MAYOR AND COUNCIL

MEETING NO. 11-20
Monday, March 30, 2020 – 7:00 PM

AGENDA

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

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

Rockville City Hall will be closed until March 27, due to recent issued state directives for slowing down the spread of the coronavirus COVID-19 and social distancing.

The Mayor and Council are not conducting meetings in person. If you wish to submit comments in writing for Community Forum or Public Hearings, please email mayorandcouncil@rockvillemd.gov by 2:00 p.m. on the day of the meeting.

All comments will be acknowledged by the Mayor and Council at the meeting and added to the agenda for public viewing on the website. Drop-In will be suspended until further notice.

7:00 PM **1. Convene**

2. Pledge of Allegiance

3. Agenda Review

7:05 PM **4. City Manager's Report**

7:15 PM **5. Coronavirus (COVID-19) Update**

7:45 PM **6. Proclamation**

A. Proclamation Declaring April 7, 2020 as Arbor Day

B. Proclamation Declaring March 28, 2020, 8:30-9:30 P.M. as Earth Hour in Rockville; the Month of April as Earth Month; and April 22, 2020, as Earth Day

C. Proclamation Declaring April as National Minority Health Month

D. Proclamation Declaring Thursday, April 2, 2020 as World Autism Awareness Day

8:05 PM **7. Boards and Commissions Appointments and Reappointments**

A. Boards and Commissions Appointments and Reappointments

8:15 PM **8. Community Forum - submit written comments by email to mayorandcouncil@rockvillemd..gov**

9. Mayor and Council's Response to Community Forum

8:30 PM **10. Consent**

A. Park Road and North/South Stonestreet Avenue Area Comprehensive Master Plan Amendment: Request to Release the Planning Commission Draft Document and Set a Public Hearing Date

B. Award of IFB #09-20 for Temporary Labor Services to CMT Services Inc. and Pollen Scape Design, through June 30, 2021, in the Amount Not to Exceed $215,000

C. An Amendment to the MPDU Regulations to Provide Clarifying Language on Affordability Structuring for the Homeownership Component of the MPDU Program

D. Approval of Minutes

8:35 PM **11. RedGate Master Planning: Discussion of Refined Scope of Work**

9:35 PM **12. Review and Comment - Mayor and Council Action Report**

A. Mayor and Council Action Report

13. Review and Comment - Future Agendas

A. Future Agenda

14. Old/New Business

9:50 PM **15. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: http://www.rockvillemd.gov/mcguidelines.

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Proclamation
Department: Recreation & Parks
Responsible Staff: Wayne Noll

Subject

Proclamation Declaring April 7, 2020 as Arbor Day

Recommendation

Staff recommends that the Mayor and Council read and approve the proclamation.

Discussion

The City observes Arbor Day every year with a tree planting ceremony and proclamation, in keeping with the standards of the Tree City USA program. Rockville has been named a Tree City USA for 31 consecutive years in recognition of the commitment to tree maintenance and planting efforts. Rockville also received a 2019 PLANT Award (People Loving and Nurturing Trees), Green Level, from the Maryland Urban and Community Forest Committee. Green is the highest level of the PLANT award. Rockville has received this award for more than fifteen consecutive years.

This year's tree planting ceremony is scheduled for April 7 at 1:00 at Woodley Gardens Park with students and staff from St. Mary's School. Staff will monitor the feasibility of holding the ceremony, and notify the Mayor and Council, other participants and the public if cancellation is warranted.

In addition, City Forestry staff is scheduled to visit all first-grade classes in the city to discuss Arbor Day and the many benefits that trees provide, and to hand out tree seedlings for the students to take home and plant. Forestry staff will coordinate with the schools to determine whether the visits are feasible this year.

Mayor and Council History

The Mayor and Council observes Arbor Day each year with a Proclamation.

Public Notification and Engagement

Residents in the Woodley Gardens neighborhood were informed about the tree planting ceremony and were invited to attend.

Attachments

Attachment 6.A.a: 2020 Arbor Day Proclamation (PDF)

Rob DiSpirito, City Manager 3/17/2020

Proclamation

ROCKVILLE · MARYLAND

WHEREAS, in 1872, the Nebraska Board of Agriculture set aside a special day called Arbor Day for the planting of trees, in response to a state proclamation urging settlers and homesteaders in that prairie state to plant trees that would provide shade, shelter, fruit, fuel, and beauty for residents of the largely treeless plains; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, as well as cut heating and cooling costs, clean the air, produce oxygen, provide habitat for wildlife, and give us a renewable resource of paper, wood, and fuel; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal and Rockville will continue its tree-planting ways; and

WHEREAS, this is the 31st consecutive year that the Arbor Day Foundation has named Rockville a "Tree City USA."

NOW, THEREFORE, be it resolved, that the Mayor and Council of the City of Rockville, do hereby proclaim April 7, 2020 as ARBOR DAY IN THE CITY OF ROCKVILLE, and urge the Rockville community to support efforts to care for our trees and woodlands, and to support our City's community forestry program.

Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Monique Ashton, Councilmember

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

David E. Myles
David Myles, Councilmember

Mark Pierzchala, Councilmember

March 30, 2020

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Proclamation
Department: PW - Environmental Management
Responsible Staff: Erica Shingara

Subject

Proclamation Declaring March 28, 2020, 8:30-9:30 P.M. as Earth Hour in Rockville; the Month of April as Earth Month; and April 22, 2020, as Earth Day

Recommendation

Staff recommends that the Mayor and Council read and approve the proclamation.

Attachments

Attachment 6.B.a: 2020 Earth Day Proclamation (PDF)

Rob DiSpirito, City Manager 3/25/2020

Proclamation

ROCKVILLE · MARYLAND

WHEREAS, the first *Earth Day* was proclaimed in 1970 to foster public environmental awareness; and

WHEREAS, the 50th anniversary of Earth Day will be celebrated around the world on April 22, 2020; and

WHEREAS, in recognition of the golden anniversary, the City of Rockville will celebrate throughout the year by hosting the *Make Every Day Earth Day* campaign with more than 50 events, classes, volunteer opportunities and actions to protect our climate, water, air, forests and wildlife; and

WHEREAS, *Earth Hour*, an annual global event organized by the World Wildlife Fund calls on individuals, governments, and businesses around the world to turn off all non-essential lighting for one hour between 8:30 PM and 9:30 PM on Saturday, March 28, 2020 to call attention to climate change and loss of biodiversity; and

WHEREAS, the City of Rockville proudly recognizes all who participate in these activities and their contributions to environmental stewardship.

NOW, THEREFORE, the Mayor and Council do hereby proclaim the month of April as ***Earth Month*** in the City of Rockville and further proclaim Wednesday, April 22, 2020, as ***Earth Day*** and Saturday, March 28, 2020, between the hours of 8:30 p.m. and 9:30 p.m. as ***Earth Hour***, and urge all members of the community to participate in the ***Make Every Day Earth Day*** campaign to promote a healthy and sustainable environment.

Bridget Donnell Newton

Bridget Donnell Newton, Mayor

Monique Ashton, Councilmember

Beryl L. Feinberg

Beryl L. Feinberg, Councilmember

David E. Myles

David Myles, Councilmember

Mark Pierzchala, Councilmember

March 30, 2020

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Proclamation
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Jacqueline Mobley

Subject

Proclamation Declaring April as National Minority Health Month

Recommendation

Staff recommends that the Mayor and Council read and approve the proclamation.

Discussion

Observed every April, National Minority Health Month marks the ongoing effort to reduce health disparities and improve the health status of minority populations. In an effort to raise awareness about health disparities that continue to affect racial and ethnic minority populations. Recognizing the current condition of our society impacted by Coronavirus COVID-19.

The year 2015 marked the 100-year anniversary of the establishment of Negro Health Week by Booker T. Washington, which led to the month-long initiative observed today. National Institute on Minority Health and Health Disparities (NIMHD)organized the first-ever "NIH Minority Health Promotion Day" on April 19, 2012, and collaborated with other NIH Institutes and Centers, federal agencies, and academic and community organizations to commemorate National Minority Health Month. In past years, NIMHD has hosted activities throughout April for National Minority Health Month, such as exhibit displays, a poster session, a speakers' forum, guest lectures, health walks, exercise classes, and a science café.

For more information on NIMHD activities, please visit https://www.nimhd.nih.gov/programs/edu-training/nmhm/.

Mayor and Council History

This is the first year the Mayor and Council has recognized and proclaimed National Minority Health Month.

Attachments

Attachment 6.C.a: 2020 National Minority Health Month (PDF)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 3/25/2020

Proclamation

ROCKVILLE · MARYLAND

Whereas, The City of Rockville commemorates April as National Minority Health Month, in collaboration with U.S. Department of Health and Human Services Office of Minority Health (OMH) Move Your Way campaign and partners to highlight the tremendous advantages gained from having an active lifestyle.

Whereas, the theme for National Minority Health Month is Active and Healthy.

Whereas, this year's theme will provide OMH and minority health advocates around the nation the opportunity to advance health equity and outcomes by highlighting the benefits of incorporating small amounts of moderate-to-vigorous physical activity into our schedules as recommended by the 2nd edition of the Physical Activity Guidelines for Americans. Additionally, eating a healthy diet will support the theme of being active and healthy.

Whereas, incorporating healthy eating and physical activity to one's daily routine can transform lives and reduce the risk of chronic diseases and other conditions that often are more common or severe among racial and ethnic minority groups.

Whereas, inclusivity, diversity, and equity are important to the health and well-being of our City.

NOW, THEREFORE we, the Mayor and Council, by virtue of the authority vested in us by the laws of the great City of Rockville, Maryland, do hereby proclaim April 2020 as National Minority Health Month and do commend this observance to all of our residents. We encourage all Rockville residents to engage, keep up to date on news and activities that will benefit the health and wellbeing of individuals and families.

Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Monique Ashton, Councilmember

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

David E. Myles
David Myles, Councilmember

Mark Pierzchala, Councilmember

March 30, 2020

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Proclamation
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Jacqueline Mobley

Subject

Proclamation Declaring Thursday, April 2, 2020 as World Autism Awareness Day

Recommendation

Staff recommends that the Mayor and Council read and approve the proclamation.

Discussion

April is World Autism Awareness Month and Thursday, April 2nd is World Autism Awareness Day. Autism Spectrum Disorder (ASD) is the result of a neurological disorder that is estimated to affect more than three million people and one in sixty-eight children in the United States. ASD occurs among all racial, ethnic and socioeconomic groups. Boys are almost five times more likely to be identified with ASD than girls. It is estimated to be the fastest growing developmental disability in the United States by the Centers for Disease Control and Autism and Developmental Disabilities Monitoring Network. The Centers for Disease Control tracks the number and characteristics of children with ASD, researches what puts children at risk for ASD, and promotes early identification.

For further information contact One World Center for Autism Inc. by calling the following: Phone: 301-618-8395 or email: info@worldforautism.org or visit their website:

Mayor and Council History

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

Attachments

Attachment 6.D.a: 2020 World Autism Awareness Month (PDF)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 3/25/2020

Proclamation

ROCKVILLE · MARYLAND

WHEREAS, Autism Spectrum Disorder is the result of a neurological disorder affecting more than three million people, and affects one in sixty-eight children in the United States; and

WHEREAS, Autism Spectrum Disorder is estimated to be the fastest growing developmental disability in the United States by The Centers of Disease Control and Autism and Developmental Disabilities Monitoring Network; and

WHEREAS, Autism Speaks, an organization dedicated to funding research on autism and advocating for the needs of individuals with autism and their families, promotes the awareness of autism worldwide, and considering the growing impact of autism spectrum disorders and the need for greater awareness and services, Autism Speaks holds their "Light It Up Blue!" campaign on World Autism Awareness Day; and

WHEREAS, the City of Rockville promotes inclusion in recreation programs by involving parents and caregivers in planning that focuses on participant's strengths, and incorporating program modifications that allow children with autism to share activities and experiences with other participants; and

WHEREAS, the City of Rockville is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder; and

NOW, THEREFORE, the Mayor and Council do hereby proclaim the month of April as Autism Awareness Month and further proclaim Thursday, April 2nd as World Autism Awareness Day in the City of Rockville. We urge everyone to increase their knowledge of the programs that have been and are being developed to support individuals with autism and their families.

Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Monique Ashton, Councilmember

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

David E. Myles
David Myles, Councilmember

Mark Pierzchala, Councilmember

March 30, 2020

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Appointments & Announcement of Vacancies
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Jacqueline Mobley

Subject

Boards and Commissions Appointments and Reappointments

Recommendation

Mayor and Council will appoint and reappoint the following members to the Boards and Commissions.

Financial Advisory Board

Darryl Parrish – Reappointment to serve a three-year term until March 30, 2023
Heui Chi Hsu – New appointment to serve a three-year term until March 30, 2023

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 3/25/2020

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Consent
Department: PDS - Comprehensive Planning
Responsible Staff: Andrea Gilles

Subject

Park Road and North/South Stonestreet Avenue Area Comprehensive Master Plan Amendment: Request to Release the Planning Commission Draft Document and Set a Public Hearing Date

Recommendation

Release for public testimony the Planning Commission Draft of the Park Road and North/South Stonestreet Avenue Area Comprehensive Master Plan Amendment, and set the Mayor and Council public hearing date for May 4, 2020.

Change in Law or Policy

If approved, the Park Road and North/South Stonestreet Avenue Area Comprehensive Master Plan Amendment would, for the subject area, 1) change the land use designations on the Planned Land Use Map, and 2) amend applicable text in the 2002 Comprehensive Master Plan, the 2001 Town Center Master Plan, the 2004 East Rockville Neighborhood Plan, and the 2007 Lincoln Park Neighborhood Plan.

Discussion

Background

This proposed plan amendment addresses one of the five key opportunity areas identified in the 2018 Stonestreet Corridor Study (2018 Study), which can be viewed on the City's website at http://www.rockvillemd.gov/2004/Stonestreet-Corridor. The 2018 Study included a robust year-long community engagement process leading up to the presentation of final draft recommendations to the Mayor and Council on August 1, 2018. At the August 1 meeting, the Mayor and Council directed staff to move forward on recommendations for three of the five opportunity areas: (see Attachment A, page 2 of the plan amendment, for a map of the Areas):

Area 2: The Montgomery County Public Schools (MCPS) and Montgomery County sites plan amendment. Status: adopted by Mayor and Council on March 25, 2019

Area 4: The North Stonestreet Avenue street improvements. Status: funding for design included in the FY2020 capital improvement program

Area 5: The Park Road and South Stonestreet Avenue street improvements. Status: funding for design included in the FY2020 capital improvement program

Also, on August 1, 2018, the Mayor and Council directed that the remaining two opportunity areas, Park Road and North Stonestreet Avenue (Area 1) and 1000 Westmore Avenue (Area 3), should be addressed as part of the Rockville 2040 Comprehensive Plan Update. Area 3 is located outside of the city boundary, but it could be annexed. 1000 Westmore Avenue is addressed in the Lincoln Park Planning Area (Planning Area 6) chapter of Volume II of the draft Comprehensive Plan, on pages 70-72.

Area 1 is the topic of this report and of this proposed amendment. Following comments from representatives of the East Rockville Civic Association at a Mayor and Council Community forum in early summer 2019, the Mayor and Council, at their July 8, 2019 meeting, directed staff to initiate the plan amendment process for Area 1 from the 2018 Study, and to do so in advance of completing the Rockville 2040 Comprehensive Plan process. This plan amendment is a result of that request and directly reflects the recommendations in the 2018 Study. Maps of the subject area can be found in the plan amendment document (Attachment A).

Plan Amendment Purpose

This plan amendment reflects the updated vision for the subject area that was developed through the community engagement process for the 2018 Stonestreet Corridor Study. Specifically, this amendment would:

- Change the Planned Land Use classifications for a set of properties that are currently designated, in one section, for a mix of commercial and service industrial uses; and, in another section, for detached residential homes. The new designations would promote a walkable, transit-oriented mix of residential and commercial development (Attachment A, page 7).
- Provide additional design guidance that includes placing the more intense development nearest the Rockville Metro Station and appropriately scaling down new development that would be adjacent to the existing residential areas (Attachment A, page 8).

Planning Commission Process

Following up on Mayor and Council direction, Planning and Development Services (PDS) staff presented a draft of the plan amendment to the Planning Commission on October 23, 2019. The Planning Commission approved, with refinements, the release of the draft and set the public hearing date for January 8, 2020. Prior to the January 8 public hearing, written testimony was received by several residents, the Maryland Department of Planning, and the East Rockville Civic Association. At the public hearing, twelve individuals provided testimony. A transcription of that oral testimony is included as Attachment B. Several individuals who spoke at the public hearing followed up with written testimony prior to closing the public record on January 15. Copies of all written testimony are included in Attachment C. The Planning Commission held a work session on February 12 to discuss the oral and written testimony and directed staff to

make revisions based on input received. A summary of the revisions can be found later in this report within the Boards and Commissions Review section.

At that same February 12th meeting, the Planning Commissioners voted four to one to approve the plan amendment document as the Planning Commission draft, subject to the directed modifications, for transmittal as a recommendation to the Mayor and Council. Staff has made the directed modifications, and Attachment A is the resulting Planning Commission draft plan amendment. The Planning Commission Resolution (Attachment D) certifies and attests, as required by the State Land Use Article, the Planning Commission recommendation for approval.

State of Maryland Requirements and the Public Hearing

The State Land Use Article requires that the legislative body (the Mayor and Council, in the case of Rockville) act within 90 days after the date that the Planning Commission certifies an attested copy of the recommended plan to the legislative body. A transmittal letter, included as the cover letter to the Planning Commission resolution (Attachment D), from the Planning Commission Liaison, Jim Wasilak, is dated March 25, 2020, thereby starting the 90-day period. The deadline to act within the 90 days is the Mayor and Council meeting on June 22, 2020. The legislative body may elect to extend that deadline, by resolution, to a maximum of 150 days after certification by the Planning Commission Chair.

If the Mayor and Council does not act by the deadline, the Planning Commission's recommended plan amendment will become part of Rockville's Comprehensive Master Plan.

The options of action for the Mayor and Council are to:

1. *adopt* the plan as sent by the Planning Commission,
2. *modify* the plan and then adopt it,
3. *remand* the plan back to the Planning Commission for additional work, or
4. *disapprove* the plan.

If the Mayor and Council wishes to pursue either of the first two options, the Land Use Article requires that the Mayor and Council hold a public hearing. Given that this plan amendment was initiated by the Mayor and Council, staff recommends setting a public hearing date so that adoption, or modification and then adoption, are available options.

Based on the City Charter requirements for notification and the Mayor and Council's scheduled meeting dates, staff recommends that the Mayor and Council set a public hearing date of May 4, 2020. After the public hearing, and receipt of written testimony, the Mayor and Council will have the opportunity to discuss public testimony and make any modifications it wishes to make before approving and adopting the plan amendment.

Mayor and Council History

On July 8, 2019, the Mayor and Council authorized staff to initiate a comprehensive master plan amendment for the subject area. This is the first Mayor and Council meeting on the plan

amendment since the Planning Commission completed its review and approval of the document for Mayor and Council review and action.

Previously, in 2017, the Mayor and Council initiated the Stonestreet Corridor Study and then held two work sessions in 2018 that ultimately resulted in the August 1, 2018 direction to begin implementing recommendations from the Study.

Options Considered

This plan amendment is another step toward implementing recommendations from the 2018 Stonestreet Corridor Study. Initially, the Mayor and Council decided to implement the recommendations for this area as part of the Rockville 2040 process. Members of the East Rockville Civic Association expressed a desire for quicker implementation and, as a result, the Mayor and Council directed staff to proceed with this process ahead of Rockville 2040.

Public Notification and Engagement

In advance of the Planning Commission public hearing, the draft plan amendment was submitted to the Maryland State Clearinghouse for review on October 30, 2019, which meets the State requirement of submitting draft plans at least 60 days prior to the Planning Commission scheduled public hearing. On that same day, the draft document was circulated to representatives from surrounding jurisdictions, Montgomery County Public Schools (MCPS), the Washington Metropolitan Area Transit Authority (WMATA), and Rockville Economic Development, Inc. (REDI). The document, along with information regarding the ways in which to provide testimony, was also sent to representatives of the East Rockville and Lincoln Park civic associations and community members involved in the Stonestreet Corridor Study process. A Notice of Public Hearing was published in the Washington Post on December 18, 2019. The December 2019 edition of Rockville Reports also included an article about the Planning Commission public hearing.

In addition to the required notification, for each step in the Planning Commission review and action process, staff sent a message to the email list that includes the East Rockville and Lincoln Park Civic Association, residents, business owners, local agencies and other interested parties that was developed as part of the Stonestreet Corridor Study process. The East Rockville Civic Association posted notifications on their Facebook page as well as to the association webpage.

There will be additional opportunity for engagement once the Mayor and Council public hearing is scheduled and the record opened for testimony. Staff will continue to keep the Stonestreet community stakeholders updated throughout the Mayor and Council process.

Previously, the community was engaged intensively during the development of the Stonestreet Corridor Study, which involved five public meetings and many additional meetings with neighborhood and business stakeholders.

Most recently, staff attended the East Rockville Civic Association Meeting on February 11 and provided a status update on the Plan Amendment, as well as answered questions about recommendations and process.

Boards and Commissions Review

At their meeting on February 12, the Planning Commission discussed public testimony (Attachments B and C) that was received at the public hearing and during the open record period. This plan amendment generated more testimony than the previous amendment for the MCPS and County properties. Several homeowners within the plan amendment area, and nearby, expressed concern about the proposed land uses, particularly the Residential Detached areas on and near Park Road that have been proposed to permit Residential Attached housing. They felt that more dense housing types would be incompatible with this area and would have a negative impact, particularly on stormwater management. Others, however, believed that a greater mix of uses would result in much-needed pedestrian improvements and such development would be appropriate next to transit.

After lengthy discussion about the testimony, the majority of the Planning Commissioners (four to one) largely supported the recommendations in the Plan Amendment with the following revisions:

1. Area 1 on the land use maps (Maps 3 and 4, plan amendment page 8): The property owners were concerned that the previous language was too specific about limiting residential uses next to the rail lines and requested more nuanced language to address the concerns about residential development near the rail lines. Staff recommended the following language, which was accepted by the Planning Commission: "Residential as the sole use is not encouraged at this location given site constraints due to the shallow lot depths and the abutting rail lines. If residential units are proposed as a component of a larger project, specific care should be given to ensure that negative impacts from the abutting rail lines are mitigated. For additional guidance, see Section C. Design Guidance, item g. Rail Line Impact Mitigation" (plan amendment page 9).

2. Area 4 on the land use maps (Maps 3 and 4, plan amendment page 8): The Residential Attached land use classification is recommended for this area. Much of the testimony and subsequent discussion revolved around the potential for development projects of up to six units on portions of Park Road. Ultimately, the majority of the Planning Commission agreed with the plan as proposed but requested the inclusion of language that highlights concern about stormwater management in the area. The following was added: "Particular consideration should be given to how stormwater is managed for any new development on the south side of Park Road. The area is lower in elevation, and residents have raised concerns about backyard flooding, under current conditions" (plan amendment page 7).

   Also, in response to concerns about the impacts of potential new development on existing neighbors, the Planning Commission requested the inclusion of a statement

within the design guidance section about spill-over lighting. Language was added to the recommendations under a. Neighborhood Transitions, to read: "Exterior lighting for new buildings should utilize a cut-off design to minimize light spillover onto surrounding properties" (plan amendment page 8).

3. The Planning Commission also agreed that it was their preference to remove the illustrative concept, originally used as part of the 2018 Stonestreet Corridor Study, that represented one potential redevelopment example for the area. Residents had concerns about the graphic illustration and Commissioners agreed to have it removed from their approved document.

4. A final revision was a recommendation by staff to include additional guidance about potential future options for the vacant properties identified on the land use maps as Area 3. A new "bullet" was added to the language under number 3 on page 7 of the document to read: "Explore options for the City to facilitate the development of these properties consistent with plan goals. Street improvements for the Park Road and South Stonestreet Avenue intersection have been proposed for inclusion in a future Capital Improvements Program, and the City may also want to consider options to coordinate the development of these properties with any future street reconstruction."

The revisions that were requested by the Planning Commission have been incorporated into the attached Planning Commission recommended draft (Attachment A) of the plan amendment.

Next Steps

The next steps in the plan amendment process are:

1. Mayor and Council public hearing;
2. Receipt of written public testimony;
3. Mayor and Council discussion of testimony and direction regarding any final revisions to the plan amendment; and
4. Approve and adopt the plan amendment.

If the plan amendment is approved, the following step will be to initiate the process to amend the Zoning Ordinance to reflect the policies of the amended plan.

Attachments

Attachment 10.A.a: Park Rd and Stonestreet Plan Amendment - Planning Commission Draft (PDF)
Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (PDF)
Attachment 10.A.c: Park Rd and Stonestreet Plan Amendment - Testimony (PDF)
Attachment 10.A.d: Park Rd and Stonestreet Plan Amendment - Planning Commission Resolution (PDF)

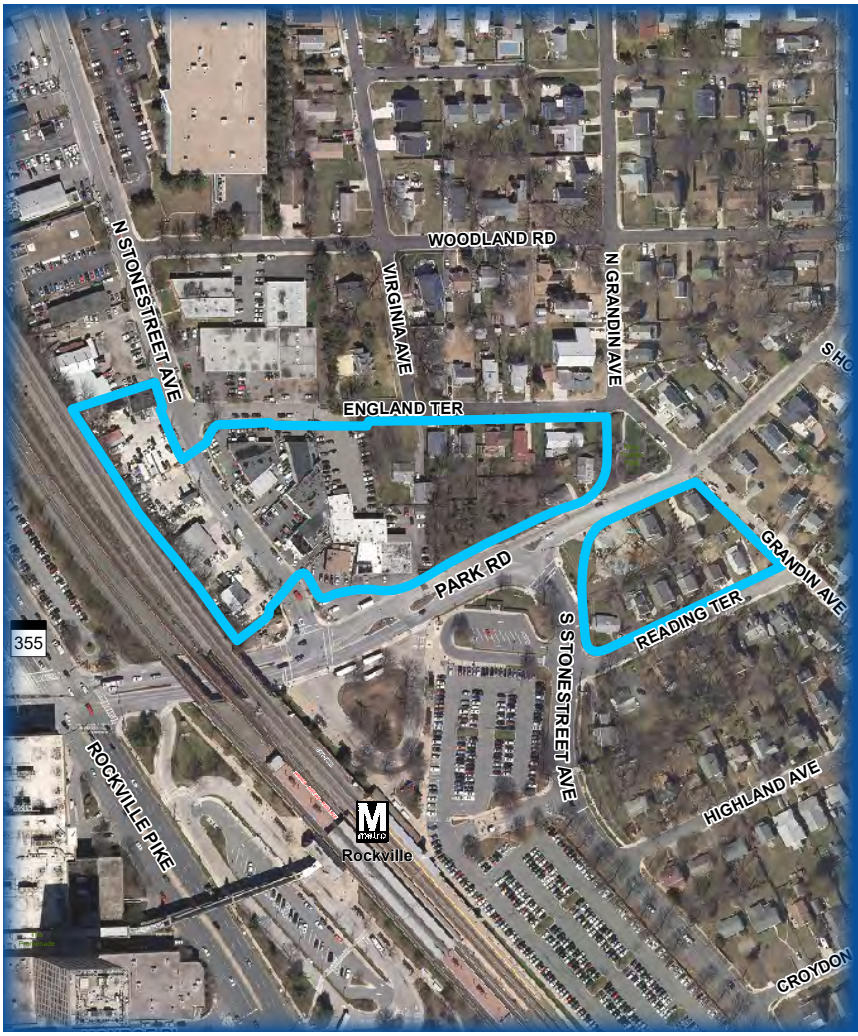
Jenny Kimball

Jenny Kimball, Deputy City Manager 3/25/2020

City of Rockville
Get Into It

PARK ROAD AND NORTH/SOUTH STONESTREET AVENUE AREA

Comprehensive Master Plan Amendment
Planning Commission Draft



February 12, 2020

CITY OF ROCKVILLE
MARYLAND

CITY OF ROCKVILLE

ELECTED AND APPOINTED OFFICIALS

Mayor and Council

Bridget Donnell Newton, Mayor
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

Planning Commission

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

PLANNING AND DEVELOPMENT SERVICES STAFF

Ricky Barker, Director
David B. Levy, Assistant Director
Jim Wasilak, Zoning Manager, Planning Commission Liaison
Cynthia Kebba, Comprehensive Planning Manager
Andrea Gilles, Project Lead
Sheila Bashiri, Principal Planner
Larissa Klevan, Principal Planner
Clark Larson, Principal Planner
Manisha Tewari, Principal Planner

CONTENTS

1.1 **Summary** 1

1.2 **Background** 1

1.3 **Planning Framework** 2

1.4 **Area and Context** 3

1.5 **Community Engagement** 4

1.6 **Proposed Comprehensive Master Plan Changes** 6

LIST OF MAPS

Map 1: Aerial of the Subject Area + Existing Land Uses 1

Map 2: Stonestreet Corridor Study: Key Opportunity Areas 2

Map 3: Planned Land Uses as Currently Adopted 8

Map 4: Planned Land Uses as Proposed 8

Map 5: Existing Zoning 10

Map 6: Potential Zoning Recommendations 10

Attachment 10.A.a: Park Rd and Stonestreet Plan Amendment - Planning Commission Draft (2996 : Park Road and North/South Stonestreet

1.1 SUMMARY

The purpose of this amendment to the 2002 Comprehensive Master Plan for the City of Rockville is to change the Planned Land Use for a specific set of properties around the intersection of Park Road and North Stonestreet Avenue, between the rail lines to the west and North Grandin Avenue to the east (see Map 1), and provide additional design guidance for redevelopment. The properties north of Park Road are bound on the west by the rail lines and on the east by North Grandin Avenue, extending north to England Terrace. The properties south of Park Road are bound by South Stonestreet Avenue on the west and North Grandin Avenue on the east, extending south to Reading Terrace.

Through the 2018 Stonestreet Corridor Study (2018 Study) public engagement process and planning analysis, key issues along the corridor were identified and confirmed. Park Road near its intersection with North Stonestreet Avenue is the first introduction to the east side after passing under the railroad overpass from the west. The Rockville Metro station is located on the south side of Park Road, a significant advantage for any future east side transit-oriented development. As in previous plans, the 2018 Study recognized this area as a priority for a transition to a more walkable and neighborhood-oriented place. This plan amendment reflects an updated vision for the subject area.

Specifically, this amendment:

- Changes the Planned Land Use classifications for a set of properties that have been, until now, designated for a mix of commercial and service industrial uses as well as detached residential to designations that promote a walkable, transit-oriented mix of residential and commercial development (page 7).
- Provides additional design guidance that includes placing the more intense development nearest the Rockville Metro Station and appropriately scaling down new development that would be adjacent to the existing residential areas (page 8).

Map 1: Subject Area Aerial + Existing Land Uses

1.2 BACKGROUND

On February 6, 2017, the Mayor and Council approved a Scope of Work for the Stonestreet Corridor Study, which was completed in July 2018. The 2018 Study area included approximately 145 acres of land, generally encompassing the east and west sides of North and South Stonestreet Avenues, from the northern boundary at Westmore Road, south to where South Stonestreet Avenue terminates. The process for the 2018 Study was community-driven and resulted in recommendations for land use, zoning, and infrastructure in five key opportunity areas within the Corridor.

This plan amendment area (subject area) was one of the five key opportunity areas identified by the 2018 Study (see Map 2, Area 1). On August 1, 2018, the Mayor and Council directed staff to expedite three of the five opportunity areas: the MCPS and County sites (Area 2); the North Stonestreet Avenue infrastructure improvements (Area 4); and the Park Road and South Stonestreet Avenue infrastructure improvements (Area 5). At that time, it was also

decided that the remaining two opportunity areas, 1000 Westmore Avenue (Area 3) and Park Road and North Stonestreet Avenue (Area 1) would be addressed as part of the Rockville 2040 Comprehensive Plan Update.

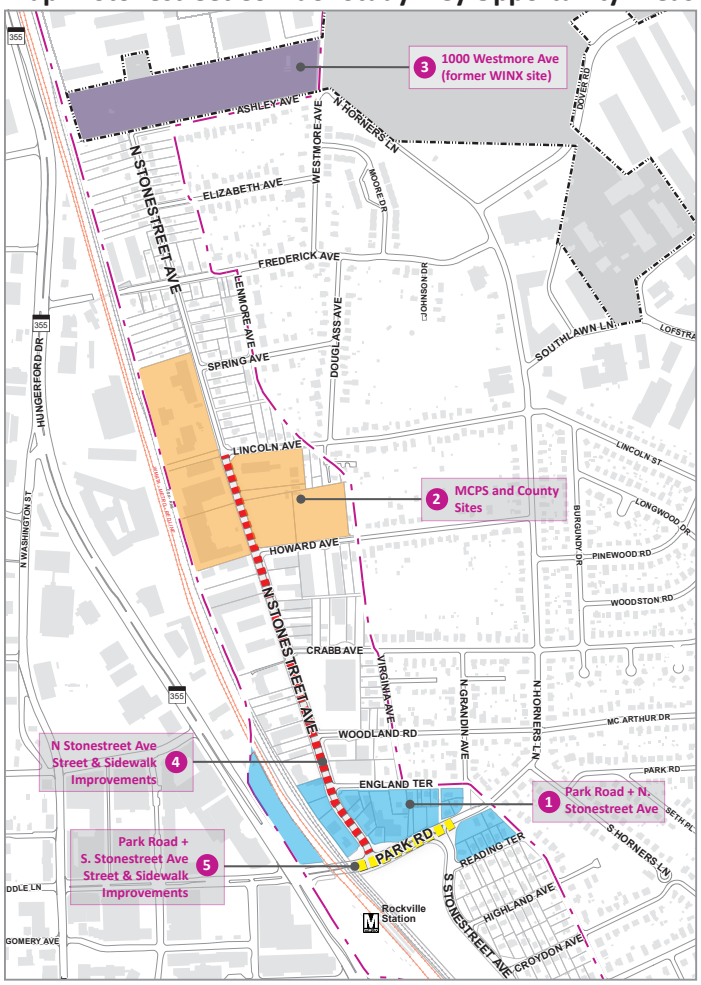
Shortly after receiving Mayor and Council direction, Planning staff submitted the Comprehensive Master Plan Amendment for the MCPS and County properties to Planning Commission for their review and approval. On March 25, 2019, after following the formal process, the Mayor and Council adopted the plan amendment, which laid a foundation for a future rezoning to allow a mix of uses, should the properties become available for redevelopment. In addition to the plan changes, progress has also been made on the recommended infrastructure improvements for North and South Stonestreet Avenues and Park Road. On May 6, 2019, the Mayor and Council adopted the FY 2020 budget, which includes capital improvement funds for the design of the North Stonestreet Avenue streetscape project and the reconfiguration of the intersection at Park Road and South Stonestreet Avenue.

In early summer 2019, representatives from the East Rockville Civic Association expressed concern at a Mayor and Council Community Forum about the timing of the Park Road and North Stonestreet Avenue area land use recommendations. In response, at their meeting on July 8, Mayor and Council directed staff to initiate the plan amendment process for this key opportunity area from the Stonestreet Corridor Study.

1.3 PLANNING FRAMEWORK

Recommendations for the subject area have been a component of several plans, including the 2001 Town Center Master Plan; the 2004 East Rockville Neighborhood Plan (2004 ERNP); the 2007 Lincoln Park Neighborhood Plan (2007 LPNP); and the 2002 Comprehensive Master Plan. Both the 2004 ERNP and the 2007 LPNP called for changes to the North Stonestreet Avenue corridor. They sought to add community-serving uses to the existing light industrial base, south of Howard Avenue, and to improve the infrastructure for pedestrians to establish greater compatibility with the adjacent neighborhoods.

Map 2: Stonestreet Corridor Study: Key Opportunity Areas



The 2004 ERNP described in detail a redevelopment concept for North Stonestreet Avenue that was "to transform the corridor into a mixed-use area of neighborhood serving retail, residential and small-scale office uses" (pages 17-19). It also included guidance about new development taking advantage of the area's location next to a transit stop (page 24). The 2004 ERNP was frank about the contrast between the vision for the corridor and its existing conditions. The plan stated that the preferred approach for the existing service industrial businesses was that they be grandfathered and not displaced, and that certain incentives should be considered to motivate upgrades to service industrial properties that would be in line with plan objectives (page 19).

The Planned Land Use map from the 2004 ERNP designated the properties fronting North Stonestreet Avenue, and at the corner of North Stonestreet and Park Road, for mixed-use development. The remaining properties in the

subject area were designated for detached residential housing, which, along with the accompanying single-family residential zoning, prohibits a mix of housing types that would better maximize the area's adjacency to transit and meet some of the housing demand pressures that the east side of the city is currently experiencing.

1.4 AREA AND CONTEXT

Park Road is a critical, and one of only a few, east/west connections within the city. The area is busy not only with cars, trucks, and buses utilizing Park Road, but also with walkers and bikers traveling to and from the Rockville Metro Station. There are crosswalks at the intersection, but the sidewalk that exists on the west (rail) side of North Stonestreet Avenue discontinues after less than 100 feet north of Park Road. People often walk in the street on the west side of North Stonestreet Avenue. Although there is a sidewalk on the east side, it is sub-par and often crowded by vehicles from the auto repair shops.

Also on the north side of Park Road, is a mix of one-story buildings set back from the street, over-grown vacant properties, and single-family homes. The commercial uses include a convenience store, a restaurant, multiple auto repair and body shops, and retail sales businesses. There is no open public use or gathering space within the commercial area, and access is vehicle-oriented. The closest green space is Mary Trumbo Park at the corner of Park Road and North Grandin Avenue. It is passive, landscaped space geared toward the residential neighborhood.

To the east of the Rockville Metro Station and South Stonestreet Avenue is the East Rockville neighborhood, predominantly comprised of single-family detached homes. Due in part to its proximity to transit, East Rockville has experienced increased development pressure over the past decade to accommodate new residents seeking relatively affordable housing near transit. Small homes have been demolished and have been replaced by large houses, some of which are used as rentals for multiple occupants.

Service industrial is the predominant existing land use on North Stonestreet Avenue, south of England Terrace. The properties are smaller in size and the lots are often maximized with parked vehicles, which

Park Road at N. Stonestreet Ave

N. Stonestreet Ave near the Park Road intersection

Park Road viewing west, near S. Stonestreet Ave

at times spill onto the street. This area is in need of up-grades to ensure that walking and biking are viable modes of travel on their own, as well as safe and comfortable connections to transit.

Progress has been made in recent years to improve pedestrian and bicycle infrastructure in the area. A new sidewalk and bicycle lane was recently installed adjacent to the Rockville Metro Station along South Stonestreet Avenue. Both travel lanes on North Stonestreet Avenue include painted "sharrows" (share-the-road painted bike and arrow markings) to indicate a shared road with bicyclists. On a more transformative level, the adopted FY2020 Capital Improvements Program includes the design of the North Stonestreet Avenue streetscape project and the reconfiguration of the intersection at Park Road and South Stonestreet Avenue, as recommended in the Stonestreet Corridor Study. Proposed improvements include enhanced sidewalks on both sides of the street, improved street lighting, landscaping, and improved bicycle infrastructure. These proposals, when constructed, will provide a much needed shift on North and South Stonestreet Avenues and Park Road toward better accommodating walkers and bikers, along with vehicles.

1.5 COMMUNITY ENGAGEMENT

The 2018 Stonestreet Corridor Study, the precursor planning process that led to this amendment, included five well-attended community meetings and several small group and civic association meetings in 2017 and 2018. The subject area was identified as a priority area for action at the first meeting. Some of the comments expressed about the area included:

- Improve pedestrian security on N. Stonestreet Avenue from the Rockville Metro Station to the neighborhoods, especially at night--- better lighting, complete sidewalks, better crosswalks;
- Encourage upgrades to existing businesses. Park Road at N. Stonestreet is the gateway to the east side;
- Add more housing options and vibrancy closest to the Metro with improved access to the station;
- Allow businesses to stay where they are;
- Improve safety for bicyclists and walkers on N. Stonestreet Avenue and at the Park Road and S. Stonestreet Avenue intersection;
- Construct sidewalks on both sides of N. Stonestreet Avenue;
- Address traffic management, congestion and parking that may result with new development;
- Redesign intersections near Rockville Metro Station to protect and encourage pedestrian access.

The subject area was one of the primary topics of the third meeting at which street improvement preferences were discussed for both North Stonestreet Avenue and Park Road, in particular its intersection with South Stonestreet Avenue. At the fourth community meeting on December 5, 2017, based on input up to that point, an example redevelopment concept was presented and discussed for the subject area that included a mix of housing types, mixed-use buildings with ground floor commercial, and improved

Park Road viewing east

Crowded sidewalk on N. Stonestreet Ave

Improvements on S. Stonestreet Ave near Metro

Attachment 10.A.a: Park Rd and Stonestreet Plan Amendment - Planning Commission Draft (2996 : Park Road and North/South Stonestreet

pedestrian and open space connections. The concept was presented again as a component of the draft recommendations at the final public meeting. Feedback about the illustrative concept was generally enthusiastic. Some of the responses from the meetings included: appreciation for the pedestrian-friendly concept; more housing and more housing types made sense so close to transit; and liking the idea that there would be more places and activities within walking distance. Some of the concerns were about parking, additional traffic, and what certain infrastructure improvements or redevelopment could mean for existing businesses.

1.6 PROPOSED COMPREHENSIVE MASTER PLAN CHANGES

A. Area Goals

In the event that the subject properties become available for redevelopment, they should bring about:

- A revitalized area and focal point at the corner of Park Road and North Stonestreet Avenue, establishing an anchored entrance to Rockville's east side, integrating such elements as building form and design, public art, landscaped open spaces or plazas, and wayfinding.
- Redevelopment that takes advantage of transit proximity, is well-connected, and that transitions appropriately to the East Rockville neighborhood.
- An upgraded pedestrian environment, including enhanced sidewalks, landscaping, street trees, public/civic gathering spaces, and pedestrian-scale lighting.
- A mix of walkable, local-serving commercial uses and multi-unit residential, and residential attached uses at the North Stonestreet Avenue and Park Road intersection.
- A range of new, high-quality residential attached housing types, designed to be compatible with the scale of adjacent detached residential homes.

The city should seek creative approaches to meeting these goals, including public/private partnerships, infrastructure investments, financing mechanisms, and/or others.

B. Land Use

A new set of planned land uses for the subject area are proposed with Map 4. In addition, the text from the Area Goals, Design Guidance, and Implementation sections will also be adopted as components of the Comprehensive Master Plan.

The changes to the proposed land use, pursuant to this plan amendment include the new land use categories that have been proposed as part of the Rockville 2040 Comprehensive Plan process. The categories and descriptions are:

RA: Residential Attached
Allows a variety of house types that share party walls. Types of permitted construction include rowhouse, duplex, triplex, fourplex, and small apartment buildings with up to six units total in a single structure. Detached houses are also allowed.

RRM: Retail Residential Mix
Expresses the city's interest in retaining or introducing retail in specific locations mixed with multiple-unit residential and/or residential attached types. The mix can be horizontal, with stand-alone retail next to apartment buildings on a development site; or the mix can be vertical, with retail on the ground floor and apartments above. In some locations, the plan indicates where retail is strongly preferred along a street front.

OR: Office or Retail
Allows either or both uses.

The numbers to follow correspond to the numbers on Maps 3 and 4 on the following page.

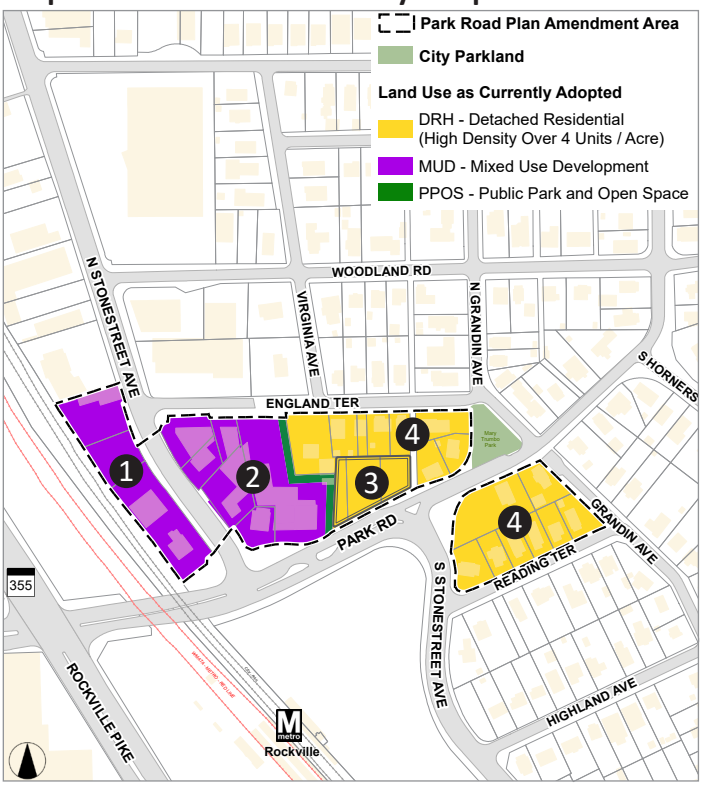
1. Amend the Land Use from **Mixed Use Development (MUD)** to **Office or Retail (OR)** to promote walkable retail, office, and services uses.
    - In addition to office and retail, artisan and craft/maker spaces are also encouraged at this location.
    - Residential as the sole use is not encouraged at this location given site constraints due to shallow lot depths and the abutting rail lines. If residential units are proposed as a component of a larger project, specific consideration should be given to ensure that negative impacts from the abutting rail lines are mitigated.
    - No new Service Industrial uses would be encouraged, but existing uses would be allowed to remain.

2. Amend the Land Use from **Mixed Use Development (MUD)** and **Public Parks and Open Space (PPOS)** to **Retail Residential Mix (RRM)** with building heights up to 4-5 stories (or 50-65 ft) to promote a mix of local retail and service uses and multi-unit residential across from the Rockville Metro Station.
    - No new Service Industrial uses would be encouraged, but existing uses would be allowed to remain.

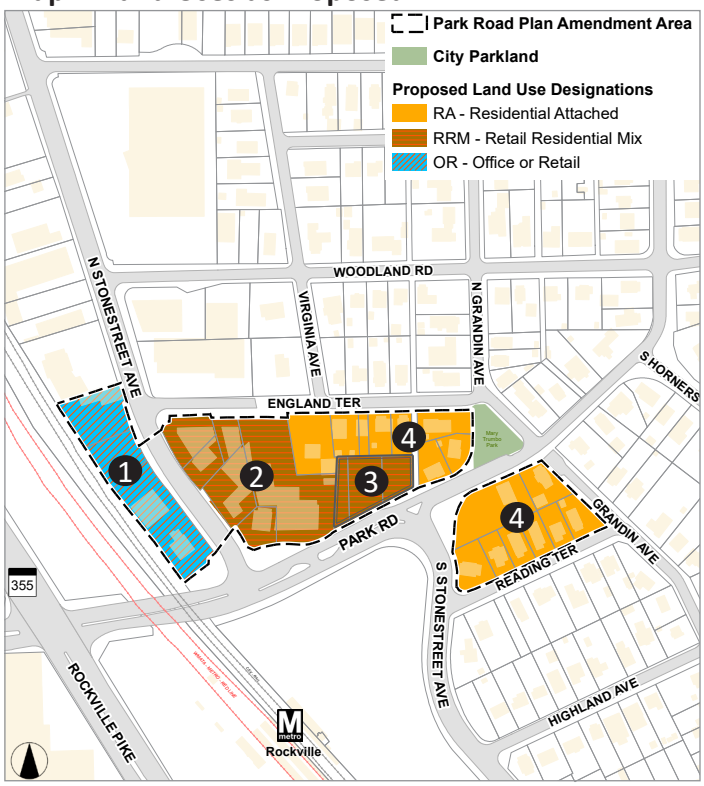
3. Amend the Land Use from **Detached Residential - High Density Over 4 Units Per Acre (DRH)** to **Retail Residential Mix (RRM)** to promote a greater mix of uses, including smaller-scale multi-unit residential, rowhouses, and limited commercial at this transit node.
    - Explore options for the City to facilitate the development of these properties consistent with plan goals. Street improvements for the Park Road and South Stonestreet Avenue intersection have been proposed for inclusion in a future Capital Improvements Program, and the City may also want to consider options to coordinate the development of these properties with any future street reconstruction.

4. Amend the Land Use from **Detached Residential - High Density Over 4 Units Per Acre (DRH)** to **Residential Attached (RA)** to promote a mix of infill housing types, compatible in scale with single-family homes, including duplexes, triplexes, fourplexes, and rowhouses.
    - A small multiplex with up to 6 units may be appropriate at the southeast corner of Park Road and South Stonestreet Avenue and on the north side of Park Road if the building fronts on Park Road.
        - The building should blend well with the surrounding residential detached neighborhood, transition well in scale, mass, and height to surrounding homes, provide enhanced connections to the Rockville Metro Station, and limit curb cuts on Park Road so as to focus vehicular access and parking to the rear of the building.
        - Particular consideration should be given to how stormwater is managed for any new development on the south side of Park Road. The area is lower in elevation and residents have raised concerns about backyard flooding, under current conditions.
    - For all other areas, all housing types included in the RA category are recommended except the multiplex with up to 6 units.

Map 3: Land Uses as Currently Adopted



Map 4: Land Uses as Proposed



C. Design Guidance

The recommendations in this section provide guidance for new development in both the private and public realms. They also promote compatibility with adjacent homes in East Rockville. Every effort should be made to integrate new development with the surrounding neighborhoods to further strengthen the existing community fabric.

a. **Neighborhood Transitions**: Provide sensitively scaled transitions between new development and existing neighborhood homes.
   - Orient maximum building heights along Park Road and North Stonestreet Avenue, away from the existing single-family residential.
   - New buildings should taper down in height and scale toward existing single-family homes to establish a compatible relationship between buildings.
   - Exterior lighting for new buildings should utilize a cut-off design to minimize light spillover onto surrounding properties.

b. **Public Realm Improvements**: Enhance pedestrian and bike connections to the Rockville Metro Station, to new open spaces, and to the surrounding neighborhoods through improved sidewalks, bike infrastructure, signage, landscaping, lighting, and public art.
   - Ensure that streetscape improvements that result from the redevelopment of individual properties are compatible with the overall street and sidewalk improvement recommendations from the 2018 Stonestreet Corridor Study.
   - Consider additional street connections and pathway crossings to break up block sizes and to create greater ease of access and pedestrian safety within the area.
     - Re-connecting England Terrace with North Stonestreet Avenue and North Grandin Avenue with Park Road should be studied and considered as part of any

Attachment 10.A.a: Park Rd and Stonestreet Plan Amendment - Planning Commission Draft (2996 : Park Road and North/South Stonestreet

redevelopment concept as a means to improve traffic flow, increase access points for pedestrians, and provide access to rear- or side-yard parking.
    - Any new street connections or pathways should be well-landscaped and designed for pedestrian safety.
- Consolidate and reduce the number of curb cuts where possible to minimize conflicts between vehicular access points and pedestrian and bicycle areas.
- Explore burying utility lines at the time of new development and/or street and sidewalk reconstruction.

c. **Building Orientation**: In general, orient the primary facades of buildings and front doors parallel to the street or to a public open space to frame the edges of streets, parks and open spaces, and to activate pedestrian areas. Establish building frontages along Park Road and North Stonestreet Avenue to include ground-floor retail, enhanced pedestrian areas and amenities, landscaping, and bicycle infrastructure.

d. **Facade Articulation**: Create an architecturally enhanced feature at the corner of North Stonestreet Avenue and Park Road by focusing new development at that intersection, incorporating high-quality design components, and enhancing the public realm.

e. **Parks and Open Space**: Incorporate accessible community use space, including parks and other contiguous outdoor green space into the overall redevelopment concept.

f. **Parking:** In general, parking areas should be set back behind front building lines, away from the public realm and screened from public view. For attached dwellings, rear garage access is preferred, whether the garage is integrated into the primary structure or whether it is a separate structure. Avoid front loaded garages whenever possible. For multi-unit dwellings, parking requirements should take into account the area's transit proximity.

g. **Rail Line Impact Mitigation:** Mitigate impacts on new development, particularly residential developments, related to the area being proximate to the rail line, in such areas as safety hazards, noise, vibrations and odors. The purpose is to safeguard residents, customers, and employees of these new buildings.

D. Implementation: Zoning

The land use plan amendment is one component of implementing the goals and recommendations from the 2018 Stonestreet Corridor Study for this area. If this plan amendment is approved by the Mayor and Council, the zoning will need to be updated, through a separate public process, to be consistent with the land use changes.

The potential zoning is as follows:

Property Specific (the numbers below correspond to the numbers on Map 6):

1. Rezone the properties from Mixed Use Business (MXB) to a mixed-use zone that allows for uses including retail, office, neighborhood services, and artisan/craft manufacturing.
    - Artisan and craft/maker manufacturing spaces are light-impact uses that have their operations generally enclosed within a building and produce little-to-no noise, vibrations or fumes outside of the building.
    - Residential as the sole use is not encouraged at this location given site constraints due to shallow lot depths and the abutting rail lines. If residential units are proposed as a component of a larger project, specific consideration should be given to ensure that negative impacts from the abutting rail lines are mitigated.

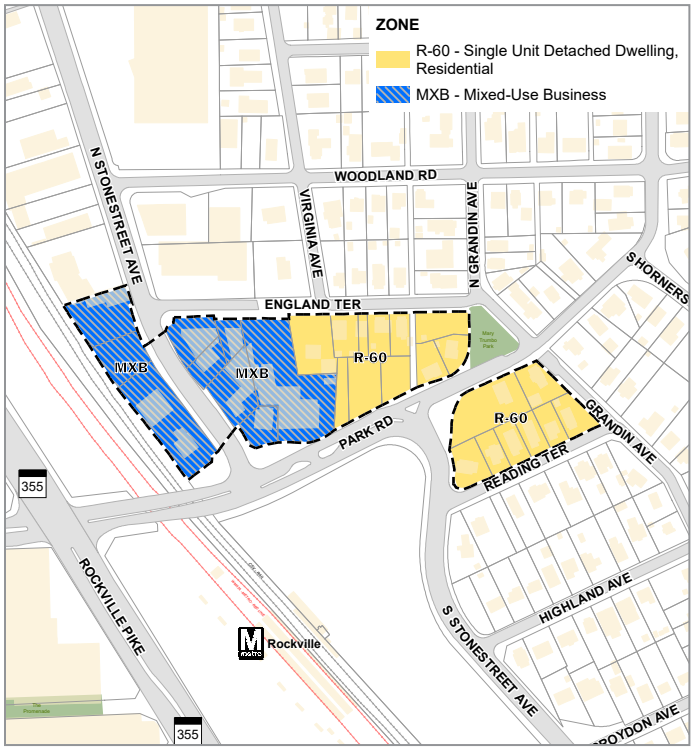
- No new Service Industrial uses should be permitted, but existing uses should be allowed to remain.

2. Rezone the properties from Mixed Use Business (MXB) to a mixed-use zone to promote a mix of local retail and service uses and multi-unit residential across from the Rockville Metro Station.
   - No new Service Industrial uses should be permitted, but existing uses should be allowed to remain.

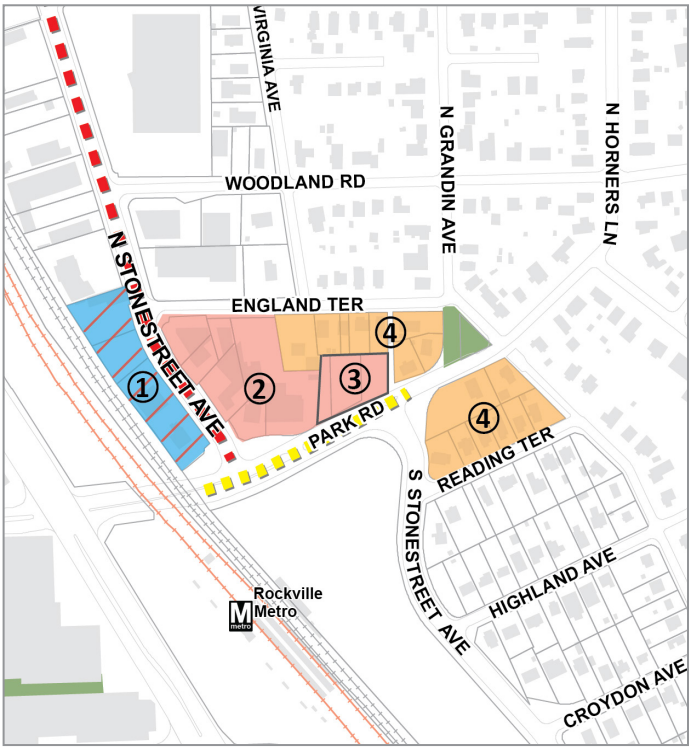
3. Rezone the properties from Single-Family Residential (R-60) to a mixed-use zone to promote a greater mix of uses, including smaller-scale multi-unit residential, rowhouses, and limited commercial at this transit node.

4. Rezone the property from Single-Family Residential (R-60) to a zone specifically designed for infill residential attached development.

Map 5: Existing Zoning



Map 6: Potential Zoning Recommendations



Attachment 10.A.a: Park Rd and Stonestreet Plan Amendment - Planning Commission Draft (2996 : Park Road and North/South Stonestreet

Park Road and North/South Stonestreet Avenue Area Comprehensive Master Plan Amendment

Planning Commission Draft

February 12, 2020

City of Rockville

Maryland

CITY OF ROCKVILLE PLANNING COMMISSION

ROCKVILLE, MARYLAND

MEETING NO. 01-2020

AGENDA ITEM NO. 2A
PUBLIC HEARING FOR PARK ROAD AND
NORTH/SOUTH STONESTREET AVENUE AREA
COMPREHENSIVE MASTER PLAN AMENDMENT

Wednesday, January 8, 2020

1 PARTICIPANTS:

2 Planning Commission:

3 CHARLES LITTLEFIELD, Chair

4 ANNE GOODMAN, Commissioner

5 SARAH MILLER, Commissioner

6 DON HADLEY, Commissioner

7 SUZAN PITMAN, Commissioner

8 JOHN TYNER, II, Commissioner

9 REV. JANE E. WOOD, Commissioner

10 Staff:

11 JIM WASILAK, Staff Liaison

12 ANDREA GILLES, Principal Planner

13 NICHOLAS DUMAIS, Assistant City Attorney

14 Speakers:

15 JOHN SKROSKI

16 ANASTASIOS E. VASSILAS

17 EFSTATIOS BALATSOS

18 RICHARD KOPLOW

19 MATT HASSINK

20 NANCY KOPLOW

21 RAY IZADI

22

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

PARTICIPANTS (CONT'D):

BRIAN SANFELICI

DEAN BAXSTRESSER

DON MASTERS

ROBIN DEKELBAUM

ALEXANDRA DACE-DENITO

* * * * *

P R O C E E D I N G S

CHAIR LITTLEFIELD: Thank you. That was quick. So, we will move on to the public hearing for the Park Road and North/South Stonestreet Avenue Area Comprehensive Master Plan Amendment. Staff would you like to give the initial report on this, or should we just go straight into --

MS. GILLES: There are just a couple of things I want to clarify to make sure that those in the audience know precisely the area that we're talking about because there are a lot of projects in this area so, I just want to clarify that, and also clarify some next steps.

CHAIR LITTLEFIELD: Please do.

MS. GILLES: Yes, okay. So, for the records I -- my name is Andrea Gilles. I am with Comprehensive Planning. So, tonight is the public hearing for the Comprehensive Master Plan for Park Road and the North/South Stonestreet Avenue Area. We've all received many briefings on this. This area is part of the 2018 Stonestreet Corridor Study, the much larger study for this area. We're

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

1 focusing in on one particular area of that study.
2 So, the area that we're looking at tonight or
3 discussing tonight is the inner section of Park
4 Road, or it's near the intersection of Park Road
5 and North Stonestreet. It extends to the south
6 Stonestreet area and it goes a little bit to the
7 north of Park Road up to England Terrence and it's
8 south of Park Road to Redding Terrance. It's
9 roughly about six acres. So, I know that there's
10 been a little bit of confusion because we've
11 talked about multiple areas within the Stonestreet
12 Study and also within the Rockville 2040 Plan
13 update. So, I just want to make sure that
14 everyone is on the same page about it just being
15 this particular area. And it does cover multiple
16 master plans and we would be amending those. What
17 we're discussing tonight is, or, what is before
18 the board at this time is the changes to the plan,
19 to the master plan, to the comprehensive master
20 plan of the city for this area. And right now
21 we're just discussing the land use. It's just the
22 land use amendment. It does include some design

guidance, but we have not gotten to the point of the zoning. That will follow this process. If this plan amendment is adopted, first you'll have a recommendation of approval by you all then it will go to Mayor and Council and if it's adopted by Mayor and Council then it will become the policy of this city and then we'll initiate a separate zoning case. So, right now we're just talking about the plan amendment, the land use that sort of hovers at a higher level and then we will move into the specifics of the zoning. So, tonight we'll be receiving the public testimony. Staff does recommend that we keep the public record open for one week until January 15th close of business, that would be next Wednesday. That's the same amount of time that we kept the last plan amendment public record open. We have received a lot of testimony thus far. So, we'll be discussing that tentatively. We are hoping to have that schedule, the work session, for February 12th to discuss all of the testimony. So, the testimony that's given tonight, we've also

received a lot of written testimony, we'll package all of that so that it's in your packets and we can review everything that we've received up until the point of closing the public record, which again, we recommend for January 15th. So, that's all I wanted to cover tonight. If there are any questions, I'd be happy to answer that and --

CHAIR LITTLEFIELD: And the proposed January 15th date for the public record, would you like us to vote on that now since people are going to be giving testimony, just so they know that --

MS. GILLES: Yes, please.

CHAIR LITTLEFIELD: --if needed they have until the 15th?

MS. GILLES: Yes, exactly, that would be great.

CHAIR LITTLEFIELD: Okay. Do I have a movement commissioner that motion to --

SPEAKER: So moved.

CHAIR LITTLEFIELD: Second?

SPEAKER: Second.

CHAIR LITTLEFIELD: Okay. All in favor

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

of keeping the public record open until COB, close of business on Wednesday, January 15th, please raise your hand? All opposed? No abstention so, that motion carries six to zero, up to zero --

MS. GILLES: Yep.

CHAIR LITTLEFIELD: --zero abstentions so, we'll keep it open until January 15th.

MS. GILLES: And to clarify for those of you who may not be aware, that means that you can submit written testimony and most of you, if you've received emails from me or, you've seen it on the East Rockville Civic Association web page, there's a list of ways that you can provide testimony, either by calling, or by email. So, you can still submit that information through the 15th.

CHAIR LITTLEFIELD: Okay, I have the list, the sign up list for the public testimony. There are according to my count, I think 19, 18 or 19 people roughly, maybe a little bit less, signed up already. We're going to go in order of the list. If at the end anyone still would like to

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

speak that hasn't already spoken you may do so, just, I'll ask, but simply raise your hand. And our ground rules are three minutes, you get three minutes if you're speaking as an individual, five minutes if you're here representing an organization. And we just ask that you state your name and address and then you can start speaking. And as already alluded to, you can testify here in person. You can also follow-up in writing, or if you've already submitted something in writing, you want to let us know, that's find too. So, the first person on my list is Mr. John Skroski. Mr. Skroski?

MR. SKROSKI: Good evening. Before I get started with my time, my wife and my -- I've bought six or seven neighbors that are here with me. I'm speaking on behalf of my neighbors. If you'd like, we could refer to ourselves as the Redding Terrance Organization. We have had a couple of meetings between ourselves as neighbors at dinners, different times we've discussed this with the East Rockville Civic Association, so, if

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

you'd like -- I've timed my speech here. I had sixteen minutes, I trimmed the fat down to about seven and a half to eight. They're willing -- some of my neighbors are willing to yield a little bit of their time to me. If not, I can cutoff in the middle of my speech and they'll probably just pickup from where I left off. To save time, if it would be okay with you, I'd kind of like to just read through it really quickly. When -- and do the best that I can. It'll take a few people off the list, so that time constraints will be the same. I'm not asking for additional time, it's just, my neighbors aren't as comfortable as I am with public speaking and they elected me to be the spokesman for it.

CHAIR LITTLEFIELD: So, they've already -- they're already on my list here.

MR. SKROSKI: They are.

CHAIR LITTLEFIELD: They (inaudible) but the door --

MR. SKROSKI: As a backup for --

CHAIR LITTLEFIELD: --but they won't

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

speak because you're going to speak in their place right now?

MR. SKROSKI: Well, they're willing to speak if I don't have enough time in my speech. They're willing to state their name and yield the rest of their time if the Commission would allow them to yield their time.

CHAIR LITTLEFIELD: How many individuals are with you?

MR. SKROSKI: We have six, we have eight total neighbors here --

CHAIR LITTLEFIELD: Okay.

MR. SKROSKI: -- and they're six that are signed up on the list, or two that are signed up on the list, or one through four that are -- five or six that are signed up on the list.

CHAIR LITTLEFIELD: Okay. Well --

MR. SKROSKI: I promise to be as brief and as direct. I really did have 16 minutes. I trimmed it down to eight. I'll submit it in writing as well but, for a project of this size and this scale and this importance to us with our

1 homes, it's the best I could come up with. It's
2 as short as I could get it.
3 CHAIR LITTLEFIELD: Sure, I -- it's, we,
4 I mean, we don't have rules, it's just a formal
5 organization, so, I'll qualify you in that regard,
6 but, we do have a five minute limit even for
7 organizations. I guess I can offer an exception
8 at my discretion. I'll look around and see if any
9 other commissioners are opposed to that. So, I'll
10 offer an exception to that five minute rule
11 assuming --
12 MR. SKROSKI: Thank you.
13 CHAIR LITTLEFIELD: -- there won't be
14 any more of those, but, please do try to keep it
15 to seven minutes --
16 MR. SKROSKI: I will.
17 CHAIR LITTLEFIELD: -- because I don't
18 know that I would allow sixteen since there are
19 other people also waiting to speak.
20 MR. SKROSKI: I understand completely.
21 (Inaudible) we appreciate your consideration for
22 that.

CHAIR LITTLEFIELD: Did you -- could you -- did you state your address at the beginning?

MR. SKROSKI: I will, yep. My name is John Skroski and my address is 24 Redding Terrance.

CHAIR LITTLEFIELD: Okay.

MR. SKROSKI: My wife Robin and I bought our first home here together seven years ago. We both grew up in other areas and we have no immediate family here. We both commute to Baltimore area every day and in doing so we pass by many communities that would be just as affordable and offer the same amenities as Rockville. I mean, at least that would be closer to our jobs and would offer better commutes. We live in Rockville because this is where we chose to buy our first home and this is where we have planned to stay for the foreseeable future. I'm here tonight to speak on behalf of my wife and several of our neighbors who are here tonight. All of them have heard and contributed to my address and support everything I have to say in

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

this speech. These neighbors are the very reason we haven't moved into a larger house with a better commute. If it weren't for our neighbors, we wouldn't have helped but feel like we bought a home, a home on the wrong side of Rockville. The side of Rockville that isn't given out the same consideration that the west side has given when it comes to redevelopment projects. Without knowing another time, this inequality was foreshadowed during my first attendance at a City of Rockville Planning Commission hearing, the now infamous No Homes in Chestnut Lodge meeting. During this meeting I saw a presentation from a developer who wanted to build townhomes at the site of the Old Chestnut Lodge, beautiful townhomes, all over a million dollars each. The developer and citizens of West Rockville made it very clear that these homes would never be considered affordable. Every detail of these homes were upscale with architectural details reminiscent of the Old Chestnut Lodge Hospital. The developers made sure that they even spent a significant amount of time

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

highlighting how they would protect existing holly bushes. Being new to the area, I had to drive through the neighborhood just to see these holly bushes because they were such an important topic. Now, I'm not a holly bush expert, but they look like just your average everyday holly bush to me. Some of you may know me because of the long battle that we've already had with Rockville when I tried to fight to save the hundred year old maple tree in my backyard when one of the largest mansions in East Rockville, now known to East Rockvillians as the East Rockville Taj Mahal Hall was being built next door. Many staff members know me as well. During our fight to save our tree I bought up our concerns to multiple city staff members and on their recommendation spoke on record before the Mayor and Council and Planning Commission. Every staff member I spoke with was incredibly helpful and genuine, but unfortunately, I was always given the same answer that most Rockville residents were given, "We'd really like to help you, but there is nothing we can do." It was clear that the city

wasn't going to help us and because of that, our beautiful hundred year old silver maple is likely going to die due to the teardown and rebuild that was built next door that cut over 40 percent of its root system because the city allowed the builder to build right up the all four setbacks on all four sides of the house. We hired a private arborist who specializes in tree values to estimate the value of our maple tree because it was clear we were going to lose it. The estimated value was about $50,000 without taking into consideration the removal, replacement energy costs from water management. Cost of the holly bush is $50.00. Yet, I still am hopeful that one day I will get to live in a Rockville where a hundred year old tree in East Rockville is given the same consideration as holly bushes in West Rockville. All this brings me to the issue of the meeting, the Park Road, North/South Stonestreet Avenue Comprehensive Plan. You want to know what is most surprising about this plan? The way we found about this special amendment to rezone our

1 neighborhood, Facebook. I can't even begin to
2 tell you how many notices we get in the mail every
3 time a commercial high rise on the other side of
4 Rockville Pike wants to put a satellite dish on
5 the roof, or Rockville wants to add yet another
6 massive affordable apartment complex within
7 walking distance to the Metro. But Rockville is
8 having a hearing on whether they're going to
9 rezone my neighborhood to build affordable
10 apartments in our backyard and we had to find out
11 through a random Facebook post. Not a lot of
12 transparency there. Under Section 1.5 of this
13 plan you indicated that in your opinion, residents
14 wanted to add more housing options and vibrancy
15 close to the Metro with improved access to the
16 station. Do you honestly think that by adding
17 four to eight small units it's really going to
18 make a dent in the demand for affordable housing
19 near transit? Secondly, I have lived in the DMV
20 long enough to know that affordable housing near
21 transit areas and areas as nice as Rockville,
22 Bethesda, Tysons, Vienna and Fairfax, is just a

1 pipe dream that isn't ascertainable. This stage
2 in the movie event there may be some other
3 intentions that aren't honest here. Desirable
4 location is what drives prices up through demand
5 and four to eight affordable units isn't going to
6 help the demand that all of Rockville is facing,
7 not just East Rockville. Have you ever seen the
8 homes in Bethesda and Potomac lately? They're
9 tearing down million dollar homes to build
10 multi-million dollar homes. Additionally, I was
11 at several of the early South Stone pre-meetings
12 and this amendment that we are here for tonight is
13 not what was talked about at those meetings or
14 what was proposed to us. What most of us all
15 thought you intended to accomplish was to make the
16 East Rockville Metro side look like the West
17 Rockville Metro side by adding mixed commercial
18 residential zoning on the WMATA and Montgomery
19 County properties, not by adding random
20 multiplexes in the middle of our neighborhood. In
21 fact, when I brought this amendment up, multiple
22 officers, both past and present, they all said

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

1 they had no idea that all of Redding Terrance and
2 Park Road were considered to be rezoned. They
3 said that's not what they were told when they
4 helped create the plan and that's not -- and that
5 they would have never supported it if it was.
6 There is a well-known joke about the City of
7 Rockville that goes, Rockville has never met a
8 developer they didn't like. As soon as they found
9 out that the entire even side of Redding Terrance
10 was set to be rezoned, not just by what was
11 discussed in 2017, I immediately looked up who
12 owned the property that's pictured in as an
13 example behind us. It's owned by a Bethesda
14 buyer. A Bethesda based Arcon Limited developer
15 owns at least most of the properties. The other
16 part is owned by Rockville, which is kind of
17 convenient that one of the key opportunity areas
18 to be redeveloped first is a piece that Rockville
19 already owns, meaning they have some (inaudible).
20 West Rockville isn't the only historic part of
21 Rockville. Apartments and duplexes do not fit
22 within the current style and historical blend of

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

1 our neighborhood. It's bad enough we have to deal
2 with a Taj Mahal. If we do -- if, with that said,
3 if you do move forward against our wishes are we
4 going to have the same design input into the
5 neighborhood transition that the residents of West
6 Rockville had on the Chestnut Lodge redesign? Do
7 you guys remember the parking issue with Chestnut
8 Lodge and underground garages so no one would have
9 to see unsightly cars which was essentially a deal
10 breaker? Are we going to have that same
11 consideration, leverage and pull? It kind of
12 appears that we already know the answer to that
13 because this is already exempted from the plan
14 from the soon to be New East Rockville
15 Neighborhood Plan, which sets design guidelines
16 and limits redevelopment for exact situations like
17 this. Lastly, it seems like the Planning
18 Commission of Mayor and Council is yet again
19 putting the cart before the horse. This is a
20 major development project that has already failed
21 on numerous occasions. Knowing this, why would
22 you even consider rushing to start with the

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

1 smallest little residential portion that has
2 almost nothing to do with the long term goals of
3 the South Stonestreet Project. What if this grand
4 mixed use commercial retail and residential
5 development doesn't happen? What if there's
6 problems with WMATA? What if there's problems
7 with Montgomery County properties. What if the
8 business owners change their minds again like the
9 last time when they sought legal council to halt
10 the project. If you force this through and none
11 of these other changes happen we're just afraid
12 that all you've done is open the flood gates to
13 more developers into our neighborhood. Without
14 these other pieces of the South Stonestreet
15 Project we essentially get none of the other
16 benefits you initially tried to sell us on. All
17 we're stuck with is a fixed intersection and a
18 hodgepodge of small single family homes surrounded
19 by large residential attached homes like the Taj
20 Mahal and random multiplexes that don't accomplish
21 any of the tended goals. In closing we are asking
22 for the following considerations: Urkel worked

for years to come up with the New East Rockville Neighborhood Plan and it's an accurate portrayal of how the residents feel. Please consider making this key area focus fall underneath the guidelines of the East Rockville Neighborhood Plan. Reincorporate this into the 2040 Plan and not try to amend the 2010, or the previous plan. Hit the brakes when starting with the residential sections. Start with the commercial stuff. Start with the retail stuff, the stuff you've been promising the citizens of East Rockville for 15 years. If you get that done and that starts to move forward, I'd happily reconsider the plan to make these amendments and if there are any developers here, please know that no one on Redding Terrance wants this to be rezoned or happen and none of us will be granting any kind of easements or allotments to our property to allow any kind of mixed use attached housing to be built there. Thank you, guys, for your time. Appreciate it.

CHAIR LITTLEFIELD: Thank you Mr.

Skroski. (Applause). The next person on my list is Anastasios E. Vassilas. Did I get that right?

SPEAKER: Yes, Mr. Chairman you did.

CHAIR LITTLEFIELD: It's my lucky day.

MR. VASSILAS: Congratulations first of all for your first assignment to (inaudible) Chairman. Happy New Year ladies and gentlemen. If you will allow me, the only thing that I know in my life I will make it very simple because I don't know enough English to make it complicated. With all due respect to the previous speaker, you can start to time me Mr. Chairman. I will start with my name. As you mentioned, I'm Anastasios E. Vassilas and I'm going to talk tonight about the location 100, a lot in the middle, and 200 North Stonestreet, approximately one and a half acres, next to the Metro. I have been there for 15 years and seen the changes from the Lincoln Street drug area to the safe, multiple use commercial industrial area. I'm the only one who is going to be effected for any amendment that the Planning Commission planning to do in the zoning, the

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

proposed changes in the zoning. Your statement to this allows me to have, or to continue having the current joining and be able to build a beautiful center eliminates the ability to do so because you are excluding me of developing several of the units of residential between the other units that I'm planning to do. And your statements are because I don't have enough depth and the noise from the trains in reference to the depth, I can say that I consulted very famous engineer company and they said I do have enough depth. In reference to the train noise. There are so many ways within the building code to eliminate the noise and if we're willing to comply with this. With your permission in the minute that is left, I would like to retain the present code zoning and to give you the flexibility that we need to build something beautiful next to the Metro Center. We want to avoid any changes and the surrounding court to remain the same. Thank you for your timing. I would like to give my next 30 seconds to my son-in-law who's willing to come after me if

you don't mind Mr. Chairman.

CHAIR LITTLEFIELD: I don't mind, but he can actually, if he's an individual, he can speak for himself as well for three minutes but, thank you Mr. Vassilas.

MR. VASSILAS: Thank you.

CHAIR LITTLEFIELD: Efstatios Balatsos.

MR. BALATSOS: Good evening.

CHAIR LITTLEFIELD: Welcome, please state your name and address for the record?

MR. BALATSOS: Efstatios Balatsos, 100 and 200 North Stonestreet Avenue. We would love to develop 100 and 200 North Stonestreet Avenue, but at the end of the day it's all about, you know, the bottom line. Right now it's an income producing property for us. We're very happy with what we have going on there. We would like to if we do develop it, it has to be something lucrative for us. And with the proposed zoning some of the language in the amendment takes away the ability to build residential to do something like a mixed use building which could possibly be more

lucrative than what we have going on right now. We just don't -- we're not sure if we want to do that, or do something else. We just want the flexibility to be able to have that option if we chose to do that. We would like the city to consider that, to not allow us -- I mean, to allow us to have that ability to have that flexibility. Okay, thank you.

CHAIR LITTLEFIELD: Thank you Mr. Balatsos. Commissioners I haven't been saying each time, but if you have questions except for the testimony, clarifying questions, please just interrupt me.

SPEAKER: Mr. Chair I just want to point out that people so far have talked about basically what's going to end up being a zoning situation. And particularly the gentleman from Redding, if you have that electronically send it to the staff so we have the complete --

MR. SKROSKI: I will then.

SPEAKER: -- and I would suggest that those of you who are interested about the zoning

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

1 come back when we have our next meeting because
2 what we're doing now is looking at the overall
3 push for the whole area for this whole area.
4 Zoning is part of it, but we're looking at what
5 the various uses could be which then will be
6 interpreted by a particular zoning. So,
7 appreciate you letting us know what it is now, but
8 it's only part of what we're doing tonight. So,
9 one, if you have something on zoning, please
10 provide it in writing to staff. It makes it a lot
11 easier for all of us. Thank you, Mr. Chair.
12 CHAIR LITTLEFIELD: Yes, and as
13 mentioned at the outset by staff, our job in all
14 of this, zoning or otherwise is to recommend to
15 Mayor and Council. We don't actually take that
16 final vote, so, it's just part of the process.
17 The next person on my list to give testimony,
18 Robin Nowrocki.
19 MR. SKROSKI: She yielded her time to
20 me.
21 CHAIR LITTLEFIELD: Okay, okay, thank
22 you. And Richard -- next, Richard Koplow.

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

MR. KOPLOW: I've yielded my time also except for 30 seconds.

CHAIR LITTLEFIELD: You may come up. There is enough people to add up to seven minutes. So, I'm not going to -- exactly.

MR. KOPLOW: Thank you. My 30 seconds, I'd just like to say that the East Rockville Civic Association has had many meetings and discussions about the plans for this area, one after another. This was never discussed there and the agenda that was published for this meeting is none existent. I have here one other neighbor who also found this on a Facebook page. There was no notification and no publication except for the title, which is absolutely uninformative. I, if you give us another week to get people here, we will come with 200. Thank you.

CHAIR LITTLEFIELD: Thank you Mr. Koplow.

MR. KOPLOW: I'm at 207 Redding Terrace.

CHAIR LITTLEFIELD: Thanks. (Laughter). Okay, Yuan, Wau, Wong,, sorry I'm having trouble

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

reading the handwriting. Okay. And again, I'm having trouble reading the handwriting, but, Mau Wen Ken. No? And then next on the list, Kevin and Cynthia Davis. No?

SPEAKER: (Inaudible).

CHAIR LITTLEFIELD: No, okay. Matt Hassink. Welcome Mr. Hassink. Name and address?

MR. HASSINK: Hi, yeah, Matthew Hassink at 206 Redding Terrance. Not to get too much into the specifics of the zoning, I do echo a lot of John's points. One of my concerns about putting different styles of buildings in this area for anybody who's looked at it, it is essentially a local minimum spot in terms of topography. We -- there is already significant water issues there. Many of the neighbors have spent thousands of dollars. Several different neighbors have had to deal with it. Putting any sort of mixed use building that does require parking to support a mixed use, say four units, eight units, whatever it is, is going to really impact the ability of -- the limited ability of what's there to deal with

the water that we're already dealing with. A parking lot surrounded by say, two larger mixed use buildings will I think, cause significant water issues for the rest of the neighborhood. I've not seen anything that touches on that particular point. It's a known issue in that area and, so, that is one of my significant concerns. Any sort of -- putting different styles of buildings there will have an outsized impact on what's already a significant water issue for all of the neighbors along that side and that's a concern that will cost a lot of money to deal with. And that's all I have to say so, thank you.

CHAIR LITTLEFIELD: Thank you Mr. Hassink. Garbadelia Whosada. Oh, it says you yielded time?

SPEAKER: Right here.

CHAIR LITTLEFIELD: You yielded your time? Okay. And Nancy Koplow.

MS. KOPLOW: Okay, my name is Nancy Koplow. I live at 207 Redding Terrance.

CHAIR LITTLEFIELD: Welcome.

MS. KOPLOW: Well known. (Laughter).

CHAIR LITTLEFIELD: Yep.

MS. KOPLOW: And I agree with everything John said and the other neighbors. But, in addition, there's another point I would like to make as far as usage. We have lived there a long time and we have a grandson living with us who has Cerebral palsy. We do not have a useable driveway. Adding extra parking issues we would have no place to park. We would have a hard time parking in front of our own house to accommodate our grandson. And also, the other point that I'd like to make is that esthetically there should be a flow. We shouldn't have low, high, high, you know, it should be a pleasant, more of a homogenous neighborhood, family neighborhood, that we live in, which is what we thought we were living in for the last 43 years. That's it. So, keep it the way it is. (Laughter). Thank you.

CHAIR LITTLEFIELD: Thank you Mrs. Koplow.

MS. KOPLOW: Thank you.

CHAIR LITTLEFIELD: Ron (sic) Izadi, Isade?

MR. IZADI: I don't have much to talk about.

CHAIR LITTLEFIELD: No, okay.

MR. IZADI: No, I feel that what you are dealing in terms of urban (inaudible) --

CHAIR LITTLEFIELD: Sir, if you are going to comment, please come up to the mic.

MR. IZADI: Yeah, my name is Ray Izadi.

CHAIR LITTLEFIELD: Ray.

MR. IZADI: I own 205 Park Road. It's listed under my old company. It's not a big development company and just for your information.

CHAIR LITTLEFIELD: Mr. Izadi, please direct your comments --

MR. IZADI: Yes --

CHAIR LITTLEFIELD: --to the testimony (inaudible).

MR. IZADI: -- so, it's a -- I feel as far as planning the city and being next to the Metro a medium sized development which help a lot

to the city plan and city design for the (inaudible) is concerned. So, there's a medium development that's between the lower housing and whatever development that's happening in the Metro, urbanistically will help the urban scale and makes a front gateway coming to the East Rockville area, which could add to the class of the neighborhood. I am in support of the design. Thank you.

CHAIR LITTLEFIELD: Thank you Mr. Izadi. Next on my list, Brian Sanfelici.

MR. SANFELICI: Right, here. My name is Brian Sanfelici. My place of residence is (inaudible) --

CHAIR LITTLEFIELD: If you could please, come up to the podium, sorry. That's our rules of procedure.

MR. SANFELICI: Brian Sanfelici, 210 Redding Terrance. I am a neighbor of these guys, and I want to exceed my time and say that I support both John and Matt and Nancy. So, that's it.

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

CHAIR LITTLEFIELD: Okay, thank you. I have some names that are crossed out and the next one of the addresses, the next and last one is Dean Baxstresser? Is that close, correct?

MR. BAXSTRESSER: Yeah.

CHAIR LITTLEFIELD: Okay. Welcome Mr. Baxstresser.

MR. BAXSTRESSER: Baxstresser.

CHAIR LITTLEFIELD: Baxstresser.

MR. BAXSTRESSER: Yeah, Thank you, thank you to the Commission. My name is Dean Baxstresser. I live at 206 Crab Avenue. I wanted to speak today to speak in support of the adoption of the amendment. I know there are a lot of different issues being raised today. I have a particular perspective and in particular, I would note that the plan, as many plans about Stonestreet have done, notes the sidewalks and accessibility are issues to be addressed. My concern as we move down the years that this has taken to address some of the accessibility issues is that we're potentially letting perfect be the

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

enemy of the good. I walk the Stonestreet Corridor every day to get to the Metro. I commute into the city for work. I view the Stonestreet Corridor especially the North Stonestreet Corridor in the particular area under review as a major through fare for pedestrians who want to access one access between East Rockville, particularly Lincoln Park and the area I live in on Crab Avenue, and the town center itself. I have dodged cars coming out of driveways, walking down Stonestreet. I have walked on the street, and often walk on the street instead of the sidewalk because the sidewalk seems too dangerous at times with cars coming and going and not looking for pedestrians. I have a busy job. I walk at night often, but I am always on guard walking down that street. I would say it's probably the most dangerous part of my commute. I view as the city's responsibility to provide accessibility for pedestrians, particularly to parts of the city that people are expected to enjoy together, and particularly for the major through fare of the

1 Metro station and town center itself. I also want
2 to note that I have a particular perspective on
3 this because my two children are handicapped.
4 They ride wheelchairs to school. It is not
5 currently possible to take them down Stonestreet
6 as a pedestrian. We have to drive to the town
7 center because the sideways are inaccessible for
8 children in wheelchairs or stroller traffic. And
9 the street itself, is too dangerous for -- because
10 the cars are traveling quickly and not encouraged
11 to slow down. I know that this is only part of
12 the plan. I know that we're talking about an
13 amendment today, but I would encourage adoption of
14 the amendment in order to speed the process and
15 encourage accessibility, an issue that has plagued
16 the city for decades now. Thank you. (Applause).
17 CHAIR LITTLEFIELD: Thank you Mr.
18 Baxstresser. I don't have any more names on my
19 list of people signed up, but if there is anyone
20 here who would yet like to speak? Mr. Masters.
21 MR. MASTERS: Greetings. My name is Don
22 Masters. I live at 307 (inaudible) Place. I'm

1 probably one of the newest residents to East
2 Rockville. I was surprised at this report that
3 came out and when we had our East Rockville Civic
4 Association in December, there was a lot of
5 discussion about it as well because it was a lot
6 of surprise. I went back and looked at --
7 there're a lot of documents apparently the come
8 before this and I went back. One that's not
9 mentioned in here, it's the 2006 Implementation
10 Plan that was not adopted by Mayor and Council
11 when the Mayor was Larry Giamo. There's a pretty
12 comprehensive plan and I really think that
13 deserves a good look by the Commission. It talks
14 about a lot of things that aren't in this plan.
15 The other thing is that the last council only
16 chose one of four segments of the Stonestreet and
17 Park Road area to be under review. And while I
18 always give Andrea a lot of credit for the things
19 she does, I think she was dealt a bad deal by only
20 this one plan being chosen. I don't know why. I
21 think it should really include the south part of
22 south Stonestreet and the Metro area as well.

I've reached out to Metro and they're probably not going to get involved in anything like this unless it's comprehensive and also includes both sides of the railroad tracks. So, I think this would just be a patchwork design if Metro doesn't get involved, especially with the plan redesign of the intersection there at the Metro station. It talks in here, it says "Demand pressures that the east side of the city is currently experiencing." I'm not sure of any demand pressures that are specific to East Rockville. I think it's in the whole D.C. area. So, I'm surprised to see that. There are a number of zombie properties in the East Rockville, so, if the city really wants to do something about housing, I think they should start addressing zombie properties. So, I think the Council, you should do your due diligence. Look it over. Look at the 2006 plan and I recommend that you send it back to the new council that we have saying that it's not sufficient and it should really include more of a comprehensive plan. Thank you.

CHAIR LITTLEFIELD: Thank you Mr.

Masters.

COMMISSIONER HADLEY: I have a question for Mr. Matthews (sic).

CHAIR LITTLEFIELD: Certainly. Would you mind coming back up? Don't go away mad.

COMMISSIONER HADLEY: Did I hear you refer to zombie properties?

MR. MASTERS: Correct.

COMMISSIONER HADLEY: And can you inform us what you -- what the character of that is with (inaudible) property?

MR. MASTERS: So, the term that's come up probably since the Great Recession is corporations and banks buying up properties and sitting on them, either waiting out the foreclosure until they can sell them for a profit, or just turning them into rentals, or just letting them sit. So, they've been given the name zombie properties because they just sit there and waste away in the neighborhoods.

COMMISSIONER HADLEY: And those are residential, detached residential properties?

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

MR. MASTERS: Most of the time, yeah, yeah. It's been given to residential, not to commercial.

COMMISSIONER HADLEY: Okay. Thank you.

CHAIR LITTLEFIELD: Anyone else would like to come up and testify on this item? No? Okay, I guess we will close the public testimony, this evening anyways, on this item, but just as a reminder you can always submit written testimony. We'll keep the public record open until the 15th of January and that.

SPEAKER: Mr. Chairman, can I?

CHAIR LITTLEFIELD: Sure.

SPEAKER: I know we want to close, but, I would just say -- I think I'm expressing maybe with some of my fellow commissions too. There are a lot of people here, not that many testified and it's not a bad thing to come up and share your thoughts and its been appreciated. So, I just -- before we close, I just wanted to add, you know, a motherly encouragement, or a fatherly encouragement. If there's something on your mind

that is kind of yucky to speak, go ahead and share it with us, we're all neighbors. We're all part of the same city. We're only here because we're volunteers, not because we're hot stuff.

SPEAKER: That's what the board tells me often.

(Laughter).

CHAIR LITTLEFIELD: Well, I'll give it one more chance for a raise of hands and all parties -- sorry, Commissioner Miller -- oh, okay.

MS. DEKELBAUM: This was completely unplanned, so, I apologize.

CHAIR LITTLEFIELD: And you don't -- three minutes is the maximum, so if you want to say you agree with this or that real quick, that's fine too, you or anyone else.

MS. DEKELBAUM: My name is Robin Dekelbaum. I am a business owner. I own a building on Stonestreet with my husband, Steve.

CHAIR LITTLEFIELD: Welcome.

MS. DEKELBAUM: We bought that building. I'm hoping to move our business into it. The

Planning Commission here denied us use in occupancy. We are struggling in our new location trying to keep ends up, trying to get open. I'm asking you all to please do due diligence, listen to these people, they're community. We're a business. We need to have a business area that's accessible. We need to have cooperation with the city. I'm very emotional, I apologize. It's a very sensitive subject for us. We've been struggling for a few years now, so it's at the very top, near and dear to my heart. We do need some changes, but, I do question some of the things and coming to these meeting are being more and more eye opening, again, I will be following and I will be getting more involved. I know our business community will be listening in as well.

CHAIR LITTLEFIELD: Sorry, I have a question, did you state the address of your business and also the occupancy would not be the Planning Commission's agreeing with the city.

MS. DEKELBAUM: We are currently at 7428 Westmore and 422 and 424 North Stonestreet.

CHAIR LITTLEFIELD: 7428 Westmore?

MS. DEKELBAUM: Mm-hmm.

CHAIR LITTLEFIELD: And the, there was another --

MS. DEKELBAUM: And the property that we bought, that we thought we were moving into and were denied use of after the closing, is at 422 and 424 North Stonestreet.

CHAIR LITTLEFIELD: North Stonestreet, okay.

MS. DEKELBAUM: Mm-hum.

CHAIR LITTLEFIELD: And I just want to -- when you said the occupancy was denied, that was not the Planning Commission, that would have been the city. So, you went to the city and occupancy was denied by the City of Rockville?

MS. DEKELBAUM: Mm-hum, the zoning at the City of Rockville.

CHAIR LITTLEFIELD: Okay, because we don't -- that's not under our --

MS. DEKELBAUM: That's not under you.

CHAIR LITTLEFIELD: -- (inaudible).

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

MS. DEKELBAUM: Thank you, sorry for that clerical mistake.

CHAIR LITTLEFIELD: That's okay.

MS. DEKELBAUM: Thank you.

CHAIR LITTLEFIELD: Thank you for testifying. Anyone else? Sure --

SPEAKER: (Inaudible).

CHAIR LITTLEFIELD: Well, we --

SPEAKER: (Inaudible).

CHAIR LITTLEFIELD: We will allow both, but one at a time. And the question, I mean, you probably -- you are welcome to ask it. I don't know that we'll answer it per se, but that can be part of your testimony. That's fine, anyways.

MS. DACE-DENITO: Hi, Happy New Year.

CHAIR LITTLEFIELD: Happy New Year.

MS. DACE-DENITO: I'm Alexandra Dace-Denito. I am president of Lincoln Park Civic Association and I did not want to talk previously because I thought it was very limited, very -- and the -- we wanted to hear from the people who live specifically in this area. But, from our point of

1 view this -- I represent a neighborhood that is
2 historically an African American neighborhood,
3 established in 1891. And we've been there hoping
4 for a change in this area for a very long time.
5 We've been very patient and we've been watching
6 our kids walking down the streets unsafe, so,
7 we've been worried about pedestrian safety for a
8 very long time. So, anything for us. Anything
9 that would improve this area we are all for it.
10 So, we approve that amendment and we are
11 respectful of the work of the staff. We've been
12 following with them since 2017 and we have regular
13 meetings since 2017. We too, are volunteers. We
14 take extra time from our own busy schedules to
15 make sure that we follow up on the work that the
16 staff of Rockville is doing since 2017 on that
17 project. And I really want to take this
18 opportunity to thank everyone. Thank you very
19 much.
20 (Applause).
21 CHAIR LITTLEFIELD: Thank you for
22 testifying. Is there anyone else who would like

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

to testify who hasn't yet testified? No? Okay.

SPEAKER: (inaudible).

CHAIR LITTLEFIELD: Have you already testified though?

SPEAKER: Yep.

CHAIR LITTLEFIELD: So we -- I'm sorry that --

SPEAKER: Can I ask you something? How are we -- the people that are effected the residences and the businesses, how are we going to be notified when something comes up like this, so we can act on it? Are you going to be sending things for (inaudible), or do we have to just rely on (inaudible)?

SPEAKER: (Inaudible).

CHAIR LITTLEFIELD: We don't normally engage. I've duly noted your question, but we don't normally as the public testimony process, engage in that, but, I would just say write us the question, or write to the staff, or if staff wants to answer now, I don't have a problem that.

SPEAKER: But when the issue comes up,

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

1 how are we notified?
2 CHAIR LITTLEFIELD: In terms of
3 notification, communication with the residents?
4 MS. GILLES: So again, to clarify that
5 this is a plan amendment. It's land use, which
6 has different noticing requirements than the
7 zoning. But, I can say that we have been sending
8 out notice. We've been sending out mailers since
9 2016, 2017. And part of what we do, so, we try to
10 reach out as much as possible. We do send a
11 couple of post cards out. We recognize that post
12 cards aren't the best way and the most effective
13 way to get people engaged or, they just kind of
14 toss them in the trash. So, one of the things
15 that we do as well, is work with the civic
16 associations in the area and other associations to
17 help them get the word out. So, which, I'm glad
18 to hear that several of you did receive that
19 information from the posting that came out from
20 the East Rockville Civil Association because that
21 information came from me. So, that's largely what
22 we do and we do in many ways rely on word-of-

1 mouth to get the information out. What I can tell
2 you is that we have a very long list of people
3 that have been involved in the process starting
4 with the Stonestreet process in 2017. I email out
5 to everyone updates on that process. Those of you
6 who spoke tonight, I would encourage you on the
7 signup sheet to make sure to leave you emails and
8 I will add you to that contact list and make sure
9 that you're receiving updates through the contact
10 list that I have currently. Oh, and that's a good
11 point. And we've also -- I think we've probably
12 been in, I don't know, 10 or 12 Rockville reports
13 over the past three years. It's a pretty regular
14 noticing that we give in fact, there were two
15 notices in Rockville reports for this meeting
16 specifically. It was the November meeting or the
17 December meeting, yeah, November and December,
18 both went out noticing this. So, we try to put
19 out as much information as we can, it's not a
20 perfect system, I acknowledge that. But, it is in
21 some cases word-of-mouth. But I do want to
22 clarify that when it's a zoning case, and with

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

1 specific to changing the zoning of a property,
2 noticing is different and that's why mailouts are
3 different.
4 CHAIR LITTLEFIELD: Commissioner Goodman
5 has a comment.
6 COMMISSIONER GOODMAN: Yeah, I just
7 wanted to say that even with -- the room is full
8 and that's a good thing. And even if you didn't
9 speak tonight, and you have something to say, I'd
10 encourage you to send it in writing by email. It
11 doesn't have to be more than a sentence or two,
12 but it becomes a part of the public record that
13 way. So, I would encourage you to do that if you
14 have thoughts about this and Happy New Year.
15 CHAIR LITTLEFIELD: Commissioner Wood.
16 COMMISSIONER WOOD: I just want a point
17 of clarification. How far in advance is the
18 agenda posted on the website?
19 SPEAKER: It's posted one week in
20 advance of the meeting?
21 COMMISSIONER GOODMAN: Is everyone here
22 familiar with the Rockville website?

MR. WASILAK: The city's website is: Www.rockvillemd.gov. and the Planning Commission's agendas are posted, if you look at the agenda itself, which is this document, appended to it is the entire briefing materials. So, those can all be reviewed online. So, everything that the commissioners receive in their brief book is also available online. So, I encourage everyone to page through that document.

SPEAKER: When did they receive it in their brief book, because you're giving us the week for the agenda, but when did they receive it in their brief book?

MR. WASILAK: They received it one week in advance of tonight.

SPEAKER: Everyone finds out at the same time? It's a week in advance of this agenda for this meeting? I'm just saying like a week seems like a very short amount of time.

MR. WASILAK: Well, as Ms. Gilles just stated that the notices went out in advance. The actual materials for tonight's meeting, which is

the report, were available one week in advance. The document itself which is the basis of the plan has been available online. There's a page for the Stonestreet study that's available too, so, you can review it there.

CHAIR LITTLEFIELD: A question for staff, yeah, the Planning Commission, we find out one week ahead of our meetings. But, in addition to your being able to contact city staff, any -- the Commission and including Mayor and Council, we can also be contacted by going to the website by anyone that wants to contact us about any issue, right?

MR. WASILAK: Right, there's a common email for the Planning Commission members it's -- you'll see it on their webpage. You can just click on it, or it's planning.commission@rockvillemd.gov and that will go to all the commission members individually.

MS GILLES: And this is the first step in the process. So, well, the first step in the official Planning Commission and Mayor and Council

1 process. What will occur after this -- I mean,
2 and this is really honestly one of the reasons why
3 I put -- I don't generally put, for the next steps
4 what date we're going to have for our work session
5 because that's why I have tentative up there
6 because it does tend to -- it can change, but
7 we're very much hoping that it's the 12th and so I
8 want to make you all aware of that. And also,
9 there is -- I just forgot what I was going to say.
10 Did I say something else? So February 12th,
11 sorry. So, there will also be, yes, I would
12 encourage you to go to the website, the
13 Stonestreet website. You can Google it,
14 Stonestreet Reporter, Stonestreet study of
15 Stonestreet plan amendment. It should pop right
16 up, and it will give you the information and all
17 the meetings that have come since then. There's
18 also the plan amendment that's up there on the
19 website. And, just to note, this has been posted
20 for -- the Planning Commissioners got the agenda
21 and the information a week ago, but it has
22 actually been posted for over 60 days because

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

we're required to have this information out and set for 60 days.

CHAIR LITTLEFIELD: Okay, but in closing no one should be out of the loop in my opinion. So, I would encourage anyone to -- there's a lot of different ways to communicate nowadays. So, I would encourage anyone to email the Commission on these -- on this stuff, on these issues and it will be going on for a while. This is just our first public testimony here at the Planning Commission and Mayor and Council as well. So, I'll end it there. I think we've got all our public input. It's good to see a full house of people though. So, the next item on our agenda is -- pardon. I mean, you are all welcome to stay, but I'm not sure if you want to, but (laughter), not that it's a bad topic, but, it might not be what you're here for. We are going to talk about the comprehensive plan update for 2040, and specifically, the town center, Montgomery College area, Rockville Pike and Woodmont. We'll give a pause though so, people who are leaving can leave

without interrupting.

(Whereupon, the PROCEEDINGS were adjourned.)

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of Virginia
Commission No. 351998
Expires: November 30, 2020

Attachment 10.A.b: Park Rd and Stonestreet Plan Amendment - PC Public Hearing Transcript (2996 : Park Road and North/South Stonestreet

Planning & Development Services Dept.
Received
JAN - 2 2020
Permitting and Inspection Services

City of Rockville Planning Commission,

c/o Long Range Planning, CPDS,

111 Maryland Ave., Rockville, MD 20850

RE: PARK ROAD AND NORTH/SOUTH STONESTREET AVENUE COMPREHENSIVE MASTER PLAN AMENDMENT

Greetings,

I am a homeowner in the East Rockville neighborhood. I have lived in the same East Rockville home for 10 years and am only a few blocks away from North Stonestreet Avenue and the Rockville Metro Station. I walked to the metro station for 9 years to go to work daily, and for the past year I have been driving to work. This is because I changed jobs and Metro is not a transportation option that would work for my current job.

I support the following recommendations in the Stonestreet Corridor Master plan amendment.

- -Wider/better sidewalks on both sides of North Stonestreet Avenue
- -Better lighting on Stonestreet Avenue and Park Rd
- -Improved/safer crosswalks for pedestrians

I believe that the above are simple, relatively inexpensive solutions that could improve the pedestrian experience in the area.

I support the idea of burying utility lines, however I do not believe that the benefit is worth spending *any* taxpayer money on.

I am *strongly* against the other changes to the zoning and structures that already exist in the area. In the 10 years that I have lived in East Rockville I have seen a significant increase in the volume of cars driving out of the neighborhoods heading west towards MD 355/I-270. This causes traffic problems to cross under the CSX/WMATA rail bridge near the Rockville Metro Station. Adding more dense housing in this area will only exacerbate the situation.

The traffic in Rockville (and Maryland in general) is already terrible. Adding more dense housing and more residents will only make it worse for everyone. If approved, nearly all the new residents in the new housing will certainly own cars, and some of them will certainly drive those cars every day to work. Just like many people (myself included), who live in East Rockville near the metro already drive to work because the metro is not an option depending on when or where a person works. We simply do not have the road infrastructure to handle additional residents. The idea that these people will only walk,

bike, or take the metro (and not own a car) is a fantasy. Just like *all* the residents on my street (only 2 blocks from the metro) still have cars that they drive almost every day (whether to work, shopping, or visiting family/friends).

Pedestrian safety is a big issue in Rockville. Particularly in the past few months there have been many pedestrians hit by cars. Rockville wisely installed fencing along the median of Park Road between the metro station and the restaurant and convenience store. This was meant to encourage pedestrians to only cross Park Road at the crosswalks. I still regularly see pedestrians (particularly bus drivers from the metro station) dashing across the street between the fences. This is dangerous to both the pedestrians and drivers. Constructing denser housing and more retail and offices across the street from the metro station will make this dangerous situation even worse as more pedestrians try to cross the street (and some will not use the crosswalk and/or ignore the crosswalk light). There will also be more cars in the area because of the denser developments. This will lead to a dangerous mix to an already dangerous area.

New retail/office/residential buildings will invariably push more overflow parking into the East Rockville Neighborhood streets. This would happen both during the work day (people visiting the offices/shops) and at night (people visiting the residents). This is already a problem. Most of the East Rockville residential streets are crowded with cars parked on the street. Some single family houses are being operated as 'boarding houses' and have 5 or 6 adult residents with 5 or 6 cars already parking on the streets. These streets are already overcrowded for the existing residents. These changes would only make it worse.

Any building being built more than two stories is too much. East Rockville is a neighborhood of many one-story houses. Putting a six-story building right next to it would ruin the character of the neighborhood. Even with the proposed 'scaled/transitional' buildings to the neighborhood, it would still ruin the feeling of the community. Given that the proposed development area is small, there is not enough space to do a gradual scaling/transitioning of building types. East Rockville homeowners will be able to easily see these large buildings from their homes, this will ruin the East Rockville character which the Mayor and Council are trying to protect with the proposed East Rockville Design Guidelines.

I also do not support changing the zoning of the current businesses in the areas to mixed use retail/office/artisan. We already have the Rockville Town Square, which is full of mixed use retail, and it is by most accounts a failure. It is full of shuttered businesses and is a revolving door for businesses that do not stay open for very long. And the city now has chosen to subsidize with taxpayer money failing businesses (Dawson's) in the area. It would not be a wise decision to open more retail less than a mile from the town center, where retail is already struggling. Also, there are plenty of office buildings in Rockville with vacant space. It does not make sense to open more office space in a place where there clearly is not an unmet demand for office space.

The service businesses (many auto shops) in this area are successful and have been for many years. They are not a revolving door of opening and closing businesses as in the town center. It is a mistake to try to fix something that isn't broken. These businesses are convenient for customers who can leave their cars to be repaired and then take the metro to work or home while the car is fixed.

If the goal is to make Stonestreet more 'visually appealing' and more pedestrian friendly, then improve the sidewalks (as mentioned earlier). Also, remove the parking meters on the street. The street parking

contributes to traffic back-ups as people try to parallel park their cars. The street parking also contributes to the cluttered look of the area. Finally, code enforcement or maybe new building codes for the facades of the existing businesses need to be considered. Do not let the businesses park their vehicles on the sidewalk and make them clean up the outside of their buildings/parking lots. This would go a long way to making it more visually appealing. There is no need to tear down all these businesses.

Quality of life in East Rockville should be a top priority for the City. In the 10 years that I have lived here, the quality has decreased as the place has gotten more crowded and congested. This plan would further continue the trend with little concern for the existing residents.

Sincerely,

Daniel Carelli

Resident of East Rockville and taxpayer (10+ years)

209 N Grandin Ave

Rockville MD 20850

From: Brian Sanfelici
To: Jim Wasilak
Cc: Planning Commission; Andrea Gilles
Subject: Re: Stonestreet Amendment
Date: Friday, January 10, 2020 3:31:30 PM

Thank you very much. I'd like to add, if I may, that even though I wrote about stuff I did NOT like, there are parts I do like, for instance making North Stonestreet more pedestrian friendly, and improving the Park Road/S Stonestreet intersection. I'm also mildly optimistic about the commercial/living ideas near the corner of N Stonestreet and along Park (the north side).
Thanks much, and have a good weekend,
Brian

On Fri, Jan 10, 2020 at 2:46 PM Jim Wasilak <jwasilak@rockvillemd.gov> wrote:

> Brian: On behalf of the Planning Commission, I wanted to let you know that each commissioner has received your email. Your testimony will be entered into the Plan Amendment public record, which closes on Wednesday, January 15 at 5:00 p.m. The Planning Commission will discuss all testimony at an upcoming work session, tentatively scheduled for Wednesday, February 12.
>
> Sincerely,
> Jim Wasilak
> Planning Commission Staff Liaison
> ----------
> -----Original Message-----
> From: BrianSanfel <briansanfel@gmail.com>
> Sent: Sunday, January 5, 2020 8:03 PM
> To: Planning Commission <Planning.Commission@rockvillemd.gov>
> Subject: Stonestreet Amendment
>
> Hello. I'm writing with my comments about the Comprehensive Master Plan Amendment to Stonestreet (and surrounding neighborhoods).
> First of all, I'd like to thank the city people that are working on this. I've been impressed with the effort you all devote to these projects and I appreciate that. Thank you.
> That being said, I don't like the new plans. I live in the block between Park, S Stonestreet, Reading Ter, and Grandin, which is planned to be rezoned for RA (Residential Attached), which I understand to mean that rowhouses or small apartments will be permitted.
> I think I understand the pressures and trends that lead to this change, and it seems like a rational response in the long run. I'm not too comfortable with the timing, though. I think the N Stonestreet/Park area should prove itself before our block is affected. The proposed changes are troublesome enough for me that I've started exploring leaving the area, which I am sad about because I really liked the community here. I think these new plans will disrupt that community.
> I do think you have some tough decisions in anticipation of future growth of population in the area. It seems rational to look to infill (I think that's the correct term for what's planned) this area, and I may be a casualty of that, but I don't think my newly planned RA block will succeed without the N Stonestreet/Park part succeeding first. I hate to see the nearby community ruined, but I think that's inevitable.
> Thanks for your consideration,
> Brian Sanfelici
> 210 Reading Terrace

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland
DEPARTMENT OF PLANNING

January 6, 2020

Mr. Charles Littlefield, Chair
Rockville Planning Commission
111 Maryland Avenue
Rockville, MD 20850

Dear Chair Littlefield:

Thank you for the opportunity to review the proposed amendments to the 2001 Town Center Master Plan, the 2002 Comprehensive Master Plan, the 2004 East Rockville Neighborhood Plan, and the 2007 Lincoln Park Neighborhood Plan. Please consider the Maryland Department of Planning's comments reflect the agency's recommendations and observations on ways to strengthen the City's proposed amendment as well as satisfying the requirements and intent of the State Land Use Article. The Department of Planning respectfully requests that this letter be made part of the City's public hearing record.

Please feel free to contact me at (410)767-1401, (or email charles.boyd@maryland.gov) or Susan Llareus, Maryland Capital Regional Planner at (410) 767-6087, (or email susan.llareus@maryland.gov). We appreciate your participation in the plan review process.

Sincerely,

Charles W. Boyd, AIPC
Director, Planning Coordination

Cc: Rickey W. Barker, Director of Planning and Development Services
Joe Griffiths, Manager Local Assistance and Training
Susan Llareus, Regional Planner for Maryland Capital Region

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland
DEPARTMENT OF PLANNING

Maryland Department of Planning Review Comments

January 6, 2020

City of Rockville 2002 Comprehensive Master Plan
2019 North/South Stonestreet Avenue Area Land Use Amendment

The Maryland Department of Planning (Planning) has reviewed the 2019 City of Rockville Comprehensive Master Plan Draft Amendment (Draft Amendment) for the North/South Stonestreet Avenue Area and offers the following comments for your consideration. These comments are offered as suggestions to improve the Draft Amendment and better address the statutory requirements of the Land Use Article.

Summary of Proposed Comprehensive Master Plan (Plan) Amendment

The Draft Amendment provides text and graphic proposed changes to the land use designations of certain properties for the North/South Stonestreet Avenue Area, as shown on Map 4: Land Uses as Proposed (page 7). The proposed land use changes are from Mixed Use Development and Park/Open Space to Office or Retail (Area 1), Mixed Use Development and Public Park and Open Space to Retail Residential Mix (Area 2), Detached Residential-High Density Over 4 Units per Acre to Retail Residential Mix (Area 3), and Detached Residential-High Density Over 4 Units per Acre to Residential Attached (Area 4), as shown on Maps 3 and 4 of the October 28, 2019 City of Rockville Public hearing draft report. The intention of these land use changes is to promote transit-oriented development, to place intense development nearest the Rockville Metro Station, and to scale down the height and massing of new development adjacent to the existing residential areas (page 1).

In addition to changing land uses, the Draft Amendment proposes the following area goals:

- A revitalized area and focal point at the corner of Park Road and North Stonestreet Avenue, establishing an anchored entrance to Rockville's east side, integrating such elements as building form and design, public art, landscaped open spaces or plazas, and wayfinding.
- Redevelopment that takes advantage of transit proximity, is well-connected, and that transitions appropriately to the East Rockville neighborhood.
- An upgraded pedestrian environment, including enhanced sidewalks, landscaping, street trees, public/civic gathering spaces, and pedestrian-scale lighting.
- A mix of walkable, local-serving commercial uses and multi-unit residential, and residential attached uses at the North Stonestreet Avenue and Park Road intersection.
- A range of new, well-designed residential attached housing types, that complement, and not overwhelm, adjacent single-family housing.

The Draft Amendment also provides design guidance for redevelopment (page 8), which includes discussions relating to neighborhood transitions, public realm improvements, building orientation, façade articulation, parks and open spaces, parking requirements, façade articulation, and rail line mitigation.

In addition to amending the 2002 General Plan, this amendment also updates the 2001 Town Center Master Plan, the 2004 East Rockville Neighborhood Plan, and the 2007 Lincoln Park Neighborhood Plan.

General Plan Amendment Comments

The process and scope of this amendment appear to have been instigated with the review of the 2018 Stonestreet Corridor Study, which identified the subject area as a high priority for action. The planning process and scope of this amendment appear to be thorough, inclusive, and articulate of the community's vision for the area. The Draft Amendment uses traditional neighborhood design concepts and techniques for improvements to the public realm and is noteworthy for the following attributes:

- Building support for the plan amendment with public engagement and input
- Enhancing mobility choices, safety, and connectivity
- Recognizing the importance of the built environment
- Identifying necessary zoning and land use changes

Planning appreciates the planning background provided on pages 1 and 2, and the city's forward-looking approach to proposing land use designations aligned with the Draft 2040 Rockville Comprehensive Plan. However, the city should consider removing this language upon final incorporation of the amendment into the Approved 2040 Rockville Comprehensive Plan, as it would "date" the amendment and negatively impact the cohesion of the larger combined document.

The City of Rockville is to be commended on this comprehensive plan amendment. The future of Rockville's North/South Stonestreet Avenue Area has been discussed in several neighborhood plans over the years. The 2018 Stonestreet Corridor Study conducted a comprehensive assessment of past neighborhood plans, worked with the community to identify practical redevelopment strategies, and identified a series of recommendations that promotes redevelopment, while also protecting the character of the adjacent residential community. The Draft Amendment is one of the first steps toward implementing the Corridor Study.

- Planning staff notes the subject area for the Draft Amendment is near the Rockville Metro Station. The proposed changes regarding area goals, land uses, zoning, public realm, and design guidance will make the area more transit-oriented, support transit usages, and improve pedestrian and bicycle accessibility in the area. Because the subject area is adjacent to the MARC and CSXT line as well, Planning suggests the city consider adding recommendations to the design guidance (found on pages 8 and 9) that would address safety design features near the rail line. As a reference, Transportation Research Board's National Cooperative Research Program Report 16 (http://www.trb.org/Publications/Blurbs/166831.aspx) provides guidance on how to avoid conflicting land use or mitigate existing uses and tools to achieve rail-compatible development, e.g., recommended zoning provisions, minimum setback standards, and lot and building layout guidance.

- Planning appreciates the city's concise, well-organized summary of the proposed changes and supporting context. Also, the side-by-side graphics showing the adopted vs. recommended zoning and land use designations greatly facilitated this review and will assist future readers of the plan.

- The vision for the subject area is clear, and the Design Guidance will be helpful in achieving the desired future development of the area, as expressed by stakeholders during the 2018 Stonestreet Corridor Study community engagement process (page 4). The concept of reducing the parking requirements for future uses, considering the proximity to the metro station, might act as an incentive for development (page 8).

- The City of Rockville may want to consider, as it prepares the Rockville 2040 Update, how to strengthen ties between the Comprehensive Master Plan (CMP) and its neighborhood plans. As neighborhood plans are updated, there is an increasing potential for internal inconsistencies to develop between the plans if the CMP is not used as a coordinating plan to set the structure and relationships. For example, this Draft Amendment introduces several new land use categories on the Planned Land Use Map. The 2002 CMP currently does not have a listing or description of the existing land use categories shown on the online Planned Land Use Map, nor does there appear to be a mechanism to catalogue the newly created land use categories. (*It should be noted the draft hearing report does acknowledge, "The proposed land use changes pursuant to this plan amendment include the new land use categories that have been proposed as part of the Rockville 2040 Comprehensive Plan process."* However, this amendment applies to the Approved 2002 CMP, and should further clarify the relationship to that plan

Subject Area Conceptual Example Scenario (Concept Plan)

The Concept Plan is for illustrative purposes but does an excellent job of integrating the goals and design guidance of the Draft Amendment and conforms to the vision plan developed for the subject properties. The proposed land use amendments more closely match the type and character of new residential development appropriate near a metro station. The Conceptual Development Plan appears to support a mix of uses within ½ mile proximity to the Rockville Metro Station; supporting a viable streetscape which will improve the pedestrian environment.

If Planning can be of assistance or facilitate assistance/information from other State agencies as the City of Rockville prepares the Rockville 2040 Update, please contact Susan Llareus, Regional Planner for the Maryland Capital Region, at 410-767-6087 or susan.llareus@maryland.gov

From: Jim Wasilak
To: Andrea Gilles
Subject: FW: Stonestreet corridor master plan
Date: Friday, January 10, 2020 2:49:55 PM
Attachments: image001.png

From: Jim Wasilak
Sent: Friday, January 10, 2020 2:42 PM
To: Michael Dutka <ditko86@gmail.com>; Planning Commission <Planning.Commission@rockvillemd.gov>
Subject: RE: Stonestreet corridor master plan

Mike: On behalf of the Planning Commission, I wanted to let you know that each commissioner has received your email. Your testimony will be entered into the Plan Amendment public record, which closes on Wednesday, January 15 at 5:00 p.m. The Planning Commission will discuss all testimony at an upcoming work session, tentatively scheduled for Wednesday, February 12.

Sincerely,
Jim Wasilak
Planning Commission Staff Liaison

From: Michael Dutka <ditko86@gmail.com>
Sent: Monday, January 6, 2020 10:16 AM
To: Planning Commission <Planning.Commission@rockvillemd.gov>
Subject: Stonestreet corridor master plan

Dear members of the Rockville planning commission,
I want to voice my enthusiastic support for the amendments to the stone street corridor master plan. I think this is a great location for dense transit oriented development and I also appreciate that Rockville is considering allowing more "mission middle" housing types to be permitted within the city. This is a great first step towards tackling the housing shortage in Rockville.

I recently wrote about the need for greater density in near the Town Center and the need for more missing middle housing:
https://ggwash.org/view/74924/rockville-voters-choose-newton-feinberg-ashton-pierzchala-myles

https://www.rockvillemd.gov/DocumentCenter/View/37168/Park-Rd---NS-Stonestreet-Ave-Area-Plan-Amendment-Public-Hearing-Draft?bidId=

I hope that Rockville will continue to explore other areas around the city where missing middle housing types like duplexes and fourplexes can be permitted.

-Mike

--
Dr. Michael S. Dutka
Computational Physics Incorporated
USNO Phone Number- 202-762-0242
Cell- 301-996-3588

From: Jim Wasilak
To: President ERCA
Cc: mayorcouncil; Andrea Gilles; Planning Commission
Subject: RE: Stonestreet Plan - ERCA comments
Date: Friday, January 10, 2020 2:23:46 PM
Attachments: image001.png

Dear Deborah: On behalf of the Planning Commission, I wanted to let you know that each commissioner has received your email. Your testimony will be entered into the Plan Amendment public record, which closes on Wednesday, January 15 at 5:00 p.m. The Planning Commission will discuss all testimony at an upcoming work session, tentatively scheduled for Wednesday, February 12.

Thanks, Jim

From: President ERCA <president.erca@gmail.com>
Sent: Wednesday, January 8, 2020 6:32 AM
To: Planning Commission <Planning.Commission@rockvillemd.gov>
Cc: mayorcouncil <mayorcouncil@rockvillemd.gov>
Subject: Stonestreet Plan - ERCA comments

RE: Stonestreet Corridor Park Road and North/South Stonestreet Ave Comprehensive Master Plan Amendment – Comments from East Rockville Civic Association

Dear Planning Commission,

I am writing on behalf of the East Rockville Civic Association (ERCA), to provide comments and feedback on the Stonestreet Corridor Park Road and North/South Stonestreet Ave Comprehensive Master Plan Amendment. We appreciate all the work the City has done to prepare this plan, and efforts by City staff to give us ample opportunities to understand its contents.

Generally, we are in support of the recommendations made in this plan. However, it is important that any new construction transitions into and blends with our neighborhood, and that the East Rockville design guidelines currently under development be applied to any new housing. Is there a way we can be assured that the East Rockville neighborhood design guidelines will be applied to the Stonestreet Plan?

Additionally, we have some concerns about parking for so much new housing, and the increased amount of impervious surface that will be created. We are excited about how much open space is proposed in the plan, which will create a welcoming, walkable environment. We hope much of this open space can be kept green, and where possible, efforts be made to make paved areas pervious.

More specifically, in section 1.6 – We fully support the wording in A (area goals). However, under B (land use), #2 – we feel that buildings heights of three stories are more in character with the neighborhood, and five is too many. Finally, while we understand that Figure 1 is a conceptual sketch, the size of the two buildings labeled "7" appears too large to match the character of the houses behind it.

It is clear that City staff and Mayor and Council have put a tremendous amount of time and effort into this plan, which we greatly appreciate. We are excited about continuing to work together to move this plan forward.

Respectfully,

Deborah Landau, President of East Rockville Civic Association

"Lift up your eyes and look beyond the sod" -Mary Trumbo

From: Jim Wasilak
To: Alexandra Dace Denito; Planning Commission
Cc: Andrea Gilles
Subject: RE: Public hearing January 8th, 2020-Comments
Date: Friday, January 10, 2020 2:06:27 PM

Alexandra: On behalf of the Planning Commission, I wanted to let you know that each commissioner has received your email. Your testimony will be entered into the public record for this item. The Planning Commission will discuss all testimony at an upcoming work session, tentatively scheduled for Wednesday, February 12.

Thanks, Jim

From: Alexandra Dace Denito <alex.dacedenito@gmail.com>
Sent: Thursday, January 9, 2020 11:55 PM
To: Planning Commission <Planning.Commission@rockvillemd.gov>
Cc: Andrea Gilles <agilles@rockvillemd.gov>
Subject: Public hearing January 8th, 2020-Comments

To Mr. Chair and Commissioners:

This is to add to comments made last night at the Public Hearing on N. Stonestreet/Park road, Plan Amendment.
Last night, I was not planning on making any comment at the Public Hearing, because I thought we should let residents directly concerned by the Plan Amendment Area the opportunity to express their concerns. What I heard, somewhat troubled me though. Comments such as "the way this was pushed… like this is Russia…we learnt of this only few days ago on Facebook" (not on the record, but as a whisper between the back-rows) were very displeasing to me personally, since we, as a Civic Association, spent a lot of time organizing around the meetings set-up by City Staff (and especially Andrea Gilles) for the Stonestreet corridor redevelopment study since 2017. The amendment did not come as a surprise to us, as it was announced in our meeting in October of last year (2019).

On one hand, I was not surprised by resistance expressed by some business owners, looking out for their own profits and bottom-line. On the other hand, I was baffled by the low level of information displayed by certain residents.
I do not understand, having just voted for a new Mayor and Council, that people may have voted, without knowing what the voting records are and what issues were addressed by the candidates, especially in their own backyard.

It also meant that we (collectively, civic association volunteers and city staff) may have failed as far as reaching out to people…we know that it is difficult to be aware of everything happening in the City, unless you are a dedicated volunteer or a "political junky". That is why info were disseminated using Rockville Reports, Rockvillemd.gov website, and with constant emails with civic associations. We may not have done a great job after all. It is hard to reach people, when they won't open their doors, or read their mail, emails or newspaper. I will suggest one more mean to reach out: oversized

colorful yard signs, a week before each meeting addressing future redevelopment plans, strategically posted on corners of streets concerned, so as to be seen while driving or walking by.

At last night's hearing, I stated that we, in Lincoln Park established since 1891, have been waiting for a long time for change along the Stonestreet corridor. It is true that being a Historic African American neighborhood's residents, we fight for preserving parts of Rockville that are historic, and that we care about. But we gladly support change on parts that we do not care much about especially when Quality of Life and Safety of residents are at stake.
Pedestrian Safety has been a longstanding issue on the lower part of N. Stonestreet and at the crossing of N. Stonestreet/Park road, near Metro. We will gladly support anything that would make this area safer and more walkable.

As far as adding affordable houses, what I heard last night sounded a little "short-sighted". We, Lincoln Park Civic Association, are especially in favor of work-force targeted housing (Police officers, firefighters, nurses, educators..). People who argue that Rockville will not benefit from adding affordable housing units are not the ones who plan for the Future. It will become more and more difficult for Rockville to retain its Youth if we do not plan better. Downtown square will continue to struggle, and the investments already made will be for nothing, if we bank only on seniors and elderly people on fix-income to make it thrive. I am sure that if these people understood what the function of a Master Plan is and how it is mandated by State law, they would think differently.

We support the plan and the amendment for change in zoning.
Thank you for your time.
Sincerely,

Alexandra Dace Denito, PhD
President, Lincoln Park Civic Association
Rockville, MD 20850
Phone: 301-424 1004
Cell: 240-353 8030

From: mykonosaev@gmail.com
To: Andrea Gilles
Subject: Today"s news
Date: Friday, January 10, 2020 11:28:35 AM

Dear Andrea,

As I mentioned during my presentation in front of the commissioners, we have owned our properties at 100 and 200 N. Stonestreet Ave along with the lot int the middle for 15 years and I pay my property taxes. Our civil rights are the same as those across the street from us. In addition, we own almost 1.5 ares when your rezoning project is 6 acres. So as you can see, we have over 25% of the size of these properties. In a simple terms, I'm addressing the issue to leave the zoning in our side as is.

When the time comes we will make the appropriate decisions of what not only the market details, but what is good for the people in the eastern part of Rockville. The goal is to make something beautiful. We like to avoid any additional expenses that we may need to do to prove to you that a deed is enough to qualify us for a portion of residential units if we decide to do so, the noise from the trains will be addressed and we will comply with all rules and regulations of the code.

Best Regards,

Anastasios Vassilas

--

CONFIDENTIALITY NOTICE:

This e-mail may contain CONFIDENTIAL INFORMATION which may also be LEGALLY PRIVILEGED and which is intended only for the use of the Addressee(s) named above. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail, or the taking of any action in reliance on the contents of this electronic information is strictly prohibited. If you have received this e-mail in error, please immediately notify us either by e-mail or by telephone at (240)-403-1661 and permanently delete the original e-mail, any copy and any printout thereof. Thank you.

DISCLAIMER: IRS regulations require us to advise you that, unless otherwise specifically noted, any federal tax advice in this communication (including any attachment(s) was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties; furthermore, this communication was not intended or written to support the promotion or marketing of any of the transactions or matters it addresses.

From: Jim Wasilak
To: Richard Koplow
Cc: Planning Commission; Andrea Gilles
Subject: RE: Plan Amendment - N Stonestreet
Date: Friday, January 10, 2020 2:19:19 PM
Attachments: image001.png

Dear Mr. and Mrs. Koplow: On behalf of the Planning Commission, I wanted to let you know that each commissioner has received your email. Your testimony will be entered into the Plan Amendment public record, which closes on Wednesday, January 15 at 5:00 p.m. The Planning Commission will discuss all testimony at an upcoming work session, tentatively scheduled for Wednesday, February 12.

Sincerely,
Jim Wasilak
Staff Liaison to the Planning Commission

From: Richard Koplow <richardkoplow@gmail.com>
Sent: Friday, January 10, 2020 1:13 PM
To: Planning Commission <Planning.Commission@rockvillemd.gov>
Subject: Plan Amendment - N Stonestreet

Esteemed Commissioners:

Procedurally, I suggest that the department is disingenuous when it asserts that much notice was given, in that earlier notices and discussions had centered around a long-discussed but different plan, from which the new amendment was actually exempted, and that for the hearing no notice was given which mentioned or hinted at the addition of Reading Terrace - nor was this presented to or discussed by neighborhood groups such as ERCA.

Substantively, I suggest that a more sensible plan, and more agreeable to residents and in keeping with plans actually disclosed to residents and discussed in resident organizations would have the following priorities and schedule, based on the public-hearing comments by (nonresident) business owners:on N. Stonestreet and by Lincoln Park area residents seeking more pedestrian accessibility on Stonestreet.
- First, to improve and ensure the pedestrian access on N. Stonestreet as a normal part of city maintenance;
- Then, to improve the immediate Metro property on both sides of the tracks
- Then, to sever the parcels in the proposed amendment and to focus improvement efforts on N Stonestreet acceptable to the business owners and affected residents;
- Only then, after these projects prove highly successful, to consider future inclusion of the existing Reading Terrace - Park Road residential area, which is in no way blighted, and for inclusion of which no public testimony or support was given at all.
- Again, no residents or organizations - in fact, no one at all - spoke in favor of the addition o Reading Terrace to the Plan.

Reading Terrace is a highly diverse block with stable residents and mixed but well-maintained homes; it preserves the traditional spirit and culture of Rockville.

Richard and Nancy Koplow
207 Reading Terrace
Rockville, MD 20850-4137
301 340 1324

From: Jim Wasilak
To: lukas wagner
Cc: Planning Commission; Andrea Gilles
Subject: RE: Stonestreet corridor study
Date: Friday, January 10, 2020 2:48:22 PM
Attachments: image001.png

Lukas: On behalf of the Planning Commission, I wanted to let you know that each commissioner has received your email. Your testimony will be entered into the Plan Amendment public record, which closes on Wednesday, January 15 at 5:00 p.m. The Planning Commission will discuss all testimony at an upcoming work session, tentatively scheduled for Wednesday, February 12.

Sincerely,
Jim Wasilak
Planning Commission Staff Liaison

From: lukas wagner <lw20853@yahoo.com>
Sent: Monday, December 9, 2019 11:04 PM
To: Planning Commission <Planning.Commission@rockvillemd.gov>
Subject: Stonestreet corridor study

Dear Planning Commission members,

I'm writing in support of the plans laid out in the Stonestreet Corridor Study dated May 21, 2018 at

https://www.rockvillemd.gov/DocumentCenter/View/28548/Stonestreet-Corridor-Study---Final---May-11-2018

In particular I support the zoning changes proposed on p.7, including mixed use and multiunit zoning on and near both N and S Stonestreet.
I'm also support the proposed changes to the former WINX site and N Stonestreet improvements, as well as the N stonestreet sidewalk improvements.

I am an east Rockville resident and homeowner since 2015, I have lived in Montgomery county since 1999.

For whatever it's worth, I grew up in a neighborhood with mixed apartments and single-family homes, actually laid out about when Rockville was (in Evanston IL, just north of Chicago). Higher density both makes sense (people need somewhere to live, and this neighborhood is right next to a Metro station), creates conditions that should help local businesses thrive, hopefully making the neighborhood more walkable, and helps land values. It works fine to have a mix of apartments and houses.

Good luck with your continued efforts to plan Rockville's future.

Lukas Wagner
104 Charles St
Rockville MD 20850

From: Jim Wasilak
To: Susan Garrett Clemons
Cc: Planning Commission; Andrea Gilles
Subject: RE: Input on Stonestreet
Date: Monday, January 13, 2020 4:11:54 PM

Susan and Garrett: On behalf of the Planning Commission, I wanted to let you know that each commissioner has received your email. Your testimony will be entered into the Plan Amendment public record, which closes on Wednesday, January 15 at 5:00 p.m. The Planning Commission will discuss all testimony at an upcoming work session, tentatively scheduled for Wednesday, February 12.

Thanks!
Jim Wasilak
Staff Liaison to the Planning Commission

From: Susan Garrett Clemons <clemonsrockville@msn.com>
Sent: Sunday, January 12, 2020 6:23 PM
To: Planning Commission <Planning.Commission@rockvillemd.gov>
Subject: Input on Stonestreet

We are writing in to give our support of the Stonestreet Corridor recommendations. The East Rockville neighborhood has worked hard and for many years to outline a plan for our neighborhood. The recommendations are a result of many planning sessions and input from the residents. These recommendations are also included in our East Rockville Neighborhood Plan.

Susan and Garrett Clemons

January 13, 2019

Rockville Mayor and Council

Rockville Planning Commission

Rockville Planning and Development Services Staff

My name is Jonathan Skroski, and I live at 204 Reading Terrace. I spoke at the public hearing on the proposed Park Road and North/South Stonestreet Avenue Area Master Plan Amendment on January 8th, 2020 regarding the many concerns the residents of Reading Terrace share. As disclosed during the meeting, there were other points of concern that were removed from the testimony due to time constraints but are worth mentioning in writing considering our residential properties will be the most affected by this nonsensical and truly disappointing amendment to the2002 Comprehensive Master Plan. Per the request of the Planning Commission, below is the address that I made to the Planning Commission followed by our additional concerns.

When I spoke on January 8th, I was representing the following East Rockville Residents:

- Tammy and Jake Harlow
- Richard and Nancy Koplow
- Brian Sanfelici
- Matthew Hassink and Gabriela Uceda
- Rudy Stanley

As presented during the meeting:

My wife Robin and I bought our first home together here 7 years. We both grew up in other areas, and we have no immediate family here. We both commute to the Baltimore area every day and in doing so we pass by many communities that would be just as affordable and offer the same amenities as Rockville. Communities that would be closer to our jobs and would offer better commutes. We chose to buy our first home in Rockville because we really liked the area and until this recent development, this is where we had planned to stay for the foreseeable future.

Our neighbors are the very reason we haven't moved into a larger house with a better commute. If it weren't for our neighbors, we wouldn't help but feel like we bought a home on the wrong side of Rockville. The side that isn't given an ounce of the same consideration the west side is given when it comes to re-development projects.

Without knowing it at the time, this inequality was foreshadowed during my first attendance at a City of Rockville Planning Commission meeting, the now infamous "No Town Homes on Chestnut Lodge" meeting. During this meeting I saw a presentation from a developer who wanted to build townhomes at the site of the old chestnut lodge. Beautiful townhomes, over $1 million dollars each. The developer and citizens of West Rockville made it very clear that these homes were to never be considered "affordable." Every detail of these homes were upscale with architectural details reminiscent of the old chestnut

lodge hospital. The developers even made sure to spend a significant amount of time highlighting how they would protect the existing holly bushes. Being new to the area, I just had to drive through the neighborhood and see these holly bushes because they were such an important topic. Now I'm no holly bush expert, but they look like just your every day average holly bush to me.

Some of you may know me because of a long battle we had with Rockville and a developer when I tried to fight to save the 100 year old maple tree in my back yard when one of the largest McMansions in East Rockville (now known to East Rockvillians as the East Rockville Taj Mahal) was being built next door. Many City staff know me as well. During our fight to save our tree, I brought our concerns up to multiple City staff members and on their recommendation spoke on record before the Mayor and council and planning commission on multiple occasions. Every staff member that I spoke to was incredibly helpful and genuine, but unfortunately I was always given the same answer most Rockville residents are given "We'd really like to help you but there is nothing we can do". It was clear that the City wasn't going to help us and because of that, our beautiful 100 year old Silver Maple is likely going to die due the "tear down and rebuild" next door that cut over 40% of its root system because the city allowed the developer to build right up to the setbacks on ALL four sides…

We had to hire a private arborist who specializes in tree values to estimate the value of our maple tree because it was abundantly clear that we were going to lose our fight. The estimate that they provided was over $50,000 and that's without taking into consideration what it would cost to remove the tree, replace the tree, energy costs, or storm water management issues that will arise when the tree dies. A cost of a holly bush is roughly $50. And yet I still have a dream that one day I will live in a Rockville where 100 year old trees in East Rockville will be given the same consideration as holly bushes in West Rockville…

All of this brings me to the issue of the Park Road and North/South Stonestreet Avenue Area Comprehensive plan amendment. Do you know what is most surprising?? It's the way we found out about this special "amendment" to re-zone our neighborhood… Facebook!! I can't even begin to tell you how many notices we get in the mail every time a commercial high-rise on the other side of Rockville pike wants to add a satellite to their roof or Rockville wants to add yet another massive affordable apartment complex within walking distance to the metro…. But Rockville had hearings on whether they are going to re-zone my neighborhood to build "affordable apartments" in our backyards and we had to find out through a random Facebook post! So much for "transparency"

Under Section 1.5 of this plan, you indicated that in your opinion, residents wanted to "Add more housing options and vibrancy closest to the Metro with improved access to the station; Do you honestly think that adding 4-8 small units on Park Road is really going to make a dent in the demand for affordable housing near transit? Secondly, I've lived in the DMV long enough to know that "Affordable housing" near public transit in areas as upscale as Rockville, Bethesda, Tysons, Vienna, Fairfax etc. is just a pipe dream that isn't ascertainable. This leads me to believe that maybe some of the intentions for this rezoning aren't exactly honest. Desirable location is what drives prices up through demand, and 4-8 random affordable units isn't going to help the demand that ALL of Rockville is facing, not just East Rockville. Have you seen Bethesda and Potomac lately? They are tearing Million dollar homes to build Multi-Million dollar homes…

Additionally, we attended several of the early Stonestreet Corridor Study meetings and this Amendment is not what was discussed or proposed in any of the small groups. What almost all of us thought you intended to accomplish was make the East Rockville Metro side look like the West Rockville Metro side by adding these housing options by rezoning the existing Mixed Used Business to Mixed Use Commercial/Residential Zoning on the WMATA and MOCO Properties. Not by adding random multiplexes in the middle of our neighborhood. In fact, when several of us brought this Amendment up to multiple ERCA officers and members (both past and present), they all said they had no idea that ALL of Reading Terrace and Park Road were to be re-zoned. They said that's not what they were told when they helped create the plan and that they never would have supported that.

There is a well-known joke about the City of Rockville that goes "Rockville has never met a developer that they didn't like." As soon as we found out that the entire even side of Reading Terrace was set to be re-zoned, not just what was discussed in 2017, we immediately looked up who owned the property that's pictured in the conceptual example directly behind us (205 Park Rd). The property was previously for sale as a single family home last summer. Huge shocker… it's a developer!! Arcon Limited, based in Bethesda. Well most of it, except for the small portion the City of Rockville happens to own. It's interesting that one of the "key opportunity areas" of the plan just so happens to include a piece of property Rockville already owns meaning they already have a significant stake in this redevelopment.

West Rockville isn't the only historic part of Rockville. Apartments and duplexes do not fit in with the current style and historical blend of our neighborhood. It's bad enough we have to deal with the Taj Mahals. With that said, If you move forward with this against our wishes, are we going to have the same design input into the "Neighborhood Transition" that residents of West Rockville had on the Chestnut Lodge redesign? Remember that parking issue you had with Chestnut Lodge and underground garages so no one would have to see unsightly cars which was essentially a "deal breaker"? Are we going to have that same consideration, leverage, and pull? Well, it appears that we already know the answer to that because you've already exempted this portion of the plan from the soon to be finalized new East Rockville Neighborhood Plan which sets design guidelines and limits redevelopment for exact situations like this.

Lastly, it seems like the planning commission and mayor and council is putting the cart before the horse again. This is a MAJOR redevelopment project that has already failed on numerous occasions. Knowing this, why would you even consider rushing to start with the smallest little residential portion that has almost nothing to do with the long term goals of this South Stonestreet Project? What if this grand mixed-use commercial/retail/residential development doesn't happen? What if there more WMATA issues (we already heard they denied Rockville's request to be on their redevelopment board) or issues with the Moco properties? What if the business owners change their mind AGAIN? As I'm sure you are aware, last time this was proposed the Business owners obtained legal counsel to halt the project. If you force this through and none of these other changes happen we are all afraid that all you have done is OPEN THE FLOOD GATES to more developers in our neighborhood. Without the other pieces of this Stonestreet project we essentially get none of these other benefits you initially tried to "sell us" on. All we are stuck with is a fixed intersection and a hodgepodge of small single family homes surrounded by large Residential Attached homes like the Taj Mahal and random multiplex complexes that don't accomplish any of the intended goals of this project.. Unless of course, the real goal is to make sure a developer makes his money.

In closing, we are asking the following considerations:

- ERCA worked for years to come up with the new ERNP and it's an accurate portrayal of how the residents feel. Make this "Key Area" fall under the guidelines so many worked so hard for.
- Reincorporate this into the 2040 plan before you decide to forever change the dynamic of our neighborhood.
- Hit the brakes on starting with the residential portions, and focus on the commercial and retail places first.
- For any developers that may be here, please know that no one on Reading Terrace and Grandin wants this to be rezoned nor are any of us willing to grant any easements onto our properties.

Additional concerns that were cut due to time constraints:

Rain Water Management (Please see attached Topography Map of Reading Terrace)

The residents on the even numbered side of Reading Terrace and the section of Park Road behind us, have major rain water runoff issues that again makes us wonder why Rockville would even consider choose our small section to re-zone. Our section is the only section of the entire study that sits in a small valley. We have attached a topography map showing that all surrounding properties sit at high elevations thus all rainwater runoff from surrounding properties heads our way. Many residents have spent thousands of dollars managing the flooding issues in our yards and basements. Many of us still experience major flooding when we get any considerable amount of rain. We have even heard from many neighbors who grew up in Rockville and remember as kids playing in the creek that used to run behind our homes before the Metro was built. Many of us have struggled for years with managing the rain water runoff. We are extremely concerned that any development in our backyard will flood all of the neighboring properties. Redeveloping this area to allow for larger, multi-unit dwellings will only create more water run-off problems that our small properties already simply can't handle.

Below is a photo we took of flooding at 206 Reading Terrace in 2018. This is a normal occurrence but on this day, we took a photo to send to our neighbors who weren't home as we were concerned about possible flooding of their basement.

Rockville is allowing our neighborhood dynamics to be changed by property owners who DO NOT live here!

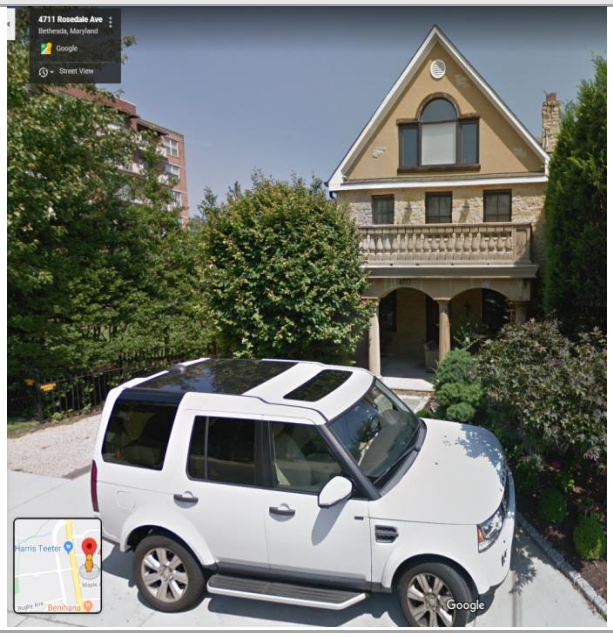
When we moved to Rockville, we were greeted by neighbors who stopped by to introduce themselves, brought cookies and treats, and even offered to run errands for us as we unpacked our belongings. For the last 7 years, we have all looked out for each other, we have neighbors who watch our home when we are out of town, neighbors who collect our mail and bring around our trash cans, neighbors who we share meals with, neighbors we attend trivia night with, neighbors we plan block parties with, and neighbors we simply just sit around a fire pit with. No offense to North Bethesda, but this sense of community didn't exist in our previous condo complex, where we called "home" before buying our first home in Rockville.

This summer, my mother came to stay at our home while my wife and I were out of the country. We thought it would be a welcomed break for her since we just lost my dad this spring, her husband of 35 years. She offered to stay in our home and watch our dog. Our dog has a lot of energy and a tendency to pull on her leash when she sees other dogs. While we were away, our neighbors saw my mom struggle while walking my dog and for two weeks offered her assistance by walking the dog or simply joining her for the evening walk. When we came home, the first thing my mom said was "you have such wonderful neighbors." On top of that, on Thanksgiving morning, my mother (who lives in Massachusetts) received a text from one of my neighbors sending her warm wishes on Thanksgiving acknowledging that this one was going to be particularly tough with the absence of her husband. My neighbors knew my mom for less than 2 weeks and thought of her on Thanksgiving morning.

It's no secret to anyone who has seen this amendment that something seems fishy and borderline corrupt about this amendment. During the Planning Commission Public Hearing, the property owner of 205 Park Rd also provided testimony in which he claimed his property, designated as small apartments in the master plan amendment, was purchased under his old company's name, Arcon Limited. We suppose it's just a coincidence that his "former" company just so happens to be a real estate development company in Bethesda which is still active with the state of MD. He is still listed as the registered agent, and the company still has an active website promoting large apartments and commercial buildings throughout Maryland and Northern Virginia. The bigger point is… he doesn't live here! He lives in a beautiful home assessed at over $1 million in Bethesda (see below), a much more desirable place to live than Rockville. His property on Park road is a rental property. It's funny how none of our neighbors knew anything about our street being included in this amendment until we saw a random Facebook post, yet somehow the owner of this property knew about the public hearing and he doesn't even live in our neighborhood. Rockville is essentially going to allow development companies to have the same input as the long-term Rockville residents when this study and proposal was supposed to be about what was best for the citizens of Rockville not what's best for developers.

We are concerned that the city of Rockville is creating a precedence with property developers who have no interest in our neighborhood dynamics. Although no one can stop someone in Bethesda or Potomac from buying properties in East Rockville, the city should acknowledge that those who do not live here shouldn't have the same input/leverage on changing the neighborhood dynamics based on their intentions. Please see below:

Rental Properties vs. Owner on Reading Terrace/ Park Rd

Rental Home	Vs	Residence
205 Park Rd, Rockville, MD		**4711 Rosedale Ave, Bethesda, MD**
		

Rockville is putting the cart before the horse, again…

As I mentioned during my address to the planning commission, the timing of this particular amendment seems to be incredibly rushed and poorly thought out. This study is the beginning of a major redevelopment project that has been being considered since at least 2004. It has been proposed several times in the past and as far as we can tell, it has failed each time.

It's no secret that businesses in the Rockville Town Square have experienced a great deal of struggle over the last 12 years. So why is Rockville expediting any amendments when they haven't fully addressed these issues? Why wouldn't Rockville take the time to truly understand why these businesses are struggling in such a largely populated area before we begin planning the next re-development project? What if the business owners on the east side of the tracks experience the same struggles that the business owners are experiencing on the west side? There are a number of theories on why the Rockville Town Square is struggling. From parking issues and high rent, to poor visibility from Rockville Pike. Either way, wouldn't the city want to learn from these failures so they don't make the same mistakes? Most importantly, why would Rockville expedite the part of this plan where you are encroaching into residential zoning instead of focusing on the businesses that have already invested in Rockville?

Date: January 10th, 2020

To: The Planning Commission - City of Rockville
Department of Planning and development Services
111 Maryland Ave. Rockville, MD 20850

From: H. Ray Izadi, AIA
4711 Rosedale Ave. Bethesda, MD 20814
(Owner of) 205 Park Road, Rockville MD

Re: Park Rd / Stonestreet Area Plan Amendment

Dear Planning Committee,

I would like to express my support for the proposed masterplan amendment, as a professional and a property owner. Please note the following points:

- The intersection of Park Road and Stonestreet is in desperate need of improvement in terms of pedestrian safety and automobile traffic pathways. The best solution for this would be to implement a right-angle intersection, where Park Road and Stonestreet meet, with proper pedestrian crossing areas and even bike paths.
- The intersection and buildings on both sides of the street are quite run down and project a bad image for the East Rockville section. When entering Park Road from 355 and coming out under the Metro bridge, the citizens should be welcomed by a presentable space and image for the east part of the city.
- Future developments of the Metro site should also be considered for planning the intersection and building mass. Metro will most likely plan to build on both sides of the track and possibly even on top of it, which will make the structure quite high.
- For a city plan, it is extremely essential to allow more density and building mass in the block between Park Road and Reading Terrace. This will create a proper edge against the Metro development and a midrise buffer for the single-family homes, as well as forming an entry to the East section of Rockville, visually balancing the proposed structures on the north side of the Park Road.
- Development of the Park Road and Reading Ter. Block will not have an adverse effect for Reading Block residences. The actual development of this block will be executed over several stages. The Park Street edge will develop first, which would create the desired edge on the North side of the block, and the south side that is facing Reading Ter. will be developed as the existing property owners plan.

- Many single-family properties in the area recently have been building large, unappealing, and cheap structures of group housing that standout as a grotesque sight. Unfortunately, high costs of new construction drive the developer into such insensitive action. As an architect, I would feel guilty to subdivide my property at 205 Park Road and build two or three large homes across from the Metro site.

I would be happy to assist with the city planning, property owners, and neighbors in devising a sensible plan for this particular area.

Respectfully,

H. Ray Izadi, AIA

City of Rockville

MEMORANDUM

March 25, 2020

TO: City of Rockville Mayor and Council

FROM: Jim Wasilak, Zoning and Development Manager,
Planning Commission Liaison

VIA: Members of the Planning Commission

SUBJECT: Park Road and North/South Stonestreet Avenue Area Plan Amendment

On February 12, 2020, the Planning Commission completed its review of the Park Road and North/South Stonestreet Avenue Area Plan Amendment. The Planning Commission voted 4 to 1 to approve, with revisions, the amendment for transmittal to the Mayor and Council for review and consideration.

Staff has made the revisions to the document as directed by the Planning Commission. This memo, attached to the Planning Commission resolution, serves as certification of an attested copy of the Planning Commission recommended plan.

Enclosures:
Planning Commission Resolution

Resolution No. 1-20

RESOLUTION: To approve and recommend adoption of the Park Road and North/South Stonestreet Avenue Area Comprehensive Master Plan Amendment as an amendment to the Adopted and Approved Comprehensive Master Plan for the City of Rockville, Maryland.

WHEREAS, the Planning Commission for the City of Rockville (hereinafter referred to as the "Commission"), under the provisions of Sections 3-201 *et seq.* of the Land Use Article of the Annotated Code of Maryland, may make and approve a plan or amendments thereto and recommend the same to be adopted by the local legislative body; and

WHEREAS, on December 19, 2001, the Planning Commission did approve, and on November 12, 2002, the Mayor and Council did adopt a Comprehensive Master Plan for the City of Rockville, Maryland (the "2002 Comprehensive Plan"); and

WHEREAS, on August 1, 2001, the Planning Commission did approve, and on October 22, 2001, the Mayor and Council did adopt a Town Center Master Plan (the "2001 Town Center Master Plan") as an amendment to the 2002 Comprehensive Plan; and

WHEREAS, on December 17, 2003, the Planning Commission did approve, and on March 8, 2004, the Mayor and Council did adopt an East Rockville Neighborhood Plan (the "2004 East Rockville Neighborhood Plan") as an amendment to the 2002 Comprehensive Plan; and

WHEREAS, on July 12, 2006, the Planning Commission did approve, and on February 26, 2007, the Mayor and Council did adopt a Lincoln Park Neighborhood Plan (the "2007 Lincoln Park Neighborhood Plan") as an amendment to the 2002 Comprehensive Plan; and

WHEREAS, the Mayor and Council did instruct the Commission to make and approve and recommend to the Mayor and Council an amendment to the 2002 Comprehensive Plan,

including the 2001 Town Center Master Plan, the 2004 East Rockville Neighborhood Plan, and the 2007 Lincoln Park Neighborhood Plan (collectively referred to herein as the "Plan") for the Park Road and North/South Stonestreet Avenue area of the Plan; and

WHEREAS, the City staff prepared, consistent with Sections 3-201 *et seq.* of the Land Use Article of the Annotated Code of Maryland, an amendment to the Plan for the Park Road and North/South Stonestreet Avenue area; and

WHEREAS, in connection with the preparation of the amendment to the Plan for the Park Road and North/South Stonestreet Avenue area, the Commission and City staff did carefully and comprehensively survey and study present conditions and projections of future growth and the relation of the Park Road and North/South Stonestreet Avenue plan amendment area to neighboring jurisdictions; and

WHEREAS, the amendment to the Plan for the Park Road and North/South Stonestreet Avenue area has been prepared for the purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the City; and

WHEREAS, the amendment to the Plan for the Park Road and North/South Stonestreet Avenue area implements the visions as provided in Section 1-201 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, after the preparation of said amendment to the Plan for the Park Road and North/South Stonestreet Avenue area, the Commission gave notice of the time and place of the public hearing to be held on said amendment to the Plan by giving notice in a newspaper of general circulation in the City; and

WHEREAS, the Commission did refer copies of said amendment to the Plan for the Park Road and North/South Stonestreet Avenue area to all adjoining planning jurisdictions and to all

state and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the amendment to the Plan for the Park Road and North/South Stonestreet Avenue area at least sixty (60) days prior to the public hearing; and

WHEREAS, the Commission held a public hearing on said amendment to the Plan for the Park Road and North/South Stonestreet Avenue area in the Council Chamber at City Hall, Rockville, Maryland on January 8, 2020; and

WHEREAS, the Commission took into consideration the testimony presented at said public hearing and in the written public record and now desires to present its recommendations for an amendment to the Plan for the City of Rockville, Maryland; and

WHEREAS, the planning and development policies recommended in the amendment to the Plan for the Park Road and North/South Stonestreet Avenue area have been closely coordinated with and represent an extension of planning policy contained in the Comprehensive Master Plan for the City of Rockville, Maryland.

NOW, THEREFORE, BE IT RESOLVED by the Commission, as follows:

The amendment to the Plan for the Park Road and North/South Stonestreet Avenue area is hereby approved and recommended for adoption by the Mayor and Council of Rockville, Maryland pursuant to Section 3-202, Land Use Article of the Annotated Code of Maryland as an amendment to the 2002 Comprehensive Master Plan for the City of Rockville, Maryland, the amendments to the 2002 Comprehensive Master Plan entitled "Town Center Master Plan," dated October 22, 2001; "East Rockville Neighborhood Plan," dated March 8, 2004; and "Lincoln Park Neighborhood Plan," dated February 26, 2007.

* * * * *

I certify that the above is a true and correct copy of

a Resolution adopted by the Planning Commission

of the City of Rockville, Maryland, at its meeting of

February 12, 2020.

Charles Littlefield
Chair, Planning Commission

Attachment 10.A.d: Park Rd and Stonestreet Plan Amendment - Planning Commission Resolution (2996 : Park Road and North/South

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Consent
Department: PW - Environmental Management
Responsible Staff: Erica Shingara

Subject

Award of IFB #09-20 for Temporary Labor Services to CMT Services Inc. and Pollen Scape Design, through June 30, 2021, in the Amount Not to Exceed $215,000

Recommendation

Staff recommends the award of IFB #09-20 for Temporary Labor Services to CMT Services Inc. and Pollen Scape Design through June 30, 2021, with an option to extend the contract for up to four additional one-year periods, in an amount not to exceed $215,000 annually, subject to funding.

Discussion

During the March 23, 2020 discussion of the award for Invitation for Bids (IFB) # 09-20: Temporary Labor and Staffing Services, the Mayor and Council directed staff to check references for Devine Professional Consulting Group in consideration of a third award. After further review of the bid tabulation form, it was determined that there were three (3) bidders that had the third lowest dollar amount (the same amount for all three). These three bidders, Devine Professional Consulting Group, Pacen King Services, LLC, and LanceSoft, Inc, provided an identical $20/hour bid in this category and were all listed as a Minority Business Enterprise (MBE).

Bids were reviewed for compliance with the minimum of two years prior experience of providing the types of services detailed in the labor category. The vendors must be able to provide on-call workers to perform outdoor manual labor tasks, specifically with experience in recycling and refuse and landscaping services. Temporary labor services are needed to support Public Work's recycling, refuse, yard waste, leaf removal, and special waste collection efforts, as well as the Recreation and Parks' mowing, edging, trash removal, and other landscaping needs. Additionally, the provided services must conform to applicable Federal, State, County, and City laws, statutes, rules, and regulations (including minimum wage laws). Bid pricing was required to include all overhead, profit, taxes, insurance, and other applicable fees and costs.

The two lowest responsive and responsible bidders provided references of prior experience providing labor services for refuse and recycling operations, as well as landscape services. The

references submitted for the three other bidders were deemed non-responsive because they lacked clear evidence of prior experience in providing temporary labor for recycling and refuse and landscaping services, or did not provide complete references with contact information.

After a thorough review of the solicitation documents, including the three bidders that had the same dollar amount for the third lowest bid amount, Staff continues to support the award to the two lowest responsive and responsible bidders, CMT Services, Inc. and Pollen Scape Design. A timely award is requested because our current emergency contract is set to expire on May 28, 2020.

Mayor and Council History

This item was originally included on the March 23, 2020 consent agenda for award. The original brief book materials are included as an attachment (Attachment A). During this meeting, the Mayor and Council directed staff to check references for Devine Professional Consulting Group in consideration of a third award, and bring it back for consideration on March 30, 2020.

Next Steps

Upon Mayor and Council approval, the Procurement Division will issue contracts and secure necessary insurance. The City Manager will execute the contracts once signed by contractors and approved by the City Attorney's Office. Service requests will be issued via a Master Agreement on an as-needed basis.

Attachments

Attachment 10.B.a: Attach A- Agenda_March 23, 2020_IFB 09-20 (PDF)

Links:

References: 2985 : 2985

Jenny Kimball

Jenny Kimball, Deputy City Manager 3/25/2020

Mayor & Council Meeting Date: March 23, 2020
Agenda Item Type: Consent
Department: PW - Environmental Management
Responsible Staff: Erica Shingara

Subject

Award of IFB #09-20 for Temporary Labor and Staffing Services to CMT Services Inc. and Pollen Scape Design, through June 30, 2021, in the Amount Not to Exceed $215,000

Recommendation

Staff recommends the award of IFB #09-20 for Temporary Labor and Staffing Services to CMT Services Inc. and Pollen Scape Design through June 30, 2021, with an option to extend the contract for up to four additional one year periods, in an amount not to exceed $215,000 annually, subject to funding.

Discussion

Rockville has historically contracted for temporary workers to support several programs, including recycling and refuse collection, leaf collection, street maintenance, and parks and land management work. These temporary workers are used to support job functions when permanent staff is on leave, injured, or in training.

Staff recommends award of these contracts to provide temporary labor services on an as-needed basis. Temporary labor services are needed to support Public Work's recycling, refuse, yard waste, leaf removal, and special waste collection efforts, as well as the Recreation and Parks' mowing, edging, trash removal, and other landscaping needs. Temporary workers support daily operations and provide seasonal support, but are not authorized to operate City vehicles. The vendors must be able to provide on-call workers to perform outdoor manual labor tasks and meet the City's quality and personal safety standards, including supplying steel-toed shoes, reflective safety vests, work gloves, etc.

Staff estimates the City needs approximately 5,000 labor hours of temporary labor staffing services annually. The annual number of hours may change (increase or decrease) from year-to-year, depending on the actual needs of the City and annual appropriation by the Mayor and Council. Work sites include various locations throughout Rockville, Maryland.

The unit prices received were determined to be favorable and a multi-year contract will save City resources by avoiding the preparation of separate bids for each year. Additionally, a multi-year contract is beneficial as it minimizes the "learning curve" and the impact to continuously hiring new contractors unfamiliar with the City's requirements.

Mayor and Council History

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

Procurement

Staff prepared and publicly advertised IFB #09-20 on January 17, 2020, in accordance with Rockville City Code section 17-61. IFB #09-20 was posted on the City's website, and electronically provided to 193 prospective bidders via the State of Maryland new eMaryland Marketplace Advantage (eMMA) system. Of the 193 prospective bidders, using the new systems reporting capabilities, 28 were Disadvantaged Business Enterprises (DBE), and 49 were Minority Business Enterprises (MBE).

The proposed contract secures fixed, firm rates for workers through June 30, 2021. Price adjustments from the Contractor may be considered at renewal or at other times as required due to changes in federal, state or county law. Rate increases beyond that period are tied to the Consumer Price Index (CPI). The contract also requires compliance with the Immigration Reform and Control Act of 1986.

Bids were reviewed for compliance with the minimum of 2 years prior experience of providing those types of services as detailed in the specifications for each job category. Additionally, the provided services must conform to applicable Federal, State, County and City laws, statutes, rules and regulations (including minimum wage laws). Bid pricing was required to include all overhead, profit, taxes, insurance and other applicable fees and costs.

The IFB initially requested bids for two separate job categories: labor services and administrative services. However, after further review, the City will only elect to award the labor category at this time. Should the City seek temporary administrative services, it will issue another IFB for this specific service in the future.

The following sealed bids were received and opened on February 11, 2020:

Item I – Laborer (estimated 5,000 annual hours)

Bidder	MFD Status	Location	Hourly Rate	Extended Price Annually
Athena Consulting	MBE	Gaithersburg, MD	$14.00	$70,000*

StrategicHire	Non-DBE/MBE	Laurel, MD	$17.00	$85,000*
Vidhwan dba E-Solutions	Non-DBE/MBE	San Jose, CA	$17.00	$ *
CMT Services Inc.	**Non-DBE/MBE**	**Hyattsville, MD**	**$19.15**	**$95,750**
Pollen Scape Design	**Non-DBE/MBE**	**Westminster, MD**	**$19.25**	**$96,250**
Devine Professional Consulting Group	MBE/DBE	Silver Spring, MD	$20.00	$100,000
Pacen King Services, LLC	MBE/DBE	Lanham, MD	$20.00	$100,000
LanceSoft, Inc.	MBE	Herndon, VA	$20.00	$100,000
Phoenix Staffing Services	Non-DBE/MBE	Hyattsville, MD	$20.55	$102,750
Madison Avenue Support Services	Non-DBE/MBE	Baltimore, MD	$21.00	$105,000
Atmos Solutions Inc	DBE	Washington DC	$21.00	$105,000
Diskriter Inc.	Non-DBE/MBE	Pittsburg, PA	$21.25	$106,250
EJJ Corporation	MBE/DBE	Columbia, MD	$24.50	$122,500
Centropolis Property Staffing	Non-DBE/MBE	Baltimore, MD	$28.00	$140,000

*Upon evaluation of the submissions, the bids for Athena Consulting, StrategicHire, and Vidhwan dba E-Solutions were deemed non-responsive. After inquiring about compliance with Montgomery County minimum wage requirements, Athena Consulting withdrew their bid on March 6, 2020. StrategicHire indicated only one year in business, which does not meet the minimum two-year requirement in the IFB. Vidhwan dba E-Solutions bid did not provide an extended price or written evidence (through references) of two years prior experience providing on-call labor services as detailed in the IFB specifications. Nor did the vendor provide additional substantiated information through subsequent investigations.

The lowest responsive bidders for the Labor category were CMT Services Inc. of Hyattsville, MD and Pollen Scape Design of Westminster, MD. Both firms included references of at least two years of prior labor services involving on-call refuse and recycling and/or landscaping services in Maryland. Given Montgomery County's minimum wage increases to $14.00 per hour on July 1, 2020, the rates provided are reasonable. References were contacted for each awardee, all of which were satisfactory.

The bid amounts shown above are estimated annual quantities used for bid evaluation purposes only.

In accordance with Section 17-39 (a) of the City Code, Awarding Authority, all contracts involving more than one hundred thousand dollars ($100,000.00) shall be awarded by the Mayor and Council.

Fiscal Impact

The Environmental Management Division of the Department Public Works is the primary user of this contract for labor services. Annual needs vary by year, depending on staffing levels and market conditions. Environmental Management's FY 2019 actual budget for temporary agency

personnel was $176,599 and the adopted FY 2020 budget is $104,240. The Department of Recreation and Parks also uses this contract during the fiscal year.

Upon satisfactory service and by mutual agreement, the contract is renewable annually for up to four years. Annual funding is subject to appropriation approval by the Mayor and Council.

Next Steps

Upon Mayor and Council approval, the Procurement Division will issue contracts and secure necessary insurance. The City Manager will execute the contracts once signed by contractors and approved by the City Attorney's Office. Service requests will be issued via a Master Agreement on an as-needed basis.

Rob DiSpirito, City Manager 3/18/2020

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Consent
Department: PDS - Housing
Responsible Staff: Asmara Habte

Subject

An Amendment to the MPDU Regulations to Provide Clarifying Language on Affordability Structuring for the Homeownership Component of the MPDU Program

Recommendation

Staff recommends that the Mayor and Council approve the proposed language for incorporation into the MPDU regulations.

Discussion

On April 1, 2019, the Mayor and Council approved the expansion of the MPDU income limits from a maximum of 60% of Area Median Income (AMI) to a maximum of 120% of AMI. The purpose of expansion was to incentivize developers to provide units affordable at a wider range of incomes. The higher MPDU income limit applied to both rental and for-sale (homeownership) MPDUs.

The 2019 amendment to the implementing MPDU regulations provided guidance to developers on pricing structure for rental products to correspond with the expanded income limits. It made no change in the implementation regulations with respect to for-sale (homeownership) units. The language in the regulations for the rental component, as reflected in Section 6(B)(d) &(e) of the MPDU regulations, is as follows:

d. To obtain the value for each bedroom count, the family size factor is multiplied by the income band (0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, or 1.2) depending on the income band applicable to the specific unit, and then multiplied by 0.25 (or 0.30 if utilities are paid by the landlord). This formula provides a value for the monthly rent for each type of unit.

e. The final distribution of dwelling units at the various income band levels (i) is subject to City approval, and (ii) must be detailed in an MPDU agreement.

The proposed language for the homeownership is:

Homeownership Affordability Structuring

a. Applicants must provide homeownership MPDUs at affordability levels between 50% and 120% of Area Median Income (AMI). A variety of income tiering within the income band will be acceptable, subject to demand and other factors as determined by the City. For example, a development with 15 MPDUs may include two (2) units at 50% of AMI, five (5) units at 60% of AMI, and eight (8) units at 80% of AMI. Alternatively, the units can be broken into five (5) units at 50% of AMI, five (5) units at 60%, and three (3) units at 80% and two (2) units of at 120% of AMI.

b. The final distribution of dwelling units at the various income band levels (i) is subject to City approval, and (ii) must be detailed in an MPDU agreement.

Attached to this report, as Attachment A, is a redlined version of the MPDU Regulations. There are no related amendments to the MPDU ordinance.

Attorneys from Miles and Stockbridge, P.C., representing Lantian Development, submitted comments regarding the proposed change and requested that the Mayor and Council postpone consideration of this new regulatory language or, in the alternative, include a grandfathering provision exempting Lantian's Shady Grove development. In subsequent conversations with an attorney of the firm and a representative of Lantian, City staff understood that Lantian's primary concern was the possibility that a developer could be required to provide homeownership units at affordability levels of 50% of AMI. Lantian is seeking to provide units at 60% of AMI consistent with City policy prior to the Mayor and Council's expansion of the income limits of up to 120% of AMI. Attachment B is the letter from Miles and Stockbridge, P.C.

City staff has considered Lantian Development's concerns and continues to recommend the language it proposed in its original staff report dated March 23, 2020. Although staff's recommendation could lead to a situation where a developer must provide some units at 50% of AMI, the expanded affordability limits would allow the developer to propose a unit mix that includes unit affordable up to 120% of AMI, offsetting the cost of providing some MPDUs at the 50% AMI level. City staff's proposed language encourages such a distribution. On balance, staff believes that providing MPDUs at a range of affordability levels, rather than solely at the 60% AMI level, will better serve residents at a range of income levels and make it easier for developers to market and sell their MPDUs.

Staff recommends the Mayor and Council approve the proposed language.

Mayor and Council History

The Mayor and Council discussed this item at the February 3, 2020, Mayor and Council work session and directed staff to provide proposed language for potential approval. Proposed language was shared with the Mayor and Council and discussed on March 23, 2020.

Next Steps

If the Mayor and Council approves the staff recommendation, the revised regulations will be applied immediately to applicable residential development projects.

Attachments

Attachment 10.C.a:	Attachment A_MPDU REGULATIONS--Feb. 2020	(DOCX)
Attachment 10.C.b:	3-23-20 Letter to Mayor and Council of Rockville	(PDF)

Rob DiSpirito, City Manager 3/18/2020

MODERATELY PRICED HOUSING REGULATIONS

City of Rockville
Department of Community Planning and
Development Services
111 Maryland Avenue
Rockville, Maryland 20850-2364

Main: 240-314-8200 Fax:
240-314-8210
www.rockvillemd.gov

Revision History

Date	Revision
February 13, 2001	Original MPDU Regulations
March 30, 2014	Section 5 revised to accommodate senior housing with services
June 30, 2018	Changes to include income tiering of MPDUs; calculation of MPDU rents
April 1, 2019	The following changes: ▪ Delegate the application intake and eligibility determination to the properties. ▪ Amend the definition of eligible person. ▪ Add Life Care Facilities as defined in Chapter 25 in the definition section of the MPDU Ordinance and requirements for such development product. ▪ Add a provision in the regulations that would allow owners of MPDUs to sell their units. ▪ Update Zoning Density text to reflect the current Zoning Ordinance. ▪ Eliminate "fair market value of improvements made" for MPDUs
March 16, 2020	Added clarifying language to the affordability structure of the homeownership component under Section 6(B).

Formatted: Indent: Left: 0.56", Space After: 0.1
Line spacing: Multiple 1.03 li

Contents

SECTION 1. 1
A. Purpose 1
B. Addresses and Staff 1
SECTION 2. APPLICABILITY 1
SECTION 3. DEFINITIONS 1
A. Certificate of Eligibility 1
E. Moderately Priced Housing Ordinance 2
F. Priority Marketing Period 2
SECTION 4. ELIGIBILITY AND OCCUPANCY REQUIREMENT 2
A. Application and Certification 2
B. Income 3
C. Occupancy of MPDUs 3
D. Rental of Units Previously Sold Under the MPDU Program 3
SECTION 5. STANDARDS FOR MPDU DEVELOPERS AND BUILDERS 5
A. Number of MPDUs Required 5
B. Review of Development Plans 5
C. Waivers of MPDU Requirements 5
D. MPDU Construction Agreement Procedures 5
E. Housing Programs That May be Used to Fulfill MPDU Requirements 6
F. Procedures for Considering and Implementing Alternative MPDU Offers 6
G. MPDU Off-Site Development Option 8
H. MPDU Land Transfer Option 9
I. MPDU Fee-in-Lieu to the Moderately Priced Housing Fund 10
J. Waiver of MPDU Requirements 12
SECTION 6. SALE OR RENTAL PROCEDURES 12
A. Sales Price Limits for MPDUs 12
B. Rental Limits for MPDUs 13
C. Sale and Rental Procedures 15
D. Units Available to the housing agency ..... 18~~17~~
E. Control of sale price and rental rate of MPDUs 18
F. Restrictions on Rental of MPDUs ..... 19~~18~~

G. Requirements for MPDU Rentals 19
H. Re-rental of MPDUs by Applicants ..... 20~~19~~
SECTION 7. SUBSEQUENT SALES OF MPDUs ..... 21~~20~~
A. Request for Price Determination ..... 21~~20~~
B. Establishment of Maximum Resale Price ..... 21~~20~~
C. Offering an MPDU for Resale ..... 22~~21~~
D. Appeal of Resale Price ..... 22~~21~~
SECTION 8. ENFORCEMENT ..... 24~~23~~
SECTION 9. RENTAL AGREEMENT OFFERING ..... 25~~24~~
SECTION 10. MAXIMUM INCOME LIMITS ..... 26~~25~~
SECTION 11. SOURCES OF INCOME ..... 27~~26~~
SECTION 12. APPLICABILITY ..... 28~~27~~
SECTI0N 13. MAXIMUM, ALLOWABLE SALES PRICES OF MPDU'S ..... 29~~28~~
SECTION 14. PRICE ADJUSTMENTS FOR VARIATIONS FROM BASIC UNIT STANDARDS ..... 30~~29~~
MPDU PRICING STANDARDS ..... 34~~33~~
MPDU SPECIFICATIONS ..... 35~~34~~

SECTION 1.

A. Purpose

To provide policies and procedures for the administration of the Moderately Priced Housing Ordinance.

B. Addresses and Staff

For further information or to receive a copy of this regulation, contact the Department of Community Planning and the Department, 240-314-8200, or write to the Department, City Hall, 111 Maryland Avenue, Rockville, Maryland, 20850 or RockvilleMPDU@rockvillemd.gov

SECTION 2. APPLICABILITY

These policies and procedures are applicable to dwelling units built, sold or leased through the Moderately Priced Dwelling Unit (MPDU) Program and to those people applying for eligibility for purchase or lease of such dwelling units.

SECTION 3. DEFINITIONS

The following words and phrases as used in this regulation have the meanings stated below:

A. Certificate of Eligibility

A certificate, which is valid for a specified period of time, issued by the Department to those who meet the income requirement for eligibility for participation in the MPDU purchase program and are placed on the eligibility list maintained by the Department.

B. Department

The Department of Community Planning and Development Services.

C. Eligible person

A person or household whose income qualifies the person or household to participate in the MPDU program.

D. Housing Agency

A provider designated by the Mayor and Council, which has purchased a moderately priced dwelling unit in accordance with the allocation provided in the Moderately Priced Housing Ordinance.

E. Moderately Priced Housing Ordinance

Chapter 13.5 of the Rockville City Code, as amended

F. Priority Marketing Period

The period during which eligible persons or households have an exclusive right to purchase or rent an MPDU from the applicant. The period may not be less than ninety days and may be extended for an additional time to permit eligible persons who have indicated an interest in the MPDUs to acquire or rent the units.

SECTION 4. ELIGIBILITY AND OCCUPANCY REQUIREMENT

A. Application and Certification

A person seeking to purchase a Moderately Priced Dwelling Units MPDUs must apply to the Department for placement on the eligibility list. In order to become eligible under this program, an interested person must satisfy the maximum MPDU income limits published in executive regulations. It is the responsibility of the individual or family to demonstrate eligibility under the requirements of the MPDU program. In order to verify that an individual or family satisfies program requirements, the Department may request information and documentation that is appropriate, including but not limited to copies of federal and state income tax returns, W-2 forms, and copies of paychecks.

A person determined to be eligible for the purchase program is placed on the eligibility list and is issued a non-transferable certificate valid for a specified period of time, usually two years. This certificate is used to demonstrate eligibility for the purchase of available MPDUs. When developers or builders offer new MPDUs, certificate holders are notified by the developer or builder of the availability of units with sufficient bedrooms to meet their housing needs. Certificate holders have the opportunity to purchase available MPDUs. Those who contract for an MPDU are required to turn in their eligibility certificates to the builder or developer who will submit these certificates to the along with copies of the sales contracts and settlement sheets

Eligibility certificates for the MPDU purchase program may be renewed upon expiration if the person can demonstrate eligibility under the income limits in effect at the time of renewal. The individual must apply for renewal of the certification.

Applicants interested in renting an MPDU unit must apply at the property of their interest containing MPDUs. For a complete listing of the properties, please visit the city's website at: http://www.rockvillemd.gov/836/Affordable-Rental-Housing

B. Income

The maximum permitted moderate income is defined as the gross income received annually from all sources by all wage earners in a family or household unit. Sources of income include, but are not necessarily limited to, the following:

1. Wages and salary (full and part-time employment)
2. Child support
3. Alimony
4. Interest on savings and checking accounts
5. Dividends from stocks, bonds and certificates of deposit
6. Social security benefits
7. V.A. benefits
8. Overtime and bonus payments
9. Unemployment insurance
10. Pension/retirement payments
11. Disability payments
12. Any other annuities or stipends received
13. Income from real estate investments (losses generated from investments in real estate will not be used reduce gross annual income)
14. Income from business or partnership owned, associated with or operated.
15. Welfare - AFDC payments including money received pursuant to the Temporary Assistance for Needy Families program excluding SNAP benefit also known as "food stamps").

When the requirement to provide moderately priced housing is met through the construction of public housing or through housing built under other federal, state, or local programs to assist low- and moderate-income families, the income limits of the appropriate program shall prevail.

C. Occupancy of MPDUs

Purchasers or renters of MPDUs must occupy the units as their primary place of residence and must sign an affidavit certifying to their occupancy of the unit. Renters of MPDUs must not sublease their units.

D. Rental of Units Previously Sold Under the MPDU Program

1. Owners of MPDUs, except a housing agency, are not permitted to vacate and lease MPDUs to other parties without a prior written waiver. The owner must demonstrate sufficient cause to the city manager to allow a waiver to be issued. The following procedures govern the requests for waivers:

    a. MPDU owners must prove that they are forced to temporarily vacate and rent their unit due to circumstance beyond their control. The fact that there might be a loss of appreciation resulting from the prohibition to rent and having to sell the MPDU does not constitute an economic hardship.

b. Owners must certify that they will reoccupy their MPDU no later than 24 months from the date the unit is first rented. An owner that does not reoccupy their MPDU must sell their unit at the conclusion of the 24 months.

c. If not satisfied after a determination by the city manager or the designee, the owner has the right of appeal to the Board of Appeals in accordance with Section 13.5-12 of the Moderately Priced Housing Ordinance.

2. If the request to temporarily rent is granted, the following procedures are followed to establish the maximum allowable rent:

a. The owner must request a rental rate determination in writing from the Department and provide the information required by the Department to carry out the rental rate determination described in 2(b).

b. The Department must make a rental rate determination which will be equal to the fixed costs associated with maintaining the unit, including but not necessarily limited to principal and interest payments on the mortgage, real estate taxes, homeowners' insurance, water/sewer front foot benefit and deferred connection charges and homeowners' association fees. Appropriate allowances will be made if the owner retains responsibility for the payment of some or all of the utility charges. In such an event, a record of prior monthly utility expenses must be submitted so that an allowance for these charges can be included in the rental rate determination.

c. When making a rental rate determination, the Department may not consider any mortgage other than the original mortgage that was used for the purchase of the unit. If an owner has refinanced the unit, taken a second mortgage, or otherwise placed a monetary encumbrance on the unit, any costs associated with such mortgages or encumbrances may not be factored into the rental rate determination. If a unit has been refinanced, then the Department may include in its rental rate determination a cost that is equal to or a reasonable approximation of the principal and interest payments of the original mortgage.

3. Additional requirements for rental of MPDUs previously sold are as follows:

a. The owner must send a copy of the lease agreement and the name of the managing agent to the Department.
b. Each rental request will be judged on its own merit, and every effort will be made to limit such rentals.
c. Units can only be rented to an eligible person who has been approved by the Department.

SECTION 5. STANDARDS FOR MPDU DEVELOPERS AND BUILDERS

A. Number of MPDUs Required

Chapter 13.5 of the Rockville City Code requires that a minimum percentage of the dwelling units in subdivisions of 50 or more units be provided as moderately priced housing. Where the application of the percentage of MPDU requirement results in a fraction of a unit, the required number of MPDUs is rounded up to the next whole number.

B. Review of Development Plans

Where the review of plans by the City Planning Commission is required by zoning, subdivision, or other ordinance, the review should include the following:

1. The number of MPDUs to be provided, dwelling unit type, location in the subdivision, community facilities and other plan features;
2. The number and location of bonus units and their impact with regard to site plan, density of development, topography, and other physical features;
3. The conformity of the project to zoning provisions under the zoning and subdivision regulations.

C. Waivers of MPDU Requirements

Requests for full or partial waiver of MPDU requirements shall be made to the Mayor and Council in accordance with Section 13.5-6(b) of the Moderately Priced Housing Ordinance.

D. MPDU Construction Agreement Procedures

1. At the time of building permit application, all applicants who are required to provide MPDUs must file a written agreement with the Department that contains the following:

   a. The number and type of MPDUs;
   b. The identifying designation for each MPDU (e.g., subdivision, apartment or condominium name; location; and address, lot and block as applicable); and
   c. A plan for the staging of construction of all dwellings that must be arranged so that MPDUs are constructed along with or preceding other units. If the applicant proposes single-family attached or detached development, one-half of the MPDUs must be under construction before the second half of the market units are granted permits.

2. The MPDU agreement requires that the applicant provide in the sales contract or lease and to record with the deed for each MPDU sold or rented, a covenant running with the land stating that the dwelling unit will not be resold or re-rented for an amount that exceeds the limits set by the City for a period of thirty years (30) from the date of original sale or rental of the unit.

3. The applicant must file with the MPDU agreement a statement of all land owned and available for development. Available for development includes the following:

a. Any land owned or under contract to the applicant, presently zoned for any type of development to which the optional MPDU zoning provisions apply;
b. Any land which is within the area that is to be served by public water and sewerage as defined in the Ten-Year Water and Sewerage Plan for Montgomery County; and
c. Any land for which an application for subdivision, development, or building permit has been submitted to the appropriate City agency. The applicant need only update the original statement when additional MPDU agreements are submitted.

4. The MPDU agreement template may be obtained from the Department. After approval, the Department will verify that the agreement satisfies the terms of the Moderately Priced Housing Ordinance and these regulations. The Department will submit the agreement to the Office of the City Attorney for review and approval prior to execution of the agreement by the city manager.

5. After the MPDU agreement is approved, it is forwarded to the Division of Inspection Services for submission along with the applicant's request for building permits. The Division of Inspection Services may then issue permits for those units covered by the agreement provided that all other requirements necessary for the issuance of permits are satisfied.

6. Any revisions to the agreement must be approved by Mayor and Council and must be in writing and signed by both the applicant and the city manager.

E. Housing Programs That May be Used to Fulfill MPDU Requirements

1. Certain federal, state or local housing programs may be used to fulfill MPDU requirements when the Mayor and Council approve such programs. Programs submitted for approval include but are not necessarily limited to those housing programs that require the following:

   a. Incomes for eligible households at or below the MPDU income limits;
   b. Prices which are at or below the maximum MPDU sales prices or rents; and
   c. Long-term controls over the sales prices or rents that are deemed to be appropriate by the director of the Department.

2. The Montgomery County HOC Mortgage Purchase Program and the State Community Development Administration's Homeownership Development Program do not satisfy MPDU obligations.

F. Procedures for Considering and Implementing Alternative MPDU Offers

In accordance with the provisions of Chapter 13.5-5(f) of the City Code, an applicant may propose an alternative to building the required percentage of MPDUs onsite.

1. Request for alternative MPDU agreement

The applicant must submit a request for an alternative MPDU agreement to the Department director in writing along with the submission of a development application for the project for which the alternative agreement is being requested. The request should include the following:

a. The applicant's justification and need for an alternative MPDU agreement. The justification shall contain all pertinent material and analysis that will assist in evaluating the request, including relevant zoning and site conditions, and financial feasibility.
b. The applicant's request for an alternative offer shall include one or more of the following options:

    i. Building Significantly More MPDUs (as defined in Chapter 13.5-3) at one or more other sites in the city. See Section 5G.
    ii. Conveying land in the city that is suitable in size, location, and physical condition for Significantly More MPDUs (as defined in Chapter 13.5-3). See Section 5H.
    iii. Contributing a payment in lieu of MPDUs to the Moderately Priced Housing Fund that will result in building Significantly More MPDUs (as defined in Chapter 13.5-3). See Section 5I.

2. Review of alternative offer

a. The applicant and the Department must negotiate the terms of the alternative MPDU agreement to present to and be approved by Mayor and Council. The final agreement must be in a form acceptable to the city attorney and will be signed by the city manager on behalf of the city. The applicant will furnish a copy of the executed agreement with the application for building permits.

b. The Mayor and Council may reject any offer by an applicant for an alternative MPDU offer either in part or in whole if the Mayor and Council determines that the public interest would best be served in that manner.

3. Alternative MPDU agreements for Senior or Special Needs Housing with Services

a. Required alternative agreement. When an applicant proposes Senior or Special Needs Housing with Services as defined in Chapter 13.5-3 the applicant must request an alternative agreement.

b. When a project proposes Senior or Special Needs Housing with Services as defined in Chapter 13.5-3, the maximum monthly fee must be calculated using the then current income levels established for qualifying households for the City of Rockville MPDU Program.

    i. The maximum monthly fee for a one-bedroom unit is based on the then-current income range for a one-person household. The maximum monthly fee for a two-bedroom unit is based on the then-current income range for a two-person household.
    ii. The maximum monthly fee is calculated as follows:
        1) The difference between the then-current minimum gross income and maximum gross income levels is divided into three equal income tiers.
        2) For Income Tier 1, the monthly fee must not exceed 70 percent (70%) of the average of the monthly minimum gross income and maximum gross income for the tier.
        3) For Income Tiers 2 and 3, the monthly fee must not exceed 75 percent (75%) of the average of the monthly minimum gross income and maximum gross income for each tier.

The following example illustrates a calculation for a one-bedroom unit:

MPDU Minimum Gross Annual Household Income for One Person: $22,000
MPDU Maximum Gross Annual Household Income for One Person: $45,100

Tier	Income Range	Average Income of the Minimum and Maximum	Maximum Monthly Fee
1	$22,000 – $29,700	$25,850	$1,508
2	$29,701 – $37,400	$33,551	$2,097
3	$37,401 – $45,100	$41,251	$2,578

iii. The Applicant must offer the following:
   1) At least one unit in each tier; and
   2) At least 30% of the MPDUs must be offered in a combination of Tier 1 and 2 units, but the applicant is not required to provide an equal number of units in each tier.

iv. The monthly fee for services for an additional occupant must not exceed 75 percent (75%) of the monthly fee charged to an additional occupant of a market-rate unit.

c. Options for providing less than the required number of MPDUs onsite. As part of the applicant's request for an alternative agreement and only when MPDUs are provided onsite, the applicant may request permission to provide a lower percentage of MPDUs if the applicant can demonstrate that providing the reduction will result in furthering the objective of providing a broad range of housing opportunities throughout the City. The maximum percentage reduction is limited to two and one-half percentage points (2.5%) from the required percentage of MPDU units. The justification must be documented by verifiable data and is subject to review and approval by the Mayor and Council.

G. <u>MPDU Off-Site Development Option</u>

An applicant may satisfy a project's MPDU requirements by providing Significantly More MPDUs as defined in Chapter 13.5-3 at an alternative location.

1. An applicant may
a. Build or convert from nonresidential use, the required number of MPDUs at a site approved by Mayor and Council;
b. Buy or encumber, and rehabilitate as necessary, other existing residential units to meet the MPDU requirement.

2. Each agreement under this option must include a schedule, binding on the applicant, for timely completion or acquisition of the required number of MPDUs.

3. In reviewing an alternative location proposal, the Department will take into consideration the following factors:
a. Whether the proposed site has comparable access to amenities and services as onsite MPDUs would have had.

b. Whether the proposed units will be of comparable quality to MPDUs that would have been provided onsite.

H. MPDU Land Transfer Option

An applicant may satisfy the MPDU requirements of a development by transferring land to the city which is suitable for the construction of Significantly More MPDUs as defined in Chapter 13.5-3. Land transferred to the city must be conveyed in the form of finished lots unless otherwise agreed to by the Mayor and Council. The transferred land must be of sufficient area to construct the number of MPDUs required. A request to transfer land to the city is considered an alternative MPDU agreement and must follow the timeline and procedures in Section 5F of these regulations.

1. Conditions for Transfer:

   Land offered to the city will be evaluated by the Department for meeting the following minimum conditions:

   a. The lots must be capable of being built upon without undue or excessive costs;
   b. In single-family detached developments, land may be transferred as individual scattered lots, as several groups of lots, or as a single parcel;
   c. In semi-detached developments, land may be transferred as scattered pairs of lots for adjoining homes, as a single parcel, or as multiple parcels;
   d. In fourplex or townhouse developments, land may be transferred as a group of lots sufficient in number to develop a fourplex building or group of townhouses.
   e. In multi-family apartment projects, land may be transferred if it is of sufficient size to support the development of an independent rental or sales project including parking, open space and amenities.

2. Notification Process

   A land transfer request must include the following:

   a. A description of the property to be transferred;
   b. Available development plans, record plats, topographical maps, and title reports; and
   c. An itemized estimate of the development costs for such lots.

3. Review Process

   For a land transfer proposal, the Department will consult with other departments as may be appropriate. The Department will take into consideration the following factors:

   a. The feasibility of constructing housing on the property to be transferred based upon a comprehensive examination of the soils, slopes, and other physical characteristics.
   b. Whether sufficient land is available to meet the MPDU requirements; and
   c. The availability of funds for reimbursement of the estimated lot finishing and settlement costs.

4. Land Transfer Agreement

   a. The Department will arrange for preparation of the necessary deeds, arrange for settlement, and ensure that the deeds are properly recorded.
   b. The Mayor and Council may enter into an agreement to sell the transferred property to a builder who will construct housing that will achieve the objectives of the Moderately Priced Housing Ordinance. The prices to be charged for the transferred land should take into consideration any city costs, and the prices must reflect the concept that little or no raw land cost is included in the MPDU price.

5. Compensation

   a. A finished lot is defined as one that has been adequately prepared to allow the construction of a dwelling without major additional site preparation. After the submission of supporting documentation and review and approval by the city for the transfer of finished lots, the city shall reimburse the applicant for the costs the applicant actually incurred, which are directly attributable to the finishing of the MPDU lots so transferred. Reimbursable costs include but are not limited to engineering costs; clearing, grading, and paving streets, including any required bonds and permits; installation of curbs, gutters and sidewalks; sodding of public right-of-way; erection of barricades and signs; installation of storm sewers and street lighting; and park and other open space and recreational development directly benefitting the MPDU lots transferred. The city shall not reimburse an applicant for the cost or value of the transferred lots.
   b. Closing costs shall be paid by the city.
   c. If no funds have been appropriated to reimburse the applicant for finishing costs, the city may elect to accept from the applicant undeveloped land rather than finished lots.

6. Inspection of Land

   The city or its agents, will have the right to enter onto all or any part of the property at any time prior to closing for the purposes of surveying, engineering, soil testing and boring, and such other studies as may be desirable or necessary. The costs for this work will be borne by the city and will not result in a change in the present character of the property.

7. Disposition of Land by City

   The city may cause MPDUs to be constructed on land transferred by selling these lots to one or more builders under terms that will carry out the objectives of the Moderately Priced Housing Ordinance or to contract directly for the construction of the units.

I. <u>MPDU Fee-in-Lieu to the Moderately Priced Housing Fund</u>

   A. An applicant may satisfy the MPDU requirement by making a cash contribution to the city's Moderately Priced Housing Fund instead of building some or all of the required number of MPDUs in the proposed development.

B. Except as provided in subsection C., the fee per unit will be paid for each MPDU that was required to be built onsite, plus an additional 15% of the number of MPDUs that were required to be built onsite. For example, if 20 MPDUs are required onsite, the fee-in-lieu payment is calculated for 23 MPDUs.

a. For-sale units: The fee per unit will be 90% of the difference between the market rate purchase price of a dwelling unit and the sales price affordable to an MPDU household earning the maximum MPDU household income. The amount affordable to a household shall be based on common definitions of affordability, such as that provided by the U.S. Department of Housing and Urban Development (HUD), and the standard costs of ownership, such as principal, interest, taxes, insurance, and homeowner association dues. City staff will use the following assumptions to determine affordability: the most recent average regional 30-year fixed mortgage rate as reported by the Freddie Mac Primary Mortgage Market Survey or similar reputable source at the time of the applicant's request, local property tax rates, a reasonable estimate for insurance costs based on unit construction type, and a 5% borrower down payment.

b. Rental units: The fee per unit will be calculated using the same basis for the for-sale units. Instead of sales prices, alternative payments will be based on appraisals of individual rental market units of each required bedroom type, as if the units were for-sale units. The necessary appraisals will be at the applicant's expense.

c. The affordability gap will be calculated on a case-by-case basis by city staff. One-half of the total fee will be due upon the applicant's application for building permits and the remaining fee will be due before issuance of the certificate of occupancy for the project.

C.

a. For a project that contains a life care facilities component, the fee-in-lieu will be calculated by multiplying the monthly rent for a one-bedroom unit at 60% of the median income (as determined in accordance with Section 6) by 3601, and then by the total number of units required. For example, in 2018 the MPDU monthly rental rate for a one-bedroom unit at 60% of the median income was $1,125.00. For a development that was required to provide five (5) life care facility units, the fee would be calculated as follows: $1,125 * 360 * 5 = $2,025,000.00.

b. One-half of the total fee is due when the applicant submits the first application for a building permit for the project. The remaining fee will be due before the issuance of any certificate of occupancy for the project.

c. For any project or development that provides MPDUs in a life care facility as of April 1, 2019 the developer or property owner may request to pay a fee-in-lieu in accordance with subsection C.a. of this section rather than continue to provide the MPDUs in the life care facility. The developer or property owner will be released from their obligation to provide MPDUs at the life care facility once the entire fee that is due is deposited into the Moderately Priced Housing Fund.

[1] 360 equals the total months that the Moderately Prices Housing Ordinance requires a unit to remain in the MPDU program.

J. Waiver of MPDU Requirements

Requests for waivers from requirements of the Moderately Priced Housing Ordinance must be submitted concurrently with the submission of an application for development review. All requests for waivers shall be submitted to the director of the Department for referral to the Mayor and Council. Such requests must be in writing and clearly state the reason for such a waiver and should be substantiated with documentation, plans, and all other pertinent material that will assist in making a decision on the request.

The Department staff will make recommendations to the Mayor and Council prior to the granting or denying of waivers. All waiver requests are considered individually and granting of waivers will be kept to a minimum.

SECTION 6. SALE OR RENTAL PROCEDURES

The Moderately Priced Housing Ordinance regulates the sale and rental of units built according to its requirements, both in the method of sale or rental and the price at which they can be offered. The current sales prices and rents are available from the Department. The maximum sales prices are established by regulation, and more information can be found in Section 13 of these regulations. Rental rates are revised annually by June 1st and can be found by visiting http://www.rockvillemd.gov/836/Affordable-Rental-Housing.

A. Sales Price Limits for MPDUs

1. The sales prices for housing constructed as a requirement of the MPDU law must not exceed the applicable maximum limits established by the Mayor and Council. Sales prices may include all real estate brokerage fees, builder-paid permanent mortgage placement and buy-down fees, and closing costs, except pre-paid expenses required at settlement.

2. The following are closing costs that are calculated in the MPDU pricing process and included in the maximum allowable sales prices:

   a. One-half of the loan origination fee;
   b. County tax certificates, transfer charges, revenue stamps and recordation charges;
   c. Appraisal fees and credit report charges;
   d. Title examination, settlement and attorneys' fees;
   e. Notary fees, document preparation (which shall include only: deed of conveyance, deed of trust/mortgage ad note/bond) and house location plat; and
   f. FNMA review charges and the amount escrowed for water bill.

3. The following items are considered to be prepaid expenses and are not included in the maximum sales price. These charges must be paid by the purchaser:

   a. One-half the loan origination fee;
   b. Real estate taxes and front foot benefits;
   c. Hazard and mortgage insurance;
   d. Prepaid interest on mortgage loans;

e. Homeowner association or condominium fees;
f. Title insurance and binder fees; and
g. Lender's inspection and other fees required by the lender.

4. The sale price limits for MPDUs are those in effect at the time the ninety-day priority offering period to the City's eligibility list commences in accordance with the procedures described in these regulations. In the event that MPDUs offered in this manner have not been sold to eligible persons during the 90-day priority offering period and the applicant then markets the units to the general public, the price limits may be adjusted upward by the Department to reflect the increased carrying costs incurred by the applicant. The units, however, must be completed and available for occupancy, and the applicant must demonstrate that a good faith effort was made to market the units to eligible households during the 90-day offering period. The monthly carrying costs allowance is based upon the cost of construction financing as calculated in the sales price limits established in the offering agreement.

5. MPDUs developed under the programs identified in Article 5-D of this regulation must be offered and marketed according to the procedures established for those programs.

B. Rental/Homeownership Pricing Limits for MPDUs

Rental

Formatted: Italic

1. Rental rates shall be based on the U.S. Department of Housing and Urban Development (HUD) median income calculation for a family of four in the Washington, D.C. Metropolitan Statistical Area that are released yearly around March 1. The rental rates for housing constructed as a requirement of the Moderately Priced Housing Ordinance must not exceed the applicable maximum limits according to the following:

a. For dwelling units subject to an MPDU Agreement with an effective date on or before June 2018**,** the following chart shows the information to be used to calculate the rents on a yearly basis:

Monthly Type of unit	# of Persons	Family Size Factor	Median Income	60% of Median	% of Income for Housing[2]	Monthly Rent
Efficiency	1	.70	HUD#	HUD x 0.60	0.25	Value
One Bedroom	2	.80	HUD#	HUD x 0.60	0.25	Value
Two Bedroom	3	.90	HUD#	HUD x 0.60	0.25	Value
Three Bedroom	4+	1.00	HUD#	HUD x 0.60	0.25	Value

b. To obtain the value for each bedroom count, the family size factor is multiplied by 60% of median income number, and then multiplied by 0.25 (or 0.30 if utilities are paid by the landlord). This formula provides a value for the monthly rent for each type of unit.

[2] This assumes tenant paid utilities. If utilities are paid by landlord, rental rates should be calculated at 0.30 instead of 0.25.

c. For dwelling units subject to an MPDU Agreement with an effective date after July 2018, the following chart shows the information to be used to calculate the rents on a yearly basis:

Monthly Type of unit	# of Persons	Family Size Factor	Median Income	% of Median	% of Income for Housing[3]	Monthly Rent
Efficiency	1	.70	HUD#	HUD x Income Band	0.25	Value
One Bedroom	2	.80	HUD#	HUD x Income Band	0.25	Value
Two Bedroom	3	.90	HUD#	HUD x Income Band	0.25	Value
Three Bedroom	4+	1.00	HUD#	HUD x Income Band	0.25	Value

d. To obtain the value for each bedroom count, the family size factor is multiplied by the income band (0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, or 1.2) depending on the income band applicable to the specific unit, and then multiplied by 0.25 (or 0.30 if utilities are paid by the landlord). This formula provides a value for the monthly rent for each type of unit.

e. The final distribution of dwelling units at the various income band levels (i) is subject to City approval, and (ii) must be detailed in an MPDU agreement.

f. The formulas set forth in this Section shall be applied and rates calculated by the staff of the Department each year for approval of the city manager. Sixty days prior to implementing the annual adjustment, the city manager shall inform the Mayor and Council of the amount of the adjustment in the maximum rent.

h. The Mayor and Council may, if desired, establish a different maximum rent than provided by the formula, in accordance with the Moderately Priced Housing Ordinance. The rents are those in effect at the time the 90-day priority offering period to the city's eligibility list commences in accordance with the procedures described in Article 6C. In the event that the MPDUs offered in this manner have not been rented to eligible persons during the 90-day priority offering period and the applicant then markets the units to the general public, the applicant may offer the units at the rental rates currently in effect for new units. The applicant, however, must demonstrate that a good-faith effort was made to market the units to eligible households during the initial 90-day offering period.

[3] This assumes tenant paid utilities. If utilities are paid by landlord, rental rates should be calculated at 0.30 instead of 0.25.

~~2.~~ *Homeownership Affordability Structuring*

a. Applicants must provide homeownership MPDU units at affordability levels between 50% and 120% of Area Median Income (AMI). A variety of income tiering within the income band will be acceptable, subject to demand and other factors as determined by the City. For example, a development with 15 MPDU units may include two (2) units at 50% of AMI, five (5) units at 60% of AMI, and eight (8) units at 80% of AMI. Alternatively, the units can be broken into five (5) units at 50% of AMI, five (5) units at 60%, and three (3) units at 80% and two (2) units of at 120% of AMI.

b. The final distribution of dwelling units at the various income band levels (i) is subject to City approval, and (ii) must be detailed in an MPDU agreement.

~~3.~~i. MPDUs developed under the programs identified in Article 5D of this regulation are to be offered and marketed according to the procedures established for those programs.

C. Sale and Rental Procedures

1. Qualifying and Marketing MPDUs to Eligible Persons

a. The actions that the Department will take in qualifying eligible persons are as follows:

1) Take applications from households and individuals to determine their eligibility for MPDUs;

2) Maintain a list of eligible persons according to their preference for sale housing, number of bedrooms required, place of residency and place of employment;

3) Provide a list of eligible persons to the builder or developer who will notify eligible persons of the availability of MPDUs adequate to meet their housing needs and preferences; and

4) Determine whether a potential MPDU buyer has previously owned an MPDU or occupied a residence that the buyer has owned in the Washington, D.C. Metropolitan Area within the previous five years. An eligible person may not buy an MPDU if that person has previously owned an MPDU or other residence in the Washington, D.C. Metropolitan Area as defined by HUD within the previous five years, unless there are no other eligible persons who are first-time buyers interested in purchasing the unit. The city manager may waive this restriction for good cause.

2. Offering MPDUs for Sale or Rent

a. The applicant must notify the Department of the intent to offer MPDUs for sale or rent by completing an MPDU offering agreement on the form provided by the city manager. The following information must be provided:

1) A description of the MPDUs including the number, unit types, and size by area and number of bedrooms, and other relevant details of the MPDUs;

Formatted: Font: Italic

Formatted: No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 8 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

2) The addresses, legal descriptions, and tax account numbers of MPDUs;

3) A recorded subdivision plat, a copy of the approved preliminary plan, and two copies of the site development plan designating the location of the MPDUs;

4) A copy of the recorded Declaration of Covenants, or covenants fully executed and ready for recording;

5) A completed sale price calculation sheet and price list of options if the houses are to be sold and a copy of the floor plans of each unit type;

6) The date(s) when MPDUs will be delivered for settlement or rental occupancy; and

7) Other information the Department may deem necessary.

b. MPDU sale units must be available for settlement and occupancy in compliance with all code requirements within one year of the date of acceptance of the offering agreement by the Department.

c. MPDU rental units must be available for rental occupancy in compliance with all code requirements within one year of the date of acceptance of the offering agreement by the Department.

3. Selection Process for Offering Units for Sale

a. The Department shall maintain a list of all eligible persons interested in buying MPDUs based on those persons holding Certificates of Eligibility. This list will be provided to the builder or developer for marketing the units during the priority marketing period.

i. The list shall be divided into two parts, the first part being individuals or households who currently live or work within the Rockville city limits, and the second part being those individuals or households who do not live or work within the Rockville city limits. The builder or developer shall first offer the units for sale to those persons who live or work within the Rockville city limits.

ii. Reserved.

iii. The builder or developer shall, in accordance with the above sections, contact eligible persons to offer units for sale in the order in which they appear on the list. Eligible persons must be given a reasonable amount of time to respond to the notification prior to the builder or developer moving forward on the list to offer the units to additional certificate holders. The applicant may not begin marketing or reserving MPDUs prior to approval of the offering agreement and the date established by the Department for marketing the MPDUs. The applicant must comply with all federal, state, and local fair housing laws.

iv. If an applicant offers MPDUs for sale within six months after the date of acceptance by the Department of a previous offering of MPDUs in the same subdivision, then the priority list established for the previous offering will be used until all eligible households on the list have been exhausted. The following provisions apply to the subsequent offering:

1. The applicant's offering contains the same type(s) unit(s) with the same number of bedrooms per unit as were in the prior offering; and
2. Purchasers must have a valid MPDU eligibility certificate and meet the approved maximum MPDU income limits at the time of the second offering.
3. The priority marketing period for subsequent offerings begins on the date of approval of the offering agreement.
4. For offerings where no lottery is to be held, eligible persons will be notified and advised to contact the applicant directly to arrange for the purchase of an available unit. The applicant will be responsible for marketing the units. The applicant may not begin marketing or reserving MPDUs prior to approval of the offering agreement and the date established by the Department for marketing the MPDUs on a " first-come, first-served " basis. The applicant must comply with all federal, state, and local fair housing laws.

4. Rental Procedures

a. An applicant must offer units first to eligible persons over age 55 or families with a member over age 55. The builder or developer must contact such individuals first when marketing the multifamily MPDUs for rent.

b. MPDUs offered for rent by the applicant may be leased without utilizing the lottery process unless otherwise required by the director. The applicant must comply with all applicable fair housing laws and must rent the available MPDUs only to eligible persons during the priority marketing period. If a lottery process is used to rent the MPDUs the same point system described in Section 3(b) will be used for ranking eligible person's or household.

5. MPDU Covenants

b. a. Before the first sale or rental of an MPDU, the applicant must sign and forward MPDU covenants to the Department. The covenants must be in the form required by the Department and include the restrictions contained in the Moderately Priced Housing Ordinance. The covenants will run with the land for the entire period of control and until all requirements of the Moderately Priced Housing Ordinance have been complied with. The covenants will be binding on the applicant, all assignees, mortgagees, buyers, and all other parties that receive title to the property.

c.

d. b. MPDU covenants will be recorded by the Department and must be recorded so that they are senior to all instruments securing permanent financing. Every deed transferring the MPDU must contain the reference to the covenants citing where the covenants are recorded in the Land Records by liber and folio reference. If covenants cannot be recorded on the MPDU in

conformance with this regulation, then the unit will not be considered as having met the requirements section 13.5 of the Moderately Priced Housing Ordinance.

~~i.~~j. Sales and Rental Documentation

Within fourteen (14) days following the sale or rental of each MPDU, the applicant must submit to the Department a copy of the initial sales contract or lease agreement and the MPDU Certificate of Use Form. The final settlement sheet and a copy of the deed must be sent to the Department within 21 days after settlement on the sale of the property. The applicant must submit all of the required documents in correct form to consider the unit as fulfilling the requirements of the Moderately Priced Housing Ordinance.

D. Units Available to the housing agency

1. Under the Moderately Priced Housing Ordinance, the housing agency is entitled to purchase or lease, for its own programs, up to thirty-three percent (33%) of all MPDUs to be sold or rented in each development. Concurrently with the eligible candidates, the Department must notify the housing agency of the availability of MPDUs.

   The housing agency then has 21 days to designate to the applicant those units, if any, it is considering acquiring or renting. For the units under consideration, the housing agency then has the remainder of the 45-day period to notify the applicant of its final decision. Units not designated by the housing agency within the appropriate time limits may be marketed by the applicant according to the Moderately Priced Housing Ordinance guidelines.

2. For the units under consideration, the housing agency is considered to have exercised its option and to have exclusive right to those units designated by the housing agency for sale or rental if the housing agency has within the 45-day period provided the applicant with a written notification of its intent to purchase or rent. In all cases, the applicant must deliver all necessary documents to the housing agency within the 45-day period in order that the housing agency or its assigns might contract to purchase or lease, as appropriate, the available MPDUs as expeditiously as possible.

3. The housing agency should negotiate the acquisition or rental of MPDUs directly with the applicant. The housing agency is subject to the maximum sales prices or rental rates included in regulations issued by the Mayor and Council.

4. The housing agency may assign its one-third option described above to persons of low or moderate income who are eligible for assistance under any federal, state or local program identified in section 13.5-3 of the Moderately Priced Housing Ordinance, as amended, or in regulations. If the housing agency assigns its option in this manner, it must notify the Department and the applicant of the person to whom the option has been assigned and must also inform the Department of the subsequent exercise of the option so assigned.

E. Control of sale price and rental rate of MPDUs

The price at which MPDUs may be sold is controlled by covenants recorded with the deeds of those properties for a period of thirty (30) years from the date of original sale or rental of such unit.

The price at which MPDUs may be rented is controlled by covenants recorded with the deeds of those properties for a period of thirty (30) years from the date of original rental of such unit.

F. Restrictions on Rental of MPDUs

1. MPDUs, other than those specifically described in Article 6-D and 6-F (3), must not be offered for rent by an applicant during the priority offering period, except when located in subdivisions consisting entirely of rental units. Applicants must make a good faith effort to enter into contracts with those having the exclusive right to contract.

2. Applicants who make a good faith effort to sell their MPDUs in accordance with the restriction described in paragraph F-1 above, but are unable to sell the MPDUs during the priority of offering period, may, after notifying the Department, re-offer unsold units for rent. These units must then be marketed and leased in accordance with the procedures and requirements imposed by this regulation.

3. In any subdivision in which the applicant designates one or more sections of the subdivision or a particular housing type to be marketed as rental units, the applicant may elect to meet the MPDU requirement for the rental section with rental MPDUs in accordance with the following provisions:

   a. The designation of rental sections must be made at the time of submission of either the MPDU construction agreement or the offering agreement to the city for approval.
   b. A plan for the entire subdivision, designating the location and number of units in the rental sections and the MPDUs, must be attached and made part of the agreement.
   c. The number of rental MPDUs as proportion of the total number of rental units must not exceed (but may be less than) the proportion of total MPDUs to the total number of dwelling units in the subdivision. Rental MPDUs must be the same housing type as the market rate rental units.

G. Requirements for MPDU Rentals

Rental MPDUs are administered in the following manner:

1. Every lease for a rental MPDU must include a provision that states, "the rental price may not exceed the maximum rental rate as established by regulation from time to time pursuant to the Moderately Priced Housing Ordinance, as amended, or as determined by any system of rental controls enacted by the Mayor and Council of Rockville." The rental rates established for each MPDU may not be modified except as permitted by executive regulation.

2. If the owner of any rental MPDU decides to sell the unit at any time during the control period, the owner must notify the Department in writing of such intent. The sale of the unit will be treated as if it were an original offer to sell and the sale and purchase of the unit will be governed by the Moderately Priced Housing Ordinance and appropriate regulations. The sales price will be the price listed in the current regulation governing the initial sales price of MPDUs.

3. If the unit is converted to condominium status during the control period, it is subject to the requirements of Chapter 11A of the Montgomery County Code, 1994, as amended.

H. Re-rental of MPDUs by Applicants

During the control period, if an applicant has rental MPDUs to be re-rented, the applicant must offer them to eligible persons for sixty (60) days prior to marketing to the general public.

SECTION 7. SUBSEQUENT SALES OF MPDUs

The city exercises control over resale prices of previously purchased MPDUs in accordance with the following procedures:

A. Request for Price Determination

An owner of an MPDU must notify the Department in writing of the owner's intent to sell and request a resale price determination. The owner must provide the Department with an itemized list of all capital improvements for which an allowance is requested as part of the resale price determination. All improvements claimed must be documented with receipts. The owner must permit the Department to inspect the improvements.

B. Establishment of Maximum Resale Price

1. Upon receiving a request for a resale price determination, the Department will establish a maximum resale price, which will include the following factors:

   a. The original price paid for the unit plus an allowance for the increase in value of the unit during the period between the date of original settlement and the date of resale. The allowance is based upon the rate of increase in the U.S. Department of Labor Consumer Price Index (CPI) for the Washington, D.C. metropolitan area.

   b. An allowance will be given for certain capital improvements made to a unit subsequent to the date of purchase as determined by the Department. An allowance may not exceed 10% of the selling price as calculated in accordance with Section 13.59(a)(1).

   c. Upgrades of existing house components, normal owner maintenance and general repair work will not be included in the resale price determination. Improvements must be permanent in nature and clearly add to the market value of the house or property.

2. Any personal property, including equipment, not considered an improvement by the Department may be sold as an option; however, the value of such options may not be added to the final sales price of the dwelling unit. The purchaser of an MPDU is under no obligation to purchase personal property or equipment. Household appliances purchased as an option at original sale or added subsequent to the original sale will be depreciated over a five-year life cycle. The depreciation is subtracted from the final resale price.

3. Closing costs are treated as follows:

   a. The seller must pay all closing costs when such costs were included (i.e., paid by the original seller) in the original purchase price.
   b. When an MPDU owner has paid all closing costs as may be required by government mortgage financing programs, then the purchaser must pay closing costs on the resale.

c. Prepaid items are not considered closing costs.
d. No increase in the resale price is allowed for the payment of brokerage fees associated with the sale of a unit.

4. The Department will notify the owner, in writing, of the approved resale price within 21 days of receipt of the request for price determination. Items not approved will be noted with the reason given for the disapproval.

C. Offering an MPDU for Resale

MPDU resales must be offered in accordance with the following procedures:

1. An MPDU cannot be offered, advertised, or sold for a price greater than the maximum resale price determined by the Department. The seller must notify the Department whenever a sales contract is executed by forwarding a copy to the Department. The seller must also furnish the Department with an executed copy of the settlement sheet.

2. An MPDU may only be sold to a purchaser who will occupy the unit as the purchaser's primary place of residence for the balance of the existing control period or to the designated housing agency. Purchase of an MPDU for speculative purposes prohibited. The seller will be given a certificate of personal use form which must be completed by the intended purchaser and returned to the Department.

3. Upon establishing a maximum resale price, the unit must be offered first exclusively to the designated housing agency which will have a 45-day period in which to notify the seller of its decision. If the designated housing agency does not wish to purchase the unit, it will then be offered to persons determined by the Department to be of moderate income. These persons will have an exclusive opportunity to contract for the unit for sixty days. The Department has permission to inform certificate holders of the availability of these units.

4. If the unit has not been sold during the sixty (60) days after the Department established the maximum resale price, the MPDU owner may offer the unit to the general public at the price previously determined by the city manager.

5. If the MPDU remains unsold one hundred eighty (180) days after the unit is offered for sale to the general public, the City Manager may permit the owner of the MPDU to sell the MPDU at market price. If a unit is sold a market price, the seller must pay to the Moderately Priced Housing Fund all sales proceeds in excess of the price calculated in accordance with Section 13.5-9(a). Once the sales proceeds are deposited in the Moderately Priced Housing Fund, the City will release the covenants applicable to the unit.

D. Appeal of Resale Price

If a seller does not agree with the determination issued by the Department regarding the eligibility of improvements and their value, the seller will have fourteen (14) days from the date of the determination to request reconsideration by the Department. The request must cite the basis for the request and should

include documentation that the seller wishes to use in support of the request. If a seller does not agree with the determination made by the city manager as to the fair market value of eligible improvements, the seller has the right to have an appraisal conducted by a certified appraiser, the cost of which is borne by the seller. Upon submission of such appraisal, the city manager must make a final determination as to the fair market value of improvements. The director of the Department must send a written final determination of the approved maximum resale price to the seller within thirty (30) days of the receipt of the request.

SECTION 8. ENFORCEMENT

The city enforces the provisions of the Moderately Priced Housing Ordinance and regulations in accordance with the following conditions:

A. The Department is responsible for enforcing the provisions of the Moderately Priced Housing Ordinance. In the event that an applicant does not construct the MPDUs according to the terms of an approved MPDU agreement, the Department will contact the applicant to determine the reasons for such noncompliance. If the applicant can demonstrate sufficient reason why the MPDUs have not been constructed, the Mayor and Council may agree to renegotiate the applicant's MPDU agreement.

   Sufficient reason for the failure to construct MPDUs according to the approved MPDU agreement include but are not limited to the following:

   1. Economic conditions have caused the applicant to postpone the development of the entire project including both the MPDUs and market rate units. An applicant may not postpone the construction of the MPDUs unless the city has given prior approval to such a change in the approved agreement.
   2. Sewer and water service has been delayed for all or a portion of the subdivision.
   3. Unusual weather conditions or physical site conditions have rendered part or all of the site temporarily undevelopable.
   4. A failure by a public agency has forced a deviation from the approved staging plan.
   5. Such other good reasons as may be accepted by the Mayor and Council on a case- by- case basis.

B. Revisions to an approved MPDU agreement are the responsibility of the applicant and should be requested as soon as the applicant recognizes that the terms of an approved MPDU agreement cannot be met.

C. If the applicant cannot demonstrate sufficient reason why the terms of the approved MPDU agreement have not been met, or can demonstrate good cause but does not negotiate an amended agreement with , the Department may request that the city take formal action against the applicant to ensure that the MPDUs are constructed along with or preceding the market rate units in the subdivision. The city Manager is authorized to withhold the issuance of subsequent building or occupancy permits to the applicant until the MPDUs contained in the currently approved agreement are constructed, or until the applicant has amended his agreement. Once the issuance of a building permit for the subdivision has been halted, or existing building or occupancy permits suspended or revoked, the issuance of permits by the Department may not be resumed until the city manager is satisfied that the terms of the approved MPDU agreement are being met.

SECTION 9. RENTAL AGREEMENT OFFERING

A. The rental limits for MPDUs offered for rent are those in effect at the time that the ninety (90) day priority offering period to eligible persons. This ninety (90) day priority offering period commences in accordance with the procedure described in the regulation.

B. The offering of rental MPDUs to the Department will not be considered a bona fide offering unless such units are available for occupancy within 120 days of the acceptance of the offering by the Department. In the event that the units are not rented to eligible persons during the 90-day period referred to above, and the applicant (i.e., developer) has proved to the satisfaction of the Department that a good faith effort was made to rent the units to eligible persons, the applicant may then market the units to the general public at the rental price limits currently in effect for new units. Unit must be offered to eligible persons at each lease conclusion.

C. Landlords offering MPDUs for rent are required to send copies of the initial rental contract and rental certification form indicating whether utilities are included in the rent or paid separately by the tenant and notice of rent increases and renewal leases to the Department.

D. The rent listed above cover all operating expenses and utilities, except as noted. Operating expenses include all costs associated with the operation and maintenance of the rental property. Where operating costs assumed in the establishment of these prices are the responsibility of the owner/developer but are paid by the tenant, the maximum allowable rent may be adjusted downward by the Department. This provision applies to all units rented according to Section 13.5-7, Rockville City Code as amended.

SECTION 10. MAXIMUM INCOME LIMITS

In accordance with Section 13.5-4 of the Moderately Priced Housing Ordinance, the maximum household income limits are established by the city manager and will be used to determine eligibility for the Moderately Priced Housing Program.

SECTION 11. SOURCES OF INCOME

Maximum permitted moderate income is defined as the gross income received annually from all sources by the members of a family or household unit. Sources of income include, but are not necessarily limited to the following:

A. Wages and Salary
B. Child Support
C. Alimony
D. Interest from Savings/Checking
E. Dividends from Stocks/Bonds Certificate of Deposits.
F. Social Security Benefits.
G. Veterans Administration Benefits
H. Overtime.
I. Unemployment Insurance.
J. Bonus Payments.
K. Pension/Retirements Payments
L. Disability Benefits.
M. Any Other Annuities or Stipends Received.
N. Income from Real Estate Investments
O. Welfare/AFDC (including money received pursuant to the Temporary Assistance for Needy Families program; but excluding SNAP benefit also known as “food stamps”)

Losses generated from investments in real estate will not be used to reduce gross annual income.

SECTION 12. APPLICABILITY

These prices and price calculation procedures are applicable to new houses constructed and sold in fulfillment of the Moderately Priced Housing Ordinance requirements. This regulation is being promulgated after obtaining and considering information and data dealing with current general market and economic conditions and the current minimum sale prices of privately produced market priced housing. The Mayor and Council has obtained information relative to housing prices and construction costs from the building industry, employers and professional and citizen groups having information relative to moderate income housing.

SECTI0N 13. MAXIMUM, ALLOWABLE SALES PRICES OF MPDU'S

The maximum, allowable sales prices of basic units, including closing costs and sales commission fees for moderately priced dwelling units sold in accordance with the requirements of Chapter 13.5 of the Rockville City Code, as amended, are the same as the applicable maximum sales prices established from time to time by Montgomery County pursuant to Chapter 25A of the Montgomery County Code. However, these prices are subject to the adjustments contained in Sections 6 and 14.

SECTION 14. PRICE ADJUSTMENTS FOR VARIATIONS FROM BASIC UNIT STANDARDS

A. For units differing in size (square foot area) from the basic unit, the structure cost will be increased or decreased at one-half the unit type square foot cost.

B. The construction loan interest rate used to calculate construction financing costs is based upon a prime interest rate of ten (10) percent plus two percentage points. Variations from this construction loan interest rate will be adjusted to the prime interest rate that exists at the time of the offering plus two percentage points.

C. The following costs, in addition to the construction loan expenses, are included in the allowable sales price and are expressed as a percentage of the total price as follows:

1. Construction loan placement fee – 1.5 percent
2. Legal and closing costs – 3.5 percent
3. Marketing expenses and sales commissions – 4.5 percent
4. Builder's overhead expenses – 8 percent
5. Pre-development expenses and contingencies – 5 percent

D. The allowable sales price includes the following closing costs that are to be paid by the seller:

1. One-half percent for a permanent loan origination fee;
2. County tax certificate, transfer charges, revenue stamps and recordation charges;
3. Title examination, settlement, and attorney fees;
4. Notary fees and fees for preparation of a deed of conveyance, a deed of trust or mortgage, and the deed of trust or mortgage note;
5. House location survey plat; and
6. Appraisal fees and credit report charges.

E. Fees required to place permanent financing will be permitted to be added to the allowable sales price to determine the final sales price to the purchaser. These fees may include the seller's permanent loan fees (points) that are in excess of one-half percent and any buy-down fees paid to a financial institution to reduce mortgage interest rates on the purchaser's loan below current market interest rates. There will be no additions if the buyers secure their own financing.

F. The above prices for single-family, semi-detached, and townhouses include the cost of a basement. A basement cost will not be permitted on back-to-back or piggyback townhouses unless one or more of the following criteria are satisfied:

1. The MPDUs are attached units and are scattered among market rate units with basements; or
2. The MPDUs are constructed on land where the topography necessitates the construction of basements and the developer can demonstrate such topographical requirements to the satisfaction of the Department.

G. In any instance where a townhouse MPDU is constructed as an end unit dwelling, the allowable structure cost will be adjusted to reflect the increased costs associated with the construction of the end unit.

H. The allowable sales prices listed in Section 14 may be adjusted for the dwellings where space for future bedrooms that can be finished by the purchaser is provided. For each potential additional bedroom where adequate space is provided, the square foot price for this area will be reduced by ten (10) dollars per square foot from the square foot price. The minimum area, height, lighting, and ventilation must be provided in an MPDU in order to meet the requirements of the MPH ordinance. Expandable space must include the installation of heating and air conditioning ductwork, rough electrical wiring, rough-in plumbing, and insulation. Walkout basements will not be considered as expandable space.

I. Water and sewer house connection fees are not included in the calculation of the MPDU base sales price. In any instance where water and sewer connection charges are not deferred, the allowable sales price will be adjusted to reflect this increased cost to the developer.

J. When permitted by the city manager, significant items included in the minimum MPDU specifications, but which are not constructed in a unit will result in an adjustment to the allowable sales prices to reflect these omissions. Minimum specifications for MPDUs that exceed building code requirements are shown on the attached Addendum 1. It is the responsibility of the developer/builder to provide these items, or otherwise to obtain permission from the city manager not to meet the minimum standards.

K. When a gas heating and air conditioning system is substituted for an electric system in an MPDU, the allowable sales price will be adjusted by the city manager.

L. When the buyer and seller of an MPDU agree to modify the unit structurally to facilitate access or use by a disabled person(s), the city manager may adjust the allowable sales price by the amount of the additional costs. The builder/developer must obtain approval of the price from the City Manager prior to executing a sales contract.

M. The city manager may adjust the allowable sales price of an MPDU if the developer/builder can demonstrate that additional unusual costs have been incurred (i.e., costs not already included in the allowable structure or lot development costs) which are directly attributable to and benefit the MPDUs and which are the result of the following:

1. conditions or fees, such as impact or similar fees imposed by a governmental unit or as condition for building permit approvals;
2. additional considerations or fees as a condition of obtaining governmental financing programs; or
3. additional fees imposed by public utilities.

Documentation for such costs must accompany the sales offering agreement submitted to the Department. Requests for price adjustments must be initiated by the builder/developer. Additional costs for correcting or adapting the usability of marginal land, soils, or topography will not result in an increase to the allowable sales price.

N. The city manager may permit an increase in the allowable sales price of an MPDU in exceptional cases when the city manager finds that a price increase is justified to cover the cost of modifying the external design of the MPDU that is necessary to reduce excessive visual and marketing impact of the MPDUs on

the market-rate units in the subdivision. The increase in the allowable sales price will only be permitted in accordance with the following conditions:

1. 1.The MPDUs are interspersed among or adjacent to the market rate houses and are plainly visible to

2. the occupants of the market rate housing. A site plan must be submitted which shows the location of the MPDUs and the market priced units.

3. The design elements requested will be similar to those elements used on the market-rate housing units in order to reduce substantial differences in appearance. Compensation may be allowed for full or half brick veneer facades and the sides of end units, roofing material, window and door treatments, materials for walkways, and similar architectural elements approved on a case- by- case basis.

4. Compensation will be based upon the cost difference between the design elements included in the calculation of the MPDU allowable structure cost and those design elements for which the builder is requesting compensation. Cost estimates for construction bids must be submitted that will establish this difference in cost. The city manager may establish standard costs for approved design elements. The final determination of the amount of the compensation will be made by the city manager

5. The increase approved for architectural compatibility will be limited to ten (10) percent of the allowable base cost for each unit increased by the direct cost percentages listed below. The allowable base cost will be determined using the square foot and lot development costs contained in Section 3 of this regulation.

    a. Construction loan interest – prime rate plus 2 percent;
    b. Construction loan expenses – 1.5 percent;
    c. Builder's overhead expenses – 8 percent;
    d. Pre-development expenses and overhead – 5 percent

O. When the State of Maryland Community Development Administration's Homeownership Development Program is utilized to provide permanent financing for purchasers of MPDUs, the seller must exclude closing costs from the authorized sales price. The resulting sales price must reflect a deduction which equals the actual closing costs paid by the buyer. This provision only applies to those MPDUs for which a commitment of permanent financing has been received from the State of Maryland Development Administration in association with the Homeownership Development Program.

P. The maximum, allowable sales price for new MPDUs sold to the housing agency, or to a non-profit corporation approved and certified by the Mayor and Council will be reduced to reflect the reduced selling and marketing costs associated with these units. In such cases, the maximum allowable sales price will be reduced by 4.5 percent.

Q. The loan amount, but not the final sales price, may be increased to cover the cost of amortizing the mortgage insurance premium on FHA and Commission/FHA loans.

R. The MPDU Pricing Standards and provisions of this regulation apply to all MPDUs offered for sale through Department on or after the effective date of this regulation. The maximum allowable sales price for the MPDUs will be fixed when the city signs the offering agreement.

MPDU PRICING STANDARDS

For pricing standards, please use the following link to the MPDU Pricing Standards.
https://montgomerycountymd.gov/DHCA/Resources/Files/min_specs_and_standards_0217.pdf

MPDU SPECIFICATIONS

ITEM	SFD	SEMIDETACHED TOWNHOUSES		BACK TO BACK TOWNHOUSES	PIGGYBACK TOWNHOUSES	GARDENS
No. Bdrms	2, 3, 4, 5	2, 3	1, 2, 3, 4	1, 2, 2, 3, 4		0, 1, 2, 3
No. Baths	1, 1.5, 2, 2	1, 1.5				
Electric Hot Water Heater (gallon)	40, 50, 50, 80	40, 50	30, 40, 50, 50	40, 50, 50, 50	50, 50, 40, 40	40, 40, 50, 50
Gas Hot Water Heater (gallon)	30, 40, 40, 50	30, 40	30, 30, 40, 40	40, 40, 30, 30	30, 30, 30, 40	30, 30, 30, 40

Note:

a. Square foot prices are based upon heat pump systems for heating and air conditioning. Sales prices may be adjusted for units having other HVAC systems.

b. Rough-in plumbing and electrical installation must meet the following conditions to qualify for a pricing addition:

1) Plumbing rough-in: the installation of all parts of the plumbing system that can be completed prior to the installation of fixtures, appliances, or equipment must be included. This includes drainage, water supply, vent piping, and necessary supports and backboards. All piping must be tied-in and capped off after penetrating the wall or floor surface. Ductwork for the future installation of exhaust fans must be installed. Rough-in must pass air or water tests as required by the BOCA or WSSC Codes.

2) Electrical rough-in: Wiring must be installed from service panel box to the location of item to be served (e.g. appliance, junction box switch or outlet) of the appliance to be and terminated at an outlet of the appliance to be serve.

MILES & STOCKBRIDGE P.C.

Barbara A. Sears
301-517-4812
bsears@milesstockbridge.com

Phillip A. Hummel
301-517-4814
phummel@milesstockbridge.com

March 23, 2020

Mayor Bridget Donnell Newton and
Councilmembers of the Rockville City Council
111 Maryland Avenue
Rockville, Maryland 20850

Re: Proposed Amendments to the City of Rockville's MPDU Regulations to Provide Clarifying Language on Affordability Structuring for the Homeownership Component of the MPDU Program (the "Proposed Amendments") – Item 7B on March 23, 2020 Agenda

Dear Mayor Newton and Councilmembers:

We represent Lantian Development ("Lantian"), the owners of 15825 Shady Grove Road, 2 and 4 Choke Cherry Road, and 2092-2098 Gaither Road (the "Shady Grove Properties") in the City of Rockville (the "City"). The purpose of this letter is to comment on the proposed amendments to the City's Moderately Priced Housing Regulations (the "MPDU Regulations").

By way of background, Lantian has diligently pursued for over the past three years the transformation of the Shady Grove Properties from an obsolete and auto-centric office park to a mixed-use, infill, and traditional neighborhood designed community with housing, retail, office, hotel or institutional uses, public parks, a regional stormwater management pond, a new grid of public streets, and other desirable amenities. On April 29, 2019, the Mayor and Council approved Project Plan PJT2017-00007 allowing the redevelopment of the Shady Grove Properties with up to 1,336 multi-unit dwellings, up to 330 townhouses, up to 390,000 square feet of office, hotel, or institutional uses, and up to 170,000 square feet of retail uses (the "Shady Grove Project Plan"). On March 11, 2020, the City's Planning Commission approved Level 2 Site Plan STP2020-00393 (the "Phase I Site Plan") to implement the first phase of the Project Plan on an approximately 11.5 acre portion of the Shady Grove Properties with 136 townhouses (including 17 Moderately Priced Dwelling Units or "MPDUs"), the regional stormwater management pond, public parkland, and accompanying features.

The Proposed Amendments would require MPDUs in a for-sale project, such as the townhouses in Lantian's redevelopment of the Shady Grove Properties, to have a range of income affordability. Lantian has considerable concerns with the Proposed Amendments. Although described as "clarifying language on affordability structuring for the homeownership component

MILES & STOCKBRIDGE P.C.

of the MPDU program," the Proposed Amendments substantively change the MPDU Regulations by expanding the intended affordability of for-sale MPDUs from a maximum of 60% of Area Median Income ("AMI") to a range between 50% and 120% of AMI. Given the potential economic impact of the proposed regulatory amendments to applicants that have already undertaken significant financial investment and obtained development approvals approved by the City (such as Lantian's redevelopment of the Shady Grove Properties), such changes to the MPDU Regulations should be reviewed carefully, rather than summarily approved as a consent item.

Specifically, the proposed regulatory amendments raise important issues regarding the compatibility of an "income tiering" approach with the City's formula for pricing for-sale MPDUs, and whether the proposed regulatory changes actually advance the City's goal of making for-sale MPDUs affordable to those earning certain percentages of AMI. Furthermore, the potential impacts of the regulatory amendments on the payment of Homeowners' Association dues and other assessments, as well as the current minimum income limit for qualifying for a minimum mortgage must also be thoroughly considered. In light of these considerable potential ramifications, any changes to the MPDU Regulations must be the product of an informed discussion with all impacted stakeholders.

Thus, based on the uncertain effect of the proposed regulatory amendments on projects that have already significantly advanced under the City's comprehensive development review process, Lantian proposes the Mayor and Council defer the adoption of the proposed regulatory amendments so they can be thoroughly assessed.

If, however, the Mayor and Council decides to proceed with these changes to the MPDU Regulations, Lantian proposes adding the following grandfathering language after Section b of the new "Homeownership Affordability Structuring" provision:

> c. This provision does not apply to any Site Plan implementing a Project Plan approved prior to [insert date of adoption of MPDU Regulations amendments], or to any amendment(s) of such an approved Project Plan or implementing Site Plan.

This additional language will allow approved project plans and implementing site plans, like the Shady Grove Project Plan and the Phase I Site Plan, to be reviewed under the version of the MPDU Regulations currently in effect. We appreciate your attention to this matter and look forward to participating in future conversations about affordable housing in the City.

MILES & STOCKBRIDGE P.C.

Very truly yours,

Barbara A. Sears / by P. A. H.

Barbara A. Sears

Phillip A. Hummel

Phillip A. Hummel

cc: Bob Elliott, Lantian Development
Mike Smith, Lantian Development
Shawn Li, Lantian Development

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Consent
Department: City Clerk/Director of Council Operations Office
Responsible Staff:

Subject

Approval of Minutes

Recommendation

To approve the following minutes:

April 1, 2019 - Regular (Meeting No. 15-19)
April 1, 2019 - Closed Session (Meeting No. 15-19)
April 8, 2019 - Regular (Meeting No. 16-19)
April 8, 2019 - Closed Session (Meeting No. 16-19)
April 29, 2019 - Regular (Meeting No. 17-19)
May 6, 2019 - Regular (Meeting No.18-19)
May 13, 2019 - Regular (Meeting No. 19-19)
May 13, 2019 - Closed Session (Meeting No. 19-19)
May 20, 2019 - Regular Minutes (Meeting No. 20-19)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 3/25/2020

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Discussion
Department: PDS - Comprehensive Planning
Responsible Staff: Andrea Gilles

Subject

RedGate Master Planning: Discussion of Refined Scope of Work

Recommendation

Staff requests feedback on the revised consultant Scope of Work and direction on proceeding with the preparation of a full Request for Proposals (RFP) to hire a multi-disciplinary consulting team to work with staff and the community to develop a master plan for RedGate.

Change in Law or Policy

The current planned land use for the RedGate site, under the 2002 Comprehensive Master Plan (CMP), is Public Park and Open Space; and the current zoning is Park. The Parks, Recreation and Open Space (PROS) plan, which the Mayor and Council adopted in 2010, recommends retaining RedGate as a PROS resource should it ever stop being an active golf course. If uses other than a park are proposed, future amendments to the Comprehensive Master Plan, Zoning Map and Zoning Ordinance would be required.

Discussion

Background

The Mayor and Council last met to discuss RedGate on February 3, 2020 and decided to proceed with the process to a hire multi-disciplinary consultant team to assist the City with a master planning process for the site. At that meeting, staff presented an initial draft Scope of Work for consultant services, and the Mayor and Council provided feedback and established parameters for the proposed vision concepts that would be prepared as part of the master planning effort.

The revised consultant Scope of Work (Attachment A) reflects feedback from the Mayor and Council's discussion on February 3. Highlights include:

- Emphasizing community engagement and establishing multiple avenues through which input may be provided.

- Establishing parameters for the vision concepts to reflect the Mayor and Council direction to retain the vast majority, and perhaps all, of RedGate as a City park,

incorporating options for both passive and active recreational activities.

- Incorporating, within at least one of the concepts, a small portion of the property (no more than approximately 10 acres) for specific types of housing, including possibly supportive housing for veterans' care.

To ensure that the Scope of Work captures the will of the Mayor and Council, staff welcomes discussion and further feedback on the revised draft Scope of Work.

Process
If Mayor and Council direction is to proceed with the revised Scope of Work, staff will prepare a Request for Proposals (RFP) for multi-disciplinary master planning services. As part of the complete RFP packet, the tasks outlined in the revised Scope of Work (Attachment A) will be further detailed and include timelines and specific deliverables.

Ultimately, the result of the master planning work will be a presentation of 4 vision concepts, based on the established Mayor and Council parameters, community feedback, input from City staff and partner agencies, needs assessments, market and fiscal impact analysis, property constraints, and other professional expertise. The concepts, for Mayor and Council review and consideration, will include vision statements, rendered plans and sketches that graphically communicate the vision, and written guidance that outlines the process and proposed outcomes. General cost estimates, financial returns or expenditures, and public benefits will also be summarized with each concept. Each scenario should consider a 30-year fiscal impact on the City.

After a team is selected and given the direction to proceed, the process could take 12-18 months, which includes community engagement in development of the master plan and deliberations by applicable elected and appointed officials about the consultant team's report. A summary of key tasks that a consultant team will conduct are included in the attached phasing outline. Each phase would be coordinated with the City staff team, including coordination and preparation prior to each meeting, a community engagement strategy, and debriefings after each meeting. During the process, staff will provide periodic updates to the Mayor and Council. Final draft concepts will be provided for discussion and direction by the Mayor and Council, followed by subsequent steps to implement that direction.

Conclusion
Staff requests feedback on the revised consultant Scope of Work and direction on proceeding with the preparation of a full Request for Proposals (RFP) to hire a consultant team to work with staff and the community to develop a master plan for RedGate.

Mayor and Council History

The Mayor and Council have received updates on and held discussions regarding the RedGate property on many occasions. At the presentation on June 17, 2019, an extensive history, dating

back to 2006, of Mayor and Council discussions was provided with the staff report for that meeting agenda. The report can be accessed at the City's agenda webpage at: https://www.rockvillemd.gov/agendacenter.

Most recently, at the February 3, 2020 meeting, the Mayor and Council discussed whether to proceed with a master planning process for the property. After deciding to do so, the Mayor and Council provided input on a draft Scope of Work for a master planning consultant team and requested that staff update the Scope of Work based on their recommendations, and then return at a future date for a final discussion prior to preparing a full Request for Proposals.

Options Considered

Several options have been discussed by the Mayor and Council and raised through input from others. Most recently, the discussion on February 3 contemplated the option of not proceeding with a master planning process. Ultimately, the Mayor and Council agreed to do the master planning process, with certain parameters as outlined in the revised Scope of Work.

Public Notification and Engagement

The community has started to engage in the future of the RedGate property. Specifically, the Mayor and Council and staff have received input from users about the benefits of continuing to use RedGate as a park, though input has been received in support of other uses as well.

Community engagement will be a key component to the master planning process. The draft Scope of Work requires that the consultant work closely with the City's multi-departmental team to establish and implement a community engagement strategy that will include a variety of outreach methods and opportunities to provide public input.

Boards and Commissions Review

The most recent input from the Recreation and Parks Board is a recommendation to keep the property as a park. The Planning Commission has been reviewing Land Use policies for the Rockville 2040 update to the Comprehensive Plan. The current Planning Commission draft designates the site as a Public Park.

Procurement

If the Mayor and Council authorizes staff to proceed with a Request for Proposals (RFP) to hire a multi-disciplinary team to conduct a master plan for the site, Planning and Development Services staff will work directly with Procurement staff to prepare and release the RFP, review proposals, and recommend a consultant team by the end of FY 2020.

Fiscal Impact

Based on past City projects, research of other jurisdictions with similar highly complex multi-disciplinary projects (including closed golf courses), as well as based on City staff experience, we estimate that this project will require at least $300,000 to produce a high-quality project. If,

through the Request for Proposals process, any adjustment to the cost estimate is warranted, staff will return to the Mayor and Council for further direction, prior to the Mayor and Council's awarding a consultant contract. At this time, staff anticipates bringing forward a proposal at the beginning of FY 2021 to 1) request a budget amendment to make available the funds for this procurement and 2) award the contract for consulting services.

Next Steps

A tentative timeline for the next steps is as follows:

March 2020:	Mayor and Council provides direction on a revised Scope of Work for a master plan consultant team.
April 2020:	Prepare and release a detailed Request for Proposals (RFP), including a list of tasks, deliverables, and timing.
May - June 2020:	Receive and review consultant proposals.
July 2020:	Mayor and Council approves a budget amendment and awards contract to a consulting team.

Attachments

Attachment 11.a: RedGate Scope of Work Revised (PDF)

Rob DiSpirito, City Manager 3/25/2020

RedGate Scope of Work

The purpose of this Scope of Work is to secure the services of a multi-disciplinary team that can generate feasible vision concepts for the 131-acre RedGate site, which, until December 2018, had been a municipal golf course. The Mayor and Council have discussed and agreed that the vast majority, and perhaps all, of RedGate should remain a park. Concepts to be generated should therefore focus on park and recreational uses. Supported by a robust public consultation process, the master planning consultant team is encouraged to develop creative ideas for passive and active recreational uses, how those uses are sited, and how they interact. The Mayor and Council would also like to consider, for a small portion of the property, options for specific types of housing, including a potential project by the State of Maryland to provide a care facility for veterans.

The team must have expertise and experience in master planning, site planning, park planning, infrastructure development, engineering, environmental impacts and engineering, and cost estimating of both infrastructure and development. The team must also have expertise and experience in providing coordinated public education and outreach in order to obtain usable community input that will inform the feasible vision concepts.

Tasks for the Scope of Work are as follows:

Phase I: Existing Conditions Analysis and Establishing Key Goals

- Hold initial project management meeting with multi-departmental staff team, to launch project and reinforce goals, expectations and timelines. There should be regular check-in meetings and phone calls throughout each phase of the project, at minimum once per month.
- Create base maps of existing conditions: land uses, environmental features, utilities, infrastructure, topography, etc. (City staff will provide available GIS files and previously-produced maps for review.)
    - Existing road infrastructure; access; circulation for motor vehicles, pedestrians and bicycles; capacity data.
    - Existing storm, sewer, and water infrastructure and capacity.
    - Existing environmental features, topography analysis and constraints that will affect potential uses.
- Review existing plans and background analysis
    - Rockville 2040 City Comprehensive Plan Update; 2020 City Recreation and Parks Department Strategic Master Plan; 2019 National Golf Foundation Consulting report; Contracts for prior land acquisition with state and federal entities.
- Assess the site for potential locations for supportive housing, within the context that the remainder of the site be reserved for park and recreational uses and taking into account the potential infrastructure (including utilities) requirements.
- Establish initial site constraints and opportunities based on existing conditions analysis that establish parameters for the process outlined in Phase II.
- Provide a draft report on the analysis and key goals, for review by the staff team.

➢ *Deliverable*: Report on Existing Conditions Analysis.

Attachment 11.a: RedGate Scope of Work Revised (2980 : RedGate Master Planning: Discussion of Refined Scope of Work)

Phase II: Kick-off Community Meeting and Stakeholder Engagement

- Hold interviews with the Mayor and Councilmembers and with the multi-departmental staff team to discuss the initial key goals and objectives from Phase I and expectations for the kick-off meeting.
- Coordinate with City staff to organize, publicize and promote the community meetings, including a menu of options for providing feedback through other means. Have these options online and available by the kick-off meeting.
    - Input options should include, at a minimum:
        - Dedicated project webpage, using the existing City platform
        - Option to provide comments directly on the project webpage
        - Dedicated email to send correspondence
        - Rockville 11 for video presentations
        - Social media presence (Twitter, Facebook)
- Organize a **kick-off community meeting** to:
    - Present 1) initial findings, including opportunities and constraints, based on parameters outlined in the existing conditions report and interviews with the Mayor and Council and staff; and 2) broad concept ideas that reflect the Mayor and Council's priorities for the site.
    - Engage the community in visioning and feedback exercises.
- Hold interviews with key agency and non-profit representatives and applicable Boards and Commission members (Environment, Planning, Recreation & Parks, Traffic and Transportation, Cultural Arts, etc.).

➢ *Deliverable:* Provide a report on kick-off meeting outcomes and initial community input.

Phase III: 4 Initial Draft Concepts

- Prepare 4 initial draft concepts to present at **3 community meetings** for feedback and to inform refinements. Concepts will include:
    - <u>A Baseline Concept</u>: Prepare a concept that establishes a baseline level of features within the property and include a budget that reflects the costs of implementing those features. This option would demonstrate a minimum level of change, incorporating passive activities such as connected trails for biking, hiking and walking, pathways, areas for picnicking, open spaces, natural habitats and reforestation.
    - <u>Three (3) Alternative Concepts</u>: Prepare 3 alternative concepts that include a mix of passive and active recreational uses. Active recreational uses may include, but are not limited to, such facilities as an arboretum, botanical gardens, an amphitheater, playgrounds, a dog park, sports fields, running tracks, bicycle tracks, or other athletic facilities. Other parameters to consider:
        - The scale and mix of activities may differ based on whether the concept is geared primarily toward city residents or whether a portion is geared toward being a regional attraction.

- At least one of the concepts must include an option for a 10-acre site for a veterans care complex.

- Include high-level land use, environmental, transportation, financial, public benefit, water, sewer, and stormwater analysis to provide context for each of the concepts.
- Organize smaller group meetings on specific topic areas, as needed, with agency groups, non-profits, civic/community associations, supportive/special-needs housing experts, etc., to address issue details. Coordinate with staff.
  - Provide a summary of community input from each of the meetings (community and small group).
- Prepare further refinements to the draft concepts based on feedback from the community, staff, partner agencies, etc., as well as additional fine-grained analysis.

➢ *Deliverable*: Produce refined concepts, which include uses, site layout, environmental treatments, transportation infrastructure, financial analyses, public benefits, water infrastructure, sewer infrastructure, and stormwater analysis for the 3 initial concepts.

Phase IV: Concept Development and Refinement

- Provide, in coordination with City staff, a Mayor and Council check-in presentation.
  - Provide a progress update to Mayor and Council and gather their feedback on the initial 3 concepts.
  - Make refinements to the concepts, based on feedback from the Mayor and Council and staff.
- In coordination with City staff, prepare for and hold at least **2 open houses** to present all refined concepts and include ample opportunities for on-line feedback to engage the community.
- Provide a summary of community feedback from each of the open houses.
- Make final refinements to the concepts based on the community feedback.

➢ *Deliverables*: Refined concepts for presentation to the Mayor and Council, along with the summary of community feedback from community open houses.

Phase V: Preparation of Final Draft Master Plan and Initiation of the Boards and Commissions Process

- Present, in partnership with City staff, a briefing to the Mayor and Council on the 4 concepts. Request direction from the Mayor and Council on a preferred concept to refine as necessary for the final draft Master Plan.

➢ *Final revisions and deliverables*: Incorporate the preferred concept from the Mayor and Council and feedback from the open houses into a final draft master plan that includes:
  - A vision to guide the future of the site.
  - One fully rendered preferred concept (a 2D or 3D graphic representation, either by sketch or computer simulation) that reflects input from the community, the Mayor and Council, and staff. The concept should include a site plan, utility plan, transportation plan, landscape plan, and an estimated budget.

- 2-3 concepts (the number will depend on whether the Mayor and Council decides to proceed with the 4th optional concept) in a less refined graphic representation, but clear enough to demonstrate the other concepts that were considered. Concepts from the prior phase may fulfill this requirement.
- Language that provides the context for each concept, the public benefits of each, and guidance for Planning Commission and Mayor and Council consideration.

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Review and Comment
Department: City Manager's Office
Responsible Staff: Jenny Kimball

Subject

Mayor and Council Action Report

Recommendation

Staff Recommends that the Mayor and Council review and comment on the Action Report.

Attachments

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (DOC)

Rob DiSpirito, City Manager 3/25/2020

Attachment A

Blue - new items to the list.
Red - latest changes.

Mayor and Council Action Report

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2014-23	9/8/11	R&P	Future agenda	**King Farm Farmstead** **Status: Responses to a request for information (RFI) on potential future uses of the Farmstead were shared with the Mayor and Council on January 24, 2020. The responses will be discussed at the April 20, 2020 meeting.**	Ongoing
2015-14	7/13/15	CMO	Future agenda	**Purchasing Study Response** **Status: An update on the Procurement Action Plan was shared on January 27, 2020. Another update will be provided in July 2020.**	Ongoing
2016-12	9/26/16	HR	Future agenda	**Vacancy Report** Provide a Vacancy Report to the Mayor and Council at the end of each Quarter. **Status: The Fiscal Year 2020 second quarter report was shared on January 27, 2020 meeting. The next report will be shared with the Mayor and Council on April 27, 2020.**	April 27, 2020
2016-16	10/10/16	PDS	Future agenda	**Global Issues on BRT** Schedule another discussion on BRT with the City of Gaithersburg and Montgomery County, to include broader issues such as governance and finance. Consider holding the meeting in Gaithersburg. **Status: County transportation is studying alternatives to identify a recommended alternative for design of the MD 355 route. A recommended alternative for the Viers Mill route was selected. The project is funded for preliminary design in the County Budget for FY23.**	Ongoing
2016-18	10/24/16	PDS	Future agenda	**FAST – Faster, Smarter, More Transparent (Site Plan/Development Review Improvements)** Provide regular updates on the status of the work. **Status: A FaST update was provided to the Mayor and Council on November 18, 2019. The next update is scheduled for June 1, 2020.**	Ongoing

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2017-6	2/27/17	CMO	Email	**Minority-, Female- & Disabled-Owned Businesses** Provide updates on the Procurement Division's activities to engage and support minority-, female- and disabled-owned businesses. **Status: The next update will be on April 27, 2020. Staff is researching a veteran's preference component and will share information on April 27. A local preference approach for City procurement will be discussed as a separate agenda item.**	April 27, 2020
2017-11	6/12/17	R&P	Agenda item	**Deer Population in Rockville** Continue to monitor the deer population. Consider action steps and gather community input. **Status: The Mayor and Council directed staff to implement the pilot deer culling program. Staff will bring required changes to the City Code for Mayor and Council for approval. Given the increased use of RedGate as a park, staff will bring back on Mayor and Council agenda the topic of an alternate location for the 2020 pilot program.**	September-November 2020
2018-1	1/22/18	Finance	Action Report	**Utility Billing System** Provide updates on the replacement of the Velocity Payment System, powered by Govolution. **Status: Contracts are in place, a kick-off meeting was held and implementation underway, with estimated completion in July 2020.**	July 2020
2018-7	6/18/18	CMO	Agenda Item	**LGBTQ Initiatives** Identify and implement Mayor and Council suggestions. **Status: Comments about future gender-neutral bathroom installations were shared during the Mayor and Council's March 2 budget worksession. Discussion will continue through the remaining budget worksessions. Signs directing users to the gender-neutral bathrooms in City Hall were ordered and temporary signs are currently up.**	Ongoing

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2018-8	6/18/18	CMO/RCPD /R&P	Town Meeting	**Opioid Town Meeting** Schedule a Town Meeting on the opioid crisis, to include prevention, enforcement and treatment. **Status: A subset of the committee working on a strategic plan for the Rockville Goes Purple Initiative will convene after the immediate needs of the COVID-19 response are addressed.**	Ongoing
2018-11	8/1/18	PDS	Agenda Item	**Neighborhood Shopping Centers** Discuss mechanisms to encourage neighborhood shopping center revitalization and explore additional zoning and uses	Summer 2020
2018-15	10/8/18	PDS	Future Agenda	**Short-Term Residential Rentals** Discuss how to manage short-term residential rentals' (e.g., Airbnb) impact on city neighborhoods and explore options for taxing users. **Status: Short-term residential rentals was discussed on January 13. Staff emailed the results of additional research requested by the Mayor and Council on January 23, 2020. The Mayor and Council also requested that a public hearing be held at a future date.**	Fall 2020
2018-19	10/15/18	HR	Future Agenda	**Volunteer Program** Discuss whether the Mayor and Council want to direct the City Manager to create a centralized volunteer program. **Status: A report on the number of volunteers and volunteer hours for the first half of FY20 was provided on the January 13, 2020 agenda. The next update will be on the July 27, 2020 agenda.**	July 27, 2020
2019-1	10/29/18	PDS	Future Agenda	**Accessory Structures** **Status: The Mayor and Council authorized the filing of a Zoning Text Amendment on April 8. A workshop was held on May 29th for the public to learn more about these proposed regulations. A public hearing was held on July 15 and October 7, 2019. Discussion and Instruction was held on September 16, 2019. Mayor and Council and staff determined that there are outstanding issues to continue flushing out and to discuss further at a future meeting. This topic will be discussed at the April 20, 2020 meeting.**	April 20, 2020

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-2	2/25/19	R&P/PDS/ CMO	Future Agenda	**RedGate Golf Course Property** **Master Planning** – Prepare a scope of work for a master planning consultant. **Status: A proposed scope of work for master planning the property was discussed during the February 3 Mayor and Council meeting. A draft scope of work will be discussed at the March 30 Mayor and Council meeting. The Recreation and Parks Strategic Plan was presented to the Mayor and Council on March 23, so the plan results can contribute to the March 30 discussion of the RedGate master planning scope of work.** **Veterans Home –** Consider the proposed partnership with the Maryland Veterans Administration to establish a home for veterans at the Redgate property. **Status: The City Manager continues to communicate with the State Veterans Administration, share information with the Mayor and Council and respond to questions. A discussion of this topic was included on the Montgomery County Commission on Veterans Affairs' March 17 meeting agenda. That Commission meeting was cancelled. Staff will monitor for a reschedule.**	March 30, 2020 TBD
2019-4	3/25/19	PDS	Future Agenda	**Business Improvement Districts (BIDs) and Tax Increment Financing (TIF)** Discussion of potential City uses of BIDs and TIFs	TBD
2019-7	4/1/19	R & P	Memo	**Child Care Services** Discuss city provision of child care services (history of the current program, community need for the service, private sector market, expansion to additional Rockville locations). **Status: This item was discussed on September 9, 2019. Staff answered questions about child care cost recovery by email the week of October 14, 2019. A worksession discussion occurred on November 25, 2019. Additional information was provided via e-mail to the Mayor and Council on November 26, 2019. Staff is preparing a strategy to follow up on the worksession discussion.**	Summer 2020
2019-9	4/1/19	HR	Memo	**Reduction in Force (RIF) Policy** **Prepare a Reduction in Force (RIF) policy, to be incorporated in the Personnel Policy and Procedures Manual update.** **Status: Mayor and Council will consider this policy in the context of the ongoing review of the proposed Personnel Policies and Procedures Manual (PPM). The next discussion of the PPM is scheduled for May 18, 2020.**	May 18, 2020

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-10	4/1/19	HR	Email	**Personnel Policy and Procedures Manual Update** Share an update on the status of this effort. **Status: The draft revised manual was distributed to Mayor and Council on January 31, 2020 and was discussed at the February 24, 2020 meeting. Mayor and Councilmembers are forwarding questions to staff who will provide responses in writing. The next discussion on agenda is anticipated to occur on May 18, 2020.**	May 18, 2020
2019-11	4/1/19	HR	Future Agenda	**Retirement Incentive/Employee Buyout Program** Provide information about employee buyout programs and discuss the potential for a Rockville program. **Status: Director of Finance provided an update to the Mayor and Council via email on May 3, 2019.**	Summer 2020
2019-12	4/1/19	Police	Future Agenda	**Parking Enforcement at Street Meters** Share an overview of Rockville's current program and how other local jurisdictions handle parking enforcement at street meters, including hours of enforcement. **Status: Parking meter operations was a component of the Mayor and Council's parking discussion on July 15th, 2019. Staff will continue to discuss this topic with FRIT and will keep the Mayor and Council informed as developments occur.** **To support take-out only operations of Rockville food service businesses during COVID-19 response, parking meter spaces have been signed as 15-minute curbside pick-up.**	Ongoing

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-16	9/16/19	CMO	Future Agenda	**County Bill 29-19 Health and Sanitation – Electronic Cigarettes—Distribution; Resolution to Adopt Bill 29-19 as a Board of Health Regulation; Zoning Text Amendment 19-06 Vape Shops** Monitor County Council consideration of the Bill, Resolution, and Text Amendment **Status: A Public hearing was held on November 5, 2019. On November 25, 2019, the Health and Human Services Committee discussed and approved the bills. The bills, to be considered by the full Montgomery County Council after the new year (TBD), include:** • **Bill 29-19 – Health and Sanitation–Electronic Cigarettes;** • **Bill 31-19 – Health and Sanitation–Electronic Cigarettes – Distribution-Use and Possession; and** • **Bill 32-19–Health and Sanitation- Flavored Electronic Cigarettes.** **On December 9, the Mayor and Council approved a letter in support of the County vaping legislation. On March 9, the County Council's Planning, Housing and Economic Development Committee discussed and approved ZTA 19-06 Vape Shops, with clarifying amendments. The ZTA, vaping bills, and Board of Health Regulations are scheduled to be discussed by the County Council at their March 24, 2020 meeting. An email update with additional details was sent to the Mayor and Council on March 11, 2020. The March 24, 2020 County Council Agenda did not include these bills. There were several COVID-19 related items that were added. Staff will follow-up to see if a new date will be scheduled for the County Council to discuss these items.**	TBD
2019-19	12/16/2019	City Clerk/Director of Council Operations	Worksession	**Boards and Commissions Task Force Work Session** – Continue the Mayor and Council's discussion of the Boards and Commission Task Force (BCTF). **Status: The Mayor and Council will discuss the BCTF's top four recommendations during a regular meeting on June 8, 2020.**	June 8, 2020
2019-20	12/16/2019	City Clerk/Director of Council Operations	Meeting	**Post-Election Presentation –** The community meetings about the 2019 election were held on January 30 and February 8. A Board of Supervisors of Elections report to the Mayor and Council on the 2019 election is scheduled for May 11.	May 11, 2020

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-01	1/6/2020	Police	Future Agenda	**Emergency Management Program** – Receive an update from the Emergency Manager on the city's emergency management program and activities. **Status: Staff briefed the Mayor and Council on the COVID-19 pandemic on March 18 and 23. Briefings will be provided on each meeting agenda indefinitely. A comprehensive update on the emergency management program will be scheduled after the Emergency Manager's response to COVID-19 and the ongoing COVID-19 briefings to the Mayor and Council conclude.**	Ongoing
2020-02	1/13/2020	CMO	Memo and Future Agenda	**5G Wireless Technology** **Status: On March 18, 2020, the Mayor and Council discussed Zoning Text Amendment TXT2019-00251 on regulating the Installation of Small Cell Antennas and directed staff to return on agenda with a revised ZTA based on the results of the discussion.**	May 11, 2020
2020-03	1/13/2020	DPW	Memo and Future Agenda	**Climate Change Efforts -** Brief the Mayor and Council on City efforts related to climate change. **Status: Staff is preparing a memo describing the City activities underway and the areas that require direction from the Mayor and Council. Based on that background information and any other specific topics requested by the Mayor and Council, staff will schedule a discussion on a future agenda.**	TBD
2020-04	1/13/2020	Police	Memo and Future Agenda	**Drones and Public Safety –** Explore potential public safety issues associated with drones and how the City could consider monitoring, regulating and penalizing criminal activity.	Summer or Fall 2020
2020-05	1/13/2020	R&P	Email	**Americans with Disabilities Act** – Provide information about the City's work to ensure compliance with ADA requirements at City facilities. **Status: Staff provided initial information via email to the Mayor and Council on January 17, 2020. Funding for ADA-related projects is being discussed by the Mayor and Council in the context of the FY21 proposed budget.**	May 2020

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-07	1/13/2020	PDS	Future Agenda	**Affordable Housing Goals -** Discuss Rockville's strategy to meet the affordable housing goals established by the Metropolitan Washington Council of Governments (COG). **Status:** The Mayor and Council kicked off their discussions of affordable housing on February 3. **On March 23, 2020, the Mayor and Council considered an amendment to the MPDU regulations to clarify affordability structuring for the homeownership component. Staff will bring that item back on agenda on March 30. Future agenda items(s) will explore paths that the city could take to meet the COG housing allocation.** Staff will conduct a forum with stakeholders in the development community and building trade association to solicit feedback on the following items, then bring the feedback to the Mayor and Council on agenda: **1. Affordable Housing Fee for Small Residential Developments** With this proposed policy change, one of the options would be for developers of smaller residential projects, consisting of 10-49 total dwelling units, to be required to pay an affordable housing fee. Staff has developed data on these smaller residential projects. Incorporating a fee for small development projects would increase the impact of the City's inclusionary zoning policy by requiring an affordable housing contribution across a broader range of residential development projects. **2. In-Lieu Fee for Condominium Development** Condominiums are often viewed as an entry into homeownership. Escalating condo fees are a problem in many communities, making the affordability of the units unsustainable. Some communities elect to accept in-lieu fees for such developments for this reason. While condominium fees alone may not be the sole factor leading to some owners of MPDU condominium units being housing-cost burdened, they are a contributing element. Some of the 272 units have been lost to the MPDU program in foreclosure proceedings, and others may be at risk of future foreclosures. With this proposal, staff is to create in-lieu fee calculations for condominium developments providing 50 or more dwelling units. **3. Require Developments with 50 or More Units to Provide 15% MPDUs** In this proposal, staff seeks the Mayor and Council's direction on whether to apply an MPDU set-aside requirement of 15% throughout the city. Doing so would increase and equalize the impact of the City's inclusionary zoning policy. If the Mayor and Council wish to consider an MPDU set-aside requirement above 15%, it would be worthwhile to weigh such consideration with the cost implications and to pair the set-aside requirement with incentives (e.g., reduced parking requirements, expanded increased height limits, fee waivers, and an expedited permit and approval process)	Ongoing

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-08	1/27/2020	CMO/PDS/Finance/DPW	Worksession	**Town Center –** Follow up on Mayor and Council direction from the Town Hall meeting and Urban Land Institute (ULI) report. **Status: A discussion of the Town Center Work Program is on the Mayor and Council's May 11 agenda.** **Parking** – Explore improvements to parking in Town Center Status: CMO met with the new FRIT Executive on December 11, 2019. **Status: Staff is preparing a proposal on parking improvements to present to the Mayor and Council.** **Town Center Road Diet –** Study and report to Mayor and Council on suggestions in the TAP report and discussion at the Mayor and Council's TAP worksession. **Status: Public Works examination of options is underway. Funding was identified for a consultant to continue the examination in FY20. Proposals are expected on April 3, 2020.** **Real Estate/Broker/Economist Assessment –** In the context of the next update on the ULI recommendations, invite industry experts to dialogue on competitive challenges to Town Center **Undergrounding of Route 355 –** Revisit the information provided to the Mayor and Council, including community impacts, to formulate an official Mayor and Council position. **Status: Discussion is scheduled for June 1, 2020.**	Ongoing
2020-09	1/27/2020	DPW	Future Agenda	**Corridor Cities Transitway –** provide background information to facilitate the current Mayor and Council taking an official position on the CCT route. **Status: Discussion is scheduled for May 4, 2020.**	May 4, 2020

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-10	1/27/2020	DPW	Future Agenda	**I-270 widening –** Establish a strategy for collaborating with the State. **Status: City staff met with SHA staff and their consultant on February 14, 2020, to begin coordination on a potential MOU. State staff provided preliminary findings related to the potential impacts of different alternatives on traffic, parks, bridges, utilities, and storm water facilities. More information will be needed to develop the parameters to be used for negotiating an MOU between the City and MDOT. MDOT is preparing to release an RFQ this spring to seek their private developer partner, and they expect to complete this process by 2021. City staff will use information collected to draft parameters for negotiating an MOU with the State for Mayor and Council discussion and instructions. During the next meeting, staff will discuss with SHA utility relocation cost and expectations.**	TBD
2020-11		PDS	Future Agenda	**Annexation Options** – Discuss annexation options.	TBD

CLOSED/COMPLETED

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline

Attachment 12.A.a: LiveRecovery save of MC Action Report Master 2020 _REVISED 0324 (3060 : Mayor

Mayor & Council Meeting Date: March 30, 2020
Agenda Item Type: Review and Comment
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Future Agenda

Recommendation

Attachments

Attachment 13.A.a: 04.13.2020 Mock Agenda (DOC)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 3/25/2020

MAYOR AND COUNCIL

MEETING NO.
Monday, April 13, 2020 – 7:00 PM

MOCK AGENDA

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

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

Rockville City Hall will be closed until March 27, due to recent issued state directives for slowing down the spread of the coronavirus COVID-19 and social distancing.

The Mayor and Council are not conducting meetings in person. If you wish to submit comments in writing for Community Forum or Public Hearings, please email mayorandcouncil@rockvillemd.gov by 2:00 p.m.

All comments will be acknowledged by the Mayor and Council at the meeting and added to the agenda for public viewing on the website.

Drop-In sessions will be suspended until further notice.

7:00 PM	**1.**	**Convene**
	2.	**Pledge of Allegiance**
	3.	**Agenda Review**
7:05 PM	**4.**	**City Manager's Report**
7:15 PM	**5.**	**Coronavirus (COVID-19) Update**
7:45 PM	**6.**	**Community Forum - submit written comments by email to mayorandcouncil@rockvillemd.gov**
	7.	**Mayor and Council's Response to Community Forum**

Attachment 13.A.a: 04.13.2020 Mock Agenda (3064 : Future Agendas)

8:00 PM **8. FY21 Mayor and Council Budget Worksession**

9:30 PM **9. Review and Comment - Mayor and Council Action Report**

10. Review and Comment - Future Agendas

11. Old/New Business

9:45 PM **12. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: http://www.rockvillemd.gov/mcguidelines.

Attachment 13.A.a: 04.13.2020 Mock Agenda (3064 : Future Agendas)