AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

Virtual Speakers

Virtual Speakers should follow the instructions in the Agenda Center at www.rockvillemd.gov/AgendaCenter as written on page 1 of the Agenda Packet.

In-Person Attendance

Community members attending in-person who wish to speak during Community Forum or a Public Hearing should sign up using the form at the entrance to the Mayor and Council Chamber. In-person speakers will be called upon in the order they are signed in and will speak following virtual speakers.

Viewing Mayor and Council Meetings

The Mayor and Council are conducting hybrid meetings. The meetings can be viewed on Rockville 11, Comcast, and Verizon cable channel 11, and livestreamed at www.rockvillemd.gov/rockville11, and available a day after each meeting at www.rockvillemd.gov/videoondemand.

Participating in Community Forum & Public Hearings:

If you wish to submit comments in writing for Community Forum or Public Hearings:

- Please email the comments to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the date of the meeting.
- All written comments will be acknowledged by the Mayor and Council at the meeting and added to the agenda for public viewing on the website.

If you wish to participate virtually in Community Forum or Public Hearings during the live Mayor and Council meeting:

1. Send your Name, Phone number, the Community Forum, and Expected Method of Joining the Meeting (computer or phone) to mayorandcouncil@rockvillemd.gov no later than Noon on the day of the meeting.
2. Send your Name, Phone number, the Public Hearings Topic, and Expected Method of Joining the Meeting (computer or phone) to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the day of the meeting.

3. On the day of the meeting, you will receive a confirmation email with further details, and two Webex invitations: 1) Optional Webex Orientation Question and Answer Session and 2) Mayor & Council Meeting Invitation.

4. Plan to join the meeting no later than 6:40 pm (approximately 20 minutes before the actual meeting start time).

5. Read for https://www.rockvillemd.gov/DocumentCenter/View/38725/Public-Meetings-on-Webex meeting tips and instructions on joining a Webex meeting (either by computer or phone).

6. If joining by computer, Conduct a WebEx test: https://www.webex.com/test-meeting.html prior to signing up to join the meeting to ensure your equipment will work as expected.

7. Participate (by phone or computer) in the optional Webex Orientation Question and Answer Session at 4 pm the day of the meeting, for an overview of the Webex tool, or to ask general process questions.

**Participating in Mayor and Council Drop-In**

The next scheduled Drop-In session will be held by phone on Monday, July 18 from 5:30-6:30 pm with Mayor Newton and Councilmember Feinberg. Please sign up by 10 am on the day of the meeting using the form at: https://www.rockvillemd.gov/formcenter/city-clerk-11/sign-up-for-dropin-meetings-227

7:00 PM 1. Convene

2. Pledge of Allegiance

3. Agenda Review

7:05 PM 4. City Manager's Report

7:10 PM 5. Certificate of Recognition

A. Certificate of Recognition for Deputy City Manager Angela Judge
B. Certificate of Recognition for 131st Anniversary of Historic Lincoln Park (Mayor Newton)

7:15 PM 6. Proclamation
A. Proclamation Declaring June 2022 as National Caribbean American Heritage Month (CM Ashton)

B. Proclamation Declaring July 2022 as National Park and Recreation Month in Rockville (CM Pierzchala)

7:20 PM  7. Boards and Commissions Appointment

A. Boards and Commissions Appointment

7:25 PM  8. Presentation

A. MWCOG Presentation: Metropolitan Washington Planning Framework for 2030

8:10 PM  9. Community Forum

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 p.m. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance, or email the City Clerk’s Office at cityclerk@rockvillemd.gov by no later than 10:00 a.m. on the day of the meeting.

8:30 PM  10. Consent

A. 144D Pasture Side Way - Release of Declaration of Covenants for Sale Properties

B. Authorize the City Manager to Execute the Mark Twain Athletic Park MOU Lease Extension.

C. Award for Workers' Compensation Insurance Policy Renewal to PMA

D. Authorization to Execute Agreements for Twinbrook Quarter Off-Site Sewer Easement

E. Approval to Reject All Bids for IFB #10-22, Town Center Road Diet Project
F. Approval of Minutes
G. Adoption of Resolution to Ratify the City Manager's Execution of a Commitment Letter for MEA Grant Application for Streetlight Conversions-item at the end of the agenda packet

8:35 PM 11. Adoption of a Resolution Declaring Policy on All Gender Bathrooms

8:45 PM 12. Introduction and Possible Adoption of Ordinance to Approve Sectional Map Amendment MAP2022-00123, an Application to Rezone the Property at 406 Great Falls Road from R-90 to R-90 (HD - Historic District) in Order to Place the Property in a Historic District; Historic District Commission of Rockville, Applicant

9:15 PM 13. Discussion, Instructions to Staff, and Possible Introduction and Possible Adoption of an Ordinance to Grant Map Amendment Application MAP2022-00124, for the Rezoning of 500 Great Falls Road from R-90 to R-90 (HD - Historic District) in Order to Place the Property in a Historic District; Historic District Commission of Rockville, Applicant

10:00 PM 14. 2023 MML Legislative Action Requests

10:30 PM 15. Discussion and Possible Approval of Alternative Moderately Priced Dwelling Units (MPDU) Annual Maximum Household Income and Monthly Rent Schedule for Fiscal Year 2023

10:50 PM 16. Review and Comment - Mayor and Council Action Report

A. Action Report

17. Old/New Business

11:10 PM 18. Adjournment

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: http://www.rockvillemd.gov/mcguidelines.
Subject
Certificate of Recognition for Deputy City Manager Angela Judge

Recommendation
Staff recommends that the Mayor and Council read and present the certificate of recognition to Deputy City Manager Angela Judge.

Discussion
This certificate of recognition is to acknowledge and thank Deputy City Manager Angela Judge for her inspirational leadership, dedication, support and outstanding service to the City of Rockville. The City of Rockville sincerely appreciates the outstanding work that she has performed in the past year for our organization and community.

Deputy City Manager Judge championed Rockville's Diversity, Equity, and Inclusion efforts, brought enthusiasm and fresh perspectives, fostered better interdepartmental cooperation, and has been a team builder. She assisted with many priority projects and initiatives, key recruitments of talent to the City of Rockville, and fully shared her professional expertise and positive spirit with all.

As Deputy City Manager Judge moves on to an important out-of-state family/professional commitment, we thank her and extend our very best wishes to Angela and her husband Warren for health and happiness in their exciting new endeavors.

Attachments
Attachment 5.A.a: Deputy City Manager Angela Judge (PDF)
The Mayor and Council of Rockville

Celebrate and Recognize

Angela Judge, Deputy City Manager

For her inspirational leadership, dedication, support, and outstanding public service to the City of Rockville, Mayor and Council, Staff, Residents and Community.

You have left an indelible mark on the City of Rockville, Maryland, and we appreciate your contributions and wish you much success in your future endeavors!

June 27, 2022
Subject
Proclamation Declaring June 2022 as National Caribbean American Heritage Month

Recommendation
Staff recommends the Mayor and Council read and approve the proclamation

Discussion
National Caribbean American Heritage Month (NCAHM) began in 1999 with outreach to President Bill Clinton asking for the recognition of August as National Caribbean American Heritage Month. This resulted in the first White House Caribbean American Community Briefing being held at the Clinton White House in 1999.

Congresswoman Barbara Lee led the effort to establish June as Caribbean American Heritage Month over a decade ago. On February 14, 2006, the resolution similarly passed the Senate, culminating a two-year, bipartisan, and bicameral effort. The Proclamation was issued by President George Bush on June 6, 2006.

Since the declaration, the White House has issued an annual proclamation recognizing June as Caribbean-American Heritage Month. This year marks the fourteenth celebration of June as National Caribbean American Heritage Month.

The campaign to designate June as National Caribbean American Heritage Month was spearheaded by Dr. Claire Nelson, Founder, and President of the Institute of Caribbean Studies. Through the commemoration of this month, we hope to ensure that America is reminded that its greatness lies in its diversity, with Caribbean immigrants from founding father Alexander Hamilton to journalist Malcolm Gladwell, who have shaped the American dream.

In June 2000, National Caribbean American Heritage Month, and organized events in June under that banner. In 2001, Institute of Caribbean Studies was joined by Trans Africa Forum and the Caribbean Staff Association of the World Bank to organize events during June, promoting recognition of June as National Caribbean American Heritage Month, and the momentum slowly began to build. In 2004, the efforts gathered steam, when an Official Campaign for June as National Caribbean American Heritage Month was launched upon the tabling of a Bill in the US Congress by Congresswoman Barbara Lee, with language provided by ICS Founder and President, Dr. Claire Nelson. ICS worked with the Office of Congresswoman Barbara Lee to galvanize support for the Bill from organizations across the country and organized events on Capitol Hill in recognition of June in 2004. The Bill was reintroduced and passed the
House in June 2005, and the Senate in February 2006. A Proclamation making the Resolution official was signed by President George Bush on June 5, 2006.

Mayor and Council History
This is the second time Mayor and Council have presented this proclamation.

Public Notification and Engagement
Wednesday, June 29, 2022, 4:30 PM – 5:30 PM - Founders Room at Benjamin Gaither Center, 804 Bureau Drive, Gaithersburg, Md 20878 - Join musician Ronald Emrit as he plays his Steel Pan reminding us of our favorite tunes from the Caribbean Islands to the United States. We are celebrating Caribbean-American Heritage Month at the Benjamin Gaither center. Feel free to dance, tap and listen! Tasting of traditional desserts and drinks available. Benjamin Gaither Center Members Free, Non-Member Fee: $5 Age Category Adult Date and Location.

Attachments
Attachment 6.A.a: Proclamation Declaring June 2022 as National Caribbean American Heritage Month (PDF)
WHEREAS, the commemoration of National Caribbean Heritage Month was initiated in 2004 by Ms. Claire Nelson, Ph.D., and adopted by the U.S. House of Representatives in 2005 to recognize the significance of Caribbean people and their descendants on the history and culture of the United States. The resolution passed the Senate in February 2006 and President George H.W. Bush issued the proclamation in June 2006; and

WHEREAS, since the declaration, the White House has issued an annual proclamation recognizing June as Caribbean-American Heritage Month; and

WHEREAS, during National Caribbean-American Heritage Month, we acknowledge the significant ways Americans with roots in the Caribbean have shaped our culture and heritage, greatly enriching our society as scholars, business leaders, authors, community leaders, inventors, activists, athletes, artists, musicians, and politicians. Some notable leaders include Alexander Hamilton, the first Secretary of Treasury; Former Secretary of State Colin Powell; Celia Cruz, the world-renowned Salsa music pioneer; Shirley Chisholm, the first African American Congresswoman, Academy Award-winning actor Sidney Portier; Harlem Renaissance poet James Weldon Johnson author of Lift Every Voice and Sing, and his brother, John Rosamond Johnson, who composed the music to this famous poem; Supreme Court Justice Sonia Sotomayor, among many others. Caribbean Americans have made their mark in every facet of our society and have contributed to the betterment and diversity of our Nation, State, and City; and

WHEREAS, as we celebrate our Caribbean heritage, let us hold fast to the spirit that makes our country a beacon to the world. This month let us remember that we are always at our best when we focus on what we can build up and together let us strengthen the bonds that hold together the most diverse Nation on earth.

NOW, THEREFORE, the Mayor and Council of the City of Rockville do hereby proclaim June 2022, to be Caribbean-American Heritage Month in the City of Rockville, urging all of the residents of our City to honor their cultural and historical bonds and be reminded that America’s greatness lies in its diversity.
Subject
Proclamation Declaring July 2022 as National Park and Recreation Month in Rockville

Recommendation
Staff recommends Mayor and Council approve the Proclamation and present it to the Recreation and Parks Foundation President and Recreation and Park Advisory Board member Chip Boylan.

Discussion
This July, the City of Rockville joins cities and towns across the country to Rise Up for Parks and Recreation Month, as we celebrate how Rockville is stronger, more vibrant, and more resilient due to a strong system of recreation and parks. Rockville is celebrating Park and Recreation Month, an initiative of the National Recreation and Park Association (NRPA), in celebrating Rockville’s parks and its recreation programs and services.

Since 1985, people in the United States have celebrated Park and Recreation Month in July to promote building strong, vibrant, and resilient communities through the power of parks and recreation and to recognize the more than 160,000 full-time park and recreation professionals — along with hundreds of thousands of part-time and seasonal workers and volunteers — that maintain our country’s local, state, and national parks. Through efforts by NRPA, the U.S. House of Representatives passed an official resolution for Park and Recreation Month in 2009 and introduced the resolution in 2017 and 2018.

The services that park and recreation professionals provide are vital for our communities — from protecting open space and natural resources to helping fight obesity and providing activities and resources for all people. This has been especially true throughout the COVID-19 pandemic. Park and Recreation Month encourages everyone to reflect on the exponential value park and recreation professionals bring to communities.

This Park and Recreation Month, we are bringing attention to how important it is to rise up and support parks and recreation, because every day, park and recreation professionals rise up for their communities in service of equity, climate-readiness, and overall health and well-being.
Parks are at the center of so many experiences and memories — moments that park and recreation professionals help make happen. Our local parks are often our first experiences in nature, our introduction to a favorite hobby or physical activity. They are places to gather with friends and family, spaces to celebrate life’s special moments, spots of respite and healing, sites that connect us with essential community services and so much more.

According to NRPA’s 2021 Engagement with Parks Report, people place a high value on the programs and services that parks and recreation agencies deliver to their local communities every day and strongly support their mission.

- 260 million people in the United States visited a local park or recreation facility at least once during the past year.
- Four in five U.S. adults seek high-quality parks and recreation when choosing a place to live.
- 87 percent of people agree that parks and recreation is an important service provided by their local government.
- Nearly nine in 10 people agree that it is important to fund local park and recreation agencies to ensure every member of the community has equitable access to amenities, infrastructure, and programming.
- Living close to parks and other recreation facilities is consistently related to higher physical activity levels for both adults and youth. Moreover, parks provide a connection to nature, which studies demonstrate relieves stress, strengthens interpersonal relationships, and improves mental health.
- In the U.S., 93 percent of adults say their mental health is improved by services offered by local park and recreation professionals and agencies.
- 92 percent of U.S. adults agree that it is important for youth and young adults to have access to employment opportunities. Park and recreation departments across the country are among the biggest employers of youth.

According to a study conducted by the Center for Regional Analysis at George Mason University and NRPA, local park and recreation agencies in the U.S. generated more than $166 billion in economic activity and supported more than 1 million jobs from their operations and capital spending alone in 2017.

Rise up, Rockville and celebrate Park and Recreation Month by having a picnic at RedGate Park, stroll on your bike or walk on the Carl Henn Millennium Trail, meeting friends and neighbors at the Farmers Market, or play on the playground at David Scull Park. Rockville has so many opportunities for all to enjoy. Parks are where all are welcome and accepted.

Partnership Recognition
The city and the Recreation and Parks Foundation work together to make Rockville parks and recreation programs better each year. In 2015, the Recreation and Parks Foundation established the Community Achievement awards to acknowledge community members and organizations for their generous contributions to improving lives in Rockville through recreation.
and parks. The 2022 Rockville Recreation and Parks Foundation Community Achievement award recipients are:

**Joseph Andrews**
Mr. Andrews has been volunteering at the Croydon Creek Nature Center (CCNC) in various roles since 2007, marking 15 years this summer. Mr. Andrews has generously contributed his time in assisting with Croydon Creep, the nature center's Halloween event, staffing activity stations and engaging with visitors of all ages. He has also regularly helped with our Spring Fest staffing the plant sale and answering questions about native plants. As a retired science teacher, he does a wonderful job connecting our guests to the natural world.

Mr. Andrews also comes in weekly to take care of our bird feeders. CCNC has eight bird feeders that are filled weekly, year-round, and require cleaning every few months. They are filled with a variety of feed including sunflower seeds, peanuts, and suet. They provide food for birds, squirrels, deer, racoons, and other local wildlife. The protein packed seed is especially important to wildlife during the cold months of winter when food is scarce. The feeders are not only important to our animals, but to our visitors as well. Many guests enjoy watching the feeders and the naturalists use the feeders as talking points in their programs. Even on cold, snowy days, visitors can see wildlife up close from the comfort of the rocking chairs inside the center.

Mr. Andrews has been instrumental in the success of CCNC events and the excellent care of our local wildlife. He always has a smile on his face and is incredibly reliable. CCNC staff are so thankful for him and the wonderful service he provides!

**Mark Williford**
On Saturday, April 16, 2022, the city hosted the first Rockville Skate Jam event (Jam) at the new Rockville Skate Park. This event brought in over 450 people of all ages from across the region. The event included morning yoga, a skate competition, a skate demo, and a build your own skateboard activity.

The Jam would not have happened if it wasn’t for Mr. Williford’s dedication to the skateboard community. Six months leading up to the event, Mr. Williford helped organize bi-weekly meetings, reached out to local skate shops and organizations, and assisted staff with marketing and planning the event. The Jam provided the skating community an opportunity to foster a sense of healthy competition and introduce non-skaters to the world of skateboarding. City staff are truly thankful for all the help, guidance, and support Mr. Williford provided for the Skate Jam and look forward to his continued involvement.

Congratulations to the 2022 award winners and thanks to the thousands of volunteers who give their time and talents to make Rockville a great place to live, work, and play!
**Mayor and Council History**

A proclamation is presented each year and the Community Achievement Awards have been presented began in 2015.

**Boards and Commissions Review**

The Recreation and Park Advisory Board work with staff to prepare the proclamation and the Rockville Recreation and Parks Foundation prepared the Community Achievement Awards presentation.

**Next Steps**

Read and approve the proclamation and present it to the Recreation and Park Advisory Board member and President of the Rockville Recreation and Parks Foundation, Chip Boylan. Mr. Boylan will accept the proclamation and recognize the 2022 Community Achievement Award winners.

**Attachments**

Attachment 6.B.a: Proclamation Declaring July 2022 as National Park and Recreation Month (PDF)

---

Rob DiSpirito, City Manager  
6/21/2022
WHEREAS, parks and recreation promote health and wellness, improving the physical and mental health of people who live near parks, and are an integral part of the communities throughout this country, including Rockville, Maryland; and

WHEREAS, parks and recreation promote time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer’s; and

WHEREAS, parks and recreation encourage physical activities by providing space for popular sports, hiking trails, swimming pools, and many other activities designed to promote active lifestyles; and is a leading provider of healthy meals, nutrition services, and education; and

WHEREAS, park and recreation programming and education activities, such as out-of-school-time programming, youth sports, and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increase a community’s economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation are fundamental to the environmental well-being of our community, and support essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Park and Recreation Month, and the City of Rockville recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, the Mayor and Council of the City of Rockville declare July 2022, as Park and Recreation Month in Rockville, Maryland.

June 27, 2022
Subject
Boards and Commissions Appointment

Recommendation
The Mayor and Council will appoint the following member to the Planning Commission.

Planning Commission
Eric Fulton - New Appointment to serve a five-year term until June 1, 2027

Sara Taylor-Ferrell
City Clerk/Director of Council Operations 6/22/2022
**Subject**
MWCOG Presentation: Metropolitan Washington Planning Framework for 2030

**Recommendation**
Staff recommends that the Mayor and Council receive the Metropolitan Washington Planning Framework for 2030 from Chuck Bean, Executive Director of the Metropolitan Washington Council of Governments.

**Discussion**

Chuck Bean, Executive Director of the Metropolitan Washington Council of Governments (COG), will make a presentation to the Mayor and Council on the Region United: Metropolitan Washington Planning Framework for 2030. According to COG, the framework is focused on the advancement of equity, transportation, housing, and climate goals. The framework addresses key interrelated challenges and advances the region’s vision for a more prosperous, accessible, livable, and sustainable future.

The framework consists of four planning priorities, which help to advance equity and overarching goals in COG’s Region Forward Vision for a more prosperous, accessible, livable and sustainable future. The planning priorities are as follows:

- **Equity Emphasis Areas** – Planning concept to elevate and inform future growth and investment decisions. There are 350 locations with high concentrations of traditionally underserved communities.

- **High-Capacity Transit Station Areas** – Planning concept to better leverage the region’s major investment in transit and inform future growth and investment decisions. There are 225 locations around Metrorail, commuter rail, light rail, bus rapid transit, and streetcar stations that are or will be in place by 2030.

- **2030 Housing Targets** – Planning targets to address the region’s housing needs. Targets call for at least 75,000 additional housing units by 2030 beyond the 245,000 new units already anticipated, 75 of the units Activity Centers or High-Capacity Transit Station Areas, and 75 percent of the units of affordable to low-and-middle income households.
• **2030 Greenhouse Reduction Goal and Action Plan** – Planning goals and action plan to address climate change at the regional level. Goal calls for a 50 percent reduction in GHG emissions below baseline levels-or 2005 levels.

Additional details on the COG Metropolitan Washington Planning Framework can be found in the COG presentation located at Attachment A.

### Mayor and Council History

This is the first time that the COG Executive Director is making a presentation to the Mayor and Council regarding the Planning Framework for 2030.

### Attachments

Attachment 8.A.a: Framework Slidedeck Rockville June 2022 v2.ppt (PPTX)

Rob DiSpirito, City Manager 6/21/2022
About COG

• An independent, nonprofit association founded in 1957.
• Brings area leaders together to address regional issues.
• 300 elected officials from 24 local governments, the Maryland and Virginia state legislatures, and U.S. Congress.
• Home of the TPB, the region’s Metropolitan Planning Organization.
• 125+ staff.
COG Board Planning Priorities

“If the challenges are interrelated, so are the solutions.”

1. Housing Targets (2019)
2. Climate Goal & Action Plan (2020)
3. High-Capacity Transit Station Areas (2021)
4. Equity Emphasis Areas (2021)
Framework for 2030

PROSPERITY
Equity Emphasis Areas

ACCESSIBILITY
High-Capacity Transit Station Areas

LIVABILITY
Housing Targets

SUSTAINABILITY
Climate Goal and Action Plan

EQUITY
Elevate 350 Equity Emphasis Areas (EEAs)
Areas with high concentrations of underserved residents.
mwcog.org/equityemphasisareas
EEAs in City of Rockville
Broader Application of EEAs

- EEAs to be used broadly in local/regional planning activities:
  - Roadway Safety
  - Housing
  - Health
  - Public Safety
  - Climate and Energy
  - Economic Opportunities

---

Virginia Commonwealth University: Health Equity Brief for COG
Optimize 225 High-Capacity Transit Station Areas (HCTs)

Locations around Metrorail, Commuter Rail, Light Rail, Bus Rapid Transit (BRT), and Streetcar.

mwcog.org/highcapacitytransit
Cross-cutting: Transit & Equity

168 HCTs overlap with an Equity Emphasis Area.

214 EEAs overlap with a High-Capacity Transit Station Area.
Optimize HCTs = Transit-Oriented Communities

- **Enhance land use** around stations:
  - Housing, offices, and shopping.
- **Improve access** to stations and nearby amenities:
  - Pedestrian and bicycle projects.
  - Bikeshare, e-scooter.
  - Microtransit services.
The Region Still Needs More Housing

Total Housing Units Authorized by Building Permits by Year in Metropolitan Washington

- 32,257
- 22,849
- 10,738

Metropolitan Washington Planning Framework for 2030
Regional Housing Targets

**Amount**

At least 320,000 housing units should be added in the region between 2020 and 2030. This is an additional 75,000 units beyond the units already forecast for this period.

**Accessibility**

At least 75% of all new housing should be in Activity Centers or near high-capacity transit.

**Affordability**

At least 75% of new housing should be affordable to low- and middle-income households.
Regional Climate Goals

Metropolitan Washington GHG Emissions Reduction Goals

- **2005 Levels**
- **2020 Goal** 20% Reduction
- **2030 Goal** 50% Reduction
- **2050 Goal** 80% Reduction

- GHG Emissions—Million Metric Tons CO2 Equivalent
- Years: 2010, 2020, 2030, 2040, 2050
Cross-cutting: Climate, Equity, Transit, and Housing

- 2030 Climate and Energy Action Plan identified equity-focused actions the region must take in pursuit of its climate goals.
  - Prioritizing sustainable energy access for all residents.
  - Increased transit use and fewer solo drivers.
  - More housing options that use less energy.
Accelerating Action

- Targeted Grants/ Technical Assistance
  - Housing Affordability Planning Program; Transit Within Reach; Transportation Land-Use Connections (TLC) Program.
  - Climate/ energy planning; Zero emission vehicles coordination.

- Forward-focused Strategies
  - Climate and Energy Action Plan; Housing Equity Plan; Visualize 2045 Aspirational Initiatives.

- Maps/ Tools/ Professional Development
  - Maps and data; Housing Messaging Playbook; Climate Partners website; Racial equity professional development.
Local Climate & Energy Technical Assistance

COG is supporting local climate and energy action plans and electric vehicle (EV) fleet policies and plans.
Housing Affordability Planning Program

• COG-administered program made possible through Amazon Housing Equity Fund.

• Up to $75,000 grants to local governments and non-profit developers engaged in affordably-priced housing near transit.

• $650,000 for 10 local planning initiatives and development projects. (approved in June 2022)
HCTs & EEAs/ WMATA

Future Opportunity

Furthers opportunities for equitable development

- Attracts investment to underserved communities
- Increases housing production & delivers new affordable housing in transit-accessible locations
- Supports access to critical services & amenities

70% of future JD sites are in Equity Emphasis Areas defined by MWCOG

Strategic Plan for Joint Development (WMATA)
EEAs/ Montgomery County

- Montgomery County application of EEAs
  - County Council Resolution
  - Capital Improvement Program (CIP) budget - prioritizes projects
  - Green Bank
  - Shovel Our Sidewalks Act
  - Transit access planning (Purple Line)
Subject
144D Pasture Side Way - Release of Declaration of Covenants for Sale Properties

Recommendation
Staff recommends that the Mayor and Council authorize the City Manager to execute the attached release of the MPDU Covenants associated with the condominium unit at 144 Pasture Side Way, Unit D, subject to receipt of a payment of $166,951.89 into the City's Moderately Priced Housing Fund.

Discussion

On November 7, 2001, KF II LLC, the developer of King Farm II Condominium, recorded a Declaration of Covenants for Sale Properties (the “MPDU Covenants”) designating fourteen condominium units in the King Farm II Condominium as Moderately Priced Dwelling Units (“MPDUs”) for a period of thirty (30) years. The MPDU Covenants include a resale price restriction which declares that MPDUs cannot be “sold for a price greater than that determined and approved by the Mayor and Council prior to such sale and in accordance with Chapter 13.5 of the Rockville City Code, and appropriate regulations.”

On January 31, 2002, KF II LLC sold one of the fourteen designated King Farm MPDUs—the condominium located at 144 Pasture Side Way, Unit D (the “Subject Property”)—to an eligible buyer under the City’s MPDU program for a purchase price of $90,146. The 2002 deed of sale explicitly states that the unit is subject to the “resale price restrictions” that are set forth in the MPDU Covenants. On October 1, 2020, the unit was sold to the current owner for a market-rate purchase price of $316,000. The previous owner did not sell the unit in accordance with the MPDU Ordinance and MPDU Regulations, as required by the MPDU Covenants. The previous owner neither notified the City of their intent to sell the Subject Property, nor requested that City staff provide them with the Maximum Permitted Sale Price for the unit—which was approximately $136,000. As a result, the previous owner sold the unit to the current owner for over $180,000 above the Maximum Permitted Sale Price.

In June 2021, City staff became aware of the unlawful sale of the Subject Property. On July 21, 2022, staff notified the current owner of the Subject Property that they were residing in an MPDU unit. Following the discovery of the unlawful sale, staff began working with the parties...
involved to address the matter by offering the current owner and the previous owner the possible option of paying the difference between the purchase price of the Subject MPDU Condominium Unit and the Maximum Permitted Sale Price to remove the MPDU restrictions on the unit. City staff and the previous and current owners ultimately agreed that $166,951.89 accurately reflected the difference between the actual sale price and the Maximum Permitted Sale Price after applying certain credits consistent with the City’s MPDU Regulations for limited improvements to the Subject Property and the commission paid for the sale of the unit.

Staff brings forward the offer to the Mayor and Council for consideration and direction. With the Mayor and Council’s approval, the City Manager will execute the attached release after confirming that the City has received a payment of $166,951.89 into the Moderately Priced Dwelling Unit Fund.

---

**Fiscal Impact**

The funds will be deposited into the City’s Moderately Priced Dwelling Unit Fund.

---

**Next Steps**

Authorize the City Manager to execute and record the release of the MPDU Covenants on the Subject Property upon the City’s receipt of a payment of $166,951.89 into the City’s Moderately Priced Housing Fund. Upon the release of the Declaration of Covenants associated with the unit, the unit will no longer be part of the City’s MPDU program.

---

**Attachments**

Attachment 10.A.a: 144D Pastureside Way - MPDU Termination and Release of Covenants (PDF)
TERMINATION AND RELEASE OF COVENANTS

THIS TERMINATION AND RELEASE OF COVENANTS is made this _____ day of __________, 2022 by the Mayor and Council of Rockville (hereinafter referred to as the “Mayor and Council”).

WHEREAS, KF II, LLC, a Maryland Limited Liability Company, as Declarant, by Declaration of Covenants for Sale Properties (hereinafter referred to as “the Covenants”) made November 7, 2001, and recorded among the Land Records of Montgomery County, Maryland in Liber 19953, folio 307, placed certain restrictions on certain real property in the City of Rockville, Montgomery County, Maryland, including Condominium Unit Lettered D, Phase Two, in a Condominium styled “King Farm II Condominium” as per plat recorded at Condominium Plat Nos. 8124 through and including 8126, among the Land Records of Montgomery County, Maryland, with a street address of 144D Pasture Side Way, Rockville, MD 20850-5959 (hereinafter referred to as the “Subject Property”), and identified it as a Moderately Priced Dwelling Unit (“MPDU”); and

WHEREAS, the restrictions were placed on the Subject Property pursuant to Chapter 13.5 of the Rockville City Code, governing the construction of MPDUs; and

WHEREAS, in Article IV of the Covenants, the Declarant irrevocably assigned, transferred, and conveyed unto the Mayor and Council all of its rights, title, interest, or obligation to enforce and maintain in full force and effect, the terms, conditions, and requirements of the Covenants; and

WHEREAS, under Article VIII of the Covenants, the Covenants cannot be amended or released, except by the expiration of the established control period, without the prior written consent of the Mayor and Council; and

WHEREAS, the established control period of the Covenants has not yet expired; and

WHEREAS, the Mayor and Council, at its duly noticed public meeting held on June 27, 2022, voted to authorize the release of the Covenants subject to receipt of a payment of $166,951.89 into the Rockville Moderately Priced Housing Fund; and

WHEREAS, the Mayor and Council received the requisite payment of $166,951.89 on ________. 

NOW, THEREFORE, THIS TERMINATION AND RELEASE OF COVENANTS WITNESSETH that the Covenants are hereby terminated, released, rescinded, and revoked with respect to the Subject Property.
WITNESS the hand and seal of the following representative of the Mayor and Council of Rockville on the day and year first written above.

THE MAYOR AND COUNCIL OF ROCKVILLE

By: __________________________________
Robert DiSpirito,
City Manager

Approved as to form:

__________________________
Nicholas D. Dumais
Senior Assistant City Attorney

STATE OF MARYLAND:
SS:
COUNTY OF MONTGOMERY:

I hereby certify that on this _______ day of __________, 2022, before me, the undersigned officer, personally appeared Robert DiSpirito, who acknowledged himself to be the City Manager of the Mayor and Council of Rockville, a municipal corporation, and that he, as City Manager being authorized so to do, executed the foregoing instrument on behalf of the corporation for the purposes therein contained, by signing the name of the Mayor and Council of Rockville by himself as City Manager.

In witness whereof, I hereunto set my hand and official seal.

________________________________________
Notary Public

My Commission Expires:

After recording, return to:

City Attorney’s Office
111 Maryland Ave
Rockville, MD 20850
Subject
Authorize the City Manager to Execute the Mark Twain Athletic Park MOU Lease Extension.

Recommendation
Staff recommends that the Mayor and Council authorize City Manager to execute the MOU to extend the lease of Mark Twain Athletic Park.

Discussion
In 1998, the City of Rockville, Montgomery County Office of Community Use of Public Facilities, and Montgomery County Public Schools agreed to allow the City of Rockville to design, construct, and maintain the Mark Twain Athletic Facility in exchange for exclusive use over a 15-year term. MCPS and the City of Rockville negotiated a 5-year extension in 2013. The MOU was shortened in 2018 to a 3-year term with an option for an additional year. Over the years, the City of Rockville has made significant capital improvements to the Mark Twain Athletic Facility. The athletic facility improvements have consisted of lighting/electrical, mobilization, sediment control, clearing/demolition, tree preservation, excavation/grading, sewer/water, irrigation system, infield mix, fencing, topsoil, concrete walks, seed/sod, and shelter with storage and bathrooms.

The City's athletic leagues heavily depend upon the fields at Mark Twain during the spring, summer, and fall seasons, as it is one of only three lighted rectangular fields in the City of Rockville inventory. The other two are at Mattie Stepanek Park, which is reserved as a future school site. The discontinuation of the MOU would severely hamper the City's ability to offer existing leagues in its current capacity. The attached MOU would renew our lease of this facility for three years. This agenda item is intended to authorize the City Manager to execute the MOU on behalf of the City.

Mayor and Council History
The Mayor and Council are receiving the request to authorize the City Manager to execute the MOU for the lease of Mark Twain Athletic Park for the first time.
Next Steps
The Rockville Recreation and Parks Department plans to continue offering leagues and maintaining fields at Mark Twain once the agreement is approved and executed.

Attachments
Attachment 10.B.a: 2022 Mark Twain Fields MOU Draft (PDF)

Rob DiSpirito, City Manager 6/21/2022
Memorandum of Understanding for Permitting and Maintenance of Mark Twain Athletic Park

THIS MEMORANDUM OF UNDERSTANDING (hereinafter referred to as “MOU”) is made this _____ day of __________, 2022 by and between the Mayor and Council of Rockville (hereinafter referred to as “City”), Montgomery County Public Schools (hereinafter referred to as “MCPS”) and the Montgomery County Office of Community Use of Public Facilities (hereinafter referred to as “CUPF”).

WHEREAS, Mark Twain Athletic Park (hereinafter referred to as the “Fields”) is owned and operated by MCPS; and

WHEREAS, the Fields consist of, among other things, soccer and baseball fields, a playground, and tennis courts; and

WHEREAS, the City is willing to assume responsibility for the general maintenance of the Fields including, but not limited to, mowing, trash collection, aeration, fertilization, over seeding, weed control, infield dragging, infield edging; and

WHEREAS, in return for the City’s agreement to undertake these field maintenance tasks, MCPS and CUPF are willing to grant the City permitting rights to the Fields, subject to Md. Code, Education Article § 7-108 (e) authorizing community use of school facilities only at times that will not interfere with regular school sessions or other bona fide school activities; and

WHEREAS, the City agrees to permit community use of the Fields consistent with MCPS Regulation KGA-RA, Community Use of Public Schools, attached hereto and incorporated herein as Attachment A.

NOW, THEREFORE, the parties agree to the following:

1. Recitals. The above recitals are incorporated herein by reference and made a part of this MOU.

2. Premises. The Premises consist of the area outlined on Exhibit A and identified as Mark Twain Athletic Park. The address of the Premises is 14501 Avery Road in Rockville, Maryland. The shelter with restrooms and the batting cages constructed by the City is part of the Premises.

3. Terms. This MOU is effective as of the date written above and shall remain in force and effective until June 30, 2025. By written agreement of all parties, this MOU may be renewed at least 100 days prior to the expiration of this MOU for an additional three (3) year term on the same terms and conditions then in effect. MCPS or the City may terminate this MOU as stipulated in Section 14 (Termination).

4. Scheduling and Use of Fields. In exchange for the City’s performance of field maintenance tasks, CUPF relinquishes its scheduling responsibility for the after-school and weekend use of the Fields and grants the City the right to issue permits subject to the following conditions:
a. The Blair Ewing Center shall have priority use of the Fields during the school year for all school related activities between 7:30a.m. - 5:00 p.m. Monday – Friday (hereinafter referred to as “School Hours”).

b. Any MCPS sports/team activity requiring use of the Fields after School Hours during the week will receive first priority use of the Fields. This priority status will be limited to one weekday (afternoon or evening) use per week. Any additional weekday use or weekend use may be secured at the City’s discretion provided time and space are available. Field reservation for team practices will not be considered or approved.

c. Requests by MCPS to use the Fields at times other than School Hours will follow the CUPF scheduling window for indoor and outdoor facilities. MCPS shall submit its requests for such additional use to the City according to the following schedule:

<table>
<thead>
<tr>
<th>Date of Use</th>
<th>Submission Request Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 1 - March 31</td>
<td>Aug. 1 - August 15</td>
</tr>
<tr>
<td>April 1 - June 30</td>
<td>Jan. 15 - Feb. 1</td>
</tr>
<tr>
<td>July 1 - Aug. 31</td>
<td>March 15 - April 1</td>
</tr>
</tbody>
</table>

All MCPS usage shall be without charge to MCPS.

d. CUPF will be the party responsible for determining overuse of the Fields and will suspend further activities after consultation with the principal of the Blair Ewing Center and a representative of the City.

e. All permitted use of the Fields shall be cancelled if any one or more of the following conditions exist:

1. The Director of CUPF or the City has cancelled use.
2. Steady rain is falling.
3. Water is standing on the Fields.
4. One half inch or more of water has fallen within previous 24 hours.
5. Ground cakes or clings to shoes.
6. Bare areas are muddy.
7. Turf and mud can be displaced or dislodged from the ground.
8. Soil is frozen.
9. Lightning is occurring - use can begin 30 minutes after lightning ceases so long as none of the foregoing conditions are present.

f. In accordance with MCPS Regulation KGA-RA, (i) if schools close early or are closed for the entire day, all non-school sponsored activities will be automatically cancelled; and (ii) on weekends and holidays, the decision to close school facilities early, delay opening, or close for the entire day is made by CUPF in consultation with the MCPS Office of the Chief Operating Officer. The City agrees to follow such decisions made by CUPF and the MCPS Office of the Chief Operating Officer.
g. The City acknowledges that the ballfield is constructed as a softball field. However, youth baseball activities will be permitted on the softball field.

5. **Improvements.** The City shall submit for approval all plans for renovation or changes to the Fields to the Director of the Department of Facilities Management for MCPS. All improvements shall meet the construction and safety standards of Montgomery County, MCPS, and any other applicable federal, state, local, or MCPS rules, regulations, or policies.

6. **Maintenance.** The City assumes responsibility for the maintenance of the Fields and its appurtenances, including the storage facility constructed on the Premises. Maintenance includes graffiti removal, if necessary, on the equipment and storage building. Maintenance, other than graffiti removal should be performed according to the Field Maintenance and Renovation Requirements set forth in Attachment B.

7. **Liability and Indemnification.** The City and CUPF shall require all users (including, without limitation, all youth and adult teams, partners, and organizations) to complete standard use agreements containing releases from liability and shall require evidence of liability insurance. MCPS, the Board of Education of Montgomery County (the “Board of Education”), and their officers, agents, employees, and affiliates must be named as additional insured on the users’ commercial and excess/umbrella liability insurance. The City’s standard use agreement shall expressly require users to indemnify and hold harmless, to the fullest extent allowable by law, the Board of Education, the individual members thereof, and any MCPS employees against all liability for loss, injury, damage, claims, lien or related expense, including reasonable attorney’s fees resulting from their use of the Fields.

8. **Conditions of Use.** The City’s standard use agreement shall require all users to conduct their activities in accordance with the conditions of use set forth in MCPS Regulation KGA-RA.

9. **Changes.** Modifications to this MOU may be made from time to time with the mutual consent of all parties. Any modification or amendments shall be in writing and signed by all parties.

10. **Notice.** During the time of this MOU, any notice or communication regarding this MOU shall be in writing and personally delivered or sent by facsimile and mailed as follows:

    Director  
    Department of Recreation and Parks  
    City of Rockville  
    111 Maryland Avenue  
    Rockville, Maryland 20850  
    Phone: 240-314-8600  
    Fax: 240-314-3003  

    Director  
    Department of Facilities Management  
    Montgomery County Public Schools  
    45 West Gude Drive, Suite 4000
11. **Chemicals.** Weed control chemicals may not be applied by the City without prior written approval of MCPS. The request for weed control chemicals is to be made to the Principal of the Blair Ewing Center who will obtain appropriate approval from the MCPS Division of Maintenance Director.

12. **Criminal Records Obligations of Individuals Working in MCPS Facilities.** The City agrees to comply with all applicable legal obligations and MCPS requirements regarding safety and security of students, including the obligations set forth in Attachment C.

13. **Water Charges.** The City agrees to pay for the annual water costs to maintain the Fields. The Fields have a separate WSSC sub-meter connected to the irrigation system. The sub-meter for the Fields irrigation system has been identified as Account 11 under WSSC Account 0538868. MCPS proposes to submit a consolidated bill to the City by March 31 for the prior year’s annual water usage charged to sub-meter Account 11.

   All payments and notices are to be mailed to the Department of Facilities Management Director as noted in Section 10 (Notice) above.

14. **Termination.** MCPS and the City shall each have the right to terminate this MOU at any time in their sole discretion upon not less than one hundred eighty (180) days’ prior written notice to each of the other parties.

15. **Breach.** If the City is in breach of any terms of this MOU and fails to cure the breach within thirty (30) days after receiving written Notice to Cure from MCPS, MCPS reserves the right to suspend the City’s use of the Fields and to perform any maintenance required as described in Attachment
B. In any such event, the City shall reimburse MCPS for expenses incurred for maintenance of the Fields.


a. Independent Contractor. Nothing contained in this MOU shall be construed to imply a joint venture, partnership, or principal-agent relationship between the parties, and no party shall, by virtue of this MOU, have any right, power, or authority to act or create any obligation, expressed or implied, on behalf of the other party.

b. Binding Effect; Third Party Beneficiaries. This MOU shall inure to the benefit of, and is binding upon, the parties and their respective representatives, members, and authorized successors. The provisions of this MOU are for the sole purpose of setting forth the respective rights and obligations of the parties hereto. None of the provisions of this MOU are intended for the benefit of any third party, and no such third party shall have the right to enforce the provisions of this MOU.

c. Indemnification. Regarding the use or maintenance of the Fields or any other matter relating to this MOU, from and after the date that this MOU is executed, each party shall, indemnify, defend, and hold harmless the other parties, including their officers, agents, employees, and affiliates from and against all claims, liabilities, damages, settlements, compromises, and costs of whatsoever kind and nature (including reasonable attorneys’ and legal fees and expenses, expert witness fees, court costs, and costs of collection) which may be imposed or incurred by, or asserted against an indemnified party and its officers, agents, affiliates, or employees by reason of: (a) any negligence or willful misconduct of the indemnifying party or their participants, invitees, volunteers, successors, agents, and affiliates; or (b) any accident, property damage, loss, damage to a third party’s property, personal injury or death, or any type of damage or liability that may arise during, or be caused in any way by the use of the Fields, or services under this MOU by the indemnifying party or their participants, invitees, volunteers, successors, agents, and affiliates. Nothing herein shall be construed to abrogate, impair, or waive any defense, liability or damages limitation, or governmental immunity of MCPS, the Board of Education, or their officers, agents, employees, and affiliates pursuant to Maryland law, or otherwise. Any indemnification by MCPS or the Board of Education is subject to (i) the limitations of liability set forth in Md. Code, Courts and Judicial Proceedings, §5-518, et seq. and the Education Article §4-105; and to (ii) the availability of appropriations from MCPS’ funding authorities. Any indemnification by the City is subject to the limits of the City’s scope of insurance coverage and the limitations and immunities provided by law, including but now limited to the Local Government Tort Claims Act, Section 5-303 (a), Courts & Judicial Proceedings Article, Annotated Code of Maryland. The provisions of this Section shall survive the expiration or termination of this MOU.

d. Amendment; Waiver. No amendment to this MOU shall be effective unless reduced to writing, signed by representatives of each party with the legal authority to bind that party. Unless made by amendment to this MOU, any waiver of any provision of this MOU, made affirmatively or made due to lack of enforcement, is effective only in the specific instance and shall not be deemed to waive future compliance with any provision of this MOU.
e. **Governing Law.** This MOU shall be construed, interpreted and enforced according to the laws of the State of Maryland and any changes in Maryland law hereinafter enacted affecting school athletic fields shall be given effect. Any claim, action, or suit between or among the parties that arises out of or relates to performance of this MOU shall be brought and conducted solely and exclusively within the jurisdiction of the Circuit Court for Montgomery County, Maryland. The parties hereby agree to waive any right to a jury trial.

f. **Compliance with Laws.**

1. It is understood, agreed and covenanted by and between the parties that they will promptly comply with, observe and perform all of the requirements of all applicable statutes, ordinances, policies, rules, procedures and regulations now in effect or hereinafter promulgated which are required by the State of Maryland, Montgomery County government, as well as policies of the Board of Education, and regulations of MCPS, including but not limited to those listed in Attachment D to this MOU, and any updates made subsequent to the execution of this MOU.

2. This obligation includes compliance with Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, which prohibits discrimination based on actual or perceived personal characteristics, including race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations.

3. The parties further agree comply with the Americans with Disabilities Act and all federal, state and local laws regarding providing access and services to disabled persons.

g. **Invalid Provisions.** If any provision of this MOU is held by a court of law, or other authority having jurisdiction, to be invalid, illegal, or unenforceable, the remaining provisions shall remain in effect to the extent allowed by law and the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired so long as the intent of the MOU can still be carried out.

h. **Entire Agreement.** This MOU, including the attachments and exhibits, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all oral and written negotiations, commitments, agreements, and understandings made prior to execution of this MOU.

i. **Successors and Assigns.** This MOU, including all covenants, provisions, and terms shall not be assigned.

j. **Counterparts.** This MOU may be executed in any number of counterparts, each of which shall constitute an original, but all of which together shall constitute one instrument.
IN WITNESS WHEREOF, the parties have signed this MOU on the day and year first hereinabove written.

ATTEST:

For: MAYOR AND COUNCIL OF ROCKVILLE

____________________________
Sara Taylor-Ferrell, Acting City Clerk,
Director of Council Operations

By: __________________________
Rob DiSpirito, City Manager

ATTEST:

For: MONTGOMERY COUNTY
PUBLIC SCHOOLS

____________________________

By: __________________________
Monifa B. McKnight, Ph. D.
Interim Superintendent of Schools

ATTEST:

For: COMMUNITY USE OF PUBLIC FACILITIES

____________________________

By: __________________________
Ramona Bell-Pearson
Director
Attachment B

Field Maintenance and Renovation Requirements

A. All work performed by user groups must adhere to these Field Maintenance and Renovation Requirements. The City must maintain the Fields according to the specifications outlined below, and must submit bi-annual reports documenting field maintenance schedules and materials used. Maintenance is year round, for the full term of the MOU. All maintenance must be approved in advance by the Director of the Department of Facilities Management or the Director’s designee (“Owner’s Representative”).

B. General Work Standards:

1. Work will be monitored and evaluated by the designated Owner’s Representative.
2. The mowing season shall be from April 1st through November 30th annually.
3. Maintenance may be performed between the hours of 7:00 a.m. until sunset unless otherwise designated.
4. Work performed must be acceptable to Owner’s Representative.
5. A maintenance log of work performed will be kept and submitted to the Owner’s Representative, along with semi-annual athletic field maintenance status reports.
6. The City must respond within 24 hours to correct problems or concerns with the Fields.

C. Fencing

The City will perform the following routine maintenance, replacements, and repairs:

1. Repair, replace, or install hooded backstop, player protection fences (unless player benches are located behind the backstop), outfield fencing (if deemed necessary for safety), and other fencing to protect adjacent properties. Inspect condition of all existing fencing poles and fabric. Repair or replace as necessary.
2. Player benches; Inspect and repair or replace as necessary.
3. Repair or replace goals as necessary.

D. Turf Areas (general)

1. Pest Control
   a) Treat for broad leaf weed control only as necessary.
b) **Under Maryland Law, only licensed and registered pest control workers may apply any sort of pesticides or herbicides in a school building or on school grounds (COMAR 15.05.02.10).** This regulation includes products one could purchase for use in one’s home. In addition, only certain products are approved for use in and around MCPS facilities and all chemicals used undergo a thorough safety review by professional staff. State law also enumerates very specific requirements about the storage, use, signage, and notification required for pesticide applications.

c) The Board has implemented a regulation regarding integrated pest management in schools, labeled ECF-RB, listed in Attachment D, in accordance with the Annotated Code of Maryland. The City agrees to comply with the integrated pest management program established for the school within its field area by following the procedures outlined in the regulation.

d) Any pesticide treatments must be approved in advance by Owner’s Representative.

2. Fill in holes and depressions with topsoil.

3. Particular attention shall be focused on areas in front of goals and in other field areas where wear is prevalent.

E. **Mowing**

1. Remove trash and debris from site prior to mowing.

2. Mow all turf areas: 2 ½ to 3 inches so as not to remove more than ½ of the leaf blade. An approximate rotation of 7 to 10 days in the spring and fall will be observed. Any resulting clumps shall be dispersed.

3. Mow 25 times per year.

4. The City shall monitor how frequently the grass needs to be mowed. During the spring, the grass is to be mowed at a minimum, twice a month, and weekly, or more frequently if necessary, during periods of rapid growth.

5. All grass and weeds adjacent to vertical surfaces, such as buildings, walls, fences, and trees will be maintained using a line trimmer.

6. Adjacent walkways and court areas should be cleared after mowing.

F. **Fertilizing**
1. Fertilizer shall be applied at a rate of 1.5 pounds of nitrogen per 1000 square feet. The fertilizer used will have a general nutrient ratio of 3-4-2, and be a minimum of 25% slow release.

2. Application will take place between September 1 and October 15.

3. Any over spread of fertilizer onto paved areas will be removed.

4. If broadcasting granular, a rotary style spreader will be used.

5. Spring fertilizer shall be applied at a rate of .5 pounds of nitrogen per 1000 square feet. Fertilizer will have a general ratio of 2-1-1 and be a minimum of 25% slow release. Application will take place between April 15 and May 15.

G. Aerating

1. Fall aerating shall occur between August 20 and October 1.

2. Solid tine or core aeration may be used but the method must be alternated in each consecutive year.

3. The maximum hole diameter should be 1" and spacing be a maximum of 6".

4. Spring aerating shall occur between April 1 and May 1.

H. Seeding

1. Seeding shall occur one (1) time in the fall between August 20 and October 1.

2. Overseed with 8 pounds/1000 square feet of Maryland certified, turf-type tall fescue for renovations and 4 pounds/1000 square feet for routine maintenance.

3. The seeding must be done by mechanical means and slicing is preferred.

4. The seeding rate shall be at 6 pounds per 1000 square feet over the worst two thirds of the field area.

5. Top dress with “compro” (or approved equal) 1/8”-1/4.”

I. Infield Maintenance
1. **Infield Mix** - Baseball infield mix shall be free of any stones over 1/4" in any dimension. It shall contain no organic matter and meet the following mechanical analysis:

   - Sand (2.0-0.05mm) ........... 60% - 75%
   - Silt (0.05-0.002mm) ........... 15% - 30%
   - Clay (less than 0.002mm) ....0% - 10%

"Home Run" Infield Baseball Mix recommended.

2. **Infield Maintenance** is broken down into three categories defined as Weekly Maintenance, Monthly Maintenance, and Annual Maintenance.

   a) **Weekly Maintenance** - 40 times per year

   - **Scarifying** - The top ½” to 1” to loosen this portion of the “dirt.” This can be done with a “nail drag,” and should be done in alternating directions every other week, clockwise then counter clockwise. When scarifying the operator should stay 6” away from the grass edge with the machine and drag, so as not to build up a “lip” of infield dirt along the edge. This 6” area is to be done by hand with a rake.

   - **Mat/Fine dragging** - This is to be done immediately after scarification. This must be done with a drag designed for fine dragging of infields. This is also to be done in alternating directions every other week. The combination of scarifying and fine dragging will enable the smoothing of the infield to within ½” over 10’.

   - **Mound and home plate repair** - The mound and home plate areas will show signs of wear, with holes as much as several inches deep. These areas are to be scarified and re-filled with soil from the surrounding area and then tamped firm.

   - **Chalking foul (fair) lines** - Foul (fair) lines are to be lined each week after dragging. These lines shall be no less than 2” but no greater than 3” wide and true (straight) within ½” over 10’ of length. Lines are to extend a minimum of 100’ into the grass outfield area.

b) **Monthly Maintenance** - 9 times per year, April through December

   - **Edging** - Edging of all grass/skinned areas is to be done monthly. This is to be done to crisply define the skinned portion of the Fields. Any resulting grass or debris is to be disposed of. A string line is to be used to ensure straight edging and a true radius.

   - **Weeding** - Weeding of the skinned area is to be done monthly. With weekly dragging, it is inevitable that some grass and or weeds will germinate in the infield area. They will be removed either manually or with approved herbicides
(Round-up Pro or other approved rapid drying non-selective herbicide). Spraying must be coordinated with the CUPF and MCPS representative and must be posted according to Maryland Department of Agriculture guidelines.

c) **Annual Maintenance** - Repairs are to be made between December and March.

Repairs - The “lip” area (the edge between the dirt and the grass) is to be removed and repaired, so as to create a smooth transition between the infield and the outfield. This may entail removing up to 3' of sod re-grading “lip” area and replacing the sod. The mound and home plate areas will require new clay material that will be properly applied and tamped (up to 300 lbs.). The infield is to be worked up to a depth of 2", new materials incorporated, dragged smooth (within ½” over 10’) and rolled tight. In addition, a new home plate and pitching rubber is to be installed.
Attachment C
Obligations Regarding Criminal Records of Individuals Assigned to Work in MCPS Facilities

1. Prohibition against assigning registered sex offenders and individuals convicted of sexual offenses, child sexual abuse, and other crimes of violence to MCPS contracts:

Maryland Law requires that any person who enters into a contract with a county board of education “may not knowingly employ an individual to work at a school” if the individual is a registered sex offender. Under § 11-722 of the Criminal Procedure Article of the Maryland Code, an employer who violates this requirement is guilty of a misdemeanor and, if convicted, may be subject to up to five years imprisonment and/or a $5,000 fine.

Effective July 1, 2015, amendments to § 6-113 of the Education Article of the Maryland Code further require that a contractor or subcontractor for a local school system may not knowingly assign an employee to work on school premises with direct, unsupervised, and uncontrolled access to children, if the employee has been convicted of, or pled guilty or nolo contendere to, a crime involving:

a. A sexual offense in the third or fourth degree under § 3–307 or § 3–308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under § 3–307 or § 3–308 of the Criminal Law Article if committed in Maryland;

b. Child sexual abuse under § 3–602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3–602 of the Criminal Law Article if committed in Maryland; or

c. A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor; (17) an attempt to commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under § 3–315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree.

Each contractor is required to submit, following award of a contract, documentation confirming that its direct employees and those of any subcontractors and/or independent contractors assigned to perform work in a MCPS school facility under the contract meet this obligation. Additionally, the contractor must confirm that it continues to meet this obligation on an annual basis and/or when there are changes in the workforce that the contractor and/or its subcontractors use to perform the work required by the contract.

Violation of this provision is a material breach of contract for which MCPS may take appropriate action up to and including termination of the contract.
2. **Required criminal background check process for certain individuals in the contractor’s workforce:**

Under recent amendments to § 5-551 of the Family Law Article of the Maryland Code, each contractor and subcontractor shall require that any individuals in its workforce must undergo a criminal background check, including fingerprinting, if the individuals will work in a MCPS school facility in circumstances where they have direct, unsupervised, and uncontrolled access to children. The term “workforce” in this and the preceding section refers to all of the contractor’s direct employees, subcontractors and their employees, and/or independent contractors and their employees that the contractor uses to perform the work required by the contract.

Fingerprinting for the criminal background check may be performed by the MCPS Office of Human Resources and Development, 45 W. Gude Drive, Rockville, MD 20850, or through another service approved by MCPS. Individuals fingerprinted by MCPS will be required to provide written consent, and MCPS will maintain copies of all records for criminal background checks performed by MCPS. If the contractor uses another service approved by MCPS, the results of the criminal background check must be provided to MCPS for record keeping. A list of MCPS approved fingerprinting agencies can be found on the Procurement Unit website at http://www.montgomeryschoolsmd.org/departments/procurement.

The contractor must take appropriate steps to promptly follow up on information identified in the criminal background check related to the sexual offenses, child sexual abuse offenses, and crimes of violence enumerated above, as well as any information regarding offenses involving distribution of drugs or other controlled substances, or any other criminal information identified by MCPS as warranting further explanation insofar as it may significantly affect the safety and security of MCPS students. If, after following up, the contractor believes that the individual is qualified and should be assigned to work (or continue to work) in a MCPS school facility, then the contractor will provide a written summary to MCPS justifying its recommendation. MCPS will rely on the contractor’s summary to determine whether to accept the contractor’s recommendation, and the contractor will be responsible for any consequences of a material misrepresentation in its written summary.

Once the contract is awarded, the contractor is responsible for implementing the background check process. An individual in the contractor’s workforce may not begin work in a MCPS school facility on an assignment where the individual will have direct, unsupervised, and uncontrolled access to children, until: (a) the background check results for that individual have been received by MCPS; (b) the contractor certifies to MCPS that the individual has received training and/or reviewed informational materials, as appropriate, regarding recognizing, reporting, and preventing child abuse and neglect, consistent with the content provided in training for MCPS employees; and (c) the individual obtains a MCPS identification badge. The badge will be issued by the MCPS Department of Safety and Security, 850 Hungerford Drive, Room 131, Rockville, MD 20850. Appointments are made by calling 301-279-3066. The contractor will be required to return all badges at the conclusion of the contract.

The criminal background check and badging process will be at the contractor’s expense.

Violation of this provision is a material breach of contract for which MCPS may take appropriate action up to and including termination of the contract.
Attachment D
Selected MCPS Policies and Regulations List
All up-to-date MCPS policies and regulations may be found on-line at http://www.montgomeryschoolsmd.org/departments/policy/

ABA-RB  School Visitors
ABA-RC  Vendors on or Near School Grounds
ACA    Nondiscrimination, Equity, and Cultural Proficiency
CNA    Informational Material and Announcements
CNE    Facility Improvements That Are Not Funded with Montgomery County Revenues
COA-RB  Registered Sexual Offenders Presence on School Property
COB-EA  Reporting Delinquent Acts (State Regulation)
COB-RA  Reporting a Serious Incident
COC-EA  Trespassing on School Property (State Law)
COC-RA  Trespassing or Willful Disturbance on MCPS Property
COD-EA  Vendors on School Grounds (Montgomery County Code)
COE-EA  Deadly Weapons on Public School Property (State Law)
COE-EB  Firearms (U.S. Code)
COF-EA  Alcohol, Tobacco, and Other Drugs on Montgomery County Public Schools Property (State Laws and Regulations)
COF-RA  Alcohol, Tobacco, and Other Drugs on Montgomery County Public Schools Property
EBA-RA  Fire Safety
ECF-RB  Pesticides Use in Schools
ECJ-EA  Dogs on School Grounds (Montgomery County Code)
ECJ-RA  Animals on School Grounds
Subject
Award for Workers' Compensation Insurance Policy Renewal to PMA

Recommendation
Staff recommends that the Mayor and Council authorize the City Manager and the City's insurance broker, Aon, to bind coverage with PMA Companies, a part of Old Republic Insurance Group, and PMA Management Corporation, collectively (PMA), for workers’ compensation insurance and claim handling services for the FY23 policy period in a form acceptable to the City Attorney.

Discussion
The City contracts with Aon to provide insurance brokerage and consulting services to obtain competitive insurance rates for a variety of complex insurance coverages, including workers’ compensation. Pursuant to Aon’s scope of services with the City, Aon is responsible for assisting the City with the completion of annual renewal applications, including an assessment of exposures, and the solicitation of insured/self-insured coverages and programs. Additionally, Aon is responsible for the placement and ongoing maintenance of all insurance policies applicable to their scope of services with the City.

For the FY23 policy period for workers’ compensation insurance, Aon’s renewal strategy focused on strengthening our relationship with the incumbent carrier, the Pennsylvania Manufacturers’ Association Insurance Company (PMA), with the goal to maintain a flat renewal with no increase in the overall rate for premium.

PMA was first awarded a contract to provide the City with workers’ compensation insurance for the FY22 policy period utilizing a high-deductible program model. The City first entered this model for insurance in FY12, with AIG as the insurance carrier from FY12 through FY21. Under a high-deductible program design, the City receives a substantial reduction in up-front premium, with the expectation that premium savings will exceed that of the claim costs in a given policy year. This plan design offers the City the potential for significant savings versus a fully guaranteed plan, but does come with the financial risk of paying for very costly claims up to the occurrence deductible and overall aggregate stop limit in any given policy period. In FY22, the City’s policy with PMA contains a deductible of $500,000 per-occurrence with an
aggregate stop limit of $2,500,000. The aggregate stop loss limit is the total amount the City would be liable for in any given policy year.

For the FY23 policy renewal, PMA has proposed a high-deductible insurance program, with substantially similar terms as the expiring policy. Aon was successful in negotiating a flat renewal in the rated premium, or $0.59 per $100 of payroll. As the City’s payroll is expected to increase by 4.9% in FY23, our premium, as well as the aggregate stop limit, will increase commensurate with the increase in expected payroll. As such, the City’s premium for workers’ compensation insurance will be approximately $321,085 and the aggregate stop limit will be $2,621,000.

In addition to the $321,085 estimated premium owed at the inception of the policy, the City will be required to pay $415,000 in cash collateral to provide security to offset the financial risks to the insurer in the event the City is unable to pay the outstanding liabilities in a high-deductible insurance program design. As $440,000 of cash collateral was paid to PMA in FY22, this would bring the total cash collateral held by PMA to $855,000. After requiring that $65,000 be paid to escrow in FY22, no additional escrow will be required in FY23 at the policy renewal. Over time, as claims are paid and the program’s outstanding losses are reduced, the collateral funds will be returned to the City. Pursuant to the plan design, claims are billed as they are incurred, and as such, the City will be billed monthly for losses incurred throughout the policy year that fall under the deductible and aggregate stop loss limit. Due to the fact that losses are paid as they are incurred, and due to the potential and often long-tail of claims until they reach closure, the City will likely be paying for losses incurred in FY23 in subsequent fiscal years.

Claim handling services will be provided by PMA Management Corporation, a subsidiary of PMA, for a per-claim fee of $995 for each indemnity claim and $150 for each medical-only claim with an annual minimum service fee of $15,000.

PMA provides the City with access to claims and risk control services, including access to PMA Cinch, a proprietary risk management information system tool that empowers policyholders to actively manage their workers’ compensation program, delivering real-time information and performance insights.

In summary, the City’s expected total buy-in costs to renew a high-deductible workers’ compensation program with PMA for the FY23 policy period will be $736,085 for insurance and an additional $15,000 for claim handling services.

---

**Mayor and Council History**

The City first awarded PMA a contract for workers’ compensation insurance for the FY22 policy period. As workers’ compensation policies are traditionally written for one-year terms, this item will be brought forth annually for the Mayor and Council to award.
**Options Considered**
Aon, as the City’s broker of record for workers’ compensation insurance, approached the FY23 renewal strategy with the goal of strengthening our relationship with PMA and to secure renewal terms with no increase in the overall rate for premium. As this goal was achieved, no additional marketing of this line of insurance occurred.

**Procurement**
Aon was the successful proposer for RFP #18-16 for Insurance Broker Services for Property, Casualty and Associated Insurances. Aon is responsible for assisting in the completion of annual renewal applications, including an assessment of City exposures for the solicitation of insured/self-insured coverages and programs. Additionally, Aon is responsible for the placement and maintenance of all insurance policies applicable to the Contract #18-16.

**Fiscal Impact**
The FY23 adopted budget for workers’ compensation insurance is $1.6 million, which will be sufficient to cover the premium, claim service fees, collateral, and monthly losses incurred throughout the policy period, barring any substantial claims.

**Next Steps**
The Safety and Risk Manager will work with the City Attorney to review and negotiate to sufficiency any required third-party brokered agreements with PMA, and/or its affiliates, if necessary, for the City Manager to execute. City staff will continue to work with our insurance broker to research appropriate insurance options to provide workers’ compensation insurance coverage for the City.
Subject
Authorization to Execute Agreements for Twinbrook Quarter Off-Site Sewer Easement

Recommendation
Authorize the City Manager to Execute Agreements to secure the necessary Twinbrook Quarter Phase 1 Off-site Sewer Easement in a form approved by the City Attorney and substantially similar to the draft agreements attached to this staff report.

Discussion
This item authorizes the City Manager to execute agreements needed for Sewer Easement acquisition to facilitate off-site sewer improvements associated with the implementation of the Twinbrook Quarter Phase 1 development.

Easements are required when City infrastructure is located outside public rights-of-ways or City property for the purposes of installation, construction, reconstruction, maintenance, repair, operation, and inspection of City infrastructure. Per the Water and Sewer Authorization Approval Letter, dated February 4, 2019, the City determined, through modeling of the sewer system, that the existing Rock Creek sewerage transmission system did not have adequate capacity to serve the proposed development without mitigation of capacity deficiencies. One of the deficiencies identified in the study was a segment of sewer line located in the nearby neighborhood. A new easement is required because the existing sewer line is adjacent to a stream and within an easement that does not provide adequate area to reconstruct the existing sewer in place. The new alignment also will avoid significant impacts to the adjacent stream. The property owners will dedicate the sewer easement for the realigned sewer main, which will be located slightly closer to the house than the existing main. The new easement totals 1,500 square feet on an approximately 8,200 square foot lot and will be immediately adjacent to an existing sewer easement.

The City negotiated a fair market value of $40,200, which the developer will pay in full, to obtain the easement for the mutual benefits and obligations of the agreements. The amount is based on Department of Public Works obtaining the services for two appraisals of the easement areas on the property, performing multiple site visits, and discussions with the owner(s). The
Agreement with the property owners will provide the execution, recordation, and payment sequence, as well as project construction requirements, including replacement of grass and ground cover with sod, replacement of portions of the existing fence, and the removal of two trees. Allowance for replacing the trees is included in the fair market value consideration. For more information, please see the draft agreement between the City and the property owner(s) in Attachment A – Agreement for Sanitary Sewer Easement.

This item also authorizes the City Manager to execute a Letter of Agreement acknowledging that the developer, Twinbrook Quarter LLC, shall pay the owner(s) the fair market value consideration. The draft document is provided in Attachment B – Twinbrook Quarter – Letter Agreement with the City - Grant of Off-Site Sanitary Sewer Easement.

The item also authorizes the City Manager to execute the Grant of Sanitary Sewer Easement and Right of Way document. Please see the draft document in Attachment C - Grant of Sanitary Sewer Easement and Right of Way.

**Mayor and Council History**

This is the first time this item has been brought before the Mayor and Council.

**Next Steps**

The City Manager will execute, on behalf of the Mayor and Council of Rockville, two agreements and an easement in a form approved by the City Attorney and substantially similar the draft agreements attached. The City will also ensure that any mortgage holder on the property provides their consent. The City will ensure that Twinbrook Quarter LLC issues a check in the name of the homeowners, and the City also will ensure proper delivery in exchange for the executed easement documents. The agreement between the City and the owner(s) and the easement document will be recorded in the Montgomery County Land Records.

**Attachments**

- Attachment 10.D.a: Attachment A – Agreement for Sanitary Sewer Easement (PDF)
- Attachment 10.D.b: Attachment B – Twinbrook Quarter – Letter Agreement with the City - Grant of Off-Site Sanitary Sewer (PDF)
- Attachment 10.D.c: Attachment C - Grant of Sanitary Sewer Easement and Right of Way (PDF)
 AGREEMENT TO PROVIDE SANITARY SEWER EASEMENT AND RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION LICENSE

This Agreement to Provide Sanitary Sewer Easement and Right-of-Way and Temporary Construction License (hereinafter referred to as the “Agreement”) is made this ___ day of ______________, 2022, by and between THE MAYOR AND COUNCIL OF ROCKVILLE, a municipal corporation organized under the laws of the State of Maryland (hereinafter referred to as the “Grantee” or “City”) and ________________ (collectively hereinafter referred to as the “Grantor”). The Grantor and Grantee are the “Parties” to this Agreement.

Recitals

A. WHEREAS, Grantor is the owner of the property, hereinafter referred to as the “Subject Property,” having the street address of ____________, Rockville, Maryland 20851 and more particularly described as follows: _______________________________________________________________________

B. WHEREAS, the City desires to acquire that certain sanitary sewer easement and right-of-way, attached hereto and incorporated herein as Exhibit A and hereinafter referred to as the “Easement,” across a portion of the Subject Property, hereinafter referred to as the “Easement Area,” for the installation, construction, reconstruction, maintenance, repair, operation, and inspection of an underground sewer line and appurtenances thereto, including but not limited to service connections; and

C. WHEREAS, after acquiring the Easement, the City desires to facilitate, subject to all necessary permits and other governmental approvals, the construction of sanitary sewer infrastructure serving the Subject Property and conveying wastewater from other properties across the Subject Property to the existing right-of-way located adjacent to the Subject Property, and the replacement of the sanitary sewer connection serving the Subject Property to the proposed sanitary sewer pipe (hereinafter referred to as the “Project”).

NOW, THEREFORE, IN CONSIDERATION of the Easement’s fair market value of forty thousand two hundred dollars ($40,200.00), negotiated between the Parties, and for the mutual benefits and obligations provided for in this Agreement, the Parties hereby agree that Grantor will grant the Easement to the Grantee, subject to the terms and conditions set forth in this Agreement.

Terms and Conditions

I. Incorporation of Recitals

A. The foregoing recitals are an integral part of this Agreement and set forth the intentions of the Parties and the premises on which the Parties have decided to enter into this Agreement. Accordingly, the foregoing recitals are fully incorporated into this Agreement by this reference as if fully set forth herein.

II. Payment and Recordation

A. Upon receipt of a copy of the fully executed Easement, the City shall cause to be conveyed to
Grantor one lump sum payment of forty thousand two hundred dollars ($40,200.00).

B. Within thirty (30) days of receipt of the fully executed Easement, the City will cause the Agreement and the Easement to be recorded among the Land Records of Montgomery County, Maryland (“Land Records”), at the City’s expense.

III. Project Construction

A. The final design drawings for the Project (hereinafter referred to as the “Design”) are set forth in Exhibit B, attached hereto and incorporated herein. The Design includes a plan, profile, and details for the construction of the Project on the Subject Property, including, without limitation, the reconnection of the existing sanitary sewer pipe serving the Subject Property to the proposed sanitary sewer main. The Project will be performed at no cost to the Grantor.

B. Subject to the necessary City approvals, Twinbrook Quarter, LLC, the developer of Twinbrook Quarter Phase I, hereinafter referred to as the “Developer,” proposes to construct the Project pursuant to the Design. Neither the City nor Grantor shall have any obligation under this Agreement to construct the Project or pay for any portion of the Project construction.

C. The City agrees to incorporate the following conditions in any permit it issues to the Developer for construction of the Project:

   1. In accordance with the Design, the Developer must replace the sanitary sewer connection and cleanout serving the Subject Property to the proposed sanitary sewer pipe.
   2. The Developer must replace grass and ground cover impacted by the construction of the Project with sod. The Developer shall have no responsibility to ensure that the grass grows after laying the sod.
   3. The Developer must temporarily remove portions of the existing chain-link and wooden fence that are impacted by the construction of the Project. The Developer must reinstall the fences at the completion of the Project. If during construction of the Project the fences are damaged and cannot be reinstalled, the Developer must replace the portions that are damaged with a fence of a similar height, style, and character as the existing fences.
   4. Pursuant to the Design, Developer must remove the following two (2) trees at no cost to Grantor: (1) the 20” Black Walnut, approximately 80’ south and 10’ west of the southeast corner of the house, and (2) the 20” Norway Maple, approximately 20’ east and 5’ north of the southeast corner of the house. The Developer shall have no responsibility to replace trees removed pursuant to the Design.

Grantor agrees that neither the City nor Developer shall have any responsibility to (1) ensure that the grass grows after the sod is laid pursuant to the first condition above, or (2) to replace any trees removed pursuant to the Design. The City agrees that if Developer fails to fulfill any of the above permit conditions within ninety (90) days after the applicable permit expiration date, as may be extended by the City, the default shall be cured by the City, at the City’s cost. In such event, the City may use any performance bond held by the City.

D. During construction of the Project, erosion and sediment shall be controlled in accordance with Chapter 19 of the Rockville City Code – Sediment Control and Stormwater Management, and Developer’s compliance with such requirements shall be enforced by the City.
E. Grantor hereby grants to the City and its permittees, representatives, successors and assigns a temporary construction license over and across the Subject Property to use and enter upon the Subject Property for the purpose of construction and installation of the Project. In connection with such license, the City, its permittees, representatives, successors and assigns shall further have the right of ingress and egress to and from the Easement Area, said ingress and egress to be made generally across the Subject Property from any adjacent public road or right-of-way, or along such other lines as the Grantor may designate and as may be acceptable to the City. The license granted and created hereby shall automatically expire and be of no force and effect upon the full and final completion of the Project.

F. This Agreement shall be contingent upon the approval of Grantor’s mortgage lender. Should Grantor’s mortgage lender not approve this Agreement and the Easement provided hereby, then, in such event, this Agreement shall be deemed null and void and of no further effect, upon notice from Grantor to City.

IV. Post-Construction

A. Per Rockville City Code Section 24-37, upon completion of the Project, the existing sanitary sewer pipe from the existing house on the Subject Property to the newly installed cleanout located on the Subject Property (and adjacent to the Easement Area) will be owned and maintained by the Grantor. The replacement sanitary sewer pipe serving the Subject Property from the newly installed cleanout to the proposed sanitary sewer main within the Easement Area will be constructed, owned, and maintained by the City. The proposed sanitary sewer main within the Easement Area will be constructed, owned, and maintained by the City.

V. Miscellaneous Provisions

A. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against any Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply. The Section headings are for purposes of convenience only and shall not be construed to limit or extend the meaning of this Agreement.

B. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. In the event that all or any portion of this Agreement is found to be unenforceable, this Agreement or that portion which is found to be unenforceable shall be deemed to be a statement of intention by the Parties; and the Parties further agree that in such event, and to the maximum extent permitted by law, they shall take all steps necessary to comply with such procedures or requirements as may be necessary in order to make valid this Agreement or that portion which is found to be unenforceable.

C. This Agreement shall be construed in accordance with and governed by the laws of the State of Maryland. The exclusive venue for litigation shall be Montgomery County. If the Parties are not able to resolve disputes directly with each other, the Parties may, prior to litigation, attempt to resolve any disputes that arise out of this Agreement through mediation before a mutually acceptable mediator.
D. This Agreement integrates all of the terms and conditions mentioned herein, or incidental hereto, and supersedes all negotiations and previous agreements between the Parties. All amendments and modifications hereto must be in writing and signed by the appropriate authorities of the Parties.

E. The language of each and all paragraphs, terms and/or provisions of this Agreement, shall in all cases and for any and all purposes, and in any way and all circumstances whatsoever, be construed as a whole, according to its fair meaning, and not for or against any Party and with no regard whatsoever to the identity or status of any person or persons who drafted all or any portion of this Agreement.

F. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

[Signatures and acknowledgments appear on the following pages]
IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date and year first above written.

GRANTOR: WITNESS:

________________________________  _______________________________

________________________________  _______________________________

STATE OF MARYLAND
COUNTY OF MONTGOMERY:

I hereby certify that on this ________ day of __________________, 2022, before me, the undersigned officer, personally appeared _____________, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who acknowledged that he executed the within instrument, and who acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

________________________________ Notary Public

My Commission Expires: _______________________

STATE OF MARYLAND:
COUNTY OF MONTGOMERY:

I hereby certify that on this ________ day of __________________, 2022, before me, the undersigned officer, personally appeared _____________, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who acknowledged that she executed the within instrument, and who acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

________________________________ Notary Public

My Commission Expires: _______________________

5
GRANTEE: The Mayor and Council of Rockville, Maryland

By: Sara Taylor-Ferrell
   City Clerk/Director of Council Operations

By: Robert DiSpirito
   City Manager

Approved as to form:

_____________________
Nicholas D. Dumais
Senior Assistant City Attorney

STATE OF MARYLAND:

SS:

COUNTY OF MONTGOMERY:

I hereby certify that on this _____ day of _______________, 2022, before me, a Notary Public in and for the State and County aforesaid, personally appeared Robert DiSpirito, who acknowledged himself to be the City Manager of the Mayor and Council of Rockville, a Maryland municipal corporation, and that he, as City Manager being authorized to do so, executed the foregoing and annexed Agreement on behalf of the corporation for the purposes therein contained, and acknowledged the same to be the act and deed of the corporation, by signing the name of the Mayor and Council of Rockville by himself as City Manager.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

__________________________________
Notary Public

My Commission Expires: ________________
EXHIBIT A

Grant of Sanitary Sewer Easement and Right-of-Way
[Attached]
EXHIBIT B

Design

[Attached]
Twinbrook Quarter LLC
7501 WISCONSIN AVENUE, SUITE 1500E, BETHESDA, MARYLAND 20814

(301) 986-6000

__________, 2022

Via Electronic Mail

The Mayor and Council of Rockville, Maryland
111 Maryland Avenue
Rockville, Maryland 20850

RE: (i) Agreement to Provide Sanitary Sewer Easement and Right-of-Way and Temporary Construction License (“Agreement”) by and between __________________ (collectively hereinafter referred to as the “Owner”), and THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, a municipal corporation organized under the laws of the State of Maryland (the “City”), and (ii) Grant of Sanitary Sewer Easement and Right-of-Way (“Easement”) by and between Grantor and City at ____________, Rockville, Maryland 20851

To The Mayor and Council of Rockville, Maryland:

In connection with construction by Twinbrook Quarter LLC, a Delaware limited liability company (“Developer”), of the Project (as defined in the Agreement) and certain other sanitary sewer facilities necessary to serve Developer’s Twinbrook Quarter Phase I development in Rockville, Maryland, and in consideration for the permit (“Permit”) to be issued by the City to Developer for the Project promptly after execution and delivery of the Agreement and the Easement, the City and Developer hereby agree and acknowledge that Developer shall deliver to the City a cashier’s check made payable to Owner in the amount of Forty Thousand Two Hundred and 00/100 Dollars ($40,200.00) (the “Check”), which is the consideration amount payable to Owner pursuant to the Agreement. Developer shall deliver the Check to the City within ten (10) days after the date of this Letter Agreement (this “Letter Agreement”) and the City shall hold the Check in escrow and deliver it to Owner upon City’s receipt from Owner of both the Agreement and the Easement, executed by Owner; provided, however, if Owner has not executed and delivered to the City both the Agreement and the Easement within one hundred and twenty (120) days after the date of this Letter Agreement, the City shall deliver the Check to Developer promptly after written request therefor from Developer. Promptly (and, in any event, within ten (10) days) after Owner’s execution and delivery of the Agreement and the Easement to the City, the City shall issue the Permit to Developer. Without limiting Developer’s obligation to deliver the Check pursuant to this Letter Agreement, promptly after the execution and delivery of the Agreement and Easement by Owner to the City, the City shall record or cause to be recorded the Agreement and Easement in the Land Records of Montgomery County, Maryland.

Please indicate your agreement and acceptance of this Letter Agreement by signing where indicated below and promptly returning one (1) executed copy of this Letter Agreement to Developer via electronic mail.

Sincerely,

Twinbrook Quarter LLC,
a Delaware limited liability company

By: ________________________
Name: _____________________
Title: _____________________
AGREED AND ACCEPTED:

The Mayor and Council of Rockville, Maryland

By: _______________________________________
    Robert DiSpirito, City Manager

Approved as to form:

_____________________
Nicholas D. Dumais
Senior Assistant City Attorney
Parcel Identifier No. ___________________

GRANT OF SANITARY SEWER EASEMENT AND RIGHT-OF-WAY

THIS GRANT OF SANITARY SEWER EASEMENT AND RIGHT-OF-WAY (this “Easement”) is made this _____ day of ___________, 2022, by and between ______________________ (collectively hereinafter referred to as the “Grantor”), and THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, a municipal corporation organized under the laws of the State of Maryland (the “City”).

WHEREAS, the Grantor is the owner of the property hereinafter referred to as the “Subject Property” and described as follows:

__________________________

NOW THEREFORE, for and in consideration of the sum of Forty thousand two hundred dollars ($40,200.00) caused to be paid by the City to Grantor, the Grantor does hereby grant and convey unto the City, its permittees, representatives, successors and assigns, forever and in perpetuity, the sanitary sewer easement and right-of-way described in attached Exhibit A and shown on attached Exhibit B (the “Easement Area”) (which exhibits are incorporated herein by reference) for the purposes set forth herein, together with the right of ingress and egress along, over, under and through said sanitary sewer easement and right-of-way for any and all such purposes.

The said sanitary sewer easement and right-of-way is hereby intended to be granted and conveyed together with all the rights, privileges, appurtenances, and advantages thereto belonging or appertaining to their proper use and benefit forever by the City, its permittees, representatives, successors and assigns.

The Grantor, for itself, its successors and assigns, covenants and agrees as follows:

FIRST: that the City, its permittees, representatives, successors and assigns shall at all times have the right to use and enter upon the Easement Area for the purpose of installation, construction, reconstruction, maintenance, repair, operation, and inspection of an underground sewer line and appurtenances thereto, including but not limited to service connections. The City, its permittees, representatives, successors and assigns shall further have the right of ingress and egress to and from the Easement Area, said ingress and egress to be made generally across the Subject Property from any adjacent public road or right-of-way, or along such other lines as the Grantor may designate and as may be acceptable to the City, provided, however, that the City, in utilizing the benefit of such rights of ingress and egress, shall take reasonable steps to minimize any damage to the property or inconvenience to Grantor.

SECOND: that Grantor will not erect, nor permit the erection of, any structure, building, landscape, or improvements, excluding fencing and the seeding of grass or installation of sod, nor fill or excavate upon or within the above-described Easement Area without the prior written consent of the City, which consent shall not be unreasonably withheld.
THIRD: that all underground pipes and appurtenances which are installed in the Easement Area shall be and remain the property of the City and its successors and assigns, and the City shall be responsible for maintaining and repairing the same.

FOURTH: that Grantor shall not use the Easement Area, nor permit the Easement Area to be used, in any manner that interferes with the free and unobstructed use thereof by the City and its permittees and representatives for the purposes contained herein.

FIFTH: that Grantor hereby warrants specially this Easement and will execute such further assurances thereof as may be requisite.

SIXTH: that Grantor hereby certifies that, to Grantor’s knowledge, there are no suits, liens, leases, mortgages, or trusts affecting the Subject Property, other than those for which the holder in interest has signed this document or otherwise consented in writing to this Easement. Grantor further certifies that, to Grantor’s knowledge, all parties with an interest in the Subject Property necessary to give full effect to this Easement have signed or consented in writing to this Easement. Grantor has not performed a title examination.

SEVENTH: Within thirty (30) days following the completion of any of its work from time to time according to this Easement, in, on or under the Easement Area, the City shall, at its sole expense, restore the affected portion of the Easement Area to substantially the same condition existing immediately prior to the commencement of such work, including, but not limited to, the doing of such filling, grading, paving, planting, seeding and landscaping as may be necessary to accomplish the foregoing.

EIGHTH: The City shall indemnify, save and hold harmless the Grantor from any and all claims, demands, lawsuits, damages, and liabilities related to or arising from this Easement Agreement, except as caused by Grantor’s intentional or negligent actions and omissions, and further provided however, that nothing herein shall be deemed to constitute a waiver by the City of any of the provisions of the Local Government Tort Claims Act.

The covenants and agreements contained herein shall run with the title to the Subject Property and shall bind the Grantor and their executors, administrators, successors and assigns. The obligations of the Grantor hereunder shall apply only with respect to the period during which the Grantor is the owner of a fee simple interest therein, the obligations thereafter accruing shall be the obligations of Grantor’s successors-in-ownership and interest or its assignee of the rights and obligations hereunder.

[SIGNATURE PAGE Follows]
IN WITNESS WHEREOF, the Grantor has caused this Easement to be executed as of the date and year first above written.

WITNESS:

_____________________________________   _______________________ ______________

_____________________________________   _____________________________ __________

STATE OF _________________:

SS:

COUNTY OF _______________:

I hereby certify that on this ________ day of ________________, 2022, before me, the undersigned, personally appeared __________________, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and that he, in such capacity, did execute the foregoing instrument for the purposes therein contained on his behalf.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

__________________________________
Notary Public

My Commission Expires: __________

STATE OF _________________:

SS:

COUNTY OF _______________:

I hereby certify that on this ________ day of ________________, 2022, before me, the undersigned, personally appeared __________________, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and that she, in such capacity, did execute the foregoing instrument for the purposes therein contained on her behalf.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

__________________________________
Notary Public

My Commission Expires: __________
The Mayor and Council of Rockville, Maryland

By: Sara Taylor-Ferrell
City Clerk/Director of Council Operations

By: Robert DiSpirito
City Manager

Approved as to form:

Nicholas D. Dumais
Senior Assistant City Attorney

STATE OF MARYLAND:

SS:

COUNTY OF MONTGOMERY:

I hereby certify that on this _____ day of _______________, 2022, before me, a Notary Public in and for the State and County aforesaid, personally appeared Robert DiSpirito, who acknowledged himself to be the City Manager of the Mayor and Council of Rockville, a Maryland municipal corporation, and that he, as City Manager being authorized to do so, executed the foregoing and annexed Easement on behalf of the corporation for the purposes therein contained, and acknowledged the same to be the act and deed of the corporation, by signing the name of the Mayor and Council of Rockville by himself as City Manager.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

__________________________________
Notary Public

My Commission Expires: ________________
CONSENT AND SUBORDINATION TO EASEMENT

______________________________ (the “Lien Holder”) is the current holder of the beneficial interest under a Deed of Trust dated __________________ and record in the Land Records of Montgomery County, Maryland at Liber ___________, Folio ____________ (the “Lien”). The Lien Holder hereby consents and subordinates its Lien to the Easement granted herein by the granting of the Easement to which this Consent is attached, to the Mayor and Council of Rockville, a municipal corporation in the State of Maryland, its successor and assigns, and Lien Holder hereby agrees that in the event of a foreclosure of the Lien, the Easement shall survive such foreclosure and remain binding upon the subject real property and all subsequent owners thereof.

LIEN HOLDER:

______________________________

By: ____________________________________
Name: ________________________________
Title: ________________________________

STATE OF __________________ SS:
COUNTY OF __________________

The forgoing instrument was acknowledged before me this _____ day of ____________, 2022, by ________________, who is the ______________ of ________________________, on behalf of the ________________.

Notary Public (Name) __________________________________________

Notary Public (Signature) _______________________________________

My commission expires: __________________________

Packet Pg. 82
After Recording Mail To:

______________________
______________________
______________________
______________________
EXHIBIT A

Legal Description of Easement Area

[Attached]
EXHIBIT B

Depiction of Easement Area

[Attached]
Subject
Approval to Reject All Bids for IFB #10-22, Town Center Road Diet Project

Recommendation
Staff recommends that the Mayor and Council reject all bids for IFB #10-22, Town Center Road Diet Project.

Discussion
The intent of IFB #10-22 is to hire a contractor to create bike lanes and on-street parking on North Washington Street between MD 355 and MD 28, and on East Middle Lane between North Washington Street and MD 355.

The Project includes narrowing the two existing travel lanes to one lane in each direction and providing protected bike lanes, parking spaces, traffic signal modifications, streetscaping, stormwater facility, and signing and markings on both North Washington Street and East Middle Lane. In addition, it also includes widening the sidewalk on the south side of East Middle Lane between North Washington Street and Maryland Avenue.

Mayor and Council History
This is the first time this item has been brought before the Mayor and Council.

Procurement
Staff prepared and publicly advertised IFB #10-22 in accordance with Rockville City Code Section 17-61. IFB #10-22 was posted on the City website and electronically provided to 1,308 prospective bidders via the State of Maryland e-Marketplace Advantage (eMMA) system. Of the 1,308 prospective bidders, using the systems reporting capabilities, 30 were Disadvantaged Business Enterprises (DBE), 55 were Minority Business Enterprises (MBE) and 7 were Veteran Small Business Enterprises (VSBE).

IFB #10-22 was issued on April 29, 2022, following completion of design and preparation of the construction advertisement package, and bids were opened on May 24, 2022. Four responses were received.
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Location</th>
<th>DBE/MBE/VSBE Status</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olney Masonry</td>
<td>Beltsville, MD</td>
<td>Non-DBE/MBE/VSBE</td>
<td>$565,858.20</td>
</tr>
<tr>
<td>E&amp;R Services</td>
<td>Lanham, MD</td>
<td>MBE</td>
<td>$966,612.94</td>
</tr>
<tr>
<td>Sagres Construction</td>
<td>Alexandria, VA</td>
<td>Non-DBE/MBE/VSBE</td>
<td>$1,047,000.00</td>
</tr>
<tr>
<td>Fort Myer Construction</td>
<td>Washington, DC</td>
<td>Non-DBE/MBE/VSBE</td>
<td>$1,191,402.98</td>
</tr>
</tbody>
</table>

Olney Masonry failed to include prices for some items in their electronic bid package, which resulted in their bid being deemed non-responsive.

The remaining bidders: E&R Services, Sagres Construction, and Fort Myer Construction, submitted pricing significantly over the City’s cost estimate for the construction and traditional pricing for this type of contract. The bids are above market prices, not reasonable, and are not in the best interest of the City.

As per Rockville City Code Chapter 17, Section 17-66(b): Any or all bids, proposals, or offers may be rejected in whole or in part by the Awarding Authority.

**Fiscal Impact**
Funding for the Project is included in the Town Center Road Diet CIP accounts 320-850-TB22 and 380-850-TB22.

**Next Steps**
Staff will re-solicit a new Invitation for Bids and attempt to seek more competition by advertising the re-solicitation to an even larger pool of potential bidders with an extended advertisement timeline.
Subject
Approval of Minutes

Recommendation
Staff recommends that the Mayor and Council approve the following minutes.

April 4, 2022 (Meeting No. 10-22)
April 7, 2022 (Meeting No. 12-22)
April 18, 2022 (Meeting No. 13-22)
April 25, 2022 (Meeting No. 14-22)

NOTE:
The following minutes below are revised for reapproval to include the language and vote during Councilmember Feinberg’s absence due to medical advice.

January 10, 2022 (Meeting No. 01-22)
January 24, 2022 (Meeting No. 02-22)
January 31, 2022 (Meeting No. 03-22)
February 7, 2022 (Meeting No. 04-22)
February 28, 2022 (Meeting No. 05-22)
March 7, 2022 (Meeting No. 06-22)
March 21, 2022 (Meeting No. 08-22)
Subject
Adoption of a Resolution Declaring Policy on All Gender Bathrooms

Recommendation
Staff recommends that the Mayor and Council approve and adopt the proposed Resolution attached to the staff report as Attachment A.

Discussion
The Mayor and Council have been discussing the value and importance of providing equal access to all City facilities. While the City practice has been to create All Gender restrooms in each of our facilities, it is important that this practice become policy to ensure the continuation and full implementation of the components of this resolution.

Fiscal Impact
Staff has identified five sites that require renovations in order to provide an all gender bathroom facility. Staff will prioritize these projects and seek future budget appropriations to bring all facilities into policy compliance.

Next Steps
Approve the draft Resolution establishing the standard for All Gender restrooms.

Attachments
Attachment 11.a: All Gender Resolution Draft (PDF)
Resolution No. _____  RESOLUTION: To transition the City of Rockville to more accessible and gender-inclusive restrooms in City-owned buildings.

WHEREAS, the Washington DC metropolitan region, including Montgomery County and the City of Rockville, is home to a wonderfully diverse population; and

WHEREAS, the City of Rockville supports and fosters a welcoming, socially equitable and inclusive community for everyone regardless of ability, gender, gender identity, class, country of origin, religious group, veteran status, income status, sexual orientation or expression; and

WHEREAS, the 2015 U.S. Transgender Survey reported that one in ten respondents has been denied access to a public restroom because of their gender identity or gender expression; and

WHEREAS, families with small children who are too young to use restrooms by themselves often face a difficult decision when it comes to using sex-segregated public restrooms; and

WHEREAS, adults who are taking care of an elderly parent or assisting a person with a disability also often face the difficult decision when it comes to using sex-segregated public restrooms; and

WHEREAS, the City of Rockville has the ability to positively affect the accessibility for anyone to use a single-user public restroom in City-owned facilities; and

WHEREAS, the City of Rockville maintains public restrooms in facilities throughout the city; and

WHEREAS, public restrooms are used by a variety of community members and visitors, who may not identify or express as a binary gender, or who may be experiencing a gender affirmation, or who may have special needs based on ability, family status, or other characteristics; and

WHEREAS, the City will be considering updating its plumbing and building codes by adopting both the 2021 International Plumbing Code and 2021 International Building Code and will include language referencing all gender restrooms and insuring equitable bathroom access; and

WHEREAS, the City of Rockville is committed to planning and fostering an environment that provides equitable access to restroom facilities for everyone, regardless of individual ability; and
WHEREAS, the City of Rockville is committed to planning and constructing facilities that provide equitable access to restroom facilities for everyone, inclusive of caregivers of different gender, or parents with children of different gender who may require assistance using a public restroom; and

WHEREAS, the City of Rockville is dedicated to decreasing barriers, encouraging full community inclusion, and strengthening dignity and personal safety;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Rockville that the City of Rockville will continue to transition City-owned facilities to include accessible All Gender restrooms, thereby providing equity in access to restrooms for all; and

BE IT FURTHER RESOLVED that the Rockville staff responsible for the design, construction, renovation, and maintenance of City-owned facilities should make every effort to incorporate All Gender restrooms whenever constructing or renovating public restrooms in City-owned facilities.

* * * * * * * * * * * * * * * *

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of June 27, 2022.

Sara Taylor-Ferrell, City Clerk/Director of Council Operations
Subject
Introduction and Possible Adoption of Ordinance to Approve Sectional Map Amendment MAP2022-00123, an Application to Rezone the Property at 406 Great Falls Road from R-90 to R-90 (HD - Historic District) in Order to Place the Property in a Historic District; Historic District Commission of Rockville, Applicant

Recommendation
Staff recommends that the Mayor and Council introduce the proposed ordinance to grant Map Amendment Application MAP2022-00123, for the rezoning of 406 Great Falls Road from R-90 to R-90 (HD - Historic District). If the Mayor and Council wish to proceed to adopting the ordinance at the same meeting, a motion must be made and approved by a minimum of 4 votes to waive the layover period. Once the layover period has been waived, the Mayor and Council may proceed to adoption of the ordinance.

UPDATE
The Mayor and Council held a Discussion and Instructions session on June 6, during which the following options were discussed:

a) Option 1 – Direct staff to draft an ordinance to apply the Historic District designation to both lots. With this option, the owner would need to go through the Historic District Commission Certificate of Approval review process for modifications to the existing house, as well as for the construction of a new house on the separate lot. The evaluation of the new house by the HDC would be to ensure that it would be compatible with the existing house, but would otherwise be less rigorous review than would be required for a designated historic structure.

b) Option 2 – Direct staff to draft an ordinance that would designate only the existing house and its associated lot. With this option, a new house on the second lot would not be required to be reviewed by the HDC. The owner would need to submit plans and obtain a building permit after meeting all City code requirements. Building permits are reviewed and approved by staff.
c) **Option 3** – Direct staff to develop a resolution to deny the application, resulting in the historic designation of 406 Great Falls Road (the entire property – both lots) not occurring. With this option, the owner could proceed with modifications to or demolition of the existing house and modify or build a new house on the property without the need for review and approval by the HDC.

Staff recommended Option 1, based on the finding that the property meets two of the criteria for historic designation, as outlined in the HDC Statement of Significance. Designation of the entire property, including the second lot, would ensure that the property will continue to represent an established visual feature in the neighborhood. The HDC would then have an opportunity to review any potentially new home on the buildable second lot, should that occur, to ensure that the historic character of the existing home and property is retained via approval of appropriate massing, design elements and appropriate placement on the second lot.

On June 6, the Mayor and Council voted 4-0, with Mayor Newton absent due to a rescual from the item, to reopen the public record for oral testimony on the available options for rezoning. Ingrid Chua and Joel Martinez, property owners, both testified against designation, noting the financial hardship imposed as well as stating that they had not intended to build on the second lot. Nancy Pickard, Executive Director of Peerless Rockville and nominator of the property for historic designation, spoke in favor of designating the entire parcel. Douglas Lunenfeld, resident of 723 Anderson Avenue, and Erin Girard, attorney for the property owners, spoke against designation. The public record was then closed.

Councilmember Ashton moved, seconded by Councilmember Myles, that an After Action Report be prepared for the historic designation process as it has applied to this property, in order to increase efficiency and look for opportunities to improve communication protocols that would enhance the HDC Map Amendment process. The motion carried by a vote of 3-1, with Councilmember Pierzchala opposed.

The Mayor and Council discussed a number of topics and asked several questions of staff. One question was regarding the designation of two other similar properties in Rockville, 11 Wall Street and 149 South Adams Street. As noted in the evaluation of historic significance, the house at 406 Great Falls Road utilizes the Sears, Roebuck and Co. Catalog “Belmont” design. The Belmont model was the brick counterpart to the wood frame “Lynnhurst”. There is a Sears “Belmont” at 11 Wall Street (c. 1933), and a Sears “Lynnhurst” at 149 South Adams Street (c. 1931). The house at 11 Wall Street was designated historic in 1974 when the West Montgomery Avenue Historic District was created. The house at 149 South Adams Street was designated historic in 2007 after being nominated for designation by its owner. Both of these houses retain a high degree of integrity. Although the subject house at 406 Great Falls Road is listed in the Rockville Historic Buildings Catalogue as a good example of a Tudor Revival House, it does not retain the same high level of integrity that the other two properties do, given the documented changes that have occurred over the years.
After the discussion, Councilmember Pierzchala moved, seconded by Councilmember Myles, to direct staff to prepare a resolution that would deny the application, which was defeated by a vote of 1-3. Councilmember Pierzchala then moved to direct staff to prepare an ordinance that would place the entire property in the Historic District, which also failed.

After further discussion, the Mayor and Council voted 3-1, with Councilmember Pierzchala opposed, to direct staff to bring back a draft ordinance granting Sectional Map Amendment MAP2022-00123 in part, to rezone only the existing house and its associated lot at 406 Great Falls Road from R-90 to R-90 (HD), in order to place the home and its associated lot in a historic district. The draft ordinance is included as Attachment A.

Written notices for tonight’s meeting were mailed on June 13, 2022, informing owners, renters, and property owners within 750 feet of the property that this item is on the agenda.

The following information was included in the staff report for the agenda items on April 25 and June 6.

**Background**

**Nomination for Local Historic Designation**

On June 8, 2021, Peerless Rockville Historic Preservation, Ltd. (Peerless Rockville), a non-profit organization that focuses on historic preservation in Rockville, submitted a Nomination of Property for Local Historic Designation application for 406 Great Falls Road. The owners of the property are Joel Martinez and Ingrid Chua, who purchased it in January 2021.

**Previous Evaluations**

In November 2005, staff evaluated both 406 Great Falls Road and 408 Great Falls Road for historic significance. According to the staff recommendation dated November 10, 2005, “The Historic Preservation Staff recommends that the HDC find 406 and 408 Great Falls Road eligible for designation as a local historic district”. The owner’s attorney submitted a letter on November 16, 2005 requesting the evaluation be postponed until the December meeting. The HDC did not review the properties, and therefore, did not vote on staff’s recommendation to designate 406 and 408 Great Falls Road. According to the Statement of Significance in the 2005 Maryland Historical Trust inventory form that accompanied the staff report, “The house at 406 Great Falls Road is a late example of revival-style period architectural design. The original environmental setting is intact, as is its massing and its footprint. There have been some alterations including the replacement of several windows, most notably the triplets on the first and second floors on the front facade, and the enclosure of the side porch (which is reversible). 406 and 408 Great Falls Road are remnants of the large and elaborate Rockville Heights subdivision, being built on originally platted lots in the 1930’s. The Nicholson homes are historic markers of the Rockville Heights subdivision, before it was resubdivided and developed with split levels and ranch style homes. These two properties are associated with the Nicholson and Trail families, both large and prominent families, each with a long presence in Rockville and
Montgomery County."

In May 2007, staff concluded that the property be understood as an established visual feature of the neighborhood, which would meet Architectural and Design Significance criteria e), but did not recommend historic designation. An Evaluation of Significance was conducted with respect to this property at the May 17, 2007 HDC meeting. At that meeting, the HDC voted not to recommend designation based on its determination that the building lacked architectural integrity, a connection with the 1890 Rockville Heights subdivision, and a connection with people who made a significant contribution to the city.

In 2020, the property owner at that time, Libra Investments, LLC, filed an application to demolish the house at 406 Great Falls Road. Current photos of the house were submitted with the application. However, no information or structural report regarding the building’s condition was included. Rockville’s Zoning Ordinance requires that any proposed demolition be considered for historic designation. As a result, staff conducted research and analysis on the property as preparation for the HDC to conduct an Evaluation of Significance for the meeting of November 19, 2020. Based on the findings, staff recommended that the property met the criteria for historic designation. Upon learning about the recommendation, the previous owner withdrew the application for the Evaluation of Significance on November 17, 2020.

Staff was contacted by a local architect on December 1, 2020 to inquire about 406 Great Falls Road, and the possibility for changes to the property. The architect said that he had been contacted by the potential owner, Joel Martinez. Staff informed the architect about the recent report recommending historic designation of the property. On December 2, 2020, similar information was relayed to the owner’s current architect, Craig Moloney when he inquired about the property. According to the deed, the current owners, Joel G. Martinez and Ingrid L. Chua, purchased 406 Great Falls Road from Libra Investments, LLC, on January 4, 2021.

Because of the 2007 review and HDC decision, an attorney for the current owners (Jody Kline of the Law Office of Miller, Miller & Canby) sent a letter to the City, asserting that “…the Nomination of Property for Local Historic Designation for 406 Great Falls Road should be dismissed and further processing of the Nomination be discontinued...” The core reason stated is that “The subject property has previously been evaluated for historic designation and the Historic District Commission reached a conclusion that the property did not warrant designation as a single site historic district. The HDC’s May 17, 2007 decision is a binding precedent under the principles of stare decisis, and fairness, the Nomination should be dismissed.”

Staff discussed the implications of the 2007 HDC decision and consulted with the City Attorney’s Office. The determination was made that the 2007 HDC decision is not binding and that the current case should move forward for the Evaluation of Significance.

HDC Evaluation of Significance – December 16, 2021
The Evaluation of Significance for potential historic designation of 406 Great Falls Road was held at the December 16, 2021, HDC meeting. Staff presented research and recommended findings that the property met two of HDC’s adopted criteria, which can be found in the Rockville Historic Resources Management Plan. These criteria are used to guide such evaluations of significance. To be found eligible for historic designation, a resource must meet one or more of the four criteria for Historic Significance, or of the five criteria for Architectural, Design, and Landscape Significance.

One of the property owners, Joel Martinez, and representatives of the owners provided testimony to the HDC in opposition to historic designation. In addition to Mr. Martinez, speakers included the owner’s attorney, Jody Kline; Kathryn M. Kuranda, architectural historian at R. Christopher Goodwin and Associates, inc.; and Craig Moloney, architect at CEM Design. All three expressed reasons why the property no longer had architectural integrity and did not warrant historic designation. Ms. Kuranda and Mr. Kline also submitted written testimony. Mr. Moloney previously served on the HDC, including in 2007 when the property was previously reviewed. In 2007, Mr. Moloney recused himself from considering the case because he had been working with the property owner of that time.

Nancy Pickard of Peerless Rockville Historic Preservation, Ltd., also provided testimony, reading a statement into the record that discussed the reasons for the nomination for historic designation of the property. Peerless Rockville believes that the property has very strong architectural integrity not only in the building itself, but also for the land, and that the lot played an integral part in the city’s development. Ms. Pickard stated that Peerless Rockville also believes that the property meets one of the designation criteria, in addition to those mentioned by staff. Specifically, Ms. Pickard stated that it meets Historic Significance Criterion a) Represents the development, heritage, or cultural characteristics of the city. Ms. Pickard also provided the rationale behind the additional criterion.

Four community members gave testimony in support of historic designation via WebEx. Staff read into the record a list of fourteen submissions of written testimony received from community members. Thirteen were in support and one was against historic designation.

After discussion, the HDC determined that 406 Great Falls Road met the following two criteria for Architectural, Design, and Landscape Significance:

1. Embodies distinctive characteristics of a type, period, or method of construction.
2. Represents a significant architectural, design, or landscape entity in the city.

The HDC therefore recommended, by a vote of 2-0-1 (indicating two affirmatives and one abstention), that the property should be designated historic.

The HDC accordingly authorized the filing of a Sectional Map Amendment to place the property in the Historic District (HD) overlay zone, which was submitted on December 21, 2021.
Planning Commission Review
The Zoning Ordinance provides an opportunity for the Planning Commission to make a recommendation to the Mayor and Council, prior to the decision whether to historically designate a property. The Planning Commission reviews such recommendations for historic designation based on whether doing so would be in conformance with the Comprehensive Plan and would meet the intent of the Historic District overlay zone.

At its January 12, 2022 meeting, the Planning Commission reviewed the HDC’s recommendation, including all of the material that had been submitted to the HDC. One of the owners, Ingrid Chua, spoke against historic designation of the property, as did a new attorney for the owners, Erin E. Girard of Miles and Stockbridge; Kathryn M. Kuranda; and Craig Moloney. Ms. Girard also submitted written testimony.

Nancy Pickard of Peerless Rockville Historic Preservation, Ltd., read a statement into the record that provided reasons for their having nominated the property, similar to those provided for the December 16, 2021 HDC Evaluation of Significance.

Three members of the community, Noreen Bryan, Margaret Magner, and Larry Giammo provided public testimony in favor of historic designation of the property.

Commissioner Tyner made the following motion, seconded by Commissioner Nunez, that “Based on staff’s listed findings, I move that the Planning Commission find that the proposed Sectional Map Amendment MAP2022-00123, to change the zoning of 406 Great Falls Road from R-90 to R-90 HD, if approved by the Mayor and Council, is consistent with the Comprehensive Plan and with the purpose of the historic designation zone within the Zoning Ordinance, and that these findings be forwarded to the Mayor and Council.” The motion passed by a vote of 4-0.

THE PROPERTY – 406 GREAT FALLS ROAD

Lot Description
The subject property is located on the east side of Great Falls Road, between Monument Street and Dale Drive. The property is a 68,358-square-foot single lot that is zoned R-90, Single Family Dwelling, Residential. It is parcel 629 of the Rockville Heights Subdivision. A 1,302-square-foot single-family dwelling is located on the property. The house faces northwest toward Great Falls Road and is deeply set back on the lot with mature trees shading the house on its south and east elevations. The property has a long curving driveway from Great Falls Road, which provides access to a detached two-car garage at the rear of the property. 406 Great Falls Road includes the small unbuildable portions of record lots 6, 7, 8, and 9, along with the larger buildable portions of record Lots 1 and 2. If the entire property is designated, any alterations on the lots will require a Certificate of Approval from the HDC.
Building Description

This brick one-and-one-half-story Tudor Revival house was constructed c. 1945. It features a steeply pitched side-gabled roof, intersected by a steeply pitched gable front roof, both of which are common in this style. The roof is covered with asphalt shingles, and the foundation is brick. There is a mixture of original wood double-hung windows, and vinyl replacement windows. The windows are set in brick openings with lintels and brick sills. The first story of the center bay consists of three double-hung vinyl replacement windows separated by wood mullions. There are cantilevered brick brackets below the windows, which support a wood shelf. The front-gabled projecting entry is accessed by two brick steps with a fieldstone landing outlined by brick. Small arched windows flank the stepped-brick arch entrance and the wood front door. Above the door, on the second story, is an original double-hung wood window. The second story has an aluminum-sided shed-roof dormer, which contains a large three-part vinyl replacement window consisting of sliders flanking a stationary window. The north end of the façade includes an enclosed first-story side porch, with aluminum windows and aluminum siding that matches the siding in the second-story dormer.

The aluminum-sided two-car detached garage at the rear of the property has aluminum doors, and a single window in the front facing gable. The steeply pitched gabled roof is clad in asphalt shingles.

The house utilizes the Sears, Roebuck and Co. Catalog Belmont design. The Belmont, which was introduced in 1931-32, was the brick counterpart to the Lynnhurst, which was introduced in 1930. There are a few versions of the Sears kit houses in Rockville, including the Sears Belmont at 11 Wall Street (c.1933), and the Sears Lynnhurst at 149 South Adams Street (c.1931). Both Rockville examples also have side porches. The subject house at 406 Great Falls Road is listed in the Rockville Historic Buildings Catalogue as a good example of a Tudor Revival House. The house at 11 Wall Street was designated historic in 1974, and the house at 149 South Adams Street was designated historic in 2007.

Site History

The subject property at 406 Great Falls Road is located in the Rockville Heights subdivision, which was platted in 1890 with large lots, parks, and picturesque roads, similar to garden suburbs being built nationwide. Many of the platted lots remained vacant until well into the twentieth century. Development increased in the 1930s, and this area was annexed into the City of Rockville in 1937, with subsequent annexations of the remaining portions of Rockville Heights in 1939 and 1941. The subject house, and the house at 408 Great Falls Road, were constructed on multiple lots within Rockville Heights, contributing to the “estate” character of the properties and the neighborhood. The surrounding neighborhood currently features housing development that spans many decades.

Although located within the boundaries of the Rockville Heights subdivision, parcels 629 and 667, which correspond respectively to 406 and the adjoining 408 Great Falls Road, are modifications of the lots originally platted for this subdivision in 1890. The properties that make up 406 and 408 Great Falls Road were owned by a single owner at one time. The land was
purchased by James Brawner Nicholson and his wife Mary Trail Nicholson in separate transactions in 1912 and in 1913. In 1941, a deeded property line, roughly parallel to Monument Street, was drawn that divided the property into two deeded lots. The deeds correspond to three lots identified on a "Revised Map of Rockville Heights" that does not appear to have been legally recorded. Although the Rockville Heights lots platted in 1890 are still there, the parcels that have been created for the two properties do not relate to these lots. The line divided Lots 6, 7, 8 and 9 between the two properties. 406 Great Falls Road included the smaller unbuildable portions of these lots and the larger buildable portions of record Lots 1 and 2.

There were not many houses in the immediate vicinity that pre-date the houses at 406 and 408 Great Falls Road. Immediately to the west and across Monument Street, 500 Great Falls Road, was built c. 1917; and 402 Great Falls to the immediate east of 406 was built c. 1931. Portions of Rockville Heights were later re-subdivided, and cul-de-sacs were added off Monument Street and the adjacent Dale Drive.

**Ownership History**

James Nicholson married Mary Trail in 1906. The houses at 406 and 408 Great Falls Road were built for their sons, William and James Jr., around the time of their marriages. The subject house at 406 Great Falls Road was built for William and Amelia, and 408 Great Falls Road was built for James Jr. and Elizabeth by local builder Brawner Harding. According to the Maryland State Department of Assessments and Taxation (SDAT), 406 Great Falls Road was built in 1945. However, according to the MHT Maryland Inventory of Historic Properties (MIHP) form, 406 Great Falls Road was built c.1935. William and Amelia F. Nicholson acquired the land by deed from their widowed mother in October 1941, as did his brother James Jr., and his wife, Elizabeth. Both houses were apparently constructed before the land was deeded to each brother.

Richard Theodore Culp, brother-in-law to the Nicholson brothers, became the trustee of the estate of William T. Nicholson after he died in 2001. In July 2001, representing the estate of William Nicholson, Culp conveyed 466 square feet (0.011 acre) of the subject property to the Maryland State Highway Administration for improvements to Great Falls Road in conjunction with the Rose Hill residential development on the north side of Great Falls Road. Culp sold 406 Great Falls Road to Scott W. Rogers and James J. Wolohan in September 2003. In September 2005, Scott Rogers sold his half of ownership of the land to James Wolohan and his wife Stacy. James Wolohan became sole owner of the property in September 2007 and remained such until Libra Investments purchased it in February 2014. Libra Investments submitted, and then withdrew, an application to demolish the house in November 2020. The current owners, Joel Martinez and Ingrid Chua, purchased the property in January 2021, with the stated intent of enlarging the house for their family home.

**MAYOR AND COUNCIL HISTORY**

The Mayor and Council held a public hearing for this Map Amendment on April 25, 2022. The property owners, Joel Martinez and Ingrid Chua, provided testimony and a PowerPoint
presentation to the Mayor and Council in opposition to historic designation. In addition to the owners, speakers included the owner’s attorney, Erin Girard, who also provided a PowerPoint Presentation; Kathryn Kuranda, architectural historian at R. Christopher Goodwin and Associates, Inc.; and Craig Moloney, architect at CEM Design. All three expressed reasons why the property no longer had architectural integrity and did not warrant historic designation. Erin Girard also submitted written testimony.

Nancy Pickard of Peerless Rockville Historic Preservation, Ltd., provided written testimony, and also read a statement into the record that discussed the reasons the property should be designated as historic.

Four community members gave testimony via WebEx regarding this matter. Three were in support and one was against historic designation. Two written testimony submissions were received from community members prior to the April 25, 2022, public hearing. The Mayor and Council agreed to keep the public record open until the close of business on Monday, May 9, 2022.

Councilmember Myles submitted a list of questions to staff prior to the April 25th Public Hearing. Some of the concerns included:

1. Why the property is being considered for historic designation again after it didn't meet criteria in 2007;
2. Could the current owner separate the lot and build behind the current home;
3. Was the screen porch original or an addition and would the enclosure be allowed today; and
4. If designated, can the owner make changes to the size and exterior of the house.

At the April 25th public hearing, the Mayor and Council asked staff questions regarding the property and the process by which it was recommended. The Mayor and Council agreed to submit additional questions to staff as needed. Following the Mayor and Council meeting on April 25th, staff has only received written questions from Councilmember Ashton.

The Mayor and Council held a Discussion and Instructions session on the application on June 6th, during which staff presented options that the Mayor and Council may consider, because the 406 Great Falls Road property, which was created by deed in 1941, contains two buildable lots – one lot that contains the existing house and a separate lot located behind it. The lot outlined in red is the 406 Great Falls Road lot that was created by deed. The other lot lines within the deeded lot are the record lot lines that were created as part of the Rockville Heights plat that was recorded in 1890. The rear lot (Lot 2) has been determined to be a buildable lot, given that it is a remaining part of a record lot that contains more than 30,000 square feet, more than the 9,000 square-foot minimum lot area in the R-90 Zone. Because the lot does not have street frontage, vehicular and utility access must be assured before any permit issuance. The owner may do this by placing a permanent access easement from Lot 2 to Great Falls Road. Since the owner owns these lots, this action can be accomplished.
It has been the City’s longstanding practice to honor lots and lot lines that were created by recordation of a plat of subdivision in the County land records. Historically, there were several large subdivisions platted in the 1890s or just after that did not achieve buildout, leaving lots that were created but not built on. These include not only Rockville Heights but also Beall’s subdivision and West End Park, among others. In many cases, subsequent landowners created new lots by deed and completely ignored the lots previously created by plat, as occurred in this case.

After discussion, the Mayor and Council voted 3-1, with Councilmember Pierzchala opposed, to direct staff to bring back a draft ordinance granting Sectional Map Amendment MAP2022-00123 in part, to rezone only the existing house and its associated lot at 406 Great Falls Road from R-90 to R-90 (HD) in order to place the home and its associated lot in a historic district.

PUBLIC NOTIFICATION AND ENGAGEMENT

The City Clerk / Director of Council Operations met all noticing requirements for the April 25th public hearing. First-class mail notifications were sent as stipulated in the City Code more than 15 days in advance of the public hearing, and advertisements were placed in the Washington Post on April 7th and April 14th. Staff has also notified the many interested parties by email of the public hearing, including neighborhood associations, the property owner and representatives, Peerless Rockville, and those who testified during the HDC and/or Planning Commission reviews.

For the June 6 meeting, City staff sent written notice to property owners, residents and civic associations within 750 feet of the subject property on May 20. The notice included an explanation and graphics related to the options presented in this report. Additional notices were mailed on May 27, 2022 in anticipation of the Mayor and Council reopening the public record and accepting oral public testimony on June 6th. Staff also announced this opportunity for public testimony through direct emails, listservs, NextDoor, Facebook, Twitter, and posting on the City website.

The HDC held their Evaluation of Significance on December 16, 2021. Noticing requirements of Section 25.05.03 of the Zoning Ordinance were met for that meeting. The posting of the required sign on the property occurred two weeks prior to the December HDC Meeting, and postcard notices were also sent out two weeks prior to the meeting. Staff also reached out and spoke directly with the President of the West End Citizens Association (WECA) to inform him of the upcoming HDC Evaluation of Significance for this property.

All noticing requirements from Section 25.05.03 of the Zoning Ordinance were met as required for the January 12, 2022 Planning Commission meeting.

BOARDS AND COMMISSIONS REVIEW

Reviews by the Historic District Commission and the Planning Commission are discussed above.
**Next Steps**
If the Mayor and Council introduce and adopt the ordinance, staff will update the official Zoning Map and any other documents to reflect the Historic District Overlay Zone on this property.

**Attachments**
406 Great Falls Ordinance _ver 2 w exhibit  (PDF)

**Attachments**
Attachment 12.a:  406 Great Falls Ordinance _ver 2 w exhibit  (PDF)

[Signature]

Rob DiSpirito, City Manager  6/21/2022
ORDINANCE: To grant, in part, Sectional Map Amendment Application MAP2022-00123, to rezone the portion of the property at 406 Great Falls Road identified as Part of Lot 1, Block 11 of the Rockville Heights subdivision, including the existing house, from R-90 to R-90 (HD – Historic District)

WHEREAS, on June 8, 2021, Peerless Rockville Historic Preservation, Ltd. ("Peerless Rockville"), a non-profit organization that focuses on historic preservation in the City of Rockville, filed an application nominating the property located at 406 Great Falls Road in the City of Rockville, which property is further identified as Tax Parcel 629 in the subdivision known as “Rockville Heights” and contains 68,358 square feet of land, more or less, (the “Subject Property”) for historic designation pursuant to Rockville City Code § 25.14.01.d; and

WHEREAS, at a duly noticed public meeting held on December 16, 2021, the Rockville Historic District Commission (the “Historic District Commission”) evaluated the Subject Property for historic, architectural, and cultural significance and, by an affirmative vote of two of the three commissioners present, with one commissioner abstaining, found that the Subject Property met the criteria for local historic designation and initiated the filing of a sectional map amendment to place the Subject Property in the City’s historic district zone pursuant to Rockville City Code §§ 25.06.01.c.1(b) and 25.14.01.d.3 (the “Application”); and

WHEREAS, at a duly noticed public meeting held on January 12, 2022, the Rockville Planning Commission reviewed the Application pursuant to Rockville City Code § 25.06.01.g and found that the Application was consistent with the Comprehensive Plan of the City of Rockville, Maryland and with the purpose of the historic district zone in Rockville City Code § 25.12.01.a; and
WHEREAS, pursuant to Rockville City Code § 25.06.01, the Mayor and Council of Rockville (the “Mayor and Council”) gave notice that a public hearing on said application would be held by the Mayor and Council in the Council Chambers in Rockville and virtually on the 25th day of April 2022, at 7:00 p.m., or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard, which notice was published in accordance with the requirements of Land Use Article of the Annotated Code of Maryland; and

WHEREAS, on the April 25, 2022, the said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, after consideration of the full administrative record in these proceedings, the Mayor and Council has determined that the existing home on the Subject Property and the portion of the Subject Property on which the existing home is located, more particularly described as Part of Lot 1, Block 11 of the Rockville Heights subdivision, as shown in the exhibit attached hereto and incorporated herein, is historically significant; and

WHEREAS, in support of its determination, the Mayor and Council makes the following findings:

The Subject Property is located in the Rockville Heights subdivision, which was platted in 1890 with large lots, parks, and picturesque roads, similar to garden suburbs built nationwide. Many of the platted lots remained vacant until well into the twentieth century. Development increased in the 1930s, and this area was annexed into the City of Rockville in 1937, with subsequent annexations of the remaining portions of Rockville Heights in 1939 and 1941.

Located within the boundaries of the Rockville Heights subdivision, the Subject Property spans several parts of lots and parcels created by deed after the original subdivision of Rockville Heights. However, the existing home on the Subject Property was built within the boundaries of
the subdivision’s original Lot 1 of Block 11. The Subject Property also contains a part of the original Lot 2 of Block 11, which remains a separate buildable lot, connected to Great Falls Road by a narrow parcel of land also within the boundaries of the Subject Property.

The existing home on the Subject Property is a brick, one- and one-half story house constructed circa 1945. The house is listed in the Rockville Historic Buildings Catalogue as a good example of a Tudor Revival House. The house embodies many of the distinctive characteristics found in the Tudor Revival style, including a steeply pitched side-gabled roof intersected by a steeply pitched front gable roof, brick first-story walls with a dormer, a massive chimney with decorative brick crown and chimney pots, a rounded arch doorway with decorative brick detailing, and original multi-lite windows. Not only does the home exhibit the characteristics of an historically significant style of residential development in Rockville, it also utilizes the Sears, Roebuck and Co. Catalog Belmont design, which was introduced in 1931-32. Such designs represent a historically significant period of residential construction in the United States, and there are few versions of the Sears kit houses remaining in Rockville.

The existing home clearly embodies distinctive characteristics of a type, period, or method of construction and is architecturally significant. While changes have been made to the house since its original construction, the house retains a relatively high degree of integrity and most of the chief architectural features identifying it as both a historic Tudor Revival house and one utilizing a traditional kit home design.

The existing home also represents an established visual feature of the neighborhood and the City because of its physical characteristics and landscape components. The home sits significantly above the level of Great Falls Road, an early gateway into Rockville that remains a significant transportation artery. As such, it has been a prominent visible feature of the
neighborhood and the City for nearly eighty years. The house’s prominence is enhanced by the expansive front yard, resulting in a significant, historical environmental setting. While the Historic District Commission recommended the historic designation of the entire Subject Property, only Part of Lot 1, on which the house sits, appreciably contributes to the home’s status as an established visual feature. Much of the remainder of the Subject Property remains difficult to see or is otherwise too far removed from the public right of way. Historic designation of only the existing house and Part of Lot 1, but not the remainder of the Subject Property, is also consistent with maintaining the original development pattern created by the late-nineteenth century Rockville Heights subdivision, which contemplated another home constructed on what is now Part of Lot 2; and

WHEREAS, the Mayor and Council further finds that historic designation of Part of Lot 1 and the existing house is consistent with the purposes of the historic district zone in Rockville City Code § 25.14.01.a and the public purpose of historic preservation in the State of Maryland as established in § 8-102 of the Land Use Article of the Maryland Annotated Code. Preserving the existing home and its environmental setting will preserve a site and structure reflecting elements of the City’s architectural history, thereby promoting the preservation and appreciation of the home and its environmental setting, stabilizing and improving property values in the historic district, fostering civic beauty, and promoting the general welfare of the Rockville community; and

WHEREAS, the Mayor and Council further finds that it is appropriate to place Part of Lot 1, Block 11 and the existing house on the Subject Property, containing 26,308 square feet of land, more or less, in the Historic District.
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the application of the Historic District Commission, Sectional Map Amendment Application MAP2022-00123, requesting the reclassification of the property located at 406 Great Falls Road in the City of Rockville, which property is further identified as Parcel 629 in the subdivision known as “Rockville Heights” and contains 68,358 square feet of land, more or less, be, and the same is hereby, granted in part, and the portion of said property including the existing home and Part of Lot 1, Block 11, containing 26,308 square feet of land, more or less, is hereby included in and made a part of the Historic District.

* * * * * * * * * * * * * * * * * * * * * * * * * * *

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of June 27, 2022.

__________________________
Sara Taylor-Ferrell, City Clerk
Subject
Discussion, Instructions to Staff, and Possible Introduction and Possible Adoption of an Ordinance to Grant Map Amendment Application MAP2022-00124, for the Rezoning of 500 Great Falls Road from R-90 to R-90 (HD - Historic District) in Order to Place the Property in a Historic District; Historic District Commission of Rockville, Applicant

Recommendation
Staff recommends that the Mayor and Council discuss the application and testimony and instruct staff on any changes to the draft ordinance to grant Sectional Map Amendment Application MAP2022-00124.

Staff further recommends that the Mayor and Council introduce the proposed ordinance (see Attachment C) to grant Map Amendment Application MAP2022-00124, for the rezoning of 500 Great Falls Road from R-90 to R-90 (HD - Historic District). If the Mayor and Council wish to introduce the ordinance and proceed to adoption at the same meeting, the ordinance should first be introduced, then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four or more members of the Mayor and Council, a motion to adopt the ordinance can then proceed.

UPDATE:
The Mayor and Council held a public hearing for this Map Amendment on May 16, 2022. The property owner, Hector Mora, provided testimony and expressed that, while he is not against historic designation, it is an intrusion into his property rights as owner.

Nancy Pickard of Peerless Rockville Historic Preservation, Ltd., thanked Mr. Mora for the work he has been doing on the house. Ms. Pickard provided written testimony, and also read a statement into the record that discussed the reasons the property should be designated as historic. Dr. Miriam Bunow gave testimony via Webex and read into the record a statement regarding the history Dr. Clara Bliss Hinds Finley, and her daughter, Clara Bliss Finley. Katherine Rogers gave public testimony via Webex. She read into the record a letter from Lisa Schwartz, Chair of the Clara Bliss Hinds Society of Women in Medicine and Science at George Washington University School of Medicine and Health Sciences.
The Mayor and Council agreed to keep the public record open until the close of business on Friday, June 3, 2022. No written public testimony has been received.

The following information was contained in the staff report for the May 16th public hearing.

Background
Nomination for Local Historic Designation
On June 8, 2021, Peerless Rockville Historic Preservation, Ltd. (Peerless Rockville), a non-profit organization that focuses on historic preservation in Rockville, submitted a Nomination of Property for Local Historic Designation application for 500 Great Falls Road. The owner of the property is Hector Mora, who purchased it in August 2020. Peerless Rockville is entitled to submit this nomination under 25.14.01.d. of the City of Rockville Zoning Ordinance, which covers designation of properties and lists entities that may initiate the process. It qualifies under category (v) of those entitled to file an application, as indicated below.

a) Initiation of process. The process of evaluating a property for possible historic designation due to its historic, archaeological, or architectural significance begins upon the occurrence of any of the following items in subsection (a) below. If the nomination application is filed by a person other than the property owner, the person making the nomination must provide notice of the nomination by first class mail to the property owner at the time of application. A copy of the notice must also be provided to the Historic District Commission.

   (a) The filing of an application nominating the property for historic designation by one (1) or more of the following:
      (i) The property owner;
      (ii) The Historic District Commission;
      (iii) The Mayor and Council;
      (iv) The Planning Commission; or
      (v) Any other person;

Building Permits

Before the June 8, 2021, nomination of the property for historic designation, the owner’s contractors began demolition of a previously built south addition and excavation of the foundation, whose stability was compromised. This work was being conducted without either the owner or the contractor having secured permits. Upon being alerted about the ongoing work, the City issued an order to stop this work because of the lack of permits. The City then directed that the owner and contractor go through the correct permit processes, which they have since done.

Certificate of Approval
The property owner then submitted a proposal for rehabilitation of the building and to construct two additions. The City Zoning Ordinance requires that, once a property has been nominated for historic designation and is listed in the Historic Buildings Catalog (but before 210 days have elapsed), any exterior rehabilitation must be reviewed and approved by the HDC before any work can begin. The June 8th nomination was then followed by a first review, which was conducted on July 15, 2021, and then again on August 10th, when the HDC voted to support a Certificate of Approval with certain design requirements. The HDC approval includes excavation of a portion of the house to stabilize the shifting foundation, construction of two-story projecting additions on each side of the existing house to assist in stabilizing the entire structure, the construction of a one-story garage. The HDC did not approve the proposed design for the front porch, and asked owner to return to the HDC to seek a Certificate of Approval for a revised design. The owner submitted new plans for the front porch on May 11, 2022, to be reviewed by the HDC at their June 16, 2022 meeting.

**Board of Appeals**

For the project as approved by the HDC to move forward, a setback variance was required. At its September 9, 2021, meeting, the Board of Appeals reviewed the proposal and voted to grant variances to carry out the renovations that the HDC had approved. The existing house had been built prior to the construction of Monument Street, with a 26-foot front setback. The current requirement is for a minimum front setback of 30 feet. Variances were granted for the encroachment into the setback along the Monument Street side of the original house of 4 feet 6 inches; and renovations to the existing footprint at the Monument Street side of the house to allow for the proposed conversion of the existing sunroom and kitchen into a new studio and bathroom on the first floor, and a roof terrace on the second floor.

With the HDC and Board of Appeals approvals, construction is currently in progress at 500 Great Falls Road in conformance with the approvals.

**HDC Evaluation of Significance**

The Evaluation of Significance for potential historic designation of 500 Great Falls Road was scheduled for the January 20, 2022, HDC meeting. The property owner had a family emergency, which required him to leave the country. He requested a postponement, which was granted. The Evaluation of Significance for the property was held at the February 17, 2022, HDC meeting. Staff presented research and recommended findings that the property met three of HDC’s adopted criteria. To be found eligible for historic designation, a resource must meet one or more of the four criteria for Historic Significance, or of the five criteria for Architectural, Design, and Landscape Significance.

The property owner, Hector Mora, provided testimony to the HDC in opposition to historic designation. Nancy Pickard of Peerless Rockville Historic Preservation, Ltd., also provided testimony, reading a statement into the record that discussed the reasons for the nomination for historic designation of the property. Peerless Rockville believes that the property has very
strong architectural integrity not only in the building itself, but also for the land, and that the lot played an integral part in the city’s development. Ms. Pickard stated that Peerless Rockville also believes that the property meets a designation criteria in addition to those mentioned by staff. Specifically, Ms. Pickard stated that it meets **Historic Significance a) Represents the development, heritage, or cultural characteristics of the city.** Ms. Pickard also provided the rationale behind that addition.

The HDC also received oral public testimony of support from one member of the public. Written testimony of support was submitted on behalf of the Clara Bliss Hinds Society for Women in Medicine and Science at the George Washington University School of Medicine & Health Sciences (GWSMHS) (attached). The society was named after Clara Bliss Finley (formerly Clara Bliss Hinds), who was the original owner of 500 Great Falls Road.

After discussion, the HDC determined by a vote of 3-0, that 500 Great Falls Road met one criteria for Historic Significance, and two criteria for **Architectural, Design, and Landscape Significance:**

**Historic Significance**

\[ a) \text{ Represents the development, heritage, or cultural characteristics of the city.} \]

**Architectural, Design, and Landscape Significance Criteria:**

\[ a) \text{ Embodies distinctive characteristics of a type, period, or method of construction.} \]
\[ e) \text{ Represents a significant architectural, design, or landscape entity in the city.} \]

The HDC accordingly authorized the filing of a Sectional Map Amendment to place the property in the Historic District (HD) overlay zone, per Section 25.14.01.d.3 of the Zoning Ordinance, which states that if the HDC finds that a property meets one or more of the adopted criteria for historic designation, the HDC may initiate the filing of the Sectional Map Amendment for historic designation.

**Planning Commission Review**

The Zoning Ordinance provides an opportunity for the Planning Commission to make a recommendation to the Mayor and Council, prior to the decision whether to historically designate a property. The Planning Commission reviews such recommendations for historic designation based on whether doing so would be in conformance with the Comprehensive Plan and would meet the intent of the Historic District overlay zone.

At its March 9, 2022 meeting, the Planning Commission reviewed the HDC’s recommendation, including all of the material that had been submitted to the HDC. The owner, Hector Mora, did not attend the meeting, nor did he submit a statement. Nancy Pickard of Peerless Rockville Historic Preservation, Ltd., read a statement into the record that provided reasons for their having nominated the property, similar to those provided for the February 17, 2022, HDC Evaluation of Significance.
The Planning Commission found 4-0 that the proposed Sectional Map Amendment MAP2022-00124, to change the zoning of 500 Great Falls Road from R-90 to R-90 HD, would be consistent with the Comprehensive Plan and with the purpose of the historic designation zone within the Zoning Ordinance (Recommendation letter attached).

THE PROPERTY – 500 GREAT FALLS ROAD

Lot Description
The subject property is located at the northwest corner of Great Falls Road and Monument Street. The property is a 28,069-square-foot single lot that has zoning of R-90, Single Family Dwelling, Residential. It is parcel 685 of the Rockville Heights Subdivision. A 2,560-square-foot single-family dwelling is located on the property. The house, which deeply set on the large corner lot, faces west toward Great Falls Road. A wood rail fence surrounds the spacious front and side yard. There are mature trees shading the house on all elevations, and intermittent trees in the open front and side yard. The lot features additional mature trees and shrubs and foundation plantings on all sides of the house. The circular driveway is accessed from Monument Street and loops around several trees in front of the house. A second driveway on Monument Street leads to the rear of the property.

Building Description
The symmetrical two-story Colonial Revival (1917) house features a central block, which until recently, was flanked by one-story additions. The house has many of the typical features that would be found in a Colonial Revival style house. The tall side-facing gable roof with gable-end chimneys, symmetrically balanced windows and a center door, an accentuated front door with a decorative crown, and adjacent pairs of multi-lite double-hung windows. High-style examples were usually of masonry construction. Prior to the recent additions, each side elevation featured an exterior brick chimney flanked by original wood quarter-round attic windows. Six-over-six vinyl replacement windows flanked each chimney on the first and second stories. A brick framed fireplace was located at the base of each chimney. The symmetrical rear elevation has evenly spaced paired second story vinyl replacement windows, flanking a smaller, lower single window. The first story has a matching pair of windows on the north end, a set of French doors on the south end, and a centered back door. Decorative iron handrails lead to the door. A shed roof awning is supported by decorative iron brackets and posts. Small-rounded roof dormers flank a larger shed roof dormer on the steep-side-facing roof. All the dormer windows are vinyl replacements.

The subject house at 500 Great Falls Road is listed in the Rockville Historic Buildings Catalogue as a good example of a Colonial Revival House.

Site History
The subject property at 500 Great Falls Road is located in the Rockville Heights subdivision, which was platted in 1890 with large lots, parks, and picturesque roads, similar to garden suburbs being built nationwide. Many of the platted lots remained vacant until well into the twentieth century. Development increased in the 1930s, and this area was annexed into the
City of Rockville in 1937, with subsequent annexations of the remaining portions of Rockville Heights in 1939 and 1941. The subject house was constructed on multiple lots within Rockville Heights, contributing to the “estate” character of the properties and the neighborhood. There were not many other houses in the immediate vicinity that pre-dated the house at 500 Great Falls Road. Portions of Rockville Heights were later re-subdivided, and cul-de-sacs were added off Monument Street and adjacent Dale Drive. The surrounding neighborhood currently features housing development that spans many decades.

Although located within the boundaries of the Rockville Heights subdivision, parcel 685 is a modification of the five lots originally platted in 1890. The metes and bounds and acreage references in these deeds correspond to lots 3-7, Block 10 in Rockville Heights Subdivision. Although the Rockville Heights lots platted in 1890 are still there, the parcels that have been created do not relate to these lots.

Ownership History
Lots 3-7, Block 10 was purchased by Malcolm S. McConihe in 1914. In 1916, he and his wife, Eleanor Berger McConihe, sold the property to Dr. Clara Bliss Finley. The house was constructed in 1917, but the builder or architect is not known. Peerless Rockville provided biographical information on Dr. Clara Bliss Finley:

“Info on Dr. Clara Bliss Finley (1852-1940)

Dr. Clara Bliss Hinds Finley was a pioneering female physician who advocated remarkable changes towards gender equality for her time and was a nationally known speaker on women’s and children’s health. She co-founded numerous organizations for the advancement of women and improvement of women’s lives in Washington DC, including the Woman’s Clinic, the Woman’s Gymnasium, and the Washington DC Women’s Business Club. She was a charter member of the Women’s Anthropological Society, The national Congress of Mothers (now the National PTA), The Georgetown Industrial Center, and the Montgomery County Social Services League. She was the first woman to receive a degree as well as the first woman to receive a medical degree from Columbian College (now George Washington University Medical School) in 1887. She regularly summered in Rockville since around the turn of the century, purchasing the 500 Great Falls property in 1916. A home she owned in Rockville prior on what is now W. Montgomery Avenue no longer stands. 500 Great Falls remained her summer home for the rest of her life and she became involved in Montgomery County organizations as an advocate and physician. She died in Rockville in 1940 and is buried in Rockville Cemetery.”

Bliss Hinds Finley inherited the property from her mother, Clara Bliss Finley, after her death in 1940. Peerless Rockville provided biographical information on Bliss Finley:
“Info on Bliss Finley (1881-1970)

Bliss Finley was a prominent suffragist who participated in the fight for women’s voting rights. Finley became deeply involved in organizing suffrage gatherings and helped raise money for the cause. She participated in one notable march that took place in Washington, DC on March 3, 1913, the day before Woodrow Wilson’s inauguration. Eight thousand women from all over the country marched with half a million spectators in attendance. During the 1913 march, Bliss led the section representing “wage earners.” Finley later testified before congress about an incident where men attacked women from the Maryland Delegation during the parade and that police failed to protect them. This was a matter of national outrage and made it on to the pages of newspapers across the country. She continued to work actively for women’s suffrage, including communicating with Alice Paul, as an organizer until the passage of the amendment.

Finley inherited 500 Great Falls, where she had summered with her family well into adulthood, upon her mother’s death in 1940. Bliss Finley is buried in Rockville Cemetery.”

In 1941, Bliss Finley sold the property to Van F. and Florence F. Lippard. In 1965, the property was sold by Ferris Construction Company, Inc. to Leigh F. and Lucille M. Wheeler. It is unclear how the property fell into the hands of the Ferris Construction Company. The Wheelers sold the house to Edward W. and Lorraine B. Koch in 1974. In 1996, the Kochs transferred the property into the Lorraine B. Koch Trust, with Edward and Lorraine as the trustees. The current owner, Hector G. Mora, purchased the house from the Lorraine B. Koch Trust in August 2020.

Compliance with Criteria for Designation

On February 17, 2022, the HDC found that the property meets three of the adopted criteria for historic designation. That is:

Historic Significance Criteria:

a) It represents the development, heritage, or cultural characteristics of the City.

500 Great Falls is historically significant for its association with persons making significant contributions in Rockville, Montgomery County, Maryland, or national history. Purchased and erected by Dr. Clara Bliss Finley. Dr. Clara Finley and her daughter Bliss Finley, a later owner and long-time resident of the home, were both early pioneering women in the local fight for women’s rights and advancements, and Bliss was active in the National Suffrage Movement and in Montgomery County.

Architectural, Design, and Landscape Significance Criteria:

a) Embodies distinctive characteristics of a type, period, or method of construction.

The house at 500 Great Falls Road is listed in the Rockville Historic Buildings Catalogue as a good example of a Colonial Revival House. It embodies many of the distinctive characteristics found in the Colonial Revival style, which includes the tall side-facing gable roof with gable
end chimneys, symmetrically balanced windows and a center door, an accentuated front
door with a decorative crown, and adjacent pairs of multi-lite double-hung windows. High-
style examples were usually of masonry construction. The building has vinyl windows which
can be replaced with appropriate wood windows.

e) Represents an established visual feature of the neighborhood or City because of its physical
characteristics or landscape components.
The house is an established visual feature of the neighborhood and the City because of its
distinctive Colonial Revival styling and its siting on the massive lot. The house massing and its
footprint are intact, as is the environmental setting. As a result of the deep expansive front
yard, the property’s prominent location is a familiar and distinctive visual feature at the
corner of Great Falls Road and Monument Road. The property represents what was once
estate size lots in the town of Rockville. While the property will remain a visual feature of
the neighborhood, the two new large additions will change the character of the house,
particularly as viewed from Monument Road.

Map Amendment Findings
Staff recommends approval of the Sectional Map Amendment MAP2022-00124 to change the
zone of 500 Great Falls Road from R-90 to R-90 HD (Historic District), based upon the following
findings that the proposed zoning change is in conformance with:

Consistency with the Comprehensive Plan
Two areas of the Comprehensive Plan (the Plan) are relevant to the analysis of consistency: the
Historic Preservation Element and the Planning Area 4 plan which the property is located
within.

Historic Preservation Element
The Vision to “Enhance the character of Rockville and contribute to its quality of life and local
economy by proactively identifying and safeguarding its physical and cultural heritage to
preserve the themes and periods of the city’s history and development, no matter the era.” This
vision clearly sets the stage for the historic designation of properties.

Action 1.1, calls for Rockville to “Maintain the City’s Certified Local Government (CLG) status.”
The CLG agreement between the City of Rockville and the Maryland Historical Trust (MHT)
states that the City will “continue to enforce state and local legislation for the designation and
protection of historic properties.” Historic designation of the property will contribute to
maintaining the City’s CLG status.

Goal #2 calls for Rockville to “Preserve and recognize significant examples of architectural
periods, historic themes and the diversity of Rockville’s history and historic resources through
local historic designation.” Goal #2 also gives a full endorsement to the adopted criteria that
the HDC uses in its Evaluations of Significance. As such, designating the property as historic is
consistent with the Comprehensive Plan.
Policy #8 calls on Rockville to “Support the synergistic connection between historic preservation and environmental sustainability.” The policy endorses “the retention of older buildings” because they preserve “the materials, energy, and human capital already expended in their construction.” Designation would be consistent with Policy #8, especially with respect to retaining the older building, the site orientation, and the landscaping.

Planning Area 4
The plan for Planning Area 4 clearly embraces historic preservation and the historic character of the neighborhood. The Plan Goal/Vision is to “Preserve, protect and enhance the quality of life in, and the unique history and identity of, the Planning Area 4 neighborhoods by addressing their challenges, issues and opportunities.” A list of Planning Principles includes:

- “ Maintain the historic character and identity of historic districts;”
- “Celebrate and display the rich history of the planning area.”

The plan states “This list will likely grow as more properties are designated over time. It is important to preserve the integrity and character of historic districts and properties within Planning Area 4 as they, to a large extent, define the character and appeal of Planning Area 4.” As such, the plan anticipates that there will be additional designations that will contribute to the preservation of the community.

Conformance with the Purpose of Historic District Zones
The purpose for the HD Zone is outlined below, with staff’s assessment of how the proposed Sectional Map Amendment conforms with the provisions of the purpose.

25.14.01 - Historic District Zones

a. Purpose -The Historic District Zone is an overlay zone. The purpose of the zone is to:

1. Safeguard the heritage of the City by preserving sites, structures, or areas which reflect elements of cultural, social, economic, political, archaeological, or architectural history;
   Historic District zoning would assure long-term preservation of the historic character of this property through requiring that the HDC review proposals for exterior alterations to the property to ensure compatibility with the historic designation. Additionally, it will preserve the rich cultural heritage of the home’s first owner.

2. Stabilize and improve the property values of those sites and structures, and the adjacent neighborhood;
   Historic District zoning would be expected to provide a measure of stability for this property and for those in the immediate vicinity, as the HDC works to assure that proposed alterations at the site continue to be compatible with the historic significance of the property. The house was vacant and structurally unsound. It was at risk of demolition by neglect which would have impacted the neighboring properties. The
designation of the property would maintain the aesthetic quality of the existing home, which could have a beneficial impact on the property values of the adjacent neighborhood.

3. Foster civic beauty;
   Historic designation would ensure that the historic character of this property will be retained, even as ongoing renovations are carried out. Designation also provides an opportunity for public assistance in property maintenance through the Montgomery County Historic Preservation Tax Credit program. As such, designation could foster civic beauty.

4. Strengthen the local economy; and
   Heritage resources are an attraction to visitors and tourists who support the local economy. To the extent that Rockville takes advantage of its historic resources to market the City, designating this property on a prominent site into the center of the city can contribute to the local economy. Within the two additions that are stabilizing the house, are many of the typical features that would be found in a Colonial Revival style house. This can be incorporated into heritage programming to be developed in the future.

5. Promote the preservation and the appreciation of those sites and structures for the education and welfare of the residents of the City.
   Historically designating this site provides an opportunity to enjoy the City’s heritage with an authentic Colonial Revival style house on a site which illustrates what was once estate size lots in the town of Rockville.

**Mayor and Council History**
The Mayor and Council held a public hearing for this Map Amendment on May 16, 2022. The property owner, Hector Mora, provided testimony and expressed that, while he is not against historic designation, it is an intrusion into his property rights as owner.

Nancy Pickard of Peerless Rockville Historic Preservation, Ltd., thanked Mr. Mora for the work he has been doing on the house. Ms. Pickard provided written testimony, and also read a statement into the record that discussed the reasons the property should be designated as historic. Dr. Miriam Bunow gave testimony via Webex and read into the record a statement regarding the history Dr. Clara Bliss Hinds Finley, and her daughter, Clara Bliss Finley. Katherine Rogers gave public testimony via Webex. She read into the record a letter from Lisa Schwartz, Chair of the Clara Bliss Hinds Society of Women in Medicine and Science at George Washington University School of Medicine and Health Sciences.

The Mayor and Council agreed to keep the public record open until the close of business on Friday, June 3, 2022. No written public testimony has been received.
**Public Notification and Engagement**

Notice of the public hearing was provided by the City Clerk's Office, with notice being mailed to all property owners within 750 feet of the property as required by the Zoning Ordinance and having the required advertisements published in The Washington Post on April 28 and May 5, 2022. Written notice to all property owners and civic associations within 750 feet was also provided for this meeting.

The Planning Commission reviewed the Sectional Map Amendment Application at their March 9, 2022 meeting and the item was published on the City’s agenda webpage.

The HDC Evaluation of Historic Significance was conducted on February 17, 2022 and postcard notices were provided two weeks in advance to adjacent property owners within 500 feet of the property. A sign was posted on the property, also two weeks in advance of the HDC meeting, to provide notice of the application, and the HDC meeting agenda was posted on the City's website.

**Boards and Commissions Review**

Reviews by the Historic District Commission and the Planning Commission are discussed above.

**Next Steps**

If adopted, the zoning change will take immediate effect.

**Attachments**

Attachment 13.a: MAP2022-00124 PC and HDC Staff Reports and Addendum (PDF)
Attachment 13.b: HDC Statement of Significance 2.22.22 (PDF)
Attachment 13.c: Draft Ordinance for Adoption - MAP2022-00124 (PDF)

Rob DiSpirito, City Manager

6/21/2022
SUBJECT: Sectional Map Amendment MAP2022-00124, to Rezone Property at 500 Great Falls Road from R-90 to R-90 (HD) to Place the Property in the Historic District Zone; Historic District Commission of Rockville, Applicant

RECOMMENDATION (Include change in law or Policy if appropriate in this section):

Staff recommends that the Planning Commission find that the proposed Sectional Map Amendment MAP2022-00124, which would change the zone for 500 Great Falls Road from R-90 to R-90 HD (Historic District), is consistent with the Comprehensive Plan and in conformance with the purpose of the historic district zone.
Planning Commission Staff Report:  
Map Amendment MAP2022-00124,  
500 Great Falls Road

MEETING DATE: March 9, 2022

REPORT DATE: March 2, 2022

RESPONSIBLE STAFF: Sheila Bashiri, Principal Planner  
Comprehensive Planning,  
240.314.8236  
sbashiri@rockvillemd.gov

SUBJECT: Sectional Map Amendment  
MAP2022-00124, an application to rezone property at 500 Great Falls Road from R-90 to R-90 (HD – Historic District)

Recommendation:

Staff recommends that the Planning Commission find that the proposed Sectional Map Amendment MAP2022-00124, which would change the zone for 500 Great Falls Road from R-90 to R-90 HD (Historic District), is consistent with the Comprehensive Plan and in conformance with the purpose of the historic district zone.
Site Description

Comprehensive Plan Land Use: Residential Detached
Zoning District: R-90
Existing Use: Single-unit detached dwelling
Property Area: 28,069 square feet (.64 acres)
Subdivision: Rockville Heights subdivision, Parcel P685
Building Floor Area: 2,560 square feet
Dwelling Units: 1 (existing)

Surrounding Land Use and Zoning

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Planned Land Use</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-90</td>
<td>Residential Detached</td>
<td>Residential Detached</td>
</tr>
<tr>
<td>East</td>
<td>R-90</td>
<td>Residential Detached</td>
<td>Residential Detached</td>
</tr>
<tr>
<td>South</td>
<td>R-90</td>
<td>Residential Detached</td>
<td>Residential Detached</td>
</tr>
<tr>
<td>West</td>
<td>PD-RH (Rose Hill)</td>
<td>Residential Detached</td>
<td>Residential Detached</td>
</tr>
</tbody>
</table>

BACKGROUND

Historic District Commission

Evaluation of Significance

On June 8, 2021, Peerless Rockville submitted a Nomination of a Property for Local Historic Designation Application for the property at 500 Great Falls Road, which is owned by Hector Mora. The Zoning Ordinance permits a nomination by a party who is not the property owner. On February 17, 2022, in accordance with Section 25.14.04.d of the City of Rockville’s Zoning Ordinance, Rockville’s Historic District Commission (HDC) conducted an Evaluation of Significance to determine whether the HDC would recommend that the Mayor and Council designate the property as historic. The staff report for the HDC meeting is provided as Attachment A.

Peerless Rockville based the nomination on its belief that the property meets the following criteria for historic significance: a) Represents the development, heritage, or cultural characteristics of the City, and c) Identified with a person or group of persons who influenced the City’s history.
On February 17, 2022, after the staff presentation, the HDC heard statements from the applicant (Peerless Rockville), who spoke in favor of designation, and from the property owner, who spoke against designation. The HDC also received oral public testimony of support from one member of the public. Written testimony of support was submitted on behalf of the Clara Bliss Hinds Society for Women in Medicine and Science at the George Washington University School of Medicine & Health Sciences (GWSMHS). The society was named after Clara Bliss Finley (formerly Clara Bliss Hinds), who was the original owner of 500 Great Falls Road. Attachment B provides a statement submitted to the HDC from Peerless Rockville outlining its justification for recommending designation. Attachment C provides testimony submitted regarding Clara Bliss Hinds.

After deliberation, the HDC voted 3-0 in favor of recommending historic designation for this property. By virtue of that vote, HDC became the applicant for the filing of an application for a Sectional Map Amendment to recommend that the Mayor and Council place the property in the Historic District Zone. Sectional Map Amendment application MAP2022-00124 was submitted to the City Clerk on February 22, 2022, by staff representing the HDC.

The HDC’s support for historic designation was based on its finding that the following three of the adopted criteria for historic designation were met:

**Historic Significance**

**Historic Significance**

a) Represents the development, heritage, or cultural characteristics of the City.

500 Great Falls is historically significant for its association with persons making significant contributions in Rockville, Montgomery County, Maryland, or national history. The property was purchased and the building erected by Dr. Clara Bliss Finley. Dr. Finley and her daughter, a later owner and long-time resident of the home, were both early pioneering women in the local fight for women’s rights and advancements, and Bliss was active in the National Suffrage Movement and in Montgomery County.

**Architectural, Design, and Landscape Significance Criteria:**

a) Embodies distinctive characteristics of a type, period, or method of construction.

The house at 500 Great Falls Road is listed in the Rockville Historic Buildings Catalogue as a good example of a Colonial Revival House. It embodies many of the distinctive characteristics found in the Colonial Revival style, which includes the tall side-facing gable roof with gable end chimneys, symmetrically balanced windows and a center door, an accentuated front door with a decorative crown, and adjacent pairs of multi-lite double-hung windows. High-style examples were usually of masonry construction. The building has vinyl windows which can be replaced with appropriate wood windows.
Represent an established visual feature of the neighborhood or City because of its physical characteristics or landscape components.

The house is an established visual feature of the neighborhood and the city because of its distinctive Colonial Revival styling and its siting on the massive lot. The environmental setting of the house is intact. As a result of the deep and expansive front yard, the property's prominent location is a familiar and distinctive visual feature at the corner of Great Falls Road and Monument Street. The property represents what were once estate-size lots in the town of Rockville. Two new additions, which were approved by the HDC in August 2021 using Secretary of Interior Standards, are currently under construction.

The next step in the process to determine whether the City will designate the property as historic is for the Planning Commission to review this proposed zoning change for consistency with the Comprehensive Plan and provide a recommendation to the Mayor and Council in that regard. The Mayor and Council will then hold a public hearing and determine whether to apply the historic district zone to the property.

Building Permits

Before the June 8, 2021, nomination of the property for historic designation, the owner’s contractors began demolition of a previously-built south addition and excavation of the foundation, whose stability was compromised. This work was being conducted without either the owner or the contractor having secured permits. Upon being alerted about the ongoing work, the City issued an order to stop this work because of the lack of permits. The City then directed that the owner and contractor go through the correct permit processes, which they have since done.

Certificate of Approval

The property owner then submitted a proposal for rehabilitation of the building and to construct two additions. The City Zoning Ordinance requires that, once a property has been nominated for historic designation and is listed in the Historic Buildings Catalog (but before 210 days have elapsed), any exterior rehabilitation must be reviewed and approved by the HDC before any work can begin. The June 8th nomination was then followed by a first review, which was conducted on July 15, 2021, and then again on August 10th, when the HDC voted to support a Certificate of Approval with certain design requirements. The HDC approval includes excavation of a portion of the house to stabilize the shifting foundation, construction of two-story projecting additions on each side of the existing house to assist in stabilizing the entire structure, the construction of a one-story garage. The HDC did not approve the proposed design for the front porch. The owner plans to return to the HDC to seek a Certificate of Approval for a revised design. More detail is provided in Attachment A.
Board of Appeals

For the project as approved by the HDC to move forward, a setback variance was required. At its September 9, 2021, meeting, the Board of Appeals reviewed the proposal and voted to grant variances to carry out the renovations that the HDC had approved. The existing house had been built prior to the construction of Monument Street, with a 26-foot front setback. The current requirement is for a minimum front setback of 30 feet. Variances were granted for the encroachment into the setback along the Monument Street side of the original house of 4 feet 6 inches; and renovations to the existing footprint at the Monument Street side of the house to allow for the proposed conversion of the existing sunroom and kitchen into a new studio and bathroom on the first floor, and a roof terrace on the second floor.

With the HDC and Board of Appeals approvals, construction is currently in progress at 500 Great Falls Road in conformance with the approvals.

DISCUSSION

The proposed historic designation would be a change in zoning. Specifically, the proposed Sectional Map Amendment before the Planning Commission would change the zoning of 500 Great Falls Road from R-90 to R-90 HD by adding the Historic District Zone to the property. This designation would require that any alterations to the buildings or site be reviewed and approved by the HDC.

As with all proposed sectional map amendments, the application is referred to the Planning Commission per Zoning Ordinance Sec. 25.06.01.g, which states that “The Commission may submit a written recommendation [to the Mayor and Council] which will be placed in the application file by the Clerk and become a part of the record on the application.”

Staff recommends that the Planning Commission consider any recommendation that it may wish to make based on two areas of analysis: whether the proposed Sectional Map Amendment would 1) be consistent with the City’s Comprehensive Plan (https://www.rockvillemd.gov/200/Comprehensive-Plans); and 2) conform to the Purposes of Historic District Zone, which are outlined in the Zoning Ordinance in Section 25.14.01.a. (https://www.rockvillemd.gov/DocumentCenter/View/11186/Zoning-Ordinance---Article-14?bidId=). A discussion of each is provided below.

Attachment A, the staff report for the February 17, 2022 HDC meeting, provides a detailed discussion of the property’s history and architectural features. That discussion is not repeated here but is important background to the Planning Commission’s review.

Consistency with the Comprehensive Plan

Two areas of the Comprehensive Plan (the Plan) are relevant to the analysis of consistency: the Historic Preservation Element and, because of the location of the property, the Planning Area 4 plan.

Historic Preservation Element
Like all Elements in the Plan, the Historic Preservation Element is organized by a Vision, Goals, Policies and Actions. This analysis will discuss consistency using those organizational categories.

The Vision (p. 213) of the Historic Preservation Element is: “Enhance the character of Rockville and contribute to its quality of life and local economy by proactively identifying and safeguarding its physical and cultural heritage to preserve the themes and periods of the city’s history and development, no matter the era.” This vision clearly sets the stage for the historic designation of properties.

Action 1.1 (p. 219) calls for Rockville to “Maintain the City’s Certified Local Government (CLG) status. Rockville’s historic preservation efforts and its HDC are recognized by the Maryland Historic Trust (MHT) as a Certified Local Government program. To remain in good standing as a CLG, the City must continue to meet certain agreed-upon requirements. The CLG agreement between the City of Rockville and the MHT states that the City will "continue to enforce state and local legislation for the designation and protection of historic properties.” Historic designation of 500 Great Falls Road would be consistent with Action 1.1 by contributing to maintaining the City’s CLG status.

Goal #2 (p. 219 of the Plan) calls for Rockville to “Preserve and recognize significant examples of architectural periods, historic themes and the diversity of Rockville’s history and historic resources through local historic designation.” As such, designating a property as historic is consistent with the Comprehensive Plan. The text discussion for Goal #2 includes, on p. 221, a full endorsement of all the criteria that the HDC uses in its evaluations of significance. Relevant to the case of 500 Great Falls Road, the Plan specifically mentions the two criteria on which the HDC made findings that were the basis for its recommendation for historic designation, which states:

“Rockville values buildings, structures, sites, landscapes, viewsheds, and objects that:”

- “Represent the development, heritage, or cultural characteristics of the city;”
- “Are identified with a person or group of persons who influenced the city’s history;”
- “Embody distinctive characteristics of a type, period, or method of construction;”
- “Represent an established visual feature of the neighborhood or city because of its physical characteristics or landscape components.”

Staff assessed, in its report to the HDC, that these criteria were met for 500 Great Falls Road; and the HDC found the same. Therefore, making a recommendation for historic designation based on these criteria is consistent with the Plan.

Policy #8 (p. 227) calls on Rockville to “Support the synergistic connection between historic preservation and environmental sustainability.” The text for that policy endorses “the retention of older buildings” because they preserve “the materials, energy, and human capital already expended in their construction. Rockville’s 19th and early 20th century buildings were designed to work with their environment through site orientation, landscaping, and building features...”
such as porches, operable shutters, and wide eaves.” Designating 500 Great Falls Road would be consistent with this Policy #8, especially with respect to retaining the older building, the site orientation and the landscaping.

Planning Area 4
The plan for Planning Area 4 clearly embraces historic preservation and the historic character of the neighborhood. The Plan Goal/Vision (p. 286 of the Plan) is to “Preserve, protect and enhance the quality of life in, and the unique history and identity of, the Planning Area 4 neighborhoods by addressing their challenges, issues and opportunities.” A list of Planning Principles then follows on that same page, which includes the principles:

- “Maintain the historic character and identity of historic districts;”
- “Celebrate and display the rich history of the planning area.”

Pages 306-313 of the Plan provide a more-detailed discussion of the importance of historic preservation in Planning Area 4. When discussing historically designated sites, the Plan states (p. 308) that “This list will likely grow as more properties are designated over time. It is important to preserve the integrity and character of historic districts and properties within Planning Area 4 as they, to a large extent, define the character and appeal of Planning Area 4.” As such, while this section of the Plan does not specifically call out 500 Great Falls Road, it does anticipate that there will be additional designations that will contribute to the preservation of the community.

Conformance with the Purpose of Historic District Zones
Historic District (HD) zoning is an overlay zone that does not change the underlying zoning, and requirements for “Use” and “Development Standards” are not affected or changed. The purpose for the HD Zone is outlined below, with staff’s assessment of how the proposed Sectional Map Amendment conforms with the provisions of the purpose.

25.14.01 - Historic District Zones

a. Purpose -The Historic District Zone is an overlay zone. The purpose of the zone is to:

1. Safeguard the heritage of the City by preserving sites, structures, or areas which reflect elements of cultural, social, economic, political, archaeological, or architectural history;

   Historic District zoning would assure long-term preservation of the historic character of this property through requiring that the HDC review proposals for exterior alterations to the property to ensure compatibility with the historic designation. Additionally, it will preserve the rich cultural heritage of the home’s first owner.

2. Stabilize and improve the property values of those sites and structures, and the adjacent Neighborhood;
Historic District zoning would be expected to provide a measure of stability for this property and for those in the immediate vicinity, as the HDC works to assure that proposed alterations at the site continue to be compatible with the historic significance of the property. The house was vacant and structurally unsound. It was at risk of demolition by neglect which would have impacted the neighboring properties. The designation of the property would maintain the aesthetic quality of the existing home, which could have a beneficial impact on the property values of the adjacent neighborhood.

3. *Foster civic beauty;*

Historic designation inserts the HDC as a review board to ensure that the historic character of this property will be retained, even as ongoing renovations are carried out. Designation also provides an opportunity for public assistance in property maintenance through the Montgomery County Historic Preservation Tax Credit program. As such, designation of 500 Great Falls Road could foster civic beauty.

4. *Strengthen the local economy; and*

Heritage resources are an attraction to visitors who support the local economy (retail, restaurants). To the extent that Rockville takes advantage of its historic resources to market the City, designating this property on a prominent site into the center of the city can contribute to the local economy. Within the two additions that are stabilizing the house, are many of the typical features that would be found in a Colonial Revival style house. This can be incorporated into heritage programming to be developed in the future.

5. *Promote the preservation and the appreciation of those sites and structures for the education and welfare of the residents of the City.*

Historically designating this site provides an opportunity to enjoy the City’s heritage with an authentic resource that illustrates what was once estate size lots in the town of Rockville.

PUBLIC OUTREACH
The HDC held their Evaluation of Historic Significance on February 17, 2022. Noticing requirements of Section 25.05.03 of the Zoning Ordinance were met. The posting of the required sign on the property occurred two weeks prior to the HDC Meeting, and postcard notices were also sent out two weeks prior to the meeting. Staff also reached out directly to the President of the West End Citizens Association (WECA) to inform him of the upcoming HDC Evaluation of Significance for this property. Two emails, including a statement from the applicant, were received with comments on the future of the property. One member of the community gave public testimony via WebEx at the HDC meeting.
Noticing requirements of Section 25.05.03 of the Zoning Ordinance were met as required for the March 9, 2022 Planning Commission meeting.

RECOMMENDATION
1) Staff recommends that the Planning Commission find that approval of the Sectional Map Amendment MAP2022-00124, to change the zone from R-90 to R-90 HD (Historic District), would be consistent with the Comprehensive Plan, based on the Historic Preservation Element and the plan for Planning Area 4.

Specifically, staff finds that consistency derives from the Historic Preservation Element’s Vision, Action 1.1, Goal 2, and Policy 8.

Staff also finds that historic designation of this property would be consistent with Planning Area 4’s Vision/Goal and Principles, as well as the language in the Historic Preservation Policies sub-section that expresses the anticipation that additional properties will be designated.

2) Staff also recommends that the Planning Commission finds that the proposed Sectional Map Amendment is in conformance with the provisions that constitute the Purpose of the Historic District Zone, per Section 25.14.01 of the Zoning Ordinance.

NEXT STEPS
The Mayor and Council will hold a public hearing, at which time they will receive testimony from the public. The Mayor and Council will then make the final decision regarding the Sectional Map Amendment that, if approved, would designate the property as historic. It will do so based on public record, the recommendations of the HDC and the Planning Commission, and any other relevant information.

Attachments
HDC Staff Report of 2-17-22 for 500 Great Falls Rd - Evaluation of Significance (PDF)
Peerless Rockville Statement - 500 Great Falls Road (PDF)
CBH society - Letter to Rockville Historic District Commission (1.6.2022) (1) (PDF)
Historic District Commission Staff Report:
Evaluation of Significance (for Designation)
HDC2021-01034, 500 Great Falls Road

MEETING DATE: 2/17/2022

REPORT DATE: 2/10/2022

FROM: Sheila Bashiri, Preservation Planner
240.314.8236
sbashiri@rockvillemd.gov

APPLICATION DESCRIPTION: Evaluation of Historic Significance
(Designation Proposed)

APPLICANT: Peerless Rockville Historic Preservation, LTD.
P.O. Box 4262
Rockville, MD 20849

FILING DATE: 6/8/2021

RECOMMENDATION: Staff recommends that the HDC find that the property at 500 Great Falls Road meets the following three of the Historic District Commission’s (HDC’s) adopted criteria: Historic Significance criterion a), and Architectural, Design, and Landscape Significance Criteria a) and e).

Staff also recommends that the HDC forward a recommendation to the Mayor and Council to rezone the property to place it in the historic district zone.
## SITE DESCRIPTION

<table>
<thead>
<tr>
<th><strong>Location:</strong></th>
<th>500 Great Falls Road</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant:</strong></td>
<td>Peerless Rockville Historic Preservation, Ltd</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Hector G. Mora</td>
</tr>
<tr>
<td><strong>Land Use Designation:</strong></td>
<td>Detached Residential</td>
</tr>
<tr>
<td><strong>Zoning District:</strong></td>
<td>R-90 Single Family Residential</td>
</tr>
<tr>
<td><strong>Existing Use:</strong></td>
<td>Single Unit Detached Dwelling Residential</td>
</tr>
<tr>
<td><strong>Parcel Area:</strong></td>
<td>28,069 sf</td>
</tr>
<tr>
<td><strong>Subdivision:</strong></td>
<td>Rockville Heights Subdivision, P685</td>
</tr>
<tr>
<td><strong>Building Floor Area:</strong></td>
<td>2,560 sf</td>
</tr>
<tr>
<td><strong>Dwelling Units:</strong></td>
<td>1</td>
</tr>
</tbody>
</table>

Parcel Map of 500 Great Falls Road
INITIATION OF THE PROCESS

On June 8, 2021, Peerless Rockville submitted a Nomination of Property for a Local Historic Designation Application for 500 Great Falls Road (see Attachment A). The property is owned by Hector G. Mora. The zoning map for the property is Attachment B.

The nomination by Peerless Rockville is Attachment C. It includes their representative’s statement regarding historic significance and a copy of the certified letter sent to the owner, along with the receipt that provides evidence of Peerless Rockville having sent the certified letter.

The nomination by Peerless Rockville is permissible under 25.14.04.d. of the Rockville Zoning Ordinance, which states, under “Designation of Properties 1. Initiation of Process,” that the HDC will evaluate a property for historic significance upon the filing of an application (v) “by any other person.” (See page 15 of this report).

The Zoning Ordinance also states: “If the nomination application is filed by a person other than the property owner, the person making the nomination must provide notice of the nomination by first class mail to the property owner at the time of application.” A copy of the notice must also be provided to the Historic District Commission. Peerless Rockville sent notification via a certified letter, to the owner of the property, Hector G. Mora, on June 9, 2021.

Staff reached out by emails on January 4, 2022, and February 9, 2022, to understand Mr. Mora’s position on the proposed historic designation of his home. To date, he has not provided his position.

BACKGROUND

This property has already been reviewed in multiple ways by the City of Rockville. Prior to the nomination of the property for historic designation, the property owner, Mr. Mora, planned to carry out renovations and additions to the existing house. Without first obtaining permits, his contractors began initial demolition of a previously built south addition and excavation of the foundation, whose stability was compromised. The City issued an order to stop this work, because of the lack of permits.

Peerless Rockville then nominated the property for historic designation. Once a property is nominated, it becomes subject to the following provision of Zoning Ordinance Article 14 – Special Zones (25.14.01.d.6):

“No exterior change may be made to any property identified in the Historic Building Catalog, as revised, that is the subject of an application for nomination, historic evaluation, or a demolition permit under this Section 25.14.01 until the designation process is complete, unless the property owner first obtains a Certificate of Approval from the Historic District Commission in accordance with the provision of Section 25.07.13., no exterior alteration can be made to the property until the evaluation of significance process is finalized or the owner receives the Historic District Commission’s (HDC) approval of the alterations.”

Therefore, any alterations to be conducted during the evaluation process would need the HDC to authorize the issuance of a Certificate of Approval for the proposed work. To be sure that the renovations would be approvable by the HDC, Mr. Mora requested a Certification of Approval in advance of moving forward with his proposed project.
July 15, 2021 HDC Review
The HDC conducted a review of the owner’s proposed exterior alterations at the July 15, 2021 HDC meeting. At the HDC meeting, Mr. Mora provided photographs showing that the house was in severe deterioration and that the foundation was structurally unstable, causing the house to shift and crack in many locations. The owner stated that the house was constructed of concrete block, and that the application method of the stucco caused the house to retain moisture, which was causing further deterioration. The owner explained that he had employed a structural engineer to inspect and make recommendations for stabilizing the house, and an architect to design the proposed renovations. The owner proposed substantial additions and renovations to update the two-story home, with the dual purposes of stabilizing the house and increasing the living space.

The project proposal included adding steel underpinnings to stabilize the shifting foundation, with projecting additions on each side to assist in stabilizing the entire structure. The additions were a projecting two-story octagonal turret with a conical roof on the north elevation, and a projecting two-story addition attached to a one-story garage on the south side elevation.

The HDC provided suggestions to the owner to be incorporated into a Certificate of Approval application review. Suggestions included making the octagonal addition more compatible with the house, moving the projecting additions back behind the plane of the original house, less decorative details on the additions, relocating the garage to the rear of the property, and making the additions less dominant visually.

August 10, 2021 HDC Certificate of Approval Review
The owner returned to the HDC on August 10, 2021 for a Certificate of Approval review. The applicant had incorporated some of the HDC’s suggestions from the July 15th meeting. The roof on both additions was changed to front-facing gable roofs. The octagonal north side addition was changed to rectangular. The front porch overhang was redesigned to match the pitch of the existing roof. The material of the additions was unspecified but changed to a different color in order to differentiate between the existing house and the new additions. He stated that some changes, such as moving the two additions back behind the plane of the original block, were not feasible. The owner pointed out that the house is already set back a great deal on the property, and the rear of the property is very shallow. A rear garage and additions would not allow room for a rear yard, and the space limitations would disconnect the garage from the house.

The HDC authorized issuance of Certificate of Approval HDC2021-00135, provided the following conditions are met:

1. Match the pitch of the existing roof for all additions
2. Redesign the dormer at the garage as a gable dormer
3. Simplify the decorative elements, especially at the garage
4. Replace the round windows with square windows at the east façade
5. The exterior finish for the additions can be a different color.

The HDC did not approve a design for the front porch and required that the owner return to the HDC with an application for a Certificate of Approval if he wanted to pursue an updated design. This application has not yet been submitted.
Board of Appeals Variances
The existing house was built prior to the construction of Monument Street with a 26-foot setback. The current requirement is for a minimum setback of 30 feet. As a result, any renovation work on the property that would be done within those 30 feet would need a variance from the Board of Appeals.

Mr. Mora applied for a variance to carry out the renovations that the HDC had approved. At its September 9, 2021 meeting, the Board of Appeals granted the following variances:

1. Encroachment along the Monument Street side of the original house of 4 feet 6 inches into the required setback of 30 feet for the purposes of constructing a new library at the ground floor and bedroom at the second floor, and

2. Renovations to the existing footprint at the Monument Street side of the house to allow for the proposed conversion of the existing sunroom and kitchen into a new studio and bathroom on the first floor, and roof terrace on the second floor.

With the HDC and Board of Appeals approvals, construction is underway at 500 Great Falls Road in conformance with the approvals.

What has still not yet occurred is the Evaluation of Significance, as nominated by Peerless Rockville, which is the subject of this agenda item.
Front (West) Elevation - HDC Approved Additions
Photo Take 2/9/22

South Side and Rear (East) Elevations – HDC Approved Additions
Photo taken 1/7/22
SITE ANALYSIS
Lot Description
The subject property is located at the northwest corner of Great Falls Road and Monument Street. The property is a 28,069-square-foot single lot that has zoning of R-90 (Single Family Dwelling, Residential), and is parcel 685 of the Rockville Heights Subdivision. A 2,560-square-foot single-family dwelling is located on the property. The house, which deeply set on the large corner lot, faces west toward Great Falls Road. A wood rail fence surrounds the spacious front and side yard. There are mature trees shading the house on all elevations, and intermittent trees in the open front and side yard. The lot features additional mature trees and shrubs and foundation plantings on all sides of the house. The circular driveway is accessed from Monument Street and loops around several trees in front of the house. A second driveway on Monument Street leads to the rear of the property.

Building Description
The symmetrical two-story Colonial Revival (1917) house features a central block, which until recently, was flanked by one-story additions. The south side addition has been removed. The house has many of the typical features that would be found in a Colonial Revival style house. The tall side-facing gable roof with gable-end chimneys, symmetrically balanced windows and a center door, an accentuated front door with a decorative crown, and adjacent pairs of multi-lite double-hung windows. High-style examples were usually of masonry construction.

Typical Colonial Revival Features
1880-1955

*A Field Guide to American Houses* by
Virginia and Lee McAllister
(2000)
Front (West) Elevation
The two-story pebble-dash stucco house sits on a poured concrete foundation. The side-facing gable roof is clad in slate, and exterior brick chimneys rise above the roof on the north and south gable ends. Paired six-over-six double-hung vinyl replacement windows with wood shutters on the first and second story mimic what would have been the original wood windows and reinforce the symmetry of the facade. Two smaller windows are evenly spaced above the front door. The windows are set in brick openings with lintels and brick sills. The concrete stoop and metal railing leading to the entrance has brick steps and a brick landing. The entrance on the main block is framed with two wood pilasters, and a bracketed Greek pediment. The wood paneled door has a four-lite transom above it.

South Side Elevation
The southside elevation addition was removed, revealing the existing elevation. The exterior brick chimney is flanked by original wood quarter-round attic windows. Six-over-six vinyl replacement windows flank the chimney on the first and second stories. A brick framed fireplace is located at the bottom of the chimney.
North Side Elevation
The central block of the north side elevation mirrors the design of the south elevation, and it has two additions. The east end of the one-story addition is an aluminum-sided back porch and storage area with a flat roof. Concrete steps lead to an aluminum side door. A solid storage area door with a small vinyl multi-lite window above it is adjacent to the concrete steps. A small six-over-six vinyl window is located in the center of the addition. The west end addition on the north side elevation is stucco with a gable roof. It has six-over-six double-hung vinyl replacement windows on the north and west elevations.

Rear (East) Elevation
The symmetry of the rear elevation is similar to the front elevation. Evenly spaced paired second-story vinyl replacement windows flank a smaller, lower single window. On the first story, directly below the second-story windows, a matching pair of windows are on the north end, and a set of French doors are on the south end. A flagstone walkway and steps lead to the centrally positioned back door. Decorative iron handrails lead to the door. A shed roof awning is supported on the wall by decorative iron brackets, and at the top of the steps by decorative iron posts. Small rounded roof dormers flank a larger shed roof dormer on the steep-side-facing roof. All the dormer windows are vinyl replacements. The aluminum sided north-end rear porch addition has one-over-one double-hung aluminum windows.
Site History

The subject property at 500 Great Falls Road is located in the Rockville Heights subdivision, which was platted in 1890. As with both the West End Park Subdivision (1890) and Reading’s First Addition to Rockville (1888), and to garden suburbs being built nationwide, Rockville Heights was platted with large lots, parks and picturesque roads. Building in these subdivisions progressed slowly, with many of the platted lots remaining vacant until well into the twentieth century. Development in this area picked up again in the 1930s and was annexed into the City of Rockville in 1937, with subsequent annexations of the remaining portions of Rockville Heights in 1939 and 1941. The subject house was constructed on multiple lots within Rockville Heights, contributing to the low-density “estate” character of the properties and the neighborhood. There were not many other houses in the immediate vicinity that pre-dated the house at 500 Great Falls Road. Portions of Rockville Heights were later re-subdivided, and cul-de-sacs were added off Monument Street and the adjacent Dale Drive. The surrounding neighborhood currently features housing development that spans many decades.

Although located within the boundaries of the Rockville Heights subdivision, parcel 685 is a modification of the five lots originally platted in 1890. The metes and bounds and acreage references in these deeds correspond to lots 3-7, Block 10 in Rockville Heights Subdivision. Although the Rockville Heights lots platted in 1890 are still there, the parcels that have been created do not relate to these lots.

The five lots were purchased by Malcolm S. McConihe (1871-1961). McConihe married Eleanor Berger (1875-1951) in 1903. The U.S. Census has them living in New York in 1900, and in Washington, D.C. in 1920. McConihe’s occupation in both the 1900 and 1920 Census has him listed as the owner of a bank. It is likely that the property was an investment owned by him or the bank.

---

In 1916, Mr. and Mrs. McConihe sold the property to Dr. Clara Bliss Finley. The house was constructed in 1917, but the builder or architect is not known. Peerless Rockville provided biographical information on Dr. Clara Bliss Finley:

“Info on Dr. Clara Bliss Finley (1852-1940)

Dr. Clara Bliss Hinds Finley was a pioneering female physician who advocated remarkable changes towards gender equality for her time and was a nationally known speaker on women’s and children’s health. She co-founded numerous organizations for the advancement of women and improvement of women’s lives in Washington DC, including the Woman’s Clinic, the Woman’s Gymnasium, and the Washington DC Women’s Business Club. She was a charter member of the Women’s Anthropological Society, The national Congress of Mothers (now the National PTA), The Georgetown Industrial Center, and the Montgomery County Social Services League. She was the first woman to receive a degree as well as the first woman to receive a medical degree from Columbian College (now George Washington University Medical School) in 1887. She regularly summered in Rockville since around the turn of the century, purchasing the 500 Great Falls property in 1916. A home she owned in Rockville prior on what is now W. Montgomery Avenue no longer stands. 500 Great Falls remained her summer home for the rest of her life and she became involved in Montgomery County organizations as an advocate and physician. She died in Rockville in 1940 and is buried in Rockville Cemetery.”

The property is listed as being sold in 1941 by Bliss Hinds Finley (1881-1970), who inherited it from her mother Clara Bliss Finley. Peerless Rockville provided biographical information on Bliss Finley:

“Info on Bliss Finley (1881-1970)

Bliss Finley was a prominent suffragist who participated in the fight for women’s voting rights. Finley became deeply involved in organizing suffrage gatherings and helped raise money for the cause. She participated in one notable march that took place in Washington, DC on March 3, 1913, the day before Woodrow Wilson’s inauguration. Eight thousand women from all over the country marched with half a million spectators in attendance. During the 1913 march, Bliss led the section representing “wage earners.” Finley later testified before congress about an incident where men attacked women from the Maryland Delegation during the parade and that police failed to protect them. This was a matter of national outrage and made it on to the pages of newspapers across the country. She continued to work actively for women’s suffrage, including communicating with Alice Paul, as an organizer until the passage of the amendment.

Finley inherited 500 Great Falls, where she had summered with her family well into adulthood, upon her mother’s death in 1940. Bliss Finley is buried in Rockville Cemetery.”
In 1941 Bliss Finley sold the property to Van F. and Florence F. Lippard (1893-1970). Frank Lippard (1890-1972) is listed as a self-employed auto mechanic in the 1940 U.S. Census. No other information about the Lippards was found.

In 1965, the property was sold by Ferris Construction Co., Inc. to Leigh F. and Lucille M. Wheeler. It is unclear how the property fell into the hands of the Ferris Construction Co. Leigh Franklin Wheeler (1917-1992) was an Army Colonel, having served in World War II, Korea, and Vietnam. He is buried in Arlington Cemetery. Lucille M. Wheeler (1914-1992) is buried in Rockville Cemetery.

The Wheelers sold the house to Edward W. Koch (1927-2013) and Lorraine B. Koch (1929-1999) in 1974. Little information was found about Edward and Lorraine. The 1959 Baltimore City Directory lists Edward’s occupation as Artist. In 1996, the Kochs transferred the property into the Lorraine B. Koch Trust, with Edward and Lorraine as the trustees. They are both buried in California Central Coast Veterans Cemetery.

The current owner, Hector G. Mora, purchased the house from the Trust in August 2020, with the intent of enlarging it for their family home.

### Deed Research

500 Great Falls Road
Rockville Heights Subdivision
Parcel 629

<table>
<thead>
<tr>
<th>Liber/Folio</th>
<th>Date</th>
<th>Grantor</th>
<th>Grantee</th>
</tr>
</thead>
<tbody>
<tr>
<td>60309/270</td>
<td>8/18/2020</td>
<td>Lorraine B. Koch Trust</td>
<td>Hector G. Mora</td>
</tr>
<tr>
<td></td>
<td>Parcel 685</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parcel 685</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parcel 685</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parcel 685</td>
<td></td>
<td></td>
</tr>
<tr>
<td>823/390</td>
<td>4/21/1941</td>
<td>Bliss Hinds (aka Bliss Hinds Finley)</td>
<td>Van F. and Florence F. Lippard</td>
</tr>
<tr>
<td></td>
<td>Lots 3-7, Block 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>258/395</td>
<td>8/5/1916</td>
<td>Malcom S. and Eleanor M. McConihe</td>
<td>Clara Bliss Finley</td>
</tr>
<tr>
<td></td>
<td>Lots 3-7, Block 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>242/259</td>
<td>5/27/1914</td>
<td>John Maury Dove and Nannie C. Dove</td>
<td>Malcom S. McConihe</td>
</tr>
<tr>
<td></td>
<td>Lots 3-7, Block 10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2 Deed information is from www.mdlandrec.net.
STAFF ANALYSIS

The evaluation of historic significance is based on the adopted HDC Criteria per Appendix A, of the Historic Resources Management Plan.

Historic Designation Criteria

The following criteria is used to assist in evaluating the significance of nominated properties. Standing structures and sites, including archaeological sites, must be determined to be significant in one or more of the following criteria to be found eligible for historic designation:
Historic Significance

a) Represents the development, heritage, or cultural characteristics of the City.
   Yes. 500 Great Falls is historically significant for its association with persons making significant contributions in Rockville, Montgomery County, Maryland, or national history. Purchased and erected by Dr. Clara Bliss Finley, Dr. Clara Finley and her daughter, a later owner and long-time resident of the home, were both early pioneering women in the local fight for women’s rights and advancements and Bliss was active in the National Suffrage Movement and in Montgomery County.

b) Site of an important event in Rockville's history.
   No significant event was found to have taken place in this house or on this property.

c) Identified with a person or group of persons who influenced the City’s history.
   No. Although Dr. Clara Bliss Finley and her daughter Bliss Finley owned the property for over twenty-five years, no evidence was found to indicate they made significant contributions or influenced society in the City of Rockville.

d) Exemplified the cultural, economic, industrial, social, political, archeological, or historical heritage of the City.
   No. The subject property does not exemplify the cultural, economic, industrial, social, political, archeological, or historical heritage of the City.

Architectural, Design, and Landscape Significance

a) Embodies distinctive characteristics of a type, period, or method of construction.
   Yes. The house at 500 Great Falls Road is listed in the Rockville Historic Buildings Catalogue as a good example of a Colonial Revival House. It embodies many of the distinctive characteristics found in the Colonial Revival style, which includes the tall side-facing gable roof with gable end chimneys, symmetrically balanced windows and a center door, an accentuated front door with a decorative crown, and adjacent pairs of multi-lite double-hung windows. High-style examples were usually of masonry construction. The building has vinyl windows which can be replaced with appropriate wood windows.

b) Represents the work of a master architect, craftsman, or builder.
   No. It does not represent the work of a master architect, craftsman, or builder.

c) Possesses a style or elements distinctive to the region or City.
   No. The Colonial Revival style is common throughout the area and the U.S.

d) Represents a significant architectural, design, or landscape entity in the City
   No. While the house is one of many examples of its type existing in the City, it doesn’t represent a significant architectural, design, or landscape entity.
e) Represents an established visual feature of the neighborhood or City because of its physical characteristics or landscape components.

Yes. The house is an established visual feature of the neighborhood and the City because of its distinctive Colonial Revival styling and its sitting on the massive lot. The house massing and its footprint are intact, as is the environmental setting. As a result of the deep expansive front yard, the property's prominent location is a familiar and distinctive visual feature at the corner of Great Falls Road and Monument Road. The property represents what was once estate size lots in the town of Rockville. While the property will remain a visual feature of the neighborhood, the two new large additions will change the character of the house, particularly as viewed from Monument Road.

STAFF RECOMMENDATION

Staff recommends that the HDC find that the property at 500 Great Falls Road meets the following three of the Historic District Commission’s (HDC’s) adopted criteria: Historic Significance criterion a), and Architectural, Design, and Landscape Significance Criteria a) and e).

Staff also recommends that the HDC forward a recommendation to the Mayor and Council to rezone the property to place it in the historic district zone.

COMMUNITY OUTREACH

The posting of the required sign on the property occurred two weeks prior to the HDC Meeting, and postcard notices were also sent out to the required distribution area two weeks prior to the meeting. Staff also reached out to Peerless Rockville, Montgomery County Historical Society, and Montgomery County Historic Preservation staff to request additional information on the property. The President of West End Citizens Association (WECA) has been informed of the upcoming HDC Evaluation of Significance for this property.
APPENDIX A

DEFINITION AND CRITERIA FOR HISTORIC RESOURCES IN THE CITY OF ROCKVILLE

DEFINITION

Historic Resource: Includes architectural, historic, cultural, archaeological, and landscape resources significant to Rockville’s development. Intangible resources such as folklore and oral histories are important, but for this purpose are to be considered supportive resources. Physical resources must retain their integrity, as defined by the Federal Register, September 29, 1983, Department of Interior Archeology and Historic Preservation; Secretary of the Interior’s Standards- and Guidelines."

Integrity- the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

CRITERIA

Historic Significance

a) Represents the development, heritage, or cultural characteristics of the City; or
b) Is the site of an important event in Rockville’s history; or
c) Is identified with a person or group of persons who influenced the City's history; or
d) Exemplified the cultural, economic, industrial, social, political, archeological, or historical heritage of the City.

Architectural, Design, and Landscape Significance

a) Embodies distinctive characteristics of a type, period, or method of construction; or
b) Represents the work of a master architect, craftsman, or builder; or
c) Possesses a style or elements distinctive to the region or City; or
d) Represents a significant architectural, design, or landscape entity in the City; or
e) Represents an established visual feature of the neighborhood or City because of its physical characteristics or landscape components.
City of Rockville, Maryland Zoning Ordinance

Article 14 – Special Zones

25.14.01 – Historic District Zones

a. Purpose – The Historic District Zone is an overlay zone. The purpose of the zone is to:

1. Safeguard the heritage of the City by preserving sites, structures, or areas which reflect elements of cultural, social, economic, political, archaeological, or architectural history;

2. Stabilize and improve the property values of those sites and structures, and the adjacent neighborhood;

3. Foster civic beauty;

4. Strengthen the local economy; and

5. Promote the preservation and the appreciation of those sites and structures for the education and welfare of the residents of the City.

b. Location

1. Underlying Zoning - The regulations of the Historic District Zones are in addition to the underlying residential or nonresidential zoning regulations.

2. Established Location – The Historic District Zones are depicted on the Zoning Map incorporated into these regulations in Article 2.

3. Future Location – The Mayor and Council may establish, change, layout, and define future Historic District Zones which are of local, state, or national or historical, archaeological, or architectural significance.

c. Historic District Commission – The Historic District Commission is subject to the provisions of Section 25.04.04.

d. Designation of Properties

1. Initiation of Process – The process of evaluating a property for possible historic designation due to its historic, archaeological, or architectural significance begins upon the occurrence of any of the following items in subsection (a) below. If the nomination application is filed by a person other than the property owner, the person making the nomination must provide notice of the nomination by first class mail to the property owner at the time of application. A copy of the notice must also be provided to the Historic District Commission.

   (a) The filing of an application nominating the property for historic designation by one (1) or more of the following:
(i) The property owner;
(ii) The Historic District Commission;
(iii) The Mayor and Council;
(iv) The Planning Commission; or
(v) Any other person;

(b) The filing of an application by the property owner requesting the evaluation of the property for eligibility for historic designation; or

(c) The filing of an application for a demolition permit for the property; or

(d) The filing of a Natural Resources Inventory identifying a potentially significant historic resource on the property.

2. Application Review – Upon the filing of an application for nomination, evaluation, or demolition, the Chief of Planning must evaluate the subject property for compliance with the City’s criteria for historic designation, and make a recommendation to the Historic District Commission.

3. Historic District Commission Review and Decision – The Historic District Commission will consider the application at a meeting of the Commission following notice given in accordance with the notice provisions of Section 25.05.03, to determine if the property meets the adopted City of Rockville Historic District Designation Criteria. If the Historic District Commission finds that a site meets the criteria to be eligible for historic designation, it will make a written recommendation that the Mayor and Council rezone the property to the Historic District Zone.

4. Mayor and Council Authorization – Upon receipt of the Historic District Commission’s recommendation, the Mayor and Council may authorize the filing of a sectional map amendment (Section 25.06.01.b.2) to place the property in the Historic District Zone.

5. Completion of Designation Process – The designation process shall be complete upon the occurrence of any of the following:

(a) The determination of the Historic District Commission, that the property does not meet the criteria for historic designation; or

(b) The determination of the Mayor and Council not to authorize the filing of a sectional map amendment for historic rezoning;

(c) The determination of the Mayor and Council to take final action to grant or deny a map amendment for historic rezoning.

6. Restrictions on Property During Interim Historic Review Period – No exterior change may be made to any property identified in the Historic Building Catalog, as revised, that is the subject of an application for nomination, historic evaluation, or a demolition permit under this Section 25.14.01 until the designation process is complete, unless the property owner first obtains a Certificate of Approval from the Historic District Commission in accordance with the provision of
Section 25.07.13. The restriction of this subsection will not apply for more than 210 days from the date of the filing of the application that initiated the historic designation review period.

25.07.13 – Certificate of Approval in Historic Districts

a. Requirement – A Certificate of Approval issued by the Historic District Commission is required prior to any actions affecting a site or exterior of a building or structure in a Historic District Zone consistent with the provisions of Article 66B of the Maryland Code for Historic Area Zoning.

b. Exceptions – A Certificate if Approval is not required for exterior paint colors, routine maintenance, normal gardening and landscaping, or driveway repairs. Routine maintenance is defined as repair or replacement of building and site features with features of the same design and same material.

Montgomery County Historic Preservation Tax Credit Program
The City of Rockville participates in Montgomery County’s Property Tax Credit program for historic resources designated by the City. Work related to maintenance that has been approved by the HDC, or ordinary maintenance work that does not require HDC review are eligible expenses.

Local (County) 25% Property Tax Credit
Montgomery County provides a property tax credit equal to 25% of qualified costs expended on exterior maintenance of properties designated historic by the Mayor and Council of Rockville. Owners of qualifying properties must spend a minimum of $1,000 in a calendar year. The tax credit is then applied against the following year’s property taxes. Properties listed only in the National Register are not eligible for this County tax credit, but would be eligible for the State or Federal tax credit programs described below.

State 20% Income Tax Credit
Maryland’s Sustainable Communities Tax Credit Program provides Maryland income tax credits equal to 20% of qualified costs expended in the interior and exterior rehabilitation of certified historic structures. Commercial (income-producing) properties may receive an additional 5% tax credit if the rehabilitation results in LEED (environmental) Gold certification. Income-producing structures that are neither designated nor eligible for designation, may qualify for a 10% state income tax credit if certain requirements are met. Please note that State tax credit projects must be pre-approved by the Maryland Historic Trust to be eligible. Costs for projects that are considered to be primarily remodeling (i.e., replacement of kitchens and bathrooms that are in good repair and that are replaced only for aesthetic reasons) do not qualify. Qualifying properties include those listed in the National Register of Historic Places, or those locally designated properties that the Maryland Historical Trust deems eligible for listing in the National Register. This program is administered by the Maryland Historical Trust. Applications are available at http://mht.maryland.gov/taxcredits.html, and on the City’s Web site.

Federal 20% Income Tax Credit
The Federal Historic Preservation Tax Incentives program offers Federal income tax credits for 20% of approved costs, for the rehabilitation of income-producing properties that are listed in the National Register. The applications are reviewed by the Maryland Historical Trust and by the National Park Service.
Nomination of Property for Local Historic Designation

Property Address: 500 Great Falls Road

Your Name: Peerless Rockville Historic Preservation, Ltd.

Are you the property owner? Yes ________  No ________

If you are not the owner, please list the name and mailing address of the owner(s):

If you are not the owner, please explain your relationship to the property: Peerless Rockville Historic Preservation is a non-profit historic preservation organization founded in 1974 to protect buildings important to Rockville’s Heritage

Your mailing address if different from above:
PO Box 4262 Rockville, MD 20849

Daytime telephone number: 301-762-0096  Home telephone: 443-538-5805

Property Type: Single-family residence ________ Commercial Building ________

Other __________________________

Year Built (if known): c.1917

Architect/Builder (if known): __________________________

Do you have information on the history of the property that you would be willing to share with the City’s Historic Preservation staff for research purposes?

Yes ________  No ________

If you are the property owner, do you authorize City staff to inspect and photograph the exterior of the property? Yes ________  No ________

I hereby nominate the property at 500 Great Falls Road to be evaluated for local historic designation based on the City of Rockville’s criteria of historical, cultural, architectural and/or design significance. I have been provided with information on the responsibilities and benefits of owning historically designated property.

Signature __________________________  Date 05/27/2021

Please return this completed form to: Historic Preservation Office, Department of Community Planning and Development Services, 111 Maryland Avenue, Rockville, Maryland 20850-2364, or Fax to: 240-314-8210. Questions? Call 240-314-8230.
June 7, 2021

Hector Mora
500 Great Falls Rd
Rockville Md 20850

Dear Mr. Mora,

You are receiving this letter because your property, 500 Great Falls Road, has been nominated for evaluation of historic significance for historic designation in the City of Rockville by Peerless Rockville Historic Preservation, a nonprofit, community-based organization founded in 1974 to preserve buildings, objects, and information important to Rockville’s heritage.

Historic designation is a recognition of the importance of a property’s structure or landscape to the Rockville community and can provide financial benefits to the owner. Designation also places a higher standard on the maintenance, alteration, or removal of structures.

There are many different aspects of historical significance, including association with significant historical people or events, or architectural style. Your property is listed in the City of Rockville’s Historic Building Catalogue for Colonial Revival architecture.

You will be contacted by the City of Rockville as the Historic Designation review process begins. For more information about Historic Designation, please visit the City of Rockville website: https://www.rockvillemd.gov/624/Historic-Designation

Sincerely,

Nancy Pickard
Executive Director

PO Box 4262 Rockville, MD 20849  301-762-0096  info@peerlessrockville.org
February 14, 2022

Dear Chairperson Neal Powell and HDC Commissioners,

Peerless Rockville submitted the request for evaluation for 500 Great Falls Road that you will hear tonight and we thank you for your thoughtful evaluation. We nominated this property for review based on its architectural significance, period of construction, and association with significant individuals.

We assert that this property meets the City of Rockville’s Historic Significance and Architectural, Design, and Landscape Significance Criteria of the adopted HDC criteria for historic designation.

500 Great Falls meets Historic Significance criteria A) and C)

A) Represents the development, heritage, or cultural characteristics of the City.

C) Identified with a person or group of persons who influenced the City's history.

This property was bought by Dr. Clara Bliss Hinds Finley in 1916, shortly after which the current home was built for her. Notably, the property remained in Dr. Finley’s name rather than her husband’s. Clara Bliss Hinds Finley and her daughter Bliss Finley are significant individuals associated with this property.

Dr. Clara Bliss Hinds Finley (1852-1940) was a pioneering female physician who advocated remarkable changes towards gender equality for her time and was a nationally known speaker on women’s and children’s health, recognized as the local, state and national level for her dedication to the health and welfare of society, especially the indigent.

She co-founded numerous organizations for the advancement of women and improvement of women’s lives in Washington DC, including the Woman's Clinic, the Woman's Gymnasium, and the Washington DC Women’s Business Club. She was a charter member of the Women’s Anthropological Society, The national Congress of Mothers (now the National PTA), The Georgetown Industrial Center, and the Montgomery County Social Service League. She was the first woman to receive a graduate degree and a medical degree from Columbian College (now George Washington University Medical School) in 1887.

The Finley family spent time in Rockville from the early 1900s, purchasing a no longer extant home on West Montgomery Avenue in 1906. They sold that home in 1913, and Dr. Finley purchased the 500 Great Falls property in 1916. This remained her property for the rest of her life, and she became involved in Montgomery County organizations as an advocate and physician. Her activities in Rockville can be tracked through newspaper articles that document this remarkable woman’s commitment to improving the health and quality of life of Rockville and Montgomery County residents, especially the impoverished and children.
Dr. Finley was a founding member of the Social Service League in 1908. This charitable organization was Maryland’s first private welfare agency and addressed social and health needs of Montgomery County community, particularly focusing on tuberculosis, homelessness, impoverished families, and the well-being of residents of the Montgomery County Poor Farm on Seven Locks Road. She played a prominent role in the organization in its early years, serving as Vice President from 1910 to 1915, including a term acting as president following the leadership’s death. Towards the end of her life, she was repeatedly elected the honorary president, as she remained involved until her final years.

In fact, this organization still exists and operates to protect Montgomery County’s vulnerable families. Now under the name of Family Services, Inc. It is part of the Sheppard Pratt Health System School-Based Mental Health Program.

The health, safety, and quality of life for the residents of Rockville’s Poor Farm were of special interest to Dr. Finley. In 1907, a minister with whom Dr. Finley would later found the Social Service League brought her to see an inmate there, likely in her capacity as a doctor. Dr. Finley was extremely alarmed at the conditions of the residents and the building.

She shared this information with her fellow members of the Rockville Union Bible Class, a multi-denominational social organization and urged them to take action. The Rockville Union Bible Class immediately formed a committee first called the Missionary at the Alms House. Dr. Finley would advocate for improvements at the Poor Farm (which was called the Alms House and later the County Home during her time) through this committee for many years.

The Rockville Union Bible Class fundraised to provide a person who would lead bible study at the Poor Farm, as well as teach inmates necessary skills such as reading and sewing. Dr. Finley and the committee would later make strongly worded suggestions to County officials to make building repairs as well as improve the sanitation conditions. She advocated for a separate ward for female inmates to prevent pregnancy, the installation of hospital facilities, teachers to impart skills such as sewing, and sending blind inmates to schools for the blind to learn trades. She also protested the neglected condition of the Poor Farm cemetery. While not all of Dr. Finley’s and the Rockville Union Bible Class Committee’s demands were addressed by the county, it publicized that various improvements had been made due to their pressure and fundraising. She continued to advocate for the Poor Farm’s residents throughout her life.

Aside from Dr. Finley’s devotion to the Poor Farm, she was involved in many other aspects of public health and community events in Rockville and Montgomery County. In 1915, she accompanied Montgomery County and State Health Officials touring sites for Tuberculosis hospitals, represented Montgomery County at the Maryland Tuberculosis Committee Meeting, and was appointed to represent Maryland by the Governor at the National Conference of Charities and Correction, a role she held repeatedly.

As part of her activities with the Montgomery County Social Service League, Dr. Finley was on a committee that advocated for a Red Cross Station at the Montgomery County Fair in Rockville. It eventually placed a rest facility at the fair for several years. The “rest room” where county visitors could sit and relax was staffed by a nurse who could attend injuries, accidents, or discover unaddressed health conditions.
In 1914, she was elected Chairperson of the Rockville Library Committee, which had the mission to create a free public library in Rockville. Dr. Finley’s other pursuits in Rockville included consistent involvement in the Montgomery County Confederation of Women’s Clubs, organizing to bring American Medical Society lecturers to Montgomery County, as well as speaking herself to various groups about her passions of public health and the Poor Farm. She was fervent about improving the charitable services available to County residents, including advocating that war work organizations that formed during World War I continue to exist for the benefit of the public.

Dr. Finley was an affluent woman who often donated financially to support her various causes, including the Poor Farm and Rockville library. However, her activism extended beyond her wallet, as she personally sought to improve the quality of life for Rockville residents, with special focus on the health and well-being of children and the impoverished. She gained attention at the county, state, and national level for her expertise and dedication.

A pioneering female doctor, Dr. Finley used the tools of her time to achieve her public health goals. Women’s organizations and social organizations were spaces in which she could act to pressure male-dominated municipal governments to address social issues. She was, however, extremely conscious of the limitations placed on women due to gender. In 1918, she appealed to the Montgomery County Confederation of Women’s Club to create a resolution addressed to the Maryland governor objecting to the failure to appoint a woman to Montgomery County’s School Board.

Dr. Finley died in Rockville in 1940 and is buried in Rockville Cemetery. In 2018, The Clara Bliss Hinds Society at the George Washington University School of Medicine and Health Sciences Group on Women in Medicine and Science was named after her for forging the way for women physicians.

While Dr. Clara Bliss Hinds Finley operated her medical practice at various rented locations in DC, we believe that the property at 500 Great Falls is the only remaining dwelling that she owned. Prior to the construction of this home in Rockville, she owned a home on West Montgomery Avenue that no longer exists. Peerless Rockville would like to see her surviving house designated in recognition of its association with this remarkable Rockville woman.

The other notable individual associated with this property is Dr. Clara Hinds Finley’s only child, her daughter Bliss Finley.

Bliss Finley (1881-1970) was a prominent suffragist who participated in the fight for women’s voting rights. Finley became deeply involved in organizing suffrage gatherings and helped raise money for the cause. She participated in one notable march that took place in Washington, DC on March 3, 1913 the day before Woodrow Wilson’s inauguration.

Eight thousand women from all over the country marched with half a million spectators in attendance. During the 1913 march, Bliss led the section representing “wage earners.” Finley later testified before the US Congress about an incident where men attacked the Maryland women’s delegation during the parade and that police failed to protect them. This was a matter of national outrage and made it on to the pages of newspapers across the country.

Bliss Finley’s national and state suffrage activities were accompanied by involvement in Montgomery County and Rockville’s social organizations. Along with her mother and stepfather, Finley was heavily involved in the Montgomery County Country Club’s social activities. She also lent financial support and
involvement in some of her mother’s public health initiatives, including designing the banner advertising the “Rest Room” at the Montgomery County Agricultural Fair one year.

She continued to work actively for women’s suffrage, including communicating with Alice Paul, as an organizer until the passage of the amendment. Finley inherited 500 Great Falls, where she had stayed with her family throughout her adult life, upon her mother’s death in 1940. Bliss Finley is buried with her mother and stepfather in Rockville Cemetery.

It is especially important to note that at the time of the production of Rockville’s Historic Resources Management Plan in the 1980s, Women’s History was a nascent field. It is an ongoing challenge to correctly associate sites with significant women, simply because it took until the late 20th century for historians, preservationists, and researchers to value these stories and experiences, and many otherwise well-researched sites simply never focused on women. Rockville is extremely lucky to have this property, and to have the research about these two tremendously impressive women who resided there.

500 Great Falls also meets criteria a) and e) of Architectural, Design, and Landscape Significance as it embodies distinctive characteristics of a type, period, or method of construction and is an established visual feature in the neighborhood.

It possesses distinctive Colonial Revival architectural style. This property is listed in the City of Rockville’s Historic Building Catalogue as an example of Colonial Revival architecture. The symmetrical two-story Colonial Revival (1917) house features a central block, originally flanked by one-story additions.

The house has many of Colonial Revival style house features: tall side-facing gable roof with gable-end chimneys, symmetrically balanced windows and a center door, an accentuated front door with a decorative crown, and adjacent pairs of multi-lite double-hung windows. The house is an established visual feature of the neighborhood and the City with its distinctive Colonial Revival styling, and siting on the expansive lot.

We appreciate the HDC’s ongoing guidance to the property owner in respecting the property’s distinctive Colonial Revival Architecture and permitting appropriate renovations.

Peerless Rockville strongly urges you to give women’s contributions to the history and heritage of Rockville their due recognition and hopes that you will recommend designation of this special property tonight.

Sincerely,

Nancy Pickard
Executive Director
Historic District Commission  
Attn: Anita Neal Powell  
111 Maryland Avenue  
Rockville, MD 20850  

January 6, 2022  

I am writing on behalf of the Clara Bliss Hinds Society for Women in Medicine and Science at the George Washington University School of Medicine & Health Sciences (GWSMHS). The Clara Bliss Hinds Society was formally established in 2018 with the aim of addressing the needs of women faculty at GWSMHS. The society is one of the larger associations of American Medical Colleges (AAMC) Group on Women in Medicine and Sciences. The society was named after Clara Bliss Finley (formerly Clara Bliss Hinds), the original owner of 500 Great Falls Road.

We are writing to ask the commission to maintain the integrity of 500 Great Falls Road at the official hearing on January 20, 2022, due to its association with a significant individual, Dr. Clara Bliss Finley.

In 1887, Clara Bliss Hinds became the first female graduate of George Washington University (then known as Columbian College). She was one of four women admitted to the medical school in 1884 and earned her degree as a doctor of medicine 3 years later. Due to her gender, Dr. Clara was not provided with the professional opportunities afforded to her male counterparts. Nevertheless, Dr. Clara went on to have a successful career as a medical practitioner and helped to establish the Washington Women’s Clinic in 1891. She made contributions to the area of both medical practice and scholarship as the author of pamphlets including entitled “Child Growth” and “Is discrimination against women by life insurance wise?” which are now included as part of the special collections archive at Gelman Library at the George Washington University.

Preservation of the structure at 500 Great Falls Road will give Rockville residents, as well as visitors, tourists, and inspired doctors an opportunity to learn about the great achievements of this remarkable woman and physician.

We have been following the developments of this process and are pleased to see that an official hearing will take place.
500 Great Falls Road: SECTIONAL MAP AMENDMENT - A concise statement of the facts and circumstances upon which the Applicant relies to justify the reason(s) for this reclassification.

On February 17, 2022, the Historic District Commission (HDC) conducted an Evaluation of Significance for this property, after the property was nominated for historic designation by Peerless Rockville. An evaluation of historic significance is based on the adopted HDC criteria in the Historic Resources Management Plan (1986), Appendix A, Definition and Criteria for Historic Resources in the City of Rockville. To be found eligible for historic designation, a resource must meet one or more of the four criteria for Historic Significance, or of the five criteria for Architectural, Design, and Landscape Significance.

The Historic District Commission found that 500 Great Falls Road meets one of the Historic Significance criteria (a.) and two of the Architectural, Design, and Landscape Significance criteria (a. and e.) for historic designation.

**Historic Significance**

- **a.** Represents the development, heritage, or cultural characteristics of the City.

  500 Great Falls is historically significant for its association with persons making significant contributions in Rockville, Montgomery County, Maryland, or national history. Purchased and erected by Dr. Clara Bliss Finley, Dr. Clara Finley and her daughter, a later owner and long-time resident of the home, were both early pioneering women in the local fight for women’s rights and advancements and Bliss was active in the National Suffrage Movement and in Montgomery County.

**Architectural, Design, and Landscape Significance**

- **a.** Embodies distinctive characteristics of a type, period, or method of construction.

  The house at 500 Great Falls Road is listed in the Rockville Historic Buildings Catalogue as a good example of a Colonial Revival House. It embodies many of the distinctive characteristics found in the Colonial Revival style, which includes the tall side-facing gable roof with gable end chimneys, symmetrically balanced windows and a center door, an accentuated front door with a decorative crown, and adjacent pairs of multi-lite double-hung windows. High-style examples were usually of masonry construction. The building has vinyl windows which can be replaced with appropriate wood windows.

- **e.** Represents an established visual feature of the neighborhood or City because of its physical characteristics or landscape components.

  The house is an established visual feature of the neighborhood and the City because of its distinctive Colonial Revival styling and its siting on the massive lot. The house
massing and its footprint are intact, as is the environmental setting. As a result of the deep expansive front yard, the property's prominent location is a familiar and distinctive visual feature at the corner of Great Falls Road and Monument Road. The property represents what was once estate size lots in the town of Rockville. While the property will remain a visual feature of the neighborhood, the two new large additions will change the character of the house, particularly as viewed from Monument Road.

Based on these findings, the HDC voted 3-0 to recommend historic designation.
WHEREAS, on June 8, 2021, Peerless Rockville Historic Preservation, Ltd. (“Peerless Rockville”), a non-profit organization that focuses on historic preservation in the City of Rockville, filed an application nominating the property located at 500 Great Falls Road in the City of Rockville, which property is further identified as Tax Map GR22, Parcel P685, in the subdivision known as “Rockville Heights,” containing 28,069 square feet of land, more or less, (the “Subject Property”) for historic designation pursuant to Rockville City Code § 25.14.01.d; and

WHEREAS, at a duly noticed public meeting held on February 17, 2022, the Rockville Historic District Commission (the “Historic District Commission”) evaluated the Subject Property for historic, architectural, and cultural significance and, by unanimous vote of all commissioners present, found that the Subject Property met the criteria for local historic designation and initiated the filing of a sectional map amendment to place the Subject Property in the City’s historic district zone pursuant to Rockville City Code §§ 25.06.01.c.1(b) and 25.14.01.d.3 (the “Application”); and

WHEREAS, at a duly noticed public meeting held on March 9, 2022, the Rockville Planning Commission reviewed the Application pursuant to Rockville City Code § 25.06.01.g and found that the Application was consistent with the Comprehensive Plan of the City of Rockville, Maryland and with the purpose of the historic district zone in Rockville City Code § 25.12.01.a; and
WHEREAS, the Mayor and Council of Rockville (the “Mayor and Council”) gave notice that a public hearing on said application would be held by the Mayor and Council in the Council Chambers in Rockville and virtually on the 16\textsuperscript{th} day of May 2022, at 7:00 p.m., or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard, which notice was published in accordance with the requirements of Land Use Article of the Annotated Code of Maryland; and

WHEREAS, on the 16\textsuperscript{th} day of May 2022, the said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, after consideration of the full administrative record in these proceedings, the Mayor and Council has determined that the Subject Property is historically significant; and

WHEREAS, in support of its determination, the Mayor and Council makes the following findings:

The existing house and environmental setting of the Subject Property are representative of the early development of the Rockville Heights subdivision and the growth of Rockville and represent an established visual feature of the neighborhood and City because of the existing house’s physical characteristics and the surrounding landscape. The community grew around the Subject Property while it retained its estate size lot and house, which is unique to the neighborhood.

The Subject Property is also historically significant for its association with persons making significant contributions in Rockville, Montgomery County, Maryland, and national history. The Subject Property was purchased and the existing house was erected by Dr. Clara Bliss Finley. Dr. Finley and her daughter, a later owner and long-time resident of the home, were both early pioneering women in the local fight for women’s rights and advancements and Bliss was active in the National Suffrage Movement and in Montgomery County.
The existing house on the Subject Property is listed in the Rockville Historic Buildings Catalogue as a good example of a Colonial Revival House. It embodies many of the distinctive characteristics found in the Colonial Revival style, which includes the tall side-facing gable roof with gable end chimneys, symmetrically balanced windows and a center door, an accentuated front door with a decorative crown, and adjacent pairs of multi-lite double-hung windows. The masonry construction was usually reserved for high-end examples of the style.

The house is an established visual feature of the neighborhood and the City because of its distinctive Colonial Revival styling and its siting on the massive lot. The house massing and its footprint are intact, as is the environmental setting. As a result of the deep expansive front yard, the property's prominent location is a familiar and distinctive visual feature at the corner of Great Falls Road and Monument Road. The Subject Property represents what was once estate size lots in the town of Rockville.

Historic designation of the Subject Property is also consistent with the City’s Comprehensive Plan, in that designation would contribute to enforcing the Certified Local Government requirement to designate and protect historic properties, preserving and recognizing significant examples of architectural periods, historic themes and the diversity of Rockville’s history, and supporting the connection between historic preservation and environmental sustainability by preserving the materials, energy, and human capital already expended in the construction of older buildings. It would also contribute to the goal and vision to preserve, protect and enhance the quality of life in, and the unique history and identity of, the Planning Area 4 neighborhoods; and
WHEREAS, the Mayor and Council further finds that historic designation of the Subject Property is consistent with the purposes of the historic district zone in Rockville City Code § 25.14.01.a and the public purpose of historic preservation in the State of Maryland as established in § 8-102 of the Land Use Article of the Maryland Annotated Code; and

WHEREAS, the Mayor and Council further finds and determines that it is appropriate to place the Subject Property in the Historic District.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the application of the Historic District Commission of Rockville, Sectional Map Amendment MAP2022-00124, requesting the reclassification of the property located at 500 Great Falls Road, Rockville, Maryland, and further identified as Tax Map GR22, Parcel P685 in the subdivision known as “Rockville Heights,” containing 28,069 square feet of land, more or less, be, and the same is hereby granted, and the Subject Property is hereby included in and made a part of the Historic District.

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of June 27, 2022.

Sara Taylor-Ferrell,
City Clerk/Director of Council Operations
Subject
2023 MML Legislative Action Requests

Recommendation
Discuss the recommended 2023 Legislative Action Requests and approve three for submittal to the Maryland Municipal League.

Discussion
Consideration of proposed Maryland Municipal League (MML) Legislative Action Requests (LAR) is the first step in the Mayor and Council's development of the City of Rockville's comprehensive 2023 State legislative program. MML has invited the membership to submit LARs by July 1, 2022 to be considered for inclusion in the League's priority program for the 2023 General Assembly Session.

LARs are issues that are resolved through State legislation and have broad impact to the MML membership. The League does not typically advocate for issues that impact a small number of municipalities and does not engage with State legislation introduced by local Delegations. As the lead entity with whom decision makers in Annapolis engage on State legislation affecting municipalities, MML focuses on high-profile issues with significant impact to its membership. Each municipality is limited to submitting three LARs to MML for consideration. The Legislative Committee meets in August/September and chooses up to four priority program issues to recommend to the membership. The League and the LC are currently reviewing the LAR process and will update the membership regarding any possible adjustments that are made.

Rockville-specific issues are discussed and approved by the Mayor and Council in the fall, after the MML priority program is adopted. In recent years, advocating in support of educational needs across the spectrum, including capital and operating funding, and protecting the interests of property owners that abut I-270, are examples of items that are Rockville-specific that have been included in Rockville's State legislative program. In recent years, the Mayor and Council's comprehensive State legislative program has included MML-adopted priorities and Rockville-specific initiatives.
Based on high priority issues of interest to the Mayor and Council and input received from the governing body, staff has included four potential LARs for the Mayor and Council’s consideration, of which the governing body can select three, as required by MML. Each of the LARs proposed for consideration relate to ongoing Mayor and Council priorities.

**Proposed 2023 Legislative Action Requests**

1. **Advocate for an amendment to Maryland’s P3 Legislation (HB 650 – Public Private Partnerships – 2013) that would require a comprehensive financial analysis be done before any large-scale infrastructure projects are approved**

   This LAR was forwarded to staff by Mayor Newton for consideration by the Mayor and Council, and staff recommends that it be considered. The State’s Public Private Partnership (P3) legislation does not explicitly require an in-depth financial analysis of large-scale transportation infrastructure projects, which could potentially place taxpayer funds at risk if the true costs of the project exceed estimates. This LAR requests that the State’s P3 law be amended to explicitly require a comprehensive financial analysis for all projects. The lack of a comprehensive financial analysis enables the State to implement massive public infrastructure projects with environmental, social justice, and other detrimental community impacts without performing due diligence that should be factored into such critical decisions.

   The I-270 & I-495 Managed Lanes project is a massive project estimated to cost approximately $9 billion with significant implications to Rockville and other surrounding communities. The project lacks a sufficient financial analysis of the risk and the true cost to Maryland’s taxpayers. This is a key missing link that is critical for the State and Maryland residents to fully understand the magnitude of what is being proposed for this project and others in the future. The State must be required to provide comprehensive and in-depth financial information to Maryland taxpayers so that they can understand the true cost and impact for projects that the State wants to build in their communities. The legislation supports transparency in that Maryland residents and taxpayers would have access to critical financial information that could help them to advocate and protect their interests when State public infrastructure projects are proposed in their communities.

   2. **Advocate in Support of Vision Zero Legislation**

   This LAR is recommended for consideration by the Mayor and Council, as pedestrian, bicycle, and automobile safety is an issue that impacts all residents in Maryland’s municipalities. The Mayor and Council’s Vision Zero priority supports a comprehensive and holistic approach that calls for guidelines that identify a combination of equitable engineering, enforcement, education and evaluation, along with associated funding needed for the City to reach the goal toward zero deaths and serious injuries by 2030.

   Six State Roads in Rockville were identified as being most prone to crashes, with MD 355 experiencing the most pedestrian fatalities and serious accidents. Many State roads traverse
Maryland municipalities. The Mayor and Council have been advocating with MDOT (letter to MDOT Secretary on 12/6/21) and Maryland policymakers in support of legislation that promotes safety and engineering improvements along State roadways for people driving, walking, bicycling, and using transit. Additionally, the MML Montgomery Chapter, led by the Chapter President, Councilmember Ashton, will be working with Montgomery County to advocate for these safety improvements along State roadways.

In the 2022 Session, Delegate Palakovich Carr’s Vision Zero Implementation House Bill 254 (Senate Bill 874) legislation was supported by the Mayor and Council and enacted into law. The legislation requires the State Highway Administration (SHA) to conduct an infrastructure review of each pedestrian or bicyclist fatality that occurs on a State highway or at an intersection of a State highway and another highway or municipal street, which must be completed within six months after a fatality and published on SHA’s website. The Mayor and Council also supported House Bill 656 (Senate Bill 880): Safe Access for All (SAFE) Roads Act of 2022 sponsored by Delegate Charkoudian. While the legislation was passed by the House in a significantly amended form, the bill did not receive further consideration by the Senate. The legislation would require SHA, in support of improvements to pedestrian and bicycle rider safety, to conduct various studies and analyses and to recommend engineering and safety improvements that are consistent with the State’s Vision Zero Program. The bill mandates funding to SHA’s Safety, Congestion Relief, Highway and Bridges System Preservation Minor Projects Program with an annual increase of 10%. The bill also included an SHA annual reporting requirement on staffing.

3. **Advocate in Support Climate Change Legislation**

Staff recommends that the Mayor and Council Rockville consider submitting an LAR for MML to prioritize engagement in climate policy initiatives including, but not limited to:

- Climate Resiliency;
- Flood Plain Planning and Resilience;
- Community Choice Aggregation;
- Electric Vehicles Incentives; and
- Renewable Energy.

This topic was approved as 2022 MML LAR by the Mayor and Council and was forwarded to the MML Legislative Committee for consideration. Additionally, this topic was a 2022 Rockville State Legislative Priority. While it was not selected by the MML Legislative Committee as a League priority, the goal was nevertheless selected as a strategic initiative in 2022 (and 2021).

For strategic initiatives, MML monitors legislation and related activity for potential action and engagement. The League and the Mayor and Council supported the Climate Solutions Now Act of 2022 Senate Bill 528, which was omnibus climate change legislation that was the focus of significant deliberation through the majority of the 2022 Session, and was enacted. The lengthy bill has numerous provisions that include: (1) increasing the statewide greenhouse gas (GHG) emissions reduction requirement and requires the State to achieve net-zero statewide GHG emissions by
(2) establishing new and alters existing energy conservation requirements for buildings, largely related to electrification requirements; (3) increasing and extending specified energy efficiency and conservation program requirements; (4) establishing requirements for the purchase of zero-emission vehicles in the State fleet. The legislation establishes a framework and funding to support a number of these initiatives. Even though the omnibus climate change legislation passed in 2022, given the broad scope and unmet needs, it is anticipated that there will be additional legislative initiatives in 2023 that address climate change.

Requesting the Climate Change LAR is another opportunity for the Mayor and Council to demonstrate its leadership and commitment to climate policy initiatives and urge that MML make it a priority issue for the 2022 General Assembly Session.

4. Advocate for Legislation that Would Provide Enabling Authority for Jurisdictions to Post Electronic Legal Notices

Staff recommends that the Mayor and Council consider this issue as an MML LAR, as it impacts all municipalities. This issue was a Rockville priority in 2022 Session. Rockville and other jurisdictions have no other choice but to place print ads in the Washington Post, which is very expensive. Given non-existence of local newspapers, the Washington Post has a monopoly on this service. Posting electronic notices may enable jurisdictions to reach a broader audience during and potentially after the pandemic, as numerous Washington Post subscribers may have resorted to digital versions of the newspaper. The legislation would broaden the requirements by allowing jurisdictions to post electronic notices. The MML Montgomery Chapter approved this issue as a 2022 State legislative priority.

House Bill 381 (Senate Bill 368): Municipalities – Charter Amendments – Notice, sponsored by Delegate Solomon, was amended in committee and passed the full House unanimously. While the bill was referred to the Senate Education, Health, and Environmental Affairs Committee, it never received a hearing date and failed. As amended, the legislation would have modified the manner in which a chief executive officer of a municipality may deliver charter amendment notices, by authorizing the publishing of a fair summary of the proposed amendment in a newspaper of general circulation in the municipality at least once, and delivering a copy of a fair summary of the proposed charter amendment by hand or by mail once to every residence in the municipality. The fair summary of the proposed charter amendment, which is delivered by hand or by mail, may be included in a printed newsletter or other regular municipal publication. The bill would have required a municipality to maintain records and make these records available to the public in accordance with the Maryland Public Information Act.

In previous years, there were several attempts by MML to advocate for this legislation. Due to opposition from local newspapers around the State that were in existence at the time, the efforts failed. Given the non-existence of local media in 2022, the prospects for the legislation passing may be more favorable in the 2023 Session.
Mayor and Council History

The Mayor and Council annually discuss and approve LAR items to forward to MML for consideration in the League’s priority program for the next General Assembly Session.

Next Steps

With Mayor and Council approval, staff will forward the completed LARs to MML by the July 1, 2022 deadline.

Staff will update the Mayor and Council on the priority issues that are approved for the 2023 MML priority program.

The Mayor and Council will consider 2023 State legislation priorities specific to the City of Rockville in the fall of 2022 (TBD), after MML’s priorities are adopted.

Rob DiSpirito, City Manager 6/21/2022
Subject
Discussion and Possible Approval of Alternative Moderately Priced Dwelling Units (MPDU)
Annual Maximum Household Income and Monthly Rent Schedule for Fiscal Year 2023

Recommendation
Staff recommends that the Mayor and Council advise on the maximum MPDU rent limits schedule it wishes to adopt: 1) rate of rent increase for MPDUs under the established formula using the Area Median Income, adjusted for bedroom count, or 2) 5.3% rate of rent increase for MPDUs under the wage growth rate, regardless of bedroom count.

Discussion
Executive Summary
The City of Rockville Moderately Priced Dwelling Units (MPDU) program requires that the City Manager adjust the maximum MPDU monthly rents annually (Chapter 13.5, Sec. 13.5-7(2)). The City Manager is to inform the Mayor and Council of the adjustments, as calculated per the MPDU Ordinance and Regulations. The FY 2023 maximum rent schedule is effective July 1, 2022, upon City Manager approval unless the Mayor and Council seek alternative limits:

Notwithstanding the above, within sixty (60) days of being informed of any adjustment in the maximum rent for a dwelling unit, the Mayor and Council may establish a different maximum rent than provided by the aforesaid formula. In such a case, the Mayor and Council shall consider the current cost of building MPDUs, available interest rates and debt service for permanent financing, current market rates of return on investments in residential rental properties, operating costs, vacancy rates of comparable properties, the value of the MPDU at the end of the control period, and any other relevant information.

In accordance with Chapter 13.5 of the City Code, the City Manager informed the Mayor and Council of the FY 2023 MPDU income and rent limits on May 2, 2022. Members of the Mayor and Council have expressed interest in exercising its authority to establish income and rent limits that differ from that provided by the MPDU code. In this item, staff provides an analysis of two MPDU rent limits based on: 1) rate of rent increase for MPDUs under the established formula using the Area Median Income, adjusted for bedroom count, or 2) 5.3% rate of rent increase for MPDUs under the wage growth rate, regardless of bedroom count.
Background
Modeled after the Montgomery County program, the City of Rockville’s MPDU program is a housing program in which the rental rates and purchase prices for designated units are set below market rate levels. The Rockville program was established in the 1990s and requires 15\% of the total units be set aside as MPDUs within all new residential development projects with 50 or more units. To date, the program has generated over 800 rental units. The minimum income required at initial leasing of an MPDU is 2.5 times the MPDU rent, adjusted for bedroom size. For example, a one-person household seeking a one-bedroom MPDU unit must have a minimum annual income of $38,700 ($18.61/hour). The average MPDU household has an income of about $50,000 ($24.03/hour) per year with an average household size of more than two people, based on a sample of 50 MPDU households.

The City’s MPD program requires that maximum MPDU household income and monthly rents be updated each year (Chapter 13.5, Sec. 13.5-7(2)). MPDU household income and rents by bedroom size are adjusted annually. The adjustment is based on the U.S. Department of Housing and Urban Development’s (HUD) 2021 income data. The 2022 Area Median Income (AMI) for the Washington, DC metropolitan region is $142,300 for a household size of four (4), over 10% increase from $129,000 in 2021. The HUD income limits schedule can be found here: https://www.huduser.gov/portal/datasets/il/il2022/2022summary.odn.

In 2018, the Mayor and Council approved expanding the MPDU income limits up to 120% of Area Median Income (AMI). Prior to 2018, the maximum income limits were based on 60% of AMI. Accordingly, for dwelling units subject to an MPDU Agreement with an effective date on or before June 2018, the rents are calculated at 60% of AMI. For dwelling units subject to an MPDU Agreement with an effective date after July 2018, the rents are computed at tiered-income levels ranging between 30% to 120% of AMI. No rental units have been constructed under the expanded income limits, and thus no MPDU units are currently subject to the expanded income limits. The maximum MPDU rents for existing rental MPDUs are calculated at 60% of AMI.

The following tables show the minimum and maximum household incomes at 60% of AMI for the MPDU program for the City’s fiscal year (FY) 2023 based on the recently released HUD income limits.

---

1 In 2021, the Mayor and Council adopted a policy standardizing the set-aside requirement to 15% throughout the City.
Table 1: Maximum Household Income by Household Size

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Current Maximum Income @60% AMI --FY 2022</th>
<th>New Maximum Income @60% AMI --FY 2023</th>
<th>Diff. ($)</th>
<th>Diff (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$54,200</td>
<td>$59,800</td>
<td>$5,600</td>
<td>10.3%</td>
</tr>
<tr>
<td>2</td>
<td>$61,900</td>
<td>$68,300</td>
<td>$6,400</td>
<td>10.3%</td>
</tr>
<tr>
<td>3</td>
<td>$69,700</td>
<td>$76,800</td>
<td>$7,100</td>
<td>10.2%</td>
</tr>
<tr>
<td>4</td>
<td>$77,400</td>
<td>$85,400</td>
<td>$8,000</td>
<td>10.3%</td>
</tr>
<tr>
<td>5+</td>
<td>$83,600</td>
<td>$92,200</td>
<td>$8,600</td>
<td>10.3%</td>
</tr>
</tbody>
</table>

Table 2: Maximum MPDU Rents by Bedroom Count

<table>
<thead>
<tr>
<th>Bedroom Count</th>
<th>Current Maximum MPDU Rents @60% AMI</th>
<th>Proposed Maximum MPDU Rents @60% AMI</th>
<th>Diff. ($)</th>
<th>Diff (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>$1,130</td>
<td>$1,245</td>
<td>$115</td>
<td>10.2%</td>
</tr>
<tr>
<td>1</td>
<td>$1,290</td>
<td>$1,425</td>
<td>$135</td>
<td>10.5%</td>
</tr>
<tr>
<td>1+ den</td>
<td>$1,370</td>
<td>$1,515</td>
<td>$145</td>
<td>10.6%</td>
</tr>
<tr>
<td>2</td>
<td>$1,450</td>
<td>$1,600</td>
<td>$150</td>
<td>10.3%</td>
</tr>
<tr>
<td>2+ den</td>
<td>$1,535</td>
<td>$1,690</td>
<td>$155</td>
<td>10.1%</td>
</tr>
<tr>
<td>3</td>
<td>$1,615</td>
<td>$1,780</td>
<td>$165</td>
<td>10.2%</td>
</tr>
</tbody>
</table>

As shown above, adjusted for bedroom count, the overall increase in the AMI results in an increase from the previous year in the maximum MPDU rents, ranging from $115 to $165, representing a ten percent increase from the City’s FY 2022 income limits.

The average 2022 growth of 10.5% in the AMI or the $142,300 is anomalous, nearly twice the average annual growth rate from 2016 to 2022 at 4.5%, including the 2022 increase. Since 2012, MPDU rents have grown by an average of 3% annually. As shown in the table below, AMI and corresponding maximum MPDU rents vary substantially from year-to-year, with unrounded growth rates being negative in three of ten years and above 6.0% in two of ten. This volatility leads to large fluctuations in maximum MPDU rents, and difficulty projecting any changes to MPDU rents. Below is a table showing the movements in AMI and corresponding MPDU rents between 2012 to 2022.
While the 2022 growth rate in AMI is anomalous compared to previous years at 10.3%, it is unclear if future years will look similar to the pre-pandemic averages or to the 2022 growth rate. As such, it is reasonable to anticipate a 10-year growth rate closer to the 5% even without program changes.

**Voluntary Rent Guideline (VRG)**

The City of Rockville released its Voluntary Rent Guideline (VRG) Resolution in February 2022, with a rate of increase not to exceed 0.4 percent, which was exceptionally low due to the COVID-inspired rent stabilization policies implemented by DC metro region jurisdictions and municipalities. Rockville’s VRG is voluntary for all rental units and thus property owners are not subject to the VRG rental rate cap. However, while owners with MPDUs can raise the rents of those units above the VRG, they are capped at the MPDU maximums.

**Alternative Limit Consideration**

In consideration of an alternative maximum rent schedule, the Mayor and Council could consider capping the increase in MPDU rents for FY2023 at 5.3%, the April 2021 to April 2022 change in nominal wages for earners in the 2nd quartile nationwide.

As noted above, the Mayor and Council can exercise its authority to establish a different maximum rent than that provided by the established formula. In doing so, it must consider specific data elements, including, for example, current cost of building MPDUs, interest rates, debt service, operating costs, vacancy rates of comparable properties, and any other relevant information.

In consideration of the data elements listed above for an alternative rent limit, staff obtained development and operating proforma for various mixed-income communities within Rockville and Montgomery County. In addition, staff reached out to institutional lenders and developers,
reviewed other market data, including Consumer Price Index (CPI), third party vacancy report, and the State of Maryland Qualified Allocation Plan (QAP) for the Low-Income Housing Tax Credit (LIHTC) program. Gleaning and extrapolating the various data elements, staff developed two operating proformas—low and high operating expenses—to illustrate the impacts of rent changes on the operations and management (i.e., viability), of a typical mixed-income rental community.

**Proforma Assumptions**

In the proformas that follow, staff constructed operating proformas for a hypothetical residential development in the City of Rockville composed of 361 total units, including 44 MPDUs at 60% of AMI. Additional assumptions are as follows:

<table>
<thead>
<tr>
<th>Table 4: Proforma Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expense Escalation</td>
</tr>
<tr>
<td>Market-Rate Rent Escalation</td>
</tr>
<tr>
<td>MPDU Rent Growth Rate</td>
</tr>
<tr>
<td>Total Unit</td>
</tr>
<tr>
<td>MPDUs</td>
</tr>
<tr>
<td>Vacancy Rate—Market</td>
</tr>
<tr>
<td>Vacancy Rate—MPDUs</td>
</tr>
<tr>
<td>Total OpEx/Unit/Year</td>
</tr>
<tr>
<td>Total Develop Cost/Unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 5: 10% MPDU Rent Growth Rate Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 6/1/2022</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Income Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Year 6</th>
<th>Year 7</th>
<th>Year 8</th>
<th>Year 9</th>
<th>Year 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Income Units</td>
<td>$734,880</td>
<td>$798,125</td>
<td>$857,074</td>
<td>$915,445</td>
<td>$971,213</td>
<td>$1,023,331</td>
<td>$1,072,818</td>
<td>$1,119,667</td>
<td>$1,163,966</td>
</tr>
<tr>
<td>Market Rate Units</td>
<td>$8,419,860</td>
<td>$8,588,257</td>
<td>$8,760,022</td>
<td>$8,935,223</td>
<td>$9,113,927</td>
<td>$9,296,206</td>
<td>$9,482,130</td>
<td>$9,671,773</td>
<td>$9,865,208</td>
</tr>
<tr>
<td>Gross Project Income</td>
<td>$9,154,740</td>
<td>$9,396,625</td>
<td>$9,649,227</td>
<td>$9,913,348</td>
<td>$10,189,865</td>
<td>$10,479,737</td>
<td>$10,784,015</td>
<td>$11,103,846</td>
<td>$11,440,489</td>
</tr>
<tr>
<td>Low Income Vacancy Allowance</td>
<td>(36,744)</td>
<td>(40,418)</td>
<td>(44,460)</td>
<td>(48,906)</td>
<td>(53,797)</td>
<td>(59,177)</td>
<td>(65,094)</td>
<td>(71,604)</td>
<td>(78,764)</td>
</tr>
<tr>
<td>Market Rate Vacancy Allowance</td>
<td>(589,390)</td>
<td>(601,178)</td>
<td>(613,202)</td>
<td>(625,466)</td>
<td>(637,975)</td>
<td>(650,734)</td>
<td>(663,749)</td>
<td>(677,024)</td>
<td>(690,565)</td>
</tr>
<tr>
<td>Effective Gross Income</td>
<td>$8,528,606</td>
<td>$8,755,029</td>
<td>$8,991,565</td>
<td>$9,238,976</td>
<td>$9,498,093</td>
<td>$9,769,826</td>
<td>$10,055,171</td>
<td>$10,355,218</td>
<td>$10,671,568</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>$3,971,000</td>
<td>$4,090,130</td>
<td>$4,212,834</td>
<td>$4,339,219</td>
<td>$4,469,395</td>
<td>$4,603,477</td>
<td>$4,741,582</td>
<td>$4,883,829</td>
<td>$5,030,344</td>
</tr>
<tr>
<td>Net Operating Income</td>
<td>$4,557,606</td>
<td>$4,664,899</td>
<td>$4,778,731</td>
<td>$4,899,757</td>
<td>$5,028,698</td>
<td>$5,166,349</td>
<td>$5,313,590</td>
<td>$5,471,389</td>
<td>$5,640,816</td>
</tr>
<tr>
<td>Debt Service Financing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Debt Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash Flow</td>
<td>$529,282</td>
<td>$636,555</td>
<td>$750,388</td>
<td>$871,413</td>
<td>$1,000,354</td>
<td>$1,138,005</td>
<td>$1,285,246</td>
<td>$1,443,045</td>
<td>$1,612,472</td>
</tr>
<tr>
<td>Debt Coverage Ratio</td>
<td>1.13</td>
<td>1.16</td>
<td>1.19</td>
<td>1.22</td>
<td>1.25</td>
<td>1.28</td>
<td>1.32</td>
<td>1.36</td>
<td>1.40</td>
</tr>
</tbody>
</table>
Table 6: 5.3% MPDU Rent Growth Rate Scenario

<table>
<thead>
<tr>
<th>Income</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Year 6</th>
<th>Year 7</th>
<th>Year 8</th>
<th>Year 9</th>
<th>Year 10</th>
<th>6/1/2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-Income Units</td>
<td>$734,880</td>
<td>$773,829</td>
<td>$814,842</td>
<td>$858,028</td>
<td>$903,504</td>
<td>$951,389</td>
<td>$1,001,813</td>
<td>$1,054,909</td>
<td>$1,110,819</td>
<td>$1,169,693</td>
<td></td>
</tr>
<tr>
<td>Market Rate Units</td>
<td>$8,419,860</td>
<td>$8,584,257</td>
<td>$8,760,022</td>
<td>$8,935,223</td>
<td>$9,113,927</td>
<td>$9,296,206</td>
<td>$9,482,130</td>
<td>$9,671,775</td>
<td>$9,865,208</td>
<td>$10,062,512</td>
<td></td>
</tr>
<tr>
<td>Gross Project Income</td>
<td>$9,154,740</td>
<td>$9,362,086</td>
<td>$9,574,864</td>
<td>$9,793,251</td>
<td>$10,017,431</td>
<td>$10,247,595</td>
<td>$10,483,943</td>
<td>$10,726,862</td>
<td>$10,976,027</td>
<td>$11,232,205</td>
<td></td>
</tr>
<tr>
<td>Low-Income Vacancy Allowance</td>
<td>$66,341</td>
<td>$63,961</td>
<td>$64,701</td>
<td>$64,420</td>
<td>$64,157</td>
<td>$64,709</td>
<td>$65,091</td>
<td>$65,274</td>
<td>$65,541</td>
<td>$65,845</td>
<td></td>
</tr>
<tr>
<td>Market Rate Vacancy Allowance</td>
<td>$169,301</td>
<td>$160,176</td>
<td>$161,202</td>
<td>$162,466</td>
<td>$163,975</td>
<td>$165,744</td>
<td>$167,024</td>
<td>$169,065</td>
<td>$171,370</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effective Gross Income</td>
<td>$8,529,606</td>
<td>$8,722,216</td>
<td>$8,920,920</td>
<td>$9,124,899</td>
<td>$9,334,281</td>
<td>$9,540,281</td>
<td>$9,770,101</td>
<td>$9,996,912</td>
<td>$10,229,922</td>
<td>$10,469,344</td>
<td></td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Expenses</td>
<td>$3,971,000</td>
<td>$4,090,130</td>
<td>$4,212,834</td>
<td>$4,339,219</td>
<td>$4,469,395</td>
<td>$4,603,477</td>
<td>$4,741,582</td>
<td>$4,883,829</td>
<td>$5,030,344</td>
<td>$5,181,254</td>
<td></td>
</tr>
<tr>
<td>Net Operating Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash Flow</td>
<td>$4,557,606</td>
<td>$4,632,086</td>
<td>$4,788,086</td>
<td>$4,785,665</td>
<td>$4,864,885</td>
<td>$4,945,814</td>
<td>$5,028,521</td>
<td>$5,113,083</td>
<td>$5,199,578</td>
<td>$5,288,091</td>
<td></td>
</tr>
<tr>
<td>Debt Service Financing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Debt Service</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td>$4,028,344</td>
<td></td>
</tr>
<tr>
<td>Debt Coverage Ratio</td>
<td>1.13</td>
<td>1.15</td>
<td>1.17</td>
<td>1.19</td>
<td>1.21</td>
<td>1.23</td>
<td>1.25</td>
<td>1.27</td>
<td>1.29</td>
<td>1.31</td>
<td></td>
</tr>
</tbody>
</table>

As shown above, the major takeaway from these analyses is that low-income units represent a very small percentage of overall rental income for mixed-income buildings. As depicted in the tables above, the income generated by MPDU rents account for about 8% of total the project’s effective gross income (EGI)\(^2\) the first year. Applying a per unit/year operating expense (OpEx) cost of $11,000 to the EGI, the net operating income (NOI)\(^3\) in year two is $4,664,899 and second scenario is $4,632,086, a difference of $32,000. Further, the OpEx and EGI ratio in year two is 2.14. Capping the increase in MPDU rents at 5.3% reduces the EGI to 2.13. Adding debt service, the debt services coverage ratio (DSCR)\(^4\) in year two are 1.16 and 1.15, reflecting limited change in net operating income after debt service. As such, it is unlikely that a one-time reduction in low-income unit rent growth will have a meaningful impact on overall revenue or on overall project viability. Even if the $32,000 is fully cost-shifted onto market-rate renters, this amounts to a $8.41 per month increase in market-rate rents. However, the difference would add up significantly over the long-term.

In consideration of the anomalous 2022 AMI levels and the implication on low- and moderate-income renters, a renter-focused adjustment could significantly benefit the 800 or more renters in MPDU units. However, any adjustment, outside of the established formula implemented this year would only be a temporary fix. Even with a lower rate of increase in the AMI next year, the increase will still be higher next year. As previously stated, decreasing the MPDU rent growth rate has a minor effect in a singular year, but should the City react and intervene to retard rent growth rate after year, such actions could eventually render some projects too costly to maintain and likely place a much larger burden on already strained market-rate renters and the overall housing supply. It is equally important to note that should the AMI levels grow by another 10% over the next year, and if rent growth is capped at 5.3% for this year and then left uncapped next year the FY2024, rents could potentially increase by 15.5%.

---

\(^2\) Effective Gross Income (EGI) is the true amount of income that a rental property is expected to generate. It is the total income expected from all operations of the rental property after an allowance is made for the revenue that is lost as a result of vacancy or unpaid rents. After all, nothing is perfect all the time and you need to account for this.

\(^3\) Net operating income (NOI) is a measurement used to determine the profitability of a property in commercial real estate. NOI determines the revenue of a property by subtracting gross operating expenses from gross income before debt service.

\(^4\) Debt Service Coverage Ratio (DSCR) is a measurement of a development’s cash flow vis-à-vis its debt obligations. If a development that has a DSCR less than 1, its income is less than its monthly debt obligations. In contrast, if an entity has a DSCR of 1, then its income is equal to its monthly debt obligations, while if it has a DSCR of more than 1, its income is greater than its monthly debts.
A common method for accomplishing predictability for both renters and owners to ensure sustainability of a development is to allow rents to grow by inflation, specifically, the Consumer Price Index (CPI). CPI is a measure of changes in goods prices and is done at both a regional and national level. CPI consists of many component parts, one of which is the CPI for rent of primary residences (i.e., shelter). However, this CPI component is highly distorted at the regional level. Metro DC is dominated by municipalities that enacted rental stabilization measures on rental housing during the COVID pandemic, effectively preventing the shelter CPI from increasing in the region, contributing to the 0.4% Voluntary Rent Guideline noted earlier in the report. The graphs below depict how distorted the CPI of Rent of Primary Residence is in Metro DC.

Graph 1 shows the year-over-year change in the price of rent for DC-area residents. It grew at a steady pace from 2015 to 2020 before leveling off completely at the start of the COVID pandemic. This leveling off was partly due to government restrictions on price changes, resulting in the 0.4% increase between January and December 2021.

Graph 2 shows the year-over-year change in prices overall in the DC metro area. It grew at a steady pace, well below the growth of rents (which are a component of overall CPI), before increasing rapidly at the start of the pandemic.

Graph 3 shows the CPI for Rent of Primary Residences - Nationwide.
Graph 3 shows the year-over-year change in rents for all Americans in urban areas. While the start of the pandemic led to a significant reduction in rental CPI growth in the DC area, nationwide the trend was almost unchanged.

Graph 4 shows the year-over-year change in prices overall for all Americans (national) in urban areas. While the rental CPI shows significant divergence between Metro DC and the country as a whole, overall CPI does not. This indicates that there is something specific to DC rents causing the divergence in the CPI for rent of primary residences, likely being the DC metro rent stabilization policies that were implemented in response to the COVID pandemic. The Metro DC regional overall CPI is 7.5% from May 2021 to May 2022, compared to the CPI for rent of primary residences at 2.0%, or the 0.4% from January 2021 to December 2021, the time frame for the VRG.

However, we are currently seeing meaningful differences between the Consumer Price Index (the standard measure of inflation) and wage growth, with inflation outpacing wage growth for nearly all earners. The Atlanta Fed’s Wage Growth Tracker is a measure of the nominal wage growth of individuals based on Census data and represents the median percent change in the hourly wage of individuals over a 12-month period. Wages are categorized into four income quartiles. The income quartiles for the first quarter of 2022 are as follows:
• 1st Quartile: All earners making less than $36,452/year
• 2nd Quartile: All earners making between $36,452 and $53,924/year
• 3rd Quartile: All earners making between $53,924 and $85,020/year
• 4th Quartile: All earners making more than $85,020/year

The median MDPU household falls into the 2nd quartile.

Below is a table illustrating the growth a 12-months (April 2021 to April 2022) growth in wages by income quartile.

<table>
<thead>
<tr>
<th>Year</th>
<th>1st Quartile</th>
<th>2nd Quartile</th>
<th>3rd Quartile</th>
<th>4th Quartile</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1.2%</td>
<td>2.3%</td>
<td>2.1%</td>
<td>2.4%</td>
<td>2.1%</td>
</tr>
<tr>
<td>2013</td>
<td>1.4%</td>
<td>2.5%</td>
<td>2.4%</td>
<td>2.3%</td>
<td>2.2%</td>
</tr>
<tr>
<td>2014</td>
<td>2.0%</td>
<td>2.5%</td>
<td>2.3%</td>
<td>2.1%</td>
<td>2.3%</td>
</tr>
<tr>
<td>2015</td>
<td>2.9%</td>
<td>2.8%</td>
<td>3.1%</td>
<td>2.7%</td>
<td>2.9%</td>
</tr>
<tr>
<td>2016</td>
<td>2.6%</td>
<td>3.1%</td>
<td>3.0%</td>
<td>3.0%</td>
<td>3.1%</td>
</tr>
<tr>
<td>2017</td>
<td>4.2%</td>
<td>3.4%</td>
<td>3.3%</td>
<td>3.3%</td>
<td>3.5%</td>
</tr>
<tr>
<td>2018</td>
<td>3.8%</td>
<td>3.1%</td>
<td>3.0%</td>
<td>3.0%</td>
<td>3.2%</td>
</tr>
<tr>
<td>2019</td>
<td>4.4%</td>
<td>3.1%</td>
<td>3.6%</td>
<td>3.1%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2020</td>
<td>4.6%</td>
<td>3.6%</td>
<td>3.3%</td>
<td>3.1%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2021</td>
<td>4.1%</td>
<td>3.4%</td>
<td>3.5%</td>
<td>3.0%</td>
<td>3.5%</td>
</tr>
<tr>
<td>2022</td>
<td>6.4%</td>
<td>5.3%</td>
<td>4.1%</td>
<td>3.5%</td>
<td>4.7%</td>
</tr>
</tbody>
</table>

Source: [Wage Growth Tracker - Federal Reserve Bank of Atlanta (atlantafed.org)](https://atlantafed.org)

As shown above, wage growth for the second quartile from April 2021 to April 2022 was 5.3%, whereas the national overall percentage, including shelter CPI for the same period, was 8.3%. While April data is not available for the DC area, the overall CPI for May 2021 to May 2022 was 7.5% in the region. As a result, using CPI, national or regional, would result in low-income renters – who are already cost-burdened – to be paying an even larger share of their income in rent than they did in the previous year. Instead of basing rent growth on inflation, rents based on wage growth could help maintain affordability for low-income renters.

As shown above, the wages increased steadily at an annual average of 3.2% for both all earners and 2nd quartile earners, reflecting a more predictable growth. Applying the 5.3% wage growth as the rate of MPDU rent increase, MPDU rents would increase by $60 to $86.
Table 8. Rent Increase Using 5.3% Wage Growth Rate

<table>
<thead>
<tr>
<th>Bedroom Count</th>
<th>Current MPDU Rents @60% AMI</th>
<th>Proposed MPDU Rents @60% AMI</th>
<th>Diff. ($)</th>
<th>Diff (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>$1,130</td>
<td>$1,130</td>
<td>$60</td>
<td>5.3%</td>
</tr>
<tr>
<td>1</td>
<td>$1,290</td>
<td>$1,290</td>
<td>$68</td>
<td>5.3%</td>
</tr>
<tr>
<td>1+ den</td>
<td>$1,370</td>
<td>$1,370</td>
<td>$73</td>
<td>5.3%</td>
</tr>
<tr>
<td>2</td>
<td>$1,450</td>
<td>$1,450</td>
<td>$77</td>
<td>5.3%</td>
</tr>
<tr>
<td>2+ den</td>
<td>$1,535</td>
<td>$1,535</td>
<td>$81</td>
<td>5.3%</td>
</tr>
<tr>
<td>3</td>
<td>$1,615</td>
<td>$1,615</td>
<td>$86</td>
<td>5.3%</td>
</tr>
</tbody>
</table>

Example MPDU Increases in Other Jurisdictions

As noted earlier, the Rockville MPDU program is designed to work in a similar fashion as the Low-Income Housing Tax Credit (LIHTC) program in regard to rent and income calculation. Below are brief descriptions of how annual rent increases are addressed in the MPDU programs in Montgomery County and Gaithersburg. Staff also provides, below, the City of Takoma Park’s approach to rent increase. The City of Takoma Park does not have an MPDU program, but it has had a rent stabilization policy since the early 1980s. Takoma Park’s rental housing supply has experienced nominal change since the 1980s.

**Montgomery County**

The County establishes the MPDU rents for developments containing MPDUs at initial leasing and subsequent rent increases are tied to the VRG for continued occupancy of current leaseholders. So, starting April 29th (the date of the new AMI date), current occupants of MPDU units will see an increase of 0.4%, the current VRG rate. Landlords are allowed to “make-up” or “catch-up” on losses from prior years by increasing the rents by the VRG for each year since initial leasing for new leases. The downfall of this approach is that at some point, the MPDU rents catch up to market and sometimes exceed market rents.

**Gaithersburg**

The City of Gaithersburg gives landlords an option of the VRG or AMI, whichever is lower. The problem with Gaithersburg’s approach is that the MPDU rents are no longer at the 60% AMI under which they were underwritten. The unintended consequence with the approach is that landlords may not collect sufficient rent to upkeep and maintain the property, potentially forcing deferred maintenance.

**Takoma Park**

The City of Takoma Park does not have an MPDU Program. However, Takoma Park has had a rent stabilization law since the 1980s, which mandates a rate of increase based on overall
Metro DC CPI from March to March. Takoma Park’s rent stabilization rate of increase will be 7.3% starting on July 1. The law does not apply to single-family rentals.

In consideration of the analysis, the Mayor and Council could consider capping the increase in MPDU rents for FY2023 at 5.3%, the April 2021 to April 2022 change in nominal wages for earners in the 2nd quartile nationwide. If approved, this cap would become effective July 1st.

**Next Steps**
The next steps are for the Mayor and Council to provide staff with direction on the maximum MPDU rent limits it wishes to adopt—1) rate of rent increase for MPDUs under the established formula using the Area Median Income, adjusted for bedroom count, or 2) 5.3% rate of rent increase for MPDUs, regardless of bedroom count, under the wage growth rate.

As noted above, the new rent schedule becomes effective July 1, 2022, upon approval. Staff will disseminate the approved income limits and maximum rent schedule to property owners and post the schedule on the City’s website by July 1.

The property managers will provide MPDU tenants with a 90-day notice of the rent changes, after which property owners may adjust rents per the approved income and rent schedule.

**Attachments**
Attachment 15.a: MPDU Max Rental Increases Rockville-FINAL6.21.22 (PPTX)
Presentation to the Mayor and Council on Fiscal Year 2023 MPDU Max Rent Limits

Dept. of Housing and Community Development

June 27, 2022
Introduction

The City’s MPDU program requires that the City Manager adjust the maximum household income levels and MPDU monthly rents annually.

The City Manager is to inform the Mayor and Council of the adjustments, as calculated per the MPDU Ordinance and Regulations.

The MPDU rent formula is based on the Annual Median Income (AMI) data published by the U.S. Department of Housing and Urban Development (extrapolation of Median Family Income).

Within sixty (60) days of being informed of any adjustment in the maximum rent for a dwelling unit, the Mayor and Council may establish a different maximum rent than provided by the established formula.

The City Manager informed the Mayor and Council of the MPDU max rents FY2023 on May 2, 2022 (HUD released the income data in late April).

Members of the Mayor and Council directed staff to bring forth the item to the Mayor and Council for discussion and for a potential establishment of a different maximum rent schedule than that provided by the formula outlined in the MPDU code.

The approved income and rent limits schedule becomes effective July 1, 2022.

The approved maximum rent limits only apply to MPDUs (~800 units). Market rates, including NOAHs, and single-family rentals are not subject to the MPDU max rent limits.
## Proposed FY 2023 MPDU Income and Rents Limits

### Table 1. Maximum Household Income by Household Size

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Current Maximum Income--FY 2022 (60%)</th>
<th>New Maximum Income--FY 2023 (60%)</th>
<th>Diff. ($)</th>
<th>Diff (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$54,200</td>
<td>$59,800</td>
<td>$5,600</td>
<td>10.3%</td>
</tr>
<tr>
<td>2</td>
<td>$61,900</td>
<td>$68,300</td>
<td>$6,400</td>
<td>10.3%</td>
</tr>
<tr>
<td>3</td>
<td>$69,700</td>
<td>$76,800</td>
<td>$7,100</td>
<td>10.2%</td>
</tr>
<tr>
<td>4</td>
<td>$77,400</td>
<td>$85,400</td>
<td>$8,000</td>
<td>10.3%</td>
</tr>
<tr>
<td>5+</td>
<td>$83,600</td>
<td>$92,200</td>
<td>$8,600</td>
<td>10.3%</td>
</tr>
</tbody>
</table>

### Table 2. Maximum MPDU Rents by Bedroom Count

<table>
<thead>
<tr>
<th>Bedroom Count</th>
<th>Current Maximum MPDU Rents (60%)</th>
<th>Proposed Maximum MPDU Rents (60%)</th>
<th>Diff. ($)</th>
<th>Diff (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>$1,130</td>
<td>$1,245</td>
<td>$115</td>
<td>10.2%</td>
</tr>
<tr>
<td>1</td>
<td>$1,290</td>
<td>$1,425</td>
<td>$135</td>
<td>10.5%</td>
</tr>
<tr>
<td>1+ den</td>
<td>$1,370</td>
<td>$1,515</td>
<td>$145</td>
<td>10.6%</td>
</tr>
<tr>
<td>2</td>
<td>$1,450</td>
<td>$1,600</td>
<td>$150</td>
<td>10.3%</td>
</tr>
<tr>
<td>2+ den</td>
<td>$1,535</td>
<td>$1,690</td>
<td>$155</td>
<td>10.1%</td>
</tr>
<tr>
<td>3</td>
<td>$1,615</td>
<td>$1,780</td>
<td>$165</td>
<td>10.2%</td>
</tr>
</tbody>
</table>
2022 is an anomalous year—representing a year with the highest increase in AMI levels resulting in high MPDU rent levels compared to previous years.

Under the current MPDU rent calculation formula, MPDU max rents are scheduled to increase by an average of 10.3%, adjusted for bedroom count.

- This is above the average MPDU rent growth rate of 4.5% since 2016.

Rents overall, MPDU and market rents, are volatile.

- MPDU Rents decreased in 2014 and 2016, in contrast went up by 6% in 2018.
- Market rents are increasing anywhere from 3% to 25%.
- Unlike market rents, MPDUs rents are capped at 60% AMI rents for current MPDU units (MPDUs built in the future can be potentially capped at up to 120% of AMI).

COVID-Inspired Rent Stabilization and tenant protection policies depressed rents.

- Rockville landlords were prohibited from increasing rents from March 2020 to July 2020.
- August 2020 to February 2022, landlords were restricted to VRG rate increase (2.6% August 2020 to February 2021; 1.4% from March 2021 to February 2022).
- City of Rockville rent stabilization and tenant protection policies were lifted in February 2022.
- 2022 Voluntary Rent Guideline (VRG), released in February, is 0.4%. VRG is no longer mandatory in the City or County.
- VRG is voluntary for both MPDUs and market rate units.
**Impact for Renters**

- Under the current formula and assuming continued increase in the AMI, rents are and will continue to be more expensive
  - Rents are growing faster than inflation
    - 8.3% from April 2021 to April 2022 (Overall, including shelter, national)
    - 7.5% from May 2021 and May 2022 (Overall, including shelter, DC Region)
  - Wages grew slower for the same period
    - 6.4% for bottom 25% of US wage earners
    - 5.3% for the next 25% of US wage earners
  - This means max MPDUs rents are likely to be more costly in real terms than they were in 2021
  - AMI-based rents have been unpredictable over the years and will continue to be so
Impact for Owners

- Yes, higher rent revenue....but
  - Overall operating costs have increased—i.e., labor, repair services, janitorial supplies, insurance, utilities, landscape, and taxes
  - One cost area not seeing a rise is marketing—largely due to lower-than-average vacancy rates and online marketing
  - AMI-based rents have been unpredictable and will continue to be so

### Historic Data-AMI Levels from 2012 to 2022

<table>
<thead>
<tr>
<th>Year</th>
<th>Area Median Income (100% of AMI)</th>
<th>% Change in AMI Income</th>
<th>Max MPDU Rent 1br (Rounded)—60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$107,500</td>
<td></td>
<td>$1,075</td>
</tr>
<tr>
<td>2013</td>
<td>$107,300</td>
<td>-0.2%</td>
<td>$1,075</td>
</tr>
<tr>
<td>2014</td>
<td>$107,200</td>
<td>-0.1%</td>
<td>$1,070</td>
</tr>
<tr>
<td>2015</td>
<td>$109,200</td>
<td>1.9%</td>
<td>$1,090</td>
</tr>
<tr>
<td>2016</td>
<td>$108,600</td>
<td>-0.5%</td>
<td>$1,085</td>
</tr>
<tr>
<td>2017</td>
<td>$110,300</td>
<td>1.6%</td>
<td>$1,100</td>
</tr>
<tr>
<td>2018</td>
<td>$117,200</td>
<td>6.3%</td>
<td>$1,170</td>
</tr>
<tr>
<td>2019</td>
<td>$121,300</td>
<td>3.5%</td>
<td>$1,210</td>
</tr>
<tr>
<td>2020</td>
<td>$126,000</td>
<td>3.9%</td>
<td>$1,260</td>
</tr>
<tr>
<td>2021</td>
<td>$129,000</td>
<td>2.4%</td>
<td>$1,290</td>
</tr>
<tr>
<td>2022</td>
<td>$142,300</td>
<td>10.3%</td>
<td>$1,425</td>
</tr>
</tbody>
</table>
Sample Operating Proforma

- Staff developed operating proforma to illustrate the impacts of MPDU rent increases on the viability of a mixed-income development (All rental MPDUs are within a market rate environment, creating a mixed-income community).

- Sources for sample proforma include:
  - Developers—affordable and market rate developers
  - Operating proforma provided by developers
  - Lenders
  - 3rd party real estate market analysis (i.e., Costar)
  - Maryland Qualified Allocation Plan (tax credit)
  - Incomes of MPDU renters (supplied by property managers)

*Staff did not consult property owners whose property did not contain MPDUs. For example, we didn’t speak to owners of naturally occurring affordable housing (NOAH) units. NOAHs are a different class of properties with different operating costs and assumptions.

*Staff did not consult with owners of single-family rental owners.
Operating Proforma @ 10.3% MPDU Rent Growth Rate Scenario

### Assumptions

<table>
<thead>
<tr>
<th>Operating Expense (OpEx) Escalation</th>
<th>3.0%</th>
<th>Loan Amount/Unit (75% LTV)</th>
<th>$225,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market-Rate Rent Escalation</td>
<td>2.0%</td>
<td>Total Development Cost (TDC)</td>
<td>$108,300,000</td>
</tr>
<tr>
<td>MPDU Rent Growth Rate</td>
<td>10.0%</td>
<td>Total Loan</td>
<td>$81,225,000</td>
</tr>
<tr>
<td>Total Unit</td>
<td>361</td>
<td>Amortization (years)</td>
<td>35</td>
</tr>
<tr>
<td>MPDUs</td>
<td>44</td>
<td>Number of Months</td>
<td>420</td>
</tr>
<tr>
<td>Vacancy Rate--Market</td>
<td>7.0%</td>
<td>Annual Interest Rate</td>
<td>3.50%</td>
</tr>
<tr>
<td>Vacancy Rate--MPDUs</td>
<td>5.0%</td>
<td>Monthly Interest Rate</td>
<td>0.29%</td>
</tr>
<tr>
<td>Total OpEx/Unit/Year</td>
<td>$11,000</td>
<td>Monthly Loan Payment</td>
<td>$335,695</td>
</tr>
<tr>
<td>Total Develop Cost/Unit</td>
<td>$300,000</td>
<td>Annual Loan Payment</td>
<td>$4,028,344</td>
</tr>
</tbody>
</table>

### 10-Year Operating Proforma:

<table>
<thead>
<tr>
<th>Year</th>
<th>Income</th>
<th>Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$734,880</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$8,419,860</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$9,154,740</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(36,744)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(589,390)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$8,528,606</td>
</tr>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$808,368</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$8,588,257</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$9,396,625</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(40,418)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(601,178)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$8,755,029</td>
</tr>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$889,205</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$8,760,022</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$9,649,227</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(44,460)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(613,202)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$9,991,565</td>
</tr>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$978,125</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$8,935,223</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$9,913,348</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(48,906)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(625,466)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$9,238,976</td>
</tr>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$1,075,938</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$9,113,927</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$10,189,865</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(53,797)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(637,975)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$9,498,093</td>
</tr>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$1,183,532</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$9,296,206</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$10,479,737</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(59,177)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(663,749)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$9,769,826</td>
</tr>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$1,301,885</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$9,482,130</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$10,784,015</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(65,094)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(677,024)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$10,055,171</td>
</tr>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$1,432,073</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$9,671,773</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$11,103,846</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(71,604)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(690,565)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$10,355,218</td>
</tr>
<tr>
<td></td>
<td>Low Income Units</td>
<td>$1,575,281</td>
</tr>
<tr>
<td></td>
<td>Market Rate Units</td>
<td>$9,865,208</td>
</tr>
<tr>
<td></td>
<td>Gross Project Income</td>
<td>$11,440,489</td>
</tr>
<tr>
<td></td>
<td>Low-Income Vacancy Allowance</td>
<td>$(78,764)</td>
</tr>
<tr>
<td></td>
<td>Market Rate Vacancy Allowance</td>
<td>$(704,376)</td>
</tr>
<tr>
<td></td>
<td>Effective Gross Income</td>
<td>$10,671,160</td>
</tr>
</tbody>
</table>

### Income and Expenses

- **Total Expenses**: $3,971,000
- **Net Operating Income**: $4,557,606
- **Total Debt Service**: $4,028,344
- **Cash Flow**: $529,262
- **Debt Coverage Ratio**: 1.13

**Debt Service Financing**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Debt Service</th>
<th>$4,028,344</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cash Flow</td>
<td>$529,262</td>
</tr>
<tr>
<td></td>
<td>Debt Coverage Ratio</td>
<td>1.13</td>
</tr>
</tbody>
</table>

**Date**: 6/1/2022

---

**Attachment 15.a: MPDU Max Rental Increases Rockville-FINAL6.21.22 (4188: Moderately Priced Dwelling)**
# Operating Proforma @ 5.3% MPDU Rent Growth Rate Scenario

## 10-YEAR OPERATING PRO FORMA:

<table>
<thead>
<tr>
<th>Income</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Year 6</th>
<th>Year 7</th>
<th>Year 8</th>
<th>Year 9</th>
<th>Year 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Income Units</td>
<td>$734,880</td>
<td>$773,829</td>
<td>$814,842</td>
<td>$858,028</td>
<td>$903,504</td>
<td>$951,389</td>
<td>$1,001,813</td>
<td>$1,054,909</td>
<td>$1,105,819</td>
<td>$1,169,693</td>
</tr>
<tr>
<td>Market Rate Units</td>
<td>$8,419,860</td>
<td>$8,588,257</td>
<td>$8,760,022</td>
<td>$8,935,223</td>
<td>$9,113,927</td>
<td>$9,296,206</td>
<td>$9,482,130</td>
<td>$9,671,773</td>
<td>$9,865,208</td>
<td>$10,062,512</td>
</tr>
<tr>
<td>Gross Project Income</td>
<td>$9,154,740</td>
<td>$9,362,086</td>
<td>$9,574,864</td>
<td>$9,793,251</td>
<td>$10,017,431</td>
<td>$10,247,595</td>
<td>$10,483,943</td>
<td>$10,726,682</td>
<td>$10,976,027</td>
<td>$11,232,205</td>
</tr>
<tr>
<td>Low-Income Vacancy Allowance</td>
<td>$(36,744)</td>
<td>$(38,691)</td>
<td>$(40,742)</td>
<td>$(42,901)</td>
<td>$(45,175)</td>
<td>$(47,569)</td>
<td>$(50,091)</td>
<td>$(52,745)</td>
<td>$(55,541)</td>
<td>$(58,485)</td>
</tr>
<tr>
<td>Market Rate Vacancy Allowance</td>
<td>$(589,390)</td>
<td>$(601,178)</td>
<td>$(613,202)</td>
<td>$(625,466)</td>
<td>$(637,975)</td>
<td>$(650,734)</td>
<td>$(663,749)</td>
<td>$(677,024)</td>
<td>$(690,565)</td>
<td>$(704,376)</td>
</tr>
<tr>
<td>Effective Gross Income</td>
<td>$8,528,606</td>
<td>$8,722,216</td>
<td>$8,920,920</td>
<td>$9,124,884</td>
<td>$9,334,281</td>
<td>$9,549,291</td>
<td>$9,770,103</td>
<td>$9,996,912</td>
<td>$10,229,922</td>
<td>$10,469,344</td>
</tr>
</tbody>
</table>

## Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Year 6</th>
<th>Year 7</th>
<th>Year 8</th>
<th>Year 9</th>
<th>Year 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Expenses</td>
<td>$3,971,000</td>
<td>$4,090,130</td>
<td>$4,212,834</td>
<td>$4,339,219</td>
<td>$4,469,395</td>
<td>$4,603,477</td>
<td>$4,741,582</td>
<td>$4,883,829</td>
<td>$5,030,344</td>
<td>$5,181,254</td>
</tr>
<tr>
<td>Net Operating Income</td>
<td>$4,557,606</td>
<td>$4,632,086</td>
<td>$4,708,086</td>
<td>$4,785,665</td>
<td>$4,864,885</td>
<td>$4,945,814</td>
<td>$5,028,521</td>
<td>$5,113,083</td>
<td>$5,199,578</td>
<td>$5,288,090</td>
</tr>
</tbody>
</table>

## Debt Service Financing

| Total Debt Service          | $4,028,344| $4,028,344| $4,028,344| $4,028,344| $4,028,344| $4,028,344| $4,028,344| $4,028,344| $4,028,344| $4,028,344|
| Cash Flow                   | $529,262  | $603,743  | $679,743  | $757,321  | $836,542  | $917,470  | $1,000,178 | $1,084,739 | $1,171,234 | $1,259,746|
| Debt Coverage Ratio         | 1.13       | 1.15       | 1.17       | 1.19       | 1.21       | 1.23       | 1.25       | 1.27       | 1.29       | 1.31       |
Proforma Analysis Takeaways

The key takeaway is that low-income rents are a very small portion of overall rents

- The MPDU income accounts for a small amount of overall revenue—approximately 8% in the case of the example project
- Reducing low-income rent growth over a single year has a low overall impact
- MPDUs exist within a market-rate property environment (mixed-income) which allows for cross-subsidization
- For example, the difference between raising rent of MPDUs from 5.3% and 10% equates to approximately $32,000/year for each market-rate unit, or $101/year per market-rate unit when the costs are spread to those units (cross-subsidization)
- When the rent increases are spread to market-rate units (316 units), the $8.41 increase in market-rate rents equates to a roughly $60 reduction in MPDU rents
Options

• Option 1: Implement the AMI-based limits as proposed by staff.
  • This may be the “fairest” and simplest option
    • MPDU Rents are capped at the AMI level
    • Owners can realize some gains given the COVID-inspired depression of rents between 2020 and now
    • The City established guidelines, and under these guidelines, this was always a plausible outcome
    • The COVID-inspired temporary rental stabilization policies were renter-centric (although federal, state, and county rental assistance funds were widely available for landlords)

• Option 2: A patch for this year, perhaps the more equitable for current year
  • Cap the MPDU rent increase for FY 2023 to Wage Growth Rate (5.3% from April 2021 to April 2022)—Resulting in increases ranging from $60 to $86, instead of $115 to $165
  • This caps rent growth this year
  • Requires the City to perpetually fix the problem retroactively—Unless the City implements a more permanent fix by either basing MDPU rents on Wage Growth Rate or other fixes
### Annual April to April wage Growth from 2012 to 2022

<table>
<thead>
<tr>
<th>Year</th>
<th>1st Quartile</th>
<th>2nd Quartile</th>
<th>3rd Quartile</th>
<th>4th Quartile</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1.2%</td>
<td>2.3%</td>
<td>2.1%</td>
<td>2.4%</td>
<td>2.1%</td>
</tr>
<tr>
<td>2013</td>
<td>1.4%</td>
<td>2.5%</td>
<td>2.4%</td>
<td>2.3%</td>
<td>2.2%</td>
</tr>
<tr>
<td>2014</td>
<td>2.0%</td>
<td>2.5%</td>
<td>2.3%</td>
<td>2.1%</td>
<td>2.3%</td>
</tr>
<tr>
<td>2015</td>
<td>2.9%</td>
<td>2.8%</td>
<td>3.1%</td>
<td>2.7%</td>
<td>2.9%</td>
</tr>
<tr>
<td>2016</td>
<td>2.6%</td>
<td>3.1%</td>
<td>3.0%</td>
<td>3.0%</td>
<td>3.1%</td>
</tr>
<tr>
<td>2017</td>
<td>4.2%</td>
<td>3.4%</td>
<td>3.3%</td>
<td>3.3%</td>
<td>3.5%</td>
</tr>
<tr>
<td>2018</td>
<td>3.8%</td>
<td>3.1%</td>
<td>3.0%</td>
<td>3.0%</td>
<td>3.2%</td>
</tr>
<tr>
<td>2019</td>
<td>4.4%</td>
<td>3.1%</td>
<td>3.6%</td>
<td>3.1%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2020</td>
<td>4.6%</td>
<td>3.6%</td>
<td>3.3%</td>
<td>3.1%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2021</td>
<td>4.1%</td>
<td>3.4%</td>
<td>3.5%</td>
<td>3.0%</td>
<td>3.5%</td>
</tr>
<tr>
<td>2022</td>
<td>6.4%</td>
<td>5.3%</td>
<td>4.1%</td>
<td>3.5%</td>
<td>4.7%</td>
</tr>
</tbody>
</table>

- **1st Quartile**: All earners making less than $36,452/year
- **2nd Quartile**: All earners making between $36,452 and $53,924/year
- **3rd Quartile**: All earners making between $53,924 and $85,020/year
- **4th Quartile**: All earners making more than $85,020/year

The median MDPU household falls into the 2nd quartile.
we welcome your comments and questions.
Subject
Action Report

Recommendation
Staff recommends that the Mayor and Council review and comment on the Action Report.

Attachments
Attachment 16.A.a: Action Report Updated 061722  (DOCX)

Rob DiSpirito, City Manager  6/21/2022
**Blue** - new items to the list.

**Red** - latest changes.

**Green** – items proposed to be closed and removed.

Mayor and Council Action Report

<table>
<thead>
<tr>
<th>Topic</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Supervisors of Elections Increase from Five to Seven Members</td>
<td>Mayor and Council requested a discussion of increasing the membership of the Board of Supervisors of Elections from five to seven.</td>
</tr>
<tr>
<td>False Police Reports</td>
<td>Mayor and Council requested a discussion of false Police reports. False reporting has long been codified in Maryland Criminal Code (Criminal Law, Title 9).</td>
</tr>
<tr>
<td>Local Preference Procurement Approach</td>
<td>Mayor and Council requested a discussion of a local preference procurement approach.</td>
</tr>
<tr>
<td>Retirement Incentive/Employee Buyout Program</td>
<td>Staff will provide information about employee buyout programs and discuss the potential for a Rockville program.</td>
</tr>
<tr>
<td>Discussion and Instruction on Small Cell Antennas</td>
<td>Mayor and Council requested a discussion and instruction agenda item on small cell antennas.</td>
</tr>
<tr>
<td>Historic Resources Work Plan Presentation and Discussion</td>
<td>A 10-Year work program for Historic Preservation was discussed at the February 8, 2021 meeting, where the Mayor and Council provided feedback. Staff will return with the updated work program for a Presentation and Discussion on a Historic Preservation workplan on September 19, 2022.</td>
</tr>
</tbody>
</table>
### Ref. # 2014-23  
#### Meeting Date 9/8/11  
#### Staff/Dep R&P  
#### Response Method Future Agenda  
#### Direction to Staff / Action Taken / Status **King Farm Farmstead**  
**Status:**  
**King Farm Farmstead Fire Suppression** - Design for water infrastructure – The WSSC HPA (step one in the approval process for water infrastructure) has been approved and City staff and the consultant are responding to the first review comments regarding the design of the water infrastructure. Design of fire suppression concept is complete. On December 13, 2021, Mayor and Council directed staff to proceed with the construction of the water and sewer line and electric infrastructure. ARPA funds will be used to increase the budget by $650,000 for the water and sewer and line and $450,000 for the electric infrastructure. The additional funds were approved by Mayor and Council within the FY22 budget amendment on January 10, 2022. Staff and the City’s engineering consultant design team continue to work through the development review process and WSSC approval process. Once permits are approved the project will be bid for construction.

**Real Estate Market Analysis Report** – The consulting firm of Partners for Economic Solutions (PES) presented their report to the Mayor and Council at their April 4, 2022 meeting. A **continuation of the Mayor and Council’s discussion of the report is scheduled for July 18, 2022.**

**Parking Lot** – Included in the Annexation Agreement with EYA (developer of the King Buick property) is the design and construction of a 47-space surface parking lot on the King Farm Farmstead property. The Pre-Application area meeting (PAM) took place on March 22, 2022. The project is expected to go to the Historic District Commission for consideration at their meeting on June 16, 2022.

<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-23</td>
<td>9/8/11</td>
<td>R&amp;P</td>
<td>Future Agenda</td>
<td><strong>King Farm Farmstead</strong></td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Status:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>King Farm Farmstead Fire Suppression</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Design for water infrastructure – The</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>WSSC HPA (step one in the approval</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>process for water infrastructure) has</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>been approved and City staff and the</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>consultant are responding to the first</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>review comments regarding the design</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>of the water infrastructure. Design of</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>fire suppression concept is complete.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>On December 13, 2021, Mayor and Council</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>directed staff to proceed with the</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>construction of the water and sewer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>line and electric infrastructure. ARPA</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>funds will be used to increase the</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>budget by $650,000 for the water and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>sewer line and $450,000 for the electric</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>infrastructure. The additional funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>were approved by Mayor and Council</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>within the FY22 budget amendment on</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>January 10, 2022. Staff and the City’s</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>engineering consultant design team</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>continue to work through the development</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>review process and WSSC approval</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>process. Once permits are approved the</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>project will be bid for construction.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Real Estate Market Analysis Report</strong> –</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The consulting firm of Partners for</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Economic Solutions (PES) presented their</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>report to the Mayor and Council at their</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>April 4, 2022 meeting. A **continuation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>of the Mayor and Council’s discussion of</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>the report is scheduled for July 18,</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2022.**</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Parking Lot</strong> – Included in the</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Annexation Agreement with EYA (developer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>of the King Buick property) is the</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>design and construction of a 47-space</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>surface parking lot on the King Farm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Farmstead property. The Pre-Application</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>area meeting (PAM) took place on March</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>22, 2022. The project is expected to go</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>to the Historic District Commission for</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>consideration at their meeting on June</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>16, 2022.**</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015-14</td>
<td>7/13/15</td>
<td>CMO</td>
<td>Future Agenda</td>
<td><strong>Purchasing Study Response</strong></td>
<td>Late spring/summer 2022</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Status:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>An update on the Procurement Action Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>was shared on August 3, 2020. An MFD and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Procurement Action Plan Update was</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>provided on September 27, 2021. The next</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>update is scheduled for late spring/summer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2022.**</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-12</td>
<td>9/26/16</td>
<td>HR</td>
<td>Email</td>
<td><strong>Provide a Vacancy Report to the Mayor and</strong></td>
<td>Monthly</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Council on a monthly basis.**</td>
<td></td>
</tr>
<tr>
<td>Ref. #</td>
<td>Meeting Date</td>
<td>Staff/ Dep</td>
<td>Response Method</td>
<td>Direction to Staff / Action Taken / Status</td>
<td>Timeline</td>
</tr>
<tr>
<td>--------</td>
<td>--------------</td>
<td>------------</td>
<td>----------------</td>
<td>------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The April report was provided on agenda at the May 16, 2022 meeting. The May 2022 report will be provided by email in June, 2022. The June 2022 report will be provided on agenda on July 18, 2022. The July 2022 report will be provided via email in August 2022. The August report will be on-agenda on September 19, 2022. The September report will be provided via email in October 2022. The October 2022 report will be provided on agenda on November 17, 2022.</td>
<td></td>
</tr>
<tr>
<td>2016-16</td>
<td>10/10/16</td>
<td>DPW</td>
<td>Future Agenda</td>
<td>Global Issues on BRT Schedule another discussion on BRT with the City of Gaithersburg and Montgomery County, to include broader issues such as governance and finance. Consider holding the meeting in Gaithersburg. Status: County staff presented an update on the Veirs Mill Rd/MD 586 project to the Mayor and Council on November 2, 2020. County transportation is determining a recommended alternative for design of the MD 355 route. Montgomery County made an update presentation to the Mayor and Council regarding MD 355 BRT May 16, 2022.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>2016-18</td>
<td>10/24/16</td>
<td>PDS</td>
<td>Email</td>
<td>FAST – Faster, Smarter, More Transparent (Site Plan/Development Review Improvements) Provide regular updates on the status of the work. Status: A FAST update was provided to the Mayor and Council on November 18, 2019 followed by email updates in October 2020 and March 2021 as an alternative to a Mayor and Council Agenda Item. Phase 1 FAST Zoning Updates - Staff has drafted the proposed changes and presented to the Planning Commission on May 26, 2021 who recommended in favor of the amendments. The Mayor and Council held a public hearing on June 21, D&amp;I on July 12, 2021 and further discussion on September 13, 2021 on the modifications, which include: • Allowing concurrent reviews of development applications during annexation. • Allowing for the abandonment of previous development approvals and providing a process for an alternate development proposal on a site. • Establishing a streamlined approval process for non-residential redevelopment within the city’s commercial corridors and for minor site improvements in general.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Ref. #</td>
<td>Meeting Date</td>
<td>Staff/Dep</td>
<td>Respons Method</td>
<td>Direction to Staff / Action Taken / Status</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>--------------</td>
<td>-----------</td>
<td>----------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Defining additional improvements that may be classified as minor site plan amendments</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Provision of a new research and development use and associated regulations, to be established in certain non-residential zones.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Clarifying street connection requirements in the mixed-use guidelines.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Modifying the definition of a demolition to include the removal of more than 50% of a building’s floor area or substantial reconstruction.</td>
<td></td>
</tr>
</tbody>
</table>

Staff prepared additional information as requested by Mayor and Council. On October 4 and 18, 2021 the Mayor and Council provided direction to staff, and an ordinance to approve the zoning text amendment that includes changes requested by the Mayor and Council was approved on October 25, 2021. Since adoption, staff has met internally to review and update processes to align with the new code and is developing guidance documents for applicants to ensure that they are aware of the updates. Staff developed outreach to inform the business and development community of the changes. Outreach began at the FAST forum on May 11, 2022.

**MyGovernmentOnline (MGO) Implementation** - MGO is a comprehensive system for case management, web-based submittals, payments, digital plan review, and inspections. The first phase launched on October 25, 2021 and included all permits related to building, fire protection, and trades as well as associated trade licenses. PDS staff has worked with MGO and IT staff to collaborate on developing workflows for the system and improving processes at the same time. The system for online payments has been set up and tested with Finance. Staff has worked with PIO to announce the date and changes, including hosting two webinar sessions for users. Each session had over 40 attendees. Since going live, staff and MGO have worked together to address challenges that have arisen, and staff continues to work with MGO to improve user experiences and optimize workflows. A breakout session at the FAST forum discussed MGO in more detail. In addition, staff has worked with MGO on improving the public search feature to provide more transparency and information about permits to the public. Future phases later this year and early next year will include development projects (site plans, plats, variances, etc.), additional licenses, public works permits, and more.
### Trees per Lot ZTA

At its February 28, 2022 meeting, the Mayor and Council approved text amendment application TXT2020-00256, to amend the tree lot requirements found in the subdivision regulations. The previous lot tree requirement was a one-size-fits-all standard that didn’t recognize the differences between various types of residential lots such as detached, attached, or semi-detached. As a result, certain development types may have been disproportionately impacted.

The approved amendment promotes equity across various types of residential developments by creating an adaptable lot tree requirement that recognizes those differences. Furthermore, the approved amendment recognizes the need for sustainable urban forestry outcomes by establishing a minimum planting space, a native species requirement as recommended by the city’s Environmental Commission, supplemental planting requirements, and recognizing existing trees as viable candidates for on-lot preservation. Since adoption, staff has begun developing a native plant list for City of Rockville.

### FAST Forum

A FAST virtual forum was held on May 11, 2022. Staff gave a recap of the accomplishments of the previous year, including updated code requirements, the launch of MGO, and changes to Public Works codes and processes. A variety of breakout sessions allowed the public to provide feedback on permitting, development processes and standards, and MGO.

### 2017-6

<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Respons e Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-6</td>
<td>2/27/17</td>
<td>CMO</td>
<td>Email</td>
<td>Minority-, Female- &amp; Disabled-Owned Businesses Provide updates on the Procurement Division’s activities to engage and support minority-, female- and disabled-owned businesses.</td>
<td>Late Summer/Early Fall 2022</td>
</tr>
</tbody>
</table>

**Status:** The MFD Report for FY19 and FY20 was shared with the Mayor and Council by email on May 1, 2020. A Mayor and Council Agenda Item on October 19, 2020 provided a forward-looking discussion of the City’s MFD outreach program, including program metrics, program successes, potential program adjustments. MFD and Procurement Action Plan Updates were provided on for September 27, 2021. The next update is scheduled for late summer/early fall 2022.

### 2018-1

<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Respons e Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-1</td>
<td>1/22/18</td>
<td>Finance</td>
<td>Action Report</td>
<td>Utility Billing System Provide updates on the replacement of the Velocity Payment System, powered by Govolution.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

**Status:**
The new payment portal went live on January 11, 2021. All customers have been sent mail informing them of the new account numbers so they can use the new vendor Invoice Cloud. The new payment portal opened the week of January 25, 2020. Staff recommends this item be closed. Mayor and Council please provide staff with direction. The implementation of the Impresa system and Invoice Cloud (online portal) was successful. While there were some back-end issues, none impacted services to customers. For the customers billed thus far, a third have paid their water bill through one of the Invoice Cloud’s services. Once the system has been fully acclimated, a reduction in cost should be seen FY22. We are currently looking at options on incentives for customers to sign-up for paperless billing and also adding a round up feature to one of the programs when paying a utility bill. Currently, the Invoice Cloud dashboard allows customers to pay a water bill or donate to one of our City programs – they can do both using the shopping cart feature. It will take approximately two full billing cycles (Jan – March and April – June) and interactions with customers before staff is able to offer relevant statistics related to online usage, and round up rates, etc. The system has been through two full billing cycles and is fully stabilized.

After the implementation of the new rate structure, the programming for the round up feature was developed. Staff is currently working on setting up a testing environment with Harris and Invoice Cloud. Before the round up feature can be introduced to the public, testing needs to be conducted with both Harris and Invoice Cloud on the features and import file. Once staff has validated the round up feature, it should be available in summer 2022.

2018-7 6/18/18 CMO Agenda Item LGBTQ Initiatives

Identify and implement Mayor and Council suggestions.

Status: The Adopted FY21 budget includes a new family/gender neutral bathroom at Dogwood Park, to be constructed in FY22. The Human Rights Campaign 2020 Municipal Equality Index results were issued in December 2020. Rockville scored 110/100 on the scorecard, netting 10 bonus points for its services to LGBTQ youth, homeless people, elders and members of the transgender community. The LGBTQ community has been included in the Mayor and Council’s ongoing work on social justice, racism and bias. A proclamation declaring June 2021 as LGBTQ month was issued at the June 7, 2021 meeting. Two PRIDE pre-recorded events were aired on the City’s YouTube channel on June 26th. The events included conversations on shared
experiences, support services resources, DIY art demonstration, and pre-
recorded musical performances by local students and community member
musicians, and the Gay Men’s Choir. At the September 13, 2021 meeting, the
Mayor and Council adopted a resolution titled "Hate Has No Place Here:
Condemning and Denouncing All Hate and Hate-Motivated Violent Actions
in the City of Rockville to denounce hate against all groups, including the
LGBTQ community. The Recreation and Parks Director provided an update
on the status of all-gender restrooms on November 15, 2021. Staff modified
the signage for the two restrooms in the Twinbrook Community Center
Annex by changing the signage for the 2 restrooms from boys and girls to all-
gender and added locks to the bathroom doors. A gender-neutral bathrooms
resolution has been scheduled for the June 27, 2022 meeting.

Rockville will celebrate Pride Month in June 2022. A Proclamation was
issued by the Mayor and Council at the June 6, 2022 meeting. Rockville’s
Human Rights Commission will celebrate the sixth annual Rockville Pride
with two events. A virtual event was held Sunday June 5, 2022. A celebration
in Rockville Town Square Park from will be held from 2-4 p.m. Sunday, June
26, 2022.

<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Role</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-8</td>
<td>6/18/18</td>
<td>CMO/RCPD/R&amp;P/HCD</td>
<td>Town Meeting</td>
<td>Rockville Goes Purple</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

Status: A Proclamation Declaring September 2022 as National Recovery Month is scheduled for August 1, 2022. A Rockville Goes Purple Update is also scheduled for the July 18 meeting.

Prior history:

A proclamation declaring September 2021 as National Recovery Month was approved on August 2, 2021 and a Rockville Goes Purple Update was provided at the August 2, 2021 meeting.

- The kick-off event was held on September 13, 2021 at City Hall at 5:45 pm and was broadcast on Rockville 11.
- The Mayor and Council hosted a virtual WebEx, on 6 p.m. Saturday, Sept. 18, to discuss the HBO documentary, “The Crime of the Century,” with guest Jonathan Novak, a former DEA attorney who took part in the documentary.
- Other events included a drug take-back day, 10 a.m.-2 p.m. Saturday, Sept. 18 at the Rockville City Police Department, and trainings in the opioid overdose reversal drug Narcan at noon.
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-11</td>
<td>8/1/18</td>
<td>PDS</td>
<td>Agenda Item</td>
<td>Neighborhood Shopping Centers&lt;br&gt;Discuss mechanisms to encourage neighborhood shopping center revitalization and explore additional zoning and uses. Staff, REDI and the Rockville Chamber of Commerce met in January 2021 to discuss the research necessary to eventually bring this item forward. A Mayor and Council discussion on Incentivizing Shopping Centers was held on June 6, 2022. Staff will be returning to the Mayor and Council later this year in the fall of 2022 to report on the subsequent follow-up actions related to the initiatives as endorsed by the Council, and will also provide a briefing on any input received from the business community.</td>
<td>Fall 2022</td>
</tr>
</tbody>
</table>

| 2018-15 | 10/8/18      | PDS       | Future Agenda  | Short-Term Residential Rentals<br>Discuss how to manage short-term residential rentals’ (e.g., Airbnb) impact on city neighborhoods and explore options for taxing users. | July 22, 2022 |

Tuesday, Sept. 14 and 6 p.m. Another Narcan training is planned for Tuesday, Sept. 28.<br>
- To learn more about the Rockville Goes Purple campaign, visit [www.rockvillemd.gov/rockvillegoespurple](http://www.rockvillemd.gov/rockvillegoespurple).

The final component of the 2020 National Recovery Month activities is the release of a Rockville 11 interview with Rona Kramer, State Secretary of Aging, on opioids and older adults. View the special at: [https://youtu.be/NoksgFBBY7I](https://youtu.be/NoksgFBBY7I).
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-19</td>
<td>10/15/18</td>
<td>CMO</td>
<td>Future Agenda</td>
<td>Volunteer Program Updates</td>
<td>July 2022</td>
</tr>
</tbody>
</table>

**Status:**

The next update will be provided in July 2022. On February 1, 2022 staff sent an email to the Mayor and Council that included a recorded Volunteer Program and Process Update report on the first semester FY22 that was posted on You Tube. Also included was the staff report and attachments.

**Prior history:**

A report on the number of volunteers and volunteer hours for the first half of FY20 was provided on the January 13, 2020 agenda. On November 2, 2020, staff provided an FY20 volunteer update and discussion of strategies to increase volunteerism. Staff is working with the CC/DCO to create content protocols for the Board and Commission web pages using recommendations from the BCTF as a guide. Staff shared work plan with goals and timelines for the volunteer program with the Mayor and Council. An update was provided at the May 10, 2021 Mayor and Council meeting. Updates are provided every six months.

**Status of volunteer appreciation:**

In the fall of 2021, with the assistance of Rockville Channel 11, a thank you volunteer video featuring the Mayor and Council was produced to thank all Rockville volunteers. This video was shared in late November 2021 using multiple channels including, Channel 11, social media, Rockville Reports, Rockville Reports online, email to civic organizations and other religious and nonprofits, and an email list of past and current volunteers, including boards and commissions.

**Annual Volunteer Recognition:**

In July 2021, the Mayor and Council postponed the Volunteer Appreciation Party to the Spring 2022. Subsequently, the annual volunteer recognition event organized by Special Events for the spring 2022 was moved to the Fall of 2022. Initially, the Good Neighbor award was going to be part of this larger event. For 2022, the Good Neighbor awards ceremony will be held in July separate
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>from the annual volunteer recognition. In 2023, both will be combined into one event.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Status of employee appreciation event: Human Resources has explored the option of holding a virtual employee appreciation event by the end of February 2022. The City Manager and HR Director recommended that it is best to hold the event at a time where all can comfortably attend in person. December has been when this event was held in the past, and that is our plan for this year.</td>
<td></td>
</tr>
</tbody>
</table>
Prior history: On April 20, 2020, the Mayor and Council discussed potential revisions to the development standards for accessory structures. The Mayor and Council directed staff to conduct additional neighborhood outreach to educate and inform residents of the proposed changes and to bring back the item for discussion and instruction. Discussion and instruction on Accessory Buildings and Accessory Dwelling Units was held at the November 16, 2020 Mayor and Council meeting. The Mayor and Council directed staff to conduct comprehensive outreach to hard-to-reach neighborhoods and all HOA and community associations. Staff promoted information broadly that explained the topic in a very clear and easy to understand manner. Staff held three WebEx community meetings and received a number of comments from the participants. A summary of the comments was provided to the Mayor and Council as part of the May 10, 2021 public hearing agenda item materials. At the public hearing, four speakers spoke in favor of allowing ADU’s, while four speakers were opposed. At the hearing on accessory building standards, two speakers expressed detailed comments on certain aspects of the text amendment. At the May 23, 2022, D&I, the Mayor and Council directed staff to proceed with a draft ordinance for adoption of the accessory building text amendment, directed staff to separate accessory apartments into its own text amendment for authorization and expedited processing, and directed that the ADU text amendment be reauthorized and to conduct additional outreach on the revised version.
<table>
<thead>
<tr>
<th>2019-2</th>
<th>2/25/19</th>
<th>R&amp;P/PDS/CMO</th>
<th>Future Agenda</th>
<th>RedGate Park Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Status:</td>
<td>Two community meetings were held on April 19, 2022 (virtual Webex) and April 23, 2022 (open house at RedGate park) to present the latest concept plan, poll members of the public and receive their input. The meetings were advertised on various city-associated websites and social media platforms. In case members of the public were unable to attend either of the meetings, the virtual meeting and poll have been posted on RedGate Park</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>and Engage Rockville and the poll will be available until May 31st. Staff is currently working on analyzing the public’s feedback and will continue until the end of May. The consultant is working on cost estimates for the park site and potential renovation of the clubhouse.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A Mayor and Council briefing is scheduled for July 18, 2022 at which staff and the consultant will present the refined concept, cost estimate, and community feedback.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Prior History:</td>
<td>On February 7, 2022, staff and the project consultant presented three park site alternatives to the Mayor and Council during a RedGate project briefing. The Mayor and Council provided staff input and direction on preferred park amenities and alternative. Since the briefing, staff and the consultant have convened to produce a refined site plan based on the input and direction from the Mayor and Council. Two community meetings were held on April 19, 2022 (virtual) and April 23, 2022 (open house). The meetings were advertised on various city-associated websites and social media platforms. The virtual meeting is available for viewing on EngageRockville.com At these two community meetings, engaged the public and presented the refined concept to seek additional feedback from the community. A cost estimate, meant to accompany the refined site plan, was developed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The public process for RedGate Park was announced under the City Manager’s report on March 22, 2021 at the Mayor and Council meeting. Through a video message, residents were invited to visit the project website to complete a survey on what types of activities and facilities they would like to see at RedGate Park. There were also opportunities for commenting through the website so that individuals could choose the format they are most comfortable using. Informed by the survey and best practices, three site concepts that display different alternatives for RedGate Park were shared with the public in winter of 2021, to help further guide the discussion of both what should be at RedGate Park, and where those uses should be located</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>July 18, 2022</td>
</tr>
</tbody>
</table>

A-12
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-4</td>
<td>3/25/19</td>
<td>PDS</td>
<td>Future Agenda</td>
<td>Special Districts, including Business Improvement Districts (BIDs), Tax Increment Financing (TIF), Arts &amp; Entertainment Districts</td>
<td>TBD</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Status: The Mayor and Council discussed various options on 1/4/21 and decided to pursue an Arts &amp; Entertainment district. Staff, in partnership with REDI and other stakeholders, will return to the Mayor and Council to discuss options for a formal State designation and for locations to promote. At the July 19, 2021 meeting, the Mayor and Council approved a resolution designating the Rock East District area within the East Gude Drive corridor in Rockville in response to a request from REDI. On October 18, 2021, the Mayor and Council presented a Rock East District certificate of recognition to the Executive Director of REDI. Staff will return in the future, along with REDI, to discuss the concept of applying to the State for designation as an Arts &amp; Entertainment District, perhaps focusing on Town Center. Approval was given in the adopted FY23 Budget for the Culture, Arts, and History position. It is recommended for that staff person to take the lead on the Arts and Entertainment District focusing on Town Center.</td>
<td></td>
</tr>
<tr>
<td>Ref. #</td>
<td>Meeting Date</td>
<td>Staff/Dep</td>
<td>Response Method</td>
<td>Direction to Staff / Action Taken / Status</td>
<td>Timeline</td>
</tr>
<tr>
<td>--------</td>
<td>--------------</td>
<td>-----------</td>
<td>-----------------</td>
<td>------------------------------------------</td>
<td>----------</td>
</tr>
</tbody>
</table>
| 2019-7 | 4/1/19       | R & P     | Future Agenda   | Early Childhood Education and Child Care Services Discuss city provision of early childhood education services (history of the current program, community need for the service, private sector market, expansion to additional Rockville locations) and future services. 

**Status:** To prepare for the discussion, staff will obtain the results of a childcare user survey conducted for Montgomery County’s Early Childhood Coordinating Council (ECCC) and will incorporate information requested in recent conversations with the Mayor and Council. The Mayor and Council approved the delay on January 4, since the County has not yet released the survey results. Staff obtained survey results from the Commission for Women and the County’s ECCC and is analyzing them in preparation for the April 5, 2021 discussion. At the April 5, 2021 Mayor and Council meeting, Mayor and Council discussed Early Childhood Education with seven panelists that have various early childhood education perspectives. Staff is working on the next steps and requests for information that came from the meeting and will follow up with responses. Staff will continue to monitor opportunities for Mayor and Council to promote and advocate for quality childcare. The City has developed a “Child Care Reference and Links” webpage to direct parents and providers to county, state, and non-profit resources. The webpage gives parents links to childcare location services, subsidy programs. Providers can see links to opportunities from the county and state. An update will be provided to the Mayor and Council at a meeting in January 2022 similar to the April 21, 2021 meeting to include early childhood education panelists from the County and State. The staff has already begun working on the report. When a specific date is identified in the winter of 2022 it will be shared with the Mayor and Council. A memo providing an update on the status of childcare with be forwarded to the Mayor and Council. | Spring 2022 |
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/ Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| 2019-10 | 4/1/19       | HR         | Email          | Personnel Policy and Procedures Manual Update  
Share an update on the status of this effort.  
Status:  
On May 9, 2022, the City Manager sent the Mayor and Council an email outlining a new process for the updated City Personnel Policy Manual. The City Manager will submit a summary of the recommended modifications to the PPM document that will be provided to the Mayor and Council by September 1, 2022.  
Prior History:  
Status: In follow up to the Feb. 24, 2020 presentation of the updated PPM, the Mayor and Council held a discussion on November 19, 2020. The discussion included the development of a Rockville parental leave program. Parental leave and RIF policy items have been discussed and have their own separate entries on this report. | September 1, 2022 |
| 2019-12 | 4/1/19       | Police     | Future Agenda  | Parking Enforcement at Street Meters  
Share an overview of Rockville’s current program and how other local jurisdictions handle parking enforcement at street meters, including hours of enforcement.  
Status: Town Center parking meter spaces have been signed as 15- minute curbside pick-up, and a system for improved food pick-up is in place in Town Square to support food service establishments. The Police Department intends to move forward with the implementation of Smart Meters in FY22, should the Mayor and Council provide approval through the FY22 budget process. An agenda item regarding Citation Fees and Fines, which includes items related to parking, was held May 3, 2021. Staff will return to the Mayor and Council with answers to questions, additional information, and a modified parking fine fee structure based on Mayor and Council feedback.  
Introduction of an Ordinance to Amend Chapter 23 of the Rockville City Code Entitled “Traffic” So as to Increase the Fine Amount for Violations of Parking Restrictions Within Fifteen Feet of a Fire Hydrant; Parking Restrictions Within the Lane Markings, or Signs, designating a Fire Lane; and Parking Restrictions in Designated Handicapped Parking Spaces occurred on June 14 and adoption occurred on the June 21 meeting. The Police Department Parking Related Citation Fines Ordinance introduction and adoption occurred on October 18, 2021. Once the fee adjustments are Complete |
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-19</td>
<td>12/16/2019</td>
<td>Appointed Officials</td>
<td>Worksession</td>
<td>approved, public outreach was conducted to educate residents on the rationale for the changes through Rockville Reports and other City communication channels.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

**Staff Recommendations on the Priorities of the Boards and Commissions Task Force Report**

Continue the Mayor and Council’s discussion of the Boards and Commission Task Force (BCTF).

Status: The Mayor and Council discussed the Task Force’s report and next steps on July 6, 2020. The Mayor and Council directed the three appointed officials to return on agenda, on November 23, 2020 with specific updates and responses to the recommendations in the report and an action plan for next steps. The Mayor and Council also discussed recruitment of volunteers for boards and commissions during the November 23 Agenda Item on new boards and commissions. On May 17, 2021 staff presented the Appointed Officials Proposed Policies and Procedures Guidelines – BCTF Recommendation for Mayor and Council discussion and instructions, and possible adoption. This included an update on the status of recommendations included in the November 23, 2020 staff report. Discussion, and Instruction, and Possible Adoption - Appointed Officials’ Proposed Policies and Procedure Guidelines - BCTF Recommendations was approved on November 1, 2021. The “Guidelines and Procedures Handbook” will be provided to every member of the City’s Board, Commissions, Committees and Task Forces. There will be planned training sessions scheduled for both members and staff liaisons. The CC/DCO started process of updating the training for each board or commission and scheduling annual meetings with the Mayor and Council on work plan, goals, accomplishments, and new member training and orientation materials.
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| 2020-02 | 3/18/2020 | CAO | Future Agenda | **5G Wireless Technology**  
Status: On March 18, 2020 and May 11, 2020, the Mayor and Council discussed and introduced Zoning Text Amendment TXT2019-00251 on regulating the Installation of Small Cell Antennas. Staff is researching topics and questions raised by the Mayor and Council prior to scheduling adoption of the Ordinance. In addition, the FCC has issued another order which requires that this text amendment be modified prior to adoption. Staff is currently evaluating what changes must be made. It is likely that the text amendment may be modified significantly and would require beginning the public review process again. The CAO has hired an outside attorney who is assisting with the ordinance rewrite. The date is to be determined by the Mayor and Council as to when this will appear on the meeting agenda. City engaged Best, Best and Krieger (BB&K) to provide advice and edits on the zoning text amendment TXT2019-00251 for 5-G/small cell installations. The firm completed its review and edits. Due to staffing changes in both PDS and the CAO, current staff has begun evaluating the firm’s work and assessing how best to move forward on BB&K’s suggested changes to the text amendment. | TBD |
| 2020-03 | 1/13/2020 | DPW | Future Agenda | **Climate Change Efforts**  
Brief the Mayor and Council on City efforts related to climate change.  
Status: On January 10, 2022, the Mayor and Council adopted the resolution and approved the Climate Action Plan. The Mayor and Council also adopted the resolution to Transition the City On-Road Fleet to Cleaner and More Efficient Fuel Sources. Staff will provide an annual Climate Action Report to the Mayor and Council to report progress on the Plan initiatives. | Next Report January 2023 |
Affordable Housing Goals
Discuss Rockville’s strategy to meet the affordable housing goals established by the Metropolitan Washington Council of Governments (COG).

Status: Multiple Future Agenda Items have been explored related to a variety of strategies to meet affordable housing goals. Some of the work is complete and updates are provided below. This work includes adjustments to the City’s Moderately-Priced Dwelling Unit (MPDU) program, tax exemptions for affordable housing, fees and other subsidized housing programs. Staff will explore with the Mayor and Council other barriers to affordable housing by reviewing the zoning ordinance, identifying developable and under-utilized parcels, and seeking additional affordable housing funding opportunities and tools. To inform the Future Agenda Items, staff will conduct public forums to solicit feedback on strategies.

The City’s Homeowners Tax Credit Program and the County’s Senior Tax Credit Program was included in the Mayor and Council’s budget survey and other materials during the first FY22 Budget Worksession on November 9, 2020. Mayor and Council held a work session on housing matters at its February 22, 2021 meeting. The specific discussion items included MPDUs Affordability Restriction period, Senior Tax Credits, Employer-Assisted Housing, and Incentives in Exchange for More Affordable Units. The next steps will include additional research related to help further the discussion on the senior tax credit. The items to be researched will include current assessed value of Rockville homes, reaching out to the County about pursuing changes to the County’s program; additional data from SDAT. Staff will also reach out to Gaithersburg about their homebuyer assistance program to learn about funding levels, staffing levels and other pertinent program information. The Mayor and Council received the 2040 Comprehensive Master Plan on March 15, 2021 for review. The 2040 plan included consideration of missing middle housing.

Voluntary Rent Guidelines (and MPDU Rent and Income Schedule)—A resolution was approved by Mayor and Council on April 12th allowing for 1.4% increase.

MPDU Declaration of Covenants and Restrictions (Rental) – Staff also developed a system for tracking rental MPDU expiration dates (there are about 900 units with different expiration dates) that was discussed on agenda on February 22, 2021. The Mayor and Council were provided with a spreadsheet showing the expiration dates of the Declaration of Covenants and Restrictions for each development containing rental MPDUs. M&C would like to explore extending changes the current 30-year MPDU affordability period to 99 years.
Staff brought forth to the Mayor and Council recommended amendments to the City Code Chapter 13.5 (MPDU Ordinance) and the implementing regulations on November 8, 2021. Please see related text below.

**Standardizing MPDU Set-Aside**

Staff previously brought forth to the Mayor and Council a concept discussion of standardizing the MPDU set-aside requirement to 15% throughout the city regardless of zoning designation (some areas of the city only require 12.5%). The Mayor and Council directed staff to take the next steps, which was to include hosting a public forum for feedback followed by redline revisions to the MPDU ordinance and regulations. Staff brought forth the redlined revisions to the Mayor and Council for consideration. A public hearing is not required for MPDU code updates. On November 8, 2021, the Mayor and Council introduced proposed amendments, including standardizing the set-aside requirement to 15% throughout the city. The Mayor and Council elected to held public hearing on December 6, 2021. Other proposed amendments include the following:

- Establishing a 99-year control period for certain rental MPDUs;
- Applying the in-lieu fee formula applicable to lifecare facilities to senior or special needs housing with services;
- and clarifying restrictions on the re-sale of certain MPDUs.

The Mayor and Council approved the following modifications to Chapter 13.5 on December 20, 2021:

- Establish a 99-Year Control Period for certain rental MPDUs;
- Uniformly Apply a Fifteen Percent (15%) MPDU set-aside Requirement for developments of 50 or more units;
- To clarify restrictions on the re-sale of certain MPDUs; and
- Update the name of the implementing department.

The Director of Housing and Community Development is reaching out to the Mayor and Council to ascertain the next steps regarding the application of the In-Lieu Fee formula currently only applicable to Lifecare Facilities for contributions to the Moderately Priced Housing Fund, in lieu of providing MPDUs to Senior or Special Needs Housing with Services uses. The Mayor and Council asked that this item come back to the governing body for further discussion and consideration.

The developer is no longer considering in-lieu fee option. The developer will provide affordable units onsite. The developer will provide its proposal for Mayor and Council approval at date yet to be determined.
### Annual MPDU Updates

- **Per Mayor and Council request at the March 15, 2021 budget work session, HCD will provide an annual report on MPDU activities—MPDUs sold (including resales), foreclosed, and delivered, and units that age out of the program annually starting in 2022.**

### Employee Homeownership Assistance Program

- This was discussed at the February 22, 2021 Housing Work Session. Staff shared that a follow-up memo will be circulated to the Mayor and Council with recommended strategies for consideration. The City Manager circulated a follow-up memo with Mayor and Council on 3/21/2021. The memo provided an overview of Gaithersburg program and recommended a path to fund a similar (smaller scale) program for the City of Rockville. Staff awaits M&C direction for further action. On November 15, 2021, staff presented for discussion to the Mayor and Council follow-up information on Gaithersburg’s Employer-Assisted Housing Program and a draft employee survey. HCD deployed the survey over in the following weeks and keep it open for 30 days. The Mayor and Council received a presentation on the survey results at its March 21, 2022 meeting.

### MPDU Declaration of Covenants and Restrictions (Homeownership)

- The Mayor and Council requested that staff bring forth for Mayor and Council discussion concepts on shortened Moderately Priced Dwelling Unit (MPDU) Declaration of Covenants and Restriction for the homeownership component of the MPDU program. This was discussed in the context of a development proposal for the King Buick site and the potential for creating a feasible workforce product at the site. The concern is that the current 30-year control period on all MPDUs would make workforce units above 80% of AMI an unattractive purchase for buyers at the applicable sales prices and be subjected to restrictions of the MPDU Declaration of Covenants and Restriction. Staff will bring this item to the Mayor and Council at a time that works for Mayor and Council.

- **RHE PILOT request for 29 scattered site units. The Mayor and Council approved the PILOT agreement at its meeting on December 20, 2022.**

- At its May 2, 2022 meeting, the Mayor and Council approved the establishment of an RHE entity, RHE Foundation, Inc, a non-profit entity that will be able to accept monetary donations.
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Respons e Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| 2020-09 | 1/27/2020 | DPW       | Future Agenda    | Corridor Cities Transitway  
Provide background information to facilitate the current Mayor and Council taking an official position on the CCT route.  
Status: Discussion will be scheduled for a future Mayor and Council meeting. | TBD      |
| 2020-10 | 1/27/2020 | DPW       | Future Agenda    | I-270 widening  
Establish a strategy for negotiating with the State.  
Status:  
The Mayor and Council sent a letter to the Transportation Planning Board on April 29, 2022, with Comments for the 2022 Update to Visualize 2045. The Final Environmental Impact Statement (FEIS) is expected in mid-June of 2022. On May 6, 2022, a statement of the Mayor and Council was posted on Rockville’s I-495 & I-270 Managed Lanes project concerning a request for de minimis concurrence of 2.1 acres of Rockville parkland. The April 26, 2022 letter to the Federal Highway Administration, Maryland Division Administrator was also posted to the City’s web site page related to this issue. Prior History:  
Mayor Newton spoke at the public hearing on Sept. 10, 2020. The comment period on the DEIS was extended from Oct. 8 to Nov. 9. The Mayor and Council discussed the DEIS on October 26 and provided comments on the DEIS letter. The Mayor and Council approved the letter to MDOT on November 2, 2020. Councilmember Pierzchala forwarded an advocacy strategy to the Mayor and Council that was discussed at the December 7 meeting. Staff sent an email to the District 17 Delegation inviting them to attend a Mayor and Council meeting in January 2021, prior to the start of the State legislative Session, to discuss advocating in support of the City’s interests. At the December 14 meeting, the Mayor and Council provided direction to staff to research hiring outside expertise and counsel regarding I-270 widening and to take into consideration the four bullet points included in the summary provided by Councilmember Pierzchala. The Mayor and Council held a worksession to discuss potential outside consultant needs and other matters related to the I-495 & I-270 at their January 25, 2021 meeting. The Mayor and Council directed staff to develop a scope of work that included tasks, milestones, and costs for outside consultant expertise. Additionally, the City continued to coordinate with Don’t Widen I-270, Park and Planning, and Transportation Planning Board partners, as well as with | Ongoing |
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/ Dep</th>
<th>Respons / Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>other organizations who may have similar interests. On April 12, the Mayor and Council approved the Acting City Attorney to move forward with procuring a legal consultant to assist with the I-495 and I-270 Managed Lanes Project. MDOT/SHA and Federal Highway Administration (FHWA) published the Supplemental Draft Environmental Impact Statement (SDEIS) on 10/1/21 and comments were open until 11/15/21. Two MDOT/SHA virtual public hearing sessions are scheduled for 11/1/21. At the October 4 meeting the Mayor and Council approved that a letter would be sent to MDOT asking for the public comment process to be extended to at least 120 days. The letter from the Mayor and Council to MDOT/SHA and the Federal Highway Administration was sent on October 15, 2021. Under Old/New business at the November 8, 2021, meeting the Mayor and Council approved the City’s comments to MDOT/SHA regarding the I-270 &amp; I-495 Managed Lanes Study Supplemental Draft Environmental Comments. The approved SDEIS letter was sent to SHA/MDOT. On November 12, 2021, MDOT/SHA announced that the public comment period was extended to November 30, 2021.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>2020-08</td>
<td>1/27/2020</td>
<td>CMO/PDS/ Finance/ DPW</td>
<td>Worksession</td>
<td>Town Center Follow-up on Mayor and Council direction from the Town Hall meeting and Urban Land Institute (ULI) report. Status: A Mayor and Council discussion on the Town Center Initiative Update and Community Engagement was held on May 16, 2022. A Mayor and Council status update and discussion of Town Center initiatives was held on January 4, 2021. Parking – On July 12, 2021, Federal Realty changed the rate structure to permit the first two hours of parking to be free in the Town Square garages, without the need for validation. Town Center Road Diet – Study and report to Mayor and Council on suggestions in the TAP report and Mayor and Council’s discussion. Status: The consultant presented their analysis of N. Washington St and East Middle Ln to the Mayor and Council on October 5, 2020, when staff received direction on the preferred approach. That direction was amended on April 19, 2021. The project was approved in the FY22 CIP for design and construction funding. A design contract was awarded on September 7, 2021. A public meeting was held on December 2, 2021, to receive public input. Design was completed in April 2022. The construction bid was advertised and it is due on May 24, 2022.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
### Real Estate/Broker/Economic Assessment

In the context of the next update on the ULI recommendations, invite industry experts to dialogue on competitive challenges to Town Center.

- **Status:** REDI and city staff will continue to provide their professional insights on competitive challenges to Town Center. The Mayor and Council discussed Town Center on January 4, 2021. The Mayor and Council discussed the Town Center Initiative and Community engagement on May 16, 2022.
- **Staff believes that the retail economy is still emerging from the pandemic.**

### Undergrounding of Route 355

Revisit the information provided to the Mayor and Council, including community impacts, to formulate an official Mayor and Council position post COVID-19.

- **Status:** On August 2, 2021, the Mayor and Council adopted the Rockville 2040 Comprehensive Plan, choosing to retain the concept of undergrounding MD 355, with an elevated pedestrian promenade, as the City's long-term policy, as is indicated in the Town Center Master Plan. The WMATA study of the Rockville Metro Station will provide an opportunity to discuss that policy and how implementation would interact with the future plans for the station and Bus Rapid Transit.

### Community Engagement

On 1/4/21, the Mayor and Council directed staff to return with options for how to engage Town Center residents, business owners and other stakeholders. Two meetings on this topic were held with City staff across departments, as well as REDI and the Rockville Chamber. An agenda item discussion on the Town Center Initiative – Update on Community Engagement and Other Components was held on May 16, 2022. For additional information related to community engagement, please see the May 16 staff report. A virtual Town Center Community Forum is scheduled for June 28, 2022.

### The Future of Gibbs Street and E. Montgomery Avenue

In June 2020, the City closed Gibbs Street to vehicular traffic, to allow businesses and non-profit organizations to have expanded areas for outdoor seating and activities during the pandemic. The City did the same with E. Montgomery Avenue, between Maryland Avenue and E. Montgomery Avenue. Adjustments were made at various points to both streets, including improved entrance areas (through decorative planters), Federal Realty bringing enhanced street furniture to Gibbs, adjustments to how the furniture is arranged on Gibbs, and re-opening a portion of E. Montgomery Avenue to permit, on the south side, one lane of vehicular traffic and one parking lane (while still permitting a restaurant tent on the north side of the previously closed...
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
</table>
|        |              |           |                 | block). On July 1st, the Mayor and Council authorized that this arrangement be left in place until October 31, 2021. On October 1, 2021 the City Manager provided the Mayor and Council with a report on the status of Town Center Streeteries. While the City negotiates for a permanent agreement with FRIT, the City Manager extended indefinitely the temporary permits for outdoor seating on Gibbs Street. The long-term agreement will be brought as Consent Item in the future (TBD). The City Manager also maintained the current partial road closure on East Montgomery Avenue and will extend temporary outdoor dining permits in 6-month intervals to the World of Beer. The free, 15-minute on-street parking for curbside pickup will continue in designated spaces in Town Center. Staff adjusted the signage in the fall of 2021 to reduce confusion and provide better clarity for visitors. 

**Tax Incentives for Development** – on 1/4/21, the Mayor and Council asked that staff return to present potential options to encourage more residential development in Town Center, including through tax incentives. 

**Addressing maximum building heights in Town Center** – on 1/4/21, the Mayor and Council asked that staff provide options for increasing allowable building heights in certain locations in Town Center. This topic was discussed in the June 7, 2021 Rockville 2040 Comprehensive Plan work session and direction was provided to staff regarding how heights are discussed in the Planning Area 1 (Town Center) section of the plan. Introduction and Adoption of the Rockville 2040 Comprehensive Plan occurred on August 2, 2021. Further discussion will occur in the context of the Comprehensive Zoning Ordinance, which will implement the plan. |
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/ Dep</th>
<th>Respons e Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020-11</td>
<td></td>
<td>PDS</td>
<td>Future Agenda</td>
<td>Proposed Annexation of and Project Plan for 16200 Frederick Road (King Buick Property)</td>
<td>Completed</td>
</tr>
</tbody>
</table>

On November 23, 2020, the Mayor and Council directed staff to initiate the annexation process, through introduction of a resolution to expand the corporate boundaries (annexation). After the Planning Commission’s review and recommendation, including of the zoning for the parcel, the Mayor and Council held a public hearing on the proposed annexation on May 17th. On June 21st, the Mayor and Council reviewed testimony, introduced an ordinance to amend the zoning ordinance to apply an MXCD zone to the property, and provided instructions to staff to return for adoption of the annexation resolution and approval of the new zoning. Those actions were scheduled for October 4th. On September 13th, the Mayor and Council approved a proposed Annexation Agreement with the prospective developer, EYA, to establish parameters for the proposed development project. Also, EYA submitted a project plan application for the development project. The Mayor and Council approved the project plan with conditions, November 8, 2021. Staff recommends that this item be closed. Mayor and Council, please provide direction to staff.
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/ Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
</table>
Develop a public awareness campaign about the negative impacts of smoking generally, on people with underlying health conditions and on neighbors in multi-family residential communities.  
Status: The Mayor and Council discussed this topic on July 20, 2020. Throughout the month of November, the City conducted an information campaign describing the dangers of tobacco use and educating the Rockville community about where they can expect smoke-free environments, and what steps to take to be healthy and smoke-free. A proclamation for the Great American Smokeout was issued at the October 26 Mayor and Council meeting. A Healthy Rockville recognition program has been created for smoke-free multifamily housing.  
Next steps included sending letters to the business community reminding them of smoke-free laws. An accurate list of all restaurants has been developed, and the letter was sent in April 2021. Staff recommends that this item be moved to the completed section of the report. Mayor and Council, please provide direction.  
The Assistant Planning Director reached out to Federal Realty Investment Trust (FRIT) to make them aware of the issues with patrons not following the City’s No Smoking Ordinance in outdoor seating areas controlled by FRIT and requested that FRIT reach out to their tenants and remind them of the requirements. Staff has also requested that FRIT continue to remind patrons using public areas in the vicinity of the plaza that they must follow the City’s No Smoking Ordinance. Additional no smoking signage was installed on Gibbs Street. Staff recommends that this portion of the item also be considered as complete. Mayor and Council, please provide direction to staff. | Completed |
| 2020-16 | 6/1/20       | RCPD/HCD/ CMO | Future Agenda | Social Justice, Racism and Bias  
Prepare suggestions for Mayor and Council discussion of ways to further engage with and educate our community.  
Status:  
The DEI recruitment process has been completed and a candidate has been selected. The new ATCM DEI began on June 1, 2022. The ATCM DEI elect visited Rockville on May 3 and 4 and had the opportunity to meet with senior leadership and other key staff and members of the Mayor and Council. | Ongoing |
Prior history:

On June 22, 2020, the Mayor and Council discussed the Rockville City Police Department’s (RCPD) fair and impartial policing strategies. Frequently Asked Questions were posted online to educate the community. The Mayor and Council on November 16, 2020 approved the vision, purpose, and mission of a new Community Policing Advisory Board (CPAB) and directed staff to come back with a resolution to formally approve the establishment of the CPAB. The Mayor and Council approved the resolution to establish the CPAB on December 7, 2020.

The Community Policing Advisory Board began meeting in March 2021, the group has organized into four subcommittees to review data and statistics regarding calls for service within the city, the department’s policies and procedures, mental health and officer wellness as well as outreach and community engagement. The Board has had lengthy discussions regarding the agency’s budget – specifically reviewing if there is adequate funding for training and the types of training being offered to officers. There is an emphasis on ensuring RCPD is focused on crisis intervention and effective methods for de-escalation and dealing with those in mental crisis. Unfortunately, due to COVID-19, the Board has not been able to participate in community outreach events with RCPD and meet with the community to hear their thoughts and concerns; however, the Board has attended the Fair and Impartial Policing Training held this past summer. The Board has engaged in conversations with MCPS/Richard Montgomery High School in regards to the Community Engagement Officer role (formerly SRO’s) and if there is any action that needs to be addressed with the current structure of the program. The Board is also interested in focusing on ways to communicate with the community to provide important educational resources and points of contact at local organizations for assistance with substance abuse, homelessness, domestic violence, mental crisis, etc.

On September 21, 2020, the Mayor and Council discussed short, mid and long-term action ideas, aspirations and directives and directed staff to further revise the table and develop a plan for next steps. The follow-up discussion was held during the December 14, 2020 meeting regarding the employee survey on racial equity and inclusion. The input will help to inform the preparation for the discussion on further refining the social justice, racism, and bias action plan and next steps, which is scheduled as a
A-28

<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>workshops session for January 25, 2021. On January 25, 2021, the Mayor and Council held a follow-up discussion and provided direction on potential action items and implementation strategies. Staff will develop and populate a tracking chart with which to monitor the activity and progress of each action.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The Human Services Advisory Commission (HSAC) and Human Rights Commission (HRC) shared an overview of their community survey instrument and discussed it at the March 1st Mayor and Council meeting, prior to deployment. The HSAC and HRC presented the community survey results to the Mayor and Council. The governing body had the opportunity to provide direction on the survey results and was included, with the community input, in the list of implementation strategies for potential direction on implementation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Community Survey- at the March 15, 2021 Mayor and Council meeting, a member of the Mayor and Council suggested structuring the community survey to make it scientific. The suggestion was made in the context of planning and budgeting the ARP funding for assistance programs. Staff followed-up with Mayor and Council to gain additional understanding of the suggestions. Community Survey was released in the Spring of 2021.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>As of the week of 4/26/21, the community Survey was translated into 5 languages (Spanish, Russian, Mandarin Chinese, Vietnamese, and Korean). HSAC and HRC commissioners are inputting the survey questions into SurveyMonkey. The survey was released on June 2, 2021. The HRC/HSAC reported the survey results to the Mayor and Council on March 7, 2022.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Resolution for Equity and Social Justice- Was first discussed on May 24, 2021. The Mayor and Council discussed the proposed resolution and provided edits to staff. Staff brought forth to the Mayor and Council a revised version of the resolution for discussion and adoption on July 12, 2021. The resolution was adopted on July 12, 2021 with one change (adding “Latino” to a clause). The Mayor and Council also directed staff to prepare a resolution titled “Hate Has No Place Here” condemning all hate. The Mayor and Council approved a resolution titled “Hate Has No Place Here” at the September 13, 2021 M&amp;C meeting.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The City Manager shared with the Mayor and Council potential draft job descriptions for the Diversity, Equity and Inclusion professional and Mental Health Specialist. The City Manager and the Police Chief also discussed</td>
<td></td>
</tr>
<tr>
<td>Ref. #</td>
<td>Meeting Date</td>
<td>Staff/ Dep</td>
<td>Response Method</td>
<td>Direction to Staff / Action Taken / Status</td>
<td>Timeline</td>
</tr>
<tr>
<td>-------</td>
<td>--------------</td>
<td>------------</td>
<td>-----------------</td>
<td>------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>structuring the Mental Health Specialist position through a contractual relationship with Montgomery County, which is presently being designed into an MOU with the County’s Department of Health and Human Services. Both positions were approved in the FY22 Adopted Budget. An agreement with Montgomery County DHHS has been signed, and Montgomery County has begun the recruiting process for the position. A package of Police Reform legislation at the State level passed in the 2021 General Assembly Session, which included the repeal of the Law Enforcement Officer's Bill of Rights. The package of bills that passed are as follows: Accountability Act of 2021 – Body-Worn Cameras, Employee Programs, and Use of Force (passed); Senate Bill 178: Maryland Police Accountability Act of 2021 – Search Warrants and Inspection of Records Relating to Police Misconduct (Anton’s Law) (passed); Senate Bill 600: Maryland Police Accountability Act of 2021 – Surplus Military Equipment and Investigation of Deaths Caused by Police Officers (passed); and House Bill 670: Maryland Police Accountability Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures (passed). The Governor vetoed three of the bills, but the vetoes were overridden prior to the last day of the Session and therefore all four initiatives will become law in July 2022. An overview of the legislation was provided to the Mayor and Council in the final 2021 State Legislative Update prepared by Rockville’s State lobbyist.</td>
<td></td>
</tr>
<tr>
<td>2020-17</td>
<td>6/1/20</td>
<td>CMO</td>
<td>Email</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>--------</td>
<td>-----</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Communicating with the Public in Multiple Languages**

**Status:**

Currently, translation services are facilitated by the City Manager’s Office Public Information and Community Engagement Division, reserved primarily for the City’s printed medium Rockville Reports, general signage, and the website. Translation services are also used by the City Clerk’s Office / Director of Council Operations and the Department of Housing and Community Development for on-demand media. Other intermittent uses arise from time to time.

Recognizing that Rockville’s diversity in culture, race, and ethnicity continues to expand, the governing body encouraged City staff to pursue the development of a language translation program. As an element of Diversity, Equity, and Inclusion (DEI) and an extension of Americans with Disabilities Act (ADA) compliance, the plan development will be an assignment for the new Assistant to the City Manager for DEI (ATCM DEI). The expectation is that the ATCM DEI will review and analyze US Census data, City survey responses, and other information and data sources before developing a language translation plan for the City Manager’s consideration.

The ATCM DEI recruitment process concluded, and the selected candidate began on June 1, 2022. On May 3 and May 4, the candidate met with key City staff and members of the Mayor and Council.

**Prior History:**

Provide background information about the City’s former practice of translating to Spanish one of the articles of priority interest to the community into each edition of Rockville Reports.

**Status:** Staff shared the requested information by email on June 16, 2020. Outreach to multi-lingual communities and tracking will be a focus of the efforts of the new diversity position that is included in the FY22 approved budget. This will entail a broader review of the whole approach. The City posted the DEI position on the Rockville website on 9/25/21 and kicked off the recruitment process. Staff has been and will continue to look for opportunities to increase City communications in languages other than English.
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| 2020-18 | 6/8/20       | Appointed Officials | Future Agenda | New Education Commission/Committee and new Youth Commission/Committee  
Discuss the possibility of establishing a new commission or committee on education and a new commission or committee on Youth. 
Status: The Mayor and Council adopted a Resolution to Establish an Education Commission at the March 28, 2022 meeting. 
Prior History:  
The Mayor and Council discussed this item on November 23, 2020 and provided direction to the appointed officials to evaluate the possible Commissions through the criteria provided in the BCTF tool, including a public hearing. The City Clerk/Director of Council Operations and the Acting City Attorney are reached out to a professor at Montgomery College who volunteered to serve as staff support for the new Youth Commission. The City Clerk/Director of Council Operations met with Gregory Sember of Montgomery College regarding the Youth Commission. Mr. Sember followed-up with staff on a proposed plan for the Youth Commission. A presentation on the proposed Youth Commission was provided on May 17, 2021. The Mayor and Council unanimously directed staff to return with revised language for a resolution to create a Youth Commission. The Mayor and Council approved a resolution to establish a Rockville Youth Commission on November 1, 2021. Discussion and Instructions for an Education Commission was held on November 22, 2021. The Mayor and Council provided comments and directed staff to hold a Public Hearing to seek community input on the charge, scope, and goals of the Commission. The Public Hearing was held on January 24, 2022. | Ongoing |
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>020-20</td>
<td>10/26/20</td>
<td>PDS</td>
<td>Email</td>
<td>Business Outreach Webinar</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

Support and participate in a REDI/Chamber/City webinar for local businesses to educate them on options for extending outdoor dining and services in the fall and winter months. Information sharing would include city permits, tents, heaters and other methods to extend business activities. The first webinar was held on November 16, 2020. The second webinar was held on March 29, 2021. In November 2021, REDI, along with its hired consultant, held outreach meetings in the context of the REDI Business Survey. On February 10, 2022, REDI/Chamber/City held a session entitled English Speaking Resources for Employers. The next session has not yet been scheduled, but the fall is likely.

| 2020-21 | 11/2/20      | DPW       | Memo           | Vision Zero Quarterly Updates            | August 1, 2022 |

An update was provided in February 2022 by memo. The next agenda update will be provided on August 1, 2022. An advance copy of the first quarter update was provided by email to the Mayor and Council, RPAC, RBAC, and the T&T Commission in late April.
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/ Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020-22</td>
<td>11/2/20</td>
<td>HR</td>
<td>Future Agenda</td>
<td>Parental Leave Policy</td>
<td>September 1, 2022</td>
</tr>
</tbody>
</table>

During the January 31, 2022 Mayor and Council meeting, staff presented a proposed Parental Leave Policy for review and discussion. The Mayor and Council directed staff to make revisions to the policy. The Parental Leave Policy was scheduled for the March 7, 2022 Mayor and Council meeting, but was postponed until April 25, 2025, due to the pending FAMIL State legislation and its potential impact on the City’s proposed Parental Leave Policy. **The Mayor and Council held a discussion of a Rockville parental leave policy on May 2, 2022.** The Mayor and Council voted to deny the draft policy that was presented and directed staff to return with the additional information that they requested and make the changes provided to staff regarding the draft policy. On May 9, 2022, the City Manager sent the Mayor and Council an email outlining a new process for the updated City Personnel Policy Manual. The larger summary of recommended modifications will be provided to the Mayor and Council on September 1, 2022.
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| 2020-24 | 12/7/20      | City Manager’s Office | Future Agenda | Good Neighbor Awards Process  
Status: The Good Neighbor Awards celebration will be held in July 2022. In 2023, the Good Neighbor Awards will be combined with the Volunteer Appreciation party into one event.  
Prior history:  
A discussion on the process, criteria, and best practices related to the Good Neighbor awards was held on April 5, 2021. Staff was directed to return to Mayor and Council with research from other communities/best practices and specific recommendations for the award process. A discussion on the process, criteria, and best practices related to the Good Neighbor awards was held on November 22, 2021. Staff has been directed to move forward with the following:  
1- Hold a joint celebration in the Spring of the City’s Volunteer Appreciation, the Good Neighbor Award and Boards and Commissions.  
2- Use this celebration as an open house to showcase boards and commission openings.  
3- Explore the possibility of planning and funding the State of the City in the future.  
4- Use the five criteria for awards presented and change the name for the criteria honorary neighbor of the year.  
5- Provide Parameters and guidance on the volunteer form.  
6- Allow for an unlimited number of people to be nominated.  
7- Acknowledge when an individual is nominated by multiple people.  
8- Elected officials can’t make nominations.  
9- Mayor and Council could consider making a special nomination. | Summer 2022 |
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| 2020-25 | 4/26/21      | City Manager’s Office, REDI, and Planning and Development Services | Future Agenda | Citywide Marketing and Branding

The Mayor and Council held an April 5, 2021 discussion on this topic, during which there was a vote to pursue a branding exercise in FY22, subject to budget appropriation. The project would be to update the communitywide brand but also include a focus on Rockville’s commercial districts, to include Town Center. City staff and REDI representatives worked together on the RFP development. During a subsequent discussion, the Mayor and Council narrowed the scope to exclude commercial district branding. The RFP was advertised on November 16, 2021. The Marketing and Branding RFP Evaluation Committee reviewed, received presentation and scored the responsive bids; a final recommendation for professional consultant award is likely before April 1. A Notice to Proceed is expected in May 2022. The award of the Branding consultant services RFP was approved at the June 6, 2022 meeting. | Ongoing |
<table>
<thead>
<tr>
<th>2020-26</th>
<th>4/26/21</th>
<th>City Manager’s Office/Finance</th>
<th>E-Mail</th>
<th>Municipal Tax Duplication</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Track the progress of Municipal Tax Duplication (MTD) throughout the County Council’s consideration of the FY22 Operating Budget and advocate in support of the City’s and the MML Montgomery Chapter’s interests. After the County Council adopts the FY22 budget, work with the MML Montgomery Chapter, Chevy Chase Village, and Gaithersburg to advocate for the County to allow shared services and negotiate a payment for Police services.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Status:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>On May 12, 2022 the County Council voted unanimously to approve the Government Operations Committee recommendation as part of the Budget Consent Calendar. The County Council unanimously adopted the budget on May 26, 2022 and formally approved the FY23 MTD appropriation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>On May 2, 2022 the County Council’s Government Operations Committee approved (3-0) the recommendation included in the The County Executive’s FY23 Recommended Operating Budget Municipal Tax Duplication recommendation tracks with Bill 2-22. Rockville’s FY23 recommendation is $6,593,160.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Prior history:</td>
</tr>
</tbody>
</table>
|         |         |                               |        | The Mayor and Council sent written comments for the April 7 County Council FY22 Budget hearing and a follow-up letter to the County Council on April 27 in advance of the April 30 GO Committee discussion regarding Municipal Tax Duplication (MTD). On April 30, the GO Committee voted unanimously to approve Chair Navarro’s recommendation to approve the County Executive’s proposed increase of $824,632 for FY22 MTD; recommend an additional $5 million in MTD funding (as requested by the MML Montgomery Chapter) as part of the County Council’s budget reconciliation process, with flexibility in three tranches ($2 million, $1.5 million, and $1.5 million); to work with the MML Montgomery Chapter to come to agreement on revised MTD formulas; and codify a formula for shared services (by October 2021) that would allow for the reimbursement of Police services in FY23. On May 12, by a unanimous straw vote, the County Council approved the GO Committee recommendation. Staff sent information to Mayor and Council on May 12th indicating that County Council staff confirmed category #2 budget reconciliation items (including MTD) will be considered sometime later this year and will not be included in the FY22 Budget that will come before the County Council for approval on May 27. County Council staff indicated that while a process for post budget adoption items has not been set, they will notify City staff when it is established. The County’s FY22 Adopted Budget adopted by the County Council on May 27, 2021 included unanimous support for the GO Committee’s recommendation. The

A-36
Chapter President, Councilmember Ashton and representatives from the MML Montgomery Chapter Board have been meeting on a bi-weekly basis with the County’s Chief Administrative Officer in follow-up to the County Council direction to resolve outstanding Municipal Tax Duplication issues, including the reimbursement for Police shared services for Gaithersburg, Rockville, and Chevy Chase Village (discussion began on July 29 and is ongoing). The Montgomery County Chief Administrative Officer (CAO) shared the draft Municipal Tax Duplication legislation and a draft Police recommendations and associated Workload Analysis with MML Chapter leadership and requested feedback. Staff is reviewing the documents, meeting with the City Manager, and will share a recommended list of comments with the Mayor and Council that can be provided to the CAO. He anticipates sharing an update with the County Council and County executive, and potentially raising for review and adoption this December. The City Manager sent a staff comments summary to the Mayor and Council on November 1. A consent item was added to the November 8 meeting for the Mayor and Council to review and approve a letter for their signature to the County’s Chief Administrative Officer, conveying the City’s comments on the draft municipal tax duplication legislation and the draft MCPD Police workload analysis and associated recommendations. At the November 8 meeting, the Mayor and Council reviewed and approved a letter from the governing body to the County’s Chief Administrative Officer, (CAO), conveying the City’s comments on the draft municipal tax duplication legislation and the draft MCPD Police workload analysis and associated recommendations. The letter was sent to the County CAO. Staff will monitor the County Council agendas for the Municipal Tax Duplication legislation and will notify the Mayor and Council if it is introduced. An MML Chapter meeting was held on November 17 with the County’s Director of Strategic Partnerships, who is taking over this issue, to discuss the Chapter’s comments on the draft legislation and draft police workload analysis. CM Ashton, MML Montgomery Chapter President sent the Chapter’s formal comments on the draft documents to the Chief Administrative Officer and the Director of Strategic Partnerships on November 23, 2021 and requested follow-up meetings to discuss the Chapter input and meeting the December deadline for the legislation to be introduced to the County Council. On December 7, 2021, the County introduced an FY22 Special Appropriation for Municipal Tax Duplication in the amount of $5 million. The Mayor and Council sent a letter of support for the measure. The public hearing is scheduled for January 11, 2022 at 1:30 pm. Staff prepared draft testimony for Mayor Newton to provide and a draft letter for the public hearing record for the FY22 Special Appropriation, which will be shared during the week of January 3. The Mayor and Council can choose to review and approve the drafts under Old/New Business at the January 10, 2022 meeting. CM Ashton and the MML Board have been working with
<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Meeting Date</th>
<th>Staff/Dep</th>
<th>Response Method</th>
<th>Direction to Staff / Action Taken / Status</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020-27</td>
<td>4/26/21</td>
<td>Human Resources</td>
<td>Future Agenda</td>
<td>County Executive staff to finalize revisions to the Municipal Tax Duplication legislation. According to County Executive staff, it should be introduced at the January 10, 2022 County Council meeting. Staff will closely monitor the County Council agendas and keep the Mayor and Council informed on any developments so they can weigh in on the FY 22 Special Appropriation and the Municipal Tax Duplication legislation. Mayor Newton testified in support of the Special Appropriation and Councilmember Ashton, as the President of the MML Montgomery Chapter, testified in support at the public hearing on January 11, 2022. Bill 2-22 –Municipal Revenue Program – Amendments was introduced on January 11. At the public hearing on February 1, Mayor Newton testified in support on behalf of Rockville, and Councilmember Ashton will represent the MML Montgomery Chapter. On March 1, the County Council unanimously approved the FY22 Municipal Tax Duplication Special Appropriation of $5 million and Bill 2-22. The FY22 Special Appropriation will result in Rockville receiving an additional $2, 526, 792. Bill 2-22 will phase in full municipal funding – FY23 (80%), FY24 (90%), and FY25 (100%) and is subject to annual appropriation. A bill signing ceremony was held at the County Executive Building on March 14. The County Executive’s FY23 Recommended Operating Budget Municipal Tax Duplication recommendation tracks with Bill 2-22. Rockville’s FY23 recommendation is $6,593,160.</td>
<td>September 1, 2022</td>
</tr>
</tbody>
</table>

This item has been relocated from the future items to be scheduled section. On January 31, 2022 the Mayor and Council discussed the City's proposed revisions to the RIF and Furlough Policy and provided additional revisions for staff to make to the policy. **This item was discussed on the May 2, 2022 meeting. The Mayor and Council denied the draft policy and requested that staff return with additional information and an updated version that is reflective of their comments. On May 9, 2022, the City Manager sent the Mayor and Council an email outlining a new process for the updated City Personnel Policy Manual, which will include the incorporation of the RIF and Furlough Policy into the larger summary of recommended modifications to the PPM document that will be provided to the Mayor and Council by September 1, 2022.**
Subject
Adoption of Resolution to Ratify the City Manager’s Execution of a Commitment Letter for a Maryland Energy Administration Grant Application for Streetlight Conversions

Recommendation
Staff recommends that the Mayor and Council approve the resolution to ratify the City Manager’s execution of a Commitment Letter for a Maryland Energy Administration grant application for streetlight conversions.

Discussion
The City was informed on June 17, 2022 the grant application for streetlight-conversion has been approved by the Maryland Energy Administration (MEA) for $449,750. In order to accept the grant, MEA asked that the City sign the MEA provided “Commitment Letter” by June 23, 2022. The short turnaround time on the commitment letter is the result of MEA using FY22 funds for this grant and the need to obtain commitment prior to the fiscal year end. As there was no scheduled Mayor and Council Meeting until June 27, 2022, it was not possible to obtain Mayor & Council approval prior to the deadline. After conferring with the City Attorney, the City Manager was advised to sign the Commitment Letter (Attachment A), then ask the Mayor and Council to ratify his approval during their June 27, 2022, meeting. A resolution (Attachment B) is provided for the Mayor and Council approval to ratify City Manager’s signature of the Commitment Letter.

Mayor and Council History
This is the first time this item has been brought before the Mayor and Council.

Fiscal Impact
The grant amount of $449,750 was not accounted for in the LED Streetlight Conversion CIP (TA22), meaning that the entire grant amount can be used instead of the paygo funding appropriated by the City. The approved CIP has $750,000 in Paygo and $250,000 in grant money in FY23. The $250,000 is for the EmPower Maryland incentive program. The city is still eligible for the EmPower Maryland incentive program in addition to this MEA grant.
Next Steps
A formal grant agreement must be executed within 90 days. Staff will bring the grant agreement to the Mayor & Council on a future consent agenda after all the details are worked out with MEA.

Attachments
MEA Award Letter (PDF)
Resolution (DOCX)
Commitment of Funds for FY22 Streetlight & Outdoor Lighting Efficiency Pilot Program #2022-05-449S1

June 16, 2022

City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Re: Streetlight & Outdoor Lighting Efficiency Pilot Grant Program
Commitment of Funds for Fiscal Year 2022 (FY22) Grant #2022-05-449S1

The Maryland Energy Administration ("MEA"), an agency of the State of Maryland, is pleased to conditionally offer City of Rockville ("Applicant"), by this grant commitment letter ("Commitment") under its Streetlight & Outdoor Lighting Pilot ("SOLE" or "Program"), a grant in an amount not to exceed Four Hundred Forty-Nine Thousand, Seven Hundred Fifty Dollars ($449,750.00) ("Grant"), for a scope of work representing an upgrade of existing, pole-mounted outdoor light fixtures to LED technology (the "Project"), described in its Application package dated April 22, 2022.

This Commitment is conditional. The Administration may rescind this Commitment if the timeline outlined in Section 1 of the Commitment is not or cannot be met. In addition, the Administration may rescind this Commitment if the Applicant is unable to agree to or comply with all provisions set forth in the Maryland Energy Administration Grant Agreement General Provisions Version 3 for Fiscal Year 2022 (Attachment A), and in the FY22 SOLE Program Funding Announcement (Attachment B). The Applicant may request a rescission at any time while the Commitment is in effect before the Grant Agreement is fully executed.

Prior to execution of the Grant Commitment Letter, Grant funds are subject to change in amount and availability. The final award value is contingent upon the awardee’s ability to certify the final scope and cost of completed work. Additionally, for situations where the scope of work is not part of the Funding Opportunity Announcement, the Applicant and MEA must develop a scope of work, which will be part of the Grant Agreement. Any work performed prior to execution of the Grant Agreement is at the risk of the Applicant and might not be eligible for reimbursement under the Program.

The following constitute terms and conditions of this Commitment:

1. Timeline of Commitment

   (a) This Commitment shall not become effective unless the accompanying document is duly executed by the Applicant and returned to the Administration by June 23, 2022.
Commitment of Funds for FY22 Streetlight & Outdoor Lighting Efficiency Pilot Program #2022-05-449S1

(b) Execution of the Grant Agreement shall occur no later than 90 days after the date of this Commitment unless extended by the Administration.

(c) If Execution of the Grant Agreement does not occur within the time set forth herein or if this Commitment terminates, this Commitment shall be deemed null and void and shall not have further force and effect.

3. Assignment. This Commitment is not assignable or transferable. The Applicant's signature to this Commitment constitutes an acknowledgement that the Applicant Name and Applicant address on this Commitment matches the name and federal tax identification number on the IRS W-9 form that the Applicant provided, or will provide, to MEA. In addition, the Applicant understands that any change to the Applicant Name, the federal tax identification number, or Applicant Mailing Address for Grant Disbursement may invalidate this Commitment.

4. Merger. No statements, agreements, or representations, oral or written, which may have been made to the Applicant or to any employee or agent of the Applicant, either by the Administration or by an employee or agent acting on behalf of the Administration, with respect to the Grant, shall be of any force or effect, except to the extent stated in this Commitment. This Commitment may not be changed except by written agreement signed by the Administration.

5. Governing Law.

(a) This Commitment shall be governed by and construed under the laws of the State of Maryland.

(b) If any term, covenant, or condition of this Commitment shall be held to be invalid, illegal, or unenforceable in any respect, this Commitment shall be construed without such provision to the fullest extent possible and shall remain in full force and effect.

6. Survival of Commitment. The obligations agreed to by the Grantee in executing this Commitment shall survive the execution of the Grant Agreement. In the event of any conflict between this Commitment and the Grant Agreement, the Grant Agreement shall prevail.

7. Historical Review - State law requires that all projects undergo a review to analyze whether proposed work will adversely affect properties of historical significance. If adverse effects are indicated, alternatives must be considered or else federal and State funding will be unavailable. If applicable to the Project being funded by this Grant, the Applicant is strongly urged to refrain from any construction, renovation or similar work until notified by the Administration that the proposal has cleared the historical review process. Failure of the proposal to clear the historical review process may prohibit the Administration from funding the Grant.

1800 Washington Boulevard, Suite 755, Baltimore, MD 21230 | Phone: 410-537-4000 | Fax: 410-537-4096
Commitment of Funds for FY22 Streetlight & Outdoor Lighting Efficiency Pilot Program #2022-05-449S1

NOTE: THIS IS A BINDING LEGAL DOCUMENT. IF YOU HAVE QUESTIONS CONCERNING ANY OF THE PROVISIONS OF THIS DOCUMENT, YOU SHOULD CONSULT WITH YOUR LEGAL COUNSEL BEFORE SIGNING AND RETURNING THIS DOCUMENT.

MARYLAND ENERGY ADMINISTRATION

Mary Beth Tung, Ph.D., Esq.
Director

Approved as to form and legal sufficiency

16th day of June 2022.

Michele Monick
Assistant Attorney General

ACCEPTED:

Signature: _____________________

Name of Individual with Signatory Authority: ____________________

Position: _______________________

City of Rockville

Attachment:

1. Attachment A: Grant Agreement General Provisions Version 3 for Fiscal Year 2022
2. Attachment B: FY22 SOLE Program Funding Announcement
ATTACHMENT A

General Provisions

1. Definitions

A. “Grant Agreement” means a written agreement between MEA and a grantee with respect to a grant.

B. “Grantee” means a recipient of a grant under an MEA grant program.

C. “Environmental Standards” means all applicable environmental laws, rules, or regulations set by federal, state, or local jurisdictions that are applicable to a Project and related directly to the performance of the Grantee’s obligations pursuant to a Grant Agreement.

D. “MEA Program Manager” means the individual specified in writing as the MEA representative for a Program or other person designated in writing by MEA to act on behalf of MEA regarding the Grant Agreement.

E. “Program” means an MEA grant program identified and detailed on the MEA website.

F. “Project” means an activity or undertaking that is consistent with the requirements of an MEA Program and for which a Grant has been awarded. A project includes all activities specified in the Scope of Work and all reporting required in the Grant Agreement except for submitting invoices.

G. “Project Site” means the location of a Project or a portion of a Project.

2. MEA Grant Timeframes

A. Unless the MEA Program Manager approves an extension in writing, a Grant Agreement executed by the Grantee(s) shall be received by MEA no later than ten business days from the date MEA electronically transmits the Grant Agreement to the Grantee for execution. If the properly executed Grant Agreement is not received by MEA within the required time as indicated above, the Grant Award will automatically be revoked.

B. The Effective Date of a Grant Agreement is the date that the fully executed Grant Agreement is received by MEA, as determined by the official MEA date stamp on the first page of the Grant Agreement.

C. To be eligible for reimbursement, all reimbursement requests for Project costs pursuant to a Grant Agreement must be received no later than 60 days after the completion of the Project, unless the MEA Program Manager approves an extension in writing.

v.3 February 2022
3. **Extensions**

An extension may be requested in writing by the Grantee in advance of a deadline but is not guaranteed. The MEA Program Manager may extend a deadline in writing up to 60 days, for good cause shown, such as circumstances outside of the Grantee’s control.

4. **Retention of documents**

The Grantee shall retain bills of sale or other satisfactory evidence of the acquisition of any real or personal property, as well as reports, activity logs, timelines, estimated energy savings and/or generation, supporting documentation for any other expenses that are covered in whole or in part by any Grant funds, and any other information related to Grant activities for at least three years from the date that the Grantee receives final reimbursement from MEA. MEA, MEA’s representatives, the Department of Budget and Management, the State Comptroller, and the Legislative Auditor may examine and audit this evidence on request, at any reasonable time within the retention period. In addition, the Grantee shall also make the worksite available to MEA or its representatives, upon request at any reasonable time, for at least three years from the date that the Grantee receives final reimbursement from MEA.

5. **Communications with MEA: Updating IRS W-9 form**

A. The Grantee shall submit to MEA all reimbursement requests and other documentation required under the Grant Agreement at the MEA email address specified in the Grant Agreement, unless MEA has received as part of the application process notification that the Grantee has opted out of electronic communications. If the Grantee has opted out of electronic communications, the Grantee shall submit all reimbursement requests and other documentation required under the Grant Agreement by mail or hand-delivery to the applicable program at MEA.

B. The Grantee shall promptly provide MEA with an updated IRS W-9 form when information on a prior IRS W-9 form has changed.

6. **Subject to Funding Availability**

Prior to execution of the Grant Agreement, Grant funds are subject to change in amount and availability.

7. **Location within Maryland**

A Project must be located in Maryland or undertaken for the direct benefit of a Maryland resident, business, community, campus, or facility located entirely within the State of Maryland.

8. **Payment of Grant Funds**

A. After review of the reports, requests for reimbursement, and any supporting documents or information requested by MEA, MEA shall make a final determination whether the Grantee has
met all Program requirements, terms, and conditions, and shall process the Grant Award for payment as promptly as possible, if warranted.

B. MEA payments to Grantee are not assignable and all grant funds will be disbursed to the Grantee consistent with the Grant Agreement.

9. **Non-payment of Grant Funds; Disallowance of Grant Funds for Violation of Grant Agreement; Reconsideration of Non-payment or Disallowance of Grant Funds**

A. Unless otherwise specified in the Grant Agreement, MEA will not disburse grant funds for work that has yet to be performed; costs that have yet to be incurred or are not sufficiently documented; or costs that are inconsistent with the purpose, terms, and conditions of the Grant, as determined by MEA.

B. Any expenditure of Grant funds that is not consistent with the purposes of the Program, or that violates any requirement, term, or condition of a Program or the Grant Agreement, may, in the sole judgment of MEA, be disallowed. If MEA determines any expenditure to be ineligible after MEA has disbursed funds to the Grantee, the State may require repayment to MEA for reimbursement of the Strategic Energy Investment Fund, an offset from any State grant to the Grantee in the current or succeeding fiscal year, or other appropriate action. The Grantee shall immediately repay to the State any part of the Grant that is not used for the purposes of the Program.

C. If MEA withholds or disallows payment of Grant funds, MEA shall provide Grantee with its determination in writing and set forth a summary of the reasons for its determination. A Grantee may request reconsideration of a determination by MEA to withhold or disallow payment of Grant funds within 15 business days of the date of the written determination notifying the Grantee of the decision.

10. **Nondiscrimination Provision**

The Grantee may not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or any other characteristic forbidden as a basis for discrimination by applicable laws, and certifies that its Constitution, by-laws, or policies prohibit discrimination consistent with the Governor’s Code of Fair Employment Practices.

11. **Compliance with Relevant Certifications, Licenses, And Requirements**

A. The Grantee shall be responsible for compliance with the following:

(1) All work performed on behalf of the Grantee pursuant to a Grant Agreement shall be carried out by the Grantee’s staff and contractors holding all necessary Maryland certifications and licenses.
(2) Any business or non-profit organization operating in Maryland with which the Grantee contracts or partners to carry out the purposes of the Grant shall be registered and in good standing with the Maryland State Department of Assessments and Taxation, if applicable.

(3) All work performed pursuant to a Grant shall comply with all applicable local, State, and federal building codes and other applicable laws and regulations.

B. If MEA determines that any activity undertaken under the Grant Agreement is inconsistent with subsection A of this section, MEA may rescind the Grant or take any other appropriate action, as determined by MEA.

12. False Statement or Report

A person may not knowingly make or cause to be made any false statement or report in any document required to be furnished by MEA in relation to the Program. For a SEIF-funded Grant, any violation of this provision is a misdemeanor and on conviction is subject to a fine not exceeding $50,000.00 or imprisonment not exceeding 1 year or both, as specified in State Government Article §9-20B-11 of the Annotated Code of Maryland.

13. Historic Preservation Review

For each project being funded in whole or in part through a Grant Agreement, a historic preservation review must first be completed by the Maryland Historical Trust (MHT) or MEA’s historic preservation expert. This review ensures that no historic property is “adversely affected” through building improvements, equipment installations, and related property modifications proposed for Projects funded wholly or in-part by a Program. Prior to starting construction, the Grantee shall ensure that MEA has received documentation from MHT or MEA’s historic preservation expert indicating that the Project will have no adverse effect on a historic property.

14. Maryland Saved Harmless

To the extent allowed by Maryland law, and subject to appropriations if applicable, the Grantee agrees to defend, indemnify, and hold MEA harmless from and against any and all damages, claims, lawsuits, actions, and reasonable out-of-pocket costs and expenses, in whatever form, arising from or related to the Grant. MEA expressly reserves the right of any immunity MEA or its employees may possess under State or federal law. If the Grantee is a Maryland State agency or local government, then each party shall be responsible for its own liability associated with the Grant, and neither party waives any applicable immunities.

15. Environmental Standards and Liability

A. As relevant to the Project, the Grantee shall ascertain and comply with all applicable Environmental Standards, monitor compliance, and immediately halt and correct any incident of non-compliance. The Grantee is solely responsible for all steps in obtaining any required permits including, but not limited to, those related to air quality requirements, as applicable.

v.3 February 2022
B. In the event of any incident of non-compliance with Environmental Standards, the Grantee shall:

(1) Immediately notify the MEA Program Manager or designee of the incident, providing as much detail as possible;

(2) If requested by MEA, submit a written report to MEA, identifying the source or cause of the non-compliance and the method or action required to correct the problem; and

(3) Cooperate with MEA and its designated representatives or contractors with respect to investigation of the incident.

C. Subject to Section 14 and to the limits allowed by Maryland law, the Grantee shall be liable for:

(1) All environmental losses, including but not limited to, costs, expenses, losses, damages, actions, claims, penalties, fines and remedial or cleanup obligations arising from its failure to comply with Environmental Standards; and

(2) Any hazardous material located or placed in the Project and any requirements imposed by any governmental authority with respect to hazardous materials, arising in connection with the Grant or the Project.

16. Liability Insurance

A. For all work performed by the Grantee that is to be funded in whole or in part with grant funds provided by MEA, the Grantee shall purchase and maintain comprehensive third-party legal liability insurance or its equivalent, with minimum coverage of $1,000,000 per occurrence. The Grantee shall also maintain other such insurance as is appropriate for the work to be performed. For a self-insured entity, such as a Maryland State or local government entity, a document detailing the basis for self-insurance, including when applicable, the statutory basis, may be accepted by MEA as an equivalent form of insurance under this paragraph.

B. The State shall be listed as an additional insured on the faces of the certificates associated with the coverages listed above, including umbrella policies, excluding Workers' Compensation Insurance and professional liability. The Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed appropriate by MEA, evidencing MEA's status as an additional insured.

(1) Insurance requirements may be waived or modified by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties and incorporated as part of the Grant Agreement.

(2) The Grantee shall include in all of its contracts for work that is to be funded in whole or in part with grant funds provided by MEA a provision or provisions requiring all contractors to
purchase and maintain comprehensive third-party legal liability insurance and other such insurance as is appropriate for the work to be performed, with minimum coverage of $1,000,000 per occurrence. All insurance provided by the contractor must name MEA as an additional insured.

(3) The Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed appropriate by MEA, evidencing MEA’s status as an additional insured. Insurance requirements may be waived by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties and incorporated into the Grant Agreement.

17. **Monitoring and Evaluation**

For monitoring and evaluation purposes, the Grantee shall make available to MEA or its representatives, during regular business hours, all applicable reports, activities logs, timelines, estimated energy savings and generated energy, operating hours, projected system efficiencies and other technical and engineering specifications, and other information related to the Grant.

18. **MEA Access to Project Site**

A. If a Project Site is controlled by the Grantee:

(1) Upon reasonable notice, the Grantee shall allow MEA employees or representatives access to the Project Site to monitor the Project and provide technical assistance to verify that Project requirements are fully satisfied.

(2) Except as provided in paragraph (5) of this subsection, the Grantee shall allow MEA employees or representatives access to the Project Site to take photographs or video of the Project for MEA use, upon request by MEA.

(3) Upon reasonable notice from MEA, the Grantee shall assist MEA in any efforts to remotely monitor and inspect the Project, including but not limited to supplying MEA with any relevant photograph or document.

(4) Except as provided in paragraph (5) of this subsection, the Grantee shall participate in recorded remote monitoring of the Project to verify that Project requirements are fully satisfied, upon request by MEA.

(5) MEA may in its sole discretion modify the requirements in paragraphs (2) and (4) of this subsection if the Grantee provides a written request due to concerns, including but not limited to security concerns.
B. If a Project Site is controlled by a third party at any time during the Grant period:

The Grantee shall be responsible for obtaining written permission from the third party to allow MEA access to the Project Site for all purposes described in the Grant Agreement. Unless the Grantee provides good cause, to be determined solely by MEA, MEA shall not provide any further reimbursement of funds under the Grant Agreement until the Grantee provides the required written permission.

19. **Participation in Marketing and Public Events: Signage**

A. To the extent possible, and as requested by MEA, the Grantee shall participate in MEA-organized press events and host State government officials for visits and tours of the Project Site. MEA shall provide reasonable notice to the Grantee and coordinate with the Grantee prior to scheduling a press event or official visit.

B. The Grantee shall invite MEA in writing, which can include email, to any Grantee-organized media event regarding the Project.

C. The Grantee shall notify MEA prior to any media coverage regarding the Project, including but not limited to press releases and announcements; and, unless otherwise specified in the Grant Agreement, shall reference MEA grant funds under the Grant Agreement in any such media coverage.

D. Within 90 days following the effective date of the Grant Agreement, the Grantee shall consult with MEA regarding the feasibility of displaying signage indicating MEA sponsorship of the Project. Based upon this consultation, MEA may require the Grantee to place signage indicating MEA’s role in the Project in a prominent location and, if applicable, near the Project. If applicable, MEA may provide the official MEA logo for incorporation on existing Grantee-produced project signage and may elect to provide any required signage.

20. **Maryland Public Information Act; Use of Project Information**

A. All information submitted to MEA is subject to the Maryland Public Information Act, Md. Code Ann., General Provisions §§ 4-101 to 4-601. (“PIA”). If a grantee believes information is confidential and therefore should be exempt from disclosure under the PIA, the grantee should clearly mark this information and identify it by page and section or line number. Upon request for information from a third party, MEA is required to make an independent determination whether the information must be disclosed under the PIA. Designating information as confidential does not guarantee that it will be exempt from disclosure.

B. The Grantee understands and agrees that MEA may use information about the Project for reporting and marketing purposes, including but not limited to the project description, building type, energy measures, project costs, leveraged funds, energy and financial savings, and pictures and videos of the premises. MEA shall provide the Grantee an opportunity to review and consult
with MEA to ensure that a written case study, photo, or video taken of its facility will not disclose confidential personal and/or business information.

21. **Project Location Workforce Requirement**

The Grant shall comply with State Government Article § 9-20B-05, Annotated of Maryland, which requires that at least 80 percent of workers participating in a project or program that receives money from the SEIF must reside within 50 miles of the project or program. As the Program is a statewide program, MEA will determine compliance based on whether at least 80 percent of worksite workers reside in Maryland, or within 50 miles of Maryland's borders.

22. **American Manufactured Goods**

If the Grantee is a unit of State or local government, the Grant must comply with State Finance and Procurement Article §§ 14-416 and 17-303, Annotated Code of Maryland.

23. **Maryland Law Prevails**

The internal laws of Maryland shall govern the interpretation and enforcement of the Grant Agreement, except for any choice of law provisions utilized by Maryland.

24. **Grant Agreement Binding on Successors and Assigns**

The Grant Agreement shall bind the respective successors and assigns of the parties.

25. **Transfer of Grant Agreement**

The Grantee may not sell, transfer, or delegate any of its obligations under the Grant Agreement to another entity without prior written consent of MEA. Consent is not guaranteed and is at the sole discretion of MEA. Examples of factors that might lead to a denial of consent include a change in the Grantee's federal tax identification number, or a requested modification that is inconsistent with the requirements of the Program.

26. **Amendments to the Grant Agreement**

Other than an extension of up to 60 days approved pursuant to Section 3 of these General Provisions, no amendment to the Grant Agreement is binding unless it is in writing and signed by both parties.

27. **Merger**

The Grant Agreement and any terms and conditions expressly incorporated by reference herein embodies the whole agreement of the parties. There are no promises, terms, conditions, or
obligations referring to the subject matter, other than those contained herein or incorporated herein by reference.

28. **Non-waiver of Rights; Remedies**

No failure on the part of the State or MEA to exercise, and no delay in exercising, any right under the Grant Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any such right preclude the State or MEA from further exercising that or any other right. The remedies provided under the Grant Agreement are cumulative and not exclusive of any remedies provided by law.

29. **Attestations**

A person executing an Agreement on behalf of the Grantee certifies, to the best of that person’s knowledge and belief, that:

A. The person is authorized to sign the Agreement on behalf of the Grantee and to commit the Grantee to the obligations set forth in the Agreement;

B. Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee involved in obtaining contracts with or grants from the State or any subdivision of the State, has engaged in collusion with respect to the Grantee’s application for the Grant or this Agreement or has been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or the United States;

C. Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee has engaged in any practice regarding this Grant that is inconsistent with General Provisions Article § 5-502. Annotated Code of Maryland;

D. The Grantee has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the Grantee, to solicit or secure the Grant or the Agreement, and the Grantee has not paid or agreed to pay any such entity any fee or other consideration contingent on the making of the Grant or the Agreement;

E. The Grantee, if a health or social welfare organization as defined by State Finance and Procurement Article § 7-403. Annotated Code of Maryland, shall keep financial records in accordance with uniform accounting standards, as more fully described in Section 7-403;

F. Neither the Grantee, nor any of its officers or directors, nor any person substantially involved in the contracting or fund-raising activities of the Grantee, is currently suspended or debarred from contracting with the State or any other public entity or subject to debarment under Regulation 21.08.04.04 of the Code of Maryland Regulations; and

G. The Grantee is not in default on any financial obligation to the State or MEA.

v.3 February 2022
Funding Opportunity Announcement (FOA)
Streetlight and Outdoor Lighting Efficiency (Pilot)
Fiscal Year 2022 Grant Program

Program Description: The FY22 Streetlight and Outdoor Lighting Efficiency (SOLE) Pilot program will make grants available to eligible entities to defray the cost of replacing outdated, less efficient pole-mounted fixtures used for the illumination of streets, parking lots, parks, athletic fields and other outdoor spaces, along with implementing certain lighting controls.

Type of Grant Program: First-come, first-served. Grants will be issued to eligible projects until program funding is depleted. The SOLE Program is divided into two areas of interest (AOI), with each AOI focused on a different type of lighting:

- **AOI.1**: Pole-mounted street lighting for any vehicular or pedestrian rights-of-way, as well as parking lots
- **AOI.2**: Exterior pole-mounted lighting for athletic fields or parks

Application Deadline: April 28, 2022 at 5:00 PM. Interested parties are encouraged to apply as soon as possible to have the best chance for funding.

Funding: A total of $2,000,000 is anticipated to be available for the SOLE program; however, the total amount awarded under the program may be more or less depending on the quantity and quality of applications received. FY22 awards will be capped at $500,000 per organization.

Eligible Applicants: Maryland non-profit organizations, state agencies, local governments and incorporated cities, public and private schools, and community colleges. Non-governmental applicants must be in Good Standing with the Maryland State Department of Assessments and Taxation (SDAT).

Eligible Activities: Projects eligible for funding per this FOA must be (1) located in the State of Maryland; (2) owned by Maryland-based entities, limited to
non-profit organizations, counties or local governments, public school systems, community colleges, or State agencies; (3) cost-effective, with the anticipated simple payback of the project being less than the anticipated life of the equipment; (4) limited to street and other outdoor, pole-mounted lighting fixtures that include LED (or other technologies) that consume less power while providing comparable levels of illumination, compared to the older technologies that they replace, such as mercury vapor (MV), metal halide (MH) or high pressure sodium (HPS); (5) not funded by previously encumbered funds; (6) not included in a scope for which a purchase order or equivalent document was issued prior to the filing of this application; and (7) dark-sky certified. If no dark-sky certified products are available, applicants may petition, with justification, for a waiver as part of their application or before finalizing their project scope. In general, cost alone will not be justification for a waiver. To find qualifying fixtures, visit this directory. Upgrades of utility-owned fixtures of any kind are not eligible for finance under this program’s FOA.

Additionally, this grant opportunity offers additional incentives for SOLE-eligible lighting projects that involve solar-powered lamps as well as dimming or motion control:

MEA grant funds may be used to cover the cost of fixture acquisition and installation plus fees imposed by utilities in direct relation to installation activity. Non-eligible costs include the cost of project design or feasibility studies, administrative costs related to procurement management, and any remediation and repair costs related to light poles or similar mounting hardware, fuses, and other hardware distinct from the fixtures themselves.

Minimum Criteria:

A complete application will:

1. include a scope of work for the project (Project) indicating:
   a. the number, lamp (bulb) type, and wattage of existing, or incentive applications, and documentation that the pole-mounted fixtures proposed for replacement through the SOLE program;
   b. the number, lamp (bulb) type, and wattage of the replacement LED or other fixture type(s) with increased efficiency; and
   c. a description of the location(s) of the proposed lighting upgrades. See “Documentation of Project Locations” under “Required Application Documents,” below.
2. affirm that applicant has not already entered into a contractual obligation for the proposed lighting replacement;
3. be signed by an individual with the authority to enter into a grant agreement with MEA to execute a lighting replacement project;

2

1800 Washington Blvd, Suite 755 | Baltimore, MD 21230 | 410-537-4000 | energy.Maryland.gov
4. if applicable, provide completed copies of utility rebate or incentive applications, and documentation that the rebates or incentives have been applied for;
5. provide a summary of anticipated funding sources to be secured for the proposed project in addition to this grant (e.g., bond funding, utility incentives, energy performance contracting); and
6. demonstrate a capital investment commitment to the proposed project by the applicant that is equal to 15% or more of the total cost, net of any utility rebates.

Selection Process & Award Amounts:

Selection Process
Applications will be evaluated by a review panel to determine whether minimum qualifications are met. Qualifying projects will be awarded in the order received.

If an incomplete application is received while SOLE program funding remains available, MEA will give the applicant an opportunity to update the application for completeness. The application will then be reviewed based on the date that MEA receives the complete application, not the date that the incomplete application was submitted.

Total Award Amount
While a single applicant may submit applications for multiple projects, the aggregate maximum award per applicant is capped at $500,000. MEA is targeting projects of a certain minimum size and therefore does not intend to award projects valued at less than $20,000.

The Applicant’s SOLE award combined with any utility incentives, state, federal or other grant or rebate funds shall not exceed 85% of the total Project costs (inclusive of equipment, materials, and labor); in a circumstance where the 85% threshold would be exceeded if the maximum SOLE incentive were used, the MEA SOLE incentive will be lowered to make the combined SOLE plus utility incentive total 85% of total project costs.

Partial awards
Partial awards may be awarded under this program, depending on the number of complete proposals received and associated total grant funds requested. Grant awards will be issued for the amounts requested by eligible applicants for eligible projects on a first-come, first-served basis until grant funds are exhausted. If program funding is depleted by awards so that remaining funds are insufficient to fully fund a grant request, the last applicant prior to exhaustion of funds may be offered a partial award. If the applicant declines, MEA will offer partial grant funding under this same structure to the next qualified applicant until all funding has been expended or all remaining projects have rejected the offer.
Award Calculation
This table shows the dollar amount provided per fixture type, differentiated by area of interest (AOI) and by wattage of lamp type being replaced.

<table>
<thead>
<tr>
<th>MAXIMUM GRANT AWARD AMOUNTS PER LUMINAIRE REPLACED</th>
<th>AOI.1</th>
<th>AOI.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>UTILIZATION CATEGORIES, POLE-MOUNTED FIXTURES ONLY:</td>
<td>Vehicular or pedestrian rights-of-way, as well as parking lots</td>
<td>Athletic Fields</td>
</tr>
<tr>
<td>REPLACING EXISTING MV, MH or HPS LUMINAIRE UNDER 250 WATTS:</td>
<td>$200</td>
<td>$100</td>
</tr>
<tr>
<td>REPLACING EXISTING MV, MH or HPS LUMINAIRE AT OR OVER 250 WATTS:</td>
<td>$300</td>
<td>$150</td>
</tr>
</tbody>
</table>

**BONUS INCENTIVES**
| FOR SOLAR POWERED LAMPS: | $100 | $100 |
| FOR DIMMING OR MOTION CONTROL (NOT INCLUDING PHOTOCELLS): | $50 | $50 |

**Required Application Documents:** To be considered complete, an application to the SOLE Pilot Program must include the following documents. Failure to submit any of the required documents may result in the application being considered incomplete. Applications deemed incomplete by MEA will not be considered for award until any necessary missing documentation is provided by the applicant.

**REQUIRED DOCUMENTS**

- Complete and accurate FY22 Streetlight and Outdoor Lighting Efficiency Pilot Program Application Form. This application, along with any potential award, must be signed by an individual with signatory authority for the applicant (i.e., executive director, mayor, city administrator, etc.). This signature indicates the recipient’s intent to use the grant award in compliance with all program requirements, as outlined in this FOA.

- Documentation of Project Location. Include information that clearly describes the location of the proposed Project’s scope of work, as described below. A map of the location is recommended for projects that involve multiple locations.
  - If for one or more individual properties, provide the street address for each location
  - If for street lighting, a list of the streets receiving upgrades, or a description of the area that will be receiving upgrades (e.g., all streets bound by North, South, East, and Main Streets). A map showing the
affected area, depicting street names and segments, is recommended.

- **Defined Scope**: Description of project scope including the number and type of lamps that are expected to be replaced under the project. The scope should clearly describe the lamps to be installed, including the number and wattage of each type, their style, and location. The scope should also provide an inventory of lamps being replaced, indicating the type, number, and wattage of each. MEA, at its discretion, may review and request additional information to verify.

- **Example Products**: Attach to the grant application cut sheets or sample specifications for the anticipated replacement luminaires.

- **Utility Rebate Applications**: Attach to the grant application any completed utility rebate application for the proposed project.

- **Electric utility bills**: Attach to the grant application a sample bill for all electricity accounts representing meters that serve the street lighting or outdoor lighting fixtures contained in the scope of this project.

- **IRS Form W-9**: For the Applicant organization. The applicant name on the application and the name on the W-9 form must match.

- **Maryland SDAT Certificate(s) of Good Standing OR PDF(s) of the SDAT Business Entity Search entry/entries indicating Good Standing status**.
  This is required for the Applicant organization only if the applicant is a non-governmental applicant.

**Grant Program General Provisions**: MEA grant programs are covered by general requirements ("General Provisions") that will be made part of the grant agreement between MEA and a grantee. The General Provisions are available for review on MEA's website[^1]. These General Provisions, Version 3.0, will be incorporated into all MEA FY22 grant agreements. In addition, the following provisions apply to the SOLE Pilot Program:

**Other Program Provisions**:

- **Limitations on multiple funding sources**: Funding from other MEA grant programs, such as the Maryland Smart Energy Communities program (MSEC), cannot be combined with funding in this program for the same energy measures (i.e., the same streetlight cannot be incentivized under both the SOLE program and MSEC). Applicants may pursue funding from MEA's Lawton Loan program to help finance a SOLE project (see below).

- **Prior Expenses Restriction**: Funds awarded by this Program cannot be used to offset costs that were incurred prior to the issuance of an award by MEA, or a purchase order issued for a defined set of streetlights issued before an award by MEA.

- **Alternative Technologies**: MEA may consider alternative technologies, however the energy savings must be equal to or greater than a comparable light emitting diode lamp of the same lumen output.

• MEA may, at its discretion, obligate all or none of the FY22 SOLE program budget, based on the eligibility of applications submitted to MEA.

• In the case of an incomplete application, as determined by MEA, MEA may ask an applicant to provide additional information. An applicant will be allowed up to 7 business days to provide the requested information. If MEA does not receive the requested information within 7 business days, the applicant may be requested to reapply and will lose its position in the queue.

Submission Instructions: Applications are due by April 28, 2022 at 5:00 PM.

MEA recommends that Applicants submit files electronically in PDF format; all electronic files should be submitted to lighting.mea@maryland.gov. MEA encourages the use of electronic communication, including applications, to streamline processing and reduce environmental impacts. If an applicant chooses to “opt out” of electronic communications for this program, please contact MEA no later than five (5) days prior to the application deadline to claim a place in the sequence of applications received and to establish an alternative method to apply. All applications, regardless of submission method, must be received no later than April 28, 2022, 5:00 P.M. However, the program may close early if funding is fully committed.

Questions can be directed to Christopher Russell, the SOLE program manager, at chris.russell@maryland.gov or (443) 908-1767.

Related Programs:

MEA’s Jane E. Lawton Loan Program
Applicants eligible for a SOLE Pilot Program award are encouraged to apply simultaneously for a Jane E. Lawton Conservation Loan to help finance any eligible Project costs not covered by SOLE incentives. Lawton loans are currently offered at an interest rate of 1% and may be able to help eligible applicants finance any remaining costs associated with the Project, if the proposed Project meets the requirements of the Lawton program and loan funds remain available. For more information about Lawton loans, link here.
RESOLUTION: To ratify the City Manager’s execution of a Commitment Letter for a Maryland Energy Administration grant application for streetlight conversions.

WHEREAS, on June 17, 2022, the City of Rockville was advised by the Maryland Energy Administration (MEA) that the City’s grant application for streetlight conversions has been approved; and

WHEREAS, in order to accept the grant, MEA requested that the City sign a Commitment Letter by June 23, 2022; and

WHEREAS, because of the short turnaround time and the Mayor and Council’s meeting schedule, it was not possible to obtain Mayor and Council approval for the City Manager to execute the Commitment Letter on its behalf; and

WHEREAS, the City Manager executed the Commitment Letter so as to meet the submittal deadline and maintain the City’s eligibility for the MEA grant; and

WHEREAS, the Mayor and Council wish to ratify the City Manager’s execution of the Commitment Letter on its behalf for the MEA grant.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that the City Manager’s action executing the MEA Commitment Letter on its behalf for the MEA grant is hereby ratified.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of

Sara Taylor-Ferrell, City Clerk/Director of Council Operations
The Mayor and Council of Rockville

Certificate of Recognition

Celebrates

131st Anniversary of Historic

Lincoln Park

We celebrate the 131st Anniversary of the Lincoln Park community, established in 1891 as one of the first free Black communities in Montgomery County, Maryland.

The City of Rockville honors the historical significance of the Lincoln Park Community. Thank you to the Lincoln Park Historic Foundation for its dedication and important contributions to Rockville’s heritage.

We wish you much success for many years to come!

June 25, 2022
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Address/Phone</th>
<th>Topic</th>
<th>Speaking on Behalf of</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Drew Powell, President of Rockville Sister Cities</td>
<td>1035 Carnation Dr. Rockville, MD 20850 301-520-2642 <a href="mailto:drewpowell@yahoo.com">drewpowell@yahoo.com</a></td>
<td>Potential reciprocal visit to Yilan City, Taiwan</td>
<td>Rockville Sister Cities</td>
</tr>
<tr>
<td>4.</td>
<td>Mike Rose</td>
<td>227 Great Falls Road Rockville, MD 20850</td>
<td>City matters</td>
<td>Self</td>
</tr>
<tr>
<td>5.</td>
<td>Kenneth Sonner</td>
<td>710 Smallwood Road Rockville, MD 20850 301-943-5632 <a href="mailto:kensonner@msn.com">kensonner@msn.com</a></td>
<td>406 Great Falls Road</td>
<td>Self</td>
</tr>
<tr>
<td>6.</td>
<td>Vincent Russo</td>
<td>1019 De Beck Dr Rockville, MD 20851 301-980-3169 <a href="mailto:vdrusso1@gmail.com">vdrusso1@gmail.com</a></td>
<td>406 Great Falls Road</td>
<td>Self</td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>