

**ADEQUATE PUBLIC FACILITIES
ADVISORY COMMITTEE**

ACTION MINUTES

MEETING OF May 26, 2011

The meeting was convened at 7:00 p.m. In attendance – Julie Carr, Jason Anthony, Dennis Cain, Tom Gibney, Soo Lee-Cho, Charles Littlefield, Roald Schrack, Eric Siegel. Sean Hart was absent.

Charles Littlefield moved, seconded by Eric Siegel, to approve the agenda. The motion passed unanimously.

The committee considered the draft minutes for the May 12 meeting. Some minor edits were noted to the reference to building heights around the Metro station, the traffic impact mitigation and the expectation from the expert on assessing school overcrowding. Eric Siegel moved, seconded by Tom Gibney, to approve the revised minutes. The motion passed 5-0-2 with Jason Anthony and Charles Littlefield abstaining.

The meeting then turned to presentation from the invited guests. The first speaker was Jack Leiderman. He was an appellant in the Beall's Grant II court case. He provided his commentary on background of the court case and the appellants' position on the issues. Mr. Leiderman's written testimony is appended to these minutes.

Following the formal presentation, the committee engaged in discussion of the issues raised. Eric Siegel asked, what does the development community feel about the APFO. The answer given was that developer after developer testified in one way or another to abandon the APFO.

Jason Anthony asked whether there is a difference in school child generation between luxury apartments and standard garden-style units. While not an expert, Mr. Leiderman noted anecdotally that it seems that affordable units generate more kids. He noted the story about the 25 kids that unexpectedly showed up at school opening day from the Parc Potomac development where none were expected. He also said that when he talked with Bruce Crispell from MCPS in 2008, Bruce was not aware that the City had its own APFO. Charles Littlefield noted other anecdotes regarding school child generation rates, and that we may need to look at the archived data.

Jason Anthony asked whether the growth in the Beall E.S. area was coming from the base or other factors. The answer was he was not sure, but noted in a report Kevin Zaletsky presented to the Planning Commission, it indicated that about 60% of the growth was from new development. The Zaletsky report is also appended to these minutes.

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Soo Lee-Cho asked how the staff could do its own demand calculations. The answer was that they should use the APFO language as the basis, but do it at the time of review, not at the beginning of the fiscal year.

Eric Siegel asked Jack how he got involved in this with no students in the school. He said he was just interested in having the City enforce its own laws. Eric also noted at this point that the committee had relaxed its rule regarding input from meeting observers.

The next speaker was Christina Ginsberg, from the Twinbrook Citizen's Association. She began by noting that the following major projects were under way or being considered in the Twinbrook area:

Twinbrook Station – 1,595 units, already underway and grandfathered from the APFO
Avalon Bay -250 units, currently held up by the APFO for schools
Twinbrook Shopping Center – 880 units proposed
Taylor Property – 35 units proposed
Halpine View – 1,800 units proposed via redevelopment of the project
Syms site – 450 units
Fuddruckers site – 550 units
JBG West – 450 units

There is an expectation that there will up to 10,000 multi-family units in the Rockville Pike area.

She provided a demonstration of how floor area ratios (FAR) are administered, using Styrofoam blocks. The point was that 1 FAR could be one story over the entire lot, or it could be stacked up such that the floor area, being the same as the lot area, could go up several stories and still be the same floor area.

She said she does not trust the traffic projection numbers from the developers and the City. John Hall noted that the development impact fee is collected by the County. The City should continue to pursue getting that authority from the state for the City.

Christina also noted that there is some belief that the Pike should be left alone, and referred to the testimony on the Pike plan from REDI (Rockville Economic Development, Inc.).

Susan Prince was the next speaker. She is the president of the West End Citizen's Association, and now sits on the REDI board. She noted that there almost 1,600 units in the West End. She said that she was involved in the WECA Beall's Grant II committee and has followed closely the debate around the APFO. Based on feedback from residents – no one has expressed a desire to modify or eliminate the APFO. She said her son is a student at Julius West Middle School. This session the school had 50 more students than expected, most of which appear to have come from the apartments at Twinbrook. She believes that more students are coming from multi-family developments and that there has also been doubling up in tough economic times. She said we need to try achieving a

balance between growth and public facilities. We should not characterize the residents as being anti-development.

Tom Gibney asked how her kids' experiences have been at Julius West and RMHS, and she responded that it had been great. Jason Anthony asked whether she thinks there should be any changes in the APFS, and she answered, no; just implement the law as it is. It is our last line of defense. Charles Littlefield asked how we can address the issue of development occurring all around us while the City may be held back. Her answer was that we need to achieve balance, but maybe consider whether or not the City should become a quiet oasis.

John Hall, former council member, spoke next. He said he was glad to hear that the APFO was looked at as the last line of defense. In developing the APFO, there was no intent to put the City into a moratorium. The reality is that development is going to happen – you can be fatalistic and say it just isn't working, but you don't throw out the rules and regulations just because some things don't happen the way you expect. There are places in the area, such as Northern Virginia, that are "more flexible" about development.

He notes that the fire and rescue standards should be looked at again. Because the City did not reassess that aspect, the unfortunate result was modifying the APFS to exempt the portable classrooms. He also noted the current attempt to further modify the APFS [for the Silverwood project] without a public hearing. He believes that the process is not being followed. That can be fixed, but even if it's fixed the policy change is not helpful. There is not much he would change.

Mr. Hall said that there are only two essential things a city does – land use control and budget. Soo Lee-Cho asked his thoughts on the exemptions given for previously approved development projects. He answered that there must be respect for the 5th Amendment rights and general sense of fairness. We don't want to be a government that deals in bad faith. We are an economic engine for the County and do need to maintain reasonable growth.

The next speaker was Nancy Paul, who has been a resident of King Farm since 2004. She noted that in 2006 they moved from the Gaithersburg district to RMHS so their kids could go to College Gardens. She indicated that other families also moved within King Farm for the same reason. She first asked what the mission of the committee was, and the chair responded with the charge to the committee from the Planning Commission. She has a concern that new residents weren't told about the division in school districts. She sat on a committee that investigated bring all of King Farm into the same district and demonstrating that there were enough kids to support a new school.

She was also concerned that the student generation projections were based on County-wide rates and not at the neighborhood level. This shows in the fact that the new College Gardens school opened overcrowded. This creates issues with parent activities, lunch schedules, etc. From her perspective it is clear that the County will do whatever it wants. She noted the rumor that the Board of Education has voted to cut funding for the

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proposed Hungerford elementary school site and for the expansion of Julius West Middle School.

Soo Lee-Cho asked whether any of the speakers had considered pushing for charter schools? The answer was that MCPS does not favor charter schools, and developing them is not an easy path.

Roald Schrack asked if she still had their old poll on student numbers. Ms. Paul said she is not sure if they can be found at this point.

Susan Prince noted that at one time the Richard Montgomery cluster was not desirable, but since the IB program has been put in, it is in great demand.

Soo Lee-Cho asked whether the residents might be willing to tax themselves to support school expansion. The general opinion was that it is part of a larger question. Soo noted that part of the frustration is that with or without the APFO the school problem will continue and without a solution development will stop. Susan Prince responded that the developers need to pressure the County to do something to solve the problem.

Cheryl Peirce noted that we really need to move forward with results of the feasibility studies. Christina Ginsberg stated that the City was in effect the canary in the coal mine.

Charles Littlefield asked if there is some way to get better input into the process. Ms. Paul said that the school system will not build to the maximum projections, but to a middle ground and maybe use portables to handle the peaks. The College Gardens principal sends out notes to the parents about what their expectations are for the next school year.

Soo Lee-Cho asked if the community would be OK with the City gathering the detailed data, or whether the developers might do it in a way similar to traffic studies. The consensus was that the City should do it.

Susan Prince raised the issue that is little or no security with the portable classrooms.

Eric Siegel noted that most of the issues that have been raised here are policy issues that really go beyond the APFO. We should all band together at the Rockville Summit to form a united front and lobby together to the County and State on the issues that need to be addressed.

Soo Lee-Cho asked that the committee be given the results of the BOE action on the budget issues.

The meeting was adjourned at 10:40 p.m.