daycare center. (A western entrance to the Metro station has also been located on this site.) Another significant portion of the property consists of wetlands and tree save areas. This environmentally sensitive land should remain undeveloped and be enhanced as a natural green area serving the community.... Given these constraints, the application of the proposed RT-15 Zone may be necessary to maximize the yield of this strategically located parcel and provide increased housing opportunities near the Metro station."

On Page 56, the Plan states: "Construct a minimal drop-off or Kiss and Ride facility at the western Metro entrance with vehicular access from Glenallan Avenue extended. It should include a circular drop-off area to provide turnaround for northbound traffic and a pavilion to shelter the station entrance. Seating and bicycle parking should also be provided..."

Community-Based Planning staff believes that the proposed six-level parking structure of approximately 186 feet x 350 feet, approximately 64 feet high, on the west side of Georgia Avenue would be inconsistent with the goals and objectives of the Glenmont Sector Plan. The structure will be more intrusive to the existing community of one-family detached houses or townhouses (if in the future redeveloped under proposed zoning of RT-15) than a five-level structure of approximately 183 feet x 333 feet on the east side of Georgia Avenue next to the existing parking structure.

Community-Based Planning staff therefore recommends that the study focus on the east side of Georgia Avenue for building additional parking capacity at the Glenmont Metro Station. Another alternative would be to explore the feasibility of building the proposed Georgia Avenue Busway as an option to accommodate increased ridership and parking demand at the Glenmont station since a large portion of the parking demand stems from the Olney area residents. Additionally, any alternatives on the west side of Georgia Avenue, if included in the study, must incorporate the Glenmont Greenway as discussed in the Glenmont Sector Plan.

GEORGIA AVENUE BUSWAY STUDY

The Georgia Avenue Busway Study was completed in August 1998. The study findings confirmed the feasibility of a two-lane bi-directional busway within the median of Georgia Avenue providing frequent (15-20 minute) peak hour service between Olney and the Glenmont Metro Station. The County has included additional project planning efforts as a funding priority for Maryland Department of Transportation's consideration but to date no additional analysis has occurred. The busway is included in the applicable master plans for the areas where the busway is to be located.

The Georgia Avenue Busway Study includes a discussion about the operation of the buses at the Glenmont station. More specifically, the study notes:

"At the southern end of the busway, there would be a need for a bus passenger pick-up and drop-off area. Representatives from the Washington Metropolitan Area Transit Authority indicate that a good opportunity for such an area exists at the Glenmont Metrorail Station. One possibility is to re-designate WMATA's kiss-and-ride lot on the east side of Georgia Avenue for the busway's buses, as well as for taxis, and at the same time adjust the size of the lot on the west side of Georgia Avenue and consolidate all kiss-and-ride spaces at that location. More detailed analysis during a state sponsored project planning study may uncover other possibilities as well."

The study therefore proposed an approach to accommodate the busway service that is similar to the concept proposed under Alternative B. It should be noted that both the busway study and Alternative B locate a bus loop on the existing east side kiss and ride lot location and call for the expansion of the west side kiss and ride lot.

Currently, nine out of 31 bus trips exiting the Glenmont Station in the morning peak hour travel northbound on Georgia Avenue. In the evening peak hour, eight out of 28 buses exiting the Glenmont Station travel northbound on Georgia Avenue. The busway, once implemented, will add approximately four arrivals and departures (eight trips per hour) to and from the north at the introduction of the service.

Given the importance of the Georgia Avenue Busway project, staff believes that the busway terminal, as well as boarding and alighting area requirements should be incorporated into the design for the parking structure alternatives. It is unclear to staff if that analysis has taken place in the consideration of the two presented alternatives.

Staff recommends that the east side parking structure alternative (Alternative B) retain some flexibility to provide an additional bus boarding area on the west side (possibly at the expense of some kiss-and-ride spaces), as this side may better accommodate arriving southbound and departing northbound buses compared to the east side. In contrast, the west side parking structure could result in the busway using either the current bus loop or using the existing kiss-and-ride area for boarding and alighting. At a minimum, the analysis should take into consideration the capacity of the existing bus loop to accommodate the busway service and other bus service expansion if the parking structure is located on the west side.

ENVIRONMENTAL ISSUES

Environmental Planning staff has provided the following preliminary comments on the alternatives under consideration. It is noted that staff was unable to make specific comments on the project given the absence of detailed design drawings and/or profiles for the proposed parking structures.

1. Staff supports selection of Alternative B (on the east side of Georgia Avenue) as the preferred alternative as this option will potentially result in the least environmental impact and forest loss. In its design and location of the proposed Alternative B parking structure, WMATA should give strong consideration to developing the west side of Georgia Avenue as a pedestrian-friendly green boulevard ("Greenway") that provides visual relief from the extensive pavement associated with the roadway and kiss-and-ride/short-term parking facilities, and should reduce impervious surfaces as much as possible.
2. A significant portion of the site along the west side of Georgia Avenue, proposed for the expanded kiss-and-ride lot under Alternative B, consists of wetlands and tree save areas. The project should design and locate the proposed development cognizant of the Glenmont Sector Plan recommendation that environmentally sensitive portions of this property should remain undeveloped and should be enhanced as a natural green area to serve the Glenmont community. Staff prefers a kiss-and-ride design that parallels Georgia Avenue, rather than one that extends into the forested portion of the site.

3. **The noise analysis indicates that there are currently no sensitive receptors within the area of expected impacts for either of the two alternatives proposed. However, the Glenmont Sector Plan indicates that future development will transform Glenmont into a compact, transit-oriented, mixed-use center. Staff notes that WMATA has made successful efforts to address such situations in the past and encourages WMATA to use similar "best management" approaches for the proposed parking structure at Glenmont.**
4. **Coordinate with DEP and DPS at the earliest to help assess the degree of engineering expertise and time needed to satisfy the site's stormwater management requirements. This is critical. Staff recommends the use of ESD approaches including innovative infiltration approaches, as much as possible, for this project.**
5. **A NRI/FSD must be prepared and submitted to Environmental Planning staff for approval prior to a mandatory referral. If an exemption from Forest Conservation Law is being requested, all areas proposed for disturbance (including stormwater management) should be shown. Allow 30 days for review.**

It is noted that staff will provide more detailed comments at the later stages of this project and at the time of the mandatory referral for a preferred alternative.

LOCAL AREA TRANSPORTATION REVIEW

A preliminary review of the traffic study¹ prepared to analyze impact of the proposed parking structure alternatives at the Glenmont Metro Station indicate that:

1. **The intersection of Georgia Avenue and Randolph Road will operate with a critical lane volume (CLV) that is higher than the AGP congestion standard for Glenmont (1,800 CLV). Construction of either alternative will not improve operation of this intersection.**
2. **Though CLV's will increase in the future with or without the additional parking structure, all intersections except the Georgia Avenue/Randolph Road intersection will operate within the AGP congestion standard for Glenmont during both the morning and evening peak-hours, under all analyzed scenarios.**
3. **Both east and west parking structure alternatives will modify travel patterns at intersections in the vicinity of the Glenmont station.**
4. **Adverse impacts at the Georgia Avenue/Glenallan Avenue intersection under either alternative can be mitigated through selective physical and operational improvements at the intersection.**

It is noted that staff would provide additional comments to the traffic consultant separately, for consideration at the time of the mandatory referral for a selected alternative.

¹ Traffic Study Glenmont Parking Structure, Montgomery County, Maryland. Street Smarts, November 2005.

AREA TRANSPORTATION INFRASTRUCTURE IMPROVEMENT PROJECTS

SHA is currently in the process of finalizing the design for the Georgia Avenue/Randolph Road interchange. The interchange is proposed as an urban diamond interchange, with Randolph Road routed under Georgia Avenue and with no traffic control for the Randolph Road through movement. As part of the interchange project, the Glenmont Greenway along Georgia Avenue is proposed to be extended to the south of Randolph Road. The project will relocate the fire station to the southeast corner of the intersection and remove the gas station to the northeast corner of the intersection.

Recently, as part of the FY07 operating budget, the County Executive proposed over \$80 million of county funds to accelerate construction of certain state road projects that are currently pending. These included construction of five grade-separated interchanges, one of which is the proposed Georgia Avenue/Randolph Road interchange. These funds must still be approved by the County Council, and are in the later years of the budget.

Given the documented capacity constraints and availability of new local funding, staff recommends that SHA expedite the design and fully fund the construction of the interchange at Georgia Avenue and Randolph Road.

CE:gw
Attachments

mno to MCPB re Glenmont Parking Structure

NOTICE OF PUBLIC HEARING



THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

**ENVIRONMENTAL EVALUATION AND
GENERAL PLANS
FOR THE**

GLENMONT PARKING STRUCTURE

IN MONTGOMERY COUNTY, MARYLAND

Wednesday, April 26, 2006 for Hearing No. 174, Docket R06-4:
Stella B. Werner Council Office Building, 7th Floor
100 Maryland Avenue
Rockville, Maryland 20850

The evening will begin with an open house at 6:30 P.M., followed by the hearing at 7:30 P.M. The location of the public hearing is accessible to persons with disabilities. Any individual with a disability who requires special assistance, such as a sign language interpreter, to participate in the public hearing should contact Mrs. Leen'da Chambliss at 202.962.2595 or TTD: 202.638.3780 ten days prior to the hearing in order for the transit authority to make necessary arrangements.

NOTICE OF PUBLIC HEARING

ENVIRONMENTAL EVALUATION
AND GENERAL PLANS
FOR THE

GLENMONT PARKING STRUCTURE
IN MONTGOMERY COUNTY, MARYLAND

The public hearing will begin with an open house at 6:30 p.m., followed by the hearing at 7:30 p.m.

Tuesday, April 26, 2006 for Hearing No. 174, Docket R06-4:
Stella B. Werner Council Office Building, 7th Floor,
100 Maryland Avenue, Rockville, Maryland 20850

TRANSIT DIRECTIONS: The Stella B. Werner Council Office Building is located in Rockville, Maryland, across East Jefferson Street E from the Executive Office Building. The closest Metrorail stop is Rockville on the Red Line. Rockville is served by several Metrobus routes, including 46, 55, Q2, and T2.

DRIVING DIRECTIONS: From I-270, take Falls Road (Exit #5). Proceed northeast towards Rockville. Falls Road becomes Maryland Avenue. The Council Office Building is located at 100 Maryland Avenue.

1.0 PURPOSE OF THE PUBLIC HEARINGS

Notice is hereby given that a public hearing will be held by the Washington Metropolitan Area Transit Authority (WMATA) to receive and consider comments, suggestions, and alternatives from the public on the Environmental Evaluation and General Plans for the Glenmont Parking Structure in Montgomery County, Maryland. At the request of Montgomery County, WMATA is considering construction of an additional parking structure near the Glenmont Metrorail station. As described in Section 3.0 below, two locations are under consideration.

Written comments will be accepted until 5:00 p.m., Wednesday, May 10, 2006. Comments will also be accepted verbally and in writing at the public hearing or via e-mail, as specified in Section 6.0 below.

Following the public hearing, WMATA will review the testimony received for the record and prepare a report on the public hearing. This *Public Hearing Staff Report* will be circulated for ten days to allow public review and comment. At the completion of the public review and comment period, the WMATA Board of Directors will consider the public hearing record, the *Public Hearing Staff Report* and public comments, and will act on the proposed changes.

**2.0 ENVIRONMENTAL EVALUATION AND GENERAL PLANS
AVAILABLE FOR INSPECTION**

As part of its project approval process, WMATA has prepared an Environmental Evaluation to provide the public, local governments, and environmental agencies with a description of the

potential effects of the Glenmont Parking Structure upon the human and natural environment. WMATA has released the General Plans for the project, also. The Environmental Evaluation and related documents are available online at:

<http://www.wmata.com/about/expansion/expansion.cfm>

These documents may be inspected during normal business hours at the following locations, commencing March 27, 2006.

Washington Metropolitan Area Transit Authority
Office of Administration
Planning*Development*Engineering*Construction
c/o Mr. Jim Ashe
600 Fifth Street, NW
Washington, DC 20001
202.962.1745

Wheaton Regional Library
11701 Georgia Avenue
Wheaton, MD 20902
240.777.0678

3.0 WHAT IS PROPOSED

At the request of Montgomery County, WMATA is considering construction of a parking structure near the Glenmont Metrorail station. Two alternatives are under review. Either parking structure would provide additional parking for commuters using the Metrorail system.

Alternative A consists of an approximately 1200-space, multi-level parking structure, located on the west side of Georgia Avenue. Under Alternative A, Montgomery County is considering an option to construct a fire station on the land adjacent to the parking structure.

Alternative B consists of an approximately 925-space, multi-level parking structure, located on the east side of Georgia Avenue. Under Alternative B, the existing bus loop would be relocated to the site of the existing east side Kiss-and-Ride lot. The west side Kiss-and-Ride lot would be enlarged to 91 cars, to accommodate the displaced east side Kiss-and-Ride spaces. Alternative B has no option for construction of a fire station.

Details of the two alternatives are shown in the General Plans. The potential site of the fire station is shown in the General Plans, also.

4.0 PROPERTY REQUIREMENTS

If either alternative is approved, construction would take place on WMATA-owned land. No additional property would be required.

5.0 HOW TO REGISTER TO SPEAK AT THE PUBLIC HEARING

All organizations or individuals desiring to be heard with respect to the Environmental Evaluation and General Plans will be afforded the opportunity to present their views and make supporting statements and/or to offer alternative proposals. In order to establish a witness list,

Individuals and representatives of organizations who wish to be heard at the public hearing are requested to furnish in writing their name, address, telephone number and organization affiliation, if any, to Office of the Secretary, Washington Metropolitan Area Transit Authority, 600 Fifth Street, N.W., Washington, D.C. 20001. Please submit only one speaker's name per letter and reference the Hearing and Docket Numbers shown on the front of this notice. Lists of individual speakers will not be accepted. Other individuals present at the hearing may be heard after those persons on the witness list have been called and heard.

Speaking order at the public hearing will be as follows:

- o Public officials will be heard first and will be allowed ten minutes each to make their presentations.
- o Individuals who have registered in advance will be allowed five minutes to speak.
- o All others will be heard next in order of registration, and will be allowed three minutes each.

Relinquishing of time by one speaker to another will not be permitted. A verbatim transcript will be made of the hearing and a copy of the transcript may be purchased from the Miller Reporting Company, whose telephone number is (202) 546-6666.

6.0 HOW TO SUBMIT WRITTEN OR ELECTRONIC STATEMENTS

Written or electronic statements and exhibits may be submitted until 5:00 p.m. on Wednesday, May 10, 2006, to the following:

Written statements and exhibits:

Office of the Secretary
Washington Metropolitan Area Transit Authority
600 Fifth Street, NW
Washington, DC 20001

Electronic (e-mail) statements:

public-hearing-testimony@wmata.com

Please reference the Hearing and Docket Numbers shown on the front of this notice in your submission. Please include your name, address, and telephone number in your submission.

2006-042



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

April 28, 2006

Councilmember Nancy Floreen
Chair, Transportation and Environment Committee
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: Environmental Evaluation and General Plans for the Glenmont
Parking Structure Georgia Avenue East and West Alternatives

Dear Councilmember Floreen:

The purpose of this letter is to transmit to you the Planning Board's comments and staff recommendations on the selection of an alternative to the proposed parking structure at the Glenmont Metro Station. The Planning Board considered this item during our regularly scheduled meeting on April 27, 2006, and unanimously endorsed staff recommendations to locate the parking structure on the east side of Georgia Avenue (Alternative B) as described in the attached staff report dated April 14, 2006.

The Planning Board finds that a free-standing multi-level structure on the west side of Georgia Avenue on the "WMATA triangle" is incompatible with adjacent land uses and inconsistent with the County's overall long-term objective of promoting community-compatible Smart Growth initiatives near Metrorail stations. As a result, the Planning Board endorses the staff recommendation to locate the parking structure on the east side if it is to be a stand-alone structure.

A future parking structure on the west side of Georgia Avenue need not be necessarily ruled out in the long term if it were to be part of a mixed-use joint development that endorses Smart Growth principles. The west side site could, for example, be redeveloped with housing that surrounds and masks a significant parking structure.

Montgomery County Planning Board, 8787 Georgia Avenue, Silver Spring, Maryland 20910
Phone: (301) 495-4606, Fax: (301) 495-1320, E-mail: mcb-chairman@mnccppc-mc.org, www.mnccppc-mc.org

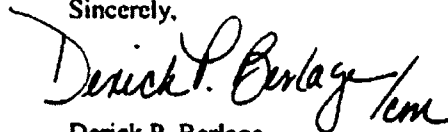
EXHIBIT 7

Councilmember Nancy Floreen
April 28, 2006
Page Two

We acknowledge that this project is a top priority for State construction funds. If funding issues dictate that the Council needs to select a site now, before joint development can be considered, we support the east side.

We look forward to continuing this discussion at the Transportation and Environment Committee meeting.

Sincerely,



Derick P. Berlage
Chairman

DPB:CE:gw

Enclosure

cc: Arthur Holmes, Director, Department of Public Works and Transportation
Glenn Orlin, Deputy Staff Director, County Council
Joseph G. Heines, III, Project Manager, WMATA
Khalid Afzal, M-NCPPC/Community-Based Planning
Dan Hardy, M-NCPPC/CountyWide Transportation
Tom Autrey, M-NCPPC/CountyWide Transportation
Cherian Eapen, M-NCPPC/CountyWide Transportation

2006-0542



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

December 22, 2006

Mr. Michael McAteer
Vice President
Glenmont Civic Association
12407 Flack Street
Silver Spring, Maryland 20906

RE: Proposed Metro Garage on the WMATA Triangle Site in Glenmont

Dear Mr. McAteer:

Thank you for your letter of November 20, 2006 regarding the proposed Glenmont Metro garage expansion, which is proposed to be located on the west side of Georgia Avenue on the WMATA property known as the WMATA triangle.

As you are aware, the Planning Board reviewed the site selection of the proposed Glenmont metro garage on April 27, 2006; the Board recommended that the proposed garage expansion be located on the east side of Georgia Avenue. In Chairman Derick Berlage's letter of April 28, 2006 to the Council's Transportation and Environment Committee, he stated that "a free-standing multi-level structure on the west side of Georgia Avenue on the "WMATA triangle" is incompatible with adjacent land uses and inconsistent with the County's overall long-term objective of promoting community-compatible smart growth initiatives near a Metrorail station." Further, he stated that a parking structure on the west side could be possible "if it were to be a part of a mixed-use joint development that endorses smart growth principles. The west site could, for example, be redeveloped with housing that surrounds and masks a significant parking structure."

I agree with your concerns that a 1,200-space garage, with a footprint approximately 185'x350' and 65 to 75 feet high, on the west side of Georgia Avenue, could possibly have serious negative impacts on the surrounding community if it is not carefully designed. I understand that our Community-Based Planning staff is aware of your concerns and that the County staff must submit the proposed design for a mandatory referral review by the Planning Board.

By a copy of this letter to the County's Department of Public Works and Transportation, I urge the County to work with the Planning Department staff and the community to explore innovative and viable options to address the community's concerns. The issues you raise should be resolved before the project design is complete and submitted to

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@macppc.org

EXHIBIT 8

Mr. Michael McAteer
December 22, 2006
Page Two

the Board for a mandatory referral review. The County should carefully evaluate all options in designing a compatible and less intrusive structure, including your suggestion of lowering the garage into the ground to reduce its perceived height, and/or surrounding it with townhouses or other residential structures to make it compatible with the adjacent residential community. I believe this site presents a great opportunity for all of us to come up with an exemplary public project that meets its programmatic needs without negatively impacting the surrounding community.

Thank you for bringing these issues to the County's and the Planning Board's attention, and please continue to work with the staff at both agencies to help them develop an acceptable solution to your concerns.

Sincerely,



Royce Hanson
Chairman

RH:ss

cc: Art Holmes, Director, County Department of Public Works and Transportation
Marilyn Praisner, President, Montgomery County Council
Nancy Floreen, Chair, County Council T&E Committee
Gordon Linton, Washington Metropolitan Transit Authority Board member
Ray Briscuso, Washington Metropolitan Transit Authority Board member

MEMORANDUM

TO: County Council

FROM: ^G Glenn Orlin, Deputy Council Staff Director

SUBJECT: **Introduction:**
Bill 20-10, Special Capital Improvements Project – MCPS Food Distribution Facility Relocation
Bill 21-10, Special Capital Improvements Project – Glenmont Fire Station 18 Replacement
Bill 22-10, Special Capital Improvements Project – Travilah Fire Station
Bill 23-10, Special Capital Improvements Project – 3rd District Police Station
Bill 24-10, Special Capital Improvements Project – Equipment Maintenance and Operations Center (EMOC)
Bill 25-10, Special Capital Improvements Project – Olney Library Renovation and Addition

Bills 20-10 through 25-10, 2010 Special Capital Improvement Projects, sponsored by the Council President at the request of the County Executive, are scheduled to be introduced on April 20, 2010. Public hearing/action is tentatively scheduled for June 15 at 1:30 p.m.

Bills 20-10 through 25-10 authorize the planning, design and construction of each project as described in the Project Description Forms (PDF) attached.

<u>This packet contains</u>	<u>Circle</u>
Bill 20-10	1
Legislative Request Report	3
PDF	4
Bill 21-10	5
Legislative Request Report	7
PDF	8
Bill 22-10	9
Legislative Request Report	11
PDF	12
Bill 23-10	13
Legislative Request Report	15
PDF	16
Bill 24-10	17
Legislative Request Report	19
PDF	20
Bill 25-10	21
Legislative Request Report	23
PDF	24
Memo from County Executive	25

Bill No. 21 -10
Concerning: Special Capital
Improvements Project - Glenmont
Fire Station 18 Replacement
Revised: April 14, 2010 Draft No. 1
Introduced: April 20, 2010
Expires: October 20, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

AN ACT to authorize the planning, design and construction of the Glenmont FS 18 Replacement, Project No. 450900, in the Kensington-Wheaton planning area.

By adding to the laws of Montgomery County 2010

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. The laws of Montgomery County, Maryland, are amended to read as**
2 **follows:**

3 Montgomery County, Maryland, is authorized to plan, design, and construct
4 the Glenmont FS 18 Replacement, Project No. 450900, in the Kensington-Wheaton
5 planning area. This authorization includes all necessary planning, design, site
6 improvements, furniture, fixtures, equipment, and structures.

7 *Approved:*

8

Nancy Floreen, President, County Council

Date

9 *Approved:*

10

Isiah Leggett, County Executive

Date

11 *This is a correct copy of Council action.*

12

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 21-10

Glenmont FS 18 Replacement

DESCRIPTION: The County Executive requests that capital project No. 450900, Glenmont FS 18 Replacement, be authorized as a "Special Capital Improvements Project" pursuant to Section §302 of the County Charter and Section §20-1 of the Montgomery County Code.

PROBLEM: Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$12,863,000 in FY11 dollars. The estimated locally-funded cost of this project in the County Executive's FY11 Recommended Capital Budget and FY11-16 Capital Improvements Program (CIP) is \$13,032,000 for planning, design, and supervision; site improvements and utilities; construction and other costs.

GOALS AND OBJECTIVES: This project provides for the construction of an approximately 19,900 gross square foot fire station to replace the current fire station located at the intersection of Georgia Avenue and Randolph Road.

COORDINATION: This project has been coordinated with the Department of General Services, Department Technology Services, Department of Permitting Services, Montgomery County Fire and Rescue Service, Mid-County Regional Services Center, the Maryland State Highway Administration, and local utility companies.

FISCAL IMPACT: The total estimated cost for this project is \$13,032,000. Of this, \$1,747,000 is for planning, design, and supervision; \$1,046,000 is for site improvements and utilities; \$9,254,000 is for construction; and \$985,000 is for other. The estimated locally-funded cost is \$13,032,000. The funding source for this project is General Obligation Bonds.

ECONOMIC IMPACT: The new facility will accommodate the needs of the present and projected user departments noted above under Goals and Objectives.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: Not Applicable.

SOURCE OF INFORMATION: Blaise DeFazio, Office of Management and Budget; and Jeffrey Knutsen, Project Manager, Department of General Services - Division of Building Design and Construction.

APPLICATION WITHIN MUNICIPALITIES: Not Applicable.

PENALTIES: None Required.

Glenmont FS 18 Replacement -- No. 450900

Category: Public Safety
 Subcategory: Fire/Rescue Service
 Administering Agency: General Services
 Planning Area: Keatington-Wheaton

Date Last Modified: March 31, 2010
 Required Adequate Public Facility: No
 Relocation Impact: None
 Status: Preliminary Design Stage

March 31, 2010
 No
 None
 Preliminary Design Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY09	Est. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	1,747	0	99	1,648	459	192	212	493	292	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	1,048	0	0	1,048	0	152	224	521	149	0	0
Construction	9,254	0	0	9,254	0	525	2,354	5,487	888	0	0
Other	985	0	0	985	0	143	183	427	232	0	0
Total	13,032	0	99	12,933	459	1,012	2,973	6,928	1,561	0	0

FUNDING SCHEDULE (\$000)

G.O. Bonds	13,032	0	99	12,933	459	1,012	2,973	6,928	1,561	0	0
Total	13,032	0	99	12,933	459	1,012	2,973	6,928	1,561	0	0

OPERATING BUDGET IMPACT (\$000)

Maintenance				290	0	0	0	0	132	158
Energy				337	0	0	0	0	153	184
Net Impact				627	0	0	0	0	285	342

DESCRIPTION

This project provides for an approximately 19,900 gross square foot fire station to replace the current fire station located at the intersection of Georgia Avenue and Randolph Road. The recommended replacement fire-rescue station is a modified Class II station designed to meet current operational requirements and accommodate modern fire fighting apparatus. The project includes gear storage, decontamination, information technology rooms, and four apparatus bays.

ESTIMATED SCHEDULE

The design phase will commence upon land acquisition and it is estimated to last twenty months, followed by approximately six months for bidding, and a construction period of approximately eighteen months.

COST CHANGE

The cost increase is due to the addition of construction expenditures.

JUSTIFICATION

The Maryland State Highway Administration (SHA) plans to build a new intersection at Georgia Avenue and Randolph Road. The current station is located on the planned intersection site. The replacement fire station will be located on a different site but in proximity to the service area of the current station.

OTHER

Special Capital Projects Legislation will be proposed by the County Executive.

FISCAL NOTE

The project provides for the design and construction phase costs. Debt service for this project will be financed with Consolidated Fire Tax District Funds. There are no funds for fire apparatus included in project budget.

OTHER DISCLOSURES

- A pedestrian impact analysis will be performed during design or is in progress.
- Land acquisition will be funded initially through ALARF, and then reimbursed by a future appropriation from this project. The total cost of this project will increase when land expenditures are programmed.

APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY10	(\$000)
First Cost Estimate	FY11	13,032
Current Scope		
Last FY's Cost Estimate		1,644
Appropriation Request	FY11	330
Appropriation Request Est.	FY12	9,408
Supplemental Appropriation Request		0
Transfer		0
Cumulative Appropriation		1,331
Expenditures / Encumbrances		25
Unencumbered Balance		1,306
Partial Closeout Thru	FY08	0
New Partial Closeout	FY09	0
Total Partial Closeout		0

COORDINATION

Department of General Services
 Department Technology Services
 Montgomery County Fire and Rescue Service
 Department of Permitting Services
 Maryland State Highway Administration
 WSSC
 PEPCO
 WMATA
 Mid-County Regional Services Center



1 BILL
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ACK AG 4/20/10


Isiah Leggett
County Executive

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

055744

MEMORANDUM

April 7, 2010

TO: Nancy Floreen, President, County Council
FROM: Isiah Leggett, County Executive 
SUBJECT: Special Capital Improvements Project Legislation:
MCPS Food Distribution Facility Relocation
Glenmont FS 18 Replacement
Travilah Fire Station
3rd District Police Station
Equipment Maintenance and Operations Center (EMOC)
Olney Library Renovation and Addition

RECEIVED
MONTGOMERY COUNTY
COUNCIL
2010 APR -8 PM 1:16

In accordance with Section 302 of the County Charter and Section 20-1 of the Montgomery County Code, I am forwarding the attached Special Capital Improvements Project Legislation Authorization and Legislative Request Report for the following projects:

- Montgomery County Public Schools (MCPS) Food Distribution Facility Relocation (No. 361111)
- Glenmont FS #18 Replacement (No. 450900)
- Travilah Fire Station (No. 450504)
- 3rd District Police Station (No. 470302)
- Equipment Maintenance and Operations Center (EMOC) (No. 500933)
- Olney Library Renovation and Addition (No. 710301)

This request is necessary because the local cost of these projects exceed the FY11 Special Capital Improvements Project Legislation cost threshold of \$12,863,000 as set by Executive Order 236-09. The purpose of these projects is set forth below.

The MCPS Food Distribution Facility Relocation project is part of the Smart Growth Initiative and provides for design and construction of a new facility on the Webb Tract site on Snouffer School Road.

Nancy Floreen, President, County Council
April 7, 2010
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The Glenmont FS 18 Replacement project provides for an approximately 19,900 gross square foot fire station to replace the current fire station located at the intersection of Georgia Avenue and Randolph Road.

The Travilah Fire Station project, located at the northwest intersection of Darnestown and Shady Grove Road, provides for the design and construction of a new fire-rescue station at the county-owned site.

The 3rd District Police Station project, located at the northeast intersection quadrant of New Hampshire Avenue and U.S. Route 29, provides for the site selection, planning, and design, and construction of a new 32,844-gross square foot (including auxiliary buildings) 3rd District Police Station to serve Silver Spring and vicinity.

The EMOC project is part of the Smart Growth Initiative and provides for land, planning, design, and construction of a new EMOC to support a doubling of transit ridership by 2020; as well as current transit, highway maintenance and fleet operations.

The Olney Library Renovation and Addition project provides for a 5,000 square foot addition and full interior renovation of the existing interior space to the Olney Library.

I recommend prompt passage of this legislation so as to advance these projects.

IL:bh

Attachments