



PLANNING COMMISSION

Wednesday, July 10, 2019

7:00 PM

Rockville City Hall

Mayor and Council Chambers

Meeting No. 19-2019

AGENDA

Gail Sherman, Chair

Don Hadley	Anne Goodman
Charles Littlefield	John Tyner, II
Sarah Miller	Rev. Jane E. Wood

Jim Wasilak, Staff Liaison

Cynthia Walters, Deputy City Attorney

Eliot Schaefer, Assistant City Attorney

1. **Work Session**
 - A. **Work Session 2: Comprehensive Plan, Draft for Planning Commission Public Hearing**

 2. **Recommendation to Mayor and Council**
 - A. **Recommendation to the Mayor and Council on Zoning Text Amendment TXT2019-00254 - Revisions to the Development Standards for Accessory Buildings in Residential Zones, and for Accessory Buildings in Both the MXT and HD (Historic District) Zones; Mayor and Council of Rockville, Applicants.**

 3. **Commission Items**
 - A. **Staff Liaison Report**

 - B. **Old Business**
-

C. New Business

D. Minutes Approval

May 22, 2019

E. FYI/Correspondence

4. Adjourn

HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS

I. GENERAL ORDER OF SESSION FOR DEVELOPMENT APPLICATIONS

1. Staff presentation
2. City Board or Commission comment
3. Applicant presentation (10 min.)
4. Public comment (3 min, or 5 min for the representative of an association)
5. Planning Commission Discussion and Deliberation
6. Decision or recommendation by vote

The Commission may ask questions of any party at any time during the proceedings.

II. PLANNING COMMISSION BROADCAST

- Watch LIVE on Comcast Cable Rockville Channel 11 and online at: www.rockvillemd.gov
- Replay on Comcast Cable Channel 11:
 - Wednesdays at 7:00 pm (if no live meeting)
 - Sundays at 7:00 pm
 - Mondays, Thursdays and Saturdays at 1:00 pm
 - Saturdays and Sundays at 12:00 am (midnight)
- Video on Demand (within 48 hours of meeting) at: www.rockvillemd.gov/VideoOnDemand.

III. NEW DEVELOPMENT APPLICATIONS

- For a complete list of all applications on file, visit: www.rockvillemd.gov/DevelopmentWatch.

VI. ADDITIONAL INFORMATION RESOURCES

- Additional resources are available to anyone who would like more information about the planning and development review process on the City's web site at: www.rockvillemd.gov/cpds.

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte (extra-record) communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.



Agenda Item #:	A
Meeting Date:	July 10, 2019
Responsible Staff:	Cynthia Kebba

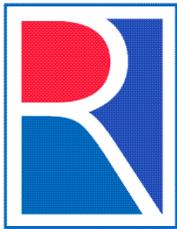
SUBJECT:

Work Session 2: Comprehensive Plan, Draft for Planning Commission Public Hearing

RECOMMENDATION

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

Hold a work session on the Comprehensive Plan, Draft for Planning Commission Public Hearing. Staff recommends reviewing the Elements on Housing, Historic Preservation and Recreation and Parks, including the related testimony.



City of
Rockville
Get Into It

Planning Commission Staff Report:

MEETING DATE: July 10, 2019

REPORT DATE: July 3, 2019

RESPONSIBLE STAFF: Cindy Kebba, Manager,
Comprehensive Planning
240.314.8233
ckebba@rockvillemd.gov

SUBJECT: Work Session 2 on Comprehensive
Plan, Draft for Public Hearing

BACKGROUND:

Actions to Date

The Planning Commission held three public hearings on the Comprehensive Plan: Draft for Public Hearing. Following the final June 4 public hearing, the Planning Commission scheduled four work sessions on June 26, July 10, July 24, and August 7. The work sessions are opportunities for the Planning Commission to review the testimony with staff and make revisions to the Draft Plan.

The Planning Commission closed the public record for written testimony on Tuesday, June 18, 2019. Written testimony received by the Planning Commission and transcripts from the public

hearings are available on the project Web site at <https://www.rockvillemd.gov/203/Rockville-2040-Comprehensive-Plan-Update>.

The first work session was held on June 26, during which the Introduction and the Community Facilities, Economic Development, and Municipal Growth Elements were discussed. The Planning Commission reviewed testimony submitted and instructed staff to make changes to the Draft Plan based on the discussion.

Summary of Draft Plan Contents

The Comprehensive Plan: Draft for Planning Commission Public Hearing constitutes the first major portion of the proposed update to the existing Comprehensive Master Plan, which was adopted by the Mayor and Council of Rockville on November 12, 2002.

This first portion of the Draft Plan contains an Introduction chapter and ten Elements, or citywide topic areas. The second portion of the Plan has not yet been completed or released. It will cover the Planning Areas, which are closer looks at geographic subareas of the City. The draft of the Planning Areas portion will be presented to the Planning Commission this fall, for its review, adjustments, and release.

DISCUSSION:

Staff suggests that, at the July 10 meeting, the Planning Commission review and discuss testimony on the Housing, Historic Preservation, and Recreation & Parks Elements. (Remaining Elements will be reviewed at upcoming work sessions.) Testimony that has been received on these three topics is attached in the form that it was received (Attachment A) and is summarized in Attachment B. Staff requests direction from the Planning Commission on any revisions it wishes to make to these Elements.

At the work session, staff will highlight key issues for discussion, rather than every item in the staff report. However, the Planning Commission should feel free to bring up any testimony or topics related to the Element under discussion.

As a reminder, all testimony received on all topics was provided in the staff report for the June 26 work session on the Comprehensive Plan.

Housing Element

State of Maryland, Department of Planning (MDP Exhibit 11)

1. MDP encourages the city to develop a plan to provide a comprehensive approach to guide the affordable and mixed-income housing development effort (such as providing density bonuses, incentive tax policies, leveraging state and federal housing finance programs, ensuring long-term affordable units, supporting land banking and prioritizing affordable housing subsidy near transit.)

Staff response: Staff agrees and recommends changing action 1.1 under Policy 1 to read “Develop a plan to provide a comprehensive approach to guide the city’s affordable and mixed-income housing development efforts.”

2. Include references for charts and figures in the Housing Element and other Elements throughout the Draft Plan.

Staff response: Staff agrees with this suggestion and will include sources.

Maryland Department of Housing and Community Development (DHCD - included with MDP testimony, Exhibit 11)

The testimony states that there is no discussion in the plan of potential State of Maryland financing programs. DHCD staff are available to discuss these with city staff.

Staff response: Staff believes that this comment is addressed by Action 7.1, under Policy 7 of the Housing Element which states: “Leverage federal resources and identify local and state funding sources to support the production of housing affordable to low- and moderate-income households.” Staff welcomes DHCD’s invitation to discuss the full range of financing tools as well as potential resources for specific development opportunities.

Kenneth Hoffman (Exhibit 14)

The testimony suggests using existing housing stock to allow single individuals to live together, from people recovering from addictive disorders to community college students who require affordable housing choices.

Staff response: Staff believes that this comment is already addressed in the Draft Plan and by current zoning. Policy 7 of the Land Use Element reads: “Review and enforce regulations on shared housing and develop standards for short-term residential rentals.” The text below this policy states that the Draft Plan “encourages a community discussion on the appropriate standards and regulations on the use of dwelling units given the reality of shared arrangements, but also concern in neighborhoods regarding overcrowding, parking shortages, and transient renters.”

In addition, Rockville’s Zoning Ordinance currently allows for such living arrangements. Group homes that allow for up to eight individuals are permitted by right in the Single Dwelling Unit Residential Zones. Larger group homes, housing up to 16 residents, may be allowed by Special Exception. Often these uses function within the existing housing stock.

Personal living quarters are allowed in all mixed-use zones except for the MXC zone. These are defined in the Zoning Ordinance as permanent residential units with incomplete kitchen or bathroom facilities, occupied by no more than two persons in each such unit, and located within a larger structure that contains at least five such units, plus a residential unit for an on-site manager. These are currently allowed in all of the mixed-use zones except the MXC zone.

Twinbrook Community Association (TCA – Exhibit 26) and Lincoln Park Civic Association (oral testimony at the June 4, 2019 Public Hearing)

TCA supports policies to allow Accessory Dwelling Units (ADUs), short-term rentals and diverse housing options within Twinbrook. The Lincoln Park Civic Association also supports Accessory Dwelling Units (ADUs) as an affordable housing option.

Staff response: Staff concurs. This topic will be discussed during the Land Use Element work session.

Historic Preservation Element

Maryland Historical Trust (MHT - included with MDP testimony, Exhibit 11)

1. MHT supports Policy 2 in the Historic Preservation Element to “Follow a clear and proactive process for evaluating and designating historic districts based on established criteria and an ongoing preservation strategy and work program.”

Staff response: Staff concurs.

2. In the paragraph that explains Policy 3 in the Draft Plan, the sentence “At the same time, the continued preservation of some designated properties may not always be financially feasible” is confusing.

Staff response: Staff agrees that this sentence is confusing on its own and suggests adding an action under Policy 3 to “Consider ways to remove historic designation from buildings and sites that have lost historic or architectural integrity, without encouraging demolition by neglect.”

Twinbrook Community Association (Exhibit 26)

The testimony suggests including signage in Twinbrook and throughout Rockville to highlight the neighborhood’s and city’s history.

Staff Response: Staff believes that this suggestion is incorporated into the Historic Preservation Element. Policy 7 to “Enhance understanding of and appreciation for Rockville’s history and historic character” and Policy 8 “Promote and support heritage tourism as a tool for economic development,” with their associated actions, encourage increased awareness of Rockville’s history and more interpretive signage. However, staff recommends amending action 7.3 to read “Increase awareness of Rockville’s history and historic preservation through interpretive signage and school and community programs.”

David Hill (Exhibit 38)

The testimony suggests changes and supplements to the introduction to the Historic Preservation Element (page 206) as follows:

1. First paragraph: the stages of Rockville's history are out of order. Rockville began as an agrarian economy.

Staff response: Staff agrees and suggests changing the sentence to read: "The city has grown from an agrarian society and small village to the county seat, commuter suburb, and more recently to a commercial destination and employment center."

2. Second paragraph: Disagrees with the statement "The original six streets that formed the town are still at the heart of the city, as shown in the 1803 Plan of Rockville."

Staff response: Staff believes that the sentence, as written in the Draft Plan, is accurate, even though Commerce Lane was re-named and parcels have been reconfigured over time. The intent of the sentence is to indicate that one can still recognize the original street layout.

3. Second paragraph: the sentence "Many of Rockville's historic [resources], dating to the 18th, 19th and 20th century have been preserved..." is arguable.

Staff response: Staff agrees that "many" is the wrong word, especially for 18th century resources. Staff suggests replacing the word "many" with "Examples."

4. Page 206; Goal 2. Change the word "appropriate" to "sympathetic."

Staff response: Staff is fine with the change to "sympathetic."

Peerless Rockville (Exhibit 44)

1. The Draft Plan lacks an action step to create ordinances or protections to avoid demolition by neglect. Similar testimony was provided by the West End Citizens Association (Exhibit 47).

Staff response: Staff concurs and suggests adding another Action before 5.8 on page 216 to "Develop a process to both avoid and respond quickly to cases of demolition of neglect."

2. Peerless Rockville supports a statement in the Draft Plan similar to that which was in the 2002 Comprehensive Master Plan: "The HDC should review development proposed in adjacent and abutting areas at the preliminary planning and review process to prevent harmful impacts on the nearby historic properties."

Staff response: Staff does not recommend adding this statement. Staff believes that property owners adjacent to historic structures should clearly know what is expected when developing or making changes to their properties. Zoning ordinance standards could be added to include requirements for buffers or landscaping in lieu of review by the HDC. However, per the zoning ordinance, non-regulatory courtesy reviews by the HDC may be conducted if requested by the Mayor and Council or the Planning Commission.

3. Page 206. Modify Goal 2 to remove the phrase "...while allowing appropriate alterations."

Staff response: Staff agrees that that phrase is not necessary in Goal 2 and can be removed.

4. Add a Policy to the first Goal to update existing outdated documents.

Staff response: Staff recommends making this a second Action under Policy 1 on page 207.

5. Review and enact zoning standards that pertain to Historic District overlay zoning to ensure the enforcement and protection of resources within Historic District zones.

Staff response: Staff believes that the HDC should continue to follow the Secretary of the Interior Standards, the city's Technical Guides, design guidelines, and the zoning ordinance when reviewing alterations to designated properties. Staff is drafting some new ordinance changes that, if adopted, could affect designated properties, such as regulating the sizes of new accessory structures. Staff also believes that design guidelines need to be updated and new guidelines developed, as stated in Action 5.2.

6. Add a new goal to "Prioritize identification and protection of resources through proactive survey, identification, and documentation of individual and historic district resources, citywide themes, patterns of development and historic contexts."

Staff response: Staff believes that this concept is already addressed in Goal 2 on page 211, including the bullets of what Rockville values and Policy 2 on page 213 of the Historic Preservation Element.

7. Add new policies to ensure broader diversity of resources.

Staff response: Staff agrees and recommends that Action 2.3 (page 213) be broadened to include under-represented and diverse contexts, populations, and periods of development, including significant examples of the recent past, built since the mid-20th century.

8. Modify Goal 2 (page 206) to read "Preserve significant examples of architectural periods and historic themes through local designation, historic preservation, and utilization of alternative strategies for preservation."

Staff response: Staff agrees with the concept but disagrees with modifying the goal. Historic preservation is already addressed as the first goal. Alternative strategies and other tools are included in Policy 5 on page 216. Staff believes local historic designation is the most valuable tool for preservation. However, staff suggests that an additional Action item be added under Policy 5 to consider alternative preservation strategies such as easements and conservation districts when historic designation is not feasible or desired.

9. Change Policy 3 on page 213 to read: Integrate historic preservation policies into planning activities and development review.

Staff response: Staff recommends no change. This sentence is included under the existing Policy 3.

10. Modify action 5.4 on page 216 to read: Enact zoning language and standards to maintain the character of designated residential buildings even when the structures are used for non-residential purposes, such as along North Adams Street.

Staff response: Staff recommends modifying the action to read: “Maintain the character of designated residential buildings even when the structures are used for non-residential purposes (such as along North Adams Street), using appropriate tools such as zoning and design guidelines.” The HDC uses the Secretary of the Interior Standards for Rehabilitation and the city’s Technical Guides and design guidelines to determine if exterior alterations are appropriate, as well as following zoning regulations. As noted above, staff recommends adding a policy to update outdated documents, including design guidelines.

11. Move Action 5.8 to Goal 1 and add “create policies to regulate demolition by neglect.”

Staff response: Staff believes that this action belongs with Policy 5, but staff agrees with strengthening the statement to read: “Create regulations to avoid demolition of neglect and respond to cases of demolition by neglect and ensure that all locally designated properties are compliant with building codes.”

12. Add a new policy to include alternative preservation strategies such as design guidelines, area plans, and conservation districts.

Staff response: Staff suggests adding this as an action under Policy 5 to read “Evaluate alternative preservation strategies such as design guidelines, area plans, and conservation districts, particularly for East Rockville, Lincoln Park, Twinbrook, Rockcrest, mid-century resources and underrepresented resources.”

13. Add an Action to Policy 6 to read “Ensure preservation of historic character, streetscape and view sheds when modifications and additions to Historic Districts are proposed.

Staff response: Staff believes that Policy 6 and the Action to initiate streetscape design projects for large, multi-site historic districts are sufficient.

14. Add an Action under Goal 3 to read “Partner with local, state, and national partners to prioritize funding for treasured vacant and underutilized historic resources such as King Farm, Chestnut Lodge, Lincoln High School, and Rockville Academy.”

Staff response: Staff suggests adding an Action to “Seek funding sources to help preserve underutilized and at-risk historic resources” to Policy 5.

Rockville Historic District Commission (Exhibit 49)

1. Add a goal to the Land Use Element to incorporate historic preservation concepts into land use planning and development.

Staff response: Staff believes that this is already addressed by Policy 3 in the Historic Preservation Element (page 213). The last sentence under that policy reads “Rockville should integrate historic preservation policies into its larger planning activities by ensuring that preservation issues are identified and resolved as early as possible in the development process.”

Staff suggests that the first portion of this sentence be modified to read “Rockville should integrate historic preservation policies into its larger planning activities, neighborhood plans, and development projects.” Staff also suggests that the latter portion of this sentence be turned into an Action statement that reads: “Ensure that preservation issues are identified and resolved as early as possible in the development process.”

2. Add a recommendation for interpretive signage under Goal 4 “Let’s Walk Rockville” of the Land Use Element. Add interpretive signage at the Rockville Station.

Staff response: Staff believes that recommendations for interpretive signage are well covered under Policy 8 of the Historic Preservation Element, including Actions 8.4, 8.5, and 8.6 on page 218. Individual projects should be considered and prioritized based on recommendations of the updated Historic Resources Management Plan and the Target Investment Projects in Rockville’s Amendment to the Montgomery County Heritage Area Management Plan (Action 8.1).

3. Include a recommendation in the Plan that a full cultural resource survey, both architectural and archaeological, should be undertaken on large properties prior to development to identify potential historic and prehistoric resources.

Staff response: Staff does not agree that this recommendation should be in the Plan as the city already requires this review as part of the Natural Resources Inventory (NRI), which includes an inventory of cultural, natural and archaeological resources as well as of significant views and vistas.

4. Include more text on the history of the national preservation movement under Goal 1 on page 206.

Staff response: Staff believes that the level of detail on this topic as provided in the Draft Plan is appropriate. The Historic Preservation Trends Report (2016) includes a more detailed description of the historic preservation movement on the national level. The Trend Reports, on

each of the Elements, were intended to provide background information that was considered to be too detailed for the Comprehensive Plan (part 1 of which alone is 237 pages.)

5. Include more discussion of archaeology and potential archaeological resources in Rockville.

Staff response: Staff agrees and suggests that an Action be added under Policy 7 on page 217 to work with Montgomery College, Montgomery County, local archaeological organizations and other partners to develop educational materials on this topic and recommendations for testing, excavation and analysis of artifacts under qualified supervision.

6. Mention the Section 106 process of the National Historic Preservation Act on page 215.

Staff response: Staff agrees that a paragraph describing this process should be included under Policy 4. Proposed text follows:

The Section 106 review process is an integral component of the National Historic Preservation Act. Section 106 requires federal agencies to consider the effects on historic properties of projects they carry out, assist, license or approve. A fundamental goal is to ensure that federal agencies consult with interested partners to identify and evaluate historic properties, assess the effects of their undertakings on historic properties, and attempt to negotiate an outcome that will balance project needs with historic preservation values.

7. Page 207: Change “augmenting” to “expanding” and add “historic” between “designated resources.”

Staff response: Staff agrees and will make the edits.

8. Page 208: Highlight historic districts in different colors.

Staff response: Staff disagrees with this suggestion because the map is already very detailed. Staff’s view is that a single color to represent all of the historic districts is less confusing than multiple colors.

9. Add basic historic facts to each of the representative buildings on page 209.

Staff response: Staff recommends adding construction dates for each. The Historic Buildings Catalog has more detail on all of Rockville’s historically designated buildings and many non-designated buildings, as well.

10. Add “public input” to the second paragraph of Policy 2 on page 213.

Staff response: Staff agrees and will add “public input” to the second sentence.

11. Page 217: Add “archaeological resources” to Action 5.9 and add Lincoln Park Historical Foundation to Policy 7.

Staff response: Staff agrees with these edits.

12. Page 218; Add “work with community partners” to Action 7.6.

Staff response: Staff agrees with the edit.

West End Citizens Association (WECA – Exhibit 47)

1. Page 211: Change Goal 2 to include Preservation.

Staff Response: Staff agrees.

2. Page 216; Action 5.1. Add a sentence to read “Policies that address specific historic properties, such as Chestnut Lodge, are contained in the Neighborhood Plan where the historic property is located.”

Staff response: Staff is sympathetic with the desire to refer to specific policies in the Planning Areas portion of the Plan but believes that this could become unwieldy if all Planning Area policies were to be referred to throughout the Elements portion of the Plan. Instead, staff recommends adding more language about the role of the Planning Areas portion to the Introduction, on page 3 to ensure that the reader knows to look there for property-specific policies.

3. Page 216; Action 5.4. Add a sentence to read “Regulations that must be met to preserve the residential character shall be added to the zoning ordinance under 25.14.01 Historic District Zones.”

Staff response: Staff believes that this language is too specific for a Comprehensive Plan and design guidelines are a more appropriate tool to preserve residential character than specific regulations. “Shall” is used in ordinance language and staff believes it is not appropriate to be used in a Comprehensive Plan.

4. Page 216; Action 5.6. Add a sentence to read: “In the zoning ordinance, regulations and penalties for preventing demolition by neglect shall be added to 25.14.01 Historic District Zones.”

Staff response: (See Peerless Rockville Testimony, above, on this subject.) Staff suggests adding language to Action 5.8 to state that a process should be developed within the Zoning Ordinance to respond to and avoid cases of demolition of neglect. Again, staff believes that “shall” is not appropriate in a policy/guiding document.

5. Page 217. Add a second action statement under Policy 6 to read: “When modifications or additions are proposed for historic districts, ensure that they preserve the historic character of the streetscape and add signage, if appropriate.”

Staff response: Staff agrees.

Recreation and Parks Element

State of Maryland, Department of Planning (MDP Exhibit 11)

1. The Maryland Department of Planning suggests that the Parks and Recreation Element include a couple of sentences, in general terms, about the potential park and recreation values of the golf courses within the city if they change use or ownership in the future.

Staff response: Staff believes that this suggestion is already included in the Recreation and Parks Element. Under Policy 3, Action item 3.3, the Recreation and Parks Element reads: Retain all or a majority of RedGate Golf Course as some type of park resource open and available to residents. Staff recommends that this sentence be changed to read “Retain a significant portion of RedGate Golf Course as a park resource open and available to residents” since future use of the golf course has not been determined.

Policy 25 in the Land Use Element addresses the need for conceptual master plans to be developed prior to or as part of any development proposals involving the city-owned RedGate golf course or the two private golf courses, in part so that community facilities such as parks and recreation facilities can be included in the overall land use concept plan.

2. MDP suggests that the Draft Plan describe the relationship of the city’s Parks, Recreation and Open Space (PROS) Plan with the Comprehensive Plan and the Recreation and Parks Element of the Plan.

Staff response: Staff agrees that the Element should include a sentence in the last paragraph of the introduction on page 90 to describe this relationship. The current (2009) PROS Plan is a policy document that is not incorporated into the current (2002) Comprehensive Plan but provides direction that supplements and furthers policies in the current Plan. An update to the 2009 PROS Plan is underway (“The Recreation and Parks Strategic Plan”) and expected to be presented to the Mayor and Council by the end of 2019.

Linowes & Blocher on behalf of Woodmont Country Club (Exhibit 18)

The testimony requests that any recommendation for a park located on Woodmont Country Club property contain clarification that the need, size, and location of the park would be determined if the property redevelops.

Staff response: Staff agrees. The Rockville Pike Neighborhood Plan, adopted in 2016, calls for “a large active park in the context of any large-scale development that may be proposed in the

future on the west side of the Middle Pike.” This topic will also be addressed in the Planning Areas portion of the Plan. Woodmont Country Club is proposed as Planning Area 11.

Twinbrook Community Association (TCA-Exhibit 26)

The testimony requests investment in the Rockcrest Community Center to allow it to function more like the Twinbrook Community Recreation Center, as a location for community meetings, programs, and sports.

Staff response: Staff believes that the Draft Plan addresses investment in all of the city’s community centers. Policy 7 in the Recreation and Parks Element, and Actions 7.4 and 7.5, address the need to maintain and invest in the city’s community centers. The need to address the Rockcrest Community Center will be evaluated in the Planning Areas portion of the Draft Plan (Planning Area 8).

Environment Commission (Exhibit 31)

Referring to Goals 4 and 5 in the Environment Element, Action items should include a commitment to using green appropriate landscape plans in Rockville parks.

Staff Response: Staff recommends adding an Action under Policy 5, “Maintain and Promote Our Parks” to “Consider using green appropriate landscape plans as part of park maintenance.” Staff notes that there can be financial and maintenance trade-offs and that this action should not be an absolute requirement.

PUBLIC OUTREACH:

After the Draft Plan release on March 14, 2019, staff initiated a public information program. The draft is posted on the city’s Web site, at <http://www.rockvillemd.gov/203/Rockville-2040-Comprehensive-Plan-Update>. It was sent to the State Clearinghouse within the Maryland Department of Planning, relevant public agencies, and adjoining jurisdictions. Staff held two informational meetings, prior to the public hearings, to assist the public in understanding both the Draft Plan and the methods by which written and oral testimony could be provided.

Staff also offered to visit with any community, business and other organizations, including City Boards and Commissions, that wished to have a presentation regarding the draft plan and on how to provide testimony. Staff visited with many and has made many informational presentations.

In addition, staff worked with the city’s Public Information and Community Engagement office to provide information through Rockville Reports, Rockville 11, social media, and listserv emails to provide information on the Draft Plan content, public hearing dates, methods to provide testimony, and to keep the public updated on the process.

At a broader level, the Draft Plan is the result of extensive community input that was gathered over a multi-year period, and continues to the present, in a process known as “Rockville 2040.” That process is summarized in the Introduction chapter of the Public Hearing Draft, but includes

a kick-off meeting, 35 Listening Sessions, 4 Citywide Forums, 3 Open Houses, 2 Information Sessions, and many meetings with community members, community organizations, and other stakeholders as warranted. Staff has been available to talk and meet with any member of the broad Rockville community, including but not limited to residents, business owners, workers, representatives of non-profit organizations, and representatives of governmental and quasi-governmental agencies.

BOARDS AND COMMISSIONS:

City boards and commissions participated in many of the public meetings held during the Rockville 2040 process; and city staff have attended various meetings of boards, commissions and other organizations (e.g. Rockville Economic Development, Inc., Rockville Housing Enterprises, etc.) to obtain their input. The Planning Commission may choose to include boards and commissions in work sessions, on various topic areas.

NEXT STEPS:

The next work session on the Draft Comprehensive Plan is scheduled for July 24. The Land Use Element is scheduled for that discussion.

Attachments

Attachment 1.A.a: Testimony Housing, HP, Rec & Parks (PDF)

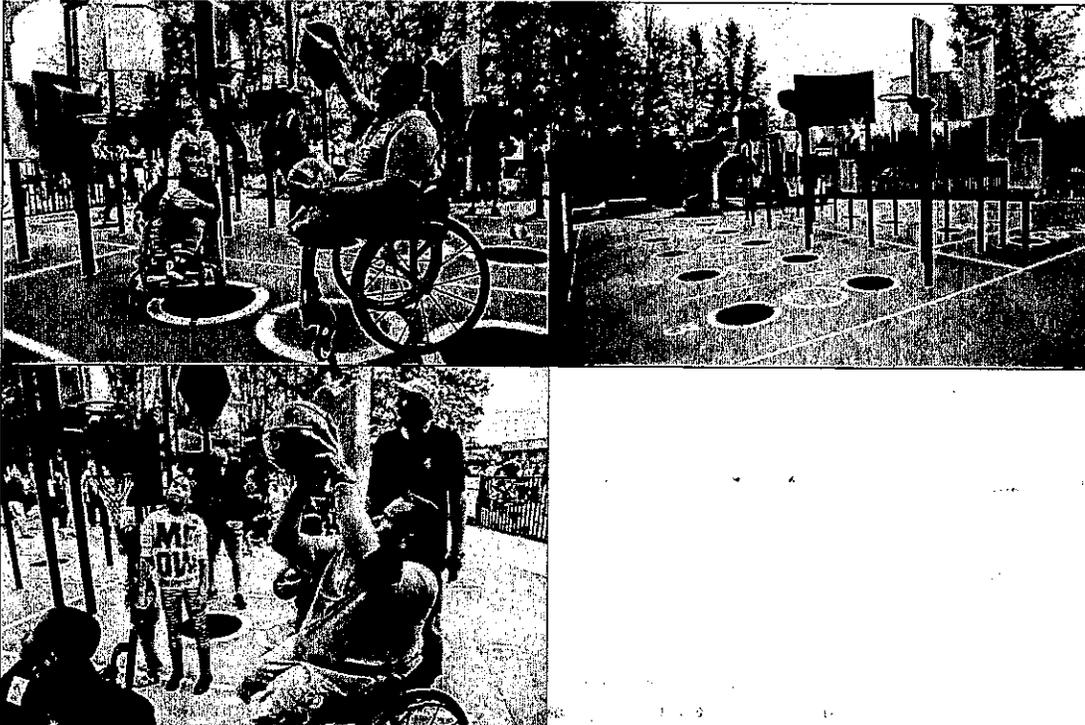
Attachment 1.A.b: Testimony Matrix Housing, Historic Pres., Recreation & Parks Only (PDF)

David Levy

David Levy, Chief of Long Range Planning

7/3/2019

From: nareletsplayfair@aol.com
Sent: Saturday, April 6, 2019 8:31 PM
To: rick@notesonnewyork.net
Subject: APRIL AS AUTISM AWARENESS MONTH
Attachments: CMOM page from website.docx; SportStructures (Play and Playground) Article.docx



APRIL IS AUTISM AWARENESS MONTH...It was suggested I pass this along to you....Dr. Reeve Brenner....301 309 0260

Testimony Larry

My name is Larry R. and I'm an accountant blessed with two children, two sons who are autistic, or more properly, on different stages of the autistic spectrum. The two boys love to play ball as do their parents with them. But when I take the family to a park or school playground it nearly breaks our hearts.

At every one of these parks and playgrounds, you can see at once that there are plenty of ballplaying facilities for typical children. The average youngster or teen can wait in line to play basketball, soccer and the rest. But these are all team sports with opponents. They are not independent or individualized sports so that my boys can drop-in and participate along with everyone else in the community. This is understood as mainstreaming which does not exist apart from programs which further segregated and segment differently able populations.

Why do all the typical kids get ballplaying facilities so much so that many of them are empty like the tennis courts being built for fewer and fewer participants. The point is there are many drop-in facilities: sports courts and sports fields for everyone but not for kids who are physically and cognitively challenged or mobility impaired or in wheelchairs or have other disabilities. They too should have drop-in ball playing sports to drop in with their family to play together and interact with others. There are none. What's the point of a ramp leading to discrimination and exclusion which characterizes the new parks designed with little thought to including the differently-able. They are neglected willfully by a kind of callous indifference on the part of the authorities.

It's very sad and I speak not only for my own family. I'm certain i speak also for many of our county's differently able children and adults who would also like to play ball at facility but not with opponents, and not with teams, "a sport that does not require offense and defense but actively move their bodies, and are presented with sports challenges that they can succeed at, that socialize and mainstream's all populations. We need to be giving consideration to diversity and the integration of special populations into a community activity. These parks offer accessibility when they should be offering inclusion." {THE NATIONAL ASSOCIATION FOR RECREATIONAL EQUALITY website}.

The only glimmer of hope is that of the Bankshot court we played at in several parks and school playgrounds that brings a community together and includes the differently able. I wish officialdom would visit a court to experience walk-on, drop-in, inclusion. Why so few of these and others like it? There ought to be many such play opportunities in the community addressing the needs of the total community rather than merely the jocks and athletes.

All families blessed with all kinds of children should have drop-in facilities to play ball just like other typical children and not always aggressive and having to defeat rivals but by playing alongside one another, not against one another, where, as I heard said, "you don't have to win to be a winner," [NARE] Rather, it is participation alongside others in mainstreaming disabled that brings a community together.

There are many of us who would like to see attention paid to those who are so underserved in our parks. The parks and playgrounds from the perspective of my family and many others are sadly disappointing.



Links to the two videos from the August event (8-19-18) in King Farm.

<https://www.youtube.com/watch?v=3idvticRsQ>

We would like to suggest that a Bankshot playcourt be included in the parks, rec centers and playgrounds for the sake of the differently able and the autistic community, wheelchair participants and others mobility impaired. Please check out Bankshot.com and the National Association for Recreational Equality. The atypical community is often overlooked and they are provided with

<https://www.localdvm.com/news/i-270/local-officials-aim-to-get-children-with-disabilities-more-involved-in-sports/1382006685>

programs when they really need drop-in walk on facilities so they can gain accessibility any time with their families and friends in a wheelchair on any given day without having to wait for supervised playgrounds. Please check out other cities with Bankshot Playcourts designed for the inclusion and diversity of the full population using our commons.

NARE: LET'S PLAY FAIR

WHEELCHAIRS + RAMPS = FRUSTRATION

I roll up itching to play ball and instead I watch. Foiled again!

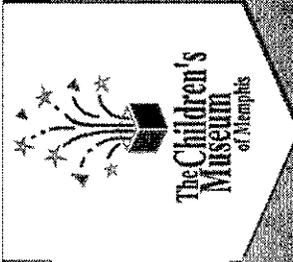
I want to be playing ball like everyone else, all the kids I hang out with. As a teenager I've long ago outgrown interest in climbing playgrounds even if I could climb up.

As a wheelchair user I know that we separate not in the classroom but in the playgrounds - especially the ball fields. They put in a great many basketball courts, tennis courts, baseball, soccer and other games and sports fields for all the jocks and athletes. So some few athletes get all the attention and all their running sports that exclude me and I get nothing!

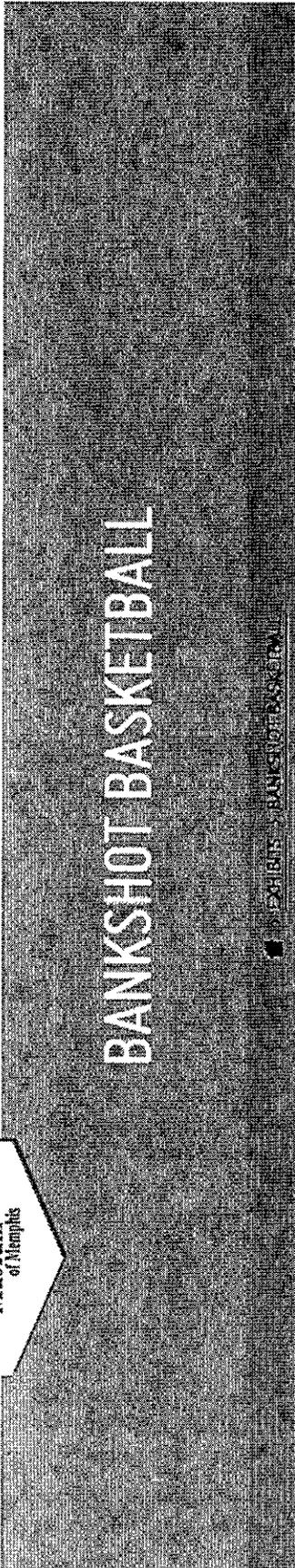
How can accessibility not make matters worse for the wheelchair would-be-players, for the differently-able, for the cognitively and physically challenged? The ramps do not lead to inclusion but to our own immediate elimination- to banishment to the sidelines even before a ball is tossed. Why even show up? When was the last time you saw a kid or an adult in a wheelchair even show up with his friends or family at a sport intended for the participation of everyone else?

The special populations now have greater accessibility to total frustration. They can now roll on up to the perimeter to experience exclusion with ever greater irony than before the ramps were built. How can we be included in the pick- up games of conventional sports? Do I bring along 10 wheelchairs so I can get a game with average kids my age? Where are the sports like Bankshot which allow all players to participate?

Gary D



Visit Programs & Events Exhibits About Support Contact



This unique and challenging exhibit teaches Children about shapes, angles, math, geometry, trigonometry and cooperative play. Bankshot is a new game of skill and challenge that is often described as a "mini golf, but with a basketball." Players of all ages and abilities, including disabled participants, proceed through a course of 19 angled, curved and non-conventionally configured brightly colored backboards, banking shots off the Bankboards™ and through the rims. Bankshot™ Sports are non-aggressive and entirely inclusive. Participants play alongside, not against, each other. Some shots demand caroms off two Bankboards™. Some are ricochets and some diabolically maddening shots have three Bankboards™ and two rims. Players may use a scorecard to track their score as they shoot increasingly difficult shots at each of the stations. It's a basketball lover's greatest challenge!

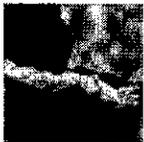




TOTAL-MIX DIVERSITY BASED ON UNIVERSAL DESIGN
The National Association for Recreational Equality

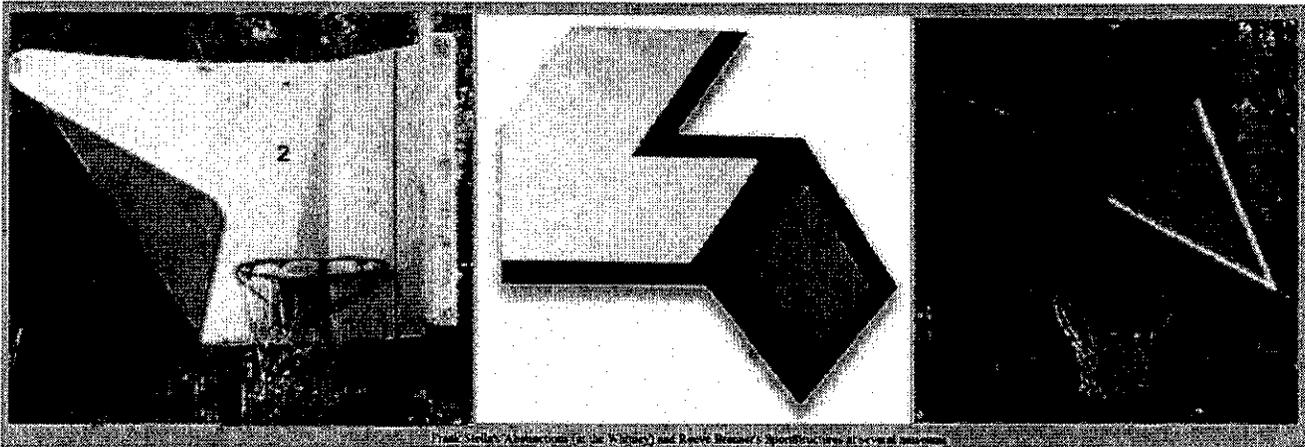


Play and Playground News Center



Today's Play News and Views™

Sports Structures, Sculpture, Bankboards, Calder, Picasso, Stella



The exuberant sense of play, merging the obvious aspects of art understood as form and function - itself a heady mixture - suggests to a visitor that Reeve Brenner's Bankshot Playcourt is something of the legendary logic of Abstract Impressionism's immersion into the world of sports.

Just imagine artists Paul Klee, Joan Miró and Wassily Kandinsky at a Bankshot Playcourt, with a basketball in their hands and seeing for the first time these striking geometries in bold inviting display. Also imagine famous sculptors Alexander Calder and Marcel Duchamp being asked to shoot a ball at these structures, which they inspired with whim and fancy. They might witness and bear testimony for themselves the transformation of art into the playful world of sports.

It would be what Frank Stella, an abstractionist artist, called "form" transforming into an inclusionary affordance he called "function." The functionality these sport structures present to children and adults, who have never heard of this art form, will perhaps only be seen as a sport's challenge. But form, when Bankshot structures are viewed alongside Frank Stella's work, is at once evident. Besides, children of all ages, sizes, shapes and diversity, including physically and cognitively challenged, and wheelchair users, participate together achieving real socialization and integration of the community within the world of art and play.

Bankshot's appearance provides a range of impetuously colored configurations, alternating with glowing abstract shapes and excursions relative to Picasso (when he was in his Cubist stage), Frank Stella's humongous-gigantic abstractionist structures (at the new Whitney Museum of American Art) and Alexander Calder's Stabiles. All the while participants are immersed in what Sports Illustrated, (in an article entitled the "Rabbi of Roundball"), referred to as an experience merging art with play: "With their odd shapes and bright colors, Brenner's bankboards have a surreal, futuristic look, like hoop saplings sprung from radioactive soil."

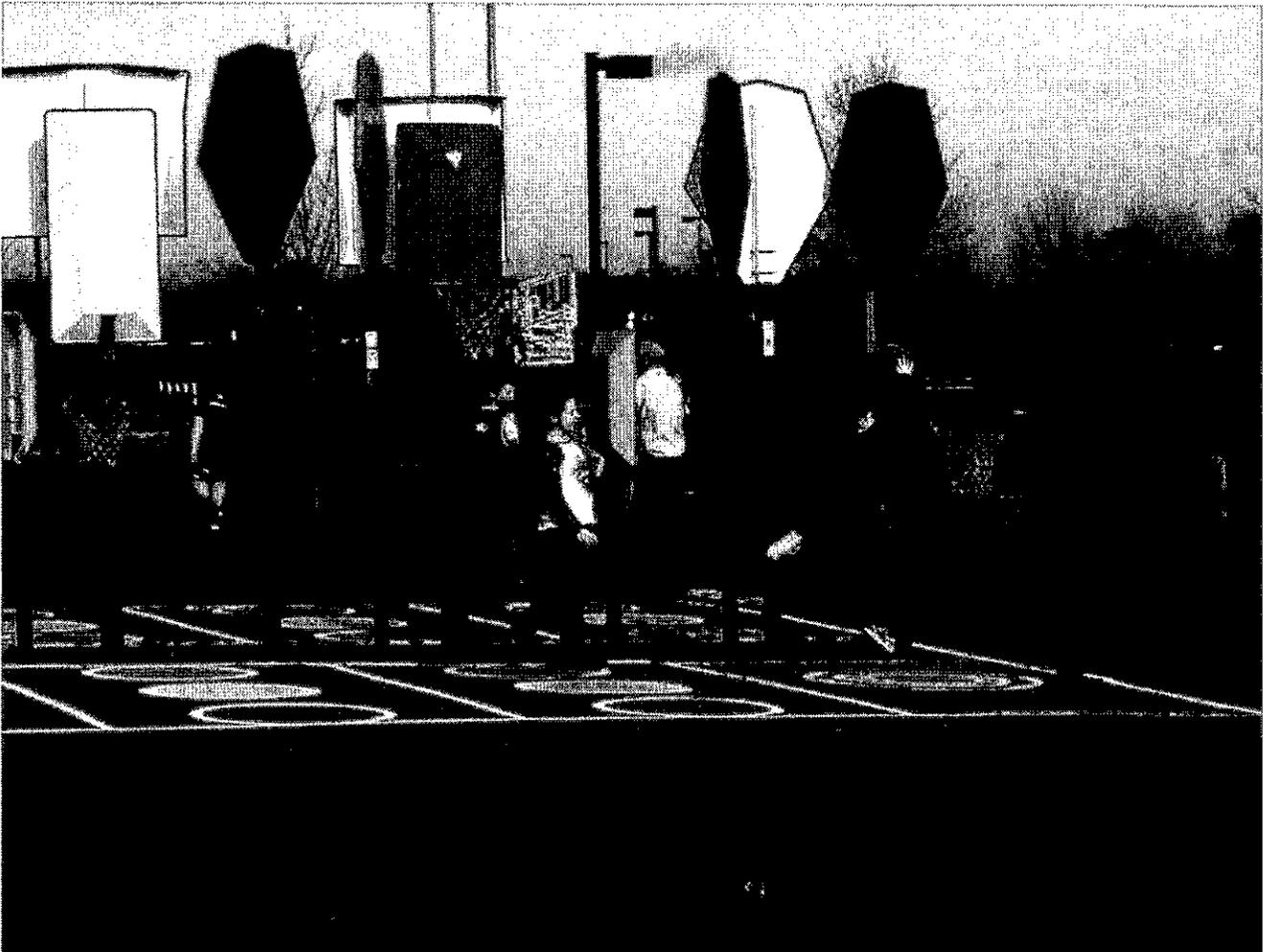
Although, for the most part, created at the Wingate Sports Institute outside of Netanya, the Israel National Museum in Jerusalem was the first international art museum, foreshadowing several others, to exhibit Bankshot as sports structures with the opportunity for play and participation. Available outdoor in the courtyard is a bin of basketballs in various sizes for visitors to choose from. Indoor, wall-hangings display Bankshot Bankboards merging art and play. Since then, the design department of The Museum of Modern Art in New York; the Boston children's Museum and the Bridgeport Connecticut Science Museum have placed Bankshot on permanent display indoors in space for that purpose. The Children's Museum of Memphis (CMOM) has begun construction of a Bank-around-the-circle Bankshot playcourt. Bankshot simultaneously art and

play constitutes a kind of spiritual union formed within the surrounding post-modern space conceived as universal design and set aside for the socialization and the integration of a community.

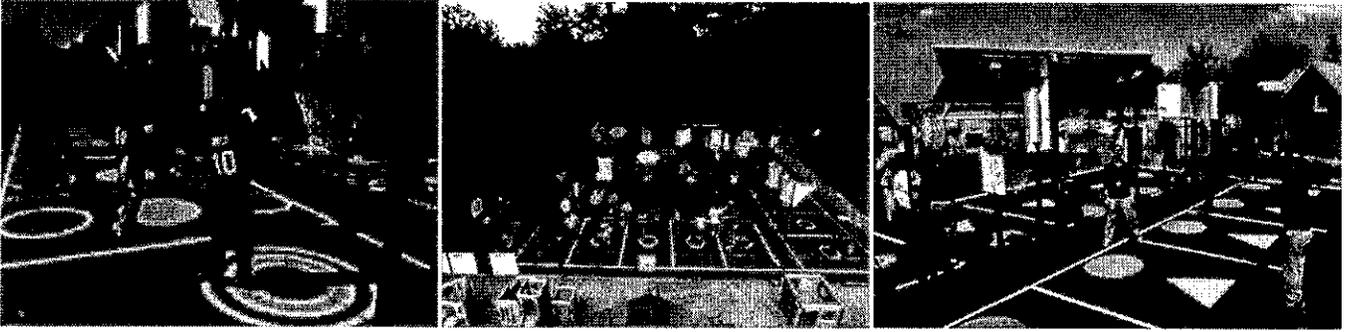
An important and novel aspect about Bankshot is its educational merit. The game offers an enriched play environment composed of a series of novel sport challenges that invigorate the brain with mind-nurturing play experiences. Bankshot's design is also intended to stimulate motor coordination in a dynamic kid-friendly, inclusionary game. Because of Bankshot's spatial relationships, particularly in geometrical composition and court design, the Bankshot court is part of a new genre in the art/play/think world of wonder. It combines creative and scientific elements to produce an advanced participatory art form for today's young person. Bankshot is pure physics: an exercise in translating science into action. (Florida Park & Recreation Quarterly)

NARE

National Association for Recreational Equality



Bankshot Sports



Invented by Rabbi Dr. Reeve Brenner in 1981, the sport of Bankshot Basketball allows a large number of people of varying abilities to participate together at a challenging non-contact self-competitive ball-playing sport that merges art with play.

Find the article online here:

<https://www.playgroundprofessionals.com/playground/accessibility/sports-structures-sculpture-bankboards-calder-picasso-stella101>

Cynthia Kebba

From: noreply@civicplus.com
Sent: Tuesday, April 30, 2019 7:56 PM
To: Comprehensive Plan
Subject: Online Form Submittal: Rockville 2040 Public Testimony

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Rockville 2040 Public Testimony

The Planning Commission needs your input!

You may provide testimony to the Planning Commission on the draft Rockville Comprehensive Plan through this online form, in addition to any email or physical mail testimony you submit directly to the Planning Commission.

All submitted testimony is considered an item of public record and will be included in the Planning Commission testimony report for the draft Comprehensive Plan.

Which Plan element(s) is your testimony about?

- Land Use and Urban Design
Transportation
Recreation and Parks
Community Facilities
Environment
Water Resources
Economic Development
Housing
Historic Preservation
Municipal Growth
Other

Name (required):*

Mary Grace Sabol

Address of Residence (recommended):

210 Blandford Street

Email Address (recommended):

marygracesabol@yahoo.com

By including your Address of Residence or Business and/or Email Address, you are expressing your willingness for staff to contact you for clarification or for legal notifications related to the Comprehensive Plan.

Please type your testimony in the field below:*

We love a game called soccer darts! Let's have it available for pop-up play at events/festivals. We could use more fenced space for dog runs off leash. We would like the piece of Elwood Smith Park that borders Fleet Street to be better maintained ongoing. Lots of non-native vines have taken over, and there are layers of trash mixed in the under story. There are two really cool looking, vintage poolside chairs by Cabin John Creek, if anyone wants to get them. Honestly, we think that if it could be agreed upon with the Casey Foundation, it would be nice to connect the dead end of Blandford Street with Fleet Street by building a woods-friendly ramp that people could use instead of trespassing behind the office building at Fleet and Monroe. Water drainage could use a redesign on the steps descending from Metro pedestrian bridge down to Monroe Street. We love our Rec and Parks City of Rockville staff! Re: Transportation Crosswalk signal at Fleet and Monroe is somewhat dangerous for pedestrians. Cars speed and turn without checking crosswalk. Maybe some traffic-calming measures (even temporary around school start dates) would help. General comment: I'd like to see us have some kind of architectural or sculptural element on 355 that lets people know they are entering Rockville. I don't like how we just bleed together with towns north and south of us. Maybe recreate the milestones from the days when people were driving herds to and from Georgetown would be a nice historical touch. We love our Planning and Development staff!

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://rockvillemd.gov/Admin/FormHistory.aspx?SID=7>

The following form was submitted via your website: Rockville 2040 Public Testimony

Rockville 2040 image:

Which Plan element(s) is your testimony about?: Transportation, Recreation and Parks

Name (required):: Mary Grace Sabol

Address of Residence (recommended):: 210 Blandford Street

Email Address (recommended):: marygracesabol@yahoo.com

Please type your testimony in the field below:: We love a game called soccer darts! Let's have it available for pop-up play at events/festivals.

We could use more fenced space for dog runs off leash.

We would like the piece of Elwood Smith Park that borders Fleet Street to be better maintained ongoing. Lots of non-native vines have taken over, and there are layers of trash mixed in the under story. There are two really cool looking, vintage poolside chairs by Cabin John Creek, if anyone wants to get them.

Honestly, we think that if it could be agreed upon with the Casey Foundation, it would be nice to connect the dead end of Blandford Street with Fleet Street by building a woods-friendly ramp that people could use instead of trespassing behind the office building at Fleet and Monroe.

Water drainage could use a redesign on the steps descending from Metro pedestrian bridge down to Monroe Street.

We love our Rec and Parks City of Rockville staff!

Re: Transportation

Crosswalk signal at Fleet and Monroe is somewhat dangerous for pedestrians. Cars speed and turn without checking crosswalk. Maybe some traffic-calming measures (even temporary around school start dates) would help.

General comment:

I'd like to see us have some kind of architectural or sculptural element on 355 that lets people know they are entering Rockville. I don't like how we just bleed together with towns north and south of us.

Maybe recreate the milestones from the days when people were driving herds to and from Georgetown would be a nice historical touch.

We love our Planning and Development staff!

Additional Information:

Form submitted on: 4/30/2019 7:55:35 PM

Submitted from IP Address: 207.188.221.134

Referrer Page: No Referrer - Direct Link

Form Address: <http://rockvillemd.gov/Forms.aspx?FID=64>

Cynthia Kebba

From: noreply@civicplus.com
Sent: Tuesday, April 30, 2019 7:30 PM
To: Comprehensive Plan
Subject: Online Form Submittal: Rockville 2040 Public Testimony

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Rockville 2040 Public Testimony

The Planning Commission needs your input!

You may provide testimony to the Planning Commission on the draft Rockville Comprehensive Plan through this online form, in addition to any email or physical mail testimony you submit directly to the Planning Commission. Submitting written testimony does not limit your right to also provide oral testimony during the Planning Commission's public hearing, held over three days on May 15, May 22, and June 4, 2019.

All submitted testimony is considered an item of public record and will be included in the Planning Commission testimony report for the draft Comprehensive Plan.

Which Plan element(s) is your testimony about?

- | | |
|--|--|
| <input type="checkbox"/> Land Use and Urban Design | <input type="checkbox"/> Economic Development |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Housing |
| <input checked="" type="checkbox"/> Recreation and Parks | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Community Facilities | <input type="checkbox"/> Municipal Growth |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Other |
| <input type="checkbox"/> Water Resources | |

Name (required):*

Jonathan

Address of Residence (recommended):

Email Address (recommended):

By including your Address of Residence or Business and/or Email Address, you are expressing your willingness for staff to contact you for clarification or for legal notifications related to the Comprehensive Plan. Staff will not use your address or email for any other advertisement or notification lists.

Please type your testimony in the field below:*

Suggestion of adding temporary activities such as large playing chess pieces, checkers, horseshoe, etc on the Rockville Town Center synthetic grass to allow people passing through to stay longer, and provide more activities for people.

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:

<http://rockvillemd.gov/Admin/FormHistory.aspx?SID=6>

The following form was submitted via your website: Rockville 2040 Public Testimony

Rockville 2040 image:

Which Plan element(s) is your testimony about?: Recreation and Parks

Name (required):: Jonathan

Address of Residence (recommended)::

Email Address (recommended)::

Please type your testimony in the field below:: Suggestion of adding temporary activities such as large playing chess pieces, checkers, horseshoe, etc on the Rockville Town Center synthetic grass to allow people passing through to stay longer, and provide more activities for people.

Additional Information:

Form submitted on: 4/30/2019 7:29:33 PM

Submitted from IP Address: 207.188.221.134

Referrer Page: No Referrer - Direct Link

Form Address: <http://rockvillemd.gov/Forms.aspx?FID=64>

Cynthia Kebba

From: noreply@civicplus.com
Sent: Tuesday, April 30, 2019 7:28 PM
To: Comprehensive Plan
Subject: Online Form Submittal: Rockville 2040 Public Testimony

If you are having problems viewing this HTML email, click to view a [Text version](#).

Rockville 2040 Public Testimony

The Planning Commission needs your input!

You may provide testimony to the Planning Commission on the draft Rockville Comprehensive Plan through this online form, in addition to any email or physical mail testimony you submit directly to the Planning Commission. Submitting written testimony does not limit your right to also provide oral testimony during the Planning Commission's public hearing, held over three days on May 15, May 22, and June 4, 2019.

All submitted testimony is considered an item of public record and will be included in the Planning Commission testimony report for the draft Comprehensive Plan.

Which Plan element(s) is your testimony about?

- | | |
|--|--|
| <input type="checkbox"/> Land Use and Urban Design | <input type="checkbox"/> Economic Development |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Housing |
| <input checked="" type="checkbox"/> Recreation and Parks | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Community Facilities | <input type="checkbox"/> Municipal Growth |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Other |
| <input type="checkbox"/> Water Resources | |

Name (required):*

Isaac Fulton

Address of Residence (recommended):

503 Bradford drive

Email Address (recommended):

emfulton@yahoo.com

By including your Address of Residence or Business and/or Email Address, you are expressing your willingness for staff to contact you for clarification or for legal notifications related to the Comprehensive Plan. Staff will not use your address or email for any other advertisement or notification lists.

Please type your testimony in the field below:*

I think that the City of Rockville sports should have year round basketball.

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:

<http://www.rockvillemd.gov/Admin/FormHistory.aspx?SID=5>

The following form was submitted via your website: Rockville 2040 Public Testimony

Rockville 2040 image:

Which Plan element(s) is your testimony about?: Recreation and Parks

Name (required):: Isaac Fulton

Attachment 1.A.a: Testimony Housing, HP, Rec & Parks (2709 : Work Session 2: Comprehensive Plan, Draft for Planning Commission Public

Address of Residence (recommended):: 503 Bradford drive

Email Address (recommended):: emfulton@yahoo.com

Please type your testimony in the field below:: I think that the City of Rockville sports should have year round basketball.

Additional Information:

Form submitted on: 4/30/2019 7:28:24 PM

Submitted from IP Address: 207.188.221.134

Referrer Page: <http://www.rockvillemd.gov/203/Rockville-2040-Comprehensive-Plan-Update>

Form Address: <http://www.rockvillemd.gov/Forms.aspx?FID=64>



MARYLAND DEPARTMENT OF



PLANNING

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

May 14, 2019

Ms. Gail Sherman, Chair
City of Rockville Planning Commission
c/o Long Range Planning, CPDS
111 Maryland Avenue
Rockville, MD 20850

Dear Ms. Sherman,

Thank you for forwarding the draft 2040 City of Rockville Comprehensive Master Plan Update. We appreciate your participation in the plan review process.

The Maryland Department of Planning (Planning) feels that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development. Keep in mind that Planning's attached review comments reflect the agency's thoughts on ways to strengthen the City's plan update as well as satisfy the requirements of the State Land Use Article.

The Department forwarded a copy of the 2040 City of Rockville Comprehensive Master Plan Update to State agencies for review including, the Maryland Historic Trust and the Departments of Transportation, Environment, Natural Resources, Commerce, Housing and Community Development, and Agriculture. To date, we have received comments from the Maryland Historic Trust and the Departments of Housing and Community Development, Commerce, and Environment; these comments have been included with this letter. Any plan review comments received after the date of this letter will be forwarded upon receipt.

Planning respectfully requests that this letter and accompanying review comments be made part of the City's public hearing record. Furthermore, Planning also asks that the City consider our comments as revisions are made to the draft Plan amendment, and to any future plans, ordinances, and policy documents that are developed.

Please feel free to contact me at (410) 767-1401 or Joseph Griffiths, Local Assistance & Training Manager, at (410) 767-4553.

Sincerely,

Charles Boyd, AICP
Director, Planning Coordination

Cc: Ricky Barber, Director of Community Planning and Development Services, City of Rockville
David Levy, Chief of Long Range Planning, City of Rockville
Pat Keller, Assistant Secretary for Planning Services
Joseph Griffiths, Local Assistance and Training Manager

Maryland Department of Planning • 301 West Preston Street, Suite 1101 • Baltimore • Maryland • 21201

Tel: 410.767.4500 • Toll Free: 1.877.767.6272 • TTY users: Maryland Relay • Planning.Maryland.gov



Maryland Department of Planning Review Comments
May 14, 2019
2040 City of Rockville Comprehensive Master Plan Update

The Maryland Department of Planning (Planning) has reviewed the draft 2040 City of Rockville Comprehensive Master Plan Update (Update) and offers the following comments for your consideration. These comments are offered as suggestions to improve the draft Update and better address the statutory requirements of the Land Use Article. Other state agencies, as noted, have contributed comments. Still others may have comments submitted under separate cover. If comments from other agencies are subsequently received by Planning, they will be forwarded to the city in a timely manner.

Summary of Draft Comprehensive Master Plan Update:

This is a complete update to the 2002 City of Rockville Comprehensive Master Plan. This draft Update addresses the major planning issues facing the existing corporate boundaries of the city and details out the growth challenges and opportunities for the city's identified maximum extension limit (MEL) areas.

The organizational structure of the Update is similar to the 2002 Master Plan, with the exception of a few chapters, such as the issues raised in the "Urban Growth," "Community Appearance and Design," and "Residential Neighborhood Planning Areas," have been moved into the "Municipal Growth" and the "Land Use and Urban Design" chapters. It should be noted the draft Update does not appear to provide for a logical placement or discussion of neighborhood planning areas or the adopted neighborhood plans, which were a large part of chapters 11 and 12 of the 2002 Master Plan.

Even though the City of Rockville has not completed a full update of its comprehensive plan in 17 years, the city has routinely evaluated and updated its master plan over the years. The most recent plan amendment, the North Stonestreet Avenue Neighborhood, was completed in 2018. Before that, the city adopted the 2017 Bikeway Master Plan and the 2016 Rockville Pike Neighborhood Plan, all of which have been incorporated in some fashion into this draft Update. The draft 2040 Plan also incorporates updates of the adopted 2010 Municipal Growth Element and the 2010 Water Resources Element, which were mandated by the Maryland General Assembly in 2006 under HB 1141. The Updated Master Plan additionally includes an updated Growth Tier Map, which was required under the Sustainable Growth & Agricultural Preservation Act of 2012.

Minimum State Law Requirements for Non-Charter Counties/Municipalities

Maryland's Land Use Article sets forth the required components of a local comprehensive plan but does not mandate a specific format. As such, local governments have addressed these required elements in a manner that fits the needs of their community and the resources available to respond to the issues explored during the planning process. The following checklist (Table 1) summarizes an assessment as to whether each required local plan element is addressed in the draft 2040 City of Rockville Comprehensive Master Plan Update.

Draft 2040 City of Rockville Comprehensive Plan Update
Maryland Department of Planning Comments

TABLE 1

Checklist of Maryland Code (Land Use Article) requirements for local comprehensive plans in Maryland			
State Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Draft 2040 City of Rockville Comprehensive Master Plan Update Plan Page references
(1) A comprehensive plan for a non-charter county or municipality MUST include:	<u>L.U. § 3-102(a)</u>		
(a) a community facilities element	<u>L.U. § 3-102(a)(1)(i)</u>	<u>L.U. § 3-108 -- Community facilities element.</u>	Pgs. 111-121
(b) an area of critical State concern element	<u>L.U. § 3-102(a)(1)(ii)</u>	<u>L.U. § 3-109 -- Areas of critical State concern element</u>	N/A
(c) a goals and objectives element	<u>L.U. § 3-102(a)(1)(iii)</u>	<u>L.U. § 3-110 -- Goals and objectives element</u>	Throughout the Plan, starting on Page 18.
(d) a land use element	<u>L.U. § 3-102(a)(1)(iv)</u>	<u>L.U. § 3-111 -- Land use element</u>	Pgs. 15-53
(e) a development regulations element	<u>L.U. § 3-102(a)(1)(v)</u>	<u>L.U. § 3-103 -- Development regulations element</u>	Throughout the Plan, starting on Page 22
(f) a sensitive areas element	<u>L.U. § 3-102(a)(1)(vi)</u>	<u>L.U. § 3-104 -- Sensitive areas element</u>	Pgs. 123-143
(g) a transportation element	<u>L.U. § 3-102(a)(1)(vii)</u>	<u>L.U. § 3-105 -- Transportation element</u>	Pgs. 55-87
(h) a water resources element	<u>L.U. § 3-102(a)(1)(viii)</u>	<u>L.U. § 3-106 -- Water resources element</u>	Pgs. 145-171
(i) a mineral resources element, IF current geological information is available	<u>L.U. § 3-102(a)(2)</u>	<u>L.U. § 3-107 -- Mineral resources element</u>	N/A
(j) for municipalities only, a municipal growth element	<u>L.U. § 3-102(a)(3)</u>	<u>L.U. § 3-112 -- Municipal growth element</u>	Pgs. 221-235
(k) for counties only if located on tidal waters, a fisheries element	<u>L.U. § 3-102(a)(4)</u>	<u>L.U. § 3-113 -- Fisheries element</u>	N/A
Optional: (2) A comprehensive plan for a non-charter county or municipality MAY include: (a) a community renewal element; (b) a conservation element; (c) a flood control element (d) a housing element; (e) a natural resources element; (f) a pollution control element; (g) information concerning the general location and extent of public utilities; and (h) a priority preservation area (PPA) element	<u>L.U. § 3-102(b)</u>	<u>L.U. § 3-102(b)(2)(i)</u>	Recreation & Parks - Pgs. 89-109; Econ. Dev - Pgs. 173-203 Housing - Pgs. 187-203 Historic Preservation- Pgs. 205-219
(3) Visions -- A local jurisdiction SHALL through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201	<u>L.U. § 3-201(c)</u>	<u>L.U. § 1-201 -- The 12 Planning Visions</u>	Pg. 7, plus vision statement at the beginning of each chapter
Optional: (4) Growth Tiers -- If the local jurisdictions has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the jurisdiction's comprehensive plan	<u>L.U. § 1-509</u>		Pg. 159

As shown in the above checklist, the draft 2040 City of Rockville Comprehensive Master Plan Update includes the required elements as identified in §3-102 of the Land Use Article of the Maryland Annotated Code. The Mineral Resources and Fisheries Elements are not applicable to Rockville's land uses and community needs. It should be acknowledged the "area of critical State concern element" is a statutory comprehensive plan requirement that is being addressed as part of the Planning's revision of the State Development Plan: *A Better Maryland*. Currently, Planning does not have specific guidance to local jurisdictions on what should be considered "areas of critical state concern." However, with *A Better Maryland*, Planning will develop guidance on how state agencies can assist local governments on those

Draft 2040 City of Rockville Comprehensive Plan Update
Maryland Department of Planning Comments

areas of critical state concern applicable to or of interest in their community. If you have not reviewed the draft *A Better Maryland* document, please visit the [A Better Maryland website](#) and review the document. We are accepting comments on the draft State Development Plan until May 17.

General Comments

The following is a series of general plan comments the City of Rockville Planning Commission may want to consider addressing:

- The draft 2040 City of Rockville Comprehensive Master Plan Update is well organized using a traditional element/topical approach. This makes it easy for the reader to focus attention on specific policies and action statements that are intended to address the desired vision. From this perspective, the draft Update also enables city planning staff, planning commissioners and elected official to logically work through a list of actionable items related to the topic.

However, using this approach, there is no sense of priority about which action items need to be addressed first, or if there is a relationship between actions in one chapter with those in another. Consider adding an implementation chapter that provides direction on which actions should occur first. The city may want to include a time estimate of when the action would be started, which could help frame public expectations.

- Vision statements for each chapter present an informative perspective of the city's future. It would be interesting to see all of these together as part of an Executive Summary of the comprehensive plan.
- The City of Rockville has a long history of conducting neighborhood plans to supplement the city's comprehensive master plan. The Introductory Chapter provides a declarative statement on page 2 on the status of the draft Update relative to other neighborhood plans,

“This document is the Comprehensive Plan for the City of Rockville. It supersedes the last overall plan, which was the 2002 Comprehensive Master Plan. It incorporates some previously approved neighborhood plans and supersedes others, as detailed in the Planning Areas section of the plan.”

But, it is unclear which portions of the approved neighborhood plans are incorporated and what parts are superseded. With the adoption of the Update, will all adopted neighborhood plans be repealed and no longer be used as reference in decision-making, or will parts of the neighborhood plans serve as a policy guide?

Additionally, it is unclear where the “Planning Areas” section of the draft Update is located as referenced on page 2. There appears to be no titled “Planning Areas” section in the draft plan. It should be noted that the third paragraph on page 3 (immediately above the Purpose Section) and the adjacent text box provide some of the needed organizational structure of the plan, defining the relationship of the neighborhood plans with the Comprehensive Master Plan. Furthermore, the draft Update has three references to a "Planning Areas" section of the document, but it is unclear where that section is. It is assumed the Planning Area section starts on page 21, but it is not apparent.

The structure of the plan and its relationship to the neighborhood plans and the planning areas could benefit from a section that provides more details on the relationship of the neighborhood

Draft 2040 City of Rockville Comprehensive Plan Update Maryland Department of Planning Comments

plans to the Master Plan, and describes how subsequent neighborhood plan updates would be incorporated into the master plan. Will the neighborhood plans be considered separate studies and not be incorporated into the adopted Master Plan? For example, on page 95 in the Recreation and Parks Chapter, there is a reference to the "Rockville Pike Neighborhood Plan" as part of the comprehensive plan. However, the relationship of the Master Plan with the associated neighborhood plan is not as clear as it could be, and it is recommended more details on relationship between the neighborhood plans and master plan be added to the draft Update.

- The "Summary of Community Input" included in each of the chapters sends a strong message to the citizens of Rockville that their public participation in the planning process is heard and makes a difference.

Detailed Element Review Comments

The following is a series of detailed comments on each chapter of the draft 2040 City of Rockville Comprehensive Master Plan Update that the City of Rockville Planning Commission may want to consider addressing:

Introduction Chapter

- Second paragraph under the Purpose Section (page 3), it is recommended the statutory reference should be changed to "Title 1 of the Land Use Article, Code of Maryland," in the sentence "The power to regulate land use is granted by the state in exchange for compliance with Chapter 426 of the Code of Maryland (known as the "Land Use Article"), which governs land use matters in municipalities."
- See page 10, table *City of Rockville Population, Household, and Employment Growth Projections*. Please verify the population projection for 2020. The figure does not seem to match what is reported in MWCOG Round 9.1: 72,200. The draft Update shows a projection of 72,300.
- See page 12, first paragraph, under sub-section *Income, Education, and Poverty*. Please verify the median household income values shown for the U.S. and Maryland. The 2013-2017 ACS 5-year estimate for the U.S. (Table B19013) is \$57,652 not the \$60,336 as shown in the draft Update. For Maryland, according to ACS, it is \$78,916 not the \$80,776 shown in draft Update.
- See page 13. Please correct the source shown for the two Tables. There seems to be a typographical error: instead of 2013-2017 ACS 5-year estimate, 2011-2015 is shown.
- Planning's demographic analysis staff note a curiosity of why more recent data, from 2011 to 2017, were not included in the demographics section especially when describing population, race/ethnicity, and age characteristics. If you are interested in receiving technical assistance in this area, please contact your Regional Planning to coordinate assistance.

Land Use Chapter

- Page 18: Please note that Figure 3 – Land Use Policy Map is on page 20 and not on page 14 as the draft Update noted.
- Page 19: The city may want to add "condominium" along with "apartment" buildings to describe multiple dwelling unit in RM, RF, RRM, ORRM, and RO. Only including "apartment buildings" may mislead readers to think only rental multiple unit buildings are allowed.

Draft 2040 City of Rockville Comprehensive Plan Update
Maryland Department of Planning Comments

- The City of Rockville’s policy on page 22 – “Policy 2: Maintain large areas of Residential Detached land use, while allowing one additional accessory apartment or accessory dwelling unit per lot” is a truly noteworthy policy and the city is to be commended on its efforts to provide for more affordable housing options within existing established residential communities by recommending the inclusion of accessory dwelling units on a single-family detached lot.
- Upon completion of Actions 3.1 and 3.2 on page 24, Planning would welcome the opportunity to share the best practices learned by the city with other communities in Maryland. As part of Action 3.2 regulatory revisions, the city may want to consider evaluating the city’s development review and approval process, as this is often the largest impediment in getting affordable housing projects built. The city may want to consider by right or administrative approval based on compliance with development standards to avoid the neighborhood opposition to infill, higher density development.
- Page 24: the draft Update in the last paragraph states, “Mapping of the higher density zone would be limited to areas designated for Residential Multiple Unit (RM) use on the Land Use Policy Map.” Based on the draft plan, other land use categories, such as RF, RRM, ORRM, and RO, also allow residential multiple units. It is not clear if the city would consider including RF, RRM, ORRM, and RO zoned areas in the new high-density residential zone mapping effort. The city may want to clarify this issue.
- The city is commended for recognizing the ongoing challenge of regulating short-term rentals, like AirBNB (Page 27). Planning would welcome the opportunity to work with the city and other communities in Maryland to study various approaches to regulating short-term rentals.
- Planning supports the city’s commitment to promoting transit-oriented development (TOD) in Rockville Town Center to maximize ridership and investment in the Rockville station – Policy #8 on page 30. Planning has developed TOD planning tools, such as our [Transit Station Area Profile Tool](#), that the city may want to investigate in helping promote economic development around the Rockville Station.
- The city is to be commended for its efforts to combat the historic separation of residential and nonresidential use, by promoting walkable community nodes where retail uses support the adjacent residential areas (page 39).
- “Policy 24- Establish a floating zone specifically written to correspond with areas planned for Residential Attached on the Land Use Policy Map” on page 51 is another great example of trying to incrementally increase infill development in the city. The city is to be commended for this strategic effort to promote infill develop, yet retain the character of city’s neighborhoods.
- Planning’s Geospatial Data and Analysis Unit (GDA) noted the “Land Use and Urban Design” chapter establishes a strategy to accommodate shifting demographics and economic trends as discussed on pages 9-13. Goals and needs discussed in the Land Use chapter are supported by the Land Use Policy map and a comprehensive set of recommendations, including zoning code updates and flexible development regulations.
- Planning’s GDA thanks Rockville’s recognition of integrated land use and transportation planning which empathizes Transit Oriented Development and encourages walking, biking and transit.

Draft 2040 City of Rockville Comprehensive Plan Update
Maryland Department of Planning Comments

- Planning's GDA appreciates Rockville's use of similar colors to show similar land uses on the Existing Land Use Map and the Land Use Policy Map (Figures 2 and 3), which facilitates comparison. However, the text reference to the Land Use Policy Map (page 18) should be page 20, not page 14.

Transportation Chapter

- Planning is pleased to see the city include visions, policies, and implementation actions in the draft Update to address multimodal transportation and proactively promote transit, walking, biking and other alternative transportation. These policies and actions may serve as best planning practices for other jurisdictions in Maryland. Planning wants to remain engaged with the city's Planning Department to monitor the success of the city's implementation efforts in hopes of sharing your lessons learned with others.
- Planning is also pleased that the city actively integrates transportation and land use planning to improve community walkability at strategic locations and support compact and mixed-use development, including transit supportive development in the Rockville and Twinbrook Metro Station areas and along the planned MD 355 and MD 586 Bus Rapid Transit corridors. Improving community walkability and transit-friendly land use make alternative transportation (e.g., transit) viable and investment more cost-effective.
- As a pioneer jurisdiction considering transit, bicycle and other alternative transportation in the adequate public facilities ordinance (APFO) review process, the city proposes to enhance the transportation APFO or the comprehensive transportation review regulation and procedure (page 66) to further address multimodal transportation needs for development projects in designated growth areas, particularly in TOD and other mixed-use compact development areas. Planning appreciates this city effort and believes it would provide a best practice for other jurisdictions considering reforming their APFOs to address multimodal transportation and encourage smart growth.
- Page 61_Policy 3: Currently, the Maryland State Highway Administration (SHA) is conducting the I-495 & I-270 Managed Lanes Study, which would incorporate transit and transportation demand management (TDM) components to address the multimodal aspect of the project. Planning encourages the city to work with SHA to explore transit and TDM strategies that the SHA's project can address to help achieve the city's transportation goals.
- Planning recommends the city reconsider the value of strategically studying neighborhood connections to improve accessibility by its residents, even though it may facilitate some cut through traffic (pages 61-63). Most of that cut through traffic will be from surrounding neighborhood residents, and this approach reduces the congestion on major roads and indirectly helps to make roads friendlier to pedestrians and bicyclists.
- Page 64-65: Planning staff suggests the draft Update include language regarding pedestrian and bicycle access consideration in Policy 7 and Policy 8 and the associated actions on page 65.
- Page 84-85_Policy 19: We are glad to note that the city addresses new and emerging transportation technologies and practices in the draft plan. Although there are many uncertainties regarding the effects of autonomous vehicles and how local governments can prepare for such new technologies, setting forth certain policy guidance may help the city to reduce potential adverse land use and environmental effects of autonomous vehicles. Perhaps, the city may want

Draft 2040 City of Rockville Comprehensive Plan Update
Maryland Department of Planning Comments

to include an action to explore policy guidance on accommodating and encouraging shared and electric autonomous vehicles in coordination with the state.

- Page 86-87: As examples, Frederick City, the first jurisdiction in the State, developed and adopted “Plug-In Electric Vehicle (EV) Charging Infrastructure Implementation Plan” to help guide Frederick City’s efforts in accommodating electric vehicles. Similarly, Howard County passed CB76-2018 requiring EV charging infrastructure at certain new residential construction projects.
- Planning appreciates that the city calls for providing incentives and relaxing parking requirements to encourage affordable housing near transit. The two metro stations and two planned Bus Rapid Transit lines through the city provide the city with a substantial opportunity to address the growing need for affordable and mixed-income housing near transit for low- to moderate-income residents and seniors as the aging cohort becomes bigger in the city. Increasing land values and housing costs, on the other hand, make building affordable and mixed-income housing a challenge in the city, especially in areas near metro stations. Affordable/mixed-income housing near transit provides various social-economic, transportation, and environmental benefits, but it requires diverse strategies and involvement with multiple stakeholders. Planning encourages the city to develop a plan to provide a comprehensive approach to guide the affordable and mixed-income housing development effort. Some strategies that other jurisdictions have used include providing density bonuses, incentive tax policies, leveraging state and federal housing finance programs (such as Maryland’s Multifamily Bond Program), ensuring long-term affordable units, supporting land banking, and prioritizing affordable housing subsidy near transit.

Recreation and Parks Chapter

- Planning notes that the city has incorporated recreation and parks policies throughout the draft Update. For example,
 - Introduction
 - Two of the fourteen plan Principles listed in the Introduction pertain to parks, recreation, and resource conservation: “Provide accessible parks, open spaces and community centers” and “Enhance its natural environment and sensitive environmental areas.”
 - Land Use and Urban Design Element
 - Land Use Policy 25 (page 52) deals with three golf courses, the largest remaining open spaces in the city, with almost 800 acres in total. However, the policy emphasis tilts toward development of these sites rather than conservation/recreation.
- The goals and policies are good; in addition to more park land and good maintenance, they deal with accessibility, trail connections, resource conservation, innovative funding, programming to serve citizens with different requirements, etc. However, Planning suggests the Parks and Recreation Element could include a couple of sentences, in general terms, about the potential park and recreation values of the golf courses if they change use or ownership in the future.
- The vision is displayed prominently at the start of the chapter: *Vision: Rockville will continue to have a vibrant, beautiful, and easily-accessible park system with a wide variety of recreation facilities and programs, as this system is critical to supporting the health and well-being of the people of Rockville and its natural environment. Parks and recreation facilities will meet the needs and desires of Rockville’s diverse users* (page 89).
- It appears that Rockville’s park and recreation needs are NOT covered by the Maryland-National Capital Park and Planning Commission; Rockville publishes its own Parks, Recreation and Open

Draft 2040 City of Rockville Comprehensive Plan Update
Maryland Department of Planning Comments

Space Plan (PROS). The current plan, adopted in September 2009, “is a long-range policy document that sets overall direction in terms of goals and objectives for parks and recreation in the City of Rockville for the next 20 years (2009 Rockville PROS plan, page ES-1). Does the city intend to keep the PROS plan in effect for another decade or begin a revision sooner? Perhaps the Parks and Recreation Element of the draft Update could include some details on the relationship of the 2009 Rockville PROS plan with the Master Plan.

Community Facilities Chapter

- No comments

Environment Chapter

- The City of Rockville draft comprehensive plan includes excellent information, policies and action items regarding climate change adaptation.
- Policy 5 within the city’s Environment Element, “Assess risks and vulnerabilities in Rockville of climate change and identify actions to mitigate localized impacts”, and the seven actions to implement this policy (pp. 130-131) should be very helpful for the city in preparing for climate change impacts.
- To build upon the city’s discussion of climate change adaptation, the city might want to add an action under Policy 5 for the city to work with the county health department and the county office of emergency management to identify, develop and obtain funding for projects and programs that would reduce current and future climate change impacts to the city’s vulnerable natural resources, infrastructure, buildings and populations. This could include identifying projects for inclusion in the next Montgomery County hazard mitigation plan update.
 - It should be noted the city does include actions within the city’s Water Resources Element (WRE) to prepare for climate change impacts to the city’s water supply (p. 151) and water treatment facility (p. 155), as well as a separate policy (and multiple actions) to prepare for climate change impacts to the city’s stormwater system (pp. 169-170).

Water Resources Chapter

- The city’s Water Resources Element (WRE) includes a water and sewer demand forecast for both residential and non-residential needs through 2040 (p. 147) and compares this to the availability of water supply, water treatment capacity, and sewer treatment capacity (in this case, the sewer capacity allocation provided by the Washington Suburban Sanitary Commission). However, as noted in comments below, closer coordination with the Montgomery County Water Supply and Sewerage Systems Plan appears warranted.
- Since the acronym “WSSD” is used several times, the first time it is used it should be referenced on page 147 - “WSSC’s service area, known as the Washington Suburban Sanitary District (WSSD), is set by the state.”
- The draft Update proposes an amended Growth Tier map (Figure 25) (page 150), which reflects the plan’s expanded municipal Maximum Expansion Limit (MEL). Once the comprehensive plan is adopted the City’s Planning Department should submit the adopted Growth Tier map to Planning so a formal review of the Growth Tier map under Section 1-505 of the Land Use Article.

Draft 2040 City of Rockville Comprehensive Plan Update
Maryland Department of Planning Comments

- As provided for under Section 1-503 of the Land Use Article, Planning GDA staff has the following pre-adoption technical feedback and observations (please contact us if you need more details):
 - In the current Growth Tier Map adopted December 24, 2012, the Tier IIA definition includes only planned service areas that are not yet included in the city or county sewer plans. Based on Planning's GIS data, the proposed Tier IIA areas in Figure 25 also include areas planned for service in the county sewer plan. Planning generally recommends a Tier II designation for areas with county-planned sewer service and a Tier IIA designation for planned service areas that are not yet in the county water/sewer plan.
 - Page 159 identifies Tier IIA areas as properties within the MEL that would receive sewer service if annexed. However, some of the Tier IIA properties are already within city limits. Planning suggests that Rockville review these Tier IIA properties for potential inclusion in Tier II.
 - The MEL now contains Tier III within portions of the Glen Hills area, which is also designated as Tier III by Montgomery County. Planning generally recommends that Page 159 include a definition for Tier III as it does for Tiers I and IIA. According to page 231, portions of Glen Hills have potentially problematic septic systems and may be considered for future sewer service under certain conditions. Keep in mind that the state law (Section 1-506 of the Land Use Article) does not provide for Tier III designations in municipal tier maps. Planning generally recommends that municipal tier maps not include Tier III areas. The City may want to consider identifying this areas as Tier IIA, if it anticipates this area will be annexed and eventually be served by public sewer.
 - A portion of the proposed Tier IIA area along the southern edge of the existing municipal boundary near Scott Drive conflicts with areas designated as Tier III in Montgomery County's tier map. Planning generally recommends that the Town collaborate with the county to ensure that the county's adopted tier map reflects the Town's tier map designations. See Section 9-206(i) of the Environment Article for the method for resolving conflicting tier designations.
 - The MEL now contains additional overlap with Gaithersburg's MEL between Shady Grove Road and I-370. Rockville's proposed map appears consistent with Gaithersburg's map in this area. The towns are encouraged to continue collaborating on future Tier Map and MEL updates, perhaps as part of the proposed working arrangement with the City of Gaithersburg and Montgomery County regarding logical annexations (page 225).
- The table on page 152 has an error: the 2040 net increase for the City of Rockville portion of water should be 1.151 not 1.51, and the total should be 5.628 not 5.268. Also, the city might want to list the 2040 maximum daily demand forecast on this table given that page 155 discusses this forecast; currently the table only lists the 2040 average daily demand forecast.
- The WRE identifies a possible deficiency in its water treatment capacity compared to the 2040 maximum daily demand forecast (p. 156) and puts forward a plan for how to address that deficiency. The City is to be commended for addressing its long-term potable water challenge, unfortunately too few other jurisdictions are willing to do this until it becomes a crisis.
- The WRE does not directly address the statutory requirement to "identify suitable receiving waters and land areas to meet the storm water management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the plan" (§3-106. (a)(2) of the Land Use Article). The WRE should discuss this issue. State guidance to address this requirement is for jurisdictions to complete an analysis of more than one land use plan option, focused on forecasted impervious cover changes and forest cover changes by

Draft 2040 City of Rockville Comprehensive Plan Update Maryland Department of Planning Comments

watershed resulting from implementation of different land use plan options. Based on that analysis, the WRE could discuss which land use plan option would be least impactful to receiving waters.

- As noted in Maryland Department of the Environment's attached comments:
 - Page 152: Table of Water Demand – The table's 2040 Avg. Daily Demand of 7.49 MGD does not appear to correspond to the most recent County Plan, 2018-2027 Montgomery County Water Supply and Sewerage Systems Plan (Table 3-T14), which has the 2040 Avg. Daily Demand of 6.55 MGD. The city should work with the county to reconcile any differences.
 - Page 158: Table of Wastewater Demand – The table's 2040 Avg. Daily Flow of 8.54 MGD does not appear to correspond to the most recent County Plan, 2018-2027 Montgomery County Water Supply and Sewerage Systems Plan (Table 4-T16), which has the 2040 Avg. Daily Demand of 7.42 MGD. The city should work with the county to reconcile any differences.

Economic Development Chapter

- No comments

Housing Chapter

- Planning requests a copy of the “Housing Market and Needs Assessment” report from December 2016, if it is available (page 189). Planning will be developing a Housing Element Models & Guideline document in the coming year to address recent legislation (HB 1045) passed in 2019, and this study may be helpful to other jurisdictions having to prepare a housing element.
- Planning's GDA staff noted the Housing chapter includes an excellent discussion of market trends and trends in government programs that affect housing affordability. The text is supported by comprehensive recommendations, such as accommodating demand for certain housing types, allowing accessory dwellings, and strengthening municipal housing programs.
- The draft Update should include sources and text references for all Charts and Figures in the Housing Chapter (and elsewhere throughout the document). For example, pages 194-195 contain interesting information about the residential units built during different timeframes. However, it is unclear how this information was collected or how it relates to points made in the text. Nonetheless, Planning's GDA staff appreciates Rockville's support for seniors to continue to live within the community and projects that provide housing for people with disabilities.

Historic Preservation Chapter

- Please see comments on attached letter from Maryland Historic Trust

Municipal Growth Chapter

- The draft Update makes a strong case that expanding the municipal growth boundary provides the City with flexibility to annex land at little identifiable cost, since much of the proposed Municipal Expansion Limit (MEL) is already served by WSSC (page 225). Planning's GDA acknowledges that Rockville incorporates somewhat of a phased approach to annexation by identifying and actively targeting areas where conditions may make annexation most likely and beneficial (pages 222-223).
- The draft Update analyzes the impact of projected population growth on City services (pages 147-171) and notes that Rockville's projected growth can be accommodated within Rockville's existing municipal boundaries (page 234). However, it does not include a development capacity analysis

Draft 2040 City of Rockville Comprehensive Plan Update
Maryland Department of Planning Comments

based on the build-out capacity of the future land use plan within the current municipal boundary or the MEL. A capacity analysis would facilitate a better understanding of the land available for new development, especially redevelopment and infill, as well as a general understanding of public services and infrastructure needed to accommodate future growth. Planning is willing to assist the city if it would like to complete and include a development capacity analysis.

- The draft Update identifies the challenge of creating enough parkland and other publicly accessible community spaces in redevelopment areas (pages 92-98). Rockville could note opportunities to provide open space or transition areas among the potential evaluation criteria for strategic annexations on page 223 (Municipal Growth Chapter).

Suggested Technical Edits/Suggestions

- If Planning can be of assistance or facilitate assistance / information from other State agencies as the City of Rockville finalizes the 2040 City of Rockville Comprehensive Master Plan Update or as the city begins to implement the plan, please contact Chuck Boyd, Director of Planning Coordination at 410-767-1401 or chuck.boyd@maryland.gov.

END MARYLAND DEPARTMENT OF PLANNING COMMENTS

2018 City of Rockville Comprehensive Plan Amendment: N. Stonestreet Avenue
Maryland Department of Planning Comments

Maryland Department of Planning Review Comments
May 14, 2019
2040 City of Rockville Comprehensive Master Plan Update

STATE AGENCY COMMENTS

The following pages contain comments from other State agencies in support of the Maryland Department of Planning (Planning) review of the **draft 2040 City of Rockville Comprehensive Master Plan Update** as part of the standard 60-day review period for municipalities and non-charter counties. Comments not included here may be submitted under separate cover, or via the State Clearinghouse. If comments from other agencies are received by Planning, they will be forwarded to the County in a timely manner.

Attachments

Page 13	Maryland Department of Housing & Community Development
Page 14	Maryland Department of Commerce
Page 16	Maryland Department of the Environment
Page 18	Maryland Historical Trust (letter dated October 18, 2018)



LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lt. Governor

KENNETH C. HOLT
Secretary

TONY REED
Deputy Secretary

May 3, 2019

Mr. Joseph Griffiths
Manager of Local Assistance and Training
Maryland Department of Planning
301 West Preston Street, 11th floor
Baltimore, MD 21201

Dear Mr. Griffiths:

Thank you for the opportunity to review the City of Rockville draft Comprehensive Plan (the Plan). The comments below are based on a review of the plan by staff in the Maryland Department of Housing and Community Development (DHCD) Division of Neighborhood Revitalization.

The plan's focus on development near transit is consistent with DHCD priorities and financing programs. Housing affordability is also identified as a concern in the Plan, however there is no discussion in the plan of potential State of Maryland financing programs to assist. DHCD staff are available to discuss the full range of financing tools, as well as potential resources for specific development opportunities. The Department administers programs that can support housing for a range of incomes, as well as mixed use and business development that can help implement the Plan's objectives.

Again, thank you for the opportunity to comment on the Plan. If you have any questions regarding our comments, please call me at 410-209-5807.

Sincerely,

John Papagni
Program Officer
Division of Neighborhood Revitalization

Cc: Chuck Boyd, MDP
Oumy Kande, MDP



MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
2 N. Charles St. • Baltimore, MD 21201 • dhcd.maryland.gov
410-509-5800 • 1-800-756-0119 • TTY/RELAY 711 or 1-800-735-2258





Larry Hogan | Governor
 Boyd Rutherford | Lt. Governor
 Kelly M. Schulz | Secretary of Commerce
 Benjamin H. Wu | Deputy Secretary of Commerce

March 21, 2019

Charles Boyd, AICP
 Maryland Department of Planning
 301 West Preston Street
 Suite 1101
 Baltimore, MD 21201

RE: Local Plan Review: City of Rockville - Draft for Planning Commission Public Hearing

Dear Mr. Boyd:

The Maryland Department of Commerce has reviewed the March 2019 Planning Commission Public hearing draft of the City of Rockville's 2019 Comprehensive Plan, and finds that it is consistent with the Maryland Economic Development Commission's 2016 five-year Strategic Plan, **Best is the Standard**. The Department of Commerce's 2016 strategic plan has the following goals:

- Goal 1: Achieve Operational Excellence
- Goal 2: Foster a Competitive Business Environment
- Goal 3: Advance Innovation and Entrepreneurship
- Goal 4: Expand Targeted Industry Clusters
- Goal 5: Create One Maryland and Enhance Community Development
- Goal 6: Improve Brand and Talent Attraction

Of these goals, four (Goal 2, Goal 3, Goal 4, and Goal 6) are relevant to the City of Rockville's 2019 Draft Comprehensive Plan. This draft is consistent with these goals.

Goal 2: Foster a Competitive Business Environment. The City's draft comprehensive plan contains an Economic Development element that sets out a goal to "Promote a positive business climate that supports local and small businesses" (Goal 2). This goal sets forth policies intended to "foster a positive business climate that supports business startups, retention, expansion, and the attraction of innovative and diverse industries (Policy 5) and "celebrate a culture of entrepreneurship and small business ownership to help retain existing small and local businesses as they grow and foster new opportunities." (Policy 6). The City also recognizes that there are development pressures that can cause industrial and commercial land to be lost to residential development, and has set forth a policy to "preserve light and service industrial land and uses to ensure that productive businesses thrive and provide employment and services to area residents (Policy 8).

Goal 3: Advance Innovation and Entrepreneurship. Policy 5 of the elements second goal sets forth actions that support innovation and entrepreneurship within the municipality. Action 5.3 states that the City will “ensure that policies are in place to facilitate small business incubator space, pilot project testing, and industry-specific infrastructure.” Policy 6 of this element sets forth actions that will “celebrate a culture of entrepreneurship and small business ownership to help retain existing small and local businesses as they grow and foster new opportunities,” including the encouragement of links to create an active entrepreneurial infrastructure in the City.

Goal 4: Expand Targeted Industry Clusters. The draft plan recognizes that Rockville is an important location for various companies that are members of the State’s target industry clusters. Goal 1, “Capitalizing on Competitive Advantages,” sets forth Policy 2, “Actively support Rockville as a center for innovative technologies, life sciences, advanced research, and cybersecurity.”

Goal 6: Improve Brand and Talent Attraction. The overall plan recognizes that liveable places are important factors in attracting and retaining the workforce that Maryland needs to be successful. It supports tourism and historic preservation, recreational amenities, affordable housing, and effective transportation systems.

For these reasons, the Department of Commerce finds that the March 2019 Planning Commission Public hearing draft of the City of Rockville’s 2019 Comprehensive Plan is consistent with the goals of the Maryland Economic Development Commission and the Department of Commerce.

Sincerely,



James Palma, AICP
Maryland Department of Commerce

Maryland Department of the Environment

Review Comments: Rockville 2040 Comprehensive Plan

Amanda R. Redmiles, MDE, Interdepartmental Information Liaison

Water Resources Element Comments:

1. Pg 152 Table of Water Demand
The Table's 2040 Avg Daily Demand of 7.49 MGD does not appear to correspond to the most recent County Plan, 2018-2027 Montgomery County Water Supply and Sewerage Systems Plan (Table 3-T14), which has the 2040 Avg Daily Demand of 6.55 MGD; The City should work with the County to reconcile any differences.
2. Pg 158 Table of Wastewater Demand
The Table's 2040 Avg Daily Flow of 8.54 MGD does not appear to correspond to the most recent County Plan, 2018-2027 Montgomery County Water Supply and Sewerage Systems Plan (Table 4-T16), which has the 2040 Avg Daily Demand of 7.42 MGD; The City should work with the County to reconcile any differences.

General Comments

1. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land Management Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
2. If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.
3. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
4. The Waste Diversion and Utilization Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.

5. Any contract specifying “lead paint abatement” must comply with Code of Maryland Regulations (COMAR) 26.16.01 - Accreditation and Training for Lead Paint Abatement Services. If a property was built before 1950 and will be used as rental housing, then compliance with COMAR 26.16.02 - Reduction of Lead Risk in Housing; and Environment Article Title 6, Subtitle 8, is required. Additional guidance regarding projects where lead paint may be encountered can be obtained by contacting the Environmental Lead Division at (410) 537-3825.
6. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please contact the Land Restoration Program at (410) 537-3437.
7. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may requires site approval. Contact the Mining Program at (410) 537-3557 for further details.



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

April 11, 2019

Mr. Charles W. Boyd, AICP
Director of Planning Coordination
Maryland Department of Planning
301 W. Preston Street
Baltimore, MD 21201

Dear Mr. Boyd:

Thank you for the opportunity to review the March 2019 Comprehensive Plan of the City of Rockville Draft for Planning Commission Public Hearing and submit comments on behalf of the Maryland Historical Trust. Overall, we are pleased to see that despite the tremendous recent pattern of robust growth, the City values its historic and cultural assets and has included historic preservation as part of its plan goals as a separate element. The well-illustrated element reflects a strong public desire for historic preservation, and the hard work that the City has done since the 2002 comprehensive plan. Specific comments are outlined below.

p.3 The importance of preservation and its context is clearly stated in the community vision purpose in the introduction.

p.3 Also states that Rockville was added by amendment to the Montgomery County Heritage Area.

p.16 Attention and acknowledgement to existing neighborhoods is reflected in the goals for the land use plan.

p.16 Also references the City's 230-year development history and patterns of development.

p.205 The stated vision is clear and concise.

p.206 The three stated goals are attainable, logical and concise. We commend the City for recognizing the importance of the Certified Local Government program, and appreciate the acknowledgement of our partnership efforts.

p.211 Second paragraph. Spell out Historic District Commission for greater clarity leading off this section.

p.213 In the explanation of Policy 2, it seems clear that there are unintended consequences of the zoning ordinance provision for historic significance evaluations regarding permit applications. We agree that the City supports a more focused approach to create new and expand existing historic districts, and support the actions that will achieve that desire.

p.213 In the paragraph that explains Policy 3, the following sentence is confusing: "At the same time, the continued preservation of some designated properties may not always be financially feasible". Please clarify or explain the intent of this statement.

p.217 If the City would like help instituting a local tax credit program, contact the Maryland Historical Trust for technical assistance and guidance.

p.217 To facilitate the actions expressed under Goal 3 – Education and Partners in Preservation, contact the Maryland Historical Trust or the Maryland Association of Historic District Commissions to inquire about our "MHT Roadshow" and other training programs and education opportunities.

Thank you again for the opportunity to comment on the March 2019 Comprehensive Plan of the City of Rockville Draft for Planning Commission Public Hearing. If you have any questions, please contact me at (410) 697-9561 or steven.allan@maryland.gov

Sincerely,



Steven H. Allan, AICP
Local Assistance and Training Planner
Office of Planning, Education and Outreach

Cc Nell Ziehl, Chief, Office of Planning, Education and Outreach
Oumy Kande, MDP

Testimony on the Draft Rockville 2040 Master Plan for the Planning Commission Public Hearing

Kenneth Hoffman
1511 Auburn Ave, Rockville, MD 20850

Overall, the draft plan has had extensive and highly relevant input, with the draft capturing the vision, principles, and elements I would like to see enhanced in Rockville. Comments within this testimony attempts to address all ten elements under an overarching vision with goals that would build a more vibrant and self-sustaining community.

Essentially, Rockville should continue its tradition of being a thriving city where a resident can live, work, and enjoy life, from childhood through the senior years, in Rockville.

The greatest threat continues to be an increasing income disparity which decreases the percentage of the population that can comfortably live within the City gainfully employed in local jobs that would pay lower to upper middle-class incomes. For Montgomery County, a measure of income disparity, the Gini Coefficient, has steadily risen. In 1979, The Gini Coefficient was 0.3776; in 1989, 0.3985; in 1999, 0.4281; and in 2012-2016, 0.46. For comparison, within the 2012-2016 timeframe, the Gini coefficient for Canada is 0.34; for South Korea, 0.316; and the United States, 0.415.

Increasing differentials between employment income and housing costs result in increased one-directional commuting requirements where housing and work are increasing farther apart, with increasing traffic congestion and stressful commuting times. Residents have less opportunity to enjoy a quality of life that would be possible if housing and employment were within walking, bicycling, or very short driving distances.

An implicit goal for the Masterplan should be to build a stronger middle-class base of economically secure Rockville residents. The average life expectancy of most all business is far less than the average life expectancy of a human. With tax paying, voting, Rockville citizens, the business of our government should be to build an economically secure and healthy community that new and current businesses will find attractive.

Within the Masterplan, there are several references enhancing an integrative community engagement with Montgomery College. Montgomery College is uniquely placed to provide the education and skills needed for a diversified workforce serving the range of businesses needed to sustain health, build infrastructure, and offer all residents, workforce skill certifications, post-secondary academic degrees, and lifelong continuing education. The College is also one of the largest employers in the local area. A more integrative relationship with the College should be attractive to new and current local businesses, with knowledge that their potential workforce is economically secure and living in the local area.

The 2040 Rockville Masterplan must support the State of Maryland's 12 visions:

- 1) Quality of life and sustainability, 2) Public participation, 3) Growth areas, 4) Community design, 5) Infrastructure, 6) Transportation, 7) Housing, 8) Economic development, 9) Environmental protection, 10) Resource conservation, 11) Stewardship, and 12) Implementation

The 10 elements in the Rockville 2040 Masterplan are:

1) Land Use, 2) Transportation, 3) Recreation and Parks, 4) Community Facilities, 5) Environment, 6) Water Resources, 7) Economic Development, 8) Housing, 9) Historic Preservation, and 10) Municipal Growth

The specific suggestions described below is a modular concept, integrating the vision and elements, that result in a significant increase of a diversified middle-class population supporting Rockville principles.

The careful and detailed attention given to each of the 10 elements, defined through vision, goals and actions, of the Masterplan begin to come together into an overarching pilot concept that might lead to a world model for the integrated self-sustaining, community with a low disparity index, capable of improving infrastructure required for a health environment and prosperous and educated population. Within each of the 10 elements, vision, goals and related actions are exemplary.

- 1) Land use and Urban Design: Implicit in policies but not explicitly stated: Specific attention should be paid to the expected income potential of Montgomery College graduates from either degree or certificate programs; with initial incomes ranging from \$25K to \$75K/yr. Land use that allows this group to affordably live within city limits will require creative urban design for high density housing that allows this group to fully benefit from the 9 Rockville land use goals.
- 2) Transportation: Noted is that there have been problems related to maintaining a vibrant Town Center while also noting that there is little interaction between students and employees at Montgomery College, and businesses in Town Center. There exist several improvement opportunities for transportation improvements within the corridor between Rockville and Shady Grove metro, which includes Montgomery College.
 - a. A "Circulator" bus connecting Montgomery College campus and Town Center.
 - b. A metro station in the vicinity of North Campus Drive.
 - c. Enhanced bicycle paths and walkways between Shady Grove and Town Center, which improve access to and through Montgomery College and does not require travel on Route 355.
 - d. Planning for increased use of Class 1 pedelec e-bikes throughout the community (lower speed requiring pedaling that are classified as bicycles in Maryland).
- 3) Recreation and Parks: Critical for any high-density housing, a feeling of spaciousness even in low square footage homes is enhanced with surrounding parks having recreational activities. NOTE: with the recent fire at the Woodley Gardens pool and childcare center, adjacent to the Woodley Gardens park, there may be an opportunity to enhance resources at this location for all local residents.
- 4) Community Facilities: Goal 4 and policies 8 and 10 may integrate well into Montgomery College's concept of a "College Town" and "Community Engagement". With libraries, community and senior centers, there are opportunities to bring College degree, certificate and continuing educational courses and events within walking/bicycling distance to all community residents. The College's campus provides facilities that could be of greater benefit for community residents through integrated college-city cultural events programming.

- 5) Environment: A model mixed use entry-level housing development could incorporate the most environmentally friendly components for use in urban-density housing. This could incorporate:
 - a. Geothermal heating/cooling
 - b. Solar energy with fuel cell or electric battery backup – to include possible use of electric cars supplying back-up energy when not in use; potentially creating a self-sustaining more efficient microgrid covering most daily electrical needs.
 - c. Electric cars on a “car-to-go” model, so no resident needs to own a car and as an alternative to public transit when appropriate.
 - d. High efficiency electrical and water appliances, faucets, toilets, showers.
 - e. Recycling as much gray water as possible into the local area.

- 6) Water Resources: The careful analysis of relative increases in water consumption and sewage needs would lead to an assurance that future construction uses the best conservation methods possible to assure minimal water waste and preservation of current green space. Safe drinking water and appropriate sewage treatment is critical for a healthy population. The local water disasters today relate to broken water mains and sewage lines that require urgent repair and ongoing maintenance. A most prudent approach would be to increasingly treat our environment as though we were living within a desert environment where water use is minimized and as much gray water as possible is used for local area irrigation and non-potable purposes.

- 7) Economic Development: Much of our competitive advantage might be derived from a collaborative relationship with Montgomery College where there is a goal to match education and training with local business needs and potential. With the Innovation Center located on the Germantown Campus and recent designation by Maryland as a Regional Institution Strategic Enterprise Zone, or RISE Zone, for Montgomery College’s Germantown Campus, there is potential to enhance the economic development of Town Center and other locations in Rockville with students educated and trained at Montgomery College who are meeting skills that benefit local businesses and entrepreneurs, in collaboration with Rockville Economic Development, Inc (REDI) initiatives.

- 8) Housing: Of specific concern is to build enough housing for the lower income groups given knowledge that affordable rent or mortgage is considered 30% of gross income – especially since the type of households described (page 197) match the type of occupations that are essential for building and maintaining a healthy community, workforce, and environment. For some, availability of affordable housing for these income brackets are entry level. With “exciting”, leading edge environmentally friendly high-density housing within mixed use zones will increase the probability that residents will be able to walk to work, enjoy local services provided by local businesses, and become active, voting, tax-paying residents of Rockville.

A second approach for single potential residents might use existing housing stock but allow for sharing by several individuals rooming together under a common charter.

To illustrate a highly successful national model for people trying to recover from addictive disorders: Oxford House. Started in Silver Spring, 1975, eight men seeking to stay clean and

sober decided to live together when a landlord mentioned he would loan the first month's rent to be paid back when residents were able. From this first Oxford House, there are over 2500 chartered men and women Oxford Houses across the United States, providing a clean and sober home for over 35,000 people/year. On a national budget of approx. \$7M/year – paying for outreach workers who help establish new Oxford Houses and assure compliance with their charters, and a revolving no-interest loan fund for first month's rent/security – independent landlords and utility companies collect over \$110M/year. While a majority of Oxford House residents initially may have been homeless or incarcerated, within a few months, almost all Oxford House residents will have employment. Average rent and utilities for each resident will cost approx. \$150/week. Oxford House residents are generally highly conscious of having a positive local community impact and being excellent neighbors.

This type of healthy 'fraternity' or 'sorority' housing model – modeled on the logic behind Oxford House - may be applicable for other populations, such as community college students, who may benefit from a structured self-supporting, self-run living situation who need a healthy low-cost place to live while receiving the education or skills needed for new employment.

- 9) Historic Preservation: Through innovations described within this example, a model is created that will have the same architectural importance as "Habitat 67", and the historical beginnings of Rockville that has been built helping disadvantaged and lower income populations – who have had the opportunity to prosper and enrich the community in which they lived. A solution that lowers the income disparity index within Rockville will create a historical legacy today for future generations.
- 10) Municipal Growth: While the thrust relates to the Municipal Growth Element (MGE) and Maximal Expansion Limit (MEL) for annexation of land around the current Rockville City limits, this should complement the internal will to increase population density within current city limits that lowers the current disparity coefficient, allows for populations employed at lower income levels to work and recreate without reliance of private automobiles, and decrease the net environmental cost of sustaining new and current residents.

LINOWES
AND BLOCHER LLP
 ATTORNEYS AT LAW

June 4, 2019

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 301.961.5157

Laura M. Tallerico
 ltallerico@linowes-law.com
 301.961.5125

Ms. Gail Sherman, Chair, and
 Members of the Planning Commission
 City of Rockville
 111 Maryland Avenue
 Rockville, MD 20850

*BY E-MAIL AND
 HAND DELIVERY*

Re: Written Testimony of Woodmont Country Club - Draft Comprehensive Plan for Planning Commission Public Hearing

Dear Ms. Sherman and Commissioners:

On behalf of our client, Woodmont Country Club ("Woodmont"), we are submitting this written testimony regarding the Rockville 2040 Comprehensive Plan (the "Comprehensive Plan") for Planning Commission public hearing. Initially, it should be emphasized that Woodmont has no plans to redevelop its property. Woodmont is the owner of approximately 458 acres of land currently improved with a country club with two 18-hole golf courses. The Rockville Pike frontage, constituting approximately 38 acres of the larger tract, is subject to the recently adopted Rockville Pike Plan (the "Pike Plan"), and it is our understanding that no changes to this plan are proposed in the Comprehensive Plan.

Woodmont has reviewed the Planning Commission's Hearing Draft of the Comprehensive Plan (the "Hearing Draft") and respectfully requests that the following modifications be made: 1) that the recommendation for a conceptual master plan be eliminated for Woodmont in favor of recommending a Planned Development (PD) zone should redevelopment occur; 2) that the recommendation for a PD should be reflected on the Land Use Policy Map in addition to the current use as private open space; 3) that the Wootton Parkway frontage of the Woodmont property be designated Residential Flexible ("RF") as originally contained in the Staff Draft; and 4) that any recommendation for a park on the Woodmont property contain the clarification that the need, size and location of the park will be determined if all or a substantial portion of the property redevelops.

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1. Eliminate the recommendation for a conceptual master plan for golf courses with respect to Woodmont and recommend only a PD zone

The Hearing Draft's recommendation for a conceptual master plan for Woodmont as an existing golf course should be eliminated in favor of recommending a PD Zone for other than the Rockville Pike frontage recently zoned under the Pike Plan and the frontage along Wootton Parkway, which should be recommended for the RF Zone as discussed below. The Hearing Draft recommends reviving and streamlining the PD process for major projects and states that "[a]ny proposed development of one of the golf courses in the city would benefit from the option for a Planned Development process." (Hearing Draft p. 50) However, it also recommends that a conceptual master plan be completed for each of the golf courses in the City, including Woodmont. The stated goal of these conceptual master plans is "to put any partial or complete changes into context and to ensure orderly development of these large sites over time." (Hearing Draft p. 52) For Woodmont, recommending a PD zone for that portion of the property identified above will suffice to achieve this end. As explained below, a further conceptual master plan will be duplicative of the PD process in that both are intended to deal with general planning issues for large scale redevelopment, and Woodmont has been the subject of two previous master plans setting forth relevant guidance and, in the Pike Plan, actual zoning.

Woodmont has worked very closely with the City during the lengthy processes which led to the 2002 Comprehensive Plan (the "2002 Plan") and again as part of the Pike Plan. This 2002 Plan recommended that the property be developed with a Comprehensive Plan Development and set certain guidelines for such a plan if no longer used as a country club. These included a 0.5 FAR for non-residential areas and 6.5 dwelling units per acre. We recommend that the proposed language consistent with prior concepts for a comprehensive design adapted to a PD zone in place of the now terminated CPD be included in the plan in lieu of a recommendation for another master plan. We have attached such possible language for your consideration as Exhibit "A".

2. The Land Use Policy Map reflect the recommendation for PD on Woodmont

The above required recommendation for a PD zone should be reflected on the Land Use Policy Map. In the Hearing Draft, this portion of the property is designated as Open Space Private ("OSP") on the Land Use Policy Map. OSP reflects the property's current use and intended use for the foreseeable future. However, the Comprehensive Plan is long term in nature and, therefore, must be more forward looking. For the reasons stated above and in the Hearing Draft, a PD would be desirable for the long term in the unlikely event that Woodmont redevelops. Reflecting the recommendation for a PD on the Land Use Policy Map will provide the best guidance for the property's future should it ever cease use as a country club.

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3. Woodmont requests that the Wootton Parkway frontage of the Property be designated RF rather than OSP.

The Staff Draft of the Comprehensive Plan designated the Wootton Parkway frontage of the Woodmont property as RF. In the Hearing Draft, the Planning Commission changed the designation for the frontage to OSP. We believe that the Planning Commission's decision to change the RF designation to OSP along Wootton Parkway was based on incorrect conclusions. The Wootton Parkway frontage contains approximately 27 acres and is currently not used for country club purposes. Development of the frontage, although again not planned at this time, would have significant benefits to both the City and Woodmont. First, such development would not only provide compatible residential uses served by existing infrastructure, but also potentially desirable amenities. Second, Woodmont plans to continue operation as a country club for the foreseeable future and understands that the City shares in this goal. The ability to redevelop the Wootton Parkway frontage without impacting its operations, including its golf courses, according to the RF recommendation, would provide Woodmont with greater financial security for the continuance of its operation as a country club.

During worksessions on the Staff Draft, Commissioners expressed a concern that the RF designation may be inappropriate because: a) Wootton Parkway should not have many turn off points; and b) allowing piecemeal redevelopment of the Woodmont property will result in "stub roads" leading into the property, but no through roads. Both of these concerns can be avoided by the design and planning of access points to Wootton Parkway and new internal streets. Regarding access, as shown on Exhibit "B", a median cut and traffic light already exist along the Wootton Parkway frontage. These may be used as access points for any future development, avoiding excessive turn-off points and stub streets. Further, the size and shape of this portion of the property permits a layout that can be served by an internal thru road accessing Wootton Parkway to the west at the median break and, to the east, at the existing signal. This thru road could provide for units on both sides, with appropriate internal block designs, as well as provisions for future connection(s) to the balance of the property. Thus, we believe the RF designation is beneficial and request it be restored.

4. Any recommendation that a park be located on Woodmont should contain the clarification that the need, appropriate size and location of the park will be determined if the property redevelops

The Hearing Draft indicates that the City may eventually seek a park on the Woodmont property. First, the Land Use Policy Map in the Hearing Draft includes an asterisk on Woodmont designating it as a potential park location. (Hearing Draft p. 20) Second, the Hearing Draft also recommends a single park and/or parks (10 acres of parkland in total) in the South Pike area – near Woodmont. (Hearing Draft p. 92) Finally, the Hearing Draft recommends acquiring

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ATTORNEYS AT LAW

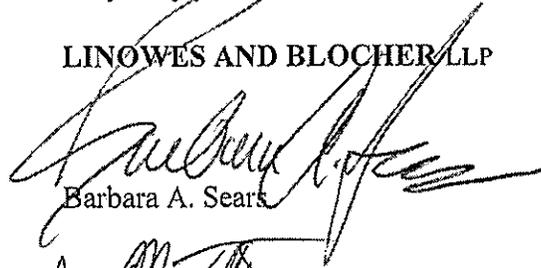
Ms. Gail Sherman, Chair and
Members of the Planning Commission
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Page 4

parkland to ensure that every residence is within a 10-minute walk of a park. (Hearing Draft p. 96) At this time, as noted above, Woodmont intends to continue its operation as a country club with golf courses for the foreseeable future. The purchase by the City of a park on the property would be antithetical to this desired goal and the intention of Woodmont to remain a country club. As such, any recommendation that a park be located on the property should be tempered with the clarification that the precise need, size and location of such park would be determined in the event that all or a substantial portion of the property redevelops and any such park should not be in conflict with the operations of Woodmont as a country club.

In closing, we urge the Planning Commission to adopt the above-recommended changes to the Comprehensive Plan. We request that this letter be made a part of the public hearing record and look forward to continuing to work with the Planning Commission and staff throughout the Comprehensive Plan process. Thank you for your consideration.

Very truly yours,

LINOWES AND BLOCHER LLP



Barbara A. Sears



Laura M. Tallerico

Attachments

cc: David Levy
Cindy Kebba
Barry Gore
Brian Pizzimenti
Andrew Isaacson, Esq.

June 4, 2019

Draft Plan Language

Recommendations for the Woodmont Country Club generally remain in keeping with the recommendations expressed in the 2002 Comprehensive Master Plan but have been updated to reflect currently available zoning designations and standards. As in 2002, the City does not anticipate or desire development of the Country Club property within the planning horizon of this Plan. However, if that portion of the property subject to the PD recommendation is no longer used as a country club, it is recommended that the site be developed in accordance with the PD designation. Specifically, the property should be rezoned to PD with the additional limitations described here. The property is envisioned to be developed as a mixed-use community, with development densities not to exceed a maximum of .5 FAR in nonresidential areas and 6.5 dwelling units per acre. A neighborhood retail center may also be appropriate. A minimum of 35% open space is recommended for both passive and active recreation use on the property, including any wetland, stream buffer, and/or floodplains that are on the site. The Lyddane-Bradley House, built in 1858, also should be preserved because it is architecturally and historically significant to the City of Rockville. Development options that preserve trees and historic structures are preferred. Another important development parameter is the provision of adequate buffers from adjacent residential communities. At a minimum, the buffers should follow the required setbacks for MXCT found in the Zoning Ordinance, including layback slope requirements of Section 25.13.05.2(d), and may exceed those requirements based on site conditions and environmental features. Additional buffers should be provided for existing tree stands and forested areas. Whether development of the club occurs incrementally or at once, Site Plans should be integrated to allow for a street plan which provides for adequate dispersal of site-generated traffic. Proposed development plans for any substantial portion of the site should also address the feasibility of providing a pedestrian and bikeway connection to the Millennium Trail along Wootton Parkway, and to other bikeways designated in the City's Bikeway Master Plan.

Exhibit "A"

**L&B 7532105v2/04758.0008

Google Maps Wootton Parkway Median Cut (aerial)

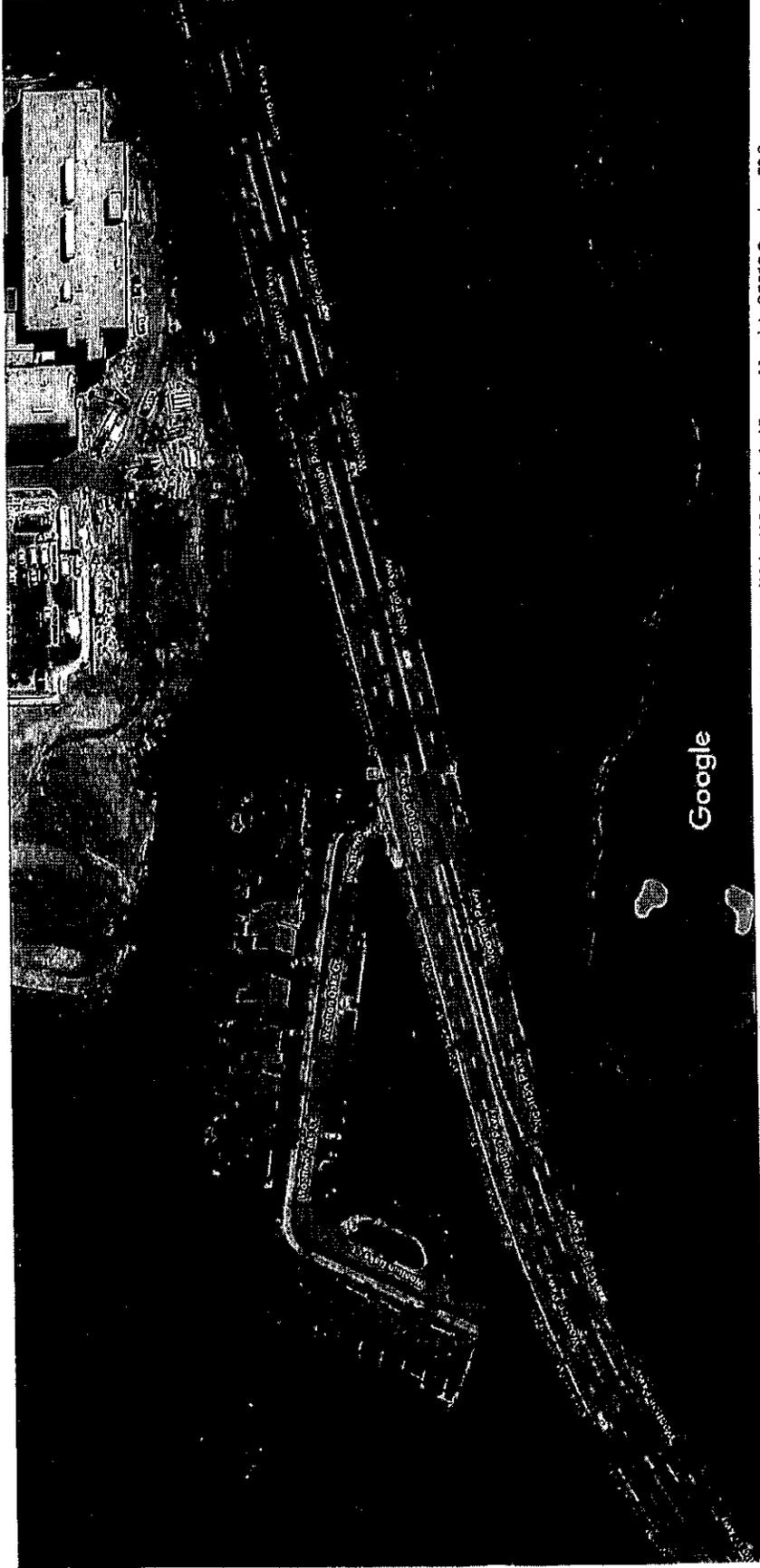


Image ©2019 Commonwealth of Virginia, DigitalGlobe, U.S. Geological Survey, Map data ©2019 Google 50 ft.

Exhibit "B"

<https://www.google.com/maps/@39.0692317,-77.1455723,216m/data=!3m1!1e3>

Google Maps

Wootton Pkwy

Wootton Parkway Median Cut Street View

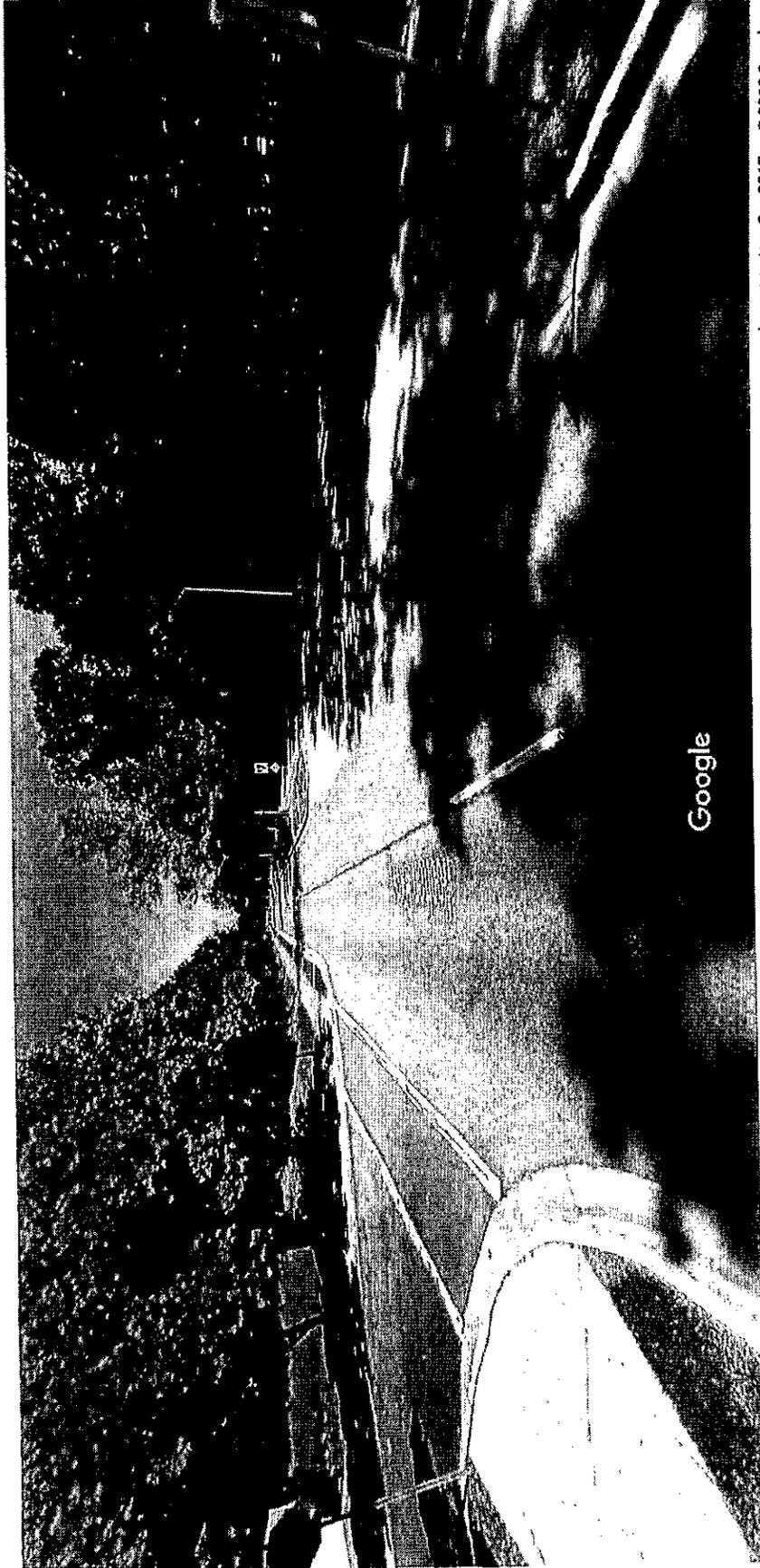


Image capture: Sep 2017 © 2019 Google

Rockville, Maryland

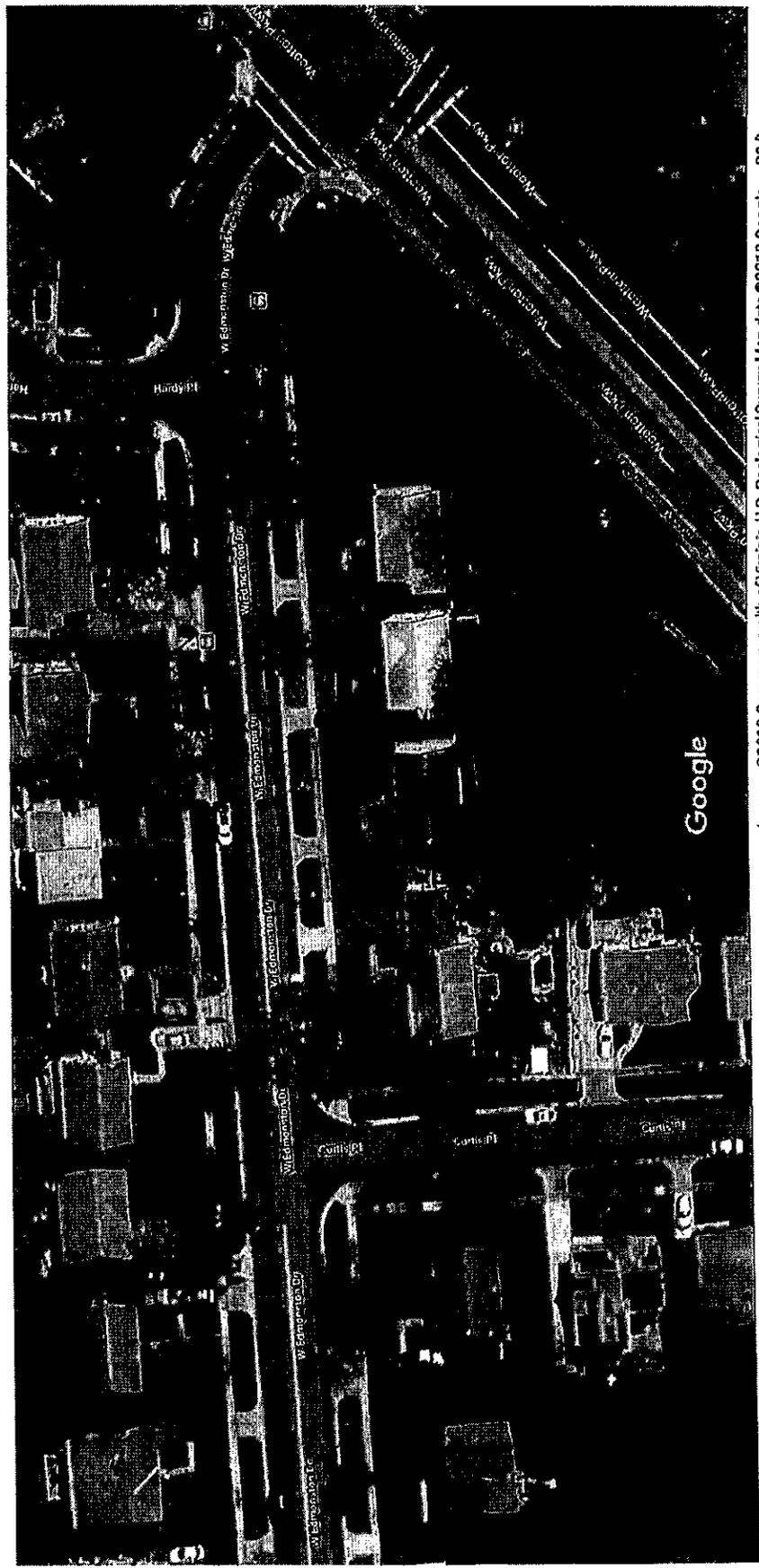


Street View - Sep 2017

Dawson Farm Park

https://www.google.com/maps/@39.0691471,-77.1458602,3a,75y90.55h,76.01t/data=!3m6!1e1!3m4!1s_HuGtWp3GofmDhCqstYe0vz2e0J71f3312l8f6656

Google Maps Signalized Intersection at Wootton Parkway & West Edmonston



Imagery ©2019 Commonwealth of Virginia, U.S. Geological Survey, Map data ©2019 Google 20 ft

<https://www.google.com/maps/@39.0713011,-77.1402414,108m/data=!3m1!1e3>

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18

1.A.a

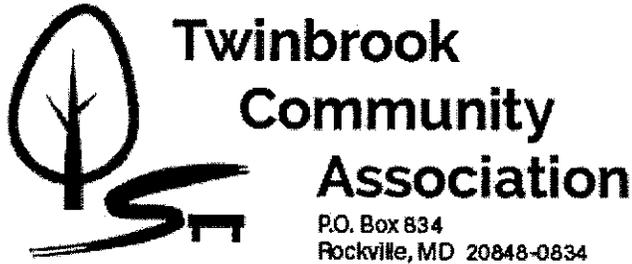


Exhibit (26)

Testimony on the Draft Comprehensive Plan for Planning Commission Public Hearing

The Twinbrook Community Association thanks you for this opportunity to provide initial feedback to the Planning Commission on the Draft Master Comprehensive Plan for the City of Rockville. This is another positive step forward in a long-range plan to develop our beloved City, and we are grateful for this opportunity to provide feedback. We will continue to testify and submit comments as appropriate as this process moves along.

I. Land Use, Housing, and Economic Development

We applaud the inclusion of the Twinbrook Metro Station area and the Veirs Mill Corridor in the Land Use Policy map, to ensure that Twinbrook residents have access to flexible zoning arrangements that allow for growth and housing options.

We also encourage the development of policy that allows access to the development of ADUs within the Twinbrook neighborhood if a homeowner desires one. ADUs, short term rentals, and diverse housing options will ensure that our children and our children's' children can live in the City that we love.

The area around the Twinbrook Metro is an important one to our community. It connects us to the retail and services provided along Rockville Pike. We applaud transit oriented development that can connect the residential side of the tracks to the Pike in a meaningful way, including a pedestrian/bike crossing. This will also fulfill our shared goal of a truly walkable City.

II. Transportation

Transportation is a vital issue to Twinbrook. We have a Metro station, a multitude of highly utilized bus lines that run through the center of our neighborhood, and major roads such as Veirs Mill and Rockville Pike. To the north, we are bounded by the Major Collector of Baltimore Road. Veirs Mill bisects our community under the purview of the SHA as a Major Arterial, and we are bounded to the south by another Major Arterial, Rockville Pike. We are bounded to the east by the Minor Arterial of Twinbrook Parkway, and to the west by the Major Arterial of First Street. Many of our interior streets such as Edmonston and Ardennes are noted as Major and Minor collectors.

We agree that creative solutions should be sought to address the capacity issues of our major arterials. Too often, Veirs Mill, Twinbrook Parkway, and Rockville Pike are backed up considerably simply due to capacity.

We also support the City codifying support for our public transit services, as many of our residents depend on them to get to work and around the City and County.

We strongly support the improvement of bus routes, stops, and shelters in Twinbrook. Many of the Ride On stops do not have a shelter, and some are not accessible to individuals with disabilities. This should be addressed. We also have a lack of bus routes within the interior of our community, and zero MetroBus routes that service Twinbrook Metro Station. We also only have two routes that service our neighborhood - the 44 and 45 Ride On routes. This should be increased.

We look forward to the possibilities that the BRT will bring for innovation, economic development, and easing traffic congestion. We strongly support a BRT hub at Atlantic Avenue. However, we need to invest as much resources into the Twinbrook Metro station as are planned at the Rockville Metro station. An esthetic redesign, incorporating local artists and native plants, should be encouraged.

III. Recreation and Parks

We are lucky to have access to our namesake brooks, parks, and recreation centers. TCRC is much beloved by many. We however would encourage an investment in the Rockcrest Community Center, to have it serve as a similar location for community meetings, programs, and sports.

IV. Community Facilities

Twinbrook spans two MCPS clusters: Richard Montgomery HS to the south of Veirs Mill, and Rockville HS to the north of Veirs Mill. Two MCPS schools reside in Twinbrook: Twinbrook ES and Meadow Hall ES. We encourage investment in the infrastructure needs of both schools, with the goal to bring both schools into a “green” rating across the board.

V. Historic Preservation

Preserving history in Rockville should mean more than simply keeping the look of a neighborhood as it was in a bygone era. It should also include acknowledging and preserving the historic nature of a given community, using signs and other means to convey a story from history.

Twinbrook has a rich history, and the founding of Twin-Brook along with the naming of streets within the development to honor World War II battles and important individuals is well worth acknowledging. We urge the inclusion of signage in Twinbrook and throughout the City to mark the history of a given community or neighborhood.

Attachment 1.A.a: Testimony Housing, HP, Rec & Parks (2709 : Work Session 2: Comprehensive Plan, Draft for Planning Commission Public

Cynthia Kebba

From: Animal Exchange <animalexchange@verizon.net>
Sent: Wednesday, June 12, 2019 9:24 AM
To: Planning Commission
Subject: 20-40 plan

The city has invested much effort in preparing the plan which does in general reflect my feelings on development in East Rockville, however some clarification is needed on one area. The RA zone, designed to encourage density in areas easily accessible to Metro, has an incursion into East Rockville existing housing along Reading, Highland and Croyden. Included in this on page 24 is a reference to apartments which were never mentioned in our discussion of duplexes, etc. An apartment building on the highest point in East Rockville seems inappropriate at best.

Please eliminate the option of apartments in this area and limit the RA designation to a narrow band, perhaps 2 lots deep along South Stonestreet consistent with the narrow band proposed along Park Road.

Thank you for your consideration,
Ruth Hanessian

Ruth Hanessian
301-674-RUTH

Attachment 1.A.a: Testimony Housing, HP, Rec & Parks (2709 : Work Session 2: Comprehensive Plan, Draft for Planning Commission Public

Exhibit (31)



MEMORANDUM

June 13, 2019

TO: City of Rockville Planning Commission

FROM: John Becker, Chair, Rockville Environment Commission *John Becker*

SUBJECT: Written Testimony on the City of Rockville 2040 Draft Comprehensive Plan for the Planning Commission as submitted by the City of Rockville Environment Commission

On behalf of the Rockville Environment Commission (REC) and volunteer members of REC Committees, I request you consider our comments and suggestions on the Draft 2040 Comprehensive Plan.

The format of our submission is an attached Excel spreadsheet with Comments listed numerically, referencing page #s, Chapter, Goal #, Policy # and Action Item with references to Existing Draft Comprehensive Plan text and corresponding Comments of REC.

We hope this format proves productive in your analysis/review. If there are any comments/questions/suggestions, please contact us via our Staff Liaison, Lise Soukup of the Rockville Department of Public Works, Environmental Management Division.

JB/lms

cc: Mark Pierzchala, Councilmember
 Environment Commission: Clark Reed, Fedon Vyanis, Steve Sprague, Monica Saavoss, Susan Koester, Pavitra Srinivasan, and Ted Stauderman
 Lise Soukup, REC Staff Liaison

Rockville Environment Commission (REC) Testimony and Comments on Draft Comprehensive Plan for Planning Commission Public Record - completed June 11, 2019

Comment #	Plan Page	Chapter	Goal #	Policy #	Action Item #	Existing Draft Comprehensive Plan text/summary	Comment (Comments in bold are suggested wording for the item.)
1	16	Land Use and Urban Design	Goals Box, Item 3			3. Integrate land use and transportation planning to maximize the value of Rockville's transportation assets.	Re-word this goal to include reduction in air pollution
2	16	Land Use and Urban Design	Goals Box, Item 4	11, 12, 13		4. "Promote walkable neighborhoods."	Promote seems like the wrong word for this goal. Rockville can only promote walkable neighborhoods if they exist. There are several that do, but they are limited. The goal should be to increase the number of walkable neighborhoods. This can be done through infrastructure improvements in existing neighborhoods and smart planning into new large development projects. Recommend changing the language to " Enhance the walkability of neighborhoods ".
3	16	Land Use and Urban Design	Goals Box			Goals for Rockville's Land Use plan include:	These goals should incorporate or specifically call out environmental ideas and/or objectives. Something like - Smart building to help reduce the heat island or stormwater overflow risk.
4	21	Land Use and Urban Design	1	1	New		Add Action 1.1 - " Rockville is committed to maintaining or increasing green space available for public use. "
5	21	Land Use and Urban Design	1			Adopt a Land Use Policy Map that clearly shows where continuity and change and growth will be allowed to meet community goals.	While supporting the overall goal, a comprehensive analysis of the impact of climate change should be undertaken and influence the land use policy map to ensure that most susceptible residents are not overly impacted by climate change.
6	24	Land Use and Urban Design	2	4		Draft new high-density residential zone for existing and new multiple-unit residential projects	We support high density mixed use development near the Metro stations and believe that the height limits need to be raised in those areas. Higher density developments lead to less energy use per unit due to fewer energy-losing walls and smaller units on average. It also promotes fewer vehicle-miles traveled because residents can commute via public transportation and walk to service centers such as day cares and grocery stores.
7	37	Land Use and Urban Design	4	11	11.1, 11.2	11.1 Create new community nodes with small-scale retail, diversified housing, and civic amenities. 11.2 Continue to develop new walkable, mixed-use activity centers on available land, primarily commercial sites deemed ready for conversion.	Not sure where this comment goes, but here seems reasonable. In creating a more walkable community, Rockville should incorporate into any non-permeable coverings (parking lots, side walks), green alternatives, including solar reflective coatings to reduce heat build up, permeable surfaces to allow ground water to not overwhelm storm drains, etc.
8	37	Land Use	4	12		Develop plans for Rockville's older neighborhood shopping centers that address issues of pedestrian access, storefront aesthetics, land use mix, and urban design.	Agree strongly; please include improvement of tree canopy under this goal. Shade improves walkability particularly as summers get longer and hotter.

Comment #	Plan Page	Chapter	Goal #	Policy #	Action Item #	Existing Draft Comprehensive Plan text/summary	Comment (Comments in bold are suggested wording for the item.)
9	43	Land Use	5	16		16.7 Coordinate provision of neighborhood amenities as part of the approval process for conversions of office to residential uses.	People who don't take transit most often cite child care needs and grocery stops as a reason they "need" a car. Encouraging child care and grocery stores as part of the office park amenities will help office workers choose transit.
10	50	Land Use and Urban Design	9			And yet, the rewrite of the Zoning Ordinance in 2009 did not include a planned development option and no new PDs have been created since.	This sentence in the third paragraph is unnecessary. It looks like an internal dig from one part of government to another. Adding sentences like this reduce the meaning of the rest of the page. Eliminate.
11	53	Land Use and Urban Design	9	25		Master plans for large development sites should include: an environmental analysis with identification of critical features for conservation;	This policy falls short. The REC believes that an environmental analysis should be mandatory for all commercial sites and large residential sites(over 1-2 acres), not just large development sites. Revise bullet list for master plans to include: "an environmental analysis with identification of critical features for conservation and consideration of environmental impact"
12	53	Land Use and Urban Design	9	25	New		Add new Action: 25.3 - "Commit that any development of golf course property include a balanced environmental approach."
13	53	Land Use and Urban Design	9	26	New	Undertake a study of minimum parking regulations and recommended changes to the Zoning Ordinance to promote access via modes other than private automobiles and reduce the financial and site development burden	Add the following Actions: - Allow business to pay a fee in lieu of parking that allows shared parking between businesses and/or exchanges parking requirements for requirements of incentives for employees/customer public transportation. - Conduct a study where the sole focus is examining the potential effects of spill-over parking and ways to alleviate them.
14	59	Transportation	1	2	New	Vision Zero is an international movement to reduce and eliminate injury and death on roads from crashes involving vehicles, and vehicles and pedestrians and bicycles.	Agree strongly with Vision Zero goals. Add Action 2.1 - "Increase safety outreach to pedestrians through signage and other forms of public education."
15	61	Transportation	2	3		Work with state and county transportation agencies to mitigate the impacts	The REC opposes the expansion of I-270 through Rockville by the State due to many environmental impacts, including impacts to air quality, wildlife, noise, heat island effects, etc. It also will encourage further sprawl north of the City. Instead, the REC supports mass transit alternatives within the existing I-270 right-of-way.

Comment #	Plan Page	Chapter	Goal #	Policy #	Action Item #	Existing Draft Comprehensive Plan text/summary	Comment (Comments in bold are suggested wording for the item.)
16	65	Transportation	2	7		Develop creative solutions to capacity issues on major arterials and highway	Creative solutions including using existing networked and GPS based software for intersection lights to ensure smooth movement on major arteries. I have read about cities (including DC) that have implemented better timing for traffic signals to keep traffic moving. Key streets have an expected, or forced, traffic speed that allows a vehicle to continue moving at that speed through many intersections in an effort to reduce congestion. When the timing of the signals is in effect the reduction in congestion is evident. The added benefit of timing is the reduction of air pollution caused by vehicle acceleration. This project would have to include city, county, and state traffic managers and should include some kind of software analysis to allow for successful implementation.
17	77	Transportation	4	15	New	Improve Twinbrook Metro Station as an asset for the community.	Add new Action 15.3 - "Include stormwater mitigation, tree canopy/shade as part of these improvements. Shade could be provided by trees or solar canopies."
18	87	Transportation	20	20	20.3	Create a plan for a transition to electric cars and trucks that outlines steps the city will take to encourage use of zero- emission vehicles, including electric charging stations and new building code requirements for electric charging in new construction.	Revise Action 20.3 "or existing buildings" to end of sentence. "...and new building code requirements for electric charging in new construction or existing buildings."
19	100	Recreation and Parks		7	7.5	Retrofit existing community and recreation centers for energy efficiency and design new facilities using sustainable design principles.	Replace "for energy efficiency and design new facilities using sustainable design principles." with "to have an energy performance 30% better than the national median Energy Use Intensity (EUI) for these spaces, using latest national energy data from Energy Information Administration".
20	115	Community Facilities		2	2.7	Incorporate environmentally sustainable 'green' building practices in existing and new facilities.	Bring energy performance of existing buildings to perform in top 25% nationwide, either through ENERGY STAR certification or an Energy Use Intensity (EUI) better than the national median (CBECS)
21	123	Environment	Vision			Rockville strives to assure clean land, air and water, and efficient use of resources, to foster healthy, sustainable, and resilient environments for living, working, and recreation.	This doesn't seem like a very lofty vision for the environment. Striving is weak. I would be interested in revising this statement completely and setting a vision for Rockville that goes beyond the ordinary. Something to the effect of "Rockville is a leader in its commitment to protect the environment through prudent management of our natural environment, encouragement of eco-friendly industries and a commitment to sustainable practices that assure a carbon neutral community along with clean air, land and water."
22	124	Environment	1			Bring an environment ethic when setting city policies and weighing options or actions.	Change 'Bring' to 'Mandate' or some other word that makes this a full-on commitment by the city of Rockville
23	124	Environment	2			Cut greenhouse gas emissions and prepare for climate change.	This is not a measurable goal. This is such an important goal that we should set some measure of success. i.e. Cut greenhouse gas emissions to ensure a Carbon Neutral community. I don't know what 'prepare for climate change' means.

Comment #	Plan Page	Chapter	Goal #	Policy #	Action Item #	Existing Draft Comprehensive Plan text/summary	Comment (Comments in bold are suggested wording for the item.)
24	125	Environment	1	1		Establish and promote an environmental ethic, or set of values and principles, that guide the policies and actions of the City of Rockville.	Add Action 1.6 - "Every policy or development project include an environmental consideration of the long term implications to the environment."
25	125	Environment	1			...this approach is the foundation of an environment ethic, which the city will use in decision making for city facilities and actions, and promote to the rest of the community.	Include examples of generally accepted methodologies that may be considered or used as part of the decision-making process when assessing competing environmental priorities especially in complex scenarios. E.g., lifecycle assessment (LCA), multi-criteria decision analysis (MCDA). Some seemingly green options may in fact be less environmentally friendly due to higher emissions in their manufacturing phase or emissions may be transferred elsewhere e.g. China producing the solar panels revise: "... City of Rockville shall lead by example.
26	125	Environment		1	1.3	"lead by example..."	
27	126	Environment	2		new		Add new Action: 2.5 - "Execute a comprehensive analysis of climate change on the City and incorporate the findings into land use and transportation plans." add: "including City of Rockville..."
28	126	Environment		2	2.1	"Promote and support..."	
29	128	Environment	2	3	new		Include the idea of promoting awareness of energy conservation along with energy efficiency and use of renewable energy among the City's population. This would be in line with the Environmental ethic of Goal 1, Policy 1, Action 1.1 as well)
30	128	Environment		3	3.1	current language states implement projects at city facilities	suggesting using this for all 2040 sections where "...City of Rockville shall..." adopt the policy.
31	130	Environment	2	4	4	...Incorporate energy efficiency, renewable energy, and alternative fuels in city facilities, operations, and fleet	Include the idea of promoting awareness of energy conservation along with energy efficiency and use of renewable energy among the City's population. This would be in line with the Environmental ethic of Goal 1, Policy 1, Action 1.1 as well)
32	130	Environment	2	4		And as reductions are made in residential and commercial building emissions, through efficiency and renewable energy sources, the percentage of total carbon emissions from the transportation sector will increase	The RELATIVE contribution of emissions by the transportation sector will surpass emissions from the built environment/electricity consumption.
33	130	Environment	2	5		Assess risks and vulnerabilities in Rockville of climate change and identify actions to mitigate localized impacts	Add: "...mitigate localized impacts and ADAPT TO CHANGES (Resiliency development in the action items refers to adaptation, not just mitigation of impacts)
34	130	Environment		4			Add traffic flow management to optimize movement in City and reduce station traffic periods at traffic lights (reduce energy consumption and emissions) via latest traffic mgmt. products.
35	130	Environment		4			Add: increase safe walkable/bikeable travel.

Comment #	Plan Page	Chapter	Goal #	Policy #	Action Item #	Existing Draft Comprehensive Plan text/summary	Comment (Comments in bold are suggested wording for the item.)
36	133	Environment		6	6.4	Incorporate green building strategies in the construction, expansion and retrofit of city facilities.	Bring energy performance of existing buildings to perform in top 25% nationwide, either through ENERGY STAR certification or an Energy Use Intensity (EUI) better than the national median (CBECS).
37	133	Environment		6		New action item	Add: "All new residential construction will be zero net energy (ZNE) by 2025. All new commercial construction will be ZNE by 2030. 50% of commercial buildings will be retrofitted to ZNE by 2030. 50% of new major renovations of city buildings will be ZNE by 2025."
38	133	Environment		6	6.5	work with local utilities, property owners...	Add: community organizations funded by city, also HOA's and Condominiums
39	134	Environment	4	7	New	Foster individual and community health by reducing stress and exposure to toxins, while providing access to healthy foods and a verdant environment.	Add worker health and safety to Policy 7 and Add New Action Item 7.5: "Ensure Rockville places a high value on worker health and safety for city workers and contractors engaged in providing city services and construction (e.g., sanitation workers, road and building construction, fire and EMS crews)." As noted in the Introduction of the Master Plan: waste management workers are among the largest group employed by the City; construction (4.5%); manufacturing (2.6% does this include stone yards, quarries, concrete plants?). Sanitation and fire and EMS groups tend to have high injury and mortality rates in compared to the general worker population.
40	135	Environment	4	7	New	Healthy communities to combat obesity and sedentary lifestyles and low access to grocery stores.	Add New Action Item 7.6: Mention increasing well lit and safe walkable/bikeable routes and paths to provide better access to grocery stores. This issue is discussed in the land use section but consider including a cross-reference in this action item to the land use section.
41	135	Environment	4	7		Another important approach to reducing stress and ameliorating local air pollutants is to provide green living plants as part of development projects and the city streetscape. The green of trees, shrubs, and groundcover help to reduce stress and are important additions in areas of land use change. Living plants also produce oxygen and remove some air pollutants. Shade from trees is important to reducing the heat island effect of hard surfaces. A biophilic approach can be incorporated in city greenspace management planning.	Could not agree more strongly. Suggest this sentiment be referenced in the transportation, changing land use sections.
42	137	Environment	5		All		Great action items! (To increase awareness of reduction in consumption of materials and promoting backyard/neighborhood composting.)
43	137	Environment		8	8.4	"Incorporate and clarify current recycling, refuse and yard waste storage, handling and collection practices into Chapter 20 of the City Code, Solid Waste."	The REC should be a part of the process to update Chapter 20, Solid Waste, beginning with FY 2020.
44	139	Environment		9	New		Add Action 9.3 - "increase forest easement acquisition efforts."

Comment #	Plan Page	Chapter	Goal #	Policy #	Action Item #	Existing Draft Comprehensive Plan text/summary	Comment (Comments in bold are suggested wording for the item.)
45	141	Environment	6	11		In order to balance between environmental goods, the number of required trees should be less in areas targeted for intense urban growth.	Call out the use of green building features (viz. green roofs, green walls) so the increased greenery offsets the reduced tree cover in these areas. Captured on p.143, Action 11.1
46	143	Environment	6	11	11.1	Revise the Forest and Tree Preservation Ordinance to consider context, to find a balance between the number of required trees and city objectives for stormwater management, solar or renewable energy, improved air quality through the reduction of vehicle miles traveled, green building features, and other important environmental goals	Call out the use of green building features (viz. green roofs, green walls) so the increased greenery offsets the reduced tree cover in these areas and help reduce heat island effect. Another example of how cross-referencing could be helpful.
47	169	Water Resources	4	13	New		Currently the action items only reference pesticides, herbicides etc. in backyards and green covered spaces not paved surfaces. Add New Action Item 13.4: "Increase public awareness of and alternatives for harmful snow-melt compounds on residential and commercial property paved surfaces. With dramatically changing temperature and precipitation patterns over winters in the Mid-Atlantic area it would be productive to engage/remind the public to use less harmful and more Bay-safe products."
48	All	All			New		Provide a Glossary and a Cross-Reference Index in the back of the Comprehensive Plan document. This is helpful since many topics (e.g., environment, green building design) occur across more than one section or touch on multiple planning elements.
49		Recreation and Parks	4 and 5	11		Value the important conservation role that Rockville's parks play in protecting steep slopes, streams, wildlife corridors, and forests.	The action items should include a commitment to using green appropriate landscape plans. Currently, I've walked on multiple non-permeable walking paths in Rockville parks. While there are economic and maintenance trade-offs, Rockville should commit to updating existing park infrastructure to reduce non-permeable surfaces.
50		All	All				Consider including, where feasible, more detail to Goals or Actions with respect to Measurability (metrics) and/or Time frame of achievement/implementation. SMART Goals and Objectives help with commitment and accountability. If there is a concern about being locked into specific numbers then at least define more general terms such as short-term, medium-term, long-term in the introduction and use those throughout for goals and actions.
51	128	Environment	2	3	3.1	Implement projects at city facilities to improve energy efficiency, renewable energy, and back-up generation for critical city facilities and services	Add second sentence to Action 3.1: "All construction at city facilities will meet LEED, Energy Star, or similar certification standards for energy efficiency and sustainability."

Comment #	Plan Page	Chapter	Goal #	Policy #	Action Item #	Existing Draft Comprehensive Plan text/summary	Comment (Comments in bold are suggested wording for the item.)
52	134	Environment	4	7	7.1	the focus in this Environment element is placed on impacts of noise and air pollution, access to healthy food, and proximity of green living plants and wildlife.	Add water to noise and air pollution wherever pollution is mentioned.
53	135	Environment	4	7	7.3	Cultivate a local food system that provides residents of all income levels access to healthy fresh food and improves food security.	Revise text in Action 7.3 to read: "... access to healthy, plant-based fresh food..."

Exhibit 32

Rockville 2040 Comments

On Land Use and Housing

Land use and housing dominate the Draft Comprehensive Plan, accounting for 60 pages - approximately 25% of the document. And for right reason. The plan shows that Rockville will add nearly 20,000 new residents in the next two decades, an increase of more than 25%. The city addresses the looming housing crunch up front, as one of the city's principles listed is:

"Encourage a variety of housing types that are accessible to a wide range of households and incomes"

The plan does a good job of identifying ways to increase housing units without disturbing the fabric of Rockville's existing neighborhoods. However, I think that the population growth and potential housing shortage provide an innovating opportunity for the city that should be noted in the plan: , the city should explore options beyond traditional zoning to accommodate the growing population. In addition to adding density through multi-family or mixed used properties surrounding our metro centers, I encourage the city to research and consider adopting **form-based codes** in those areas ringing the immediate metro centers - neighborhoods that are currently dominated by single-family homes within easy walk to public transportation hubs. This would directly support Goals 1 and 2 in the Land Use section.

While this would be an extraordinary systemic shift for the city, it has been successfully implemented in larger municipalities - and it would also satisfying (if not outright eliminate) several of the related policies and goals as it relates to adding a variety of housing types while protecting neighborhood aesthetics.6

Policy 8 in the Land Use Section mentions "car less customer base"... the city should **de-couple or overhaul parking requirements** in new developments in Town Center and South Pike areas. If you want to build a car-free resident base, build housing without parking, and people without cars wil buy them. It's about more than having conveniences within easy walking distance.

On Walkability

I fully support the city's efforts to create a more walkability Rockville and support the nodes concept. Beyond what is written, I think **the city needs to address the four main aspects of walkability** when planning, reviewing, and approving new projects - whether public works or private development. These considerations are:

- Safety (goes without saying)
- Comfortable (is the sidewalk wide enough? Is there a buffer between the sidewalk and road?)
- Interesting (what does the street scape look like - trees, store fronts, lighting, etc)

- Useful (can we walk to wherever we need?)

Safety can be implemented immediately through many means - some of which the city is already doing (lowering speed limits, installing flashing pedestrian crossing signals, etc.). Many of the other factors that improve walkability required a more holistic approach to how the city is planned - not just sidewalk and conduit design, but the design of our road system.

Here is a very specific hyper local example:

There have been a rash of pedestrian/vehicle collisions on Beall Avenue in the past 10 months. This coincides with the completion of the Metropolitan Building/The Spot food hall and assorted roadwork "improvements." Beall Avenue goes from a quiet yield street on the west side of North Washington Street to a four lane boulevard in the time it takes to cross an intersection. This encourages drivers to increase speed in an area where there are two mid-blocks pedestrian crosswalks. This stretch of Beall should remain two lanes. Even with a posted lower speed limit, drivers will drive the speed a road allows them to...and Beall encourages speed.

And that's the easy culprit. But the headwater of the problem begins elsewhere. For vehicles leaving West End, Woodley Gardens and College Gardens neighborhood via Martins Lane to reach 355 south must either

1. Turn left on North Washington, inevitably wait at the light and make the hard right onto 355
2. Turn right (on red or green) onto North Washington then left onto Beall (via dedicated turn lane), then right onto south 355.

The design of these roads (which granted are many years old and constrained by the triangular shape of the commercial area at 355/North Washington) encourage motorists to travel the more "pedestrian friendly" streets.

Also, **stop putting trees in the median areas** so they are in the direct sight line of a driver looking for a pedestrian crossing at a crosswalk. Use other foliage.

On Retail Rocks

Would like to see the city encourage more **pop up retail or kiosks** of local merchants selling wares - outside of locations like the Farmers Market or Dawsons...perhaps negotiated into new mixed use development regulations.

On Transportation

I'm on board (pun!) with the plan's recommendations on transportation. I **support the growth of public transit in all forms**, though I have my hesitations about BRT, personally. I definitely

support the city's vision of transforming Rockville Station for the 21st century. Good luck to us all there.

On Policy 17 - Pedestrian Master Plan

I would personally volunteer to assist this effort. I think this will be critical to achieving Vision Zero and making Rockville a truly walkable city.

On Parks

City parks that include walking/biking trails that connect neighborhoods (as opposed to those that circumscribe the park) **should be well lit for safety and walkability.**

On Water

If the city ever finds \$60-80 million (maybe under a rock or in our couch cushions), we should **invest in upgrades to the water treatment plant.** The half-century-old facility is vital to the city's day-to-day survival. And while it operates under capacity - even as our city grows - an investment in a modern facility now will be of great benefit over the next century.

Exhibit (38)

Cynthia Kebba

From: David Hill <DavidHill@tigger2.us>
Sent: Tuesday, June 18, 2019 12:44 PM
To: Comprehensive Plan
Subject: 2040 Draft Plan submissions
Attachments: ADO History.docx; Critical Parcels.docx; Historic Preservation.docx; Smart Growth Realization.docx

Dear Commissioners and PDS staff,

Please accept the attached submissions, on various topics, as public commentary on the 2040 Master Plan, Planning Commission draft. My regrets that this fairly large content is submitted at last moment, yet I only acquired access to a fully printed plan lately. Each submission is topical and self-explanatory.

One point not covered in attachments is the MEL handling, of which I heartily approve, and have been frustrated that changing Rockville's position and MEL boundaries has been lagging change trigger events for years now. I still urge that Rockville needs some variety of "natural" and observable boundaries. Yet prior restraint (especially to the north, and which I was an advocate at prior review cycle) now seems fool-hardy given now obvious lack of agreement with adjoining jurisdictions. So that chapter is spot-on.

Sincerely,
 David Hill
 733 Beall Ave.

**2040 Master Plan, Planning Commission Draft
Critical Parcels Description, Re-submission**

38

April 20, 2016

David Hill
733 Beall Ave.
Rockville, MD 20850

Planning Commission, Anne Goodman, Chair
City of Rockville
Rockville, MD

Re: Critical parcels in the 2040 Rockville Master Plan Cycle

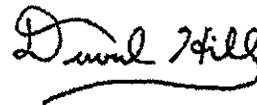
Dear Madame Chair,

Regarding the treatment of critical parcels in the 2040 Rockville Master Plan cycle, I offer some thoughts and recommendations. I listened to a recent meeting where this subject was discussed and offer two sorts of detail: 1) definitional advice for Critical Parcels, and 2) suggestions on where current critical parcels may exist throughout the City. As a prior planning commissioner, I advocated and put some thought into this topic. Also, as a recent Council candidate, I spoke to many constituents in canvassing and particularly probed and listened on land use issues. So I heard goodly detail from each of the various neighborhoods.

Regarding definition of Critical Parcels, I am skeptical that the City must limit itself to the narrow State denotation. The State perceives "critical" related to its interests (i.e. namely State property and environmental impact). The City should do likewise. Municipal master plans are explicitly local planning exercises. I extrapolate that municipalities should extend that State denoted scope to their own more local jurisdictions as logical extension. And as local circumstances vary, the flexibility of each locality defining its own critical issues and legally defensible planning, is precisely what Rockville should do in master planning.

I doubt the proposal of generalizing Critical Parcels into categories without enumerated sites. I proffer such diffuses the master plan commentary into non-actionable generality, forestalling subsequent judgment of something in agreement (or not) with the Plan. If we mean that we have super-local issues in City land use, be specific and direct about cause and desired resolution. The City is not so large that this commission cannot be aware and descriptive of each parcel where onerous or catalytic land use impact may exist. Also, commissioners putatively represent the citizens and stake holders, so address their concerns. I recognize that doing this produces a Critical Parcels section that becomes dated, as the critical character of sites should change over time. That is reason to revisit and update Critical Parcels to remain current; not eliminate it. Master planning is an ongoing, not static, activity and this is a prime example of why.

Sincerely,



cc David Levy, Chief Long Range Planning
Andrew Gunning, Asst. Dir. CPDS, Liaison to Planning Commission

**2040 Master Plan, Planning Commission Draft
Critical Parcels Description, Re-submission**

Recommended Critical Parcel definition, two parts:

1. Properties where uncertainty or vulnerability exists for nearby community, causing concern amounting to a public purpose for detailed plan stipulations.
2. Keystone properties that could trigger more than single parcel, nominal change in land use patterns, so warranting special planning focus.
 - a. Negative impacts (onerous change), example Rockshire Center
 - b. Positive impacts (catalytic change), example Choke Cherry site

Then applying this to the current cityscape, the following are candidate sites. The bracketed comments indicate why for each item tersely. (No particular order while grouped by thematic similarity)

- Town Center: *[sustain TC momentum, while sensitive to adjacency]*
 - remainder of TC II *[uncertainty]*
 - Duball II & Foulger Pratt III *[complete TC I infill]*
 - N. Washington St., west side parcels *[impacts to West End, Haiti, Ivy League THs, and TC I, also in need of catalyst]*
 - old IBM building site *[languishing, impact to Americana]*
 - Grey Courthouse *[what is stable use for this building?]*
 - Fire Station *[station really needs attention, if not new home; and City activism is in public interest as critical public safety resource]*
- WMATA property east side Rockville Metro *[impact on East Rockville]*
- Carver HS site (either as MCPS facility, or combined into Mont. College) *[community impact and historic site]*
- Rockcrest School, including adjacent playing fields (as likely separate disposition from Carver/Mont. College) *[Haiti and Woodley Gardens East impact]*
- Other MCPS properties not in active school use: surplus sites: N. Stonestreet, Meadow Hall/Sandberg & Twain usage, also reserved sites: King Farm & Fallsgrove *[nearby impacts]*
- Karma Academy site *[impact on eastern Rockshire, Wootten's Mill Park and isolation of Watts Branch Dr. townhouse pocket]*
- Neighborhood retail centers. (Most experience some sort of current trouble. Yet they are crucial to achieving horizontal mixed use, as Smart Growth intersects with built-out uses.)
 - *[needed for walkable services, while vulnerable to change, impacting communities]*
 - Rockshire Plaza
 - College Gardens Plaza
 - Twinbrook Center & Mart
 - Burgundy Center
 - Lincoln St. Mart
 - King Farm Center
 - Nelson St. mini-mall *(especially in relation to sound wall constraints)*
 - *[languishing or under-utilized sites]*
 - Fortune Terrace Plaza
 - S. Stonestreet-Reading Ave. retail corner
 - Small shopping center, Shady Grove Rd. (with Checkers) plus surrounding parcels in that pocket
- Tower Oaks, especially EYA site if undeveloped *[raises issues of use viability]*, and site adjacent to New Mark Commons *[impact on that neighborhood]*

**2040 Master Plan, Planning Commission Draft
Critical Parcels Description, Re-submission**

- Saul aggregated parcels (NE Pike-Halpine & north end of Chapman) *[has potential as keystone rejuvenation for central Pike and west-side cap of Twinbrook Metro area]*
- former COPT site *[impact on southern King Farm and Rt. 355/Gude traffic, plus keystone site for land use pattern north Rt. 355]*
- SW corner of Research & W. Gude *[languishing keystone site for of Research Corridor]*
- Choke Cherry site *[likely catalyst for massing of Shady Grove retail node in Rockville]*
- Edges of light industrial zones *[assuring internal business viability while external sensitivity with adjoining neighborhoods]*
 - Southlawn (inc. WINX site adjoining Lincoln Park)
 - N. Stonestreet
 - Lewis-Halpine
- S. Jefferson St. corridor adjoining Montrose neighborhood *[impact, while vulnerable to change]*
- Garden Appts. SW of Pike & W. Edmoston intersection *[under-utilized location (while affordable housing enclave), also for Pike Plan access road, bike lanes, or through connection of S. Jefferson St. something has to happen here, so this is catalyst for northern part of mid-Pike]*
- North on Rt. 355, especially east side business parcels as they annex into City (Bainbridge example) *[whole Rt. 355 north, use texture issues]*
- Chestnut Lodge site *[just because City owns it, does not end what happens to it]*
- King Farm Homestead *[establishing stable use for historic structures]*
- Park space for Rockville Pike and SW wedge of Twinbrook *[needed, where envisioned?]*
 - (parcel TBD) Park space in Rockville Pike Corridor
 - Twinbrook Pool site (acquire as City park if pool org. fails)
- BRT impacts
 - Town Center *[station and route intersection space]*
 - Viers Mill Rd. route *[impact on Twinbrook]*
 - Rt. 355 north *[impact north Pike and King Farm]*
 - CCT right-of-way treatment in King Farm (will this be BRT route, or not?)

June 17, 2019

David Hill
733 Beall Ave.
Rockville, MD 20850

Planning Commission
Gail Sherman, Chair
Rockville City Hall

Re: 2040 Master Plan, Planning Commission draft, submission
Historic Preservation Chapter

The Historic Preservation chapter of the 2040 Master Plan, Planning Commission draft, is a good improvement over earlier, perhaps place-holders. Those mostly were historic description rather than goal and policy proposals. I recommend the following further improvements:

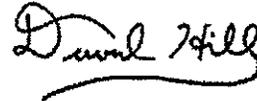
Mostly in the chapter Introduction, the summary of Rockville history is so simplified, and spun positive, as to be inaccurate.

- The opening paragraph on p. 206, expresses earliest City history in stages. The largest erroneous simplification is listing agrarian economy as stage between others. Regarding European initiated modern settlement, our area was driven by agrarian products from the outset, not as subsequent transitioning stage. Cash crop farming led to trans-shipping port roads, and that was the spark for nascent Williamsburg (Rockville) sitting at the junction of two important rolling roads and then a convenient stop-over going to/from Georgetown and Frederick—the trade centers of that day. Only then does “small village, ... county seat, ... commuter suburb [first by train and trolley, later by car], ...” etc. apply.
- The second paragraph on p. 206 contains mis-characterizations:
 - While five street names in the original 1803 Plan for Rockville persist, not much else in that plan really fits current Rockville. Commerce Lane is gone and Jefferson St. so changed to be unrecognizable than by name. And most of the originally diagrammed parcels no longer exist in that configuration. So the implication that the heart of the City remains mostly intact, is gratuitous.
 - In addition to Rockville Pike, being known as “Great Road” for a period, all of rt. 28 was the National Road too, and passed directly through town, before the Hungerford bypass. That may be more compelling mention for the north-south arterial.
 - “Many of Rockville’s historic [resources] dating to the 18th, 19th and 20th centuries, have been preserved....” is arguable. Almost all of 18th century Rockville structures are gone. Other than residences and churches, nearly all 19th century, and many 20th century structures are also gone. Rockville has lost more than retained.
- Therefore, in next paragraph, only selective 19th and 20th century “built environment continues to exist as ... visible evidence.” And those left are mostly perchance survivors, not intentionally picked-out examples. That’s the change we seek going forward. Making sure the best examples survive to become appreciated as representative of their time and expressive of that portion of City history.
- The third paragraph summarizing retention of Rockville’s historic structures is Pollyana-ish. Rockville has had a tumultuous and often failing past of historic preservation. The loss of Hungerford Tavern is perhaps best modern-era example. Then the loss of all of practically all of

main street and deterioration of other early prominent features (such as the Middle Lane or Rockville Heights residential pockets). The first notable historic preservation victory was retention of St. Mary's Chapel and then Rockville Station [as mentioned later]. Community activism over these triggered the creation of Peerless Rockville and historic districting. Only then did the City turn a corner on valuing many historic resources, while worthy Recent Past structures continue to fall (e.g. 1970s Library, IBM building, Pink Bank). Suggesting this record is "long-term preservation" success mistakes a checkered past, which should be object lesson going forward to "articulate the value the community places on its history..."

Under Goal #2, the wording "...while allowing appropriate alteration" is too loose. Appropriateness is arguably per the eye of the beholder and subjective, not a measurable standard. So as draft worded, this is master planning criteria without enforceable depth. The term "sympathetic architecture" seems the point meant here, and has professional standard-of-practice meaning. Therefore, the small word-smithing of "...while allowing sympathetic alteration" is a better goal.

Sincerely,



David Hill
VP (Pres.-elect), Peerless Rockville

38

June 17, 2019

David Hill
733 Beall Ave.
Rockville, MD 20850

Planning Commission
Gail Sherman, Chair
Rockville City Hall

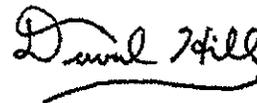
Re: 2040 Master Plan, Planning Commission draft, submission
Making Smart Growth Cityscape Real

The most important land use pattern change that Rockville can pursue is fulfilling a Cityscape that actually contains the core premises of Smart Growth, and retro-fitting when possible. I mean combining in proximity, or by intermingling, residential, employment and service uses. Fundamental and important objectives get their biggest boost: contemporary ideas of livability and vibrancy, reduction of automobile-centric dependency and transportation demand lessening by reducing trips and miles, and beneficial environmental impact (primarily by less vehicular reliance). I suggest, what I now refer to as the New Urbanism fad of the '90s to now, has failed Rockville in achieving this on any more than a small scale, while making large promises.

This goal should be explicitly stated among those for the Rockville's Land use plan. It would over-arch and synergize with other goals in the drafts. And more thought should go into giving teeth to the planning and zoning regimen to get such a build-out in the coming generation. So far success here has been marginal, primarily by caving to the current market cycle that is driving residential build-out. In a long term view, seas of residential building are merely the next wave of cul-de-sac neighborhoods, accentuated by impacts flowing from higher densities.

On page 18, first full paragraph, the dilemma of how to invigorate or re-use existing office park areas is mentioned. While office employment market has been weak, the retention of a goodly employment sector is critical to the Smart Growth triumvirate (places to live, work and get things in proximity). That we are seemingly giving away the employment piece of that triumvirate is ominous (e.g. converting reserved employment area to residential uses at King Farm or Tower Oaks), without another plan of where to cultivate it.

Sincerely,



David Hill
former Planning Commissioner
former RORZOR Member
2002 Charter Review Comm., Co-Chair
former Board of Appeals Commissioner

June 17, 2019

David Hill
733 Beall Ave.
Rockville, MD 20850

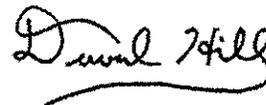
Planning Commission
Gail Sherman, Chair
Rockville City Hall

Re: 2040 Master Plan, Planning Commission Draft,
History of Rescinding Amenity Development Options and Similar Flexible or Overlay Zones

Regarding the 2040 Master Plan, Planning Commission draft, chapter on Land Use and Urban Design, Goal 9, and Policies 23 & 24 explicitly (pp. 50-51), Rockville has been here before and I advise against returning to it. The commentary of the draft text, in all of the introduction to the chapter, goal, and Policy 24 text casually mentions the former PD, RTH and ADO zoning mechanisms “w[ere] left out of the 2009 update.” This was no casual past oversight. Rather the 2005-6 RORZOR process recommended against continuing these practices, feeding into the 2009 general zoning ordinance update. This decision to forego such overlay and floating zones was perhaps the largest specific choice of the RORZOR cycle, except the general realignment to convert the general premise of Rockville zoning to performance-based footing rather than Euclidean. I gainsay that by minimizing this history, the current draft plan text neglects the intent and purposes of the then review committee, which largely still apply.

The best means I can convey the depth and intent of that choice appears in the attached RORZOR deliberation document. It is the culminating whitepaper of the committee regarding why the ADO aspects of the then ordinance were operating poorly. I offer the arguments to your judgement on whether they still apply. In the mid '00 years, we were coming off of perceived development excesses of the '90s and early '00 years, when most appreciable development was fungible by a politicized process that mostly excluded existing residents particularly, as little was solid due to the too great flexibility of those overlay and negotiated development methods. The regimen of late '00 years and this decade flows from the more defined replacement regimen (although largest development factor meantime was 2008+ economic turmoil context). I postulate that, by whatever current name (e.g. Champion Projects or Flexible Residential Overlay), policies 23 & 24 are a return of past regimen, explicitly ended. If you seek tangible current example of the difficulties the flexible overlay and large development zones pose for land use administration, look no further than the hoops we now have to jump through, to sustain the background basis of the numerous PD and RTH sites.

Sincerely,



David Hill
former Planning Commissioner
former RORZOR Member
2002 Charter Review Comm., Co-Chair
former Board of Appeals Commissioner

Recent discussions of the ROZOR Committee has included an expansive scope for amenity development options. The meaning of expansive here lies in two directions. First, what amounts to an amenity includes considering a variety of community development and infra-structure projects, including off-site locations. Second, the option flexibility applicable on-site included development constraints, such as height and foot-print that are core attributes of density and intensity.

This is a position I do not support. I construe that such expansive allowances for amenity development options is the wrong direction and does not service the implicit desires of citizens in this ordinance review, nor is it a timely extension of development options. Rather, I propose that amenity development options should be restrictive and relatively small. While any development option must contain a logical nexus for legal validity, I suggest we promote clarity of ordinance and procedure, better protect property rights (of both subject and proximate parcels), and have an administrative process less vulnerable to abuses by holding a direct logical nexus on relatively ancillary aspects in applying amenity development options.

A first objection to expansive amenity scope lies in the tone or underlying assumptions that such offers. From a developer perspective, demanding outlays for substantial features off-site smacks of extortion. Alternatively, from a City administration perspective, soliciting such options smacks of hucksterism. Neither of these modes of operation is desirable in the conduct of the public trust.

In RORZOR discussion, someone mentioned that eliciting such amenity option deals amounts to the "business of development." However, in fulfilling its role as land use adjudicator, the City should not be using a business model nor be an overt business player. This is not the role of representative local government or zoning ordinance in a free market economy. The role of such government is to adjudicate scarce resources or balance competing interests, giving preference to advocacy of its citizen interests when all things are otherwise equal. And any regulatory mission should be providing the minimum of regulation to avoid the worst outcomes of unbridled free enterprise. The City should be the guarantee-or of the level playing field here. To do so, it must maintain impartiality regarding parties to a matter. It cannot be impartial, or at least will not be perceived so, as an ostensible business partner with one party in a matter involving the balance of limited resource allocation or resolving competing interests.

Another role the City government should play is as a provider of public services to its constituency. For this, the City collects taxes commensurate with the service level. Here too, the City must allocate scarce resources and balance competing interests against the inevitable gap between supportable tax levels and localized desires for further services. Perhaps shifting the provision of some major public infrastructure to a development interest capable of paying directly for it, is savvy public administration. Yet, this triggers many problems liable to politically motivated expediency, not fair-minded and impartial administration (as one variety was discussed in the RORZOR session regarding locating off-site amenity trade-offs). The core conflict may lie in shifting providing a public service to a private funding source. Ultimately, it is the City's responsibility to provide and support public services. While our public infrastructure desires may overwhelm our tax burden willingness, this tension assures balance. Avoiding this tension likely distorts the balance. It also shifts responsibility to the wrong source.

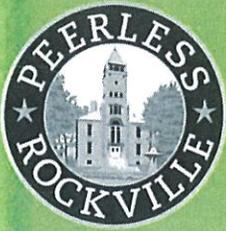
Another problem with expansive amenity options is they amount to a position that development rights are for sale. It makes whatever amenities into a currency to buy something not otherwise permitted. This means money can buy different property rights (equating the permission to develop something as the rights to do something on a property). If a developer pays enough, they can buy into a more

privileged class of property owner. No, the public trust should not be for sale. The zoning ordinance is rules for administering the public trust on land use. It should apply equally and fairly to everyone, not be susceptible to manipulation by purchasing power.

An objective of this ordinance review cycle was the desire to simplify language and concepts of the ordinance, to promote common understanding (especially to lay citizens). The RORZOR Committee seemed to agree, at the outset, that ordinance of more clarity and explicit outcomes were the objectives. I do not construe that the present expansive amenity development option consideration is amenable to either objective. First, on clarity, the applicability of this option is inherently unclear since it depends on a convergence of development resources and desired public building opportunities. This may only occur and be balanced near the time of development application and depends on a political approval process that is congenitally less than transparent. Second, on explicit outcomes, this too is fuzzy. While we can likely agree on the intent that the public gains something else significant to offset a (small?) development concession, how do we anticipate and represent what this means in ink on development plans? The RORZOR Committee agreed during the prospective discussion of likely amenity projects that it needed to be left open for future changes in public desires. That alone suggests that explicit outcomes are elusive here.

The timing of expansive amenity development options is also bad in this ordinance review cycle. Our main goal should be the successful transition of traditional Euclidean ordinance form to a performance-based model. This addresses the greatest need in this review cycle and offers the best bang for our buck. I suggest that the public tolerance of radical change in this zoning ordinance review is limited. Due to flexibility aspects of performance-based ordinance, we are already susceptible to accusations of catering to development interests. We should not make this circumstance worse. We risk losing public acceptance of the finished product, thereby jeopardizing fruition of the priority change.

How should amenity development options be treated then? My proposal is a restrictive posture with the intent of generating incentive to perform development details not otherwise legislate-able. The amenity and the concession should remain on-site, or perhaps immediately adjacent, to sustain a direct and obvious relationship (logical nexus). Grantable amenities (as the intrinsic denotation means) should be features good to promote. Concessions given should be small relatively and not impacts for core development criteria. The point is to marry subjective development aspects to a political process that has limited subjective opening. For example, embellishing of minimizing architectural features might be exchanged for a small massing concession as they are off-setting. Significant change in core development criteria, such as height or foot-print should not be malleable by this process. Core development criteria must be more clearly definable--than expansive amenity options can yield innately--in this ordinance update to 1) avoid the appearance of extorting or hucksterism, 2) not imply a more privileged class of property rights, 3) not subvert the correct role of the City in these proceedings, 4) service the clarity and explicit outcomes objectives mentioned above, and 5) jeopardize public acceptance of the whole update.



Preserving Rockville's Heritage

1.A.a

Exhibit (44)

City of Rockville Planning Commission
111 Maryland Ave # 2,
Rockville, MD 20850

June 18, 2019

Dear Chair Sherman and Planning Commissioners,

Peerless Rockville, Historic Preservation, Ltd. has reviewed the historic preservation elements of the 2040 Master Plan with the anticipation that it will continue the City of Rockville's appreciation of its varied cultural heritage resources and strong tradition of codified historic preservation protections.

Peerless Rockville is pleased to see the plan gives recognition to these rich resources and generally supports the historic preservation goals and policies of the Master Plan. However, we offer suggestions and comments in this letter for enhanced protection, updated survey and documentation, and preservation of a wider diversity of resources. Additionally, Peerless Rockville strongly requests that further review of the Master Plan should be informed by staff, commission, and public review and examination of an updated Historic Resources Management Report, which the City contracted the services of JMT of Baltimore in January of 2017 to draft. This document, which was intended to replace the 1986 Historic Resources Management Plan, is intended to serve as a "functional plan" to address the management of the City's historic resources. The consultants' reviews and recommendations should be considered and shared publicly to aid in refining the Master Plan's visions, goals, and policies.

Peerless suggests that the Commission seek to prioritize identification and protection of resources and improve the goals of the Historic Preservation Chapter by making the survey, identification, and documentation of individual and historic district resources, citywide themes, patterns of development, and historic contexts a stated **goal** of the chapter. This can be proactively achieved through policies and targeted actions. The City of Rockville possesses a rich diversity of historic and cultural resources that are not adequately represented by local designation. Identification, documentation and local designation or review of alternative techniques must be prioritized in order to protect and preserve our varied heritage. This includes properties and streetscapes relating to underrepresented cultural groups, view sheds, cultural landscapes, and communities for which traditional preservation approaches may not be appropriate.

Additionally, local zoning ordinances, guiding policies, and plans should be reviewed and strengthened; not just maintaining our current program but making it stronger. For example, though the plan notes the importance of avoiding demolition by neglect, it lacks an action step to create ordinances or strong protections to achieve this. Further, the document lacks any specific content on development on parcels abutting or adjacent to designated historic sites.

The historic preservation section of Rockville’s 2002 Comprehensive Master Plan asserts that environmental setting and context of a historic district is enhanced by adjacent areas that are compatible and further recommends that “the HDC should review development proposed in adjacent and abutting areas at the preliminary planning and review process to prevent harmful impacts on the nearby historic properties.” Peerless Rockville strongly supports this recommendation and asks the Commission for its inclusion in this chapter.

Peerless further asks the Commission to modify stated Goal 2 to read **Preserve significant examples of architectural periods and historic themes through local historic designation, historic preservation, and utilization of alternative strategies for preservation – and remove while allowing appropriate alterations.** The Secretary of the Interior’s Standards guide Historic Preservation policies and procedures and include preservation, rehabilitation, reconstruction, and restoration. The content of these standards include consideration of alterations. Thus, “appropriate alterations” is an innate and well-defined part of historic preservation and should not be prioritized as goal.

With these goals in mind Peerless Rockville offers the following edits and suggestions to the Historic Preservation Chapter of the Rockville 2040 Master Plan.

Goal 1: Safeguard Rockville’s physical and cultural heritage through a proactive historic preservation program

Policy 1 Maintain the City of Rockville’s historic preservation program.

Add a policy to this goal to update existing outdated documents, including

- 1986 HRMP
- 1977 Historic District Design Guidelines

Add a policy to this goal to strengthen existing protections for the integrity of designated structures and districts.

With action items addressing

- Demolition by neglect (move action items 5.6 & 5.8 here and include....
- Early review of development adjacent/abutting designated historic districts

Add a policy to this goal to review and enact zoning standards that pertain to Historic District Overlay Zones, including

- **Historic District Overlay Zoning to ensure the enforcement and protection of resources within Historic District Zones**

Following Goal 1, Peerless Rockville asserts the need to add an additional goal as follows:

Goal 2: (New) Prioritize identification and protection of resources through proactive survey, identification, and documentation of individual and historic district resources, citywide themes, patterns of development, and historic contexts.

Add a new policy to ensure broader diversity of resources, such as:

- **Enact a program to identify, document, designate and protect sites and structures associated with underrepresented and diverse contexts, populations, periods of development**
- **Move action 2.3 (identification of mid-century resources) under this new policy**

Goal 3: (Stated Goal 2)

Modify stated Goal 2 to read as follows: **Preserve significant examples of architectural periods and historic themes through local historic designation, historic preservation, and utilization of alternative strategies for preservation – and remove while allowing appropriate alterations.**

Policy 3:

Modify stated Policy 3 to read as follows: *Integrate Preservation policies into planning activities and development review – could also move to action item under Goal #1*

Policy 5: Ensure that Rockville has effective tools to protect and preserve its historic resources.

Modify action 5.4 to read: *Enact zoning language and standards to maintain the residential character of designated residential buildings even when the structures are used for non-residential purposes, such as along North Adams Street (define residential character in Zoning Ordinance 25.24.01)*

Move action 5.8 to Goal #1 and create policies to regulate demolition by neglect

Add a new policy to include alternative preservation strategies such as: design guidelines, area plans, and conservation districts

44

- Explore alternative preservation strategies for East Rockville, Lincoln Park, Twinbrook, Rockcrest, mid-century resources, and underrepresented resources

Policy 6:

Add an action to Policy 6 as follows:

- Ensure preservation of historic character, streetscape, and view sheds when modifications and additions to Historic Districts are proposed

Goal 4: (Stated Goal 3)

Add an actionable policy to stated Goal 3 as follows:

- Partner with local, state, and national partners to prioritize funding for treasured vacant and underutilized historic resources such as: King Farm, Chestnut Lodge, Lincoln High School, Rockville Academy

Peerless Rockville Historic Preservation looks forward to a Master Plan with strong historic preservation goals, policies, and protections and to continuing as partners in preservation and heritage tourism to create a unique, protected and more vibrant Rockville.

Sincerely,



Nancy Pickard
Executive Director

Exhibit 45

Cynthia Kebba

From: noreply@civicplus.com
Sent: Tuesday, June 18, 2019 4:49 PM
To: Comprehensive Plan
Subject: Online Form Submittal: Rockville 2040 Public Testimony

If you are having problems viewing this HTML email, click to view a Text version.

Rockville 2040 Public Testimony

The Planning Commission needs your input!

You may provide testimony to the Planning Commission on the draft Rockville Comprehensive Plan through this online form, in addition to any email or physical mail testimony you submit directly to the Planning Commission.

All submitted testimony is considered an item of public record and will be included in the Planning Commission testimony report for the draft Comprehensive Plan.

Which Plan element(s) is your testimony about?

- [X] Land Use and Urban Design
[] Transportation
[X] Recreation and Parks
[] Community Facilities
[] Environment
[] Water Resources
[] Economic Development
[] Housing
[] Historic Preservation
[] Municipal Growth
[] Other

Name (required):*

Vincent Russo

Address of Residence (recommended):

1019 DeBeck Drive, Rockville 20851

Email Address (recommended):

By including your Address of Residence or Business and/or Email Address, you are expressing your willingness for staff to contact you for clarification or for legal notifications related to the Comprehensive Plan.

Please type your testimony in the field below:*

I live in the Twinbrook neighborhood bounded by the Pike, Veirs Mill, and Edmonston Drive. I support the Rockville 2040 aims of placing greater residential density adjacent to our Metro stations and transit corridors like Route 355 and Veirs Mill. I also would like to see more walkable amenities and destinations in my immediate neighborhood which is currently underserved in this respect.

parks, allowing more flexible residential land use while maintaining a high quality of life in existing neighborhoods, etc..

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://www.rockvillemd.gov/Admin/FormHistory.aspx?SID=12>

The following form was submitted via your website: Rockville 2040 Public Testimony

Rockville 2040 image:

Which Plan element(s) is your testimony about?: Land Use and Urban Design, Recreation and Parks

Name (required):: Vincent Russo

Address of Residence (recommended):: 1208 DeBeck Drive, Rockville 20851

City (Address, City, State, ZIP): Rockville, MD 20851

Please type your testimony in the field below:: I live in the Twinbrook neighborhood bounded by the Pike, Veirs Mill, and Edmonston Drive. I support the Rockville 2040 aims of placing greater residential density adjacent to our Metro stations and transit corridors like Route 355 and Veirs Mill. I also would like to see more walkable amenities and destinations in my immediate neighborhood which is currently underserved in this respect. For this reason I encourage policy actions in the 2040 plan that promote development of a community node at Edmonston and Veirs Mill.

The Planning Commission should add a provision in the 2040 plan to straighten Edmonston Drive so that it intersects with Veirs Mill at a single location instead of the current two. This will enhance pedestrian convenience/safety and facilitate traffic flow along this busy corridor. One stop light instead of two! Most importantly a four-square intersection will enhance its appeal as a community node along the BRT route and create more space for this purpose, ideally to include walkable retail. In addition, the plan should allow for opening Hillcrest Park to Veirs Mill which will provide an aesthetically pleasing entrée into the neighborhood and promote utilization of this park.

Allowing greater housing density along Veirs Mill helps preserve the predominant character of Twinbrook as an affordable, single-family home neighborhood by reducing the pressure for turning the existing single-family homes into boarding houses. Hopefully the RA (Residential Attached) designation along Veirs is adequate to achieve the desired density. Could larger apartment buildings be accommodated here to leverage the transit links and help support neighborhood-based retail? Something to consider.

The 2040 plan offers the opportunity to dramatically improve the appeal of this area while at the same time promoting multiple 2040 goals, e.g. integrating land use and transportation planning, promoting walkable neighborhoods, planning for parks, allowing more flexible residential land use while maintaining a high quality of life in existing neighborhoods, etc..

Additional Information:

Form submitted on: 6/18/2019 4:48:33 PM

Submitted from IP Address: 146.142.1.10

Exhibit (47)

Cynthia Kebba

From: noreen bryan <noreen1945@yahoo.com>
Sent: Tuesday, June 18, 2019 5:05 PM
To: Planning Commission
Cc: Jim Wasilak; Shipley Brian
Subject: WECA Testimony Re: Vision 2040 Comprehensive Plan

Dear Chairman Sherman and Members of the Planning Commission:

The West End neighborhood contains a great many of the historic properties in Rockville. Most, not all, of the historic districts in the West End were created to protect residential houses, their surrounding yards and the context of the historic streets where they are located. To that end WECA representatives have carefully read the proposed vision for historic preservation in Rockville and submit this testimony including recommendations for revisions and/or additions for your consideration.

- **Goal 2 HISTORIC DESIGNATION**

The policies under Goal 2 address not only designation of properties for historic preservation but, also, the policies for protecting and preserving historic resources (Policy5). *Accordingly, WECA recommends that Goal 2 be titled HISTORIC DESIGNATION AND PRESERVATION OF HISTORIC RESOURCES*

- **Policy 5 – Ensure that Rockville has effective tools to protect and preserve its historic resources.**

Actions

5.1 Continue to update and revise design guidelines to reflect current best practices and appropriate materials. *Recommend adding the following sentence:* Policies that address specific historic properties, such as Chestnut Lodge, are contained in the Neighborhood Plan where the historic property is located.

5.4 Maintain the residential character of designated residential buildings even when the structures are used for non-residential purposes, such as along North Adams Street. In order to enact this policy it is critical that the meaning of “residential character” be defined in the zoning ordinance through regulations that are specified in 25.14.01 Historic District Zones. *Accordingly WECA recommends that the following*

sentence be added to 5.4: Regulations that must be met to preserve the residential character shall be added to the Zoning Ordinance under 25.14.01 Historic District Zones.

5.6 Enforce maintenance and protect the structural integrity of designated historic structures. There are some properties with historic structures whose owners have neglected them leading to such poor condition that they become subject to demolition by neglect. To prevent this in the future, *WECA recommends that the following sentence be added:* In the zoning ordinance regulations and penalties for preventing demolition by neglect shall be added to 25.14.01 Historic District Zones.

- **Policy 6 – Maintain the historic character and identity of historic districts when street, sidewalk utility, street furniture, signage and other undertaken.**

Actions

WECA recommends adding a second action as follows:

6.2 When modifications or additions are proposed for historic districts ensure that they preserve the historic character of the streetscape and add signage, if appropriate.

Noreen Bryan
Vice President
West End Citizens Association
301-762-1256

Alan Tabachnick, HDC Commissioner
June 17, 2019

Exhibit (49)

NOTES ON ROCKVILLE COMPREHENSIVE PLAN— From Historic District Commission— HD

- Land Use Chapter, Page 16: Could there be a goal added to incorporate historic preservation concepts into land use planning, preserve, rehabilitate, restore, and employ context sensitive design when constructing new buildings or next generation housing/attached residential.
- Page 36: Is it possible to add something about utilizing interpretive signage tied to increased walking, paths, sidewalks, to help residents better understand the history of their neighborhoods and potentially specific districts and/or landmarks.
- Page 52: Policy 25, could you include a recommendation that prior to any plan being implemented, a full cultural resource survey, both architectural and archaeological, should be undertaken on the large properties to identify known and potential historic and prehistoric resources that should be taken into consideration prior to any development.
- Page 74: Transportation. Recommend that as part of any redesign/upgrade improvements to the current Rockville Station that some interpretive materials/displays/boards be prepared to illustrate the history and significance of the original Rockville Station, and perhaps something talking about why and how it was relocated due to the Red Line, and the importance of historic preservation to Rockville and the County.
- Not sure what interpretive information is available at or around the old train station, but that is a great opportunity to promote historic preservation and to tell a story of the history and importance of transportation in Rockville.
- Historic Preservation Section, Page 206: Recommend beefing up the history of the historic preservation movement section and how what happened locally in Rockville was reflective of the national threat at the time (urban renewal, etc.). It might be helpful for readers to understand a bit more about the earlier historic preservation movement and how it evolved over time, from a local type effort to save a landmark or a district (Mt. Vernon, New Orleans) to a regulatory process set up in the 1960s as a result of urban renewal and the demolition of Penn Station in New York.
- Would like to see more discussion of the potential for archaeological resources across Rockville, and how there are likely remains from 10,000+ years ago associated with Native American presence, through to the present. And that a cultural resource, or historic property, likely has an above ground component (the building or structure) and a below-ground component, such as buried trash pits, cisterns, wells, privies, outbuilding foundations, etc.) All are important in understanding the history and development of Rockville and this should be mentioned as an important facet for everyone to consider during planning and development.
- Page 215: It would be helpful to perhaps mention the Section 106 process of the NHPA and how it requires federal agencies and/or those using federal funds or requiring a federal permit, to take into account the effects of its action on historic properties. That includes National Register listed properties as well as those determined eligible for the NRHP by the SHPO. And it is not only mitigation, but it forces agencies to look to avoid and/or minimize impacts first, and then if they can't, then they go to mitigation of adverse effects.
- Would like them to go back and see where archaeology can be woven into the discussion of land use, development, parks, and how to think about the potential for sites to be present across Rockville, and how we should understand what may be out there, and what may be important, and how to plan for that going forward. In concert with the County, perhaps?

HDC

49

Matthew Goguen
 Comprehensive Plan
 DRAFT for Public Hearing Notes

Some general comments regarding the Draft Comprehensive Plan:

p. 207

- Change “augmenting” to “expanding” and add “historic” between “designated resources”

p. 208

- Suggest highlighting W. Montgomery Avenue, S. Washington Street, and B & O Railroad in one color and all of the other historic districts in another color to coincide with the text to show the continuity of historic districts in Rockville.

p. 209

- For each of the representative buildings, add some basic historic facts like when it was designated, architectural details, etc. to show off some of Rockville’s heritage

p. 211

- Archaeology is only mentioned once in this draft and should be incorporated more into the various Goals and Policies.

p. 213

- Add public input to second paragraph of Policy 2.
- Regarding Policy 3, does historic preservation come up in other sections? If historic preservation must be thoughtfully weighed with land use, housing, environment, transportation, etc., will those topics thoughtfully weigh historic preservation?

p. 217

- Add “archaeological resources” to 5.9.
- Add Lincoln Park Historical Foundation to Policy 7.

p. 218

- Rockville should work with community partners to publically disseminate and host oral history interviews mentioned in 7.6.

COMPREHENSIVE PLAN: Planning Commission Public Hearing Draft							
Summary of Testimony from March 14 - June 18, 2019 (Recreation & Parks, Housing and Historic Preservation Only)							
Exhibit #	Information Source Name and Address	Rec&Parks	Housing	Hist Pres	Summary of Comments	Staff Comments	Planning Commission Comments
2	Dr. Reeve Brenner Autism Awareness Bankshot Playcourts	x			Advocating for drop-in facilities for differently abled and autistic individuals, recreational equality and accessibility. Bankshot playcourts provide these types of facilities.	Staff believes that these comments are already addressed in the Draft Plan. The Vision statement for the Recreation and Parks Element includes the statement that "Parks and recreation facilities will meet the needs and desires of Rockville's diverse users." Action statement 2.6 in this Element reads: "Plan for and promote park access via non-vehicular modes, and equivalent access for all types of users."	
6	Mary Grace Sabol Blandford Street Rockville, MD	x			Include game called soccer darts at events/festivals. Need more fenced dog runs/parks. Portion of Elwood Smith Park that borders Fleet Street needs better maintenance. Better water drainage on steps from Metro ped bridge to Monroe St. Traffic calming needed at Fleet and Monroe. Crosswalk signal is dangerous for pedestrians. Connect dead end of Blandford Street with Fleet Street for pedestrians. Consider a sculptural/architectural element on MD355 that tells people they are entering Rockville.	Some of these comments are better addressed outside the Comprehensive Plan. Comments forwarded to Recreation & Parks staff for consideration. Comments also forwarded to Traffic and Transportation staff for consideration. Rockville Pike Neighborhood Plan (part of Comprehensive Plan) states that "significant public art at a gateway location on the Pike and for Metro passengers existing the Twinbrook Metro Station would provide a welcoming entry to Rockville."	
7	Jonathan (no last name or address provided)	x			Add temporary activities (large chess or checker pieces, horsehoes, etc.) on Rockville Town Square park grassy area.	Programming comment. Comments forwarded to Recreation & Parks staff for consideration.	
8	Isaac Fulton Bradford Drive Rockville, MD	x			City of Rockville sports should have year-round basketball.	Programming comment. Comment forwarded to Recreation & Parks staff for consideration.	
11	State of Maryland Agencies: Dept of Planning, Housing & Community Development, Commerce, Environment, Historical Trust	x	x	x	MD Planning confirms that the draft plan includes the elements required by the Land Use Article and includes many other comments.	Comments are extensive and detailed, and not easily summarized. A full review by staff and the Planning Commission is recommended. Topics raised will be addressed at appropriate work sessions.	
14	Kenneth Hoffman 1511 Auburn Avenue, Rockville, MD 20850	x	x	x	Addresses all ten elements in his testimony. Expresses concerns about income disparity and differentials between income and housing costs. Rockville needs a stronger middle class base that is economically secure. Encourages a more integrative relationship with Montgomery College. Specific attention should be given to income potential of Montgomery College graduates and land use policies that will help them live in Rockville. Encourages better transportation, particularly between the college and Town Center. Need for more parks and recreation opportunities and community facilities. Encourages environmentally friendly components for use in urban density housing, water conservation, safe drinking water. Enhance economic development in Town Center and other locations with students educated and trained at Montgomery College in collaboration with Rockville Economic Development, Inc. (REDI) initiatives.	Many of these points concern Montgomery College and its surrounding area and can be considered in the Planning Areas document that will follow the Elements portion of the draft plan.	

COMPREHENSIVE PLAN: Planning Commission Public Hearing Draft							
Summary of Testimony from March 14 - June 18, 2019 (Recreation & Parks, Housing and Historic Preservation Only)							
Exhibit #	Information Source Name and Address	Rec&Parks	Housing	Hist Pres	Summary of Comments	Staff Comments	Planning Commission Comments
18	Linowes and Blocher, Attorneys on behalf of Woodmont Country Club	x			Linowes & Blocher (on behalf of Woodmont Country Club) summarizes its testimony as follows: 1. Eliminate the recommendation for a conceptual master plan for golf courses with respect to Woodmont CC and recommend only a PD zone. 2. Land Use Policy Map should reflect the recommendation for PD on Woodmont. 3. Woodmont requests that the Wootton Parkway frontage be designated RF (Residential Flexible) rather than OSP (Open Space - Private). 4. Any recommendation for a park located on Woodmont CC property should contain the clarification that the need, size, and location of the park will be determined if the property redevelops.	Comments will be addressed during the work session on the Land Use Element. Regarding the request for PD being put on the Land Use Policy Map, 'planned development' is a zoning tool and process, rather than a land use. At this time the Zoning Ordinance does not have a PD zone or process. Staff believes that Open Space Private reflects the likely future land use for the majority of the property, with other uses along the frontage per the Rockville Pike Neighborhood Plan. Staff agrees with comments about the park, which will be addressed in the Planning Areas portion of the Plan.	
26	Twinbrook Community Association	x	x	x	Supports ADUs and diverse housing options around the Twinbrook Metro Station area and the Veirs Mill Corridor. Supports transit-oriented development that can connect Twinbrook to retail and services along Rockville Pike. Agrees that creative solutions should be sought to address capacity issues of major arterials (Veirs Mill, Twinbrook Parkway, Rockville Pike). Supports public transit services and the improvement of bus routes, stops, and shelters in Twinbrook. Some are not accessible to people with disabilities. Supports a Bus Rapid Transit (BRT) hub at Atlantic Avenue and more investment in the Metro stations. Encourages investment in the Rockrest Community Center and in the infrastructure needs of the two school clusters that serve Twinbrook with the goal to bring both schools to a "green" rating. Suggests including signage in Twinbrook and throughout the city to highlight their history.	Supportive of the Draft Plan. Any recommended investments in the Rockcrest Community Center will be addressed in the Planning Areas portion of the Draft Plan (Twinbrook, PA8). The Draft Plan does include policies to advocate for public schools in Rockville. Education on the city's history through interpretive signage and other means is recommended in the Historic Preservation Element.	
29	Lincoln Park Civic Association, oral testimony at 6-4-19 public hearing by President, Alexandra Dace Denito		x		Supportive of Draft Plan. Accessory Dwelling Units (ADUs) are a good option to provide more housing.	Supportive of ADUs as introduced in the Draft Plan. ADUs will be discussed during the work session on the Land Use Element.	
31	Rockville Environment Commission, John Becker, Chair	x			Numerous comments provided on the Environment Element and other Elements.	Staff is developing comments on the testimony which will be discussed during appropriate work sessions.	
32	Eric Fulton Bradford Drive Rockville, MD	x			The city should explore options beyond traditional zoning to accommodate its growing population. Research and consider adopting form-based codes in areas ringing the metro centers, areas that are currently dominated by single-family homes with easy walk to transportation. This would support Goals 1 & 2 in the Land Use Element. Overhaul parking requirements in Town Center and the South Pike area. Build housing without parking. Address safety, comfort, aesthetics, and convenience in improving walkability. Stop putting trees in the medians where they are in direct sight lines of drivers. Would like to see more pop-up retail or kiosks. Supports growth of public transportation and a pedestrian master plan. Parks should be well lit for safety and walkability. Invest in upgrades to the water treatment plant.	Supports much of the Draft Plan goals and policies. Form based zoning was discussed as part of the Rockville Pike Neighborhood Plan process. Elements of form-based zoning may be appropriate in certain areas of the city where form and design may be considered to be more critical than use or density. Staff agrees that parks should be well lit for safety and walkability - see Goal 5 in the Recreation and Parks Element.	

COMPREHENSIVE PLAN: Planning Commission Public Hearing Draft							
Summary of Testimony from March 14 - June 18, 2019 (Recreation & Parks, Housing and Historic Preservation Only)							
Exhibit #	Information Source Name and Address	Rec&Parks	Housing	Hist Pres	Summary of Comments	Staff Comments	Planning Commission Comments
38	David Hill Beall Avenue, Rockville, MD			x	Would like to see a section on critical parcels in the plan, as was done in the 2002 Comprehensive Master Plan. Comments on introduction of the Historic Preservation Element and the wording of Goal 2 on page 206 - change appropriate alterations to sympathetic alterations. Includes comments on making a cityscape that contains core premises of Smart Growth and retrofitting when possible.	Staff is developing responses to these comments that will be addressed at the appropriate work sessions.	
44	Peerless Rockville Historic Preservation, Inc.			x	Testimony states that the Draft Plan's Historic Preservation Element should be informed by the updated Historic Resources Management Plan. (Note: this plan has not been finalized at this time). Suggests specific modifications to goals and policies.	Comments are addressed in the staff report for the 7-10-19 work session.	
45	Vincent Russo DeBeck Drive, Rockville, MD	x			Twinbrook resident supports many of the Draft Plan policies, including development of a community node at Edmonston Drive and Veirs Mill Road. Suggests adding a provision to straighten Edmonston Drive so that it intersects with Veirs Mill at one location instead of two. The Plan should allow for opening up Hillcrest Park to Veirs Mill Road. Could larger apartment buildings be included in the Residential Attached (RA) land use designation along Veirs Mill to achieve the desired density?	The RA land use designation and other topics will be subjects of discussion at the work session on the Land Use Element.	
47	West End Civic Association (WECA)			x	Historic Preservation Element - suggests changing Goal 2 to read: Historic Designation and Preservation of Historic Resources. Recommends sentences to be added to Action items 5.1, 5.4, 5.6 and 6.2.	Comments are addressed in the staff report for the 7-10-19 work session.	
49	Historic District Commission (HDC)			x	Add a goal to the Land Use Element to incorporate historic preservation concepts into land use planning. Comments on adding interpretive signage; doing cultural resource surveys for all new developments; include interpretive materials as part of any redesign of the Rockville Metro Station. Historic Preservation Element: add more on the history of the national historic preservation movement to the introduction. Add more discussion on archaeology. Mention the Section 106 process and its requirements. Individual comments and wording suggestions.	Comments are addressed in the staff report for the 7-10-19 work session.	



Agenda Item #:	A
Meeting Date:	July 10, 2019
Responsible Staff:	Nicole Walters

SUBJECT:

Recommendation to the Mayor and Council on Zoning Text Amendment TXT2019-00254 - Revisions to the Development Standards for Accessory Buildings in Residential Zones, and for Accessory Buildings in Both the MXT and HD (Historic District) Zones; Mayor and Council of Rockville, Applicants.

RECOMMENDATION

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

Staff recommends that the Planning Commission forward a recommendation of approval of the proposed text amendment.

Overview

Case: TXT2019-00254, to revise the development standards for accessory buildings in residential zones, and for accessory buildings that are located in both the MXT (Mixed-Use Transition) and HD (Historic District) zones.

Location: City-Wide

Staff: Nicole Walters
 Planning and Development Services
 240-314-8215
 nwalters@rockvillemd.gov

Applicant: Mayor and Council

Filing Date: April 9, 2019

*Zoning Ordinance of
 The City of Rockville
 Adopted December 15, 2008
 by Ordinance 19-08*

Being Chapter 25 of the Rockville City Code

Effective Date – March 16, 2009

As Amended to
 April 9, 2018

Executive Summary

The proposed text amendment proposes revisions to the development standards for accessory buildings in residential zones, and for accessory buildings located in both the MXT (Mixed-Use Transition) and HD (Historic District) zones (see Attachment 1).

The Mayor and Council authorized the filing of the text amendment on April 8, 2019. In accordance with the Zoning Ordinance, the Planning Commission may review the proposed amendment and provide a recommendation to the Mayor and Council. The Mayor and Council public hearing is scheduled for July 15, 2019.

At the June 12, 2019 meeting, the Planning Commission considered the recommended changes to the regulations for accessory buildings. Based on the feedback at that meeting, the Planning Commission needed more information from staff prior to making a recommendation. Specifically, several members needed information on the effects of this text amendment and the related Zoning Text Amendment TXT2019-00255, which addresses accessory apartments and accessory dwelling units (ADUs) on single-family residential lots. The July 10th Planning Commission work session will provide additional information regarding recommended changes, the reason for them, and provide staff feedback/comments.

The changes proposed are intended to do several things:

- Address concerns expressed by the public on the size and height limitations for a single accessory building, which many felt were restrictive;

- Reduce or simplify the number of calculations required for accessory buildings;
- Include accessory building limitations for the larger lot zones that do not presently exist;
- Impose new standards for accessory buildings on properties in the both MXT and HD zones to approximate those of residential properties in order to maintain their residential character, as most were initially built as single-family dwellings; and
- Allow for a second story on accessory buildings where it can be determined that a second story would not be contrary to the public interest.

The related Text Amendment Application (TXT2019-00255) associated with Accessory Dwelling Units (ADUs) has been delayed to prepare drawings and images that illustrate the proposed ordinance. The delay is also needed to provide time for staff to gather feedback on the proposed changes from neighborhoods organizations and residents.

Recommendation

Staff recommends that the Planning Commission receive a presentation by staff and discuss the text amendment in preparation for a recommendation at its August 7 meeting following receiving the feedback from the July 15th Public Hearing by the Mayor and Council.

Background

At its October 29, 2018 work session, the Mayor and Council considered possible changes to the regulations for accessory buildings, accessory apartments, and accessory dwelling units. Following the discussion, the Mayor and Council directed staff to develop proposed changes that would provide more opportunities for accessory apartments and separate accessory dwelling units on existing single-family lots. In addition, the Mayor and Council wanted to consider more flexibility in the size of accessory buildings (i.e., garages) for single family homes based on public feedback. This text amendment is intended to address accessory buildings in the residential zones and on properties in both the MXT and Historic District zones. The text amendment associated with accessory dwelling units has been delayed to allow time to have drawings and images prepared to illustrate the proposed ordinance and to provide time for staff to gather feedback from neighborhoods throughout Rockville.

The Mayor and Council indicated at the time that these text amendments were authorized that the primary intent was to help increase the range of affordable housing options in the city. To that end, accessory apartments would be allowed as a conditional use (administrative approval), rather than via the expensive and time-consuming process of acquiring a special exception. Free-standing ADUs would also be allowed as conditional uses and could be solely residential or combined with another accessory use such as a garage.

Accessory Apartment and ADU Text Amendment

Although not the subject of this text amendment, information on the accessory apartment and ADU text amendment is provided as background. The size limit on accessory buildings in residential zones will also limit the size of an ADU. Staff believes it is important to understand this connection; however, the text amendment for accessory buildings in residential zones can separately move ahead of the ADU text amendment.

The associated Zoning Text Amendment TXT2019-00255 proposes to allow accessory apartments and detached accessory dwelling units as conditional uses in the residential zones. In the case of accessory apartments, they must be contained within or as an addition to the main dwelling, so this aspect of the proposed text amendment is not related to the residential accessory building provisions. The text amendment proposes to allow accessory apartments as a conditional use rather than by special exception approval. A conditional use is permitted by right, provided that all specific conditions that address potential impacts are met.

The text amendment also proposes to allow free-standing accessory dwelling units (ADUs) within accessory buildings that are not connected to the main dwelling. The dimensional standards for these units must comply with the regulations for any other accessory building. ADUs are also proposed to be permitted as a conditional use, provided that specific impacts are addressed through such things as design, parking, size, height, and setbacks requirements. The following conditions must be met in order to construct an ADU:

1. The design of the building must be compatible with the architectural style of the main dwelling and generally compatible with the design and style of single unit detached dwellings in the immediate neighborhood.
2. The building must be permanently attached to the ground.
3. The maximum gross floor area of an accessory dwelling unit must be less than 50% of the total floor area of the main building.
4. There must be two off-street parking spaces on the lot. This requirement may be waived by the Chief of Zoning if the applicant demonstrates that sufficient on-street parking capacity is provided in the same block where the property is located.
5. An accessory dwelling unit is prohibited on a lot that has an accessory apartment.
6. The owner of the lot on which the accessory dwelling unit is located must occupy one (1) of the dwelling units, except for bona fide temporary absences not exceeding six (6) months in any 12-month period.

In summary, ADUs must comply with the design requirements for other accessory buildings, be compatible with the main dwelling and surrounding houses, and be permanently attached to the ground. Their floor area will be limited by the footprint limit for accessory buildings and/or the gross floor area of the main house. The proposal to allow accessory buildings to be as tall as 20 feet is related to the possibility of adding a full second story to an accessory building such as a garage to accommodate an ADU. This additional height must be approved by the Board of Appeals to ensure compatibility with adjacent existing homes.

History of Accessory Building Regulation in Rockville

Standards for accessory buildings were included in the 1957 Zoning Ordinance. At that time, they were required to be located in the rear yard.

In 1988, the Zoning Ordinance was revised to limit accessory building floor area to 10 percent of the minimum lot area of each residential zone. This meant that, in the R-60 Zone, the total

amount of accessory building floor area was limited to 600 square feet, as the minimum lot area is 6,000 square feet.

In 2005, the code was revised to further limit the size of accessory buildings, adding a different percentage limitation related to the zone of the property. The limit was still tied to the minimum lot area of the zone, but with 10 percent allowed in the R-40 and R-60 zones, 9 percent in the R-75 Zone, and 8 percent in the R-90 Zones. The larger lot zones remained 10 percent of the minimum lot area in the zone.

The 2005 revision also included a change to the height measurement provisions. Buildings taller than 12 feet had to be set back two feet for each additional foot of height, up to the limit of 15 feet, measured to the mid-point of the gable. The amendment also included a “grandfather” provision allowing accessory buildings installed under previous standards to be conforming, allowing them to be repaired or replaced per the standards in effect at the time they were built.

When the comprehensive revisions to the Zoning Ordinance were adopted in 2008, further limitations were imposed on accessory buildings. The percentage of floor area to minimum lot area was retained, but the regulations related to height were substantially changed. Height was then measured to the peak of the roof, rather than the gable mid-point. Height at the minimum setback of 3 feet was limited to 12 feet measured to the peak, with an additional 3 feet of setback for each additional foot of height, up to a maximum of 15 feet. Also, any single accessory building became limited to a maximum of 500 square feet of gross floor area, with accessory buildings limited to one story.

The chart below is a summary of the changes indicated in the previous paragraphs. The chart captures the incremental changes that have been made to the accessory building standards over time.

Accessory Buildings Standards - Changes made over the years				
	1988 Code Regulations	2005 Code Regulations	2008 Code Regulations (Current)	Proposed Code Revisions
Lot Coverage Percentage	Accessory Building were limited to 10% of the minimum lot area of each residential zone.	Accessory Buildings were limited to 10% of the minimum lot area but with the 10% in the R-40 and R-60 zones, 8% in the R-75 zone and 9% in the R-90 zone. The larger lots zones remained 10% of the minimum lot area in the zone.	Same as 2005	Same as current code, but accessory buildings in the R-150 zone limited to 6%. The R-200 and R-400 zones limited to 1,000 square foot footprint.

Height Measurement	15 feet to gable midpoint	-15 feet to the midpoint of the gable.	Height Measurement Change - Measured to the peak of the roof.	Height Measurement Change - Measurement to the midpoint of the gable.
Setback Requirement	3 feet	3 feet. Setbacks for heights over 12' had to be setback 2' for each additional foot of height up to 15'	3 feet. Setback - heights over 12' to be setback 3' for each additional foot of height up to 15'	Setbacks for height over 12' to be setback 2' for each additional foot of height up to 15'
Gross Floor Area Limitation	None	None	Single accessory building limited to 500-square foot limitation	Eliminate the 500-square foot gross area single accessory building limitation
Grandfather provision	None	Added	Deleted	Reinserted
Other				Height Waiver to allow for heights up to 20' if approved by the BOA

Accessory Building Standards in Other Jurisdictions

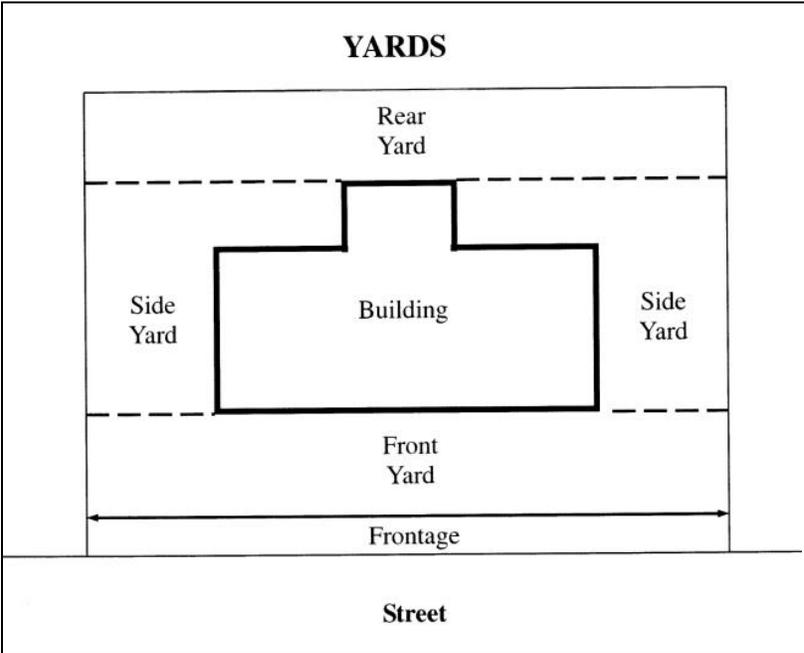
Staff has reviewed the accessory building standards in adjacent jurisdictions, including Montgomery County, the City of Gaithersburg, and the District of Columbia (see chart below) to compare the standards for accessory buildings with the standards for Rockville. The accessory buildings standards in these jurisdictions are not as restrictive as the current standards in Rockville, particularly regarding height and floor area.

	Location	Side Yard Setback	Rear Yard Setback	Max. Height	Yard Coverage	Other
Washington, DC	Side or rear yard	10'	If adjoining an alley, 12' from the alley centerline	2 stories/20' to roof peak	30% of rear yard or 450 sq. ft., whichever is greater	Must be subordinate to and secondary in size to main building
Montgomery County	Rear yard	5'	5'	20' to midpoint of roof. If height is greater than 15' setback must be increased by 2' for each additional foot	50% of footprint of main building or 600 sq. ft., whichever is greater	If a wall exceeds 24' long, setback must be increased by 2' for each added 2'.

				of height.		
Gaithersburg	Rear yard	Less than 144 sq. ft., 3' setback. Greater than 144 sq. ft., 10' setback	Less than 144 sq. ft., 3' setback. Greater than 144 sq. ft., 10' setback	15'	50% of main building footprint	Accessory garages must be set back 10' from lot line. May be connected to main house with a breezeway. Limited to 50% of main house footprint or 575 sq. ft., whichever is greater. Height is limited to 15'

Current Requirements

The development standards in Rockville’s residential zones include minimum lot area and lot width, minimum front, side and rear yard setbacks, maximum height limitations, maximum lot coverage limitations, and maximum front yard impervious area, among others. These are delineated in Article 10 of the Zoning Ordinance, and are different for each residential zone. The development standards for accessory buildings are found in Article 9.



Per Article 3 in the Zoning Ordinance, a “Building, Accessory,” is a building subordinate to, and located on the same record lot with a main building, the use of which is clearly incidental to that of the main building or to the use of that land, and which is not attached by any part of a common wall or common roof to the main building.

Accessory buildings include sheds, garages, small open structures such as gazebos, swimming pools, and potentially accessory dwelling units (if and when allowed). Accessory buildings must be in the rear yard.

Section 25.03.02 defines “rear yard” as:

The open space extending across the full width of the lot between the rear line of the lot and the nearest of the building porch, or project thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the point. Where the rear lot line is less than 10 feet (10) long or if the lot comes to a point in the rear, the depth of the rear is measured to an assumed rear lot line, as defined under lot line, rear.

The regulations for accessory buildings in residential zones are found in Sec. 25.09.03 of the Zoning Ordinance. For accessory buildings in the residential zones (R-40, R-60, R-75, R-90, R-150, R-200, R-400 zones), the code specifies the following:

- Accessory buildings must be located in the rear yard
- Accessory buildings are limited to one story and 12 feet in height (measured to the roof peak from the finished grade at the front of the building)
- Accessory buildings have a minimum setback of three feet.
- Accessory buildings have an additional setback requirement for structures that exceed the 12-foot height limitation up to the maximum of 15 feet (an additional three feet in setback for each additional foot in height).
- Accessory buildings have a maximum rear yard building coverage based on zone of the property is:
 - 15% for the R-150, R-400 zones
 - 25% for the R-40, R-60, R-75, R-90, and R-200 zones

Since the adoption of the Zoning Ordinance in 2008, staff have received complaints about the maximum floor area limitation of a single accessory building being only large enough to construct a small two-car garage. Four variances have been applied for over the years to exceed this limitation, and all have been approved by the Board of Appeals. As a result, the Board has recommended that the square footage and the height limitations be changed. A number of property owners have modified their plans to comply with the requirements.

Recommended Changes:

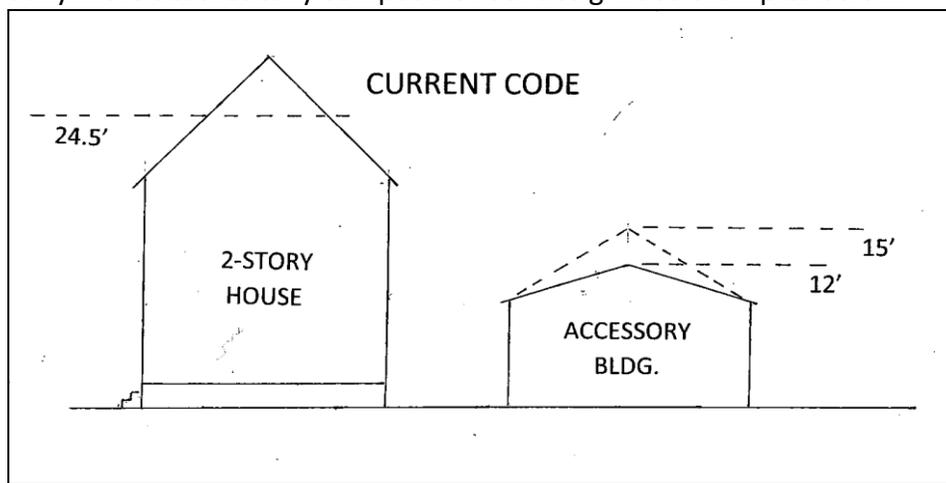
The following describes staff’s recommended changes and reasoning by Zoning Ordinance section, beginning with Section 25.09.03, “Accessory Buildings and Structures.” The proposed

text which contains the precise wording is attached.

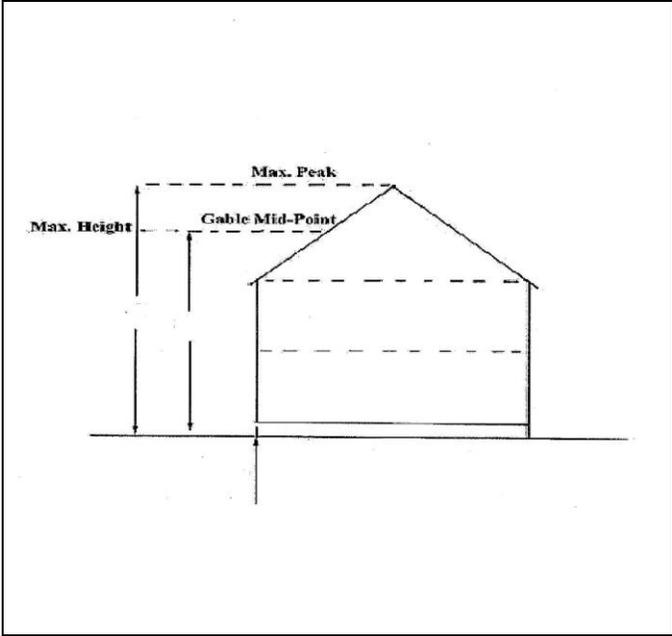
Subsection 1: Residential Accessory building and structures development standards table:

Delete the rear lot coverage limitation for accessory buildings: The amendment will delete the maximum rear lot coverage limitation for accessory buildings. At present, residential properties are subject to an overall lot coverage limitation based on the residential zone, and a rear lot coverage limitation for accessory buildings, also based on the zone. This latter calculation can be complex for the applicant to determine compliance, and has very little effect on the size of the accessory building in most cases. To simplify compliance for applicants as well as for staff, the text amendment proposes to retain the overall lot coverage limitation that applies to all roofed structures in each zone, but to eliminate the maximum rear lot coverage requirement. Given the limitations on overall lot coverage as well as the limitation on the size of accessory buildings, there does not seem to be a reason for a third limitation for regulating accessory buildings.

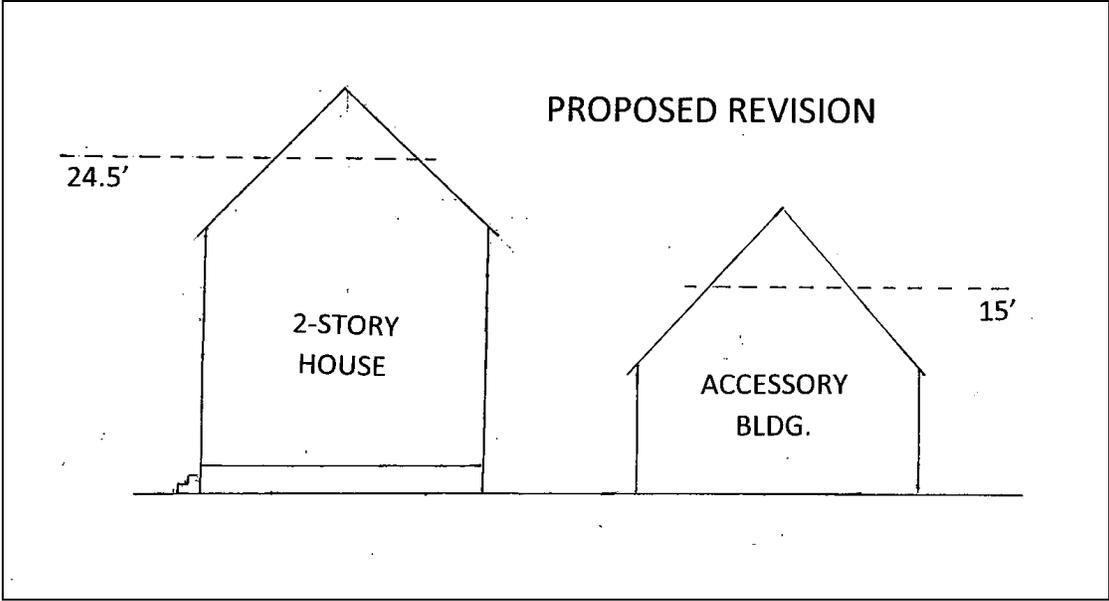
Modify how the height of accessory buildings is measured: Currently, the height of an accessory building is measured from the finished grade at the front of the building to the peak of the roof. The amendment proposes to measure the height from the finished grade at the front of the accessory building to the mid-point of the gable, hip, or mansard roof. Prior to 2008, the height of accessory buildings was measured in this way. Changing the measurement point from the peak to the mid-point is likely to increase the possible height by 2-3 feet. However, the height limit will still be significantly less than the maximum allowable height of the principal structure on the property, and also will allow for greater roof pitch of an accessory building. This provides for a potentially more aesthetically compatible roof design. See examples below:



Measurement Point to the Peak



Measurement Point to the Peak/Midpoint



Height Measurement of the Accessory Building to the Midpoint of the Roof

Subsection 2, Residential accessory buildings:

Delete the limitation on stories: The amendment proposes to remove the one-story height limitation to allow for an additional story. This would allow for a half-story with a 15-foot tall accessory building. It will also potentially allow for a full second story for accessory buildings, if the Board of Appeals grants the increase in height up to 20 feet as proposed in this amendment. See example below:

2nd Story Detached Garage



Subsection 2(a), Accessory Buildings and Structures Greater than 12' High:

Modify the additional setback required for accessory buildings taller than 12 feet: Staff has found that changing the measurement point from the peak to the mid-point between the eave and the gable would likely increase the maximum height of the building by approximately 2-3 feet. Increasing the height of an accessory building up to 15 feet requires additional setback, and therefore the proposed amendment includes an additional setback of two feet per each additional foot of height, up to 15 feet, as was the case prior to the 2008 comprehensive revisions. The intent of having to provide additional setbacks when the height is increased is help reduce the possible impact on adjacent properties from large buildings at the minimum setback.

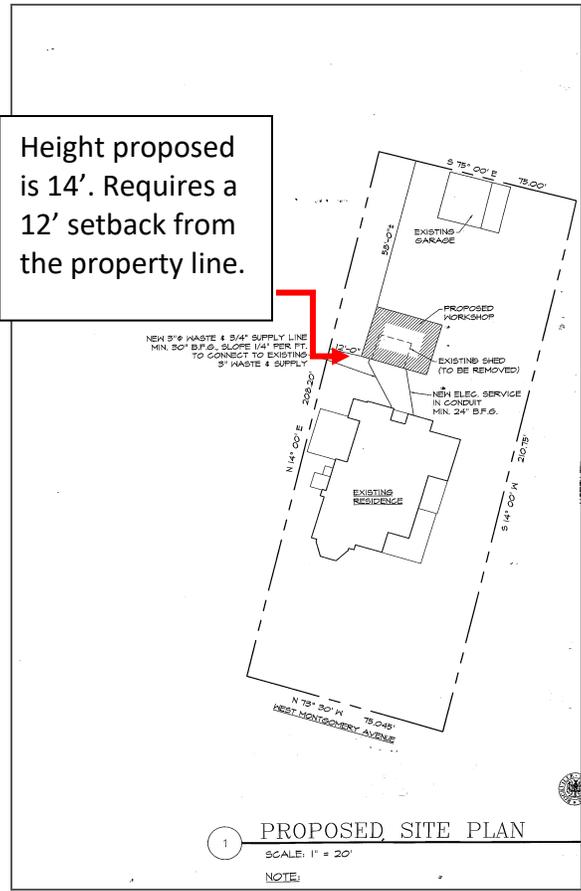
Current Accessory Building Setbacks –

- Height to 12' = 3' setback required
- Height 12'-13' = 6' setback required
- Height 13'-14' = 9' setback required
- Height 14'-15' = 12' setback required

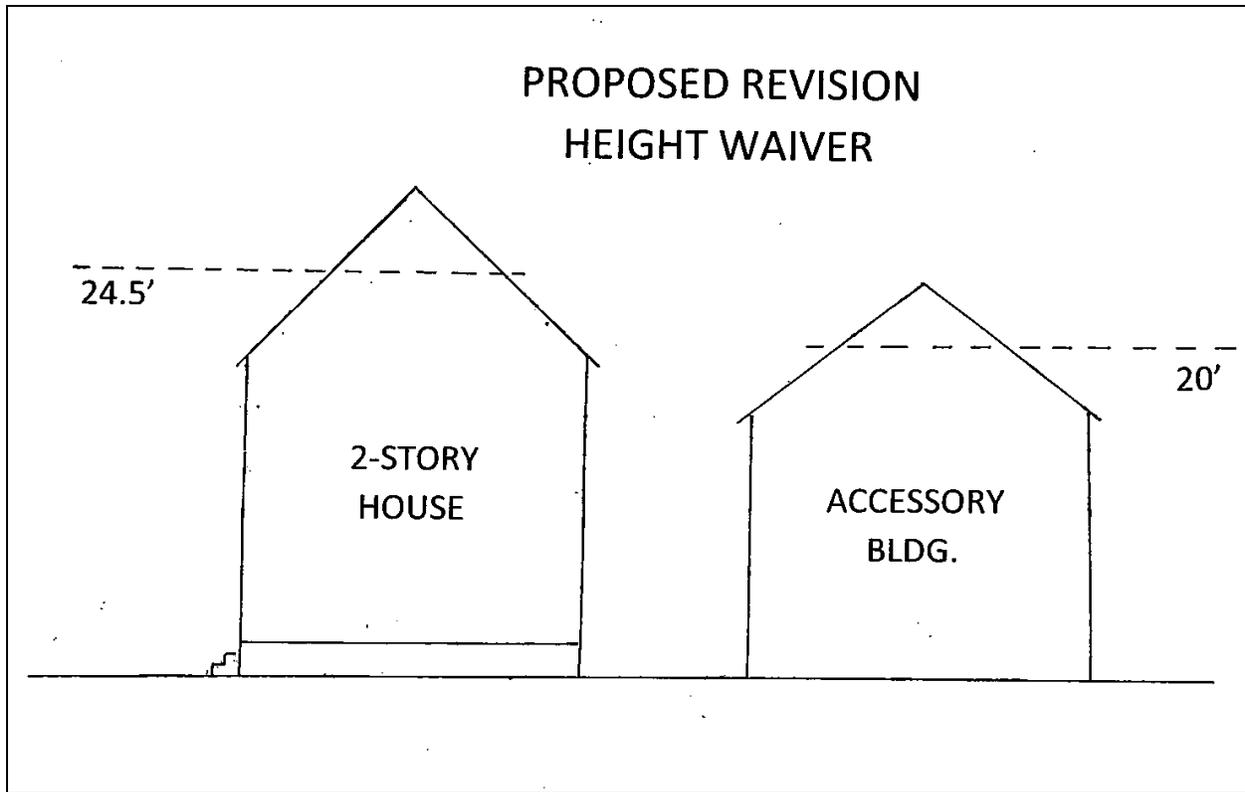
Proposed Accessory Building Setbacks – buildings and structures must be set back 2' for each additional foot of height over 12', up to 15'.

- Height to 12' = 3' setback required
- Height 12'-13' = 5' setback required
- Height 13'-14' = 7' setback required
- Height 14'-15" = 9' setback required

The example below depicts set back required for buildings greater than 12' in height.



Increase the potential height of accessory buildings up to 20 feet: As mentioned above, the text amendment is being proposed to allow an accessory building height up to 20 feet. The additional height would allow for an additional story if found appropriate for a property and is determined to be compatible with the neighborhood. This extra height is being proposed to aid in accommodating a second-story ADU, if that concept is approved under pending text amendment TXT2019-00255, or other usable space. Staff recommends a waiver provision that gives the authority to the Board of Appeals to grant the additional height, up to 20 feet, if the waiver is found by the Board to not be contrary to the public interest. Staff recommends that an additional criteria be added so that a new accessory building cannot exceed the height of the main dwelling.



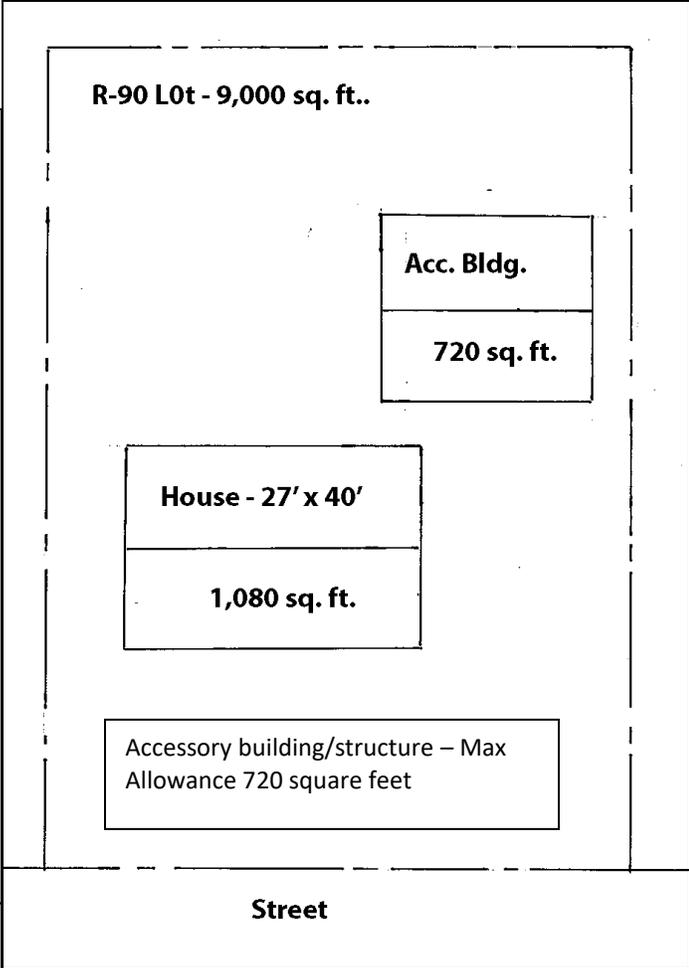
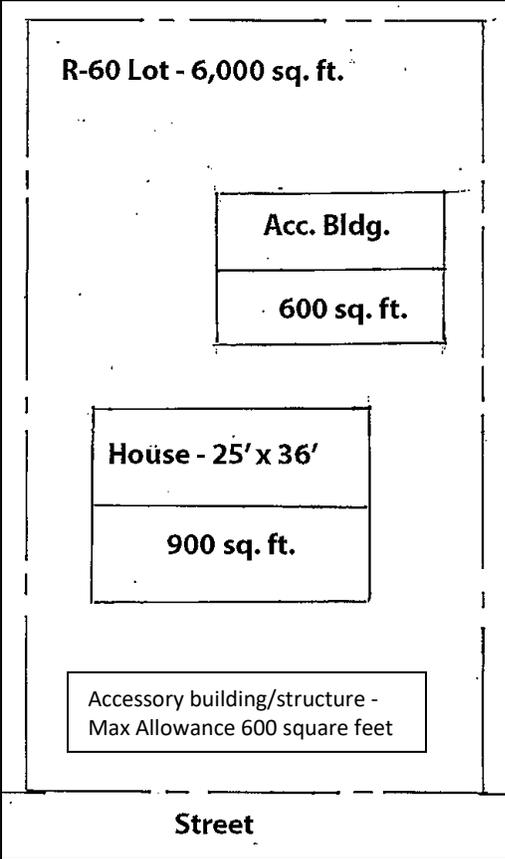
20' Height Waiver Example if Approved the Board of Appeals

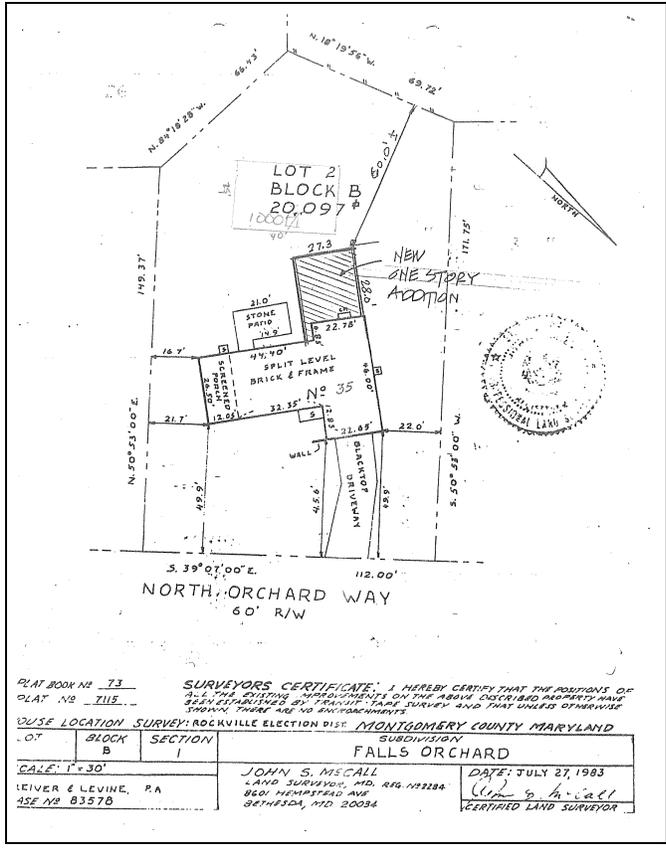
Subsection 2(b), Gross Floor Area:

Modify the size limitation standard from gross floor area to footprint: To allow for larger accessory buildings than is currently permitted, while also retaining neighborhood character. Staff proposes to change the area measurement standard from gross floor area to building footprint. Staff believes this is a more precise indication of building size and is an easier standard to administer and achieve compliance.

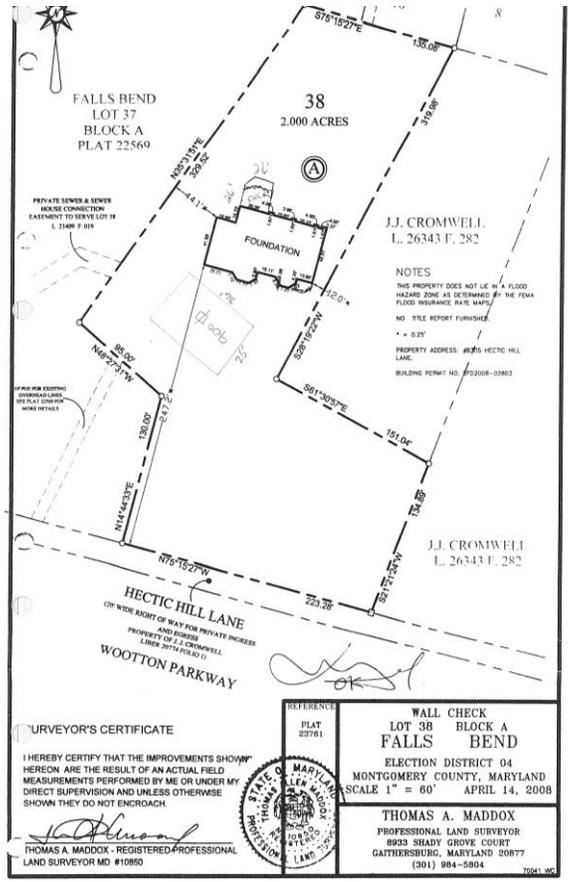
Modify the limitation on building footprint: The amendment proposes to continue to base the cumulative building footprint of all accessory buildings on the minimum lot area in the zone, with some adjustments. The maximum building footprint is limited to the following percentages:

- 10 percent of the minimum lot area in the R-40 zone and R-60 zones (600 square feet),
- 9 percent in the R-75 Zone (675 square feet);
- 8 percent in the R-90 Zone (720 square feet);
- 6 percent in the R-150 Zone (900 square feet), and
- R-200 and R-400 Zones (1,000 square feet)





R-150 -Accessory Building/Structure-Max Allowance 900 Square feet



R-200 – Accessory Building/Structure-Max allowance 900 square feet

To allow for an increase in the size of a single accessory building, the 500-square foot single accessory building limitation is being eliminated. As previously noted, this size was chosen as it is the maximum floor area that could accommodate a two-car garage, but has proven to be too limiting for homeowners, who also like to have storage and sufficient maneuvering area within their garages.

Subsection 2 (c), In no event can accessory buildings collectively occupy more than 25 percent of the rear yard:

Eliminate the rear yard coverage limitation: As indicated in subsection 1, the amendment proposes to eliminate the rear lot coverage requirement for accessory buildings for the reasons set forth above.

Reinstate the grandfather provision: The text amendment also proposes to reinstate the “grandfather” provision that had been in the code between 2005 and 2008. This puts less

burden on the homeowner that would like to replace accessory buildings that were legal when built, as it allows for their replacement in-kind, subject to the standards in effect at the time of construction, except that they must maintain a minimum setback of three (3) feet from any property line. This allows or an accessory building to be replaced, regardless of the standards to which it was built, and is potentially less disruptive to neighborhood character if the accessory building is replaced with the same-sized structure in the same location.

Subsection (d), Historic District Buildings:

Clarify the status of historic accessory buildings: The amendment will clarify that historic accessory buildings on property in the Historic District zone are exempt from the calculation of cumulative building footprint. It is expected that this will help to preserve existing contributing buildings that are contributing resources to a historic district, but may not meet zoning requirements. It will permit homeowners to construct new accessory buildings for their use, while not being penalized or restricted from doing so because of a large historic accessory building.

Subsection (g), Connection to Main Building:

New regulations on accessory buildings connected to a main structure with a breezeway: The proposed amendment includes a new provision allowing for a breezeway connection between the main dwelling and an accessory building. There is a “loophole” in our current zoning ordinance that allows a very large accessory building to be connected with a breezeway to the main house. Under the current regulations, any connection to the main house makes the structure part of the main house and subject to those setback and height limitations, thereby avoiding the size limitations on accessory buildings.

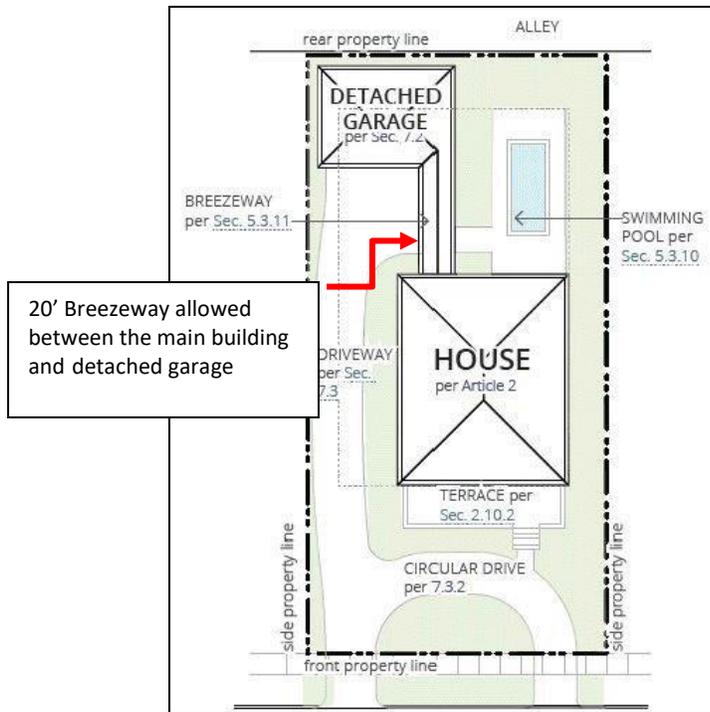
With the proposed regulations, the breezeway must be open, cannot have a common wall, and will be limited to 20 feet in length. This would also allow for a covered connection between a residence and an accessory building, while eliminating the possibility of what appears as a very large accessory building connected to the main building as well as the potential for a very long covered breezeway. Both building types are out of character with Rockville neighborhoods. See examples below.

Breezeway Connection-Loophole- Large Building Attached to the Main Dwelling –



207 Baltimore Road

Acceptable Breezeway Connection Between the Main Building and the Accessory Building (See Drawing Below)



25.10.05, Development Standards

Subsection (b.1), Maximum Lot Coverage, Inclusion of Accessory Buildings:

Clarify that historic accessory buildings are exempt from the lot coverage limitations: The proposed amendment revises the language to clarify that historic accessory buildings that are in a Historic District Zone are exempt from area limitations. This will help aid in the preservation of these buildings. Non-historic buildings are subject to the cumulative building footprint requirements and lot coverage limitations, regardless of whether they are in the Historic District zone.

Based on feedback received at the open house on May 29th, staff finds that clarifications are needed regarding the intent of the exemptions given to historic district properties. The intent is to preserve the existing contributing accessory buildings and allow for new non-contributing buildings to be built subject to overall lot coverage restraints without counting historic accessory buildings in the overall total building footprint. Maintaining the existing historic buildings could prevent the property owner from building simple buildings such as sheds or garages due to the overall lot coverage requirements. To allow for new non-contributing buildings to be built without penalty, staff recommends revising the language to indicate that not only are historic accessory buildings are exempt from lot coverage limits, but that they do not count toward the overall lot coverage. Staff finds that this exemption will further ensure the preservation of contributing buildings but also allow for homeowners to build an accessory structure that is necessary for their needs today (See examples below).



400 W. Montgomery Avenue



409 W. Montgomery Avenue

Section 25.13.08 Accessories

New standards for accessory buildings in the MXT and HD zones. A new provision is proposed to be added that requires accessory buildings both in the MXT (Mixed-Use Transition) Zone and the HD (Historic District) overlay zone to meet the same limitations on setbacks, maximum height, and cumulative building footprint requirements as a residential accessory building in a residential zone.

The intent here is for properties in these zones to follow the residential zone standard that most closely fits the size of their lot, not the residential zone that may be in the surrounding area.

Community Outreach

A public forum was held on May 29 to elicit comments from the community. Twelve members of the public attended. The forum also covered accessory apartments and accessory dwelling units, and most questions and comments were related to them.

For accessory buildings, questions were asked about the origin of the 500-square foot limit, how the provisions for the MXT Zone would work, and clarification about historic accessory buildings not counting toward lot coverage. There were concerns expressed over the fact that

the only finding that the Board of Appeals has to make in order to grant additional height was that it was not “contrary to the public interest.”

In response to a question, the derivation of the 500-square foot limit on a single accessory building was explained as being inserted by the Mayor and Council during the comprehensive zoning ordinance review process in 2008. There had been some testimony received expressing concern about the allowable size of accessory buildings, which resulted in the floor area limitation as well as changing the height measurement from the mid-point of the gable to the peak of the roof.

The bullets below represent additional comments made regarding to ADUs and accessory apartments.

- Concerns over accessory structures being more dominant than the existing smaller homes; Encouraged staff to propose a square footage limit.
- Cautioned claims of providing “Affordable Housing,” when the City does not regulate housing prices
- Possibility of existing smaller homes being expanded in order to be able to construct a larger accessory building?
- What will the requirements be (if any) for water and sewer connections between the main house and the accessory building?
- Encouraged staff to create a policy statement to define what we want when proposing ADUs.
- Concerned with the proposed ADU parking requirement, especially when many areas do not have enough parking to begin with.
- Suggested that we add an incentive for properties that are near a metro station.
- Gross Floor Area vs. Footprint clarified – You could have a basement in your detached accessory unit since we are only measuring footprint.
- Twinbrook neighborhoods want to explore accessory apartments in their basements but due to height requirements, may not be able to due to low ceiling height of existing basements.

Notice of the Planning Commission meetings and Mayor and Council public hearing have been sent to the civic organizations and homeowners associations via the City’s neighborhood listserv. Notice of the Mayor and Council public hearing was published in a newspaper of general circulation for 2 weeks prior to the hearing date.

Next Steps

A public hearing before the Mayor and Council is scheduled for July 15, 2019. Following the Mayor and Council public hearing, the Planning Commission should formulate and transmit a written recommendation to the Mayor and Council at its August 7, 2019. A Discussion and Instructions to Staff session with the Mayor and Council is scheduled for September 9, 2019.

Attachments

Attachment 2.A.a: TXT2019-00254, Accessory Buildings (PDF)
Attachment 2.A.b: TXT2019-00255, Accessory Apartments and ADUs (PDF)



Application for
Text Amendment

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Application Information:

Is this an Amendment to Existing Text ? YES NO

Add New Zone Classes: YES NO Add New Uses: YES NO

Number of new uses: 0 _____ Ordinance # _____

Please Print Clearly or Type

Property Address information N/A

Project Description To revise the development standards for residential accessory buildings in residential zones, and for accessory buildings in both the MXT and HD (Historic District) zones.

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, MD 20850

Property Owner N/A

Architect N/A

Engineer N/A

Attorney N/A

2019 APR -9 PM 4:58

STAFF USE ONLY	
Application Acceptance:	Application Intake:
Application # _____	Date Received _____
Date Accepted _____	Reviewed by _____
Staff Contact _____	Date of Checklist Review _____
	Deemed Complete: Yes <input type="checkbox"/> No <input type="checkbox"/>

Application is hereby made with the Rockville Mayor and Council for Approval of a change in the text of the Zoning and Planning Ordinance of Rockville, Maryland.

Page _____ Article _____ Section _____

FROM: Which reads as follows see Attached.

TO: Reads as follows see Attached.

By: _____
(Signature of Applicant)

Subscribed and sworn before this _____ day of _____, 20____

My Commission Expires _____
Notary Public

The following documents are furnished as part of the application:

- A Complete Application
- Filing Fee

Comments on Submittal: (For Staff Use Only)

Draft – 4/1/19

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~strike~~throughs indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 9, “Accessory Uses; Accessory Buildings and Structures; Encroachments; Temporary Uses; Home-Based Business Enterprises; Wireless Communication Facilities” as follows:

25.09.02 – Accessory Structures

Requirements – Accessory structures must be customarily associated with and clearly incidental and subordinate to a legally established principal structure. Such structures cannot be attached to the main building by any part of a common wall or common roof except as set forth in Section 25.09.03.a.2(g). Uses within accessory structures must comply with the applicable provisions of Section 25.09.01, above.

25.09.03 – Accessory Buildings and Structures

a. *Residential Accessory Buildings and Structures*

1. Residential accessory buildings and structures are subject to the following development standards:

Development Standards for Residential Accessory Buildings and Structures						
Zone	Minimum Setback Requirements				Maximum Rear Yard Building Coverage	Maximum Height at Minimum Setback Not to Exceed ¹ (see sub-section 2(a) below)
	Front	Side		Rear		
		Side - Street Abutting				
R-400	All accessory buildings must be located in the rear yard except as provided in Sec. 25.09.03.a.2(g)	30'	3'	3'	15%	12'
R-200		25'	3'	3'	15%	12'
R-150		30'	3'	3'	15%	12'
R-90		20'	3'	3'	25%	12'
R-75		20'	3'	3'	25%	12'
R-60		20'	3'	3'	25%	12'
R-60 (Qualifying Undersized Lot)		20'	3'	3'	25%	12'
R-40		20'	3'	3'	25%	12'

¹ The height of an accessory building or structure is measured from the finished grade at the front of the building to the highest mid-point of the a gable, hip or mansard roof. Additional height may be allowed in conformance with Section 25.09.03.a.2(a), below.

2. Residential accessory buildings are ~~limited to one story and are~~ subject to the following additional provisions:
 - (a) Accessory Buildings and Structures Greater than 12' High - Accessory buildings and structures that exceed 12 feet in height must be set back from all lot lines an additional ~~two three~~ feet for each additional foot (or any portion thereof) of building height up to the maximum allowable height of 15 feet. Accessory buildings may exceed 15 feet in height, up to a maximum of 20 feet, if granted a waiver of the maximum height limitation by the Board of Appeals. The Board of Appeals must find that the waiver will not be contrary to the public interest.
 - (b) Building Footprint Gross Floor Area - The ~~gross floor area cumulative building footprint of all any~~ detached accessory buildings must not exceed ten percent of the minimum lot area in the R-40 and R-60 Zones; nine percent of the minimum lot area in the R-75 Zone; and eight percent of the minimum lot area in the R-90 Zone; and six percent of the minimum lot area in the R-150 Zone. In the R-200 and R-400 zones, the cumulative building footprint of all no single accessory buildings must not exceed can have a gross floor area greater than 500 1,000 square feet.
 - (c) In no event can accessory buildings collectively occupy more than 25 percent of the rear yard ~~Accessory buildings and structures that were constructed in conformance with the standards in effect at the time they were erected are~~

considered conforming and may be modified, repaired, or replaced so long as they conform to the standards under which they were built, except that they must maintain a minimum setback of three (3) feet from any property line.

- (d) *Historic Accessory Buildings* – Historic accessory buildings, located in a Historic District Zone are exempt from the calculation of cumulative building footprint rear yard coverage.

* * *

- (g) *Connection to Main Building* - An open, unenclosed breezeway with a length not exceeding 20 feet may connect a main building to one accessory building. No portion of the breezeway may be constructed in a way that could be interpreted to provide a common wall between the main building and the accessory building.

(h) Accessory Structures

- i. Small open structures, such as gazebos, may be permitted with a ten-foot (10') setback in a yard abutting a street.
- ii. An accessory swimming pool must be located in the rear yard. All portions of the pool must be set back at least three (3) feet from any lot line and comply with any provisions of Chapter 5 of this Code. Such a swimming pool is not subject to the maximum rear yard coverage requirements of subsection (c) above.

Amend Article 10, "Single Dwelling Unit Residential Zones"

25.10.05 – Development Standards

* * *

b. *Maximum Lot Coverage*

- 1. *Inclusion of Accessory Buildings* – Maximum lot coverage includes accessory buildings; however, historic accessory buildings structures, located in a Historic District Zone, are exempt from the calculation of rear yard coverage pursuant to Section 25.09.03.a.2.

* * *

Amend Article 13, "Mixed-Use Zones", as follows:

25.13.08– Accessories

- a. All accessory uses within mixed-use zones must comply with the provisions of Article 9 of this Chapter.

b. New accessory buildings in the MXT Zone located within a historic district are subject to the provisions of:

1. Section 25.09.03.a.2(a); and

2. Section 25.09.03.a.2(b), with the applicable cumulative building footprint being based on the zone with the largest minimum lot area that does not exceed the existing lot area of the property where the accessory building is located.

DRAFT 3/29/19

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~strike throughs~~ indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 3, “Definitions, Terms of Measurements and Calculations”, as follows:

* * *

Accessory Dwelling Unit – A dwelling unit located within an accessory building located on the same lot as a single unit detached dwelling. An accessory dwelling unit must be subordinate to the primary residential dwelling on the lot.

Dwelling Unit – A building or portion thereof providing complete living facilities for not more than one (1) family, including, at a minimum, a kitchen, and facilities for sanitation and sleeping.

- 5. Dwelling, Single Unit Detached – A building designed and intended for use as a single dwelling and entirely separated from any other building or structure on all sides. A single unit detached dwelling may include an accessory apartment approved by special exception.

* * *

Amend Article 9, “Accessory Uses; Accessory Buildings and Structures; Encroachments; Temporary Uses; Home-Based Business Enterprises; Wireless Communication Facilities” as follows:

* * *

25.09.03 – Accessory Buildings and Structures

* * *

Attachment 2.A.b: TXT2019-00255, Accessory Apartments and ADUs (2731 : Txt2019-00254 - Accessory Buildings and Structures)

b. Regulations for accessory dwelling units– No more than one accessory dwelling unit is permitted on a residential lot, and must comply with the following:

1. The design of the building must be compatible with the architectural style of the main building and generally compatible with the design and style of single unit detached dwellings in the immediate neighborhood.
2. The building must be permanently attached to the ground.
3. The maximum gross floor area of an accessory dwelling unit must be less than 50 % of the total floor area of the main building.
4. There must be two off-street parking spaces on the lot. This requirement may be waived by the Chief of Zoning if the applicant demonstrates that sufficient on-street parking capacity is provided in the same block where the property is located.
5. An accessory dwelling unit is prohibited on a lot that has an accessory apartment.
6. The owner of the lot on which the accessory dwelling unit is located must occupy one (1) of the dwelling units, except for bona fide temporary absences not exceeding six (6) months in any 12-month period.

c. Non-Residential Accessory Buildings and Structures – Non-residential accessory buildings and structures are reviewed as part of the site plan review and subject to all requirements of the relevant zone and all conditions of the site plan approval.

Amend Article 10, “Single Dwelling Unit Residential Zones”, as follows:

25.10.03 – Land Use Tables

The uses permitted in the Single Dwelling Unit Residential Zones are shown in the table below. All special exceptions are subject to the requirements of Article 15.

	Uses	Zones							Conditional requirements or related regulations
		Residential Estate Zone (R-400)	Suburban Residential Zone (R-200)	Low Density Residential Zone (R-150)	Single Unit Detached Dwelling, Restricted Residential Zone (R-90)	Single Unit Detached Dwelling, Residential Zone (R-75)	Single Unit Detached Dwelling, Residential Zone (R-60)	Single Unit Semi-detached Dwelling, Residential Zone (R-40)	
a. Residential uses	Dwelling, single unit detached ¹	P	P	P	P	P	P	C	Conditional use subject to the requirements of the R-60 Zone
	Dwelling, semi-detached (duplex)	N	N	N	N	N	N	P	
	Accessory ² apartment	SC	SC	SC	SC	SC	SC	N	See. Sec. 25.15.02.a 10.14

Attachment 2.A.b: TXT2019-00255, Accessory Apartments and ADUs (2731 : Txt2019-00254 - Accessory Buildings and Structures)

	Uses	Zones							Conditional requirements or related regulations
		Residential Estate Zone (R-400)	Suburban Residential Zone (R-200)	Low Density Residential Zone (R-150)	Single Unit Detached Dwelling, Restricted Residential Zone (R-90)	Single Unit Detached Dwelling, Residential Zone (R-75)	Single Unit Detached Dwelling, Residential Zone (R-60)	Single Unit Semi-detached Dwelling, Residential Zone (R-40)	
	Accessory dwelling unit ²	C	C	C	C	C	C	C	See Sec. 25.09.03.b

* * *

²Only one accessory dwelling unit or accessory apartment is permitted on a lot.

* * *

25.10.14 – Regulations for Accessory Apartments

An accessory apartment is allowed subject to the following requirements:

- a. Only one (1) accessory apartment may be created or attached to an existing single unit detached dwelling.
- b. The owner of the lot on which the accessory apartment is located must occupy one (1) of the dwelling units, except for bona fide temporary absences not exceeding six (6) months in any 12-month period.
- c. Any separate entrance to the accessory apartment must be located so that the appearance of a single unit detached dwelling is preserved.
- d. All external modifications and improvements to the single-unit detached dwelling in which the accessory apartment is to be created, or to which it is to be added, must be compatible with the existing dwelling and surrounding properties.
- e. The accessory apartment must have the same street address (house number) as the main dwelling.
- f. The gross floor area of the accessory apartment must be less than 50 % of the total floor area of the main dwelling.

Amend Article 15, “Special Exceptions”, as follows:

25.15.02 – Additional Requirements for Certain Special Exceptions

- a. *Accessory Apartments* **RESERVED**
 - 1. ~~General Requirements~~ Accessory apartments must:
 - (a) Be contained in the same building as a single unit detached dwelling; and

~~(b) Contain facilities for:~~

- ~~i. Cooking;~~
- ~~ii. Eating;~~
- ~~iii. Sanitation; and~~
- ~~iv. Sleeping.~~

~~2. Specific Requirements~~

~~(a) Limitation to One (1) — Only one (1) accessory apartment may be created in, or attached to an existing single unit detached dwelling.~~

~~(b) Lot Requirements — Accessory apartments may only be created on a lot:~~

- ~~i. Which is occupied by a family of related persons;~~
- ~~ii. Which contains no other rental residential use;~~
- ~~iii. Which does not contain rooms for rent or a boarding house; and~~
- ~~iv. Which does not contain a major home based business enterprise.~~

~~3. Ownership Requirements — The owner of a lot on which an accessory apartment is located must occupy one (1) of the dwelling units, except for bona fide temporary absences not exceeding six (6) months in any 12-month period. The period of temporary absence may be increased by the Board at any time upon a finding that a hardship would otherwise result. Any request for an extension of the period of temporary absence made subsequent to the initial grant of the special exception must be made in compliance with the procedures for a minor modification of a condition of a special exception in Section 25.15.01.b.(1).~~

~~4. Development Requirements~~

~~(a) Both the main dwelling and the accessory apartment must comply with all current development standards, including off-street parking requirements.~~

~~(b) No variance may be granted to accommodate an accessory apartment.~~

~~5. Design Requirements~~

~~(a) Separate Entrance — Any separate entrance to the accessory apartment must be located so that the appearance of a single unit detached dwelling is preserved.~~

(b) *External Modifications and Improvements*—All external modifications and improvements to the single unit detached dwelling in which the accessory apartment is to be created, or to which it is to be added, must be compatible with the existing dwelling and surrounding properties.

(c) *Street Address*—The accessory apartment must have the same street address (house number) as the main dwelling.

(d) *Occupancy Limitation*—The accessory apartment must house no more than three (3) persons and must be subordinate to the main dwelling.

6. *Additional Findings for Special Exception Approval*—The Board must make the following additional findings:

(a) That such use will not constitute a nuisance because of traffic or number of people, and will cause no objectionable noise, odors, or physical activity; and

(b) That such use will not adversely impact the parking or traffic situation in the neighborhood.

7. *Additional Restrictions for Special Exceptions*—The following restrictions on special exceptions for accessory apartments apply:

(a) The owner must comply with the certification requirements of Chapter 5, Article XII of the Code;

(b) The special exception is granted solely to the owner/applicant and does not run with the land;

(c) The special exception automatically expires when either of the following occurs:

i. The owner/applicant sells the property on which the accessory apartment is located; or

ii. The owner/applicant no longer occupies any portion of the single unit dwelling in which the accessory apartment is located; and

(d) The accessory apartment must be removed, dismantled, or otherwise rendered inoperative within 30 days of the expiration of the special exception.

8. *Additional Conditions*—The Board may impose additional conditions deemed necessary to protect and limit any adverse impact on adjacent properties and the neighborhood, including, but not limited to one (1) or more of the following:

(a) Restricting the number of people that may occupy the accessory apartment;

- (b) Prohibiting rental of the accessory apartment;
- (c) Limiting the total number of motor vehicles that may be parked on the lot; and/or
- (d) Limiting the total number of vehicles that may be used and parked on street by the occupants of both the accessory apartment and the main dwelling.